

Ironbark No. 1 Mine

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# EPBC Act Approval Annual Compliance Audit Report – 2023

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for Fitzroy Australia Resources Pty Ltd

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10 May 2024



**HANSEN**  
ENVIRONMENTAL  
CONSULTING

## DOCUMENT CONTROL

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# CONTENTS

1	INTRODUCTION.....	1
1.1	Background.....	1
1.2	Scope of Work.....	1
2	NON-COMPLIANCES AND RECTIFICATION ACTIONS.....	3

## APPENDICES

Appendix A EPBC Act Approval Compliance Audit Findings

# 1 INTRODUCTION

Hansen Environmental Consulting was engaged by Fitzroy Australia Resources Pty Ltd (Fitzroy) to prepare the 2023 Annual Compliance Report for the Ironbark No.1 Mine in accordance with Condition 19 of the Ironbark No.1 Mine *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Approval (EPBC 2007/3643). This report provides the compliance assessment.

## 1.1 BACKGROUND

The Ironbark No.1 Mine involves the construction and operation of an underground coal mine on a greenfield site. The mine site comprises Mining Lease (ML) 700024. The mine site is located approximately 35 km north-east of the township of Moranbah in Central Queensland.

Fitzroy was granted an EPBC Act approval for the mine on 9 November 2018. The EPBC Act approval was varied on 7 June 2019 and again on 17 October 2022. This compliance assessment is based on the 17 October 2022 version of the EPBC Act approval.

EPBC Act approval Condition 19 requires that an Annual Compliance Report, addressing compliance with each of the EPBC Act approval conditions over the previous 12 months, is published within three (3) months of every 12 month anniversary of the commencement of the action. The commencement of the action was 12 December 2021. Mine construction commenced on this date. This is the second Annual Compliance Report, which is required to be published on Fitzroy's website by 12 March 2024. Documentary evidence providing proof of the date of publication and details of any non-compliance with any of the conditions of the EPBC Act approval must be provided to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) at the same time that the Annual Compliance Report is published. The report is required to remain on publication for the duration of the EPBC Act approval (i.e. until 1 August 2060).

Activities conducted during the term of this Annual Compliance Report (i.e. 12 December 2022 to 12 December 2023) included construction of mine surface infrastructure and underground mine access roadway development. Underground bord and pillar mining and longwall mining did not commence within the term of the audit.

## 1.2 SCOPE OF WORK

This report has been prepared in accordance with EPBC Act approval Condition 19 and presents the findings of the annual compliance audit undertaken by Hansen Environmental Consulting. The compliance audit was conducted by Rebecca Miller and Peter Hansen of Hansen Environmental Consulting.

The audit scope included:

- A detailed review of the documentation relevant to the EPBC Act approval; and
- Interviews with key Fitzroy personnel in early 2024, including Sophie Bereyne, Head of Environment and Community.

A site visit was not conducted specifically for the purposes of the audit. The audit team is familiar with the mine site from previous site visits and approvals and compliance work conducted for the mine.

Appendix A provides a full list of the EPBC Act approval conditions and the corresponding detailed audit findings for compliance with each condition.

## 2 NON-COMPLIANCES AND RECTIFICATION ACTIONS

There was one (1) non-compliance with the EPBC Act approval conditions identified during the audit period (i.e. 12 December 2022 to 12 December 2023). The non-compliance is related to Condition 19:

*Within three (3) months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report (the Annual Compliance Report) on its website addressing compliance with each of the conditions of this approval during the previous 12 months. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the Annual Compliance Report is published. Reports must remain published for the duration of this approval. The approval holder must continue to publish the Annual Compliance Report until otherwise advised by the Minister in writing.*

Fitzroy did not publish the Annual Compliance Report on its website or provide documentary evidence to the Department by the required deadline of within three (3) months of every 12-month anniversary of the commencement of the action (i.e. 12 March 2024). Fitzroy's proposed rectification actions to address the non-compliance are as follows:

- Report the contravention of the EPBC Act approval condition 19 to DCCEEW , in writing, within five (5) business days of the approval holder becoming aware of the contravention, in accordance with EPBC Act approval condition 20 (Fitzroy became aware of the contravention on 15 April 2024 and notified the Department on 17 April 2024, within five (5) days).
- Fitzroy to complete the Annual Compliance Report, publish it on its website and provide documentary evidence to DCCEEW of the date of publication and the non-compliance within 1 week of the date of the audit report.
- Review the current automated system to ensure compliance activities related to the EPBC Act Approval are completed and submitted within the required statutory timeframes (*immediate*).

Appendix A provides a full list of the EPBC Act approval conditions and the corresponding detailed audit findings for each condition.

**Appendix A**  
**EPBC Act Approval Compliance**  
**Audit Findings**



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EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
1	The approval holder must undertake the action within the <b>Ironbark No.1 Coal project area</b> .	Y	Fitzroy provided a dxf of the mine disturbance footprint as of 12 December 2023 (including underground and surface disturbance areas). The dxf confirms that the mine activities have only been undertaken within the <b>Ironbark No. 1 Coal project area</b> (i.e. ML 700024 which is shown as black dashed lines and labelled 'Mining Lease' in the EPBC Act approval attachments A and B).
2	The approval holder must not <b>impact</b> more than 83 hectares (ha) of <b>EPBC Act listed threatened species and communities</b> habitat consisting of: <ul style="list-style-type: none"> <li>a. 9.2 ha of <b>Brigalow ecological community</b> (TEC);</li> <li>b. 57 ha of <b>Squatter Pigeon breeding habitat</b>;</li> <li>c. 26 ha of <b>Squatter Pigeon foraging habitat</b>; and</li> <li>d. 74 ha of <b>Yakka Skink habitat</b>.</li> </ul>	Y	Fitzroy provided a dxf of the mine disturbance footprint as of 12 December 2023 . This dxf confirms that Fitzroy has impacted approximately 21.43 ha of the <b>EPBC Act listed threatened species and communities</b> habitat, which is less than the limit of 83 ha. As of 12 December 2023, Fitzroy had impacted the following specific habitat, which are all below the limits listed in EPBC Act Condition 2: <ul style="list-style-type: none"> <li>a. 5.25 ha of <b>Brigalow TEC</b>;</li> <li>b. 9.44 ha of <b>Squatter Pigeon breeding habitat</b>; and</li> <li>c. 6.74 ha of <b>Squatter Pigeon foraging habitat</b>.</li> </ul> As per the response to EPBC Act Approval Conditions 4 and 5, the Yakka Skink Report concluded that Yakka Skinks were not present within the mine site, therefore, tracking of Yakka Skink habitat disturbance areas is not required.
3	The approval holder must not impact any <b><i>Xerothamnella parvifolia</i></b> within the <b><i>Xerothamnella parvifolia</i> habitat</b> .	Y	As stated in the EPBC Act approval definitions, <i>Xerothamnella parvifolia</i> habitat means the area labelled as the 'area incorrectly mapped as <i>X. parvifolia</i> habitat in the EIS' shown in Attachment A of the EPBC Act approval. This definition is based on the Section 143 EPBC Act approval variation application that was submitted on 7 June 2022, which included a report by Eco Solutions & Management (EcoSM). The EcoSM report confirmed that, based on a targeted field survey, there is no <i>X. parvifolia</i> present, or likely to be present, within the area of mapped <i>X. parvifolia</i> habitat in the EPBC Act approval (Attachment A). Hence, there is no <i>X. parvifolia</i> present within the incorrectly mapped habitat area in Attachment A and no potential for impact.



EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
<b>Pre-clearance Survey for the Yakka Skink (<i>Egernia rugosa</i>)</b>			
4	Prior to the <b>commencement</b> of the action, the approval holder must undertake a pre-clearance survey for the presence of <b>Yakka Skink</b> in all areas of <b>Yakka Skink habitat</b> that will be <b>impacted</b> by the <b>mine infrastructure and ponding areas</b> . The pre-clearance survey must be undertaken by an <b>approved ecologist</b> and in accordance with a methodology approved by the <b>Department</b> .	Y	<p>On 7 June 2019, Hansen Bailey, on behalf of Fitzroy, submitted the June 2019 Yakka Skink Survey Methodology (by Cumberland Ecology) to meet the requirements of EPBC Act Condition 4. This included details of the survey team members. The former Commonwealth Department of the Environment and Energy (DoEE) approved the Yakka Skink Survey Methodology and confirmed that the survey team met the requirements of an approved ecologist in a letter dated 7 June 2019.</p> <p>Cumberland Ecology undertook a pre-clearance survey between 15 and 21 June 2019 (prior to the commencement of the action on 12 December 2021) for the presence of Yakka Skink in all areas of Yakka Skink habitat that were predicted to be impacted by mine infrastructure and ponding areas.</p>
5	<p>The approval holder must submit a Yakka Skink Report for the written approval of the <b>Minister</b>. The Yakka Skink Report must demonstrate that the approved methodology was implemented to undertake a pre-clearance survey for the presence of <b>Yakka Skink</b> in all areas of <b>Yakka Skink habitat</b> that could be <b>impacted</b> by the <b>mine infrastructure and ponding areas</b>, including details of the survey timing and survey effort. If <b>Yakka Skink</b> presence is detected, the Report must include:</p> <ol style="list-style-type: none"> <li>a. the coordinates for, and a map showing the location of, <b>Yakka Skink</b> individuals or colonies detected within the <b>mine infrastructure and ponding areas</b>; and</li> </ol>	Y	<p>The Yakka Skink Report, in accordance with EPBC Act Condition 5, was submitted to the former DoEE on 1 July 2019. DoEE approved the report in a letter dated 7 July 2019 and also confirmed that the Yakka Skink is not present at the mine site and that the requirements of EPBC Act Conditions 5A, 5B and 5C do not apply.</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<p>b. the condition of <b>Yakka Skink habitat</b>, and any associated microhabitat features, within a 200 m radius of any <b>Yakka Skink</b> records and/or colonies.</p>		
5A	<p>The approval holder must not <b>commence</b> the action until the Yakka Skink Report has been approved by the <b>Minister</b>. If the Yakka Skink Report approved by the <b>Minister</b> determined that <b>Yakka Skink</b> are not present within the <b>mine infrastructure and ponding areas</b>, then no offset for impacts to <b>Yakka Skink habitat</b> is required for the action. If the Yakka Skink Report approved by the <b>Minister</b> determined that <b>Yakka Skink</b> is present within the <b>mine infrastructure and ponding areas</b>, then the approval holder must submit for approval by the <b>Minister</b>, within six months of <b>commencement</b> (or as otherwise agreed in writing by the <b>Minister</b>), a Yakka Skink Offset Strategy to compensate for <b>impacts</b> on <b>Yakka Skink habitat</b> identified in the approved Yakka Skink Report.</p>	N/A	Not applicable. See the response to EPBC Act Condition 5.
5B	<p>The Yakka Skink Offset Strategy referred to in condition 5A:</p> <ul style="list-style-type: none"> <li>a. must demonstrate that the proposed offset(s) meet the principles of the <b>EPBC Act Environmental Offsets Policy</b>;</li> <li>b. must demonstrate how high value <b>Yakka Skink</b> micro habitat will be identified and delivered at potential offset areas;</li> </ul>	N/A	Not applicable. See the response to EPBC Act Condition 5.

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<p>c. may include a prioritized list of potential offset sites, only some of which may subsequently be secured as offsets, subject to detailed survey prior to submission of the Yakka Skink Offset Management Plan;</p> <p>d. must propose timelines and mechanisms for legally securing the proposed offset area(s); and</p> <p>e. must include details of how the Yakka Skink Offset Strategy will be updated to incorporate any new information or understanding of the <b>Yakka Skink</b>.</p> <p>The approval holder must implement the approved Yakka Skink Offset Strategy.</p>		
5C	<p>The approval holder must, within 6 months of submitting the Yakka Skink Offset Strategy specified in condition 5B, submit a Yakka Skink Offset Management Plan for the <b>Minister's</b> written approval. The Yakka Skink Offset Management Plan must be consistent with the approved Yakka Skink Offset Strategy, and must include:</p> <p>a. a field validation survey and baseline description of the current condition (prior to any management activities) of the offset area(s), including existing vegetation;</p> <p>b. a description and map (including <b>shapefiles</b>) to clearly define the location and boundaries of the</p>	N/A	Not applicable. See the response to EPBC Act Condition 5.

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<p>offset area(s), accompanied by the <b>offset attributes</b>;</p> <p>c. information about how the proposed offset area(s) provides connectivity with other relevant habitats and biodiversity corridors;</p> <p>d. commitment to ecological outcomes and offset completion criteria for <b>Yakka Skink habitat</b> and the timeframes in which these will be achieved;</p> <p>e. a description of the management measures (including timing, frequency and duration) that will be implemented in the offset area(s);</p> <p>f. a description of how proposed management measures take into account relevant <b>approved conservation advices</b> and are consistent with the measures contained in relevant <b>recovery plans</b> and <b>threat abatement plans</b>;</p> <p>g. completion criteria and performance targets for evaluating the effectiveness of the Yakka Skink Offset Management Plan implementation, and criteria for triggering corrective actions;</p> <p>h. a program to monitor and report on progress against the performance and completion criteria and review the effectiveness of the Yakka Skink Offset Management Plan; and</p> <p>i. a description of potential risks to the successful implementation of the offset(s), and contingency</p>		

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<p>measures that would be implemented to mitigate against these risks.</p> <p>The approval holder must implement the approved Yakka Skink Offset Management Plan(s). The <b>Minister</b> may give notice to the approval holder of changes required to the Yakka Skink Offset Management Plan(s) for the plan to be suitable for approval by the <b>Minister</b>.</p>		

**Offset Management Plan**

6	<p>The approval holder must submit an Offset Management Plan for the written approval of the <b>Minister</b>. The approved Offset Management Plan must be implemented. The Offset Management Plan must be prepared by a <b>suitably qualified person</b> in accordance with the <b>Department's Environmental Management Plan Guidelines</b>, and include:</p> <ul style="list-style-type: none"> <li>a. details of environmental offset/s to compensate, in accordance with the <b>EPBC Act Environmental Offsets Policy</b> to the satisfaction of the <b>Minister</b>, for the <b>EPBC Act listed threatened species and communities</b> habitat to be impacted as identified in condition 2a to 2c;</li> <li>b. a description of the habitat condition to be impacted for the <b>EPBC Act listed threatened species and communities</b> habitat as identified in condition 2a to 2c;</li> </ul>	Y	<p>The Ironbark No. 1 Mine Offset Management Plan (OMP), in accordance with EPBC Act Condition 6, was submitted to the former DoEE on 14 January 2019.</p> <p>The former Commonwealth Department of Agriculture, Water and the Environment (DAWE) approved the OMP dated 11 February 2020 on 14 February 2020.</p> <p>Fitzroy submitted a Revised Ironbark No. 1 Mine OMP, including changes to the offset area, to DCCEEW on 23 May 2023. DCCEEW approved the Revised OMP (version D dated 29 January 2024) on 5 April 2024.</p> <p>Fitzroy have advised the Revised OMP is being implemented.</p>
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EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<ul style="list-style-type: none"> <li>c. details of how the proposed offset/s and Offset Management Plan meet the requirements of the <b>EPBC Act Environmental Offsets Policy</b>;</li> <li>d. a field validation survey and baseline description of the current condition (prior to any management activities) of the offset area/s, including existing vegetation;</li> <li>e. e. a description and map (including <b>shapefiles</b>) to clearly define the location and boundaries of the proposed offset area/s, accompanied by the <b>offset attributes</b>;</li> <li>f. information about how the proposed offset area/s provide connectivity with other relevant habitats and biodiversity corridors;</li> <li>g. a description of the management measures (including timing, frequency and duration) that will be implemented in each offset area/s;</li> <li>h. a discussion of how proposed management measures take into account relevant <b>approved conservation advices</b> and are consistent with the measures contained in relevant <b>recovery plans</b> and <b>threat abatement plans</b>;</li> <li>i. completion criteria and performance targets for evaluating the effectiveness of the Offset Management Plan implementation, and criteria for triggering corrective actions;</li> </ul>		

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<ul style="list-style-type: none"> <li>j. a program to monitor, report on and review the effectiveness of the Offset Management Plan;</li> <li>k. a description of potential risks to the successful implementation of the offset/s, and contingency measures that would be implemented to mitigate against these risks; and</li> <li>l. details of the mechanism to <b>legally secure</b> the environmental offset/s.</li> </ul>		
7	<p>The approval holder must:</p> <ul style="list-style-type: none"> <li>a. have <b>control</b> of the offset area(s) by 12 December 2024;</li> <li>b. apply to <b>legally secure</b> the offset area(s) by 12 March 2025;</li> <li>c. <b>legally secure</b> the offset area(s) by 12 December 2025; and</li> <li>d. within 10 <b>business days</b> of each offset area being <b>legally secured</b>, provide the <b>Department</b> with written evidence demonstrating that the offset has been <b>legally secured</b> and, if different from those originally provided, <b>offset attributes</b> and <b>shapefiles</b> that clearly define the location and boundaries of the offset area.</li> </ul>	N/A	<p>The deadlines in EPBC Act Condition 7 are all future deadlines outside the term of this audit (i.e. 12 December 2022 to 12 December 2023). Fitzroy has confirmed (pers. comm. S. Bereyne) that the requirements of EPBC Act Condition 7 are planned to be met by the deadlines stated in Condition 7.</p>
8	<p>The approval holder must not <b>commence</b> the action until the Offset Management Plan has been approved by the <b>Minister</b>.</p>	Y	<p>As stated in the response to EPBC Act Condition 6, the original OMP was approved by the Minister on 14 February 2020.</p> <p>As stated in the response to EPBC Act Condition 17, the action commenced on 12 December 2021, after the approval of the original OMP by the Minister.</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
<b>Vegetation Clearance</b>			
9	To manage potential <b>impacts to EPBC Act listed threatened species and communities</b> during vegetation clearance, the approval holder must implement the mitigation and management measures identified in section 4.2 of the <b>additional information</b> .	Y	<p>Fitzroy has incorporated all of the mitigation and management measures listed in Section 4.2 of the <b>additional information</b> into the Ironbark No. 1 Mine Permit to Disturb procedure management measures. Section 4.2 of the <b>additional information</b> included the following key points and Fitzroy's evidence of compliance is stated in <b>bold</b>:</p> <ul style="list-style-type: none"> <li>• Areas disturbed for mine infrastructure will be rehabilitated to a post-mining landform that is stable, self-sustaining, safe and requires minimal maintenance. The post-mining land use will be grazing. <b>Not applicable. No rehabilitation works commenced within the audit term.</b></li> <li>• A Rehabilitation Management Plan will be prepared in accordance with the requirements of the EA, prior to the commencement of rehabilitation. <b>Not applicable. EA Condition G12 (from the EA issued 18 March 2024) requires that a Rehabilitation Management Plan is developed and submitted to the Queensland Department of the Environment and Science (DES) for review and approval at least 3 months prior to the commencement of any rehabilitation activities. Rehabilitation did not commence within the audit term and did not commence in Q1 2024. Therefore, a Rehabilitation Management Plan is not yet required to be prepared in accordance with the EA.</b></li> <li>• Gas Drainage Activities including the following key points: <ul style="list-style-type: none"> <li>• The total area disturbed by gas drainage infrastructure is approximately 30 ha. <b>As of 12 December 2023, the total area disturbed by gas drainage infrastructure was 4.14 ha. This is below the maximum area of 30 ha;</b></li> </ul> </li> </ul>



EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			<ul style="list-style-type: none"> <li>• The total area disturbed by subsidence crack rehabilitation is approximately 1.5 ha. <b>Fitzroy confirmed that underground mining (including longwall mining) did not commence within the audit term. Longwall mining, which could lead to subsidence cracking and associated rehabilitation, is currently anticipated to commence in August 2024. Therefore, no subsidence cracks due to underground mining developed, or were required to be rehabilitated;</b> and</li> <li>• Progressive clearing, decommissioning of gas wells and rehabilitation. <b>Progressive clearing for gas drainage was undertaken within the audit term (i.e. only 4.14 ha of the approved 30 ha, has been disturbed). Fitzroy has advised that no gas wells have required decommissioning and, therefore, no gas wells have been rehabilitated.</b></li> <li>• Subsidence Crack Rehabilitation Program. <b>As stated above, underground mining did not commence within the audit term and therefore, no subsidence cracks or buckling due to underground mining developed, or were required to be rehabilitated.</b></li> <li>• Vegetation Clearing Controls including the following key points:             <ul style="list-style-type: none"> <li>• Pre-clearing inspections. <b>Pre-clearing inspections were undertaken by qualified Spotter Catchers which complied with Section 4.2 of the Additional Information. The Spotter Catchers provided reports detailing the pre-clearance inspections.</b></li> <li>• Clearing surveys. <b>Clearing surveys were undertaken by qualified Spotter Catchers which complied with Section 4.2 of the Additional Information. The Spotter Catcher provided reports detailing the clearing survey methodologies and results.</b></li> </ul> </li> </ul>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			<ul style="list-style-type: none"> <li>• Works in, or adjacent to, creeks/drainage lines. <b>No works in, or adjacent to, creeks/drainage lines were conducted within the audit term. However, since the commencement of the Ironbark No. 1 Coal Mine, Fitzroy has undertaken previous work which was in or adjacent to creeks and drainage lines. Fitzroy has advised that they complied with Section 4.2 of the additional information by ensuring that these necessary works:</b> <ul style="list-style-type: none"> <li>· <b>Were as narrow as possible to minimise the disturbance area;</b></li> <li>· <b>Were constructed only when flows had ceased;</b></li> <li>· <b>Included the implementation of any necessary erosion and sediment controls works;</b></li> <li>· <b>Were undertaken in accordance with the requirements of the Ironbark Sediment and Erosion Management Plan and the Queensland guideline Activities in a Watercourse, Lake or Spring Associated with a Resource Activity or Mining Operation; and</b></li> <li>· <b>Included rehabilitation, where necessary, which was undertaken using native flora species.</b></li> </ul> </li> </ul>

### Riparian Area

10	Prior to the <b>commencement of mining activities</b> , a <b>suitably qualified person</b> must undertake ecological surveys in accordance with the <b>Department's</b> survey guidelines or best practice guidelines in effect at the time of the surveys to determine the extent (in hectares) and <b>habitat condition</b> for <b>EPBC Act listed threatened species and communities and groundwater - dependent ecosystems</b> in the <b>riparian area</b> . The approval holder must report its	Y	<p>As stated in the response to EPBC Act Condition 17, the action commenced on 12 December 2021.</p> <p>Trevor Meers from Cumberland Ecology (a suitably qualified person) undertook an ecology survey in accordance with EPBC Act Condition 10. The ecology survey was conducted between 29 September and 7 October 2018, 7 and 12 November 2018, and 7 and 13 March 2019, prior to the commencement of the action.</p> <p>The Riparian Area Baseline Survey Report, including the findings of the survey, was provided as an appendix to the 2022 Annual Compliance Report.</p>
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EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	findings in the first Annual Compliance Report required under condition 19.		
11	<p>To identify any potential adverse <b>impacts</b>, for the duration of this approval, the approval holder must implement an annual monitoring program to monitor the <b>habitat condition</b> for <b>EPBC Act listed threatened species and communities</b> and <b>groundwater-dependent ecosystems</b> in the <b>riparian area</b>. A monitoring program must be developed and implemented within 12 months of <b>commencement</b> by a <b>suitably qualified person</b> and include:</p> <ol style="list-style-type: none"> <li>quantitative (e.g. ecological field survey results) and qualitative data (e.g. photo-point monitoring sites) to determine current <b>habitat condition</b> against baseline data collected under condition 10; and</li> <li>ecological surveys are to be conducted in accordance with the <b>Department's survey guidelines</b> or current best practice surveys in effect at the time of the surveys.</li> </ol>	Y	<p>EcoSM developed an annual monitoring program in accordance with EPBC Act Condition 11, which Fitzroy implemented, on 12 December 2022 (12 months after the commencement of the action).</p> <p>Fitzroy have confirmed that mining under Spade Creek and Alpha Creek (i.e. the commencement of potential impacts to the riparian area) is not due to commence until approximately 2028.</p>
12	<p>At any time after the <b>commencement</b> of the action, for any adverse <b>impacts</b> to the <b>habitat condition</b> for <b>EPBC Act listed threatened species and communities</b> and <b>any groundwater-dependent ecosystems</b> in the <b>riparian area</b>, the approval holder must provide environmental offset/s in accordance with the <b>EPBC Act Environmental Offsets Policy</b>, unless demonstrated that adverse impacts are not</p>	Y	<p>Fitzroy provided a dxf of the current mine disturbance footprint as of 12 December 2023. The dxf of the current mine disturbance footprint confirms that Fitzroy has not created any disturbances within the riparian area since the commencement of the action (12 December 2021). However, Fitzroy uses disturbances within the riparian zone which were created prior to the commencement of the action. The use of the pre-commencement disturbance areas (e.g. tracks, dams, etc) does not cause any adverse impacts to the Brigalow TEC quality, Squatter Pigeon habitat quality or groundwater dependent</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	related to, or cannot be attributed to, <b>mining activities</b> .		ecosystems in the riparian area. Therefore, offsets are not required under EPBC Act Condition 12 at this point in time.
13	If an offset is required under condition 12, the approval holder must not commence the subsequent longwall until an Offset Management Plan addressing the adverse <b>impacts</b> identified at condition 12 is approved by the <b>Minister</b> in writing. The approved Offset Management Plan must be implemented.	N/A	Not applicable. See response to EPBC Act Condition 12.
14	<p>The Offset Management Plan required under condition 13 must be prepared by a <b>suitably qualified person</b> in accordance with the <b>Department's Environmental Management Plan Guidelines</b> and include:</p> <ul style="list-style-type: none"> <li>a. details of the environmental offset/s required to compensate for the <b>EPBC Act listed threatened species and communities</b> habitat in the <b>riparian area</b> adversely <b>impacted</b> by <b>mining activities</b> as identified by the annual monitoring program required under condition 11;</li> <li>b. details of how the proposed offset/s and Offset Management Plan meet the requirements of the <b>EPBC Act Environmental Offsets Policy</b>; and</li> <li>c. details of the mechanism to <b>legally secure</b> the environmental offset/s.</li> </ul>	N/A	Not applicable. See response to EPBC Act Condition 12.

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
15	The approval holder must <b>legally secure</b> the environmental offset/s within two (2) years of condition 12 coming into force.	N/A	Not applicable. See response to EPBC Act Condition 12.

### Subsidence Management

16	To manage subsidence <b>impacts</b> on habitat for <b>EPBC Act listed threatened species and communities</b> in the <b>riparian area</b> of <b>Alpha Creek</b> , all management measures, monitoring, reporting and corrective actions outlined in the Subsidence Management Plan required under the Queensland <b>Environmental Authority (EA)</b> for <b>Spade Creek</b> must also be implemented for <b>Alpha Creek</b> .	N/A	As stated in the response to EPBC Act Condition 12, underground mining is not scheduled to commence in the vicinity of Alpha Creek or Spade Creek until approximately 2028. Fitzroy have confirmed that the Subsidence Management Plan required under the EA for Spade Creek will be developed and implemented for both Spade Creek and Alpha Creek, in accordance with EPBC Act Condition 16, prior to the commencement of mining under Spade Creek and Alpha Creek.
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### Standard administrative conditions

17	Within 10 days after the <b>commencement</b> of the action, the approval holder must advise the <b>Department</b> in writing of the actual date of <b>commencement</b> .	Y	The mine commenced on 12 December 2021. Fitzroy notified the former DAWE on 17 December 2021 of the commencement of the action. Notification occurred 5 days after the commencement of the mine, well within the 10 day notification period.
18	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the <b>Department</b> . Such records may be subject to audit by the <b>Department</b> or an independent auditor in accordance with section 458 or the <b>EPBC Act</b> , or used to verify compliance with the conditions	Y	During the course of the audit, Fitzroy was able to provide documentation confirming compliance with all but one (1) of the EPBC Act approval conditions (Condition 19). Fitzroy has also confirmed that they have maintained accurate records substantiating all activities associated with, or relevant to, the conditions of the EPBC Act approval, including measures taken to implement the management plans required by the EPBC Act approval.  DCCEEW have not conducted an audit, nor have they requested an independent auditor to conduct an audit in accordance with Section 458 of the EPBC Act.

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	of approval. Summaries of audits will be posted on the <b>Department's</b> website. The results of audits may also be publicised through the general media.		
19	Within three (3) months of every 12 month anniversary of the <b>commencement</b> of the action, the approval holder must publish a report (the Annual Compliance Report) on its website addressing compliance with each of the conditions of this approval during the previous 12 months. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the <b>Department</b> at the same time as the Annual Compliance Report is published. Reports must remain published for the duration of this approval. The approval holder must continue to publish the Annual Compliance Report until otherwise advised by the <b>Minister</b> in writing.	N	<p>The first Annual Compliance Report was published on Fitzroy's website within three (3) months of the 12 month anniversary of the commencement of the action (i.e. 12 March 2023). The action commenced on 12 December 2021. Therefore, the publishing of the first Annual Compliance Report was compliant with Condition 19.</p> <p>As of the date of this report, the first Annual Compliance Report was still published on Fitzroy's website at <a href="https://fitzroyoz.com.au/reports/ironbark-no-1-mine-epbc-act-approval-annual-compliance-audit-report-2022/">https://fitzroyoz.com.au/reports/ironbark-no-1-mine-epbc-act-approval-annual-compliance-audit-report-2022/</a>.</p> <p>This report is the second Annual Compliance Report. It was not published on Fitzroy's website within three (3) months of the 12 month anniversary of the commencement of the action (i.e. 12 March 2024). Fitzroy is, therefore, non-compliant with this condition.</p> <p>Fitzroy intends to submit documentary evidence providing proof of the date of publication and details of any non-compliances with any of the conditions of this approval to DCCEEW at the same time as this report is published.</p> <p>Fitzroy has confirmed that the second Annual Compliance Report will continue to be published until otherwise advised by the Minister.</p>
20	The approval holder must report any contravention of the conditions of this approval to the <b>Department</b> in writing within five (5) business days of the approval holder becoming aware of a contravention.	Y	Fitzroy is aware of the contravention of Condition 19 of this EPBC Act approval within the audit term. Fitzroy advised that they became aware of the contravention on 15 April 2024 and notified the Department, in writing, on 17 April 2024 (i.e. within five (5) business days of becoming aware of the contravention).

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
21	Upon the direction of the <b>Minister</b> , the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the <b>Minister</b> . The approval holder must not commence the audit until the <b>Minister</b> approves the independent auditor and audit criteria in writing. The audit report must address the criteria to the satisfaction of the <b>Minister</b> .	N/A	Fitzroy has confirmed that the Minister has not asked Fitzroy to conduct an independent audit of compliance with the conditions of the EPBC Act approval and submit a report to the Minister.
22	The approval holder may, at any time, apply to the <b>Minister</b> for a variation to an action management plan approved by the <b>Minister</b> or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the <b>EPBC Act</b> . If the <b>Minister</b> approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	Y	As stated in response to Condition 6, Fitzroy has applied to the Minister to revise the OMP previously approved by the Minister. The Revised OMP was submitted on 23 May 2023 and approved on 5 April 2024. Fitzroy have advised the that the Revised OMP is being implemented, in place of the original OMP.
23	<b>REVOKED</b>		
24	<b>REVOKED</b>		
25	<b>REVOKED</b>		
26	If, after five (5) years from the date of this approval, the approval holder has not <b>commenced</b> the action, then the approval holder must not <b>commence</b> the action without the written agreement of the <b>Minister</b> .	N/A	The original EPBC Act approval was granted on 9 November 2018. The action commenced on 12 December 2021, less than 5 years from the date of the original EPBC Act approval. Therefore, this condition is not applicable.

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
27	Unless otherwise agreed to in writing by the <b>Minister</b> , the approval holder must publish all plans referred to in the conditions of this approval on its website. Each plan must be published on the website within one (1) month of being approved by the <b>Minister</b> . All plans must remain on the website for the duration of this approval unless otherwise agreed to in writing by the <b>Minister</b> .	Y	<p>The only plan referred to in the conditions of the EPBC Act approval that are relevant to this audit term is the OMP required by EPBC Act Condition 6.</p> <p>The OMP was approved on 14 February 2020 and was published on Fitzroy's website on 20 February 2020, less than one (1) month from the date of the Minister's approval. As of the date of this report, the OMP was still published on Fitzroy's website at <a href="https://fitzroyoz.com.au/reports/ironbark-no-1-project-epbc-2007-3643-offsets-management-plan/">https://fitzroyoz.com.au/reports/ironbark-no-1-project-epbc-2007-3643-offsets-management-plan/</a>.</p> <p>The Revised OMP was approved on 5 April 2024 and was published on Fitzroy's website on 16 April 2024, less than one (1) month from the date of the Minister's approval. However, Fitzroy has advised that on 16 April 2024 DCCEEW officer Neil Millar called Fitzroy and requested that the public notification of the Revised OMP be postponed until DCCEEW clarified an administrative omission. Fitzroy confirmed that the Revised OMP was removed from Fitzroy's website on 16 April 2024 as per DCCEEW's request. Fitzroy has confirmed that the Revised OMP will be published within one (1) month after finalising the administrative omission, in accordance with Condition 27.</p>