



FINAL APPROVAL DECISION

Hancock Coal Infrastructure Pty Ltd, Abbot Point Terminal 3, Port of Abbot Point, QLD (EPBC 2008/4468)

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

Proposed action

person to whom the approval is granted Hancock Coal Infrastructure Pty Ltd

proponent's ACN (if applicable) ACN 132 394 122

proposed action to construct a coal terminal at the Port of Abbot Point comprising of offshore infrastructure (jetty structure and berths) and onshore infrastructure (comprising coal stockpiles and associated infrastructure) (See EPBC Act referral 2008/4468). This action was initially referred as the "X110" coal terminal expansion project by Ports Corporation of Queensland (now North Queensland Bulk Ports Corporation Limited).

Approval

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approve
National Heritage places (sections 15B & 15C)	Approve
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve
Commonwealth marine areas (sections 23 & 24A)	Approve

conditions of approval

This approval is subject to the conditions specified below.

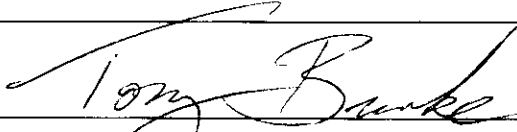
expiry date of approval

This approval has effect until 1 September 2053.

Decision-maker

name and position The Hon Tony Burke MP
Minister for Sustainability, Environment, Water, Population and
Communities

signature



date of decision

4.10.2012

Conditions attached to the approval

Abbot Point Terminal 3 (formerly known as X110 and hereafter referred to as the proposal)

1. The project area is the area depicted in map 1 (Terminal 3 project area) at Annexure A (and depicted in the final Preliminary Documentation Volume 1 Figure E-1 and Figure E-2). The proposal will include the development of offshore infrastructure (jetty structure and berths), and onshore infrastructure (comprising coal stockpiles and associated infrastructure) as shown in Preliminary Documentation (GHD 2012) Volume 1 Figure E-2 and detailed in section E.2.1.

At the completion of each construction stage of the onshore and offshore infrastructure, the person taking the action must publish a report and maps verifying compliance with the conditions of this notice on their website for a period of 3 months. The department must be notified within one week of the information being placed on the website.

Disturbance limits

2. The following maximum disturbance limits in Table 1 and Table 2 below apply to authorised unavoidable adverse impacts on Matters of National Environmental Significance (MNES) as a result of development and operation of the proposal within the project area illustrated in the final Preliminary Documentation Volume 1 Figure E-1 and Figure E-2 for the life of this approval.

Table 1: Maximum disturbance limits for listed threatened ecological communities

Ecological community	EPBC Act status	Disturbance limit (ha)
Semi-evergreen vine thicket of the Brigalow Belt and Nandewar Bioregions	Endangered	1.7 ha

Note 1: Table 1 is derived from information provided in the Preliminary Documentation (GHD 2012).

Table 2: Maximum Disturbance limits for listed threatened species, migratory species and the Caley Valley Wetland

Species	Habitat within project area
Squatter Pigeon (<i>Geophaps scripta scripta</i>)	44.4 ha of eucalypt woodland
Striped-tailed Delma (<i>Delma labialis</i>)	130 ha of non-native grassland vegetation communities
Australian Painted Snipe (<i>Rostratula australis</i>)	27.9 ha of the Caley Valley Wetland

<p>Marine turtle species</p> <ul style="list-style-type: none"> • Loggerhead turtle (<i>Caretta caretta</i>) • Hawksbill turtle (<i>Eretmochelys imbricate</i>) <p>Migratory terrestrial, wetland, marine and shorebirds</p> <p>Migratory Marine Mammal Species</p> <ul style="list-style-type: none"> • Dugong (<i>Dugong dugon</i>) • Snubfin dolphin (<i>Orcaella heinsoni</i>) • Indo-pacific humpback dolphin (<i>Sousa chinensis</i>) <p>Migratory Marine Reptile Species</p> <ul style="list-style-type: none"> • Saltwater crocodile (<i>Crocodylus porosus</i>) • Green turtle (<i>Chelonia mydas</i>) • Loggerhead turtle (<i>Caretta caretta</i>) • Hawksbill turtle (<i>Eretmochelys imbricate</i>) • Flatback turtle (<i>Natator depressus</i>) • Olive Ridley Turtle (<i>Lepidochelys olivacea</i>) 	<p>8.5 ha coastal rocky habitat 0.1 ha of seagrass communities 0.5 ha of intertidal beach habitat 27.9 ha of the Caley Valley Wetland</p>
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Note 2: Table 2 is derived from information provided in the Preliminary Documentation (GHD 2012).

Habitat value for each of the species listed in Table 2 must be confirmed during pre-clearance surveys provided in Condition 3.

Pre-clearance Surveys

3. The person taking the action must undertake pre-clearance surveys for the presence of listed threatened species and migratory species, their habitat and listed threatened ecological communities as provided in Condition 2 and the Preliminary Documentation prepared by GHD 2012. The pre-clearance surveys must include:
 - a) the methodology and timeframes for conducting pre-clearance surveys for EPBC listed threatened species and ecological communities, and listed migratory species within the project area.

4. Pre-clearance surveys must:
 - a) be undertaken for each species identified in condition 2;
 - b) be undertaken in accordance with the department's survey guidelines in effect at the time of the survey, or survey methodology agreed to by the department prior to surveys being undertaken. This information can be obtained from the department's website;
 - c) be undertaken by a suitably qualified person/s approved by the department in writing;
 - d) document the survey methodology;
 - e) apply best practice site assessment and ecological survey methods appropriate for each listed threatened species, migratory species, their habitats and listed ecological communities;
 - f) identify measures to prevent mortality of EPBC Act listed threatened species during pre-construction, construction and operation;

- g) utilise current and up to date baseline information, including baseline information gathered as part of the Cumulative Impact Assessment and other studies undertaken by the proponent in the 4 years preceding this approval, (unless new information is gathered through targeted and dedicated surveys for each listed threatened species, migratory species, their habitats and listed threatened ecological communities);
 - h) identify measures to protect EPBC Act listed threatened species habitat located adjacent to cleared areas; and
 - i) identify measures to rehabilitate areas disturbed during construction.
5. The person taking the action cannot commence any project activity until:
- a) the Minister has approved the pre-clearance surveys in writing;
 - b) the pre-clearance surveys are completed; and
 - c) the results and significant findings of the pre-clearance surveys in relation to MNES are provided to the Minister for approval and published on the proponent's website within 3 months of finalising the pre-clearance surveys.
6. The approved pre-clearance surveys must be implemented.

Environmental Management Plans

Construction Environmental Management Plan

7. The person taking the action must prepare a Construction Environmental Management Plan (CEMP) and provide this CEMP to the Minister for written approval at least 3 months prior to the commencement of any project activity.

The CEMP must maximise (by addressing the matters listed in condition 8) the ongoing protection and long term conservation of EPBC listed matters of national environmental significance within the project area as provided in condition 1.

8. The CEMP must include avoidance, mitigation and management measures to MNES for the following impacts:
- a) clearing or disturbance to native flora and fauna, including measures to limit the spread of pests and invasive species;
 - b) air quality, including the impact of coal dust deposition in the marine environment;
 - c) noise and vibration (terrestrial and underwater), resulting from project activity;
 - d) water quality, including impact of runoff into the Caley Valley Wetland and Great Barrier Reef World Heritage Area;
 - e) erosion and sediment control;
 - f) acid sulphate soils;
 - g) hazardous substances;
 - h) waste;
 - i) traffic, including increases to shipping through the Great Barrier Reef;
 - j) environmental incidents; and include a
 - k) rehabilitation plan of the project area (post construction).

9. The person taking the action cannot commence any project activity until the Minister has approved the CEMP in writing. The approved CEMP must be published on the proponent's website within 1 month of approval and remain until the completion of all construction activities.
10. The approved CEMP must be implemented.

Operation Environmental Management Plan

11. The person taking the action must prepare an Operation Environmental Management Plan (OEMP) and provide this OEMP to the Minister for written approval 3 months prior to the commencement of any project activity.

The OEMP must maximise (by addressing the matters listed in condition 12) the ongoing protection and long term conservation of EPBC listed MNES within the project area as provided in condition 1.

12. The OEMP must include avoidance, mitigation and management measures to MNES for the following impacts:
 - a) clearing or disturbance to native flora and fauna, including measures to limit the spread of pests and invasive species;
 - b) air quality, including the impact of coal dust deposition in the marine environment;
 - c) noise and vibration (terrestrial and underwater) resulting from project activity;
 - d) water quality, including impact of runoff into the Caley Valley Wetland and Great Barrier Reef World Heritage Area;
 - e) erosion and sediment control;
 - f) acid sulphate soils;
 - g) hazardous substances;
 - h) waste;
 - i) traffic, including increases to shipping through the Great Barrier Reef; and
 - j) environmental incidents.
13. The OEMP must include operating procedures to minimise injury to, or mortality of, EPBC Act listed threatened species and ecological communities or migratory species from operation of the proposal.
14. The person taking the action cannot commence any project activity until the Minister has approved the OEMP in writing. Any variations made to the OEMP by the person taking the action must be approved in writing by the Minister before a revised OEMP is implemented. The approved OEMP must be published on the proponent's website within 1 month of approval and remain for the life of this approval.
15. The approved OEMP must be implemented.

Heritage Management Plan

16. The person taking the action must prepare a Heritage Management Plan (HMP) and provide this HMP to the Minister for written approval 3 months prior to the commencement of any project activity.

The HMP must maximise (by addressing the matters listed in condition 17) the ongoing protection and long term conservation of the outstanding universal value of the Great Barrier Reef World Heritage property. The HMP must include avoidance, mitigation, compensatory and management measures to address impacts to the property, with consideration of impacts to the attributes of the four criteria for which the property is listed under the World Heritage Convention, as well as to impacts on the integrity of the property.

17. Impacts to be considered should include, but not be limited to:

- a) landscape and seascape character;
- b) lighting;
- c) shipping activity;
- d) water quality, specifically impacts of run off to the Great Barrier Reef World Heritage Area;
- e) disturbance to the seabed;
- f) coal dust impacts to the marine environment;
- g) underwater noise;
- h) loss of seagrass communities;
- i) loss of beach and coastal habitats; and
- j) introduction of invasive species (terrestrial and marine).

The HMP must take into account available international best practice and any targets that are in place to improve the state of conservation of the property and enhance its resilience. The HMP must demonstrate how the proposed action will contribute to an overall net benefit to the protection of the outstanding universal value of the property. Offsets must be provided in relation to the residual impacts in accordance with the department's offset policy.

18. The person taking the action cannot commence any project activity until the Minister has approved the HMP in writing. The approved HMP must be published on the proponent's website within 1 month of approval and remain for the life of this approval.

19. The approved HMP must be implemented.

Caley Valley Wetland Management Plan

20. To manage potential impacts on the values of the Great Barrier Reef World Heritage Area, and migratory species including dugongs and migratory birds, and other matters of national environmental significance, the person taking the action must submit a Caley Valley Wetland Management Plan to the Minister for approval. The plan must address the following requirements:

- a) identify, describe and map populations of listed threatened species and communities and listed migratory species;
- b) measures to avoid, minimise and mitigate impacts (including indirect impacts) to matters of national environmental significance;
- c) rehabilitation for habitat identified for disturbance using agreed native species with input from suitably qualified experts relevant to the matters being protected;
- d) measures to identify, avoid and mitigate impacts (including indirect impacts) to matters of national environmental significance through the disturbance of acid sulphate soils;

- e) management measures for habitat with input from experts with relevant expertise to native vegetation management in the Caley Valley Wetland;
 - f) specific measures to address coal dust impacts to the Caley Valley Wetland that provide equivalent protection to that provided by physically covered coal transfer and loading infrastructure (such as conveyors);
 - g) identify threshold limits and management measures for any coal dust impacts on the Great Barrier Reef World Heritage Area and reporting to the Great Barrier Reef Marine Park Authority bi-annually (mid December and mid May);
 - h) if chemical coverings are used, outline proposed methodology for:
 - i. covering coal transfer and loading infrastructure (such as conveyors), with details of materials used in covering the coal, their relative toxicities, and evidence that this method better controls coal dust when compared with physical covering of this infrastructure;
 - ii. covering stockpiles, with details of materials used in covering the stockpiles, their relative toxicities, and evidence that this method better controls coal dust when compared with physical coverings of this infrastructure;
 - i) location, and use of, windbreaks or other measures (to protect stockpiles from winds as well as to ensure coal dust does not impact the marine environment) at storage sites; and
 - j) include an ongoing monitoring program to be undertaken to:
 - i. measure the success of management measures to inform an adaptive management approach that must be implemented;
 - ii. report on milestones and compliance with this plan;
 - iii. identify measures of success; and
 - iv. identify thresholds for intervention, where rehabilitation and vegetation management measures are exceeded.
21. The person taking the action cannot commence any project activity until the Minister approves the Caley Valley Wetland Management Plan in writing. The approved Caley Valley Wetland Management Plan must be published on the proponent's website within 1 month of approval.

22. The approved Caley Valley Wetland Management Plan must be implemented.

Management and Monitoring Framework (MMF)

23. The person taking the action must prepare a Management and Monitoring Framework (MMF) to demonstrate how all direct, indirect (consequential) and residual cumulative impacts to MNES have been considered as part of the action. The person taking the action must provide the MMF to the Minister for written approval 3 months prior to the commencement of any project activity.
24. In developing the MMF as outlined in Condition 23, the person taking the action must fully reflect the findings of the final Cumulative Impact Assessment synthesis report.

The MMF must maximise (by addressing the matters listed in condition 25 below) the ongoing protection and long term conservation of World Heritage properties, National Heritage places, Listed threatened species and communities, Listed migratory species and Commonwealth marine areas.

25. The MMF must be able to:

- a) measure the success of management measures to inform an adaptive management approach that must be implemented as a result of direct, indirect and residual cumulative impacts;
- b) provide performance indicators/trigger levels and corrective actions/management actions that will ensure that there are no significant adverse impacts on the World Heritage properties, National Heritage places, Listed threatened species and communities, Listed migratory species and Commonwealth marine areas;
- c) determine the usage and level of success of mitigation measures proposed in the CEMP, HMP, OEMP and Caley Valley Wetland Management Plan, relating to the ongoing protection and long term conservation of World Heritage properties, National Heritage places, Listed threatened species and communities, Listed migratory species and Commonwealth marine areas, including methodology, timing, scope, duration and reporting over the duration of the MMF.
- d) Provide details of the timeframes to provide documentary evidence to the Minister of the results of surveys and monitoring programs; and identification, descriptions and provision of maps of populations of listed threatened species and communities and listed migratory species; and
- e) report on milestones and compliance with the MMF.

26. The CEMP, HMP, OEMP and Caley Valley Wetland Management Plan must be reviewed upon approval of the MMF to ensure consistency in the management approach for the protection of MNES.

27. The MMF must be produced in addition to the CEMP, HMP, OEMP and the Caley Valley Wetland Management Plan for the activity outlined in condition 1, demonstrating consistency with the findings of Condition 24. Specifically the MMF must address mitigation, avoidance or management measures for items in Table 3.

Table 3: Management and Monitoring Programs

Construction Impacts	Operational Impacts
Terrestrial habitat	Vehicle movements on and off site
Freshwater aquatic habitat	Increased noise (terrestrial and underwater noise)
Coastal and beach habitat	Mobilisation and deposition of coal dust
Seagrass and other benthic habitats	Generation of wastewater
Terrestrial noise	Overflows from sediment ponds or stormwater return dam
Underwater noise	Generation of solid and putrescibles waste
Releases of sediment	Disturbance to the seabed from ships dropping and weighing anchor
Acidification of potential acid sulphate soils	Increased shipping numbers in the GBRWHA
Disposal of groundwater from excavations	Lighting
Pile Driving	Changes in landscape and seascape character
Spills and leaks	
Dust generation during the initial clearing and earthworks phases	
Changes in inflows to the Caley Valley Wetland	

Changes in groundwater levels	
Changes in coastal and marine currents and tidal planes	
Change in landscape character	
Vessel movements	
Generation of waste	

Note 1: Table 3 is derived from information provided in the Preliminary Documentation (GHD 2012).

28. The MMF must specify clear, quantifiable and measurable criteria to manage, mitigate or avoid impacts where possible for World Heritage properties, National Heritage places, Listed threatened species and communities, Listed migratory species and Commonwealth marine areas, especially where cumulative impacts may result in a different impact outcome compared to those identified in the CEMP, HMP and OEMP for the project activity.
29. The person taking the action must ensure that the MMF is ongoing and will:
- a) adapt management measures that must be implemented if agreed management measures are found to be ineffective in ensuring the ongoing protection of MNES;
 - b) identify measures of success; and
 - c) identify thresholds for intervention, where monitoring and management measures are exceeded.
30. If the person undertaking the action identifies that a mitigation, avoidance or management measure is ineffective and/or has the potential to impact on MNES, the person undertaking that action must:
- a) Notify the Minister within one business day of injury to, or mortality of, an EPBC listed threatened or migratory species caused by construction and/or operating activities;
 - b) notify the Minister within 10 business days of the identified ineffective measures and the potential to impact on MNES; and
 - c) submit proposed amendment/s to the relevant management plans in order to manage, avoid or mitigate these impacts to MNES.
31. If the Minister deems the proposed mitigation, avoidance or management measures provided by the person in Condition 27 are unacceptable, the Minister can at any time instruct the person taking the action in writing to undertake mitigation, avoidance or management measures as specified by the Department. These instructions must be commenced by the person taking the action within the timeframe specified in the written notice.
32. The person taking the action cannot commence any project activity until the Minister has approved the MMF in writing. The approved MMF must be published on the proponent's website within 1 month of approval.
33. The approved MMF must be implemented.

Biodiversity Offset Strategy

34. Prior to commencing any project activity, the person taking the action must prepare a Biodiversity Offset Strategy to ensure better protection of EPBC listed threatened species and communities as listed in condition 40.
35. The Biodiversity Offset Strategy will aim to compensate for any authorised unavoidable impacts on MNES listed in condition 40 as provided by these conditions and as confirmed

by the pre-clearance survey requirements in condition 3. The Biodiversity Offset Strategy must be submitted for approval by the Minister within 12 months of approval of the pre-clearance surveys.

36. The Biodiversity Offset Strategy must identify offsets to be secured by the proponent to be managed for environmental gain and protected by covenant until 2073.
37. If land cannot be secured, the person taking the action must provide other measures to the Minister for written approval as an addition or alternative to Condition 36.
38. The Biodiversity Offset Strategy must reference the MMF to ensure consistency in the management approach in order to maximise the ongoing protection and long term conservation of World Heritage properties, National Heritage places, listed threatened species and communities, listed migratory species and Commonwealth marine areas.
39. The Biodiversity Offset Strategy must be developed in accordance with EPBC Act Environmental Offset Policy.
40. Offsets must be provided for disturbance impacts (including residual indirect impacts such as edge effects):
 - a) to habitat identified in pre-clearance surveys of vegetation which meets the definition of the endangered ecological community Semi-evergreen vine thicket of the Brigalow belt and Nandewar Bioregions;
 - b) to areas of the Caley Valley Wetland identified in pre-clearance surveys;
 - c) to areas of seagrass identified in pre-clearance surveys; and
 - d) to MNES identified and confirmed as part of pre-clearance surveys not listed in (a) to (c).
41. As part of the Biodiversity Offsets Strategy, the person taking the action must include a Seagrass Offset Plan. The Seagrass Offset Plan:
 - a) must ensure disturbance limits do not exceed that identified in Table 1 and Table 2 and confirmed during pre-clearance surveys undertaken as required in Condition 3 within the project area for the life of this approval;
 - b) identify mechanisms/opportunities for the ongoing protection and conservation of seagrass habitat that supports listed threatened species and migratory species, including inshore dolphins, marine turtles and dugongs within the Coral Sea Region, Great Barrier Reef World Heritage Area including the Port of Abbot Point; and
 - c) identify mechanisms in order to achieve the outcomes of this condition with the Queensland Government.
42. Offsets must be a minimum of 8:1 noting that the specific requirement will depend on:
 - a) the proposed improvement in quality of the offset site;
 - b) the averted loss achieved by securing the site; and
 - c) risks associated with the proposed offset activity.
43. Offsets must be agreed in writing by the Minister before any project activity can commence.
44. The person taking the action is required to:
 - a) Contribute funding of \$350,000 per annum (indexed at CPI), from construction until the expiry of this approval or cessation of operations, whichever comes sooner, to the Great

Barrier Reef Field Management Program to fund the employment of Indigenous Rangers who will ensure that the threats to EPBC Act listed threatened and migratory species, coastline and tidal creeks as a result of construction and operation of the project are minimised.

- b) provide an annual financial contribution of \$50,000 per annum (indexed at CPI), from construction until the expiry of this approval or cessation of operations, whichever comes sooner, to be provided to the Great Barrier Reef Marine Park Authority as a contribution to the Australian and Queensland Government's joint program of field management for the Great Barrier Reef World Heritage Area.
- c) Provide an annual financial contribution of \$200,000 per annum (indexed at CPI), from construction until the expiry of this approval or cessation of operations, whichever comes sooner, to be provided to the Great Barrier Reef Marine Park Authority to fund Net Conservation Benefits.

45. The person undertaking the action must provide a textual description and map to clearly define the location and boundaries of the Offset Area, details of the Offset Area including maps (and an accompanying shapefile) and site description, environmental values relevant to EPBC Act listed threatened species and ecological communities, connectivity with other habitats and biodiversity corridors, and mechanisms for long-term protection, conservation and management.

46. Should the pre-clearance surveys undertaken in accordance with the requirements of condition 3, result in changes to the maximum disturbance limits in Table 1 and the habitat identified in Table 2, then the person taking the action must present this information to the Minister.

Any evidence demonstrating how disturbance impacts to areas of the Caley Valley Wetland have been minimised must also be presented to the Minister.

If this information is supported by expert independent scientific opinion and is presented to the Minister within 36 months of commencement of the action, a revised offset ratio may be approved by the Minister.

47. If the approved Biodiversity Offset Strategy cannot be implemented because of failure of arrangements to secure the necessary area of private land, then the proponent must notify the Minister of failure to secure and then submit for the Minister's approval an alternative Biodiversity Offset Strategy within 3 months of notification.

The alternative Biodiversity Offset Strategy must provide at least an equivalent environmental outcome to those specified in this condition.

48. The person taking the action cannot commence any project activity until the Minister has approved the Biodiversity Offset Strategy in writing. The approved Biodiversity Offset Strategy must be published on the proponent's website within 1 month of approval for the life of this approval.

49. The approved Biodiversity Offset Strategy must be implemented.

50. All offsets listed in Condition 40 must be secured under relevant Queensland legislation within 3 years of commencement of construction. All approved offsets must be published on the proponent's website within 1 month of approval.

General

51. Within 10 business days after the commencement of the action, the person taking the action must advise the Department in writing of the actual date of commencement.

52. If the person taking the action becomes aware of new information regarding the scale of impacts to any EPBC Act each listed threatened species, migratory species, their habitats and listed threatened ecological communities, the person taking the action must report that information to the Minister within 10 business days of becoming aware of the new information.
53. If the Minister believes that it is necessary or convenient for the better protection of World Heritage Properties, National Heritage Places, listed threatened species and ecological communities, listed migratory species and Commonwealth Marine Areas to do so, the Minister may request that the person taking the action make specified revisions to the management plan/s/framework/strategy in the conditions and submit the revised management plan/s/framework/strategy for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plan/s/framework/strategy must be implemented. Unless the Minister has approved the revised management plan/s/framework/strategy, then the person taking the action must continue to implement the management plan/s/framework/strategy originally approved, as specified in the conditions.
54. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans/framework/strategy as specified in the conditions, the person taking the action must submit to the department for the Minister's written approval a revised version of that management plan/framework/strategy. The varied activity shall not commence until the Minister has approved the varied management plan/framework/strategy in writing. The Minister will not approve a varied management plan/framework/strategy unless the revised management plan/framework/strategy would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan/framework/strategy, that management plan/framework/strategy must be implemented in place of the management plan/framework/strategy originally approved.
55. Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
56. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans/framework/strategy required by this approval, and make them available upon request to the Department.
57. Within three months of every 12 month anniversary of the commencement of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any latest approved versions of management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.
58. If, after five years from the date of this approval, the person taking the action has not substantially commenced the action to the satisfaction of the Minister, then the person taking the action must obtain the written agreement of the Minister to commence or continue taking the action.
59. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all latest approved versions of management plans/framework/strategy referred to in these conditions of approval on their website. Each management plan/framework/strategy must be published on the website within 1 month of being approved by the Minister. The person taking the action must notify the department within 5 business days of publishing the management plans/framework/strategy on their website.

60. Definitions

- a) **Construction:** construction includes any action-related construction and commissioning activities on the project area, excluding investigatory works such as, but not limited to, geotechnical, geophysical, biological and cultural heritage surveys, baseline monitoring surveys and technology trials.
- b) **Cumulative Impact Assessment:** means the joint voluntary Cumulative Impact Assessment for the Port of Abbot Point, initiated by the North Queensland Bulk Ports, Adani, BHP Billiton and the proponent.
- c) **Department:** The Australian Government Department administering the Environment Protection and Biodiversity Conservation Act 1999.
- d) **Disturbance limits:** Maximum amount of habitat MNES depend upon, to be cleared within the area defined in condition 1.
- e) **EPBC Act:** means the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
- f) **International best practice:** application of measures or combination of measures that demonstrably shows results superior to those achieved with other means based on international experience, and that is used as a benchmark.
- g) **Minister:** The Minister administering the Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister.
- h) **MNES:** means matters of national environmental significance, being the relevant matters protected under Part 3 of the EPBC Act;
- i) **Net Conservation Benefit:** means demonstrable and sustainable additions to, or improvements in, biodiversity conservation values of the Great Barrier Reef World Heritage Area targeting, to the greatest extent possible, the biodiversity conservation values impacted by the development and operation of the proposal.
- j) **Offset attributes:** An '.xls' file capturing relevant attributes of the Offset Area, including the EPBC reference ID number, the physical address of the offset site, coordinates of the boundary points in decimal degrees, the EPBC protected matters that the offset compensates for, any additional EPBC protected matters that are benefiting from the offset, and the size of the offset in hectares.
- k) **Operation:** means the transport of coal to ships via terminal infrastructure.
- l) **Person taking the action or Proponent:** means the person to whom the approval is granted, and includes any person acting on behalf of that person.
- m) **Plan:** includes a protocol, report, study, plan or strategy (however described).
- n) **Project Activity:** means any activity undertaken by the person taking the action and will include, but not limited to, site preparation and clearing, civil works, mechanical, structural and electrical works, marine works in pre-construction, construction and operation of the proposal. Project Activity does not include:
 - (i) minor physical disturbance necessary to undertake pre-clearance surveys or establish monitoring programs or associated with the mobilisation of the plant, equipment, materials, machinery and personnel prior to the start of port or road development or construction;

(ii) activities that are critical to project activities that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of port or road development or construction only if such activities will have no adverse impact on MNES, and only if the proponent has notified the department in writing before an activity is undertaken.

- o) Property:** means the Great Barrier Reef World Heritage property
- p) Shapefile:** An ESRI Shapefile containing '.shp', '.shx' and '.dbf' files and other files capturing attributes of the Offset Area, including the shape, EPBC reference ID number and EPBC protected matters present at the relevant site. Attributes should also be captured in '.xls' format.
- q) Suitably qualified person:** means a person who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance to the subject matter using the relative protocols, standards, methods or literature.

Survey guidelines:

- r) Matters of National Environmental Significance, Significant impact guidelines 1.1, Environment Protection and Biodiversity Conservation Act 1999**
<http://www.environment.gov.au/epbc/publications/pubs/nes-guidelines.pdf>
- s) Draft Policy Statement: Use of environmental offsets under the Environment Protection and Biodiversity Conservation act 1999.**
- t) Draft EPBC Policy Statement 3.21 – Significant Impact Guidelines for 36 Migratory Shorebird Species** <http://environment.gov.au/epbc/publications/pubs/migratory-shorebirds.pdf>
- u) Matters of National Environmental Significance, Significant impact guidelines 1.1, Environment Protection and Biodiversity Conservation Act 1999**
<http://www.environment.gov.au/epbc/publications/pubs/nes-guidelines.pdf>
- v) Survey guidelines for Australia's threatened mammals, Guidelines for detecting mammals listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999** <http://www.environment.gov.au/epbc/publications/threatened-mammals.html>
- w) Survey guidelines for Australia's threatened reptiles, Guidelines for detecting reptiles listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999** <http://www.environment.gov.au/epbc/publications/threatened-reptiles.html>
- x) Draft EPBC Act Policy Statement 3.21 – Significant Impact Guidelines for 36 Migratory Shorebird Species** <http://www.environment.gov.au/epbc/publications/pubs/migratory-shorebirds.pdf>
- y) Survey guidelines for Australia's threatened birds, Guidelines for detecting birds listed as threatened** <http://www.environment.gov.au/epbc/publications/threatened-birds.html>