Environmental Enforcement Order

Section 362 of the *Environmental Protection Act 1994*

Secure compliance with General Environmental Duty and conditions of the Environmental Authority

Order id:	**STAT-E-100880830**
Issued to:	Queensland Coking Coal Pty Ltd, ACN 129 600 004. Level 34, 345 Queen Street, Brisbane City QLD 4000. For the purpose of this notice you means the recipient of this notice or your authorised representative.
Site address:	Vulcan South Coal Mine, ML700073 (the premises)
Issued by:	Cate Puschmann, Manager Compliance (Coal), Department of the Environment, Tourism, Science and Innovation (the department) at Maryborough, delegate of the administering authority (the delegate) Signed by delegate
Date:	19 September 2025
Relevant matter/ enforcement grounds:	Section 359 (c) to secure compliance with your general environmental duty; and Section 359 (e)(ii) to secure compliance with condition/s of your environmental authority (EA), specifically conditions A6 and A18 of EA P-EA-100265081 effective 5 April 2024.
Service method:	Via email.

Why are we writing to you?

The delegate reasonably suspects that you have contravened section 430 of the *Environmental Protection Act 1994* (the Act) at the premises and actions are required to secure compliance with conditions of your EA and secure compliance with your general environmental duty (GED). The department has issued this Environmental Enforcement Order (EEO) to you under section 362 of the Act to remedy the contravention, avoid further contraventions and keep the department informed.

What are you required to do?

Please read this EEO carefully and carry out all the required actions listed below by the required dates.

Terms used in this order have the meaning defined in the Background and Definitions section of the EEO, or if not defined, in the Act.

If you have any questions about this EEO, please contact Juliana Gaona, Senior Environmental Officer of the Mackay Compliance Centre by email CWES_Mackay@detsi.qld.gov.au or telephone 07 4999 6861.

Queensland Government
ABN 46 640 294 485

Required actions:

Requirements in Part A and Part B take effect from the date of service and remain in force until this Order is amended, repealed, finalised or stayed.

Part A

1. To ensure compliance with condition A6 and A18 of EA P-EA-100265081, **by 29 September 2025**, you must engage an independent AQP to audit the effectiveness and make recommendations on the improvement of following procedures, systems and measures related to your current disturbance process:
   a) Internal *Permit to Disturb* processes including (but not limited to) the following:
      i. how proposed clearing areas are cross-referenced against authorised clearing areas;
      ii. evaluate the adequacy of pre-start meeting protocols, specifically operational procedures related to clearing / disturbance activities;
      iii. clear accountability measures, including explicitly defining roles and responsibilities and documenting the names and authorisations of responsible personnel for each step in the disturbance process; and
      iv. the effectiveness of communication and methods between all parties involved in the disturbance process to ensure clarity, understanding and adherence to procedures.
      v. safeguards in place to prevent unauthorised disturbance.
   b) *GPS systems* including (but not limited to) the following:
      i. the appropriateness of systems utilised; and
      ii. any technological or operational issues.
   c) *Spotter catcher and clearing protocols and procedures* including (but not limited to) the following:
      i. protocols for engaging and communicating with internal or third-party ecological personnel;
      ii. the adequacy of tools such as maps, GPS systems etc utilised during the clearing process; and
      iii. procedures for identifying and marking habitat and ecological significant trees during clearing activities.
   d) *On-site supervision and training* including (but not limited to) the following:
      i. Adequacy of on-site supervision during clearing and disturbance activities;
      ii. Adequacy of inductions and training provided to both personnel and third-party services involved in clearing and disturbance activities; and
      iii. Adequacy of training regarding environmental obligations under the Act and EA P-EA-100265081.
   e) *Physical controls and verification of compliance* including (but not limited to) the following:
      i. measures in place to delineate authorised disturbance areas, including the use of physical boundary markers such as high-visibility tape, fencing, or survey pegs; and
      ii. compliance auditing processes to verify activities are within the authorised clearing boundary before, during, and after clearing activities.
2. **By 17 November 2025**, an independent AQP must prepare a report that summarises the findings and recommendations identified as per requirement (1), and submit the report to the department via email at CWES_Mackay@detsi.qld.gov.au.
3. **By 12 January 2026**, the recommendations provided by the independent AQP as per requirement (1) and (2) of this EEO must be implemented and you must provide written notification via email at CWES_Mackay@detsi.qld.gov.au confirming that all recommendations have been actioned.

Part B

4. **By 29 September 2025**, you must commence rehabilitation of the unauthorised disturbance area in accordance with **Table 1– Rehabilitation Requirements** of this EEO and complete the rehabilitation by **31 March 2027** in the disturbance area highlighted in red in **Appendix A** to this notice.
5. **By 31 May 2027** an independent AQP must prepare and submit a report to the department which certifies that the rehabilitation requirements as per requirement (4) of this EEO and specified in **Table 1 – Rehabilitation Requirements** have been completed.

   This report must be sent via email: CWES_Mackay@detsi.qld.gov.au or via mail to:

   Department of the Environment, Tourism, Science and Innovation
   PO Box 2001
   MACKAY QLD 4740

Background and Definitions

1. The department is the administering authority and has responsibility for enforcing the Act.
2. You are the holder of EA P-EA-100265081 effective 11 July 2025 and subsequent EA version effective 5 April 2024.
3. The EA approves the following environmentally relevant activities (ERAs):
   - ERA Schedule 3 13 – Mining of black coal;
   - ERA 31 (Ancillary) – Mineral processing; and
   - ERA 33 (Ancillary) – Crushing, grinding, milling or screening more than 5,000t of material in a year.
4. The department is satisfied that you are responsible for the operation and maintenance of the premises under the EA.
5. On the 8 April 2025 (in writing), you notified the department of disturbance at the premises that was not in accordance with the conditions of EA P-EA-100265081.
6. The notification advised:
   a. Clearing of vegetation was undertaken on the Vulcan South Coal Mine on Sunday 6 April 2025 between 8:00am and 1:00pm.
   b. On Monday 7 April 2025 management became aware that clearing was undertaken in an area outside of the maximum disturbance area authorised by EA P-EA-100265081 (specifically Condition A6 and the associated Maximum Disturbance Area figure within the EA).
   c. You contacted DETSI after becoming aware (telephone conversation between you and DETSI on afternoon of Monday 7 April 2025 and a follow up conversation on morning of 8 April 2025), within the 24hour period required by Condition A9.
   d. The location of the activity was on the Vulcan South Coal Mine (ML700073).
   e. Clearing on Vulcan South is generally undertaken by bulldozers which have GPS control (spatial limits uploaded into the bulldozer GPS system).
   f. The correct GPS model had previously been uploaded to the bulldozer.
   g. Planning for clearing activities was undertaken including Job Hazard Analysis (JHA) and a Permit to Disturb, which confirmed the planned area was within the authorised Maximum Disturbance area.
   h. Planned area for clearing was 4.9ha.
   i. Clearing commenced with contracted and independent spotter catchers through arrangements with Biodiversity Australia in attendance, utilising the onboard bulldozer GPS as a control for this clearing.
   j. The clearing was completed in accordance with the uploaded GPS model, however, following an inspection of the area by a supervisor it was identified that the clearing was potentially located in the wrong area.
   k. Initial investigations indicated that the correct GPS model was uploaded to the bulldozer previously, however the GPS may have had intermittent communications or inaccurate readings whilst in that location;

l. Clearing was undertaken with the presence of an experienced spotter/catcher (working under their access to the GPS model used for fauna mapping) as per normal requirements and as such, potential risk to fauna is limited; and

m. The vegetation and habitat type of the cleared area was consistent with the immediate surrounding area, which has been approved for disturbance and mitigated via offset management plans.

7. On 8 April 2025, you highlighted the need to review existing procedures as part of your proposed measures to prevent a recurrence of the alleged contravention including:

   a. The existing permit to disturb process;

   b. The procedures relating to spotter/catching activities and clearing activities for adequacy and update where required;

   c. The use of survey pegs and tape types currently in use, including colour coding (maximum disturbance, fauna observations, exploration etc); and

   d. The integration of clearing activities into production planning and management.

8. On 28 April 2025 you provided an investigation report, prepared in accordance with Condition A10 of EA P-EA-100265081 which stated:

   a. On 6 April 2025 between 8:30am and 1:00pm:

      i. the bulldozer operator and fauna spotter catcher commenced clearing;

      ii. the fauna spotter catcher walked in front of bulldozer;

      iii. identified habitat trees were not cleared;

      iv. cleared vegetation was "windrowed"; and

      v. topsoil was not stripped.

   b. On 6 April 2025 at 1:00pm, clearing ceased.

   c. On 7 April 2025, a review of drone footage by Vitrinite's Operations Manager immediately identified the area as being outside of the authorised disturbance footprint.

   d. On 7 April 2025, all clearing activities on Vulcan South Coal Mine were stood down until an initial review confirmed other proposed or active clearing areas were correct.

   e. On 7 April 2025, Vitrinite's solicitors commenced the Internal Investigation.

   f. On 7 April 2025, Vitrinite notified the department of the Clearing Incident.

   g. On 9 April 2025, Vitrinite notified the Department of Climate Change, Energy, the Environment and Water of the Clearing Incident.

   h. On 24 April 2025, Vitrinite commenced rehabilitation activities.

   i. Factors which could have contributed to the Clearing Incident include that:

      i. the onboard GPS system within the bulldozer in the subject location may have experienced intermittent technological communication issues and inaccurate readings;

      ii. a clear handover may not have been undertaken during "changeover" of rosters between Vitrinite personnel; and

      iii. pre-start meetings may have focussed on workplace health and safety precautions, rather than production activities (e.g., clearing, exploration, and mining).

   j. The Clearing Incident, while still under investigation, was not intentional.

9. On 9 May 2025 the department sent you procedural fairness correspondence and on 20 May 2025 you provided a response to the department that stated:

   a. Following subsequent enquiries and as a matter of transparency, Queensland Coking Coal Pty Ltd has become aware that the Clearing Incident commenced Saturday, 5 April 2025, with the majority of the clearing undertaken Sunday, 6 April 2025.

   b. The impact within the Disturbance Area consisted of:

      I. stage 1 undershrub clearing of native vegetation including shrubs and small trees;

  II. removal of larger non-hollow baring trees predominantly eucalypts sp; and
  III. retention of identified hollow bearing trees.

c. The Disturbance Area is 3.73 ha situated on the Vulcan South Coal Mine immediately adjacent to the authorised disturbance footprint.

d. The Disturbance Area contained remnant vegetation consistent with Regional Ecosystems (RE):

  I. 13.1 *Corymbia citriodora* woodland on coarse-grained sedimentary rocks – RE 11.10.1, (least concern) (0.56 ha); and
  II. 13.2 *Acacia shirleyi or A. catenulata* open forest on coarse-grained sedimentary rocks, crests and scarps - RE 11.10.3, (least concern) (3.17 ha).

e. A pre-clearing survey of the Disturbance Area was undertaken by third-party ecological consultants by marking all large (greater than 10m tall) hollow bearing trees, which were avoided and remain in place;

f. A third-party fauna spotter catcher (from the same third-party ecological consultants) was present for all clearing in the Disturbance Area;

g. The third-party fauna spotter catcher recorded no animal interactions in the Disturbance Area;

h. Stage 2 clearing of larger trees was not undertaken;

i. Topsoil was not stripped, and no excavations or placement of materials was undertaken; and

j. The natural topography and drainage remain unaltered.

10. On 5 June 2025, authorised persons of the department conducted a compliance inspection at the premises, including a remotely piloted aircraft system (RPAS) survey.

11. The inspection and RPAS survey identified approximately 3.85 ha of disturbance. **See Appendix A**

12. The disturbance was observed as cleared vegetation with affectations to the topsoil from the bulldozer’s path. Officers on site observed the habitat trees marked by the spotter catcher, as well as the logs placed in piles as part of the habitat recovery strategy.

13. A summary of the matters discussed during the inspection are below:

  a. Majority of the unauthorised clearing took place on Sunday, 6 April 2025, as adverse weather conditions the day before prevented the activities from being undertaken.

  b. Pre-start meetings were held to discuss the activities planned for the day. However, it was noted that these meetings typically focus on safety and other general matters rather than operational specifics. Additionally, it was stated that pre-start meetings do not adequately address the procedures required for clearing activities.

  c. A supervisor was on-site at the time of the clearing; however, he was not present in the area where the clearing took place. The error was only identified the following day.

  d. It was reported that GPS systems were installed in the bulldozer. However, there remains uncertainty about how the GPS failed to identify the correct area and did not issue an alarm or notification of the mistake. Furthermore, no explanation has been provided as to why the bulldozer operator did not recognise the error.

  e. There is uncertainty regarding the instructions provided to the third-party ecological service responsible for conducting pre-clearing surveys and spotter-catcher activities. It is unclear what procedures were in place or whether a map was provided to the spotter-catcher.

  f. Survey pegs were identified during the inspection, marking the boundary of the unauthorised disturbance area. You suggested that the pegs were likely intended to indicate the limit of the disturbance at the opposite end of the actual cleared area.

  g. During the inspection, the permit to disturb corresponding to the date of the offence was provided. Currently, these permits require multiple signatories before activities are undertaken; however, there is no process to cross-reference the proposed clearing area against authorised clearing areas. Additionally, the area is not checked to ensure clearing remains within allowable boundaries.

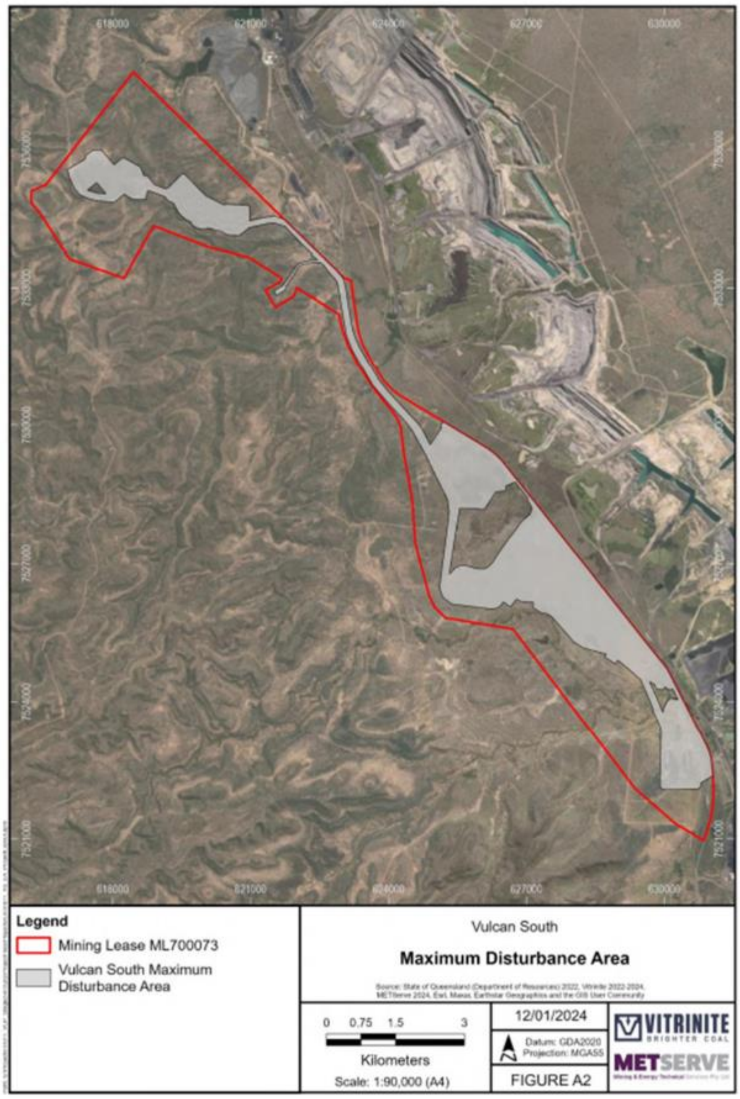
h. You have acknowledged responsibility for the unauthorised disturbance and have expressed a willingness to engage with the department to discuss strategies for reviewing current measures and preventing similar incidents in the future.

14. Section 430 of the Act states:

A person must not contravene a condition of the authority.

15. Condition A6 of EA P-EA-100265081 states: *In carrying out the authorised activity, disturbance must not occur outside the maximum disturbance area depicted in Figure* ***A2, Project Layout – Authorised Disturbance Areas****.*

Figure A2. Project Layout – Authorised Disturbance Areas



16. Condition A18 of EA P-EA-100265081, effective 5 April 2024 states:

Maintenance of plant and equipment*:*

The environmental authority holder must:

a. *install all reasonable and practicable measures, plant and equipment necessary to ensure compliance with the conditions of this environmental authority;*

b. *maintain such measures, plant and equipment in a proper and efficient condition;*

c. *operate such measures, plant and equipment in a proper and efficient manner; and*

d. *ensure all instruments and devices used for the measurement or monitoring of any parameter under any condition of this environmental authority are properly calibrated.*

17. The department has considered all information provided by you and evidence collected by authorised officers during the site inspection and alleges you have contravened section 430 of the Act, specifically the following conditions of EA P-EA-100265081:

    a. Condition A6 by conducting disturbance (3.85 ha) outside the maximum disturbance area depicted in Figure A2, Project Layout – Authorised Disturbance Areas; and

    b. Condition A18 by failing to install measures and operate plant and equipment in a proper and efficient manner to ensure compliance with conditions of the EA, specifically Condition A6 of the EA.

18. The department considers it is reasonable to require you to secure compliance with conditions of your EA and take further actions (including implementation of additional measures and equipment) necessary to prevent reoccurrence of unauthorised disturbance activities at the Vulcan South Coal Mine.

19. Section 319 of the Act states:

    *A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonably practicable measures to prevent or minimise the harm (the **general environmental duty**).*

20. <u>*Environmental Harm*</u>*:* is defined under section 14 of the Act as - any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance.

21. <u>*Environmental Values:*</u> are defined under section 9 of the Act as–

    a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or

    b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

22. The department considers you caused environmental harm to environmental values, specifically Matters of State Environmental Significance (MSES) Regional Ecosystem 11.10.3, characterised by *Eucalyptus crebra* (narrow-leaved ironbark) woodlands on coarse-grained sedimentary rocks, which provides environmental values, including, soil stability, and habitat for native species. The area serves as dispersal habitat for the squatter pigeon (*Geophaps scripta*) and offers low-quality habitat for koalas (*Phascolarctos cinereus*), supporting their foraging and movement.

23. The department considers that expeditious rehabilitation of this area will create a safe, stable landform that is resistant to erosion and prompt revegetation of the area will assist in ecosystem and habitat recovery.

24. The department considers it reasonable to require you to secure compliance with your general environmental duty and considers that rehabilitation of the area will minimise the environmental harm caused by the unauthorised disturbance.

25. The delegate has considered the facts and circumstances (including the standard criteria and human rights) and determined that the required actions specified in this EEO are necessary to remedy or otherwise address the relevant matter and avoid further contravention of the Act.

26. This EEO takes effect from the date service and remains in force until stayed, amended, revoked or finalised.

Definitions that apply to this notice:

- **Appropriately qualified person (AQP):** means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relating to the subject matter using the relevant protocols, standards, methods or literature.

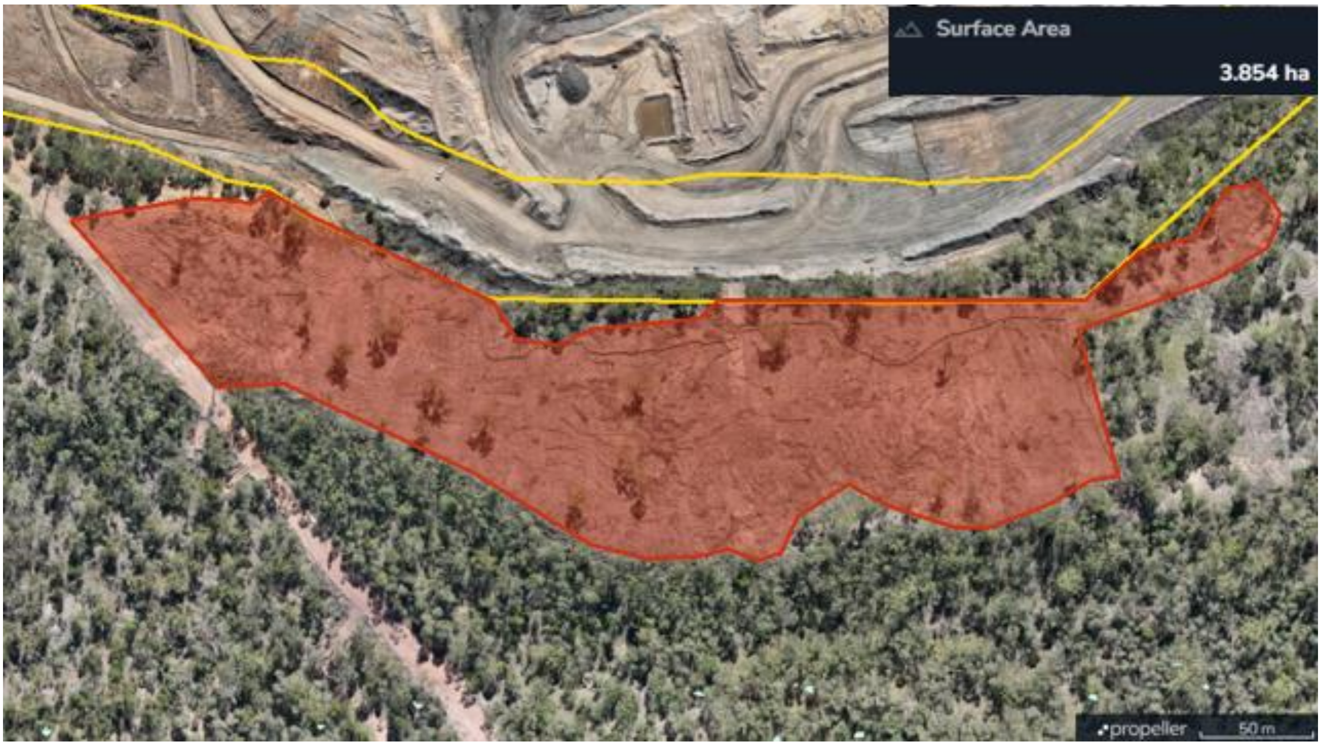
- **Authorised representative** means a representative that has been nominated by the person this EEO relates to, for acting on their behalf when dealing with the Queensland Government to manage matters. For more information, read the guideline Authorisation letter to nominate an Authorised Holder Representative (available at www.qld.gov.au using the publication number ESR/2019/5168 as a search term).

Table 1: Rehabilitation Requirements

Domain	Land Use	Rehabilitation Objectives	Completion Criteria
Unauthorised disturbance area – Vulcan South Mine	Native Ecosystem	Safe for humans and animals and stable on decommissioning and into the foreseeable future	1. Temporary erosion and sediment control systems have been installed as required and are functioning properly as verified by an AQP during vegetation establishment. 2. There are no areas of surface ponding. 3. Any erosion classified as 'moderate' or 'severe' as defined in **Appendix B - Erosion classification framework** has been remediated. Erosion monitoring must be completed by an AQP. 4. An assessment of erosion potential has been completed, and the average erosion rate is <5 t/ha/year. 5. Permanent drainage channels to be designed in accordance with the *Guideline: Works that interfere with water in a watercourse for a resource activity— watercourse diversions authorised under the Water Act 2000*.
		Not a source of environmental harm to the surrounding environment. Native communities endemic to the surrounding area established (similar to RE11.10.3).	6. Soil health and suitability is assessed and documented by an AQP to confirm topsoil is suitable for the land use and target vegetation establishment. 7. The need for soil amelioration has been investigated and soil ameliorants such as fertiliser, gypsum and/or organic matter have been applied at rates determined by an AQP. 8. If required for sediment control organic mulch must be applied at a rate of at least 5t/ha of seed-free hay or organic material on all slopes. 9. Topsoil to meet the following suitability targets: a. pH in the range of 5.5 - 8.5 (average); b. Electrical Conductivity (EC) ≤1.5 dS/m (1,500 μS/cm); and c. Exchangeable sodium percentage (ESP) <6%. 10. Vegetation groundcover equal to or >80%. on all slopes with gradient >10% and groundcover >50% on slopes with gradient <10% is achieved. 11. Rehabilitate the area back to Regional Ecosystem 11.10.3 characteristics. 12. Seeding and tube stock planting, with species suitable for RE 11.10.3, to be completed by **31 March 2026**. 13. Seeding is completed at an average rate of: a. Native ecosystem PMLU - 2-3 kg/ha for trees and shrubs, 9-11 kg/ha for

Domain	Land Use	Rehabilitation Objectives	Completion Criteria
			grasses and 8-10 kg/ha for sterile cover crops. 14. As a minimum, tube stock planting must be completed: a. at 70 tubes per hectare; b. include *Eucalyptus crebra, Acacia shirleyi and Alphitonia excelsa.* 15. By **31 March 2027**, complete: a. supplementary seeding where you have not achieved 30% native vegetative ground cover from previous seeding (as specified in criteria 12): and b. supplementary tube stock planting of the above tree species if the survival rate from the previous tube stock planting (as specified in criteria 13) is less than 80%. 16. Rehabilitated areas have less than 0.2% cover of *Parthenium hysterophorus* AND rehabilitated areas are to have less than 0.1% cover of *Harrisia martinii* AND any invasive plants listed under the *Biosecurity Act 2014* are not to exceed densities of 1 individual per hectare, as confirmed by an AQP from annual monitoring.

Appendix A: Unauthorised disturbance area



Aerial imagery from RPAS survey 5 June 2025

Red indicates the alleged unauthorised disturbance area, totalling 3.85 ha.

Yellow line indicates authorised disturbance footprint boundary

Appendix B:

Erosion classification	Minor	Moderate	Severe
Sheet erosion	Shallow soil deposits downslope.	Partial exposure of roots; moderate soil deposits downslope.	Loss of surface horizon; subsoil exposure; root exposure; substantial soil deposits downslope.
Rill/gully erosion	<15 rills and <0.3m deep	15-30 rills and <0.3m deep	>30 rills and/or any >0.3m deep
Tunnel erosion	Absent	Absent	Present
Mass movement	Absent	Absent	Present

Warnings and information about this EEO

A person who is bound by this EEO and who fails to comply with this EEO, without a reasonable excuse, commits an offence under the Act.

The maximum penalty for:

- wilfully contravening a requirement of an EEO is 1,655 penalty units, totalling $276,219.50 for an individual, or $1,381,097.50 for a corporation.
- for contravening a requirement of an EEO is 600 penalty units, totalling $100,140.00 for an individual, or $500,700.000 for a corporation.

Note that under section 493 of the Act that each executive officer of the corporation may be taken to have also committed an offence, of failing to ensure the corporation complies with the Act.

If you propose to dispose of the premises or business to which the EEO relates, you must advise the buyer of the existence of this EEO. Failure to provide written notice to the buyer of the existence of the order is an offence under section 369C of the Act with a maximum penalty of 50 penalty units, totalling $8,345.00 for an individual, or $41,725.00 for a corporation.

Further information about EEOs can be found on the department's website (ESR/2024/6802).

Review and appeal rights

Under Chapter 11, Part 3 of the Act, a dissatisfied person may apply for a review of this EEO within 10 business days of receiving this EEO; and a dissatisfied person who is dissatisfied with the review decision may appeal against the decision to the Court.

A request for review is to be made using the approved form 'Application for review of original decision' (available on the department's website). Applications for reviews are to be sent to Permit and Licence Management, Department of the Environment, Tourism, Science and Innovation: via email at palm@detsi.qld.gov.au, or by mail to the following address: GPO Box 2454, BRISBANE QLD 4001.

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.

Privacy statement

Section 540 of the Act requires the department 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 redaction in part is required by the Act. 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@detsi.qld.gov.au or telephone 13 74 68.

Accessibility

Contact us if you need this information in an accessible format such as large print or audio.

Interpreter assistance

Interpreter

If you need interpreter assistance or want this document translated, please contact us and advise your preferred language. If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.