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Department of Agriculture, Water and the Environment

APPROVAL

Olive Downs Project Water Pipeline, 40 km south-east of Moranbah, Queensland (EPBC 2017/7868)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Pembroke Olive Downs Pty Ltd
ACN of approval holder	611 674 376
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].

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of the controlling provision for the action is as follows.

Controlling Provisions

Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until 4 December 2123.

Decision-maker

Name and position Andrew McNee
Assistant Secretary of Assessments and Governance Branch
Department of Agriculture, Water and the Environment

Signature

Date of decision

14 April 2020



Australian Government

Department of Agriculture, Water and the Environment

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

Maximum Clearance Limits

1. The approval holder must not **clear** outside of the **project area** and must not **clear** more than:
 - a. 28 hectares (ha) of **Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) habitat**;
 - b. 28 ha of **Greater Glider (*Petauroides volans*) habitat**;
 - c. 15 ha of **Squatter Pigeon (Southern) (*Geophaps scripta scripta*) breeding habitat**;
 - d. 6.5 ha of **Squatter Pigeon (Southern) (*Geophaps scripta scripta*) foraging habitat**;
 - e. 8 ha of **Ornamental Snake (*Denisonia maculata*) important habitat**; and
 - f. 1 ha of **Australian Painted Snipe (*Rostratula australis*) breeding habitat**.

Environmental Offset Requirements

2. 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**.
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.
4. 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**:
 - a. a description of the offset, including location, size, condition, environmental values present and surrounding land uses;
 - 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;
 - c. an assessment of **site habitat quality** using a method agreed to in writing by the **Department**;
 - 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**;
 - e. maps and **shapefiles** to clearly define the location and boundaries of the offset area, accompanied by **offset attributes**;



Australian Government

Department of Agriculture, Water and the Environment

- 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;
- g. details of the management actions, and timeframes for implementation, to be carried out to meet the offset completion criteria;
- h. interim milestones that set targets at 5-yearly intervals for progress towards achieving the offset completion criteria;
- 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);
- j. proposed timing for the submission of monitoring reports which provide evidence demonstrating whether the interim milestones have been achieved;
- k. timing for the implementation of corrective actions if monitoring activities indicate the interim milestones will not or have not been achieved;
- 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**;
- 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
- 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.

Legal Securing of Environmental Offset

- 5. 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.
- 6. The approval holder must notify the **Department** within 5 **business days** of the legal mechanism being executed.
- 7. The legal mechanism used to **legally secure** the offset area must remain in force for the period of effect of this approval.

Part B – Standard administrative conditions

Notification of date of commencement of the action

- 8. 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**.
- 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



Australian Government

Department of Agriculture, Water and the Environment

Minister.

Compliance Records

10. The approval holder must maintain accurate and complete **compliance records**.
11. 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.

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.

Preparation and publication of plans

12. The approval holder must:
 - a. submit **plans** electronically to the **Department** for written approval by the **Minister**;
 - 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**;
 - c. exclude or redact **sensitive ecological data** from **plans** published on its **website** or provided to a member of the public; and
 - d. keep **plans** published on its **website** for the duration of this approval.
13. 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.

Annual Compliance Reporting

14. 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.

Note: **Compliance reports** may be published on the **Department's website**.



Australian Government

Department of Agriculture, Water and the Environment

Reporting Non-compliance

15. 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:
 - a. the condition which is or may be in breach; and
 - b. a short description of the **incident** and/or non-compliance.
16. The approval holder must provide to the **Department** the details of any **incident** or non-compliance 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:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential **impacts** of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent Audit

17. The approval holder must ensure that **independent audits** of compliance with the conditions of approval are conducted when requested in writing by the **Minister**.
18. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
19. 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.

Revision of the OAMP

20. 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.

Completion of the action

21. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.



Australian Government

Department of Agriculture, Water and the Environment

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Approved conservation advice mean a conservation advice approved by the **Minister** under section 266B(2) of the **EPBC Act**.

Australian Painted Snipe (*Rostratula australis*) breeding habitat means all lacustrine and palustrine wetlands, including wetlands on Queensland Regional Ecosystems 11.3.27, 11.3.3 and 11.5.17, as shown by the solid purple areas in Attachment A.

Brigalow TEC means the Brigalow (*Acacia harpophylla* dominant and co-dominant) threatened ecological community as defined by the key diagnostic characteristics and condition thresholds in the *Approved Conservation Advice for the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community* (2013), or subsequent revision.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Clear/ing/ance means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance).

Commencement of the action/commence the action means the first instance of any specified activity associated with the action including **clearance** and construction of any infrastructure. Commencement does not include minor physical disturbance necessary to:

- a. undertake pre-clearance surveys or monitoring programs;
- b. install temporary signage and/or fencing to prevent unapproved use of the **project area**; and
- c. protect environmental and property assets from fire, weeds and pests, including erection or construction of temporary fencing and signage, and maintenance or use of existing surface access tracks.

Completion data means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is **shapefile**. This includes, but is not limited to the:

- a. area of each **listed threatened species** habitat **cleared**; and
- b. quality of each **listed threatened species** habitat in the offset area at the end date of this approval.

Completion of the action means the time at which all conditions except condition 21 have been fully met.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

Compliance reports means written reports:

- a. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions of this approval and **plans**;



Australian Government

Department of Agriculture, Water and the Environment

- b. consistent with the **Department's Annual Compliance Report Guidelines** (2014) (or subsequent revision);
- c. include a **shapefile** of any **impact** on any habitat for **listed threatened species** undertaken within the relevant 12 month period; and
- d. identifying the version/s of the **plans** prepared and in existence in relation to the conditions of this approval during the relevant 12 month period.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Environmental Offsets Policy means the **EPBC Act Environmental Offsets Policy** (2012), or subsequent revision, including the **Offset Assessment Guide**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Greater Glider (*Petauroides volans*) habitat means all areas of Eucalypt forests or woodlands that contain hollow-bearing trees. In the **project area**, this is shown by the light green areas in Attachment B.

Habitat quality score/s means the score out of 10 which is input into the **Offset Assessment Guide** calculator based on an assessment of the habitat quality and must be consistent with the **Environmental Offsets Policy**.

Impact/s/ed (verb) means to cause any measurable direct or indirect disturbance or harmful change as a result of any activity associated with the action. **Impact** (noun) means any measurable direct or indirect disturbance or harmful change as a result of any activity associated with the action.

Incident means any event which has the potential to, or does, **impact** on any **protected matter**.

Independent audit/s means an audit conducted by an independent and **suitably qualified person** as detailed in the **EPBC Act Independent Audit and Audit Report Guidelines** (2015), or subsequent revision.

Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) habitat means any forest or woodland (including remnant, regrowth and modified vegetation communities) containing species that are Koala food trees or any shrubland with emergent Koala food trees. In the **project area**, this is shown by the light green areas in Attachment C.

Legally secure/ing means to secure a legal agreement under relevant Queensland legislation, in relation to a site, to provide enduring protection for the site against development incompatible with conservation.

Listed threatened species means the threatened fauna species listed under the **EPBC Act** for which this approval has effect, including the:

- a. Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT);
- b. Greater Glider (*Petauroides volans*);
- c. Squatter Pigeon (Southern) (*Geophaps scripta scripta*);
- d. Ornamental Snake (*Denisonia maculata*); and
- e. Australian Painted Snipe (*Rostratula australis*).



Australian Government

Department of Agriculture, Water and the Environment

Minister means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval.

Offset Assessment Guide means the guidance document titled *How to use the Offsets assessment guide*, which includes the requirements for **habitat quality scores**, provided by the **Department** to assist users of the **Environmental Offsets Policy**.

Offset attributes means an '.xls' file capturing relevant attributes of the offset area, including:

- a. **EPBC Act** reference number;
- b. physical address of the offset area;
- c. coordinates of the boundary points in decimal degrees;
- d. **protected matters** that the offset compensates for;
- e. any additional **protected matters** that are benefiting from the offset; and
- f. size of the offset in hectares.

Ornamental Snake (*Denisonia maculata*) important habitat means gilgai mounds and depressions with cracking-clay soils, microhabitat features (i.e. logs, woody debris and leaf litter), and/or the known presence of prey [frogs], all lacustrine and palustrine wetlands (including wetlands on Queensland Regional Ecosystems 11.3.27, 11.3.3 and 11.5.17), and **Brigalow TEC**. In the **project area**, this is shown by light brown areas in Attachment D.

Plan/s means any of the documents required to be submitted to the **Department**, implemented by the approval holder and/or published on its **website** in accordance with these conditions.

Project area means the area defined as 'Olive Downs Project Water Pipeline (EPBC 2017/7868)' in Attachment A to Attachment E of this approval.

Protected matter/s means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Recovery plans means a recovery plan made or adopted by the **Minister** under the **EPBC Act**.

Risk assessment matrix means the risk assessment matrix at Attachment F.

Sensitive ecological data means data as defined in the Australian Government Department of the Environment *Sensitive Ecological Data – Access and Management Policy V1.0* (2016), or subsequent revision.

Shapefiles means a mapping file or files showing polygons outlining all site boundaries and delineating all relevant sub-zones on site. The shapefiles must use the GDA94 coordinate system, and be in either of the following formats:

- a KML file (file extension either '.KML' or '.KMZ'); or
- a zip folder using the '.zip' file extension (other formats such as '.7z' are not acceptable), and containing a single unique occurrence of each of '.shp', '.prj', '.dbf' and '.shx' file types.

If a '.zip' format is used, the shapefile may also contain unique occurrences of any or all of the following file types: '.qix', '.fix', '.sld', '.sbn', '.sbx', '.lyr', '.avl', '.xml' or '.cpg'. Each polygon must be provided as a separate '.zip' or KML file.



Australian Government

Department of Agriculture, Water and the Environment

Site habitat quality is a score out of 10 for the site's utility for each **listed threatened species**, where zero ('0') represents a site of no value to the species, and '10' represents ideal habitat. Unless agreed otherwise by the **Department**, site quality must be composed of 3 points for site condition, 3 points for site context, and 4 points for species stocking rate. These scores must be derived in accordance with the *Queensland Guide to determining terrestrial habitat quality: A toolkit for assessing land based offsets under the Queensland Environmental Offsets Policy* (Version 1.2, April 2017), or subsequent revision.

Squatter Pigeon (Southern) (*Geophaps scripta scripta*) breeding habitat means any remnant or regrowth open-forest to sparse, open-woodland or scrub dominated by *Eucalyptus*, *Corymbia*, *Acacia* or *Callitris* species, on sandy or gravelly soils (including but not limited to areas mapped as Queensland land zones 3, 5 or 7) and where groundcover vegetation is less than 33% of the ground area, within 1 kilometre of a suitable, permanent or seasonal waterbody. In the **project area**, this is shown by the solid green areas in [Attachment E](#).

Squatter Pigeon (Southern) (*Geophaps scripta scripta*) foraging habitat means any remnant or regrowth open-forest to sparse, open-woodland or scrub dominated by *Eucalyptus*, *Corymbia*, *Acacia* or *Callitris* species, on sandy or gravelly soils (including but not limited to areas mapped as Queensland land zones 3, 5 or 7) and where the groundcover vegetation is less than 33% of the ground area, within 3 kilometres of a suitable, permanent or seasonal waterbody. In the **project area**, this is shown by the solid light green areas in [Attachment E](#).

Suitably qualified ecologist means a person who has professional qualifications and at least 3 years of work experience designing and implementing surveys for the **listed threatened species** and their habitat, and can give an authoritative assessment and advice on the presence and habitat requirements of the **listed threatened species** using relevant protocols, standards, methods and/or literature.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Threat abatement plans means a threat abatement plan made or adopted by the **Minister** under the **EPBC Act**.

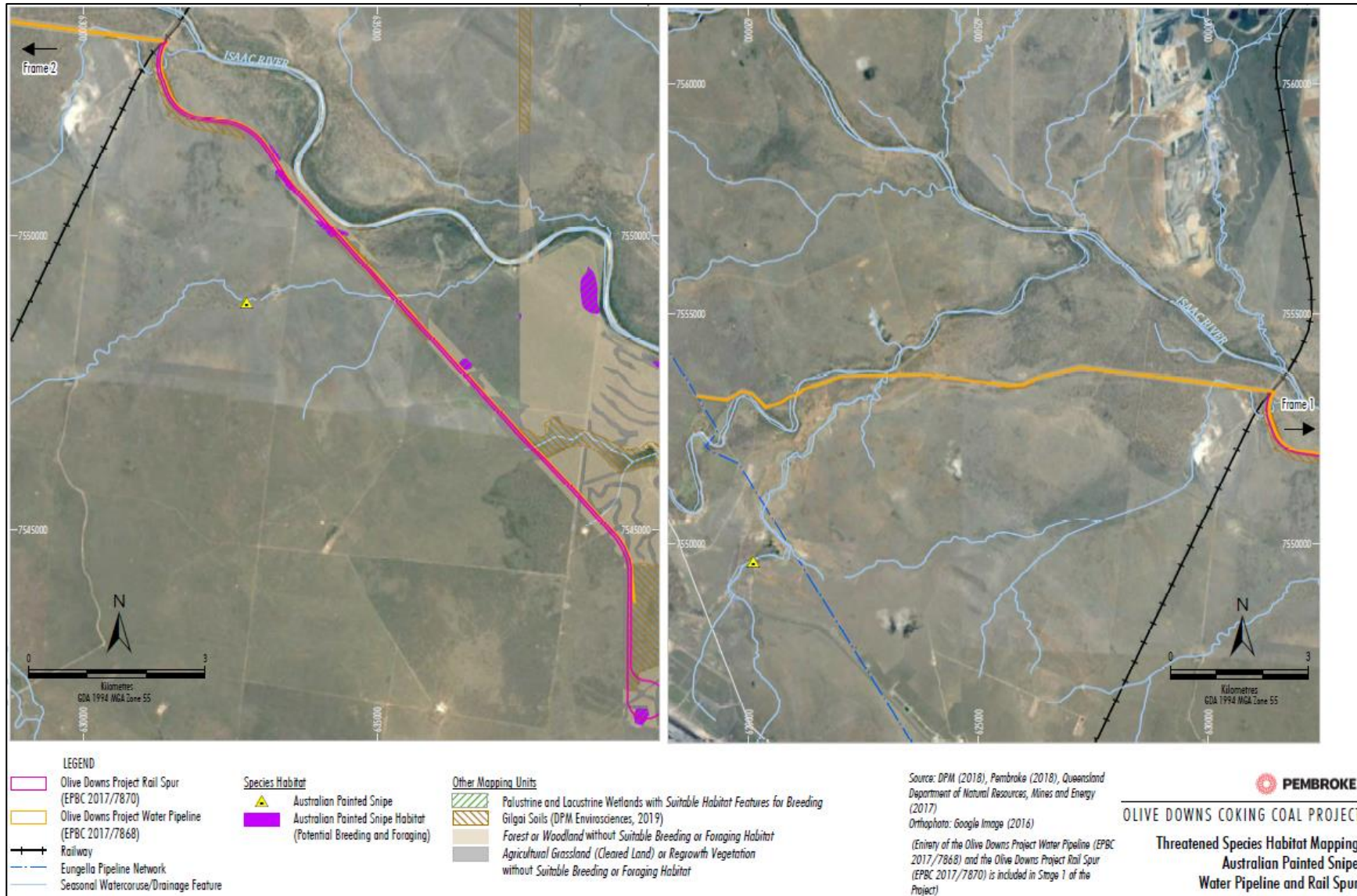
Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.



Australian Government

Department of Agriculture, Water and the Environment

Attachment A: Australian Painted Snipe (*Rostratula australis*) breeding habitat

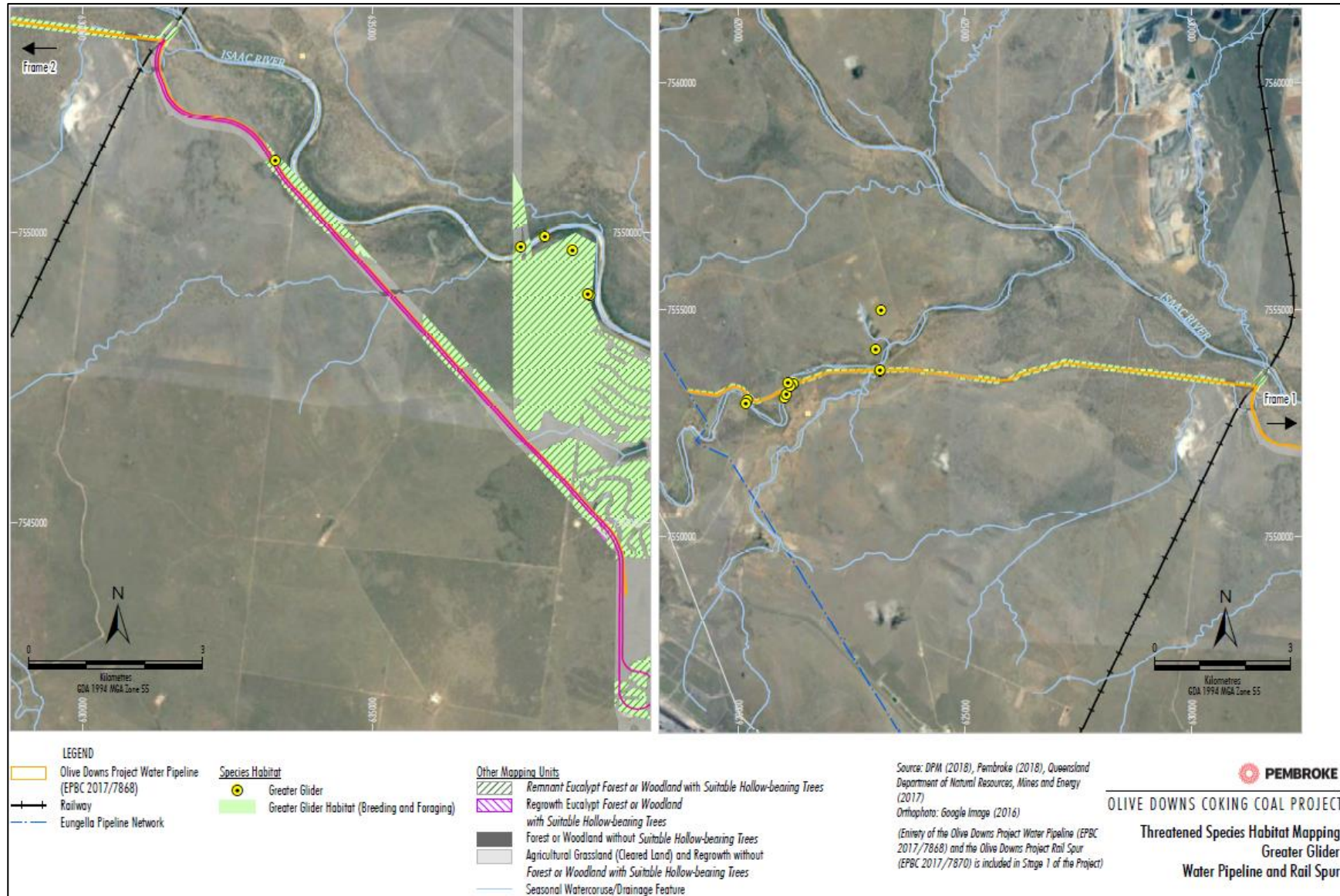




Australian Government

Department of Agriculture, Water and the Environment

Attachment B: Greater Glider (*Petauroides volans*) habitat

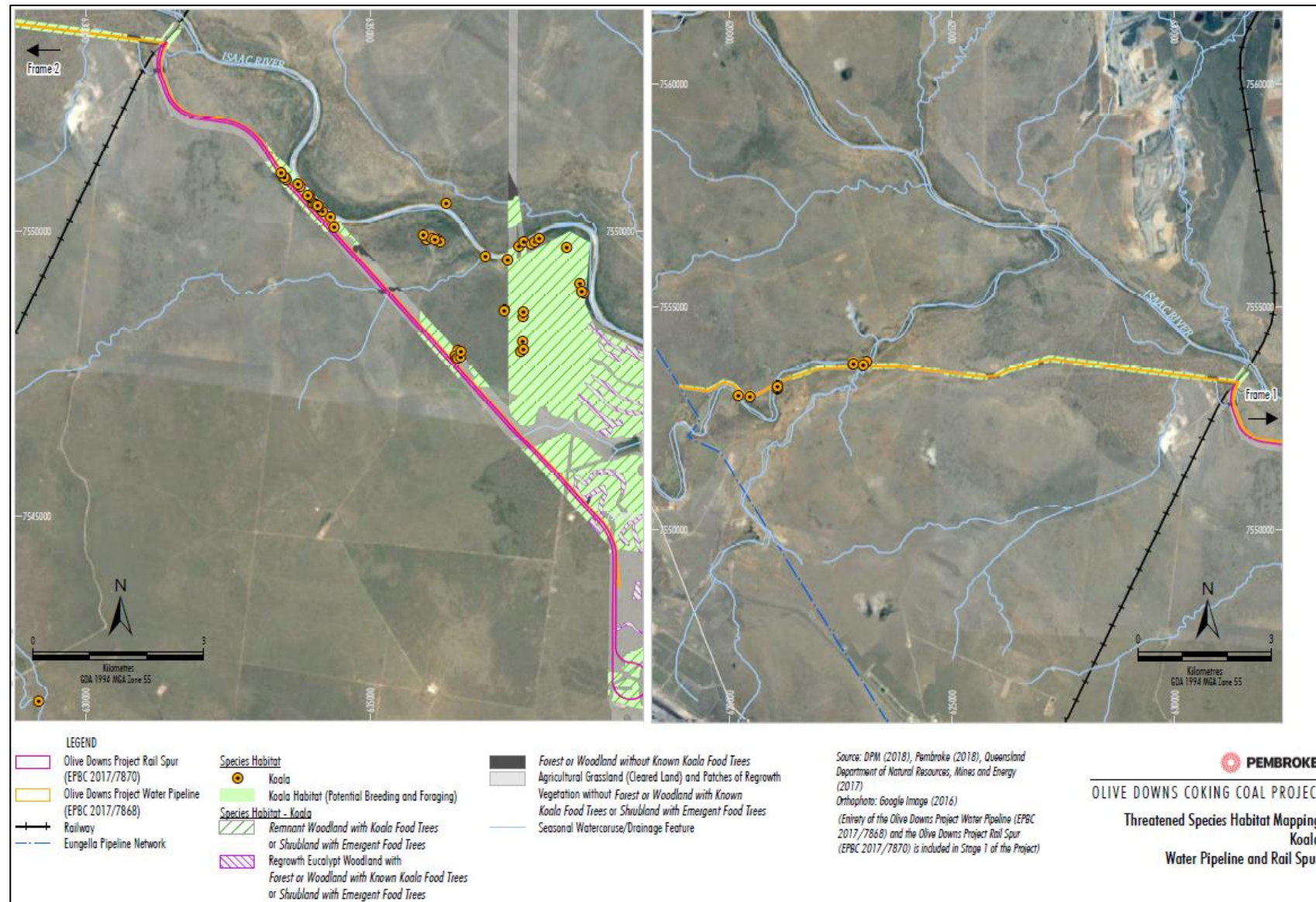




Australian Government

Department of Agriculture, Water and the Environment

Attachment C: Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) habitat

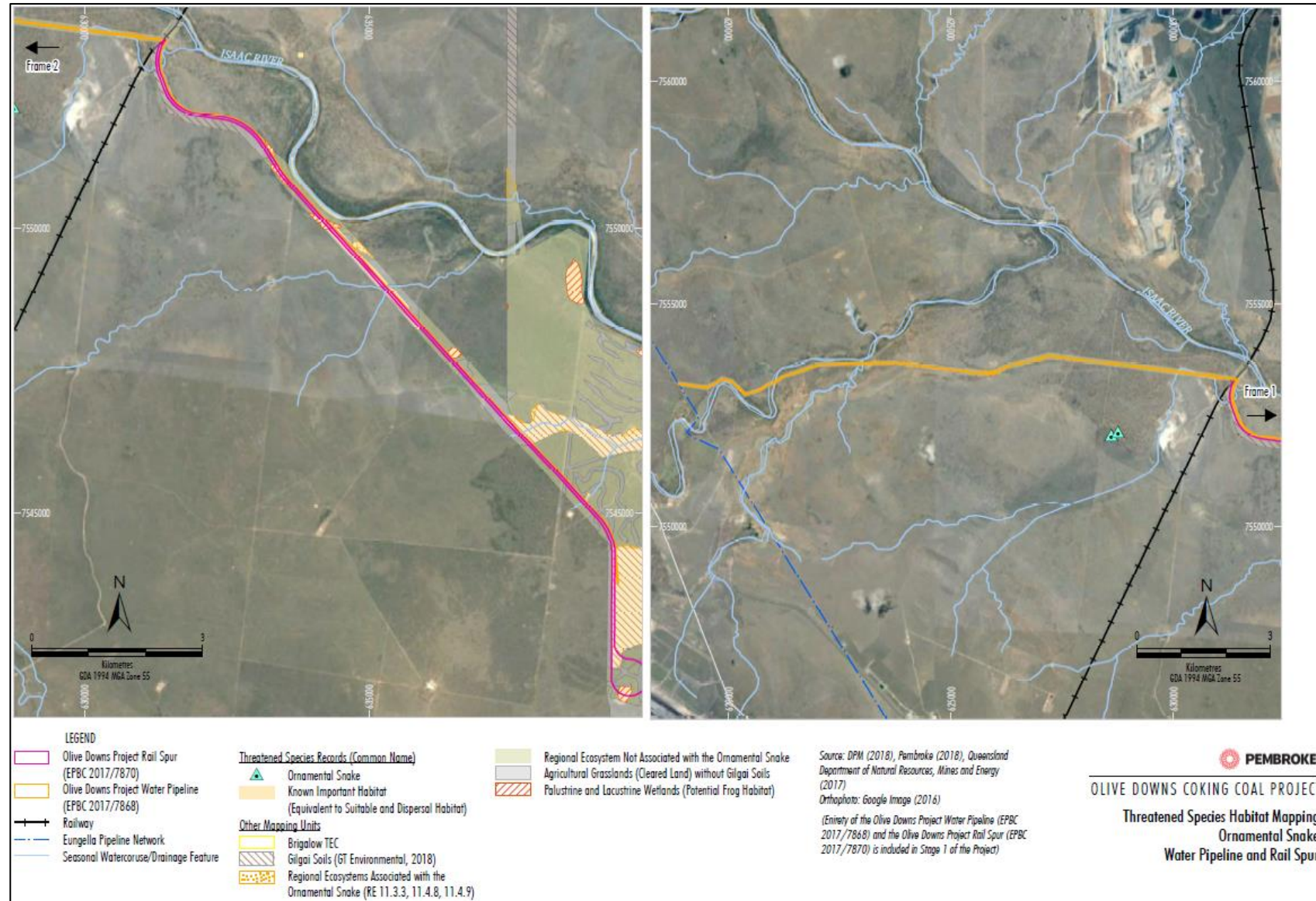




Australian Government

Department of Agriculture, Water and the Environment

Attachment D: Ornamental Snake (*Denisonia maculata*) important habitat

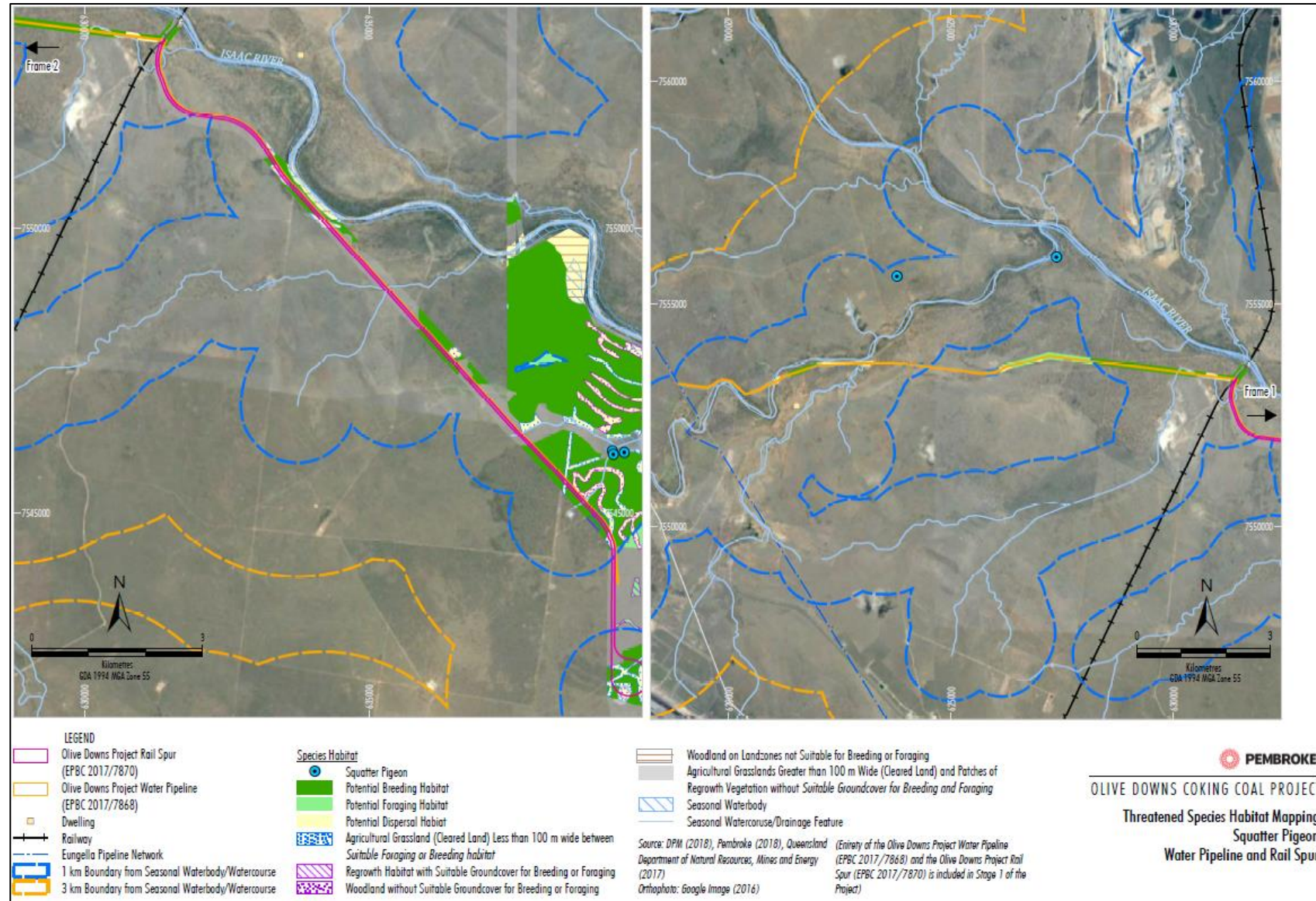




Australian Government

Department of Agriculture, Water and the Environment

Attachment E: Squatter Pigeon (Southern) (*Geophaps scripta scripta*) breeding and foraging habitat





Australian Government

Department of Agriculture, Water and the Environment

Attachment F: Risk Assessment Matrix

RISK MATRIX						
Qualitative measure of likelihood (how likely is it that this event/circumstances will occur after management activities are implemented)						
Highly likely	Is expected to occur in most circumstances					
Likely	Will probably occur during the life of the project					
Possible	Might occur during the life of the project					
Unlikely	Could occur but considered unlikely or doubtful					
Rare	May occur in exceptional circumstances					
Qualitative measure of consequences (what will be the consequence/result if the issue does occur)						
Minor	Minor incident of environmental damage that can be reversed (e.g. short-term delays to achieving plan objectives, implementing low-cost, well-characterised corrective actions)					
Moderate	Isolated but substantial instances of environmental damage that could be reversed with intensive efforts (e.g. short term delays to achieving plan objectives, implementing well-characterised, high-cost/effort corrective actions)					
High	Substantial instances of environmental damage that could be reversed with intensive efforts (e.g. medium-long term delays to achieving objectives, implementing uncertain, high-cost/effort corrective actions)					
Major	Major loss of environmental amenity and real danger of continuing (e.g. plan objectives are unlikely to be achieved, with significant legislative, technical, ecological and/or administrative barriers to attainment that have no evidenced mitigation strategies)					
Critical	Severe widespread loss of environmental amenity and irrecoverable environmental damage (e.g. plan objectives are unable to be achieved, with no evidenced mitigation strategies)					
		Consequence				
Likelihood		Minor	Moderate	High	Major	Critical
	Highly Likely	Medium	High	High	Severe	Severe
	Likely	Low	Medium	High	High	Severe
	Possible	Low	Medium	Medium	High	Severe
	Unlikely	Low	Low	Medium	High	High
	Rare	Low	Low	Low	Medium	High