



**BOWEN
COKING
COAL**

L I M I T E D

EPBC 2013/7064

ANNUAL COMPLIANCE REPORT

19 December 2021 to 18 December 2022

BLUFF MINE

Bowen PCI Pty Ltd

Declaration of accuracy

I declare that to the best of my knowledge the information given in or attached to this compliance report is complete, current and correct. I understand that giving false or misleading information is a serious offence.



Bowen PCI Pty Ltd

Date: 17-3-23.

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1 Background

The Bluff open cut coal mine (the “Project”) is located in Central Queensland approximately 20 km east of Blackwater and 1.5 km south-east of the town of Bluff. The township of Bluff is approximately 95 km east of Emerald, and 175 km west of Rockhampton. The Project consists of a 1,088-ha mining lease (ML) area (ML 80194), referred to in this report as the “Project area”.

The *Environment Protection and Biodiversity Act 1999* controlled action approval 2013/7064 (EPBC 2013/7064) was granted on 31 July 2014, for the construction and operation of an open cut coal mine, with specified conditions.

EPBC 2013/7064 was originally granted to Carabella Resources Pty Ltd and managed by its wholly owned subsidiary, Bluff PCI Management Pty Ltd. Mining activities commenced in December 2018, and continued through to November 2020, when the mine was put into care and maintenance. In November 2020, Carabella Resources and its parent company and subsidiaries went into administration.

EPBC 2013/7064 was varied and transferred to Bowen PCI Pty Ltd on 13 September 2022.

Condition 14 of EPBC 2013/7064 states: “The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed in writing by the Minister”.

The purpose of this compliance report is to meet requirements of Condition 14 for the period of 19 December 2021 to 18 December 2022 (“the reporting period”).

2 Description of Activities

2.1 Overview

EPBC Number	2013/7064
Project name	Bluff Open Cut Coal Mine
Approval holder: ACN or ABN :	Bowen PCI Pty Ltd ACN 653 260 809
Approved action:	To construct and operate an open cut coal mine 175 km to the west of Rockhampton, Queensland.
Location of project:	Approximately 175 km to the west of Rockhampton, Queensland
Dates for the reporting period of the report:	19 December 2021 to 18 December 2022
Date of preparation of the report:	17 March 2023

2.2 Details of Mining Activities Undertaken During Report Period

Activities carried out for the period 19 December 2021 to 18 December 2022 in accordance with conditions of EPBC 2013/7064, and other relevant approvals, were:

- civil works associated with mine infrastructure area, pits, mine road network, dams and draining works;
- clear and grubbing and topsoil removal activities for mine pit expansion, waste rock dump and haul roads, water management infrastructure and other infrastructure areas;
- continuing excavation of the open cut pit and placement of overburden waste within dedicated waste rock dumps;
- coal mining and loading for transport;
- drilling and servicing of groundwater monitoring bore network; and
- environmental monitoring and management activities.

3 Compliance with Conditions

This section includes a table that addresses compliance with each of the conditions of EPBC 2013/7064, including implementation of any management plans as specified in the conditions.

The compliance assessment criteria are as per the New South Wales Independent Audit Guidelines, as follows:

- **Compliant:** Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
- **Non-compliant:** Where the auditor has collected sufficient verifiable evidence to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.
- **Observation:** Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
- **Not triggered:** A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.
- **Note:** A statement or fact, where no assessment of compliance is required.

Bowen PCI Pty Ltd confirms that no new environmental risks were identified during the reporting period.

Table 1: Compliance Table

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
1	REVOKED	Note	
2	For the purpose of the action, the person taking the action must not clear more than 450 hectares of Koala habitat, including 250 hectares of critical Koala habitat from the project area. The person taking the action must not clear outside the project area.	Compliant	Approximately 243.3 hectares of critical Koala habitat and 130.6 hectares of potential Koala habitat have been cleared for the Project area, during the reporting period.
3	REVOKED	Note	
4	For the purpose of the action, the person taking the action must implement protocols to prevent injury and fatalities to Koala when undertaking clearing	Compliant	Mitigation and management measures were implemented during the reporting period implement protocols to prevent injury and fatalities to Koala when undertaking clearing. These include: <ul style="list-style-type: none"> • limiting clearing to only the extent necessary for safe construction and operations; • conducting pre-clearing inspections using a spotter/catcher to identify the presence of any Koalas; • in the event a Koala is identified, an exclusion zone is established to allow the animal to move on from the area; and • clearing is carried out under the direct supervision of a fauna spotter catcher.

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
5	<p>Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must report the results of pre-clearance surveys and relocation activities including, but not limited to, the provision of the following details to be recorded if any Koalas are captured during relocation activities: sex, age class, time and date of capture, method of capture, location of capture (Global Positioning System) and location of relocation sites (Global Positioning System).</p>	<p>Compliant</p>	<p>The results of pre-clearance surveys were reported during the reporting period. No Koalas were captured or relocated during the reporting period.</p>
6	<p>Within 6 months of the commencement of the action, the person taking the action must prepare and submit a Koala Management Plan to the Minister for written approval. The Koala Management Plan must provide for Koala management and protection on the project area during commencement of the action, construction and operation; including:</p> <ul style="list-style-type: none"> a) control of animal, pest and weed species currently found on the project site. This should include commitments to reduce the overall occurrence, abundance and diversity of pest animal and weed species; b) management of bushfires within the project site c) details of road design and road operation procedures to minimise the risk of Koala strike including the implementation of appropriate vehicle speed limits. d) details of the management, monitoring and reporting actions to be undertaken to ensure that the quality of retained vegetation on the project site is either maintained or improved. This must include clear objectives and performance indicators for the measures referred to in the Koala Management Plan; 	<p>Compliant</p>	<p>The Koala Management Plan was submitted on 31 July 2019 and approved by the then-administering authority of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (the Department of Environment and Energy) as meeting the requirements of condition 6 on 11 October 2019.</p>

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
	<p>e) include specific and measurable trigger levels that will result in corrective actions being implemented to prevent the objectives referred to in Koala Management Plan being compromised; and</p> <p>f) include corrective actions to be taken should the trigger levels established in Koala Management Plan be exceeded. These must be clear, measurable, auditable and time bound.</p> <p>The approved Koala Management Plan must be implemented.</p>		
7	<p>Biodiversity Offset Management Plan</p> <p>The person taking the action must prepare and submit a Biodiversity Offset Management Plan (BOMP) to the Minister for approval. The BOMP must include:</p> <ol style="list-style-type: none"> details of known critical Koala habitat to compensate for the loss of 250 hectares of critical Koala habitat in the project area; identify the extent of Squatter Pigeon habitat within the offset area, as established by Condition 7(a); details of the offset attributes (including maps in electronic Geographic Information System (GIS) format with accompanying shapefiles), site descriptions, environmental values relevant to Koala, connectivity with other Koala habitat and biodiversity corridors, a rehabilitation program, and conservation and management measures for long-term protection; a detailed survey and description of the proposed offset site to clearly identify baseline conditions, establish performance indicators and discuss methods for adaptive management. This must include: <ol style="list-style-type: none"> a description (prior to any management activities, hence a baseline) of the current condition of the extant vegetation of each offset area. location of survey points (GPS reference); 	Compliant	A Biodiversity Offset Management Plan was submitted to the then-administering authority of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (the Department of Environment and Energy) on 9 October 2019. The management plan was not progressed due to the Bluff Mine being placed into 'care and maintenance'. An updated Biodiversity Offset Management Plan was submitted to the administering authority on 19 September 2022.

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
	<ul style="list-style-type: none"> ii. the quantity of habitat for Koala (in hectares), found within the offset area; iii. the condition class of habitat for Koala found within the offset area; iv. vegetation condition mapping; v. photo reference points; vi. tree age class representation; and vii. description of Koala habitat including condition, type and connectivity. <p>e) details of measures to be undertaken to maintain and improve Koala habitat within the Offset Area in line with the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016 (or successor management plan), including measures to ensure:</p> <ul style="list-style-type: none"> i. a map showing areas to be managed; ii. management actions for each area and details of methods to be used. These must include measures to reduce and control weeds. iii. timing of management activity for each area; iv. performance criteria for each area; v. a monitoring plan to assess the success of the management activities measured against the baseline condition. The monitoring must be statistically robust and able to quantify change in the condition of the critical Koala habitat. This must include, but not be limited to, control sites and periodic ecological surveys to be undertaken by a suitably qualified ecologist; vi. a description of the potential risks to successful management against the performance criteria, and a description of the 		

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
	<p>contingency measures that would be implemented to mitigate these risks;</p> <ul style="list-style-type: none"> vii. a process to report to the Department, the progress of management activities undertaken in the offset areas and the outcome of those activities, including identifying any need for improved management and activities to undertake such improvement; viii. details of the various parties responsible for management, monitoring and implementing the management activities, including their position or status as a separate contractor; ix. regeneration, if utilised, must be with a similar composition of over storey species (type, density and diversity) compared to the local variant of Regional Ecosystem (RE) found in or adjacent to the nominated offset area and demonstrated to be Koala habitat; and x. trees used during rehabilitation have been propagated from local seed stock, where possible. 		
8	The approved BOMP must be implemented.	Not triggered	Not triggered during the reporting period.
9	The approval holder must, by 31 March 2023 register a legally binding conservation mechanism to provide long-term protection to the offset area/s approved by the Minister in the BOMP.	Not triggered	Not triggered during the reporting period.

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
10	<p>The most recent approved version of the BOMP must remain accessible to the public on the website for the duration of the action.</p> <p>Note 1: To ensure efficiency the approval holder may prepare and align the BOMP required under the conditions of approval with the requirements of the Biodiversity Offset Strategy required under the Queensland Environmental Authority, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.</p>	Not triggered	Not triggered during the reporting period.
	GENERAL		
11	Within 14 days after the commencement of the action, the person taking the action, must advise the Department in writing of the actual date of commencement.	Compliant	It is understood that the previous person taking the action advised the Department in writing of the commencement, being 19 December 2018.
12	REVOKED	Note	
13	REVOKED	Note	
14	<p>Annual compliance reporting</p> <p>The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or as otherwise agreed in writing by the Minister. The approval holder must:</p> <p>a) publish each compliance report on the website within 60 business days following the relevant 12-month period;</p>	Compliant	<p>This document reports about compliance for the reporting period, which is the 12 month period from 19 December 2021 to 18 December 2022. This report was published on the company website (https://www.bowencokingcoal.com.au/bluff-mine) on 17 March 2023, which is within 60 business days following the relevant 12 month period.</p>

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
15	<p>b) notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication. This notification must include documentary evidence of the date of publication;</p> <p>c) keep all compliance reports publicly available on the website until this approval expires;</p> <p>d) exclude or redact sensitive ecological data from compliance reports published on the website; and</p> <p>e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</p> <p>Note: Compliance reports may be published on the Department's website.</p>	<p>Note</p>	
16	<p>If the approval holder wishes to carry out any activity otherwise than in accordance with a plan, strategy or program as specified in the conditions, the approval holder must submit to the Department for the Minister's written approval a revised version of that plan, strategy or program. The varied activity must not commence until the Minister has approved the varied plan, strategy or program in writing. The Minister will not approve a varied plan, strategy or program unless the revised plan, strategy or program would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised plan, strategy or program, that plan, strategy or program must be implemented in place of the plan, strategy or program originally approved.</p>	<p>Not triggered</p>	<p>This did not occur during the reporting period.</p>

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
17	<p>If the Minister believes that it is necessary or convenient for the better protection of EPBC Act listed species or communities to do so, the Minister may request that the approval holder make specified revisions to a plan, strategy or program specified in the conditions and submit the revised plan, strategy or program for the Minister's written approval. The approval holder must comply with any such request. The revised approved plan, strategy or program must be implemented. Unless the Minister has approved the revised plan, strategy or program, then the approval holder must continue to implement the plan, strategy or program originally approved, as specified in the conditions.</p>	Not triggered	This did not occur during the reporting period.
18	<p>If, at any time after five years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.</p>	Compliant	The Project commenced operations on 19 December 2018.
19	<p>Submission and publication of plans/strategies The approval holder must:</p> <ul style="list-style-type: none"> a) submit plans electronically to the Department. b) unless otherwise agreed to in writing by the Minister, publish each plan on the website within 20 business days of the date: <ul style="list-style-type: none"> xi. of this approval, if the version of the plan to be implemented is specified in these conditions; or xii. that the plan is submitted to the Minister or the Department if the plan does not require the approval of the Minister but was not finalised before the date of this approval; or xiii. that the plan is approved by the Minister in writing, if the plan requires the approval of the Minister; 	Compliant	The Koala Management Plan has been published on the company website: https://www.bowencokingcoal.com.au/bluff-mine

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
20	<p>c) exclude or redact sensitive ecological data from plans that are to be published on the website or provided to a member of the public; and</p> <p>d) keep plans published on the website until the end date of this approval.</p> <p>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data (2018)</i> and submitted electronically to the Department.</p> <p>Compliance records</p> <p>The approval holder must maintain accurate and complete compliance records. If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.</p> <p>Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department's website or through the general media.</p>	Compliant	Bowen PCI Pty Ltd has maintained accurate and complete compliance records substantiating activities associated with, or relevant to, the conditions of the approval and made them available upon request to the Department.
21	<p>Reporting non-compliance</p> <p>The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than 5 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a) any condition which is or may be in breach;</p>	Not triggered	The approval holder has not triggered the requirement to notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans.

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
22	<p>b) a short description of the incident and/or non-compliance; and</p> <p>c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.</p> <p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 21 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the approval holder. 	Not triggered	The approval holder has not triggered the requirement.
23	<p>Independent audit</p> <p>The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.</p>	Not triggered	Independent audits of compliance with conditions have not been requested in writing by the Minister.
24	<p>For each independent audit, the approval holder must:</p> <ul style="list-style-type: none"> a) provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b) only commence the independent audit once the audit criteria have been approved in writing by the Department; and c) submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Note	Independent audits of compliance with conditions have not been requested in writing by the Minister.

Condition #	EPBC 2013/7064 Condition	Is the project compliant?	Evidence / comments
25	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Note	Independent audits of compliance with conditions have not been requested in writing by the Minister.
26	Completion of the action Within 20 business days after the completion of the action, the approval holder must notify the Department in writing of the completion of the action and provide completion data.	Note	The Project is planned to continue mining until 2026.

