

Bowen Basin Coal Growth Project— Caval Ridge Mine

**Coordinator-General's change report
number 6—miscellaneous condition
amendments**

March 2013

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Synopsis

The *Bowen Basin Coal Growth Project: Caval Ridge Mine – Coordinator-General’s evaluation report for an environmental impact statement* (Coordinator-General’s report) was released on 9 August 2010. The report evaluated information presented in the environmental impact statement (EIS), issues raised in submissions on the EIS and supplementary EIS, advice from advisory agencies and other entities, as well as technical reports. The Coordinator-General’s report considered the potential environmental, social and economic impacts and associated mitigation measures of the proposed Caval Ridge Mine (CRM).

Subsequent to publication of the Coordinator-General’s report, the proponent submitted five application for project change (APC) requests, all of which have been granted conditional approval.

On 25 February 2013, BHP Mitsubishi Alliance Coal Operations Pty Ltd (BMA), the proponent for the project, applied to the Coordinator-General for a further change to the project. APC number 6 seeks the amendment of miscellaneous conditions imposed on the project via the EIS and project change reports 1–5.

Under the most recent APC, BMA has requested the amendment of ten existing conditions to provide greater flexibility in delivering conditioned outcomes, and increasing the opportunity for innovation.

BMA also contend that the proposed changes to the conditions are designed to reduce the administrative burden on the CRM project whilst not materially affecting implementation of the project or various plans that have been approved since the original conditions were set.

I have assessed the proponent’s application for project change and approve the amendment of ten project conditions. Revised conditions are shown in Appendix 1.

1. Introduction

1.1. The proponent

The proponent for the Caval Ridge Mine (CRM) project is BHP Mitsubishi Alliance Coal Operations Pty Ltd (BMA) (the proponent).

1.2. The project

The CRM was part of the proposed Bowen Basin Coal Growth (BBCG) project, involving two new coal mines—Daunia and Caval Ridge; an expansion of the Goonyella Riverside Mine; and the relocation of the Moranbah Airport. The Coordinator-General's report for the CRM was released on 9 August 2010.

The CRM is located six kilometres south of Moranbah in Central Queensland and includes the following key elements:

- open-cut production of approximately 5.5 million tonnes per annum (Mtpa) of coal products using dragline and truck and shovel
- development of associated infrastructure including a new 8 Mtpa coal handling and preparation plant (CHPP) with the capability of processing an additional 2.5 Mtpa sourced from the existing and adjacent Peak Downs Mine
- construction of an overland conveyor from the Peak Downs Mine to the CRM CHPP
- elevation of the Peak Downs Highway over a new mine haul road and infrastructure corridor
- construction of a new rail spur and loop from the main Blair Athol line to the train load-out facility
- a construction workforce of approximately 1200 people with an estimated operating workforce of 495 people
- a capital expenditure of approximately \$4 billion over 25 months and operational expenditure of approximately \$475 million per year over a mine life of approximately 30 years.

1.3. Prior applications for project change

The proponent has previously requested five changes to the conditions for the CRM project, as follows:

- **Change Request 1—Accommodation Village Location and Capacity**
Request seeking approval for the proposed Buffel Park Village accommodation facilities for the CRM operational and construction workforce. The request was for 2500 permanent accommodation rooms. The Coordinator-General considered that this request could not be approved in its entirety. The change report was released on 18 February 2011.

- **Change Request 2—Granting of an Environmental Authority**
Request to amend conditions relating to the granting of an Environmental Authority (EA) for the project. The Coordinator-General allowed the change to proceed subject to new and amended conditions. The change report was released on 16 November 2010
- **Change Request 3—Housing Impacts Study Instigation Conditions**
Request to amend timing for delivery of the Social Impact Management Plan (SIMP) plus revised administrative arrangements associated with completing the housing study (condition 18(f) – (j)). The Coordinator-General allowed the change to proceed subject to new and amended conditions. The change report was released on 8 July 2011.
- **Change Request 4—100 per cent Fly-in/Fly-out Operations Workforce**
Request to amend conditions to allow an increase in the proportion of CRM's non-resident operational workforce from 70 per cent to up to 100 per cent. The Coordinator-General did not approve the request in its entirety. A condition requiring BMA to facilitate the provision of permanent residential-style accommodation at the minimum rate of eight dwellings for every ten new operational workers in the CRM was imposed. Based on the figures provided by BMA, the minimum requirement is 400 dwellings. BMA is also required to provide appropriate accommodation for the remaining non-residential workforce. The change report was released on 2 September 2011.
- **Change Request 5—Rail Alignment Changes**
Request to re-align the CRM rail line between the existing Blair Athol line and the CRM train load-out facility to a new location outside the project site as it was described in the Coordinator-General's report. The Coordinator-General allowed the change to proceed subject to new and amended conditions. The change report was released on 3 April 2012.

1.4. Legislative provision for change report

On 25 February 2013, the proponent applied to the Coordinator-General to assess a proposed change to the CRM project, under Division 3A, section 35C, of the *State Development and Public Works Organisation Act 1971* (SDPWO Act). In accordance with section 35I of the SDPWO Act, the Coordinator-General has evaluated the environmental effects of the proposed change, its effects on the project and any other related matters, and prepared this Coordinator-General's change report.

2. Public notification

In accordance with section 35G of the SDPWO Act, the Coordinator-General must decide whether or not the proponent is required to publicly notify the proposed change application and any effects on the project.

The proponent has applied for amendments to ten existing project conditions to allow it greater flexibility in delivering conditioned outcomes. The scope of changes sought are substantially administrative and do not materially affect the proponent's obligations.

Accordingly, I considered the proposed changes did not warrant public notice and the application for project change was not publicly notified prior to evaluating the APC.

3. The proposed changes

BMA's APC claims that the overly prescriptive nature of the existing conditioning regime unnecessarily constrains how BMA will meet the outcomes of the project's conditioning regime.

BMA's submission seeks to alter a number of existing conditions, amending them from being overly prescriptive to outcome-focused. The proponent contends that these changes will allow for greater flexibility in delivering the intended outcomes, while minimising the administrative burden associated with verifying compliance.

3.1. Proponent's reasons for changes

BMA's change request provides reasons for change as they relate to each of the affected conditions.

- **Condition 1(c):** BMA submits that condition 1(C) be deleted.

BMA submits that this change is warranted on the basis that all necessary management arrangements are contained within the SIMP approved by the Coordinator-General in December 2012. BMA is also proposing relevant amendments to condition 10 to remove redundant elements and re-focus requirements onto those within the SIMP approved by the Coordinator-General. Other than reducing the administrative burden, the change will not materially affect the project.

- **Condition 2(a):** BMA submits that condition 2(a) be replaced with the following:

The proponent must develop and implement a water management plan for CRM operations in consultation with the Department administering the *Environmental Protection Act 1994*. This condition will remain active until the Coordinator-General is notified in writing that a water management plan for CRM operations has been established and implementation of the plan has commenced in accordance with the Environmental Authority for the CRM, under the *Environmental Protection Act 1994*.

BMA submits that this change is warranted on the basis that the requirements of condition 2(a), as currently worded, are unclear.

A Water Management Plan (WMP) must be prepared in accordance with the requirements set out in the Environmental Authority (EA) (MIN101827410) for the project. The WMP must be reviewed annually, prior to the wet season (i.e. by 1 November) in accordance with the requirements of the EA.

BMA's APC states that the WMP will recognise that water to be used for project operations will be sourced via an off-take from the existing Eungella-Bingegang water pipeline. This water is sourced from the Eungella Dam and will be used to top up the project's on-site mining process dam as well as for potable water needs at the mine site. The project has an internal BMA water allocation to draw a maximum of 500 megalitres (ML) per annum of water as part of a larger BMA water allocation

that is held by BMA in accordance with the Burdekin Water Resource Plan and the *Water Act 2000*. The GoldSim Water Balance Model used as part of the EIS process and maintained for the project predicts an average of 3200 ML of raw water will be required each year. Pipeline water consumption will be recorded on a monthly basis in a database maintained at the project site.

- **Condition 5(a)–(d), Condition 7(a)–(b), Condition 9(a)–(d):**

BMA submits that the above conditions should be replaced with a new condition 5 as follows:

The proponent must develop and implement an effective stakeholder engagement and complaints management program (including the use of newspaper advertisements, an internet site and direct communication) which ensures that:

- I. the Community is informed of proposed activities during the construction phase of the project and during the first 2 years of mining operations;
- II. complaints and complaint responses are recorded and addressed within a reasonable timeframe; and
- III. the Coordinator-General may instigate investigations into any complaints that remain unresolved for a significant period of time and determine, in consultation with the proponent and complainant, relevant remedial actions to be implemented by the proponent where necessary.

BMA submits that the existing prescriptive, complex and wide-ranging conditions are not reasonable and relevant to the circumstances of the project. BMA asserts that the existing conditions are not warranted because:

- the area immediately adjacent to the project is sparsely populated
- there have been minimal enquiries and complaints in relation to the project
- BMA has long-standing relationships with landholders who are adjacent to its mining operations
- BMA has purchased ‘buffer’ land between its mining operations and other adjacent land used for non-mining purposes (Note: buffer land tends to be used by neighbouring graziers for livestock grazing purposes in accordance with mutually beneficial land use agreements between BMA and the relevant grazier)
- BMA has an established and proven complaints recording and response procedure which is implemented as a matter of standard operating practice at BMA. The BMA complaints recording and response procedure is established in accordance with the requirements of the EA granted for the project under the *Environmental Protection Act 1994* (EP Act). The requested condition change will enable BMA to align the CG required complaints management arrangements with the complaints management requirements imposed on the project and other BMA mining operations in accordance with EAs granted under the EP Act. This change will reduce administrative burden for the project and will not impact BMA’s ongoing extensive engagement activities with the community.

- **Condition 6(a)–(f):**

BMA submits that this condition should be replaced with a new condition 6(a) as follows:

The proponent must establish a consultative group which will act as the key mechanism for updating the community and seeking community feedback during the construction and initial operational phase of the project (i.e. a period of up to 2 years following the commencement of operations). The membership and charter (including changes over time) and decommissioning of the special-purpose group relating specifically to the project will be determined by the proponent after consultation with the Coordinator-General.

BMA submits that this change is warranted given that the SIMP has been finalised and the Daunia and CRM will become operational in 2013 and 2014.

BMA has formed the BMA Community Network (BCN) to engage with stakeholders from business, community and government concerning the BBCG projects. The BCN operates in compliance with Condition 6 of the Coordinator-General's evaluation report for the CRM EIS.

The group is in addition to another BCN which forms part of BMA's ongoing community liaison and assists BMA to proactively identify potential project impacts and management strategies across all of BMA's mining operations. The broader BCN is the primary mechanism for enabling community engagement under BMA's corporate policies.

It is BMA's assertion that the revised condition would enable the BCN associated with the BBCG projects to be efficiently integrated into the existing BMA community consultation arrangements associated with BMA's existing operating mines. This change will reduce administrative burden for the project and will not impact BMA's ongoing and extensive engagement activities with the community.

- **Condition 8(a) – (h):**

BMA submits that this condition should be replaced with a new condition 8(a) as follows:

At least two months prior to commencement of construction, the proponent shall nominate a suitably qualified and experienced Environmental Management Representative(s) with the authority within the proponent management structure to require reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts. The proponent shall employ the environmental management representative(s) for the duration of construction and commissioning phases of the CRM. The representative(s) shall be the principal point of advice for the proponent in relation to all questions and complaints concerning the environmental performance of the CRM.

BMA submits that this change is warranted on the basis that the requirements for an environmental management representative (EMR) for the indicated purposes will be redundant after the initial operations phase is completed and the normal environmental management requirements for mines in Queensland apply (i.e. under the EP Act and the CRM EA).

Moreover, an environmental management plan (EMP) covering the operations phase will be approved and implemented in accordance with the EP Act. The

arrangements detailed in the current version of the EMP have been operating for approximately nine months during construction without any difficulties arising. Other than reducing the administrative burden, the change will not materially affect the project.

- **Condition 10(a) – (l):**

BMA submits that this condition should be replaced with a new condition 10 as follows:

The proponent must implement the Social Impact Management Plan approved by the Coordinator-General in December 2012.

BMA submits that this change is warranted on the basis that all necessary management arrangements are contained within the SIMP approved by the Coordinator-General in December 2012.

This change would reduce administrative burden for the project and enable BMA to focus compliance efforts on the requirements of the SIMP rather than the above-mentioned requirements set out in redundant conditions.

- **Condition 15(b):**

BMA submits that this condition should be replaced with a new condition 15 (b) as follows:

The proponent must implement the RMP approved by TMR during the construction and commissioning phase of the project.

BMA submits that this change is warranted to make the wording for the road-use management plan (RMP) consistent with the approach taken in relation to the traffic management plan (TMP) as set out in condition 15(i).

Both sets of requirements will be redundant once the project is commissioned.

In addition, the RMP and TMP have now both been finalised and are being implemented in accordance with the terms of the RMP and TMP agreed with the administering department.

The arrangements detailed in the RMP and TMP have been operating for approximately nine months during construction. Other than reducing administrative burden, the proposed change will not materially affect the project.

- **Condition 17(a)–(e):**

BMA submits that these conditions should be deleted on the basis that these requirements are redundant as the third party intending to undertake the cumulative impacts study did not proceed with the study. The change will not materially affect the project.

- **CRM Change Report No. 5—Glossary, acronyms and abbreviations:**

On page 36 of the *Coordinator-General's change report on rail alignment changes: Application for project change, number 5*, the Coordinator-General defined the term 'Commencement of Operations' as 'any works required to be undertaken in relation to the Caval Ridge project.'

BMA submits that this meaning could be misinterpreted and requests that the Coordinator-General confirms the meaning of 'Commencement of Operations'.

BMA understands that the intent of references to 'operations' within the Coordinator-General's evaluation report to CRM's EIS was for the references to relate to coal production activities as opposed to construction works. On page 150 of the Coordinator-General's evaluation report for the CRM EIS, the Coordinator-General refers to the 'operation stage' of the project being that stage 'which applies to the project from the time the CRM coal handling and preparation plant (CHPP) exceeds the 250,000 tonne of coal output point.'

BMA seeks confirmation from the Coordinator-General that 'Commencement of Operations' has the same meaning as defined in the Coordinator-General's report for CRM.

4. Evaluation of the change request

In evaluating this application for project change, I have considered the following:

- the proponent's application for project change, dated 22 February 2013.
- the proponent's SIMP for the CRM, approved on 19 December 2012.

4.1. General conditions

The CRM project EIS elicited a large volume of submissions from the Moranbah community upon its release. The majority of submissions raised concerns about direct social impacts of the project on the local community and on the region's general living amenity.

In response, a condition was imposed upon BMA to develop a SIMP addressing these concerns. The final SIMP was submitted to me for consideration and I approved it on 19 December 2012. The document presents a consolidated plan, detailing existing and proposed BMA community strategies that will be employed to mitigate and manage project impacts.

I am satisfied that all necessary management arrangements associated with BMA's social impact mitigation and management commitments are contained within the approved SIMP, therefore I agree that the requirements of this condition have been addressed and any ongoing obligations will be captured by a simplified condition directing implementation of the approved SIMP (refer revised Condition 10 in Appendix 1 of this report).

In consideration of BMA's APC, the proponent notes that it is 'also proposing relevant amendments to conditions 10 and 11 to remove redundant elements and refocus requirements to those within the SIMP...'. No further reference to Condition 11 was made throughout the application document.

I have sought clarification from BMA and have received confirmation that the reference to Condition 11 is an editorial oversight remaining from an earlier proposal to amend the requirements of condition 11 to implement the Local Buying Program (LBP) and changes to these requirements are not being sought under this request.

I have considered the request for deletion of condition 1(c). I am of the view that as the requirements of this condition have been addressed by incorporating the requirements

into the approved SIMP, the condition can be removed on the basis that conditions 10(a)–(l) are also deleted and replaced with an alternative and simplified condition 10, requiring implementation of the SIMP as approved in December 2011.

4.2. Mine water management—water supply

In the CRM EIS document, the proponent identified an overall deficit of water supply on the mine site. To counteract the shortfall, BMA outlined its proposal to develop, implement and maintain a water supply strategy and emergency plan in order to mitigate the risk of the identified water supply deficit. In its submission on the EIS, the Isaac Regional Council (IRC) sought further information about BMA's plans to secure an adequate water supply.

Due to the importance of maintaining adequate water on site, in the Coordinator-General's report of August 2010, Condition 2(a) was imposed requiring the proponent to establish and implement a water supply strategy and emergency plan as proposed in the EIS.

I have considered the request for amendment to the wording of Condition 2(a) on the basis that the condition, as currently worded, is potentially unclear and the requirements of the condition should be clarified. I am satisfied that BMA has developed and is currently implementing a WMP for the CRM in consultation with the Department of Environment and Heritage Protection (DEHP) in accordance with EA requirements. On the basis that these regulatory arrangements are currently being established in consultation with the relevant state authority, I agree to the requested amendment to the wording of Condition 2(a) for the purposes of clarification.

4.3. General communication obligations

In response to the release of the CRM EIS for public comment, many submissions raised concerns about the impacts of dust, noise and vibration, traffic, accommodation and a range of social issues. Due to the volume and nature of the issues raised, it was considered essential for BMA to develop a robust community liaison, communications and complaints response system for CRM and the whole of the BBCG.

Condition 5(a)–(d) as set down in the Coordinator-General's report of August 2010, details the essential communications obligations to be met by the proponent.

BMA submits that Condition 5 is too prescriptive, complex and wide-ranging, making it unreasonable and in some instances irrelevant to the current circumstances of the project. BMA has proposed that the company's corporate communications, complaints and response procedure, established in accordance with the requirements of the EA granted for the project under the EP Act, is a suitable alternative. Tailoring this corporate procedure to suit the requirements of the CRM project will allow BMA to align CRM's complaints management obligations with those already imposed on both the CRM and other BMA mining operations across the region in accordance with existing EAs.

I agree to the proponent's proposed amendments to Condition 5 on the basis that I have reviewed the existing corporate BMA communications protocol being offered as

the alternative system and am satisfied that it provides a suitable communications option that can be easily transferred to the CRM project.

I consider that the BMA corporate communications policy is capable of achieving the communications outcomes being sought through the Coordinator-General's report (August 2010).

4.4. Moranbah BMA Community Network

As a further outcome of EIS submissions from the affected Moranbah community, condition 6 was also imposed on the CRM project. This condition prescribes the establishment and operation of a Moranbah BMA Community Network (BCN) as a representative community body to assist the proponent to understand and deal appropriately with community views and/or issues.

BMA submits that condition 6(a)–(f) should be replaced with a more generic requirement to establish a consultative group to act as a key mechanism for updating the community and seeking community feedback during the construction and initial operational phases of the project.

The proponent contends that since I have approved the CRM SIMP, conditioning it to be implemented (refer revised condition 10 of this report) and given that there is a broader, regional BMA BCN already in existence, these two mechanisms together should form the basis of a community engagement and feedback strategy.

The existing BMA BCN forms part of the proponent's ongoing community liaison strategy, assisting the organisation to proactively identify project impacts and management strategies across all of BMA's mining operations throughout the region. The regionally-focused BCN is the primary mechanism for enabling community engagement under BMA's corporate policies.

I have considered BMA's requested amendment to condition 6 and support the requested changes, on the basis that the corporate BMA communications protocols as documented, and which I have reviewed, in concert with the approved SIMP, are suitable for application to the CRM project.

I consider that utilising the existing BMA regional community engagement network as its key stakeholder liaison group will enable the CRM Moranbah BCN to be efficiently integrated into existing community consultation arrangements associated with BMA's existing operating mines. It is my expectation that an appropriate transition mechanism for the CRM BCN will be developed and implemented.

4.5. Community communication strategy

Aligned with sections 4.3 and 4.4 of this document, as a result of significant community concern raised in submissions to the EIS, Condition 7 was imposed requiring the proponent to prepare a community communication strategy for the construction period, to be initiated prior to construction works commencing.

BMA has requested that conditions 5(a)–(d), conditions 7(a)–(b) and conditions 9(a)–(d) be replaced by a single, amended Condition 5 requiring the

organisation to develop and implement an effective stakeholder engagement and complaints management program.

I have considered and agree to a range of amendments and simplifications to conditions 5, 7 and 9 on the basis that the corporate BMA communications protocols as documented, and which I have reviewed, are suitable for application to the CRM project.

I am satisfied that BMA's corporate communications procedure offers a suitable alternative to the existing detailed conditions and is capable of achieving the communications outcomes as required by the August 2010 Coordinator-General's report.

4.6. Environmental management representative

In response to the release of the CRM EIS, many public submissions concerning dust, noise and vibration, traffic, accommodation and a range of other social issues were received. The volume and nature of issues raised necessitated conditioning of the appointment of a suitably qualified and experienced EMR. This officer was required to have the authority within BMA's management structure to ensure reasonable steps could be taken to avoid or minimise unintended or adverse environmental impacts for the duration of construction and operational phases of the CRM. The EMR requirements were detailed at Condition 8 (a)–(h).

BMA submitted that condition 8(a)–(h) should be replaced by a new Condition 8, on the basis that the requirements for an EMR for the indicated purposes will be redundant after the initial operations phase is completed and the normal environmental management requirements for mines in Queensland commence (i.e. under the EP Act and the CRM EA).

BMA contend that at that stage of the project, the requirement for an EMR will be captured via regulation under the EP Act and, more specifically, via the CRM EA. In addition, an EMP covering the operational phase of the project will be approved and implemented in accordance with the EP Act.

I have considered and agree to the request to replace Condition 8(a)–(h) with a new Condition 8(a).

4.7. Consultation, review, complaints and non-conformance

As a result of significant community concern raised via submission to the EIS (and consistent with the matters discussed in sections 4.3, 4.4 and 4.5 of this report), Condition 9 was imposed on the CRM project. Condition 9 requires that the proponent establishes:

- consultation procedures that include stakeholder engagement measures
- a complaints management procedure

- a review process for further identifying alternative mitigation measures to be implemented in response to non-compliance with conditions, and a non-conformance process that provides a mechanism for reporting and taking corrective action in response.

BMA submits that conditions 9(a)–(d) should be replaced by a single, revised Condition 5 requiring the proponent to develop and implement an effective stakeholder engagement and complaints management program without being overly prescriptive in how this outcome is achieved.

I have considered, and support, incorporating the obligations of Condition 9 into a revised and simplified Condition 5 on the basis that the corporate BMA communications protocols, as documented and which I have reviewed, are suitable for the CRM project.

I consider that the BMA corporate communications policy is capable of achieving the consultation, review, complaints and non-conformance management outcomes required by the August 2010 Coordinator-General's report.

4.8. Social impact management plan

As part of the CRM EIS preparation, the proponent undertook a social impact assessment. Almost 20 per cent of submissions made on the EIS raised concerns about the potential impacts of the CRM on social or accommodation matters. A further 71 per cent raised issues about wellbeing or amenity related measures. Through these responses, it became clear that the cumulative impacts of coal mining activity in the northern Bowen Basin, particularly in Moranbah, are significant matters of community concern.

To address these concerns, BMA was conditioned to prepare and submit for separate approval, a CRM SIMP designed to address social impacts through the establishment of a monitoring program for mitigation strategies, a stakeholder engagement strategy, a dispute resolution process and other community engagement strategies.

BMA submit that as a consequence of the Coordinator-General's approval of the final CRM SIMP on 19 December 2012, conditions 10(a)–(l) can be simplified, removing the detailed SIMP specifications that were originally provided to aid development of this management plan.

The proponent contends that, at this stage of the project, it is more appropriate to instead focus on implementation and ongoing management of the approved plan. Furthermore, BMA proposes that this change is warranted because the approved SIMP contains all necessary social management requirements.

I have considered the request to replace conditions 10(a)–(l). On the basis that I approved the CRM SIMP on 19 December 2012, I support replacing the conditions with a simplified condition requiring the implementation of the SIMP. I am satisfied that the SIMP contains all mechanisms necessary to manage, monitor, review, audit and amend the SIMP as required and the existing, detailed provisions of Condition 10 for the development of a SIMP can be consolidated under a single, simplified condition without materially affecting the conditioned outcome.

4.9. Traffic management

BMA prepared and presented a Transport Impact Assessment as part of the EIS, detailing CRM's impact on both the local and state-controlled road networks. The assessment was prepared in line with the Department of Transport and Main Roads (DTMR) *Guidelines for Assessment of Road Impacts of Developments* (2006).

Based on the material presented in the EIS, impacts of the CRM on the local and state-controlled road networks in the vicinity of the mine during both construction and operation appeared to have been adequately addressed. To ensure the continued and satisfactory management of these transport and traffic issues, project conditioning required ongoing liaison with both DTMR for state-controlled road network issues and IRC for locally controlled road network issues.

BMA has requested amendment of Condition 15(b) to be consistent with the requirement of Condition 15(i) and submits that the change is warranted on the basis that the requirements of this condition will be redundant for the operational phase.

I understand that a RMP and a TMP have been negotiated in consultation with DTMR and IRC. Both plans are already being implemented in accordance with the terms specified within each.

I have considered the request to amend Condition 15(b), particularly in light of ensuring consistency with Condition 15(i), and I support the proposed amendment.

I am satisfied that the required regulatory arrangements have already been established in consultation with the relevant state and local authorities and have been operating for approximately nine months to date without incident. Furthermore, I am satisfied that the traffic/road-use management plans contain all mechanisms necessary to manage, monitor, review, audit and amend the plans as required and the amendment can occur without affecting the conditioned outcome.

4.10. Cumulative impacts study

A significant number of submissions received on the EIS for this project related to potential cumulative impacts. Such impacts include those effects which may increase over time, or be exacerbated by the intensity, scale, frequency or duration of a project both at a specific project site or remote to a project site.

In the August 2010 Coordinator-General's report, BMA was conditioned to work with state government agencies and the IRC by engaging in a study to identify the cumulative social impacts of coal mining in the Isaac Region Local Government Area and to consider mitigation measures and social infrastructure requirements needed to address those impacts. The study was scheduled to occur during 2010–11 and was to be used primarily to inform the IRC community planning process and the Mackay, Isaac and Whitsunday regional planning process.

Commensurate with the magnitude of BMA's coal mining activities across the IRC region, conditions were imposed in the Coordinator-General's report directing the organisation to participate in, contribute funding to, and collaborate with, state and local government agencies and other resource industry stakeholders in the impacts study.

It was the role of government stakeholders to establish the study and provide planning and technical resources to assist. Investigations were to be conducted during 2010–11, with any significant findings to be considered in the statutory planning process.

However, investigations for the study were not completed in time to meet the statutory timeframes associated with releasing the regional planning instruments, and the instruments were necessarily published without reference to the proposed study.

BMA has requested deletion of Condition 17 on the basis that the requirement to engage in and provide financial support for the study became redundant upon the 2011 release of the IRC Community Plan, followed by the February 2012 release of the Mackay, Isaac and Whitsunday Regional Plan.

I acknowledge that BMA's contribution to the proposed impacts study is no longer relevant or reasonable. Furthermore, I am satisfied that, through the development of the CRM SIMP and associated management plans, sufficient information will be available to inform future statutory planning processes.

On this basis, I am of the view that the requirements of Condition 17 are now redundant, and I support its removal.

4.11. Glossary, acronyms and abbreviations

The term 'Commencement of Operations' is defined on page 36 of CRM Change Report 5 as '*any works required being undertaken in relation to the Caval Ridge Mine Project.*' By contrast, within the August 2010 Coordinator-General's report, the term 'operations' is distinctly related to coal production activities without reference to the commencement or undertaking of construction activities. Specifically, in Appendix 1, Schedule 1 of the Coordinator-General's report on the CRM EIS, the term 'operation stage' is defined as that stage '*which applies to the project from the time the CRM coal handling and preparation plant exceeds the 250,000 tonne of coal output point.*'

I agree with BMA's assertion that different definitions of the term 'operations' have been provided across the Coordinator-General EIS evaluation report and change reports and that clarity on the correct definition is needed to ensure relevant application of its use to avoid possible misinterpretation.

Therefore, I agree that this definition needs to be consistent and as a consequence have realigned the definition of the term 'Commencement of Operations' with its original meaning as provided in Appendix 1, Schedule 1 of the Coordinator-General's report (August 2010) in which the term '*applies to the project from the time the CRM coal handling and preparation plant (CHPP) exceeds 250,000 tonne of coal output point.*'

5. Conclusion

On the whole, I consider that the nature of the most recent project changes requested by BMA will not materially affect implementation of the project, nor affect any of the various management plans that have already been approved and are currently in place.

I have determined that deleting and revising the existing conditions will not reduce the level of rigour the proponent is required to meet to ensure all environmental, social and economic impacts of the project are minimised, but rather that amendments to the conditioning regime will allow BMA a greater level of flexibility in how required outcomes can be most practically and efficiently achieved.

It remains that all components of the CRM project must be constructed and operated in accordance with the project conditioning regime as detailed in the original August 2010 Coordinator-General's report plus the new and revised conditions contained in subsequent change reports, including this document.

I expect that my requirement for ongoing quarterly compliance audits will ensure BMA continues to demonstrate mitigation of all impacts relating to construction and initial operation of the CRM in the most appropriate and environmentally responsible manner.

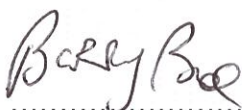
I have concluded that ten conditions and requirements should be consolidated and re-worded into existing conditions and one glossary definition should be clarified. Revised conditions and the revised glossary definition are in Appendix 1 of this change report.

Pursuant to section 35L of the SDPWO Act, the evaluation of the BMA APC, dated 25 February 2013, lapses on the same date as the Coordinator-General's report on the EIS for the project lapses (under section 35A).

Conditions made in this report are made pursuant to section 35I(2) of the SDPWO Act.

Pursuant to section 35J of the SDPWO Act, a copy of this report will be given to the proponent, and a copy will be made available at: www.dsdip.qld.gov.au/coordinator-general.

As per section 35K of the SDPWO Act, the Coordinator-General's report on the CRM EIS for the project, and the Coordinator-General's change reports, all have effect for the project. However, if the reports conflict, the Coordinator-General's change report prevails to the extent of the inconsistency.



Barry Broe
Coordinator-General

28 March 2013

Appendix 1. Amended conditions

Former condition	New condition
<p>Condition 2(a)</p>	<p>Reworded Condition 2(a) The proponent must develop and implement a water management plan for CRM operations in consultation with the department administering the <i>Environmental Protection Act 1994</i>. This condition will remain active until the Coordinator-General is notified in writing that a water management plan for CRM operations has been established and implementation of the plan has commenced in accordance with the Environmental Authority for the CRM, under the <i>Environmental Protection Act 1994</i>.</p>
<p>Condition 5(a)–(d)</p>	<p>Revised Condition 5 (incorporating outcomes from Conditions 5(a)–(d)) The proponent must develop and implement an effective stakeholder engagement and complaints management program (including the use of newspaper advertisements, an internet site and direct communication) which ensures that:</p> <ul style="list-style-type: none"> a) The community is informed of proposed activities during the construction phase of the project and for the first 2 years of mining operations b) Complaints and complaint responses are recorded and addressed within a reasonable timeframe c) The Coordinator-General may instigate investigations into any complaints that remain unresolved for a significant period of time and determine, in consultation with the proponent and the complainant, relevant remedial actions to be implemented by the proponent where necessary.
<p>Condition 6(a)–(g) Condition 7(a)–(b) Condition 9(a)–(d)</p>	<p>Revised Condition 6 (incorporating outcomes from Conditions 7(a)–(b) and Conditions 9(a)–(d)) The proponent must establish a consultative group which will act as the key mechanism for updating the community and seeking community feedback during the construction and initial operational phase of the project (i.e. a period of up to 2 years following the commencement of operations). The membership and charter (including changes over time) and the decommissioning of the special-purpose group relating specifically to the CRM project will be determined by the proponent following consultation with the Coordinator-General.</p>

Former condition	New condition
Condition 8(a)–(h)	<p>Reword Condition 8(a)–(h)</p> <p>At least two months prior to commencement of construction, the proponent shall nominate a suitably qualified and experienced environmental management representative(s) with the authority within the proponent management structure to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts. The proponent shall employ the environmental management representative(s) for the duration of construction and commissioning phase of the CRM. The representative(s) shall be the (a) principal point of advice for the proponent in relation to all questions and complaints concerning the environmental performance of the CRM.</p>
<p>Condition 1(c) Condition 10(a)–(l)</p>	<p>Reword Condition 10 (incorporating outcomes from Condition 1(c))</p> <p>The proponent must implement the CRM Social Impact Management Plan as approved by the Coordinator-General in December 2012.</p>
Condition 15(b)	<p>Reword Condition 15(b)</p> <p>The proponent must implement the road-use management plan approved by the Department of Transport and Main Roads during the construction and commissioning phase of the project.</p>
<p>Condition 17(a)–(d)</p> <p>Definition of ‘Commencement of Operations’ as is it used in Change Report 5 Glossary, i.e. ‘...means any works required to be undertaken in relation to the Caval Ridge Mine Project.’</p>	<p>Delete</p> <p>Replace with the definition of ‘Operation phase of the CRM’ at Appendix 1, Schedule 1 of the Coordinator-General’s report on the EIS for the CRM project which states: ‘Operation Phase of the CRM (applies to the project from the time the CRM coal handling and preparation plant (CHPP) exceeds 250,000 tonne of coal output point).’</p>

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