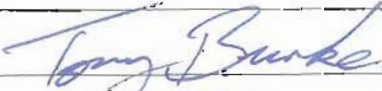




Approval

To develop, construct, operate and decommission a 430km pipeline network to link coal seam gas fields to a proposed LNG facility on Curtis Island as described in referral EPBC No 2008/4096

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

person to whom the approval is granted	Santos Limited and PETRONAS Australia Pty Limited
proponent's ABN/ACN	Santos Limited ABN 80 007 550 923 PETRONAS Australia Pty Limited ACN 064 998 867
proposed action	To develop, construct, operate and decommission a 430km pipeline network to link coal seam gas fields near Roma, Emerald, Injune and Taroom in Queensland to the proposed LNG Plant located on Curtis Island, adjacent to Gladstone: <ul style="list-style-type: none"> as described in the proponent's referral received under the Act on 13 March 2008; and as described in the proponent's Environmental Impact Statement and Supplementary Environmental Impact Statement; and as varied on 3 September 2010.
decision	To approve the proposed action for each of the following controlling provisions: <ul style="list-style-type: none"> World Heritage properties (sections 12 and 15A, EPBC Act) National Heritage Places (sections 15B and 15C, EPBC Act) Listed threatened species and communities (sections 18 and 18A, EPBC Act) Listed migratory species (sections 20 and 20A, EPBC Act)
conditions of approval	This approval is subject to the conditions specified below.
expiry date of approval	This approval has effect until 31 October 2060.
name and position	The Hon Tony Burke MP Minister for Sustainability, Environment, Water, Population and Communities
signature	
date of decision	22.10.10

Conditions

Project area

1. The pipeline route and ROW is depicted in the map at Attachment 1.

Environmental Management Plan (excluding the Narrows)

2. The proponent must prepare a Environmental Management Plan to manage the impacts of construction, operation and decommissioning of the pipeline (other than in relation to the Narrows) on listed threatened species and ecological communities, listed migratory species and values of the World and National Heritage-listed Great Barrier Reef.
3. The Environmental Management Plan must include:
 - a. provisions for detailed pre-clearance surveys by a suitably qualified ecologist along the entire length of the ROW, in accordance with conditions 5 to 10;
 - b. measures to minimise native and riparian vegetation clearance and to minimise the impact on listed species, their habitat and ecological communities in accordance with management plans required for MNES under this approval;
 - c. measures to manage the impact of clearing on each listed species and ecological community in accordance with management plans required for MNES under this approval;
 - d. measures to regenerate vegetation on the ROW where natural regeneration is not successful to a condition at least equivalent to the ROW condition prior to commencement;
 - e. measures to minimise impacts on fauna during pipeline construction, including:
 - i. measures to protect MNES in the areas of the ROW where trenching is being undertaken, including measures to exclude listed terrestrial fauna from gaining access to those areas of the ROW where trenching is currently being undertaken
 - ii. mechanisms to allow fauna to escape from the pipeline trench;
 - iii. daily morning surveys for trapped fauna;
 - iv. mechanisms for a suitably qualified person to relocate fauna; and
 - v. record keeping for all survey, removal and relocation activities.
 - f. machinery wash down procedures and ongoing monitoring to minimise the spread and establishment of weeds in the ROW. Monitoring of weed infestations within disturbed areas must occur at least monthly during construction and then quarterly for a period of two years after completion of construction. Appropriate weed control measures must be implemented. After the two-year period, the frequency of monitoring must be reconsidered by the proponent, based on the success of control measures, the level of infestations and pipeline maintenance activities;
 - g. measures to manage and control feral animals that may spread due to the establishment of the ROW;
 - h. measures for the prevention of ignition sources to protect habitat values;
 - i. measures for the management of acid sulfate soils;
4. The Environmental Management Plan must be submitted for the approval of the Minister. Commencement must not occur without approval (except for activities critical to commencement and associated with mobilisation of plant, equipment, materials, machinery and personnel prior to start of pipeline construction which

will have no adverse impact on MNES). The approved plan must be implemented.

Pre-clearance surveys

5. Before the clearance of native vegetation in the pipeline ROW, the proponent must:
 - a. undertake pre-clearance surveys for the presence of listed threatened species and migratory species, their habitat and listed ecological communities.
 - b. alternatively, where recent surveys have already been undertaken and those surveys meet the Department's requirements for surveys for the relevant MNES, the proponent may elect to develop management plans based on those surveys in accordance with the requirements of Condition 8.
6. Pre-clearance surveys must:
 - a. for each listed species, be undertaken in accordance with the Department's survey guidelines in effect at the time of the survey. This information can be obtained from <http://www.environment.gov.au/epbc/guidelines-policies.html#threatened>;
 - b. be undertaken by a suitably qualified ecologist approved by the Department in writing;
 - c. document the survey methodology, results and significant findings in relation to MNES;
 - d. apply best practice site assessment and ecological survey methods appropriate for each listed threatened species, migratory species, their habitat and listed ecological communities.
7. Pre-clearance survey reports (which document the methods used and the results obtained) must be published by the proponent and provided to the Department on request.
8. If a listed threatened species or migratory species or their habitat, or a listed ecological community is encountered during the surveys undertaken as required by condition 5 and is not specified in the Table 1 or 2 at condition 11 and 12, the proponent must submit a separate management plan for each species or ecological community to manage the unexpected impacts of clearing. In relation to each listed species or ecological community, each plan must address:
 - a. the relevant characteristics describing each ecological community
 - b. a map of the location of species, species' habitat, or ecological community in proximity to the ROW;
 - c. measures that will be employed to avoid impact on the species, species' habitat, or ecological community;
 - d. a quantification of the unavoidable impact (in hectares and/or individual specimens);
 - e. where impacts are unavoidable and a disturbance limit is not specified for the listed species or ecological community under condition 11, propose offsets to compensate for the impact on the population of the species' habitat, or the ecological community;
 - f. current legal status (under the EPBC Act);
 - g. known distribution.

For listed species, each plan must also include:

- a. known species' populations and their relationships within the region;
- b. biology and reproduction;

- c. preferred habitat and microhabitat including associations with geology, soils, landscape features and associations with other native fauna and/or flora or ecological communities;
- d. anticipated threats to MNES from pipeline construction, operation and decommissioning;
- e. management practices and methods to minimise impacts, such as:
 - i. site rehabilitation timeframes, standards and methods;
 - ii. use of sequential clearing to direct fauna away from impact zones;
 - iii. re-establishment of native vegetation in linear infrastructure corridors;
 - iv. handling practices for flora specimens;
 - v. translocation and/or propagation practices and monitoring for translocation/propagation success;
 - vi. monitoring methods including for rehabilitation success and recovery;
- f. reference to relevant conservation advice, recovery plans, or other policies, practices, standards or guidelines relevant to MNES published or approved from time to time by the Department.

Note: Management plans should include sufficient detail to inform pipeline construction, management and decommissioning to minimise adverse impacts on MNES throughout the life of the project.

- 9. Each plan required under condition 8 must be submitted for the approval of the Minister. Commencement in the location covered by the management plan must not occur without approval. Each approved plan must be implemented.
- 10. If, during construction a listed threatened species or migratory species or their habitat, or a listed ecological community is encountered and is not specified in the table at condition 11 or 12, the proponent must submit a separate management plan for each species or ecological community in accordance with condition 8 within 20 business days of encountering that MNES. Work must not continue at the construction site where the MNES is encountered until the relevant management plan has been approved.

Disturbance limits

- 11. The following maximum disturbance limits apply to any disturbances authorised for unavoidable impacts on listed threatened communities and potential habitat for listed threatened species or migratory species as a result of the construction, operation and decommissioning of the pipeline (and all associated activities).

Table 1: EPBC Listed threatened ecological communities		
Ecological community	EPBC status	Disturbance limit (ha)
Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant)	Endangered	4.4
Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nadewar Bioregions	Endangered	2.4
Species	EPBC status	Disturbance limit (ha)
<i>Cycas megacarpa</i> (Large-fruited Zamia)	Endangered	27.8

Note: These conditions provide offsets for species identified in Table 1 except for Brigalow, for which offsets are provided in EPBC 2008/4059 (Santos/PETRONAS coal seam gas fields expansion).

12. The proponent must prepare a management plan for each species in the table below. Each plan must be prepared in accordance with the requirements of condition 8.

Listed species	EPBC Act Status
<i>Philotheca sporadica</i>	Vulnerable
<i>Cadellia pentasyllis</i> (Ooline)	Vulnerable
<i>Paradelma orientalis</i> (Brigalow Scaly-foot)	Vulnerable
<i>Furina dunmalli</i> (Dunmall's Snake)	Vulnerable
<i>Egernia rugosa</i> (Yakka Skink)	Vulnerable
<i>Geophaps scripta scripta</i> (Squatter pigeon – southern)	Vulnerable
<i>Nyctophilus timoriensis</i> (Eastern Long-eared Bat)	Vulnerable
<i>Chalinolobus dwyeri</i> (Large-eared Pied Bat)	Vulnerable
<i>Xeromys myoides</i> (Water Mouse)	Vulnerable

Note: The intent of the table above is to require preparation of management plans for those species that are likely to be encountered along the ROW, but where a disturbance limit has not been quantified. To the extent that the requirements of condition 8 are satisfied for each species, a single Species Management Plan may be prepared for this purpose.

13. Each management plan must be submitted for the approval of the Minister. Commencement must not occur without approval. Commencement in the location covered by the management plan must not occur without approval. Each approved plan must be implemented.
14. Disturbance of vegetation related to the construction and maintenance of the pipeline must be confined to the ROW. Any proposed siting of construction camps, vehicle access tracks and pipe lay-down areas outside the ROW during construction must be undertaken so as to minimise potential adverse impacts on MNES and must comply with conditions 5 to 13.

Offsets

Offset for Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions (SEVT)

15. Within 12 months of the commencement of pipeline development the proponent must prepare an Offset Plan to provide an offset area for the approved disturbance limits relating to Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions within the project area. The offset area to be secured must be an area of private land which includes at least 19.2 ha of Semi-evergreen vine thickets of the Brigalow Belt (North and South) and Nandewar Bioregions.

Note: Offsetting requirements for this approval can be accommodated as part of a single offset plan addressing the requirements of this approval and those required by EPBC 2008/4059.

16. The Offset Plan must include details of the offset area including: the timing and arrangements for property acquisition, maps and site description, environmental values relevant to MNES, connectivity with other habitats and biodiversity corridors, a rehabilitation program, and mechanisms for long-term protection, conservation and management.
17. The Offset Plan must be submitted for the approval of the Minister within 12 months of the commencement of gas field development. The approved Offset Plan must be implemented within 30 business days of approval.
18. If the approved Offset Plan cannot be implemented because of failure of arrangements to secure the necessary area of private land then the proponent must submit for the Minister's approval an alternative Offset Plan. The alternative Offset Plan must provide at least an equivalent environmental outcome to those specified under condition 15. The approved alternative Offset Plan must be implemented.
19. If the proponent proposes any action within a proposed offset area, other than actions related to managing that area as an offset property, approval must be obtained, in writing from the Department. In seeking Departmental approval the proponent must provide a detailed assessment of the proposed action including a map identifying where the action is proposed to take place and an assessment of all associated adverse impacts on MNES. If the Department agrees to the action within the proposed offset site, the area identified for the action must be excised from the proposed offset and alternative offsets secured of equal or greater environmental value in relation to the impacted MNES.
20. The proponent must secure the offset within 2 years of commencement.

SEVT Offset Area Management

21. Within 12 months of securing the offset area required under the approved Offset Plan, the proponent must develop an Offset Area Management Plan which must specify measures to improve the environmental values of the offset area in relation to MNES, including;
 - a. the documentation and mapping of current environmental values relevant to MNES of the area;
 - b. measures to address threats to MNES including but not limited to grazing pressure and damage by livestock and adverse impacts from feral animals and weeds;
 - c. measures to provide fire management regimes appropriate for the MNES;
 - d. measures to manage the offset area to improve the condition of the SEVT ecological community within the offset area and to increase the areal extent of SEVT ecological community within the offset area as objectives of the program.
 - e. monitoring, including the undertaking of ecological surveys to assess the success of the management measures against identified milestones and objectives;
 - f. performance measures and reporting requirements against identified objectives, including trigger levels for corrective actions and the actions to be taken to ensure performance measures and objectives are met.
22. Within 12 months of securing the offset area the Offset Area Management Plan must be submitted for the approval of the Minister. The approved Offset Area Management Plan must be implemented.

Cycas megacarpa

23. To offset the unavoidable impacts to *Cycas megacarpa* from all activities associated with this approval, the proponent must:

If the baseline route through the Callide and Calliope Ranges assessed in the EIS is pursued:

- a. within 12 months of the date of this approval, secure an area of at least 166.8ha as an offset for receiving no less than 3990 translocated and propagated individuals;
- b. identify alternative recruitment methods if it is considered unlikely that translocation and propagation will be successful;
- c. notify the Department in writing of the acquisition or transfer of ownership of the area identified in Condition 23(a) within one month of securing the land;
- d. if the proponent proposes any action within a proposed offset area, other than actions related to managing that area as an offset property, approval must be obtained, in writing from the Department. In seeking Departmental approval the proponent must provide a detailed assessment of the proposed action including a map identifying where the action is proposed to take place and an assessment of all associated adverse impacts on MNES. If the Department agrees to the action within the proposed offset site, the area identified for the action must be excised from the proposed offset and alternative offsets secured of equal or greater environmental value in relation to the impacted MNES;
- e. demonstrate that the measures for securing and managing the offset will ensure that the offset is protected in perpetuity.

or, if the Callide Range Alternative Route (CRAR) is pursued:

- a. within 12 months of the date of this approval, secure an area of at least 166.8ha as an offset for receiving no less than 2610 translocated and propagated individuals;
- b. identify alternative recruitment methods if it is considered unlikely that translocation and propagation will be successful;
- c. notify the Department in writing of the acquisition or transfer of ownership of the area identified in Condition 23(a) within one month of securing the land;
- d. if the proponent proposes any action within a proposed offset area, other than actions related to managing that area as an offset property, approval must be obtained, in writing from the Department. In seeking Departmental approval the proponent must provide a detailed assessment of the proposed action including a map identifying where the action is proposed to take place and an assessment of all associated adverse impacts on MNES. If the Department agrees to the action within the proposed offset site, the area identified for the action must be excised from the proposed offset and alternative offsets secured of equal or greater environmental value in relation to the impacted MNES;
- e. demonstrate that the measures for securing and managing the offset will ensure that the offset is protected in perpetuity.

Cycas megacarpa Management Plan

24. The proponent must prepare a *Cycas megacarpa* Management Plan in consultation with an expert approved by the Department in writing.

25. The *Cycas megacarpa* Management Plan must include:

- a. confirmation of the pipeline route across the Callide Range

- b. measures to ensure all *Cycas megacarpa* within the ROW are avoided using, for example suitable trenchless technique(s) as necessary or, if avoidance is not possible, individual plants must be removed and kept offsite and replanted in the same location, or alternatively translocated. Where it can be demonstrated that removal and translocation of individuals is unlikely to succeed, translocation may be substituted by establishing propagated individuals;
 - c. measures to propagate and plant *Cycas megacarpa* individuals removed or impacted by construction activities to maintain a population of no less than 3990 (2610 if the CRAR is pursued) individuals within the offset site required by Condition 23(a);
 - d. a detailed methodology for translocation, propagation, and planting, including a map of the location of the offset site;
 - e. details of funding required to secure, maintain and enhance the values of the offset site in perpetuity;
 - f. details of a suitably qualified person to undertake translocation, propagation and planting;
 - g. details of the erosion and sediment control measures to be implemented in the ROW in the Callide and Calliope Ranges;
 - h. measures to rehabilitate the ROW in the Callide and Calliope Ranges;
 - i. measures for the control and management of weeds, fire, feral animals, access and grazing in translocation sites;
 - j. measures for the management, maintenance and protection of the population of *Cycas megacarpa* individuals in the offset site for a period of five years following final planting;
 - k. details of monitoring practices to assess the success of proposed management regimes of the offset;
 - l. performance measures, reporting requirements, trigger levels for corrective actions and identification of those actions to be taken to ensure performance measures are met; and
 - m. a reconciliation statement of impacts against the agreed limit of disturbance, as defined above in condition 11 must be updated by the proponent every 12 months from commencement until construction is complete.
26. The *Cycas megacarpa* Management Plan must be submitted for the approval of the Minister. Commencement in the location covered by the management plan must not occur without approval. The approved plan must be implemented.
27. To avoid doubt, a single offset management plan can be submitted to meet all offset management plan requirements.

Migratory birds

28. To offset the unavoidable impacts on listed migratory birds within the ROW at the Kangaroo Island wetlands west of the Narrows, the proponent must contribute at least \$250,000 to the Gladstone Ports Corporation's migratory bird research study required by conditions for the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904).

The Narrows crossing

29. The proponent must prepare an Environmental Management Plan for the crossing of the Narrows. This must include:
- a. if the crossing is undertaken concurrently with the construction of one or more additional gas transmission pipelines (a 'bundled crossing'):
 - i. the roles and responsibilities of each party involved in the bundled crossing;
 - ii. details of the final pipeline route, engineering design and construction methodology, including details of the total number of gas transmission pipes including any pipelines for water supply and/or sewerage;
 - iii. potential impacts from the construction of the pipeline on listed threatened species, ecological communities, migratory species and World and National Heritage-listed values of the Great Barrier Reef;
 - iv. mitigation measures to reduce impacts on listed threatened species, ecological communities, migratory species and World and National Heritage-listed values of the Great Barrier Reef;
 - v. proposed offset measures to compensate for unavoidable impacts on listed threatened species and ecological communities, listed migratory species and values of the World and National Heritage-listed Great Barrier Reef;
 - vi. measures for the management of acid sulfate soils (both potential and actual);
 - vii. measures for ongoing maintenance and decommissioning of the pipelines, or

If the proponent does not proceed in a bundled crossing.

- b. a construction method which, in the opinion of the Minister, will result in minimal surface disturbance to the Kangaroo Island Wetlands and minimal disturbance to the area of the estuary of the Narrows (preferably achieved by horizontal directional drilling or tunnelling);
 - i. details of the final pipeline route, design and construction methodology, including details of inclusion of pipes for water supply and sewerage;
 - ii. potential impacts from the construction of the pipeline on listed threatened species, ecological communities, migratory species and World and National Heritage-listed values of the Great Barrier Reef;
 - iii. mitigation measures to reduce impacts to listed threatened species, ecological communities, migratory species and World and National Heritage-listed values of the Great Barrier Reef;
 - iv. proposed offsets to compensate for the unavoidable impacts of the action on listed threatened species and ecological communities, listed migratory species and values of the World and National Heritage-listed Great Barrier Reef;
 - v. measures for the management of acid sulfate soils;
 - vi. measures for ongoing maintenance and decommissioning of the pipeline.

Note: 29(b) does not prescribe a particular construction method.

30. The Environmental Management Plan must be submitted for the approval of the Minister. The activity which is the subject of the Environmental Management Plan must not start without approval. The approved plan must be implemented.
31. If the pipeline construction involves dredging to be undertaken by the proponent under the approval to which these conditions are attached, the proponent must prepare a Dredge Management Plan.
32. The Dredge Management Plan required under these conditions must include:

- a. details of dredging methods, planned commencement, duration and frequency of dredging;
 - b. identification of areas of potentially impacted seagrass habitat and their environmental tolerances;
 - c. site specific water quality objectives for the designated habitats as a guideline for habitat protection and that are in accordance with the National Water Quality Management Strategy including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality, the Australian Guidelines for Water Quality Monitoring and Reporting, the Great Barrier Reef Water Quality Guidelines and the Queensland Water Quality Guidelines;
 - d. measures to refine the plume modelling data presented in the proponent's Environmental Impact Statement;
 - e. mitigation measures and controls for the dredging and spoil disposal activities;
 - f. triggers for initiating adaptive management and potential remediation measures;
 - g. monitoring of:
 - i. potential impacts of dredging on seagrass including but not limited to turbidity and light attenuation;
 - ii. the triggers established under condition 32(f); and
 - iii. the long term impacts of the action;
 - h. options, linked to the triggers established under condition 32(f), for adaptively managing the action – including options for varying the timing and location of dredging and spoil disposal activities;
 - i. details for monitoring of dredging activities, including timing and variables measured such as turbidity and light attenuation in a format as directed by the Department to allow validation of other modelling of dredging impacts relating to the Port of Gladstone;
 - j. measures to minimise the impact on listed migratory birds from noise associated with construction activities;
 - k. measures to prevent and respond to the introduction of marine pest species;
 - l. measures to protect dugongs and listed turtles including the use of turtle excluder devices;
 - m. details of dredge spoil placement;
 - n. provisions to sample and analyse dredge spoil composition.
33. The Dredge Management Plan must be submitted for the approval of the Minister. The activity the subject of the Dredge Management Plan must not occur without approval. The approved plan must be implemented.

Location of pipeline (Callide range)

34. East of the Callide Range, the proponent must locate the pipeline within the Callide Infrastructure Corridor State Development Area as indicated in the map at Attachment 1.

Water crossings

35. Where reasonably possible horizontal directional drilling must be used for major waterway crossings, including:
 - a. those within the Fitzroy and Calliope River catchments and any water crossing within the known distribution of the Fitzroy River Turtle (*Rheodytes leukops*) and Murray Cod (*Maccullochella peelii*). Pipeline construction across waterways must not take place during the nesting and breeding season of the Fitzroy River Turtle;

- b. Humpie and Targinie Creeks before marshlands near Kangaroo Island and The Narrows
36. Trenchless techniques are not required in minor creek beds within the known distribution of the Fitzroy River Turtle (*Rheodytes leukops*) and Murray Cod (*Maccullochella peelii peelii*) where there is no water at the crossing site and the distance to the nearest water is sufficient to buffer any potential impacts resulting from the crossing technique.
37. The proponent must prepare an Aquatic Values Management Plan. This plan must include:
- a. a detailed assessment of aquatic values, including animal breeding locations for listed threatened and migratory species within the ROW;
 - b. measures to minimise impacts on listed riparian, aquatic and water dependent flora and fauna;
 - c. measures to minimise erosion and sediment impacts to waterways;
 - d. measures to maintain water quality and water flow requirements, including treatment and disposal methods for hydrostatic test water;
 - e. site-specific mitigation measures for any potential impacts from construction and operation of the pipeline on listed threatened species, including but not limited to the Fitzroy River Turtle.
38. The Aquatic Values Management Plan must be approved in writing by the Minister. Activities the subject of the plan must not start without approval. The Plan must be implemented.

Notification of commencement

39. Within 20 business days of commencement, the proponent must advise the Department in writing of the actual date of commencement.
40. If, at any time after five years from the date of this approval, the Minister notifies the proponent in writing that the Minister is not satisfied that there has been commencement of the action, the action must not commence without the written agreement of the Minister.

Request for variation of plans by proponent

41. If the proponent wants to act other than in accordance with a plan approved by the Minister under these conditions, the proponent must submit a revised plan for the Minister's approval.
42. If the Minister approves the revised plan, then that plan must be implemented instead of the plan originally approved.
43. Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.

Revisions to plans by the Minister

44. If the Minister believes that it is necessary or desirable for the better protection of a relevant controlling provision for the action, the Minister may request the proponent to make, within a period specified by the Minister, revisions to a plan approved under these conditions.
45. If the Minister makes a request for revision to a plan, the proponent must:

- a. comply with that request; and
- b. submit the revised plan to the Minister for approval within the period specified in the request.

46. The proponent must implement the revised plan on approval of the Minister.

47. Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.

Minimum timeframes for consideration of plans

48. For any plan required to be approved by the Minister under these conditions, the proponent must ensure the Minister is provided at least 20 business days for review and consideration of the plan, unless otherwise agreed in writing between the proponent and the Minister.

Compliance with State environmental and other authorities

49. The proponent must comply with all environmental authorisations issued by the State, including conditions of an environmental authority issued under the EP Act.

Provision of State plans

50. If a condition of a State approval requires the proponent to provide a plan then the proponent must also provide the plan to the Department or Minister on request, within the period specified in the request.

Timeframes

51. If these conditions require the proponent to provide something by a specified time, a longer period may be specified in writing by the Minister.

Auditing

52. On the request of and within a period specified by the Department, the proponent must ensure that:

- a. an independent audit of compliance with these conditions is conducted; and
- b. an audit report, which addresses the audit criteria to the satisfaction of the Department, is published on the Internet and submitted to the Department.

53. Before the audit begins, the following must be approved by the Department:

- a. the independent auditor; and
- b. the audit criteria.

54. The audit report must include:

- a. the components of the project being audited;
- b. the conditions that were activated during the period covered by the audit;
- c. a compliance/non-compliance table;
- d. a description of the evidence to support audit findings of compliance or non-compliance;
- e. recommendations on any non-compliance or other matter to improve compliance;
- f. a response by the proponent to the recommendations in the report (or, if the proponent does not respond within 20 business days of a request to do so by the auditor, a statement by the auditor to that effect);
- g. certification by the independent auditor of the findings of the audit report.

55. The financial cost of the audit will be borne by the proponent.
56. The proponent must:
- a. implement any recommendations in the audit report, as directed in writing by the Department after consultation with the proponent;
 - b. investigate any non-compliance identified in the audit report; and
 - c. if non-compliance is identified in the audit report - take action as soon as practicable to ensure compliance with these conditions.
57. If the audit report identifies any non-compliance with the conditions, within 20 business days after the audit report is submitted to the Department the proponent must provide written advice to the Minister setting out the:
- a. actions taken by the proponent to ensure compliance with these conditions; and
 - b. actions taken to prevent a recurrence of any non-compliance, or implement any other recommendation to improve compliance, identified in the audit report.

Note: To avoid doubt, independent third party auditing may include audit of the proponent's performance against the requirements of any plan required under these conditions.

Reporting non-compliance

58. The proponent must, when first becoming aware of a non-compliance with these conditions, or a plan required to be approved by the Minister under these conditions:
- a. report the non-compliance and remedial action to the Department within five business days;
 - b. bring the matter into compliance within a reasonable time frame specified in writing by the Department.

Record-keeping

59. The proponent must:
- a. maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement a plan approved under these conditions; and
 - b. make those records available on request to the Department. Such 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 these conditions.

Note: Audits or summaries of audits carried out under these conditions, or under section 458 of the EPBC Act, may be posted on the Department's website. The results of such audits may also be publicised through the general media.

Financial assurance

60. The proponent must:
- a. provide the Minister with a financial assurance in the amount and form required from time to time by the Minister for activities to which these conditions apply; and
 - b. review and maintain the amount of financial assurance based on proponent reporting on compliance with these conditions, and any auditing of the activities.

61. The financial assurance is to remain in force until the Minister is satisfied that no claim is likely to be made on the assurance.

Note: The financial assurance may be used for rehabilitation of habitat and other purposes not addressed adequately by the proponent during the life of the project

Annual Environmental Return

62. The proponent must produce an Annual Environmental Return which:
- addresses compliance with these conditions;
 - records any unavoidable adverse impacts on MNES, mitigation measures applied to avoid adverse impacts on MNES; and any rehabilitation work undertaken in connection with any unavoidable adverse impact on MNES;
 - identifies all non-compliances with these conditions; and
 - identifies any amendments needed to plans to achieve compliance with these conditions.
63. The proponent must publish the Annual Environmental Return on its website within 20 calendar days of each anniversary date of this approval. In complying with this publication requirement, the proponent must ensure that it has obtained relevant rights in relation to confidentiality and intellectual property rights of third parties

Survey data

64. If requested by the Department, the proponent must provide all species and ecological survey data and related survey information from ecological surveys undertaken for MNES. The data must be collected and recorded to conform to data standards notified from time to time by the Department.

Publication of Plans

65. All plans approved by the Minister under these conditions must be published on the proponent's website within 30 business days of approval by the Minister
66. The Department may request the proponent to publish on the internet a plan in a specified location or format and with specified accompanying text. The proponent must comply with any such request.

Dictionary

67. In these conditions, unless the contrary is indicated:

Bundled crossing means the dredging, trenching and other construction activities associated with the placement of multiple gas transmission pipelines across the Kangaroo Island Wetlands and the Narrows in a common corridor constructed by the approved proponent;

Clearance of native vegetation means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation;

Commencement means clearing of vegetation that is a listed threatened species or community or that is habitat of listed threatened species or listed migratory species or pipeline construction (including trenching). Commencement does not include:

- minor physical disturbance necessary to undertake pre-clearance surveys or establish monitoring programs or associated with the mobilisation of the

- plant, equipment, materials, machinery and personnel prior to the start of pipeline development or construction;
- b. activities that are critical to commencement that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of development only if such activities will have no adverse impact on MNES, and only if the proponent has notified the Department in writing before an activity is undertaken.

Department means the Australian Government department responsible for administering Part 4 of the EPBC Act;

EP Act means *Environmental Protection Act 1994* (Qld);

EPBC Act means the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*;

Minister means the Minister responsible for Part 4 of the EPBC Act, and may include a delegate of the Minister under s.133 of the EPBC Act;

MNES means matters of national environmental significance, being the relevant matters protected under Part 3 of the EPBC Act;

Plan includes a protocol, report, study, plan, or strategy (however described);

Proponent means the person to whom the approval is granted, and includes any person acting on behalf of the proponent;

Referral means a referral under the EPBC Act including any variation of the referral.

ROW means the pipeline right of way where any disturbance or construction is to be restricted to a corridor in which the pipeline may be placed. This corridor includes the area required for related activities such as access tracks. The corridor is illustrated in Attachment 1;

Substantial commencement means delivery of coal seam gas through the pipeline.

Attachment 1 – Proposed pipeline route

