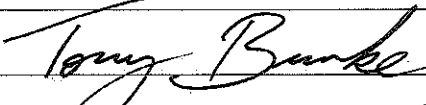




Approval

Shipping Activity associated with the Queensland Curtis LNG Project – EPBC No 2008/4405

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	Queensland Gas Company Limited (QGC) and BG International Ltd (BG)
proponent's ABN	ABN: 089 642 553 (QGC) ABN: 72 114 818 825 (BG)
proposed action	<p>The regular transit of LNG tankers; the infrequent transit of ships carrying butane; the transit of construction equipment barges and personnel ferries between Gladstone and Curtis Island; and other associated shipping activities:</p> <ul style="list-style-type: none">• as described in the proponent's referral received under the EPBC Act on 18 August 2008; and• as described in the proponent's Environmental Impact Statement and Supplementary Environmental Impact Statement.
decision	<p>To approve the proposed action for each of the following controlling provisions:</p> <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

Shipping Activity Management Plan

1. The proponent must prepare a Shipping Activity Management Plan ('the Plan') which includes:
 - (a) for shipping activity within the geographic locations specified in sections 1.2 and 1.3 of the referral - provision for the protection of Dugongs (*Dugong dugon*); Green Turtles (*Chelonia Mydas*); Loggerhead Turtles (*Caretta caretta*); Flatback Turtles (*Natator depressus*); Water Mouse, (*Xeromys myoides*) and the seagrass species *Halodule uninervis*, *Halophila ovalis*, *Halophila decipens*, *Halophila minor*, *Halophila spinulosa*, and *Zostera capricorni*;
 - (b) identification of the habitats, activities, and environmental tolerances in relation to the shipping activity associated with this referral for the species specified in condition 1(a);
 - (c) to minimise environmental disturbance to the species mentioned in condition 1(a):
 - (i) limits on vessel speeds, including speeds for particular vessel types;
 - (ii) limits on vessel movements, including the use of thrusters; and
 - (iii) limits on vessel light and sound.
 - (d) a comprehensive outline of mitigation measures and controls for each of the types of shipping activities to minimise their impact on the species mentioned in condition 1(a), including actions to:
 - (i) prevent and respond to the impact of accidental fuel, oil or chemical spills;
 - (ii) minimise the impact of marine discharges, including those associated with vessel cleaning, anti-fouling and waste disposal;
 - (iii) minimise disturbance to the seagrass species mentioned in condition 1(a);
 - (iv) minimise the impact of bow-wash on Water Mouse (*Xeromys myoides*) nesting sites; and
 - (v) proposed remedial action in the event of any impacts directly attributable to the proponent's shipping activities on the species specified in condition 1(a), and the habitats identified in condition 1(b), including a feasible and beneficial offsets strategy.
 - (e) a comprehensive outline of monitoring arrangements to determine the impact of shipping activity on the species specified in condition 1(a), which includes:
 - (i) recommendations on the timing and frequency of species surveys;
 - (ii) proposed monitoring arrangements; and

- (iii) the nature and frequency of proposed reporting arrangements.
2. Subject to condition 3 and 4, the plan required under condition 1 must be submitted for the approval of the Minister before commencement. The action must not commence until the plan has been approved. The approved plan must be implemented.
 3. The plan required under condition 1 may be provided in two parts, to address:
 - (a) Shipping associated with the construction of the LNG plant; and
 - (b) LNG tanker operation and LNG tanker activities.
 4. If the plan required under condition 1 is provided in two parts, each part must be provided before the commencement of the activity to which that part relates.

Note: The requirements under condition 1 may be included in a plan which the proponent provides to the State, including in a Marine Traffic Management Plan or a Shipping Transport Management Plan. If these State plans are provided for this purpose, that plan should explicitly state that it is also provided for the purposes of this condition, and clearly reference matters addressing the requirements above. It is acknowledged that, before approval of the first part of the Plan, minor vessel movements may be undertaken to facilitate early site access including for the initial construction of the Construction Dock.

Publication of Plans

5. 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.
6. 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.

Notification of commencement

7. Within 20 business days of commencement, the proponent must advise the Department in writing of the actual date of commencement.
8. 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

9. 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.
10. If the Minister approves the revised plan, then that plan must be implemented instead of the plan originally approved.
11. Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.

Revisions to plans by the Minister

12. 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.
13. 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.
14. The proponent must implement the revised plan on approval of the Minister.
15. Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.

Minimum timeframes for consideration of plans

16. 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

17. 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

18. 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

19. 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

20. 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.
21. Before the audit begins, the following must be approved by the Department:
 - (a) the independent auditor; and
 - (b) the audit criteria.

22. 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); and
- (g) certification by the independent auditor of the findings of the audit report.

23. The financial cost of the audit will be borne by the proponent.

24. The proponent must:

- (a) implement any recommendations in the audit report, as directed in writing by the Department;
- (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.

25. 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

26. The proponent must, when first becoming aware of a non-compliance with these conditions, or with 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

27. 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

28. 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.

29. 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

30. The proponent must produce an Annual Environmental Return which:

- (a) addresses compliance with these conditions;
- (b) 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 impacts on MNES;
- (c) identifies all non-compliances with these conditions; and
- (d) identifies any amendments needed to plans to achieve compliance with these conditions.

31. The proponent must publish the Annual Environmental Return on the Internet within 20 business 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 the confidentiality and intellectual property rights of third parties.

Dictionary

32. In these conditions, unless otherwise indicated:

Conditions means these conditions attached to the approval of the action;

Commencement means the substantial commencement of the proposed shipping activities (including ferry traffic and other vessel movements associated with the construction of the LNG facility on Curtis Island, and infrastructure associated with this facility) described in the referral EPBC 2008/4405, received under the EPBC Act on 18 August 2008;

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

EP Act means the *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 includes 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 report, study, or strategy (however described);

Proponent means the holder of the approval to which these conditions relate, and includes any person acting on behalf of the proponent.

33. Unless otherwise indicated, words in these conditions have the same meaning as in (in the following order of priority):

(a) the EPBC Act; and

(b) the EP Act.

34. Unless the contrary is indicated, in these conditions:

(a) words in the singular number include the plural and words in the plural number include the singular; and

(b) condition headings are inserted for convenient reference only and have no effect in limiting or extending the language of condition to which they refer.