

**Annual Return – EPBC 2008/4401
QCLNG MIDSTREAM (Marine Facilities)**

Rev [0]

October 2011

MIDSTREAM (MARINE FACILITIES)

DOCUMENT INFORMATION SHEET

TITLE: Annual Return – EPBC 2008/4401 – Midstream (Marine Facilities)

PURPOSE AND SCOPE:

The Minister for the Department of Sustainability Environment, Water, Population and Communities approved action relating to the Queensland Curtis LNG Project on 22 October 2010. Under the approval, there is a requirement for the submission of an Annual Return addressing the conditions contained within the approval. The Annual Return is to be published on the QGC website within 20 business days of the anniversary date of the approval.

The Annual Return must :

- 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 of all non-compliances with these conditions; and
- d. Identify any amendments needed to plans to achieve compliance with these conditions.

This report complies with the conditions requested under EPBC 2008/4401.

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1.0 INTRODUCTION

1.1 Scope of Document

On 31 October 2010, the BG Group approved the development of the Queensland Curtis Liquefied Natural Gas Project which is commonly known as the QCLNG Project. The BG approval was made subsequent to receiving approval from both Queensland's Coordinator General and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPAC). These approvals were granted on 26 June 2010 and 22 October 2010 respectively.

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 provided conditions which the project would need to meet during its construction and subsequent operation.

The report contains over 1000 conditions governing the project relating to:

- Whole of Project;
- Transport of plant, equipment, materials and people;
- Social impacts including affordable housing and job creation;
- Gas Fields construction and operation;
- Pipelines and the Narrows construction and operation; and
- LNG Plant construction and operation.

On gaining the Co-ordinator-General's decision, the Minister for Environment, the Hon. Tony Burke MP, approved all five referrals which were made by QGC under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). These referrals are listed below.

- 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 – 730km Pipeline Network Component
- Referral Approval, EPBC 2008/4405 – Shipping Activities
- Referral Approval, EPBC 2008/4401 – Marine Facilities Components

QGC is required under each of these referrals to compile an Annual Return. This Annual Return must report on compliance with the conditions contained in each referral and must be published on the QGC website.

This document is QGC annual return for Referral Approval, EPBC 2008/4401 – Marine Facilities Components which includes the development of the QCLNG Construction Dock and the LNG Materials Off Loading facility.

The Gladstone Ports Corporation (GPC) commenced dredging for QGC's marine facilities within this Annual Return period while QGC commenced construction of these facilities also within this Annual Return period. Commonwealth and State Government agencies have regularly inspected, monitored and audited the dredging works and QGC's construction activities on Curtis Islands and in Curtis Bay over the past 12 months.

QGC will continue to closely monitor impacts of these and other works being conducted within the Curtis area by QGC and its contractors to ensure that any impacts can be minimised.

1.2 Distribution and Intended Audience

This document is prepared for SEWPAC in accordance with condition 50 of referral EPBC 2008/4401 for publication on the QGC website.

APPENDIX A - QCLNG MIDSTREAM (MARINE FACILITIES) – EPBC 2008/4401

SEWPAC CONDITIONS

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 – project area is substantially in accordance with the condition.
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	Compliant – QGC performed construction dock dredging under this approval (approximate material removed 290,000m3). Minor clearing out dredging remains for the construction dock prior to this work being complete. QGC is to perform MOF dredging under Western Basin Project approvals.
Dredging Management Plan – Construction Dock			
3.	For the construction dock, the proponent must submit to the Minister a Dredging Management Plan which must include:	Activated	Compliant - Dredging Management Plan (DMP) initially submitted on 9 April 2010. Update submitted on 22 October 2010. DMP approved by DERM on 30 June 2010. (See condition 5).
	(a) mapping of significant and sensitive receptors in the area of the marine facilities, with linkages to applicable monitoring programs;	Activated	Compliant – details are included in the approved DMP.
	(b) assessment of all potential and real environmental risks to matters protected by the EPBC Act from dredging activities;	Activated	Compliant – details are included in the approved DMP.
	(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:	Activated	Compliant – details are included in the approved DMP.
	i. operating procedures to minimise injury to, or mortality of, EPBC Act listed threatened or migratory species from dredging activities or construction activities;		Compliant – details are included in the approved DMP.

Condition		Status	Statement of Compliance
	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;	Activated	Compliant – details are included in the approved DMP.
	iii. management triggers, based on results obtained from the Water Quality Monitoring Program, including a reporting requirement to advise the Department in writing within one working day when triggers are exceeded;	Activated	Compliant – details are included in the approved DMP.
	iv. contingency measures, based upon results of water quality and applicable research and monitoring programs, when dredging operations must be varied or suspended;	Activated	Compliant – details are included in the approved DMP.
	v measures that minimise the risk of introduced marine pest species, including ballast-water management and vessel inspections for any non-domestic vessels; and	Activated	Compliant – details are included in the approved DMP.
	vi. responsive actions that will be undertaken in the event contingency measures are employed, including reporting to the Minister.	Activated	Compliant – details are included in the approved DMP.
	(d) details of dredge spoil placement; and	Activated	Compliant – details are included in the approved DMP.
	(e) provisions to sample and analyse dredge spoil composition.	Activated	Compliant – details are included in the approved DMP.
4.	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.	Activated	Compliant – Dredging Management Plan (DMP) initially submitted on 9 April 2010 to DERM and on 22 October 2010 to SEWPAC. DMP approved by DERM on 30 June 2010. Dredging activities relating to the construction dock commenced on 23 October 2010.
5.	A Dredge Management Plan satisfying State requirements and addressing the matters identified in this condition will be deemed to have been submitted and approved.	Activated	Compliant – refer to Condition 4.

Condition		Status	Statement of Compliance
	<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>		
	<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>		
Construction Management Plan			
6.	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:	Activated	Compliant – Construction Management Plan (CMP) submitted for Construction Dock on 20 September 2010 (prior to commencement of works on 23 October 2010). CMP was modified following comments from SEWPAC and with several revised submissions as the Marine Facilities CMP on Curtis Island, up to 8 September 2011. Approval received from the Department on 13 October 2011.
	(a) assessment of all potential and real environmental risks to matters protected by the EPBC Act from construction activities;	Activated	Compliant – the CMP includes an assessment of all potential and real environmental risks.
	(b) 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:	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the CMP.
	i. operating procedures to minimise injury to, or mortality of, EPBC Act listed threatened or migratory species from construction activities;	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the Construction Management Plan.
	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;	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the Construction Management Plan.

Condition		Status	Statement of Compliance
	iii. management triggers and contingency measures when construction or pile driving must be varied or suspended;	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the Construction Management Plan.
	iv. measures that minimise the risk of introduced marine species, including ballast-water management and vessel inspections for any non-domestic vessels;	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the Construction Management Plan.
	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	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the Construction Management Plan.
	vi. responsive actions that will be undertaken in the event contingency measures are employed, including reporting to the Minister.	Activated	Compliant – appropriate measures as set out in the condition are considered and included in the Construction Management Plan.
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	Compliant – CMP submitted for approval on 6 January 2011, 6 April 2011 and 8 September 2011. CMP was approved on 13 October 2011.
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). <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>	Activated	Compliant – Dredging of the Material Offloading Facility (MOF) is conducted by the Gladstone Ports Corporation under their own permit - <i>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 rehandled.
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. Note that QGC cannot control the activities of other parties in Gladstone Harbour.

Condition		Status	Statement of Compliance
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	TSHD was not used for construction dock dredging.
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	TSHD was not used for construction dock dredging.
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	TSHD was not used for construction dock dredging.
14.	Where construction and/or dredging methods with lower environmental impacts are identified to be practical, these methods must be implemented.	Not Activated	TSHD was not used for construction dock dredging.
15.	<p>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.</p> <p><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></p>	Noted	No action required.
Environmental Management Plan – Water Mouse (<i>Xeromys myoides</i>)			
16.	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:	Activated	Compliant - Water Mouse EMP was submitted on 20 September 2010. Revised document was re-submitted on 24 November 2010 (pipeline (including the narrows)/midstream) and approved by the Department on 28 January 2011. Further revisions were submitted to the Department on 3 August 2011 and 19 September 2011 following comments from the Department. The updated Plan was approved on 30 September 2011.

Condition		Status	Statement of Compliance
	(a) results of a pre-clearance survey undertaken at the appropriate time and season for the species;	Activated	Compliant – results of pre-clearance surveys are included in the Water Mouse Environmental Management Plan.
	(b) a map of the location of potential habitat for the Water Mouse in proximity to marine facilities;	Activated	Compliant – maps are included in the Water Mouse EMP.
	(c) measures that will be employed to avoid impacts on the Water Mouse or its potential habitat; and-	Activated	Compliant –measures to avoid impacts are addressed in the Water Mouse Environmental Management Plan.
	(d) if impacts on the Water Mouse or its potential habitat are unavoidable, propose offsets to compensate for the impacts. <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>	Activated	Compliant – advice relating to offsets are addressed in the Water Mouse Environmental Management Plan. The advice included that a whole of project Offsets Management Plan is to be developed. The development of this whole of project Plan is currently underway.
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. Water Mouse EMP was submitted on 20 September 2010. Revised document was re-submitted on 24 November 2010 (pipeline (including the narrows)/midstream) and approved by the Department on 28 January 2011. Further revisions were submitted to the Department on 3 August 2011 and 19 September 2011 following comments from the Department. The updated Plan was approved on 30 September 2011
Environmental Management Plan – Migratory Shorebirds			
18.	The proponent must submit to the Minister an Environmental Management Plan (the Migratory Shorebirds Environmental Management Plan) which includes measures for:	Activated	Compliant – Initial Migratory Shorebirds Environmental Management Plan (MSEMP) was submitted on 24 January 2011 and approved by the Department on 17 March 2011. A Further update (project-wide MSEMP) was submitted to the Department on 19 September 2011. The final revised document was approved by the Department on 30 September 2011.

Condition	Status	Statement of Compliance
(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>);	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
(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;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
(c) minimising impacts from noise and light on the feeding and roosting sites of listed migratory shorebirds; and	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
(d) monitoring the effect of the construction of the marine facilities on shorebirds, including but not limited to, and to the extent relevant:	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
i. dredge vessel movement;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
ii. pile driving;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
iii. construction dredging;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
iv noise impulse levels;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
v. light spill;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
vi. water quality reduction;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.

Condition		Status	Statement of Compliance
	vii. decreased access to intertidal foreshore habitat;	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
	viii. increased sedimentation; and	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
	ix displacement.	Activated	Compliant – included in the Migratory Shorebirds Environmental Management Plan approved by the Department on 30 September 2011.
19.	<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>	Activated	<p>Partially Compliant – The initial Migratory Shorebirds Environmental Management Plan (MSEMP) was submitted on 24 January 2011 and approved by the Department on 17 March 2011. A further revised plan (project-wide MSEMP) was submitted to the Department on 19 September 2011. The final revised plan was approved by the Department on 30 September 2011.</p> <p>Initial Site Access (ISA) to Curtis Island was constructed (8 December 2010 to 13 June 2011) to facilitate the mobilisation of equipment, materials and personnel prior to the commencement** of the Construction Dock. This initial access was initiated on the basis of the LNG Plant approval which allowed for “minor physical disturbance associated with mobilisation of plant, equipment, materials, machinery and personnel prior to start construction of the LNG Facility”. NB: Construction of the Construction Dock distinct from the ISA began on 19 March 2011.</p> <p>The ISA was constructed to facilitate the aggregate loading berth and the LTC/RoRo berth. The intent of the ISA was an early access for the project prior to the full construction of the Construction Dock.</p>

Condition		Status	Statement of Compliance
			<p>The ISA was used to transport equipment and materials to the Island for construction of the Con Dock and other LNG Plant construction activities. The Construction Dock is not yet complete.</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>
Decommissioning Plan			
20.	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:	Not Activated	Condition not triggered.
	(a) ensure that, following the cessation of operations of the Marine Facilities on Curtis Island, decommissioning arrangements are prepared;	Not Activated	Condition not triggered.
	(b) define a timetable for the future implementation of decommissioning including for:	Not Activated	Condition not triggered.
	i the removal of remnant infrastructure and works that interfere with natural coastal processes, and human recreational and commercial activities;	Not Activated	Condition not triggered.
	ii the return of sediment levels and water quality in the immediate area of the Marine Facilities to pre-construction background levels; and	Not Activated	Condition not triggered.
	iii the rehabilitation of the Marine Facilities and associated sites to their natural state, and their ongoing management during rehabilitation.	Not Activated	Condition not triggered.
21.	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	Not Activated	Condition not triggered.

Condition		Status	Statement of Compliance
	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.		
22.	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.	Not Activated	Condition not triggered.
Joint Plans			
23.	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.	Activated	<p>Gladstone Ports Corporation (GPC) has submitted Plans under the Western Basin Dredging and Disposal Project (EPBC 2009/4904) which relate to works being undertaken by GPC for QGC's marine facilities.</p> <p>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/section/documentation</p> <p>The Western Basin Port Development Dredge Management Plan Approval is located at http://www.westernbasinportdevelopment.com.au/projects_approvals_permits</p>

Condition		Status	Statement of Compliance
24.	<p>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.</p> <p><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></p>	Noted	
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 - SEWPAC was notified on 18 November 2010 of commencement date of works at the Construction Dock being 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.	Noted	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.	Noted	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.	Noted	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.	Noted	
32.	If the Minister makes a request for revision to a plan, the proponent must,		
	(a) comply with that request; and	Noted	
	(b) submit the revised plan to the Minister for approval within the period specified in the request.	Noted	
33.	The proponent must implement the revised plan on approval of the Minister.	Noted	
34.	Until the Minister has approved the revised plan, the proponent must continue to implement the original plan.	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.	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 - QGC informed SEWPAC of potential non compliance related to water quality analysis during construction dock dredging (letters of 14 and 22 December 2010). Incorrect metal analysis indicated an exceedance for one parameter (copper). The issue related to analysis for total metals without filtering the sample when the DERM trigger level was for dissolved metals. Matter resolved.
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	Not Activated	As part of State Plan approval, the Dredge Management Plan was also provided to SEWPAC on 22 October 2010.

Condition		Status	Statement of Compliance
	period specified in the request.		
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	Correspondence was sent to SEWPAC requesting an extension relating to the development of the Migratory Shorebirds Environmental Management Plan. Correspondence received from the Department on 29 November 2010, providing an extension approval.
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	Noted	
	(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.	Noted	
40.	Before the audit begins, the following must be approved by the Department:		
	(a) the independent auditor; and	Noted	
	(b) the audit criteria,	Noted	
41.	The audit report must include:		
	(a) the components of the project being audited;	Noted	
	(b) the conditions that were activated during the period covered by the audit;	Noted	
	(c) a compliance/non-compliance table;	Noted	
	(d) a description of the evidence to support audit findings of compliance or noncompliance;	Noted	
	(e) recommendations on any non-compliance or other matter to improve compliance;	Noted	
	(f) a response by the proponent to the recommendations	Noted	

Condition		Status	Statement of Compliance
	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.	Noted	
42.	The financial cost of the audit will be borne by the proponent.	Noted	
43.	The proponent must: (a) implement any recommendations in the audit report, as directed in writing by the Department;	Noted	
	(b) investigate any non-compliance identified in the audit report; and	Noted	
	(c) if non-compliance is identified in the audit report - take action as soon as practicable to ensure compliance with these conditions.	Noted	
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)	Noted	
	(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>	Noted	

Condition		Status	Statement of Compliance
Reporting Non-compliance			
45.	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;	Activated	See condition 36
	(b) bring the matter into compliance within a reasonable time frame specified in writing by the Department.	Activated	
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	Activated	Compliant – records are maintained substantiating all activities relevant to these conditions, including measures taken to implement approved plans.
	(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.	Noted	
	<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	Noted	As at 21 October 2011, QGC has provided a financial assurance to DERM of \$170,089,026.00.

Condition		Status	Statement of Compliance
	(b) review and maintain the amount of financial assurance based on proponent reporting on compliance with these conditions, and any auditing of the activities.	Noted	
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.	Noted	
Annual Environmental Return			
49.	The proponent must produce an Annual Environmental Return which: (a) addresses compliance with these conditions	Activated	Compliant – Annual Return completed, compliance addressed.
	(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 impact on MNES;	Activated	Compliant – No unavoidable adverse impacts on MNES have been identified.
	(c) identifies all non-compliances with these conditions; and	Activated	Compliant – no non-compliance with these conditions has been identified.
	(d) identifies any amendments needed to plans to achieve compliance with these conditions.	Activated	Compliant – no amendments to plans are required to meet this condition.
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 – the Annual Environmental Return will be published within 20 business 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	Noted	

Condition		Status	Statement of Compliance
	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			
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 – Approved plans are published within 30 business days.
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.	Noted	
Condition		Status	Statement of Compliance
Dictionary			
54.	<p>In these conditions, unless otherwise indicated:</p> <p>Conditions means these conditions attached to the approval of the action;</p> <p>Commencement means the substantial commencement of construction 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>	Noted	

Condition		Status	Statement of Compliance
	<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>		
55.	<p>Unless otherwise indicated, words in these conditions have the same meaning as in (in the following order of priority):</p> <ul style="list-style-type: none"> a) the EPBC Act; and b) the EP Act. 	Noted	
56.	<p>Unless the contrary is indicated, in these conditions:</p> <ul style="list-style-type: none"> (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	

REPORTING NON-COMPLIANCE

CONDITION 45 – NON-COMPLIANCE

NON-COMPLIANCE ACTIVITY	NOTIFICATION	ACTION TAKEN
Condition 36 – Breach of EA conditions	Notification to DERM on 5 August 2011 but not to SEWPAC	Further analysis has established different filter requirements.

CONDITION 49(b) – Unavoidable Adverse Impacts on MNES

NON-COMPLIANCE ACTIVITY	NOTIFICATION	ACTION TAKEN
No unavoidable adverse impact on MNES identified	No notifications made	No action required