



MILLENNIUM EXPANSION PROJECT COMPLIANCE REPORT 2021 M MINING PTY LTD

Project Number: 2009/4821

January 2022

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1 Executive summary

1.1 Location

Millennium Coal Mine (MCM) is located in the Bowen Basin, Queensland, approximately 174km east Mackay. (22° 00' 56.68" S, 148° 15' 09.28" E). The terrain of MCM is flat to slightly undulating.

The closest township to MCM is Moranbah, which lies approximately 38km by road to the west. The nearest highway is the Peak Downs Highway. See Figure 1.

The Wotonga Pastoral Holding is located to the south of the Peabody-owned Burton Coal Mine in the Bowen Basin, 25 kilometres (km) north-west of Millennium Expansion Project (MEP), and approximately 150 km south-west of Mackay (see Figure 2).

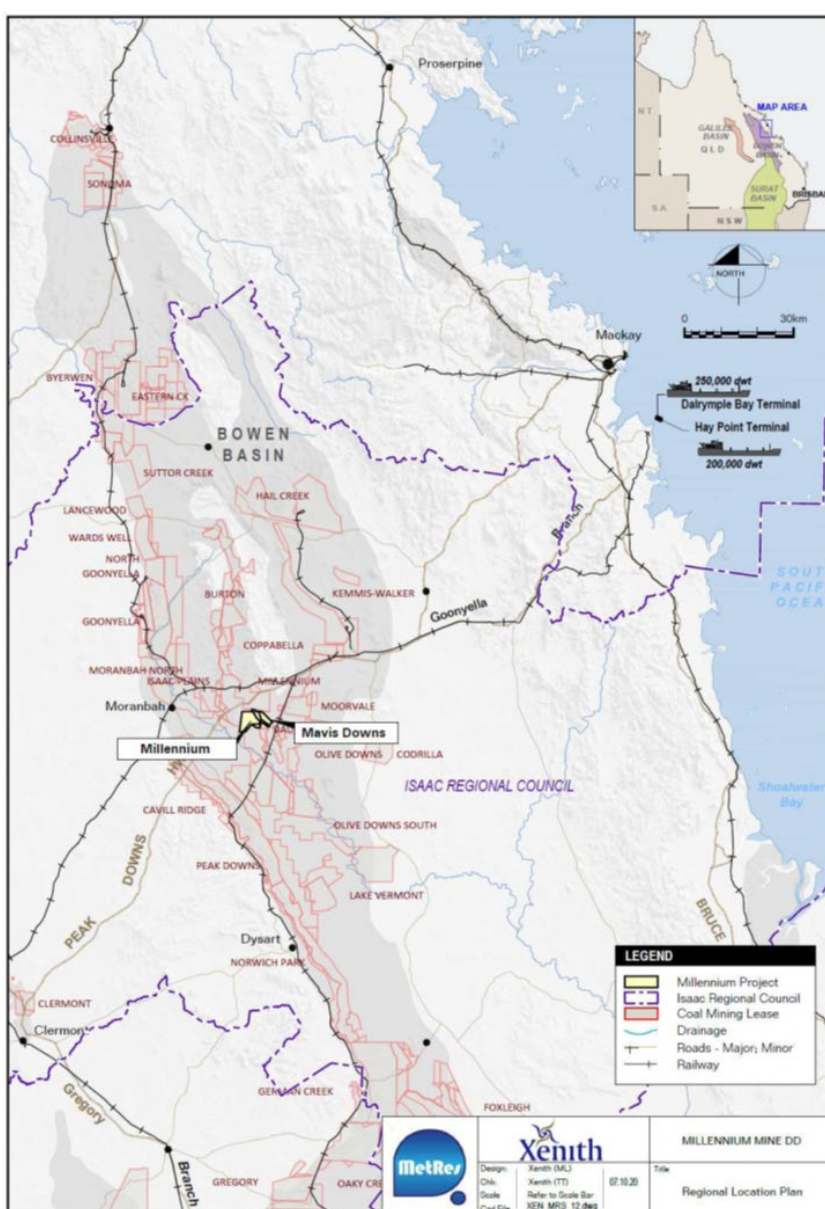


Figure 1. Millennium Coal Mine Location

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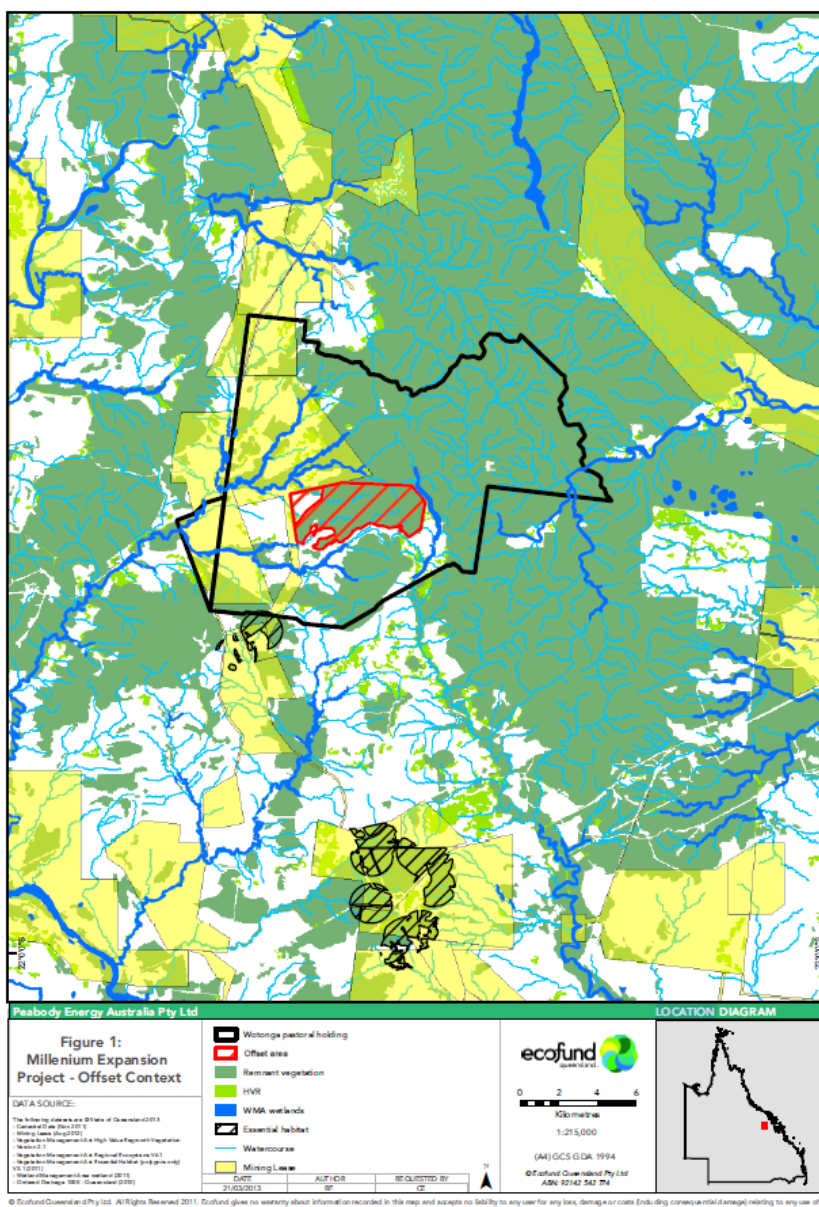


Figure 2. Wotonga Offset location

1.2 General description

In 2008 Millennium Coal Pty Ltd (**Peabody**) referred the Millennium Expansion Project (**MEP**) for approval pursuant to the Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**). The MEP resulted in unavoidable impacts to a 'matter of national environmental significance' (**MNES**) which was listed under the EPBC Act (Brigalow – Acacia harpophylla dominant and co-dominant). As a condition of the EPBC Act approval 2009/4821 for the MEP, Peabody was required to secure a minimum of 112.5 ha of Brigalow as an offset. Please see Appendix 1 for approval conditions.

On the 3rd of November 2011, Peabody formalised the Wotonga Offset Area Management Plan to provide an offset area on the Peabody related body corporate-owned property of Wotonga Pastoral Holding (Lot 13 SP178466) for the listed threatened species and communities as part of the requirement for the MEP.

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On the 20th of June 2014, in response to the Department of Natural Resources and Mines declared area offer, Peabody requested that a voluntary declaration under the Vegetation Management Act 1999 be made in respect of Lot 13 on SP 178466.

Under EPBC 2009/4821 approval Condition 5, Millennium Mine is required to submit an Annual Compliance Report. On the 5th of April 2018, MCM committed to providing the reports to the Department annually by the 29th of January.

On the 15th of December 2020, Peabody sold Lot 13 SP178466 to Malcom Burston. All existing encumbrances and agreements remain in place and were assigned to the new landowner.

On the 16th of July 2021, MetRes Pty Ltd (**MetRes**) completed the acquisition of MCM from Peabody. MetRes is a 50/50 joint venture between Stanmore Coal and M Resources. M Mining Pty Ltd (**M Mining**) is the operator appointed by the holder MetRes Pty Ltd to manage all mining operations at MCM.

On the 22nd of July 2021, the Department of Agriculture, Water and the Environment provided consent to transfer the approval of Millennium Expansion Project (EPBC 2009/4821) from Peabody to MetRes.

This document sets out compliance with EPBC Approval 2009/4821 in relation to the MEP including by way of the Wotonga Area Offset Management Plan and voluntary declaration.

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2 EPBC approval conditions and compliance status

Table 1 below provides a summary of the EPBC approval conditions and the associated compliance activities.

Table 1. Compliance status

Condition number	Condition description	Condition compliance status	Evidence of compliance
1	<p>To offset the impact to the Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community, the person taking the action must register a legally binding conservation mechanism over a minimum of 112.5 hectares of the Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community (the offsets area) as identified in the offset management plan referred to in condition 2. The mechanism/s must provide enduring protection for the protection for the offsets area and be registered before 1 July 2014.</p> <p>The conditions of the conservation mechanism must ensure that management actions are undertaken for the protection and enhancement of the Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community. The person taking the action must obtain agreement from any third parties responsible for management actions and provide details of the responsible parties, including their position or status as a separate contractor, to the department.</p>	Compliant	<p>On 25 June 2014, in response to DNRM's declared area offer, Peabody's related body corporate Peabody (Burton Coal) Pty Ltd requested a voluntary declaration under the Vegetation Management Act 1999 be made in respect of 112.5 hectares located within Lot 13 on SP178466 to offset the impact of the MEP on the Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community.</p> <p>The voluntary declaration incorporates the Wotonga Offset Area Management Plan – Millennium Expansion Project dated 28 November 2013 which includes suitable management actions to protect and enhance the Brigalow ecological community.</p> <p>The Wotonga Offset Area Management Plan was developed and implemented. In accordance with management plan visual assessments, photo-monitoring & bio-condition assessments have been conducted.</p> <p>To date limited land management activities have been recommended for the offset area. Landowners and agistees have managed fence, fire break and feral animal management on as needs basis.</p>
2	<p>To offset the impacts to the Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community, the person taking the action must submit to the Minister for approval an Offset Management Plan within 12 months of the date of this approval.</p> <p>This offsets management Plan must include, at a</p>	Compliant	<p>The Wotonga Offset Area Management Plan – Millennium Expansion Project dated 28 November 2013 was lodged and accepted by the Department of Environment on 14 February 2014 and addresses all items (a)-(g).</p>

Condition number	Condition description	Condition compliance status	Evidence of compliance				
	<p>minimum, the following information:</p> <ul style="list-style-type: none"> a) The desired outcomes/objectives of implementing the plan; b) details of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) endangered ecological community offset areas, including a textual description and map to clearly define the location and boundaries of the offset area. This must be accompanied with the offset attributes and a shapefile; c) details of management actions to protect and enhance the extent and condition of the threatened species habitat values including rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and restrictions on access, within the offset area; d) the timing, responsibilities and performance criteria for such actions; e) a monitoring plan including ecological surveys that must be undertaken to assess the success of the management measures against identified milestones and objectives; f) a process to report, to the department, the management actions undertaken in the offsets areas and the outcome of those actions, including identifying and need for improved management; g) a description of the potential risks to successful management and rehabilitation in the offsets area, and a description of the contingency measures that would be implemented to mitigate these risks; and, h) details of parties responsible for monitoring, reviewing and implementing the plan. 		<p>Please refer to Section 3 of the report for further details regarding monitoring conducted within the offset.</p>				
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Condition number	Condition description	Condition compliance status	Evidence of compliance
	The Offset Management Plan must be implemented.		
3	<p>Before impacting or removing any EPBC listed ecological community or species, the person taking that action must provide to the Minister a Threatened Flora and Fauna Species and Ecological Communities Management Plan. The Plan must contain, but is not limited to, the following:</p> <p>a. Management actions relating to EPBC listed species; and</p> <p>b. Mitigation actions relating to EPBC listed species.</p> <p>The Threatened Flora and Fauna Species and Ecological Communities management Plan must be implemented. This plan may be made publicly available on the internet by the department.</p>	Compliant	The Threatened Flora and Fauna Species and Ecological Communities Plan was submitted to the Department of Environment on the 13th of May 2014.
4	Within 14 days from the commencement of construction, the person taking the action must advise the department in writing of the actual date of commencement of construction.	Compliant	The approved Wotonga Offset Strategy – Millennium Expansion Project dated 28 November 2013 addresses offsets required as a consequence of the clearance of a total 22.5 hectares of Brigalow Acacia harpophylla which occurred both prior to and subsequent to the referral of the MEP for approval pursuant to the EPBC Act. The commencement of construction (vegetation clearing in advance of the Mavis Pit boxcut) occurred on or about 29 October 2011.
5	<p>Within three months of every anniversary of the commencement of construction, i.e. by 29 January each year, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions.</p> <p>Documentary evidence providing proof of the date of</p>	Compliant	<ul style="list-style-type: none"> • 2014 report completed and uploaded to Millennium website • 2015 report completed and uploaded to Millennium website • 2016 report completed and uploaded to Millennium website • 2017 report completed and uploaded to Millennium website • 2018 report completed and uploaded to Millennium website • 2019 report completed and uploaded to Millennium website • 2020 report completed and uploaded to Millennium website



Condition number	Condition description	Condition compliance status	Evidence of compliance
	publication and non-compliance with any of the conditions of this approval must be provided to the department at the same time as the compliance report is published.		<ul style="list-style-type: none"> https://www.peabodyenergy.com/Operations/Australia-Mining/Queensland-Mining/Millennium-Mine/Mine-Projects 2021 report completed uploaded to the M Resources website https://mresources.com.au/company-news/
6	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent Auditor must be approved by the Minister prior to the commencement of the audit. Audit Criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.	Compliant	No direction from the Minister has been issued.
7	If the person taking the action wished to carry out any activity otherwise than in accordance with the Plans referred to in conditions 2 and 3, as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that plan. The varied activity shall not commence until the Minister has approved the revised plan in writing. If the Minister approves the revised plan, that plan must be implemented in place of the plan originally approved.	Not Applicable	No variation required.
8	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the Minister may request that the person taking the action make specified revisions to plans specified in the conditions and submit the revised plan for the Minister's written	Not Applicable	No requests from the Minister



Condition number	Condition description	Condition compliance status	Evidence of compliance
	approval. The person taking the action must comply with any such request. The revised plan must be implemented. Unless the Minister has approved the revised plan then the person taking the action must continue to implement the original plan.		
9	If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the Minister.	Not Applicable	The action has already commenced.
10	<p>The person taking the action must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the department.</p> <p>Such records may be subject to audit by the department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the department's website. The results of audits may also be publicised through the general media.</p>	Compliant	M Mining utilises an action tracking system (INX) the conditions of the approval and actions associated to the management plan are being entered along with any supporting documentation.

3 Monitoring and management activities

3.1 Previous reporting years activities

- Year 1 BioCondition assessment completed on 4 August 2015
- Year 1 Fauna assessment completed between 9 – 13 December 2015
- Year 2 Visual inspection assessment on 13 April 2016
- Year 2 Visual inspection assessment completed on 23 August 2016
- Year 3 Visual inspection assessment on 2 May 2017
- Year 3 BioCondition assessment completed on 22 August 2017
- Year 4 Visual inspection assessment on 28 June 2018
- Year 4 Visual inspection assessment on 21 September 2018
- Year 5 Visual inspection and Photo-monitoring assessment on 28 June 2019
- Year 5 Visual inspection assessment and BioCondition monitoring did not occur due the COVID pandemic (State border closures prevented the consultant from entering the Wotonga Offset)
- Year 6 Visual inspection assessment and BioCondition monitoring on 10 June 2020
- Year 6 Visual inspection assessment on 14 December 2020

3.2 Current reporting year activities

During 2021 several monitoring and management activities have been conducted on the Wotonga Offset area.

- May 2021
 - year 7 – visual monitoring
 - wet season and BioCondition monitoring
 - see Appendix 2.
- May 2021
 - field survey and weed mapping
- October 2021
 - year 7 – visual monitoring
 - dry season monitoring
 - see Appendix 3.

3.3 Upcoming reporting year activities

The following monitoring and management activities are proposed for the Wotonga Offset area during 2022.

- Finalisation of Weed Control Plan
 - draft document reviewed

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- Review and update of the Wotonga Offset Area Management Plan
 - consultant engaged
- Weed control field works
 - awaiting quote for proposed works
- Year 8 – wet season monitoring
- Year 8 – dry season monitoring

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4 Appendices

4.1 Appendix 1. EPBC 2009/4821 approval



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Millennium Expansion Project – EPBC No 2009/4821

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Peabody Energy Australia Pty Ltd

proponent's ACN (if applicable) 93 096 909 410

proposed action To extend the current open cut mining operation on the existing ML 70313 and additionally into two adjoining leases Mining Lease Application MLA 70401 "North Poitrel" and Mineral Development Licence MDL 136 "Mavis Downs", 22km east of Moranbah and 16km south west of Coppabella in central Queensland as described in the referral received 27 March 2009 and the Millennium Expansion Project Environment Impact Statement dated December 2010 (see EPBC Act Referral 2009/4821).

Approval decision

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

conditions of approval

This approval is subject to the conditions specified below.

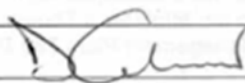
expiry date of approval

This approval has effect until 28 October 2031.

Decision-maker

name and position David Calvert
A/g Assistant Secretary
Environment Assessment Branch

signature



date of decision

3 November 2011

Condition attached to the approval

1. To offset the impact to the Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community, the person taking the action must register a legally binding conservation mechanism over a minimum of 112.5 hectares of the Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community (the offset area) as identified in the offset management plan referred to in condition 2. The mechanism/s must provide enduring protection for protection for the offset area and be registered before 1 July 2014.

The conditions of the conservation mechanism must ensure that management actions are undertaken for the protection and enhancement of the Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community. The person taking the action must obtain agreement from any third parties responsible for management actions and provide details of the responsible parties, including their position or status as a separate contractor, to the **department**.

2. To offset the impacts to the Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community, the person taking the action must submit to the **Minister** for approval an Offset Management Plan within 12 months of the date of this approval.

This Offset Management Plan must include, at a minimum, the following information:

- a. the desired outcomes/objectives of implementing the plan;
- b. details of Brigalow (*Acacia harpophylla* dominant and co-dominant) endangered ecological community offset areas, including a textual description and map to clearly define the location and boundaries of the offset area. This must be accompanied with the **offset attributes** and a **shapefile**;
- c. details of management actions to protect and enhance the extent and condition of the threatened species habitat values including rehabilitation, weed control, fire management, erosion and sediment control, management of livestock and restrictions on access, within the offset area;
- d. the timing, responsibilities and performance criteria for such actions;
- e. a monitoring plan including ecological surveys that must be undertaken to assess the success of the management measures against identified milestones and objectives;
- f. a process to report, to the **department**, the management actions undertaken in the offset areas and the outcome of those actions, including identifying any need for improved management;
- g. a description of the potential risks to successful management and rehabilitation in the offset areas, and a description of the contingency measures that would be implemented to mitigate these risks; and,
- h. details of parties responsible for monitoring, reviewing and implementing the plan.

The Offset Management Plan must be implemented.

3. Before impacting or removing any EPBC listed ecological community or species, the person taking the action must provide to the **Minister** a Threatened Flora and Fauna Species and Ecological Communities Management Plan. The Plan must contain, but is not limited to, the following:
 - a. Management actions relating to EPBC listed species; and
 - b. Mitigation actions relating to EPBC listed species.

The Threatened Flora and Fauna Species and Ecological Communities Management Plan must be implemented. This plan may be made publicly available on the internet by the **department**.

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Note: Condition 8 provides that, if the **Minister** believes that it is necessary or desirable for the better protection of the environment, the **Minister** may require the person taking the action to make, within a period specified by the **Minister**, revisions to a plan required under these conditions.

4. Within 14 days from the **commencement of construction**, the person taking the action must advise the **department** in writing of the actual date of **commencement of construction**.
5. Within three months of every 12 month anniversary of the **commencement of construction**, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **department** at the same time as the compliance report is published.
6. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
7. If the person taking the action wishes to carry out any activity otherwise than in accordance with the Plans referred to in conditions 2 and 3, as specified in the conditions, the person taking the action must submit to the **department** for the **Minister's** written approval a revised version of that plan. The varied activity shall not commence until the **Minister** has approved the revised plan in writing. If the **Minister** approves the revised plan, that plan must be implemented in place of the plan originally approved.
8. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the **Minister** may request that the person taking the action make specified revisions to plans specified in the conditions and submit the revised plan for the **Minister's** written approval. The person taking the action must comply with any such request. The revised plan must be implemented. Unless the **Minister** has approved the revised plan then the person taking the action must continue to implement the original plan.
9. If, at any time after 5 years from the date of this approval, the person taking the action has not substantially commenced the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.
10. The person taking the action must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **department**.

Such records may be subject to audit by the **department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **department's** website. The results of audits may also be publicised through the general media.

Note: To avoid doubt, if a condition of a State (QLD) approval held by the proponent requires a plan relating to EPBC-listed species the proponent may simultaneously meet the relevant requirements of these conditions by submitting a single plan.



4.2 Appendix 2. Year 7 Monitoring report (May – wet season)



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4.3 Appendix 3. Year 7 Monitoring report (Oct – dry season)



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