

Annual Return – EPBC 2008/4401
Queensland Curtis LNG Marine Facilities

Rev 0

November 2012

QUEENSLAND CURTIS LNG

DOCUMENT INFORMATION SHEET

TITLE: Annual Return – EPBC 2008/4401 – Marine Facilities

PURPOSE AND SCOPE:

The Minister for Sustainability, Environment, Water, Population and Communities approved action relating to the Queensland Curtis LNG Project on 22 October 2010. Under EPBC approval 2008/4401 (**the Approval**), QGC is required to submit an Annual Return addressing compliance with the conditions of the approval. The Annual Return must be published on the QGC website within 20 calendar days of the anniversary date of the approval.

This document is QGC's Annual return for referral approval, EPBC 2008/4401 – marine facilities for the period from 22 October 2011 to 21 October 2012 (**the Reporting Period**).

Condition 49 of the approval requires that the Annual Return:

- a. address compliance with the conditions;
- b. record 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;
- c. identify all non-compliances with these conditions; and
- d. identify any amendments needed to plans to achieve compliance with these conditions.

This report complies with these requirements.

1.0 BACKGROUND

1.1 The QCLNG Project

The Queensland Curtis Liquefied Natural Gas Project, commonly known as the QCLNG Project, is one of Australia's largest capital infrastructure projects, which will turn coal seam gas into liquefied natural gas (LNG) for export. This major, integrated project involves:

- Expanding QGC's existing coal seam gas production in the Surat Basin of southern Queensland;
- Building a 540km buried natural gas pipeline network linking the gas fields to Gladstone; and
- Constructing a natural gas liquefaction plant on Curtis Island, near Gladstone, where the gas will be converted to LNG for export.

1.2 Regulatory Environment

The QCLNG Project is regulated at both the state and federal government level, with Queensland's Coordinator General granting approval for the project on 26 June 2010 and the Commonwealth Minister for Sustainability, Environment, Water, Population and Communities granting approval for the project on 22 October 2010.

The Queensland Coordinator-General's Report on the environmental impact statement for the QCLNG Project was released pursuant to s.35 of the *State Development and Public Works Organisation Act 1971 (QLD)*. This report imposed conditions on the project that QGC is required to meet during both the construction and operational phases. The report contains over 1000 conditions governing the project relating to:

- The transport of plant, equipment, materials and people;
- Social impacts including affordable housing and job creation; and
- Gas field, pipeline and LNG construction and operation.

Following receipt of the Co-ordinator-General's decision, the Commonwealth Minister for Environment, the Hon. Tony Burke MP, approved all five referrals made by QGC under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. The QCLNG project now operates under the following five approvals:

- Referral Approval, EPBC 2008/4398 – QCLNG Gas Field Component
- Referral Approval, EPBC 2008/4402 – LNG Plant and Onshore Activities Components
- Referral Approval, EPBC 2008/4399 – Pipeline Network Component
- Referral Approval, EPBC 2008/4405 – Shipping Activities
- Referral Approval, EPBC 2008/4401 – Marine Facilities Components

It is a requirement of each of these approvals, that QGC complete an Annual Return. The Annual Return must report on compliance with the conditions contained in each approval and must be published on the QGC website.

This document is QGC's Annual return for referral approval, EPBC 2008/4401 – marine facilities for the period from 22 October 2011 to 21 October 2012 (**the Reporting Period**).

1.3 Project activities during the reporting period

Construction of the mainland marine facilities has been completed and they are currently operating, as follows:

- QC1 Ferry Terminal – construction commenced on December 2009 (GPC site preparation works) and was completed in August 2011. The facility is used to transport vehicles, equipment and personnel from the mainland to Curtis Island.
- QC2 RGT Aggregate Facility – construction commenced in February 2010 (GPC site preparation works) and was completed in August 2011. The facility is used to transport bulk aggregate to Curtis Island by barge.

The construction status of the marine facilities on Curtis Island is as follows:

- QC3 Construction Dock – construction commenced in December 2010 and was completed in October 2011. This facility is used for the transportation of passengers, construction vehicles and materials;
- QC4 Marine Offloading Facility (MOF) – construction of the MOF commenced in May 2011 and was completed in July 2012. This facility is used for the transportation of modules and other large, heavy components used in construction of the LNG facility.
- QC5 LNG Jetty – Construction of the LNG Jetty commenced in April 2012 and is scheduled for completion during 2013. This facility will be used during operations for the loading of LNG vessels.

Dredging for the LNG jetty and the swing basin commenced during the Reporting Period and is ongoing. This dredging is being managed by the Gladstone Ports Corporation on behalf of QGC.

2.0 CONCLUSION

In compiling this annual return, QGC has not identified any new instances of non-compliance with the condition of EPBC approval 2008/4401- Marine Facilities. Appendix A to this report provides details of compliance with each of the approval conditions and Table 1 provides details of the non-compliances with the conditions of the Approval reported throughout the Reporting Period.

APPENDIX A – QCLNG MARINE FACILITIES – EPBC 2008/4401

Condition		Status	Statement of Compliance
Project Area			
1.	The project area is the area substantially in accordance with the area indicated in Figure 1.	Activated	Compliant – the project area is substantially in accordance with the relevant Figure.
2.	Dredging is to be limited to a maximum of 375,000 m3 for the construction dock and 1,000,000m3 for the Materials Offloading Facility (MOF) both on Curtis Island.	Activated	<p>Compliant – dredging for the construction dock has been completed and involved the removal of approximately 290,000m3 of material.</p> <p>Dredging for the MOF is conducted under the Western Basin Project approvals held by the Gladstone Ports Corporation.</p>
Dredging Management Plan – Construction Dock			
3.	<p>For the construction dock, the proponent must submit to the Minister a Dredging Management Plan which must include:</p> <p>(a) mapping of significant and sensitive receptors in the area of the marine facilities, with linkages to applicable monitoring programs;</p> <p>(b) mapping of significant and sensitive receptors in the area of the marine facilities, with linkages to applicable monitoring programs;</p> <p>(c) appropriate measures (for example mitigation measures, performance indicators/trigger levels and corrective actions/management actions) that will ensure that there are no unacceptable impacts on the Great Barrier Reef World Heritage Area, Great Barrier Reef National Heritage Place, EPBC listed threatened or migratory species. These must include:</p> <p>i. operating procedures to minimise injury to, or mortality of, EPBC Act listed threatened or migratory species from dredging activities or construction activities;</p> <p>ii. reporting mechanisms that ensure reporting to the Minister within one business day of the proponent becoming aware of injury to, or mortality of, an EPBC listed threatened or migratory species caused by dredging activities;</p> <p>iii. management triggers, based on results obtained from the Water Quality Monitoring Program, including a reporting requirement to</p>	Activated	<p>Compliant – QGC submitted a Dredging Management Plan (DMP) to the Queensland Department of Environment and Heritage Protection (DEHP) on 9 April 2010. A further revision of the plan was submitted on 22 October 2010.</p> <p>The final DMP includes the matters required by this condition.</p>

Condition		Status	Statement of Compliance
	<p>advise the Department in writing within one working day when triggers are exceeded;</p> <p>iv. contingency measures, based upon results of water quality and applicable research and monitoring programs, when dredging operations must be varied or suspended;</p> <p>v. measures that minimise the risk of introduced marine pest species, including ballast-water management and vessel inspections for any non-domestic vessels; and</p> <p>vi. responsive actions that will be undertaken in the event contingency measures are employed, including reporting to the Minister.</p> <p>(d) details of dredge spoil placement; and</p> <p>(e) provisions to sample and analyse dredge spoil composition.</p>		
4.	<p>The Dredging Management Plan must be submitted for the approval of the Minister. Commencement must not occur without approval. The approved plan must be implemented.</p>	Activated	<p>Compliant – the final version of the DMP was submitted for approval on 22 October 2010. The DMP was approved by DEHP on 30 June 2010 and dredging activities relating to the construction dock commenced on 23 October 2010.</p> <p>This constitutes a deemed approval under condition 5.</p>
5.	<p>A Dredge Management Plan satisfying State requirements and addressing the matters identified in this condition will be deemed to have been submitted and approved.</p> <p><i>Note 1: Applicable research and monitoring programs may include programs undertaken in accordance with conditions attached to the approval for the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904).</i></p> <p><i>Note 2: These conditions do not prevent the Gladstone Ports Corporation, on behalf of the proponent, from submitting a single dredge management plan which relates to both dredging for the construction dock under these conditions, and dredging undertaken under conditions attached to the approval for the Gladstone Western . Basin Dredging and Disposal Project (EPBC 2009/4904).</i></p>	Activated	Compliant – refer to Condition 4.

Condition		Status	Statement of Compliance
Construction Management Plan			
6.	<p>For the construction of the marine facilities on Curtis Island and the mainland, the proponent must submit to the Minister a Construction Management Plan which must include:</p> <ul style="list-style-type: none"> (a) assessment of all potential and real environmental risks to matters protected by the EPBC Act from construction activities; (b) app appropriate measures (for example mitigation measures, performance indicators/trigger levels and corrective actions/management actions) that will ensure that there are no unacceptable impacts on the Great Barrier Reef World Heritage Area, Great Barrier Reef National Heritage Place, EPBC listed threatened species or migratory species. These include: <ul style="list-style-type: none"> i. operating procedures to minimise injury to, or mortality of, EPBC Act listed threatened or migratory species from construction activities; ii. reporting mechanisms that ensure reporting to the Minister within one business day of injury to, or mortality of, an EPBC listed threatened or migratory species caused by construction activities; iii. management triggers and contingency measures when construction or pile driving must be varied or suspended; iv. measures that minimise the risk of introduced marine species, including ballast-water management and vessel inspections for any non-domestic vessels; v. measures to minimise light emission onto the water from the loading jetty and construction docks including such measures as reducing light spill, during construction and operations; and vi. responsive actions that will be undertaken in the event contingency measures are employed, including reporting to the Minister. 	Activated	<p>Compliant – the Construction Management Plan (CMP) for the construction dock was submitted on 20 September 2010.</p> <p>Following on-going consultation with SEWPaC on the requirements of the CMP, a final version was submitted for approval on 8 September 2011.</p>
7.	The Construction Management Plan must be submitted for the approval of the Minister within 20 business days of commencement. The approved plan must be implemented.	Activated	The final revision of the CMP was submitted for approval on 8 September 2011. The Minister approved the plan on 13 October 2011.

Condition		Status	Statement of Compliance
			The approved plan was implemented during dredging activities relating to the construction dock.
Dredging and Dredge Disposal – Material Offloading Facility			
8.	Dredging and disposal of dredge material associated with the Material Offloading Facility is to be undertaken in accordance with conditions imposed and the holder of the approval for the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904).	Activated	Compliant – dredging relating to the Material Offloading Facility (MOF) is conducted by the Gladstone Ports Corporation in accordance with the following permit: <i>Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904)</i> .
	<i>Note: This condition does not prevent the proponent from undertaking dredging on behalf of the Gladstone Ports Corporation, under conditions attached to the approval for the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904).</i>		
Dredging Operations – Construction Dock			
9.	The proponent must not undertake any underwater dredge material rehandling.	Activated	Compliant – no underwater dredge material has been re-handled.
10.	Only one trailer suction hopper dredge (TSHD) is permitted to operate within Gladstone Harbour at any given time.	Not activated	TSHD was not used for construction dock dredging by QCLNG project.
11.	When the TSHD is in use, a maximum of two cutter suction dredges may operate at any given time unless otherwise prescribed In an approved Water Quality Monitoring Program required under conditions attached to the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904).	Not activated	Noted.
12.	The TSHD must not operate in overflow mode except during the last one hour of flood tide and first three hours of ebb tide unless otherwise in accordance with the approved Water Quality Monitoring Program.	Not activated	Noted.
13.	The TSHD must not operate in overflow mode for more than 30 minutes per cycle, with no more than two cycles per tide unless otherwise in accordance with the approved Water Quality Monitoring Program.	Not activated	Noted.
14.	Where construction and/or dredging methods with lower environmental impacts are identified to be practical, these methods must be	Not activated	Noted.

Condition		Status	Statement of Compliance
	implemented.		
15.	In this condition, "at any given time" means at any given time with any other dredging operations being undertaken by another holder of an approval relating to dredging activities in the Port of Gladstone.	Not activated	Noted.
	<i>Note: Similarly to conditions attached to the approval for the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904), these conditions are intended to limit the number of dredges-being operated at any one time in Port Curtis.</i>		
Environmental Management Plan – Water Mouse (<i>Xeromys myoides</i>)			
16.	<p>To protect the Water Mouse (<i>Xeromys myoides</i>), the proponent must submit to the Minister an Environmental Management Plan (the Water Mouse Environmental Management Plan) which must include:</p> <p>(a) results of a pre-clearance survey undertaken at the appropriate time and season for the species;</p> <p>(b) a map of the location of potential habitat for the Water Mouse in proximity to marine facilities;</p> <p>(c) measures that will be employed to avoid impacts on the Water Mouse or its potential habitat; and</p> <p>(d) if impacts on the Water Mouse or its potential habitat are unavoidable, propose offsets to compensate for the impacts.</p> <p><i>Note: To avoid doubt; if a condition of another approval held by the proponent requires a Water Mouse Environmental Management Plan, the proponent may simultaneously meet the relevant requirements of both conditions by submitting a single plan. The plan may also be prepared in consultation with the Gladstone Ports Corporation in accordance with conditions imposed for the Gladstone Western Basin Dredging-and Disposal Project (EPBC 2009/4904) or otherwise.</i></p>	Not activated	<p>The Water Mouse Environment Management Plan was submitted to SEWPaC on 20 September 2010. A second revision of the plan, addressing comments from SEWPaC, was submitted on 24 November 2010 and was approved on 28 January 2011.</p> <p>Following further study of water mouse populations, amendments were made to the management plan during 2011 and a final revised version of the plan was submitted to SEWPaC for approval on 19 September 2011. The updated plan was approved on 30 September 2011.</p> <p>Offsets for any unavoidable impacts on the water mouse or its potential habitat are addressed in the whole of project offset plan currently under consideration by SEWPaC.</p>
17.	The Water Mouse Environmental Management Plan must be submitted for the approval of the Minister within 6 months of this Approval. The approved plan must be implemented.	Activated	Compliant – refer to condition 16.

Condition		Status	Statement of Compliance
Environmental Management Plan – Migratory Shorebirds			
<p>18.</p> <p>The proponent must submit to the Minister an Environmental Management Plan (the Migratory Shorebirds Environmental Management Plan) which includes measures for:</p> <ul style="list-style-type: none"> (a) managing the impacts of the action on listed Migratory Shorebirds including but not limited to the Whimbrel (<i>Numenius phaeopus</i>) and the Terek Sandpiper (<i>Xenus cinereus</i>); (b) determining baseline population densities and habitat utilisation for migratory shorebirds on or contiguous to the proponent's LNG facility site including, at a minimum, undertaking annual/twice annual surveys during northwards and southwards migrations; (c) minimising impacts from noise and light on the feeding and roosting sites of listed migratory shorebirds; and (d) monitoring the effect of the construction of the marine facilities on shorebirds, including but not limited to, and to the extent relevant: <ul style="list-style-type: none"> i. dredge vessel movement; ii. pile driving; iii. construction dredging; iv. noise impulse levels; v. light spill; vi. water quality reduction; vii. decreased access to intertidal foreshore habitat; viii. increased sedimentation; and ix. displacement. 		<p>Activated</p>	<p>Compliant – an initial Migratory Shorebirds Environmental Management Plan (MSEMP) was submitted for approval on 24 January 2011. This plan was approved by the Minister on 17 March 2011.</p> <p>A further revision to the plan, extending its operation beyond the marine facilities, was submitted for approval on 19 September 2011. The final revised MSEMP was approved by the Minister on 30 September 2011.</p>
<p>19.</p> <p>The Migratory Shorebirds Environmental Management Plan must be submitted for the approval of the Minister. Commencement, other than Construction Dock dredging, must not occur without approval. The approved plan must be implemented.</p> <p><i>Note: To avoid doubt, the Migratory Shorebirds Environmental Management Plan may be prepared in consultation with the Gladstone Ports Corporation under conditions imposed for the Gladstone Western Basin Dredging and Disposal Project (EPBC 2009/4904).</i></p>		<p>Activated</p>	<p>Compliant – the final revised MSEMP was approved by the Minister on 30 September 2011.</p> <p><i>**Commencement means the substantial commencement of construction for the proposed construction dock as described in the referral EPBC 2008/4401</i></p>

Condition		Status	Statement of Compliance
Decommissioning Plan			
20.	<p>Unless the proponent advises the Department that it cannot decommission the site because of lawful continuing use rights by a third party (that might include the State of Queensland), at least five years before the planned date of cessation of operations of the Marine Facilities on Curtis Island, the proponent must develop a Decommissioning Plan. The Decommissioning Plan must:</p> <ul style="list-style-type: none"> (a) ensure that, following the cessation of operations of the Marine Facilities on Curtis Island, decommissioning arrangements are prepared; (b) define a timetable for the future implementation of decommissioning including for: <ul style="list-style-type: none"> i. the removal of remnant infrastructure and works that interfere with natural coastal processes, and human recreational and commercial activities; ii. the return of sediment levels and water quality in the immediate area of the Marine Facilities to pre-construction background levels; and iii. the rehabilitation of the Marine Facilities and associated sites to their natural state, and their ongoing management during rehabilitation. 	Not activated	Decommissioning activities related to marine facilities are not planned within the next 5 year period.
21.	<p>If decommissioning does not commence on the date proposed in the initial Decommissioning Plan, the proponent must review the decommissioning plan before each subsequent third anniversary of the date of the submission of the initial decommissioning plan over the operational life of the Marine Facilities. The proponent must advise the Minister in writing of the outcomes of this review, including any proposed changes to the decommissioning plan. Any proposed changes to the decommissioning plan must be approved in writing by the Minister.</p>	Not activated	Noted.
22.	<p>The Decommissioning Plan must be submitted for the approval of the Minister. Decommissioning must not occur without approval. Subject to condition 20, the approved plan must be implemented.</p>	Not activated	The Decommissioning Plan will be submitted for approval prior to its implementation.

Condition		Status	Statement of Compliance
Joint Plans			
<p>23.</p>	<p>A management plan required under these conditions may comprise a plan (a joint plan) submitted by the Gladstone Ports Corporation under conditions of approval for the Western Basin Dredging and Disposal Project (EPBC 2009/4904) or another LNG proponent. If a joint plan is submitted by the GPC or another LNG proponent for this purpose, it must also be specified as a plan for the purpose of these conditions.</p>	<p>Activated</p>	<p>The Gladstone Ports Corporation (GPC) has submitted plans under the Western Basin Dredging and Disposal Project approval (EPBC 2009/4904) which relate to works being undertaken by GPC for QGC’s marine facilities.</p> <p>Details of the Western Basin Dredging and Disposal Project can be found at : http://www.westernbasinportdevelopment.com.au/</p> <p>The Western Basin Port Development Dredge Management Plan is located at: http://www.westernbasinportdevelopment.com.au/management_plans</p> <p>The Western Basin Port Development Dredge Management Plan Approval is located at http://www.westernbasinportdevelopment.com.au/project_approvals_permits/section/documentation</p>

Condition		Status	Statement of Compliance
24.	If a joint plan is submitted under these conditions the plan may specify roles and responsibilities of the proponent, and the roles and responsibilities of another person. A role and responsibility of the proponent must be implemented by the proponent, unless otherwise specified in the joint plan.	Not activated	There is no joint plan at this stage of the project.
	<i>Note: The purpose of this condition is to allow a single management plan to be submitted by different proponents to satisfy the requirements of conditions of separate but related approvals, so that actions with related potential impacts may be considered and addressed cumulatively.</i>		
Notification of Commencement			
25.	Within 20 business days of commencement, the proponent must advise the Department in writing of the actual date of commencement.	Activated	Compliant – QGC notified SEWPAC on 18 November 2010 that works related to the construction dock commenced on 23 October 2010.
26.	If, at any time after 5 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.	Completed	Compliant – the action has commenced within 5 years of the approved date.
Request for Variation of Plans by Proponent			
27.	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.	Not activated	Compliant – works are conducted in accordance with currently approved plans.
28.	If the Minister approves the revised plan, then that plan must be implemented instead of the plan originally approved.	Not activated	Compliant – revised plans are implemented upon approval.
29.	Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.	Not activated	Compliant – works are conducted in accordance with currently approved plans.

Condition		Status	Statement of Compliance
Revisions to Plans by the Minister			
31.	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.	Not activated	QGC has not received a request from the Minister to revise approved plans during the Reporting Period.
32.	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.	Not activated	Noted.
33.	The proponent must implement the revised plan on approval of the Minister.	Not activated	Noted.
34.	Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.	Not activated	Noted.
Minimum Timeframes for Consideration of Plans			
35.	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.	Not activated	Noted.
Compliance with State Environmental and Other Authorities			
36.	The proponent must comply with all environmental authorisations issued by the State, including conditions of an environmental authority issued under the EP Act.	Activated	Compliant - no issues of non-compliance were identified during the Reporting Period.
Provision of State Plans			
37.	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.	Activated	As part of the approval of the Dredging Management Plan at the State level, this plan was also provided to SEWPaC on 22 October 2010.
Timeframes			
38.	If these conditions require the proponent to provide something by a specified time, a longer period may be specified in writing by the Minister.	Activated	Noted.

Condition		Status	Statement of Compliance
Auditing			
39.	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.	Not activated	QGC has not received a request for an independent audit of compliance with approval conditions
40.	Before the audit begins, the following must be approved by the Department: (a) the independent auditor; and (b) the audit criteria.		QGC has not received a request for an independent audit of compliance with approval conditions
41.	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.		QGC has not received a request for an independent audit of compliance with approval conditions
42.	The financial cost of the audit will be borne by the proponent.	Not activated	QGC has not received a request for an independent audit of compliance with approval conditions
43.	The proponent must: (a) implement any recommendations in the audit report, as directed	Not activated	QGC has not received a request for an independent audit of compliance with approval conditions

Condition		Status	Statement of Compliance
	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.		
44.	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. <i>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.</i>	Not activated	QGC has not received a request for an independent audit of compliance with approval conditions
Reporting Non-compliance			
45.	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.	Activated	Compliant – QGC notified all instances of potential non-compliance with conditions of the Approval to SEWPaC during the reporting period.
Record-keeping			
46.	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	Activated	Compliant – records are maintained substantiating all activities relevant to these conditions.

Condition		Status	Statement of Compliance
	verify compliance with these conditions. <i>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.</i>		
Financial Assurance			
47.	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.	Activated	QGC has not received a request from the Minister to provide financial assurance during the Reporting Period.
48.	The financial assurance is to remain in force until the Minister is satisfied that no claim is likely to be made on the assurance.	Activated	QGC has not received a request from the Minister to provide financial assurance during the reporting year.
Annual Environmental Return			
49.	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.	Activated	Compliant – this Annual Environmental Return demonstrates compliance with this condition. QGC has not identified any unavoidable adverse impacts on MNES during the Reporting Period and has continued to implement the measures detailed in the relevant management plans to avoid any such impacts. Mitigation measures applied to avoid adverse impacts on MNES are detailed on the Management Plans. Rehabilitation works have not yet commenced.
50.	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 the relevant confidentiality and intellectual property rights of third parties.	Activated	Compliant – QGC requested an extension to the publication date of this annual return until 7 December 2012. This request was approved by SEWPaC and this annual return will be published on the QGC website by that date.

Condition		Status	Statement of Compliance
			The previous Annual Environmental Return was published on QGC's website http://www.qgc.com.au/media/125342/03--annual_return_4401--marine_facilites.pdf within 20 calendar days of the anniversary date of the EPBC Approval.
Survey Data			
51.	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.	Not activated	QGC has not received a request from SEWPaC. Relevant documents are kept at QGC's head office.
Publication of Plans			
52.	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.	Activated	Compliant – all approved plans required by this approval were published on QGC's website within 30 business days of Ministerial approval. .
53.	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.	Not activated	No request has been received during the Reporting Period.
Condition		Status	Statement of Compliance
Dictionary			
54.	In these conditions, unless otherwise indicated: Conditions means these conditions attached to the approval of the action; Commencement means the substantial commencement of construction	Noted	

Condition		Status	Statement of Compliance
	<p>for the proposed construction dock as described in the referral EPBC 2008/4401.</p> <p>Department means the Australian Government department responsible for administering Chapter 4 of the EPBC Act;</p> <p>Environmental risk means any risk which has the potential to, or does impact, on the environment;</p> <p>EP Act means the Environmental Protection Act 1994 (Qld);</p> <p>EPBC Act means the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;</p> <p>Minister means the Minister responsible for Chapter 4 of the EPBC Act, and includes a delegate of the Minister under s.133 of the EPBC Act;</p> <p>MNES means matters of national environmental significance, being the relevant matters protected under Part 3 of the EPBC Act;</p> <p>Plan includes a report, study, or strategy (however described);</p> <p>Proponent means the holder of the approval to which these conditions relate, and includes any person acting on behalf of the proponent;</p> <p>Referral means a referral under the EPBC Act including any variation of the referral.</p>		

Condition		Status	Statement of Compliance
55.	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.	Noted	
56.	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.	Noted	

TABLE 1

Condition 44 reporting non-compliance – the following instances of potential non-compliances were reported to SEWPaC during the Reporting Period. Each of the non-compliances relate to condition 36 which requires that “the proponent must comply with all environmental authorisations issued by the State, including conditions of an environmental authority issued under the EP Act”.

NOTIFICATION	DATE	Identified Remedial Actions
<p>Air quality monitoring undertaken at the RG Tanna aggregate loading facility in January, July, August, September and October 2012 returned laboratory results which exceeded the permit stipulated criteria.</p>	<p>July – October 2012</p>	<p>Analysis of the winds during each of these months showed them to predominantly from ESE to SSW. Given the location of the two dust sampling points, QGC considers that the increased levels of depositional dust are attributable to external sources.</p> <p>QGC has received responses from SEWPaC in relation to the July, August, and September incidents advising that no enforcement action will be taken. QGC's Principal Contractor continues to minimise dust generated by its' activities through dust suppression during unloading and loading activities and the development of an internal dust observation program which actively identifies the sources of dust for the purpose of timely application of mitigation measures.</p>