

Attachment A

a. Whitehaven Coal's Maules Creek Project

Maules Creek Coal Project (EPBC 2010/5566)

Assessment and project background

1. The Department received a referral on 9 July 2010 from Aston Coal 2 who proposed to develop and operate the Maules Creek open-cut coal mine. The development will produce up to 13 million tonnes per annum (Mtpa) run-of-mine coal and include a coal handling and preparation plant, tailings decant cells to facilitate the drying of tailings prior to co-disposal within the mining area, and a rail spur, rail loop and associated load out facility. The proposal also includes mine access roads, ancillary facilities, a water-pumping station and other water management infrastructure.
2. The Maules Creek coal mine will impact on 1665 ha of potential habitat for listed endangered and migratory species; swift parrot, regent honeyeater, and greater long-eared bat and up to 544 ha of the critically endangered White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community.
3. Following mining excavated areas will be backfilled and rehabilitated progressively, as soon as practically possible, following mining. In year 21 it is proposed that a large sector of the mine site will be rehabilitated leaving one remaining pit and overburden emplacement situated in the eastern corner of the proposal area.
4. The project was assessed under an accredited assessment process with the NSW Government Department of Planning and Infrastructure (DP&I), specifically under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act).
5. The NSW Government exhibited the Environmental Assessment for the project from 30 August 2011 until 11 October 2011, and received 110 submissions: 12 from government authorities, 98 from special interest groups and the general public.
6. On the 16 August 2011, the NSW Minister for Planning and Infrastructure requested that a merit review of the project be undertaken by the Planning Assessment Commission on the impacts on biodiversity from the project, as well as cumulative impacts within Leard State Forest and surrounding remnant vegetation. The Planning Assessment Commission reviewed the Maules Creek proposal concurrently with a review of the Boggabri extension proposal. The Planning Assessment Commission found in its final determination report for the Maules Creek proposal that the proposed restoration and preservation of land for biodiversity conservation will provide a comprehensive framework for mitigation and management of the biodiversity aspects of the Maules Creek Coal Project itself and for the cumulative impacts of this project and the Boggabri Coal Project.
7. A number of avoidance and mitigation measures were implemented prior to the consideration of offsets under the project, including:
 - modification of the northern overburden emplacement area to reduce the need for clearance of forest and woodland, and the relocation of some infrastructure to either cleared areas or areas that are not critically endangered ecological community vegetation.
 - avoidance of approximately 100 ha of Box Gum Woodland.
 - Final alignment of infrastructure was designed and constructed to avoid the disturbance of Box Gum Woodland, where engineering, practicality and efficiency allowed.
 - Land Disturbance Protocols to minimise impacts where practical, delineate clearing, specify seed collection and the translocation of habitat features.

Attachment A

- Regeneration methodologies and strategies with a particular emphasis on species that are part of Box Gum Woodland were trialled for implementation.
 - Sequencing of mining and mine layout adjusted to minimise impacts on the environment and minimise the disturbance footprint at any one time.
 - Flora and Fauna Management Plan incorporate mitigation measures to minimise impacts to specific flora and fauna.
 - Disturbance of vegetation limited to the minimum necessary for each strip stage to avoid unnecessary habitat and vegetation removal. Limits of clearing to be marked and fencing installed prior to commencing clearing.
 - Implementation of pre-clearing protocols for all tree clearing to minimise impacts to resident fauna, which may need to be relocated to minimise disturbance and scheduling of clearing to maximise seed collection and collect and propagate seed for rehabilitation is required.
 - Translocation of habitat features: stags, logs, boulders to rehabilitation areas to mitigate impacts of habitat loss.
 - Progressive rehabilitation of mined areas to rehabilitate and restore adjoining habitat, implement flora and fauna monitoring program, provide linkages and crossing zones between remnant patches where feasible.
 - Rehabilitation aims and procedures for all key vegetation types and landscapes and methodologies will focus on optimising revegetation efforts for threatened species and communities. In addition, detailed pre-mining soil depth surveys and analysis to inform the rehabilitation of landform post mining and implementation of processes and methodologies for removal, storage and re-layering of top soil and sub-layers to optimise the success of rehabilitation on the mine site.
 - Ongoing inductions of staff and contractors to inform them of sensitive biodiversity and their role and responsibilities in the protection and/or minimisation of impacts to all native biodiversity.
 - Detailed weed management, including noxious and environmental weeds and pest animal management to mitigate impacts to threatened flora and fauna.
 - Development and implementation of monitoring and adaptive management to provide feedback about the efficacy of mitigation measures deployed on site.
 - Minimisation of dust, noise and lighting to reduce indirect impacts to flora and fauna.
 - Implementation of vehicle driving policies with speed restrictions to minimise risks to flora and fauna.
8. On 23 October 2012 the Planning Assessment Commission approved the Maules Creek coal mine proposal with conditions. Once the New South Wales Government approval was determined, the Commonwealth undertook a final assessment of the offsets with particular regard to the EPBC Act Environmental Offsets Policy and Guide (calculator) released in October 2012.
9. The project was approved by the then Minister for Sustainability, Environment, Water, Population and Communities on 11 February 2013.

Offset requirements

10. The offsets package required under the conditions of approval include:
- A requirement to register legally binding conservation covenants over offset areas of no less than 9,334 hectares of an equivalent or better quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat; and 5,532 hectares of an

Attachment A

equivalent or better quality of the White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community.

- A requirement to verify through independent review the quantity and condition class of White Box—Yellow Box—Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community and the quantity and quality of habitat for the regent honeyeater, swift parrot and greater long-eared bat within all proposed offset areas; and, if the offset areas do not meet the requirements of conditions, a requirement to secure additional offset areas until all relevant criteria under the approval conditions are met.
 - A requirement to invest \$1 million for research that will identify effective methodologies for achieving rehabilitation and restoration of functioning White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland ecological community on mining sites.
 - A requirement to provide \$1,5 million over the life of the approval (comprising \$500,000 for each of the regent honeyeater, swift parrot and greater long-eared bat), to deliver activities that implement priority recovery actions consistent with National Recovery Plans.
 - A requirement to prepare and implement an approved Offset management plan for all of the offset areas. The approved offset management plan must include: maps, methods and results of baseline surveys measuring ecological conditions, clear ecological management objectives, description of all ecological management activities proposed to be undertaken, details of ongoing ecological monitoring programs, performance criteria, targets and provisions for adaptive management, details of all parties responsible for management, monitoring and implementing the management activities, and details of the funding requirements for the ongoing management activities.
11. The Biodiversity Offset Strategy for this proposal was developed to comply with the offsetting principles developed for both the State and Commonwealth Governments including the securing of land for permanent conservation, increasing the area of forest and woodland under conservation above that lost through the project, improve the biodiversity values of the offsets properties through changing land use (i.e. deliver conservation gains to offset properties that would otherwise not have taken place under current use); improve the biodiversity values of the offset properties through implementation of positive management interventions to actively stop degradation and to increase the area of native vegetation and habitat for native flora and fauna.
12. The location of the offsets have been selected to enhance existing conservation reserve and build upon natural corridors like creeks and rivers to mitigate broad-scale fragmentation. In the conditions of approval under the EP&A Act, the State required 8664 hectares of native woodland and forest be protected and enhanced. The proposed offset strategy meets the requirements of the State approval with an additional requirement of 1000 hectares of native woodland and forest to be protected and enhanced.
13. In January 2013, the Northern Inland Council for the Environment and the Maules Creek Community Council raised concerns in relation to the quantity and quality of the Box Gum Woodland on the proposed offset sites for the Maules Creek Coal Mine Project. A number of reports were provided to the Department and subsequently included in the briefing to the Minister before he made his decision on 11 February 2013.
14. In March 2013, the Northern Inland Council for the Environment requested a Statement of Reasons for the decision to approve the Maules Creek Coal Mine Project under the Administrative Decisions (Judicial Review) Act 1977 (ADJR Act). The Statement of Reasons was provided on 20 June 2013.

Attachment A

15. On 18 July 2013, the Northern Inland Council for the Environment applied to the Federal Court challenging the decisions made by the then Minister of the Environment, the Hon Tony Burke on 11 February 2013 under section 130(1) and 133 of the EPBC Act to approve the Maules Creek Coal Mine and Boggabri Coal Mine Extension. One of the grounds for the challenge was in relation to the offsets and a submission that, as the offsets were not yet finalised, the Minister was not able to make a valid decision. NICE was unsuccessful in their applications to the Federal Court in this matter.
16. A number of community organisations made allegations that false and misleading information in relation to the quality and quantity of Box Gum Woodland occurring on the proposed offset sites and these were provided as part of the assessment material underpinning the Maules Creek Coal Mine approval. The Department has commenced a preliminary investigation to ascertain whether the allegations required a full investigation under the EPBC Act. This investigation has been ongoing.
17. On 27 December 2013, Whitehaven Coal submitted a report of an independent review to verify the quantity and quality of the offsets for the Maules Creek coal mine project as required under the conditions of approval. The Department has been considering the independent review and has not yet concluded its findings.
18. On 10 February 2013, Whitehaven Coal submitted an offset management plan as required under the conditions of approval. The offset management plan cannot be finalised until the final offsets have been determined and approved. Under the conditions of approval, if the independent review identifies that there is a shortfall in quantity and quality of offsets, the proponent must secure additional properties until all the conditions of the approval are met.

Attachment A

b. Waratah Coal's Galilee Coal and Rail Project

Galilee Coal and Rail Project (EPBC 2009/4737)

Assessment and project background

19. On 13 February 2009, Waratah Coal Pty Ltd referred a proposal to construct, operate and then decommission two open cut mining pits and four underground coal mines in the Galilee Basin, Queensland, producing approximately 40 million tonnes per annum over a 30 year period. A 453km standard gauge rail line is also proposed from the mine to the Abbot Point State Development Area (APSDA). The project involves the clearance of 16,520ha of vegetation for the mine and 1,731ha for the rail corridor. In addition, it is estimated that 25,598ha will be impacted by subsidence associated with underground mining.
20. The proposal was determined a controlled action on 20 March 2009 due to the potential for significant impacts on:
 - World Heritage properties (ss 12 & 15A)
 - National Heritage places (ss 15B and 15C)
 - Listed threatened species and communities (ss 18 and 18A)
 - Listed migratory species (ss 20 & 20A)
 - Commonwealth marine environment (ss 23 and 24A)
21. On 24 October 2013, it was determined that water resources, in relation to coal seam gas development and large coal mining development (ss 24D and 24E) was a controlling provision for the project.
22. The key impacts of the project are on:
 - listed threatened species and communities through the clearance of remnant vegetation, including: 3,628ha of primary habitat for the endangered Black-throated Finch, 3,590ha of primary habitat for the vulnerable Squatter Pigeon, and 42ha of the endangered ecological community *Acacia harpophylla* (dominant and co-dominant);
 - water resources due to drawdown for mine operation; changes to surface and groundwater hydrology; the potential for inter-aquifer connectivity impacting on formations within the Great Artesian Basin; increased surface-groundwater connectivity through subsidence; and cumulative impacts on surface and groundwater resources from coal mine projects proposed in the Galilee Basin; and
 - subsidence-related impacts on an estimated 25,598ha, including ponding, surface cracking and impacts to habitat for EPBC Act listed threatened species and communities.
23. On 3 April 2009, it was determined that the project would be assessed through an Environmental Impact Statement (EIS), in parallel with the Queensland Government.
24. On 9 August 2013, the Queensland Coordinator-General completed his Assessment Report for the proposal, concluding the Environment Impact Assessment process at the state level.
25. On 25 June 2013, the project was varied to excise the port component at Abbot Port and coal port facilities within the APSDA, a reduction in length of the railway line from 495km to 453km, and termination of the railway line at the boundary of the APSDA. Give the

Attachment A

variation, the assessment of the impacts of the proposed action on matters protected under the EPBC Act were limited to where the rail line intercepts the boundary of the APSDA and its surrounds.

26. The EIS was made available for public comment between 26 September 2011 and 19 December 2011 with 1842 submissions received by Waratah Pty Ltd. Of the 1842 submissions received, 1791 responses were from private citizens, 36 were from non-government organisations and 15 were from federal and state agencies.
27. The proponent addressed matters raised in public submissions in the finalised EIS, which was submitted to the Department on 3 September 2013.
28. As part of avoidance and mitigation strategies for the project, the proponent committed to locating mine infrastructure in already cleared and/or degraded areas and the rail corridor was re-aligned to addresses cross drainage issues. The proponent also committed to implementing environmental management systems to protect receiving waters. This included sediment controls and chemical handling procedures designed to protect the water quality of receiving waters near the rail alignment. The proponent also redesigned the creek diversions associated with the mine component to minimise impacts to Malcolm Creek.
29. The Minister for the Environment approved the project on 19 December 2013, subject to a number of conditions, including those relating to offsets.

Offset requirements

30. Following assessment of the impacts of the proposed action, and based on the potential for the species to occur on the proposal site and the scale of the project, it was determined that the project would result in residual significant impacts requiring offsetting.
31. Commitments to offsetting the residual impacts of the proposed action are specified in conditions 9 to 14 of the approval decision instrument. The offsets requirements for the project include direct land based offsets for impacted listed threatened species and communities consisting of:
 - 10 000ha for the Black-throated Finch;
 - 6000ha for the Squatter Pigeon;
 - 383ha for the Red Goshawk;
 - 500ha for the Northern Quoll;
 - 5800ha for the Yakka Skink,
 - 270ha for the Ornamental Snake;
 - 72ha for the Dunmall's Snake; and
 - 199ha for the 'Brigalow (*Acacia harpophylla* dominant and co-dominant)' ecological community.
32. Project impacts were assessed against the current offset policies of the State and Commonwealth governments to quantify the biodiversity values requiring offsets.
33. The Biodiversity Offset Proposal submitted in the finalised EIS includes details of the proposed offsets, incorporating Queensland Government preferred offset options identified by the Department of Environment and Heritage Protection's Nature Refuge Team and within the strategic footprint of the Galilee Basin Offset Strategy.

Attachment A

34. The strategic footprint of the Galilee Basin Offset Strategy has been designed to identify areas within the Desert Uplands and the Northern Brigalow Bioregions that have state significant and irreplaceable values and provide for landscape connection. This is to be achieved through protection and enhancement of large tracts of remnant habitat with particularly significant environmental values and connectivity, reducing the effects of habitat isolation. The strategic footprint includes high conservation value areas, complementary conservation areas, biodiversity corridors that link current protected areas and areas that are either remnant or have the potential for rehabilitation.
35. The proposed offset areas were identified by the proponent as containing the necessary vegetation communities and biodiversity values to acquit the offset requirements of the project. Preference was given to properties located as close as possible to the impact areas, larger properties that allow for the co-location of offset values and the achievement of strategic conservation outcomes, as identified in the Galilee Basin Offset Strategy.
36. During the assessment process, the department reviewed the proposed offsets provided in the Biodiversity Offset Proposal against the requirements of the Department's EPBC Act offsets assessment guide and determined that the proposed offsets provide 90 percent or greater required for each threatened species and community, where residual impacts had been determined in the assessment process.
37. The proponent has committed to offsetting the conservation values of the Bimblebox Nature Refuge, an area on the project site which contains potential habitat for listed threatened species. Within three years of the commencement of breaking ground, the proposed offset areas must be secured under Queensland legislation which will provide protection from clearing and development activities, mediating the major threats to listed threatened species and communities in the Galilee Basin.
38. The proponent has committed to developing and implementing species-specific management approaches and targeting key conservation and recovery actions for threatened species and communities. For example, the proponent has committed to the key objectives of maintaining populations of Red Goshawk across their range and implementing key management measures to promote recovery of the species through survey, monitoring and habitat protection, vegetation management, weed, pest and fire management, and implementing appropriate grazing regimes.
39. The conditions of approval require the proponent to develop and submit a Biodiversity Offset Management Plan, consistent with the Queensland Galilee Basin Offset Strategy, to identify these offset areas and outline how they will be managed. At 4 April 2014 this plan was yet to be submitted.
40. The Offset Management Plan, which must be approved by the Minister within 12 months of the commencement of ground disturbance, must include:
 - details of the offset areas;
 - a detailed survey and description of the condition of the offset area/s and discussion of connectivity of the offset area/s;
 - a description of the potential risks to its successful implementation, including contingency measures;
 - management measures for matters of national environmental significance and their habitat; and
 - details of how the plan will be updated to incorporate and address outcomes from research undertaken for EPBC listed threatened species and communities.

Attachment A

41. The proponent must also make a contribution of \$100,000 each year for ten years to a strategic fund (with other proponents of Galilee Basin mines) for the better protection of listed threatened species and communities and to improve the understanding of matters of national environmental significance in the remote Galilee Basin.
42. The Queensland Coordinator-General has imposed a condition requiring that the proponent compensate the State for the loss of biodiversity, conservation and educational values from the Bimblebox Nature Refuge as a result of the proposed action. While the Bimblebox Nature Refuge is not in itself a matter of national environmental significance and therefore protected under the EPBC Act, it may contain habitat for nationally listed threatened species and communities, including the endangered Black-throated Finch and the vulnerable Squatter Pigeon.
43. The proponent has identified a 36,000ha property within the Galilee Basin Offset Strategy to offset for the loss of State identified conservation values associated with the Bimblebox Nature Refuge. The property proposed to be offset will be considered as part of the package of offsets proposed to meet the EPBC Act requirements.

Attachment A

c. QGC's Queensland Curtis LNG Project

Development of Coal Seam Gas Fields in the Surat Basin (EPBC 2008/4398)

Queensland Curtis LNG Project - Pipeline Network (EPBC 2008/4399)

Queensland Curtis LNG Project - LNG Marine Facilities (EPBC 2008/4401)

Queensland Curtis LNG Project - LNG plant and Onshore Facilities (EPBC 2008/4402)

Shipping Activity associated with the Queensland Curtis LNG Project (EPBC 2008/4405)

Assessment and project background

44. Referrals for the proposed project by BG International Ltd and Queensland Gas Co Ltd were received on 18 August 2008.
45. The Queensland Curtis LNG Project consists of five component proposals. The separate proposals were all determined to be controlled actions on the basis of some or all of the following provisions: World Heritage properties, National Heritage Places, listed threatened species and communities and listed migratory species.
46. The key impacts of the project are:
 - coal seam gas field development in the Surat Basin in Queensland of up to 6,000 production wells (EPBC 2008/4398)
 - loss of habitat and impacts to listed threatened species and ecological communities
 - a pipeline network of about 800km between the gas fields and Curtis Island (EPBC 2008/4399)
 - loss of habitat and impacts to migratory species and listed threatened species and ecological communities
 - loss of World Heritage and National Heritage values caused by pipeline infrastructure in the Great Barrier Reef World Heritage Area
 - marine facilities on Curtis Island including a construction dock and material offload facilities (EPBC 2008/4401)
 - loss of habitat and impacts to migratory species and listed threatened species and ecological communities
 - loss of World Heritage and National Heritage values caused by pipeline infrastructure in the Great Barrier Reef World Heritage Area
 - an LNG facility on Curtis Island (EPBC 2008/4402)
 - loss of habitat and associated World Heritage and National Heritage values caused by the construction and operation of the LNG facility
 - increased risks to biodiversity values of the World Heritage and National Heritage property arising from increased shipping movements and other subsequent or indirect impacts
 - impacts on vegetation, biodiversity and landscape aesthetics arising from the development and operation of the LNG facility
 - indirect impacts including increased pressures on the Great Barrier Reef World Heritage Area, including but not limited to, pressures on populations of vulnerable species, increased risks from shipping and increased use of the area.
 - shipping activities associated with construction and LNG shipments from Curtis Island (EPBC 2008/4405)
 - loss of habitat and impacts to migratory species and listed threatened species and ecological communities
 - loss of World Heritage and National Heritage values caused by pipeline infrastructure in the Great Barrier Reef World Heritage Area

Attachment A

47. The proposals were assessed collectively through environmental impact statement (EIS) under an accredited process with the Queensland Government. Forty submissions were received in relation to the whole-of-project EIS.
48. The proposals were approved on 22 October 2010 subject to a number of conditions, including those relating to offsets.

Offset requirements

49. There are a number of project components that require offsets as a result of the whole-of-project EIS assessment and subsequent approval decision. The offsets, all of which are required to be delivered after project commencement, are attached as conditions to the relevant project approvals.
50. Management plans for the offset areas must be submitted for the approval of the Minister.

Development of Coal Seam Gas Fields in the Surat Basin (EPBC 2008/4398)

51. The approval states that within 6 months of the commencement of the action the approval holder must prepare and submit an offset plan for the Minister's approval.
52. The plan must propose an offset area for the approved habitat disturbance limits relating to MNES within the project area. The offset area to be secured must be an area of private land which includes specified minimum areas of the relevant species and communities and must be secured within 2 years of commencement.
53. The conditions also require that within 2 years of commencement the approval holder must secure a Rehabilitation Area Offset of at least 700 hectares of privately held property to compensate for indirect adverse impacts on MNES.
54. At this point in time specific offsets have not yet been approved for this component of the project. QGC has identified several potential sites to acquit their offset obligations and has engaged with the Queensland Government regarding long term protection of those sites. The department has raised concerns with QGC concerning the delay in securing offsets and is currently discussing the timetable for meeting the requirements of the conditions.

Queensland Curtis LNG Project - Pipeline Network (EPBC 2008/4399)

55. The approval states that within 12 months of the commencement of the action the approval holder must prepare and submit an offset plan for the Minister's approval.
56. Offsets are required for residual impacts related to disturbed threatened ecological communities and *Philothea sporadica*, *Cycas megacarpa*, migratory birds and Water Mouse that use the Kangaroo Island wetlands. Under the approval conditions, the offset areas above must be secured within specified timeframes linked to commencement of activities.
57. At this point in time specific offsets areas have not yet been approved for this component of the project. However, QGC has identified several potential sites to acquit their offset obligations and has engaged with the Queensland Government regarding long term protection of those sites. The department has raised concerns with QGC concerning the delay in securing offsets and is currently discussing the timetable for meeting the requirements of the conditions.
58. Other offset requirements include:
 - Temporary relocation and propagation of impacted Cycads and Cycad seedlings in a dedicated nursery. Translocation took place under an approved offset plan in late 2011.

Attachment A

- Contribution of at least \$250,000 to the Gladstone Port Corporation's migratory bird research study (which is being undertaken as required by the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904)). This funding was provided in 2013.
- An offset plan for the Narrows crossing proposing offset measures to compensate for unavoidable impacts on MNES. This requirement has been addressed in the approved joint offset proposal from the three CSG/LNG approvals holders for offsets within the Great Barrier Reef World Heritage Area discussed under EPBC 2008/4402 below.

Queensland Curtis LNG Project - LNG Marine Facilities (EPBC 2008/4401)

59. The conditions of approval require the water mouse management plan include proposed offsets for any unavoidable impacts that may occur on the water mouse as a result of project activities.
60. No unavoidable impacts were identified in the approved water mouse plan, and therefore there are no offsets required for water mouse at this time.

Curtis LNG Project - LNG plant and Onshore Facilities (EPBC 2008/4402)

61. The conditions of approval require an offsets plan to offset the loss of habitat and associated World Heritage and National Heritage values caused by the construction and operation of the LNG facility. The plan must be approved by the Minister. The offset under this condition is required to contain attributes or characteristics at least corresponding with those of the LNG facility site in the World Heritage Area and the QGC must use its best endeavours to secure National Park status for the offset site.
62. Of note, the approval conditions encourage the three CSG/LNG approvals holders (QGC, Santos and Australia Pacific LNG) establish joint offsets in respect to the LNG facilities on Curtis Island. Under the conditions, QGC's contribution to this joint offset is a minimum area of 1,375 ha. The joint approach has resulted in the approval holders proposing to secure a significant suite of properties in the Great Barrier Reef World Heritage Area which the Queensland Government will incorporate into its conservation estate.
63. The conditions also required the development of a long term turtle management plan comprising monitoring of turtles in the Gladstone Harbour region and a cash payment of \$200,000 per annum plus \$100,000 per annum per operating LNG train to support field operations within the Great Barrier Reef Marine Park. Arrangements for provision of this funding are expected to be finalised in mid-2014.
64. The delegate of the Minister has approved a joint offset proposal from the three CSG/LNG approvals holders which would result in meeting all their direct offset obligations within the Great Barrier Reef World Heritage Area. The proposed offset includes joint purchase of 700 ha of freehold land to be gifted to the Queensland Government for conservation purposes and the purchase of long-term property leases over 23,000 ha. It also includes funding for protected area management.
65. This joint approach will result in a significant and integrated offset package providing connectivity between a number of existing National Parks and protected areas, and enable the Queensland Government to declare an additional area of approximately 3,300 ha as Conservation Park.
66. **Note:** As the proposed offset is under commercial negotiation involving private landholders and the Queensland Government, it is currently classified as commercial-in-confidence at the request of the approval holders. The department is advised that commercial negotiations are expected to be completed by June 2014.

Attachment A

Shipping Activity associated with the Queensland Curtis LNG Project (EPBC 2008/4405)

67. The conditions of approval require the shipping activity management plan include proposed offsets for any unavoidable impacts that may occur on specific species as a result of project activities.

68. No unavoidable impacts were identified in the approved shipping activity management plan, and therefore there are no offsets required at this time.

Monitoring

69. The project has been visited by Departmental staff on seven occasions since the project approval. Further monitoring inspections are planned for 2014.

Attachment A

d. North Queensland Bulk Ports Abbot Point Coal Terminal Capital Dredging Project

Abbot Point Terminal 0, 2 & 3 Capital Dredging (2011/6213)

Assessment and project background

70. On 5 December 2011, North Queensland Bulk Ports Corporation Limited referred a proposal under the EPBC Act to undertake capital dredging of approximately 3 million cubic metres at the Port of Abbot Point, and for the disposal of the dredged material (including options at sea). The proposal would facilitate the development of Terminal 0, Terminal 2 and Terminal 3. On 6 January 2012, the project was determined to be a controlled action due to likely significant impacts on:

- World Heritage properties (sections 12 & 15A)
- National Heritage places (sections 15B & 15C)
- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)
- Commonwealth marine areas (sections 23 & 24A)
- Great Barrier Reef Marine Park (sections 24B & 24C).

71. The project was assessed by Public Environment Report (PER) with 103 submissions received on the draft document. A Multi Criteria Analysis on disposal options was undertaken by the proponent in consultation with state agencies and the Great Barrier Reef Marine Park Authority (GBRMPA) prior to release of the PER. Several workshops were conducted with the proponent, GBRMPA and the Department on the options to reduce dredging and the disposal of dredge material after the release of the PER.

72. Following assessment, the proposal was approved on 10 December 2013 subject to 41 conditions, including requirements to mitigate and manage impacts on the environment and for the provision of offsets.

Offset requirements

73. Condition 31 of the EPBC Act approval conditions requires the proponent to submit an Offsets Plan to the Minister for the Environment for approval prior to commencement of dredging and disposal activities. The Offsets Plan must include the following:

- Address the loss of seagrass from the dredge area and areas of potential seagrass loss resulting from the dredge plume extent;
- Outline the process to undertake actions that will result in a net benefit outcome for the World Heritage Area;
- Consider how these offsets will contribute to programs or incentives and align with the broader strategies and programs for the Great Barrier Reef, including Reef Trust 2050;
- 150% of the total amount of fine sediments, potentially available for re-suspension into the marine environment from the dredging and disposal activities, must be offset by a reduction in the load of fine sediments entering the marine environment from the Burdekin and Don catchments. This can take account of information on the sedimentation of fine sediments as it becomes available;
- Monitor and report on performance of the actions undertaken in relation to the targets required at 31(d);

Attachment A

- Outline the consultation process undertaken with the GBRMPA in developing the Offsets Plan;
 - Publish an annual public report outlining how the actions are achieving the targets in 31(d) for the duration of this approval; and
 - Outline contingency actions and additional management measures to address any deficiencies to meet the targets at 31(d).
74. The offsets were considered within the framework of the EPBC Act Environmental Offsets Policy and to demonstrate that the outcome would result in a net benefit. In relation to the 150% offset requirement, the proponent suggested investment in sediment reduction options in the Great Barrier Reef catchment, and the Department put forward the quantum required to get a meaningful improvement in water quality.
75. Importantly, the conditions imposed also have checks in place to ensure that the required outcomes are achieved. An independent technical advice panel will review the adequacy of the mitigation, monitoring, research and offset requirements and whether they meet the conditions of approval, before any dredging begins.
76. Overall, the implementation of the conditions of approval will result in a net benefit to the health of the Great Barrier Reef and better environmental protection in the long-term.

e. Jandakot Airport Developments

Jandakot Airport Expansion, Commercial Development and Clearance of Native Vegetation, WA (EPBC 2009/4796)

Assessment and project background

77. The Department received a referral on 17 March 2009 for a proposal to construct a fourth runway and associated taxiways, runway extensions, and clear land for the development of aviation and commercial precincts.
78. Impacts of the project included:
- the clearing of approximately 167ha of native vegetation (Banksia woodland and a small portion of Paperbark woodland) and suitable habitat for the Carnaby's Black-cockatoo, the Grand Spider-orchid, and the Glossy-leaved Hammer-orchid;
 - the translocation of 40 Grand Spider-orchids; and the translocation of 4 Glossy-leaved Hammer-orchids.
79. The action was also determined to impact on Commonwealth land by removing vegetation, disturbing soil, building on a priority 1 drinking water source area for the Jandakot Groundwater Mound, removal of habitat for species of regional significance including the Quenda (and the Western Brush Wallaby noise and traffic impacts on surrounding residential areas, and removal of an area listed on the Register of the National Estate (RNE).
80. On 17 April 2009 the proposal was determined to be a controlled action, to be assessed by preliminary documentation. There were 15 public comments received by the Department during the referral stage and 8 public comments received by the proponent during the assessment.
81. At the time of assessment, Jandakot Airport Holdings (JAH) already had management plans for flora and vegetation, environmental weeds, fauna, feral animals, dieback, ecological restoration and fire. There were several Dieback infected areas within the Jandakot Airport lease. JAH already undertook active dieback management to contain the disease, which included restricting access to Dieback infected areas, strict hygiene measures for the treatment of machinery and vehicles, preventing the discharge of stormwater from Dieback infected areas into healthy vegetation and phosphate treatment by aerial spraying.
82. Following assessment the proposal was approved on 25 March 2010 subject to a number of conditions of approval, including requirements for the provision of offsets.

Offset requirements

83. Condition 5 of the approval required the proposed rehabilitation of a former sand extraction area was designed to create a link between Ken Hurst Park (north of the airport), the conservation areas on Jandakot Airport and Jandakot Regional Park, creating a continuous conservation area of approximately 657 hectares. These proposed works did not progress after the approval was issued due a lack of agreement to the rehabilitation works from the relevant third-party.
84. In response to Condition 5 not advancing past planning stages the proponent was required to work with West Australian Government toward successful offsite rehabilitation of Carnaby's Black-cockatoo habitat with use of the topsoil sourced from staged clearing at the Jandakot Airport was determined as a direct offset valued at \$9.2 million.

Attachment A

85. The proponent was also required to place a minimum of 1600ha of recognised Carnaby's Black-cockatoo habitat under ongoing conservation protection. The proponent satisfied this condition through the provision of 2460ha to the Department of Parks and Wildlife for inclusion within the National Reserve System.
86. The offsets package also required the expenditure of a minimum of \$750,000 over 5 years for the research on recovery actions for Carnaby's Black-cockatoo and the direct conservation management of the Jandakot Airport site conservation areas.
87. The offsets package also included measures to fund and provide on-site assistance for the Jandakot Rare Orchid Research Program, to be undertaken by Botanic Gardens and Parks Authority researchers, with the aim to assist the research in ensuring the continued viability and increase numbers of Grand Spider-orchid.
88. An Offset Plan was submitted to the Department in March 2010 and approved on 10 June 2010. On 12 November 2012, Jandakot Airport Holdings was instructed to undertake a directed independent audit. This audit was submitted to the Department in May 2013. Two potential non-conformances with the approved Offset Plan were identified, relating to a failure to meet deadlines. As these non-conformances were administrative in nature (failure to make payments prior to clearing commencing), and resulted in no materially adverse environmental impacts, the auditors did not consider this to be a significant non-compliance.
89. The Department has been actively monitoring this development. Activities undertaken to date include:
- consideration of annual Conservation Management Plan reporting;
 - project site visit and topsoil rehabilitation offset site visit in October 2012; and
 - requests for amendments to management plans and variations to conditions.
90. At 4 April 2014 the Department was considering a request to vary the conditions of approval for the project.
91. **Note:** On 23 October 2013 JAH referred the clearing of 51 ha of high quality Banksia woodland to enable expanded aviation aircraft operations (including administration and training) and aircraft maintenance (EPBC 2013/7032). The proposed action was deemed a controlled action with the controlling provisions being sections 18 and 18A (Threatened Species and Communities) and sections 26 & s27 (Commonwealth land). As of 4 April 2014 the proposal was still under active assessment. An offsets proposal was included in the assessment information published for public comment.