

6 PROCESS FOR ASSESSMENT OF CONTROLLED ACTIONS UNDER COMMONWEALTH LEGISLATION

6.1 INTRODUCTION

In accordance with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC), nine referrals for the Queensland Curtis LNG (QCLNG) Project were submitted to the Department of Environment, Water, Heritage and the Arts (DEWHA) on 7 August 2008.

These referrals included applications for potential infrastructure that QGC may require. However, certain infrastructure may be developed by other parties, in which case QGC will withdraw its EPBC referral for that component of the Project.

Table 1.6.1 EPBC Act Referrals

Referral No.	Project Component/ Sub-component	Summary Description and 'Action' Referred	Comments/Inclusions & Exclusions
EPBC 2008/4398	Coal Seam Gas Field	Expansion of the QGC operated coal seam gas (CSG) fields in the Surat Basin to supply gas for the QCLNG Project.	Includes development, production, decommissioning and associated activities (e.g. associated water storage). Does not include existing QGC exploration and production activities relating to ongoing CSG commercialisation programs and for existing contracted gas supplies.
EPBC 2008/4399	Pipeline Network	Development, construction, operation and decommissioning of a pipeline network of approximately 800 kilometres to link coal seam gas fields in the Surat Basin to the proposed QCLNG LNG Plant located on Curtis Island, adjacent to Gladstone. Pipeline network will include: <ul style="list-style-type: none"> • main pipeline (gas) • collection lateral(s) (gas); • interconnection network (gas and water). 	Does not include existing QGC field pipelines under development now or in the future which are associated with QGC's ongoing CSG commercialisation programs. Includes main pipeline crossing of The Narrows at the northern end of the Port of Gladstone.
EPBC 2008/4402	LNG Plant and Associated Onshore Facilities	Development, construction, operation and decommissioning of a multi-train LNG Plant and associated onshore facilities	Includes approximately 300 hectares onshore footprint (above high water mark). Onshore footprint may include temporary construction

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		on Curtis Island, adjacent to Gladstone.	camp(s). The LNG Plant and associated onshore facilities will have an ultimate capacity of up to 12 million tonnes per annum (mtpa), nominally comprising three LNG trains, each 3 to 4 mtpa production capacity.
EPBC 2008/4401	LNG Marine Facilities	Development, construction, operation and decommissioning of LNG Marine Facilities for: <ul style="list-style-type: none"> • receiving and loading of LNG tankers (Curtis Island); • receiving butane to be incorporated in the LNG exports (Curtis Island) • receiving equipment barges and personnel ferry services to and from the LNG Facility and Gladstone (Gladstone and Curtis Island). 	Includes LNG Terminal (i.e. jetty and associated marine infrastructure), and docking and associated facilities on the mainland and Curtis Island to provide ferry and barge services.
EPBC 2008/4406	Swing Basin and Channel Dredging	Dredging works (including associated spoil disposal) within the Port of Gladstone to construct a swing basin, channel extensions and deepening required for shipping associated with the Queensland Curtis LNG Project. ¹	This will include dredging within existing shipping channels (as required) as well as dredging of new channels, swing basin and ship berths along the western side of Curtis Island (south of Laird Point). Does not include any dredging associated with bridge or pipeline development. Does not include dredging undertaken by Gladstone Ports Corporation as part of ongoing maintenance or development of the Port of Gladstone. The Swing Basin and Channel Dredging works may be developed by a party or parties other than the Proponent.
EPBC 2008/4400	Curtis Island Bridge	Construction, operation, maintenance, decommissioning of a road	Bridge to cross The Narrows from approximately Friend Point on the mainland to Laird

1 Currently not assessed under this EIS. A separate Environmental Impact Assessment is being prepared for dredging associated with the QCLNG Project.

Referral No.	Project Component/ Sub-component	Summary Description and 'Action' Referred	Comments/Inclusions & Exclusions
		bridge connecting the mainland and Curtis Island. ²	Point on the western side of Curtis Island (south of Graham Creek). This bridge is ancillary infrastructure required for the development of the Queensland Curtis LNG Project and other LNG projects proposed on Curtis Island. The Bridge may be developed by a party or parties other than the Proponent.
EPBC 2008/4403	Mainland Road and Bridge Approach	Construction, operation, maintenance and decommissioning of up to 6km of road, connecting existing gazetted roads on the mainland side of the Port of Gladstone with the western end of the Curtis Island Bridge. ²	The development of the Mainland Road and Bridge Approach may involve construction of a causeway along part of its length, crossing intertidal zones on the mainland. The Mainland Road and Bridge Approach is required for the development of the Curtis Island Bridge. The Mainland Road and Bridge Approach may be developed by a party or parties other than the Proponent.
EPBC 2008/4404	Curtis Island Road	Construction, operation maintenance and decommissioning of up to 8.5 kilometres of road/s from the Curtis Island Bridge to the QCLNG LNG Facility on Curtis Island. ²	The development of the Curtis Island Road may involve construction of a causeway along part of its length, crossing intertidal zones on Curtis Island. The Curtis Island Road is required for the development of the Curtis Island Bridge. The Curtis Island Road may be developed by a party or parties other than the Proponent.
EPBC 2008/4405	Shipping Activities	Shipping activities associated with the Queensland Curtis LNG Project include: <ul style="list-style-type: none"> • regular transit of LNG tankers • infrequent transit of ships carrying butane • transit of construction equipment barges and personnel ferries 	Shipping conducted within the Australian Exclusive Economic Zone comprising Australian waters, including the Great Barrier Reef Marine Park, Great Barrier Reef World Heritage Area and Gladstone Port limits up to mean high water mark. Includes: <ul style="list-style-type: none"> • barge/ferry to and from

² Currently not assessed under this EIS.

Referral No.	Project Component/ Sub-component	Summary Description and 'Action' Referred	Comments/Inclusions & Exclusions
		between Gladstone and Curtis Island <ul style="list-style-type: none"> • other associated shipping activities. 	the construction docks/ferry terminals on the mainland and Curtis Island associated with the transportation of construction and operations equipment and personnel between the mainland and Curtis Island <ul style="list-style-type: none"> • tug and pilot boat operation to support safe passage of LNG and LPG shipping • ship refuelling operations • LNG ship operation, including disposal of ballast water • butane ship operation, including disposal of ballast water • other associated shipping and navigational aids and activities.

On 4 August, applications were made to the Commonwealth Minister for the Environment to withdraw the following EPBC Referrals on the basis that they were no longer actions which were proposed to be undertaken by QGC:

- EPBC 2008/4400 Curtis Island Bridge
- EPBC 2008/4403 Mainland Road and Bridge Approach
- EPBC 2008/4404 Curtis Island Road

As such they will not be considered by the Minister for this EIS.

6.2 DEWHA REFERRAL DETERMINATIONS ON MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE (MNES)

On 16 September 2008, the delegate for the Australian Minister for Environment, Heritage and the Arts determined that all nine QCLNG Project EPBC referrals are controlled actions under the *EPBC Act* (Cth). The QCLNG Project actions as listed above require assessment and approval by the Minister for Environment, Heritage and the Arts under part 9 of the *EPBC Act* (Cth) before these actions can proceed.

The DEWHA delegate has determined that the proposed actions under the referrals 2008/4399, 2008/4400, 2008/4401, 2008/4402, 2008/4403,

2008/4404 and 2008/4405 are likely to have a significant impact on the following MNES protected by the *EPBC Act* (Cth):

- World Heritage (sections 12 and 15A)
- National Heritage Places (sections 15B and 15C)
- listed threatened species and communities (sections 18 and 18A)
- listed migratory species (sections 20 and 20A).

It was determined the proposed actions under the referral 2008/4398 are likely to have a significant impact on the following matters protected by the *EPBC Act* (Cth):

- listed threatened species and communities (sections 18 and 18A)
- listed migratory species (sections 20 and 20A).

In addition, it was also determined the proposed actions under the referral 2008/4406 are likely to have a significant impact on the following matters protected by the *EPBC Act* (Cth):

- World Heritage (sections 12 and 15A)
- National Heritage Places (sections 15B and 15C)
- listed threatened species and communities (sections 18 and 18A)
- listed migratory species (sections 20 and 20A)
- Commonwealth marine (sections 23 and 24A).

Based on referred information, the proposed actions were determined to likely have a significant impact for the following reasons:

- 2008/4398 – involves habitat loss and fragmentation where EPBC-listed species and migratory species may occur. It will also cause significant loss of threatened ecological communities including the White Box-Yellow Box-Blakely' Red Gum Grassy Woodland and Derived Native Grassland
- 2008/4399 – involves habitat loss and fragmentation where threatened fauna, flora and migratory species may occur, and also disturbance of acid sulphate soils, and the possible release of contaminants from the site into surrounding waters of the Great Barrier Reef World Heritage Area (GBRWHA) and Great Barrier Reef National Heritage Area (GBRNHA)
- 2008/4400 – involves the disturbance of sea grass beds which are of ecological importance to EPBC-listed marine fauna, and disturbance of the benthic flora and fauna within the dredged area
- 2008/4401 – involves clearing and habitat fragmentation where listed species are known to occur, disturbance of acid sulphate soils, and the possible release of contaminants from the site into surrounding waters of the WHA and NHA

- 2008/4402 – involves the removal of potential habitat for the EPBC-listed Quassia (*Quassia bidwillii*)
- 2008/4403 – involves clearing and fragmentation of potential habitat for the EPBC-listed Water Mouse (*Xeromys myoides*)
- 2008/4404 – involves vegetation removal and possible sedimentation from construction works, which have the potential to impact on breeding areas of EPBC-listed species and on a WHA and NHA
- 2008/4405 – involves potential impacts on the marine environment of the WHA and the NHA through possible spillage during refuelling and shipping operations, potential vessel strikes on and disturbance of marine fauna and possible introduction of exotic organisms
- 2208/4406 – involves removal of mangroves, sea grass and benthic communities, and increased turbidity which may impact of EPBC-listed threatened and migratory species, and potentially degrade the WHA and NHA.

Following the referral of these actions, the Minister for the Environment decided that assessments for all the actions were to be at the level of Environmental Impact Statement (EIS) to be conducted in accordance with the provisions of the *EPBC Act* (Cth).

Volumes 3 to 6 and 8 of this EIS address the above-mentioned MNES relevant to the controlling provisions. *EIS Volumes 9 to 11* set out the environmental management plans for each of the key Project components.

A stand-alone EPBC Assessment Report (refer to *Volume 13*) addresses issues relevant to the controlling provisions, with subsections for each referral.

As the proposal described in referral 2008/4406 includes possible sea dumping of dredging spoil, it was determined that the Project may also require a sea dumping permit under the *Environment Protection (Sea Dumping) Act 1981*. The application for a sea dumping permit was lodged on 10 September 2008 with DEWHA and remains current.