

**South Walker Creek
Mine – Mulgrave Pit
Extension EPBC
2014/7272
Compliance Report
30 March 2019 –
29 March 2020**

19 June 2020



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Introduction

South Walker Creek Mine (SWC) is an open-cut coal mine owned by BHP Billiton Mitsui Coal (BMC). The mine is located approximately 25km west-south west of Nebo, Queensland in the Bowen Basin within the boundaries of Mine Lease 4750 (ML4750).

Mining is authorised by the Queensland Government through the historical grant of Mine Leases and associated surface rights. Activity at SWC is also further regulated under Environmental Authority MIN100552107.

To enable the continuation of mining at SWC, BMC sought a federal approval under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)* for potential impact on Matters of National Environmental Significance (MNES) due to further development of the existing 'Mulgrave' open cut mining pit. This approval was granted on the 16th of January 2015. Construction in the approval area commenced on the 30th March 2015.

The following report is to address compliance with all conditions in accordance with condition 9 of the *EPBC Act* approval (Approval Reference EPBC2014-7272):

“For the duration of this approval, within 3 months of every 12month anniversary of the commencement of construction the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any plans as specified in the conditions....”.

Description of activities

EPBC Number	2014/7272
Project Name	Mulgrave Resource Access (MRA) – Continuation of South Walker Creek Mine (SWC)
Approval Holder and ABN	BHP Billiton Mitsui Coal Limited ABN: 34 009 713 875
Approved Action	Approved action is described in Section 2.0 of South Walker Creek Mine Mulgrave Resource Access EPBC Act Preliminary Documentation (EPBC 2014/7272) dated 17 September 2014.
Location of the Project	The mine is located approximately 25km west-south west of Nebo, Queensland in the Bowen Basin within the boundaries of Mine Lease 4750 (ML4750). The proposed action is to take place on approved Surface Areas 2, 3 and 4 associated with ML4750.
Person accepting responsibility for the report	Edward Nock
Date of Preparation	19/06/2019

Compliance Table

In accordance with condition 9 of the *EPBC Act* approval (Approval Reference EPBC2014-7272), this report provides an update of SWC's compliance against the relevant approval conditions (Table 1). Table 2 and Table 3 provides an update of SWC's compliance against Offset Management Plans (required under Condition 3 of the EPBC approval).

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EPBC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
1	The project area located approximately 25 kilometres west-south west of Nebo, Queensland is the area designated in Annexure A and includes areas contained within Mining Lease (ML) 4750. The approval holder must not clear outside of the project area.	Compliant	Clearing activities are being carried out in accordance with the approved Offset Management Plans (OMPs) and site disturbance procedures.
2	The approval holder must not clear more than 59 hectares of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community within the project area, which includes 17.5 hectares of Ornamental Snake (<i>Denisonia maculata</i>) habitat.	Compliant	Clearing activities are being carried out in accordance with the approved OMPs. Areas cleared are within the hectare limits specified in this condition.
3	To compensate for authorised unavoidable impacts on MNES (see condition 3), the approval holder must submit OMPs to the Minister for approval. The approval holder must not undertake substantial commencement until	Compliant	The OMPs ¹ were submitted to the Department and approved. The OMPs have been implemented.

¹ The preparation of Offset Management Plans in accordance with the Conditions of EPBC 2014-7272 was addressed in the following document: [Biodiversity Offset Management Plan for Kemmis II Project and Mulgrave Resource Access Project \(BHP, 2015\)](#). This document includes an Offset Area Management Plan (titled [Offset Area Management Plan for Kemmis II Project and Mulgrave Resource Access Project](#)) as an appendix. For the Zamia Creek property the Mulgrave Ornamental Snake Offset Delivery Plan (ref: 20141889C) includes the Offset Area Management Plan for Mulgrave Expansion Project- Zamia Creek (North Section) (Earthtrade, June 2015) https://www.bhp.com/-/media/bhp/regulatory-information-media/coal/bhp-billiton-mitsui-coal/south-walker-creek/bmc-mulgrave-pit-ornamental-snake-offset-delivery-plan/150804_coal_bmc_southwalkercreek_schedule1offsetareamanagementplan.pdf

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
	the Minister has approved the OMPs in writing. The approved OMPs must be implemented.		
4	The OMP for Brigalow (<i>Acacia harpophylla</i> dominant and co- dominant) ecological community must be located at Dabin Holdings (Lot 2SP 214117), a property within the Isaac Regional Council, Queensland (shown at Annexure 8). The offset must include at least 125 hectares of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community as proposed in the preliminary documentation. The Brigalow OMP must be submitted to the Minister prior to substantial commencement of the action. The approved Brigalow OMP must be implemented.	Compliant	The offset for Brigalow is located at Dabin Holdings (Lot 2SP 214117) and includes 125 hectares of Brigalow ecological community. The OMPs were submitted to the Department for approval on the 18 August 2015. The Plans were approved by a delegate of the Minister for the Environment on the 26 August 2015. The OMPs have been implemented.
5	The OMP for Ornamental Snake (<i>Denisonia maculata</i>) will be calculated consistent with the offsets assessment guide, and be influenced by the site quality, site condition and species richness, but will exceed the 17.5 hectares impacted in the project area. The OMPs must be agreed by the Minister within 6 months of commencement of the Walker Creek diversion and prior to substantial commencement.	Compliant	The Mulgrave Ornamental Snake Offset Delivery Plan (ref: 20141889C) covers an offset area exceeding 17.5 hectares for the ornamental snake (<i>Denisonia maculata</i>). The Offset Delivery Plan was submitted to the Department for approval on the 30 June 2015. The Plans were approved by a delegate of the Minister for the Environment on the 28 July 2015.

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
6a	The OMPs must include, but not be limited to, the following information for both Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community and Ornamental Snake (<i>Denisonia maculata</i>): a) details of the offset attributes (including maps in electronic Geographic Information System (GIS) format with accompanying shapefiles) , site descriptions, environmental values relevant to MNES, connectivity with other habitat and biodiversity corridors , a rehabilitation program, and conservation and management measures for long-term protection; b) a detailed survey and description of the offset site, by a qualified ecologist, to clearly identify baseline conditions, establish performance indicators and discuss methods for adaptive management. This must include but not be limited to: i) a description (prior to any management activities, hence a baseline) of the current condition of the extant vegetation of each offset area location of survey points (GPS reference); ii) the quantity of habitat for EPBC Act listed species or communities (in hectares), found within each offset area; iii) the condition class of habitat for EPBC Act listed species or communities found within each offset area; iv) vegetation condition mapping; v) photo reference points; vi) tree age class representation; vii) percentage tree canopy cover; viii) number of native plant species in ground	Compliant	As approved by the Minister for the Environment, the OMPs include the required components.

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
	layer ; ix) percentage of native and foreign grass cover and whether the grass species are annual or perennial ; x) description of fauna habitat including condition, type and connectivity; and xi) fauna surveys (fauna assemblages and species richness) including but not limited to EPBC Act listed species. c) plans to improve upon the baseline condition of Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat consistent with EPBC listing advice. These plans must include: i. a map showing areas to be managed; ii. management actions for each area and details of methods to be used. These must include: a. actions consistent with objectives stated in relevant threat abatement plans; and b. weed control measures to reduce/control the presence of foreign perennial weeds within Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat iii. timing of management activity for each area; iv. performance criteria for each area; v. a set of measurable ecological indicators for detecting changes to the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat; vi. a monitoring plan to assess the success of		

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Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
	the management activities measured against the baseline condition. The monitoring must be statistically robust and able to quantify change in the condition of the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community and Ornamental Snake habitat. This should include, but not be limited to, control sites and periodic ecological surveys to be undertaken by a qualified ecologist; vii. a description of the potential risks to successful management against the performance criteria, and a description of the contingency measures that would be implemented to mitigate these risks; viii. a process to report to the Department, the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement; and ix. details of the various parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor; and d) a completed offsets assessment guide for the proposed offset site and a discussion as to how figures used to complete the offsets assessment guide were derived.		

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
7	The approval holder must, within 2 years of commencement of construction (or as required under relevant Queensland legislation, whichever is earlier), register a legally binding conservation mechanism over the offset areas approved by the Minister in the OMP, described in conditions 3-5.	Compliant	A Voluntary Declaration for Lot 2 SP214117 was entered into on the 20th of October 2015 for Dabin Holdings. A Voluntary Declaration for Lt 9 on BH194 - Woorabinda Aboriginal Shire Council was entered into on the 21st of August 2015 to protect ornamental snake habitat. Construction commenced on the 30th of March 2015.
8	Within 14 days after the commencement of construction, the approval holder must advise the Department in writing of the actual date of commencement of construction.	Compliant	Written notification was provided to the Department on 30 March 2015 to advise the Department that construction works which constitute the 'Commencement of Operations' as defined by the approval, have commenced on site.
9	For the duration of this approval, within 3 months of every 12 months anniversary of the commencement of construction the approval holder must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any 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. The approval holder must also notify any noncompliance with this approval to the Department in writing within 2 business days of becoming aware of the non-compliance.	Compliant	This report addresses this condition in terms of delivering the report within 3 months of the 12 month anniversary of commencement of construction. This annual compliance report will be published on the BHP website (https://www.bhp.com/environment/regulatory-information) and evidence will be submitted to the Department.

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
10	Upon the direction of the Minister, the approval holder 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.	Not applicable	The Minister has not requested BMC to conduct an independent audit of compliance with the conditions of approval.
11	If the approval holder wishes to carry out any activity otherwise than in accordance with the plans, as specified in the conditions, the approval holder 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. The Minister will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the Minister approves the revised plan that plan must be implemented in place of the plan originally approved.	Not applicable	All activities being carried out are in accordance with the approved management plans.
12	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 approval holder make specified revisions to the management plan specified in the conditions and submit the revised plan for the Minister's written approval. The approval holder must comply with any such request. The revised	Not Applicable	No revisions were requested by the Minister during submission of the management plans.

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
	approved plan must be implemented. Unless the Minister has approved the revised plan then the approval holder must continue to implement the originally approved plan, as specified in the conditions.		
13	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.	Not Applicable	Construction works commenced on site in March 2015. A letter was issued to the Department confirming the 'Commencement of Operations' as defined by the approval.
14	The approval holder 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.	Compliant	BMC has records substantiating all activities associated with or relevant to the conditions of approval.
15	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the	Compliant	The approved OMPs referred to in the approval conditions have been published on the BHP website (https://www.bhp.com/environment/regulatory-information).

Table 1 South Walker Creek Mine - Mulgrave Pit Extension EBPC 2014-7272 Compliance Report

Condition Number	Condition	Compliant/ Non Compliant/ Not Applicable	Evidence/Comments
	website within 1 month of being approved and remain published for the life of this approval.		

Table 2 **Biodiversity Offset Management Plan for Kemmis II Project and Mulgrave Resource Access Project (BHP, 2015) management actions**
Brigalow

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
1	Limiting disturbance	Disturbance to vegetation within the offset is not permitted, except for maintenance of vegetation for: • existing roads, firebreaks, easements and fencing. New firebreaks or fencing if required should be installed outside of the perimeter of the Brigalow community. Thinning of Brigalow to manage dense Brigalow regrowth (to promote rapid recovery of stunted Brigalow stands) may occur where canopy is >70%, stem count is >10,000 / ha, and recommended by a qualified ecologist Ground disturbance (i.e ploughing) is not permitted. Removal of groundcover and organic litter is not permitted. Vehicle and machinery movement through the offset area is to be minimised. Deliberate introduction of non-endemic species is not permitted. The use of fertilisers on the property at locations where it could move into the offset area is to be avoided.	Compliant	No disturbance to vegetation within the offset was undertaken during the reporting year.

Table 2 Biodiversity Offset Management Plan for Kemmis II Project and Mulgrave Resource Access Project (BHP, 2015) management actions
Brigalow

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
2	Grazing	The Landowner may graze stock in the Brigalow area in the following manner: • to occur primarily for the purpose of minimising the fuel load and risk of hot fire burn. • stock are to be carried at similar stocking densities to that historically carried on the property, however the duration of grazing within the Brigalow areas is to be reduced commensurate with fuel load present, such that grazing may be more intense if the Brigalow stem count exceeds 10,000/ha. • grazing intensity should be reduced during the wet season. • cattle should not be moved into the Brigalow area if they have come from a grazing area known to contain weed species that are seeding, until the fodder has passed through their systems. • stock will be excluded from the Brigalow offset area during periods of drought. • The presence and abundance of native herbivores will be noted by the land manager and if abundance is deemed to be excessive then the landowner will encourage those species to move to other non-offset areas via noise, human activity or other nuisances.	Compliant	Cattle were grazed when the soil was dry. There was no evidence of damage caused by trampling in wetter areas. The groundcover at the inspection undertaken in September 2019 showed that the area had a low groundcover due to drought, however by March 2020 when the area was inspected again, these areas had a high level of buffel grass, which has carried through to the results of the Annual Inspection in June 2020.

Table 2 Biodiversity Offset Management Plan for Kemmis II Project and Mulgrave Resource Access Project (BHP, 2015) management actions

Brigalow

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
3	Weeds	An initial weed spraying program will occur within the first 6 months of offset establishment. This will specifically target any small populations of Buffel grass or Parthenium that may be present. Thereafter the Landowner will undertake regular assessments for weed development. Should any weeds become established then additional weed control will be undertaken as early as practicable considering climatic conditions. The presence of foreign perennial weeds will be kept below 5% ground cover. Cattle should not be moved into the Brigalow area if they have come from a grazing area known to contain weed species that are seeding, until the fodder has passed through their systems.	Compliant	Declared Pest Plants listed under the Land Protection (Pest and Stock Route Management) Act 2002 has remained well below 10% of the offset area over this time. Buffel grass in the brigalow areas associated with RE 11.9.5 treated in April 2018 has noted an increase in native grasses. RE 11.3.1 is in very good condition with a dominance of native grasses and very little buffel grass. No other significant areas of weeds were detected.
4	Pests	Wild pigs pose the greatest risk to the improvement of the Brigalow offset area. Should the presence of pigs be noticed during the quarterly checklist, a pig eradication program shall be implemented within the Offset Area in accordance with the Land Protection (Pest and Stock Route Management) Act 2002. A similar program could be implemented if other pest animals become a noticeable problem. Where possible, native pest animals should be encouraged to move outside of the offset area through disturbance and nuisance activities such as noise and human presence. Anecdotal evidence (eg photos, written records) of pest animal presence and abundance should be collected.	Compliant	The presence of wild pigs was not noted during the reporting period. Annual baiting program was undertaken.

Table 2 Biodiversity Offset Management Plan for Kemmis II Project and Mulgrave Resource Access Project (BHP, 2015) management actions
Brigalow

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
5	Fire	Maintenance of appropriate controls to enhance biodiversity and reduce fuel loads. The occurrence of any fire in the offset area will be recorded. Biocondition assessments will make a determination of impact resulting from any fire. Allow the accumulation of fallen timber/debris and the establishment of natural undergrowth. Biocondition Assessments will be used to measure this.	Compliant	Firebreaks around this and other offset areas on the property are co-located with access tracks and boundary and internal fencing lines. The firebreaks were established in 2016 on the recommendations of the local Rural Fire Service Brigade Warden. The land manager (lessee) undertook firebreak maintenance during April 2016, but not subsequently. Fire breaks will be slashed or grazed prior to October 2019.

Table 3 **Mulgrave Ornamental Snake Offset Delivery (BHP, 2015) management actions**
Ornamental Snake

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
6	Grazing	There is no set stocking rates as this region is subject to significant changes in grass cover with seasonal conditions. It is recognised that competition from non-native pasture species can have a negative effect on the establishment of the <i>Solanum spp.</i> Grazing is therefore restricted as per these management actions to reduce the risk of high-intensity fires and to manage the levels of ground cover of the non-native pastures.	Compliant	The groundcover at the inspection undertaken in September 2019 showed that the area had a low groundcover due to drought, however by March 2020 when the area was inspected again, these areas had a high groundcover of buffel grass, which has carried through to the results of the Annual Inspection in June 2020. The boundary fencing was in a good stockproof condition. Cattle were grazed when the soil was dry, as per the OAMP requirements, and there was no evidence of pugging in the gilgais at the time of the annual inspection.
7	Weeds	1. Keep the introduction, establishment and spread of non-native weeds including Declared Pest Plants listed under the Land Protection (Pest and Stock Route Management) Act 2002 (Qld) to less than 10% weed cover over the Offset Area. 2. Control existing infestations of non-native weeds including Declared Pest Plants under the Land Protection (Pest and Stock Route Management) Act 2002 (Qld) to ensure that the non-native weeds cover is less than 10% of the Offset Area. e.g., Parthenium, mother of millions, and velvety tree pear. 3. Buffel in this instance is recognised as being a threat to the ecological community/habitat however is not referred to as a weed. Control of buffel is best managed via grazing during the dry season and by increasing tree canopy cover. The dry season is normally between April and October; however, if unseasonal rainfall should occur, then grazing is to be allowed only if there is no evidence of moisture in the bottom of the gilgais to ensure that no “pugging” of the soil occurs.	Compliant	Regular assessments of the presence of weeds in the offset area have been made by the pastoral manager and caretaker. Overall weed cover has remained well below 10% of the offset area over this time. At the time of the site visit to conduct photopoint monitoring (3 June 2020) the level of weeds was low, with the groundcover dominated by buffel grass.

Table 3 **Mulgrave Ornamental Snake Offset Delivery (BHP, 2015) management actions**
Ornamental Snake

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
		4. The use of broadscale herbicide is not recommended due to the potential impact on frog species in the creek and gilgai formations. This impact would lead to a negative impact on the ornamental snake population via the loss of frog species and population on which it is reliant. 5. Spot spraying of patches of Parthenium and mother of millions is allowed as required. 6. The rare occurrences of tree pear are to be treated as per the recommended advice at the time of treatment.		
8	Pests	Minimise the introduction of pest animals and control of existing populations of pest animals (wild pigs) within the Offset Area in accordance with the Land Protection (Pest and Stock Route Management) Act 2002 (Qld). There is currently no incidence of foxes on the property. Wild pig and dog populations are transient and are infrequent and of short duration and impact due to the small numbers that occur. Current control of pigs and wild dogs is undertaken via an annual baiting programme on the property. Additional to this measure, the caretaker, during weekly inspections of the offset area is to shoot any wild pigs or wild dogs that are seen. If an increase in pig or dog activity is noted, an additional trapping and shooting programme is to be instigated until the increased activity has ceased.	Compliant	Regular visits to the property are conducted by accredited wild pig catchers to check for their presence, and if detected, they are trapped and removed from the property. No recent signs of dingoes or wild pigs were apparent across the property at the time of the site visit to conduct photopoint monitoring (22 May 2020).

Table 3 **Mulgrave Ornamental Snake Offset Delivery (BHP, 2015) management actions**
Ornamental Snake

No	Aspect	Commitment	Compliant/Non-compliant/Not applicable	Evidence/ Comments
9	Forestry Operations, Native Timber Harvesting and general vegetation clearing	Vegetation clearing on the Offset Area is restricted to: a) that necessary for the removal of non-native weeds or declared pests; b) establishing and maintaining fencing around the boundary of the declared area; c) establishing and maintaining fire breaks; and d) ensure public safety Vegetation clearing for any other purpose is not permitted within the offset area.	Compliant	No evidence of timber harvesting was apparent at the time of the site visit to conduct photopoint monitoring (22 May 2020).
10	Fire	Fire is to be, excluded from the Offset Area except for low intensity ecological burns by: a) Maintaining firebreaks relative to the Offset Area; b) Using a low intensity fire >20 years interval; and c) Firebreaks are to be co-located with roads and fence lines on the property where possible. Note: Fire is not to be used as a tool for regrowth management on the Offset Area.	Compliant	No evidence of fire was apparent at the time of the site visit to conduct the annual inspection on the 22 May 2020). Firebreaks around the offset areas on this property are co-located with access tracks and boundary and internal fencing lines and have been maintained.