

# Year 1 Compliance Report EPBC 2017/7868 [2022-2023]

July 2023





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## 1. Declaration of accuracy

I In making this declaration, I:

a) am aware that section 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the *Environment Protection and Biodiversity Conservation Regulations 2000* (EPBC Regulations). The offence is punishable on conviction imprisonment or a fine, or both.

b) am authorised to bind Pembroke Olive Downs Pty Ltd to this declaration and have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:

Ngairé Tranter

Head of Environment & Approvals

Pembroke Olive Downs Pty Ltd

Date: 13/10/2025



## 2. Introduction

Pembroke Olive Downs Pty Ltd (Pembroke) has approval to develop a water pipeline branching from the existing Eungella pipeline network approximately 40 km south-east of Moranbah, Queensland.

Pembroke holds the Environmental Protection and Biodiversity Conservation Act 1999 controlled action approval 2017/7868 (EPBC Act Approval) to deliver the water pipeline. In addition, Pembroke holds the following EPBC Act Approvals for related project infrastructure development and connectivity:

EPBC Act referral 2017/7867 – Olive Downs Mine Site and Access Road

EPBC Act referral 2017/7869 – Olive Downs Project Electricity Transmission Line

EPBC Act referral 2017/7870 – Olive Downs Project Rail Spur

EPBC Act Approval 2017/7868 is the focus of this report and specifically addresses Condition 14 which states the following:

The approval holder must prepare a compliance report for each 12-month period following the date of the commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:

- a. Publish each compliance report on its website within 60 business days following the relevant 12-month period;
- b. Notify the Department by email that a compliance report has been published on its website within 5 business days of the date of publication;
- c. Keep all compliance reports publicly available on its website for the duration of this approval;
- d. Exclude or redact sensitive ecological data from compliance reports published on its website; and
- 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.

The purpose of this compliance report is to meet the requirements of Condition 14 for the period of 24 August 2022 to 19 April 2023. This is the first annual compliance report for the EPBC Act Approval 2017/7868.



### 3. Description of activities

#### 3.1 Overview

EPBC ACT APPROVAL RELATED MATTER DETAILS	
EPBC Act approval	2017/7868
Project name	Olive Downs Project Water Pipeline, 40 km south-east of Moranbah, Queensland (EPBC 2017/7868)
Approval holder	Pembroke Olive Downs Pty Ltd ACN: 611 674 376
Approved action	To develop a water pipeline branching from the existing Eungella pipeline network approximately 40 km south-east of Moranbah, Queensland, subject to the variation of the action accepted by the Minister under section 156B on Tuesday, 17 April 2018 [See EPBC Act referral 2017/7868 and variation request dated 21 December 2017].
Date of approval	14 April 2020
Date of commencement of activities	24 August 2022
Current reporting period	24 August 2022 to 19 April 2023

#### 3.2 Details of activities

Activities carried out for the period of 24 August 2022 to 19 April 2023 in accordance with condition of the EPBC Act Approval, and other relevant state and local approvals, were:

- Set up of temporary facilities and laydowns for various work crews, equipment and machinery
- Clearing and grubbing of vegetation
- Establishing of fauna crossings and fencing; and
- Earthworks and Installation of the above ground DN500 water pipeline and associated valves and fittings as required to deliver 2000ML/annum.

Figure 1 presents the general project arrangement, including the location of the water pipeline.





Figure 1-2

FIGURE 1. PEMBROKE OLIVE DOWNS GENERAL SITE ARRANGEMENT



## 4. Compliance with conditions

### 4.1 Compliance status for the period

The following table specifies compliance with EPBC 2017/7868.

CONDITION NUMBER	CONDITION	STATUS	COMMENTS
1	<p><b>Maximum Clearance Limits</b></p> <p>The approval holder must not clear outside of the project area and must not clear more than:</p> <ul style="list-style-type: none"><li>a. 28 hectares (ha) of Koala (<i>Phascolarctos cinereus</i>) (combined populations of Qld, NSW and the ACT) habitat;</li><li>b. 28 ha of Greater Glider (<i>Petauroides volans</i>) habitat;</li><li>c. 15 ha of Squatter Pigeon (Southern) (<i>Geophaps scripta scripta</i>) breeding habitat;</li><li>d. 6.5 ha of Squatter Pigeon (Southern) (<i>Geophaps scripta scripta</i>) foraging habitat;</li><li>e. 8 ha of Ornamental Snake (<i>Denisonia maculata</i>) important habitat; and</li><li>f. 1 ha of Australian Painted Snipe (<i>Rostratula australis</i>) breeding habitat.</li></ul>	Compliant	<p>The pipeline area was assessed as part of the environmental impact statement process conducted via the <i>State Development and Public Works Organisation Act 1971</i>. The eastern portion of the pipeline is contained within Mining Lease 700035 and the western portion is secured via commercial arrangements.</p> <p>The assessment determined maximum reasonable disturbance, and this was managed through the clearance process for the period.</p>
2	<p><b>Environmental Offset Requirements</b></p> <p>To compensate for the clearance of listed threatened species habitat as specified in condition 1, the approval holder must provide an environmental offset consistent with the Environmental Offsets Policy.</p>	Compliant	<p>The necessary environmental offset requirements for the entire pipeline form part of the Stage 1 Offset Area Management Plan approved by the Minister in writing in December 2020, which forms part of the overall Olive Downs Complex EPBC Approvals (EPBC Permit 2017/7867).</p>



CONDITION NUMBER	CONDITION	STATUS	COMMENTS
3	The approval holder must submit an Offset Area Management Plan (OAMP) prepared by a suitably qualified ecologist for the written approval of the Minister. The approval holder must not commence the action until the OAMP has been approved in writing by the Minister. The approved OAMP must be implemented.	Compliant	As per the above, the relevant approved OAMP is the 'Stage 1 OAMP' linked to EPBC Permit 2017/7867.
4	<p>The OAMP must include the following information for the offsets required to compensate for the clearance of listed threatened species habitat as provided for in condition 1 in accordance with the principles of the Environmental Offsets Policy:</p> <p>a. a description of the offset, including location, size, condition, environmental values present and surrounding land uses;</p> <p>b. baseline data, including results from field validation surveys, and quantifiable ecological data on habitat quality and other supporting evidence that documents the presence of each listed threatened species and the quality of each listed threatened species habitat within the offset area;</p> <p>c. an assessment of site habitat quality using a method agreed to in writing by the Department;</p> <p>d. details of how the offset area will provide connectivity with other habitats and biodiversity corridors and/or will contribute to a larger strategic offset for each listed threatened species;</p> <p>e. maps and shapefiles to clearly define the location and boundaries of the offset area, accompanied by offset attributes;</p> <p>f. specific offset completion criteria derived from the site habitat quality to demonstrate the improvement in the quality of each listed threatened species habitat in the offset area over the period of effect of this approval;</p>	Compliant	<p>The Stage 1 OAMP addresses the requirements of Condition 4 as follows:</p> <p>(a) - Section 3</p> <p>(b) - Section 3 and supporting Documentation</p> <p>(c) - Section 3.2 and supporting Documentation</p> <p>(d) – Section 3.2.3</p> <p>(e) - Figure 3.1 –Figure 6.1</p> <p>(f) - Table 4.6 &amp; Table 6.3</p> <p>(g) - Section 4</p> <p>(h) – Table 6.3</p> <p>(i) – Section 6</p> <p>(j) – Sections 7.1 &amp; 7.4</p> <p>(k) – Section 4, Table 6.2</p> <p>(l) – Section 5</p> <p>(m) – Section 4 and Table 4.6</p>





CONDITION NUMBER	CONDITION	STATUS	COMMENTS
	<p>g. details of the management actions, and timeframes for implementation, to be carried out to meet the offset completion criteria;</p> <p>h. interim milestones that set targets at 5-yearly intervals for progress towards achieving the offset completion criteria;</p> <p>i. details of the nature, timing and frequency of monitoring to inform progress against achieving the 5-yearly interim milestones (the frequency of monitoring must be sufficient to track progress towards each set of milestones, and sufficient to determine whether the offset area is likely to achieve those milestones in adequate time to implement all necessary corrective actions);</p> <p>j. proposed timing for the submission of monitoring reports which provide evidence demonstrating whether the interim milestones have been achieved;</p> <p>k. timing for the implementation of corrective actions if monitoring activities indicate the interim milestones will not or have not been achieved;</p> <p>l. a risk analysis and a risk management and mitigation strategy for all risks to the successful implementation of the OAMP and timely achievement of the offset completion criteria, including a rating of all initial and post-mitigation residual risks in accordance with the risk assessment matrix;</p> <p>m. evidence of how the management actions and corrective actions take into account relevant approved conservation advices and are consistent with relevant recovery plans and threat abatement plans; and</p> <p>n. details of the legal mechanism for legally securing the offset area, such that legal security remains in force over the offset area for at least the period of effect of this approval.</p>		(n) – Section 4.2.9



CONDITION NUMBER	CONDITION	STATUS	COMMENTS
5	<b>Legal Securing of Environmental Offset</b>  The approval holder must legally secure the environmental offset within 12 months from the date that the OAMP is approved by the Minister in writing. The approved OAMP must be attached to the legal mechanism used to legally secure the offset area.	Compliant	An application was submitted to secure the Stage 1 offset area via a Voluntary Declaration under the Vegetation Management Act 1999 to the Queensland Department of Resources on 13 April 2022.  An information request was received by the department and correspondence was exchanged. The application was still in progress during the reporting period.
6	The approval holder must notify the Department within 5 business days of the legal mechanism being executed.	Not applicable	The legal mechanism remains under assessment.
7	The legal mechanism used to legally secure the offset area must remain in force for the period of effect of this approval.	Not applicable	
8	<b>Notification of date of commencement of the action</b>  The approval holder must notify the Department in writing of the date of the commencement of the action within 5 business days after the date of the commencement of the action.	Compliant	Letter provided to DCCEEW, provided within Appendix A.
9	If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the written agreement of the Minister.	Not applicable	
10	<b>Compliance Records</b>  The approval holder must maintain accurate and complete compliance records.	Compliant	All relevant compliance records have been maintained to date.



CONDITION NUMBER	CONDITION	STATUS	COMMENTS
11	<p>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, 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>	Not applicable	
12	<p><b>Preparation and publication of plans</b></p> <p>The approval holder must:</p> <ul style="list-style-type: none"><li>a. submit plans electronically to the Department for written approval by the Minister;</li><li>b. publish each plan on its website within 20 business days of the date of this approval or of the date a revised plan is approved by the Minister, unless otherwise agreed to in writing by the Minister;</li><li>c. exclude or redact sensitive ecological data from plans published on its website or provided to a member of the public; and</li><li>d. keep plans published on its website for the duration of this approval.</li></ul>	Compliant	All plans submitted to department in compliance with the approval documentation.
13	<p>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under condition 4, is prepared in accordance with the Department's Guidelines for biological survey and mapped data (2018) and submitted electronically to the Department in accordance with the requirements of the plans within 2 months of each survey event.</p>	Compliant	All records provided to date conform to departments guidelines and submitted electronically to the department.
14	<p><b>Annual Compliance Reporting</b></p> <p>The approval holder must prepare a compliance report for each 12 month period following the date of the commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p>	Non-compliant	This is the first separated annual compliance report and has been prepared retrospectively using relevant records and in keeping with information reported as per the EPBC Permit 2017/7867 which incorporated



CONDITION NUMBER	CONDITION	STATUS	COMMENTS
	<p>a. publish each compliance report on its website within 60 business days following the relevant 12 month period;</p> <p>b. notify the Department by email that a compliance report has been published on its website</p> <p>within 5 business days of the date of publication;</p> <p>c. keep all compliance reports publicly available on its website for the duration of this approval;</p> <p>d. exclude or redact sensitive ecological data from compliance reports published on its 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>		consideration of this information at the time.
15	<p><b>Reporting Non-compliance</b></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 but no later than 2 business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a. the condition which is or may be in breach; and</p> <p>b. a short description of the incident and/or non-compliance.</p>	Compliant	No incidents or non-compliances occurred during the reporting period.
16	<p>The approval holder must provide to the Department the details of any incident or noncompliance with the conditions or commitments made in the plans as soon as practicable but no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p>	Not applicable	



CONDITION NUMBER	CONDITION	STATUS	COMMENTS
	<p>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b. the potential impacts of the incident or non-compliance; and</p> <p>c. the method and timing of any remedial action that will be undertaken by the approval holder.</p>		
17	<p><b>Independent Audit</b></p> <p>The approval holder must ensure that independent audits of compliance with the conditions of approval are conducted when requested in writing by the Minister.</p>	Not applicable	No audit requests were made during the period.
18	<p>For each independent audit, the approval holder must:</p> <p>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</p> <p>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</p> <p>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</p>	Not applicable	
19	<p>The approval holder must publish the audit report on its website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on its website for the duration of this approval.</p>	Not applicable	
20	<p><b>Revision of the OAMP</b></p> <p>The approval holder may, at any time, apply to the Minister for a variation to the OAMP approved by the Minister under condition 3, 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 OAMP (ROAMP) then, from the date specified by the Minister, the approval holder must implement the ROAMP in place of the previous approved OAMP.</p>	Not applicable	No variations were requested for the period.





CONDITION NUMBER	CONDITION	STATUS	COMMENTS
21	<b>Completion of the action</b> Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not applicable	The Olive Downs Complex of which the water pipeline forms part of has a 79 year mine life and associated approvals.



## Appendix A

20 April 2022

The Minister  
Department of Agriculture, Water and the Environment  
1 William Street,  
Brisbane QLD 4002

Email: [postapproval@environment.gov.au](mailto:postapproval@environment.gov.au)

Dear Minister,

**RE: Notification of the Commencement of activity at Olive Downs South domain – Pembroke Olive Downs Coking Coal Project**

I am writing in response to Condition 65 stipulated under the Olive Downs Project Mine Site and Access Road EPBC Approval (EPBC 2017/7867) issued May 2020.

This letter provides official notification to the Department of Agriculture, Water and the Environment that construction of the Pembroke Olive Downs South domain commenced today.

If you would like to discuss this further, please don't hesitate to contact me via e-mail at [REDACTED] or phone on [REDACTED].

Yours sincerely,

Blair Richardson  
General Manager  
Olive Downs Project  
Pembroke Resources