



BHP Billiton Mitsubishi Alliance

Dysart Road and Associated Services
Infrastructure Project
Compliance Report – *Environment Protection and Biodiversity
Conservation Act 1999*

March 2015

About this report

In accordance with condition 6 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval for Dysart Road and Associated Service Infrastructure Relocation Project (ref 2013/6868), the purpose of this report is to provide an update of the project's compliance against the relevant approval conditions. Table 1 below provides detail of project compliance with each condition.

Table 1 – Compliance Status

Condition #	Condition	Status
1	For the protection and conservation of the EPBC Act listed threatened species and communities within the project area, the person taking the action must provide a Species Management Plan (SMP) to the Minister for written approval prior to the commencement of the action. Commencement of the action cannot occur until the Minister has approved the SMP in writing. The approved SMP must be implemented.	A Species Management Plan (PDM4554-0000-VM-PL-2001) was prepared and submitted to the Minister for Approval. The Minister approved the plan (Letter ref 2013/6868 Dated: 13/12/2013). The Department acknowledged that the requirements of Condition 1 had been met. (Email ref 2013/6868 Dated: 12/3/2014).
1 (i)	The SMP must include the measures stated in the draft SMP (revision 'E' dated 27 September 2013), including measures for: <ul style="list-style-type: none"> • Dust Suppression • Light and Noise Pollution • Fauna protection from construction activities • Fauna handling protocols • Clearing procedures • Pre-clearance surveys of the site; and • Weed management. 	The Dysart Road and Infrastructure Project Species Management Plan (PDM4554-0000-VM-PL-2001) includes measures stipulated in Condition 1(i).
1 (ii)	In addition to the measures proposed in the draft SMP; the SMP must include: <ul style="list-style-type: none"> • Measures to be implemented for pest control including eradication measures for feral cat and Red Fox on the project site. 	The Dysart Road and Infrastructure Project Species Management Plan (PDM4554-0000-VM-PL-2001) includes measures stipulated in Condition 1(ii).

	<ul style="list-style-type: none"> All culverts proposed to occur within Ornamental Snake habitat, as shown in Annexure 3, must be of a design to facilitate reptiles entering and passing through culverts and the rationale for the design must be provided. 	
2	For the protection and conservation of King Blue-grass and Finger Panic Grass, the person taking the action must undertake pre-clearance surveys for King Blue-grass and Finger Panic Grass prior to commencement of the action within the areas at Annexure 1&2 identified as potential habitat for these species.	<p>A pre-clearance survey for King Blue-grass and Finger Panic Grass was undertaken by Eco Logical Australia (January 2014), prior to commencement of the action (Commencement Date: 10 March 2014). The preclearance survey focussed on the potential threatened grass habitat within the northern portion of the re-alignment corridor as shown in Annexure 1 and 2 of the approval (Dysart Road and Associated Infrastructure Relocation Project Moranbah, QLD Pre-clearance Survey Report V2 (21/01/2014)).</p> <p>The Department acknowledged that the requirements of Condition 2 had been met. (Email ref 2013/6868 Dated: 12/3/2014).</p>
2 (i)	<p>Pre-clearance surveys must be undertaken during optimal survey times for each species:</p> <ul style="list-style-type: none"> King Blue-grass: November to January (inclusive); and Finger Panic Grass: January to February (inclusive) 	The pre-clearance survey was undertaken on 10 and 11 January 2014. The flowering period for both King Blue-grass and Finger Panic Grass overlap within the month of January, providing an opportunity to survey both species concurrently (Dysart Road and Associated Infrastructure Relocation Project Moranbah, QLD Pre-clearance Survey Report V2 (21/01/2014)).
2 (ii)	Pre-clearance surveys for King Blue-grass must be undertaken in accordance with the methodology proposed within the Assessment Documentation.	The methodology used is documented in the Pre-Clearance Survey Report (Dysart Road and Associated Infrastructure Relocation Project Moranbah, QLD Pre-clearance Survey Report V2 (21/01/2014)).
2 (iii)	The person taking the action must provide the pre-clearance surveys, and a summary of the results of the pre-clearance surveys, to the Department in writing within 30 calendar days of completing the pre-clearance surveys.	The Dysart Road and Associated Infrastructure Relocation Project Moranbah, QLD Pre-clearance Survey Report V2 (21/01/2014) was sent to the Department on 22/01/2014. Receipt of report was acknowledged on the same date (Email ref 2013/6868 Dated: 22/01/2014).
2 (iv)	<p>If King Blue-grass or Finger Panic Grass is found during the preclearance surveys the approval holder must:</p> <ul style="list-style-type: none"> Inform the management measures for the species in the SMP; Inform the Environmental Offset Plan to include offsets for 	No individuals of King Blue-grass or Finger Panic Grass were detected within the survey area during the pre-clearance assessment. No grasses exhibiting any features to indicate potential presence, including distinctive hairs on the culm and jagged or fringed ligules, were located within the Dysart Road re-alignment corridor (Dysart Road and Associated Infrastructure Re-

	<p>any residual significant impacts to these species;</p> <ul style="list-style-type: none"> • Submit the revised SMP and Environmental Offset Plan to the Minister for approval prior to any clearing of known King Blue-grass or Finger Panic Grass habitat; and 	<p>location Project Moranbah, QLD Pre-clearance Survey Report V2 (21/01/2014).</p>
3	<p>The person taking the action must provide the Environmental Offsets Plan to the Minister prior to the commencement of the action. Commencement of the action cannot occur until the Environmental Offsets Plan has been approved by the Minister in writing. The approved Environmental Offsets Plan must be implemented.</p>	<p>Offset Plans were prepared for the project, approved by the Minister's delegate by a letter dated 17 January 2014 and published on the BHP Billiton website (http://www.bhpbilliton.com/home/society/regulatory/Pages/default.aspx).</p> <p>The Department acknowledged that the requirements of Condition 3 had been met (Email ref 2013/6868 Dated: 12/3/2014).</p>
3 (i)	<p>The Environmental Offsets Plan must include offsets for:</p> <ul style="list-style-type: none"> • The loss of 10.4 ha of habitat critical to the survival of the listed vulnerable Ornamental Snake; and • The loss of 10.2 ha of the listed endangered Natural Grasslands of the Queensland Central Highlands and the Northern Fitzroy Basin community. 	<p>The Environmental Offset plan was prepared including the requirements of this condition.</p> <p>The status of securing required offsets is as follows:</p> <p>Ornamental Snake Offset – BMA has undertaken pre-formal-application-lodgement consultation with DNRM during 2014 and is in the process of lodging a Request for a Voluntary Declaration under the <i>Vegetation Management Act 1999</i> (Qld) over the Terang Property. The Terang Property is owned by BMA.</p> <p>Natural Grassland Offset – BMA negotiated an Offsets Agreement Deed with the owner of the nominated offset area in February 2014. Finalisation of the agreement was delayed consent from the landholder's financial institution, which holds the mortgage over the property. The Deed was signed by the landholder in February 2015. BMA is now in the process of lodging a Voluntary Declaration under the <i>Vegetation Management Act 1999</i> (Qld).</p>
3(ii)	<p>The Environmental Offsets Plan must include commitment to the</p>	<p>The Environmental Offset plan was prepared including the requirements of</p>

	<p>monitoring and management measures described in the Assessment Documentation. The Environmental Offsets plan must demonstrate consideration to the Priority Actions identified in any approved Conservation Advice or Threat Abatement Plan relevant to the matter to be protected.</p>	<p>this condition.</p>
3 (iii) (a)	<p>Measure to be implemented on the offset site for Ornamental Snake must include:</p> <ul style="list-style-type: none"> . Control of weed species; . Control of access to the protected land; . No grazing or other stock animal access during the wet season; 	<p>The Environmental Offset plan was prepared including the requirements of this condition.</p>
3 (iv)	<p>Measures to be implemented on the offset site for the Natural Grasslands of the Queensland Central Highlands and the Northern Fitzroy Basin community must include:</p> <ul style="list-style-type: none"> . Management of grazing; . The exclusion of Leucaena from the offset site; . Control of exotic weeds to increase the condition and quality of the Natural Grasslands of the Queensland Central Highlands and the Northern Fitzroy Basin community within the offset site 	<p>The Environmental Offset plan was prepared including the requirements of this condition.</p>
3 (v)	<p>Any residual significant impact to the King-Blue Grass and Finger Panic Grass that is determined through the pre-clearance surveys prior to the commencement as approved by the Minister in Condition 2 above. The Environmental Offsets Plan must include:</p> <ul style="list-style-type: none"> . Detailed descriptions of how enhanced conservation outcomes for the affected MNES will be achieved; . Timeframes and key milestones for the implementation of offsets; . Mechanisms for monitoring and reporting of offset milestones and outcomes; . Mechanisms to ensure that offsets are maintained for the 	<p>The Environmental Offset plan was prepared including the requirements of this condition.</p>

	<p>duration of the impacts; and</p> <ul style="list-style-type: none"> A textual description and map to clearly define the location and boundaries of the offset area/s. This must be accompanied with the offset attributes and a shapefile. 	
4	<p>Within 30 days after commencement of the action, the person undertaking the action must advise the Department in writing of the actual date of commencement.</p>	<p>BMA advised the Department (Letter Dated: 11/3/2014) that the land disturbance associated with the start of construction, and hence the approved action (2013/6868), commenced on 10/3/2014.</p>
5	<p>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 required by this approval, and make them 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 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.</p>	<p>All information relevant to this approval is kept for record. If requested for a DOTE or independent audit, this information can be provided.</p>
6	<p>Within three months of completion of the action, the person taking the action must publish a report on their website addressing compliance with conditions of this approval over the life of the action, including implementation of any management plans as specified in the conditions. A copy of the report; including details of any 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.</p>	<p>The action was completed in February 2015 with the acceptance of the works by the Isaac Regional Council for ongoing maintenance. The advice provided in this report addresses this condition.</p>
7	<p>If the person undertaking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the Department for the Minister's written approval a</p>	<p>No variation to the approved activity was required during the execution of the project.</p>

	revised version of the management plan. The varied activity shall not commence until the Minister has approved a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.	
8	If the Minister believes that it is necessary or convenient for the better protection of listed threatened species and communities (s18&s18A) to do so, the Minister may request that the person taking the action make specified revisions of the management plans specified in the conditions and submit the revised management plans for the Minister's written approval. The person taking the action must comply with any such request. The revised approved management plans must be implemented. Unless the Minister has approved the revised management plans, then the person taking the action must continue to implement the management plans originally approved, as specified in the conditions.	The Minister has not requested any revisions of the management plans during the project.
9	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 website. Each management plan must be published on the website within 1 month of being approved.	Management plans were prepared for the project and published on the BHP Billiton website (http://www.bhpbilliton.com/home/society/regulatory/Pages/default.aspx).

Project Non Conformances

Only one potential non-conformance of EPBC Approval conditions was recorded during the project.

1. **Disposal Track**

Non – Conformance: During construction, an existing track, outside the project area, was scraped to act as an access route for material disposal, without BMA or regulator authorisation.

Background: In May 2014 there was a requirement to dispose of a volume of soil from the road construction, which was unsuitable for construction purposes. The construction management team (York Civil) in discussion with the Winchester Downs Property Manager agreed the material would be a valuable resource to fill/rehabilitate a number of erosion gullies on the Winchester Downs property (outside the approved project area). A section of the project boundary fence, marked in the Environmental Management Plan as “Protected Species Area”, was breached and an existing track from the project area (Just south of Winchester Creek) to the disposal area (east of the project area) was lightly scraped to facilitate access.

The track crossed a heavily grazed paddock to the extensively eroded areas. A section of this paddock is mapped as potential RE 11.8.11 (Natural Grassland) and in the process of scraping the track; 0.3ha of the area mapped as potential grassland, was disturbed.

Response: This action was identified during a routine BMA inspection. The action was stopped and an investigation was initiated. The investigation found the cause was poor planning and implementation of the York Civil Project Environmental Management Plan by the contractor. The following corrective and restoration measures were implemented:

- Additional signage and flagging was installed to clearly identify the protected areas (in particular Brigalow and Grassland TEC areas).
- The requirements of the Environmental Management Plan were reviewed and presented at a toolbox meeting to ensure all site personnel were aware that activities outside the project boundary were not acceptable.
- Lessons learned from this non-conformance were also distributed to other York Civil sites, thus promoting the significance of environmental management requirements.
- The disposal areas were shaped and erosion control berms installed to stabilise the material.
- Erosion berms were placed along the scraped track to prevent future erosion.
- The project was approved to clear up to 10ha of grassland within the project boundary. The project is current in the process of securing the necessary offsets for this disturbance. Due to disciplined project management, the actual disturbance area was less than the approved 10ha, including the non-conformance clearing.

Due to the limited disturbance (0.3ha) of poor quality grassland, effective correction measures and balance of grassland offsets secured for the project the overall environmental impact is considered to be consistent with the EPBC Act approval, no further actions are considered necessary.