



## CHAPTER 2 – APPROVALS

NEW LENTON COAL PTY LTD  
NEW LENTON COAL PROJECT

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## 2. APPROVALS

This chapter describes the relevant Commonwealth and State approvals for the Project, including any relevant historical approvals. The Project is located on mining lease (ML) 70337, ML 700053 and ML 700054 (referred to as the New Lenton MLs).

### 2.1 Commonwealth

#### 2.1.1 Environmental Protection and Biodiversity Conservation Act 1999

A Referral for the Project, under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) was lodged on 23/09/2020 (EPBC 2020/8778). On 22/10/2020, the delegate for the Minister for the Environment determined that the Project was a controlled action and would be assessed by public environment report (PER), subject to the following controlling provisions for matters of national environmental significance (MNES):

- 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).

The Referral was supported by assessments of impacts to the relevant controlling provisions. At the time of the Referral the holding company for the proponent (NLC) was New Hope. Argo and BCC, the subsequent holding companies of the proponent (NLC) are independent of New Hope.

Guidelines for a draft PER for the Project were issued by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 19/12/2022.

The draft PER was submitted on 29/04/2025, with DCCEEW deciding to approve the publication of the draft PER under section 98(1)(b) of the EPBC Act on 14/05/2025.

The draft PER was published in early June 2025 on a website, in national and regional newspapers, and at local and regional libraries and State authorities for a period of 20 business days ending on 04/07/2025, with anyone able to provide written comments.

DCCEEW requested advice on the Project from the Independent Expert Scientific Committee (IESC) on 29/02/2024, with the IESC providing advice on relevant matters on 16/04/2024. The proponent updated the draft PER in response to the advice from the IESC, as reflected in the draft PER that was submitted on 29/04/2025 and published in June 2025.

This document is the final PER, following responses to public submissions on the draft PER.

##### 2.1.1.1 Summary of Submissions and Responses

Three submissions were received by the proponent on the draft PER. These submissions shared common themes, summarised as:

- acceptability of impacts on MNES
- the adequacy of biodiversity offsets
- the adequacy of cumulative impact assessment
- the management of surface water and groundwater risks
- greenhouse gas emissions and climate change policy
- reliance on Burton Mine infrastructure
- rehabilitation and financial assurance

- socio-economic justification for the Project.

Submissions raised concern about direct and cumulative impacts on listed threatened species and ecological communities. **Chapter 6** of draft PER recognises that significant residual impacts (i.e. after proposed management measures) to some listed species and ecological communities are predicted, but these impacts have been assessed in accordance with the Commonwealth's significant impact guidelines, and that significant residual impacts will be offset (see **Chapter 7**). Impact assessments were informed by targeted surveys and detailed ground-truthing. The proponent therefore considers that the draft PER has assessed impacts on listed threatened species and ecological communities in accordance with the requirements of the PER Guidelines.

The effectiveness of biodiversity offsets was raised in submissions, including the effectiveness of offset management over the long term, and broader concerns that Commonwealth and State offset policies have not prevented ongoing biodiversity decline. An Offset Area Management Plan (see **Chapter 7** and **Appendix 26**) has been prepared in accordance with the Commonwealth's EPBC Act Environmental Offsets Policy and demonstrates an overall conservation outcome through predicted improvements in habitat quality. More broadly, concerns about the effectiveness of the Commonwealth's offset framework are outside the scope of the assessment required for the Project by the PER Guidelines.

The submissions argue that the draft PER understates cumulative impacts, particularly where the Project's individual contribution is described as small in regional terms. The PER assesses cumulative impacts at a scale proportionate to the Project. For terrestrial ecology, **Chapter 6** of the PER demonstrates that the Project contributes a small proportion of cumulative disturbance in the Northern Bowen Basin and that significant impacts will be offset. For surface water, **Chapter 4** of the PER describes the cumulative water assessments and standardised environmental authority controls for mine water management at mines in the Bowen Basin. For groundwater, **Chapter 5** of the PER describes that modelling includes the Project, Burton Mine and relevant historical mining influences, and therefore cumulative impacts are explicitly included in modelling and assessments.

The submissions queried the water management systems for the Project, and the assessment of the impacts and management effectiveness of these systems. As described in **Chapter 4** of the PER, the Project will operate under environmental authority conditions, including water management, release and monitoring requirements. The integrated water management system with Burton Mine provides environmental benefits by reducing duplicate infrastructure, using existing mine water storage and limiting potential releases. Ti-Tree Creek has been designed to be hydraulically and geomorphically stable, downstream flow changes are unlikely to be significant, and that the Project's contribution to flows at relevant downstream gauges is small. The Project is approximately 550 km upstream of the Fitzroy River mouth and, with proposed controls, will have an insignificant impact on Great Barrier Reef water quality.

Submissions were received on potential groundwater impacts and management, including predicted drawdown, possible impacts to alluvial aquifers, groundwater dependent ecosystems (GDEs) and long-term groundwater resource availability. **Chapter 5** of the draft PER provides a comprehensive groundwater assessment which demonstrates the distinction between basal alluvium, regolith and the perched groundwater systems. GDEs are dependent on perched groundwater, not the basal alluvium predicted to experience drawdown, and surface flow changes are not of sufficient magnitude to materially affect groundwater recharge. A comprehensive suite of management and monitoring plans are provided in the PER for groundwater and GDEs (see **Appendices 19 to 22**).

Submitters queried whether advice from the Independent Expert Scientific Committee (IESC) has been addressed. As noted in Section 2.1.1, the advice from the IESC was addressed before public notification of the draft PER.

The submissions assert that the Project would contribute to climate change, be inconsistent with Australia's climate commitments, including the Paris Agreement and domestic emissions reduction targets, and affect human rights. Submissions sought a more detailed greenhouse gas assessment. The

proponent notes that the draft PER Guidelines did not require a Project-specific greenhouse gas assessment and that emissions obligations will be managed outside the PER Guidelines requirements through the Commonwealth's Safeguard Mechanism (see Section 2.1.2). The Project will form part of the Burton Mine complex facility for Safeguard Mechanism purposes. Scope 1 emissions will be managed and abated in accordance with that framework, and scope 2 emissions are expected to be negligible because the Project does not rely on purchased electricity for power generation. Scope 3 emissions from coal combustion will be managed under the regulatory frameworks of the countries where the coal is used. In regard to human rights, the proponent notes that Queensland's *Human Rights Act 2019* applies to State decision-making, with the State approvals (see Section 2.2) granted having considered potential impacts on human rights.

Submissions raise concerns about the Project's reliance on Burton Mine infrastructure, with submitters of the view that uncertainty about Burton Mine's future could undermine assumptions in the draft PER and may require alternative infrastructure, revised modelling or a new referral. Related concerns include the proponent's financial capacity, the status of other mines in care and maintenance, the risk of stranded assets, and whether rehabilitation obligations would be met if market conditions deteriorate. This final PER has been updated to recognise that Argo is the new ultimate holding company for the proponent (see **Chapter 1**). The Project and Burton Mine are now under Argo ownership, and Argo has the necessary investor backing to recommence Burton operations and undertake the Project. Burton Mine infrastructure could continue to support the Project even if mining was not occurring at Burton Mine. There is no requirement for alternative standalone infrastructure for the Project and therefore the assessed action would not change and would not require a new referral. On rehabilitation, Queensland's financial provisioning framework, approved progressive rehabilitation and closure plan schedule, estimated rehabilitation cost process, and financial surety requirements provide the regulatory mechanisms to manage the risk that rehabilitation obligations are not met.

Submissions questioned the socio-economic justification for the Project, including prediction about coal markets. The proponent notes that Argo's investment decisions consider future coal price forecasts. As described in **Chapter 8** of the PER, the Project would provide employment, royalties, taxation and regional economic benefits, and that these benefits would not be realised if the Project did not proceed. The proponent considers that the PER demonstrates the Project's residual impacts are acceptable after mitigation, monitoring and offsets, and that the socio-economic benefits outweigh the mitigated environmental and social impacts.

The proponent considers that the draft PER has assessed all matters raised in submissions adequately in accordance with the PER Guidelines and applicable regulatory frameworks, and that the Project's residual impacts are acceptable when proposed management measures, monitoring, offsets and socio-economic benefits are considered. The proponent has given due consideration to the submissions on the draft PER and considers that the draft PER adequately address the submissions without requiring the provision of additional assessments in the final PER.

### 2.1.2 National Greenhouse and Energy Reporting Act 2007

The Safeguard Mechanism is enacted through the *National Greenhouse and Energy Reporting Act 2007* (the NGER Act) and other legislation. Much of the detail is set out in the *National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015* (Safeguard Rule). The Safeguard Mechanism applies to facilities that emit more than 100,000 tonnes carbon dioxide equivalent (tCO<sub>2</sub>-e) of covered emissions in a financial year (the Safeguard threshold). Covered emissions are defined as scope 1 emissions, including direct emissions from fugitive emissions and emissions from fuel combustion, waste disposal, and industrial processes such as cement and steel making.

The draft PER Guidelines do not require an assessment of greenhouse gas emissions (GHG) from the Project. However, the proponent recognises that obligations under the Safeguard Mechanism may exist

for the Project and that these will be managed under the Safeguard Rules. Obligations under the Safeguard Mechanism will be managed outside the framework of this PER under the EPBC Act.

## 2.2 State Approvals

### 2.2.1 Mineral Resources Act 1989

All mining leases are granted under the *Mineral Resources Act 1989* (MR Act). ML 70337 was granted 26/06/2008, and ML 700053 and ML 700054 were granted 21/02/2022. ML 700053 and ML 700054 have been granted for the purposes of infrastructure. An application for renewal of ML 70337 (expiring June 2023) was lodged in December 2022. There are no new mining leases required for the Project. Therefore the Project does not require any new approvals under the MR Act.

All granted MLs occur on land where native title under the *Native Title Act 1993* (NT Act) has been extinguished. Therefore a process under the NT Act is not required for the Project.

The MR Act entitles the holder of a mining lease to take or interfere with underground water (i.e. groundwater) as part of approved mining operations. This entitlement is termed the mining lease holder's 'underground water rights'. Groundwater that is taken or interfered with while exercising the underground water rights is termed 'associated water'. The holder of the mining lease is entitled to use associated water for any purpose.

### 2.2.2 Environmental Protection Act 1994

#### 2.2.2.1 Environmental Authority

The *Environmental Protection Act 1999* (EP Act) is the key legislative framework for environmental management and protection in Queensland. The current environmental authority (EA) under the EP Act (EPML00475513), held by LJV, covers the New Lenton MLs and authorises mining of back coal as an environmentally relevant activity. The current EA is provided in **Appendix 4**.

An EA amendment application for the Project was submitted to the Queensland Department of Environment and Science (DES)<sup>1</sup> in October 2019 in accordance with the requirements of the EP Act. The EA amendment was granted in January 2021. Therefore, at State level, the necessary approval under the EP Act has been secured to progress Project activities. The EA was amended on 03 May 2024, following approval of the progressive rehabilitation and closure plan (PRCP) schedule for the Project, as the PRCP schedule replaced the rehabilitation conditions in Schedule G of the EA.

This PER provides a description of EA conditions in the relevant sections. For example conditions relevant to water management are described in **Chapter 4**. This section provides an overview, in Table 2-1, of conditions in the EA relevant to the controlling provisions for the Extension.

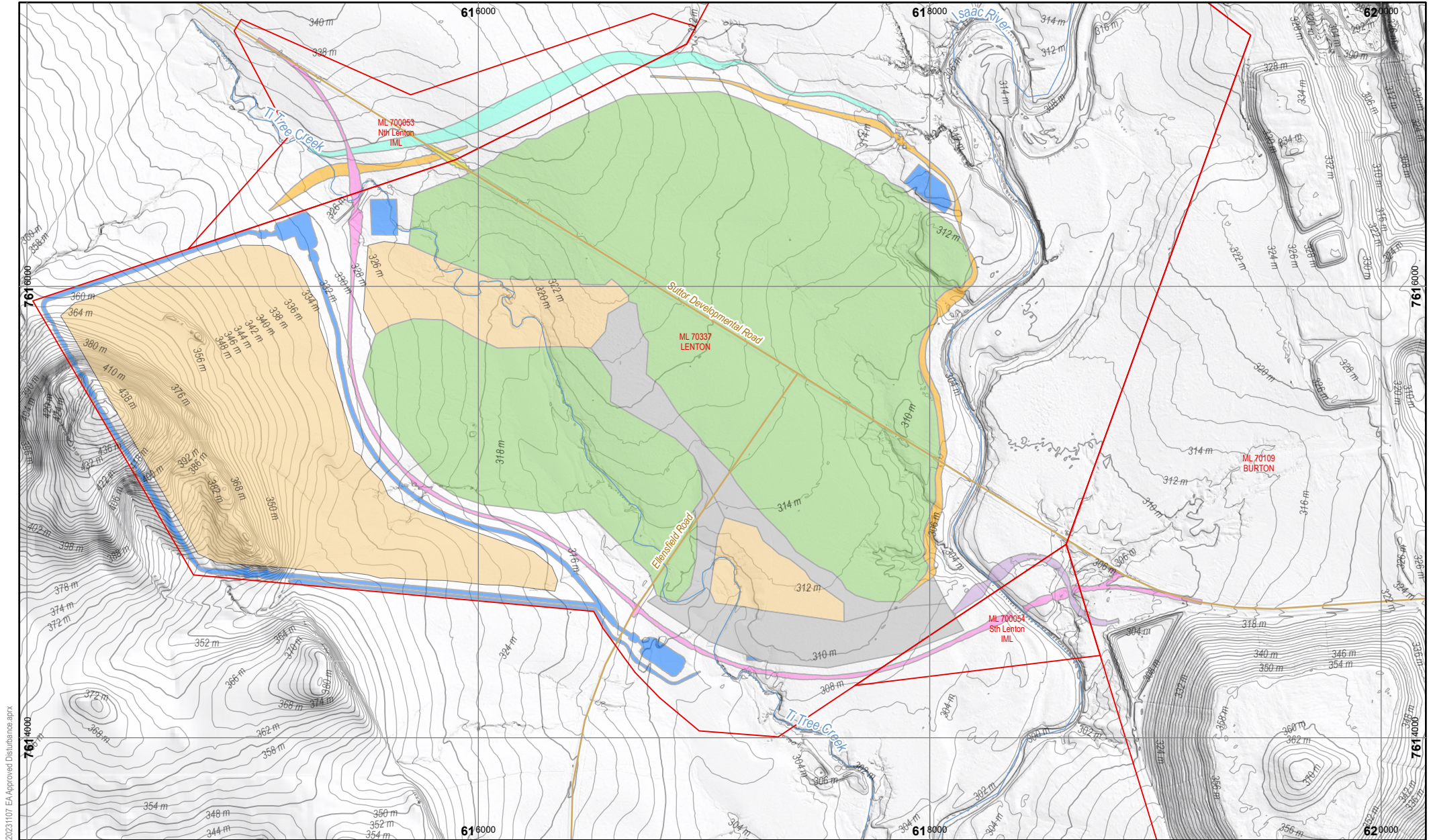
**Table 2-1 EA Conditions**

| EA Condition - Summary                                        | Commentary                                                     |
|---------------------------------------------------------------|----------------------------------------------------------------|
| A2 - coal mining is approved up to a rate of 2 Mtpa ROM coal. | The Project will extract coal at a rate up to 2 Mtpa ROM coal. |

<sup>1</sup> Now called the Department of Environment, Tourism, Science and Innovation (DETSI)

| EA Condition - Summary                                                                                                                                                     | Commentary                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A3 – limits activities to authorised disturbance areas and a maximum disturbance area                                                                                      | <p>The EA authorised disturbance areas are provided in Figure 2-1.</p> <p>The maximum disturbance area is 658 ha. Whilst the PER nominates a larger disturbance area (see Chapter 3), should this additional disturbance area be required, the proponent will seek an EA amendment.</p> |
| A13 - ROM coal may be trucked to Burton Mine and handled, processed and exported via infrastructure at the Burton mine under the Burton Mine EA (EA0001002).               | Authorises the haulage of ROM coal from the Project for processing at Burton Mine and the transport and railing of the Project's product coal from the Burton Mine.                                                                                                                     |
| C1 to C17 – condition the release of mine affected water                                                                                                                   | These conditions are further discussed in <b>Chapter 4</b> .                                                                                                                                                                                                                            |
| C18 to C27 – condition the monitoring of water quality in dams and the receiving environment, and require an annual receiving environment monitoring program (REMP) report | As Project activities have not commenced there are no dams for monitoring. A REMP will be developed for the Project to satisfy the EA requirements, and will be implemented when Project activities commence.                                                                           |
| C28 – C31 relate to the preparation and annual review of the Water Management Plan.                                                                                        | <b>Appendix 7</b> provides the basis for the water management plan for the Project, including integration of the water management system with Burton Mine.                                                                                                                              |
| C32 – C36 authorise the transfer and use of mine affected water to third parties and between the Project and Burton Mine                                                   | <b>Appendix 7</b> provides the basis for the water management plan for the Project, including integration of the water management system with Burton Mine.                                                                                                                              |
| C36 – C41 relate to management measures for acid mine drainage, saline drainage, erosion and sediment control, and potential contamination.                                | The relevant management measures will be implemented when the Project commences.                                                                                                                                                                                                        |
| C42 – C46 relate to sewage treatment and management.                                                                                                                       | The relevant management measures will be implemented when the Project commences.                                                                                                                                                                                                        |
| C47 – C48 authorise certain activities in watercourses and standards for monitoring                                                                                        | The relevant management measures will be implemented when the Project commences.                                                                                                                                                                                                        |
| D1 – D3 relate to a baseline groundwater monitoring program to be implemented prior to the commencement of a Groundwater Management and Monitoring Program.                | A baseline groundwater monitoring program has been implemented at the Project in accordance with the EA requirements.                                                                                                                                                                   |

| EA Condition - Summary                                                                                                                                                                | Commentary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D4 – D11 relate to monitoring of groundwater quality and levels against trigger levels for contaminants and levels, as well as notification and investigation procedures if required. | As the Project has not commenced there are no impacts to groundwater quality and levels for comparison against trigger levels. The EA requires that additional information is required to define the pre-mining baseline groundwater levels and level trigger thresholds. Data developed for this PER will contribute to the development of pre-mining baseline groundwater levels and level trigger thresholds.                                                                                                                                                   |
| D12 – D13, D16 relate to standards for bore construction and groundwater monitoring and sampling                                                                                      | Bore construction and groundwater monitoring and sampling are undertaken in accordance with the relevant standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| D14 – D15 – require a Groundwater Management and Monitoring Program (GMMP) and an Annual Groundwater Monitoring Report (AGMR)                                                         | The GMMP is described in <b>Chapter 5</b> . The EA requires that the GMMP is required 90 days prior to commencement of mining activities and hence the current GMMP may be updated prior to commencement.<br><br>The AGMR is required after the first year of mining activities.                                                                                                                                                                                                                                                                                   |
| G1 relates to rehabilitation, in accordance with the approved PRCP schedule                                                                                                           | A PRCP has been developed for the Project (refer to Section 2.2.3) and the PRCP schedule has been approved by the State (see <b>Appendix 5</b> ).                                                                                                                                                                                                                                                                                                                                                                                                                  |
| G4 - No significant impacts to groundwater dependent ecosystems (GDEs) (with consideration to background seasonal fluctuations in riparian health) are authorised                     | A GDE assessment has been undertaken for this PER (see <b>Appendix 10</b> ).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| G5 – G7 relate to the design, construction, operation and rehabilitation of drainage diversions                                                                                       | The preliminary design for the diversion of Ti-Tree Creek considers the EA requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| H1 – H7 relate to environmental offsets for significant residual impacts to matters of state environmental significance (MSES).                                                       | Under the <i>Environmental Offsets Act 2014</i> , to avoid duplication, if the same, or substantially the same, impact and environmental matter have been assessed under the EPBC Act, then offsets will be conditioned by the Commonwealth only. There are some matters which are State matters only, namely impacts to regulated vegetation, for which offsets will be provided, in addition to any offsets required by the Commonwealth. Table H1 of the EA includes significant residual impacts to MSES from the Project, for which offsets must be provided. |
| Schedule I relates to the design, construction and operation of regulated structures. This includes levees.                                                                           | The design, construction and operation of regulated structures will be undertaken in accordance with the EA conditions. All structures will be assessed to determine if they are regulated structures. The levees are likely to be regulated structures and hence will need to be designed, constructed and operated in accordance with the EA conditions.                                                                                                                                                                                                         |

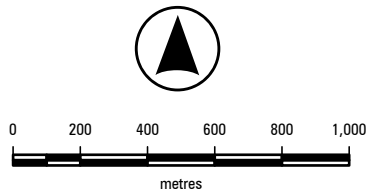


20231107 EA Approved Disturbance.aprx

Datum: MGA94 Zone 55  
 Scale: 1 : 22,500 (A4)  
 Date: 20/08/2026 3:00 PM  
 Drawn: RA (Source: AARC)



DISCLAIMER: Third party data sources are used in this map compilation. Minserve makes no warranty regarding this data's accuracy or currency.



- |                                                                                                             |                                                                                                                      |                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <b>Legend</b>                                                                                               | <b>EA Authorised Disturbance</b>                                                                                     | <b>Infrastructure</b>                                                                                                |
| <span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px;"></span> Mining Lease | <span style="background-color: blue; display: inline-block; width: 20px; height: 10px;"></span> Water Management     | <span style="background-color: grey; display: inline-block; width: 20px; height: 10px;"></span> Infrastructure       |
| <span style="border-bottom: 2px solid blue; display: inline-block; width: 20px;"></span> Waterway           | <span style="background-color: orange; display: inline-block; width: 20px; height: 10px;"></span> Dump Footprint     | <span style="background-color: green; display: inline-block; width: 20px; height: 10px;"></span> Pit Footprint       |
| <span style="border-bottom: 2px solid brown; display: inline-block; width: 20px;"></span> Roads             | <span style="background-color: pink; display: inline-block; width: 20px; height: 10px;"></span> Final Road Diversion | <span style="background-color: yellow; display: inline-block; width: 20px; height: 10px;"></span> Spoil Bunds        |
|                                                                                                             | <span style="background-color: purple; display: inline-block; width: 20px; height: 10px;"></span> Haul Road          | <span style="background-color: cyan; display: inline-block; width: 20px; height: 10px;"></span> Temp Road Diversion  |
|                                                                                                             |                                                                                                                      | <span style="background-color: lightblue; display: inline-block; width: 20px; height: 10px;"></span> Water Diversion |

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EA Authorised Disturbance

### 2.2.3 Mineral and Energy (Financial Provisioning) Act 2018

#### 2.2.3.1 Progressive Rehabilitation and Closure Plan

The *Mineral and Energy (Financial Provisioning) Act 2018* (MERFP Act) commenced on 1 April 2019 and amended the EP Act to introduce new requirements for approval of a progressive rehabilitation and closure plan (PRCP) schedule. Under the transitional arrangements, the PRCP start date is 1 November 2019. The Department of Environment and Science (DES)<sup>2</sup> will issue a notice to all EA holders for mining leases requiring the submission of a PRCP in accordance with the requirements of the EP Act, within 3 years of PRCP start date. Where an EA holder has a 'land outcome document' (LOD) that DES considers to be sufficient, then the EA holder does not need to address the requirements of certain aspects of a PRCP plan on transitioning into the new legislative framework. The EA for the New Lenton MLs is considered to be a LOD.

A PRCP transition notice, under section 754 of the EP Act, was issued to LJV (i.e. the EA holder for the New Lenton MLs) requiring a PRCP submission by 01/07/2022. Prior to this date a PRCP and PRCP schedule was submitted to DES in accordance with the requirements of the EP Act and the statutory guideline: Progressive Rehabilitation and Closure Plans (ESR/2019/4964 V2.00) (PRCP Guideline).

DES approved the PRCP schedule for the Project on 27/11/2023. The approved PRCP schedule is provided in **Appendix 5**. The PRCP reflects the EA holder's commitment to progressive rehabilitation of all mining activities at the Project in accordance with a schedule of proposed rehabilitation milestones.

#### 2.2.3.2 Financial Surety and Estimated Rehabilitation Cost

The MERFP Act amended the EP Act to introduce the requirement for an estimated rehabilitation cost (ERC) calculation to be provided to DES for an ERC decision (i.e. approval of the ERC). The ERC calculation provides the estimated costs for rehabilitation and decommissioning of all Project activities predicted to occur in a 1 – 5 year period. An ERC for proposed near term mining activities will be submitted to DES for approval prior to the Project's mining activities commencing.

The MERFP Act introduced the requirement for Queensland Treasury to assess the risk level for each proponent and to determine the method by which financial surety is provided to the State for the ERC. Once the ERC is submitted and approved, financial surety in the form required by Queensland Treasury, will be provided to the State to cover the costs of rehabilitation and closure for the maximum disturbance within the ERC period.

Prior to surrender of the Project's MLs and EA, a residual risk payment is expected to be required by the State. The residual risk payment provides the State with funds to remediate areas, due to unforeseen events, that have been previously certified as meeting final rehabilitation completion criteria and milestones. In providing a residual risk payment, the State will have sufficient funds available for any post ML surrender remediation requirements.

### 2.2.4 Water Act 2000

The *Water Act 2000* (Water Act) regulates the taking and use of surface water and groundwater. The proponent does not intend to take surface water or groundwater for use in mining, other than associated water (groundwater inflows into the pit area). ML holders are able to take or interfere with underground water in the area of the licence or lease where the taking or interference happens during the course of, or results from, the holder's authorised activities (associated water). Prior to changes to the Water Act in 2016, ML holders were required to hold a water licence for the take of associated water.

On 25/05/2021 NLC and MPC (i.e. the LJV) were issued an associated water licence (AWL) (see **Appendix 6**) for the taking of, and interfering with, associated water from the Rangal Coal Measures and adjacent

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<sup>2</sup> Now called the Department of Environment, Tourism, Science and Innovation (DETSI)

formations with the point of take on or under the area of ML 70337. The purpose of the AWL is for dewatering during the course of, or resulting from, the carrying out of an authorised activity for the ML.

The AWL requires make good obligation for water bores. LJV will undertake bore assessments and enter into make good agreements as required. The AWL includes additional obligations related to groundwater monitoring in accordance with the GMMP, and closure of mine operations. Information from the AWL application has been included in the groundwater assessment (see **Appendix 8**) in this PER.

The environmental impacts of the take of associated water from the Project, were assessed as part of the EA amendment application for the Project. Section 227AA of the EP Act requires that an EA amendment application that involves a change to the exercise of underground water rights must be supported by the following information:

- a statement describing the proposed exercise of underground water rights and a description of the timing and location of the proposed activities
- a description of each aquifer and the movement of water within each aquifer affected by the proposed activities
- an assessment of the extent of depressurisation in each aquifer due to the proposed activities
- the predicted quantity of associated water taken from each aquifer during the proposed activities
- a description of the impacts of the proposed activities on environmental values
- a description of the effects of the proposed activities on groundwater quality
- a description of any strategies to avoid, manage or mitigate the impacts of the proposed activities.

The supporting information required under the EP Act was provided in the EA amendment application for the Project that has subsequently been granted, and is also provided in the groundwater assessment (see **Appendix 8**) in this PER. The EA amendment application for the Project did not identify any landholder bores for which a make good agreement would be required.

Chapter 3 of the Water Act, which regulates the take of underground water, will apply to Project activities, in so far as they are not already subject to the water licence requirements, which include reporting, conducting baseline assessments and entering make good agreements with owners of affected bores.

On 10/05/2018 the Department of Natural Resources, Mines and Energy (DNRME) made a determination that 3 unnamed tributaries of the Isaac River that run through ML 70337 are drainage features (rather than watercourses) under the definitions of the Water Act. One of the unnamed tributaries for which DNRME made a determination is referred to as Ti-Tree Creek in this PER. Therefore under the Water Act Ti-Tree Creek is not a watercourse. The Project involves diversion of Ti-Tree Creek, which formed part of the assessment of the EA application for the Project, despite Ti-Tree Creek not being considered a watercourse.

### 2.2.5 Biosecurity Act 2014

The *Biosecurity Act 2014* provides comprehensive biosecurity measures to safeguard the economy, agricultural and tourism industries, environment and way of life, from pests, weeds, diseases and contaminants. The proponent will comply with the requirements of the *Biosecurity Act 2014* for managing pests and weeds.

### 2.2.6 Environmental Offsets Act 2014

Under the *Environmental Offsets Act 2014* (EO Act), if the Project results in significant residual impacts to matters of state environmental significance (MSES), offsets will be required. To avoid duplication, if the same, or substantially the same, impact and environmental matter have been assessed under the EPBC Act, then offsets will be conditioned by the Commonwealth only. The EO Act, *Environmental Offsets Regulation 2014* (EO Regulation) and the Queensland Environmental Offsets Policy (QEOP) (DES, 2022) comprise the Queensland Environmental Offsets Framework.

### 2.2.7 Nature Conservation Act 1992

Under the *Nature Conservation Act 1992* (NC Act), permits for the movement of protected animals and the clearing of protected plants are required and a Species Management Program must be approved when interfering with native fauna habitat and breeding places. Applications for high risk and low risk Species Management Programs will be made prior to Project activities commencing.

A ‘low risk’ Species Management Program applies when tampering with any native animal breeding place, including least concern species. Least concern species have been identified at the Project. A ‘high risk’ Species Management Program applies when tampering with threatened species, special least concern species and colonial breeders. Based on the terrestrial ecology assessment (refer to **Chapter 6**), this includes the Koala, Greater Glider, and Squatter Pigeon.

The NC Act also dedicates and declares protected areas under thirteen classes for the conservation of natural and cultural heritage within national parks, conservation parks or resource reserves. The Project will not impact any protected areas.

### 2.2.8 Regional Planning Interests Act 2014

Under the *Regional Planning Interests Act 2014* (RPI Act), areas of regional interest include strategic cropping areas (SCAs), priority living areas (PLAs), priority agricultural areas (PAAs) and strategic environmental areas (SEAs). There are no areas of regional interest that will be impacted by the Project and therefore a Regional Interests Development Authority (RIDA) is not required.

### 2.2.9 Strong and Sustainable Resource Communities Act 2017

The Project is not a ‘large resource project’ under the *Strong and Sustainable Resource Communities Act 2017* (SSRC Act). The SSRC Act defines ‘nearby regional community’ as a town (population of more than 200 people) which is located within 125 km of the main access of a large resource project. The SSRC Act prohibits a 100% fly in fly out (FIFO) workforce sourced from outside nearby regional communities. The Project does not propose the use of a 100% FIFO workforce.

The Project’s workforce will be accommodated in the Burton Mine accommodation camp.

### 2.2.10 Vegetation Management Act 1999

The *Vegetation Management Act 1999* (VM Act) regulates the conservation and management of vegetation communities and provides protection for regional ecosystems classified as ‘endangered’, ‘of concern’ or ‘least concern’ under the VM Act. The clearing of native vegetation for the Project will be exempt from the provisions of the VM Act where clearing occurs within the ML areas for a mining activity. Clearing of vegetation outside of the mining leases is not proposed. Clearing of vegetation is approved by the State under the EA conditions of approval under the EP Act.

### 2.2.11 Aboriginal Cultural Heritage Act 2003

The *Aboriginal Cultural Heritage Act 2003* (Qld) (ACH Act) provides a system to protect, preserve and manage Aboriginal cultural heritage areas and objects. The object of the ACH Act is to provide recognition, protection and conservation of Aboriginal cultural heritage.

The ACH Act establishes a ‘duty of care’ that requires anyone conducting activities on land to take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. Penalties apply for causing unauthorised harm.

The ACH Act also:

- establishes the process for identifying the relevant Aboriginal parties

- requires a cultural heritage management plan (CHMP) be developed and approved when an EIS is required for the approval of any project
- establishes a cultural heritage database maintained by the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP)<sup>3</sup>
- vests ownership of Aboriginal cultural heritage with Aboriginal People.

A Cultural Heritage Management Plan (CHMP) has been executed by the proponent (or its predecessors) and the relevant Aboriginal Parties (the Barada Barna Kabalbara YeitMarla No 3 People) covering the New Lenton MLs (as well as other areas). Management of Aboriginal cultural heritage will continue to be conducted in accordance with the CHMP.

A subsequent Cultural Heritage Management Agreement (CHMA) has been executed by the proponent and additional relevant Aboriginal Parties (the Wiri People Core Country Claimants) covering the New Lenton MLs (as well as other areas). Management of Aboriginal cultural heritage will continue to be conducted in accordance with the CHMA.

## 2.3 References

DES 2022. *Queensland Environmental Offsets Policy (Version 1.13)*. Queensland Department of Environment and Science. Accessed at:  
[https://environment.des.qld.gov.au/\\_data/assets/pdf\\_file/0018/293400/offsets-policyv1-13.pdf](https://environment.des.qld.gov.au/_data/assets/pdf_file/0018/293400/offsets-policyv1-13.pdf)

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<sup>3</sup> Now the Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism (DWATSIPM)