



Annual Compliance Report 2024
EPBC No. 2010/5421, Foxleigh
Coal Mine Extension

EPBC No. 2010/5421

Foxleigh Coal Mine Extension

Annual Compliance Report 2024

Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:  _____

Full name (please print): Andrew Boyd

Position (please print): Managing Director

Organisation (please print including ABN/ACN if applicable): Foxleigh Coal Pty Ltd (ABN: 24125986549)

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Document Version Control

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1 Description of Activities

Foxleigh Management Pty Limited is the operator of the Foxleigh Joint Venture at the Foxleigh Mine. Foxleigh Mine (Fox), is a metallurgical coal resource located in the Bowen Basin, Queensland. Fox is a conventional open cut mine using truck and shovel fleets. The mine commenced production in 1999, and mining activities occur across multiple pits.

Approval was granted under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act, Reference Number 2010/5421) on 14 May 2014, to extend the existing open cut Foxleigh Coal Mine (the Foxleigh Coal Mine Extension (the project)) within the Foxleigh Plains Mining Lease areas, specifically MLs 70429, 70430 and 70431.

The approval permits disturbance to Protected Matters (PM), including Brigalow (*Acacia harpophylla* dominant and co-dominant) threatened ecological community (TEC) and squatter pigeon primary habitat.

2 Compliance with Conditions

The conditions of the approval EPBC No 2010/5421 were complied with during 2024. Compliance against each condition is presented in Appendix A.

There was a revision of EPBC No 2010/5421 approved on 17 June 2024.

3 New Environmental Risks

No new environmental risks have become apparent during the reporting period.

4 Groundwater Monitoring

Groundwater monitoring as per the approved Groundwater Management and Monitoring Plan (GMMP-23) has been carried out over 2024. The results are presented in Appendix B.

The Vibrating Wire Piezometer GMP1 was not recording data from July 2023 due to a failed component, and the replacement part was installed in March 2024.

5 Biodiversity Offsets

A revision of the Biodiversity Offset Management Plan (v4 29/5/2024) was submitted to the Department in CY24, and subsequently approved on 17 June 2024.

The fauna survey originally planned for September 2023, but deferred to 2024 was carried out on the Offset sites across 10-16th September 2024. This included box traps, funnel traps, timed active searches, bird surveys, spotlight surveys, and infrared motion sensor cameras. The survey report is included as Appendix C.

A Bushfire Operations Plan for managing the offset areas has been developed in CY24, and a draft report was received on 4 November 2024.

APPENDIX A – Compliance with Conditions

Figure 1. Compliance with Conditions

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
Project area			
1	revoked	Not applicable	
2	The approval holder must not clear outside of the project area .	Compliant	Clearing has not occurred outside the Project Area.
Disturbance limits			
3	The approval holder must not clear more than: <ul style="list-style-type: none"> a. 96.2 hectares of Brigalow (Acacia harpophylla dominant and co-dominant) ecological community; or b. 202.8 hectares of Squatter Pigeon primary habitat within the project area. 	Compliant	No clearing of Protected Matters occurred in 2024. Clearing that has occurred in the project area to date is within approved limits: <ul style="list-style-type: none"> a. 31.6 hectares of Brigalow (Acacia harpophylla dominant and co-dominant) ecological community; b. 134.8 hectares of Squatter Pigeon primary habitat (It is noted that the squatter pigeon primary habitat includes the Brigalow, so 103.3Ha of non-Brigalow community + 31.6Ha of Brigalow).
Offsets			
Offset Management Plan			
4	To compensate for authorised unavoidable impacts on protected matters (see condition 3), the approval holder must submit an Offset Management Plan for the offset areas to address the disturbance permitted under condition 3 to the Minister for approval. The approval holder must not impact upon protected matters (including where shown and as annotated on the map at Attachment B) until the Minister has approved the Offset Management Plan in writing. The approved Offset Management Plan must be implemented.	Compliant	A Biodiversity Offset Management Plan (v1 8 Dec 2016) was originally submitted to the Department on 24 November 2016, and subsequently approved on 12 Dec 2016. Protected Matters were not impacted prior to this date. Subsequent revisions to the Biodiversity Offset Management Plan have been approved (see 4A).
4A	The approval holder may, at any time, apply to the Minister for a variation to the Offset Management Plan approved by the Minister under condition 4, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the	Compliant	A revision of the Biodiversity Offset Management Plan (v4 29/5/2024) was submitted to the Department in CY24, and subsequently approved on 17 June 2024.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
	EPBC Act. If the Minister approves a revised Offset Management Plan then, from the date specified, the approval holder must implement the approved revised Offset Management Plan in place of the previous Offset Management Plan.		Prior revisions have been submitted and approved (v2 15/2/2022, and v3 9 Dec 2022).
5	The Offset Management Plan must be consistent with the Department's Environmental Offsets Policy , and must include the following:	Compliant	The Biodiversity Offset Management Plan (v4 29/5/2024) is consistent with the policy. The following information is addressed in the document in the referenced sections following:
5.a	A summary of the residual impacts to protected matters that will be compensated for by the offset/s. This summary must include the area(s) of habitat for protected matters and its condition and quality at all impact sites which the offset/s are to address.	Compliant	<ul style="list-style-type: none"> Table 3 Description of the PM approved to be impacted by the project and Table 2: PM Areas and LOMP Disturbance lists the areas that will be impacted. The condition and quality of the impact sites was assessed prior to the approval being granted, and the ecological reports were submitted in the application process.
5.b	Detailed survey methodologies for determining baseline conditions of the protected matters at each offset site.	Compliant	<ul style="list-style-type: none"> Detailed survey methodologies have been included in all relevant ecological assessment reports of the offset areas (submitted with Biodiversity Offset Management plan and revisions).
5.c	The environmental objectives, relevant to the protected matters, and a reference to the EPBC Act approval conditions and other applicable conditions of approval (including State approval conditions), if any, to which the Offset Management Plan refers.	Compliant	<ul style="list-style-type: none"> Section 3 addresses the implementation of the Environmental Objectives, and is summarised in Table 11 PM Completion Criteria, Management Objectives and Performance Targets.
5.d	A table of commitments made in the Offset Management Plan to achieve the environmental objectives, and a reference to where the commitments are detailed in the Offset Management Plan.	Compliant	<ul style="list-style-type: none"> Table 11 PM Completion Criteria, Management Objectives and Performance Targets and Table 3 Description of the PM approved to be impacted by the project.
5.e	Reporting and review mechanisms, and documentation standards to demonstrate compliance with management and environmental commitments in the Offset Management Plan.	Compliant	<ul style="list-style-type: none"> Section 6 & 7 addresses reporting and review.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
5.f	An assessment of risks to achieving environmental objectives and risk management strategies that will be applied.	Compliant	<ul style="list-style-type: none"> Section 5 of summarises the risk assessment outcomes.
5.g	Impact avoidance, mitigation and/or repair measures, and their timing.	Compliant	<ul style="list-style-type: none"> Section 3 addresses avoidance of impacts and triggers to address mitigation of impacts, risks are identified in Table 29: Identified Risks of V4 BOMP.
5.h	A monitoring program, which must include: <ol style="list-style-type: none"> measurable performance indicators to monitor attainment of the offset completion criteria; trigger values for corrective actions; and the timing and frequency of monitoring to detect trigger values and changes in the performance indicators; 	Compliant	<ul style="list-style-type: none"> Section 4 outlines the Flora and Fauna monitoring program.
5.i	proposed corrective actions, if trigger values are reached or performance indicators not attained.	Compliant	<ul style="list-style-type: none"> Corrective Actions are proposed for the triggers for each identified risk in Table 29: Identified Risks.
Mechanism to secure offsets			
6	The approval holder must, by 30 June 2022 or as otherwise agreed by the Minister in writing, register a legally binding conservation mechanism to provide protection in perpetuity over the offset areas specified in the Offset Management Plan approved by the Minister in accordance with condition 4 or 4A.	Compliant	The offset areas are protected by a Voluntary Declaration (VDec) (2021/000665) under section 19F of the Vegetation Management Act 1999 (VM Act). The VDec is registered on property's title and is binding on current and future landholders until remnant status is achieved. This was approved on 24 June 2022.
7	revoked	Not applicable	
8	revoked	Not applicable	
Groundwater Monitoring and Management Plan			
9	The approval holder must submit a Groundwater Monitoring and Management Plan (GMMP) for the Minister's approval. The approved GMMP must be implemented.	Compliant	A Groundwater Monitoring and Management Plan (GMMP) was originally submitted to the Department in 2016, and subsequently approved on 18 April 2016. Subsequent revisions to the Groundwater Monitoring and Management Plan have been approved (8 Aug 2023).

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
10	<p>The GMMP must include information provided in the Groundwater Monitoring Plan required in Queensland Environment Approval (EPML00744813).</p> <p>Note 1: To ensure efficiency the approval holder may prepare and align the plan required under these conditions with the requirements of the Queensland Government, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.</p> <p>The GMMP must also:</p>	Compliant	<p>The requirements of the Environmental Authority EPML00744813 have been included in the GMMP.</p> <p>The following information is addressed in the currently approved Groundwater Monitoring and Management Plan (GMMP-23) in the referenced sections following:</p>
10. a	include groundwater quality triggers and limits as defined in the Queensland Environmental Approval;	Compliant	Groundwater quality triggers and limits proposed are included in Section 5.5 of GMMP-23, and in Table 7 EPBC 2010/5421 groundwater quality triggers.
10. b	detail a monitoring program (including monitoring locations, parameters to be measured and monitoring frequency) that will enable groundwater drawdown and changes in groundwater quality to be measured. This program must also enable identification of local and regional cumulative impacts where groundwater impacts associated with this project can be attributed;	Compliant	The monitoring program is outlined in Section 5 of GMMP-23.
10. c	discuss what risk based threshold responses the approval holder will take and the timeframes in which those actions will be undertaken if groundwater quality triggers and limits are exceeded or likely to be exceeded;	Compliant	The investigation process and risk response is outlined in Section 5.8 of GMMP-23.
10. d	provide commitments, including timeframes, to periodically review and update the numerical groundwater model once 2 years, 5 years and 10 years (or sooner if required) of groundwater monitoring data is available;	Compliant	The review frequency is addressed in Section 6 of GMMP-23. In 2021, hydrogeological conceptual model was reviewed, and a post-closure numerical groundwater flow model was constructed and calibrated (Groundwater Functions Pty Ltd. (2023). Report on Groundwater Modelling of Foxleigh Coal Mine).
10.e	how outcomes of the updated numerical groundwater model will be used to update the GMMP;	Compliant	The review of any numerical modelling will be used to update the GMMP.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
10.f	demonstrate commitments to working with other groundwater users within the footprint of predicted groundwater impacts for this project to create a better understanding of the water balance in the region; and	Compliant	Section 3.2 of GMMP-23 addresses other users of groundwater in the proximity of the operation. The conclusion is that there is no significant water supply from any of the identified bores, and no impacts to other users are predicted.
10.g	include provisions to make groundwater monitoring results publicly available on the approval holder's website . The results must include: <ol style="list-style-type: none"> i. the methods used to collect data; ii. the assumptions and uncertainties that were incorporated into the numerical groundwater model; and iii. a discussion of the results and how groundwater is being impacted locally and regionally. 	Compliant	Section 5.9 of GMMP-23 states that when the compliance report is uploaded, water monitoring data for the relevant 12-month period will also be uploaded. All compliance reports were originally published at parent company website (https://www.qmetco.com.au) and more recently on the Foxleigh Mine website (https://foxleigh.com.au). The results of all monitoring between installation of groundwater bores in 2014 and the compilation of the GMMP-23 were presented with graphs and a commentary in Section 3 of the GMMP-23. This document is also published on the website.
11	The GMMP must be peer reviewed by a suitably qualified expert who must be approved by the Minister in writing. The peer review must be submitted to the Minister at the same time the GMMP is submitted to the Minister for approval.	Compliant	A peer review of the Groundwater Management Plan was submitted as Appendix E: Peer Review Report of GMP-23.
12	The approval holder must not substantially commence the action until the GMMP has been approved by the Minister in writing	Compliant	The Groundwater Monitoring and Management Plan (GMMP) was originally approved on 18 April 2016, prior to Foxleigh Management Pty Ltd taking ownership. The open-cut development of the pit was not commenced in the Project Area until after this date.
Exceedance of groundwater quality limits			
13	The approval holder must: <ol style="list-style-type: none"> a. report exceedances of groundwater quality triggers and limits to the Department within 10 business days of the monitored exceedance; and b. provide written advice to the Department, within 60 business days of the occurrence of the monitored 	Compliant	No exceedances of groundwater triggers have occurred within the period.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
	exceedance, stating the direct cause of, and the actions taken in response to, the exceedance and management responses		
General			
14	Within 14 days after the commencement of construction , the approval holder must advise the Department in writing of the actual date of commencement of construction .	Not applicable	Construction commenced in 2017.
Annual compliance reporting			
15	The approval holder must prepare a compliance report for each 12-month period commencing on 1 January of each calendar year, or as <u>otherwise agreed in writing by the Minister</u> . The approval holder must:	Compliant	Report submitted for 2023 calendar year was submitted on 14/3/2024.
15.a	publish each compliance report on the website within 60 business days following the relevant 12 month period	Compliant	Report was published to at parent company website (https://www.qmetco.com.au)
15. 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 5 business days of the date of publication	Compliant	An email on 14/3/2024 was sent to the Department to notify of the publishing of the report on the website, along with the link.
15.c	keep all compliance reports publicly available on the website until this approval expires	Compliant	Previous compliance reports were originally published at parent company website (https://www.qmetco.com.au) and more recently on the Foxleigh Mine website (https://foxleigh.com.au).
15.d	<u>exclude</u> or redact sensitive ecological data from compliance reports published on the website	Not applicable	
15.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.	Not applicable	
Reporting non-compliance			
15A	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	Compliant	No incident or non-compliance has occurred in CY24.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
	<p>notification must be given as soon as practicable, and no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <ul style="list-style-type: none"> a. any condition which is or may be in breach b. a short description of the incident and/or non-compliance <p>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>		
15B	<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 10 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 <p>the method and timing of any remedial action that will be undertaken by the approval holder.</p>	Not applicable	No incident or non-compliance has occurred in CY24.
16	<p>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 independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.</p>	Not applicable	No direction from the Minister has been made.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
17	<p>If the approval holder wishes to carry out any activity otherwise than in accordance with the plans, 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. The varied activity shall not commence until the Minister has approved the revised plan in writing. The Minister will not approve a revised plan, unless the revised plan would result in an equivalent or improved environmental outcome. If the Minister approves the revised plan that plan must be implemented in place of the plan originally approved.</p>	Compliant	<p>A revision of the Biodiversity Offset Management Plan (v4 29/5/2024) was submitted to the Department in CY24, and subsequently approved on 17 June 2024. No varied activity was carried out prior to that date.</p>
18	<p>If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities or listed migratory species to do so, the Minister may request that the approval holder make specified revisions to the management plan specified in the conditions and submit the revised plan for the Minister's written approval. The approval holder must comply with any such request. The revised approved plan must be implemented. Unless the Minister has approved the revised plan then the approval holder must continue to implement the originally approved plan, as specified in the conditions.</p>	Not applicable	No request for revision from the Minister has been made.
19	<p>If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder the action must not substantially commence the action without the written agreement of the Minister.</p>	Not applicable	Action was substantially commenced within the 5 years since approval was granted in 2014.
20	<p>The approval holder must maintain accurate records substantiating all activities and outcomes associated with or relevant to the above conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the</p>	Compliant	Records of activities associated with the conditions and management plan implementation have been kept.

Condition Number	Condition	Is the project compliant with this condition?	Evidence/Comments
	<p>Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of 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.</p>		
21	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within 1 month of being approved.</p>	Compliant	<p>The revised Groundwater Monitoring Management Plan (v3 18/4/2023) was approved on 8 Aug 2023, and was published on the company website later the same day (Evidence: email from D. Lim).</p> <p>The revised Biodiversity Offset Management Plan (v4 29/5/2024) was approved on 17 June 2024, and was published on the company website (Evidence: email task completion 30 July 2024 from D. Zhang).</p> <p>Originally published at parent company website (https://www.qmetco.com.au) and more recently on the Foxleigh Mine website (https://foxleigh.com.au).</p>

APPENDIX B – Groundwater Monitoring Results

B1 - Groundwater Quality

GMMP4

Table 1. GMP4 Groundwater Quality (salts)

GMMP4	Cations				Anions				Water Quality		
Units	Sodium	Potassium	Calcium	Magnesium	Sulphate	Bicarbonate	Carbonate	Chloride	TDS	EC	pH
Sample Date	mg/L	mg/L	mg/L	mg/L	mg/L (SO4)	mg/L (CaCO3)	mg/L (HCO3)	mg/L	mg/L	uS/cm	pH units
11/05/2023	9360	6	1020	1480	809	274	<1	20900	35200	52800	7.7
23/08/2023	10000	7	1110	1560	806	282	<1	19600	40500	55300	7.6
17/11/2023	9640	8	1080	1530	809	264	<1	20700	48100	52096	7.2
4/04/2024	9870	4	1040	1520	806	266	<1	19300	40800	54000	7.2
19/06/2024	10400	6	1200	1670	825	259	<1	19900	39700	51200	7.2
15/09/2024	9780	6	1100	1540	741	289	<1	20000	37700	54200	7.1
21/01/2025	10200	6	1320	1620	812	286	<1	20300	38200	54900	7.7
LTV	10584	19	1229	1580	922	316		23789	45129	56528	6.5
MTV	11530	22	1334	1691	1079	346		25886	47841	58055	
UTV	12475	25	1439	1802	1237	377		27983	50553	59583	9.0

Table 2. GMP4 Groundwater quality (metals)

GMMP4	Aluminium	Antimony	Arsenic	Iron	Mercury	Molybdenum	Selenium	Silver
Sample Date	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
11/05/2023	<0.05		<0.005	1.55	<0.0001	<0.005	<0.05	<0.005
23/08/2023	<0.05	<0.005	<0.005	3.4	<0.0001	<0.005	<0.05	<0.005
17/11/2023	<0.05		<0.005	0.7	<0.0001	<0.005	<0.05	<0.005
4/04/2024	<0.05	<0.005	<0.005	0.43	<0.0005	<0.005		
19/06/2024	<0.05		<0.005	0.53	<0.001	<0.005	<0.05	<0.005
15/09/2024	<0.05		<0.005	0.68	<0.0005	<0.005	<0.05	<0.005
21/01/2025	<0.05	<0.005	<0.005	1.08	<0.0005	<0.005	<0.05	<0.005

P8

Table 3. P8 Groundwater Quality (salts)

Units	Cations				Anions				Water Quality		
	Sodium	Potassium	Calcium	Magnesium	Sulphate	Bicarbonate	Carbonate	Chloride	TDS	EC	pH
Sample Date	mg/L	mg/L	mg/L	mg/L	mg/L (SO4)	mg/L (CaCO3)	mg/L (HCO3)	mg/L	mg/L	uS/cm	pH units
27/03/2024	6200	10	378	693	716	720	<1	11700	24000	33100	7.6
19/06/2024	6330	10	429	765	705	658	<1	11500	23600	31800	7.2
16/09/2024	6190	10	428	722	647	774	<1	11200	21400	33000	7.3
21/01/2025	6460	9	410	784	692	720	<1	11300	21900	34100	7.9
LTV (GMP4)	10584	19	1229	1580	922	316		23789	45129	56528	6.5
MTV (GMP4)	11530	22	1334	1691	1079	346		25886	47841	58055	
UTV (GMP4)	12475	25	1439	1802	1237	377		27983	50553	59583	9.0

Table 4. P8 Groundwater quality (metals)

	Aluminium	Antimony	Arsenic	Iron	Mercury	Molybdenum	Selenium	Silver
Sample Date	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L	mg/L
27/03/2024	<0.05	<0.005	<0.005	0.66	<0.0005	<0.005	<0.05	<0.005
19/06/2024	<0.05		<0.005	1.35	<0.001	<0.005	<0.05	<0.005
16/09/2024	<0.05		<0.005	2.03	<0.0005	<0.005	<0.05	<0.005
21/01/2025	<0.05	<0.005	<0.005	0.92	<0.0005	<0.005	<0.05	<0.005

B2 - Groundwater Levels

Vibrating Wire Piezometers

Figure 2. GMP1 Pressure (kPa)

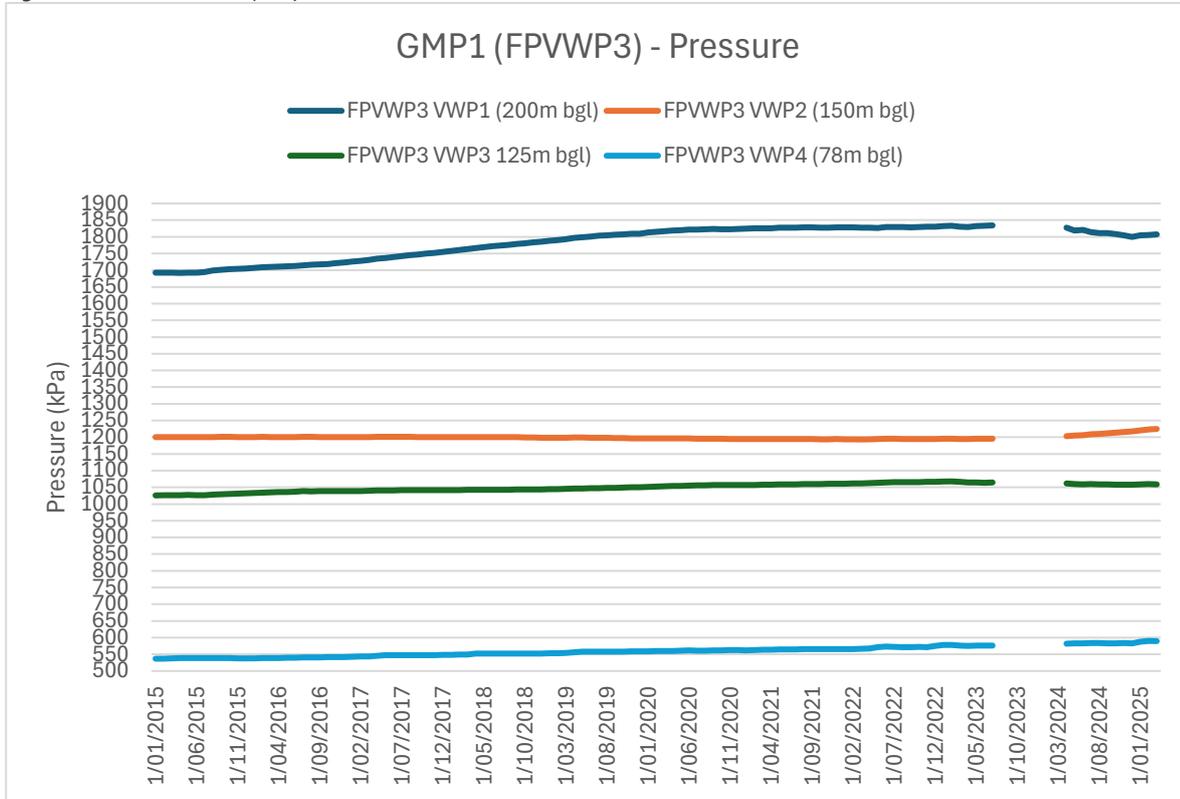
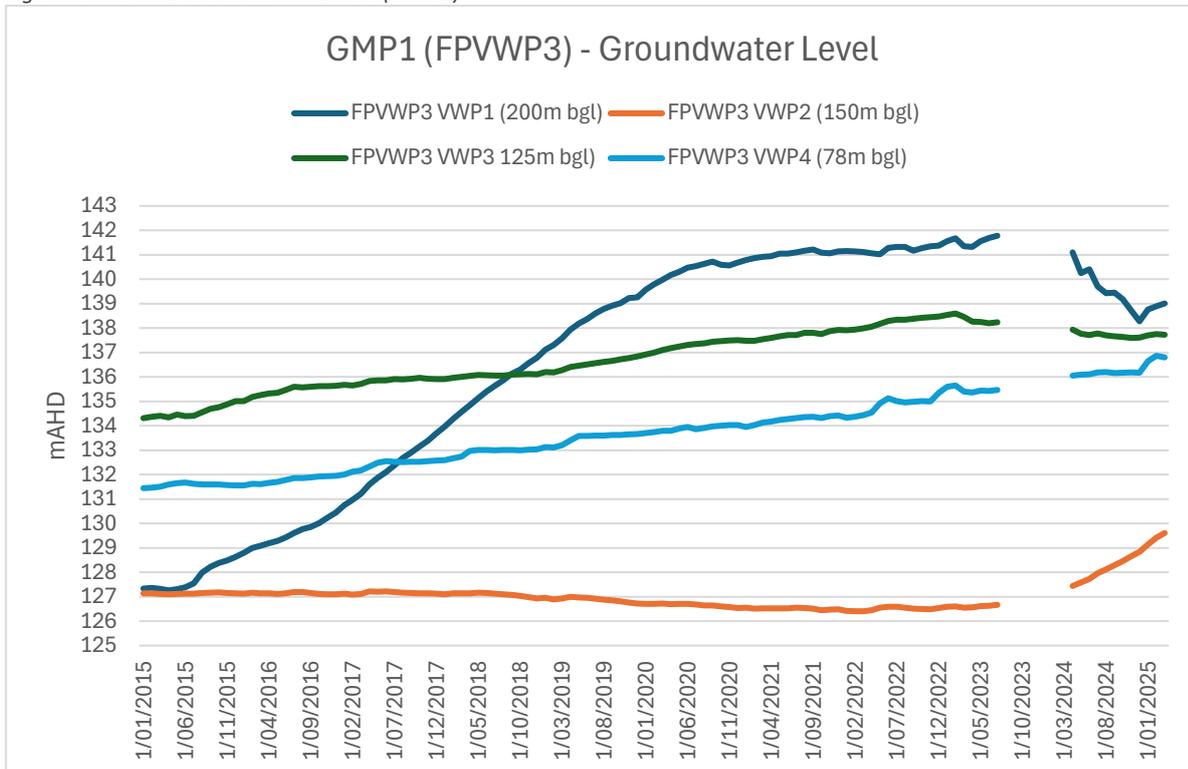
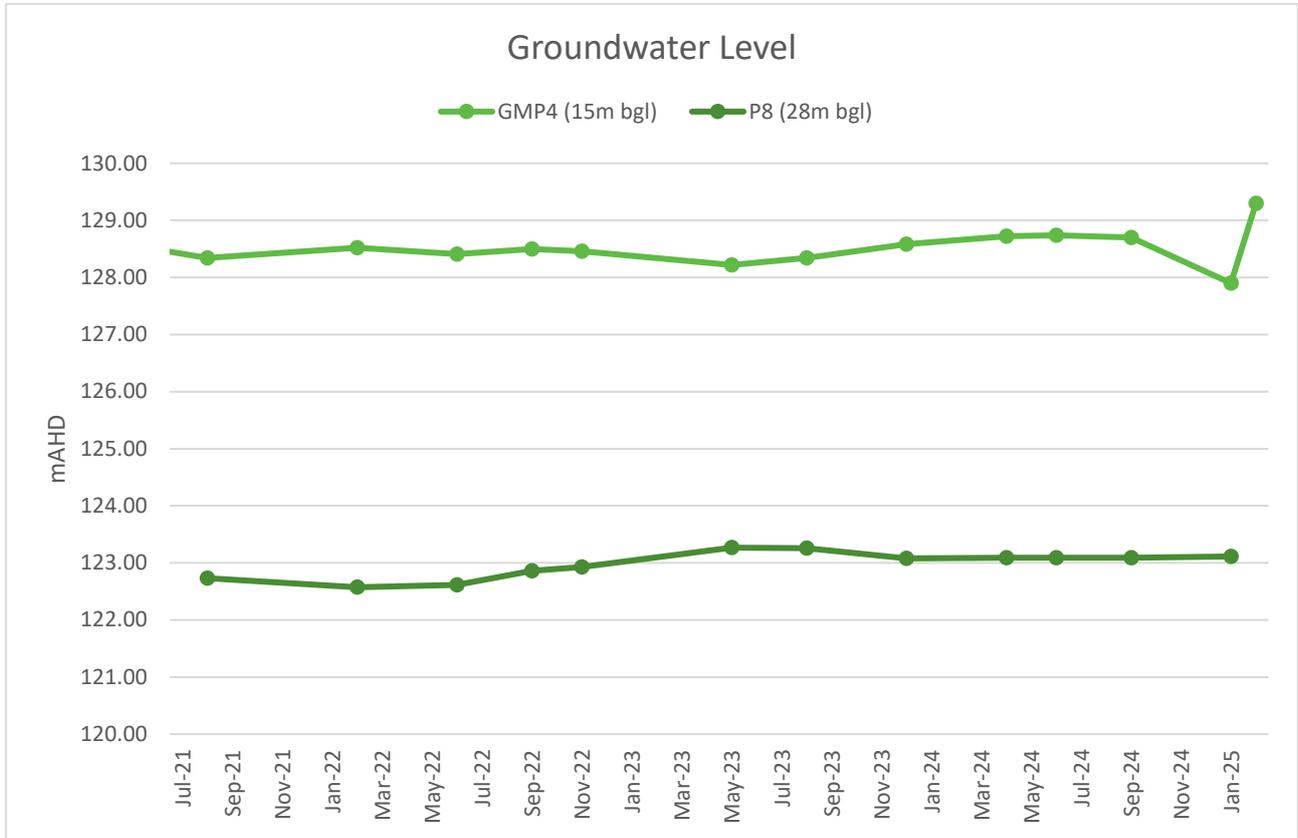


Figure 3. GMMP1 Groundwater Levels (mAHD)



Standpipe Piezometers

Figure 4. Groundwater levels - Standpipe Piezometers



APPENDIX 3: Fauna Monitoring Report

Issued: 18 December 2024, by CO2 Australia

18 December 2024



Fauna Monitoring Report

Implementation of the Biodiversity Offset Management Plan

Foxleigh Management Pty Ltd



VERSION CONTROL

Rev	Date	Description
0	30 October 2024	Draft submitted to client for review
1	18 December 2024	Final submitted to client

	Name	Position	Date
ORIGINATORS	Bianca Staker	Ecologist	18 December 2024
	Catherine Bowler	Senior Ecologist	
APPROVER	Dr Jarrad Cousin	Head of Ecology and Innovation	18 December 2024

CO2 Australia acknowledges Traditional Owners and Custodians of Country throughout Australia and recognises their ongoing connection to lands, waters and communities. We pay our respects to Aboriginal and Torres Strait Islander Elders past and present.

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CONTENT REDACTED - SUBMITTED TO DCEEW 26/3/2025