

Quality Assurance Checklist – Referral Brief

Reviewing Officer (may be assessment officer, clearing officer or peer reviewer)

Name: s 22(1)(a)(ii) Signature: _____ Date: 10/01/2022

Note: Assessment officer to fill out sections shaded YELLOW. Reviewing officer to complete all other sections.

Project: Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, QLD					
EPBC No: 2021/9074		Assessment officer: s 22(1)(a)(ii)		Due Date: 17 January 2022	
General requirements		Brief	Decision Notice		Letters
		(tick or circle)			
Correct templates used		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Template version numbers: (assessment officer to insert version numbers)		4.2			
EPBC reference number correct and used consistently		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Title of the action consistent		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The ACN (or ABN if no ACN) is listed and correct		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
The designated proponent (CA)/person proposing the action (NCA or NCA-PM) is correct. Needs to be a 'person' for the purposes of the EPBC Act.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Description of the proposal is an accurate reflection of what is in the referral and encompasses all proposed activities		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Statutory deadline consistent with database record		<input checked="" type="checkbox"/>			
Signature blocks and dates are correct		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
List of attachments is correct		<input checked="" type="checkbox"/>			
All dates mentioned accord with records		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
All species references use SPRAT scientific names (first time that they are used)		<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
Material used to prepare briefing is listed		<input checked="" type="checkbox"/>	N/A		
Public comments are included and issues raised in public comments are addressed (s75(1A))		<input checked="" type="checkbox"/>	N/A		
Legal advice is included (if advice has been sought)			N/A		
Line area advice is included (if advice has been sought)			N/A		
All line areas consulted are clearly identified			N/A		
Comments from Commonwealth and State/Territory Ministers are included and addressed		<input checked="" type="checkbox"/>	N/A		
Additional information requests (stop clocks) are discussed and briefing package and additional information attached		<input checked="" type="checkbox"/>	N/A		
Current ERT Report included		<input checked="" type="checkbox"/>	Date of ERT Report: 13/12/2021		
Compliance, monitoring and auditing fact sheet is attached (for NCA and NCA-PM)		N/A			N/A

Identifies the protected matters potentially impacted by the proposed action and provides clear reasons why significant impacts are likely/not likely	<input checked="" type="checkbox"/>			
Recommendations on significance are based on EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (2013) and relevant referral guidelines	<input checked="" type="checkbox"/>			
Considers all adverse impacts the action has, will have or is likely to have on matters protected by each provision of Part 3 ((s.75)(2)(a))	<input checked="" type="checkbox"/>			
Does not consider any beneficial impacts the action has, will have or is likely to have on matter protected by each provision of Part 3 ((s.75)(2)(b))	<input checked="" type="checkbox"/>			
States that the decision maker must take account of the precautionary principle, and the precautionary principle is discussed as appropriate to recommendations of significance	<input checked="" type="checkbox"/>			
Bioregional plans are included and discussed (where relevant)		N/A		
Check listing status of all listed species potentially significantly impacted by the proposed action. Ensure correct listing statuses are used in the brief	<input checked="" type="checkbox"/>	N/A	Date of check against SPRAT: 10/01/2022	
BCD (Species Listing Information & Policy Section) weekly report is consulted to confirm imminent listing events or delistings (if required)	<input checked="" type="checkbox"/>	N/A	Date of weekly report: 07/01/2022	
BCD (Species Listing Information & Policy Section) line area advice included on recent and pending listing decisions (if required)	<input type="checkbox"/>	N/A	Date of advice received:	
NCA-PM decision	Brief	Decision Notice	Letters	
Wording of the proposed particular manner(s) clearly describe(s) the way in which the action must be undertaken to avoid significant impacts to protected matters, and accurately reflects the intent in the referral information		<input type="checkbox"/>		
Proposed particular manner(s) checked by Post Approvals Section	<input type="checkbox"/>			
CA decision	Brief	Decision Notice	Letters	
All controlling provisions have been identified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
State/territory comments included and addressed where relevant to recommending an appropriate assessment approach (s87(3)(c))	<input checked="" type="checkbox"/>			
Has a recommendation on an approach for assessment (s.87) (do not include where bilateral agreement applies, or decision on assessment approach is deferred)	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A
Cost recovery fee schedule included	<input checked="" type="checkbox"/>	N/A		<input checked="" type="checkbox"/>

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

ERT 10km

Report created: 13/12/2021 01:06:37

[Summary](#)

[Details](#)

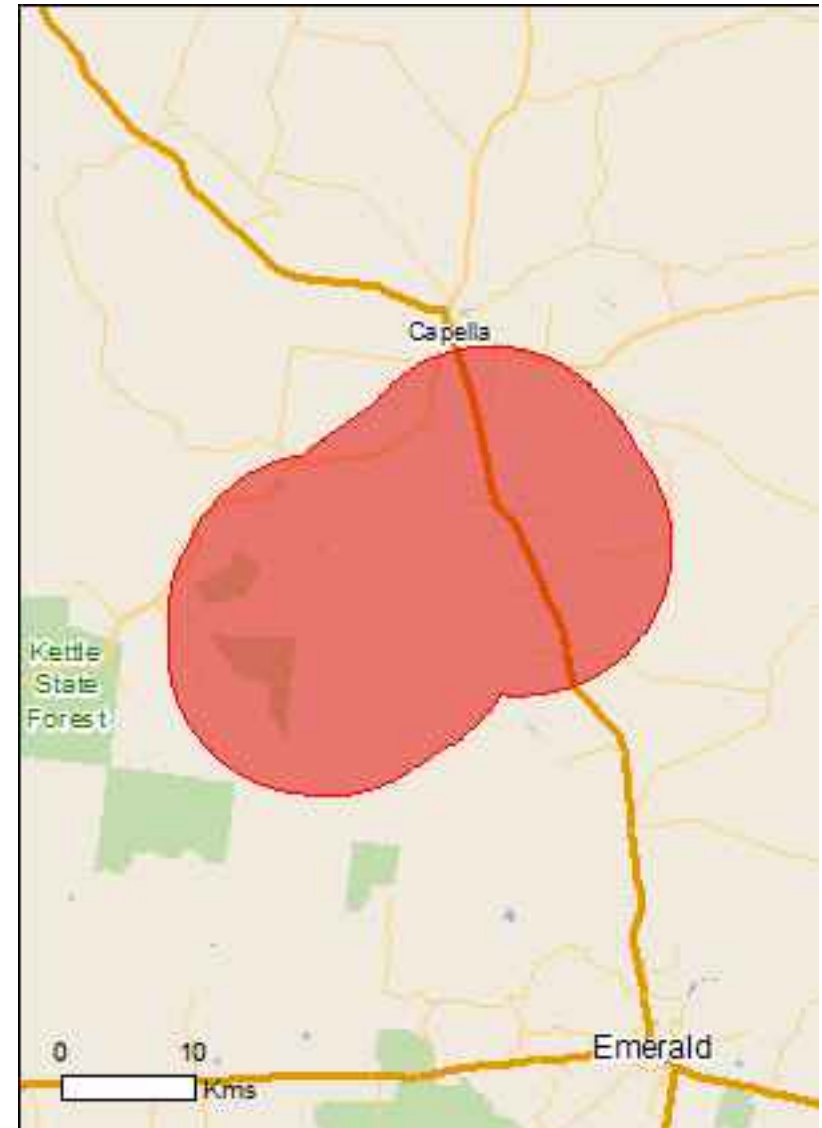
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

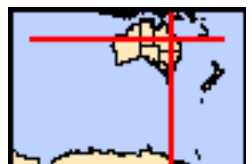
[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA Australia Limited



Summary

Matters of National Environment Significance

World Heritage Properties:	None
National Heritage Places:	None
Ramsar Wetlands:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	4
Threatened Species:	22
Migratory Species:	9

Other Matters Protected by the EPBC Act

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	14
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	1
Regional Forest Agreements:	None
Invasive Species:	19
Nationally Important Wetlands:	None
EPBC Act Referrals:	8
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Name	Status	Type of Presence
Brigalow (Acacia harpophylla dominant and co-dominant)	Endangered	Community known to occur within area
Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin	Endangered	Community likely to occur within area
Poplar Box Grassy Woodland on Alluvial Plains	Endangered	Community likely to occur within area
Weeping Myall Woodlands	Endangered	Community likely to occur within area

Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Current Scientific Name	Status	Type of Presence
BIRD		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Geophaps scripta scripta	DOCUMENT 2	Page 6 of 419
Squatter Pigeon (southern) [64440]	Vulnerable	Species or species habitat likely to occur within area
Grantiella picta		
Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Neochmia ruficauda ruficauda		
Star Finch (eastern), Star Finch (southern) [26027]	Endangered	Species or species habitat likely to occur within area
Poephila cincta cincta		
Southern Black-throated Finch [64447]	Endangered	Species or species habitat may occur within area
Rostratula australis		
Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
MAMMAL		
Dasyurus hallucatus		
Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat may occur within area
Nyctophilus corbeni		
Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)		
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat likely to occur within area
PLANT		
Cadellia pentastylis		
Ooline [9828]	Vulnerable	Species or species habitat may occur within area
Dichanthium queenslandicum		
King Blue-grass [5481]	Endangered	Species or species habitat known to occur within area
Dichanthium setosum		
bluegrass [14159]	Vulnerable	Species or species habitat likely to occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Solanum orgadophilum	<small>DOCUMENT 2</small>	<small>Page 7 of 419</small>
Capella Potato Bush [89185]	Critically Endangered	Species or species habitat known to occur within area

REPTILE

Delma torquata		
Adorned Delma, Collared Delma [1656]	Vulnerable	Species or species habitat may occur within area
Denisonia maculata		
Ornamental Snake [1193]	Vulnerable	Species or species habitat may occur within area
Egernia rugosa		
Yakka Skink [1420]	Vulnerable	Species or species habitat likely to occur within area
Elseya albagula		
Southern Snapping Turtle, White-throated Snapping Turtle [81648]	Critically Endangered	Species or species habitat likely to occur within area
Furina dunmalli		
Dunmall's Snake [59254]	Vulnerable	Species or species habitat may occur within area
Lerista allanae		
Allan's Lerista, Retro Slider [1378]	Endangered	Species or species habitat may occur within area
Rheodytes leukops		
Fitzroy River Turtle, Fitzroy Tortoise, Fitzroy Turtle, White-eyed River Diver [1761]	Vulnerable	Species or species habitat likely to occur within area

Migratory Species [\[Resource Information \]](#)

Current Scientific Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus		
Fork-tailed Swift [678]		Species or species habitat likely to occur within area

Migratory Terrestrial Species

Cuculus optatus		
Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area

[Motacilla flava](#)

Yellow Wagtail [644]

Species or species habitat may occur within area

[Myiagra cyanoleuca](#)

Satin Flycatcher [612]

Species or species habitat may occur within area

Migratory Wetlands Species

[Actitis hypoleucos](#)

Common Sandpiper [59309]

Species or species habitat may occur within area

[Calidris acuminata](#)

Sharp-tailed Sandpiper [874]

Species or species habitat may occur within area

[Calidris ferruginea](#)

Curlew Sandpiper [856]

Critically Endangered

Species or species habitat may occur within area

[Calidris melanotos](#)

Pectoral Sandpiper [858]

Species or species habitat may occur within area

[Gallinago hardwickii](#)

Latham's Snipe, Japanese Snipe [863]

Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species

[[Resource Information](#)]

Current Scientific Name

Threatened

Type of Presence

Bird

[Actitis hypoleucos](#)

Common Sandpiper [59309]

Species or species habitat may occur within area

[Anseranas semipalmata](#)

Magpie Goose [978]

Species or species habitat may occur within area overfly marine area

[Apus pacificus](#)

Fork-tailed Swift [678]

Species or species habitat likely to occur within area overfly marine area

[Bubulcus ibis as Ardea ibis](#)

Cattle Egret [66521]

Species or species habitat may occur within area overfly marine area

[Calidris acuminata](#)

Sharp-tailed Sandpiper [874]

Species or species habitat may occur within area

[Calidris ferruginea](#)

Curlew Sandpiper [856]

Critically Endangered

Species or species habitat may occur within area overfly marine area

[Calidris melanotos](#)

Pectoral Sandpiper [858]

Species or species habitat may occur within area overfly marine area

[Chalcites osculans as Chrysococcyx osculans](#)

Black-eared Cuckoo [83425]

Species or species habitat likely to occur within area overfly marine area

[Gallinago hardwickii](#)

Latham's Snipe, Japanese Snipe [863]

Species or species habitat may occur within area overfly marine area

[Haliaeetus leucogaster](#)

White-bellied Sea-Eagle [943]

Species or species habitat likely to occur within area

[Merops ornatus](#)

Rainbow Bee-eater [670]

Species or species habitat may occur within area overfly marine area

[Motacilla flava](#)

Yellow Wagtail [644]

Species or species habitat may occur within area overfly marine area

[Myiagra cyanoleuca](#)

Satin Flycatcher [612]

Species or species habitat may occur within area overfly marine area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Rostratula australis as Rostratula benghalensis (sensu lato)	<small>DOCUMENT 2</small> Endangered	Page 10 of 419 Species or species habitat may occur within area overfly marine area
Australian Painted Snipe [77037]		

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Caroa Island Paddock Nature Refuge	QLD

Invasive Species [Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
Bird		
Columba livia		
Rock Pigeon, Rock Dove, Domestic Pigeon [803]	Feral	Species or species habitat likely to occur within area
Passer domesticus		
House Sparrow [405]	Feral	Species or species habitat likely to occur within area
Frog		
Rhinella marina		
Cane Toad [83218]	Feral	Species or species habitat known to occur within area
Mammal		
Bos taurus		
Domestic Cattle [16]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Canis familiaris listed as Canis lupus familiaris	<small>DOCUMENT 2</small>	<small>Page 11 of 419</small>
Domestic Dog, Dingo [17]	Feral	Species or species habitat likely to occur within area
Felis catus		
Cat, House Cat, Domestic Cat [19]	Feral	Species or species habitat likely to occur within area
Lepus capensis		
Brown Hare [127]	Feral	Species or species habitat likely to occur within area
Mus musculus		
House Mouse [120]	Feral	Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]	Feral	Species or species habitat likely to occur within area
Sus scrofa		
Pig [6]	Feral	Species or species habitat likely to occur within area
Vulpes vulpes		
Red Fox, Fox [18]	Feral	Species or species habitat likely to occur within area
Plant		
Cryptostegia grandiflora		
Rubber Vine, Rubbervine, India Rubber Vine, India Rubbervine, Palay Rubbervine, Purple Allamanda [18913]	WoNS	Species or species habitat likely to occur within area
Hymenachne amplexicaulis		
Hymenachne, Olive Hymenachne, Water Stargrass, West Indian Grass, West Indian Marsh Grass [31754]	WoNS	Species or species habitat likely to occur within area
Jatropha gossypifolia listed as Jatropha gossypifolia		
Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [89505]	WoNS	Species or species habitat likely to occur within area
Lantana camara		
Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Parkinsonia aculeata Parkinsonia, Jerusalem Thorn, Jelly Bean Tree, Horse Bean [12301]	<small>DOCUMENT 2</small> WoNS	Species or species habitat likely to occur within area
Parthenium hysterophorus Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]	WoNS	Species or species habitat likely to occur within area
Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]	WoNS	Species or species habitat likely to occur within area

EPBC Act Referrals [\[Resource Information \]](#)

Further details about the referral is available in the Environmental Impact Assessment System (EIAS); click on the title to access.

Referral			
Title	Reference	Referral Outcome	Assessment Status
Galilee Coal Project including development of coal mine, 495km railway, port and	2008/4366	Action Clearly Unacceptable	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed
Teresa Coal Mine, QLD	2011/6094	Controlled Action	Proposed Decision
Valeria Project ??? mine site, on-site construction workers accommodation camp and mine access road	2021/9077	Referral Decision	Referral Publication
Valeria Project Communications Infrastructure from the Gregory Highway to the mine site	2021/9074	Referral Decision	Referral Publication
Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline	2021/9078	Referral Decision	Referral Publication
Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain	2021/9076	Referral Decision	Referral Publication
Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine	2021/9075	Referral Decision	Referral Publication

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment, Energy and Science, New South Wales](#)
- [-Department of Environment, Land, Water and Planning, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Government of South Australia, Department for Environment and Water, South Australia](#)
- [-Department of Environment and Natural Resources, Northern Territory](#)
- [-Department of Environment and Science, Queensland](#)
- [-Department of Biodiversity, Conservation and Attractions, Western Australia](#)
- [-Environment, Planning and Sustainable Development Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Department of Environment and Energy, Australian Bird and Bat Banding Scheme](#)
- [-CSIRO, Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Australian Museum](#)
- [-Museums Victoria](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

**2021-9074 Valeria Project Communications Infrastructure from the
Gregory Highway to the mine site, QLD**

Referral Decision Briefing Package

Document	Name	Document Description
Brief	2021-9074 Referral Decision Brief	FOR SIGNATURE
QA Check	2021-9074 Quality Assurance Checklist-Referral	
Referral Documentation:		
Attachment A	2021-9074 Referral Decision Referral Documentation	
Attachment A1	2021-9074 Att A-Figures 1-8	
Attachment A2	2021-9074 Att B-Terrestrial Likelihood of Occurrence Memo-2021	
Attachment A3	2021-9074 Att C-Aquatic Likelihood of Occurrence Memo-2021	
Attachment A4	2021-9074 Att D-PMST Searches-2021	
Attachment A5	2021-9074 Att E-Sustainability Report-2020	
Attachment A6	2021-9074 Att F-Lot numbers	
Attachment A7	2021-9074 Att G-CHIMA for Valeria	
Attachment A8	2021-9074 Att H-SEP for Valeria	
Further information:		
Attachment B	2021-9074 Referral Decision-AttB-ERT-10km-20211220	
Comments:		
Attachment C	2021-9074 Referral Decision-AttC-Public Comments	
Attachment D1	2021-9074 Referral Decision-Att D-Comment from Industry	
Attachment D2	2021-9074 Referral Decision-AttD-Comment from GA	
Attachment D3	2021-9074 Referral Decision-AttD-Comment from NIAA	
Attachment D4	2021-9074 Referral Decision-AttD-Comment from DES	
Fee schedule:		
Attachment E	2021-9074 Referral Decision-AttE-Cost Recovery-Justification	
Attachment F	2021-9074 Referral Decision-AttF-Cost Recovery-Proponent	
Decision Notice:		
Attachment G	2021-9074 Referral Decision-AttG-Decision Notice	FOR SIGNATURE
Letters:		
Attachment H1	2021-9074 Referral Decision-AttH-Letter-Proponent	FOR SIGNATURE
Attachment H2	2021-9074 Referral Decision-AttH-Letter-state	FOR SIGNATURE

Survey Responses

10 December 2021 - 23 December 2021

Referral: EPBC 2021/9074 - Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, QLD

Have Your Say - Agriculture, Water and the Environment

Project: Public comments on EPBC Act referrals



VISITORS					
7					
CONTRIBUTORS			RESPONSES		
4			4		
0	0	4	0	0	4
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:06:11 pm**Last Seen:** Dec 21, 2021 16:06:11 pm**IP Address:** n/a

Q1. Name	Environment Council of Central Queensland
Q2. Email address	s 47F(1)
Q3. Do you consider this is a controlled action?	Yes
Q4. Provide reasons for why you believe this is/is not a controlled action.	<p>Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.</p>
Q5. Do you have any attachments you wish to upload to support your feedback?	No
Q6. Upload your file using the 'choose file' button.	not answered
Q7. Upload your file using the 'choose file' button.	not answered
Q8. Upload your file using the 'choose file' button.	not answered
Q9. Upload your file using the 'choose file' button.	not answered
Q10. Upload your file using the 'choose file' button.	not answered
Q11. Is your response confidential?	No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:26:21 pm**Last Seen:** Dec 21, 2021 16:26:21 pm**IP Address:** n/a

Q1. **Name** s 47F(1) for Lock the Gate Alliance

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Therefore we consider the project should be a controlled action for threatened species and communities.

Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project.

Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Environmental Impact Statement As a result of the massive scale of this project and the severe impacts it is likely to have a full EIS should be required for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 17:04:30 pm**Last Seen:** Dec 23, 2021 17:04:30 pm**IP Address:** n/a

- Q1. **Name** Australian Conservation Foundation Incorporated
-
- Q2. **Email address** s. 47F(1) @acf.org.au
-
- Q3. **Do you consider this is a controlled action?** Yes
-
- Q4. **Provide reasons for why you believe this is/is not a controlled action.**
Please see two letters attached.
-
- Q5. **Do you have any attachments you wish to upload to support your feedback?** Yes
-
- Q6. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/c1a2d8a098979f90c248235c55571e19642475b1/original/1640239414/7fb5870a754abe2963ab6529ada074f2_211223_Ltr_to_Minister_re_Valeria_Project_2021-9074.pdf?1640239414
-
- Q7. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/bbe696d910b2d95ffae46899553295e71fc64ddc/original/1640239440/6ff7c3c78a0735ff7f99ca16e322d145_211223_EDO_Ltr_re_ACF_Submission_re_Valeria_2021-9077.pdf?1640239440
-
- Q8. **Upload your file using the 'choose file' button.** not answered
-
- Q9. **Upload your file using the 'choose file' button.** not answered
-
- Q10. **Upload your file using the 'choose file' button.** not answered
-
- Q11. **Is your response confidential?** No
-
- Q12. **Please specify the parts of your response that are confidential**
not answered
-
- Q13. **Confirm that you have read and understand this privacy notice.** Yes
-
- Q14. **Confirm that you have read and understand this declaration.** Yes
-

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 19:29:46 pm**Last Seen:** Dec 23, 2021 19:29:46 pm**IP Address:** n/a

Q1. **Name** CQ Futures Ltd.

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

Ref 101/0003868

21 December 2021

s. 22(1)(a)(ii)

Director

Environment Queensland (North)

Environment Assessments Queensland and Sea Dumping

Department of Agriculture, Water and the Environment

GPO Box 858

CANBERRA ACT 2601

Dear s22(1)(a)(ii)

Invitation to comment on referrals:

- **EPBC 2021/9074 – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD**
- **EPBC 2021/9075 – Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD**
- **EPBC 2021/9076 – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD**
- **EPBC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD**
- **EPBC 2021/9078 – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD**

Thank you for your letters dated 10 December 2021 requesting advice on whether the above actions should be assessed in a manner described in Schedule 1 of the Agreement between the Commonwealth of Australia and the State of Queensland (the Bilateral Agreement) developed under Section 45 of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Business Centre (Coal), Coal and Central Queensland Compliance within the Department of Environment and Science advised the following:

- In 2019, Glencore submitted two applications for a site-specific Environmental Authority (EA) for Valeria and Valeria South Coal Projects.
- Separate EA applications were required due to the different holding company structures of the associated tenures.
- An information request was issued in 2019 for both applications, requiring an EIS under the *Environmental Protection Act 1994*.
- In June 2020, the Valeria project was declared a Coordinated project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- A joint EIS for both Valeria and Valeria South coal projects (jointly referred to as the Valeria coal project) is required under the SDPWO Act.

- The application materials for Valeria and Valeria South did not include the co-located infrastructure corridor or the construction workers accommodation camp the subject of the referral (EPBC 2021/9078).
- If the application materials are updated to include the infrastructure the subject of the EPBC referral, any considerations under the *Environmental Offsets Act 2014* and its subordinate legislation will be dealt with during the EIS process.
- If the application material is updated to include the co-located infrastructure corridor and construction workers accommodation camp, and DAWE determines that the project is a 'controlled action', potential impacts and proposed mitigation and management measures should be assessed via the EIS Bilateral Agreement.

The Office of the Coordinator-General (OCG) within the Queensland Department of State Development, Infrastructure, Local Government and Planning has advised that on 12 June 2020, the Coordinator-General declared the Valeria Project as a coordinated project under Part 4 of the SDPWO Act. Consequently, in accordance with clause 12.2 of the Bilateral Agreement, the above actions will be assessed using the environmental impact statement (EIS) process under Part 4 of the SDPWO Act. This assessment process falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

The OCG noted that the scope of the project described in the EPBC referrals is different to that described in the Initial Advice Statement (on which coordinated project declaration was based). The OCG is currently working with Glencore to understand how substantial these project changes are. The Queensland contact officer at the OCG is as follows:

s 22(1)(a)(ii)
Project Manager
Office of the Coordinator-General
Department of State Development, Infrastructure, Local Government and Planning
Level 17, 1 William Street, Brisbane QLD 4000
PO Box 15517, City East QLD 4002
Phone: s 22(1)(a)(ii)
Email: s 22(1)(a)(ii) [@coordinatorgeneral.qld.gov.au](mailto:s.22(1)(a)(ii)@coordinatorgeneral.qld.gov.au)

Should you have any further enquiries, please contact me on telephone s. 47F(1)

s 47F(1)

Director, Technical and Assessment Services



**Resources Stewardship and Environment
Resources Strategy Branch
Resources Division
Department of Industry, Science, Energy and Resources**

Cnr Jerrabomberra Avenue
and Hindmarsh Drive,
Symonston ACT 2609
GPO Box 378,
Canberra, ACT 2601 Australia
Phone: +61 2 6249 9111
Facsimile: +61 2 6249 9999
Web: www.ga.gov.au
ABN 80 091 799 039

21 December 2021

Attn: s 22(1)(a)(ii)

Re: Invitation to comment on referral 2021/9077 | Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD and related referrals for integral infrastructure for mining operations (2021/9074, 2021/9075, 2021/9076 and 2021/9078).

I refer to your request for comments dated 10 December 2021 on the referrals by Valeria Coal Holdings Pty Ltd (the Proponent) for the Valeria Project mine site (the Project) and related associated actions necessary for mining operations.

Geoscience Australia has individually assessed each related action in our combined response for the five referrals. Geoscience Australia has reviewed the referral information, particularly as it relates to sections 24D and 24E (the water trigger) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), with attention to potential impacts to groundwater resources and other technical geoscience or geotechnical factors.

Table 1: EPBC referrals related to the Valeria Project (EPBC 2021/9077) and associated actions and self-assessment against water trigger MNES considerations.

EPBC Number	Title	Likely impact to water resources	Is the impact likely to be significant?
2021/9077	Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD	Yes	Yes
2021/9074	Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD	Yes	Yes
2021/9075	Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD	Yes	Yes
2021/9076	Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD	Yes	Yes
2021/9078	Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD	Yes	Yes

Summary

The Proponent has self-assessed that the Project and associated actions are likely to have a significant impact on water resources, and as such constitute controlled actions. Referrals for the

associated actions contain information that can be used to assess the potential impacts to matters protected under Sections 24D and 24E of the EPBC Act (Table 1 and Table 2). Groundwater monitoring, modelling and geochemical characterisation of water material will be undertaken for the Project Environmental Impact Statement (EIS) in accordance with the significant impact guidelines.

The Proponent has split the Project and associated actions into five separate referrals for commercial reasons. The Proponent states that five referrals "...have been submitted for the components...to enable potential future transfer of approvals to third party providers, to own, construct and operate the respective assets."¹ In splitting the Project and associated actions, but also identifying that all actions meet the water trigger, the Proponent has acknowledged that each individual action meets the criteria for assessment against the water trigger.

Background

The Project is an open cut metallurgical and thermal coal mine located approximately 27 kilometres north-west of Emerald, 8 km south-west of Capella and 270 km west of Rockhampton. The Project is expected to produce up to 20 Million tonnes per annum (Mtpa) of Run of Mine (ROM) coal over an operational life of approximately 35 years, from a total recoverable coal resource of 594 million tonnes (Mt). ROM coal will result in approximately 14–16 Mtpa saleable coal. A total of five EPBC Act Referrals have been submitted for the components of the Project (Table 1). The Proponent as identified potential impacts to groundwater resources for the Project and associated actions (Table 2).

Table 2: Potential groundwater impacts for the Project and associated actions (from Section 2.9 of each referral).

EPBC Number	Potential groundwater impacts
2021/9077	<p>The Proposed Action will have the potential to impact on groundwater, stygofauna and GDEs through:</p> <ul style="list-style-type: none"> • Changes to groundwater levels and/or pressure, reducing water availability and potentially impacting surrounding users • Changes to groundwater levels impacting the ability for GDEs to access groundwater and impacting stygofauna habitat • Reduction of baseflow to watercourses, potentially resulting in impacts to GDEs and downstream users • Contamination of shallow groundwater systems due to the improper storage and handling of fuels and chemicals • Changes in groundwater quality through seepage from out-of-pit dumps, in-pit or out-of-pit tailings disposal, and mine affected water storage dams. • Changes to levels and/or quality of shallow groundwater systems from over-use of water for dust suppression and construction activities
2021/9074	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>
2021/9075	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>

¹ Page 1, "EBPC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5" http://epbcnotices.environment.gov.au/_entity/annotation/1870a88f-9358-ec11-80cf-00505684c137/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1640037965127

EPBC Number	Potential groundwater impacts
2021/9076	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.
2021/9078	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.

The Project will include clearing approximately 4480 ha, and the potential for increased fauna mortality, including MNES fauna. Groundwater drawdown caused by the establishment of open pit operations has potential to impact subsurface and terrestrial environments where they are connected to impacted aquifers. Within the mine site, the following mine infrastructure is proposed:

- Six open cut pits
- ROM pad, hopper and stockpiles
- Coal Handling and Preparation Plant (CHPP) and Mine Infrastructure Area (MIA)
- Tailings Storage Facilities (TSF)
- Out-of-pit and in-pit waste rock dumps
- Water storage dams
- Mine affected water dams
- Train load-out (TLO)
- Internal haul roads and light vehicle access roads
- Office buildings and amenities
- Sewage treatment facilities
- On-site construction workers accommodation camp
- Power and communications infrastructure

This infrastructure will support the following activities associated with the mine site:

- Blasting and drilling of waste rock
- Excavation of on-site rock material to produce gravel and construction fill materials for use in construction of mine related and transport infrastructure
- Placement of waste rock in out-of-pit waste rock dumps and in-pit when mine sequencing allows
- Staged development of six open cut pits and ROM stockpiles
- Progressive development of water storage, transfer and sediment dams, levees, pipelines, pumps and other water management infrastructure;
- Disposal of tailings within the out of pit and in pit TSFs
- Disposal of rejects within put of pit and in pit waste rock dumps
- Progressive rehabilitation of the mine site

Referral documentation for the Project and associated actions does not provide estimates of groundwater drawdown. The only information about post-closure and rehabilitation impacts is limited to a commitment to fill pit voids with waste rock. The Proponent will provide details of closure and post-closure in the Progressive Rehabilitation and Closure Plan (PRCP) as part of the EIS submission.

Coal Resources

The Valeria Project contains recoverable black coal equivalent to 369 Mt, comprising less than 1% of the national inventory of Economic Demonstrated Resources (EDR). The Valeria Project contains

additional recoverable Inferred Resources equivalent to 225 Mt, comprising less than 1% of the national inventory of Inferred Resources (Table 3).

Table 3: World and Australian recoverable black coal resources and comparisons with the Valeria Project.

Region/Deposit	EDR		Inferred Resources	
	(Mt)	(% Aust.)	(Mt)	(% Aust.)
World Black Coal	749,167			
Australia Recoverable Black Coal	75,428		84,097	
Valeria Project	369	<1	225	<1

Abbreviations: EDR - Economic Demonstrated Resources; Mt - million tonnes.

Sources: Australia's Identified Mineral Resources 2020, Glencore Resources and Reserves as at 31 December 2020.

Comments

The Proponent has provided minimal information and modelling of potential impacts to groundwater resources by the Project and associated actions (Table 2). Given the size and nature of the Project, Geoscience Australia sees no reason to disagree with the Proponent's self-assessment of the Project being a controlled action, with the water trigger as a controlling provision. Geoscience Australia expects more detail to be included in the EIS for the Project. Geoscience Australia notes that the Project is likely to contribute to cumulative impacts to water resources arising from coal mining in the region.

As the Proponent has identified that the associated actions are considered part of the Project's requirements for coal extraction. To that end, the Proponent considers that the Project and associated actions are likely to meet the criteria for consideration under the water trigger. Geoscience Australia considers this to be a pragmatic approach, and encourages the Department to assess all actions together to optimise the assessment process, and ensure all actions are treated with due consideration.

If you have any queries on our comments, please contact me on (s. 47F(1)) or by email to s 47F(1)

Kind regards,

s. 47F

s. 47F(1)

A/g Director - Groundwater Advice and Data Section
Advice, Investment Attraction and Analysis Branch
Minerals, Energy and Groundwater Division
Geoscience Australia

s 22(1)(a)(ii)

Subject: FW: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9074) Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, QLD [SEC=OFFICIAL]

From: energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Sent: Tuesday, 14 December 2021 10:42 AM
To: **s22(1)(a)(ii)** <@environment.gov.au>
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>; EPBC Referrals <EPBC.Referrals@awe.gov.au>
Subject: RE: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9074) Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, QLD [SEC=OFFICIAL]

Good afternoon,

Thank you for providing the opportunity to comment on this referral.

Please be advised of a nil response from Minister Taylor.

Kind regards,

s 47F(1)

s 47F(1)
Governance Officer

Energy Division | Energy Governance | Governance and Secretariat
Ngunnawal Country, 51 Allara Street (GPO Box 2013) Canberra ACT 2601 Australia
Department of Industry, Science, Energy and Resources
P s. 47F(1) <@industry.gov.au>

industry.gov.au ABN 74 599 608 295

Supporting economic growth and job creation for all Australians | We are collaborative, innovative, respectful and strive for excellence

**Acknowledgement of Country**

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



OFFICIAL

From: EPBC Referrals [<mailto:EPBC.Referrals@awe.gov.au>]
Sent: Friday, 10 December 2021 8:52 AM
To: angus.taylor.mp@aph.gov.au
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Subject: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9074) Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, QLD [SEC=OFFICIAL]



Australian Government
Department of Agriculture,
Water and the Environment

The Hon Angus Taylor MP
Minister for Industry, Energy and Emissions
Reduction
Parliament House
CANBERRA ACT 2600

Date: 10 December 2021
EPBC Ref: 2021/9074
EPBC contact: s. 22(1)(a)(ii)

s. 22(1)(a)(ii)@[environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

Dear Minister,

**Invitation to comment on referral
Valeria Project Communications Infrastructure from the Gregory Highway to the mine site,
Gordonstone, QLD**

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate communications infrastructure including a fibre optic cable extending from the mine site to the Gregory Highway, Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021**. Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email s. 22(1)(a)(ii)@[environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9074.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:
<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director

Referrals Gateway

s. 22(1)(a)(ii)

Subject: FW: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

From: Gray, Lauren <Lauren.Gray@niaa.gov.au>

Sent: Thursday, 23 December 2021 9:44 PM

To: s. 22(1)(a)(ii) awe.gov.au

Cc: s. 22(1)(a)(ii) @environment.gov.au; Environment Policy <EnvironmentPolicy@niaa.gov.au>; Heritage <Heritage@niaa.gov.au>; s. 47F(1)s. 47F(1)s. 47F(1) @niaa.gov.au>

Subject: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

OFFICIAL**s. 22(1)(a)(ii)**

Director

Environment Queensland (North)

Environment Assessments Queensland and Sea Dumping

Department of Agriculture, Water and the Environment

s. 22(1)(a)(ii) environment.gov.au

Dear s. 22(1)(a)(ii)

Thank you for the emails of 10 December 2021 inviting comments on the five referrals for proposed action by Valeria Coal Holdings Pty Ltd (Valeria) to construct and operate a coal mine in Gordonstone Queensland. The projects include the construction and operation of an open cut metallurgical and thermal coal mine with associated infrastructure (EPBC 2021/9077). We note the associated infrastructure includes the development of an infrastructure corridor along which the proponent is proposing to install water supply pipeline infrastructure (EPBC 2021/9075), communications infrastructure (EPBC 2021/9074), railway infrastructure which will be extended to connect with the Aurizon Goonyella Coal Chain (Oak Creek) rail network (EPBC 2021/9076), and power infrastructure, including construction of a 36km 66 kilovolt power line connected to a substation to be constructed onsite (EPBC 2021/9078).

The National Indigenous Australians Agency (NIAA) notes that Valeria elected to create five separate referrals for the mine due to future potential transfer of approvals to third parties service providers to own, construct and operation the respective assets. As our comments apply to all five referrals, a consolidated response is provided.

The NIAA notes the project area is within the Kangoulu People and Western Kangoulu People's Native Title claim areas. Due to the differences in land tenure over the project area, the NIAA recommends the proponent seek advice from the Queensland Government as to whether any future act process apply under the *Native Title Act 1993* prior to commencing work.

We note and commend the proponent for undertaking thorough and ongoing engagement with the Western Kangoulu People. Engagement has included discussions regarding development of a Native Title Agreement, a Cultural Heritage Management Plan (CHMP) and the undertaking of surveys for cultural heritage values. We further note that the proponent continues to meeting periodically with the Western Kangoulu People.

Four of the five referrals state that the second Traditional Owner has yet to be identified, however referral 2021/9076 identified the Kangoulu People as the other Native Title Group relevant to the project. All referrals have committed to engagement with the Kangoulu People upon identification, however it is unclear if this engagement has occurred as yet. The NIAA recommends that if it has not already done so, the proponent engage with the Kangoulu people as soon as possible. We note that the referrals state that engagement with the second Native Title group will include discussions regarding development of a Native Title Agreement, a CHMP and cultural heritage surveys.

Consultation with both Native Title Groups should include joint development of protocols for the identification, protection and management of both tangible and intangible values [that may emerge throughout all phases of the life of the project](#). The NIAA recommends these protocols be formalised in the CHMPs. We also encourage the proponent to undertake ongoing consultation with all Traditional Owners and Indigenous stakeholders relevant to the project.

We note that a search of the Queensland Cultural Heritage Database and Register was undertaken for all elements of the project, supported by on-ground cultural heritage surveys. We note that the database search did not identify any registered sites or heritage values, however the cultural surveys identified Indigenous cultural heritage values within the mining site and two artefacts scatters within the eastern portion of the project area. We note there are plans to undertake targeted surveys of the eastern portion of the site in early 2022.

It is unclear from the referrals if the Traditional Owners were involved with the on-ground surveys, or if the proponent intends to engage the Traditional Owners for the 2022 surveys. The NIAA recommends the proponent engage the Western Kangoulu People regarding the completed surveys and include the Kangoulu People in the 2022 surveys, to ensure Traditional Owner views and knowledge is thoroughly captured.

In addition, the NIAA notes the proposed action is likely to have direct and indirect impacts on a number of threatened flora, fauna, ecological communities and migratory species that may have cultural significance to Traditional Owners. This includes potential impacts to the Koala, Greater Glider, bluegrass and the Brigalow ecological community, along with other species listed in the referral. The NIAA recommends the proponents include consultation on these and any other intangible values in their collaboration with Traditional Owners in developing the CHMPs.

The NIAA also encourages consultation with the Traditional Owners to explore involvement in cultural awareness training, as well as the planning and management of future decommissioning and site rehabilitation.

Finally, the NIAA supports the engagement of Indigenous employees and businesses to help fully realise the economic benefit and value of the project to local Indigenous people. The NIAA encourages Valeria to consider opportunities for engaging Traditional Owners in the project. The proponent may also wish to consult Supply Nation, which maintains a free online directory that can identify suitable Indigenous businesses, to support Indigenous participation targets under this project. It may also be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.

Yours sincerely,

Lauren Gray
Branch Manager
Land Policy and Environment Branch
National Indigenous Australians Agency

23 December 2021

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Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9074

Date of Fee Schedule: Jan. 11, 2022

Project title: Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, QLD

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$5,871	\$0	\$9,832
Stage 2	\$3,655	\$9,296	\$0	\$12,951
Stage 3	\$2,175	\$9,786	\$34,949 (Estimate)	\$46,910 (Estimate)
Stage 4	\$8,355	\$23,976	\$34,949 (Estimate)	\$67,280 (Estimate)
TOTAL PROJECT COST	\$18,146	\$48,931	\$69,898 (Estimate)	\$136,975 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

	COMPLEXITY	FEE
CONTROLLING PROVISIONS		
A Listed threatened species and ecological communities At least 15 listed threatened species and ecological communities will require further assessment.	Very High	\$48,931
B Listed migratory species Not applicable.	None	\$0
C Wetlands of international importance Not applicable.	None	\$0
D Environment of the Commonwealth marine area Not applicable.	None	\$0
E World heritage properties Not applicable.	None	\$0
F National heritage places Not applicable.	None	\$0
Part A Fees		
G Nuclear actions Not applicable.	None	\$0
H Great Barrier Reef Marine Park Not applicable.	None	\$0
I Water Resources Not applicable.	None	\$0
J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas Not applicable.	None	\$0
NUMBER OF PROJECT COMPONENTS		
K Number of project components N/A	Low	\$0
COORDINATION WITH OTHER LEGISLATION		
L Coordination with other legislation	Low	\$0
Part B Fees: estimate (to be confirmed prior to Stage 3)	ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE	
M Site surveys/Knowledge of environment	High	\$34,949

	COMPLEXITY	FEE
The referral states that further surveys will be undertaken once the disturbance footprint is finalised. The department considers that further surveys are required to inform the habitat and impact assessment for listed threatened species and communities.		
Management measures (including mitigation and offsets)	High	
N The referral states that further assessments will be undertaken to inform the site layout and placement of infrastructure to avoid and mitigate potential impacts to MNES. Further detail on these measures is required.		\$34,949
O Project scope	Low	\$0
N/A		
EXCEPTIONAL CIRCUMSTANCES		
Exceptional circumstances	False	\$0
N/A		
TOTAL COMPLEXITY FEES (Estimate)		\$118,829
BASE FEE		\$18,146
TOTAL FEE (Estimate)		\$136,975

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)



Australian Government
**Department of Agriculture,
 Water and the Environment**

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Fee Breakdown

		COMPLEXITY FEE
	CONTROLLING PROVISIONS	
	A Listed threatened species and ecological communities	Very High \$48,931
	B Listed migratory species	None \$0
	C Wetlands of international importance	None \$0
	D Environment of the Commonwealth marine area	None \$0
	E World heritage properties	None \$0
	F National heritage places	None \$0
	G Nuclear actions	None \$0
Part A Fees	H Great Barrier Reef Marine Park	None \$0
	I Water Resources	None \$0
	J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None \$0
	NUMBER OF PROJECT COMPONENTS	
	K Number of project components	Low \$0
	COORDINATION WITH OTHER LEGISLATION	
	L Coordination with other legislation	Low \$0
	ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE	
Part B Fees: estimate	M Site surveys/Knowledge of environment	High \$34,949
(to be confirmed prior to Stage 3)	N Management measures (including mitigation and offsets)	High \$34,949
	O Project scope	Low \$0
	EXCEPTIONAL CIRCUMSTANCES	
Exceptional circumstances	P Exceptional circumstances	False \$0
	TOTAL COMPLEXITY FEES (Estimate)	\$118,829
	BASE FEE	\$18,146
	TOTAL FEE (Estimate)	\$136,975

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

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Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)

**NOTIFICATION OF
REFERRAL DECISION AND DESIGNATED PROPONENT – CONTROLLED ACTION
DECISION ON ASSESSMENT APPROACH – ACCREDITED ASSESSMENT**

Valeria Project Communications Infrastructure from the Gregory Highway to the mine site (EPBC 2021/9074)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To construct and operate buried fibre-optic cable and associated communications infrastructure to connect at the Gregory Highway approximately 15 km to the Valeria mine site. [See EPBC Act referral 2021/9074]
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decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
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relevant controlling provisions	<ul style="list-style-type: none">Listed threatened species and communities (sections 18 & 18A)
--	---

designated proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701
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assessment approach	The proposed action will be assessed by accredited assessment under the <i>Queensland State Development and Public Works Organisation Act 1971</i> .
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Decision maker	
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name and position	Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch
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signature	
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date of decision	January 2022
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To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Qld (EPBC 2021/9074)

Timing: 17 January 2021 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 4 See <u>Attachment C</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: <ul style="list-style-type: none"> • The Hon Ken Wyatt AM MP, Minister for Indigenous Australians • The Hon Keith Pitt MP, Minister for Resources and Water • Mr Chris Loveday, delegate of the Hon Leeanne Enoch, Queensland Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts See <u>Attachment D</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited assessment Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered Please discuss													

2. Agree that the proposed action is a component of a larger action.

Agreed / ~~Not agreed~~

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / ~~Not agreed~~

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / ~~Not agreed~~

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / ~~Not agreed~~

6. If you agree to recommendations 2 and 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / ~~Please discuss~~

7. Agree to the designated proponent.

Agreed / ~~Not agreed~~

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / ~~Not agreed~~

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment, review of the terms of reference.

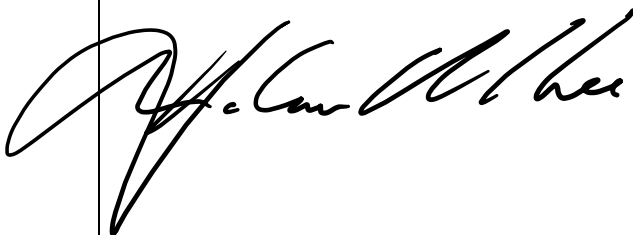
Noted / ~~Please discuss~~

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / ~~Not signed~~

11. Sign the letters at Attachment H.

Signed / ~~Not signed~~



Andrew McNee
Assistant Secretary
Environment Assessments Queensland and
Sea Dumping Branch

Date: 17 January 2022

Comments:

KEY ISSUES:

- The department considers the proposed action (EPBC 2021/9074 – Communications infrastructure) to be a component of a larger action, being one of five components of the overarching Valeria Project. All components have been referred separately to enable their potential future transfer, and include:
 - Valeria Project – mine site, on-site construction workers accommodation camp and mine access road (EPBC 2021/9077 – referral 1 of 5);
 - Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain (EPBC 2021/9076 – referral 2 of 5);
 - Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Qld (EPBC 2021/9075 – referral 3 of 5);
 - Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline (EPBC 2021/9078 – referral 4 of 5); and
 - Valeria Project Communications Infrastructure from the Gregory Highway to the mine site (EPBC 2021/9074 – referral 5 of 5).
- On 12 June 2020, the overarching Valeria Project was declared a coordinated project by the Office of the Coordinator General.
- The department considers the proposed action is likely to have a significant impact on listed threatened species and communities. This includes the clearance of approximately 234 hectares (ha) of habitat critical to the survival of the vulnerable Koala (*Phascolarctos cinereus*) and the clearance of approximately 23.7 ha of endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) threatened ecological community.
- The department considers the proposed action to be integral to the construction and operation of a large coal mine (EPBC 2021/9077) and, as such, an action to which the water trigger controlling provision could apply. However, the department considers the proposed action is unlikely to have a significant impact on water resources and, therefore, recommends the water trigger not be applied.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The proposed action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal **is** a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2021, the proponent agreed to an extension of the referral decision timeframe to afford the department three additional business days to account for the departmental shut-down period from 25 December 2021 to 3 January 2022. On 7 January 2022, a delegate of the Minister decided to suspend the statutory timeframe for a referral decision by three business days to extend this timeframe to 17 January 2022.

Description of the proposal (including location)

The proposed action is to construct and operate buried fibre-optic cable and associated communications infrastructure to connect at the Gregory Highway approximately 15 km to the Valeria mine site, 34 km north-west of Emerald, central Queensland. The communications

infrastructure is a co-located corridor which encompasses the proposed mine access road, parts of the rail line, water supply pipeline, powerline and communications infrastructure. The co-located infrastructure corridor is included within each of the five EPBC Act Referrals listed above.

The referral states the following elements will be required for the communications infrastructure project site:

- A buried fibre-optic cable connecting existing communications infrastructure near the Gregory Highway to the Valeria Mine Infrastructure Area (MIA);
- Maintenance track; and
- Signage and other safety requirements.

The communications infrastructure corridor (project site) is located within the Central Highlands Regional Council Local Government Area (LGA) of the Bowen Basin, in Central Queensland. The project site starts in the mine site and extends eastward within the co-located infrastructure corridor to the Gregory Highway. The project site is approximately 1,935 ha, which includes a 787 ha area associated with the MIA, within the mine site. The width of the project site varies between 550 m to 2.7 km. The width of the disturbance footprint for the communications infrastructure is expected to be up to 20 m along the length of the Proposed Action area.

The third-party communications infrastructure supplier will likely require an easement within which to construct the fibre optic cable. This would extend from the MIA in the mine site, east within the co-located infrastructure corridor to existing communications infrastructure near the Gregory Highway.

The referral states a cleared maintenance track will be required over the life of the project.

Description of the environment

The proposed action is situated in the Bowen basin, within the Brigalow Belt bioregion and the upper Fitzroy River catchment. The referral states that the majority of the project site is currently used for grazing and cropping.

The referral states that initial desktop and field results indicate the project site encompasses approximately 311 ha of remnant and regrowth vegetation communities (approximately 16% of the overall project site) with the remainder considered as cleared non-remnant lands.

The geology of the site ranges from alluvial clay plains, cracking clays, sandy soils, and shallow clay soils with occasional outcrops. The topography of the project site is relatively flat and ranges from 199 m Australian Height Datum (AHD) near Carbine Creek, to between 225 m and 251 m AHD in the east (adjacent to the Gregory Highway).

The project site is in the Fitzroy drainage catchment. Three ephemeral watercourses occur within the project site, comprising Carbine Creek, Theresa Creek and Gordonvale Creek. Carbine and Theresa Creeks, located at the western extent of the Proposed Action area, are watercourses as defined by the *Water Act 2000* (Qld). There are also several unnamed tributaries and rural water storages/farm dams.

The referral states the proposed action area has been subject to extensive historical vegetation clearing for agricultural land uses such as grazing and cropping. The majority of the area has been ground-truthed as non-remnant (approximately 84.5%) (refer to Section 3.1 and [Attachment A: Figure 7](#)). The referral states that vegetation on site consists of twelve remnant and regrowth vegetation communities dominated by Eucalyptus and Acacia species, interspersed with cleared areas. The referral states that several threatened ecological

communities (TECs) are present on site, including the endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC.

State assessment

On 12 June 2020, the Office of the Coordinator General declared the overarching Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). Further advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Under section 74A(1) of the EPBC Act, if you are satisfied that an action referred by a person is a component of a larger action, which the same person proposes to take, you may decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The key considerations when deciding whether to accept a 'split referral' are:

1. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
2. whether, if undertaken separately, the impact would be reduced below significant.

The proposed action is one of five components of the overarching Valeria Project. The Valeria Project was declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government.

Valeria Coal Holdings Pty Limited is the designated proponent and person proposing to undertake all five components of the Valeria Project. The referral states that the components were referred separately to enable the potential transfer of approvals in future.

The department considers that while the five Valeria Project referrals clearly comprise a larger action proposed to be taken by the same person, the referrals should be accepted because:

- the Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- in taking the proposed actions separately, as split referrals, potential impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

Cumulative impacts

The department considers there are cumulative impacts on listed threatened species and communities resulting from the taking of the five actions. The state's assessment of the overarching 'Valeria Project' will ensure these cumulative impacts are not overlooked as a result of assessing any of the project components in isolation.

Based on the likely impacts of each referred action, and for the reasons stated in this brief and in the briefs for the other components of the project, the department is recommending each of the five components of the Valeria Project be determined a 'controlled action'.

The department notes that if you agree to accept the referral, subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1). The department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment H1](#)). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 13 December 2021) identifies 22 listed threatened species and 4 TECs may occur within 10 km of the proposed action ([Attachment B](#)). Based on the location of the proposed action, the likely habitat present in the area and information provided in the referral, the department considers that significant impacts will potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) – Endangered

The referral states that ecological surveys were undertaken between November 2019 and May 2021, and that further surveys and impact assessments will be undertaken for the EIS once the disturbance footprint has been finalised. The referral states that Brigalow TEC occurs as four scattered patches within the project site, covering approximately 23.7 ha. The referral states that some patches require further site assessments to evaluate the vegetation present against the key diagnostic and condition thresholds for the TEC.

The proponent considers that clearing during construction will result in a significant impact on Brigalow TEC. The department notes that the disturbance footprint has not been finalised and therefore the full extent of potential impacts to this TEC are uncertain.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the [Approved conservation advice](#) the department considers there is a real chance or possibility that the proposed action will have a significant impact on Brigalow TEC by reducing the extent of an ecological community.

Koala (*Phascolarctos cinereus*) – Vulnerable

The referral states that ecological surveys were undertaken between November 2019 and May 2021 in accordance with relevant survey guidelines, including the [EPBC Act Referral Guidelines for the vulnerable Koala \(2014\)](#) (Koala Guidelines). The referral documentation states the Koala was found during field surveys within 3 km of the project site, this record was within an area of vegetation that is connected to the project site.

The referral states that the project site comprises approximately 234 ha of potential Koala habitat as defined within the Koala Guidelines (i.e. habitat comprising one or more species of the genera: Eucalyptus, Corymbia, and/or Angophora). The department notes that the disturbance footprint has not been finalised and therefore the full extent of potential impacts to the Koala and its habitat are uncertain.

The proponent did not provide a Koala habitat score using the Koala Habitat Assessment Tool in the Koala Guidelines. The department has calculated that the suitable habitat in the project area scores at least 7 out of 10 and therefore is habitat critical to the survival of the species. The department used the following criteria:

- +0 for Koalas not known to be occurring within 2 km of the project site;
- +2 for the presence of at least two suitable food tree species;
- +2 for habitat connectivity (area is part of a contiguous landscape greater than/equal to 1000 ha);
- +1 for key existing threats, due to the busy highway passing alongside the project area and the numerous fatalities occur along the Saraji Road annually; and
- +2 for recovery value, with habitat refuges within riparian habitats possibly being reduced.

The referral states approximately 234 ha of habitat will be impacted by the action. The department also considers impacts of construction and operation activities are likely to increase the risk of fauna injury and mortality, and increase light, noise and vibration disturbance.

Considering the information provided in the referral and information in the Species Profile and Threats Database (SPRAT), and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility the proposed action will have an adverse effect on habitat critical to the survival of the vulnerable Koala. The department therefore considers a significant impact on the vulnerable Koala is likely.

Other listed species

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Mammals:

- Greater Glider (*Petauroides volans*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Northern Quoll (*Dasyurus hallucatus*) – Endangered

Birds:

- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Southern Black-throated finch (*Poephila cincta cincta*) – Endangered
- Star Finch (eastern) (*Neochmia ruficauda ruficauda*) – Endangered
- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Red Goshawk (*Erythrorchis radiatus*) – Vulnerable

Reptiles:

- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered
- *Bertya opponens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- *Aristida annua* – Vulnerable
- Ooline (*Cadellia pentastylis*) – Vulnerable

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of threatened species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:**Listed migratory species (s20 & 20A)**

The ERT report identifies 9 migratory species may occur within 10 km of the proposed action ([Attachment B](#)). The department notes that surveys for migratory species have not been completed. The referral states that several migratory species have been recorded within 50 km of the project site on the Atlas of Living Australia database, and that suitable habitat is present in grassland, woodlands, watercourses, farm dams and Gilgai formations. However, the proponent does not consider the impacts to migratory species to be significant.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and

either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

The department considers that, while there may be potential impacts to migratory species, the proposed action is unlikely to result in a significant impact.

Conclusion

Based on the information available, the nature and scale of the proposed action, and with consideration of the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on migratory species.

The department considers the action will not substantially modify, destroy or isolate an area of important habitat for a migratory species, nor seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

Water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)

The proposed action is to construct and operate buried fibre-optic cable and associated communications infrastructure from the Gregory Highway to the Valeria MIA.

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource. A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a) in its own right; or
- b) when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is being used to support coal mining activities. The department considers that the extraction of coal would not occur without the need for communications infrastructure to support mining operations at the Valeria Coal Mine. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact on a water resource, which is discussed below.

Impacts

The referral notes the project site contains characterised surface water and aquatic ecology values encompassing waterways associated with the project site and surrounds, including Theresa Creek, Carbine Creek and Crystal Creek. The proponent states that surface water, groundwater and GDE assessments will be undertaken as part of the assessment to inform the

communications infrastructure alignment in the project site to minimise and mitigate potential impacts on water resources.

The referral ([Attachment A](#)) states potential impacts to water resources may include:

- Erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. for construction of communications infrastructure near watercourse crossings);
- Decreased bank stability at watercourse crossings;
- Degradation of surface water quality;
- Localised groundwater drawdown from surface cuttings that intersect shallow aquifers;
- Groundwater seepage from cuttings entering drainage lines or watercourses; and
- Potentially contaminated surface water entering groundwater systems.

The proponent's referral and Geoscience Australia's advice both state that there are significant impacts to water resources associated with this proposal. However, while both documents set out a range of potential impacts, neither establishes a persuasive case for how the water-related impacts of this proposal are 'significant' based on the guidance in the [Significant impact guidelines 1.3 \(2013\)](#).

The department has reviewed all of the information available, including the referral, in the context of the [Significant impact guidelines 1.3 \(2013\)](#), and considers that while potential impacts to water resources may exist, the nature and scale of the impacts associated with burying of fibre optic cables with a disturbance width of approximately 20 m, are unlikely to be significant.

Conclusion

Based on the information available to the department, including the referral, and the nature of the proposed action and its potential impacts, and with consideration of the *EPBC Act Significant impact guidelines 1.3 (2013)*, the department considers there is not a real or not a remote chance or possibility that the proposed action will directly or indirectly result in a change to the hydrology and/or water quality of a water resource that is sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users. The department therefore considers the proposed action is unlikely to have a significant impact on a water resource.

For these reasons, the department considers that sections 24D and 24E are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the project site. The nearest Ramsar wetland is the Shoalwater and Corio Bays Area and is approximately 250 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p>
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	<p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the project site. The nearest World Heritage property is the Great Barrier Reef World Heritage Area (GBRWHA) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the project site. The nearest National Heritage place is the Great Barrier Reef National Heritage Place (GBRNHP) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons, the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
<p>Commonwealth marine environment (s23 & 24A)</p>	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone and Territorial Sea and is approximately 300 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
<p>Commonwealth action (s28)</p>	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
<p>Commonwealth land (s26 & 27A)</p>	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is the Defence Shoalwater Bay Training Area and is approximately 220 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p>

	For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.
Nuclear action (s21 & 22A)	The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park. It is approximately 200 km west from the park.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Four public submissions were received on the referral ([Attachment C](#)).

One public submission considers the proposal to be clearly unacceptable, expressing the view that:

- listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
- the proposed action will increase greenhouse gas emissions, contributing to climate change and adverse impacts to the environment;
- the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
- the Minister or delegate should not accept the referral under section 74A.

Three submissions consider the proposal should be a controlled action, expressing the view that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
- the proposed action should undergo a full assessment by EIS.

The department notes these concerns and considers that these can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that assessment by environmental impact statement under an accredited assessment with the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians;
- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction;
- The Hon Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts; and
- The Hon Keith Pitt MP, Minister for Resources and Water.

On 14 December 2021, [s. 47F\(1\)](#) responded on behalf of the Hon Angus Taylor MP noting a nil comment on the proposed action ([Attachment D1](#)).

On 21 December 2021, Geoscience Australia responded on behalf of the Hon Keith Pitt MP ([Attachment D2](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Geoscience Australia considers that further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

The department notes the concerns raised by Geoscience Australia and considers that, as discussed above, these can be addressed together through the accredited assessment process, which will assess the whole Valeria Project as a single project by the Queensland Government.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) responded on behalf of the Hon Ken Wyatt AM MP ([Attachment D3](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. The NIAA recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993* (Cth), prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if not already engaged;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Brigalow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The department notes the proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A](#)) with the Western Kangoulu People for the overarching Valeria Project.

No response was received from the Hon Paul Fletcher MP.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D4](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that a bilateral agreement will not apply due to five proposed actions being referred to the department, as opposed to a single overarching action that has been declared a 'coordinated project' by the Coordinator General.

As such, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

1. the process is to be carried out under a law of the Commonwealth, State or Territory;
2. there are no standards prescribed by the regulations;
3. the process will ensure that relevant impacts of the action are adequately assessed; and
4. the report on the accredited assessment process will provide enough information on the relevant impacts to allow decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS process under Part 4 of the SDWPO Act to be carried out by the Coordinator General under Queensland law will address these matters.

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a).	The referral is at Attachment A .
Any other information about the impacts of the action considered relevant (including	Relevant information is discussed in the department's advice on relevant impacts

information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b).	contained in this referral decision brief and its attachments.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c).	One comment received, see Attachment D .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e).	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.3 Significant Impact Guidelines – Coal seam gas and large coal mining developments – impacts on water resources* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5) of the EPBC Act, you are required to have regard to a bioregional plan in making any decision under the EPBC Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2) of the EPBC Act, the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment E](#). The fee schedule (without justifications) at [Attachment F](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

s 22

Assessment Officer
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch

January 2022

ATTACHMENTS

- A: Referral documentation
- B: ERT Report (dated 13 December 2021)
- C: Public comments
- D: Ministerial comments
- E: Fee schedule (with justifications)
- F: Fee schedule (without justifications)
- G: Decision notice FOR SIGNATURE
- H: Letters to the proponent and the state FOR SIGNATURE

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Qld (EPBC 2021/9074)

Timing: 17 January 2021 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>												
Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>												
Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>												
Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>												
C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>												
A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>												
Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 4 See Attachment C												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: <ul style="list-style-type: none"> • The Hon Ken Wyatt AM MP, Minister for Indigenous Australians • The Hon Keith Pitt MP, Minister for Resources and Water • Mr Chris Loveday, delegate of the Hon Leeanne Enoch, Queensland Minister for Environment and the Great Barrier Reef, Minister for Science and Minister for the Arts See Attachment D												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited assessment Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (Attachment A) and other attachments.													
Considered / Please discuss													

2. Agree that the proposed action is a component of a larger action.

Agreed / Not agreed

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / Not agreed

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / Not agreed

6. If you agree to recommendations 2 and 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment, review of the terms of reference.

Noted / Please discuss

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letters at Attachment H.

Signed / Not signed

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and
Sea Dumping Branch

Date: January 2022

Comments:

KEY ISSUES:

- The department considers the proposed action (EPBC 2021/9074 – Communications infrastructure) to be a component of a larger action, being one of five components of the overarching Valeria Project. All components have been referred separately to enable their potential future transfer, and include:
 - Valeria Project – mine site, on-site construction workers accommodation camp and mine access road (EPBC 2021/9077 – referral 1 of 5);
 - Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain (EPBC 2021/9076 – referral 2 of 5);
 - Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Qld (EPBC 2021/9075 – referral 3 of 5);
 - Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline (EPBC 2021/9078 – referral 4 of 5); and
 - Valeria Project Communications Infrastructure from the Gregory Highway to the mine site (EPBC 2021/9074 – referral 5 of 5).
- On 12 June 2020, the overarching Valeria Project was declared a coordinated project by the Office of the Coordinator General.
- The department considers the proposed action is likely to have a significant impact on listed threatened species and communities. This includes the clearance of approximately 234 hectares (ha) of habitat critical to the survival of the vulnerable Koala (*Phascolarctos cinereus*) and the clearance of approximately 23.7 ha of endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) threatened ecological community.
- The department considers the proposed action to be integral to the construction and operation of a large coal mine (EPBC 2021/9077) and, as such, an action to which the water trigger controlling provision could apply. However, the department considers the proposed action is unlikely to have a significant impact on water resources and, therefore, recommends the water trigger not be applied.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The proposed action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal **is** a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2021, the proponent agreed to an extension of the referral decision timeframe to afford the department three additional business days to account for the departmental shut-down period from 25 December 2021 to 3 January 2022. On 7 January 2022, a delegate of the Minister decided to suspend the statutory timeframe for a referral decision by three business days to extend this timeframe to 17 January 2022.

Description of the proposal (including location)

The proposed action is to construct and operate buried fibre-optic cable and associated communications infrastructure to connect at the Gregory Highway approximately 15 km to the Valeria mine site, 34 km north-west of Emerald, central Queensland. The communications

infrastructure is a co-located corridor which encompasses the proposed mine access road, parts of the rail line, water supply pipeline, powerline and communications infrastructure. The co-located infrastructure corridor is included within each of the five EPBC Act Referrals listed above.

The referral states the following elements will be required for the communications infrastructure project site:

- A buried fibre-optic cable connecting existing communications infrastructure near the Gregory Highway to the Valeria Mine Infrastructure Area (MIA);
- Maintenance track; and
- Signage and other safety requirements.

The communications infrastructure corridor (project site) is located within the Central Highlands Regional Council Local Government Area (LGA) of the Bowen Basin, in Central Queensland. The project site starts in the mine site and extends eastward within the co-located infrastructure corridor to the Gregory Highway. The project site is approximately 1,935 ha, which includes a 787 ha area associated with the MIA, within the mine site. The width of the project site varies between 550 m to 2.7 km. The width of the disturbance footprint for the communications infrastructure is expected to be up to 20 m along the length of the Proposed Action area.

The third-party communications infrastructure supplier will likely require an easement within which to construct the fibre optic cable. This would extend from the MIA in the mine site, east within the co-located infrastructure corridor to existing communications infrastructure near the Gregory Highway.

The referral states a cleared maintenance track will be required over the life of the project.

Description of the environment

The proposed action is situated in the Bowen basin, within the Brigalow Belt bioregion and the upper Fitzroy River catchment. The referral states that the majority of the project site is currently used for grazing and cropping.

The referral states that initial desktop and field results indicate the project site encompasses approximately 311 ha of remnant and regrowth vegetation communities (approximately 16% of the overall project site) with the remainder considered as cleared non-remnant lands.

The geology of the site ranges from alluvial clay plains, cracking clays, sandy soils, and shallow clay soils with occasional outcrops. The topography of the project site is relatively flat and ranges from 199 m Australian Height Datum (AHD) near Carbine Creek, to between 225 m and 251 m AHD in the east (adjacent to the Gregory Highway).

The project site is in the Fitzroy drainage catchment. Three ephemeral watercourses occur within the project site, comprising Carbine Creek, Theresa Creek and Gordonvale Creek. Carbine and Theresa Creeks, located at the western extent of the Proposed Action area, are watercourses as defined by the *Water Act 2000* (Qld). There are also several unnamed tributaries and rural water storages/farm dams.

The referral states the proposed action area has been subject to extensive historical vegetation clearing for agricultural land uses such as grazing and cropping. The majority of the area has been ground-truthed as non-remnant (approximately 84.5%) (refer to Section 3.1 and [Attachment A: Figure 7](#)). The referral states that vegetation on site consists of twelve remnant and regrowth vegetation communities dominated by Eucalyptus and Acacia species, interspersed with cleared areas. The referral states that several threatened ecological

communities (TECs) are present on site, including the endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC.

State assessment

On 12 June 2020, the Office of the Coordinator General declared the overarching Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). Further advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Under section 74A(1) of the EPBC Act, if you are satisfied that an action referred by a person is a component of a larger action, which the same person proposes to take, you may decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The key considerations when deciding whether to accept a 'split referral' are:

1. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
2. whether, if undertaken separately, the impact would be reduced below significant.

The proposed action is one of five components of the overarching Valeria Project. The Valeria Project was declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government.

Valeria Coal Holdings Pty Limited is the designated proponent and person proposing to undertake all five components of the Valeria Project. The referral states that the components were referred separately to enable the potential transfer of approvals in future.

The department considers that while the five Valeria Project referrals clearly comprise a larger action proposed to be taken by the same person, the referrals should be accepted because:

- the Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- in taking the proposed actions separately, as split referrals, potential impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

Cumulative impacts

The department considers there are cumulative impacts on listed threatened species and communities resulting from the taking of the five actions. The state's assessment of the overarching 'Valeria Project' will ensure these cumulative impacts are not overlooked as a result of assessing any of the project components in isolation.

Based on the likely impacts of each referred action, and for the reasons stated in this brief and in the briefs for the other components of the project, the department is recommending each of the five components of the Valeria Project be determined a 'controlled action'.

The department notes that if you agree to accept the referral, subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1). The department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment H1](#)). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 13 December 2021) identifies 22 listed threatened species and 4 TECs may occur within 10 km of the proposed action ([Attachment B](#)). Based on the location of the proposed action, the likely habitat present in the area and information provided in the referral, the department considers that significant impacts will potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) – Endangered

The referral states that ecological surveys were undertaken between November 2019 and May 2021, and that further surveys and impact assessments will be undertaken for the EIS once the disturbance footprint has been finalised. The referral states that Brigalow TEC occurs as four scattered patches within the project site, covering approximately 23.7 ha. The referral states that some patches require further site assessments to evaluate the vegetation present against the key diagnostic and condition thresholds for the TEC.

The proponent considers that clearing during construction will result in a significant impact on Brigalow TEC. The department notes that the disturbance footprint has not been finalised and therefore the full extent of potential impacts to this TEC are uncertain.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the [Approved conservation advice](#) the department considers there is a real chance or possibility that the proposed action will have a significant impact on Brigalow TEC by reducing the extent of an ecological community.

Koala (*Phascolarctos cinereus*) – Vulnerable

The referral states that ecological surveys were undertaken between November 2019 and May 2021 in accordance with relevant survey guidelines, including the [EPBC Act Referral Guidelines for the vulnerable Koala \(2014\)](#) (Koala Guidelines). The referral documentation states the Koala was found during field surveys within 3 km of the project site, this record was within an area of vegetation that is connected to the project site.

The referral states that the project site comprises approximately 234 ha of potential Koala habitat as defined within the Koala Guidelines (i.e. habitat comprising one or more species of the genera: Eucalyptus, Corymbia, and/or Angophora). The department notes that the disturbance footprint has not been finalised and therefore the full extent of potential impacts to the Koala and its habitat are uncertain.

The proponent did not provide a Koala habitat score using the Koala Habitat Assessment Tool in the Koala Guidelines. The department has calculated that the suitable habitat in the project area scores at least 7 out of 10 and therefore is habitat critical to the survival of the species. The department used the following criteria:

- +0 for Koalas not known to be occurring within 2 km of the project site;
- +2 for the presence of at least two suitable food tree species;
- +2 for habitat connectivity (area is part of a contiguous landscape greater than/equal to 1000 ha);
- +1 for key existing threats, due to the busy highway passing alongside the project area and the numerous fatalities occur along the Saraji Road annually; and
- +2 for recovery value, with habitat refuges within riparian habitats possibly being reduced.

The referral states approximately 234 ha of habitat will be impacted by the action. The department also considers impacts of construction and operation activities are likely to increase the risk of fauna injury and mortality, and increase light, noise and vibration disturbance.

Considering the information provided in the referral and information in the Species Profile and Threats Database (SPRAT), and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility the proposed action will have an adverse effect on habitat critical to the survival of the vulnerable Koala. The department therefore considers a significant impact on the vulnerable Koala is likely.

Other listed species

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Mammals:

- Greater Glider (*Petauroides volans*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Northern Quoll (*Dasyurus hallucatus*) – Endangered

Birds:

- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Southern Black-throated finch (*Poephila cincta cincta*) – Endangered
- Star Finch (eastern) (*Neochmia ruficauda ruficauda*) – Endangered
- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Red Goshawk (*Erythroriorchis radiatus*) – Vulnerable

Reptiles:

- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered
- *Bertya opponens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- *Aristida annua* – Vulnerable
- Ooline (*Cadellia pentastylis*) – Vulnerable

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of threatened species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:**Listed migratory species (s20 & 20A)**

The ERT report identifies 9 migratory species may occur within 10 km of the proposed action ([Attachment B](#)). The department notes that surveys for migratory species have not been completed. The referral states that several migratory species have been recorded within 50 km of the project site on the Atlas of Living Australia database, and that suitable habitat is present in grassland, woodlands, watercourses, farm dams and Gilgai formations. However, the proponent does not consider the impacts to migratory species to be significant.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and

either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

The department considers that, while there may be potential impacts to migratory species, the proposed action is unlikely to result in a significant impact.

Conclusion

Based on the information available, the nature and scale of the proposed action, and with consideration of the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on migratory species.

The department considers the action will not substantially modify, destroy or isolate an area of important habitat for a migratory species, nor seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species.

Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

Water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)

The proposed action is to construct and operate buried fibre-optic cable and associated communications infrastructure from the Gregory Highway to the Valeria MIA.

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource. A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a) in its own right; or
- b) when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is being used to support coal mining activities. The department considers that the extraction of coal would not occur without the need for communications infrastructure to support mining operations at the Valeria Coal Mine. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact on a water resource, which is discussed below.

Impacts

The referral notes the project site contains characterised surface water and aquatic ecology values encompassing waterways associated with the project site and surrounds, including Theresa Creek, Carbine Creek and Crystal Creek. The proponent states that surface water, groundwater and GDE assessments will be undertaken as part of the assessment to inform the

communications infrastructure alignment in the project site to minimise and mitigate potential impacts on water resources.

The referral ([Attachment A](#)) states potential impacts to water resources may include:

- Erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. for construction of communications infrastructure near watercourse crossings);
- Decreased bank stability at watercourse crossings;
- Degradation of surface water quality;
- Localised groundwater drawdown from surface cuttings that intersect shallow aquifers;
- Groundwater seepage from cuttings entering drainage lines or watercourses; and
- Potentially contaminated surface water entering groundwater systems.

The proponent's referral and Geoscience Australia's advice both state that there are significant impacts to water resources associated with this proposal. However, while both documents set out a range of potential impacts, neither establishes a persuasive case for how the water-related impacts of this proposal are 'significant' based on the guidance in the [Significant impact guidelines 1.3 \(2013\)](#).

The department has reviewed all of the information available, including the referral, in the context of the [Significant impact guidelines 1.3 \(2013\)](#), and considers that while potential impacts to water resources may exist, the nature and scale of the impacts associated with burying of fibre optic cables with a disturbance width of approximately 20 m, are unlikely to be significant.

Conclusion

Based on the information available to the department, including the referral, and the nature of the proposed action and its potential impacts, and with consideration of the *EPBC Act Significant impact guidelines 1.3 (2013)*, the department considers there is not a real or not a remote chance or possibility that the proposed action will directly or indirectly result in a change to the hydrology and/or water quality of a water resource that is sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users. The department therefore considers the proposed action is unlikely to have a significant impact on a water resource.

For these reasons, the department considers that sections 24D and 24E are not controlling provisions for the proposed action.

Ramsar Wetlands (s16 & 17B)	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the project site. The nearest Ramsar wetland is the Shoalwater and Corio Bays Area and is approximately 250 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p>
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	<p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the project site. The nearest World Heritage property is the Great Barrier Reef World Heritage Area (GBRWHA) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the project site. The nearest National Heritage place is the Great Barrier Reef National Heritage Place (GBRNHP) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons, the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
<p>Commonwealth marine environment (s23 & 24A)</p>	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone and Territorial Sea and is approximately 300 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
<p>Commonwealth action (s28)</p>	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
<p>Commonwealth land (s26 & 27A)</p>	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is the Defence Shoalwater Bay Training Area and is approximately 220 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p>

	For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.
Nuclear action (s21 & 22A)	The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park. It is approximately 200 km west from the park.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Four public submissions were received on the referral ([Attachment C](#)).

One public submission considers the proposal to be clearly unacceptable, expressing the view that:

- listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
- the proposed action will increase greenhouse gas emissions, contributing to climate change and adverse impacts to the environment;
- the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
- the Minister or delegate should not accept the referral under section 74A.

Three submissions consider the proposal should be a controlled action, expressing the view that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
- the proposed action should undergo a full assessment by EIS.

The department notes these concerns and considers that these can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that assessment by environmental impact statement under an accredited assessment with the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians;
- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction;
- The Hon Paul Fletcher MP, Minister for Communications, Urban Infrastructure, Cities and the Arts; and
- The Hon Keith Pitt MP, Minister for Resources and Water.

On 14 December 2021, [s. 47F\(1\)](#) responded on behalf of the Hon Angus Taylor MP noting a nil comment on the proposed action ([Attachment D1](#)).

On 21 December 2021, Geoscience Australia responded on behalf of the Hon Keith Pitt MP ([Attachment D2](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Geoscience Australia considers that further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

The department notes the concerns raised by Geoscience Australia and considers that, as discussed above, these can be addressed together through the accredited assessment process, which will assess the whole Valeria Project as a single project by the Queensland Government.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) responded on behalf of the Hon Ken Wyatt AM MP ([Attachment D3](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. The NIAA recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993* (Cth), prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if not already engaged;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Brigalow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The department notes the proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A](#)) with the Western Kangoulu People for the overarching Valeria Project.

No response was received from the Hon Paul Fletcher MP.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D4](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that a bilateral agreement will not apply due to five proposed actions being referred to the department, as opposed to a single overarching action that has been declared a 'coordinated project' by the Coordinator General.

As such, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

1. the process is to be carried out under a law of the Commonwealth, State or Territory;
2. there are no standards prescribed by the regulations;
3. the process will ensure that relevant impacts of the action are adequately assessed; and
4. the report on the accredited assessment process will provide enough information on the relevant impacts to allow decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS process under Part 4 of the SDWPO Act to be carried out by the Coordinator General under Queensland law will address these matters.

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a).	The referral is at Attachment A .
Any other information about the impacts of the action considered relevant (including	Relevant information is discussed in the department's advice on relevant impacts

information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b).	contained in this referral decision brief and its attachments.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c).	One comment received, see Attachment D .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e).	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.3 Significant Impact Guidelines – Coal seam gas and large coal mining developments – impacts on water resources* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5) of the EPBC Act, you are required to have regard to a bioregional plan in making any decision under the EPBC Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2) of the EPBC Act, the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment E](#). The fee schedule (without justifications) at [Attachment F](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assessment Officer
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch

January 2022

ATTACHMENTS

- A: Referral documentation
- B: ERT Report (dated 13 December 2021)
- C: Public comments
- D: Ministerial comments
- E: Fee schedule (with justifications)
- F: Fee schedule (without justifications)
- G: Decision notice FOR SIGNATURE
- H: Letters to the proponent and the state FOR SIGNATURE

EPBC Ref: 2021/9074 – 9078

Chris Loveday
 Director
 Technical and Assessment Services
 Department of Environment and Science
 GPO Box 2454
 Brisbane QLD 4001

Dear Mr Loveday

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

You may be aware that the proponent has split the overarching Valeria Project into the five separate proposed actions listed above, as opposed to the single action that has been

declared a coordinated project by the Office of the Coordinator General. For this reason, the assessment process specified under the bilateral agreement with Queensland cannot apply.

Therefore, I have determined that the proposed actions will be assessed by accredited assessment under the Queensland *State Development and Public Works Organisation Act 1971*. A copy of the documents recording these decisions are enclosed.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii) , by email to s. 22(1)(a)(ii) @environment.gov.au, or telephone (02) s. 22(1)(a)(ii) and quote the EPBC reference numbers shown at the beginning of this letter.

Yours sincerely

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
January 2022

EPBC Ref: 2021/9074 – 9078

s 47F(1)

Approvals Manager
 Valeria Coal Holdings Pty Ltd
 Level 44
 Gateway 1, Macquarie Place
 SYDNEY NSW 2000

Dear s 47F(1)

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

Thank you for submitting the five Valeria Project referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also determined that the proposed actions will be assessed by an accredited assessment process under the Queensland *State Development and Public Works Organisation Act 1971*. The project manager will contact you shortly to discuss the assessment process.

A copy of the documents recording these decisions are enclosed.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed actions*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* your assessments are subject to cost recovery. Please find attached a copy of the fee schedules for your proposals and invoices for Stage 1 of the assessment. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedules provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the department's website at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed actions under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to [Attachment A](#) for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision-making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available online at: <http://www.environment.gov.au/epbc/about/index.html>.

The department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii), at s. 22(1)(a)(ii) @environment.gov.au, or s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
January 2022

EPBC Ref: 2021/9074 – 9078

s 47F(1)

Approvals Manager
 Valeria Coal Holdings Pty Ltd
 Level 44
 Gateway 1, Macquarie Place
 SYDNEY NSW 2000

Dear s 47F(1)

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

Thank you for submitting the five Valeria Project referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
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2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also determined that the proposed actions will be assessed by an accredited assessment process under the Queensland *State Development and Public Works Organisation Act 1971*. The project manager will contact you shortly to discuss the assessment process.

A copy of the documents recording these decisions are enclosed.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed actions*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* your assessments are subject to cost recovery. Please find attached a copy of the fee schedules for your proposals and invoices for Stage 1 of the assessment. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedules provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the department's website at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed actions under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

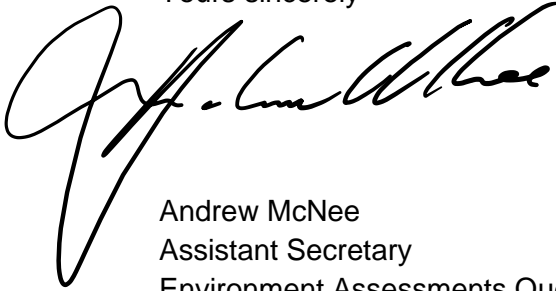
Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to [Attachment A](#) for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision-making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available online at: <http://www.environment.gov.au/epbc/about/index.html>.

The department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii), at s. 22(1)(a)(ii) @environment.gov.au, or s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
14 January 2022

Quality Assurance Checklist – Referral Brief

Reviewing Officer (may be assessment officer, clearing officer or peer reviewer)

Name: s. 22(1)(a)(ii)

Signature: s. 22(1)(a)(ii)

Date: 10 January 2022

Note: Assessment officer to fill out sections shaded YELLOW. Reviewing officer to complete all other sections.

Project: Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, QLD					
EPBC No: 2021/9075		Assessment officer: s. 22(1)(a)(ii)		Due Date: 17 January 2022	
General requirements		Brief	Decision Notice		Letters
		(tick or circle)			
Correct templates used		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Template version numbers: (assessment officer to insert version numbers)					
EPBC reference number correct and used consistently		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Title of the action consistent		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The ACN (or ABN if no ACN) is listed and correct		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
The designated proponent (CA)/person proposing the action (NCA or NCA-PM) is correct. Needs to be a 'person' for the purposes of the EPBC Act.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Description of the proposal is an accurate reflection of what is in the referral and encompasses all proposed activities		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Statutory deadline consistent with database record		<input checked="" type="checkbox"/>			
Signature blocks and dates are correct		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
List of attachments is correct		<input checked="" type="checkbox"/>			
All dates mentioned accord with records		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
All species references use SPRAT scientific names (first time that they are used)		<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A
Material used to prepare briefing is listed		<input checked="" type="checkbox"/>	N/A		
Public comments are included and issues raised in public comments are addressed (s75(1A))		<input checked="" type="checkbox"/>	N/A		
Legal advice is included (if advice has been sought)		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	
Line area advice is included (if advice has been sought)		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	
All line areas consulted are clearly identified		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	
Comments from Commonwealth and State/Territory Ministers are included and addressed		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	
Additional information requests (stop clocks) are discussed and briefing package and additional information attached		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	
Current ERT Report included		<input checked="" type="checkbox"/>	Date of ERT Report: 15 December 2021		

Compliance, monitoring and auditing fact sheet is attached (for NCA and NCA-PM)	N/A				N/A	
Identifies the protected matters potentially impacted by the proposed action and provides clear reasons why significant impacts are likely/not likely	<input checked="" type="checkbox"/>					
Recommendations on significance are based on EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (2013) and relevant referral guidelines	<input checked="" type="checkbox"/>					
Considers all adverse impacts the action has, will have or is likely to have on matters protected by each provision of Part 3 ((s.75)(2)(a))	<input checked="" type="checkbox"/>					
Does not consider any beneficial impacts the action has, will have or is likely to have on matter protected by each provision of Part 3 ((s.75)(2)(b))	<input checked="" type="checkbox"/>					
States that the decision maker must take account of the precautionary principle, and the precautionary principle is discussed as appropriate to recommendations of significance	<input checked="" type="checkbox"/>					
Bioregional plans are included and discussed (where relevant)	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>				
Check listing status of all listed species potentially significantly impacted by the proposed action. Ensure correct listing statuses are used in the brief	<input checked="" type="checkbox"/>	N/A	Date of check against SPRAT:			
BCD (Species Listing Information & Policy Section) weekly report is consulted to confirm imminent listing events or delistings (if required)	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Date of weekly report:			
BCD (Species Listing Information & Policy Section) line area advice included on recent and pending listing decisions (if required)	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Date of advice received:			
NCA-PM decision	Brief		Decision Notice		Letters	
Wording of the proposed particular manner(s) clearly describe(s) the way in which the action must be undertaken to avoid significant impacts to protected matters, and accurately reflects the intent in the referral information			<input type="checkbox"/>			
Proposed particular manner(s) checked by Post Approvals Section	<input type="checkbox"/>					
CA decision	Brief		Decision Notice		Letters	
All controlling provisions have been identified	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
State/territory comments included and addressed where relevant to recommending an appropriate assessment approach (s87(3)(c))	<input checked="" type="checkbox"/>					
Has a recommendation on an approach for assessment (s.87) (do not include where bilateral agreement applies, or decision on assessment approach is deferred)	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A
Cost recovery fee schedule included	<input checked="" type="checkbox"/>	N/A			<input checked="" type="checkbox"/>	

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Qld (EPBC 2021/9075)

Timing: 17 January 2022 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 4. See <u>Attachment C</u> .												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: Minister for Indigenous Australians; Minister for Resources and Water. See <u>Attachment D</u> .												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited Assessment. Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													
3. Agree to accept the referral under section 74A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).													
Agreed / Not agreed													

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / ~~Not agreed~~

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / ~~Not agreed~~

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / ~~Please discuss~~

7. Agree to the designated proponent.

Agreed / ~~Not agreed~~

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / ~~Not agreed~~

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment - review of the terms of reference.

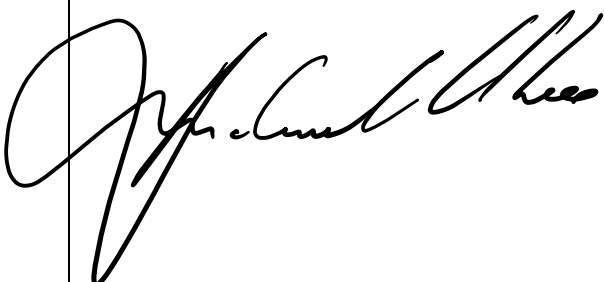
Noted / ~~Please discuss~~

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / ~~Not signed~~

11. Sign the letters at Attachment H.

Signed / ~~Not signed~~



Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea
Dumping Branch

Date: 14 January 2022

Comments:

KEY ISSUES:

- The department considers the proposed action to be a component of a larger action, being the third of a total of five referrals that make up the overarching 'Valeria Project':
 - Valeria Project – mine site, on-site construction workers accommodation camp and mine access road (EPBC 2021/9077 – referral 1 of 5);
 - Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain (EPBC 2021/9076 – referral 2 of 5);
 - Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine (EPBC 2021/9075 – referral 3 of 5);
 - Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline (EPBC 2021/9078 – referral 4 of 5); and
 - Valeria Project Communications Infrastructure from the Gregory Highway to the mine site (EPBC 2021/9074 – referral 5 of 5).
- The department considers the proposed action is likely to have a significant impact on listed threatened species and communities across the proposed action area as a result of the clearance and fragmentation of habitat. The precise area of disturbance is currently unknown as the pipeline alignment has not yet been finalised.
- The proposed action is integral to the construction and operation of a large coal mine (EPBC 2021/9077) and, as such, is an action to which the water trigger controlling provision would apply.
- The department considers there is a real or possibility that the proposed action will result in a change to the water quality and/or hydrology of a water resource that is sufficient to reduce the current or future utility of the water resource for third party users, including the environment.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal **is** a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 7 January 2022, with agreement from the proponent, the timeframe for a decision on the referral was extended under section 75(7) of the EPBC Act to 17 January 2022.

Description of the proposal (including location)

The Valeria Project is located approximately 27 km north-west of Emerald and 270 km west of Rockhampton in the Bowen Basin, Queensland.

The proposed action consists of the installation and operation of a 67 km water supply pipeline from the water supply dam within the Valeria Mine Infrastructure Area (MIA) to the Terminal Dam at the existing Oaky Creek Coal (OCC) Mine, which commenced operation in 1982 and is managed by Glencore on behalf of a joint venture operation.

The proposed action area is approximately 5,193 ha, with 787 ha being located within the Valeria MIA, referred under EPBC 2021/9077. The referral states the width of the proposed action corridor ranges from 250 m to 3.5 km. The final area of the proposed disturbance footprint has not been determined; however, the disturbance corridor during construction and operation is expected to range from 10 m to 30 m.

The department notes the proposed action area is identical to that of the proposed Valeria Project Rail Line (EPBC 2021/9076).

The proposed action includes the following components:

- a. buried water supply pipeline;
- b. pipeline crossings at a number of water courses; and
- c. maintenance track.

Description of the environment

The proponent states that some areas of the proposed action area have been surveyed to determine ecological values likely to be present on site, with further terrestrial and aquatic surveys to be completed to verify initial survey findings.

Information in the referral, based on desktop and survey results indicates that approximately 1,313 ha (25.28%) of the proposed action area contains remnant and regrowth vegetation, including:

- a. Brigalow (*Acacia harpophylla*) dominated communities on cracking clay soils including gilgai depressions (approx. 73.4 ha);
- b. Eucalypt woodland on alluvial soils dominated by Queensland Blue Gum (*E. tereticornis*), Poplar box (*E. populnea*) and Coolabah (*E. coolabah*) (approx. 90.8 ha);
- c. Eucalypt and Acacia dominated woodland containing Narrow-leaf Ironbark (*E. crebra*), *E. populnea* and Dawson Gum (*E. cambageana*) (approx. 747 ha);
- d. Eucalypt riparian woodland dominated by Queensland Blue Gum (*E. tereticornis*) (approx. 24 ha); and
- e. natural grasslands (approx. 70 ha).

The referral states that the remaining land within the proposed action area is cleared or contains non-remnant vegetation.

The referral states that listed threatened species and their habitats have been recorded within the proposed action area in initial surveys conducted in 2020 and 2021.

State assessment

On 12 June 2020, the Office of the Coordinator General declared the Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act) ([Attachment D6](#)). Further advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

As stated above, the proposed action is related to four other referrals, which make up the other components of the Valeria Project under EPBC 2021/9074, 2021/9076, 2021/9077 and 2021/9078.

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate) may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

The Coordinator General has declared the Valeria Project as a ‘coordinated project’ under the SDPWO Act for which an EIS will be prepared.

Valeria Coal Holdings Pty Limited is the proponent for all five referrals. The EPBC Act does not allow individual elements of an approval (e.g. water supply pipelines and transmission lines) to be transferred to a different entity, and for this reason, the proponent has ‘split’ the Valeria Project into five separately referred actions to allow for possible future transfer of the proposed water pipeline and/or transmission line to another company.

Therefore, the department considers that the referred action and the remaining activities described as the Valeria Project, comprising EPBC Referrals 2021/9074, 2021/9076, 2021/9077 and 2021/9078, comprise a larger action proposed to be undertaken by the same person.

The department considers that while the referred action is clearly part of the larger action, consistent with the *Policy Statement Staged Development – Split referrals: Section 74A of the EPBC Act*, it is recommended that the referral be accepted for the following reasons:

- a. The Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals.
- b. In undertaking the actions separately, as ‘split referrals’, the impacts have not been reduced below significant. The department has considered indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately considered as part of the assessment process and factor impacts on MNES upon an individual project basis.

Cumulative impacts

The department considers there are potential cumulative impacts on listed threatened species and communities resulting from the taking of the five actions. The state’s assessment of the Valeria Project will ensure these cumulative impacts are not overlooked as a result of assessing any of the project components in isolation.

Based on the likely impacts of each referred action, and for the reasons stated in this brief and in the briefs for the other components of the project, the department is recommending each of the five components of the Valeria Project be determined a ‘controlled action’.

The department notes that subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1) and publish in accordance with the regulations (if any), a copy of your decision. The department has included written notice of the decision to accept the referral in the letter to the proponent (Attachment H). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- a. listed threatened species and communities (section 18 & section 18A); and
- b. a water resource, in relation to coal seam gas development and large coal mining development (section 24D & section 24E).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) identifies species and communities may occur within 10 km of the proposed action (see the ERT report at Attachment B).

Based on the location of the action and likely habitat present in the area of the proposed action, the department considers that impacts potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community-endangered

The [Approved Conservation Advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) indicates in Queensland the ecological community includes areas that meet the descriptions of a range of Queensland Regional Ecosystems (RE) including 11.4.9, 11.9.1 and 11.9.5. The ecological community can also include vegetation considered to be non-remnant (e.g. re-growth vegetation not included in RE mapping) where re-growth is more than 15 years old and meets the condition thresholds being greater than 0.5 ha in size and where exotic perennial plants comprise less than 50 per cent of the total vegetation cover of the patch.

Field surveys undertaken by the proponent in October 2019 – April 2021 confirmed Brigalow TEC occurrence as a single patch within the MIA in an associated referral, adjacent to the water supply pipeline footprint. This patch is analogous to RE 11.9.1 and totals approximately 3.7 ha.

The referral identifies patches of RE 11.4.9, 11.9.1 and 11.9.5 within the proposed action area totalling approximately 31 ha that may meet the criteria for Brigalow TEC. Further unsurveyed patches located upon drainage lines totalling approximately 20 ha may also meet Brigalow TEC criteria. The ERT states that Brigalow TEC is known to occur within or near the proposed action area.

As the alignment for the water supply pipeline has not yet been finalised, the extent of impact to Brigalow TEC is unknown. The proponent states that Brigalow TEC patches span the width of the proposed action area and assuming patches meet TEC criteria, the proposed action will have unavoidable impacts associated with clearing and fragmentation of Brigalow TEC.

Based on information available to the department, including that provided in the referral, the SPRAT database, the ERT report and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the *Approved conservation advice*, the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent and fragmenting an ecological community.

Koala (*Phascolarctos cinereus* - combined populations of Qld, NSW and the ACT) – Vulnerable

Koala habitat is defined in the [EPBC Act referral guidelines for the vulnerable koala \(2014\)](#) as any forest or woodland containing species that are known Koala food trees, or shrubland with emergent food trees. This can include remnant and non-remnant vegetation in natural, agricultural, urban and peri-urban environments. Koala habitat is defined by the vegetation community present and the vegetation structure; the Koala does not necessarily have to be present.

The *EPBC Act referral guidelines* state that Koalas inhabit a range of vegetation communities dominated by *Eucalyptus* species or closely related genera (*Corymbia* and *Angophora* species) in both riparian and non-riparian environments.

The ERT indicates that the species or its habitat is known to occur within or near the proposed action area. The referral documentation states that the species was confirmed present within and adjacent to the proposed action area in field surveys conducted October 2019 to April 2021.

The proponent states that the proposed action is expected to remove habitat likely to be used by the Koala and may result in a significant impact to the species.

The proponent has identified approximately 959 ha of remnant vegetation containing Koala food tree species within the proposed action area, which the proponent states may serve as habitat critical to the survival of the species as defined by the *EPBC Act referral guidelines*. The Koala Guidelines Habitat Assessment tool was not used by the proponent to provide a habitat score.

The Koala Guidelines define habitat critical to the survival of the Koala as habitat that is scored a five or greater using the habitat assessment tool. Based on the following attributes, the department considers that habitat present on site is at least 8 out of 10, and is therefore habitat critical to the survival of the Koala:

- a. there are records of the Koala within 2 km of the site in the last five years (+2);
- b. at least two suitable food tree species are present (+2);
- c. area is part of a contiguous landscape < 1000 ha, but ≥ 500 ha (+1);
- d. that may contain some threat from feral species (+1); and
- e. is likely to be important for Koala recovery (+2).

Based on information available to the department, including that provided in the referral, the SPRAT database, the ERT report and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Koala through the loss of habitat critical to the survival of the species.

Other listed species and communities

On the basis of all the information available to the department (including the ERT, which suggests the presence of the following species or communities in the area of the proposal), and without further detailed assessment of potential impacts, the department considers that there is a real chance or possibility that project activities will significantly impact on the following:

Marsupials:

- Greater Glider (*Petauroides volans*) – Vulnerable

Birds:

- Squatter Pigeon (Southern) (*Geophaps scripta scripta*) – Vulnerable
- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Southern Black-Throated Finch (*Poephila cincta cincta*) – Endangered
- Painted Honeyeater (*Grantiella picta*) – Vulnerable

Reptiles:

- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable
- White-throated Snapping Turtle (*Elseya albagula*) – Critically Endangered
- Fitzroy River Turtle (*Rheodytes leukops*) – Vulnerable

TECs:

- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Weeping Myall Woodlands – Endangered

Flora:

- *Aristida annua* – Vulnerable
- *Bertya opposens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered

Conclusion

The department considers the proposed action is likely to have a significant impact on the above listed threatened species. For these reasons, the department considers that sections 18 and 18A are controlling provisions for the proposed action.

A water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)

The proposed action is to take water from the Terminal Dam at the Oaky Creek Coal Mine (owned by Glencore) and pump it via a pipeline to a water supply dam in the vicinity of the Valeria MIA to provide water for construction and operation of the proposed Valeria mine (EPBC 2021/9077).

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource.

A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a. in its own right; or
- b. when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is essential to the operation of coal mining activities. The department considers that the extraction of coal would not occur without the need for additional water to support mining activities at the Valeria Coal Mine, including washing coal and dust suppression. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact to a water resource.

Surface water

The proponent states that the proposed action has the potential to impact surface water resources through the construction and operation of the supply pipeline. The department notes that there are at least 23 watercourse crossings along the proposed action area (Attachment A). However, the exact alignment has not yet been finalised and will be developed by the proponent as the project progresses. The referral states that potential surface water impacts may include:

- a. erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. for construction of rail line watercourse crossings);
- b. decreased bank stability at watercourse crossings; and
- c. changes and/or interruption to in-stream flows (velocities, volumes) and flood regimes.

The referral indicates that the watercourses and tributaries/drainage lines associated with the proposed action area are ephemeral. However, water quality monitoring, field inspections and hydraulic and hydrologic modelling and assessment will be undertaken to understand the surface water values of the proposed action area. This assessment will inform the exact pipeline alignment within the infrastructure corridor as well as watercourse crossing and drainage design.

Groundwater

The proponent considers that the proposed action has the potential to impact groundwater resources through construction activities associated with installation of the pipeline infrastructure. The referral states that potential impacts may include:

- a. localised groundwater drawdown from surface cuttings that could intersect shallow aquifers;
- b. impacts to Groundwater Dependant Ecosystems (GDEs) present within or surrounding the project area;

- c. groundwater seepage from cuttings entering drainage lines; and
- d. potentially contaminated surface water entering groundwater systems.

The referral states these potential impacts and the need for mitigation and management measures will be assessed and presented during the project assessment.

Water source

The department notes the source of bulk water to be transported via the proposed pipeline from its storage location within the Terminal Dam at the Oaky Creek Coal Mine site is unknown. Therefore, the potential impacts to downstream users and the environment from potential increased water take are unknown. The associated licensing for water use from the OCC Mine for use in the Valeria mine is also not specified.

Conclusion

Based on the information available and the referral documentation, and with consideration of the [Significant impact guidelines 1.3 \(2013\)](#), the department considers there is a real or not remote chance or possibility that the proposed action will result in a change to the water quality and/or hydrology of a water resource that is of sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users, including environmental and other public benefit outcomes, or to create a material risk of such reduction in utility occurring, as a result of:

- a. a change in water quantity, including the timing of variations in water quantity;
- b. a change in the integrity of hydrological or hydrogeological connections, including flow regimes and river-floodplain connectivity; and
- c. the compromise in the ability to achieve relevant local or regional water quality objectives by causing potentially harmful substances to accumulate in the environment and seriously affecting the habitat of a native species dependent on the water resource.

The department considers that the proposed action is an action that involves a large coal mining development and that will have, or is likely to have, a significant impact on water resources. Therefore, the department considers sections 24D and 24E are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The department's ERT indicates a total of 11 listed migratory species may occur within 10 km of the proposed action ([Attachment B](#)).

The department notes that surveys for migratory species have not been completed. The referral states that several migratory species have been recorded within 50 km of the project site on the Atlas of Living Australia database, and that suitable habitat is present in grassland, woodlands, watercourses, farm dams and Gilgai formations.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer habitat that is not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or

ecologically significant population of a migratory species is likely to be impacted by the proposed action.

Based on the nature and scale of the proposed action and its potential impacts, the department considers the proposed action will not:

- substantially modify, destroy or isolate an area of important habitat for a migratory species;
- seriously disrupt the lifecycle (breeding, feeding, migration or resting behaviour) of an ecologically significant proportion of the population of a migratory species; or
- result in an invasive species that is harmful to a migratory species being established.

Conclusion

Given the nature and scale of the proposed action and with consideration of the *Significant Impact Guidelines 1.1 (2013)* the department considers significant impacts to migratory species are unlikely. For these reasons, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area. The nearest Ramsar wetland is the Shoalwater and Corio Bay Area, approximately 196 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area. The closest World Heritage Area is the Great Barrier Reef World Heritage Area, approximately 130 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area. The closest National Heritage Area is the Great Barrier Reef World Heritage Area, approximately 130 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the</p>

	<p>distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth marine environment (s23 & 24A)	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone (EEZ) and Territorial Sea, approximately 250 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
Commonwealth action (s28)	<p>The referring party is not a Commonwealth agency. For this reason the department considers that section 28 is not a controlling provision for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land area is the Shoalwater Bay Training area, approximately 170 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park. The Great Barrier Reef Marine Park is approximately 130 km from the site.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>

Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason the department considers that sections 27B and 27C are not controlling provisions for the proposed action.
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SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Four public submissions were received on the referral (Attachment C):

- d. One public submission considers the proposal to be clearly unacceptable, noting that in their view:
 - i. listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
 - ii. the proposed action will increase greenhouse gas emissions, contributing to climate change and adversely impacting the environment;
 - iii. the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
 - iv. the Minister or delegate should not accept the referral under section 74A.
- e. Three public submissions consider the proposed action should be a controlled action noting that in their view:
 - i. listed threatened species and communities, migratory species and water resources will be significantly impacted;
 - ii. a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
 - iii. the proposed action should undergo a full assessment by EIS.

The department notes these concerns and considers that they can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that the EIS assessment of the 'coordinated project' by the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- a. The Hon Ken Wyatt AM MP, Minister for Indigenous Australians;
- b. The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction;
- c. The Hon Keith Pitt MP, Minister for Resources and Water;
- d. The Hon Barnaby Joyce MP, Minister for Infrastructure, Transport, Regional Development; and

- e. Mr Elliot Zwangobani, delegated contact for the Hon Simon Birmingham MP, Minister for Finance.

On 21 December 2021, Geoscience Australia (GA) replied in response to the department's invitation to the Hon Keith Pitt MP ([Attachment D1](#)), stating that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. GA considered that further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts to water in the context of coal mines in the surrounding region, are considered.

The department notes the concerns raised by GA and considers that these matters will be addressed through the accredited assessment process, which will assess the overarching Valeria Project.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) replied in response to the department's invitation to the Hon Ken Wyatt AM MP ([Attachment D2](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. The NIAA recommended that the proponent:

- a. seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993* (Cth), prior to commencing work;
- b. continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if engagement has not yet commenced;
- c. continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- d. undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- e. engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Briaglow TEC; and
- f. identify opportunities for local Indigenous involvement in the proposed action.

The department notes the proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A](#)) with the Western Kangoulu People for the overarching Valeria Project.

No other comments were received in response to the above invitation.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 22 December 2021, Chris Loveday responded ([Attachment D3](#)) and advised that:

- a. In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- b. In 2019, the Department of Environment and Science (DES) issued information requests for the EA applications, requiring an EIS under the *Environmental Protection Act 1994* (Qld).

- c. In June 2020, the Valeria and Valeria South Coal Projects (the overarching Valeria Project) were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- d. The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- e. The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that the bilateral agreement with the Queensland Government will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment process specified under Class 2 of the Queensland bilateral agreement cannot proceed.

Therefore, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

- a. the process is to be carried out under a law of the Commonwealth, State or Territory;
- b. there are no standards prescribed by the regulations;
- c. the process will ensure that relevant impacts of the action are adequately assessed; and
- d. the report on the accredited assessment process will provide enough information on the relevant impacts to allow the decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS assessment process is to be carried out by the Office of the Coordinator General under Part 4 of the SDPWO Act and will address these matters.

In making your decision you must consider the matters summarised below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister	Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.

under an agreement under Part 10) - s87(3)(b)	
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at Attachment D .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), *Significant Impact Guidelines 1.3 – Coal seam gas and large coal mining developments* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment E](#). The fee schedule (without justifications) at [Attachment F](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

A/g Director

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

s. 22(1)(a)(ii)

Assessment Officer

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

ATTACHMENTS

A: Referral documentation

B: ERT Report (dated 15 December 2021)

C: Public comments

D: Ministerial comments

E: Fee schedule (with justifications)

F: Fee schedule (without justifications)

G: Decision notice FOR SIGNATURE

H: Letters to the proponent and the state FOR SIGNATURE

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

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Report created: 15/12/2021 12:32:39

[Summary](#)

[Details](#)

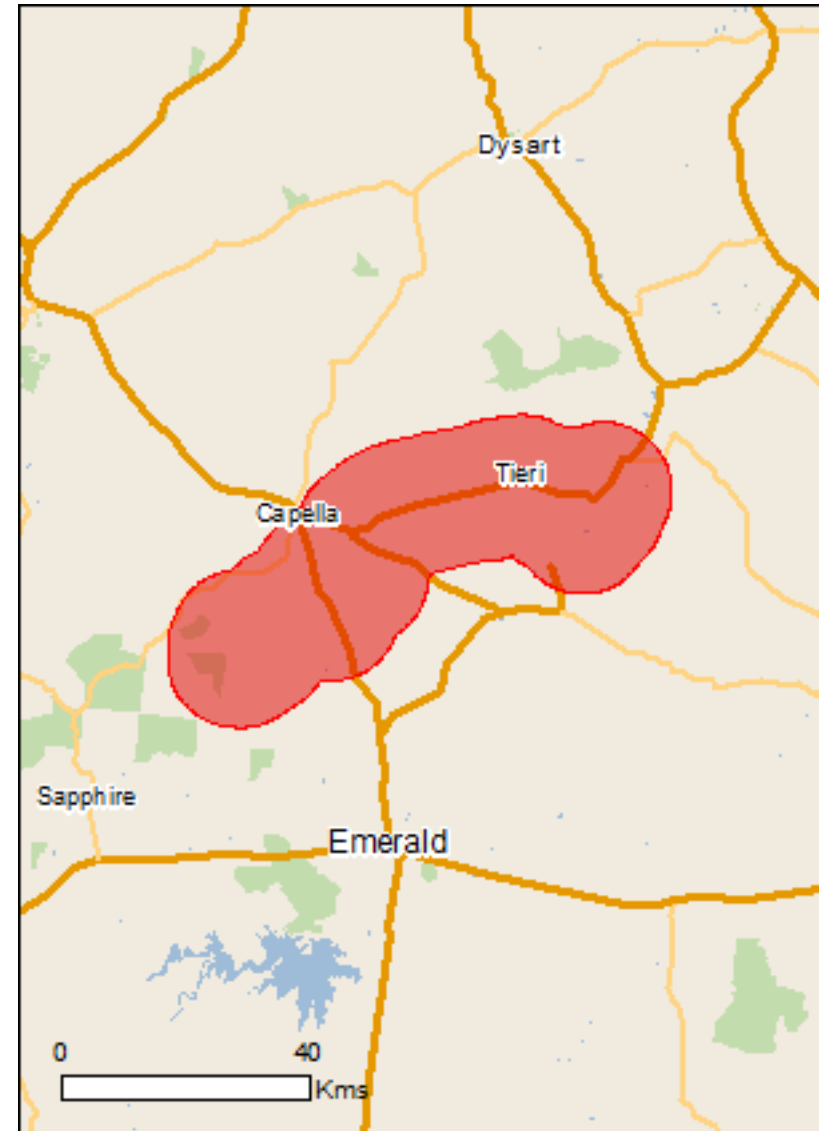
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



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Summary

Matters of National Environment Significance

World Heritage Properties:	None
National Heritage Places:	None
Ramsar Wetlands:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	4
Threatened Species:	29
Migratory Species:	11

Other Matters Protected by the EPBC Act

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	16
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	1
Regional Forest Agreements:	None
Invasive Species:	21
Nationally Important Wetlands:	None
EPBC Act Referrals:	15
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Name	Status	Type of Presence
Brigalow (Acacia harpophylla dominant and co-dominant)	Endangered	Community known to occur within area
Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin	Endangered	Community likely to occur within area
Poplar Box Grassy Woodland on Alluvial Plains	Endangered	Community likely to occur within area
Weeping Myall Woodlands	Endangered	Community likely to occur within area

Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Current Scientific Name	Status	Type of Presence
BIRD		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Geophaps scripta scripta Squatter Pigeon (southern) [64440]	DOCUMENT 19 Vulnerable	Species or species habitat known to occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Neochmia ruficauda ruficauda Star Finch (eastern), Star Finch (southern) [26027]	Endangered	Species or species habitat likely to occur within area
Poephila cincta cincta Southern Black-throated Finch [64447]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
MAMMAL		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat may occur within area
Dasyurus hallucatus Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat likely to occur within area
Macroderma gigas Ghost Bat [174]	Vulnerable	Species or species habitat likely to occur within area
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area
Petauroides volans Greater Glider [254]	Vulnerable	Species or species habitat known to occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat likely to occur within area

Current Scientific Name <small>LEX-26241</small>	Status <small>DOCUMENT 19</small>	Type of Presence <small>Page 106 of 419</small>
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
PLANT		
Aristida annua [17906]	Vulnerable	Species or species habitat likely to occur within area
Cadellia pentastylis Ooline [9828]	Vulnerable	Species or species habitat may occur within area
Daviesia discolor [3567]	Vulnerable	Species or species habitat likely to occur within area
Dichanthium queenslandicum King Blue-grass [5481]	Endangered	Species or species habitat known to occur within area
Dichanthium setosum bluegrass [14159]	Vulnerable	Species or species habitat likely to occur within area
Eucalyptus raveretiana Black Ironbox [16344]	Vulnerable	Species or species habitat may occur within area
Solanum orgadophilum Capella Potato Bush [89185]	Critically Endangered	Species or species habitat known to occur within area
REPTILE		
Delma torquata Adorned Delma, Collared Delma [1656]	Vulnerable	Species or species habitat may occur within area
Denisonia maculata Ornamental Snake [1193]	Vulnerable	Species or species habitat likely to occur within area
Egernia rugosa Yakka Skink [1420]	Vulnerable	Species or species habitat likely to occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Elseya albagula	<small>DOCUMENT 19</small>	<small>Page 107 of 419</small>
Southern Snapping Turtle, White-throated Snapping Turtle [81648]	Critically Endangered	Species or species habitat likely to occur within area
Furina dunmalli		
Dunmall's Snake [59254]	Vulnerable	Species or species habitat may occur within area
Lerista allanae		
Allan's Lerista, Retro Slider [1378]	Endangered	Species or species habitat likely to occur within area
Rheodytes leukops		
Fitzroy River Turtle, Fitzroy Tortoise, Fitzroy Turtle, White-eyed River Diver [1761]	Vulnerable	Species or species habitat likely to occur within area

Migratory Species [[Resource Information](#)]

Current Scientific Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus		
Fork-tailed Swift [678]		Species or species habitat likely to occur within area

Migratory Terrestrial Species

Cuculus optatus		
Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
Motacilla flava		
Yellow Wagtail [644]		Species or species habitat may occur within area
Myiagra cyanoleuca		
Satin Flycatcher [612]		Species or species habitat may occur within area
Rhipidura rufifrons		
Rufous Fantail [592]		Species or species habitat known to occur within area

Migratory Wetlands Species

Actitis hypoleucos		
Common Sandpiper [59309]		Species or species habitat may occur within area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Calidris acuminata Sharp-tailed Sandpiper [874]	DOCUMENT 19	Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat likely to occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species		[Resource Information]
Current Scientific Name	Threatened	Type of Presence
Bird		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Anseranas semipalmata Magpie Goose [978]		Species or species habitat may occur within area overfly marine area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Calidris acuminata Sharp-tailed Sandpiper [874]	DOCUMENT 19	<small>Page 109 of 419</small> Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area
Chalcites osculans as Chrysococcyx osculans Black-eared Cuckoo [83425]		Species or species habitat likely to occur within area overfly marine area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area overfly marine area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat may occur within area overfly marine area
Pandion haliaetus Osprey [952]		Species or species habitat likely to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Rostratula australis as Rostratula benghalensis (sensu lato)	<small>DOCUMENT 19</small> Endangered	Page 110 of 419 Species or species habitat may occur within area overfly marine area
Australian Painted Snipe [77037]		

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Caroa Island Paddock Nature Refuge	QLD

Invasive Species [Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
Bird		
Columba livia		
Rock Pigeon, Rock Dove, Domestic Pigeon [803]	Feral	Species or species habitat likely to occur within area
Passer domesticus		
House Sparrow [405]	Feral	Species or species habitat likely to occur within area
Frog		
Rhinella marina		
Cane Toad [83218]	Feral	Species or species habitat known to occur within area
Mammal		
Bos taurus		
Domestic Cattle [16]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Canis familiaris listed as Canis lupus familiaris	<small>DOCUMENT 19</small>	<small>Page 111 of 419</small>
Domestic Dog, Dingo [17]	Feral	Species or species habitat likely to occur within area
Felis catus		
Cat, House Cat, Domestic Cat [19]	Feral	Species or species habitat likely to occur within area
Lepus capensis		
Brown Hare [127]	Feral	Species or species habitat likely to occur within area
Mus musculus		
House Mouse [120]	Feral	Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]	Feral	Species or species habitat likely to occur within area
Sus scrofa		
Pig [6]	Feral	Species or species habitat likely to occur within area
Vulpes vulpes		
Red Fox, Fox [18]	Feral	Species or species habitat likely to occur within area
Plant		
Cryptostegia grandiflora		
Rubber Vine, Rubbervine, India Rubber Vine, India Rubbervine, Palay Rubbervine, Purple Allamanda [18913]	WoNS	Species or species habitat likely to occur within area
Hymenachne amplexicaulis		
Hymenachne, Olive Hymenachne, Water Stargrass, West Indian Grass, West Indian Marsh Grass [31754]	WoNS	Species or species habitat likely to occur within area
Jatropha gossypifolia listed as Jatropha gossypifolia		
Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [89505]	WoNS	Species or species habitat likely to occur within area
Lantana camara		
Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
LEX-26241 Opuntia spp. Prickly Pears [82753]	DOCUMENT 19 WoNS	Species or species habitat likely to occur within area
Parkinsonia aculeata Parkinsonia, Jerusalem Thorn, Jelly Bean Tree, Horse Bean [12301]	WoNS	Species or species habitat likely to occur within area
Parthenium hysterophorus Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]	WoNS	Species or species habitat likely to occur within area
Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica subsp. indica listed as Acacia nilotica subsp. indica Prickly Acacia [87881]	WoNS	Species or species habitat may occur within area

EPBC Act Referrals

[[Resource Information](#)]

Further details about the referral is available in the Environmental Impact Assessment System (EIAS); click on the title to access.

Referral	Reference	Referral Outcome	Assessment Status
275kV transmission line	2002/795	Not Controlled Action (Particular Manner)	Post-Approval
Clearing for construction of a 19.1kV Single Wire Earth Return powerline, Gregory Mine, Lilyvale, Qld	2013/6911	Not Controlled Action	Completed
extention to the existing underground mine and additional surface areas to gain	2004/1547	Not Controlled Action	Completed
Galilee Coal Project including development of coal mine, 495km railway, port and	2008/4366	Action Clearly Unacceptable	Completed
Gregory Solar Farm, north-east of Emerald, Qld	2017/8098	Not Controlled Action	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of	2015/7522	Not Controlled Action	Completed

Title	Reference	Referral Outcome	Assessment Status
<u>Australia</u>			
<u>Lilyvale Solar Farm Development, Emerald, QLD</u>	2014/7396	Not Controlled Action	Completed
<u>M Block 3D Seismic Survey Program</u>	2012/6268	Controlled Action	Final PD
<u>Teresa Coal Mine, QLD</u>	2011/6094	Controlled Action	Proposed Decision
<u>Valeria Project ??? mine site, on-site construction workers accommodation camp and mine access road</u>	2021/9077	Referral Decision	Referral Publication
<u>Valeria Project Communications Infrastructure from the Gregory Highway to the mine site</u>	2021/9074	Referral Decision	Referral Publication
<u>Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline</u>	2021/9078	Referral Decision	Referral Publication
<u>Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain</u>	2021/9076	Referral Decision	Referral Publication
<u>Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine</u>	2021/9075	Referral Decision	Referral Publication
<u>ZeroGen Integrated Gasification Combined Cycle Power Plant and CO2 Capture, Transport and Storage</u>	2009/5195	Controlled Action	Completed

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment, Energy and Science, New South Wales](#)
- [-Department of Environment, Land, Water and Planning, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Government of South Australia, Department for Environment and Water, South Australia](#)
- [-Department of Environment and Natural Resources, Northern Territory](#)
- [-Department of Environment and Science, Queensland](#)
- [-Department of Biodiversity, Conservation and Attractions, Western Australia](#)
- [-Environment, Planning and Sustainable Development Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Department of Environment and Energy, Australian Bird and Bat Banding Scheme](#)
- [-CSIRO, Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Australian Museum](#)
- [-Museums Victoria](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Survey Responses

10 December 2021 - 23 December 2021

Referral: EPBC 2021/9075 - Valeria Project
Water Supply Pipeline Infrastructure from
the mine site to the Oaky Creek Coal Mine,
QLD

Have Your Say - Agriculture, Water and the
Environment

Project: Public comments on EPBC Act referrals



VISITORS					
7					
CONTRIBUTORS			RESPONSES		
4			4		
0	0	4	0	0	4
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:03:04 pm**Last Seen:** Dec 21, 2021 16:03:04 pm**IP Address:** n/a

Q1. **Name** Environment Council of Central Queensland

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:25:31 pm**Last Seen:** Dec 21, 2021 16:25:31 pm**IP Address:** n/a

Q1. **Name** s 47F(1) for Lock the Gate Alliance

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Therefore we consider the project should be a controlled action for threatened species and communities.

Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project.

Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Environmental Impact Statement As a result of the massive scale of this project and the severe impacts it is likely to have a full EIS should be required for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 16:54:38 pm**Last Seen:** Dec 23, 2021 16:54:38 pm**IP Address:** n/a

- Q1. **Name** Australian Conservation Foundation Incorporated
-
- Q2. **Email address** s. 47F(1) @acf.org.au
-
- Q3. **Do you consider this is a controlled action?** Yes
-
- Q4. **Provide reasons for why you believe this is/is not a controlled action.**
Please see two letters attached.
-
- Q5. **Do you have any attachments you wish to upload to support your feedback?** Yes
-
- Q6. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/2ae0f0af698d2adec44b72d43d44f5ab097dad3f/original/1640238808/c43184820726a3cdcfcbbde35f69716af_211223_Ltr_to_Minister_re_Valeria_Project_2021-9075.pdf?1640238808
-
- Q7. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/bbe696d910b2d95ffae46899553295e71fc64ddc/original/1640238823/f5477ce18a12de9bbd2d99dc859098d8_211223_EDO_Ltr_re_ACF_Submission_re_Valeria_2021-9077.pdf?1640238823
-
- Q8. **Upload your file using the 'choose file' button.** not answered
-
- Q9. **Upload your file using the 'choose file' button.** not answered
-
- Q10. **Upload your file using the 'choose file' button.** not answered
-
- Q11. **Is your response confidential?** No
-
- Q12. **Please specify the parts of your response that are confidential**
not answered
-
- Q13. **Confirm that you have read and understand this privacy notice.** Yes
-
- Q14. **Confirm that you have read and understand this declaration.** Yes
-

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 19:32:14 pm**Last Seen:** Dec 23, 2021 19:32:14 pm**IP Address:** n/a

Q1. **Name** CQ Futures Ltd.

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

Ref 101/0003868

21 December 2021

s. 22(1)(a)(ii)

Director

Environment Queensland (North)

Environment Assessments Queensland and Sea Dumping

Department of Agriculture, Water and the Environment

GPO Box 858

CANBERRA ACT 2601

Dear s. 22(1)(a)(ii)

Invitation to comment on referrals:

- **EPBC 2021/9074 – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD**
- **EPBC 2021/9075 – Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD**
- **EPBC 2021/9076 – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD**
- **EPBC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD**
- **EPBC 2021/9078 – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD**

Thank you for your letters dated 10 December 2021 requesting advice on whether the above actions should be assessed in a manner described in Schedule 1 of the Agreement between the Commonwealth of Australia and the State of Queensland (the Bilateral Agreement) developed under Section 45 of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Business Centre (Coal), Coal and Central Queensland Compliance within the Department of Environment and Science advised the following:

- In 2019, Glencore submitted two applications for a site-specific Environmental Authority (EA) for Valeria and Valeria South Coal Projects.
- Separate EA applications were required due to the different holding company structures of the associated tenures.
- An information request was issued in 2019 for both applications, requiring an EIS under the *Environmental Protection Act 1994*.
- In June 2020, the Valeria project was declared a Coordinated project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- A joint EIS for both Valeria and Valeria South coal projects (jointly referred to as the Valeria coal project) is required under the SDPWO Act.

- The application materials for Valeria and Valeria South did not include the co-located infrastructure corridor or the construction workers accommodation camp the subject of the referral (EPBC 2021/9078).
- If the application materials are updated to include the infrastructure the subject of the EPBC referral, any considerations under the *Environmental Offsets Act 2014* and its subordinate legislation will be dealt with during the EIS process.
- If the application material is updated to include the co-located infrastructure corridor and construction workers accommodation camp, and DAWE determines that the project is a 'controlled action', potential impacts and proposed mitigation and management measures should be assessed via the EIS Bilateral Agreement.

The Office of the Coordinator-General (OCG) within the Queensland Department of State Development, Infrastructure, Local Government and Planning has advised that on 12 June 2020, the Coordinator-General declared the Valeria Project as a coordinated project under Part 4 of the SDPWO Act. Consequently, in accordance with clause 12.2 of the Bilateral Agreement, the above actions will be assessed using the environmental impact statement (EIS) process under Part 4 of the SDPWO Act. This assessment process falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

The OCG noted that the scope of the project described in the EPBC referrals is different to that described in the Initial Advice Statement (on which coordinated project declaration was based). The OCG is currently working with Glencore to understand how substantial these project changes are. The Queensland contact officer at the OCG is as follows:

s 47F(1)

Project Manager

Office of the Coordinator-General

Department of State Development, Infrastructure, Local Government and Planning

Level 17, 1 William Street, Brisbane QLD 4000

PO Box 15517, City East QLD 4002

Phone: (07) s 47F(1)

Email: s 47F(1)

Should you have any further enquiries, please contact me on telephone s. 47F(1)

s 47F(1)

Director, Technical and Assessment Services

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Thursday, 16 December 2021 12:01 PM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Finance (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

Hi s 22, FYI
Cheers
s. 22(1)(a)(ii)

From: s. 47F(1) @finance.gov.au
Sent: Thursday, 16 December 2021 8:47 AM
To: s. 22(1)(a)(ii) @environment.gov.au
Cc: LAA@finance.gov.au; Zwangobani, Elliot <Elliot.Zwangobani@finance.gov.au>; s. 47F(1) @finance.gov.au; s. 47F(1) @finance.gov.au
Subject: FW: Invitation to comment on Referral – Finance (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

SEC=OFFICIAL

Dear s. 22(1)(a)(ii)

Thank you for providing the Department of Finance (Finance) with the opportunity to comment on EPBC referral 2021/9075. We understand that this referral relates to a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate water supply pipeline infrastructure in Gordonstone, Queensland.

Finance has no comment on the referral.

Thanks,
s 47F(1)



s 47F(1) | Project Officer
Property and Construction Division
Department of Finance
T: 02 s 47F(1)
E: s 47F(1) @finance.gov.au
A: 1 Canberra Avenue, FORREST, ACT, 2603

From: EPBC Referrals <EPBC.Referrals@awe.gov.au>
Sent: Friday, 10 December 2021 8:54 AM
To: LAA@finance.gov.au; Zwangobani, Elliot <Elliot.Zwangobani@finance.gov.au>
Cc: s. 47F(1) @finance.gov.au
Subject: Invitation to comment on Referral – Finance (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]



Mr Elliot Zwangobani
Acting Assistant Secretary
Property and Construction Division
Department of Finance
1 Canberra Ave
FORREST ACT 2603

Date: 10 December 2021
EPBC Ref: 2021/9075
EPBC contact: s. 22(1)(a)(ii)
(02) 62 s. 22(1)(a)(ii)
s. 22(1)(a)(ii)@environment.gov.au

Dear Mr Zwangobani,

Invitation to comment on referral

Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, Gordonstone, QLD

I am writing to you, as the delegated contact for the Minister for Finance, Senator the Hon Simon Birmingham, in relation to consultation on actions being assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate water supply pipeline infrastructure in Gordonstone, Queensland, for consideration under the EPBC Act.

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021** Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email s. 22(1)(a)(ii)@environment.gov.au

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9075.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director

Referrals Gateway

Be careful with this message

External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

SEC=OFFICIAL

SEC=OFFICIAL

SEC=OFFICIAL



Australian Government
Geoscience Australia



**Resources Stewardship and Environment
Resources Strategy Branch
Resources Division
Department of Industry, Science, Energy and Resources**

Cnr Jerrabomberra Avenue
and Hindmarsh Drive,
Symonston ACT 2609
GPO Box 378,
Canberra, ACT 2601 Australia
Phone: +61 2 6249 9111
Facsimile: +61 2 6249 9999
Web: www.ga.gov.au
ABN 80 091 799 039

21 December 2021

Attn: [s. 22\(1\)\(a\)\(ii\)](#)

Re: Invitation to comment on referral 2021/9077 | Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD and related referrals for integral infrastructure for mining operations (2021/9074, 2021/9075, 2021/9076 and 2021/9078).

I refer to your request for comments dated 10 December 2021 on the referrals by Valeria Coal Holdings Pty Ltd (the Proponent) for the Valeria Project mine site (the Project) and related associated actions necessary for mining operations.

Geoscience Australia has individually assessed each related action in our combined response for the five referrals. Geoscience Australia has reviewed the referral information, particularly as it relates to sections 24D and 24E (the water trigger) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), with attention to potential impacts to groundwater resources and other technical geoscience or geotechnical factors.

Table 1: EPBC referrals related to the Valeria Project (EPBC 2021/9077) and associated actions and self-assessment against water trigger MNES considerations.

EPBC Number	Title	Likely impact to water resources	Is the impact likely to be significant?
2021/9077	Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD	Yes	Yes
2021/9074	Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD	Yes	Yes
2021/9075	Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD	Yes	Yes
2021/9076	Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD	Yes	Yes
2021/9078	Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD	Yes	Yes

Summary

The Proponent has self-assessed that the Project and associated actions are likely to have a significant impact on water resources, and as such constitute controlled actions. Referrals for the

associated actions contain information that can be used to assess the potential impacts to matters protected under Sections 24D and 24E of the EPBC Act (Table 1 and Table 2). Groundwater monitoring, modelling and geochemical characterisation of water material will be undertaken for the Project Environmental Impact Statement (EIS) in accordance with the significant impact guidelines.

The Proponent has split the Project and associated actions into five separate referrals for commercial reasons. The Proponent states that five referrals "...have been submitted for the components...to enable potential future transfer of approvals to third party providers, to own, construct and operate the respective assets."¹ In splitting the Project and associated actions, but also identifying that all actions meet the water trigger, the Proponent has acknowledged that each individual action meets the criteria for assessment against the water trigger.

Background

The Project is an open cut metallurgical and thermal coal mine located approximately 27 kilometres north-west of Emerald, 8 km south-west of Capella and 270 km west of Rockhampton. The Project is expected to produce up to 20 Million tonnes per annum (Mtpa) of Run of Mine (ROM) coal over an operational life of approximately 35 years, from a total recoverable coal resource of 594 million tonnes (Mt). ROM coal will result in approximately 14–16 Mtpa saleable coal. A total of five EPBC Act Referrals have been submitted for the components of the Project (Table 1). The Proponent as identified potential impacts to groundwater resources for the Project and associated actions (Table 2).

Table 2: Potential groundwater impacts for the Project and associated actions (from Section 2.9 of each referral).

EPBC Number	Potential groundwater impacts
2021/9077	<p>The Proposed Action will have the potential to impact on groundwater, stygofauna and GDEs through:</p> <ul style="list-style-type: none"> • Changes to groundwater levels and/or pressure, reducing water availability and potentially impacting surrounding users • Changes to groundwater levels impacting the ability for GDEs to access groundwater and impacting stygofauna habitat • Reduction of baseflow to watercourses, potentially resulting in impacts to GDEs and downstream users • Contamination of shallow groundwater systems due to the improper storage and handling of fuels and chemicals • Changes in groundwater quality through seepage from out-of-pit dumps, in-pit or out-of-pit tailings disposal, and mine affected water storage dams. • Changes to levels and/or quality of shallow groundwater systems from over-use of water for dust suppression and construction activities
2021/9074	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>
2021/9075	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>

¹ Page 1, "EBPC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5" http://epbcnotices.environment.gov.au/_entity/annotation/1870a88f-9358-ec11-80cf-00505684c137/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1640037965127

EPBC Number	Potential groundwater impacts
2021/9076	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.
2021/9078	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.

The Project will include clearing approximately 4480 ha, and the potential for increased fauna mortality, including MNES fauna. Groundwater drawdown caused by the establishment of open pit operations has potential to impact subsurface and terrestrial environments where they are connected to impacted aquifers. Within the mine site, the following mine infrastructure is proposed:

- Six open cut pits
- ROM pad, hopper and stockpiles
- Coal Handling and Preparation Plant (CHPP) and Mine Infrastructure Area (MIA)
- Tailings Storage Facilities (TSF)
- Out-of-pit and in-pit waste rock dumps
- Water storage dams
- Mine affected water dams
- Train load-out (TLO)
- Internal haul roads and light vehicle access roads
- Office buildings and amenities
- Sewage treatment facilities
- On-site construction workers accommodation camp
- Power and communications infrastructure

This infrastructure will support the following activities associated with the mine site:

- Blasting and drilling of waste rock
- Excavation of on-site rock material to produce gravel and construction fill materials for use in construction of mine related and transport infrastructure
- Placement of waste rock in out-of-pit waste rock dumps and in-pit when mine sequencing allows
- Staged development of six open cut pits and ROM stockpiles
- Progressive development of water storage, transfer and sediment dams, levees, pipelines, pumps and other water management infrastructure;
- Disposal of tailings within the out of pit and in pit TSFs
- Disposal of rejects within put of pit and in pit waste rock dumps
- Progressive rehabilitation of the mine site

Referral documentation for the Project and associated actions does not provide estimates of groundwater drawdown. The only information about post-closure and rehabilitation impacts is limited to a commitment to fill pit voids with waste rock. The Proponent will provide details of closure and post-closure in the Progressive Rehabilitation and Closure Plan (PRCP) as part of the EIS submission.

Coal Resources

The Valeria Project contains recoverable black coal equivalent to 369 Mt, comprising less than 1% of the national inventory of Economic Demonstrated Resources (EDR). The Valeria Project contains

additional recoverable Inferred Resources equivalent to 225 Mt, comprising less than 1% of the national inventory of Inferred Resources (Table 3).

Table 3: World and Australian recoverable black coal resources and comparisons with the Valeria Project.

Region/Deposit	EDR		Inferred Resources	
	(Mt)	(% Aust.)	(Mt)	(% Aust.)
World Black Coal	749,167			
Australia Recoverable Black Coal	75,428		84,097	
Valeria Project	369	<1	225	<1

Abbreviations: EDR - Economic Demonstrated Resources; Mt - million tonnes.

Sources: Australia's Identified Mineral Resources 2020, Glencore Resources and Reserves as at 31 December 2020.

Comments

The Proponent has provided minimal information and modelling of potential impacts to groundwater resources by the Project and associated actions (Table 2). Given the size and nature of the Project, Geoscience Australia sees no reason to disagree with the Proponent's self-assessment of the Project being a controlled action, with the water trigger as a controlling provision. Geoscience Australia expects more detail to be included in the EIS for the Project. Geoscience Australia notes that the Project is likely to contribute to cumulative impacts to water resources arising from coal mining in the region.

As the Proponent has identified that the associated actions are considered part of the Project's requirements for coal extraction. To that end, the Proponent considers that the Project and associated actions are likely to meet the criteria for consideration under the water trigger. Geoscience Australia considers this to be a pragmatic approach, and encourages the Department to assess all actions together to optimise the assessment process, and ensure all actions are treated with due consideration.

If you have any queries on our comments, please contact me on **s 47F(1)** or by email to **s. 47F(1)** @ga.gov.au.

Kind regards,

s 47F(1)

s 47F(1)

A/g Director - Groundwater Advice and Data Section
Advice, Investment Attraction and Analysis Branch
Minerals, Energy and Groundwater Division
Geoscience Australia

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 14 December 2021 10:56 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

Hi s 22, FYI

From: energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Sent: Tuesday, 14 December 2021 10:42 AM
To: s. 22(1)(a)(ii) @environment.gov.au>
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>; EPBC Referrals <EPBC.Referrals@awe.gov.au>
Subject: RE: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

Good morning,

Thank you for providing the opportunity to comment on this referral.

Please be advised of a nil response from Minister Taylor.

Kind regards,

s. 47F(1)

s. 47F(1)

Governance Officer

Energy Division | Energy Governance | Governance and Secretariat
Ngunnawal Country, 51 Allara Street (GPO Box 2013) Canberra ACT 2601 Australia
Department of Industry, Science, Energy and Resources
P 02 s. 47F(1) | x^{s 47F(1)} | E s. 47F(1) @industry.gov.au

industry.gov.au ABN 74 599 608 295

Supporting economic growth and job creation for all Australians | We are collaborative, innovative, respectful and strive for excellence



Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



OFFICIAL

From: EPBC Referrals [<mailto:EPBC.Referrals@awe.gov.au>]
Sent: Friday, 10 December 2021 8:54 AM
To: angus.taylor.mp@aph.gov.au
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Subject: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]



Australian Government
Department of Agriculture,
Water and the Environment

The Hon Angus Taylor MP	Date:	10 December 2021
Minister for Industry, Energy and Emissions Reduction	EPBC Ref:	2021/9075
Parliament House	EPBC contact:	s. 22(1)(a)(ii)
CANBERRA ACT 2600		(02) 62 s. 22(1)(a)(ii)
		s. 22(1)(a)(ii) @environment.gov.au

Dear Minister

Invitation to comment on referral
Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, Gordonstone, QLD

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate water supply pipeline infrastructure in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021**. Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9075.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments

under the EPBC Act. A copy of the Charter can be found at:
<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director
Referrals Gateway

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Monday, 13 December 2021 9:13 AM
To: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

s. 22(1)(a)(ii)

From: EPBC Referrals <EPBC.Referrals@environment.gov.au>
Sent: Friday, 10 December 2021 2:32 PM
To: s. 22(1)(a)(ii) @environment.gov.au
Cc: s. 22(1)(a)(ii)@awe.gov.au; s. 22(1)(a)(ii) @environment.gov.au
Subject: FW: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

FYI

Cheers,
s 22

Referrals Gateway and Business Systems | Governance and Reform Branch
Environment Approvals Division | Department of Agriculture, Water and the Environment
GPO Box 787, CANBERRA ACT 2601
Email: EPBC.Referrals@environment.gov.au | Web: www.environment.gov.au



From: Parks Coord <ParksCoord@environment.gov.au>
Sent: Friday, 10 December 2021 9:03 AM
To: EPBC Referrals <EPBC.Referrals@environment.gov.au>
Cc: Parks Coord <ParksCoord@environment.gov.au>
Subject: RE: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9075) Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD [SEC=OFFICIAL]

Nil Response from Parks Australia

Regards,

s. 22(1)(a)(ii)

Divisional Coordinator

Parks Science and Strategy Section
Booderee and Business Service Branch
Parks Australia Division

☎ (02) 62^{s. 22(1)(a)(ii)} ✉ parkscoord@environment.gov.au

From: EPBC Referrals <EPBC.Referrals@environment.gov.au>

Sent: Friday, 10 December 2021 8:54 AM

To: mps@infrastructure.gov.au

Cc: Parks Coord <ParksCoord@environment.gov.au>; Claire.quintal@infrastructure.gov.au

Subject: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9075)
Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, QLD
[SEC=OFFICIAL]

The Hon Barnaby Joyce MP
Minister for Infrastructure, Transport,
Regional Development
Parliament House
CANBERRA ACT 2600

Date: 10 December 2021
EPBC Ref: 2021/9075
EPBC contact: [s. 22\(1\)\(a\)\(ii\)
\(02\) 62^{s. 22\(1\)\(a\)\(ii\)}
s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

Dear Minister,

Invitation to comment on referral

Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Min, Gordonstone, QLD

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate water supply pipeline infrastructure in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021** Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter [s. 22\(1\)\(a\)\(ii\)](mailto:s.22(1)(a)(ii)@environment.gov.au)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment

GPO Box 858
CANBERRA ACT 2601

by email [s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

If you have any questions about this process, please contact [s. 22\(1\)\(a\)\(ii\)](#) and quote EPBC 2021/9075.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

[s. 22\(1\)\(a\)\(ii\)](#)

A/g Director

Referrals Gateway

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 24 December 2021 9:03 AM
To: s. 22(1)(a)(ii)
Subject: FW: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

From: Gray, Lauren <Lauren.Gray@niaa.gov.au>
Sent: Thursday, 23 December 2021 9:44 PM
To: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>
Cc: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>; Environment Policy <EnvironmentPolicy@niaa.gov.au>; Heritage <Heritage@niaa.gov.au>; s 47F(1) >
Subject: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

OFFICIAL

Mr s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

Dear s. 22(1)(a)(ii) ,

Thank you for the emails of 10 December 2021 inviting comments on the five referrals for proposed action by Valeria Coal Holdings Pty Ltd (Valeria) to construct and operate a coal mine in Gordonstone Queensland. The projects include the construction and operation of an open cut metallurgical and thermal coal mine with associated infrastructure (EPBC 2021/9077). We note the associated infrastructure includes the development of an infrastructure corridor along which the proponent is proposing to install water supply pipeline infrastructure (EPBC 2021/9075), communications infrastructure (EPBC 2021/9074), railway infrastructure which will be extended to connect with the Aurizon Goonyella Coal Chain (Oak Creek) rail network (EPBC 2021/9076), and power infrastructure, including construction of a 36km 66 kilovolt power line connected to a substation to be constructed onsite (EPBC 2021/9078).

The National Indigenous Australians Agency (NIAA) notes that Valeria elected to create five separate referrals for the mine due to future potential transfer of approvals to third parties service providers to own, construct and operation the respective assets. As our comments apply to all five referrals, a consolidated response is provided.

The NIAA notes the project area is within the Kangoulu People and Western Kangoulu People's Native Title claim areas. Due to the differences in land tenure over the project area, the NIAA recommends the proponent seek advice from the Queensland Government as to whether any future act process apply under the *Native Title Act 1993* prior to commencing work.

We note and commend the proponent for undertaking thorough and ongoing engagement with the Western Kangoulu People. Engagement has included discussions regarding development of a Native Title Agreement, a Cultural Heritage Management Plan (CHMP) and the undertaking of surveys for cultural

heritage values. We further note that the proponent continues to meeting periodically with the Western Kangoulu People.

Four of the five referrals state that the second Traditional Owner has yet to be identified, however referral 2021/9076 identified the Kangoulu People as the other Native Title Group relevant to the project. All referrals have committed to engagement with the Kangoulu People upon identification, however it is unclear if this engagement has occurred as yet. The NIAA recommends that if it has not already done so, the proponent engage with the Kangoulu people as soon as possible. We note that the referrals state that engagement with the second Native Title group will include discussions regarding development of a Native Title Agreement, a CHMP and cultural heritage surveys.

Consultation with both Native Title Groups should include joint development of protocols for the identification, protection and management of both tangible and intangible values **that may emerge throughout all phases of the life of the project**. The NIAA recommends these protocols be formalised in the CHMPs. We also encourage the proponent to undertake ongoing consultation with all Traditional Owners and Indigenous stakeholders relevant to the project.

We note that a search of the Queensland Cultural Heritage Database and Register was undertaken for all elements of the project, supported by on-ground cultural heritage surveys. We note that the database search did not identified any registered sites or heritage values, however the cultural surveys identified Indigenous cultural heritage values within the mining site and two artefacts scatters within the eastern portion of the project area. We note there are plans to undertake targeted surveys of the eastern portion of the site in early 2022.

It is unclear from the referrals if the Traditional Owners were involved with the on-ground surveys, or if the proponent intends to engage the Traditional Owners for the 2022 surveys. The NIAA recommends the proponent engage the Western Kangoulu People regarding the completed surveys and include the Kangoulu People in the 2022 surveys, to ensure Traditional Owner views and knowledge is thoroughly captured.

In addition, the NIAA notes the proposed action is likely to have direct and indirect impacts on a number of threatened flora, fauna, ecological communities and migratory species that may have cultural significance to Traditional Owners. This includes potential impacts to the Koala, Greater Glider, bluegrass and the Brigalow ecological community, along with other species listed in the referral. The NIAA recommends the proponents include consultation on these and any other intangible values in their collaboration with Traditional Owners in developing the CHMPs.

The NIAA also encourages consultation with the Traditional Owners to explore involvement in cultural awareness training, as well as the planning and management of future decommissioning and site rehabilitation.

Finally, the NIAA supports the engagement of Indigenous employees and businesses to help fully realise the economic benefit and value of the project to local Indigenous people. The NIAA encourages Valeria to consider opportunities for engaging Traditional Owners in the project. The proponent may also wish to consult Supply Nation, which maintains a free online directory that can identify suitable Indigenous businesses, to support Indigenous participation targets under this project. It may also be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.

Yours sincerely,

Lauren Gray
Branch Manager

Land Policy and Environment Branch
National Indigenous Australians Agency

23 December 2021

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9075

Date of Fee Schedule: Jan. 11, 2022

Project title: Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Qld

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$8,945	\$0	\$12,906
Stage 2	\$3,655	\$14,163	\$0	\$17,818
Stage 3	\$2,175	\$14,909	\$59,630 (Estimate)	\$76,714 (Estimate)
Stage 4	\$8,355	\$36,527	\$59,630 (Estimate)	\$104,512 (Estimate)
TOTAL PROJECT COST	\$18,146	\$74,546	\$119,260 (Estimate)	\$211,952 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

	COMPLEXITY	FEE
CONTROLLING PROVISIONS		
Listed threatened species and ecological communities	Very High	
A At least 15 listed threatened species and ecological communities will require further assessment, including the Brigalow (Acacia harpophylla dominant and co-dominant) community and the Koala (Phascolarctos cinereus).		\$48,931
B Listed migratory species	None	\$0
Not applicable.		
C Wetlands of international importance	None	\$0
Not applicable.		
D Environment of the Commonwealth marine area	None	\$0
Not applicable.		
E World heritage properties	None	\$0
Not applicable.		
F National heritage places	None	\$0
Not applicable.		
Part A Fees		
G Nuclear actions	None	\$0
Not applicable.		
H Great Barrier Reef Marine Park	None	\$0
Not applicable.		
I Water Resources	High	
Impacts to water resources exist with the pipeline facilitating the supply of water to a coal mine in which it will be used in coal production. The volume, source, treatment and downstream impacts of the water the pipeline will supply are unclear and not well understood.		\$25,615
J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None	\$0
Not applicable.		
NUMBER OF PROJECT COMPONENTS		
K Number of project components	Low	\$0
N/A		
COORDINATION WITH OTHER LEGISLATION		
L Coordination with other legislation	Low	\$0

		COMPLEXITY	FEE
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE			
		Site surveys/Knowledge of environment	Very High
Part B Fees: estimate (to be confirmed prior to Stage 3)	M	Surveys were undertaken between 2019 and 2021. The referral states that further surveys will be undertaken once the disturbance footprint is finalised. The department considers that further surveys are required to inform the habitat and impact assessment for listed threatened species and communities and water resources.	\$84,311
		Management measures (including mitigation and offsets)	High
	N	The referral states that further assessments will be undertaken to inform the site layout and placement of infrastructure to avoid and mitigate potential impacts to MNES. Further detail on these measures is required.	\$34,949
	O	Project scope	Low
		N/A	\$0
EXCEPTIONAL CIRCUMSTANCES			
Exceptional circumstances	P	Exceptional circumstances	False
		N/A	\$0
TOTAL COMPLEXITY FEES (Estimate)			\$193,806
BASE FEE			\$18,146
TOTAL FEE (Estimate)			\$211,952

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9075

Date of Fee Schedule: Jan. 11, 2022

Project title: Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Qld

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

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Stage 4	\$8,355	\$36,527	\$59,630 (Estimate)	\$104,512 (Estimate)
TOTAL PROJECT COST	\$18,146	\$74,546	\$119,260 (Estimate)	\$211,952 (Estimate)

Notes:

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Fee Breakdown

	COMPLEXITY FEE
CONTROLLING PROVISIONS	
A Listed threatened species and ecological communities	Very High \$48,931
B Listed migratory species	None \$0
C Wetlands of international importance	None \$0
D Environment of the Commonwealth marine area	None \$0
E World heritage properties	None \$0
F National heritage places	None \$0
G Nuclear actions	None \$0
H Great Barrier Reef Marine Park	None \$0
I Water Resources	High \$25,615
J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None \$0
NUMBER OF PROJECT COMPONENTS	
K Number of project components	Low \$0
COORDINATION WITH OTHER LEGISLATION	
L Coordination with other legislation	Low \$0
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE	
M Site surveys/Knowledge of environment	Very High \$84,311
N Management measures (including mitigation and offsets)	High \$34,949
O Project scope	Low \$0
EXCEPTIONAL CIRCUMSTANCES	
P Exceptional circumstances	False \$0
TOTAL COMPLEXITY FEES (Estimate)	\$193,806
BASE FEE	\$18,146
TOTAL FEE (Estimate)	\$211,952

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

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Extension to approval expiry date (\$2,690)

Document
Brief
QA Check
Referral Documentation:
Attachment A
Attachment A1
Attachment A2
Attachment A3
Attachment A4
Attachment A5
Attachment A6
Attachment A7
Attachment A8
Further information:
Attachment B
Comments:
Attachment C
Attachment D1
Attachment D2
Attachment D3
Fee Schedule:
Attachment E
Attachment F
Decision Notice:
Attachment G
Letters:
Attachment H1
Attachment H2

2021-9075 Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, QLD

Referral Decision Briefing Package

Name
2021-9075 Referral Decision Brief
2021-9075 Quality Assurance Checklist-Referral
2021-9075 Referral Decision Referral Documentation
2021-9075 Att A-Figures 1-8
2021-9075 Att B-Terrestrial Likelihood of Occurrence Memo-2021
2021-9075 Att C-Aquatic Likelihood of Occurrence Memo-2021
2021-9075 Att D-PMST Searches-2021
2021-9075 Att E-Sustainability Report-2020
2021-9075 Att F-Lot numbers
2021-9075 Att G-CHIMA for Valeria
2021-9075 Att H-SEP for Valeria
2021-9075 Referral Decision-AttB-ERT-10km-20211215
2021-9075 Referral Decision-AttC-Public Comments
2021-9075 Referral Decision-AttD-Comment from GA
2021-9075 Referral Decision-AttD-Comment from NIAA
2021-9075 Referral Decision-AttD-Comment from DES
2021-9075 Referral Decision-AttE-Cost Recovery-Justification
2021-9075 Referral Decision-AttF-Cost Recovery-Proponent
2021-9075 Referral Decision-AttG-Decision Notice
2021-9075 Referral Decision-AttH-Letter-Proponent
2021-9075 Referral Decision-AttH-Letter-state

Document Description
FOR SIGNATURE
FOR SIGNATURE
FOR SIGNATURE
FOR SIGNATURE
FOR SIGNATURE

2021-9076 Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD
Referral Decision Briefing Package

Document	Name	Document description
Brief	2021-9076 Referral Decision-Brief	FOR SIGNATURE
QA Check	2021-9076 Referral Decision-QA check	
Referral documentation:		
Attachment A1	2021-9076 Referral	
Attachment A2	2021-9076 Referral-Att-A-Figures 1-8	
Attachment A3	2021-9076 Referral-Att-B-Terrestrial likelihood of occurrence memo-2021	
Attachment A4	2021-9076 Referral-Att-C-Aquatic likelihood of occurrence memo-2021	
Attachment A5	2021-9076 Referral-Att-D-PMST searches-2021	
Attachment A6	2021-9076-Referral-Att-E-Sustainability report-2020	
Attachment A7	2021-9076-Referral-Att-F-Lot numbers	
Attachment A8	2021-9076 Referral-Att G-CHIMA	
Attachment A9	2021-9076 Referral-Att H-SEP	
Further information:		
Attachment B	2021-9076 Referral Decision-Att-B-ERT report-10km	
Comments:		
Attachment C1	2021-9076 Referral Decision-Att C-Public comments (4)	
Attachment D1	2021-9076 Referral Decision-Att D1-Comment from Industry	
Attachment D2	2021-9076 Referral Decision-Att D2-Comment from Agriculture and Northern Australia	
Attachment D3	2021-9076 Referral Decision-Att D3-Comment from GA	
Attachment D4	2021-9076 Referral Decision-Att D4-Comment from Infrastructure	
Attachment D5	2021-9076 Referral Decision-Att D5-Comment from NIAA	
Attachment D6	2021-9076 Referral Decision-Att D6-Comment from DES	
Fee schedule:		
Attachment E	2021-9076 Referral Decision-Att F-Fee schedule (with justifications)	
Attachment F	2021-9076 Referral Decision-Att F-Fee schedule (without justifications)	
Decision Notice:		
Attachment G	2021-9076 Referral Decision-Att G-Notice	FOR SIGNATURE
Letters:		
Attachment H1	2021-9076 Referral Decision-Att H-Letter to proponent	FOR SIGNATURE
Attachment H2	2021-9076 Referral Decision-Att H- Letter to DES	FOR SIGNATURE

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

2021-9076 ERT-Report-10km

Report created: 09/12/2021 11:56:06

[Summary](#)

[Details](#)

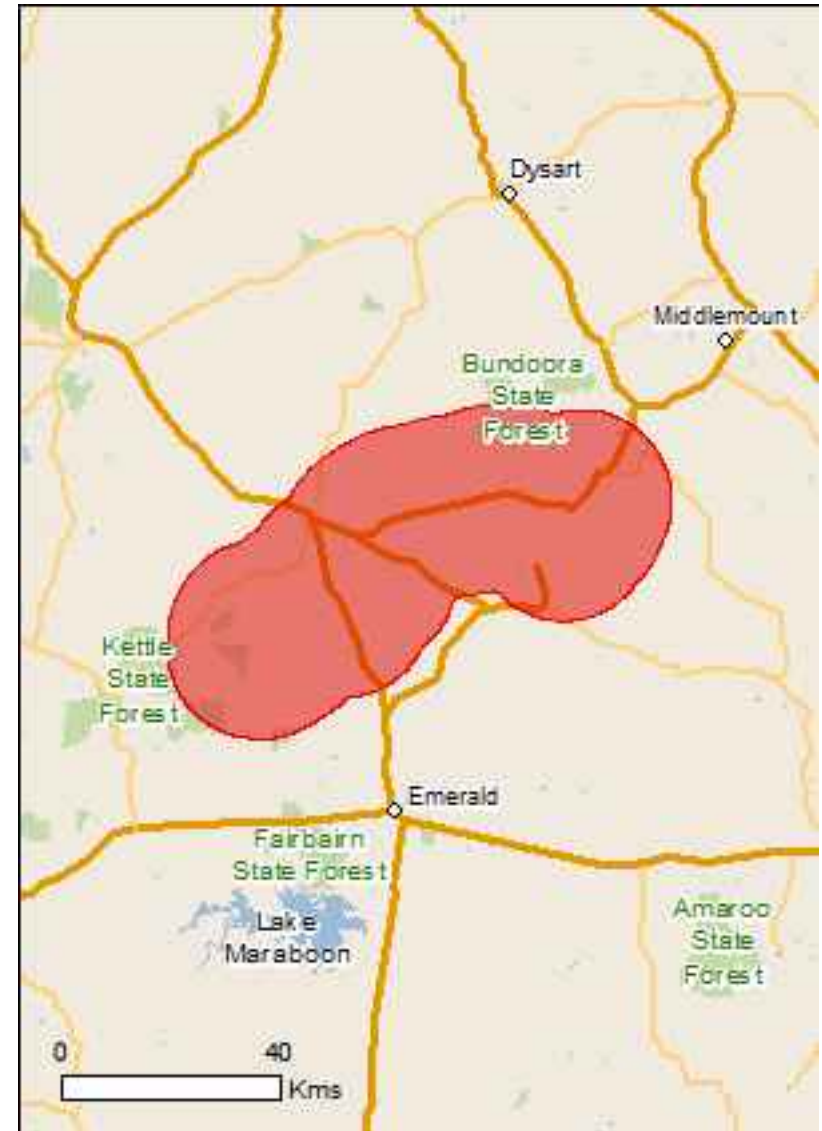
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

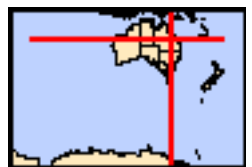
[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA Australia Limited



Summary

Matters of National Environment Significance

World Heritage Properties:	None
National Heritage Places:	None
Ramsar Wetlands:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	5
Threatened Species:	30
Migratory Species:	11

Other Matters Protected by the EPBC Act

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	16
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	2
Regional Forest Agreements:	None
Invasive Species:	21
Nationally Important Wetlands:	None
EPBC Act Referrals:	15
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Name	Status	Type of Presence
Brigalow (Acacia harpophylla dominant and co-dominant)	Endangered	Community known to occur within area
Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin	Endangered	Community likely to occur within area
Poplar Box Grassy Woodland on Alluvial Plains	Endangered	Community likely to occur within area
Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions	Endangered	Community likely to occur within area
Weeping Myall Woodlands	Endangered	Community likely to occur within area

Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Current Scientific Name	Status	Type of Presence
BIRD		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Falco hypoleucos Grey Falcon [929]	<small>DOCUMENT 31</small> Vulnerable	Species or species habitat may occur within area
Geophaps scripta scripta Squatter Pigeon (southern) [64440]	Vulnerable	Species or species habitat known to occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Neochmia ruficauda ruficauda Star Finch (eastern), Star Finch (southern) [26027]	Endangered	Species or species habitat likely to occur within area
Poephila cincta cincta Southern Black-throated Finch [64447]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
MAMMAL		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat may occur within area
Dasyurus hallucatus Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat likely to occur within area
Macroderma gigas Ghost Bat [174]	Vulnerable	Species or species habitat likely to occur within area
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area
Petauroides volans Greater Glider [254]	Vulnerable	Species or species habitat known to occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)	<small>DOCUMENT 31</small> Vulnerable	<small>Page 158 of 419</small> Species or species habitat known to occur within area
Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
Pteropus poliocephalus	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
PLANT		
Aristida annua	Vulnerable	Species or species habitat likely to occur within area
[17906]	Vulnerable	Species or species habitat likely to occur within area
Cadellia pentastylis	Vulnerable	Species or species habitat likely to occur within area
Ooline [9828]	Vulnerable	Species or species habitat likely to occur within area
Daviesia discolor	Vulnerable	Species or species habitat known to occur within area
[3567]	Vulnerable	Species or species habitat known to occur within area
Dichanthium queenslandicum	Endangered	Species or species habitat known to occur within area
King Blue-grass [5481]	Endangered	Species or species habitat known to occur within area
Dichanthium setosum	Vulnerable	Species or species habitat likely to occur within area
bluegrass [14159]	Vulnerable	Species or species habitat likely to occur within area
Eucalyptus raveretiana	Vulnerable	Species or species habitat may occur within area
Black Ironbox [16344]	Vulnerable	Species or species habitat may occur within area
Marsdenia brevifolia	Vulnerable	Species or species habitat may occur within area
[64585]	Vulnerable	Species or species habitat may occur within area
Solanum orgadophilum	Critically Endangered	Species or species habitat known to occur within area
Capella Potato Bush [89185]	Critically Endangered	Species or species habitat known to occur within area
REPTILE		
Delma torquata	Vulnerable	Species or species habitat may occur within area
Adorned Delma, Collared Delma [1656]	Vulnerable	Species or species habitat may occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Denisonia maculata Ornamental Snake [1193]	<small>DOCUMENT 31</small> Vulnerable	Species or species habitat likely to occur within area
Egernia rugosa Yakka Skink [1420]	Vulnerable	Species or species habitat likely to occur within area
Elseya albagula Southern Snapping Turtle, White-throated Snapping Turtle [81648]	Critically Endangered	Species or species habitat likely to occur within area
Furina dunmali Dunmall's Snake [59254]	Vulnerable	Species or species habitat may occur within area
Lerista allanae Allan's Lerista, Retro Slider [1378]	Endangered	Species or species habitat likely to occur within area
Rheodytes leukops Fitzroy River Turtle, Fitzroy Tortoise, Fitzroy Turtle, White-eyed River Diver [1761]	Vulnerable	Species or species habitat likely to occur within area

Migratory Species [[Resource Information](#)]

Current Scientific Name	Threatened	Type of Presence
Migratory Marine Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area

Migratory Terrestrial Species

Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat may occur within area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Rhipidura rufifrons Rufous Fantail [592]	DOCUMENT 31	Species or species habitat known to occur within area

Migratory Wetlands Species

Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
--	--	--

Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
--	--	--

Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
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Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area
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Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
--	--	--

Pandion haliaetus Osprey [952]		Species or species habitat likely to occur within area
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Other Matters Protected by the EPBC Act

Listed Marine Species [Resource Information]

Current Scientific Name	Threatened	Type of Presence
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Bird

Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
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Anseranas semipalmata Magpie Goose [978]		Species or species habitat may occur within area overfly marine area
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Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Apus pacificus Fork-tailed Swift [678]	DOCUMENT 31	<small>Page 161 of 419</small> Species or species habitat likely to occur within area overfly marine area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area
Chalcites osculans as Chrysococcyx osculans Black-eared Cuckoo [83425]		Species or species habitat known to occur within area overfly marine area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area overfly marine area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat likely to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat may occur within area overfly marine area

Current Scientific Name	Threatened	Type of Presence
^{LEX-26241} Pandion haliaetus Osprey [952]	DOCUMENT 31	Species or species habitat likely to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area
Rostratula australis as Rostratula benghalensis (sensu lato) Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area overfly marine area

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Caroa Island Paddock Nature Refuge	QLD
German Creek Nature Refuge	QLD

Invasive Species [Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
Bird		
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]	Feral	Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]	Feral	Species or species habitat likely to occur within area
Frog		
Rhinella marina Cane Toad [83218]	Feral	Species or species habitat known to occur within area
Mammal		
Bos taurus Domestic Cattle [16]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Canis familiaris listed as Canis lupus familiaris	<small>DOCUMENT 31</small>	<small>Page 163 of 419</small>
Domestic Dog, Dingo [17]	Feral	Species or species habitat likely to occur within area
Felis catus		
Cat, House Cat, Domestic Cat [19]	Feral	Species or species habitat likely to occur within area
Lepus capensis		
Brown Hare [127]	Feral	Species or species habitat likely to occur within area
Mus musculus		
House Mouse [120]	Feral	Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]	Feral	Species or species habitat likely to occur within area
Sus scrofa		
Pig [6]	Feral	Species or species habitat likely to occur within area
Vulpes vulpes		
Red Fox, Fox [18]	Feral	Species or species habitat likely to occur within area
Plant		
Cryptostegia grandiflora		
Rubber Vine, Rubbervine, India Rubber Vine, India Rubbervine, Palay Rubbervine, Purple Allamanda [18913]	WoNS	Species or species habitat likely to occur within area
Hymenachne amplexicaulis		
Hymenachne, Olive Hymenachne, Water Stargrass, West Indian Grass, West Indian Marsh Grass [31754]	WoNS	Species or species habitat likely to occur within area
Jatropha gossypifolia listed as Jatropha gossypifolia		
Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [89505]	WoNS	Species or species habitat likely to occur within area
Lantana camara		
Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
LEX-26241 Opuntia spp. Prickly Pears [82753]	DOCUMENT 31 WoNS	Species or species habitat likely to occur within area
Parkinsonia aculeata Parkinsonia, Jerusalem Thorn, Jelly Bean Tree, Horse Bean [12301]	WoNS	Species or species habitat likely to occur within area
Parthenium hysterophorus Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]	WoNS	Species or species habitat likely to occur within area
Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica subsp. indica listed as Acacia nilotica subsp. indica Prickly Acacia [87881]	WoNS	Species or species habitat may occur within area

EPBC Act Referrals

[[Resource Information](#)]

Further details about the referral is available in the Environmental Impact Assessment System (EIAS); click on the title to access.

Referral	Reference	Referral Outcome	Assessment Status
275kV transmission line	2002/795	Not Controlled Action (Particular Manner)	Post-Approval
Clearing for construction of a 19.1kV Single Wire Earth Return powerline, Gregory Mine, Lilyvale, Qld	2013/6911	Not Controlled Action	Completed
extention to the existing underground mine and additional surface areas to gain	2004/1547	Not Controlled Action	Completed
Galilee Coal Project including development of coal mine, 495km railway, port and	2008/4366	Action Clearly Unacceptable	Completed
Gregory Solar Farm, north-east of Emerald, Qld	2017/8098	Not Controlled Action	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of	2015/7522	Not Controlled Action	Completed

Title	Reference	Referral Outcome	Assessment Status
Australia			
Lilyvale Solar Farm Development, Emerald, QLD	2014/7396	Not Controlled Action	Completed
M Block 3D Seismic Survey Program	2012/6268	Controlled Action	Final PD
Teresa Coal Mine, QLD	2011/6094	Controlled Action	Proposed Decision
Valeria Project ??? mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5	2021/9077		Referral Creation
Valeria Project Communications Infrastructure from the Gregory Highway to the mine site EPBC Act Referral 5 of 5	2021/9074		Referral Creation
Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5	2021/9078		Referral Creation
Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain EPBC Act Referral 2 of 5	2021/9076		Referral Creation
Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine EPBC Act Referral 3 of 5	2021/9075		Referral Creation
ZeroGen Integrated Gasification Combined Cycle Power Plant and CO2 Capture, Transport and Storage	2009/5195	Controlled Action	Completed

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment, Energy and Science, New South Wales](#)
- [-Department of Environment, Land, Water and Planning, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Government of South Australia, Department for Environment and Water, South Australia](#)
- [-Department of Environment and Natural Resources, Northern Territory](#)
- [-Department of Environment and Science, Queensland](#)
- [-Department of Biodiversity, Conservation and Attractions, Western Australia](#)
- [-Environment, Planning and Sustainable Development Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Department of Environment and Energy, Australian Bird and Bat Banding Scheme](#)
- [-CSIRO, Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Australian Museum](#)
- [-Museums Victoria](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Survey Responses

10 December 2021 - 23 December 2021

Referral: EPBC 2021/9076 - Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD

Have Your Say - Agriculture, Water and the Environment

Project: Public comments on EPBC Act referrals



VISITORS					
8					
CONTRIBUTORS			RESPONSES		
4			4		
0	0	4	0	0	4
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:00:29 pm**Last Seen:** Dec 21, 2021 16:00:29 pm**IP Address:** n/a

Q1. **Name** Environment Council of Central Queensland

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:24:23 pm**Last Seen:** Dec 21, 2021 16:24:23 pm**IP Address:** n/a

Q1. **Name** s 47F(1) Lock the Gate Alliance

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Therefore we consider the project should be a controlled action for threatened species and communities.

Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project.

Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Environmental Impact Statement As a result of the massive scale of this project and the severe impacts it is likely to have a full EIS should be required for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 16:51:11 pm**Last Seen:** Dec 23, 2021 16:51:11 pm**IP Address:** n/a

- Q1. **Name** Australian Conservation Foundation Incorporated
-
- Q2. **Email address** s. 47F(1) @acf.org.au
-
- Q3. **Do you consider this is a controlled action?** Yes
-
- Q4. **Provide reasons for why you believe this is/is not a controlled action.**
Please see two letters attached.
-
- Q5. **Do you have any attachments you wish to upload to support your feedback?** Yes
-
- Q6. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/0a821bc7ac3c12fd8b4396047af4322d3a4a3272/original/1640238649/024910289fab6e3da96dac1313920759_211223_Ltr_to_Minister_re_Valeria_Project_2021-9076.pdf?1640238649
-
- Q7. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/bbe696d910b2d95ffae46899553295e71fc64ddc/original/1640238657/1c5036f824da0e585f5c52c35541bb16_211223_EDO_Ltr_re_ACF_Submission_re_Valeria_2021-9077.pdf?1640238657
-
- Q8. **Upload your file using the 'choose file' button.** not answered
-
- Q9. **Upload your file using the 'choose file' button.** not answered
-
- Q10. **Upload your file using the 'choose file' button.** not answered
-
- Q11. **Is your response confidential?** No
-
- Q12. **Please specify the parts of your response that are confidential**
not answered
-
- Q13. **Confirm that you have read and understand this privacy notice.** Yes
-
- Q14. **Confirm that you have read and understand this declaration.** Yes
-

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 19:31:47 pm**Last Seen:** Dec 23, 2021 19:31:47 pm**IP Address:** n/a

Q1. **Name** CQ Futures Ltd.

Q2. **Email address** s 47F(1) s *

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 14 December 2021 10:55 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii) FYI

From: energystategicpolicy <energystategicpolicy@industry.gov.au>
Sent: Tuesday, 14 December 2021 10:43 AM
To: s. 22(1)(a)(ii) @environment.gov.au>
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystategicpolicy <energystategicpolicy@industry.gov.au>; EPBC Referrals <EPBC.Referrals@awe.gov.au>
Subject: RE: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]

Good morning,

Thank you for providing the opportunity to comment on this referral.

Please be advised of a nil response from Minister Taylor.

Kind regards,

s. 47F(1)

s. 47F(1)

Governance Officer

Energy Division | Energy Governance | Governance and Secretariat
Ngunnawal Country, 51 Allara Street (GPO Box 2013) Canberra ACT 2601 Australia
Department of Industry, Science, Energy and Resources
P 02 62 s. 47F(1) | x^s 47F(1) | E s 47F(1)

industry.gov.au ABN 74 599 608 295

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Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



OFFICIAL

From: EPBC Referrals [<mailto:EPBC.Referrals@awe.gov.au>]
Sent: Friday, 10 December 2021 8:56 AM
To: angus.taylor.mp@aph.gov.au
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Subject: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]



Australian Government
Department of Agriculture,
Water and the Environment

The Hon Angus Taylor MP	Date:	10 December 2021
Minister for Industry, Energy and Emissions Reduction	EPBC Ref:	2021/9076
Parliament House	EPBC contact:	s. 22(1)(a)(ii)
CANBERRA ACT 2600		s. 22(1)(a)(ii)
		@environment.gov.au

Dear Minister,

Invitation to comment on referral

Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate rail line infrastructure extending from the rail loop and train load-out facility within the mine site, east to join the Aurizon Goonyella Coal Chain (Oaky Creek) rail network, in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021**. Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter [s. 22\(1\)\(a\)\(ii\)](#)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email [s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

If you have any questions about this process, please contact [s. 22\(1\)\(a\)\(ii\)](#) and quote EPBC 2021/9076.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments

under the EPBC Act. A copy of the Charter can be found at:
<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director
Referrals Gateway

s. 22(1)(a)(ii)

Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

Dear ^{s. 22(1)(a)(ii)}

I refer to the letter of 10 December 2021 from the Referrals Gateway, Department of Agriculture, Water and the Environment to the Hon. David Littleproud MP, Minister for Agriculture and Northern Australia, inviting comment on *Environment Protection and Biodiversity Conservation Act 1999* referral 2021/9076 Valeria Project Rail. The Minister has asked me to reply on his behalf.

I note that the proposed action area is located within the Bowen Basin, in Central Queensland. The Proposed Action area extends approximately 67 km in length and is located in a regional area between 34 km north-west and 60 km north-east of Emerald.

I have no comments from an agricultural perspective on whether the proposed action may have significant impact on any matters of national environmental significance protected under the Act.

Thank you for the opportunity to comment on this referral.

Yours sincerely

s 47F(1)

Anthony Bennie
Assistant Secretary
Climate Adaptation & Resilience Division

20 December 2021



**Resources Stewardship and Environment
Resources Strategy Branch
Resources Division
Department of Industry, Science, Energy and Resources**

Cnr Jerrabomberra Avenue
and Hindmarsh Drive,
Symonston ACT 2609
GPO Box 378,
Canberra, ACT 2601 Australia
Phone: +61 2 6249 9111
Facsimile: +61 2 6249 9999
Web: www.ga.gov.au
ABN 80 091 799 039

21 December 2021

Attn: s. 22(1)(a)(ii)

Re: Invitation to comment on referral 2021/9077 | Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD and related referrals for integral infrastructure for mining operations (2021/9074, 2021/9075, 2021/9076 and 2021/9078).

I refer to your request for comments dated 10 December 2021 on the referrals by Valeria Coal Holdings Pty Ltd (the Proponent) for the Valeria Project mine site (the Project) and related associated actions necessary for mining operations.

Geoscience Australia has individually assessed each related action in our combined response for the five referrals. Geoscience Australia has reviewed the referral information, particularly as it relates to sections 24D and 24E (the water trigger) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), with attention to potential impacts to groundwater resources and other technical geoscience or geotechnical factors.

Table 1: EPBC referrals related to the Valeria Project (EPBC 2021/9077) and associated actions and self-assessment against water trigger MNES considerations.

EPBC Number	Title	Likely impact to water resources	Is the impact likely to be significant?
2021/9077	Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD	Yes	Yes
2021/9074	Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD	Yes	Yes
2021/9075	Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD	Yes	Yes
2021/9076	Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD	Yes	Yes
2021/9078	Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD	Yes	Yes

Summary

The Proponent has self-assessed that the Project and associated actions are likely to have a significant impact on water resources, and as such constitute controlled actions. Referrals for the

associated actions contain information that can be used to assess the potential impacts to matters protected under Sections 24D and 24E of the EPBC Act (Table 1 and Table 2). Groundwater monitoring, modelling and geochemical characterisation of water material will be undertaken for the Project Environmental Impact Statement (EIS) in accordance with the significant impact guidelines.

The Proponent has split the Project and associated actions into five separate referrals for commercial reasons. The Proponent states that five referrals "...have been submitted for the components...to enable potential future transfer of approvals to third party providers, to own, construct and operate the respective assets."¹ In splitting the Project and associated actions, but also identifying that all actions meet the water trigger, the Proponent has acknowledged that each individual action meets the criteria for assessment against the water trigger.

Background

The Project is an open cut metallurgical and thermal coal mine located approximately 27 kilometres north-west of Emerald, 8 km south-west of Capella and 270 km west of Rockhampton. The Project is expected to produce up to 20 Million tonnes per annum (Mtpa) of Run of Mine (ROM) coal over an operational life of approximately 35 years, from a total recoverable coal resource of 594 million tonnes (Mt). ROM coal will result in approximately 14–16 Mtpa saleable coal. A total of five EPBC Act Referrals have been submitted for the components of the Project (Table 1). The Proponent as identified potential impacts to groundwater resources for the Project and associated actions (Table 2).

Table 2: Potential groundwater impacts for the Project and associated actions (from Section 2.9 of each referral).

EPBC Number	Potential groundwater impacts
2021/9077	<p>The Proposed Action will have the potential to impact on groundwater, stygofauna and GDEs through:</p> <ul style="list-style-type: none"> • Changes to groundwater levels and/or pressure, reducing water availability and potentially impacting surrounding users • Changes to groundwater levels impacting the ability for GDEs to access groundwater and impacting stygofauna habitat • Reduction of baseflow to watercourses, potentially resulting in impacts to GDEs and downstream users • Contamination of shallow groundwater systems due to the improper storage and handling of fuels and chemicals • Changes in groundwater quality through seepage from out-of-pit dumps, in-pit or out-of-pit tailings disposal, and mine affected water storage dams. • Changes to levels and/or quality of shallow groundwater systems from over-use of water for dust suppression and construction activities
2021/9074	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>
2021/9075	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>

¹ Page 1, "EBPC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5" http://epbcnotices.environment.gov.au/_entity/annotation/1870a88f-9358-ec11-80cf-00505684c137/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1640037965127

EPBC Number	Potential groundwater impacts
2021/9076	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.
2021/9078	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.

The Project will include clearing approximately 4480 ha, and the potential for increased fauna mortality, including MNES fauna. Groundwater drawdown caused by the establishment of open pit operations has potential to impact subsurface and terrestrial environments where they are connected to impacted aquifers. Within the mine site, the following mine infrastructure is proposed:

- Six open cut pits
- ROM pad, hopper and stockpiles
- Coal Handling and Preparation Plant (CHPP) and Mine Infrastructure Area (MIA)
- Tailings Storage Facilities (TSF)
- Out-of-pit and in-pit waste rock dumps
- Water storage dams
- Mine affected water dams
- Train load-out (TLO)
- Internal haul roads and light vehicle access roads
- Office buildings and amenities
- Sewage treatment facilities
- On-site construction workers accommodation camp
- Power and communications infrastructure

This infrastructure will support the following activities associated with the mine site:

- Blasting and drilling of waste rock
- Excavation of on-site rock material to produce gravel and construction fill materials for use in construction of mine related and transport infrastructure
- Placement of waste rock in out-of-pit waste rock dumps and in-pit when mine sequencing allows
- Staged development of six open cut pits and ROM stockpiles
- Progressive development of water storage, transfer and sediment dams, levees, pipelines, pumps and other water management infrastructure;
- Disposal of tailings within the out of pit and in pit TSFs
- Disposal of rejects within put of pit and in pit waste rock dumps
- Progressive rehabilitation of the mine site

Referral documentation for the Project and associated actions does not provide estimates of groundwater drawdown. The only information about post-closure and rehabilitation impacts is limited to a commitment to fill pit voids with waste rock. The Proponent will provide details of closure and post-closure in the Progressive Rehabilitation and Closure Plan (PRCP) as part of the EIS submission.

Coal Resources

The Valeria Project contains recoverable black coal equivalent to 369 Mt, comprising less than 1% of the national inventory of Economic Demonstrated Resources (EDR). The Valeria Project contains

additional recoverable Inferred Resources equivalent to 225 Mt, comprising less than 1% of the national inventory of Inferred Resources (Table 3).

Table 3: World and Australian recoverable black coal resources and comparisons with the Valeria Project.

Region/Deposit	EDR		Inferred Resources	
	(Mt)	(% Aust.)	(Mt)	(% Aust.)
World Black Coal	749,167			
Australia Recoverable Black Coal	75,428		84,097	
Valeria Project	369	<1	225	<1

Abbreviations: EDR - Economic Demonstrated Resources; Mt - million tonnes.

Sources: Australia's Identified Mineral Resources 2020, Glencore Resources and Reserves as at 31 December 2020.

Comments

The Proponent has provided minimal information and modelling of potential impacts to groundwater resources by the Project and associated actions (Table 2). Given the size and nature of the Project, Geoscience Australia sees no reason to disagree with the Proponent's self-assessment of the Project being a controlled action, with the water trigger as a controlling provision. Geoscience Australia expects more detail to be included in the EIS for the Project. Geoscience Australia notes that the Project is likely to contribute to cumulative impacts to water resources arising from coal mining in the region.

As the Proponent has identified that the associated actions are considered part of the Project's requirements for coal extraction. To that end, the Proponent considers that the Project and associated actions are likely to meet the criteria for consideration under the water trigger. Geoscience Australia considers this to be a pragmatic approach, and encourages the Department to assess all actions together to optimise the assessment process, and ensure all actions are treated with due consideration.

If you have any queries on our comments, please contact me on (02) 62s. 47F(1) or by email to s. 47F(1) @ga.gov.au.

Kind regards,

s 47F(1)

Dr s. 47F(1)

A/g Director - Groundwater Advice and Data Section
Advice, Investment Attraction and Analysis Branch
Minerals, Energy and Groundwater Division
Geoscience Australia

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Thursday, 23 December 2021 5:07 PM
To: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]
Attachments: mg_info.txt

From: s. 47F(1) <@infrastructure.gov.au>
Sent: Thursday, 23 December 2021 3:34 PM
To: s. 22(1)(a)(ii) <@environment.gov.au>
Cc: Rs. 47F(1) <@infrastructure.gov.au>; s. 47F(1) <@infrastructure.gov.au>
Subject: RE: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]

OFFICIAL

Good afternoon ^{s. 22(1)(a)(ii)}

Thank you for the invitation to comment on the proposal from Valeria Coal Holdings Pty Ltd to construct and operate rail line infrastructure extending from the rail loop and train load-out facility within the mine site, east to join the Aurizon Goonyella Coal Chain (Oak Creek) rail network, in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Queensland, NT and WA Branch of Infrastructure Investment Division in the Department of Infrastructure, Transport, Regional Development and Communications has reviewed the proposal, and has no comments to make.

Do let us know if you require anything further.

Regards

s 47F(1)

Strategic Coordination • Queensland, NT and WA • Infrastructure Investment

s 47F(1)

P s 47F(1) • **M s 47F(1)**

GPO Box 594 Canberra, ACT 2601

Department of Infrastructure, Transport, Regional Development and Communications
CONNECTING AUSTRALIANS • ENRICHING COMMUNITIES • EMPOWERING REGIONS

infrastructure.gov.au



I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respects to Elders past, present and emerging, and to all Aboriginal and Torres Strait Islanders.

OFFICIAL

From: Parliamentary <Parliamentary@communications.gov.au>
Sent: Thursday, 16 December 2021 8:33 AM

To: s. 47F(1) @infrastructure.gov.au>

Subject: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]

OFFICIAL

Good afternoon

MPS has received the email below: ‘Invitation to comment on Referral – Infrastructure, Transport (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD’.

Please send any comments or nil response by **23 December** direct to s. 22(1)(a)(ii) @environment.gov.au as instructed below.

If this issue is not for your area grateful for your advice of where it can be referred to.

Regards

s. 47F(1)

Ministerial Officer / Ministerial and Parliamentary Services Section
Governance, Parliamentary and Integrity Branch / People, Governance and Parliamentary Division
Department of Infrastructure, Transport, Regional Development and Communications
P +61 2 62s. 47F(1)

s. 47F(1) @infrastructure.gov.au

s 47F(1)

communications.gov.au / @CommsAu

arts.gov.au / @artsculturegov

infrastructure.gov.au / @infra_regional

I would like to acknowledge the traditional custodians of this land on which we meet, work and live. I recognise and respect their continuing connection to the land, waters and communities. I pay my respect to Elders past and present and to all Aboriginal and Torres Strait Islanders.

From: EPBC Referrals <EPBC.Referrals@awe.gov.au>

Sent: Friday, 10 December 2021 8:57 AM

To: MPS <mps@infrastructure.gov.au>

Subject: Invitation to comment on Referral – Infrastructure, Transport and Regional Development (EPBC 2021/9076) Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD [SEC=OFFICIAL]

The Hon Barnaby Joyce MP
Minister for Infrastructure, Transport,
Regional Development
Parliament House
CANBERRA ACT 2600

Date: 10 December 2021
EPBC Ref: 2021/9076
EPBC contact: s. 22(1)(a)(ii)
(s. 22(1)(a)(ii)
s. 22(1)(a)(ii)@environment.gov.au

Dear Minister,

Invitation to comment on referral

Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct and operate rail line infrastructure extending from the rail loop and train load-out facility within the mine site, east to join the Aurizon Goonyella Coal Chain (Oak Creek) rail network, in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021**. Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter s. 22(1)(a)(ii)

Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email s. 22(1)(a)(ii)@environment.gov.au

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9076.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director
Referrals Gateway

OFFICIAL

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 24 December 2021 9:03 AM
To: s. 22(1)(a)(ii)
Subject: FW: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

From: Gray, Lauren <Lauren.Gray@niaa.gov.au>
Sent: Thursday, 23 December 2021 9:44 PM
To: s. 22(1)(a)(ii) awe.gov.au
Cc: s. 22(1)(a)(ii) @environment.gov.au; Environment Policy <EnvironmentPolicy@niaa.gov.au>; Heritage <Heritage@niaa.gov.au>; s. 47F(1)
Subject: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

OFFICIAL

Mr s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
[s. 22\(1\)\(a\)\(ii\)@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

Dear s. 22(1)(a)(ii)

Thank you for the emails of 10 December 2021 inviting comments on the five referrals for proposed action by Valeria Coal Holdings Pty Ltd (Valeria) to construct and operate a coal mine in Gordonstone Queensland. The projects include the construction and operation of an open cut metallurgical and thermal coal mine with associated infrastructure (EPBC 2021/9077). We note the associated infrastructure includes the development of an infrastructure corridor along which the proponent is proposing to install water supply pipeline infrastructure (EPBC 2021/9075), communications infrastructure (EPBC 2021/9074), railway infrastructure which will be extended to connect with the Aurizon Goonyella Coal Chain (Oak Creek) rail network (EPBC 2021/9076), and power infrastructure, including construction of a 36km 66 kilovolt power line connected to a substation to be constructed onsite (EPBC 2021/9078).

The National Indigenous Australians Agency (NIAA) notes that Valeria elected to create five separate referrals for the mine due to future potential transfer of approvals to third parties service providers to own, construct and operation the respective assets. As our comments apply to all five referrals, a consolidated response is provided.

The NIAA notes the project area is within the Kangoulu People and Western Kangoulu People's Native Title claim areas. Due to the differences in land tenure over the project area, the NIAA recommends the proponent seek advice from the Queensland Government as to whether any future act process apply under the *Native Title Act 1993* prior to commencing work.

We note and commend the proponent for undertaking thorough and ongoing engagement with the Western Kangoulu People. Engagement has included discussions regarding development of a Native Title Agreement, a Cultural Heritage Management Plan (CHMP) and the undertaking of surveys for cultural

heritage values. We further note that the proponent continues to meeting periodically with the Western Kangoulu People.

Four of the five referrals state that the second Traditional Owner has yet to be identified, however referral 2021/9076 identified the Kangoulu People as the other Native Title Group relevant to the project. All referrals have committed to engagement with the Kangoulu People upon identification, however it is unclear if this engagement has occurred as yet. The NIAA recommends that if it has not already done so, the proponent engage with the Kangoulu people as soon as possible. We note that the referrals state that engagement with the second Native Title group will include discussions regarding development of a Native Title Agreement, a CHMP and cultural heritage surveys.

Consultation with both Native Title Groups should include joint development of protocols for the identification, protection and management of both tangible and intangible values **that may emerge throughout all phases of the life of the project**. The NIAA recommends these protocols be formalised in the CHMPs. We also encourage the proponent to undertake ongoing consultation with all Traditional Owners and Indigenous stakeholders relevant to the project.

We note that a search of the Queensland Cultural Heritage Database and Register was undertaken for all elements of the project, supported by on-ground cultural heritage surveys. We note that the database search did not identified any registered sites or heritage values, however the cultural surveys identified Indigenous cultural heritage values within the mining site and two artefacts scatters within the eastern portion of the project area. We note there are plans to undertake targeted surveys of the eastern portion of the site in early 2022.

It is unclear from the referrals if the Traditional Owners were involved with the on-ground surveys, or if the proponent intends to engage the Traditional Owners for the 2022 surveys. The NIAA recommends the proponent engage the Western Kangoulu People regarding the completed surveys and include the Kangoulu People in the 2022 surveys, to ensure Traditional Owner views and knowledge is thoroughly captured.

In addition, the NIAA notes the proposed action is likely to have direct and indirect impacts on a number of threatened flora, fauna, ecological communities and migratory species that may have cultural significance to Traditional Owners. This includes potential impacts to the Koala, Greater Glider, bluegrass and the Brigalow ecological community, along with other species listed in the referral. The NIAA recommends the proponents include consultation on these and any other intangible values in their collaboration with Traditional Owners in developing the CHMPs.

The NIAA also encourages consultation with the Traditional Owners to explore involvement in cultural awareness training, as well as the planning and management of future decommissioning and site rehabilitation.

Finally, the NIAA supports the engagement of Indigenous employees and businesses to help fully realise the economic benefit and value of the project to local Indigenous people. The NIAA encourages Valeria to consider opportunities for engaging Traditional Owners in the project. The proponent may also wish to consult Supply Nation, which maintains a free online directory that can identify suitable Indigenous businesses, to support Indigenous participation targets under this project. It may also be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.

Yours sincerely,

Lauren Gray
Branch Manager

Land Policy and Environment Branch
National Indigenous Australians Agency

23 December 2021

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

Ref 101/0003868

21 December 2021

Mr s. 22(1)(a)(ii)

Director

Environment Queensland (North)

Environment Assessments Queensland and Sea Dumping

Department of Agriculture, Water and the Environment

GPO Box 858

CANBERRA ACT 2601

Dear s. 22(1)(a)(ii)

Invitation to comment on referrals:

- **EPBC 2021/9074 – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD**
- **EPBC 2021/9075 – Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD**
- **EPBC 2021/9076 – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD**
- **EPBC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD**
- **EPBC 2021/9078 – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD**

Thank you for your letters dated 10 December 2021 requesting advice on whether the above actions should be assessed in a manner described in Schedule 1 of the Agreement between the Commonwealth of Australia and the State of Queensland (the Bilateral Agreement) developed under Section 45 of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Business Centre (Coal), Coal and Central Queensland Compliance within the Department of Environment and Science advised the following:

- In 2019, Glencore submitted two applications for a site-specific Environmental Authority (EA) for Valeria and Valeria South Coal Projects.
- Separate EA applications were required due to the different holding company structures of the associated tenures.
- An information request was issued in 2019 for both applications, requiring an EIS under the *Environmental Protection Act 1994*.
- In June 2020, the Valeria project was declared a Coordinated project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- A joint EIS for both Valeria and Valeria South coal projects (jointly referred to as the Valeria coal project) is required under the SDPWO Act.

- The application materials for Valeria and Valeria South did not include the co-located infrastructure corridor or the construction workers accommodation camp the subject of the referral (EPBC 2021/9078).
- If the application materials are updated to include the infrastructure the subject of the EPBC referral, any considerations under the *Environmental Offsets Act 2014* and its subordinate legislation will be dealt with during the EIS process.
- If the application material is updated to include the co-located infrastructure corridor and construction workers accommodation camp, and DAWE determines that the project is a 'controlled action', potential impacts and proposed mitigation and management measures should be assessed via the EIS Bilateral Agreement.

The Office of the Coordinator-General (OCG) within the Queensland Department of State Development, Infrastructure, Local Government and Planning has advised that on 12 June 2020, the Coordinator-General declared the Valeria Project as a coordinated project under Part 4 of the SDPWO Act. Consequently, in accordance with clause 12.2 of the Bilateral Agreement, the above actions will be assessed using the environmental impact statement (EIS) process under Part 4 of the SDPWO Act. This assessment process falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

The OCG noted that the scope of the project described in the EPBC referrals is different to that described in the Initial Advice Statement (on which coordinated project declaration was based). The OCG is currently working with Glencore to understand how substantial these project changes are. The Queensland contact officer at the OCG is as follows:

s 47F(1)

Project Manager

Office of the Coordinator-General

Department of State Development, Infrastructure, Local Government and Planning

Level 17, 1 William Street, Brisbane QLD 4000

PO Box 15517, City East QLD 4002

Phone: (07) s 47F(1)

Email: s 47F(1)

Should you have any further enquiries, please contact me on telephone s. 47F(1)

s 47F(1)

Director, Technical and Assessment Services



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021-9076

Date of Fee Schedule: Jan. 11, 2022

Project title: Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$8,945	\$0	\$12,906
Stage 2	\$3,655	\$14,163	\$0	\$17,818
Stage 3	\$2,175	\$14,909	\$59,630 (Estimate)	\$76,714 (Estimate)
Stage 4	\$8,355	\$36,527	\$59,630 (Estimate)	\$104,512 (Estimate)
TOTAL PROJECT COST	\$18,146	\$74,546	\$119,260 (Estimate)	\$211,952 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

	COMPLEXITY	FEE
CONTROLLING PROVISIONS		
Listed threatened species and ecological communities	Very High	
A At least 15 listed threatened species and ecological communities will require further assessment, including the Brigalow (Acacia harpophylla dominant and co-dominant) community and the Koala (Phascolarctos cinereus)		\$48,931
B Listed migratory species	None	\$0
Not applicable.		
C Wetlands of international importance	None	\$0
Not applicable.		
D Environment of the Commonwealth marine area	None	\$0
Not applicable.		
E World heritage properties	None	\$0
Not applicable.		
F National heritage places	None	\$0
Not applicable.		
Part A Fees G Nuclear actions	None	\$0
Not applicable.		
H Great Barrier Reef Marine Park	None	\$0
Not applicable.		
I Water Resources	High	\$25,615
Impacts and mitigation are not comprehensively discussed in the referral documentation		
J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None	\$0
Not applicable.		
NUMBER OF PROJECT COMPONENTS		
K Number of project components	Low	\$0
Habitat clearance and construction of a rail line. The rail line is considered to be a sole component within the referral 2021/9076.		
COORDINATION WITH OTHER LEGISLATION		
L Coordination with other legislation	Low	\$0
The proposed action will be assessed by accredited process under the State Development and Public Works Organisation Act 1971 (QLD) by the Queensland Government.		

		COMPLEXITY	FEE
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE			
	Site surveys/Knowledge of environment	Very High	
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Surveys were undertaken between 2019 and 2021. The referral states that further surveys will be undertaken once the disturbance footprint is finalised. The department considers that further surveys are required to inform the habitat and impact assessment for listed threatened species and communities and water resources.		\$84,311
	Management measures (including mitigation and offsets)	High	
	N The referral states that further assessments will be undertaken to inform the site layout and placement of infrastructure to avoid and mitigate potential impacts to MNES. Further detail on these measures is required.		\$34,949
	O Project scope	Low	\$0
	N/A		
EXCEPTIONAL CIRCUMSTANCES			
Exceptional circumstances	P Exceptional circumstances	False	\$0
	N/A		
TOTAL COMPLEXITY FEES (Estimate)			\$193,806
BASE FEE			\$18,146
TOTAL FEE (Estimate)			\$211,952

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021-9076

Date of Fee Schedule: Jan. 11, 2022

Project title: Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$8,945	\$0	\$12,906
Stage 2	\$3,655	\$14,163	\$0	\$17,818
Stage 3	\$2,175	\$14,909	\$59,630 (Estimate)	\$76,714 (Estimate)
Stage 4	\$8,355	\$36,527	\$59,630 (Estimate)	\$104,512 (Estimate)
TOTAL PROJECT COST	\$18,146	\$74,546	\$119,260 (Estimate)	\$211,952 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

		COMPLEXITY FEE
	CONTROLLING PROVISIONS	
	A Listed threatened species and ecological communities	Very High \$48,931
	B Listed migratory species	None \$0
	C Wetlands of international importance	None \$0
	D Environment of the Commonwealth marine area	None \$0
	E World heritage properties	None \$0
	F National heritage places	None \$0
	G Nuclear actions	None \$0
Part A Fees	H Great Barrier Reef Marine Park	None \$0
	I Water Resources	High \$25,615
	J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None \$0
	NUMBER OF PROJECT COMPONENTS	
	K Number of project components	Low \$0
	COORDINATION WITH OTHER LEGISLATION	
	L Coordination with other legislation	Low \$0
	ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE	
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Site surveys/Knowledge of environment	Very High \$84,311
	N Management measures (including mitigation and offsets)	High \$34,949
	O Project scope	Low \$0
	EXCEPTIONAL CIRCUMSTANCES	
Exceptional circumstances	P Exceptional circumstances	False \$0
	TOTAL COMPLEXITY FEES (Estimate)	\$193,806
	BASE FEE	\$18,146
	TOTAL FEE (Estimate)	\$211,952

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)

**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT APPROACH – accredited assessment**

**Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD
(EPBC 2021/9076)**

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	The proposed action is to construct and operate a railway line (approximately 67 km in length) and associated infrastructure from the Valeria Mine Infrastructure Area (MIA) to Aurizon Goonyella Coal Chain, Bowen Basin, Queensland [See EPBC Act referral 2021/9076].
decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
relevant controlling provisions	Listed threatened species and communities (sections 18 & 18A) A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)
designated proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701
assessment approach	The proposed action will be assessed by accredited assessment under the <i>Queensland State Development and Public Works Organisation Act 1971</i> .
Decision-maker	
Name and position	Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch
Signature	
date of decision	January 2022

Quality Assurance Checklist – Referral Brief

Reviewing Officer (may be assessment officer, clearing officer or peer reviewer)

Name: s. 22(1)(a)(ii) Signature: s. 22(1)(a)(ii) Date: 11/1/2022

Note: Assessment officer to fill out sections shaded YELLOW. Reviewing officer to complete all other sections.

Project: Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, QLD					
EPBC No: 2021-9076	Assessment officer: s. 22(1)(a)(ii)			Due Date: 17/1/2022	
General requirements	Brief		Decision Notice		Letters
	(tick or circle)				
Correct templates used	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Template version numbers: (assessment officer to insert version numbers)					
EPBC reference number correct and used consistently	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Title of the action consistent	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
The ACN (or ABN if no ACN) is listed and correct	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
The designated proponent (CA)/person proposing the action (NCA or NCA-PM) is correct. Needs to be a 'person' for the purposes of the EPBC Act.	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		
Description of the proposal is an accurate reflection of what is in the referral and encompasses all proposed activities	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Statutory deadline consistent with database record	<input checked="" type="checkbox"/>				
Signature blocks and dates are correct	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
List of attachments is correct	<input checked="" type="checkbox"/>				
All dates mentioned accord with records	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
All species references use SPRAT scientific names (first time that they are used)	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Material used to prepare briefing is listed	<input checked="" type="checkbox"/>	N/A			
Public comments are included and issues raised in public comments are addressed (s75(1A))	<input checked="" type="checkbox"/>	N/A			
Legal advice is included (if advice has been sought)	<input type="checkbox"/>	N/A			
Line area advice is included (if advice has been sought)	<input type="checkbox"/>	N/A			
All line areas consulted are clearly identified	<input type="checkbox"/>	N/A			
Comments from Commonwealth and State/Territory Ministers are included and addressed	<input checked="" type="checkbox"/>	N/A			
Additional information requests (stop clocks) are discussed and briefing package and additional information attached	<input checked="" type="checkbox"/>	N/A			
Current ERT Report included	<input checked="" type="checkbox"/>		Date of ERT Report: 9 Decemeber 2021		
Compliance, monitoring and auditing fact sheet is attached (for NCA and NCA-PM)	<input type="checkbox"/>				<input type="checkbox"/>

Identifies the protected matters potentially impacted by the proposed action and provides clear reasons why significant impacts are likely/not likely	<input checked="" type="checkbox"/>			
Recommendations on significance are based on EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (2013) and relevant referral guidelines	<input checked="" type="checkbox"/>			
Considers all adverse impacts the action has, will have or is likely to have on matters protected by each provision of Part 3 ((s.75)(2)(a))	<input checked="" type="checkbox"/>			
Does not consider any beneficial impacts the action has, will have or is likely to have on matter protected by each provision of Part 3 ((s.75)(2)(b))	<input checked="" type="checkbox"/>			
States that the decision maker must take account of the precautionary principle, and the precautionary principle is discussed as appropriate to recommendations of significance	<input checked="" type="checkbox"/>			
Bioregional plans are included and discussed (where relevant)	<input type="checkbox"/>	N/A		
Check listing status of all listed species potentially significantly impacted by the proposed action. Ensure correct listing statuses are used in the brief	<input checked="" type="checkbox"/>	N/A	Date of check against SPRAT: 11 January 2022	
BCD (Species Listing Information & Policy Section) weekly report is consulted to confirm imminent listing events or delistings (if required)	<input checked="" type="checkbox"/>	N/A	Date of weekly report: 7 January 2022	
BCD (Species Listing Information & Policy Section) line area advice included on recent and pending listing decisions (if required)	<input type="checkbox"/>	N/A	Date of advice received:	
NCA-PM decision	Brief	Decision Notice	Letters	
Wording of the proposed particular manner(s) clearly describe(s) the way in which the action must be undertaken to avoid significant impacts to protected matters, and accurately reflects the intent in the referral information		<input type="checkbox"/>		
Proposed particular manner(s) checked by Post Approvals Section	<input type="checkbox"/>			
CA decision	Brief	Decision Notice	Letters	
All controlling provisions have been identified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
State/territory comments included and addressed where relevant to recommending an appropriate assessment approach (s87(3)(c))	<input checked="" type="checkbox"/>			
Has a recommendation on an approach for assessment (s.87) (do not include where bilateral agreement applies, or decision on assessment approach is deferred)	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A
Cost recovery fee schedule included	<input checked="" type="checkbox"/>	N/A		<input checked="" type="checkbox"/>

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Qld (EPBC 2021/9076).

Timing: 17 January 2022 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 4. See <u>Attachment C.</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See <u>Attachment D.</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited Assessment. Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Considered / Please discuss </div>													
2. Agree that the proposed action is a component of a larger action.													
<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Agreed / Not agreed </div>													

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / Not agreed

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / Not agreed

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment - review of the terms of reference.

Noted / Please discuss

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letters at Attachment H.

Signed / Not signed

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea
Dumping Branch

Date: 14 January 2022

Comments:

KEY ISSUES:

- The proposed action is to construct and operate a railway line (approximately 67 km in length) and associated infrastructure from the proposed Valeria mine site to Aurizon Goonyella Coal Chain in the Bowen Basin, between 34 km north-west and 60 km northeast of Emerald, Qld.
- The department considers the proposed action to be a component of a larger action, being one of a total five components of the overarching Valeria Project. All components have been referred separately to enable their potential future transfer. The other components include:
 - EPBC 2021/9074 – Communications infrastructure;
 - EPBC 2021/9075 – Water supply pipeline from the Oaky Creek Coal Mine;
 - EPBC 2021/9077 – Mine Site, Accommodation and Access Road; and
 - EPBC 2021/9078 – Powerline infrastructure.
- The proposed action area is identical to that of the Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine (EPBC 2021/9075).
- The department considers that significant impacts will arise to listed threatened species and ecological communities, and water resources as a result of the proposed action. Potential impacts include:
 - the clearance of habitat for listed threatened species and ecological communities, including the vulnerable Koala (*Phascolarctos cinereus*) and endangered Brigalow (*Acacia harpophylla*) Threatened Ecological Community; and
 - a reduction in surface water quality and to surface water hydrology.

BACKGROUND:**Description of the referral**

A referral was received on 9 December 2021. The action was referred by Valeria Coal Holdings Pty Limited (the proponent) (a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 7 January 2022, with agreement from the proponent, the timeframe for a decision on the referral was extended under section s 75(7) of the EPBC Act.

Description of the proposal (including location)

The proposed action is to construct and operate a railway line and associated infrastructure from the proposed Valeria mine site to Aurizon Goonyella Coal Chain. The rail line infrastructure extends from the rail loop and train load-out facility (TLO) located in the vicinity of the mine infrastructure area (MIA) and extends eastward within the co-located infrastructure corridor to the Gregory Highway. The proposed action area then continues north-east across Yan Yan Road to run parallel with Crinum Road, past Tieri where it connects with the Aurizon Goonyella Coal Chain (Oaky Creek) rail network. The following elements will be required for the rail line:

- New rail track extending from the mine site to the existing Aurizon Goonyella Coal Chain (Oaky Creek) rail network near OCC Mine, including turn outs;
- Upgrade of rail track along a short length of the existing Central Western rail line;

- New level and grade separated rail line crossings of roads along the infrastructure alignment;
- Light vehicle access and maintenance tracks;
- Signage, signalling, fencing and other safety requirement.

The proposed corridor for the rail line is approximately 5,193 ha however, the exact alignment of the rail line infrastructure has not been finalised. The proposed corridor varies in width from 250 m to 3.5 km and the finalised width of the disturbance impact for the rail line is expected to vary between 60 m to 100 m.

Description of the environment

The proposed action is situated in the Bowen basin, within the Brigalow Belt bioregion and the upper Fitzroy River catchment. The site extends across the localities of Hibernia, Carbine Creek, Fork Lagoons and Chirnside, on an area that has been used for grazing, cropping, production forestry and exploration drilling.

Several watercourses intersect the site and drain into the Nogoia River, including Theresa, Retro, Carbine, Crystal, Pine, Wheel, Gordonstone, Capella, Boot and Kettle, and Sandy Creeks. All watercourses within and adjacent to the site are ephemeral. No further information on the hydrology of the area was provided as part of the referral information.

Vegetation on site consists of approximately 1,313 ha of remnant and regrowth vegetation dominated by *Eucalyptus*, *Acacia* and *Corymbia* species (the exact amount of area proposed to be cleared has not been finalised). The referral states that several threatened ecological communities (TECs) are present on site, including the endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC.

State assessment

On 12 June 2020, the Office of the Coordinator General declared the Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). Further advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Under section 74A(1) of the EPBC Act, if you are satisfied that an action referred by a person is a component of a larger action, which the same person proposes to take, you may decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key considerations when deciding whether to accept a 'split referral' are:

1. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
2. whether, if undertaken separately, the impact would be reduced below significant.

The proposed action is one of five components of the Valeria Project. The Valeria Project was declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government.

Valeria Coal Holdings Pty Limited is the designated proponent and person proposing to undertake all five components of the Valeria Project. The referral states that the components were referred separately to enable the potential transfer of approvals in future.

The department considers that while the five Valeria Project referrals clearly comprise a larger action proposed to be taken by the same person, the referrals should be accepted because:

- the Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- in taking the proposed actions separately, as split referrals, potential impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

The department notes that if you agree to accept the referral, subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1) and publish in accordance with the regulations (if any), a copy of your decision. The department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment H1](#)). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- listed threatened species and communities (section 18 & section 18A); and
- a water resource in relation to coal seam gas development and large coal mining development (section 24D & section 24E).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 9 December 2021) identified 35 species and communities may occur within 10 km of the proposed action (see the ERT report at [Attachment B](#)).

Based on the location of the action, likely habitat present in the area of the proposed action, and an analysis of nearest species records the department considers that impacts potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community – Endangered

Species information

A description of the characteristics and range of the Brigalow Threatened Ecological Community (TEC) can be found in SPRAT: <https://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=28&status=Endangered>

The SPRAT profile states that the Brigalow TEC is known to occur in the Brigalow Belt bioregions, in areas that receive relatively high rainfall (> 500 mm). The TEC is characterised by the dominance of Brigalow, with or without *Casuarina cristata* or *Eucalyptus* species, in open forest or woodland, with a prominent shrub layer on clay soils.

Proposed action area

The referral states that there are large patches of Brigalow TEC which extend across the width of the proposed action area. Field surveys undertaken by the proponent confirmed the Brigalow TEC occurs as several patches encompassing a total of approximately 31 ha located in the portion of the proposed action area to the east of the Gregory Highway. Three further patches of potential Brigalow TEC (not surveyed) covering approximately 20 ha are located along drainage lines west of the Gregory Highway.

The referral states the alignment of the rail line infrastructure has not been finalised. As such, the extent of the overall impact to the Brigalow TEC is unknown.

Potential impacts

The referral states that clearing for construction of the rail line is expected to require a corridor between 60m and 100 m in width. Given the extent of some of these patches within the proposed action area there is potential for the patches of Brigalow TEC to be subject to clearing and fragmentation during construction.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

Conclusion

The department notes that the Brigalow TEC will be modified, fragmented or removed as a result of the proposed action. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the [Approved conservation advice](#) the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent of and fragmenting an endangered ecological community.

Koala (*Phascolarctos cinereus* - combined populations of Qld, NSW and the ACT) – Vulnerable

Species information

A description of the characteristics and range of the Koala can be found in SPRAT: https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104.

Proposed action area

The Koala was found during field surveys undertaken by the proponent along creeks to the west of the mine site and 3 km north-east of the proposed action area. This included direct sightings and indirect evidence of the species (a skull and tree scratching).

The proposed action area includes approximately 959 ha of remnant vegetation that is potential Koala habitat as defined within the [EPBC Act referral guidelines for the vulnerable koala \(2014\)](#) (i.e. habitat comprising one or more species of the genera: *Eucalyptus*, *Corymbia*, and/or *Angophora*). These woodlands contain the Koala food trees *Eucalyptus crebra* and *Eucalyptus tereticornis*. Given the known records and habitat present, it is anticipated that the proposed action will remove habitat that is critical to the survival of the species.

The proponent did not assess habitat using the department's Koala Habitat Assessment Tool in the Koala Referral Guidelines. Using the Koala Habitat Assessment Tool in the Koala Referral Guidelines, the department has calculated that the suitable habitat in the project area scores at least 8 out of 10 and therefore is habitat critical to the survival of the species. The department used the following criteria:

- +2 for Koalas known to be occurring within the impact area;
- +2 for containing two or more species of known Koala food tree (*E. crebra* and *E. tereticornis*), as well as having one food tree dominating the vegetation in some areas (*E. camaldulensis*) in a narrow strip of regrowth RE 11.3.25);
- +1 for habitat connectivity (area is part of a contiguous landscape less than 1000ha but more than 500 ha);
- +1 for key existing threats, due to the Gregory Highway passing through the project area it is likely that fatalities occur along the Highway annually; and
- +2 for recovery values as, while no habitat refuges within riparian habitats will be impacted, the extent of Koala habitat surrounding habitat refuges is being reduced.

Potential impacts

The referral states the proposed action will result in the clearance of at least 959 ha of suitable Koala habitat which is likely to lead to loss of habitat and food trees, habitat fragmentation as well as clearance of Koala breeding places.

The department also considers possible indirect impacts on the Koala, including:

- Mortality and injury due to collisions with train and other vehicles;
- Noise and light disturbance;
- Increase in dust.

Conclusion

Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have an

adverse effect on habitat critical to the survival of the vulnerable Koala. Therefore, the department considers a significant impact on the vulnerable Koala is likely.

Other listed species and communities

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Marsupials:

- Greater Glider (*Petauroides volans*) – Vulnerable

Birds:

- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Southern Black-throated Finch (*Poephila cincta cincta*) – Endangered

Reptiles:

- White-throated Snapping Turtle (*Elseya albagula*) – Critically Endangered
- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmali*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Fitzroy River Turtle (*Rheodytes leukops*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- *Aristida annua* – Vulnerable
- Capella Potato Bush – (*Solanum orgadophilum*) – Critically Endangered
- *Bertya opposens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, fragmentation of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of a vulnerable species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

A water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)

The proposed action is to construct and operate a railway line and associated infrastructure from the proposed Valeria mine site (EPBC 2021/9077) to Aurizon Goonyella Coal Chain.

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource. A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a. in its own right; or
- b. when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is being used to support coal mining activities. The department considers that the extraction of coal would not occur without the rail line infrastructure to support mining activities at the Valeria Coal Mine. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact to a water resource, which is discussed below.

Surface water

The department notes the referral information contains only limited information in relation to potential impacts on water resources, with the proponent stating additional work is required to determine the impacts. The proponent plans to undertake additional work to determine impacts as part of their EIS.

The referral states that the proposed action has the potential to impact surface water resources through the construction and operation of the rail line infrastructure. Potential impacts to surface water include:

- Erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. for construction of rail line watercourse crossings);
- Decrease bank stability at watercourse crossings;
- Changes and/or interruption to in-stream flows (velocities, volumes) and flood regimes;
- Changes to overland flow rates and direction, that causes hydrological changes;

- Degradation of surface water quality (dust settlement from construction/earthworks disturbance and coal transport);
- Barriers to movement of terrestrial and aquatic fauna;
- Changes to supply and water quality affecting downstream surface water users.

The proponent considers the above impacts to surface water resources are likely to be significant. The department agrees with the proponent's statement on the likely significant impacts to surface water resources. The maps provided in the referral highlight at least 23 water crossings across the proposed action area (Attachment A1). The department considers that the construction and operation of the railway line will contribute to runoff into surface water and a reduction in water quality.

According to the proponent, a surface water assessment, including field surveys, baseline and predictive flood modelling, hydraulic and hydrological impact assessment will be undertaken as part of the EIS in accordance with the [Significant impact guidelines 1.3: Coal seam gas and large coal mining developments – impacts on water \(DoE 2013\)](#) and other relevant guidelines to determine the extent of impacts to surface water from the proposed action.

Conclusion

Based on the information available and the referral documentation, and with consideration of the [Significant impact guidelines 1.3 \(2013\)](#), the department considers there is a real or not remote chance or possibility that the proposed action will result in a change to the water quality and hydrology of a water resource, that is of sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users, including environmental and other public benefit outcomes, or to create a material risk of such reduction in utility occurring, as a result of:

- a change in water quantity, including the timing of variations in water quantity;
- a change in the integrity of hydrological or hydrogeological connections, including flow regimes and river-floodplain connectivity; and
- compromise the ability to achieve relevant local or regional water quality objectives by causing potentially harmful substances to accumulate in the environment and seriously affecting the habitat of a native species dependent on the water resource.

Therefore, the department considers the proposed action is likely to have a significant impact to water resources. For these reasons, the department considers sections 24D and 24E are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The ERT report identifies 11 migratory species may occur within 10 km of the proposed action (Attachment B). The referral states that migratory species were observed on site during surveys and have been recorded within 50 km of the site on the Atlas of Living Australia database, including the:

- Latham's Snipe (*Gallinago hardwickii*)
- Eastern Osprey (*Pandion haliaetus cristatus*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Rufous Fantail (*Rhipidura rufifrons*)

The referral states that suitable habitat for these species is present on site in grassland, woodlands, watercourses, farm dams and gilgai formations. However, the proponent does not consider potential impacts to migratory species or their habitat to be significant because the species that occur in the area are highly mobile and widespread within Australia, and the habitat on site is unlikely to support an important habitat or an important population of any migratory species.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the destruction and clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

Conclusion

Given the nature and scale of the proposed action and noting the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on any listed migratory species. Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area. The nearest Ramsar wetland is the Shoalwater and Corio Bays Area and is approximately 250 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area. The nearest World Heritage property is the Great Barrier Reef World Heritage Area (GBRWHA) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area. The nearest National Heritage</p>

	<p>place is the Great Barrier Reef National Heritage Place (GBRNHP) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth marine environment (s23 & 24A)	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone and Territorial Sea and is approximately 300 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
Commonwealth action (s28)	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is the Defence Shoalwater Bay Training Area and is approximately 220 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>The proposed action is situated in the Nogoia River sub-catchment of the Fitzroy basin, which flows into the Great Barrier Reef Marine Park (GBRMP) at Keppel Bay, more than 200 km downstream.</p> <p>Given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the</p>

	<p>distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Four public submissions were received on the referral ([Attachment C](#)).

- One public submission considers the proposal to be clearly unacceptable, noting that in their view:
 - listed threatened species and communities, water resources and the Great Barrier Reef Marine Park, World Heritage and National Heritage areas will likely be significantly impacted;
 - the proposed action will increase greenhouse gas emissions, contributing to climate change and adversely impacting the environment;
 - the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
 - the Minister or delegate should not accept the referral under section 74A.
- Three public submissions consider the proposed action should be a controlled action noting that in their view:
 - listed threatened species and communities, migratory species and water resources will be significantly impacted;
 - a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
 - the proposed action should undergo a full assessment by EIS.

The department considers that the EIS assessment of the 'coordinated project' by the Queensland Government will address matters raised in public submissions and is also suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction
- The Hon Keith Pitt MP, Minister for Resources and Water

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians
- The Hon David Littleproud MP, Minister for Agriculture and Northern Australia
- The Hon Barnaby Joyce MP, Minister for Infrastructure, Transport, Regional Development

On 14 December 2021, [s. 47F\(1\)](#) responded on behalf of the Hon Angus Taylor MP and noted a nil comment on the proposed action ([Attachment D1](#)).

On 20 December 2021, Anthony Bennie responded on behalf of the Hon David Littleproud MP and noted a nil comment on the proposed action ([Attachment D2](#)).

On 21 December 2021, Geoscience Australia replied in response to the invitation to the Hon Keith Pitt MP ([Attachment D3](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

The department notes the concerns raised by Geoscience Australia and considers that, as discussed above, these can be addressed together through the accredited assessment process, which will assess the whole Valeria Project as a single project by the Queensland Government.

On 23 December 2021, Kate McLean responded on behalf of The Hon Barnaby Joyce MP, and noted a nil comment on the proposed action ([Attachment D4](#)).

On 23 December 2021, the National Indigenous Australians Agency (NIAA) replied in response to the invitation to the Hon Ken Wyatt AM MP ([Attachment D5](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. It is recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993*, prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if engagement has not yet commenced;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Briaglow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The proponent has prepared a Cultural Heritage Investigation and Management Agreement with the Western Kangoulu People for the overarching Valeria Project.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D6](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In 2019, the Department of Environment and Science (DES) issued information requests for the EA applications, requiring an EIS under the *Environmental Protection Act 1994* (Qld).
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that the bilateral agreement with the Queensland Government will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment process specified under Class 2 of the Queensland bilateral agreement cannot proceed.

Therefore, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

- (a) the process is to be carried out under a law of the Commonwealth, State or Territory;
- (b) there are no standards prescribed by the regulations;
- (c) the process will ensure that relevant impacts of the action are adequately assessed; and
- (d) the report on the accredited assessment process will provide enough information on the relevant impacts to allow the decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS assessment process is to be undertaken by the Office of the Coordinator General under Part 4 of the SDPWO Act and will address these matters.

In making your decision you must consider the matters summarised below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .

Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at <u>Attachment D6</u> .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.3 Significant Impact Guidelines – Coal seam gas and large coal mining developments – impacts on water resources* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

As mentioned previously the proponent has acknowledged further assessment is required to determine the extent of impacts to surface water from the proposed action. The department also notes that the proposed action is integral to the operation of a large coal mine with facilitated impacts upon water resources not yet fully understood. Due to these uncertainties the department recommends a precautionary approach be taken by applying the water trigger as a controlling provision.

The department recommends that “A water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)” as a controlling provision be applied to the proposed action to fully understand the nature and extent of potential impacts, including facilitated and cumulative impacts, on water resources.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at Attachment E. The fee schedule (without justifications) at Attachment F will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Acting Director

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

s. 22(1)(a)(ii)

Assessment Officer

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

ATTACHMENTS

- A: Referral documentation
- B: ERT Report (dated 9 December 2021)
- C: Public comments
- D: Ministerial comments
- E: Fee schedule (with justifications)
- F: Fee schedule (without justifications)
- G: Decision notice - FOR SIGNATURE
- H: Letters to the proponent and the state - FOR SIGNATURE

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Qld (EPBC 2021/9076).

Timing: 17 January 2022 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 4. See <u>Attachment C</u> .												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> See <u>Attachment D</u> .												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited Assessment. Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													

3. Agree to accept the referral under section 74A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Agreed / Not agreed

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / Not agreed

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment - review of the terms of reference.

Noted / Please discuss

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letters at Attachment H.

Signed / Not signed

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea
Dumping Branch

Date: January 2022

Comments:

KEY ISSUES:

- The proposed action is to construct and operate a railway line (approximately 67 km in length) and associated infrastructure from the proposed Valeria mine site to Aurizon Goonyella Coal Chain in the Bowen Basin, between 34 km north-west and 60 km northeast of Emerald, Qld.
- The department considers the proposed action to be a component of a larger action, being one of a total five components of the overarching Valeria Project. All components have been referred separately to enable their potential future transfer. The other components include:
 - EPBC 2021/9074 – Communications infrastructure;
 - EPBC 2021/9075 – Water supply pipeline from the Oaky Creek Coal Mine;
 - EPBC 2021/9077 – Mine Site, Accommodation and Access Road; and
 - EPBC 2021/9078 – Powerline infrastructure.
- The proposed action area is identical to that of the Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine (EPBC 2021/9075).
- The department considers that significant impacts will arise to listed threatened species and ecological communities, and water resources as a result of the proposed action. Potential impacts include:
 - the clearance of habitat for listed threatened species and ecological communities, including the vulnerable Koala (*Phascolarctos cinereus*) and endangered Brigalow (*Acacia harpophylla*) Threatened Ecological Community; and
 - a reduction in surface water quality and to surface water hydrology.

BACKGROUND:**Description of the referral**

A referral was received on 9 December 2021. The action was referred by Valeria Coal Holdings Pty Limited (the proponent) (a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 7 January 2022, with agreement from the proponent, the timeframe for a decision on the referral was extended under section s 75(7) of the EPBC Act.

Description of the proposal (including location)

The proposed action is to construct and operate a railway line and associated infrastructure from the proposed Valeria mine site to Aurizon Goonyella Coal Chain. The rail line infrastructure extends from the rail loop and train load-out facility (TLO) located in the vicinity of the mine infrastructure area (MIA) and extends eastward within the co-located infrastructure corridor to the Gregory Highway. The proposed action area then continues north-east across Yan Yan Road to run parallel with Crinum Road, past Tieri where it connects with the Aurizon Goonyella Coal Chain (Oaky Creek) rail network. The following elements will be required for the rail line:

- New rail track extending from the mine site to the existing Aurizon Goonyella Coal Chain (Oaky Creek) rail network near OCC Mine, including turn outs;
- Upgrade of rail track along a short length of the existing Central Western rail line;

- New level and grade separated rail line crossings of roads along the infrastructure alignment;
- Light vehicle access and maintenance tracks;
- Signage, signalling, fencing and other safety requirement.

The proposed corridor for the rail line is approximately 5,193 ha however, the exact alignment of the rail line infrastructure has not been finalised. The proposed corridor varies in width from 250 m to 3.5 km and the finalised width of the disturbance impact for the rail line is expected to vary between 60 m to 100 m.

Description of the environment

The proposed action is situated in the Bowen basin, within the Brigalow Belt bioregion and the upper Fitzroy River catchment. The site extends across the localities of Hibernia, Carbine Creek, Fork Lagoons and Chirnside, on an area that has been used for grazing, cropping, production forestry and exploration drilling.

Several watercourses intersect the site and drain into the Nogoia River, including Theresa, Retro, Carbine, Crystal, Pine, Wheel, Gordonstone, Capella, Boot and Kettle, and Sandy Creeks. All watercourses within and adjacent to the site are ephemeral. No further information on the hydrology of the area was provided as part of the referral information.

Vegetation on site consists of approximately 1,313 ha of remnant and regrowth vegetation dominated by *Eucalyptus*, *Acacia* and *Corymbia* species (the exact amount of area proposed to be cleared has not been finalised). The referral states that several threatened ecological communities (TECs) are present on site, including the endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC.

State assessment

On 12 June 2020, the Office of the Coordinator General declared the Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). Further advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Under section 74A(1) of the EPBC Act, if you are satisfied that an action referred by a person is a component of a larger action, which the same person proposes to take, you may decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key considerations when deciding whether to accept a 'split referral' are:

1. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
2. whether, if undertaken separately, the impact would be reduced below significant.

The proposed action is one of five components of the Valeria Project. The Valeria Project was declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government.

Valeria Coal Holdings Pty Limited is the designated proponent and person proposing to undertake all five components of the Valeria Project. The referral states that the components were referred separately to enable the potential transfer of approvals in future.

The department considers that while the five Valeria Project referrals clearly comprise a larger action proposed to be taken by the same person, the referrals should be accepted because:

- the Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- in taking the proposed actions separately, as split referrals, potential impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

The department notes that if you agree to accept the referral, subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1) and publish in accordance with the regulations (if any), a copy of your decision. The department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment H1](#)). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- listed threatened species and communities (section 18 & section 18A); and
- a water resource in relation to coal seam gas development and large coal mining development (section 24D & section 24E).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 9 December 2021) identified 35 species and communities may occur within 10 km of the proposed action (see the ERT report at [Attachment B](#)).

Based on the location of the action, likely habitat present in the area of the proposed action, and an analysis of nearest species records the department considers that impacts potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) ecological community – Endangered

Species information

A description of the characteristics and range of the Brigalow Threatened Ecological Community (TEC) can be found in SPRAT: <https://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=28&status=Endangered>

The SPRAT profile states that the Brigalow TEC is known to occur in the Brigalow Belt bioregions, in areas that receive relatively high rainfall (> 500 mm). The TEC is characterised by the dominance of Brigalow, with or without *Casuarina cristata* or *Eucalyptus* species, in open forest or woodland, with a prominent shrub layer on clay soils.

Proposed action area

The referral states that there are large patches of Brigalow TEC which extend across the width of the proposed action area. Field surveys undertaken by the proponent confirmed the Brigalow TEC occurs as several patches encompassing a total of approximately 31 ha located in the portion of the proposed action area to the east of the Gregory Highway. Three further patches of potential Brigalow TEC (not surveyed) covering approximately 20 ha are located along drainage lines west of the Gregory Highway.

The referral states the alignment of the rail line infrastructure has not been finalised. As such, the extent of the overall impact to the Brigalow TEC is unknown.

Potential impacts

The referral states that clearing for construction of the rail line is expected to require a corridor between 60m and 100 m in width. Given the extent of some of these patches within the proposed action area there is potential for the patches of Brigalow TEC to be subject to clearing and fragmentation during construction.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

Conclusion

The department notes that the Brigalow TEC will be modified, fragmented or removed as a result of the proposed action. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the [Approved conservation advice](#) the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent of and fragmenting an endangered ecological community.

Koala (*Phascolarctos cinereus* - combined populations of Qld, NSW and the ACT) – Vulnerable

Species information

A description of the characteristics and range of the Koala can be found in SPRAT:
https://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104.

Proposed action area

The Koala was found during field surveys undertaken by the proponent along creeks to the west of the mine site and 3 km north-east of the proposed action area. This included direct sightings and indirect evidence of the species (a skull and tree scratching).

The proposed action area includes approximately 959 ha of remnant vegetation that is potential Koala habitat as defined within the [EPBC Act referral guidelines for the vulnerable koala \(2014\)](#) (i.e. habitat comprising one or more species of the genera: *Eucalyptus*, *Corymbia*, and/or *Angophora*). These woodlands contain the Koala food trees *Eucalyptus crebra* and *Eucalyptus tereticornis*. Given the known records and habitat present, it is anticipated that the proposed action will remove habitat that is critical to the survival of the species.

The proponent did not assess habitat using the department's Koala Habitat Assessment Tool in the Koala Referral Guidelines. Using the Koala Habitat Assessment Tool in the Koala Referral Guidelines, the department has calculated that the suitable habitat in the project area scores at least 8 out of 10 and therefore is habitat critical to the survival of the species. The department used the following criteria:

- +2 for Koalas known to be occurring within the impact area;
- +2 for containing two or more species of known Koala food tree (*E. crebra* and *E. tereticornis*), as well as having one food tree dominating the vegetation in some areas (*E. camaldulensis*) in a narrow strip of regrowth RE 11.3.25);
- +1 for habitat connectivity (area is part of a contiguous landscape less than 1000ha but more than 500 ha);
- +1 for key existing threats, due to the Gregory Highway passing through the project area it is likely that fatalities occur along the Highway annually; and
- +2 for recovery values as, while no habitat refuges within riparian habitats will be impacted, the extent of Koala habitat surrounding habitat refuges is being reduced.

Potential impacts

The referral states the proposed action will result in the clearance of at least 959 ha of suitable Koala habitat which is likely to lead to loss of habitat and food trees, habitat fragmentation as well as clearance of Koala breeding places.

The department also considers possible indirect impacts on the Koala, including:

- Mortality and injury due to collisions with train and other vehicles;
- Noise and light disturbance;
- Increase in dust.

Conclusion

Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have an

adverse effect on habitat critical to the survival of the vulnerable Koala. Therefore, the department considers a significant impact on the vulnerable Koala is likely.

Other listed species and communities

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Marsupials:

- Greater Glider (*Petauroides volans*) – Vulnerable

Birds:

- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Southern Black-throated Finch (*Poephila cincta cincta*) – Endangered

Reptiles:

- White-throated Snapping Turtle (*Elseya albagula*) – Critically Endangered
- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmali*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Fitzroy River Turtle (*Rheodytes leukops*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- *Aristida annua* – Vulnerable
- Capella Potato Bush – (*Solanum orgadophilum*) – Critically Endangered
- *Bertya opposens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, fragmentation of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of a vulnerable species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

A water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)

The proposed action is to construct and operate a railway line and associated infrastructure from the proposed Valeria mine site (EPBC 2021/9077) to Aurizon Goonyella Coal Chain.

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource. A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a. in its own right; or
- b. when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is being used to support coal mining activities. The department considers that the extraction of coal would not occur without the rail line infrastructure to support mining activities at the Valeria Coal Mine. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact to a water resource, which is discussed below.

Surface water

The department notes the referral information contains only limited information in relation to potential impacts on water resources, with the proponent stating additional work is required to determine the impacts. The proponent plans to undertake additional work to determine impacts as part of their EIS.

The referral states that the proposed action has the potential to impact surface water resources through the construction and operation of the rail line infrastructure. Potential impacts to surface water include:

- Erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. for construction of rail line watercourse crossings);
- Decrease bank stability at watercourse crossings;
- Changes and/or interruption to in-stream flows (velocities, volumes) and flood regimes;
- Changes to overland flow rates and direction, that causes hydrological changes;

- Degradation of surface water quality (dust settlement from construction/earthworks disturbance and coal transport);
- Barriers to movement of terrestrial and aquatic fauna;
- Changes to supply and water quality affecting downstream surface water users.

The proponent considers the above impacts to surface water resources are likely to be significant. The department agrees with the proponent's statement on the likely significant impacts to surface water resources. The maps provided in the referral highlight at least 23 water crossings across the proposed action area (Attachment A1). The department considers that the construction and operation of the railway line will contribute to runoff into surface water and a reduction in water quality.

According to the proponent, a surface water assessment, including field surveys, baseline and predictive flood modelling, hydraulic and hydrological impact assessment will be undertaken as part of the EIS in accordance with the [Significant impact guidelines 1.3: Coal seam gas and large coal mining developments – impacts on water \(DoE 2013\)](#) and other relevant guidelines to determine the extent of impacts to surface water from the proposed action.

Conclusion

Based on the information available and the referral documentation, and with consideration of the [Significant impact guidelines 1.3 \(2013\)](#), the department considers there is a real or not remote chance or possibility that the proposed action will result in a change to the water quality and hydrology of a water resource, that is of sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users, including environmental and other public benefit outcomes, or to create a material risk of such reduction in utility occurring, as a result of:

- a change in water quantity, including the timing of variations in water quantity;
- a change in the integrity of hydrological or hydrogeological connections, including flow regimes and river-floodplain connectivity; and
- compromise the ability to achieve relevant local or regional water quality objectives by causing potentially harmful substances to accumulate in the environment and seriously affecting the habitat of a native species dependent on the water resource.

Therefore, the department considers the proposed action is likely to have a significant impact to water resources. For these reasons, the department considers sections 24D and 24E are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The ERT report identifies 11 migratory species may occur within 10 km of the proposed action (Attachment B). The referral states that migratory species were observed on site during surveys and have been recorded within 50 km of the site on the Atlas of Living Australia database, including the:

- Latham's Snipe (*Gallinago hardwickii*)
- Eastern Osprey (*Pandion haliaetus cristatus*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Rufous Fantail (*Rhipidura rufifrons*)

The referral states that suitable habitat for these species is present on site in grassland, woodlands, watercourses, farm dams and gilgai formations. However, the proponent does not consider potential impacts to migratory species or their habitat to be significant because the species that occur in the area are highly mobile and widespread within Australia, and the habitat on site is unlikely to support an important habitat or an important population of any migratory species.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the destruction and clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

Conclusion

Given the nature and scale of the proposed action and noting the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on any listed migratory species. Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area. The nearest Ramsar wetland is the Shoalwater and Corio Bays Area and is approximately 250 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area. The nearest World Heritage property is the Great Barrier Reef World Heritage Area (GBRWHA) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area. The nearest National Heritage</p>

	<p>place is the Great Barrier Reef National Heritage Place (GBRNHP) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth marine environment (s23 & 24A)	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone and Territorial Sea and is approximately 300 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
Commonwealth action (s28)	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is the Defence Shoalwater Bay Training Area and is approximately 220 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
Great Barrier Reef Marine Park (s24B & 24C)	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>The proposed action is situated in the Nogoia River sub-catchment of the Fitzroy basin, which flows into the Great Barrier Reef Marine Park (GBRMP) at Keppel Bay, more than 200 km downstream.</p> <p>Given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the</p>

	<p>distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the Department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
Commonwealth Heritage places overseas (s27B & 27C)	The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Four public submissions were received on the referral ([Attachment C](#)).

- One public submission considers the proposal to be clearly unacceptable, noting that in their view:
 - listed threatened species and communities, water resources and the Great Barrier Reef Marine Park, World Heritage and National Heritage areas will likely be significantly impacted;
 - the proposed action will increase greenhouse gas emissions, contributing to climate change and adversely impacting the environment;
 - the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
 - the Minister or delegate should not accept the referral under section 74A.
- Three public submissions consider the proposed action should be a controlled action noting that in their view:
 - listed threatened species and communities, migratory species and water resources will be significantly impacted;
 - a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
 - the proposed action should undergo a full assessment by EIS.

The department considers that the EIS assessment of the 'coordinated project' by the Queensland Government will address matters raised in public submissions and is also suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction
- The Hon Keith Pitt MP, Minister for Resources and Water

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians
- The Hon David Littleproud MP, Minister for Agriculture and Northern Australia
- The Hon Barnaby Joyce MP, Minister for Infrastructure, Transport, Regional Development

On 14 December 2021, s. 47F(1) responded on behalf of the Hon Angus Taylor MP and noted a nil comment on the proposed action ([Attachment D1](#)).

On 20 December 2021, Anthony Bennie responded on behalf of the Hon David Littleproud MP and noted a nil comment on the proposed action ([Attachment D2](#)).

On 21 December 2021, Geoscience Australia replied in response to the invitation to the Hon Keith Pitt MP ([Attachment D3](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

The department notes the concerns raised by Geoscience Australia and considers that, as discussed above, these can be addressed together through the accredited assessment process, which will assess the whole Valeria Project as a single project by the Queensland Government.

On 23 December 2021, Kate McLean responded on behalf of The Hon Barnaby Joyce MP, and noted a nil comment on the proposed action ([Attachment D4](#)).

On 23 December 2021, the National Indigenous Australians Agency (NIAA) replied in response to the invitation to the Hon Ken Wyatt AM MP ([Attachment D5](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. It is recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993*, prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if engagement has not yet commenced;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Briaglow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The proponent has prepared a Cultural Heritage Investigation and Management Agreement with the Western Kangoulu People for the overarching Valeria Project.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D6](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In 2019, the Department of Environment and Science (DES) issued information requests for the EA applications, requiring an EIS under the *Environmental Protection Act 1994* (Qld).
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that the bilateral agreement with the Queensland Government will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment process specified under Class 2 of the Queensland bilateral agreement cannot proceed.

Therefore, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

- (a) the process is to be carried out under a law of the Commonwealth, State or Territory;
- (b) there are no standards prescribed by the regulations;
- (c) the process will ensure that relevant impacts of the action are adequately assessed; and
- (d) the report on the accredited assessment process will provide enough information on the relevant impacts to allow the decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS assessment process is to be undertaken by the Office of the Coordinator General under Part 4 of the SDPWO Act and will address these matters.

In making your decision you must consider the matters summarised below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .

Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at <u>Attachment D6</u> .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.3 Significant Impact Guidelines – Coal seam gas and large coal mining developments – impacts on water resources* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

As mentioned previously the proponent has acknowledged further assessment is required to determine the extent of impacts to surface water from the proposed action. The department also notes that the proposed action is integral to the operation of a large coal mine with facilitated impacts upon water resources not yet fully understood. Due to these uncertainties the department recommends a precautionary approach be taken by applying the water trigger as a controlling provision.

The department recommends that “A water resource, in relation to a large coal mining development or coal seam gas development (s24D & 24E)” as a controlling provision be applied to the proposed action to fully understand the nature and extent of potential impacts, including facilitated and cumulative impacts, on water resources.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at Attachment E. The fee schedule (without justifications) at Attachment F will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Acting Director

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

s. 22(1)(a)(ii)

Assessment Officer

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

ATTACHMENTS

- A: Referral documentation
- B: ERT Report (dated 9 December 2021)
- C: Public comments
- D: Ministerial comments
- E: Fee schedule (with justifications)
- F: Fee schedule (without justifications)
- G: Decision notice - FOR SIGNATURE
- H: Letters to the proponent and the state - FOR SIGNATURE

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

2021/9077 ERT Report - 10 km buffer

Report created: 09/12/2021 02:17:45

[Summary](#)

[Details](#)

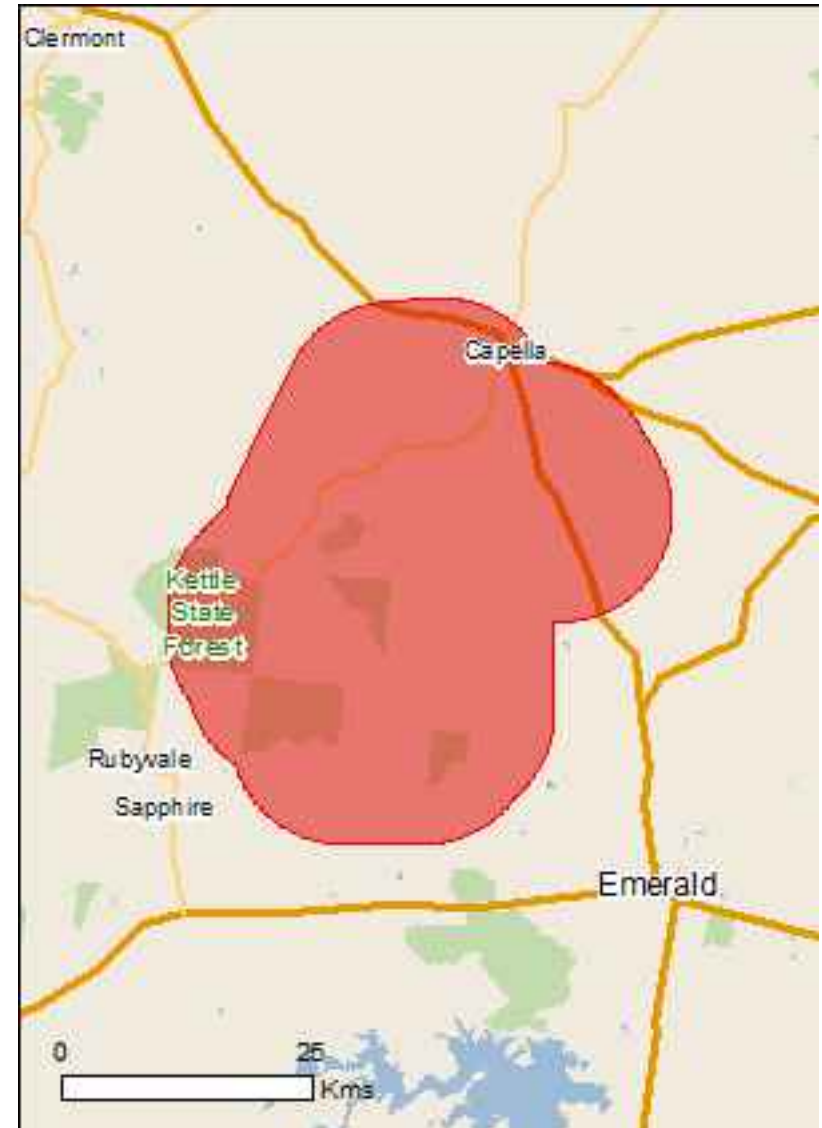
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

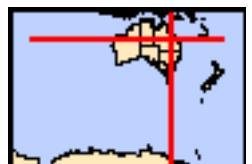
[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



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Summary

Matters of National Environment Significance

World Heritage Properties:	None
National Heritage Places:	None
Ramsar Wetlands:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	4
Threatened Species:	24
Migratory Species:	10

Other Matters Protected by the EPBC Act

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	15
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	1
Regional Forest Agreements:	None
Invasive Species:	19
Nationally Important Wetlands:	None
EPBC Act Referrals:	9
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Name	Status	Type of Presence
Brigalow (Acacia harpophylla dominant and co-dominant)	Endangered	Community known to occur within area
Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin	Endangered	Community likely to occur within area
Poplar Box Grassy Woodland on Alluvial Plains	Endangered	Community likely to occur within area
Weeping Myall Woodlands	Endangered	Community likely to occur within area

Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Current Scientific Name	Status	Type of Presence
BIRD		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat likely to occur within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat may occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Geophaps scripta scripta Squatter Pigeon (southern) [64440]	<small>DOCUMENT 45</small> Vulnerable	Species or species habitat likely to occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Neochmia ruficauda ruficauda Star Finch (eastern), Star Finch (southern) [26027]	Endangered	Species or species habitat likely to occur within area
Poephila cincta cincta Southern Black-throated Finch [64447]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
MAMMAL		
Dasyurus hallucatus Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat may occur within area
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat likely to occur within area
PLANT		
Aristida annua [17906]	Vulnerable	Species or species habitat likely to occur within area
Cadellia pentastylis Ooline [9828]	Vulnerable	Species or species habitat may occur within area
Dichanthium queenslandicum King Blue-grass [5481]	Endangered	Species or species habitat known to occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Dichanthium setosum bluegrass [14159]	<small>DOCUMENT 45</small> Vulnerable	Species or species habitat likely to occur within area
Marsdenia brevifolia [64585]	Vulnerable	Species or species habitat may occur within area
Solanum orgadophilum Capella Potato Bush [89185]	Critically Endangered	Species or species habitat known to occur within area

REPTILE

Delma torquata Adorned Delma, Collared Delma [1656]	Vulnerable	Species or species habitat may occur within area
Denisonia maculata Ornamental Snake [1193]	Vulnerable	Species or species habitat may occur within area
Egernia rugosa Yakka Skink [1420]	Vulnerable	Species or species habitat likely to occur within area
Elseya albagula Southern Snapping Turtle, White-throated Snapping Turtle [81648]	Critically Endangered	Species or species habitat likely to occur within area
Furina dunmalli Dunmall's Snake [59254]	Vulnerable	Species or species habitat may occur within area
Lerista allanae Allan's Lerista, Retro Slider [1378]	Endangered	Species or species habitat known to occur within area
Rheodytes leukops Fitzroy River Turtle, Fitzroy Tortoise, Fitzroy Turtle, White-eyed River Diver [1761]	Vulnerable	Species or species habitat likely to occur within area

Migratory Species	Threatened	[Resource Information]
Current Scientific Name		Type of Presence
Migratory Marine Birds		

[Apus pacificus](#)

Fork-tailed Swift [678]

Species or species habitat likely to occur within area

Migratory Terrestrial Species

[Cuculus optatus](#)

Oriental Cuckoo, Horsfield's Cuckoo [86651]

Species or species habitat may occur within area

[Motacilla flava](#)

Yellow Wagtail [644]

Species or species habitat may occur within area

[Myiagra cyanoleuca](#)

Satin Flycatcher [612]

Species or species habitat may occur within area

[Rhipidura rufifrons](#)

Rufous Fantail [592]

Species or species habitat known to occur within area

Migratory Wetlands Species

[Actitis hypoleucos](#)

Common Sandpiper [59309]

Species or species habitat may occur within area

[Calidris acuminata](#)

Sharp-tailed Sandpiper [874]

Species or species habitat may occur within area

[Calidris ferruginea](#)

Curlew Sandpiper [856]

Critically Endangered

Species or species habitat may occur within area

[Calidris melanotos](#)

Pectoral Sandpiper [858]

Species or species habitat may occur within area

[Gallinago hardwickii](#)

Latham's Snipe, Japanese Snipe [863]

Species or species habitat may occur within area

Listed Marine Species		[Resource Information]
Current Scientific Name	Threatened	Type of Presence
Bird		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Anseranas semipalmata Magpie Goose [978]		Species or species habitat may occur within area overfly marine area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area
Chalcites osculans as Chrysococcyx osculans Black-eared Cuckoo [83425]		Species or species habitat known to occur within area overfly marine area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area overfly marine area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Haliaeetus leucogaster White-bellied Sea-Eagle [943]	DOCUMENT 45	Species or species habitat likely to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat may occur within area overfly marine area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area overfly marine area
Rostratula australis as Rostratula benghalensis (sensu lato) Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area overfly marine area

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Caroa Island Paddock Nature Refuge	QLD

Invasive Species [Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
Bird		
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Passer domesticus	<small>DOCUMENT 45</small>	<small>Page 244 of 419</small>
House Sparrow [405]	Feral	Species or species habitat likely to occur within area
Frog		
Rhinella marina		
Cane Toad [83218]	Feral	Species or species habitat known to occur within area
Mammal		
Bos taurus		
Domestic Cattle [16]	Feral	Species or species habitat likely to occur within area
Canis familiaris listed as Canis lupus familiaris		
Domestic Dog, Dingo [17]	Feral	Species or species habitat likely to occur within area
Felis catus		
Cat, House Cat, Domestic Cat [19]	Feral	Species or species habitat likely to occur within area
Lepus capensis		
Brown Hare [127]	Feral	Species or species habitat likely to occur within area
Mus musculus		
House Mouse [120]	Feral	Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]	Feral	Species or species habitat likely to occur within area
Sus scrofa		
Pig [6]	Feral	Species or species habitat likely to occur within area
Vulpes vulpes		
Red Fox, Fox [18]	Feral	Species or species habitat likely to occur within area
Plant		
Cryptostegia grandiflora		
Rubber Vine, Rubbervine, India Rubber Vine, India Rubbervine, Palay Rubbervine, Purple Allamanda [18913]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Hymenachne amplexicaulis	<small>DOCUMENT 45</small>	<small>Page 245 of 419</small>
Hymenachne, Olive Hymenachne, Water Stargrass, West Indian Grass, West Indian Marsh Grass [31754]	WoNS	Species or species habitat likely to occur within area
Jatropha gossypifolia listed as Jatropha gossypifolia		
Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [89505]	WoNS	Species or species habitat likely to occur within area
Lantana camara		
Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	WoNS	Species or species habitat likely to occur within area
Parkinsonia aculeata		
Parkinsonia, Jerusalem Thorn, Jelly Bean Tree, Horse Bean [12301]	WoNS	Species or species habitat likely to occur within area
Parthenium hysterophorus		
Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]	WoNS	Species or species habitat likely to occur within area
Tamarix aphylla		
Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica		
Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]	WoNS	Species or species habitat likely to occur within area

EPBC Act Referrals [[Resource Information](#)]

Further details about the referral is available in the Environmental Impact Assessment System (EIAS); click on the title to access.

Referral			
Title	Reference	Referral Outcome	Assessment Status
Galilee Coal Project including development of coal mine, 495km railway, port and	2008/4366	Action Clearly Unacceptable	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed
Taraborah Coal Project	2012/6262	Controlled Action	Post-Approval
Teresa Coal Mine, QLD	2011/6094	Controlled Action	Proposed Decision

Title	Reference	Referral Outcome	Assessment Status
Valeria Project ??? mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5	2021/9077		Referral Creation
Valeria Project Communications Infrastructure from the Gregory Highway to the mine site EPBC Act Referral 5 of 5	2021/9074		Referral Creation
Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5	2021/9078		Referral Creation
Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain EPBC Act Referral 2 of 5	2021/9076		Referral Creation
Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine EPBC Act Referral 3 of 5	2021/9075		Referral Creation

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment, Energy and Science, New South Wales](#)
- [-Department of Environment, Land, Water and Planning, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Government of South Australia, Department for Environment and Water, South Australia](#)
- [-Department of Environment and Natural Resources, Northern Territory](#)
- [-Department of Environment and Science, Queensland](#)
- [-Department of Biodiversity, Conservation and Attractions, Western Australia](#)
- [-Environment, Planning and Sustainable Development Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Department of Environment and Energy, Australian Bird and Bat Banding Scheme](#)
- [-CSIRO, Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Australian Museum](#)
- [-Museums Victoria](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

**OFFICE OF WATER SCIENCE ADVICE
VALERIA PROJECT MINE SITE, QUEENSLAND**

Requesting section	North Queensland Assessment	Requesting officer	s. 22(1)(a)(ii)
Date of request	10 December 2021		
EPBC reference	EPBC 2021/9077	OWS reference	OWS 2021-088
Project assessment stage	Referral		
OWS contact officer	s. 22(1)(a)(ii)		
Cleared by	s. 22(1)(a)(ii) Director / Senior Principal Research Scientist Technical Analysis Team	Date	21 December 2021

The OWS provides technical advice for internal Departmental decision making and briefing purposes only. *However, this advice can be provided to another Commonwealth agency, state regulator or proponent provided that approval from the OWS Director has been granted.* The OWS does not speak for, and our response has not been endorsed by, the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development.

This document, prepared at the request of the Environment Approvals Division, outlines the Office of Water Science's (OWS) technical advice on the Valeria project in relation to review of referral documentation.

The Valeria Project (the project) is located in the Bowen Basin in Central Queensland, approximately 27 kilometres (km) north-west of Emerald. The project has a footprint of approximately 29,501 hectares (ha) and is expected to produce up to 20 Mtpa of Run of Mine coal over 35 years. The project site will consist of six open-cut pits, as well as relevant mining infrastructure, rail line infrastructure, water supply pipeline infrastructure, powerline infrastructure and communications infrastructure. Each project component as listed above has been submitted through separate *Environmental Protection and Biodiversity Conservation (EPBC) Act (1999)* referrals.

A number of EPBC-listed and Matters of National Environmental Significance (MNES) species exist within the project site, including *Denisonia maculata* (Ornamental Snake) and *Rostratula australis* (Australian Painted Snipe). The project is likely to have impacts on listed species. The site also encompasses a number of surface water features, which the proponent has indicated will require diversion. Groundwater may also be used as a water supplement with associated drawdown impacts.

Question 1: What does the OWS consider are the likely nature and extent of impacts, including cumulative and downstream impacts, on water resources of the proposed action?

1. OWS notes the limitations of assessing this project based on the referral and can provide further advice following the completion of an Environmental Impact Statement (EIS). However, the proponent could have developed an ecohydrological model combined with a comprehensive risk analysis to identify likely causal pathways which would then inform what data and information would be required. Both the ecohydrological model and risk analysis should be updated as this new data and information becomes available.

Groundwater

2. The proponent presents a general understanding of potential impacts to groundwater; however, due to the lack of data specific to this project (hydraulic parameters, current borehole count, baseline data targeted aquifers in and around the project site used for extraction, as well as extraction required for the Valeria project), OWS considers that the project specific impacts to groundwater are unknown and hard to assess with the information provided.
 - a. The potential impacts identification should be tailored to the specific conditions associated with the Valeria project to properly understand their nature and extent using the process described in paragraph 1.

Surface Water

3. The proponent has provided information on the potential impacts to surface water from the project (Valeria 2021a, p. 17). However, the proponent has not included information about potential impacts from surface water and groundwater interaction, cumulative impacts and downstream impacts. The process described in paragraph 1 will assist with this.
 - a. The proponent should investigate the connectivity between groundwater and surface water to identify any potential changes in water quality or baseflows through these interactions. These potential impacts could come from groundwater drawdown, seepage of contaminants, mine water discharges and water extraction from the streams.
 - b. As seen in Figure 1 (Valeria 2021b, p. 1) there are other mines within the same broader catchment area. As the proponent is considering surface water discharge it would be prudent to assess whether cumulative impacts to surface water quality will occur.
 - c. Potential impacts to downstream surface water should be investigated. If changes to baseflow or water quality happen, the proponent should understand the potential impacts to ecology and downstream water users.
4. The proponent has also stated that as part of the EIS, hydrological and hydraulic modelling, flood modelling, and field surveys will be conducted (Valeria 2021a, p. 17). OWS suggestions for the EIS are below.
 - a. Investigation in the flows and water quality in all streams within and around the project site should include:

- i. water quality sampling locations that should include two upstream and two downstream points, plus one in each stream within the project site and one in each pit and water storage dams within the project site;
 - ii. flow sampling that should be conducted monthly and over a two-year period to encompass seasonality in the flow of the streams;
 - iii. a full suite of metals and contaminants that are sampled during the field surveys to establish baseline data for comparison during operations; and
 - iv. comparison of the water quality parameters to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG) 2018. The proponent should use the 95% percentile toxicant default guidelines values for water quality analysis while collecting the baseline data.
- b. Hydrological and hydraulic modelling should be calibrated with information collected from the field surveys. The models should also include modelling about climate change to predict further potential changes to the flow regime.
 - c. Flood modelling should also be based on the hydrological and hydraulic modelling and should also encompass climate change to understand the possible changes in frequency of the larger rainfall events.

Groundwater Dependent Ecosystems

5. The nature and extent of impacts on GDEs in the project area could be material. OWS commends the proponent on their ecological survey efforts (including desktop and ground-truthing assessments); however, suggests the proponent further outline potential impacts and corresponding mitigation strategies in the EIS.
 - a. Desktop and ground-truthing assessments have found a number of potential and known Matters of National Environmental Significance (MNES) and EPBC-listed species in the project site (Eco Logical 2021, Table A, pp. 6 – 66) (DPM Envirosciences 2021, Table 2, pp.11-15). These survey efforts align with results from the EPBC Act Protect Matters Report, and include potential GDE habitats such as *Acacia harpophylla*, Poplar Box Grassy Woodland, and the ephemeral gilgais that provide habitat for the EPBC-listed *Denisonia maculata* (ornamental snake).
 - i. With many MNES and EPBC-listed species occurring in the area, OWS notes the EIS should incorporate potential avoidance strategies as well as regular monitoring as part of a mitigation strategy to ensure preservation of ecologically significant species and habitats.
 - ii. Monitoring frequency should reflect seasonal variations and the scale of expected impacts (as elaborated on below in paragraph 4b).
 - b. The proponent has provided limited description of impacts in the EPBC referral (Valeria 2021a) and Supporting Information Report (Glencore 2019). Impacts as described by the proponent are of a general nature, such as habitat clearing leading to fragmentation and loss of ecological communities (Glencore 2019, p. 53).
 - i. Given the high potential and known occurrence of multiple EPBC-listed species in the area, OWS suggests the proponent outline (through the EIS) specific impact pathways and material consequences.

- ii. The development of an ecohydrological conceptual model may be particularly useful in characterising/quantifying the scale of impacts, as well as providing an indication of specific pathways for material impacts to occur.
 - iii. Elaboration in the EIS should contemplate ecological tipping points and vulnerability of GDEs in an already highly impacted area.
 - iv. The clearing of 4,480 ha of remnant and regrowth vegetation (Valeria 2021a, p. 2) should also be considered within the cumulative impacts. This is in consideration of Brigalow GDEs (including *Acacia harpophylla*) being included as remnant and regrowth vegetation.
- c. Should the project use groundwater as a supplementary water supply, groundwater drawdown effects are expected to occur – potentially impacting on terrestrial and subsurface environments that rely on groundwater. This includes stygofauna communities.
- i. OWS notes the proponent is yet to undertake groundwater monitoring, modelling and geochemical characterisation for the EIS (Valeria 2021a, p. 18). Groundwater assessments should be considered when quantifying material impacts to GDEs.

Question 2: Does the OWS consider the information provided in the referral to be adequate to understand potential impacts to water resources?

6. OWS notes the proponent has not included sufficient information regarding tailings disposal. Besides noting there will be tailings storage facilities (Valeria 2021a, p. 2), the referral lacks information of how tailings will be transported and stored to avoid contamination to water resources in the project area. OWS considers this information should be included in the EIS.

Groundwater

7. The approach adopted by the proponent in relation to the groundwater assessment is conceptually adequate, but the information provided is not sufficient and does not reflect the current available groundwater data in and around the project site.
8. A census of the existing groundwater bores within and around the Valeria project was conducted in 2013. Additional exploration drilling has been undertaken across the area since the bore census was carried out (Glencore 2019, p.62).
- a. The proponent should include the additional exploration bores (Glencore 2019, p.62) in the bores' study. The bores that have been drilled after the 2013 census will likely provide a more accurate bore count and spatial distribution. Also, they could be a source of recent groundwater levels and quality data.
 - b. The proponent states that local landholders whose properties are not located on the alluvium of Kettle, Carbine or Theresa Creeks generally rely on surface water storages (Glencore, p.62).
 - i. While OWS assumes this means that these structures are rainfall-fed it is not clear whether this is the case. If these storages are filled via groundwater further work is

required confirmation to identify and assess potential impacts to other groundwater users.

9. The proponent states the standing water level across all units has a declining trend over the monitoring period. OWS cannot comment on this assertion as the cited documentation has not been provided.

Surface Water

10. The information about surface water in the referral document (Valeria 2021a) has some inadequacies in the documentation; however, the information provided is enough to understand potential impacts at a referral level. However, deeper understanding of the potential impacts of the project will come through once an assessment of the EIS can be conducted (see Paragraphs 3 and 4).

Groundwater Dependent Ecosystems

11. The information about GDEs in the referral document (Valeria 2021a) is generally adequate. However, deeper understanding and a more comprehensive characterisation of potential impacts can be determined through additional information provided in the EIS (refer to paragraph 4).
 - a. Supplementary to the considerations outlined in paragraph 4, the proponent should also provide data on the current condition of GDEs. This should include water quality (surface water features and groundwater), any existing habitat degradation, and groundwater levels.
 - i. Water quality data will be particularly beneficial in quantifying potential risks to GDEs and understanding the possibility of further habitat degradation or ecological community fragmentation.
 - ii. OWS considers water quality data should indicate any toxicant and contaminant concentrations prior to and following initiation of the project, and account for seasonal variations. Baseline data should be collected for a period of two years, as recommended by ANZ Guidelines (ANZG 2019).

Question 3: Are there any key information or data gaps in the referral?

Groundwater

12. The information and data included in the supporting information report (Glencore 2019) is enough for a referral assessment. However, to understand potential impacts to groundwater resources and how to manage them, the proponent should include the items below in future submissions.
 - a. A ecohydrological model with an associated comprehensive risk analysis to determine likely causal pathways to help ensure that the data collected is appropriate.
 - b. A site-specific groundwater model that is based on the ecohydrological model, risk assessment and newly collected data. Currently, the proponent states it would be developed using monitoring data and publicly available information and would include cumulative impacts, predictive simulations and, sensitive and uncertainty analysis (Glencore 2019, p. 69).

- c. A monitoring plan should be developed, based on the results of the groundwater model and subsequent risk analysis to timely identify impacts to groundwater resources. It should include a baseline based on at-least two years of periodic groundwater levels data and quality parameter analyses.
 - i. The baseline should characterise current conditions and potential source(s) if any exceedances are detected.
 - ii. The ongoing monitoring plan should focus on early detection of exceedances in relation to either the Fitzroy Basin or the proposed site-specific water quality objectives (WQOs) to be determined by the proponent (Glencore 2019, p68.).
- d. Additionally, a risk management plan should be developed in order to control identified impacts and provide specific avoidance, mitigation and remediation measures.

Surface Water

13. Information about the interactions between groundwater and surface water has not been included in the document. OWS suggest the proponent investigate these interactions further with field surveys informed by the ecohydrological model, risk analysis and groundwater model.
14. Information about the amount of water needed for operation and construction, and the sources of the water has not been provided; however, the proponent has stated that there will be potential impacts from extracting water for operation and construction (Valeria 2021, p.17). Information about the water needs for operation and construction should be included in the referral. If water is to be taken from the surface water tributaries, potential impacts to the baseflow and downstream users should be investigated.

Groundwater Dependent Ecosystems

15. While the referral encompasses broad information about GDEs, there are some key information gaps that are required to be addressed in the EIS and additional proponent documentation.
 - a. Information about the likely impacts is required. As elaborated on in paragraph 5, OWS suggests the proponent further outline potential material impacts and corresponding mitigation strategies.
 - b. Although providing extensive desktop and ground-truthing survey assessments, the proponent has not provided data about the condition of GDEs. This data should be included in the EIS and encompass water quality (including sedimentation and toxicants), any current habitat degradation, and groundwater levels (refer to paragraph 11).
 - c. The proponent should provide further information about potential impacts to Kettle State Forest, Crystal Creek State Forest, and Llandillo State Forest. This should also include an indication of whether Crystal Creek and Llandillo will be preserved, as they both fall within the project area.

[Water Assessment Information Portal \(WAIP\)](#): for more information on water-related environmental impacts, please see the WAIP (accessible on the intranet via Home ⇒ Themes ⇒ Water ⇒ Water Assessment Information Portal).

References

ANZG 2018. *Search for toxicant default guideline values*. Australian and New Zealand Guidelines for Fresh and Marine Water Quality.

DPM Envirosiences 2021. *Likelihood of Occurrence tables for conservation significant species*. Valeria Project Aquatic Ecology Assessment.

Eco Logical 2021. *Likelihood of Occurrence tables for Valeria Mine and Off-lease areas*.

Valeria 2021a. *EPBC Act Referral 2021/9077 – Valeria Project – Mine Site, On-site Construction worker Accommodation Camp and Mine Access Road*. Valeria Coal Holdings Pty Ltd.

Valeria 2021b. *EPBC Act Referral 2021/9077 – Valeria Project – Mine Site, On-site Construction worker Accommodation Camp and Mine Access Road Attachment A - Maps*. Valeria Coal Holdings Pty Ltd.

Other documentation reviewed

Glencore 2019. *Valeria Project Environmental Authority Application – Supporting Information Report*. Glencore Coal Assets Australia.

Survey Responses

10 December 2021 - 23 December 2021

Referral: EPBC 2021/9077 - Valeria Project
– mine site, on-site construction workers
accommodation camp and mine access
road, QLD

Have Your Say - Agriculture, Water and the Environment

Project: Public comments on EPBC Act referrals



VISITORS					
21					
CONTRIBUTORS			RESPONSES		
5			5		
0	0	5	0	0	5
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 15:58:19 pm**Last Seen:** Dec 21, 2021 15:58:19 pm**IP Address:** n/a

Q1. Name	Environment Council of Central Queensland
Q2. Email address	s 47F(1)
Q3. Do you consider this is a controlled action?	Yes
Q4. Provide reasons for why you believe this is/is not a controlled action.	<p>Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.</p>
Q5. Do you have any attachments you wish to upload to support your feedback?	No
Q6. Upload your file using the 'choose file' button.	not answered
Q7. Upload your file using the 'choose file' button.	not answered
Q8. Upload your file using the 'choose file' button.	not answered
Q9. Upload your file using the 'choose file' button.	not answered
Q10. Upload your file using the 'choose file' button.	not answered
Q11. Is your response confidential?	No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:23:40 pm**Last Seen:** Dec 21, 2021 16:23:40 pm**IP Address:** n/a

Q1. **Name** s 47F(1) Lock the Gate Alliance

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Therefore we consider the project should be a controlled action for threatened species and communities.

Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project.

Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Environmental Impact Statement As a result of the massive scale of this project and the severe impacts it is likely to have a full EIS should be required for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 11:46:38 am**Last Seen:** Dec 23, 2021 11:46:38 am**IP Address:** n/a

Q1. **Name** s 47F(1)

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** No

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

The site is highly degraded and the ground truth works confirm that very little of the mapped species are actually do, or are likely to exist on the site or in the area. Further fieldwork will confirm, what most familiar of area know, which is that the mapping and project paralysis by repeated studies to prove little or no value of sites holds back investment and enhancement opportunities. This fieldwork adds to the conversation of poor habitat mapping as a tool to deter the development of Australia's resources. Species identified can be enhanced and studied to greater effect. It could be a case study. The enhancements that can occur such as replacement of old hollows with boxes and fencing out of referrals, planting and rehabilitation of corridors not in direct conflict with the mine operations, would enhance the surrounds of the site and could be funded by the development. The enhanced longitudinal fieldwork would correct the poor macro mapping used to deter investment and enhancement opportunities in this area and elsewhere. The alternative is further degradation of the area and no source of funding for potential enhancement. The on-site construction camp should be complemented by accommodation in Emerald as part of an accommodation strategy and include housing families to give more local direct investment by the workforce. Buses would enable less traffic.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. **Please specify the parts of your response that are confidential**

not answered

Q13. **Confirm that you have read and understand this privacy notice.** Yes

Q14. **Confirm that you have read and understand this declaration.** Yes

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 13:32:07 pm**Last Seen:** Dec 23, 2021 13:32:07 pm**IP Address:** n/a

Q1. Name	Australian Conservation Foundation Incorporated
Q2. Email address	s. 47F(1) @acf.org.au
Q3. Do you consider this is a controlled action?	Yes
Q4. Provide reasons for why you believe this is/is not a controlled action.	Please refer to attached letter.
Q5. Do you have any attachments you wish to upload to support your feedback?	Yes
Q6. Upload your file using the 'choose file' button.	https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/bbe696d910b2d95ffae46899553295e71fc64ddc/original/1640226639/109c876cd29dce00df7fce125a4374cd_211223_EDO_Ltr_re_ACF_Submission_re_Valeria_2021-9077.pdf?1640226639
Q7. Upload your file using the 'choose file' button.	not answered
Q8. Upload your file using the 'choose file' button.	not answered
Q9. Upload your file using the 'choose file' button.	not answered
Q10. Upload your file using the 'choose file' button.	not answered
Q11. Is your response confidential?	No
Q12. Please specify the parts of your response that are confidential	not answered
Q13. Confirm that you have read and understand this privacy notice.	Yes
Q14. Confirm that you have read and understand this declaration.	Yes

**Respondent No:** 5**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 19:31:21 pm**Last Seen:** Dec 23, 2021 19:31:21 pm**IP Address:** n/a

Q1. **Name** CQ Futures Ltd.

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

Ref 101/0003868

21 December 2021

s. 22(1)(a)(ii)

Director

Environment Queensland (North)

Environment Assessments Queensland and Sea Dumping

Department of Agriculture, Water and the Environment

GPO Box 858

CANBERRA ACT 2601

Dear s. 22(1)(a)(ii)

Invitation to comment on referrals:

- **EPBC 2021/9074 – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD**
- **EPBC 2021/9075 – Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD**
- **EPBC 2021/9076 – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD**
- **EPBC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD**
- **EPBC 2021/9078 – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD**

Thank you for your letters dated 10 December 2021 requesting advice on whether the above actions should be assessed in a manner described in Schedule 1 of the Agreement between the Commonwealth of Australia and the State of Queensland (the Bilateral Agreement) developed under Section 45 of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Business Centre (Coal), Coal and Central Queensland Compliance within the Department of Environment and Science advised the following:

- In 2019, Glencore submitted two applications for a site-specific Environmental Authority (EA) for Valeria and Valeria South Coal Projects.
- Separate EA applications were required due to the different holding company structures of the associated tenures.
- An information request was issued in 2019 for both applications, requiring an EIS under the *Environmental Protection Act 1994*.
- In June 2020, the Valeria project was declared a Coordinated project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- A joint EIS for both Valeria and Valeria South coal projects (jointly referred to as the Valeria coal project) is required under the SDPWO Act.

- The application materials for Valeria and Valeria South did not include the co-located infrastructure corridor or the construction workers accommodation camp the subject of the referral (EPBC 2021/9078).
- If the application materials are updated to include the infrastructure the subject of the EPBC referral, any considerations under the *Environmental Offsets Act 2014* and its subordinate legislation will be dealt with during the EIS process.
- If the application material is updated to include the co-located infrastructure corridor and construction workers accommodation camp, and DAWE determines that the project is a 'controlled action', potential impacts and proposed mitigation and management measures should be assessed via the EIS Bilateral Agreement.

The Office of the Coordinator-General (OCG) within the Queensland Department of State Development, Infrastructure, Local Government and Planning has advised that on 12 June 2020, the Coordinator-General declared the Valeria Project as a coordinated project under Part 4 of the SDPWO Act. Consequently, in accordance with clause 12.2 of the Bilateral Agreement, the above actions will be assessed using the environmental impact statement (EIS) process under Part 4 of the SDPWO Act. This assessment process falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

The OCG noted that the scope of the project described in the EPBC referrals is different to that described in the Initial Advice Statement (on which coordinated project declaration was based). The OCG is currently working with Glencore to understand how substantial these project changes are. The Queensland contact officer at the OCG is as follows:

s 47F(1)

Project Manager

Office of the Coordinator-General

Department of State Development, Infrastructure, Local Government and Planning

Level 17, 1 William Street, Brisbane QLD 4000

PO Box 15517, City East QLD 4002

Phone: s 47F(1)

Email: s. 47F(1)

Should you have any further enquiries, please contact me on telephone s. 47F(1)

s 47F(1)

Director, Technical and Assessment Services



**Resources Stewardship and Environment
Resources Strategy Branch
Resources Division
Department of Industry, Science, Energy and Resources**

Cnr Jerrabomberra Avenue
and Hindmarsh Drive,
Symonston ACT 2609
GPO Box 378,
Canberra, ACT 2601 Australia
Phone: +61 2 6249 9111
Facsimile: +61 2 6249 9999
Web: www.ga.gov.au
ABN 80 091 799 039

21 December 2021

Attn: s. 22(1)(a)(ii)

Re: Invitation to comment on referral 2021/9077 | Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD and related referrals for integral infrastructure for mining operations (2021/9074, 2021/9075, 2021/9076 and 2021/9078).

I refer to your request for comments dated 10 December 2021 on the referrals by Valeria Coal Holdings Pty Ltd (the Proponent) for the Valeria Project mine site (the Project) and related associated actions necessary for mining operations.

Geoscience Australia has individually assessed each related action in our combined response for the five referrals. Geoscience Australia has reviewed the referral information, particularly as it relates to sections 24D and 24E (the water trigger) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), with attention to potential impacts to groundwater resources and other technical geoscience or geotechnical factors.

Table 1: EPBC referrals related to the Valeria Project (EPBC 2021/9077) and associated actions and self-assessment against water trigger MNES considerations.

EPBC Number	Title	Likely impact to water resources	Is the impact likely to be significant?
2021/9077	Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD	Yes	Yes
2021/9074	Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD	Yes	Yes
2021/9075	Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD	Yes	Yes
2021/9076	Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD	Yes	Yes
2021/9078	Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD	Yes	Yes

Summary

The Proponent has self-assessed that the Project and associated actions are likely to have a significant impact on water resources, and as such constitute controlled actions. Referrals for the

associated actions contain information that can be used to assess the potential impacts to matters protected under Sections 24D and 24E of the EPBC Act (Table 1 and Table 2). Groundwater monitoring, modelling and geochemical characterisation of water material will be undertaken for the Project Environmental Impact Statement (EIS) in accordance with the significant impact guidelines.

The Proponent has split the Project and associated actions into five separate referrals for commercial reasons. The Proponent states that five referrals “...have been submitted for the components...to enable potential future transfer of approvals to third party providers, to own, construct and operate the respective assets.”¹ In splitting the Project and associated actions, but also identifying that all actions meet the water trigger, the Proponent has acknowledged that each individual action meets the criteria for assessment against the water trigger.

Background

The Project is an open cut metallurgical and thermal coal mine located approximately 27 kilometres north-west of Emerald, 8 km south-west of Capella and 270 km west of Rockhampton. The Project is expected to produce up to 20 Million tonnes per annum (Mtpa) of Run of Mine (ROM) coal over an operational life of approximately 35 years, from a total recoverable coal resource of 594 million tonnes (Mt). ROM coal will result in approximately 14–16 Mtpa saleable coal. A total of five EPBC Act Referrals have been submitted for the components of the Project (Table 1). The Proponent as identified potential impacts to groundwater resources for the Project and associated actions (Table 2).

Table 2: Potential groundwater impacts for the Project and associated actions (from Section 2.9 of each referral).

EPBC Number	Potential groundwater impacts
2021/9077	<p>The Proposed Action will have the potential to impact on groundwater, stygofauna and GDEs through:</p> <ul style="list-style-type: none"> • Changes to groundwater levels and/or pressure, reducing water availability and potentially impacting surrounding users • Changes to groundwater levels impacting the ability for GDEs to access groundwater and impacting stygofauna habitat • Reduction of baseflow to watercourses, potentially resulting in impacts to GDEs and downstream users • Contamination of shallow groundwater systems due to the improper storage and handling of fuels and chemicals • Changes in groundwater quality through seepage from out-of-pit dumps, in-pit or out-of-pit tailings disposal, and mine affected water storage dams. • Changes to levels and/or quality of shallow groundwater systems from over-use of water for dust suppression and construction activities
2021/9074	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>
2021/9075	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>

¹ Page 1, “EBPC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5” http://epbcnotices.environment.gov.au/_entity/annotation/1870a88f-9358-ec11-80cf-00505684c137/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1640037965127

EPBC Number	Potential groundwater impacts
2021/9076	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.
2021/9078	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.

The Project will include clearing approximately 4480 ha, and the potential for increased fauna mortality, including MNES fauna. Groundwater drawdown caused by the establishment of open pit operations has potential to impact subsurface and terrestrial environments where they are connected to impacted aquifers. Within the mine site, the following mine infrastructure is proposed:

- Six open cut pits
- ROM pad, hopper and stockpiles
- Coal Handling and Preparation Plant (CHPP) and Mine Infrastructure Area (MIA)
- Tailings Storage Facilities (TSF)
- Out-of-pit and in-pit waste rock dumps
- Water storage dams
- Mine affected water dams
- Train load-out (TLO)
- Internal haul roads and light vehicle access roads
- Office buildings and amenities
- Sewage treatment facilities
- On-site construction workers accommodation camp
- Power and communications infrastructure

This infrastructure will support the following activities associated with the mine site:

- Blasting and drilling of waste rock
- Excavation of on-site rock material to produce gravel and construction fill materials for use in construction of mine related and transport infrastructure
- Placement of waste rock in out-of-pit waste rock dumps and in-pit when mine sequencing allows
- Staged development of six open cut pits and ROM stockpiles
- Progressive development of water storage, transfer and sediment dams, levees, pipelines, pumps and other water management infrastructure;
- Disposal of tailings within the out of pit and in pit TSFs
- Disposal of rejects within put of pit and in pit waste rock dumps
- Progressive rehabilitation of the mine site

Referral documentation for the Project and associated actions does not provide estimates of groundwater drawdown. The only information about post-closure and rehabilitation impacts is limited to a commitment to fill pit voids with waste rock. The Proponent will provide details of closure and post-closure in the Progressive Rehabilitation and Closure Plan (PRCP) as part of the EIS submission.

Coal Resources

The Valeria Project contains recoverable black coal equivalent to 369 Mt, comprising less than 1% of the national inventory of Economic Demonstrated Resources (EDR). The Valeria Project contains

additional recoverable Inferred Resources equivalent to 225 Mt, comprising less than 1% of the national inventory of Inferred Resources (Table 3).

Table 3: World and Australian recoverable black coal resources and comparisons with the Valeria Project.

Region/Deposit	EDR		Inferred Resources	
	(Mt)	(% Aust.)	(Mt)	(% Aust.)
World Black Coal	749,167			
Australia Recoverable Black Coal	75,428		84,097	
Valeria Project	369	<1	225	<1

Abbreviations: EDR - Economic Demonstrated Resources; Mt - million tonnes.

Sources: Australia's Identified Mineral Resources 2020, Glencore Resources and Reserves as at 31 December 2020.

Comments

The Proponent has provided minimal information and modelling of potential impacts to groundwater resources by the Project and associated actions (Table 2). Given the size and nature of the Project, Geoscience Australia sees no reason to disagree with the Proponent's self-assessment of the Project being a controlled action, with the water trigger as a controlling provision. Geoscience Australia expects more detail to be included in the EIS for the Project. Geoscience Australia notes that the Project is likely to contribute to cumulative impacts to water resources arising from coal mining in the region.

As the Proponent has identified that the associated actions are considered part of the Project's requirements for coal extraction. To that end, the Proponent considers that the Project and associated actions are likely to meet the criteria for consideration under the water trigger. Geoscience Australia considers this to be a pragmatic approach, and encourages the Department to assess all actions together to optimise the assessment process, and ensure all actions are treated with due consideration.

If you have any queries on our comments, please contact me on **s 47F(1)** or by email to **s47F(1)**

Kind regards,

s 47F(1)

s 47F(1)

A/g Director - Groundwater Advice and Data Section
Advice, Investment Attraction and Analysis Branch
Minerals, Energy and Groundwater Division
Geoscience Australia

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Thursday, 16 December 2021 11:58 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Finance (EPBC 2021/9077) Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, QLD [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(i)} FYI
Cheers
^{s. 22(1)(a)(i)}

From: s. 47F(1) @finance.gov.au>
Sent: Thursday, 16 December 2021 8:48 AM
To: s. 22(1)(a)(ii) @environment.gov.au>
Cc: LAA@finance.gov.au; Zwangobani, Elliot <Elliot.Zwangobani@finance.gov.au>; s. 47F(1) @finance.gov.au>; s. 47F(1) @finance.gov.au>
Subject: FW: Invitation to comment on Referral – Finance (EPBC 2021/9077) Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, QLD [SEC=OFFICIAL]

SEC=OFFICIAL

Dear ^{s. 22(1)(a)(ii)}

Thank you for providing the Department of Finance (Finance) with the opportunity to comment on EPBC referral 2021/9077. We understand that this referral relates to a proposed action from Valeria Coal Holdings Pty Ltd to establish an open cut metallurgical and thermal coal mine, on-site construction workers' accommodation camp, temporary site access track, and mine access road in Gordonstone, Queensland.

Finance has no comment on the referral.

Thanks,
s 47F(1)



s 47F(1) | Project Officer
Property and Construction Division
Department of Finance
T: 02 s 47F(1)
E: s. 47F(1) @finance.gov.au
A: 1 Canberra Avenue, FORREST, ACT, 2603

From: EPBC Referrals <EPBC.Referrals@awe.gov.au>
Sent: Friday, 10 December 2021 8:59 AM
To: LAA@finance.gov.au; Zwangobani, Elliot <Elliot.Zwangobani@finance.gov.au>
Cc: s. 47F(1) @finance.gov.au>
Subject: Invitation to comment on Referral – Finance (EPBC 2021/9077) Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, QLD [SEC=OFFICIAL]



Mr Elliot Zwangobani
Acting Assistant Secretary
Property and Construction Division
Department of Finance
1 Canberra Ave
FORREST ACT 2603

Date: 10 December 2021
EPBC Ref: 2021/9077
EPBC contact: s. 22(1)(a)(ii)
(02) 62 s. 22(1)(a)(ii)
s. 22(1)(a)(ii)@environment.gov.au

Dear Mr Zwangobani,

Invitation to comment on referral

Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD

I am writing to you, as the delegated contact for the Minister for Finance, Senator the Hon Simon Birmingham, in relation to consultation on actions being assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to establish an open cut metallurgical and thermal coal mine, on-site construction workers' accommodation camp, temporary site access track, and mine access road in Gordonstone, Queensland, for consideration under the EPBC Act.

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021** Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email s. 22(1)(a)(ii)@environment.gov.au

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9077.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments

under the EPBC Act. A copy of the Charter can be found at:
<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director

Referrals Gateway

Be careful with this message

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s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 14 December 2021 10:56 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9077) Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, QLD [SEC=OFFICIAL]

Hi s 22, FYI

From: energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Sent: Tuesday, 14 December 2021 10:43 AM
To: s. 22(1)(a)(ii) @environment.gov.au>
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>; EPBC Referrals <EPBC.Referrals@awe.gov.au>
Subject: RE: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9077) Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, QLD [SEC=OFFICIAL]

Good morning,

Thank you for providing the opportunity to comment on this referral.

Please be advised of a nil response from Minister Taylor.

Kind regards,

s. 47F(1)

s. 47F(1)

Governance Officer

Energy Division | Energy Governance | Governance and Secretariat
Ngunnawal Country, 51 Allara Street (GPO Box 2013) Canberra ACT 2601 Australia
Department of Industry, Science, Energy and Resources
P 02 62s. 47F(1) | x4s. 47F(1) E s. 47F(1) @industry.gov.au

industry.gov.au ABN 74 599 608 295

Supporting economic growth and job creation for all Australians | We are collaborative, innovative, respectful and strive for excellence



Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



OFFICIAL

From: EPBC Referrals [<mailto:EPBC.Referrals@awe.gov.au>]
Sent: Friday, 10 December 2021 8:58 AM
To: angus.taylor.mp@aph.gov.au
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Subject: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9077) Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, QLD [SEC=OFFICIAL]



Australian Government
Department of Agriculture,
Water and the Environment

The Hon Angus Taylor MP
Minister for Industry, Energy and Emissions
Reduction
Parliament House
CANBERRA ACT 2600

Date: 10 December 2021
EPBC Ref: 2021/9077
EPBC contact: s. 22(1)(a)(ii)
(02) 62 s. 22(1)(a)(ii)
s. 22(1)(a)(ii)@environment.gov.au

Dear Minister,

Invitation to comment on referral

Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to establish an open cut metallurgical and thermal coal mine, on-site construction workers' accommodation camp, temporary site access track, and mine access road in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021** Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email s. 22(1)(a)(ii)@environment.gov.au

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9077.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director

Referrals Gateway

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 24 December 2021 9:03 AM
To: s. 22(1)(a)(ii)
Subject: FW: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

From: Gray, Lauren <Lauren.Gray@niaa.gov.au>
Sent: Thursday, 23 December 2021 9:44 PM
To: s. 22(1)(a)(ii) <@awe.gov.au>
Cc: s. 22(1)(a)(ii) <@environment.gov.au>; Environment Policy <EnvironmentPolicy@niaa.gov.au>; Heritage <Heritage@niaa.gov.au>; s 47F(1)
Subject: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
s. 22(1)(a)(ii) <@environment.gov.au>

Dear s. 22(1)(a)(ii)

Thank you for the emails of 10 December 2021 inviting comments on the five referrals for proposed action by Valeria Coal Holdings Pty Ltd (Valeria) to construct and operate a coal mine in Gordonstone Queensland. The projects include the construction and operation of an open cut metallurgical and thermal coal mine with associated infrastructure (EPBC 2021/9077). We note the associated infrastructure includes the development of an infrastructure corridor along which the proponent is proposing to install water supply pipeline infrastructure (EPBC 2021/9075), communications infrastructure (EPBC 2021/9074), railway infrastructure which will be extended to connect with the Aurizon Goonyella Coal Chain (Oak Creek) rail network (EPBC 2021/9076), and power infrastructure, including construction of a 36km 66 kilovolt power line connected to a substation to be constructed onsite (EPBC 2021/9078).

The National Indigenous Australians Agency (NIAA) notes that Valeria elected to create five separate referrals for the mine due to future potential transfer of approvals to third parties service providers to own, construct and operation the respective assets. As our comments apply to all five referrals, a consolidated response is provided.

The NIAA notes the project area is within the Kangoulu People and Western Kangoulu People's Native Title claim areas. Due to the differences in land tenure over the project area, the NIAA recommends the proponent seek advice from the Queensland Government as to whether any future act process apply under the *Native Title Act 1993* prior to commencing work.

We note and commend the proponent for undertaking thorough and ongoing engagement with the Western Kangoulu People. Engagement has included discussions regarding development of a Native Title Agreement, a Cultural Heritage Management Plan (CHMP) and the undertaking of surveys for cultural

heritage values. We further note that the proponent continues to meeting periodically with the Western Kangoulu People.

Four of the five referrals state that the second Traditional Owner has yet to be identified, however referral 2021/9076 identified the Kangoulu People as the other Native Title Group relevant to the project. All referrals have committed to engagement with the Kangoulu People upon identification, however it is unclear if this engagement has occurred as yet. The NIAA recommends that if it has not already done so, the proponent engage with the Kangoulu people as soon as possible. We note that the referrals state that engagement with the second Native Title group will include discussions regarding development of a Native Title Agreement, a CHMP and cultural heritage surveys.

Consultation with both Native Title Groups should include joint development of protocols for the identification, protection and management of both tangible and intangible values **that may emerge throughout all phases of the life of the project**. The NIAA recommends these protocols be formalised in the CHMPs. We also encourage the proponent to undertake ongoing consultation with all Traditional Owners and Indigenous stakeholders relevant to the project.

We note that a search of the Queensland Cultural Heritage Database and Register was undertaken for all elements of the project, supported by on-ground cultural heritage surveys. We note that the database search did not identified any registered sites or heritage values, however the cultural surveys identified Indigenous cultural heritage values within the mining site and two artefacts scatters within the eastern portion of the project area. We note there are plans to undertake targeted surveys of the eastern portion of the site in early 2022.

It is unclear from the referrals if the Traditional Owners were involved with the on-ground surveys, or if the proponent intends to engage the Traditional Owners for the 2022 surveys. The NIAA recommends the proponent engage the Western Kangoulu People regarding the completed surveys and include the Kangoulu People in the 2022 surveys, to ensure Traditional Owner views and knowledge is thoroughly captured.

In addition, the NIAA notes the proposed action is likely to have direct and indirect impacts on a number of threatened flora, fauna, ecological communities and migratory species that may have cultural significance to Traditional Owners. This includes potential impacts to the Koala, Greater Glider, bluegrass and the Brigalow ecological community, along with other species listed in the referral. The NIAA recommends the proponents include consultation on these and any other intangible values in their collaboration with Traditional Owners in developing the CHMPs.

The NIAA also encourages consultation with the Traditional Owners to explore involvement in cultural awareness training, as well as the planning and management of future decommissioning and site rehabilitation.

Finally, the NIAA supports the engagement of Indigenous employees and businesses to help fully realise the economic benefit and value of the project to local Indigenous people. The NIAA encourages Valeria to consider opportunities for engaging Traditional Owners in the project. The proponent may also wish to consult Supply Nation, which maintains a free online directory that can identify suitable Indigenous businesses, to support Indigenous participation targets under this project. It may also be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.

Yours sincerely,

Lauren Gray
Branch Manager

Land Policy and Environment Branch
National Indigenous Australians Agency

23 December 2021

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Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9077

Project title: Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald, Queensland

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$13,300	\$0	\$17,261
Stage 2	\$3,655	\$21,059	\$0	\$24,714
Stage 3	\$2,175	\$22,167	\$59,630 (Estimate)	\$83,972 (Estimate)
Stage 4	\$8,355	\$54,310	\$59,630 (Estimate)	\$122,295 (Estimate)
TOTAL PROJECT COST	\$18,146	\$110,838	\$119,260 (Estimate)	\$248,244 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

		COMPLEXITY	FEE
CONTROLLING PROVISIONS			
Part A Fees	Listed threatened species and ecological communities	Very High	
A	At least 15 listed threatened species and ecological communities will require further assessment, including the Brigalow (Acacia harpophylla dominant and co-dominant) community and the Koala (Phascolarctos cinereus).		\$48,931
B	Listed migratory species	None	\$0
	Not applicable.		
C	Wetlands of international importance	None	\$0
	Not applicable.		
D	Environment of the Commonwealth marine area	None	\$0
	Not applicable.		
E	World heritage properties	None	\$0
	Not applicable.		
F	National heritage places	None	\$0
	Not applicable.		
G	Nuclear actions	None	\$0
	Not applicable.		
H	Great Barrier Reef Marine Park	None	\$0
	Not applicable.		
	Water Resources	High	
I	Potential impacts to the water quality and hydrological characteristics of surface water resources and the Lower Nogoa Groundwaters zone of the Fitzroy catchment require further assessment.		\$25,615
J	Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None	\$0
	Not applicable.		
NUMBER OF PROJECT COMPONENTS			
	Number of project components	High	
K	The proposed action involves the construction and operation of an open-cut coal mine and associated infrastructure, on-site accommodation and access roads. Therefore, the department considers the project to have three components.		\$36,292
COORDINATION WITH OTHER LEGISLATION			
L	Coordination with other legislation	Low	\$0

		COMPLEXITY	FEE
The proposed action will be assessed by accredited process under the State Development and Public Works Organisation Act 1971 (Qld) by the Queensland Government.			
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE			
		Site surveys/Knowledge of environment	Very High
Part B Fees: estimate (to be confirmed prior to Stage 3)	M	Surveys were undertaken between 2019 and 2021. The referral states that further surveys will be undertaken once the disturbance footprint is finalised. The department considers that further surveys are required to inform the habitat and impact assessment for listed threatened species and communities and water resources.	\$84,311
		Management measures (including mitigation and offsets)	High
	N	The referral states that further assessments will be undertaken to inform the site layout and placement of infrastructure to avoid and mitigate potential impacts to MNES. Further detail on these measures is required.	\$34,949
	O	Project scope	Low
		N/A	\$0
EXCEPTIONAL CIRCUMSTANCES			
Exceptional circumstances	P	Exceptional circumstances	False
		N/A	\$0
TOTAL COMPLEXITY FEES (Estimate)			\$230,098
BASE FEE			\$18,146
TOTAL FEE (Estimate)			\$248,244

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9077

Project title: Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald, Queensland

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$13,300	\$0	\$17,261
Stage 2	\$3,655	\$21,059	\$0	\$24,714
Stage 3	\$2,175	\$22,167	\$59,630 (Estimate)	\$83,972 (Estimate)
Stage 4	\$8,355	\$54,310	\$59,630 (Estimate)	\$122,295 (Estimate)
TOTAL PROJECT COST	\$18,146	\$110,838	\$119,260 (Estimate)	\$248,244 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

		COMPLEXITY FEE
CONTROLLING PROVISIONS		
Part A Fees	A Listed threatened species and ecological communities	Very High \$48,931
	B Listed migratory species	None \$0
	C Wetlands of international importance	None \$0
	D Environment of the Commonwealth marine area	None \$0
	E World heritage properties	None \$0
	F National heritage places	None \$0
	G Nuclear actions	None \$0
	H Great Barrier Reef Marine Park	None \$0
	I Water Resources	High \$25,615
	J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None \$0
NUMBER OF PROJECT COMPONENTS		
K Number of project components	High \$36,292	
COORDINATION WITH OTHER LEGISLATION		
L Coordination with other legislation	Low \$0	
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE		
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Site surveys/Knowledge of environment	Very High \$84,311
	N Management measures (including mitigation and offsets)	High \$34,949
	O Project scope	Low \$0
EXCEPTIONAL CIRCUMSTANCES		
Exceptional circumstances	P Exceptional circumstances	False \$0
TOTAL COMPLEXITY FEES (Estimate)		\$230,098
BASE FEE		\$18,146
TOTAL FEE (Estimate)		\$248,244

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees**DOCUMENT 54**

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

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Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)

**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT APPROACH – accredited assessment**

Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald, Queensland (EPBC 2021/9077)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To construct and operate an open cut metallurgical and thermal coal mine, accommodation, access road and associated infrastructure, as part of the overarching Valeria Project, approximately 27 km north of Emerald, Queensland [See EPBC Act referral 2021/9077].
------------------------	---

decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
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relevant controlling provisions	<ul style="list-style-type: none">• Listed threatened species and communities (sections 18 & 18A)• A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)
--	---

designated proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701
-----------------------------	---

assessment approach	The proposed action will be assessed by accredited assessment under the Queensland <i>State Development and Public Works Organisation Act 1971</i> .
----------------------------	--

Decision-maker

Name and position	Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch
--------------------------	---

Signature

date of decision	January 2022
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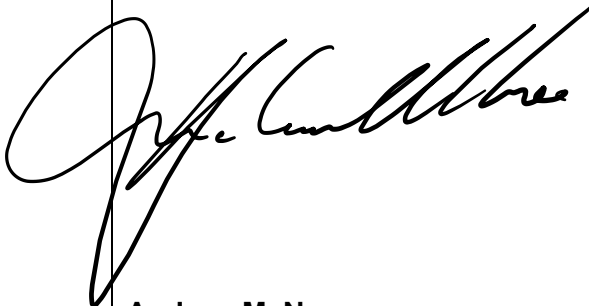
To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald, Queensland (EPBC 2021/9077)

Timing: 17 January 2021 – Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 5. See <u>Attachment C</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: See <u>Attachment D</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited assessment Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													
3. Agree to accept the referral under section 74A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).													
Agreed / Not agreed													

- 4. Agree with the recommended decision under section 75 of the EPBC Act. Agreed / ~~Not agreed~~
- 5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government. Agreed / ~~Not agreed~~
- 6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision. Accepted / ~~Please discuss~~
- 7. Agree to the designated proponent. Agreed / ~~Not agreed~~
- 8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action. Agreed / ~~Not agreed~~
- 9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment, review of the terms of reference. Noted / ~~Please discuss~~
- 10. Sign the notice at Attachment G (which will be published if you make the recommended decision). Signed / ~~Not signed~~
- 11. Sign the letters at Attachment H. Signed / ~~Not signed~~



Andrew McNee
Assistant Secretary
Environment Assessments Queensland and
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Comments:

KEY ISSUES:

- The proposed action, the Valeria Project Mine Site, Accommodation and Access Road, is to construct and operate an open cut metallurgical and thermal coal mine and associated infrastructure in the Bowen basin, approximately 27 kilometres (km) north-west of Emerald, Queensland (Qld).
- The department considers the proposed action to be a component of a larger action, being one of five components of the Valeria Project. All components have been referred separately to enable their potential future transfer, and include:
 - EPBC 2021/9074 – Communications infrastructure;
 - EPBC 2021/9075 – Water supply pipeline from the Oaky Creek Coal Mine;
 - EPBC 2021/9076 – Rail line to the Goonyella Coal Chain;
 - EPBC 2021/9077 – Mine Site, Accommodation and Access Road; and
 - EPBC 2021/9078 – Powerline infrastructure.
- On 12 June 2020, the overarching Valeria Project was declared a coordinated project by the Office of the Coordinator General. The state assessment does not currently include the proposed accommodation (part of this referral) or the infrastructure corridor which forms part of all five referrals.
- The department considers that significant impacts will arise to listed threatened species and ecological communities, and water resources as result of the proposed action. Potential impacts include:
 - the clearance of approximately 10,365 hectares (ha) of habitat for listed threatened species and ecological communities;
 - modification of water quality and hydrological regimes; and
 - modification of groundwater levels and connectivity.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The proposed action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal **is** a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2021, the proponent agreed to extend the referral decision timeframe to afford the department three additional business days to account for the departmental shut-down period from 25 December 2021 to 3 January 2022.

Description of the proposal (including location)

The proposed action is to construct and operate an open cut metallurgical and thermal coal mine and associated infrastructure in the Bowen Basin, approximately 27 km north of Emerald, Qld. The mine is expected to produce up to 20 million tonnes per annum of run of mine coal over 35 years.

The proposed action is situated across three mining leases (700044, 700045 and 700055) on a 29,501 ha site. The disturbance footprint is yet to be finalised and is estimated to be 10,365 ha, inclusive of:

- coal mine, including the staged development of six open cut pits, coal handling and preparation plant and material stockpiles;
- waste storage and management areas, including tailings storage, mine affected water dam and waste rock dumps, which will be used to backfill mine voids;
- site buildings, including 300-person accommodation, office and amenities; and
- infrastructure corridor, including a 15 km access road and temporary access track between the Gregory Highway and the mine site.
- The infrastructure corridor overlaps with the four other Valeria Project referral footprints and forms part of each referral.

Description of the environment

The proposed action is situated in the Bowen basin, within the Brigalow Belt bioregion and the upper Fitzroy River catchment. The site extends across the localities of Hibernia, Carbine Creek, Fork Lagoons and Chirnside, on an area that has been used for grazing, cropping, production forestry and exploration drilling.

The geology of the site ranges from alluvial plains, cracking clays, sandy soils, and shallow rocky soils with occasional outcrops. The topography of the site features undulating plains along Theresa, Capella, Carbine and Retro Creeks, and steeper areas along the western and southern site boundaries, ranging in elevation from 196-220 m Australian Height Datum.

The site is situated within the Lower Nogoa Groundwaters zone of the Fitzroy catchment. Several State listed wetlands are present on site, and one nationally important wetland (Fairbairn Dam) is present approximately 30 km south. No springs were identified in the area.

Theresa Creek is the main watercourse intersecting the site and flows south-east to its confluence with the Nogoa River, approximately 12 km north-east of Emerald. Several other watercourses intersect the site and drain into the Nogoa River, including Retro, Carbine, Crystal, Pine, Wheel, Gordonstone, Capella, Boot and Kettle, and Sandy Creeks. All watercourses within and adjacent to the site are ephemeral. The site is subject to flooding during high rainfall events. No further information on the hydrology of the area was provided as part of the referral information.

Vegetation on site consists of approximately 12,783 ha of remnant and regrowth vegetation dominated by *Eucalyptus*, *Acacia* and *Corymbia* species (of which approximately 4,480 ha is proposed to be cleared), interspersed with grassland and cleared areas. The referral states that several threatened ecological communities (TECs) are present on site, including the endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC.

State assessment

On 12 June 2020, the Office of the Coordinator General declared by gazettal notice the overarching Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). Advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Under section 74A(1) of the EPBC Act, if you are satisfied that an action referred by a person is a component of a larger action, which the same person proposes to take, you may decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your

power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The key considerations when deciding whether to accept a 'split referral' are:

1. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
2. whether, if undertaken separately, the impact would be reduced below significant.

The proposed action is one of five components of the overarching Valeria Project. The Valeria Project was declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government.

Valeria Coal Holdings Pty Limited is the designated proponent and person proposing to undertake all five components of the Valeria Project. The referral states that the components were referred separately to enable the potential transfer of approvals in future.

The department considers that while the five Valeria Project referrals clearly comprise a larger action proposed to be taken by the same person, the referrals should be accepted because:

- the Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- in taking the proposed actions separately, as split referrals, potential impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

The department notes that if you agree to accept the referral, subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1). The department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment H1](#)). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A); and
- A water resource, in relation to coal seam gas development and large coal mining development (section 24D & section 24E).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 9 December 2021) identifies 24 listed threatened species and four TECs may occur within 10 km of the proposed action (Attachment B1). Based on the location of the proposed action, the likely habitat in the area and information provided in the referral, the department considers that significant impacts will potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) – Endangered:

The Species Profile and Threats (SPRAT) profile for the Brigalow (*Acacia harpophylla* dominant and co-dominant) (Brigalow) TEC can be found below:

<http://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=28>

Dry and wet season ecological surveys were undertaken between October 2019 and April 2021. Further surveys and impact assessments will be undertaken for the EIS once the disturbance footprint has been finalised. The referral states that approximately 115 ha of Brigalow TEC is present on site in scattered patches ranging in size from 0.6-21.8 ha.

The proponent considers that the construction of the mine site, accommodation and access tracks will result in the clearance of approximately 34.1 ha of Brigalow TEC and that the proposed clearing has the potential to result in a significant impact to this TEC. The department notes that the disturbance footprint has not been finalised and therefore the full extent of potential impacts to this TEC are uncertain.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

The department considers that approximately 34.1 ha of Brigalow TEC will be modified or removed as a result of the proposed action. Based on the information available, including the ERT report, SPRAT database and referral, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent of an ecological community.

Koala (combined populations of Qld, NSW and the ACT) (*Phascolarctos cinereus*) – Vulnerable

The SPRAT profile for the Koala can be found below:

http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104

Ecological surveys were undertaken between 2019 and 2021 in accordance with relevant survey guidelines, including the [EPBC Act Referral Guidelines for the vulnerable Koala \(2014\)](#) (Koala Guidelines). The referral states that one Koala and joey were observed on site during spotlighting, and evidence of Koala presence was identified in the form of a skull and tree scratches.

The referral states that approximately 7,633.3 ha of potentially suitable habitat is present in Eucalypt-dominated woodland on site, which the proponent considers may be critical to the survival of the species. A value for this habitat using the Koala Guidelines habitat assessment tool is not provided in the referral.

The referral states that the construction of the mine site, accommodation and access tracks will result in the clearance of approximately 2.04 ha of known habitat, 53.9 ha of high-quality habitat and 1,970 ha of low-quality habitat. The proponent considers the proposed clearing is likely to result in a significant impact to the Koala.

The department notes that the proposed action involves the clearance of at least 2,025 ha of suitable Koala habitat. However, the disturbance footprint has not been finalised and the full extent of potential impacts to the Koala and its habitat are uncertain. The Koala Guidelines identifies the protection and conservation of Koala refuge habitat, and the quality, extent and connectivity of this habitat, as key interim recovery objectives for the species.

The Koala Guidelines define habitat critical to the survival of the Koala as habitat that is scored a five or greater using the habitat assessment tool. Based on the following attributes, the department considers that habitat present on site is valued at least 8 out of 10, and is therefore habitat critical to the survival of the Koala:

- there are records of the Koala within 2 km of the site in the last five years (+2);
- at least two suitable food tree species are present (+2);
- the habitat is part of a large contiguous landscape greater than 1000 ha (+2);
- that may contain some threat from feral species (+1); and
- is likely to be important for Koala recovery (+1).

Therefore, the department considers that approximately 2,025 ha of habitat critical to the survival of the Koala will be cleared as a result of the proposed action. Further, construction and operation activities are likely to increase the risk of fauna injury and mortality, and increase light, noise and vibration disturbance.

Based on the information available, including the ERT report, SPRAT database and referral, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Koala by adversely affecting habitat critical to the survival of the species.

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of a vulnerable species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

Other listed threatened species and communities

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Marsupials:

- Greater Glider (*Petauroides volans*) – Vulnerable

Birds:

- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable

Reptiles:

- White-throated Snapping Turtle (*Elseya albagula*) – Critically Endangered
- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Fitzroy River Turtle (*Rheodytes leukops*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- *Bertya opposens* – Vulnerable

A water resource in relation to coal seam gas development and large coal mining development (s24D & 24E)

Under the EPBC Act, a proposed action which involves large coal mining development requires approval from the Minister if it has, will have, or is likely to have a significant impact on a water resource.

A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

(a) in its own right; or

(b) when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action involves the construction and operation of an open cut coal mine, levees associated with the open cut mine, the production of tailings waste, surface and groundwater extraction as a supplementary water supply, watercourse diversions and uncontrolled releases of mine affected water to surface water. Therefore, the department considers that the proposed action is an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the action, will depend on the impacts of the action, which is discussed further below.

The site is situated in the Nogoia River sub-catchment of the upper Fitzroy River catchment. Theresa Creek and several other watercourses intersect the site and flow south-east into the Nogoia River, approximately 12 km north-east of Emerald. The referral states that Theresa, Carbine, Capella and Crystal Creeks have the potential to flood the site, and that surface water assessments, including flood modelling, will be undertaken as part of the EIS. The surface water assessment will inform the final site layout and a more detailed impact assessment.

The referral states that the proposed action is likely to result in significant impacts to water resources due to:

- Contamination of surface and ground water quality, due to:
 - uncontrolled releases of mine affected water to surface water;
 - seepage from out-of-pit dumps, mine affected water dams and tailings dams;
 - tailings disposal; and
 - spills in the case of improper storage and handling of contaminants.
- Modification of hydrological regimes, including changes to flow and flood regimes within the site and the Fitzroy catchment due to:
 - diversion of Pine Creek;
 - construction of levees associated with the open cut mine;
 - uncontrolled releases of mine affected water to surface water; and
 - water harvesting for construction and operational activities.
- Modification of groundwater levels, pressure and connectivity, due to:
 - mine dewatering, leading to aquifer drawdown; and
 - groundwater extraction for a supplementary water supply, in addition to water supplied by the proposed pipeline from the Oaky Creek Coal Mine (EPBC 2021/9075).
- Impacts to bank stability and increased erosion at access road crossings.

The referral states that the site is mapped as having a high confidence of containing terrestrial groundwater dependent ecosystems (GDEs). Further, stygofauna were identified in a shallow alluvial aquifer within Theresa Creek during surveys undertaken between 2019 and 2021. All observations were of Syncarida crustaceans from the *Parabathynellidae* family and *Oncyrobathynella* genus. Additional sampling will be undertaken as part of the EIS.

The referral states that the proposed action will likely impact on GDEs and stygofauna through the modification of habitat, due to:

- changes in groundwater levels and pressure;
- reduced watercourse base flow rates, within and downstream of the site; and
- contamination of water resources.

Office of Water Science advice

The Office of Water Science (OWS) provided advice on 21 December 2021 ([Attachment B2](#)), noting that:

- From the limited information available, water quality, hydrological regimes and GDEs within and surrounding the site are likely to be impacted by the proposed action.
- The EIS should be informed by ecohydrological, hydrological, hydraulic and flood modelling, to provide detail on potential impacts within and downstream of the site, including to:
 - surface and groundwater quality;
 - surface and groundwater connectivity;
 - hydrological regimes, including with consideration of potential changes to rainfall patterns with climate change;
 - GDEs and stygofauna;
 - downstream environments and water users; and
 - cumulative impacts of surface water releases from the proposed action and other mining activity in the catchment area.
- The water assessment and modelling should be informed by:
 - monthly flow rate monitoring over a two-year period;
 - water quality sampling, undertaken upstream, downstream, within each watercourse on site, and within each mine pit and water storage dam;
 - baseline concentrations of metals and other contaminants in watercourses;
 - an assessment of groundwater bores to identify groundwater quality and levels;
 - detail of how tailings will be transported, stored and managed to avoid contamination of water resources; and
 - comparison of baseline and expected water quality to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018).
- Further detail is needed on proposed measures to avoid and mitigate potential impacts to GDEs and stygofauna. Measures should be considered in relation to the current condition and extent of GDEs in the Bowen Basin.
- A monitoring plan should be developed, based on water modelling and risk assessments, to ensure potential impacts to water resources are identified, and measures are in place to manage impacts if the Water Quality Objectives of the Fitzroy Basin are exceeded.

Conclusion

The department considers the proposed action has the potential to significantly impact on water resources due to the modification of water quality and hydrological regimes, and the modification of habitat for GDEs and stygofauna within and surrounding the site.

Based on the information available, including line area advice and the referral documentation, and with consideration of the [Significant impact guidelines 1.3 \(2013\)](#), the department considers there is a real or not remote chance or possibility that the proposed action will result in a change to the water quality and hydrology of a water resource, that is of sufficient scale or intensity as to

reduce the current or future utility of the water resource for third party users, including environmental and other public benefit outcomes, or to create a material risk of such reduction in utility occurring, as a result of:

- a change in water quantity, including the timing of variations in water quantity;
- a change in the integrity of hydrological or hydrogeological connections, including flow regimes and river-floodplain connectivity; and
- compromise the ability to achieve relevant local or regional water quality objectives by causing potentially harmful substances to accumulate in the environment and seriously affecting the habitat of a native species dependent on the water resource.

Therefore, the department considers the proposed action is likely to have a significant impact to water resources. For these reasons, the department considers sections 24D and 24E are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The ERT report identifies 10 migratory species may occur within 10 km of the proposed action (Attachment B1). The referral states that several migratory species were observed on site during surveys or have been recorded within 50 km of the site on the Atlas of Living Australia database, including the:

- Fork-tailed Swift (*Apus pacificus*)
- Glossy Ibis (*Plegadis falcinellus*)
- Latham's Snipe (*Gallinago hardwickii*)
- Eastern Osprey (*Pandion haliaetus cristatus*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Rufous Fantail (*Rhipidura rufifrons*).

The referral states that suitable habitat for these species is present on site in grassland, woodlands, watercourses, farm dams and gilgai formations. However, the proponent does not consider potential impacts to migratory species or their habitat to be significant because the species that occur in the area are highly mobile, suitable habitat is present in the surrounding region, and the site is unlikely to support an important habitat or an important population.

The department notes that migratory species that were observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal habitat, wet sclerophyll forests with dense shrubby understoreys, and heavily vegetated gullies. Therefore, the department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

Conclusion

Given the nature and scale of the proposed action and noting the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on any listed migratory species. Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

Great Barrier Reef Marine Park (s24B & 24C)

The proposed action is situated in the upper Fitzroy catchment, which flows into the Great Barrier Reef Marine Park (GBRMP) at Keppel Bay, more than 200 km downstream. The proponent does not consider there to be any potential impacts to the GBRMP.

Public comments raised concerns about potential impacts to the GBRMP due to increased greenhouse gas emissions and climate-related environmental impacts. Under the EPBC Act, greenhouse gas emissions may be considered as part of a whole of environment assessment for proposed actions that are undertaken by a Commonwealth agency or that are situated on Commonwealth land. The proposed action is not subject to a whole of environment assessment and therefore, emissions are beyond the scope of this assessment.

The department notes that the Nogoia and Fitzroy rivers flow through areas of mining, coal seam gas, agriculture and grazing before flowing into the GBRMP. Further, if the proposed action is approved, the conditions of approval will appropriately manage and monitor potential impacts to water resources, within and downstream of the proposed action. Therefore, the department considers that potential impacts to water quality flowing into the GBRMP as a result of the proposed action (which is more than 200 km upstream) are unlikely to be significant.

Conclusion

Based on the information available, including the referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is unlikely to have a significant impact on the GBRMP. For these reasons, the department considers that sections 24B and 24C are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area. The nearest Ramsar wetland is the Shoalwater and Corio Bays Area and is approximately 250 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area. The nearest World Heritage property is the Great Barrier Reef World Heritage Area (GBRWHA) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>

<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area. The nearest National Heritage place is the Great Barrier Reef National Heritage Place (GBRNHP) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
<p>Commonwealth marine environment (s23 & 24A)</p>	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone and Territorial Sea and is approximately 300 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
<p>Commonwealth action (s28)</p>	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
<p>Commonwealth land (s26 & 27A)</p>	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is the Defence Shoalwater Bay Training Area and is approximately 220 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
<p>Nuclear action (s21 & 22A)</p>	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
<p>Commonwealth Heritage places overseas (s27B & 27C)</p>	<p>The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.</p>

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Five public submissions were received on the referral ([Attachment C](#)).

One public submission considers the proposal to be clearly unacceptable, noting that:

- listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
- the proposed action will increase greenhouse gas emissions, contributing to climate change and adverse impacts to the environment;
- the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
- the Minister or delegate should not accept the referral under section 74A.

Three submissions consider the proposal should be a controlled action, noting that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
- the proposed action should undergo a full assessment by EIS.

One public submission considers the proposal should not be a controlled action because:

- the site is highly degraded and is unlikely to support listed species;
- further surveys are unlikely to provide further value to the assessment and will impede development; and
- there is potential for the proposed action to improve habitat on site, for example through fencing to protect habitat.

The department considers that the concerns raised in the public submissions can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that the EIS assessment of the 'coordinated project' by the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians
- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction
- The Hon Keith Pitt MP, Minister for Resources and Water
- Mr Elliot Zwangobani, delegated contact for the Hon Simon Birmingham MP, Minister for Finance

On 14 December 2021, [s. 47F\(1\)](#) responded to the invitation to the Hon Angus Taylor MP noting a nil comment on the proposed action ([Attachment D1](#)).

On 16 December 2021, s. 47F(1) responded on behalf of Mr Zwangobani noting a nil comment on the proposed action ([Attachment D2](#)).

On 21 December 2021, Geoscience Australia responded to the invitation to the Hon Keith Pitt MP ([Attachment D3](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

As detailed previously, the proposed action is one of five components of the overarching Valeria Project that has been declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government. This will ensure potential impacts, including cumulative impacts, are adequately considered.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) responded to the invitation to the Hon Ken Wyatt ([Attachment D4](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. The NIAA recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993*, prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if not already engaged;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Brigalow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The Western Kangoulu People are the Traditional Owners of the area. The proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A9](#)) with the Western Kangoulu People for the overarching Valeria Project

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D5](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.

- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that the bilateral agreement will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment specified under Class 2 of the Queensland bilateral agreement cannot proceed.

The department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited process only if satisfied that:

- (a) the process is to be carried out under a law of the Commonwealth, State or Territory;
- (b) there are no standards prescribed by the regulations;
- (c) the process will ensure that relevant impacts of the action are adequately assessed; and
- (d) the report on the accredited assessment process will provide enough information on the relevant impacts to allow the decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS assessment process is to be carried out by the Office of the Coordinator General under Part 4 of the SDPWO Act (Qld) and will address these matters.

In making your decision you must consider the matters summarised below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at <u>Attachment D5</u> .

Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.
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OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.3 Significant Impact Guidelines – Coal seam gas and large coal mining developments – impacts on water resources* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5) of the EPBC Act, you are required to have regard to a bioregional plan in making any decision under the EPBC Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2) of the EPBC Act, the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment E](#). The fee schedule (without justifications) at [Attachment F](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assessment Officer
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

13 January 2022

ATTACHMENTS

A: Referral documentation

B: Further information:

B1: ERT Report (dated 9 December 2021)

B2: OWS advice

C: Public comments

D: Ministerial comments

E: Fee schedule (with justifications)

F: Fee schedule (without justifications)

G: Decision notice – FOR SIGNATURE

H: Letters to the proponent and the state – FOR SIGNATURE

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald, Queensland (EPBC 2021/9077)

Timing: 17 January 2021 – Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 5. See <u>Attachment C</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: See <u>Attachment D</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited assessment Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													
3. Agree to accept the referral under section 74A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).													
Agreed / Not agreed													

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / Not agreed

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment, review of the terms of reference.

Noted / Please discuss

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letters at Attachment H.

Signed / Not signed

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and
Sea Dumping Branch

Date: January 2022

Comments:

KEY ISSUES:

- The proposed action, the Valeria Project Mine Site, Accommodation and Access Road, is to construct and operate an open cut metallurgical and thermal coal mine and associated infrastructure in the Bowen basin, approximately 27 kilometres (km) north-west of Emerald, Queensland (Qld).
- The department considers the proposed action to be a component of a larger action, being one of five components of the Valeria Project. All components have been referred separately to enable their potential future transfer, and include:
 - EPBC 2021/9074 – Communications infrastructure;
 - EPBC 2021/9075 – Water supply pipeline from the Oaky Creek Coal Mine;
 - EPBC 2021/9076 – Rail line to the Goonyella Coal Chain;
 - EPBC 2021/9077 – Mine Site, Accommodation and Access Road; and
 - EPBC 2021/9078 – Powerline infrastructure.
- On 12 June 2020, the overarching Valeria Project was declared a coordinated project by the Office of the Coordinator General. The state assessment does not currently include the proposed accommodation (part of this referral) or the infrastructure corridor which forms part of all five referrals.
- The department considers that significant impacts will arise to listed threatened species and ecological communities, and water resources as result of the proposed action. Potential impacts include:
 - the clearance of approximately 10,365 hectares (ha) of habitat for listed threatened species and ecological communities;
 - modification of water quality and hydrological regimes; and
 - modification of groundwater levels and connectivity.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The proposed action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal **is** a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2021, the proponent agreed to extend the referral decision timeframe to afford the department three additional business days to account for the departmental shut-down period from 25 December 2021 to 3 January 2022.

Description of the proposal (including location)

The proposed action is to construct and operate an open cut metallurgical and thermal coal mine and associated infrastructure in the Bowen Basin, approximately 27 km north of Emerald, Qld. The mine is expected to produce up to 20 million tonnes per annum of run of mine coal over 35 years.

The proposed action is situated across three mining leases (700044, 700045 and 700055) on a 29,501 ha site. The disturbance footprint is yet to be finalised and is estimated to be 10,365 ha, inclusive of:

- coal mine, including the staged development of six open cut pits, coal handling and preparation plant and material stockpiles;
- waste storage and management areas, including tailings storage, mine affected water dam and waste rock dumps, which will be used to backfill mine voids;
- site buildings, including 300-person accommodation, office and amenities; and
- infrastructure corridor, including a 15 km access road and temporary access track between the Gregory Highway and the mine site.
- The infrastructure corridor overlaps with the four other Valeria Project referral footprints and forms part of each referral.

Description of the environment

The proposed action is situated in the Bowen basin, within the Brigalow Belt bioregion and the upper Fitzroy River catchment. The site extends across the localities of Hibernia, Carbine Creek, Fork Lagoons and Chirnside, on an area that has been used for grazing, cropping, production forestry and exploration drilling.

The geology of the site ranges from alluvial plains, cracking clays, sandy soils, and shallow rocky soils with occasional outcrops. The topography of the site features undulating plains along Theresa, Capella, Carbine and Retro Creeks, and steeper areas along the western and southern site boundaries, ranging in elevation from 196-220 m Australian Height Datum.

The site is situated within the Lower Nogoa Groundwaters zone of the Fitzroy catchment. Several State listed wetlands are present on site, and one nationally important wetland (Fairbairn Dam) is present approximately 30 km south. No springs were identified in the area.

Theresa Creek is the main watercourse intersecting the site and flows south-east to its confluence with the Nogoa River, approximately 12 km north-east of Emerald. Several other watercourses intersect the site and drain into the Nogoa River, including Retro, Carbine, Crystal, Pine, Wheel, Gordonstone, Capella, Boot and Kettle, and Sandy Creeks. All watercourses within and adjacent to the site are ephemeral. The site is subject to flooding during high rainfall events. No further information on the hydrology of the area was provided as part of the referral information.

Vegetation on site consists of approximately 12,783 ha of remnant and regrowth vegetation dominated by *Eucalyptus*, *Acacia* and *Corymbia* species (of which approximately 4,480 ha is proposed to be cleared), interspersed with grassland and cleared areas. The referral states that several threatened ecological communities (TECs) are present on site, including the endangered Brigalow (*Acacia harpophylla* dominant and co-dominant) TEC.

State assessment

On 12 June 2020, the Office of the Coordinator General declared by gazettal notice the overarching Valeria Project to be a coordinated project requiring assessment by environmental impact statement (EIS) under section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). Advice on the implications of the state assessment for the assessment approach decision under section 87 of the EPBC Act is provided below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Under section 74A(1) of the EPBC Act, if you are satisfied that an action referred by a person is a component of a larger action, which the same person proposes to take, you may decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your

power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The key considerations when deciding whether to accept a 'split referral' are:

1. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
2. whether, if undertaken separately, the impact would be reduced below significant.

The proposed action is one of five components of the overarching Valeria Project. The Valeria Project was declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government.

Valeria Coal Holdings Pty Limited is the designated proponent and person proposing to undertake all five components of the Valeria Project. The referral states that the components were referred separately to enable the potential transfer of approvals in future.

The department considers that while the five Valeria Project referrals clearly comprise a larger action proposed to be taken by the same person, the referrals should be accepted because:

- the Valeria Project, of which this referral is a component, will be assessed by EIS as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- in taking the proposed actions separately, as split referrals, potential impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

The department notes that if you agree to accept the referral, subsection 74A(4) requires you to notify the person who referred the proposal in writing of your decision under subsection 74A(1). The department has included written notice of the decision to accept the referral in the letter to the proponent ([Attachment H1](#)). The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A); and
- A water resource, in relation to coal seam gas development and large coal mining development (section 24D & section 24E).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 9 December 2021) identifies 24 listed threatened species and four TECs may occur within 10 km of the proposed action (Attachment B1). Based on the location of the proposed action, the likely habitat in the area and information provided in the referral, the department considers that significant impacts will potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) – Endangered:

The Species Profile and Threats (SPRAT) profile for the Brigalow (*Acacia harpophylla* dominant and co-dominant) (Brigalow) TEC can be found below:

<http://www.environment.gov.au/cgi-bin/sprat/public/publicshowcommunity.pl?id=28>

Dry and wet season ecological surveys were undertaken between October 2019 and April 2021. Further surveys and impact assessments will be undertaken for the EIS once the disturbance footprint has been finalised. The referral states that approximately 115 ha of Brigalow TEC is present on site in scattered patches ranging in size from 0.6-21.8 ha.

The proponent considers that the construction of the mine site, accommodation and access tracks will result in the clearance of approximately 34.1 ha of Brigalow TEC and that the proposed clearing has the potential to result in a significant impact to this TEC. The department notes that the disturbance footprint has not been finalised and therefore the full extent of potential impacts to this TEC are uncertain.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

The department considers that approximately 34.1 ha of Brigalow TEC will be modified or removed as a result of the proposed action. Based on the information available, including the ERT report, SPRAT database and referral, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent of an ecological community.

Koala (combined populations of Qld, NSW and the ACT) (*Phascolarctos cinereus*) – Vulnerable

The SPRAT profile for the Koala can be found below:

http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104

Ecological surveys were undertaken between 2019 and 2021 in accordance with relevant survey guidelines, including the [EPBC Act Referral Guidelines for the vulnerable Koala \(2014\)](#) (Koala Guidelines). The referral states that one Koala and joey were observed on site during spotlighting, and evidence of Koala presence was identified in the form of a skull and tree scratches.

The referral states that approximately 7,633.3 ha of potentially suitable habitat is present in Eucalypt-dominated woodland on site, which the proponent considers may be critical to the survival of the species. A value for this habitat using the Koala Guidelines habitat assessment tool is not provided in the referral.

The referral states that the construction of the mine site, accommodation and access tracks will result in the clearance of approximately 2.04 ha of known habitat, 53.9 ha of high-quality habitat and 1,970 ha of low-quality habitat. The proponent considers the proposed clearing is likely to result in a significant impact to the Koala.

The department notes that the proposed action involves the clearance of at least 2,025 ha of suitable Koala habitat. However, the disturbance footprint has not been finalised and the full extent of potential impacts to the Koala and its habitat are uncertain. The Koala Guidelines identifies the protection and conservation of Koala refuge habitat, and the quality, extent and connectivity of this habitat, as key interim recovery objectives for the species.

The Koala Guidelines define habitat critical to the survival of the Koala as habitat that is scored a five or greater using the habitat assessment tool. Based on the following attributes, the department considers that habitat present on site is valued at least 8 out of 10, and is therefore habitat critical to the survival of the Koala:

- there are records of the Koala within 2 km of the site in the last five years (+2);
- at least two suitable food tree species are present (+2);
- the habitat is part of a large contiguous landscape greater than 1000 ha (+2);
- that may contain some threat from feral species (+1); and
- is likely to be important for Koala recovery (+1).

Therefore, the department considers that approximately 2,025 ha of habitat critical to the survival of the Koala will be cleared as a result of the proposed action. Further, construction and operation activities are likely to increase the risk of fauna injury and mortality, and increase light, noise and vibration disturbance.

Based on the information available, including the ERT report, SPRAT database and referral, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Koala by adversely affecting habitat critical to the survival of the species.

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of a vulnerable species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

Other listed threatened species and communities

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Marsupials:

- Greater Glider (*Petauroides volans*) – Vulnerable

Birds:

- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable

Reptiles:

- White-throated Snapping Turtle (*Elseya albagula*) – Critically Endangered
- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Fitzroy River Turtle (*Rheodytes leukops*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- *Bertya opposens* – Vulnerable

A water resource in relation to coal seam gas development and large coal mining development (s24D & 24E)

Under the EPBC Act, a proposed action which involves large coal mining development requires approval from the Minister if it has, will have, or is likely to have a significant impact on a water resource.

A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

(a) in its own right; or

(b) when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action involves the construction and operation of an open cut coal mine, levees associated with the open cut mine, the production of tailings waste, surface and groundwater extraction as a supplementary water supply, watercourse diversions and uncontrolled releases of mine affected water to surface water. Therefore, the department considers that the proposed action is an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the action, will depend on the impacts of the action, which is discussed further below.

The site is situated in the Nogoia River sub-catchment of the upper Fitzroy River catchment. Theresa Creek and several other watercourses intersect the site and flow south-east into the Nogoia River, approximately 12 km north-east of Emerald. The referral states that Theresa, Carbine, Capella and Crystal Creeks have the potential to flood the site, and that surface water assessments, including flood modelling, will be undertaken as part of the EIS. The surface water assessment will inform the final site layout and a more detailed impact assessment.

The referral states that the proposed action is likely to result in significant impacts to water resources due to:

- Contamination of surface and ground water quality, due to:
 - uncontrolled releases of mine affected water to surface water;
 - seepage from out-of-pit dumps, mine affected water dams and tailings dams;
 - tailings disposal; and
 - spills in the case of improper storage and handling of contaminants.
- Modification of hydrological regimes, including changes to flow and flood regimes within the site and the Fitzroy catchment due to:
 - diversion of Pine Creek;
 - construction of levees associated with the open cut mine;
 - uncontrolled releases of mine affected water to surface water; and
 - water harvesting for construction and operational activities.
- Modification of groundwater levels, pressure and connectivity, due to:
 - mine dewatering, leading to aquifer drawdown; and
 - groundwater extraction for a supplementary water supply, in addition to water supplied by the proposed pipeline from the Oaky Creek Coal Mine (EPBC 2021/9075).
- Impacts to bank stability and increased erosion at access road crossings.

The referral states that the site is mapped as having a high confidence of containing terrestrial groundwater dependent ecosystems (GDEs). Further, stygofauna were identified in a shallow alluvial aquifer within Theresa Creek during surveys undertaken between 2019 and 2021. All observations were of Syncarida crustaceans from the *Parabathynellidae* family and *Oncyrobathynella* genus. Additional sampling will be undertaken as part of the EIS.

The referral states that the proposed action will likely impact on GDEs and stygofauna through the modification of habitat, due to:

- changes in groundwater levels and pressure;
- reduced watercourse base flow rates, within and downstream of the site; and
- contamination of water resources.

Office of Water Science advice

The Office of Water Science (OWS) provided advice on 21 December 2021 ([Attachment B2](#)), noting that:

- From the limited information available, water quality, hydrological regimes and GDEs within and surrounding the site are likely to be impacted by the proposed action.
- The EIS should be informed by ecohydrological, hydrological, hydraulic and flood modelling, to provide detail on potential impacts within and downstream of the site, including to:
 - surface and groundwater quality;
 - surface and groundwater connectivity;
 - hydrological regimes, including with consideration of potential changes to rainfall patterns with climate change;
 - GDEs and stygofauna;
 - downstream environments and water users; and
 - cumulative impacts of surface water releases from the proposed action and other mining activity in the catchment area.
- The water assessment and modelling should be informed by:
 - monthly flow rate monitoring over a two-year period;
 - water quality sampling, undertaken upstream, downstream, within each watercourse on site, and within each mine pit and water storage dam;
 - baseline concentrations of metals and other contaminants in watercourses;
 - an assessment of groundwater bores to identify groundwater quality and levels;
 - detail of how tailings will be transported, stored and managed to avoid contamination of water resources; and
 - comparison of baseline and expected water quality to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG 2018).
- Further detail is needed on proposed measures to avoid and mitigate potential impacts to GDEs and stygofauna. Measures should be considered in relation to the current condition and extent of GDEs in the Bowen Basin.
- A monitoring plan should be developed, based on water modelling and risk assessments, to ensure potential impacts to water resources are identified, and measures are in place to manage impacts if the Water Quality Objectives of the Fitzroy Basin are exceeded.

Conclusion

The department considers the proposed action has the potential to significantly impact on water resources due to the modification of water quality and hydrological regimes, and the modification of habitat for GDEs and stygofauna within and surrounding the site.

Based on the information available, including line area advice and the referral documentation, and with consideration of the [Significant impact guidelines 1.3 \(2013\)](#), the department considers there is a real or not remote chance or possibility that the proposed action will result in a change to the water quality and hydrology of a water resource, that is of sufficient scale or intensity as to

reduce the current or future utility of the water resource for third party users, including environmental and other public benefit outcomes, or to create a material risk of such reduction in utility occurring, as a result of:

- a change in water quantity, including the timing of variations in water quantity;
- a change in the integrity of hydrological or hydrogeological connections, including flow regimes and river-floodplain connectivity; and
- compromise the ability to achieve relevant local or regional water quality objectives by causing potentially harmful substances to accumulate in the environment and seriously affecting the habitat of a native species dependent on the water resource.

Therefore, the department considers the proposed action is likely to have a significant impact to water resources. For these reasons, the department considers sections 24D and 24E are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The ERT report identifies 10 migratory species may occur within 10 km of the proposed action (Attachment B1). The referral states that several migratory species were observed on site during surveys or have been recorded within 50 km of the site on the Atlas of Living Australia database, including the:

- Fork-tailed Swift (*Apus pacificus*)
- Glossy Ibis (*Plegadis falcinellus*)
- Latham's Snipe (*Gallinago hardwickii*)
- Eastern Osprey (*Pandion haliaetus cristatus*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Rufous Fantail (*Rhipidura rufifrons*).

The referral states that suitable habitat for these species is present on site in grassland, woodlands, watercourses, farm dams and gilgai formations. However, the proponent does not consider potential impacts to migratory species or their habitat to be significant because the species that occur in the area are highly mobile, suitable habitat is present in the surrounding region, and the site is unlikely to support an important habitat or an important population.

The department notes that migratory species that were observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal habitat, wet sclerophyll forests with dense shrubby understoreys, and heavily vegetated gullies. Therefore, the department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

Conclusion

Given the nature and scale of the proposed action and noting the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on any listed migratory species. Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

Great Barrier Reef Marine Park (s24B & 24C)

The proposed action is situated in the upper Fitzroy catchment, which flows into the Great Barrier Reef Marine Park (GBRMP) at Keppel Bay, more than 200 km downstream. The proponent does not consider there to be any potential impacts to the GBRMP.

Public comments raised concerns about potential impacts to the GBRMP due to increased greenhouse gas emissions and climate-related environmental impacts. Under the EPBC Act, greenhouse gas emissions may be considered as part of a whole of environment assessment for proposed actions that are undertaken by a Commonwealth agency or that are situated on Commonwealth land. The proposed action is not subject to a whole of environment assessment and therefore, emissions are beyond the scope of this assessment.

The department notes that the Nogoia and Fitzroy rivers flow through areas of mining, coal seam gas, agriculture and grazing before flowing into the GBRMP. Further, if the proposed action is approved, the conditions of approval will appropriately manage and monitor potential impacts to water resources, within and downstream of the proposed action. Therefore, the department considers that potential impacts to water quality flowing into the GBRMP as a result of the proposed action (which is more than 200 km upstream) are unlikely to be significant.

Conclusion

Based on the information available, including the referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers that the proposed action is unlikely to have a significant impact on the GBRMP. For these reasons, the department considers that sections 24B and 24C are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area. The nearest Ramsar wetland is the Shoalwater and Corio Bays Area and is approximately 250 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area. The nearest World Heritage property is the Great Barrier Reef World Heritage Area (GBRWHA) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>

<p>National Heritage places (s15B & 15C)</p>	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area. The nearest National Heritage place is the Great Barrier Reef National Heritage Place (GBRNHP) approximately 170 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
<p>Commonwealth marine environment (s23 & 24A)</p>	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone and Territorial Sea and is approximately 300 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
<p>Commonwealth action (s28)</p>	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
<p>Commonwealth land (s26 & 27A)</p>	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is the Defence Shoalwater Bay Training Area and is approximately 220 km east.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
<p>Nuclear action (s21 & 22A)</p>	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>
<p>Commonwealth Heritage places overseas (s27B & 27C)</p>	<p>The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.</p>

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Five public submissions were received on the referral ([Attachment C](#)).

One public submission considers the proposal to be clearly unacceptable, noting that:

- listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
- the proposed action will increase greenhouse gas emissions, contributing to climate change and adverse impacts to the environment;
- the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
- the Minister or delegate should not accept the referral under section 74A.

Three submissions consider the proposal should be a controlled action, noting that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
- the proposed action should undergo a full assessment by EIS.

One public submission considers the proposal should not be a controlled action because:

- the site is highly degraded and is unlikely to support listed species;
- further surveys are unlikely to provide further value to the assessment and will impede development; and
- there is potential for the proposed action to improve habitat on site, for example through fencing to protect habitat.

The department considers that the concerns raised in the public submissions can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that the EIS assessment of the 'coordinated project' by the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians
- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction
- The Hon Keith Pitt MP, Minister for Resources and Water
- Mr Elliot Zwangobani, delegated contact for the Hon Simon Birmingham MP, Minister for Finance

On 14 December 2021, [s. 47F\(1\)](#) responded to the invitation to the Hon Angus Taylor MP noting a nil comment on the proposed action ([Attachment D1](#)).

On 16 December 2021, s. 47F(1) responded on behalf of Mr Zwangobani noting a nil comment on the proposed action ([Attachment D2](#)).

On 21 December 2021, Geoscience Australia responded to the invitation to the Hon Keith Pitt MP ([Attachment D3](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

As detailed previously, the proposed action is one of five components of the overarching Valeria Project that has been declared a coordinated project by the Office of the Coordinator General and will be assessed by EIS as one project by the Queensland Government. This will ensure potential impacts, including cumulative impacts, are adequately considered.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) responded to the invitation to the Hon Ken Wyatt ([Attachment D4](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. The NIAA recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993*, prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if not already engaged;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Brigalow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The Western Kangoulu People are the Traditional Owners of the area. The proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A9](#)) with the Western Kangoulu People for the overarching Valeria Project

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D5](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.

- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. The department notes that the bilateral agreement will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment specified under Class 2 of the Queensland bilateral agreement cannot proceed.

The department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act. Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited process only if satisfied that:

- (a) the process is to be carried out under a law of the Commonwealth, State or Territory;
- (b) there are no standards prescribed by the regulations;
- (c) the process will ensure that relevant impacts of the action are adequately assessed; and
- (d) the report on the accredited assessment process will provide enough information on the relevant impacts to allow the decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS assessment process is to be carried out by the Office of the Coordinator General under Part 4 of the SDPWO Act (Qld) and will address these matters.

In making your decision you must consider the matters summarised below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at <u>Attachment D5</u> .

Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.
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OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *EPBC Act Policy Statement 1.3 Significant Impact Guidelines – Coal seam gas and large coal mining developments – impacts on water resources* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5) of the EPBC Act, you are required to have regard to a bioregional plan in making any decision under the EPBC Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2) of the EPBC Act, the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at [Attachment E](#). The fee schedule (without justifications) at [Attachment F](#) will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assessment Officer
Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

13 January 2022

ATTACHMENTS

A: Referral documentation

B: Further information:

B1: ERT Report (dated 9 December 2021)

B2: OWS advice

C: Public comments

D: Ministerial comments

E: Fee schedule (with justifications)

F: Fee schedule (without justifications)

G: Decision notice – FOR SIGNATURE

H: Letters to the proponent and the state – FOR SIGNATURE

**2021/9077 Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald,
Queensland**
Referral Decision Briefing Package

Document	Name	Document description
Brief	2021-9077 Referral Decision-Brief	FOR SIGNATURE
QA Check	2021-9077 Referral Decision-QA check	
Referral documentation:		
Attachment A1	2021-9077 Referral	
Attachment A2	2021-9077 Referral-Att A-Figures Part 1	
Attachment A3	2021-9077 Referral-Att A-Figures Part 2	
Attachment A4	2021-9077 Referral-Att B-Terrestrial likelihood of occurrence memo-2021	
Attachment A5	2021-9077 Referral-Att C-Aquatic likelihood of occurrence memo-2021	
Attachment A6	2021-9077 Referral-Att D-PMST searches-2021	
Attachment A7	2021-9077 Referral-Att E-Sustainability report-2020	
Attachment A8	2021-9077 Referral-Att F-Lot numbers	
Attachment A9	2021-9077 Referral-Att G-CHIMA	
Attachment A10	2021-9077 Referral-Att H-SEP	
Further information:		
Attachment B1	2021-9077 Referral Decision-Att B-ERT report	
Attachment B2	2021-9077 Referral Decision-Att B-OWS advice	
Comments:		
Attachment C1	2021-9077 Referral Decision-Att C-Public comments (5)	
Attachment D1	2021-9077 Referral Decision-Att D-Comment from Industry	
Attachment D2	2021-9077 Referral Decision-Att D-Comment from Min Finance	
Attachment D3	2021-9077 Referral Decision-Att D-Comment from GA	
Attachment D4	2021-9077 Referral Decision-Att D-Comment from NIAA	
Attachment D5	2021-9077 Referral Decision-Att D-Comment from DES	
Fee schedule:		
Attachment E	2021-9077 Referral Decision-Att E-Fee schedule (with justifications)	
Attachment F	2021-9077 Referral Decision-Att F-Fee schedule (without justifications)	
Decision Notice:		
Attachment G	2021-9077 Referral Decision-Att G-Notice	FOR SIGNATURE
Letters:		
Attachment H1	2021-9074-9078 Referral Decision-Att H-Letter to proponent	FOR SIGNATURE
Attachment H2	2021-9074-9078 Referral Decision-Att H-Letter to DES	FOR SIGNATURE

EPBC Ref: 2021/9074 – 9078

Chris Loveday
 Director
 Technical and Assessment Services
 Department of Environment and Science
 GPO Box 2454
 Brisbane QLD 4001

Dear Mr Loveday

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

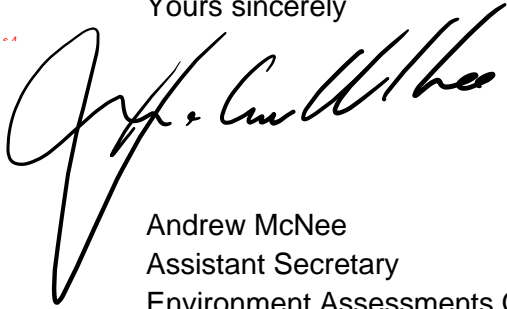
You may be aware that the proponent has split the overarching Valeria Project into the five separate proposed actions listed above, as opposed to the single action that has been

declared a coordinated project by the Office of the Coordinator General. For this reason, the assessment process specified under the bilateral agreement with Queensland cannot apply.

Therefore, I have determined that the proposed actions will be assessed by accredited assessment under the Queensland *State Development and Public Works Organisation Act 1971*. A copy of the documents recording these decisions are enclosed.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) @environment.gov.au, or telephone (02) 62s. 22(1)(a)(ii) and quote the EPBC reference numbers shown at the beginning of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew McNee', written in a cursive style.

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
14 January 2022

EPBC Ref: 2021/9074 – 9078

Chris Loveday
 Director
 Technical and Assessment Services
 Department of Environment and Science
 GPO Box 2454
 Brisbane QLD 4001

Dear Mr Loveday

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

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The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

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2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

You may be aware that the proponent has split the overarching Valeria Project into the five separate proposed actions listed above, as opposed to the single action that has been

declared a coordinated project by the Office of the Coordinator General. For this reason, the assessment process specified under the bilateral agreement with Queensland cannot apply.

Therefore, I have determined that the proposed actions will be assessed by accredited assessment under the Queensland *State Development and Public Works Organisation Act 1971*. A copy of the documents recording these decisions are enclosed.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) @environment.gov.au, or telephone (02) 62s. 22(1)(a)(ii) and quote the EPBC reference numbers shown at the beginning of this letter.

Yours sincerely

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
January 2022

EPBC Ref: 2021/9074 – 9078

s 47F(1)

Approvals Manager
 Valeria Coal Holdings Pty Ltd
 Level 44
 Gateway 1, Macquarie Place
 SYDNEY NSW 2000

Dear s 47F(1)

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

Thank you for submitting the five Valeria Project referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also determined that the proposed actions will be assessed by an accredited assessment process under the Queensland *State Development and Public Works Organisation Act 1971*. The project manager will contact you shortly to discuss the assessment process.

A copy of the documents recording these decisions are enclosed.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed actions*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* your assessments are subject to cost recovery. Please find attached a copy of the fee schedules for your proposals and invoices for Stage 1 of the assessment. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedules provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the department's website at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed actions under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

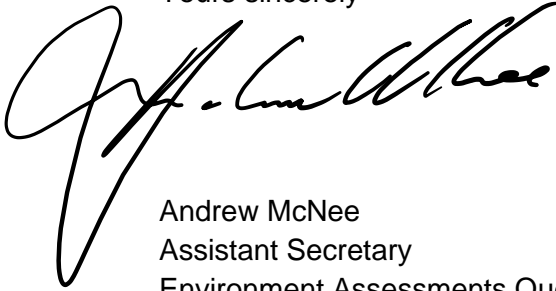
Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to [Attachment A](#) for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision-making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available online at: <http://www.environment.gov.au/epbc/about/index.html>.

The department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii), at s. 22(1)(a)(ii) @environment.gov.au, or (02) 6274 s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
14 January 2022

EPBC Ref: 2021/9074 – 9078

s 47F(1)

Approvals Manager
 Valeria Coal Holdings Pty Ltd
 Level 44
 Gateway 1, Macquarie Place
 SYDNEY NSW 2000

Dear s 47F(1)

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

Thank you for submitting the five Valeria Project referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also determined that the proposed actions will be assessed by an accredited assessment process under the Queensland *State Development and Public Works Organisation Act 1971*. The project manager will contact you shortly to discuss the assessment process.

A copy of the documents recording these decisions are enclosed.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed actions*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* your assessments are subject to cost recovery. Please find attached a copy of the fee schedules for your proposals and invoices for Stage 1 of the assessment. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedules provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the department's website at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

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Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to [Attachment A](#) for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision-making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available online at: <http://www.environment.gov.au/epbc/about/index.html>.

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If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii), at s. 22(1)(a)(ii) @environment.gov.au, or (02) 6274 s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
January 2022

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, Qld (EPBC 2021/9078)

Timing: 17 January 2022 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 5 See Attachment C												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: See Attachment D												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited assessment Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (Attachment A) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													
3. Agree to accept the referral under section 74A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).													
Agreed / Not agreed													

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / Not agreed

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / Not agreed

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

7. Agree to the designated proponent.

Agreed / Not agreed

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / Not agreed

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment, review of the terms of reference.

Noted / Please discuss

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / Not signed

11. Sign the letters at Attachment H.

Signed / Not signed

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea
Dumping Branch

Date: January 2022

Comments:

KEY ISSUES:

- The proposed action (EPBC 2021/9078 – Powerline infrastructure) is one of five components of the Valeria Project. All components have been referred separately to enable their potential future transfer, and include:
 - EPBC 2021/9074 – Communications infrastructure;
 - EPBC 2021/9075 – Water supply pipeline from Oaky Creek Coal Mine;
 - EPBC 2021/9076 – Rail line to the Goonyella Coal Chain;
 - EPBC 2021/9077 – Mine Site, Accommodation and Access Road; and
 - EPBC 2021/9078 – Powerline infrastructure.
- On 12 June 2020, the overarching Valeria Project was declared a coordinated project by the Office of the Coordinator General.
- The department considers the proposed action is likely to have a significant impact on several listed threatened species, their habitat and threatened ecological communities across the proposed action area. The exact area of disturbance to MNES is currently unknown as the powerline infrastructure alignment has not been finalised.
- The department considers the proposed action to be integral to the construction and operation of a large coal mine (EPBC 2021/9077) and, as such, an action to which the water trigger controlling provision could apply. However, the department considers the proposed action is unlikely to have a significant impact on water resources and, therefore, recommends the water trigger not be applied.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2021, the proponent agreed to an extension of the referral decision timeframe to afford the department three additional business days to account for the departmental shut-down period from 25 December 2021 to 3 January 2022. On 7 January 2022, a delegate of the Minister decided to suspend the statutory timeframe for a referral decision by three business days to extend this timeframe to 17 January 2022.

Description of the proposal (including location)

The proposed action is to construct and operate overhead 66 kv powerlines and associated infrastructure to connect at the Ergon powerline at Lilyvale Road 36 km to the Valeria Mine site, approximately 34 km north-west of Emerald, central Queensland. The powerline infrastructure forms part of the 'Valeria Project' open cut metallurgical and thermal coal mine located within the Central Highlands Regional Council Local Government Area of the Bowen Basin, Central Queensland.

The proposed infrastructure will range from the mine infrastructure area (MIA) within the mine site and extend east to the Gregory Highway, then south to join the existing 66 kV Ergon powerline at the Lilyvale Road turn-off from the Gregory Highway. The Proposed Action area is approximately 2,435 ha. Of this area 787 ha are associated with the MIA, within the mine site. The width of the proposed action area ranges from 190 m to 3.5 km and the final disturbance footprint is yet to be

determined. Whilst the disturbance footprint has not yet been finalised, during construction the disturbance footprint is expected to be between 60 m and 100 m wide along the length of the alignment.

The proposed action is part of a larger action which consists of 5 EPBC proposals including this one. The other related proposals are listed below.

- 2021/9077 - Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5
- 2021/9076 - Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain EPBC Act Referral 2 of 5
- 2021/9075 - Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine EPBC Act Referral 3 of 5
- 2021/9074 - Valeria Project Communications Infrastructure from the Gregory Highway to the mine site EPBC Act Referral 5 of 5

Description of the environment

The areas of the project that are located within the MIA and co-located infrastructure corridor is currently used for cattle grazing and is disturbed as a result of current and historical agricultural activities. The area of the project that runs parallel to the Gregory Highway is used as a State Controlled Road, stock route and facilitates a 22 kV domestic powerline. This section of the project area also includes private property that is used for grazing and cropping.

The proposed action area is located within Queensland's Brigalow Belt Bioregion and comprises a mix of remnant, regrowth and non-remnant vegetation. Based on desktop and field surveys, the referral states approximately 414 ha (17%) of the total proposed action area consists of remnant and regrowth vegetation communities.

The project site is in the Fitzroy drainage catchment. Four ephemeral watercourses occur within the project site, comprising of Capella Creek, Carbine Creek, Theresa Creek and Gordonstone Creek. The referral states there are also several unnamed tributaries and rural water storages/farm dams.

State assessment

On 12 June 2020, the Office of the Coordinator General (CG) declared the overarching Valeria Project to be a coordinated project requiring assessment by environmental impact statement under Part 4 of the *State Development and Public Works Organisation Act 1971* (Qld) (SDWPO Act). Further advice on the assessment approach is provided in the brief below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate) may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

Under section 74A(1) of the EPBC Act, you may consider that an action referred by a person is a component of a larger action, which the same person proposed to take, and decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The key considerations when deciding whether to accept a 'split referral' are:

- i. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
- ii. whether, if undertaken separately, the impact would be reduced below significant.

The Valeria Project was split into a total of five EPBC Act referrals as components of the Project to allow potential future transfer of approvals to third party service providers, to own, construct and operate the respective assets.

The department considers that while the five referrals are clearly components of a larger action, it is recommended the five component referrals be accepted for the following reasons:

- The overarching 'Valeria Project' of which this referral is a component will be assessed as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- In undertaking the actions separately as 'split referrals', the impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

Cumulative impacts

The department considers there are cumulative impacts on listed threatened species and communities resulting from the taking of the five actions. The state's assessment of the overarching 'Valeria Project' will ensure these cumulative impacts are not overlooked as a result of assessing any of the project components in isolation.

Based on the likely impacts of each referred action, and for the reasons stated in this brief and in the briefs for the other components of the project, the department is recommending each of the five components of the Valeria Project be determined a 'controlled action'.

The department notes that in accordance with section 74A(4) of the EPBC Act, if you agree to accept the referral, you must give written notice of the decision to the person proposing to take the action and publish in accordance with the EPBC Regulations, a copy or summary of the decision. The department has included written notice in the letter to the person proposing to take the action ([Attachment H1](#)). The EPBC Regulations do not specify that publication is required. The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 9 December 2021) identifies 22 listed threatened species, and 4 listed threatened ecological communities (TEC) may occur within 10 km of the proposed action (see the ERT report at [Attachment B](#)). Based on the location of the proposed action, presence of several listed species threatened species and likely habitat present in the area of the proposed action, the department considers that impacts potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) – Endangered

The referral states that field surveys were undertaken for the co-located infrastructure corridor during April 2021, and that further surveys and impact assessments will be undertaken for the EIS once the disturbance footprint has been finalised. The referral states that the Brigalow TEC occurs as several patches encompassing 31 ha in the east of the Gregory highway within the proposed action area. The referral also states that approximately 3.7 ha of Brigalow TEC occurs within the MIA. There is an additional 119.5 ha of potential TEC vegetation that has not been surveyed.

The referral states that the alignment of the powerlines within the Proposed Action area has not been finalised. The referral states that there is a potential for clearing during construction with the potential to result in a significant impact for the Brigalow TEC.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

The department notes that approximately 55.7 ha of Brigalow TEC may be modified or removed as a result of the proposed action. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the *Approved conservation advice* the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent of an ecological community.

Koala (combined populations of Qld, NSW and the ACT) (*Phascolarctos cinereus*) – Vulnerable:

The referral states that ecological surveys were undertaken between 12 and 30 April 2021 of the co-located infrastructure corridor, rail line and water supply pipeline corridor. Surveys were reported as being undertaken in accordance with relevant survey guidelines, including the [EPBC Act Referral Guidelines for the vulnerable Koala \(2014\)](#) (Koala Guidelines). The referral states that the species was confirmed to occur during field surveys within 3km of the co-located corridor. Surveys have not been done for the proposed action area outside of the co-located infrastructure for the proposed action. Further, there are multiple records of the Koala within 50 km of the site on the publicly available Atlas of Living Australia database.

The referral states that the proposed action area includes approximately 264 ha of remnant vegetation that is potential Koala habitat as defined within the Koala Guidelines for. Using the

Koala Guidelines habitat assessment tool, the proponent considers that this habitat may be critical to the survival of the species. The proponent states that the proposed action is expected to remove habitat likely to be used by Koala and as such the proposed action could result in significant impact to the species.

The proponent did not provide a Koala habitat score using the Koala Habitat Assessment Tool in the Koala Guidelines. The department has calculated that the suitable habitat in the project area scores at least a 7 out of 10 and therefore is habitat critical to the survival of the species. The department used the following criteria:

- +0 for Koalas known to be occurring within 2 km of the project site;
- +2 for the presence of at least two suitable food tree species;
- +2 for habitat connectivity (area is part of a contiguous landscape greater than/equal to 1000 ha);
- +1 for key existing threats, due to the busy highway passing alongside the project area and the numerous fatalities occur along the Saraji Road annually; and
- +2 for recovery value, with habitat refuges within riparian habitats possibly being reduced.

Considering the information provided in the referral and information in the Species Profile and Threats Database (SPRAT), and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have an adverse effect on habitat critical to the survival of the vulnerable Koala. The department therefore considers a significant impact on the vulnerable Koala is likely.

Other listed threatened ecological communities and species

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the Significant impact guidelines 1.1 (2013), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Mammals:

- Greater Glider (*Petauroides volans*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Northern Quoll (*Dasyurus hallucatus*) – Endangered

Birds:

- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Southern Black-throated finch (*Poephila cincta cincta*) – Endangered
- Star Finch (eastern) (*Neochmia ruficauda ruficauda*) – Endangered
- Grey Falcon (*Falco hypoleucos*) – Vulnerable

- Red Goshawk (*Erythrotriorchis radiatus*) – Vulnerable

Reptiles:

- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered
- *Bertya opposens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- *Aristida annua* – Vulnerable
- Ooline (*Cadellia pentastylis*) – Vulnerable

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of a vulnerable species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The ERT report identifies 9 migratory species may occur within 10 km of the proposed action ([Attachment B](#)). The department notes that surveys for migratory species have not been completed. The referral states that several migratory species have been recorded within 50 km of the site on the publicly available Atlas of Living Australia database, including the:

- Fork-tailed Swift (*Apus pacificus*)
- Glossy Ibis (*Plegadis falcinellus*)
- Latham's Snipe (*Gallinago hardwickii*)
- Eastern Osprey (*Pandion haliaetus cristatus*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Rufous Fantail (*Rhipidura rufifrons*).

The referral states that suitable habitat for these species is present on site in grassland, woodlands, watercourses, farm dams and Gilgai formations. However, the proponent does not consider potential impacts to migratory species or their habitat to be significant.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

The department considers that, while there may be potential impacts to migratory species, the proposed action is unlikely to result in a significant impact.

Conclusion

Given the nature and scale of the proposed action and with consideration of the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on any listed migratory species. Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

A water resource, in relation to coal seam gas development and large coal mining development (s24D & 24E)

The proposed action is to construct and operate overhead 66 kV powerlines and associated infrastructure to connect at the Ergon powerline at Lilyvale Road 36 km to the Valeria Mine site.

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource. A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a) in its own right; or
- b) when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is being used to support coal mining activities. The department considers that the extraction of coal would not occur without the need for the powerline infrastructure to support mining operations at the Valeria Coal Mine. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact on a water resource, which is discussed below.

Impacts

The referral notes the project site contains characterised surface water and aquatic ecology values encompassing waterways associated with the project site and surrounds, including Theresa Creek, Carbine Creek, Crystal Creek and Gordonstone Creek. The proponent states that surface water, groundwater and GDE assessments will be undertaken as part of the assessment to inform the communications infrastructure alignment in the project site to minimise and mitigate potential impacts on water resources.

The referral (Attachment A) states potential impacts to water resources may include:

- Erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. For construction of powerline infrastructure close to watercourse crossings)
- Degradation of surface water quality during construction activities
- Localised groundwater drawdown from surface cuttings that intersect shallow aquifers;

The proponent's referral and Geoscience Australia's advice both state that there are significant impacts to water resources associated with this proposal. However, while both documents set out a range of potential impacts, neither establishes a persuasive case for how the water-related impacts of this proposal are 'significant' based on the guidance in the [Significant impact guidelines 1.3 \(2013\)](#).

The department has reviewed all of the information available, including the referral, in the context of the [Significant impact guidelines 1.3 \(2013\)](#), and considers that while potential impacts to water resources may exist, the nature and scale of the impacts associated with powerline infrastructure with an approximate disturbance width of between 60 m and 100 m, are unlikely to be significant.

Conclusion

Based on the information available to the department, including the referral, and the nature of the proposed action and its potential impacts, and with consideration of the *EPBC Act Significant impact guidelines 1.3 (2013)*, the department considers there is not a real or not a remote chance or possibility that the proposed action will directly or indirectly result in a change to the hydrology and/or water quality of a water resource that is sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users. The department therefore considers the proposed action is unlikely to have a significant impact on a water resource.

For these reasons, the department considers that sections 24D and 24E are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area.</p> <p>The nearest Ramsar Wetland is the Shoalwater and Corio Bays Area (Shoalwater Bay Training Area, in part - Corio Bay). The border of this Ramsar Wetland is approximately 235 km away from the Proposed Action.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area.</p> <p>The nearest World Heritage Area is the Great Barrier Reef. The border of Great Barrier Reef World Heritage area is approximately 173 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the</p>

	<p>distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
National Heritage places (s15B & 15C)	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area.</p> <p>The nearest National Heritage Place is the Great Barrier Reef. The distance between the proposed action and the nearest border of the National Heritage Place is approximately 173 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth marine environment (s23 & 24A)	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone (EEZ) and Territorial Sea approximately 292 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
Commonwealth action (s28)	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is Defence – Shoalwater Bay Training Area approximately 215 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>

<p>Great Barrier Reef Marine Park (s24B & 24C)</p>	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>The Great Barrier Reef Marine Park is approximately 189 km from the proposed action.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
<p>Commonwealth Heritage places overseas (s27B & 27C)</p>	<p>The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.</p>

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Five public submissions were received on the referral ([Attachment C](#)). The submissions raised issues including the following:

One public submission considers the proposal to be clearly unacceptable, noting that:

- listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
- the proposed action will increase greenhouse gas emissions, contributing to climate change and adversely impacting the environment;
- the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
- the Minister or delegate should not accept the referral under section 74A.

Two public submissions consider the project should be a controlled action, noting that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary.

One public submission considers the proposal should be a controlled action, noting that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
- the proposed action should undergo a full assessment by EIS.

One public submission considers the project should be controlled action, noting that:

- listed threatened species and communities and water resources will likely be significantly impacted;
- the project will have substantial climate impacts.

The department considers that the concerns raised in the public submissions can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that the EIS assessment of the 'coordinated project' by the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians
- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction
- The Hon Keith Pitt MP, Minister for Resources and Water

On 14 December 2021, [s.47F\(1\)](#) responded on behalf of the Hon Angus Taylor MP noting a nil comment on the proposed action ([Attachment D1](#)).

On 21 December 2021, Geoscience Australia responded on behalf of the Hon Keith Pitt MP ([Attachment D2](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Geoscience Australia considers further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

The department notes the concerns raised by Geoscience Australia and considers that, as discussed above, these can be addressed together through the accredited assessment process, which will assess the whole Valeria Project as a single project by the Queensland Government.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) responded on behalf of the Hon Ken Wyatt AM MP ([Attachment D3](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. NIAA recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993*, prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if engagement has not yet commenced;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Brigalow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The department notes the proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A](#)) with the Western Kangoulu People for the overarching Valeria Project.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D4](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In 2019, the Department of Environment and Science (DES) issued information requests for the EA applications, requiring an EIS under the *Environmental Protection Act 1994* (Qld).
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. Although DES noted that the bilateral agreement with the Queensland Government would apply ([Attachment D4](#)), the department notes that the bilateral agreement will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment process specified under Class 2 of the Queensland bilateral agreement cannot proceed.

As such, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act.

Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

- (a) the process is to be carried out under a law of the Commonwealth, State or Territory;
- (b) there are no standards prescribed by the regulations;
- (c) the process will ensure that relevant impacts of the action are adequately assessed;
- (d) the report on the accredited assessment process will provide enough information on the relevant impacts to allow decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS process under Part 4 of the SDWPO Act to be carried out by the CG under Queensland law will address these matters.

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	<p>Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.</p> <p>There are no strategic assessments relevant to the proposed action and the department is not aware of any other relevant information for your consideration.</p>
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at <u>Attachment D4</u> .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *Significant Impact Guidelines 1.3 – Coal seam gas and large coal mining developments* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at Attachment E. The fee schedule (without justifications) at Attachment F will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director

Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assessment Officer

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

14 January 2022

ATTACHMENTS

- A: Referral documentation
- B: ERT Report (dated 9 December 2021)
- C: Public comments
- D: Ministerial comments
- E: Fee schedule (with justifications)
- F: Fee schedule (without justifications)
- G: Decision notice – FOR SIGNATURE
- H: Letters to the proponent & the state – FOR SIGNATURE

Survey Responses

10 December 2021 - 23 December 2021

Referral: EPBC 2021/9078 - Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, QLD

Have Your Say - Agriculture, Water and the Environment

Project: Public comments on EPBC Act referrals



VISITORS					
18					
CONTRIBUTORS			RESPONSES		
5			5		
0	0	5	0	0	5
Registered	Unverified	Anonymous	Registered	Unverified	Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 15:56:03 pm**Last Seen:** Dec 21, 2021 15:56:03 pm**IP Address:** n/a

Q1. Name	Environment Council of Central Queensland
Q2. Email address	s 47F(1)
Q3. Do you consider this is a controlled action?	Yes
Q4. Provide reasons for why you believe this is/is not a controlled action.	<p>Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.</p>
Q5. Do you have any attachments you wish to upload to support your feedback?	No
Q6. Upload your file using the 'choose file' button.	not answered
Q7. Upload your file using the 'choose file' button.	not answered
Q8. Upload your file using the 'choose file' button.	not answered
Q9. Upload your file using the 'choose file' button.	not answered
Q10. Upload your file using the 'choose file' button.	not answered
Q11. Is your response confidential?	No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Dec 21, 2021 16:21:35 pm**Last Seen:** Dec 21, 2021 16:21:35 pm**IP Address:** n/a

Q1. **Name** s 47F(1) Lock the Gate Alliance

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Therefore we consider the project should be a controlled action for threatened species and communities.

Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project.

Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Environmental Impact Statement As a result of the massive scale of this project and the severe impacts it is likely to have a full EIS should be required for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this privacy notice. Yes

Q14. Confirm that you have read and understand this declaration. Yes

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Dec 22, 2021 14:39:01 pm**Last Seen:** Dec 22, 2021 14:39:01 pm**IP Address:** n/a

Q1. **Name** s 47F(1)

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

The project would impact on species and endangered ecological communities of national significance and important water resources. Furthermore, the project will have substantial climate impacts with large scope 1, 2 and 3 emissions. The economic benefits of any new coal project are dubious. Climate policy and cheap renewable energy are placing downward pressure on coal demand. Existing Australian coal mines are likely to be able to supply domestic and export demand for decades. Australia Institute research has shown this to be the case in NSW and Queensland is likely to be similar. Link: <https://australiainstitute.org.au/report/mind-the-gaps/>.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. **Please specify the parts of your response that are confidential**

not answered

Q13. **Confirm that you have read and understand this privacy notice.** Yes

Q14. **Confirm that you have read and understand this declaration.** Yes

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 16:49:00 pm**Last Seen:** Dec 23, 2021 16:49:00 pm**IP Address:** n/a

- Q1. **Name** Australian Conservation Foundation Incorporated
-
- Q2. **Email address** s.47F(1) @acf.org.au
-
- Q3. **Do you consider this is a controlled action?** Yes
-
- Q4. **Provide reasons for why you believe this is/is not a controlled action.**
Please see two letters attached.
-
- Q5. **Do you have any attachments you wish to upload to support your feedback?** Yes
-
- Q6. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/1f7d55af92b89a458cf1a2164a206b3854a993fc/original/1640238496/5b5b7fee1c06fef1868d7f940c9aaba2_211223_Lttr_to_Minister_re_Valeria_Project_2021-9078.pdf?1640238496
-
- Q7. **Upload your file using the 'choose file' button.** https://s3-ap-southeast-2.amazonaws.com/ehq-production-australia/bbe696d910b2d95ffae46899553295e71fc64ddc/original/1640238512/f4fede00554c646f118cd8f10010c2ae_211223_EDO_Ltr_re_ACF_Submission_re_Valeria_2021-9077.pdf?1640238512
-
- Q8. **Upload your file using the 'choose file' button.** not answered
-
- Q9. **Upload your file using the 'choose file' button.** not answered
-
- Q10. **Upload your file using the 'choose file' button.** not answered
-
- Q11. **Is your response confidential?** No
-
- Q12. **Please specify the parts of your response that are confidential**
not answered
-
- Q13. **Confirm that you have read and understand this privacy notice.** Yes
-
- Q14. **Confirm that you have read and understand this declaration.** Yes
-

**Respondent No:** 5**Login:** Anonymous**Email:** n/a**Responded At:** Dec 23, 2021 19:30:50 pm**Last Seen:** Dec 23, 2021 19:30:50 pm**IP Address:** n/a

Q1. **Name** CQ Futures Ltd.

Q2. **Email address** s 47F(1)

Q3. **Do you consider this is a controlled action?** Yes

Q4. **Provide reasons for why you believe this is/is not a controlled action.**

Threatened species and communities We note that the proponent has acknowledged that the project is likely to have a significant impact on species and communities. However, Glencore have identified in the EPBC referral that given the disturbance footprint has not been finalised at this stage, a significant impact assessment using the MNES significant impact guidelines 1.1 (DE 2013) has not been carried out in determining the presence of, or likelihood of impacts to threatened species and communities on site. Therefore to determine whether a threatened species or community should be referred, Glencore have only undertaken their own likelihood of occurrence assessment, using their own likelihood assessment criteria that has NOT been developed by the Department of Agriculture, Water and the Environment (DAWE). The justifications presented around not including certain threatened species and communities in the referral appear to only consider whether the species or community was observed during the Glencore sanctioned field survey efforts. The justifications provided do not comment on whether other records were found from the desktop assessment of previous ecological studies within and surrounding the project area, environmental databases or scientific literature. Therefore, we consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary. Migratory species Four of the species listed in the referral have been identified in the Protected Matters Search Tool report to be 'known to occur' within the project area (Latham's Snipe, Eastern Osprey, Rufous Fantail and Satin Flycatcher). The Glencore likelihood assessment also indicated that suitable breeding and foraging habitat for all four of these species was observed to be present at the site during the field surveys. Accordingly, the referral should indicate the potential significant impact to these species that is likely to occur due to the destruction of this habitat, and the presence of the mining activities occurring within the known migratory route of these species over a 35+ year period. Migratory species should therefore be considered a controlling provision for the project. Water Resource from coal seam gas or large coal developments The scale and impact of the proposed development is likely to have a major impact on water resources, and water resources should be a controlling provision for the project.

Q5. **Do you have any attachments you wish to upload to support your feedback?** No

Q6. **Upload your file using the 'choose file' button.** not answered

Q7. **Upload your file using the 'choose file' button.** not answered

Q8. **Upload your file using the 'choose file' button.** not answered

Q9. **Upload your file using the 'choose file' button.** not answered

Q10. **Upload your file using the 'choose file' button.** not answered

Q11. **Is your response confidential?** No

Q12. Please specify the parts of your response that are confidential

not answered

Q13. Confirm that you have read and understand this Yes
privacy notice.

Q14. Confirm that you have read and understand this Yes
declaration.

Ref 101/0003868

21 December 2021

s. 22(1)(a)(ii)

Director

Environment Queensland (North)

Environment Assessments Queensland and Sea Dumping

Department of Agriculture, Water and the Environment

GPO Box 858

CANBERRA ACT 2601

Dear s. 22(1)(a)(ii)

Invitation to comment on referrals:

- **EPBC 2021/9074 – Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD**
- **EPBC 2021/9075 – Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD**
- **EPBC 2021/9076 – Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD**
- **EPBC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD**
- **EPBC 2021/9078 – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD**

Thank you for your letters dated 10 December 2021 requesting advice on whether the above actions should be assessed in a manner described in Schedule 1 of the Agreement between the Commonwealth of Australia and the State of Queensland (the Bilateral Agreement) developed under Section 45 of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Business Centre (Coal), Coal and Central Queensland Compliance within the Department of Environment and Science advised the following:

- In 2019, Glencore submitted two applications for a site-specific Environmental Authority (EA) for Valeria and Valeria South Coal Projects.
- Separate EA applications were required due to the different holding company structures of the associated tenures.
- An information request was issued in 2019 for both applications, requiring an EIS under the *Environmental Protection Act 1994*.
- In June 2020, the Valeria project was declared a Coordinated project under the *State Development and Public Works Organisation Act 1971* (SDPWO Act).
- A joint EIS for both Valeria and Valeria South coal projects (jointly referred to as the Valeria coal project) is required under the SDPWO Act.

- The application materials for Valeria and Valeria South did not include the co-located infrastructure corridor or the construction workers accommodation camp the subject of the referral (EPBC 2021/9078).
- If the application materials are updated to include the infrastructure the subject of the EPBC referral, any considerations under the *Environmental Offsets Act 2014* and its subordinate legislation will be dealt with during the EIS process.
- If the application material is updated to include the co-located infrastructure corridor and construction workers accommodation camp, and DAWE determines that the project is a 'controlled action', potential impacts and proposed mitigation and management measures should be assessed via the EIS Bilateral Agreement.

The Office of the Coordinator-General (OCG) within the Queensland Department of State Development, Infrastructure, Local Government and Planning has advised that on 12 June 2020, the Coordinator-General declared the Valeria Project as a coordinated project under Part 4 of the SDPWO Act. Consequently, in accordance with clause 12.2 of the Bilateral Agreement, the above actions will be assessed using the environmental impact statement (EIS) process under Part 4 of the SDPWO Act. This assessment process falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

The OCG noted that the scope of the project described in the EPBC referrals is different to that described in the Initial Advice Statement (on which coordinated project declaration was based). The OCG is currently working with Glencore to understand how substantial these project changes are. The Queensland contact officer at the OCG is as follows:

s 47F(1)

Project Manager

Office of the Coordinator-General

Department of State Development, Infrastructure, Local Government and Planning

Level 17, 1 William Street, Brisbane QLD 4000

PO Box 15517, City East QLD 4002

Phone: s 47F(1)

Email: s 47F(1)

Should you have any further enquiries, please contact me on telephone s. 47F(1)

Yours sincerely

s 47F(1)

Chris Loveday

Director, Technical and Assessment Services



**Resources Stewardship and Environment
Resources Strategy Branch
Resources Division
Department of Industry, Science, Energy and Resources**

Cnr Jerrabomberra Avenue
and Hindmarsh Drive,
Symonston ACT 2609
GPO Box 378,
Canberra, ACT 2601 Australia
Phone: +61 2 6249 9111
Facsimile: +61 2 6249 9999
Web: www.ga.gov.au
ABN 80 091 799 039

21 December 2021

Attn: s. 22(1)(a)(ii)

Re: Invitation to comment on referral 2021/9077 | Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD and related referrals for integral infrastructure for mining operations (2021/9074, 2021/9075, 2021/9076 and 2021/9078).

I refer to your request for comments dated 10 December 2021 on the referrals by Valeria Coal Holdings Pty Ltd (the Proponent) for the Valeria Project mine site (the Project) and related associated actions necessary for mining operations.

Geoscience Australia has individually assessed each related action in our combined response for the five referrals. Geoscience Australia has reviewed the referral information, particularly as it relates to sections 24D and 24E (the water trigger) of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), with attention to potential impacts to groundwater resources and other technical geoscience or geotechnical factors.

Table 1: EPBC referrals related to the Valeria Project (EPBC 2021/9077) and associated actions and self-assessment against water trigger MNES considerations.

EPBC Number	Title	Likely impact to water resources	Is the impact likely to be significant?
2021/9077	Valeria Project – mine site, on-site construction workers accommodation camp and mine access road, Gordonstone, QLD	Yes	Yes
2021/9074	Valeria Project Communications Infrastructure from the Gregory Highway to the mine site, Gordonstone, QLD	Yes	Yes
2021/9075	Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Gordonstone, QLD	Yes	Yes
2021/9076	Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain, Gordonstone, QLD	Yes	Yes
2021/9078	Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, Gordonstone, QLD	Yes	Yes

Summary

The Proponent has self-assessed that the Project and associated actions are likely to have a significant impact on water resources, and as such constitute controlled actions. Referrals for the

associated actions contain information that can be used to assess the potential impacts to matters protected under Sections 24D and 24E of the EPBC Act (Table 1 and Table 2). Groundwater monitoring, modelling and geochemical characterisation of water material will be undertaken for the Project Environmental Impact Statement (EIS) in accordance with the significant impact guidelines.

The Proponent has split the Project and associated actions into five separate referrals for commercial reasons. The Proponent states that five referrals "...have been submitted for the components...to enable potential future transfer of approvals to third party providers, to own, construct and operate the respective assets."¹ In splitting the Project and associated actions, but also identifying that all actions meet the water trigger, the Proponent has acknowledged that each individual action meets the criteria for assessment against the water trigger.

Background

The Project is an open cut metallurgical and thermal coal mine located approximately 27 kilometres north-west of Emerald, 8 km south-west of Capella and 270 km west of Rockhampton. The Project is expected to produce up to 20 Million tonnes per annum (Mtpa) of Run of Mine (ROM) coal over an operational life of approximately 35 years, from a total recoverable coal resource of 594 million tonnes (Mt). ROM coal will result in approximately 14–16 Mtpa saleable coal. A total of five EPBC Act Referrals have been submitted for the components of the Project (Table 1). The Proponent as identified potential impacts to groundwater resources for the Project and associated actions (Table 2).

Table 2: Potential groundwater impacts for the Project and associated actions (from Section 2.9 of each referral).

EPBC Number	Potential groundwater impacts
2021/9077	<p>The Proposed Action will have the potential to impact on groundwater, stygofauna and GDEs through:</p> <ul style="list-style-type: none"> • Changes to groundwater levels and/or pressure, reducing water availability and potentially impacting surrounding users • Changes to groundwater levels impacting the ability for GDEs to access groundwater and impacting stygofauna habitat • Reduction of baseflow to watercourses, potentially resulting in impacts to GDEs and downstream users • Contamination of shallow groundwater systems due to the improper storage and handling of fuels and chemicals • Changes in groundwater quality through seepage from out-of-pit dumps, in-pit or out-of-pit tailings disposal, and mine affected water storage dams. • Changes to levels and/or quality of shallow groundwater systems from over-use of water for dust suppression and construction activities
2021/9074	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>
2021/9075	<p>Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.</p>

¹ Page 1, "EBPC 2021/9077 – Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5" http://epbcnotices.environment.gov.au/_entity/annotation/1870a88f-9358-ec11-80cf-00505684c137/a71d58ad-4cba-48b6-8dab-f3091fc31cd5?t=1640037965127

EPBC Number	Potential groundwater impacts
2021/9076	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.
2021/9078	Potential impacts from the Proposed Action on groundwater are expected to be limited to construction activities. Potential impacts that may require management and mitigation controls could include localised groundwater drawdown from surface cuttings that intersect shallow aquifers, groundwater seepage from cuttings entering drainage lines or watercourses, and/or potentially contaminated surface water entering groundwater systems.

The Project will include clearing approximately 4480 ha, and the potential for increased fauna mortality, including MNES fauna. Groundwater drawdown caused by the establishment of open pit operations has potential to impact subsurface and terrestrial environments where they are connected to impacted aquifers. Within the mine site, the following mine infrastructure is proposed:

- Six open cut pits
- ROM pad, hopper and stockpiles
- Coal Handling and Preparation Plant (CHPP) and Mine Infrastructure Area (MIA)
- Tailings Storage Facilities (TSF)
- Out-of-pit and in-pit waste rock dumps
- Water storage dams
- Mine affected water dams
- Train load-out (TLO)
- Internal haul roads and light vehicle access roads
- Office buildings and amenities
- Sewage treatment facilities
- On-site construction workers accommodation camp
- Power and communications infrastructure

This infrastructure will support the following activities associated with the mine site:

- Blasting and drilling of waste rock
- Excavation of on-site rock material to produce gravel and construction fill materials for use in construction of mine related and transport infrastructure
- Placement of waste rock in out-of-pit waste rock dumps and in-pit when mine sequencing allows
- Staged development of six open cut pits and ROM stockpiles
- Progressive development of water storage, transfer and sediment dams, levees, pipelines, pumps and other water management infrastructure;
- Disposal of tailings within the out of pit and in pit TSFs
- Disposal of rejects within put of pit and in pit waste rock dumps
- Progressive rehabilitation of the mine site

Referral documentation for the Project and associated actions does not provide estimates of groundwater drawdown. The only information about post-closure and rehabilitation impacts is limited to a commitment to fill pit voids with waste rock. The Proponent will provide details of closure and post-closure in the Progressive Rehabilitation and Closure Plan (PRCP) as part of the EIS submission.

Coal Resources

The Valeria Project contains recoverable black coal equivalent to 369 Mt, comprising less than 1% of the national inventory of Economic Demonstrated Resources (EDR). The Valeria Project contains

additional recoverable Inferred Resources equivalent to 225 Mt, comprising less than 1% of the national inventory of Inferred Resources (Table 3).

Table 3: World and Australian recoverable black coal resources and comparisons with the Valeria Project.

Region/Deposit	EDR		Inferred Resources	
	(Mt)	(% Aust.)	(Mt)	(% Aust.)
World Black Coal	749,167			
Australia Recoverable Black Coal	75,428		84,097	
Valeria Project	369	<1	225	<1

Abbreviations: EDR - Economic Demonstrated Resources; Mt - million tonnes.

Sources: Australia's Identified Mineral Resources 2020, Glencore Resources and Reserves as at 31 December 2020.

Comments

The Proponent has provided minimal information and modelling of potential impacts to groundwater resources by the Project and associated actions (Table 2). Given the size and nature of the Project, Geoscience Australia sees no reason to disagree with the Proponent's self-assessment of the Project being a controlled action, with the water trigger as a controlling provision. Geoscience Australia expects more detail to be included in the EIS for the Project. Geoscience Australia notes that the Project is likely to contribute to cumulative impacts to water resources arising from coal mining in the region.

As the Proponent has identified that the associated actions are considered part of the Project's requirements for coal extraction. To that end, the Proponent considers that the Project and associated actions are likely to meet the criteria for consideration under the water trigger. Geoscience Australia considers this to be a pragmatic approach, and encourages the Department to assess all actions together to optimise the assessment process, and ensure all actions are treated with due consideration.

If you have any queries on our comments, please contact me on **s 47F(1)** or by email to **s 47F(1)**

Kind regards,

s 47F(1)

s 47F(1)

A/g Director - Groundwater Advice and Data Section
Advice, Investment Attraction and Analysis Branch
Minerals, Energy and Groundwater Division
Geoscience Australia

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Tuesday, 14 December 2021 10:55 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9078) Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, QLD [SEC=OFFICIAL]

Hi ^{s. 22(1)(a)(ii)}, FYI.
Cheers
^{s. 22(1)(a)(ii)}

From: energystategicpolicy <energystategicpolicy@industry.gov.au>
Sent: Tuesday, 14 December 2021 10:44 AM
To: s. 22(1)(a)(ii) @environment.gov.au
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystategicpolicy <energystategicpolicy@industry.gov.au>; EPBC Referrals <EPBC.Referrals@awe.gov.au>
Subject: RE: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9078) Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, QLD [SEC=OFFICIAL]

Good morning,

Thank you for providing the opportunity to comment on this referral.

Please be advised of a nil response from Minister Taylor.

Kind regards,

s. 47F(1)

s. 47F(1)
Governance Officer

Energy Division | Energy Governance | Governance and Secretariat
Ngunnawal Country, 51 Allara Street (GPO Box 2013) Canberra ACT 2601 Australia
Department of Industry, Science, Energy and Resources
P 02 62 s. 47F(1) | s. 47F(1) | E s. 47F(1) @industry.gov.au

industry.gov.au ABN 74 599 608 295

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Acknowledgement of Country

Our department recognises the First Peoples of this nation and their ongoing connection to culture and country. We acknowledge First Nations Peoples as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.



OFFICIAL

From: EPBC Referrals [<mailto:EPBC.Referrals@awe.gov.au>]
Sent: Friday, 10 December 2021 9:00 AM
To: angus.taylor.mp@aph.gov.au
Cc: DLO Taylor <DLOTaylor@industry.gov.au>; energystrategicpolicy <energystrategicpolicy@industry.gov.au>
Subject: Invitation to comment on Referral – Industry, Energy and Emissions Reduction (EPBC 2021/9078) Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5, QLD [SEC=OFFICIAL]



Australian Government
**Department of Agriculture,
Water and the Environment**

The Hon Angus Taylor MP
Minister for Industry, Energy and Emissions
Reduction
Parliament House
CANBERRA ACT 2600

Date: 10 December 2021
EPBC Ref: 2021/9078
EPBC contact: **s. 22(1)(a)(ii)**
(02) 62^{s. 22(1)(a)(ii)}
s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

Dear Minister,

**Invitation to comment on referral
Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act
Referral 4 of 5, Gordonstone, QLD**

The Department of Agriculture, Water and the Environment (the Department) has received a referral of a proposed action from Valeria Coal Holdings Pty Ltd to construct powerline infrastructure extending from the MIA within the mine site east to the Gregory Highway, then south to join the Ergon powerline at the Lilyvale Road turn-off from Gregory Highway in Gordonstone, Queensland, for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Department is currently undertaking an assessment to decide whether this proposed action requires approval under the EPBC Act before it can proceed. The referral may be viewed or copied from the Department's website, www.environment.gov.au/epbc.

I am writing to invite you to provide any relevant information as to whether you consider the proposed action is likely to have a significant impact on any of the matters protected under the EPBC Act.

In accordance with the EPBC Act, we need to receive your response by **23 December 2021** Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send information to the Department:

by letter **s. 22(1)(a)(ii)**
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
GPO Box 858
CANBERRA ACT 2601

by email **s. 22(1)(a)(ii)** [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)

If you have any questions about this process, please contact s. 22(1)(a)(ii) and quote EPBC 2021/9078.

For your information, the Department has published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines its commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at:

<https://www.awe.gov.au/about/commitment/client-service-charter>.

Yours sincerely

s. 22(1)(a)(ii)

A/g Director

Referrals Gateway

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)
Sent: Friday, 24 December 2021 9:03 AM
To: s. 22(1)(a)(ii)
Subject: FW: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

From: Gray, Lauren <Lauren.Gray@niaa.gov.au>
Sent: Thursday, 23 December 2021 9:44 PM
To: s. 22(1)(a)(ii) @awe.gov.au
Cc: s. 22(1)(a)(ii) @environment.gov.au; Environment Policy <EnvironmentPolicy@niaa.gov.au>; Heritage <Heritage@niaa.gov.au>; s. 47F(1)
Subject: NIAA comments (EPBC 2021/9074, 2021/ 9075, 2021/9076, 2021/9077, 2021/9078) Valeria Project, Qld. [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)
Director
Environment Queensland (North)
Environment Assessments Queensland and Sea Dumping
Department of Agriculture, Water and the Environment
s. 22(1)(a)(ii) @environment.gov.au

Dear s. 22(1)(a)(ii)

Thank you for the emails of 10 December 2021 inviting comments on the five referrals for proposed action by Valeria Coal Holdings Pty Ltd (Valeria) to construct and operate a coal mine in Gordonstone Queensland. The projects include the construction and operation of an open cut metallurgical and thermal coal mine with associated infrastructure (EPBC 2021/9077). We note the associated infrastructure includes the development of an infrastructure corridor along which the proponent is proposing to install water supply pipeline infrastructure (EPBC 2021/9075), communications infrastructure (EPBC 2021/9074), railway infrastructure which will be extended to connect with the Aurizon Goonyella Coal Chain (Oak Creek) rail network (EPBC 2021/9076), and power infrastructure, including construction of a 36km 66 kilovolt power line connected to a substation to be constructed onsite (EPBC 2021/9078).

The National Indigenous Australians Agency (NIAA) notes that Valeria elected to create five separate referrals for the mine due to future potential transfer of approvals to third parties service providers to own, construct and operation the respective assets. As our comments apply to all five referrals, a consolidated response is provided.

The NIAA notes the project area is within the Kangoulu People and Western Kangoulu People's Native Title claim areas. Due to the differences in land tenure over the project area, the NIAA recommends the proponent seek advice from the Queensland Government as to whether any future act process apply under the *Native Title Act 1993* prior to commencing work.

We note and commend the proponent for undertaking thorough and ongoing engagement with the Western Kangoulu People. Engagement has included discussions regarding development of a Native Title Agreement, a Cultural Heritage Management Plan (CHMP) and the undertaking of surveys for cultural

heritage values. We further note that the proponent continues to meeting periodically with the Western Kangoulu People.

Four of the five referrals state that the second Traditional Owner has yet to be identified, however referral 2021/9076 identified the Kangoulu People as the other Native Title Group relevant to the project. All referrals have committed to engagement with the Kangoulu People upon identification, however it is unclear if this engagement has occurred as yet. The NIAA recommends that if it has not already done so, the proponent engage with the Kangoulu people as soon as possible. We note that the referrals state that engagement with the second Native Title group will include discussions regarding development of a Native Title Agreement, a CHMP and cultural heritage surveys.

Consultation with both Native Title Groups should include joint development of protocols for the identification, protection and management of both tangible and intangible values **that may emerge throughout all phases of the life of the project**. The NIAA recommends these protocols be formalised in the CHMPs. We also encourage the proponent to undertake ongoing consultation with all Traditional Owners and Indigenous stakeholders relevant to the project.

We note that a search of the Queensland Cultural Heritage Database and Register was undertaken for all elements of the project, supported by on-ground cultural heritage surveys. We note that the database search did not identified any registered sites or heritage values, however the cultural surveys identified Indigenous cultural heritage values within the mining site and two artefacts scatters within the eastern portion of the project area. We note there are plans to undertake targeted surveys of the eastern portion of the site in early 2022.

It is unclear from the referrals if the Traditional Owners were involved with the on-ground surveys, or if the proponent intends to engage the Traditional Owners for the 2022 surveys. The NIAA recommends the proponent engage the Western Kangoulu People regarding the completed surveys and include the Kangoulu People in the 2022 surveys, to ensure Traditional Owner views and knowledge is thoroughly captured.

In addition, the NIAA notes the proposed action is likely to have direct and indirect impacts on a number of threatened flora, fauna, ecological communities and migratory species that may have cultural significance to Traditional Owners. This includes potential impacts to the Koala, Greater Glider, bluegrass and the Brigalow ecological community, along with other species listed in the referral. The NIAA recommends the proponents include consultation on these and any other intangible values in their collaboration with Traditional Owners in developing the CHMPs.

The NIAA also encourages consultation with the Traditional Owners to explore involvement in cultural awareness training, as well as the planning and management of future decommissioning and site rehabilitation.

Finally, the NIAA supports the engagement of Indigenous employees and businesses to help fully realise the economic benefit and value of the project to local Indigenous people. The NIAA encourages Valeria to consider opportunities for engaging Traditional Owners in the project. The proponent may also wish to consult Supply Nation, which maintains a free online directory that can identify suitable Indigenous businesses, to support Indigenous participation targets under this project. It may also be useful to connect with local Job active providers, Vocational Training and Employment Centres and other employment providers to connect to Indigenous jobseekers as part of this project.

Yours sincerely,

Lauren Gray
Branch Manager

Land Policy and Environment Branch
National Indigenous Australians Agency

23 December 2021

IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9078

Project title: Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, Qld

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$5,871	\$0	\$9,832
Stage 2	\$3,655	\$9,296	\$0	\$12,951
Stage 3	\$2,175	\$9,786	\$34,949 (Estimate)	\$46,910 (Estimate)
Stage 4	\$8,355	\$23,976	\$34,949 (Estimate)	\$67,280 (Estimate)
TOTAL PROJECT COST	\$18,146	\$48,931	\$69,898 (Estimate)	\$136,975 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

	COMPLEXITY	FEE
CONTROLLING PROVISIONS		
Listed threatened species and ecological communities	Very High	
A At least 15 listed threatened species and ecological communities will require further assessment, including the Brigalow (Acacia harpophylla dominant and co-dominant) community and the Koala (Phascolarctos cinereus).		\$48,931
B Listed migratory species	None	\$0
Not applicable.		
C Wetlands of international importance	None	\$0
Not applicable.		
D Environment of the Commonwealth marine area	None	\$0
Not applicable.		
E World heritage properties	None	\$0
Not applicable.		
F National heritage places	None	\$0
Not applicable.		
Part A Fees G Nuclear actions	None	\$0
Not applicable.		
H Great Barrier Reef Marine Park	None	\$0
Not applicable.		
I Water Resources	None	\$0
Not applicable.		
J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None	\$0
Not applicable.		
NUMBER OF PROJECT COMPONENTS		
K Number of project components	Low	\$0
The proposed action involves the construction and operation of a 66kv powerline.		
COORDINATION WITH OTHER LEGISLATION		
Coordination with other legislation	Low	
L The proposed action will be assessed by accredited assessment process under the State Development and Public Works Organisation Act 1971 (Qld) by the Queensland Government.		\$0

		COMPLEXITY	FEE
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE			
	Site surveys/Knowledge of environment	High	
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Surveys were undertaken between 2019 and 2021. The referral states that further surveys will be undertaken once the disturbance footprint is finalised. The department considers that further surveys are required to inform the habitat and impact assessment for listed threatened species and communities.		\$34,949
	Management measures (including mitigation and offsets)	High	
	N The referral states that further assessments will be undertaken to inform the site layout and placement of infrastructure to avoid and mitigate potential impacts to MNES. Further detail on these measures is required.		\$34,949
	O Project scope	Low	\$0
	N/A		
EXCEPTIONAL CIRCUMSTANCES			
Exceptional circumstances	P Exceptional circumstances	False	\$0
	N/A		
TOTAL COMPLEXITY FEES (Estimate)			\$118,829
BASE FEE			\$18,146
TOTAL FEE (Estimate)			\$136,975

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)



Australian Government
**Department of Agriculture,
 Water and the Environment**

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2021/9078

Project title: Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, Qld

Assessment method: Bilateral Agreement / Accredited Assessment Process

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$3,961	\$5,871	\$0	\$9,832
Stage 2	\$3,655	\$9,296	\$0	\$12,951
Stage 3	\$2,175	\$9,786	\$34,949 (Estimate)	\$46,910 (Estimate)
Stage 4	\$8,355	\$23,976	\$34,949 (Estimate)	\$67,280 (Estimate)
TOTAL PROJECT COST	\$18,146	\$48,931	\$69,898 (Estimate)	\$136,975 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

		COMPLEXITY FEE	
	CONTROLLING PROVISIONS		
	A Listed threatened species and ecological communities	Very High	\$48,931
	B Listed migratory species	None	\$0
	C Wetlands of international importance	None	\$0
	D Environment of the Commonwealth marine area	None	\$0
	E World heritage properties	None	\$0
	F National heritage places	None	\$0
	G Nuclear actions	None	\$0
Part A Fees	H Great Barrier Reef Marine Park	None	\$0
	I Water Resources	None	\$0
	J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None	\$0
	NUMBER OF PROJECT COMPONENTS		
	K Number of project components	Low	\$0
	COORDINATION WITH OTHER LEGISLATION		
	L Coordination with other legislation	Low	\$0
	ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE		
Part B Fees: estimate	M Site surveys/Knowledge of environment	High	\$34,949
(to be confirmed prior to Stage 3)	N Management measures (including mitigation and offsets)	High	\$34,949
	O Project scope	Low	\$0
	EXCEPTIONAL CIRCUMSTANCES		
Exceptional circumstances	P Exceptional circumstances	False	\$0
	TOTAL COMPLEXITY FEES (Estimate)		\$118,829
	BASE FEE		\$18,146
	TOTAL FEE (Estimate)		\$136,975

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees**DOCUMENT 70**

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

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Extension to approval expiry date (\$2,690)

**NOTIFICATION OF
REFERRAL DECISION AND DESIGNATED PROPONENT – CONTROLLED ACTION
DECISION ON ASSESSMENT APPROACH – ACCREDITED ASSESSMENT**

Referral Decision Brief - Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, QLD (EPBC 2021/9078)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To construct and operate overhead 66 kv powerlines and associated infrastructure to connect at the Ergon powerline at Lilyvale Road 36 km to the Valeria Mine site, approximately 34 km north-west of Emerald, central Queensland (see EPBC Act 2021/9078).
decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
relevant controlling provisions	Listed threatened species and communities (sections 18 & 18A)
designated proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701
assessment approach	The project will be assessed by accredited assessment under the <i>Queensland State Development and Public Works Organisation Act 1971</i> .
Decision-maker	
name and position	Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch
signature	
date of decision	January 2022

Quality Assurance Checklist – Referral Brief

Reviewing Officer (may be assessment officer, clearing officer or peer reviewer)

Name: s. 22(1)(a)(ii)

Signatures: s. 22(1)(a)(ii)

Date: 11 January 2022

Note: Assessment officer to fill out sections shaded YELLOW. Reviewing officer to complete all other sections.

Project: Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, QLD						
EPBC No: 2021/9078		Assessment officer: s. 22(1)(a)(ii)		Due Date: 17 January 2022		
General requirements		Brief	Decision Notice		Letters	
		(tick or circle)				
Correct templates used		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Template version numbers: (assessment officer to insert version numbers)						
EPBC reference number correct and used consistently		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Title of the action consistent		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The ACN (or ABN if no ACN) is listed and correct		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
The designated proponent (CA)/person proposing the action (NCA or NCA-PM) is correct. Needs to be a 'person' for the purposes of the EPBC Act.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Description of the proposal is an accurate reflection of what is in the referral and encompasses all proposed activities		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Statutory deadline consistent with database record		<input checked="" type="checkbox"/>				
Signature blocks and dates are correct		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
List of attachments is correct		<input checked="" type="checkbox"/>				
All dates mentioned accord with records		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
All species references use SPRAT scientific names (first time that they are used)		<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Material used to prepare briefing is listed		<input checked="" type="checkbox"/>	N/A			
Public comments are included and issues raised in public comments are addressed (s75(1A))		<input checked="" type="checkbox"/>	N/A			
Legal advice is included (if advice has been sought)		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>		
Line area advice is included (if advice has been sought)		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>		
All line areas consulted are clearly identified		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>		
Comments from Commonwealth and State/Territory Ministers are included and addressed		<input checked="" type="checkbox"/>	N/A			
Additional information requests (stop clocks) are discussed and briefing package and additional information attached		<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>		
Current ERT Report included		<input checked="" type="checkbox"/>		Date of ERT Report: 9 December 2021		

Compliance, monitoring and auditing fact sheet is attached (for NCA and NCA-PM)	N/A				N/A	
Identifies the protected matters potentially impacted by the proposed action and provides clear reasons why significant impacts are likely/not likely	<input checked="" type="checkbox"/>					
Recommendations on significance are based on EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (2013) and relevant referral guidelines	<input checked="" type="checkbox"/>					
Considers all adverse impacts the action has, will have or is likely to have on matters protected by each provision of Part 3 ((s.75)(2)(a))	<input checked="" type="checkbox"/>					
Does not consider any beneficial impacts the action has, will have or is likely to have on matter protected by each provision of Part 3 ((s.75)(2)(b))	<input checked="" type="checkbox"/>					
States that the decision maker must take account of the precautionary principle, and the precautionary principle is discussed as appropriate to recommendations of significance	<input checked="" type="checkbox"/>					
Bioregional plans are included and discussed (where relevant)	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>				
Check listing status of all listed species potentially significantly impacted by the proposed action. Ensure correct listing statuses are used in the brief	<input checked="" type="checkbox"/>	N/A	Date of check against SPRAT:			
BCD (Species Listing Information & Policy Section) weekly report is consulted to confirm imminent listing events or delistings (if required)	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Date of weekly report:			
BCD (Species Listing Information & Policy Section) line area advice included on recent and pending listing decisions (if required)	<input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Date of advice received:			
NCA-PM decision	Brief		Decision Notice		Letters	
Wording of the proposed particular manner(s) clearly describe(s) the way in which the action must be undertaken to avoid significant impacts to protected matters, and accurately reflects the intent in the referral information			<input type="checkbox"/>			
Proposed particular manner(s) checked by Post Approvals Section	<input type="checkbox"/>					
CA decision	Brief		Decision Notice		Letters	
All controlling provisions have been identified	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
State/territory comments included and addressed where relevant to recommending an appropriate assessment approach (s87(3)(c))	<input checked="" type="checkbox"/>					
Has a recommendation on an approach for assessment (s.87) (do not include where bilateral agreement applies, or decision on assessment approach is deferred)	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A
Cost recovery fee schedule included	<input checked="" type="checkbox"/>	N/A			<input checked="" type="checkbox"/>	

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

2021-9078 ERT-Report-10km

Report created: 09/12/2021 11:11:27

[Summary](#)

[Details](#)

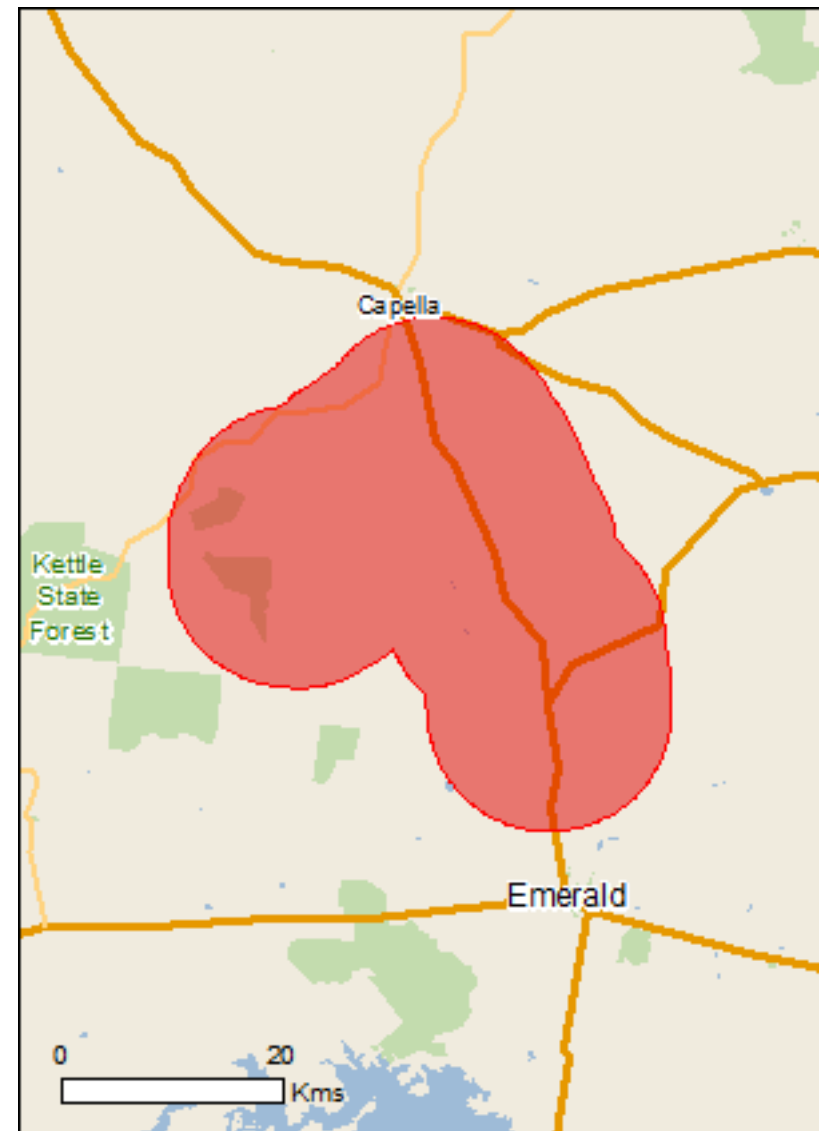
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA Australia Limited



Summary

Matters of National Environment Significance

World Heritage Properties:	None
National Heritage Places:	None
Ramsar Wetlands:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Threatened Ecological Communities:	4
Threatened Species:	23
Migratory Species:	10

Other Matters Protected by the EPBC Act

Commonwealth Lands:	None
Commonwealth Heritage Places:	None
Listed Marine Species:	15
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	1
Regional Forest Agreements:	None
Invasive Species:	19
Nationally Important Wetlands:	None
EPBC Act Referrals:	8
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Threatened Ecological Communities

[\[Resource Information \]](#)

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Disallowed and Ineligible are not MNES under the EPBC Act.

Name	Status	Type of Presence
Brigalow (Acacia harpophylla dominant and co-dominant)	Endangered	Community known to occur within area
Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin	Endangered	Community likely to occur within area
Poplar Box Grassy Woodland on Alluvial Plains	Endangered	Community likely to occur within area
Weeping Myall Woodlands	Endangered	Community likely to occur within area

Threatened Species

[\[Resource Information \]](#)

Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.

Number is the current name ID.

Current Scientific Name	Status	Type of Presence
BIRD		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area
Erythrotriorchis radiatus Red Goshawk [942]	Vulnerable	Species or species habitat known to occur within area
Falco hypoleucos Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur within area

Current Scientific Name	Status	Type of Presence
<small>LEX-26241</small> Geophaps scripta scripta Squatter Pigeon (southern) [64440]	<small>DOCUMENT 73</small> Vulnerable	Species or species habitat likely to occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
Neochmia ruficauda ruficauda Star Finch (eastern), Star Finch (southern) [26027]	Endangered	Species or species habitat likely to occur within area
Poephila cincta cincta Southern Black-throated Finch [64447]	Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area
MAMMAL		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat may occur within area
Dasyurus hallucatus Northern Quoll, Digul [Gogo-Yimidir], Wijingadda [Dambimangari], Wiminji [Martu] [331]	Endangered	Species or species habitat may occur within area
Nyctophilus corbeni Corben's Long-eared Bat, South-eastern Long-eared Bat [83395]	Vulnerable	Species or species habitat may occur within area
Phascolarctos cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat likely to occur within area
PLANT		
Cadellia pentastylis Ooline [9828]	Vulnerable	Species or species habitat may occur within area
Dichanthium queenslandicum King Blue-grass [5481]	Endangered	Species or species habitat known to occur within area

[Dichanthium setosum](#)

bluegrass [14159]

Vulnerable

Species or species habitat likely to occur within area

[Solanum orgadophilum](#)

Capella Potato Bush [89185]

Critically Endangered

Species or species habitat known to occur within area

REPTILE

[Delma torquata](#)

Adorned Delma, Collared Delma [1656]

Vulnerable

Species or species habitat may occur within area

[Denisonia maculata](#)

Ornamental Snake [1193]

Vulnerable

Species or species habitat known to occur within area

[Egernia rugosa](#)

Yakka Skink [1420]

Vulnerable

Species or species habitat likely to occur within area

[Elseya albagula](#)

Southern Snapping Turtle, White-throated Snapping Turtle [81648]

Critically Endangered

Species or species habitat likely to occur within area

[Furina dunmali](#)

Dunmall's Snake [59254]

Vulnerable

Species or species habitat may occur within area

[Lerista allanae](#)

Allan's Lerista, Retro Slider [1378]

Endangered

Species or species habitat may occur within area

[Rheodytes leukops](#)

Fitzroy River Turtle, Fitzroy Tortoise, Fitzroy Turtle, White-eyed River Diver [1761]

Vulnerable

Species or species habitat likely to occur within area

Migratory Species

[Resource Information]

Current Scientific Name

Threatened

Type of Presence

Migratory Marine Birds

[Apus pacificus](#)

Fork-tailed Swift [678]

Species or species habitat likely to occur within area

Migratory Terrestrial Species

Current Scientific Name	Threatened	Type of Presence
<p><small>LEX-26241</small> Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]</p>	<p><small>DOCUMENT 73</small></p>	<p><small>Page 386 of 419</small> Species or species habitat may occur within area</p>
<p>Motacilla flava Yellow Wagtail [644]</p>		<p>Species or species habitat may occur within area</p>
<p>Myiagra cyanoleuca Satin Flycatcher [612]</p>		<p>Species or species habitat known to occur within area</p>
<p>Migratory Wetlands Species</p>		
<p>Actitis hypoleucos Common Sandpiper [59309]</p>		<p>Species or species habitat may occur within area</p>
<p>Calidris acuminata Sharp-tailed Sandpiper [874]</p>		<p>Species or species habitat may occur within area</p>
<p>Calidris ferruginea Curlew Sandpiper [856]</p>	<p>Critically Endangered</p>	<p>Species or species habitat may occur within area</p>
<p>Calidris melanotos Pectoral Sandpiper [858]</p>		<p>Species or species habitat may occur within area</p>
<p>Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]</p>		<p>Species or species habitat may occur within area</p>
<p>Pandion haliaetus Osprey [952]</p>		<p>Species or species habitat likely to occur within area</p>

Listed Marine Species		[Resource Information]
Current Scientific Name	Threatened	Type of Presence
Bird		
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat may occur within area
Anseranas semipalmata Magpie Goose [978]		Species or species habitat may occur within area overfly marine area
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area overfly marine area
Bubulcus ibis as Ardea ibis Cattle Egret [66521]		Species or species habitat may occur within area overfly marine area
Calidris acuminata Sharp-tailed Sandpiper [874]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat may occur within area overfly marine area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat may occur within area overfly marine area
Chalcites osculans as Chrysococcyx osculans Black-eared Cuckoo [83425]		Species or species habitat likely to occur within area overfly marine area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area overfly marine area

Current Scientific Name	Threatened	Type of Presence
<small>LEX-26241</small> Haliaeetus leucogaster White-bellied Sea-Eagle [943]	DOCUMENT 73	Species or species habitat likely to occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area overfly marine area
Motacilla flava Yellow Wagtail [644]		Species or species habitat may occur within area overfly marine area
Myiagra cyanoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area overfly marine area
Pandion haliaetus Osprey [952]		Species or species habitat likely to occur within area
Rostratula australis as Rostratula benghalensis (sensu lato) Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area overfly marine area

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Caroa Island Paddock Nature Refuge	QLD

Invasive Species [Resource Information]

Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit,

Name	Status	Type of Presence
Bird		
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]	Feral	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Passer domesticus	<small>DOCUMENT 73</small>	<small>Page 389 of 419</small>
House Sparrow [405]	Feral	Species or species habitat likely to occur within area
Frog		
Rhinella marina		
Cane Toad [83218]	Feral	Species or species habitat known to occur within area
Mammal		
Bos taurus		
Domestic Cattle [16]	Feral	Species or species habitat likely to occur within area
Canis familiaris listed as Canis lupus familiaris		
Domestic Dog, Dingo [17]	Feral	Species or species habitat likely to occur within area
Felis catus		
Cat, House Cat, Domestic Cat [19]	Feral	Species or species habitat likely to occur within area
Lepus capensis		
Brown Hare [127]	Feral	Species or species habitat likely to occur within area
Mus musculus		
House Mouse [120]	Feral	Species or species habitat likely to occur within area
Oryctolagus cuniculus		
Rabbit, European Rabbit [128]	Feral	Species or species habitat likely to occur within area
Sus scrofa		
Pig [6]	Feral	Species or species habitat likely to occur within area
Vulpes vulpes		
Red Fox, Fox [18]	Feral	Species or species habitat likely to occur within area
Plant		
Cryptostegia grandiflora		
Rubber Vine, Rubbervine, India Rubber Vine, India Rubbervine, Palay Rubbervine, Purple Allamanda [18913]	WoNS	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<small>LEX-26241</small> Hymenachne amplexicaulis Hymenachne, Olive Hymenachne, Water Stargrass, West Indian Grass, West Indian Marsh Grass [31754]	<small>DOCUMENT 73</small> WoNS	Species or species habitat likely to occur within area
Jatropha gossypifolia listed as Jatropha gossypifolia Cotton-leaved Physic-Nut, Bellyache Bush, Cotton-leaf Physic Nut, Cotton-leaf Jatropha, Black Physic Nut [89505]	WoNS	Species or species habitat likely to occur within area
Lantana camara Lantana, Common Lantana, Kamara Lantana, Large- leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	WoNS	Species or species habitat likely to occur within area
Parkinsonia aculeata Parkinsonia, Jerusalem Thorn, Jelly Bean Tree, Horse Bean [12301]	WoNS	Species or species habitat likely to occur within area
Parthenium hysterophorus Parthenium Weed, Bitter Weed, Carrot Grass, False Ragweed [19566]	WoNS	Species or species habitat likely to occur within area
Tamarix aphylla Athel Pine, Athel Tree, Tamarisk, Athel Tamarisk, Athel Tamarix, Desert Tamarisk, Flowering Cypress, Salt Cedar [16018]	WoNS	Species or species habitat likely to occur within area
Vachellia nilotica Prickly Acacia, Blackthorn, Prickly Mimosa, Black Piquant, Babul [84351]	WoNS	Species or species habitat likely to occur within area

EPBC Act Referrals [\[Resource Information \]](#)

Further details about the referral is available in the Environmental Impact Assessment System (EIAS); click on the title to access.

Referral			
Title	Reference	Referral Outcome	Assessment Status
Galilee Coal Project including development of coal mine, 495km railway, port and	2008/4366	Action Clearly Unacceptable	Completed
Improving rabbit biocontrol: releasing another strain of RHDV, sthrn two thirds of Australia	2015/7522	Not Controlled Action	Completed
Teresa Coal Mine, QLD	2011/6094	Controlled Action	Proposed Decision
Valeria Project ??? mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5	2021/9077		Referral Creation

Title	Reference	Referral Outcome	Assessment Status
Valeria Project Communications Infrastructure from the Gregory Highway to the mine site EPBC Act Referral 5 of 5	2021/9074		Referral Creation
Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline EPBC Act Referral 4 of 5	2021/9078		Referral Creation
Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain EPBC Act Referral 2 of 5	2021/9076		Referral Creation
Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine EPBC Act Referral 3 of 5	2021/9075		Referral Creation

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment, Energy and Science, New South Wales](#)
- [-Department of Environment, Land, Water and Planning, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Government of South Australia, Department for Environment and Water, South Australia](#)
- [-Department of Environment and Natural Resources, Northern Territory](#)
- [-Department of Environment and Science, Queensland](#)
- [-Department of Biodiversity, Conservation and Attractions, Western Australia](#)
- [-Environment, Planning and Sustainable Development Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Department of Environment and Energy, Australian Bird and Bat Banding Scheme](#)
- [-CSIRO, Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [-Australian Museum](#)
- [-Museums Victoria](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [-Forestry Corporation of NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

**Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, Qld
(EPBC 2021/9078)**

Referral Decision Briefing Package

Document	Name	Document description
Brief	2021-9078 Referral Decision-Brief	FOR SIGNATURE
QA Check	2021-9078 Referral Decision-QA check	
Referral documentation:		
Attachment A1	2021-9078 Referral	
Attachment A2	2021-9078 Referral Att A-Figures 1-8	
Attachment A3	2021-9078 Att B-Terrestrial Likelihood of Occurance Memo-2021	
Attachment A4	2021-9078 Att C-Aquatic Likelihood of Occurance Memo-2021	
Attachment A5	2021-9078 Att D-PMST Searches-2021	
Attachment A6	2021-9078 Att E-Sustainability Report-2020	
Attachment A7	2021-9078 Att F-Lot numbers	
Attachment A8	2021-9078 Att G-CHIMA for Valeria	
Attachment A9	2021-9078 Att H-SEP for Valeria	
Further information:		
Attachment B1	2021-9078 Referral Decision-Att B-ERT report	
Comments:		
Attachment C1	2021-9078 Referral Decision-Att C-Public comments (5)	
Attachment D1	2021-9078 Referral Decision-Att D-Comment from Industry	
Attachment D2	2021-9078 Referral Decision-Att D-Comment from GA	
Attachment D3	2021-9078 Referral Decision-Att D-Comment from NIAA	
Attachment D4	2021-9078 Referral Decision-Att D-Comment from DES	
Fee schedule:		
Attachment E	2021-9078 Referral Decision-Att E-Fee Schedule (with justifications)	
Attachment F	2021-9078 Referral Decision-Att F Fee Schedule (without justifications)	
Decision Notice:		
Attachment G	2021-9078 Referral Decision-Att G-Notice	FOR SIGNATURE
Letters:		
Attachment H1	2021-9074-9078 Referral Decision-Att H-Letter to proponent	FOR SIGNATURE

Attachment H2	2021-9074-9078 Referral Decision-Att H-Letter to DES	FOR SIGNATURE
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EPBC Ref: 2021/9074 – 9078

Chris Loveday
 Director
 Technical and Assessment Services
 Department of Environment and Science
 GPO Box 2454
 Brisbane QLD 4001

Dear Mr Loveday

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

You may be aware that the proponent has split the overarching Valeria Project into the five separate proposed actions listed above, as opposed to the single action that has been

declared a coordinated project by the Office of the Coordinator General. For this reason, the assessment process specified under the bilateral agreement with Queensland cannot apply.

Therefore, I have determined that the proposed actions will be assessed by accredited assessment under the Queensland *State Development and Public Works Organisation Act 1971*. A copy of the documents recording these decisions are enclosed.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii) , by email to s. 22(1)(a)(ii) @environment.gov.au, or telephone (02) 62s. 22(1)(a)(ii) and quote the EPBC reference numbers shown at the beginning of this letter.

Yours sincerely

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
January 2022

EPBC Ref: 2021/9074 – 9078

s 47F(1)

Approvals Manager
 Valeria Coal Holdings Pty Ltd
 Level 44
 Gateway 1, Macquarie Place
 SYDNEY NSW 2000

Dear s 47F(1)

Decision on referral

Valeria Project Mine Site, Water Supply Pipeline, Rail Line, Powerline and Communications Infrastructure, 27 km north of Emerald, Queensland (EPBC 2021/9074-9078)

Thank you for submitting the five Valeria Project referrals under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision on the proposals to construct and operate an open cut metallurgical and thermal coal mine, accommodation and access road (EPBC 2021/9077), and associated communications infrastructure (EPBC 2021/9074), water supply pipeline (EPBC 2021/9075), rail line (EPBC 2021/9076) and powerline infrastructure (EPBC 2021/9078), approximately 27 km north of Emerald, Queensland.

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed actions are controlled actions and, as such, require assessment and a decision about whether approval should be given under the EPBC Act.

The information that I have considered indicates that the proposed actions are likely to have a significant impact on the following matters protected by the EPBC Act:

EPBC ref.	Controlling provision(s)
2021/9074	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).
2021/9075	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9076	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9077	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A). A water resource, in relation to coal seam gas development and large coal mining development (sections 24D and 24E).
2021/9078	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 and 18A).

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also determined that the proposed actions will be assessed by an accredited assessment process under the Queensland *State Development and Public Works Organisation Act 1971*. The project manager will contact you shortly to discuss the assessment process.

A copy of the documents recording these decisions are enclosed.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed actions*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000* your assessments are subject to cost recovery. Please find attached a copy of the fee schedules for your proposals and invoices for Stage 1 of the assessment. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedules provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the department's website at: <http://www.environment.gov.au/protection/environment-assessments/assessment-and-approval-process/refer-proposed-action>.

You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed actions under section 133 of the EPBC Act. If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to [Attachment A](#) for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision-making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available online at: <http://www.environment.gov.au/epbc/about/index.html>.

The department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or these decisions, please contact the project manager, s. 22(1)(a)(ii), at s. 22(1)(a)(ii) @environment.gov.au, or (02) 62^{s. 22(1)} s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea Dumping Branch
January 2022

Quality Assurance Checklist – Referral Brief

Reviewing Officer (may be assessment officer, clearing officer or peer reviewer)

Name: s. 22(1)(a)(ii) Signature: _____ Date: 11/01/2022

Note: Assessment officer to fill out sections shaded YELLOW. Reviewing officer to complete all other sections.

Project: Valeria Project Mine Site, Accommodation and Access Road, 27 km north of Emerald, Queensland				
EPBC No: 2021/9077	Assessment officer: s. 22(1)(a)(ii)		Due Date: 17 January 2022	
General requirements	Brief	Decision Notice	Letters	
	(tick or circle)			
Correct templates used	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Template version numbers: (assessment officer to insert version numbers)	4.2			
EPBC reference number correct and used consistently	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Title of the action consistent	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
The ACN (or ABN if no ACN) is listed and correct	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
The designated proponent (CA)/person proposing the action (NCA or NCA-PM) is correct. Needs to be a 'person' for the purposes of the EPBC Act.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Description of the proposal is an accurate reflection of what is in the referral and encompasses all proposed activities	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Statutory deadline consistent with database record	<input checked="" type="checkbox"/>			
Signature blocks and dates are correct	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
List of attachments is correct	<input checked="" type="checkbox"/>			
All dates mentioned accord with records	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
All species references use SPRAT scientific names (first time that they are used)	<input checked="" type="checkbox"/>	N/A	N/A	N/A
Material used to prepare briefing is listed	<input checked="" type="checkbox"/>	N/A		
Public comments are included and issues raised in public comments are addressed (s75(1A))	<input checked="" type="checkbox"/>	N/A		
Legal advice is included (if advice has been sought)		N/A		
Line area advice is included (if advice has been sought)	<input checked="" type="checkbox"/>	N/A		
All line areas consulted are clearly identified	<input checked="" type="checkbox"/>	N/A		
Comments from Commonwealth and State/Territory Ministers are included and addressed	<input checked="" type="checkbox"/>	N/A		
Additional information requests (stop clocks) are discussed and briefing package and additional information attached	<input checked="" type="checkbox"/>	N/A		
Current ERT Report included	<input checked="" type="checkbox"/>	Date of ERT Report: 09/12/2021		
Compliance, monitoring and auditing fact sheet is attached (for NCA and NCA-PM)	<input type="checkbox"/>		<input type="checkbox"/>	

Identifies the protected matters potentially impacted by the proposed action and provides clear reasons why significant impacts are likely/not likely	<input checked="" type="checkbox"/>			
Recommendations on significance are based on EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (2013) and relevant referral guidelines	<input checked="" type="checkbox"/>			
Considers all adverse impacts the action has, will have or is likely to have on matters protected by each provision of Part 3 ((s.75)(2)(a))	<input checked="" type="checkbox"/>			
Does not consider any beneficial impacts the action has, will have or is likely to have on matter protected by each provision of Part 3 ((s.75)(2)(b))	<input checked="" type="checkbox"/>			
States that the decision maker must take account of the precautionary principle, and the precautionary principle is discussed as appropriate to recommendations of significance	<input checked="" type="checkbox"/>			
Bioregional plans are included and discussed (where relevant)		N/A		
Check listing status of all listed species potentially significantly impacted by the proposed action. Ensure correct listing statuses are used in the brief	<input checked="" type="checkbox"/>	N/A	Date of check against SPRAT: 11/01/2022	
BCD (Species Listing Information & Policy Section) weekly report is consulted to confirm imminent listing events or delistings (if required)	<input checked="" type="checkbox"/>	N/A	Date of weekly report: 07/01/2022	
BCD (Species Listing Information & Policy Section) line area advice included on recent and pending listing decisions (if required)		N/A	Date of advice received:	
NCA-PM decision	Brief	Decision Notice	Letters	
Wording of the proposed particular manner(s) clearly describe(s) the way in which the action must be undertaken to avoid significant impacts to protected matters, and accurately reflects the intent in the referral information		<input type="checkbox"/>		
Proposed particular manner(s) checked by Post Approvals Section	<input type="checkbox"/>			
CA decision	Brief	Decision Notice	Letters	
All controlling provisions have been identified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
State/territory comments included and addressed where relevant to recommending an appropriate assessment approach (s87(3)(c))	<input checked="" type="checkbox"/>			
Has a recommendation on an approach for assessment (s.87) (do not include where bilateral agreement applies, or decision on assessment approach is deferred)	<input checked="" type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	N/A
Cost recovery fee schedule included	<input checked="" type="checkbox"/>	N/A		<input checked="" type="checkbox"/>

To: Andrew McNee, Assistant Secretary, Environment Assessments Queensland and Sea Dumping Branch (for decision)

Referral Decision Brief – Valeria Project Powerline Infrastructure from the mine site to the Ergon powerline, Qld (EPBC 2021/9078)

Timing: 17 January 2022 - Statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 5 See <u>Attachment C</u>												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: See <u>Attachment D</u>												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Accredited assessment Bilateral Applies <input type="checkbox"/>												
Recommendations:													
1. Consider the information in this brief, the referral (<u>Attachment A</u>) and other attachments.													
Considered / Please discuss													
2. Agree that the proposed action is a component of a larger action.													
Agreed / Not agreed													
3. Agree to accept the referral under section 74A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act).													
Agreed / Not agreed													

4. Agree with the recommended decision under section 75 of the EPBC Act.

Agreed / ~~Not agreed~~

5. Agree the action be assessed for the purposes of the EPBC Act under an accredited assessment process by the Queensland Government.

Agreed / ~~Not agreed~~

6. If you agree to recommendations 2 to 5 above, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / ~~Please discuss~~

7. Agree to the designated proponent.

Agreed / ~~Not agreed~~

8. Agree to the fee schedule with justifications (Attachment E) and that the fee schedule be sent to the person proposing to take the action.

Agreed / ~~Not agreed~~

9. Note an invoice will be provided in the letter to the person proposing to take the action for Stage 1 of the assessment, review of the terms of reference.

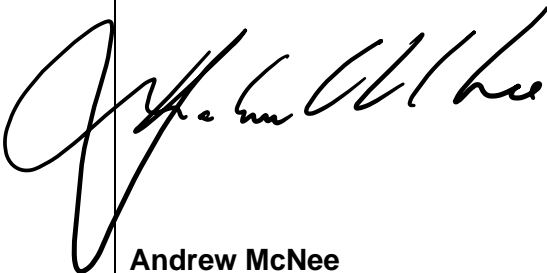
Noted / ~~Please discuss~~

10. Sign the notice at Attachment G (which will be published if you make the recommended decision).

Signed / ~~Not signed~~

11. Sign the letters at Attachment H.

Signed / ~~Not signed~~



Andrew McNee
Assistant Secretary
Environment Assessments Queensland and Sea
Dumping Branch

Date: 17 January 2022

Comments:

KEY ISSUES:

- The proposed action (EPBC 2021/9078 – Powerline infrastructure) is one of five components of the Valeria Project. All components have been referred separately to enable their potential future transfer, and include:
 - EPBC 2021/9074 – Communications infrastructure;
 - EPBC 2021/9075 – Water supply pipeline from Oaky Creek Coal Mine;
 - EPBC 2021/9076 – Rail line to the Goonyella Coal Chain;
 - EPBC 2021/9077 – Mine Site, Accommodation and Access Road; and
 - EPBC 2021/9078 – Powerline infrastructure.
- On 12 June 2020, the overarching Valeria Project was declared a coordinated project by the Office of the Coordinator General.
- The department considers the proposed action is likely to have a significant impact on several listed threatened species, their habitat and threatened ecological communities across the proposed action area. The exact area of disturbance to MNES is currently unknown as the powerline infrastructure alignment has not been finalised.
- The department considers the proposed action to be integral to the construction and operation of a large coal mine (EPBC 2021/9077) and, as such, an action to which the water trigger controlling provision could apply. However, the department considers the proposed action is unlikely to have a significant impact on water resources and, therefore, recommends the water trigger not be applied.

BACKGROUND:**Description of the referral**

A valid referral was received on 9 December 2021. The action was referred by Valeria Coal Holdings Pty Limited (the proponent; a wholly owned subsidiary of Glencore Coal Pty Ltd), which has stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

On 14 December 2021, the proponent agreed to an extension of the referral decision timeframe to afford the department three additional business days to account for the departmental shut-down period from 25 December 2021 to 3 January 2022. On 7 January 2022, a delegate of the Minister decided to suspend the statutory timeframe for a referral decision by three business days to extend this timeframe to 17 January 2022.

Description of the proposal (including location)

The proposed action is to construct and operate overhead 66 kv powerlines and associated infrastructure to connect at the Ergon powerline at Lilyvale Road 36 km to the Valeria Mine site, approximately 34 km north-west of Emerald, central Queensland. The powerline infrastructure forms part of the 'Valeria Project' open cut metallurgical and thermal coal mine located within the Central Highlands Regional Council Local Government Area of the Bowen Basin, Central Queensland.

The proposed infrastructure will range from the mine infrastructure area (MIA) within the mine site and extend east to the Gregory Highway, then south to join the existing 66 kV Ergon powerline at the Lilyvale Road turn-off from the Gregory Highway. The Proposed Action area is approximately 2,435 ha. Of this area 787 ha are associated with the MIA, within the mine site. The width of the proposed action area ranges from 190 m to 3.5 km and the final disturbance footprint is yet to be

determined. Whilst the disturbance footprint has not yet been finalised, during construction the disturbance footprint is expected to be between 60 m and 100 m wide along the length of the alignment.

The proposed action is part of a larger action which consists of 5 EPBC proposals including this one. The other related proposals are listed below.

- 2021/9077 - Valeria Project – mine site, on-site construction workers accommodation camp and mine access road EPBC Act Referral 1 of 5
- 2021/9076 - Valeria Project Rail Line from the mine site to Aurizon Goonyella Coal Chain EPBC Act Referral 2 of 5
- 2021/9075 - Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine EPBC Act Referral 3 of 5
- 2021/9074 - Valeria Project Communications Infrastructure from the Gregory Highway to the mine site EPBC Act Referral 5 of 5

Description of the environment

The areas of the project that are located within the MIA and co-located infrastructure corridor is currently used for cattle grazing and is disturbed as a result of current and historical agricultural activities. The area of the project that runs parallel to the Gregory Highway is used as a State Controlled Road, stock route and facilitates a 22 kV domestic powerline. This section of the project area also includes private property that is used for grazing and cropping.

The proposed action area is located within Queensland's Brigalow Belt Bioregion and comprises a mix of remnant, regrowth and non-remnant vegetation. Based on desktop and field surveys, the referral states approximately 414 ha (17%) of the total proposed action area consists of remnant and regrowth vegetation communities.

The project site is in the Fitzroy drainage catchment. Four ephemeral watercourses occur within the project site, comprising of Capella Creek, Carbine Creek, Theresa Creek and Gordonstone Creek. The referral states there are also several unnamed tributaries and rural water storages/farm dams.

State assessment

On 12 June 2020, the Office of the Coordinator General (CG) declared the overarching Valeria Project to be a coordinated project requiring assessment by environmental impact statement under Part 4 of the *State Development and Public Works Organisation Act 1971* (Qld) (SDWPO Act). Further advice on the assessment approach is provided in the brief below.

SECTION 74A – REFERRAL OF A LARGER ACTION

Section 74A(1) of the EPBC Act states that if the Minister (or delegate) is satisfied the action that is the subject of the referral is a component of a larger action, the Minister (or delegate) may decide not to accept the referral. This is a discretionary decision and, as such, you are not obliged to exercise the power.

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth) Policy Statement: Staged Developments – Split referrals: Section 74A of the EPBC Act* states that “[a] referred action that is part of a larger action can be refused only if there is a reasonable basis for doing so. The key question for the Minister is: does the splitting of the project reduce the ability to achieve the objects of the Act?”

Under section 74A(1) of the EPBC Act, you may consider that an action referred by a person is a component of a larger action, which the same person proposed to take, and decide not to accept the referral. Section 74A(1) is discretionary and you have no obligation to exercise your power under section 74A(1) even if you are satisfied that an action referred is in fact a component of a larger action.

The key considerations when deciding whether to accept a 'split referral' are:

- i. whether separate assessment of the referred action risks important impacts being overlooked or being unable to be controlled through approval conditions; and
- ii. whether, if undertaken separately, the impact would be reduced below significant.

The Valeria Project was split into a total of five EPBC Act referrals as components of the Project to allow potential future transfer of approvals to third party service providers, to own, construct and operate the respective assets.

The department considers that while the five referrals are clearly components of a larger action, it is recommended the five component referrals be accepted for the following reasons:

- The overarching 'Valeria Project' of which this referral is a component will be assessed as a single project by the Queensland Government, thereby minimising the risk that potential impacts, including cumulative impacts, will be overlooked as a result of accepting the split referrals; and
- In undertaking the actions separately as 'split referrals', the impacts have not been reduced below significant. The department has considered all direct, indirect and facilitated impacts as part of this briefing package and considers that all impacts can be adequately addressed as part of the assessment process.

Cumulative impacts

The department considers there are cumulative impacts on listed threatened species and communities resulting from the taking of the five actions. The state's assessment of the overarching 'Valeria Project' will ensure these cumulative impacts are not overlooked as a result of assessing any of the project components in isolation.

Based on the likely impacts of each referred action, and for the reasons stated in this brief and in the briefs for the other components of the project, the department is recommending each of the five components of the Valeria Project be determined a 'controlled action'.

The department notes that in accordance with section 74A(4) of the EPBC Act, if you agree to accept the referral, you must give written notice of the decision to the person proposing to take the action and publish in accordance with the EPBC Regulations, a copy or summary of the decision. The department has included written notice in the letter to the person proposing to take the action ([Attachment H1](#)). The EPBC Regulations do not specify that publication is required. The department will brief separately on each referred action.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- Listed threatened species and communities (section 18 & section 18A).

These impacts are discussed respectively below.

Listed threatened species and communities (s18 & 18A)

The department's Environment Reporting Tool (ERT) report (dated 9 December 2021) identifies 22 listed threatened species, and 4 listed threatened ecological communities (TEC) may occur within 10 km of the proposed action (see the ERT report at [Attachment B](#)). Based on the location of the proposed action, presence of several listed species threatened species and likely habitat present in the area of the proposed action, the department considers that impacts potentially arise in relation to the following matters.

Brigalow (*Acacia harpophylla* dominant and co-dominant) – Endangered

The referral states that field surveys were undertaken for the co-located infrastructure corridor during April 2021, and that further surveys and impact assessments will be undertaken for the EIS once the disturbance footprint has been finalised. The referral states that the Brigalow TEC occurs as several patches encompassing 31 ha in the east of the Gregory highway within the proposed action area. The referral also states that approximately 3.7 ha of Brigalow TEC occurs within the MIA. There is an additional 119.5 ha of potential TEC vegetation that has not been surveyed.

The referral states that the alignment of the powerlines within the Proposed Action area has not been finalised. The referral states that there is a potential for clearing during construction with the potential to result in a significant impact for the Brigalow TEC.

The department notes that threats to the Brigalow TEC include clearing, particularly for mining in the Bowen Basin, altered fire regimes and the introduction of pest species. The [Approved conservation advice for the Brigalow \(*Acacia harpophylla* dominant and co-dominant\) ecological community \(2013\)](#) identifies the avoidance of further clearing and fragmentation as a key recovery action for the TEC.

The department notes that approximately 55.7 ha of Brigalow TEC may be modified or removed as a result of the proposed action. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#) and the *Approved conservation advice* the department considers there is a real chance or possibility that the proposed action will have a significant impact on the Brigalow TEC by reducing the extent of an ecological community.

Koala (combined populations of Qld, NSW and the ACT) (*Phascolarctos cinereus*) – Vulnerable:

The referral states that ecological surveys were undertaken between 12 and 30 April 2021 of the co-located infrastructure corridor, rail line and water supply pipeline corridor. Surveys were reported as being undertaken in accordance with relevant survey guidelines, including the [EPBC Act Referral Guidelines for the vulnerable Koala \(2014\)](#) (Koala Guidelines). The referral states that the species was confirmed to occur during field surveys within 3km of the co-located corridor. Surveys have not been done for the proposed action area outside of the co-located infrastructure for the proposed action. Further, there are multiple records of the Koala within 50 km of the site on the publicly available Atlas of Living Australia database.

The referral states that the proposed action area includes approximately 264 ha of remnant vegetation that is potential Koala habitat as defined within the Koala Guidelines for. Using the

Koala Guidelines habitat assessment tool, the proponent considers that this habitat may be critical to the survival of the species. The proponent states that the proposed action is expected to remove habitat likely to be used by Koala and as such the proposed action could result in significant impact to the species.

The proponent did not provide a Koala habitat score using the Koala Habitat Assessment Tool in the Koala Guidelines. The department has calculated that the suitable habitat in the project area scores at least a 7 out of 10 and therefore is habitat critical to the survival of the species. The department used the following criteria:

- +0 for Koalas known to be occurring within 2 km of the project site;
- +2 for the presence of at least two suitable food tree species;
- +2 for habitat connectivity (area is part of a contiguous landscape greater than/equal to 1000 ha);
- +1 for key existing threats, due to the busy highway passing alongside the project area and the numerous fatalities occur along the Saraji Road annually; and
- +2 for recovery value, with habitat refuges within riparian habitats possibly being reduced.

Considering the information provided in the referral and information in the Species Profile and Threats Database (SPRAT), and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that the proposed action will have an adverse effect on habitat critical to the survival of the vulnerable Koala. The department therefore considers a significant impact on the vulnerable Koala is likely.

Other listed threatened ecological communities and species

Given the nature and scale of the proposed action, the information available, including the ERT report, SPRAT database and referral documentation, and noting the Significant impact guidelines 1.1 (2013), the department considers that the proposed action is likely to have a significant impact on other listed threatened species and communities, including:

TECs:

- Poplar Box Grassy Woodland on Alluvial Plains – Endangered
- Natural Grasslands of the Queensland Central Highlands and northern Fitzroy Basin – Endangered
- Weeping Myall Woodlands – Endangered

Mammals:

- Greater Glider (*Petauroides volans*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Northern Quoll (*Dasyurus hallucatus*) – Endangered

Birds:

- Australian Painted Snipe (*Rostratula australis*) – Endangered
- Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable
- Painted Honeyeater (*Grantiella picta*) – Vulnerable
- Southern Black-throated finch (*Poephila cincta cincta*) – Endangered
- Star Finch (eastern) (*Neochmia ruficauda ruficauda*) – Endangered
- Grey Falcon (*Falco hypoleucos*) – Vulnerable

- Red Goshawk (*Erythrotriorchis radiatus*) – Vulnerable

Reptiles:

- Retro Slider (*Lerista allanae*) – Endangered
- Dunmall's Snake (*Furina dunmalli*) – Vulnerable
- Ornamental Snake (*Denisonia maculata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable

Flora:

- Capella Potato Bush (*Solanum orgadophilum*) – Critically Endangered
- *Bertya opposens* – Vulnerable
- King Blue-grass (*Dichanthium queenslandicum*) – Endangered
- *Aristida annua* – Vulnerable
- Ooline (*Cadellia pentastylis*) – Vulnerable

Conclusion

The department considers that the proposed action has the potential to significantly impact on listed threatened species and ecological communities due to the clearance of habitat, increased risk of fauna injury and mortality, and increased light, noise and vibration disturbance. Based on the information available, including the ERT report, SPRAT database and referral documentation, and with consideration of the [Significant impact guidelines 1.1 \(2013\)](#), the department considers there is a real chance or possibility that, at a minimum, the proposed action will:

- reduce the extent of an endangered ecological community; and
- adversely affect habitat critical to the survival of a vulnerable species.

Therefore, the department considers the proposed action is likely to have a significant impact on listed threatened species and ecological communities. For these reasons, the department considers sections 18 and 18A are controlling provisions for the proposed action.

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species (s20 & 20A)

The ERT report identifies 9 migratory species may occur within 10 km of the proposed action ([Attachment B](#)). The department notes that surveys for migratory species have not been completed. The referral states that several migratory species have been recorded within 50 km of the site on the publicly available Atlas of Living Australia database, including the:

- Fork-tailed Swift (*Apus pacificus*)
- Glossy Ibis (*Plegadis falcinellus*)
- Latham's Snipe (*Gallinago hardwickii*)
- Eastern Osprey (*Pandion haliaetus cristatus*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Rufous Fantail (*Rhipidura rufifrons*).

The referral states that suitable habitat for these species is present on site in grassland, woodlands, watercourses, farm dams and Gilgai formations. However, the proponent does not consider potential impacts to migratory species or their habitat to be significant.

Three of the public submissions consider potential impacts to migratory species and their habitat to be significant due to the clearing of habitat. The department notes that migratory species observed on site or are likely to occur in the area are widespread within Australia, and either do not breed within Australia or Queensland, or prefer specific habitat values that are not present on site, such as coastal environments, offshore islands, dense shrubby understoreys, tropical rainforests, and monsoon rainforests. The department considers that no important habitat or ecologically significant population of a migratory species is likely to be impacted by the proposed action.

The department considers that, while there may be potential impacts to migratory species, the proposed action is unlikely to result in a significant impact.

Conclusion

Given the nature and scale of the proposed action and with consideration of the *Significant Impact Guidelines 1.1 (2013)*, the department considers that the proposed action is not likely to have a significant impact on any listed migratory species. Therefore, the department considers that sections 20 and 20A are not controlling provisions for the proposed action.

A water resource, in relation to coal seam gas development and large coal mining development (s24D & 24E)

The proposed action is to construct and operate overhead 66 kV powerlines and associated infrastructure to connect at the Ergon powerline at Lilyvale Road 36 km to the Valeria Mine site.

Under the EPBC Act, a proposed action which involves a large coal mining development is a controlled action if it has, will have, or is likely to have a significant impact on a water resource. A large coal mining development is defined in section 528 of the EPBC Act as: “any coal mining activity that has, or is likely to have, a significant impact on water resources (including any impacts of associated salt production and/or salinity):

- a) in its own right; or
- b) when considered with other developments, whether past, present or reasonably foreseeable developments.”

The proposed action will not involve extracting coal but is being used to support coal mining activities. The department considers that the extraction of coal would not occur without the need for the powerline infrastructure to support mining operations at the Valeria Coal Mine. Therefore, the department considers that the construction of the proposed action is integral and inextricably linked to the activity of coal mining.

For the above reasons, the department considers that the proposed action could be an action that involves a large coal mining development to which sections 24D and 24E could apply. Whether sections 24D and 24E are controlling provisions for the proposed action is subject to whether the proposed action will result in a significant impact on a water resource, which is discussed below.

Impacts

The referral notes the project site contains characterised surface water and aquatic ecology values encompassing waterways associated with the project site and surrounds, including Theresa Creek, Carbine Creek, Crystal Creek and Gordonstone Creek. The proponent states that surface water, groundwater and GDE assessments will be undertaken as part of the assessment to inform the communications infrastructure alignment in the project site to minimise and mitigate potential impacts on water resources.

The referral (Attachment A) states potential impacts to water resources may include:

- Erosion and sedimentation due to vegetation clearing and earthworks in and/or adjacent to watercourses (e.g. For construction of powerline infrastructure close to watercourse crossings)
- Degradation of surface water quality during construction activities
- Localised groundwater drawdown from surface cuttings that intersect shallow aquifers;

The proponent's referral and Geoscience Australia's advice both state that there are significant impacts to water resources associated with this proposal. However, while both documents set out a range of potential impacts, neither establishes a persuasive case for how the water-related impacts of this proposal are 'significant' based on the guidance in the [Significant impact guidelines 1.3 \(2013\)](#).

The department has reviewed all of the information available, including the referral, in the context of the [Significant impact guidelines 1.3 \(2013\)](#), and considers that while potential impacts to water resources may exist, the nature and scale of the impacts associated with powerline infrastructure with an approximate disturbance width of between 60 m and 100 m, are unlikely to be significant.

Conclusion

Based on the information available to the department, including the referral, and the nature of the proposed action and its potential impacts, and with consideration of the *EPBC Act* [Significant impact guidelines 1.3 \(2013\)](#), the department considers there is not a real or not a remote chance or possibility that the proposed action will directly or indirectly result in a change to the hydrology and/or water quality of a water resource that is sufficient scale or intensity as to reduce the current or future utility of the water resource for third party users. The department therefore considers the proposed action is unlikely to have a significant impact on a water resource.

For these reasons, the department considers that sections 24D and 24E are not controlling provisions for the proposed action.

<p>Ramsar Wetlands (s16 & 17B)</p>	<p>The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area.</p> <p>The nearest Ramsar Wetland is the Shoalwater and Corio Bays Area (Shoalwater Bay Training Area, in part - Corio Bay). The border of this Ramsar Wetland is approximately 235 km away from the Proposed Action.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Ramsar listed wetlands of international importance, the proposed action is unlikely to have a significant impact on Ramsar listed wetlands of international importance.</p> <p>For these reasons the department considers that sections 16 and 17B are not controlling provisions for the proposed action.</p>
<p>World Heritage properties (s12 & 15A)</p>	<p>The ERT did not identify any World Heritage properties located within or adjacent to the proposed action area.</p> <p>The nearest World Heritage Area is the Great Barrier Reef. The border of Great Barrier Reef World Heritage area is approximately 173 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the</p>

	<p>distance to World Heritage properties, the proposed action is unlikely to have a significant impact on World Heritage properties.</p> <p>For these reasons the department considers that sections 12 and 15A are not controlling provisions for the proposed action.</p>
National Heritage places (s15B & 15C)	<p>The ERT did not identify any National Heritage places located within or adjacent to the proposed action area.</p> <p>The nearest National Heritage Place is the Great Barrier Reef. The distance between the proposed action and the nearest border of the National Heritage Place is approximately 173 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to National Heritage places, the proposed action is unlikely to have a significant impact on National Heritage places.</p> <p>For these reasons the department considers that sections 15B and 15C are not controlling provisions for the proposed action.</p>
Commonwealth marine environment (s23 & 24A)	<p>The proposed action does not occur in a Commonwealth marine area. The nearest Commonwealth marine area is the Exclusive Economic Zone (EEZ) and Territorial Sea approximately 292 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to a Commonwealth marine area, the proposed action is unlikely to have a significant impact on the environment in a Commonwealth marine area.</p> <p>For these reasons the department considers that sections 23 and 24A are not controlling provisions for the proposed action.</p>
Commonwealth action (s28)	<p>The referring party is not a Commonwealth agency. For this reason, the department considers that section 28 is not a controlling provision for the proposed action.</p>
Commonwealth land (s26 & 27A)	<p>The proposed action is not being undertaken on Commonwealth land. The nearest Commonwealth land is Defence – Shoalwater Bay Training Area approximately 215 km away.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to Commonwealth land, the proposed action is unlikely to have a significant impact on the environment on Commonwealth land.</p> <p>For these reasons the department considers that sections 26 and 27A are not controlling provisions for the proposed action.</p>
Nuclear action (s21 & 22A)	<p>The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act. For this reason, the department considers that sections 21 and 22A are not controlling provisions for the proposed action.</p>

<p>Great Barrier Reef Marine Park (s24B & 24C)</p>	<p>The proposed action is not being undertaken in the Great Barrier Reef Marine Park.</p> <p>The Great Barrier Reef Marine Park is approximately 189 km from the proposed action.</p> <p>Further, given the information contained in the referral documentation, the nature and scale of the proposed action and its potential impacts, and the distance to the Great Barrier Reef Marine Park, the proposed action is unlikely to have a significant impact on the Great Barrier Reef Marine Park.</p> <p>For these reasons the department considers that sections 24B and 24C are not controlling provisions for the proposed action.</p>
<p>Commonwealth Heritage places overseas (s27B & 27C)</p>	<p>The proposed action is not located overseas. For this reason, the department considers that sections 27B and 27C are not controlling provisions for the proposed action.</p>

SUBMISSIONS:

Public submissions

The proposal was published on the department's website on 10 December 2021 and public comments were invited until 23 December 2021. Five public submissions were received on the referral ([Attachment C](#)). The submissions raised issues including the following:

One public submission considers the proposal to be clearly unacceptable, noting that:

- listed threatened species and communities, water resources and the Great Barrier Reef World Heritage area, National Heritage place and Marine Park will likely be significantly impacted;
- the proposed action will increase greenhouse gas emissions, contributing to climate change and adversely impacting the environment;
- the Minister has a duty of care to Australian children, as per the *Sharma v Minister for the Environment 2021* decision; and
- the Minister or delegate should not accept the referral under section 74A.

Two public submissions consider the project should be a controlled action, noting that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- consider that significant impacts are likely on a far greater number of species and communities than those identified by Glencore, who have taken a very limited view that is in no way precautionary.

One public submission considers the proposal should be a controlled action, noting that:

- listed threatened species and communities, migratory species and water resources will likely be significantly impacted;
- a detailed assessment of potential impacts to MNES is needed once the disturbance footprint has been finalised; and
- the proposed action should undergo a full assessment by EIS.

One public submission considers the project should be controlled action, noting that:

- listed threatened species and communities and water resources will likely be significantly impacted;
- the project will have substantial climate impacts.

The department considers that the concerns raised in the public submissions can be addressed through the application of the controlling provisions as discussed above. Further, the department considers that the EIS assessment of the 'coordinated project' by the Queensland Government is suitable to assess all potential impacts, including cumulative impacts, of the proposed action and overarching Valeria Project.

Comments from Commonwealth Ministers

By letter dated 10 December 2021, the following ministers were invited to comment on the referral:

- The Hon Ken Wyatt AM MP, Minister for Indigenous Australians
- The Hon Angus Taylor MP, Minister for Industry, Energy and Emissions Reduction
- The Hon Keith Pitt MP, Minister for Resources and Water

On 14 December 2021, [s. 47F\(1\)](#) responded on behalf of the Hon Angus Taylor MP noting a nil comment on the proposed action ([Attachment D1](#)).

On 21 December 2021, Geoscience Australia responded on behalf of the Hon Keith Pitt MP ([Attachment D2](#)), noting that the 'water trigger' should be applied to all five Valeria Project referrals, which all have the potential to significantly impact water resources. Geoscience Australia considers further assessment is required to address information gaps in the referrals, which should be assessed together to ensure all potential impacts, including cumulative impacts, are considered.

The department notes the concerns raised by Geoscience Australia and considers that, as discussed above, these can be addressed together through the accredited assessment process, which will assess the whole Valeria Project as a single project by the Queensland Government.

On 23 December 2021, the National Indigenous Australians Agency (NIAA) responded on behalf of the Hon Ken Wyatt AM MP ([Attachment D3](#)), noting that the proposed action is situated within the Kangoulu People and Western Kangoulu People's Native Title claim areas. NIAA recommended that the proponent:

- seek advice from the Queensland Government on processes that may apply to the site under the *Native Title Act 1993*, prior to commencing work;
- continue engagement with the Western Kangoulu People, and extend engagement to the Kangoulu People if engagement has not yet commenced;
- continue to engage with Traditional Owners on the development of a Native Title Agreement and Cultural Heritage Management Plan (CHMP);
- undertake further cultural heritage surveys in areas where Indigenous cultural heritage values and artefacts have been identified, in consultation with Traditional Owners;
- engage with Traditional Owners and stakeholders to develop measures to mitigate potential impacts to listed threatened species and communities and migratory species of cultural significance, including the Koala and Brigalow TEC; and
- identify opportunities for local Indigenous involvement in the proposed action.

The department notes the proponent has prepared a Cultural Heritage Investigation and Management Agreement ([Attachment A](#)) with the Western Kangoulu People for the overarching Valeria Project.

Comments from State/Territory Ministers

By letter dated 10 December 2021, Mr Chris Loveday, delegated contact for the Hon Meaghan Scanlon MP, Queensland Minister for Environment and the Great Barrier Reef Marine Park and Minister for Science and Youth Affairs, was invited to comment on the referral.

On 21 December 2021, Chris Loveday responded ([Attachment D4](#)) and advised that:

- In 2019, Glencore Coal Pty Ltd submitted two Environmental Authority (EA) applications for the Valeria and Valeria South Coal Projects. Separate EA applications were required due to holding company structures.
- In 2019, the Department of Environment and Science (DES) issued information requests for the EA applications, requiring an EIS under the *Environmental Protection Act 1994* (Qld).
- In June 2020, the Valeria and Valeria South Coal Projects were declared a coordinated project requiring assessment by EIS under the SDPWO Act.
- The applications do not include the co-located infrastructure corridor or accommodation. If the applications are updated to reflect the EPBC Act referrals, these components will be assessed as part of the EIS.
- The EIS assessment under the SDPWO Act falls within Class 2 of the classes of Actions outlined in Schedule 1 of the Bilateral Agreement. Therefore, it is appropriate that the assessments be accredited under the Bilateral Agreement.

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must also decide on the approach for assessment in accordance with section 87 of the EPBC Act. Although DES noted that the bilateral agreement with the Queensland Government would apply ([Attachment D4](#)), the department notes that the bilateral agreement will not apply because the overarching Valeria Project was referred as five separate referrals, rather than the single 'coordinated project' that will be assessed by the Office of the Coordinator General. Due to this difference, the assessment process specified under Class 2 of the Queensland bilateral agreement cannot proceed.

As such, the department recommends that the proposed action be assessed by an accredited assessment process under section 87(4) of the EPBC Act.

Under section 87(4) of the EPBC Act, you may decide on an assessment by an accredited assessment process only if satisfied that:

- (a) the process is to be carried out under a law of the Commonwealth, State or Territory;
- (b) there are no standards prescribed by the regulations;
- (c) the process will ensure that relevant impacts of the action are adequately assessed;
- (d) the report on the accredited assessment process will provide enough information on the relevant impacts to allow decision-maker to decide whether to approve under Part 9 for each controlling provision.

The EIS process under Part 4 of the SDWPO Act to be carried out by the CG under Queensland law will address these matters.

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Information relating to the action given to the Minister in the referral of the proposal to take the action – s87(3)(a)	The referral is at <u>Attachment A</u> .
Any other information about the impacts of the action considered relevant (including information in a report on the impacts of the action under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10) - s87(3)(b)	<p>Relevant information is discussed in the department's advice on relevant impacts contained in this referral decision brief and its attachments.</p> <p>There are no strategic assessments relevant to the proposed action and the department is not aware of any other relevant information for your consideration.</p>
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	One comment was received in response to an invitation under s74(2) for this proposal. This comment is at <u>Attachment D4</u> .
Guidelines (if any) published under s87(6), and matters (if any) prescribed in the regulations – s87(3)(d) and (e)	No guidelines have been made and no regulations have been prescribed.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013), the *Significant Impact Guidelines 1.3 – Coal seam gas and large coal mining developments* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant. There is no bioregional plan that is relevant to your decision.

Management Plans for Commonwealth Reserves

In accordance with section 362(2), the Commonwealth or a Commonwealth agency must not perform its functions or exercise its powers in relation to a Commonwealth reserve inconsistently with a management plan that is in operation for the reserve. There is no Commonwealth reserve management plan that is relevant to your decision.

Cost Recovery

The fee schedule (with justifications) for your consideration is at Attachment E. The fee schedule (without justifications) at Attachment F will be sent to the person taking the action, including an invoice for Stage 1, seeking fees prior to the commencement of any further activity.

s. 22(1)(a)(ii)

Director

Queensland North Assessments Section
Environment Assessments Queensland
and Sea Dumping Branch
Ph: 02 62 s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Assessment Officer

Queensland North Assessments
Environment Assessments Queensland
and Sea Dumping Branch

14 January 2022

ATTACHMENTS

- A: Referral documentation
- B: ERT Report (dated 9 December 2021)
- C: Public comments
- D: Ministerial comments
- E: Fee schedule (with justifications)
- F: Fee schedule (without justifications)
- G: Decision notice – FOR SIGNATURE
- H: Letters to the proponent & the state – FOR SIGNATURE



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT APPROACH – accredited assessment**

Valeria Project Water Supply Pipeline Infrastructure from the mine site to the Oaky Creek Coal Mine, Qld (EPBC 2021/9075)

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	To construct and operate a 67 kilometre water supply pipeline from the water supply dam within the Valeria Mine Infrastructure Area (MIA) to Terminal Dam at the Oaky Creek Coal Mine, Bowen Basin, Queensland [See EPBC Act referral 2021/9075].
decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
relevant controlling provisions	<ul style="list-style-type: none"> Listed threatened species and communities (sections 18 & 18A) A water resource, in relation to coal seam gas development and large coal mining development (sections 24D & 24E)
designated proponent	VALERIA COAL HOLDINGS PTY LIMITED ACN: 625 049 701
assessment approach	The proposed action will be assessed by accredited assessment under the <i>Queensland State Development and Public Works Organisation Act 1971</i> .
Decision-maker	
Name and position	Andrew McNee, Assistant Secretary Environment Assessments Queensland and Sea Dumping Branch
Signature	
date of decision	January 2022