

To: Andrew McNee, Assistant Secretary, Assessments and Governance Branch

Approval Decision Brief (recommendation report) – Surat North CSG Project, Qld (EPBC 2018/8276)

Timing: The statutory date for a final decision was 7 November 2019. However, under section 518 of the EPBC Act, a late decision is still valid.

Recommendations:

1. Consider the recommendation report at Attachment A of Attachment A. Considered / ~~please discuss~~
2. Consider the responses to the invitation for comment on the proposed decision at Attachment B. Considered / ~~please discuss~~
3. Approve, for each controlling provision, the action as summarised in the table below. Approved / ~~Not approved~~
4. Agree to attach the conditions of approval as set out in Attachment D. Agreed / ~~Not agreed~~
5. Sign the notice of your decision at Attachment D. Signed / ~~Not signed~~
6. If you agree to 3 and 4, accept the reasoning in the Departmental briefing package as the reasons for your decision. Accepted / ~~Please discuss~~
7. Sign the letters at Attachment E advising the person proposing to take the action, and other relevant parties, of your decision. Signed / ~~Not signed~~

Summary of recommendations on each controlling provision:

Controlling Provisions for the action	Recommendation	
	<u>Approve</u>	Refuse to Approve
Listed threatened species and communities (ss 18, 18A)	<u>Approve</u>	
Water resource/trigger (s24D, s24E)	<u>Approve</u>	

S. 47F(1)

Date: 9.12.19

**Andrew McNee
Assistant Secretary
Assessments and Governance Branch**

Comments:

Key Points:

Background

1. On 5 November 2019, as recommended in the proposed approval decision brief (Attachment A) you wrote to the designated proponent, relevant Commonwealth Ministers and the Queensland Government seeking comments on your proposed decision. The Department's Post Approvals Section and the Environmental Audit Section were consulted during the drafting of the proposed conditions.
2. On 2 December 2019, the Queensland Department of Environment and Science (Qld DES) notified the Department that a decision to amend the existing Environmental Authority for the EPBC 2013/7047 action to include the activities associated with the gas field expansion (the proposed action) had been made.

Issues/ Sensitivities

3. Through the proponent's comments (Attachment B) on the proposed definition of 'preliminary documentation' in the proposed approval decision, the Department identified that the revision of the preliminary documentation published on the proponent's website for public comment (Revision 5) and the revision published on the proponent's website for information after the public comment period closed (Revision 6) differ to the revision that was approved by the Department in the Direction to Publish and considered in the proposed approval decision brief (Revision 4).
4. The Department advised the proponent of the discrepancies in revision number, to which the proponent responded noting that both Revision 5 and Revision 6 contained minor administrative changes only and the content of the preliminary documentation remains materially the same (Attachment G). The Department agrees with the proponent's statement. Therefore, the Department considers the relevant revision of the preliminary documentation is Revision 6, which is at Attachment F for your information.
5. The Department notes that Attachment F5 of the proposed approval decision (Attachment A) (the *EPBC Species and Communities Update – 1 November 2019*) was not included in the electronic briefing package provided with the proposed decision brief and was therefore not considered in making the proposed approval decision. However, the advice received from the Assessments & Governance Branch quality assurance officer and the Protected Species and Communities Branch quality assurance coordinator was attached (Attachment E10 of Attachment A). The Department also notes that the *EPBC Act Species Update* is not a statutory document that must be considered by the Minister or Minister's delegate when making an approval decision.
6. The Department considers that the advice received from the quality assurance officer and coordinator adequately describes any potential changes to the listing status of species and/or statutory documents relevant to the matters for consideration and factors to be taken into account for the proposed approval decision. The Department therefore considers the listing status of relevant species and the conservation advices, recovery plans and threat abatement plans attached to the proposed decision brief are correct.
7. The *EPBC Species and Communities Update – 1 November* is at Attachment I for your information.

8. ~~LEX 2002 Page 9~~ In preparing the final approval decision, the Post Approvals Strategies Section has consulted and considered the:

- a) advice from the Assessments & Governance Branch quality assurance officer and the Protected Species and Communities Branch quality assurance coordinator (24 October 2019 and 9 December 2019 respectively) (Attachment J); and
- b) *EPBC Species and Communities Update – 6 December 2019* (Attachment H).

9. Notwithstanding the points raised in this brief (including comments received on the proposed conditions), the matters for consideration and factors to be taken into account for your decision remain as set out in the proposed decision brief (Attachment A).

Consultation:

10. The outcome of the consultation is as follows and is further discussed at Attachment C. Responses to your proposed decision are at Attachment B.

Party	Comment
Designated Proponent	<p>On the following dates, the proponent provided comments on the proposed approval decision:</p> <ul style="list-style-type: none"> • 8 November 2019; • 20 November 2019; and • 2 December 2019. <p>These comments are addressed at <u>Attachment C</u>.</p>
Minister for Resources and Northern Australia	<p>On 19 November 2019, the Department of Industry, Innovation and Science (DIIS) responded on behalf of the Minister for Resources and Northern Australia and advised that the DIIS has no comment on the proposed approval decision.</p> <p>In this response, the DIIS advised that Geoscience Australia had reviewed the proposed approval decision and had provided comments for your consideration. These comments are addressed at <u>Attachment C</u>.</p>
Ministers for Agriculture and Water Resources, Drought, Rural Finance, Natural Disasters and Emergency Management	Nil response.
Minister for Indigenous Australians	Nil response.
Qld DES	On 25 November 2019, the Qld DES responded and advised that Qld DES has not comment on the proposed approval decision.

LEX-22362 Page 4
11. The Post Approvals Strategies Section also sought further advice from the Chemicals and Biotechnology Assessments Section and the Office of Compliance when considering comments received on the proposed approval decision.

s. 47F(1)

Declan O'Connor-Cox
A/g Assistant Secretary
Environment Approvals Division
Ph: 02 6274 2969
9 December 2019

s. 22(1)(a)(ii)
Post Approvals Strategies Section
Ph: s. 22(1)(a)(ii)

ATTACHMENTS

- A: Proposed approval decision brief
- B: Responses to invitation for comment on proposed decision
- C: Summary of responses to comments
- D: Notice of decision
- E: Letters to proponent, relevant Commonwealth Ministers and Qld DES
- F: Revision 6 of Preliminary Documentation
- G: QGC correspondence regarding preliminary documentation revisions
- H: *EPBC Species and Communities Update – 6 December 2019*
- I: *EPBC Species and Communities Update – 1 November 2019*
- J: Species listing advice – 24 October 2019 and 9 December 2019

To: Andrew McNee, Assistant Secretary, Assessments and Governance Branch

Proposed Approval Decision Brief (recommendation report) – Surat North CSG Project, Qld (EPBC 2018/8276)

Timing: As soon as possible as the statutory timeframe to make a final approval decision expires on 7 November 2019.

Recommendations:

- 1. Consider the recommendation report at Attachment A and the finalised preliminary documentation at Attachment D.

Considered / ~~please discuss~~

- 2. Agree that the recommended decision on page one of the recommendation report (Attachment A), and summarised in the table below, reflects your proposed decision.

Agreed / ~~Not agreed~~

- 3. Sign the letters at Attachment C to consult the proponent and relevant Ministers on your proposed decision.

Signed / ~~Not signed~~

- 4. Agree to **not** publish the proposed decision at Attachment B on the internet for public comment.

Agreed / ~~Not agreed~~

Summary of recommendations on each controlling provision:

Controlling Provisions for the action	Recommendation	
	Approve	Refuse to Approve
Listed threatened species and communities (ss 18, 18A)	Approve	
Water resource/trigger (s24D, s24E)	Approve	

S. 47F(1)

Date: 5.11.2019

**Andrew McNee
Assistant Secretary
Assessments and Governance Branch**

Comments:

Key issues:

1. The proposed action will have a residual significant impact on:
 - a) South-eastern Long-eared Bat (*Nyctophilus corbeni*) as a result of the clearance of a maximum of 80 ha of suitable habitat;
 - b) Koala (*Phascolarctos cinerus*) (combined populations of Qld, NSW and the ACT) as a result of the clearance of 62 ha of suitable habitat; and
 - c) Greater Glider (*Petauroides volans*) as a result of the clearance of 62 ha of suitable habitat.
2. The proponent has committed to having no impact on groundwater dependent ecosystems (GDEs). The Department considers that, if this outcome is achieved through compliance with the proposed approval conditions, the proposed action will not result in impacts on GDEs.
3. A decision by the Queensland Government on whether to accept an amendment to the existing Queensland Environmental Authority (EA) for the proponent's existing operations (EPBC 2013/7047) to include the proposed action was due on 4 November 2019. However, this timeframe has been extended. The Department recommends consulting with the Queensland Government on your proposed conditions of approval to ensure the two approvals can be aligned where possible.

Background:

4. QGC Pty Ltd (the proponent) proposes to construct, operate and decommission 740 coal seam gas (CSG) wells in the QGC Surat Basin Acreage Development (SBAD), approximately 20 km west of Wandoan, Queensland.
5. The proposed action is an intensification of CSG production in an existing 123,500 ha CSG field, approved under the EPBC Act on 17 December 2014 (EPBC 2013/7047). The proposed action will add up to 740 wells to the existing approved 460 production wells, taking the gas field to full-field development of up to 1,200 wells. Construction of the proposed action is anticipated to commence as soon as state and Commonwealth approvals are in place and operate until 2060.
6. The preliminary documentation states that the proposed action will result in the employment of up to 350 people in regional Queensland.
7. The proposed action has the potential to impact four other listed threatened species and four threatened ecological communities to that listed under point 1. The Department considers the proposed action will not have a residual significant impact on these protected matters due to the:
 - a) lack of species records in the project area;
 - b) nature of the species;
 - c) nature and scale of impacts; and
 - d) proposed measures to avoid, mitigate and manage impacts.
8. A detailed analysis of impacts on matters of national environmental significance is presented in the recommendation report at Attachment A.

9. The recommendation report (Attachment A), prepared in accordance with Section 95C of the EPBC Act, concludes that the proposed action should be approved under section 130 and 133 of the EPBC Act subject to the proposed conditions recommended by the Department (see proposed approval notice at Attachment B), including a period of approval until 31 December 2082. This conclusion was reached by having regard to the likely impact of the proposed action for the purposes of each controlling provision and the relevant social and economic considerations under to section 136.
10. Should you agree with the Department's recommendation that the proposed action be approved subject to the proposed conditions, the Department recommends you consult with the proponent, Minister for Resources and Northern Australia, Minister for Agriculture, Minister for Water Resources, Drought, Rural Finance, Natural Disasters and Emergency Management, Minister for Indigenous Australians and the Queensland Department of Environment and Science. The consultation letters are at Attachment C for your signature.

Public submissions on assessment documents

Number

For

Against

Not specified

Consultation:

11. On 7 February 2019, the Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development (IESC) provided advice on the likely impacts of the proposed action on water resources (Attachment E8). The IESC considered the key potential impacts of the proposed action on water resources were:
- a) declines in shallow groundwater level due to depressurisation of underlying aquifers and Waloon Coal Measures; and
 - b) reductions in water availability to springs, riparian ecosystems, fringing vegetation of a wetland of High Ecological Significance, several Regional Ecosystems listed as 'Of Concern' (Queensland) and other GDEs as a result of groundwater depressurisation and drawdown.
12. The issues raised by the IESC have been considered during the assessment of the proposed action and are discussed in the recommendation report at Attachment A.
13. The Department's Species Information and Policy Section provided advice on threat abatement plans, approved conservation advices and recovery plans relevant to the proposed action.

14. The Department's Environmental Audit Section and Post Approvals Section have been consulted on the proposed conditions. Comments received during consultation have been considered in the drafting of the proposed conditions at Attachment B.

s. 22(1)(a)(ii)

A/g Director
Post Approvals Strategies Section
Assessments and Governance Branch
Ph: s. 22(1)(a)(ii)
✚ November 2019

s. 22(1)(a)(ii)
Post Approvals Strategies Section
Ph: s. 22(1)(a)(ii)

ATTACHMENTS

- A: Recommendation report
- B: Proposed approval decision
- C: Letters to proponent, relevant Commonwealth Ministers and Queensland Department of Environment and Science

- D: Preliminary documentation
- E: Related decisions and correspondence
 - E1: EPBC 2018/8276 controlled action decision notice
 - E2: Preliminary documentation information request
 - E3: Referral to IESC
 - E4: Chemical and Biotechnology Assessments Section's advice
 - E5: Direction to publish
 - E6: Notification of no public comments on preliminary documentation
 - E7: Correspondence from Qld DES regarding EA application

 - E8: IESC advice (7 February 2019)
 - E9: QGC's proposed conditions of approval
 - E10: Species listing advice (25 October 2019)
 - E11: Environmental history check (31 October 2019)
 - E12: Legal advice on draft proposed conditions (30 October 2019)
- F: Policies and guidance
 - F1: ERT Report (29 October 2019)

F3: EPBC Act Offsets Policy

F4: Qld Habitat Quality Guide

F5: *EPBC Species and Communities Update – 1 November 2019*

G: Approved management plans

G1: Constraints Protocol

G2: Significant Species Management Plan

G3: Biosecurity Control Manual

G4: Remediation, Rehabilitation and Recovery Monitoring Plan

H: Statutory documents

H1: *Approved Conservation Advice for Phascolarctos cinereus (combined populations in Queensland, New South Wales and the Australian Capital Territory) (2012)*

H2: *Approved Conservation Advice Petauroides volans greater glider (2016)*

H3: *Approved Conservation Advice Nyctophilus corbeni south-eastern longeared bat (2015)*

H4: *Approved Conservation Advice for the Brigalow (Acacia harpophylla dominant and co-dominant) ecological community (2013)*

H5: *Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads (2011)*