

Environmental Protection Act 1994

Environmental Protection Order

This environmental protection order is issued by the administering authority pursuant to section 358 of the Environmental Protection Act 1994.

Adani Mining Pty Ltd (ACN 145 455 205)
Level 9, 120 Edward Street
BRISBANE QLD 4000

Cc: Joshua.Moore@bravus.com.au
Mr Joshua Moore
Head of Environmental Approvals

Our reference: EPML01470513 (**Varied**)

2/03/2023

Dear Directors

Take notice: that under the *Environmental Protection Act 1994* (EP Act) this environmental protection order (EPO) is issued to Adani Mining Pty Ltd (ACN 145 455 205) (you) by the administering authority. The administering authority is the Chief Executive of the Department of Environment and Science (the department).

The EPO is issued with respect to the activities at the Carmichael Coal Mine on mining leases ML70441, ML70505 and ML70506.

A. Grounds

This EPO is issued on the following grounds:

- To require Adani Mining Pty Ltd to take reasonable measures to secure compliance with conditions of its Environmental Authority (EA) EPML01470513, specifically conditions E4 and I11 under section 358(d)(iii) of the EP Act.

The facts and circumstances forming the basis for these grounds are:

- You are the holder of EA EPML01470513 (the EA) which authorises, among other things, the mining of black coal on mining leases ML70441, ML70505 and ML70506.
- Under condition E9 and E10 of your EA, you were required to undertake a groundwater model review and provide the department with a Groundwater Model Review Report.
- You submitted the Groundwater Model Review Report to the department for its consideration and approval. The Groundwater Model Review Report states: *“underground mining at the extremities of the mining lease area that was planned to commence after 2035 may cause drawdown at some locations of*



the Doongmabulla Spring Complex of more than the 0.2m that is permissible in the relevant mine approvals and the Groundwater Management and Monitoring Program”.

4. On 23 February 2023, you provided the department with a letter regarding EA EPML01470513 – revised groundwater modelling which further states *“The revised modelling indicated that on the current underground mine plan, underground mining operations at the Carmichael Mine would result in groundwater drawdown at the Doongmabulla Springs Complex which exceed the 0.2m interim drawdown threshold”.*
5. Condition A3 of your EA authorises underground mining. However, your EA also requires compliance with conditions E4, E9 and I11.
6. Conditions E4 and I11 requires you to develop and implement a Groundwater Management and Monitoring Program (GMMP) and a Groundwater Dependent Ecosystems Management Plan (GDEMP) respectively.
7. Condition E9 requires you undertake review of the groundwater model to be completed by 10 October 2022 and at least every 5 years thereafter, or at other intervals specified by the administering authority in writing.
8. The groundwater model and its review inform the GMMP and GDEMP as part of an adaptive management framework.
9. Section 5.3.5.3 of your GMMP states that the approved level of impact *“limits the drawdown to 0.2m at the Doongmabulla Springs Complex”.*
10. Section 7 of your GMMP and Section 5.9 of your GDEMP state that should any groundwater model re-run determine that unauthorised impacts to the Doongmabulla Springs Complex may occur, you will:
“Freeze [underground] mine development at current levels until the completion of investigations and assessments which demonstrates and concludes that further development will not exceed approved impacts”.
11. As set out in paragraph 3 above, the Groundwater Model Report has determined that unauthorised impacts to the Doongmabulla Springs Complex may occur should underground mining commence.
12. Therefore, the department considers it necessary to issue you with this EPO in order to pause the commencement of underground mining until such time as you can demonstrate to the satisfaction of the department that the activity can be conducted in a way that does not exceed the approved impacts.
13. Specifically, the department is imposing the requirement for you to implement the commitment in your GDEMP and GMMP to freeze mine development by not commencing underground mining.
14. In this EPO, the department is specifying the “investigations and assessments” required to demonstrate and conclude that underground mining will not exceed approved impacts.
15. Further, condition E9 provides (among other things) that the department may require further Groundwater Model Review Report reviews to be completed if the observed groundwater levels and groundwater flow rates to surface water are not consistent with those predicted by the groundwater model.
16. According to your Groundwater Model Report, groundwater levels differ from those predicted in the 2013 SEIS groundwater model and exceed the approved impacts.
17. Therefore, this EPO requires you to conduct a Second Groundwater Model Review Report and pause the commencement of underground mining until you can demonstrate to the satisfaction of the department that the activity can be conducted in a way that does not exceed the approved impacts.

B. Requirements

- ~~1. You must undertake a second groundwater model review in accordance with the requirements of condition E9 and produce a second review report (the **Second Groundwater Model Review Report**).~~
- ~~2. The Second Groundwater Model Review Report must be submitted to the administering authority by **1 October 2023**.~~
- ~~3. The Second Groundwater Model Review Report must:~~
 - ~~a) detail the findings and recommendations from the first groundwater model review;~~
 - ~~b) address the findings and recommendations of the independent peer review of the first Groundwater Model Review Report;~~
 - ~~c) demonstrate that all feedback from the administering authority, CSIRO and Geoscience Australia with respect to the first Groundwater Model Review Report have been addressed and incorporated in the second groundwater model review; and~~
 - ~~d) include an updated mine plan to replace Table A1 and Figures A1 and A2 in the current EA.~~
- ~~4. You must not commence underground mining until the following actions have been completed:~~
 - ~~a) A Second Groundwater Model Review Report is provided to the department that demonstrates that mining activities will only result in a predicted drawdown of 0.2m or less (with a 95% confidence interval) at the Doongmabulla Springs Complex; and~~
 - ~~b) The Second Groundwater Model Review Report is approved by the administering authority;~~
 - ~~c) The updated GMMP required under EA condition E8 is approved; and~~
 - ~~d) The EA is amended to include an updated mine plan which reflects any changes to mining activities required to be made as a result of the approved Second Groundwater Model Review Report.~~
- ~~5. You must not carry out any mining or associated activities that would result in an exceedance of the interim drawdown threshold of 0.2m at the Doongmabulla Springs Complex.~~
1. You must undertake a second groundwater model review in accordance with the requirements of condition E9 and produce a second groundwater model review report by 30 May 2024 or another date agreed in writing by the administering authority.
2. The second groundwater model review report must:
 - a) Detail all the findings from the first groundwater model review and report submitted to the administering authority on the 8 February 2023;
 - b) Address the findings and recommendations to be provided by the independent peer reviewers (i.e. CSIRO and Geoscience Australia), engaged by the administering authority, from the first groundwater model review;
 - c) Include an updated mine plan to replace Table A1 and Figures A1 and A2 in the current EA.
3. You must not commence underground mining until the following actions have been completed:
 - a) A groundwater model review report is provided to the administering authority that demonstrates that mining activities will only result in a predicted drawdown of 0.2m or less (with a 95% confidence interval) at the Doongmabulla Springs Complex;

- b) Address the findings and recommendations from the independent peer reviewers (i.e. CSIRO and Geoscience Australia), engaged by the administering authority, from the first, second groundwater model review required to be undertaken to demonstrate that mining activities can comply with the conditions of the EA;
 - c) The second groundwater model review report is approved by the administering authority;
 - d) Any necessary updates to the GMMP, required by condition E8, following approval of the second groundwater model review report are approved by the administering authority; and
 - e) If necessary, the EA is amended to include an updated mine plan which reflects any changes to mining activities require to be made following approval of the second groundwater model review report.
4. You must not carry out any mining or associated activities under the EA that would result in an exceedance of the interim drawdown threshold of 0.2m at the Doongmabulla Spring Complex.

C. Obligations

If you propose to dispose of the place or business to which the EPO relates, you **must** advise the buyer of the existence of this EPO.

If you cease to carry out the activity to which this EPO relates, you **must** give written notice of ceasing to carry out the activity to the department within 10 days of ceasing the activity.

Take notice:

- the requirements of this order take effect immediately upon service of the order;
- failure to comply with this order is an offence under the EP Act;
- this order remains in force until further notice from the administering authority.

D. Penalty

It is important that you know the impact to you personally as an individual or as a corporation for not meeting your obligations.

Failure to comply with an EPO is an offence.

- The maximum penalty for a corporation wilfully contravening an EPO is \$ 4,492,187.50.
- The maximum penalty for a corporation contravening an EPO is \$ 3,234,375.00.

Failure to provide written notice to the buyer of the existence of the order is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 35,935.00 for a corporation

Failure to provide written notice to the department within 10 business days of ceasing the activity to which an environmental protection order relates is an offence.

- The maximum penalty is 50 penalty units, totalling \$ 35,935.00 for a corporation.

Section 3 of the *Penalties and Sentences Regulation 2015* prescribes the monetary value of a penalty unit.

E. Reviews and appeals

The provisions regarding reviews of decisions and appeals are found in sections 519 to 539 of the EP Act.

A person who is dissatisfied with an original decision made by the Department of Environment and Science (the department) may apply to have that decision internally reviewed.

Information about initiating an appeal in relation to this notice is contained within the [Internal Reviews and Appeals Information Sheet](#) (available at www.qld.gov.au using the publication number ESR /2015/1742 as a search term)

A request for review or appeal is to be made using the approved form '[Application for review of original decision](#)' (available at www.qld.gov.au using the publication number ESR/2015/1573 as a search term.

Applications for reviews are to be sent to Permit and Licence Management, Department of Environment and Science: via email at palm@des.qld.gov.au , or by mail to the following address: GPO. Box 2454, Brisbane, QLD, 4001.

Where an application has been made for a decision to be reviewed, the applicant may also apply to the relevant court for a stay of the decision to secure the effectiveness of the review.

Once the original decision has been reviewed, a person who is dissatisfied with the review decision may be able to appeal against that decision to the relevant court within 22 business days after receiving notice of the review decision.

A person whose interests are or would be adversely affected by a decision of the department may be able to request a statement of reasons for a decision or a statutory order review under the *Judicial Review Act 1991*.

You may have other legal rights or obligations and should seek your own legal advice.

Pursuant to section 540 of the Act, the department is required to maintain a register of certain documents and information authorised under the Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the Act. There is no general discretion allowing the department to withhold documents or information required to be kept on the public register. For more information on the department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Should you have any queries in relation to the notice, please contact Tony Baker on (07) 48373499 .

Notice
Environmental Protection Order



Signature

26/04/2023

Date

Kimberly Foster

Director

Delegate of the Chief Executive

Department of Environment and Science

Environmental Protection Act 1994

Enquiries:

COMPLIANCE CENTRE: ROCKHAMPTON

Email: cwes_rockhampton@des.qld.gov.au