Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Ruby Spur Line, west of Dalby, Queensland – EPBC 2011/6221

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	Australia Pacific LNG CSG Transmission Pty Limited
proponent's ACN	138 156 466
proposed action	To construct, operate and decommission a 17 km gas transmission pipeline from the Ruby Gas Facility (GPF) owned by Queensland Gas Company (QGC) to a connection point on the existing Darling Downs Power Station Pipeline (PPL 133), 40 km west of Dalby, Queensland. See EPBC Act referral 2011/6221.

Approval

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 15 June 2067.

Decision-maker

name and position	Adrienne Lea Assistant Secretary Queensland & South Australia Assessment Branch
signature	Adrienne Lea
date of decision	28 November 2012

Conditions attached to the approval

Footprint

1. The person taking the action must ensure that no more than 69 hectares of vegetation is cleared in total across the 17 kilometre Ruby Spur Line alignment, Attachment 1.

Management

2. To protect the single plant of Kogan Waxflower (*Philotheca sporadica),* located at **kilometre point (KP)** 15.33, the person taking the action must:

    a) ensure there are no impacts on this plant during **construction**
    b) prior to **construction** create a 5 metre buffer around the plant and install a barrier and signage preventing access at the 5 metre boundary
    c) inform all personnel involved in **construction** of the location of this plant and relevant avoidance measures
    d) after **construction** replace all topsoil that has been removed and rehabilitate in accordance with the Ruby Spur Line Species Management Plan, Q-4910-15-MP-0003.

3. To avoid unnecessary impact to listed EPBC species, the person taking the action must apply the 'Measures to avoid impact' as outlined in the Ruby Spur Line Species Management Plan, Q-4910-15-MP-0003. The **Department** requires a particular focus on species that have been confirmed as present, or that are likely to occur, within the alignment corridor. These species include, but are not limited to:

    a) Rainbow Bee-eater, *Merops ornatus*
    b) Brigalow Scaly-foot, *Paradelma orientalis*
    c) Yakka Skink, *Egernia rugosa*
    d) Five-clawed Worm-skink, Long-legged Worm-skink, *Anomalopus mackayi.*

4. For continued protection and conservation of EPBC listed species the person taking the action must report any finding in writing (within 10 business days of the sighting) of EPBC listed species on, or within close proximity of, the **project** site to the **Department**, relevant Commonwealth and State agencies and the Western Downs Regional Council. These species include, but are not limited to:

    a) Kogan Waxflower (*Philotheca sporadica)*
    b) Brigalow scaly-foot (*Paradelma orientalis).**

** sightings of Brigalow Scaly-foot must also be reported to the World Wildlife Fund (WWF) Australia and the Queensland Museum.*

Commencement

5. Within 30 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.

6. If, at any time after five years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not substantially commence the action without the written agreement of the **Minister**.

Record keeping

7. 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 plan referenced by this approval, and make it available upon

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 the conditions of approval. Summaries of audits will be posted on the **Department**'s website. The results of audits may also be publicised through the general media.

8. Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a compliance report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions, and provide a detailed account of any non-compliances. Documentary evidence providing proof of the date of publication and proof of 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.

Minister's Approval of the Modification of Management Plan

9. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plan 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. The varied activity shall not commence until the **Minister** has approved the varied management plan in writing. The **Minister** will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome. If the **Minister** approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.

Minister's Modification to Management Plan

10. If the **Minister** believes that it is necessary or convenient for the better protection of EPBC listed species and communities to do so, the **Minister** may request that the person taking the action make specified revisions to the management plan specified in the conditions and submit the revised management planfor the **Minister**'s written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented within the timeframe specified by the **Minister**. Unless the **Minister** has approved the revised management plan, the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.

Publication

11. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their public website. Each management plan must be published on the website within 1 month of being approved.

Independent Audit

12. 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**.

Definitions

Commencement of the action (except in the case of "substantial commencement" as defined below) includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite structures whether temporary or permanent and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

Construction includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure.

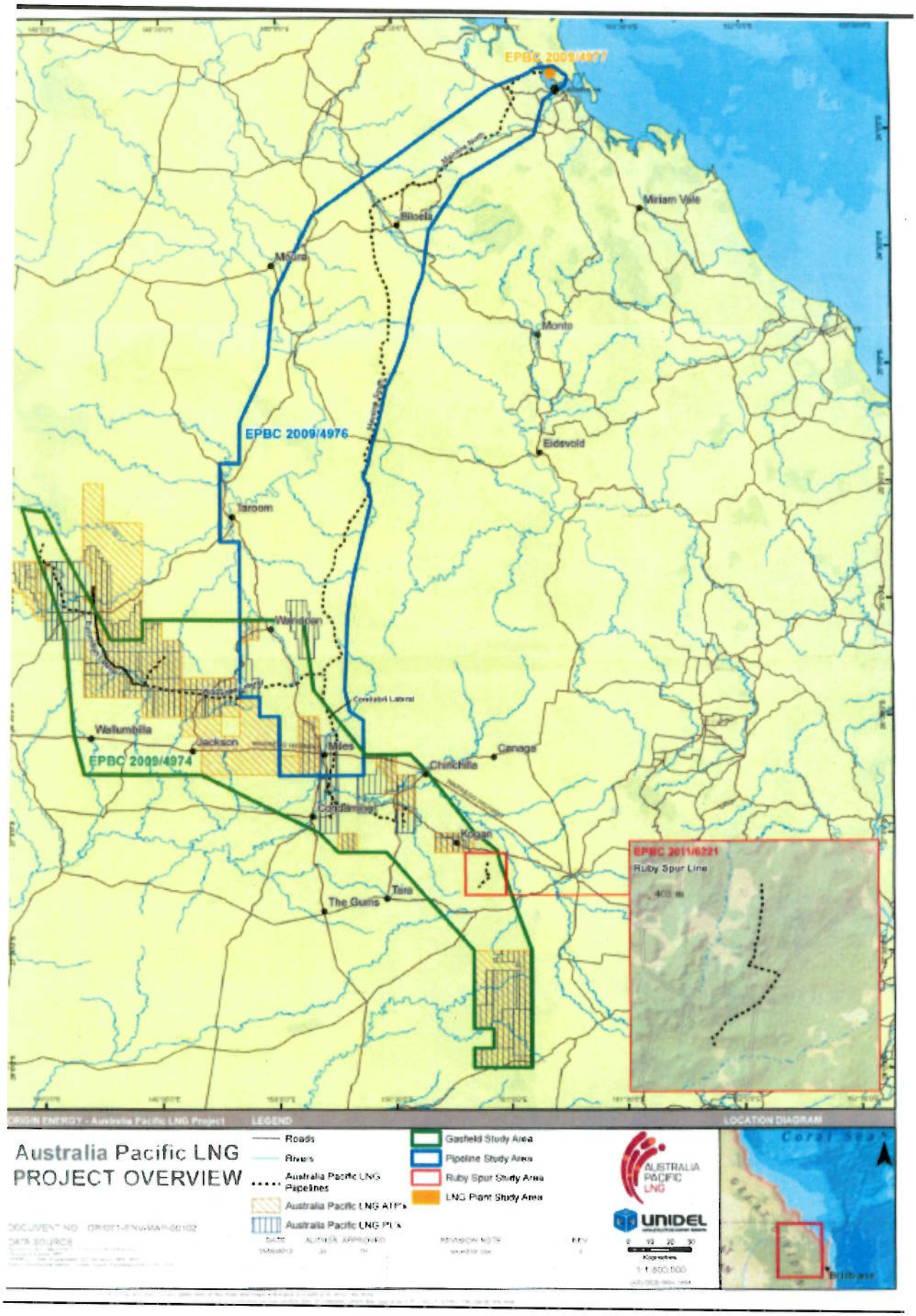
Department is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999*.

KP – Kilometre point As quoted by the proponent in their Pre-Clearance Survey Report (Q-4910-15-RP-001), KP refers to the distance along the Ruby Spur Line alignment of the proposed 17 kilometre pipeline right of way to be constructed.

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Project means the Ruby Spur Line project.

Substantially commenced means mechanical completion of the Ruby Spur Line pipeline.

Attachment 1