

EPBC ACT 1999

APPROVAL

COMPLIANCE REPORT

Reporting period 15 February 2021 to 14 February 2022

GRASSTREE MINE

EPBC Approval No: 2018/8171

APPROVAL DETAILS

PERSON TO WHOM THE APPROVAL IS GRANTED

Anglo Coal (Capcoal Management) Pty Limited

PROPOSED ACTION

To extend the Grasstree Mine by five new longwall panels within the existing German Creek Mining Complex (ML 1831), eight kilometres south-west of Middlemount, central Queensland [see EPBC Act referral 2018/81711].

APPROVAL DECISION

Controlling Provision	Decision
Listed threatened species and communities (section 18 & 18A)	Approved

EXPIRY DATE OF APPROVAL

The approval has effect until 15 January 2047.

DATE OF DECISION

05/02/2019

PURPOSE

This report has been prepared to meet the requirements of Condition 13 of the Grasstree Mine Extension Project EPBC Act Approval.

Name: Peter Wilkinson & Sam Mahaffey

Position: Mine Rehab Coordinator– Grasstree Mine

Date: 29th April 2022

CONDITION 1

CONDITION	STATUS
The approval holder must undertake the action within the Grasstree Extension project area.	All relevant action undertaken within Grasstree Extension project area. Tracked and verified via Grasstree Permit to Disturb process.

CONDITION 2

CONDITION	STATUS
<p>The approval holder must not impact more than:</p> <ul style="list-style-type: none"> a) 171 hectares (ha) of Koala (<i>Phascolarctos cinereus</i>) (combined populations of Qld, NSW and the ACT) habitat. b) 171ha of Greater Glider (<i>Petauroides volans</i>) habitat. c) 171ha of Squatter Pigeon (Southern) (<i>Geophaps scripta scripta</i>) foraging habitat; and d) 9ha of ornamental snake (<i>Denisonia maculata</i>) important habitat. 	Disturbance limits tracked within Grasstree Permit to Disturb process. Total impacted areas tracked for compliance. All disturbance tallies of protected matters below authorised limits.

CONDITION 3

CONDITION	STATUS
The approval holder must not impact more than 8ha of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community.	Disturbance limits tracked within Grasstree Permit to Disturb process and impacted areas tracked for compliance, as with condition 2 above. All disturbance tallies of protected matters below authorised limits.

CONDITION 4

CONDITION	STATUS
The approval holder must submit an Offset Management	Offset Management Plan

CONDITION	STATUS
<p>Plan for the written approval of the Minister at least three (3) months prior to any likely impact of the action on EPBC Act listed threatened species. The approved Offset Management Plan must be implemented. The Offset Management Plan must be prepared by a suitably qualified person in accordance with the Department Environmental Management Plan Guidelines and include:</p> <ul style="list-style-type: none"> a) details of environmental offset/s to compensate for the EPBC Act listed threatened species habitat to be impacted as identified in condition 2; b) a description of the condition of the habitat to be impacted for the EPBC Act listed threatened species habitat as identified in condition 2; c) details of how the proposed environmental offset/s and Offset Management Plan meet the requirements of the EPBC Act Environmental Offsets Policy; d) a field validation survey and baseline description of the current condition (prior to any management activities) of the offset area/s, including existing vegetation; e) a description and map(including shapefiles) to clearly define the location and boundaries of the proposed offset area/s, accompanied by the offset attributes; f) information about how the proposed offset area/s provide connectivity with other relevant habitats and biodiversity corridors; g) a description of the management measures (including timing, frequency and duration) that will be implemented in each proposed offset area/s; h) a discussion of how proposed management measures take into account relevant approved conservation advices and are consistent with the 	<p>submitted on 4th June 2019 and approval granted by delegate of Minister on 5th June 2019. Letter attached as Appendix 1.</p>

CONDITION	STATUS
<p>measures contained in relevant recovery plans and threat abatement plans;</p> <p>i) completion criteria and performance targets for evaluating the effectiveness of the Offset Management Plan implementation, and criteria for triggering corrective actions;</p> <p>j) a program to monitor, report on and review the effectiveness of the Offset Management Plan;</p> <p>k) a description of potential risks to the successful implementation of the environmental offset/s, and contingency measures that would be implemented to mitigate against these risks; and</p> <p>l) details of the mechanism to legally secure the environmental offset/s.</p>	

CONDITION 5

CONDITION	STATUS
<p>The approval holder must legally secure the environmental offset/s described in the Offset Management Plan within two (2) years from the commencement of the action.</p>	<p>Offsets have been secured. Post approvals notified on 8th April 2020.</p>

CONDITION 6

CONDITION	STATUS
<p>The approval holder must not impact any EPBC Act listed threatened species habitat identified in condition 2 until the Offset Management Plan has been approved by the Minister.</p>	<p>Offset Management Plan in place and approved by delegate of Minister on 5th June 2019. First Permit to Disturb involving land clearing through applicable area was issued 14th June 2019.</p>

CONDITION 7

CONDITION	STATUS

CONDITION	STATUS
The approval holder must notify the Department in writing of the date of the commencement of the action within 10 business days after the date of the commencement of the action.	Notification sent on 20 th February 2019 (Appendix 2) and acknowledged by Department on 13 th March 2019 (Appendix 3).

CONDITION 8

CONDITION	STATUS
If the commencement of the action does not occur within five (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.	Action commenced 15 th February 2019 as per Appendix 2 and acknowledged by the Department (Appendix 3).

CONDITION 9

CONDITION	STATUS
The approval holder must maintain accurate and complete compliance records.	Compliance records maintained as part of Grasstree Mine Environmental Management System.

CONDITION 10

CONDITION	STATUS
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.	No request received in 12 month period covered in this report (15 th Feb 2020 to 14 th Feb 2021).

CONDITION 11

CONDITION	STATUS
The approval holder must: <ul style="list-style-type: none"> a) submit the Offset Management Plan electronically to the Department for the written approval by the 	Offset Management Plan approved by delegate of Minister and available on Anglo American Metcoal website.

CONDITION	STATUS
<p>Minister;</p> <p>b) publish the Offset Management Plan on its website within 20 days of the date the Offset Management Plan is approved by the Minister or of the date a revised Offset Management Plan is submitted to the Minister, unless otherwise agreed to in writing by the Minister;</p> <p>c) exclude or redact sensitive ecological data from the Offset Management Plan published on its website or provided to a member of the public; and</p> <p>d) keep the Offset Management Plan published on its website until the end of the date of this approval.</p>	<p>OMP was approved by DAWE on 5th June 2019. OMP was uploaded to the AAMC website on 13th December 2019. This timeframe was noted within independent audit conducted by AECOM covering period 15th Feb 2020 through 14th Feb 2021.</p>

CONDITION 12

CONDITION	STATUS
<p>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under condition 4, is prepared in accordance with the Departments <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department for in accordance with the requirements of the Offset Management Plan.</p>	<p>Monitoring data submitted in accordance with the requirements of the Offset Management Plan was approved by the Department on 5th June 2019 (Appendix 1).</p>

CONDITION 13

CONDITION	STATUS
<p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed to in writing by the Minister. The approval holder must:</p> <p>a) publish each compliance report on its website within 60 business days following the relevant 12 month</p>	<p>This report has been prepared to comply with Condition 13. Previous compliance report dated 14th May 2021 covered period 15th February 2020 to 14th February 2021 and published on AAMC website 14th May 2021.</p>

CONDITION	STATUS
<p>period;</p> <p>b) notify the Department by email that a compliance report has been published on its website within five (5) business days of the date of publication;</p> <p>c) keep all compliance reports publicly available on its website until this approval expires;</p> <p>d) exclude or redact sensitive ecological data from compliance reports published on its website; and</p> <p>e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within five (5) business days of its publication.</p>	<p>Department notified of publication on 18th May 2021.</p>

CONDITION 14

CONDITION	STATUS
<p>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 the Offset Management Plan. The notification must be given as soon as practicable but no later than two (2) business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a) the condition which is or may be in breach; and</p> <p>b) a short description of the incident and/or non-compliance.</p>	<p>Late submission of the 2019/2020 Picardy Offset Area Report was identified as a non-compliance and reported in accordance with Condition 14, in a letter to the Department on 29th July 2021.</p>

CONDITION 15

CONDITION	STATUS
<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in the Offset Management Plan as soon as practicable but no later than 10 business</p>	<p>The details of the potential non-compliance, in accordance with Condition 15, were provided to the Department on 10th August</p>



CONDITION	STATUS
<p>days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> 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. 	2021.

CONDITION 16

CONDITION	STATUS
<p>The approval holder must ensure that the independent audits of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period until this approval expires, or as requested in writing by the Minister.</p>	<p>Independent audit for 12-month period covering 15 February 2020 to 14 February 2021 conducted by AECOM in March 2022. Final report received April 2022.</p>

CONDITION 17

CONDITION	STATUS
<p>For each independent audit, the approval holder must;</p> <ul style="list-style-type: none"> 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 a timeframe specified in the approved audit criteria. 	<p>The independent auditor (AECOM) and audit criteria were approved by the Department on 21st December 2021 (Appendix 4). The independent audit commenced at Grasstree on 16th March 2022, with the final report submitted to the Department on 29th April 2022. The due date for submission of the final report is 21st June 2022.</p>

CONDITION 18

CONDITION	STATUS
The approval holder must publish the audit report on its website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on its website until the end date of this approval.	Awaiting approval from Department before publishing audit report on AAMC website

CONDITION 19

CONDITION	STATUS
The approval holder may, at any time, apply to the Minister for a variation to the Offset Management Plan approved by the Minister under condition 4, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves the revised Offset Management Plan then, from the date specified, the approval holder must implement the revised Offset Management Plan in place of the previous Offset Management Plan.	No variation sought to Offset Management Plan.

CONDITION 20

CONDITION	STATUS
The approval holder may choose to revise the Offset Management Plan approved by the Minister under condition 4, or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, of the taking of the action in accordance with the revised Offset Management Plan would not be likely to have a new or increased impact.	No revision sought to the Offset Management Plan.

CONDITION 21

CONDITION	STATUS
If the approval holder makes the choice under condition 20	No revision sought to the Offset



CONDITION	STATUS
<p>to revise the approved Offset Management Plan without submitting it for approval, the approval holder must:</p> <p>a) notify the Department in writing that the approved Offset Management Plan has been revised and provide the Department with:</p> <ul style="list-style-type: none"> i. an electronic copy of the revised Offset Management Plan; ii. an electronic copy of the revised Offset Management Plan marked up with track-changes to show the differences between the approved Offset Management Plan and the revised Offset management Plan; iii. an explanation of the differences between the approved Offset management Plan and the revised Offset Management Plan; iv. the reasons the approval holder considers that taking the action in accordance with the revised Offset Management Plan would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the revised Offset Management Plan (revised Offset Management Plan implementation date), being at least 20 business days after the date of providing notice of the revision of the Offset Management Plan, or a date agreed to in writing with the Department. <p>b) Subject to condition 23, implement the revised Offset Management Plan from the revised Offset Management Plan implementation date.</p>	<p>Management Plan.</p>

CONDITION 22



CONDITION	STATUS
The approval holder may revoke its choice to implement the revised Offset Management Plan under condition 20 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 20, the approval holder must implement the previous Offset Management Plan approved by the Minister.	No revision sought to the Offset Management Plan.

CONDITION 23

CONDITION	STATUS
<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised Offset Management Plan would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a) condition 20 does not apply, or ceases to apply, in relation to the revised Offset Management Plan; and b) the approval holder must implement the Offset Management Plan specified by the Minister in the notice. 	No revision sought to the Offset Management Plan.

CONDITION 24

CONDITION	STATUS
At the time of giving the notice under condition 23, the Minister may also notify that for a specified period of time, condition 20 does not apply for the Offset Management Plan.	No revision sought to the Offset Management Plan.

CONDITION 25

CONDITION	STATUS
Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Department will be notified in writing within 30 days after the completion of the action.

APPENDIX 1



Australian Government
Department of the Environment and Energy

Mr Ben Saunders
Environmental Specialist
AngloAmerican
201 Charlotte Street
BRISBANE QLD 4000

Dear Mr Saunders

EPBC 2018/8171: Grasstree Extension Stage 1

Thank you for your email of 4 June 2019 to the Department seeking approval of an offset management plan to meet the requirements of Condition 4 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval for this action.

Officers of the Department have advised me on the above plan, and on the requirements of the conditions of approval for EPBC 2018/8171. On this basis, and as a delegate of the Minister for the Environment, I have decided to approve the *Grasstree Extension Stage 1: EPBC 2018/8171 Offset Management Plan*, dated 4 June 2019, as meeting the requirements of Condition 4 of the EPBC Act approval for this action.

Please note that the above conditions of EPBC Act approval specify a period within which the approved offset management plan must be published on your website.

The Department has an active monitoring program which includes monitoring inspections, and desktop document reviews and audits. Please ensure that you maintain accurate records of all activities associated with the conditions of approval, including implementing the approved plan, so that they can be made available to the Department on request.

Should you require any further information, please contact Vaughn Cox on (02) 6274 2005 or post.approvals@environment.gov.au.

Yours sincerely



Greg Manning, Assistant Secretary
Assessments (WA, SA, NT) & Post Approvals Branch

5 June 2019

APPENDIX 2



CORPORATE OFFICE
SAFETY & SUSTAINABLE
DEVELOPMENT
201 Charlotte St
Brisbane 4000
Queensland

Post Approvals
Commonwealth Department of Environment and Energy
Assessment and Governance Branch
Via EMAIL

20 February 2019

Dear Post Approvals,

**Subject: Grasree Mine Extension Project (2018/8171) –
Commencement of Action**

In accordance with requirements of Condition 7 of the Grasree Mine Extension Project (2018/8171), I hereby inform the Department that Anglo American has commenced the action of extending the existing Grasree Mine.

The action commenced on **15 February 2019** in compliance with the conditions of the *Environmental Protection and Biodiversity Conservation Act* approval received on 5 February 2019.

Should you have any questions regarding this notice please let me know.

Yours sincerely,



Ben Saunders
Environmental Specialist
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Member of the Anglo American plc group

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APPENDIX 3



Australian Government
Department of the Environment and Energy

Our reference: 2018/8171

Contact Officer: Elizabeth Morley
 Telephone: (02) 6275 9081
 Email: epbcmonitoring@environment.gov.au

Ben Saunders
 Environmental Specialist
 Anglo American
 201 Charlotte Street
 Brisbane 4000 QLD

Dear Ben,

Commencement of the Action Grasstree Mine Extension Project EPBC 2018/8171

Thank you for your e-mail of 20 February 2019 notifying the Department that the action commenced on 15 February 2019 in accordance with condition 7 of *Environment Protection and Biodiversity Conservation Act 1999* approval decision 2018/8171. Further to this date, please note that the following condition is now operational in accordance with the mentioned due date.

Condition 13 - Annual Compliance Report

The Annual Compliance Report for the period 15 February 2019 to 14 February 2020 must be published and submitted to the Department before 15 May 2020. The Annual Compliance Report must continue to be published and submitted to the Department until the expiry of the project 25 January 2047.

When preparing the Annual Compliance Report please refer to the Department's Annual Compliance Report Guidelines at <http://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>

Please email the Annual Compliance Report, and the details of its publication, to epbcmonitoring@environment.gov.au.

Condition 5 – Offset Management Plan

Condition 5 states "The approval holder must legally secure the environmental offset/s described in the Offset Management Plan within two (2) years from the commencement of the action." This must be completed by 15 February 2021.

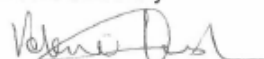
Condition 16 – Independent Audits

Condition 16 states, "The approval holder must ensure that independent audits of compliance with the conditions are conducted for the 12 month period from the commencement of the action and for every subsequent 12 month period until this approval expires, or as requested in writing by the Minister."

Please maintain accurate records of all activities associated with, or relevant to, the approval conditions so that they can be made available to the Department on request. These documents may be subject to audit and be used to verify compliance. Summaries of audits may be published by the Department.

For information about the Monitoring and Audit program, see the Department's website at <http://www.environment.gov.au/topics/about-us/legislation/environment-protection-and-biodiversity-conservation-act-1999/compliance>

Yours sincerely



Valerie Hush
Assistant Director
Environment Audit Section
Office of Compliance

13 March 2019

APPENDIX 4



Australian Government
Department of Agriculture,
Water and the Environment

Our reference: EPBC 2018/8171

Mr Luke McNamara
Environmental Coordinator (Acting)
CAPCOAL Underground Operations – Grasstree Mine
Environment Department
Private Mail Bag
Middlemount, QLD 4746

Dear Mr McNamara,

Re: *Grasstree Mine Extension project, Queensland (EPBC 2018/8171) – Approval of auditor and audit criteria for independent compliance audit*

I refer to your letter dated 4 November 2021 in which you submitted details of the proposed independent auditors and the proposed audit criteria for the independent compliance audit of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval 2018/8171.

Officers of the Department of Agriculture, Water and the Environment (the department) have reviewed the details of the proposed independent auditors and the audit criteria. The department considers that the auditors have sufficient skills and experience, and the audit criteria provides sufficient scope for an assessment of compliance with the conditions of the EPBC Act approval

As delegate of the Minister for the Environment, I am writing to inform you that I approve the nominated auditors and the audit criteria.

The audit report must be submitted to the department within six months from the date of this letter as per condition 17 of the EPBC Act approval. I look forward to receiving a copy of the audit report.

Should you require any further information, or like to discuss this matter further, please contact Mr Stephen Hennigan on 0481 906 391 or email audit@environment.gov.au.

Yours sincerely



Toni Hart
Director
Environmental Audit Section
21 December 2021