

IRONBARK No.1

EPBC Act Approval Compliance Audit Report 2024

PREPARED BY:

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1. INTRODUCTION

Fitzroy Australia Resources Pty Ltd (Fitzroy) has prepared the 2024 Annual Compliance Report for the Ironbark No.1 Mine in accordance with Condition 19 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Approval (EPBC 2007/3643). This report provides an assessment of compliance with the conditions of the EPBC Act approval.

2. BACKGROUND

The Ironbark No.1 Mine involves the construction and operation of an underground coal mine on a greenfield site, located within Mining Lease (ML) 700024. The mine is situated approximately 35 km northeast of Moranbah in Central Queensland.

Fitzroy was granted approval under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 9 November 2018. This approval was subsequently varied on 7 June 2019 and again on 17 October 2022. This compliance assessment is based on the EPBC Act approval as varied on 17 October 2022.

In accordance with Condition 19 of the EPBC Act approval, an Annual Compliance Report must be published within three (3) months of each 12-month anniversary of the commencement of the action. The action commenced on 12 December 2021, marking the start of mine construction. This report represents the third Annual Compliance Report, which is required to be published on Fitzroy's website by 12 March 2024.

As stipulated in the approval conditions, documentary evidence verifying the publication date, along with details of any instances of non-compliance, must be submitted to the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) at the time of publication. The report must remain publicly accessible for the duration of the EPBC Act approval, which extends until 1 August 2060.

During the reporting period (12 December 2023 – 12 December 2024), activities at the Ironbark No.1 Mine included the construction of surface infrastructure and the development of underground mine access roadways. Underground bord and pillar mining and longwall mining did not commence during this period.

3. SCOPE

This report has been prepared in accordance with Condition 19 of the EPBC Act approval and presents the findings of Fitzroy's annual compliance audit.

The audit scope included:

- A detailed review of documentation relevant to the EPBC Act approval; and
- Interviews with key stakeholders conducted in early 2025.

Appendix A provides a comprehensive list of the EPBC Act approval conditions, along with detailed audit findings for compliance with each condition.

4. NON-COMPLIANCES AND RECTIFICATION ACTIONS

During the audit period from 12 December 2023 to 12 December 2024, one (1) non-compliance with the EPBC Act approval conditions was identified. However, this non-compliance was reported in the 2023 Annual Compliance Report. The issue pertained to Condition 19, which states:

"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 12 March 2024 (within three (3) months of the 12-month anniversary of the commencement of the action). The following actions were subsequently taken by Fitzroy:

- **Notification of Non-Compliance:** Fitzroy reported the contravention of EPBC Act approval Condition 19 to DCCEEW in writing within five (5) business days of becoming aware of the issue, as required by Condition 20. Fitzroy became aware of the contravention on 15 April 2024 and notified the Department on 17 April 2024, within the specified timeframe.
- **Publication of Compliance Report:** The Annual Compliance Report was completed, published on Fitzroy's website, and documentary evidence of the publication date and the non-compliance was submitted to DCCEEW within one week of the audit report date.
- **Review of Compliance Systems:** Fitzroy conducted a review of the current automated system to ensure that compliance activities related to the EPBC Act approval are completed and submitted within the required statutory timeframes, with immediate effect.

Fitzroy subsequently received communication from the Department indicating that no further action was required once the Annual Compliance Report had been published on the website.

A full list of the EPBC Act approval conditions and the corresponding detailed audit findings for each condition is provided in **Appendix A**.

5. CONCLUSION

This report confirms that Fitzroy Australia Resources Pty Ltd has conducted its compliance assessment in accordance with the requirements of the EPBC Act approval. All instances of non-compliance have been identified, with appropriate corrective actions either proposed or implemented, as detailed in this report.

The Annual Compliance Report has been published in compliance with Condition 19, and all supporting documentation has been submitted to DCCEEW as required.

APPENDIX A - AUDIT FINDINGS

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 Ironbark No.1 Coal project area .	Y	Appendix B (Figure 1) illustrates the Ironbark No. 1 disturbance footprint as of 12 December 2024, including both underground and surface disturbance areas. The figure confirms that all mining activities have been confined to the Ironbark No. 1 Coal project area (i.e., ML 700024), which is outlined as a solid black line labelled 'LCP – 001 – Ironbark Mining Lease 700024' in Figure 1.															
2	<p>The approval holder must not impact more than 83 hectares (ha) of EPBC Act listed threatened species and community's habitat consisting of:</p> <ul style="list-style-type: none"> a. 9.2 ha of Brigalow ecological community (TEC). b. 57 ha of Squatter Pigeon breeding habitat. c. 26 ha of Squatter Pigeon foraging habitat; and d. 74 ha of Yakka Skink habitat. 	Y	<p>Appendix B (Figure 1) presents the Ironbark No. 1 disturbance footprint as of 12 December 2024, encompassing both underground and surface disturbance areas. As outlined in the figure, Fitzroy has impacted approximately 30.8 hectares of habitat for species and communities listed under the EPBC Act, which remains well below the approved limit of 83 hectares. As of 12 December 2024, the following specific habitats have been impacted by Fitzroy, all of which are within the limits established by EPBC Act Condition 2:</p> <p>Table 1: Accumulative Total Disturbance of EPBC Act Listed Threatened Species</p> <table border="1" data-bbox="1279 1002 2029 1343"> <thead> <tr> <th data-bbox="1279 1002 1458 1134">EPBC Disturbance Area</th> <th data-bbox="1458 1002 1621 1134">Maximum Area of Impact (ha)</th> <th data-bbox="1621 1002 1742 1134">2022</th> <th data-bbox="1742 1002 1886 1134">2023</th> <th data-bbox="1886 1002 2029 1134">2024</th> </tr> </thead> <tbody> <tr> <td data-bbox="1279 1134 1458 1206">Brigalow TEC</td> <td data-bbox="1458 1134 1621 1206">9.2</td> <td data-bbox="1621 1134 1742 1206">3.9</td> <td data-bbox="1742 1134 1886 1206">5.02</td> <td data-bbox="1886 1134 2029 1206">6.2</td> </tr> <tr> <td data-bbox="1279 1206 1458 1343">Squatter Pigeon Breeding</td> <td data-bbox="1458 1206 1621 1343">57</td> <td data-bbox="1621 1206 1742 1343">0.5</td> <td data-bbox="1742 1206 1886 1343">3.9</td> <td data-bbox="1886 1206 2029 1343">7.7</td> </tr> </tbody> </table>	EPBC Disturbance Area	Maximum Area of Impact (ha)	2022	2023	2024	Brigalow TEC	9.2	3.9	5.02	6.2	Squatter Pigeon Breeding	57	0.5	3.9	7.7
EPBC Disturbance Area	Maximum Area of Impact (ha)	2022	2023	2024														
Brigalow TEC	9.2	3.9	5.02	6.2														
Squatter Pigeon Breeding	57	0.5	3.9	7.7														

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance		
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Squatter Pigeon Foraging	26	3.9	7.6	17.0
Yakka Skink	74	NA	NA	NA

Table 2: Annual Total Disturbance of EPBC Act Listed Threatened Species

EPBC Disturbance Area	Maximum Area of Impact (ha)	2022	2023	2024
Brigalow TEC	9.2	3.9	1.12	1.18
Squatter Pigeon Breeding	57	0.5	3.4	3.8
Squatter Pigeon Foraging	26	3.9	3.7	9.4
Yakka Skink	74	NA	NA	NA

As per the response to EPBC Act Approval Conditions 4 and 5, the Yakka Skink Report concluded that Yakka Skinks were not present

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			within the mine site, therefore, provision of offsets for the Yakka Skink and tracking of Yakka Skink habitat disturbance areas is not required.
3	The approval holder must not impact any <i>Xerothermella parvifolia</i> within the <i>Xerothermella parvifolia</i> habitat.	Y	As stated in the EPBC Act approval definitions, <i>Xerothermella 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.
Pre-Clearance Survey for the Yakka Skink (<i>Egernia rugosa</i>)			
4	Prior to the commencement of the action, the approval holder must undertake a pre-clearance survey for the presence of Yakka Skink in all areas of Yakka Skink habitat that will be impacted by the mine infrastructure and ponding areas . The pre-clearance survey must be undertaken by an approved ecologist and in accordance with a methodology approved by the Department .	Y	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. 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

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			Skink habitat that were predicted to be impacted by mine infrastructure and ponding areas.
5	<p>The approval holder must submit a Yakka Skink Report for the written approval of the Minister. The Yakka Skink Report must demonstrate that the approved methodology was implemented to undertake a pre-clearance survey for the presence of Yakka Skink habitat that could be impacted by the mine infrastructure and ponding areas, including details of the survey timing and survey effort.</p> <p>If Yakka Skink presence is detected, the Report must include:</p> <ol style="list-style-type: none"> the coordinates for, and a map showing the location of, Yakka Skink individuals or colonies detected within the mine infrastructure and ponding areas; and the condition of Yakka Skink habitat, and any associated microhabitat features, within a 200 m radius of any Yakka Skink records and/or colonies. 	Y	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.
5A	<p>The approval holder must not commence the action until the Yakka Skink Report has been approved by the Minister. If the Yakka Skink Report approved by the Minister determined that Yakka Skink are not present within the mine infrastructure and ponding areas, then no offset for impacts to Yakka Skink habitat is required for the action. If the Yakka Skink Report approved by the Minister determined that Yakka Skink is present within the mine infrastructure and ponding areas, then the approval holder must submit for approval by the Minister, within six months of commencement (or as otherwise</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
	agreed in writing by the Minister), a Yakka Skink Offset Strategy to compensate for impacts on Yakka Skink habitat identified in the approved Yakka Skink Report.		
5B	<p>The Yakka Skink Offset Strategy referred to in condition 5A:</p> <ul style="list-style-type: none"> a. must demonstrate that the proposed offset(s) meet the principles of the EPBC Act Environmental Offsets Policy. b. must demonstrate how high value Yakka Skink micro habitat will be identified and delivered at potential offset areas. 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; d. must propose timelines and mechanisms for legally securing the proposed offset area(s); and e. must include details of how the Yakka Skink Offset Strategy will be updated to incorporate any new information or understanding of the Yakka Skink. <p>The approval holder must implement the approved Yakka Skink Offset Strategy.</p>	N/A	Not applicable. See the response to EPBC Act Condition 5.
5C	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 Minister's written approval. The	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>Yakka Skink Offset Management Plan must be consistent with the approved Yakka Skink Offset Strategy, and must include:</p> <ul style="list-style-type: none"> 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. b. a description and map (including shapefiles) to clearly define the location and boundaries of the offset area(s), accompanied by the offset attributes. c. information about how the proposed offset area(s) provides connectivity with other relevant habitats and biodiversity corridors. d. commitment to ecological outcomes and offset completion criteria for Yakka Skink habitat and the timeframes in which these will be achieved; e. a description of the management measures (including timing, frequency, and duration) that will be implemented in the offset area(s). f. a description of how proposed management measures take into account relevant approved conservation advice and are consistent with the measures contained in relevant recovery plans and threat abatement plans; g. completion criteria and performance targets for evaluating the effectiveness of the Yakka Skink Offset Management Plan implementation, and criteria for triggering corrective actions; 		

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<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 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 Minister 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 Minister.</p>		
Offset Management Plan			
6	<p>The approval holder must submit an Offset Management Plan for the written approval of the Minister. The approved Offset Management Plan must be implemented. The Offset Management Plan must be prepared by a suitably qualified person in accordance with the Department's Environmental Management Plan Guidelines, and include:</p> <p>a. details of environmental offset/s to compensate, in accordance with the EPBC Act Environmental Offsets Policy to the satisfaction of the Minister, for the EPBC Act listed threatened species and community's habitat to be impacted as identified in condition 2a to 2c;</p>	Y	<p>Fitzroy submitted a Revised Ironbark No. 1 Mine OMP, which included changes to the offset area, to DCCEEW on 23 May 2023. The Revised OMP (version D, dated 29 January 2024) was approved by DCCEEW on 5 April 2024.</p> <p>Fitzroy confirms that the Revised OMP is currently being implemented.</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<ul style="list-style-type: none"> b. a description of the habitat condition to be impacted for the EPBC Act listed threatened species and communities habitat as identified in condition 2a to 2c; c. details of how the proposed offset/s and Offset Management Plan meet the requirements of the EPBC Act Environmental Offsets Policy; 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. e. a description and map (including shapefiles) to clearly define the location and boundaries of the proposed offset area/s, accompanied by the offset attributes. f. information about how the proposed offset area/s provide connectivity with other relevant habitats and biodiversity corridors. g. a description of the management measures (including timing, frequency and duration) that will be implemented in each offset area/s; h. a discussion of how proposed management measures take into account relevant approved conservation advices and are consistent with the measures contained in relevant recovery plans and threat abatement plans; 		

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<ul style="list-style-type: none"> i. completion criteria and performance targets for evaluating the effectiveness of the Offset Management Plan implementation, and criteria for triggering corrective actions; j. a program to monitor, report on and review the effectiveness of the Offset Management Plan. 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 l. details of the mechanism to legally secure the environmental offset/s. 		
7	<p>The approval holder must:</p> <ul style="list-style-type: none"> a. have control of the offset area(s) by 12 December 2024. b. apply to legally secure the offset area(s) by 12 March 2025. c. legally secure the offset area(s) by 12 December 2025; and d. within 10 business days of each offset area being legally secured, provide the Department with written evidence demonstrating that the offset has been legally secured and, if different from those originally provided, offset attributes and shapefiles that clearly define the location and boundaries of the offset area. 	Y	<p>Fitzroy gained control of the offset area on 26th November 2024.</p> <p>The deadlines for Conditions 7b and 7c under EPBC Act Condition 7 fall outside the scope of this audit period (12 December 2023 to 12 December 2024).</p> <p>Fitzroy has notified the Department (pers. comm. S. Blanco) that compliance with Conditions 7b and 7c is unlikely due to ongoing financial and administrative processes involving the landholder of the identified offset areas and their banking institution.</p> <p>Fitzroy has been actively engaging with both the landholder and the banking institution to identify potential solutions. However, the banking institution has indicated that its internal review process for all documents related to the offsets is expected to take approximately 6 to 8 months.</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			The Department has advised Fitzroy that, if Condition 7b is not met by 12 March 2025, notification to the Department will be required in accordance with Condition 20.
8	The approval holder must not commence the action until the Offset Management Plan has been approved by the Minister .	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>
Vegetation Clearance			
9	To manage potential impacts to EPBC Act listed threatened species and communities during vegetation clearance, the approval holder must implement the mitigation and management measures identified in section 4.2 of the additional information .	Y	<p>Fitzroy has incorporated all the mitigation and management measures listed in Section 4.2 of the additional information into the Ironbark No. 1 Mine Permit to Disturb procedure management measures. Section 4.2 of the additional information included the following key points and Fitzroy's evidence of compliance is stated in bold:</p> <ul style="list-style-type: none"> • 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. <p><i>Not applicable. No rehabilitation works commenced within the audit term.</i></p> <ul style="list-style-type: none"> • A Rehabilitation Management Plan will be prepared in accordance with the requirements of the EA, prior to the commencement of rehabilitation.

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			<p><i>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 2025. Therefore, a Rehabilitation Management Plan is not yet required to be prepared in accordance with the EA.</i></p> <ul style="list-style-type: none"> • Gas Drainage <ul style="list-style-type: none"> ○ Disturbance ○ Decommissioning <p><i>To date, gas drainage infrastructure has resulted in the clearing of 22.9 hectares. Progressive rehabilitation and decommissioning are planned but have not been undertaken yet.</i></p> <ul style="list-style-type: none"> • Subsidence Crack Rehabilitation Program <p><i>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.</i></p> <ul style="list-style-type: none"> • Vegetation Clearing Controls including the following key points <ul style="list-style-type: none"> ○ Pre-clearing inspections ○ Clearing surveys ○ Works in, or adjacent to, creeks/drainage lines <p><i>Before any site disturbance occurs, pre-clearance surveys are conducted by a qualified Fauna Spotter Catcher. Reports documenting</i></p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
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each surveyed area within the reporting period are available as supporting evidence.

Riparian Area

10	<p>Prior to the commencement of mining activities, a suitably qualified person must undertake ecological surveys in accordance with the Department's survey guidelines or best practice guidelines in effect at the time of the surveys to determine the extent (in hectares) and habitat condition for EPBC Act listed threatened species and communities and groundwater - dependent ecosystems in the riparian area. The approval holder must report its findings in the first Annual Compliance Report required under condition 19.</p>	Y	<p>As stated in the response to EPBC Act Condition 4, 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>
11	<p>To identify any potential adverse impacts, for the duration of this approval, the approval holder must implement an annual monitoring program to monitor the habitat condition for EPBC Act listed threatened species and communities and groundwater-dependent ecosystems in the riparian area. A monitoring program must be developed and implemented within 12 months of commencement by a suitably qualified person and include:</p> <p>a. quantitative (e.g., ecological field survey results) and qualitative data (e.g., photo-point monitoring sites) to determine current habitat condition against baseline data collected under condition 10; and</p>	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 confirms 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> <p>Fitzroy has commenced the first annual monitoring.</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<p>b. ecological surveys are to be conducted in accordance with the Department's survey guidelines or current best practice surveys in effect at the time of the surveys.</p>		
12	<p>At any time after the commencement of the action, for any adverse impacts to the habitat condition for EPBC Act listed threatened species and communities and any groundwater-dependent ecosystems in the riparian area, the approval holder must provide environmental offset/s in accordance with the EPBC Act Environmental Offsets Policy, unless demonstrated that adverse impacts are not related to, or cannot be attributed to, mining activities.</p>	Y	<p>Appendix B presents the Ironbark No. 1 disturbance footprint as of 12 December 2024, encompassing both underground and surface disturbance areas. The information provided confirms that Fitzroy has not undertaken any new disturbances within the riparian area since the commencement of the action on 12 December 2021.</p> <p>However, Fitzroy continues to utilise disturbance areas within the riparian zone that were established prior to the commencement of the action (e.g., tracks, dams, etc.). The use of these pre-existing disturbance areas does not result in any adverse impacts on the quality of the Brigalow TEC, Squatter Pigeon habitat, or groundwater-dependent ecosystems within the riparian area.</p> <p>Consequently, offsets are not required under EPBC Act Condition 12 at this time.</p>
13	<p>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 impacts identified at condition 12 is approved by the Minister in writing. The approved Offset Management Plan must be implemented.</p>	Y	<p>Not applicable. See response to EPBC Act Condition 12.</p>
14	<p>The Offset Management Plan required under condition 13 must be prepared by a suitably qualified person in accordance with the</p>	Y	

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	<p>Department's Environmental Management Plan Guidelines and include:</p> <ul style="list-style-type: none"> a. details of the environmental offset/s required to compensate for the EPBC Act listed threatened species and community's habitat in the riparian area adversely impacted by mining activities as identified by the annual monitoring program required under condition 11; b. details of how the proposed offset/s and Offset Management Plan meet the requirements of the EPBC Act Environmental Offsets Policy; and c. details of the mechanism to legally secure the environmental offset/s. 		
15	The approval holder must legally secure the environmental offset/s within two (2) years of condition 12 coming into force.	Y	Not applicable. See response to EPBC Act Condition 12.
Subsidence Management			
16	To manage subsidence impacts on habitat for EPBC Act listed threatened species and communities in the riparian area of Alpha Creek , all management measures, monitoring, reporting and corrective actions outlined in the Subsidence Management Plan required under the Queensland Environmental Authority (EA) for Spade Creek must also be implemented for Alpha Creek .	Y	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 confirms 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.
Standard Administrative Conditions			

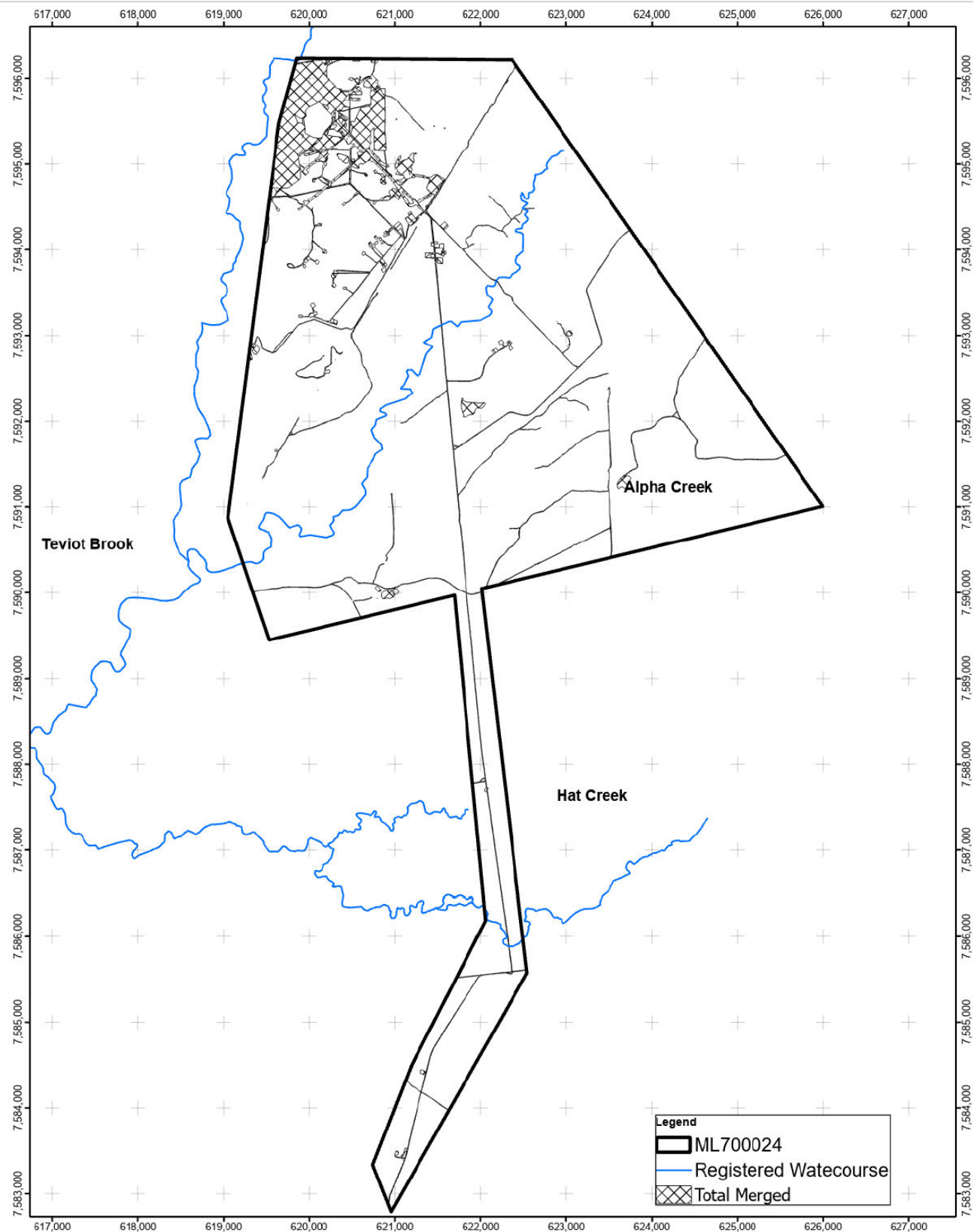
EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
17	Within 10 days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement .	Y	The mine commenced on 12 December 2021. Fitzroy 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 Department . Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 or the EPBC Act or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Y	During the audit, Fitzroy produced documentation confirming compliance with all but one (1) of the EPBC Act approval conditions (Condition 19). It was also confirmed that 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.
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.	N	<p>The first Annual Compliance Report was published on Fitzroy's website within three (3) months following the 12-month anniversary of the commencement of the action (i.e., by 12 March 2023). As the action commenced on 12 December 2021, this publication complied with Condition 19. As of the date of this report, the first Annual Compliance Report remains accessible on Fitzroy's website at https://fitzroyoz.com.au/reports/ironbark-no-1-mine-epbc-act-approval-annual-compliance-audit-report-2022/.</p> <p>The second Annual Compliance Report (2023), however, was not published on Fitzroy's website within the required three (3) months following the 12-month anniversary (i.e., by 12 March 2024), resulting in non-compliance with this condition. Fitzroy has provided</p>

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
			<p>documentary evidence to DCCEEW detailing the date of publication and the reasons for this non-compliance, submitted concurrently with this report.</p> <p>Fitzroy confirms that both the 2022 and 2023 Annual Compliance Reports will remain published until otherwise directed by the Minister.</p> <p>This document constitutes the third Annual Compliance Report. It was published on Fitzroy’s website within the required three (3) months following the 12-month anniversary of the action (i.e., by 12 March 2024), thereby complying with Condition 19. Fitzroy will also submit documentary evidence to DCCEEW verifying the date of publication at the time of this report's release.</p> <p>Fitzroy confirms that the third Annual Compliance Report will remain published until otherwise advised by the Minister.</p>
20	The approval holder must report any contravention of the conditions of this approval to the Department in writing within five (5) business days of the approval holder becoming aware of a contravention.	Y	<p>Fitzroy is aware of the contravention of Condition 19 of this EPBC Act approval within the audit term. Fitzroy 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) and included details of the non-compliance within the 2023 Annual Compliance Report.</p> <p>Fitzroy received communication from the Department regarding the contravention and no further action was required.</p>
21	Upon the direction of the Minister , the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted, and a report submitted to the Minister . The approval holder must not commence the audit until the Minister	N/A	Fitzroy confirms that the Minister has not requested the conduct of an independent audit of compliance with the conditions of the EPBC Act

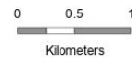
EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	approves the independent auditor and audit criteria in writing. The audit report must address the criteria to the satisfaction of the Minister .		approval, nor has Fitzroy been asked to submit a report to the Minister.
22	The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act . If the Minister 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.	N/A	Fitzroy advises that it has not applied to the Minister for any variations to action management plans that have been approved by the Minister or subsequently revised in accordance with the EPBC Act conditions.
23	REVOKED	N/A	
24	REVOKED	N/A	
25	REVOKED	N/A	
26	If, after five (5) years from the date of this approval, the approval holder has not commenced the action, then the approval holder must not commence the action without the written agreement of the Minister .	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.
27	Unless otherwise agreed to in writing by the Minister , 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 Minister . All plans	Y	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. 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

EPBC Act Approval Condition Number	EPBC Act Approval Condition	Compliant (Y/N)	Evidence of Compliance
	must remain on the website for the duration of this approval unless otherwise agreed to in writing by the Minister .		<p>the date of the Minister’s approval. As of the date of this report, the OMP was still published on Fitzroy’s website at https://fitzroyoz.com.au/reports/ironbark-no-1-project-epbc-2007-3643-offsets-management-plan/.</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 advises 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 confirms that the Revised OMP was removed from Fitzroy’s website on 16 April 2024 as per DCCEEW’s request.</p> <p>Fitzroy confirms that the Revised OMP was uploaded to the website on 10th May 2024 accordance with Condition 27.</p>

APPENDIX B - AUDIT EVIDENCE



IRONBARK NO.1 COAL MINE
APPENDIX B - EPBC COMPLIANCE AUDIT
TOTAL DISTURBANCE AREA



Datum: Australian 1984 Coordinate System: AGD 1984 AMG Zone 55

Drawn By: SBereyne Date: 12/03/2025

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