



## APPROVAL

### Jellinbah Coal Mine - Central North Extension, Queensland (EPBC 2018/8139)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

#### Details

<b>Person to whom the approval is granted (approval holder)</b>	Jellinbah Group Pty Ltd
<b>ACN of approval holder</b>	010 754 793
<b>Action</b>	To extend mining activities at Jellinbah Coal Mine, the Central North Extension, in central Queensland on mining leases ML 700011, 700012, and 700013; as described in the referral received by the Department on 22 March 2018.

#### Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action is as follows.

#### Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve
Coal seam gas or large coal mining development impact on water resources	
Section 24D	Approve
Section 24E	Approve

#### Period for which the approval has effect

This approval has effect until 31 March 2060

#### Decision-maker

<b>Name and position</b>	Anu Datta Acting Assistant Secretary of Assessments and Governance Branch Department of Agriculture, Water and the Environment
<b>Signature</b>	
<b>Date of decision</b>	22/4/2020

#### Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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#### The Action

1. The action must be undertaken in accordance with the **Preliminary Documentation**.

#### Plans

2. The approval holder must publish on the **website** the following **plans** required under Environmental Authority EPML00516813 within 20 **business days** of the **commencement of the action**:
  - a. Water Management Plan;
  - b. Receiving Environment Monitoring Program; and
  - c. Erosion and Sediment Control Plan.
3. The approval holder must:
  - a. exclude or redact **sensitive ecological data** from **plans** published on the **website**;
  - b. republish **plans** on the **website** within 20 **business days** of when they are revised and updated;
  - c. keep **plans** published on the **website** until the **completion of the action**; and
  - d. where **sensitive ecological data** is excluded or redacted from **plans** published on the **website**, complete versions of **plans** must be provided to the **Department** within 5 **business days** of publication on the **website**.
4. A copy of the **plans** required to be **published** under condition 2 must be provided to the **Department** on request.

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### Part B – Standard administrative conditions

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#### Notification of date of commencement of the action

5. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 5 **business days** after the date of **commencement of the action**.
6. If the **commencement of the action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the action** without the prior written agreement of the **Minister**.

#### Compliance records

7. The approval holder must maintain accurate and complete **compliance records**.
8. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

**Note: Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

### Annual compliance reporting

9. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
  - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
  - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
  - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
  - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
  - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

**Note:** Compliance reports may be published on the **Department's website**.

### Reporting non-compliance

10. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the incident or non-compliance. The notification must specify:
  - a. any condition which is or may be in breach;
  - b. a short description of the **incident** and/or non-compliance; and
  - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
11. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
  - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - b. the potential impacts of the **incident** or non-compliance; and
  - c. the method and timing of any remedial action that will be undertaken by the approval holder.

### Independent audit

12. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted when requested in writing by the **Minister**.
13. For each **independent audit**, the approval holder must:
  - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
  - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and

- c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
14. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

### Completion of the action

15. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

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## Part C – Definitions

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

**Clear/clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027*, or subsequent revision, for further guidance).

**Commencement of the action** means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. undertake pre-clearance surveys or monitoring programs;
- ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
- iii. protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and use of existing surface access tracks; and
- iv. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

**Completion data** means an environmental report and any relevant spatial data clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**.

**Completion of the action** means the time at which all approval conditions (except condition 15) have been fully met.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance reports** means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**, or subsequent revision;
- iii. include a **shapefile** of any clearance of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and
- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.

**Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**Incident** means any event which has the potential to, or does, impact on one or more **protected matter**.

**Independent audit** means an audit conducted by an independent and **suitably qualified person** as detailed in the **EPBC Act** *Independent Audit and Audit Report Guidelines* (2019), or subsequent revision.

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval.

**Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, implemented by the approval holder and/or published on the **website** in accordance with these conditions (includes action management plans and/or strategies).

**Preliminary Documentation** means the *Central North Extension Preliminary Documentation Ver 2* (dated November 2019), published on the **website** on 3 February 2020.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Sensitive ecological data** means data as defined in the **Department's Sensitive Ecological Data – Access and Management Policy V1.0** (2016), or subsequent revision.

**Shapefile** means location and attribute information of the action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

