

Anderson Jodie

From: Roberts Tony
Sent: Friday, 4 November 2011 9:12 AM
To: Reeves Jim
Subject: CEOs Environment Meeting 21 October
Attachments: 111021 Agenda 21 October CEO Meeting.doc

Jim/

Here are the notes I took at the last CEOs Environment teleconference meeting on 21 October (agenda attached).

-
-
-
- s.73 - Irrelevant Information
-
- The issue of whether there would be a specific strategic assessment for Abbott Point was raised. Keth Davies mentioned that industry proponents were not supportive of one. There was a suggestion that there needed to be a separate meeting to sort out whether one would be progressed.
-

-
-
- s.73 - Irrelevant Information
-
-

There has been no date set for the next meeting as yet.

Tony

Tony Roberts

Assistant Director-General
Natural Resources and Environment
T: (07) 3330 5990 E: tony.roberts@derm.qld.gov.au

Department of Environment and Resource Management
Level 10, 400 George Street Brisbane Qld 4000
GPO Box 2454 Brisbane Qld 4001
www.derm.qld.gov.au



CEO's Meeting

Teleconference, 21 October 2011

2:00pm to 3:00pm (Qld) 3:00pm to 4:00pm (ACT)

AGENDA

Chair: Paul Grimes

Attendees: **Queensland**

Ian Fletcher (Director-General, DEEDI)
Keith Davies (Coordinator-General, DLGP)
Phil Dash (Deputy Coordinator-General, DLGP)
Steve Mill (A/g Assistant Coordinator-General, DLGP)
Terry Wall (A/g Director-General, DERM)
Ann Lenz (General Manager - Energy Resource, DERM).

Commonwealth

Paul Grimes (Secretary)
Kimberley Dripps (Deputy Secretary)
Mary Colreavy (A/g First Assistant Secretary)
Carolyn Cameron (Assistant Secretary)
Emma Heywood (Secretariat)

- 1) Welcome (Paul Grimes)**
- 2) Actions from previous meeting (Kimberley Dripps)**
- 3) Update from Senior Officers Meeting (Mary Colreavy)**
- 4) Other business (Paul Grimes)**
- 5) Next meeting (Paul Grimes)**



Action items from the last CEO's Meeting

No	Action Item	Timeframe	Responsible party	Status/Outcome
1				
2		s.73 - Irrelevant Information		
3				
4	Queensland to provide SEWPAC with a scoping document on the strategic assessment for Abbot Point.	Before next CEO meeting	Queensland	Update at next CEO meeting.
5				
6		s.73 - Irrelevant Information		

RTI DL RELEASE - EHP

Anderson Jodie

From: John Bradley <John.Bradley@premiers.qld.gov.au>
Sent: Friday, 4 November 2011 3:50 PM
To: 'Keith Davies'; Lynette Williams
Cc: Reeves Jim; Daniel Spiller
Subject: RE: Paul Grimes available 9am to 10am Thursday morning - woohoo

Follow Up Flag: Follow up
Flag Status: Completed

Great keith

From: Keith Davies [<mailto:Keith.Davies@deedi.qld.gov.au>]
Sent: Friday, 4 November 2011 2:19 PM
To: John Bradley; Lynette Williams
Cc: Jim Reeves; Daniel Spiller
Subject: RE: Paul Grimes available 9am to 10am Thursday morning - woohoo

John,

I believe that any opportunity to get in front of Paul should be taken at this point in time to discuss Qld WHA issues. I have been trying to do this over the past few weeks on Abbot Pt and it has proved very difficult. I did manage to catch him on a teleconference a couple of weeks ago with K Dripps and M Cooreavy et al and said the next catch-up should be soon and hopefully face to face.

I would be keen to meet him with you if that could be teed up next Thursday a.m.

Cheers

Keith Davies
Coordinator-General
Office of the Coordinator-General
Queensland Government

tel + 61 7 3033 0688 (ext 30688)
post PO Box 15009 City East Queensland 4002
visit Level 5 Executive Building, 100 George Street Brisbane

Tomorrow's Queensland: strong, green, smart, healthy and fair
www.towardQ2.qld.gov.au

 Please consider the environment before printing this email

From: John Bradley [<mailto:John.Bradley@premiers.qld.gov.au>]
Sent: Friday, 4 November 2011 11:57 AM
To: Lynette Williams
Cc: Jim Reeves; Daniel Spiller; Keith Davies
Subject: RE: Paul Grimes available 9am to 10am Thursday morning - woohoo

Lynette

Can you pls book it in.

Jim, Dan, Keith -- happy to hear about your preferred approach to attendees/support. I am assuming doesn't need to be overkill given a meeting already happening Tuesday. At any rate, should not exceed me plus a couple of others.

Thanks

From: Lynette Williams
Sent: Friday, 4 November 2011 11:54 AM
To: John Bradley
Subject: Paul Grimes available 9am to 10am Thursday morning - woohoo

Lynette Williams
Principal Executive Assistant
Office of the Director-General
Department of the Premier and Cabinet
Tel: 3224 4728
Fax: 3229 2049
Email: Lynette.Williams@Premiers.qld.gov.au
Executive Building | Level 15 | 100 George Street | Brisbane PO Box 15185 | City East | Queensland 4002 |

We're behind the Bid!

GOLD COAST 2018 - XXI COMMONWEALTH GAMES CANDIDATE CITY
www.goldcoast2018bid.com

This email is intended only for the addressee. Its use is limited to that intended by the author at the time and it is not to be distributed without the author's consent.

Unless otherwise stated, the State of Queensland accepts no liability for the contents of this email except where subsequently confirmed in writing. The opinions expressed in this email are those of the author and do not necessarily represent the views of the State of Queensland. This email is confidential and may be subject to a claim of legal privilege.

If you have received this email in error, please notify the author and delete this message immediately.

Unless stated otherwise, this email, together with any attachments, is intended for the named recipient(s) only and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and/or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Anderson Jodie

From: John Bradley <John.Bradley@premiers.qld.gov.au>
Sent: Wednesday, 4 January 2012 7:25 PM
To: Daniel Spiller; Keith Davies (Co-ordinator-General); Reeves Jim
Subject: Abbot Point - DSEWPAC

Follow Up Flag: Follow up
Flag Status: Completed

Dan, Keith, Jim

Kimberley Dripps of DSEWPAC rang today and said that while it had not been announced as yet (and may not be for some time) that her Minister was unlikely to make a decision on the Abbot Point MCF by the current deadline of 7 February. She said that he is likely to extend the decision timeframe until the end of March but may make a decision sometime between the two dates.

She indicated that he has asked for further work in relation to conditions related to vessel movements - and that she would be back in touch with Queensland in this regard and also GBRMPA. Keith, she has indicated her officers will be in contact with CGs' office and DPC's Dan Spiller in the first instance.

Can you pls keep me posted on our interactions with Feds on this matter and any intelligence on timing and nature of decisions, thanks

John B

John Bradley
Director-General
Department of the Premier and Cabinet

Phone: 07 322 44728

Fax: 07 3229 2049

Email: John.Bradley@premiers.qld.gov.au

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

Please consider the environment before printing this email

Anderson Jodie

From: John Bradley <John.Bradley@premiers.qld.gov.au>
Sent: Thursday, 8 March 2012 9:28 AM
To: Adrian Jeffreys; 'Davies, Keith'; Gerard Bradley; Reeves Jim
Cc: Claire Andersen
Subject: Abbot Point

Follow Up Flag: Follow up
Flag Status: Completed

Adrian

Paul Grimes rang me this morning in relation to Abbot Point and said that his Minister had decided to again extend his decision timeframe from 30 March 2012.

While he does not expect it to require that long – he will defer until “the end of the year”, to ensure he does not need to defer it again.

I asked Paul whether it had been a) advised to the proponents or b) made public or when it would be. He was unsure – I said I would ask you to speak to the SEWPAC staff – could you pls contact Mary Colreavy or Kimberley Dripps on this basis?

Keith et al – You may have already had word of this. I would be grateful for your feedback on the implications of this

Thanks

John Bradley
Director-General
Department of the Premier and Cabinet

Phone: 07 322 44728

Fax: 07 3229 2049

Email: John.Bradley@premiers.qld.gov.au

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

Please consider the environment before printing this email

Anderson Jodie

From: Adrian Jeffreys <adrian.jeffreys@premiers.qld.gov.au>
Sent: Thursday, 8 March 2012 10:27 AM
To: John Bradley; 'Davies, Keith'; Gerard Bradley; Reeves Jim
Cc: Claire Andersen; Bronwen Griffiths
Subject: RE: Abbot Point

Follow Up Flag: Follow up
Flag Status: Completed

John,
SEWPAC advises that the proponent has yet to be advised – but will be this morning. The decision will be posted in the SEWPAC website this afternoon along with a copy of the SEWPAC briefing note on which it was based. I have asked for an advance copy.

The decision extends the deadline to 31 December 2012.

Minister Burke considers that he needs additional information – including from the Abbot Point cumulative impact study.

Adrian Jeffreys
Executive Director
Environment and Resources Policy
Department of the Premier and Cabinet
Ph (07) 322 46478
Fax: (07) 340 56203

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

 Please consider the environment before printing this email

From: John Bradley
Sent: Thursday, 8 March 2012 9:28 AM
To: Adrian Jeffreys; 'Davies, Keith'; Gerard Bradley; Jim Reeves
Cc: Claire Andersen
Subject: Abbot Point

Adrian

Paul Grimes rang me this morning in relation to Abbot Point and said that his Minister had decided to again extend his decision timeframe from 30 March 2012.

While he does not expect it to require that long – he will defer until “the end of the year”, to ensure he does not need to defer it again.

I asked Paul whether it had been a) advised to the proponents or b) made public or when it would be. He was unsure – I said I would ask you to speak to the SEWPAC staff – could you pls contact Mary Colreavy or Kimberley Dripps on this basis?

Keith et al – You may have already had word of this. I would be grateful for your feedback on the implications of this

Thanks

John Bradley
Director-General
Department of the Premier and Cabinet

Phone: 07 322 44728

Fax: 07 3229 2049

Email: John.Bradley@premiers.qld.gov.au

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au

Please consider the environment before printing this email

RTI DL RELEASE - EHP

Anderson Jodie

From: Adrian Jeffreys <adrian.jeffreys@premiers.qld.gov.au>
Sent: Thursday, 8 March 2012 2:20 PM
To: John Bradley; 'Davies, Keith'; Reeves Jim; Gerard Bradley
Cc: Bronwen Griffiths; Claire Andersen
Subject: Abbot Point decision

Follow Up Flag: Follow up
Flag Status: Completed

All,
Attached is a copy of the Abbot Point extension decision and briefing note. Reason given is "further Information required.."



2009-4837
brief.pdf



2009-4837
extension.pdf

This has not yet been made public.

Adrian Jeffreys
Executive Director
Environment and Resources Policy
Department of the Premier and Cabinet
Ph (07) 322 46478
Fax: (07) 340 56203

Tomorrow's Queensland: strong, green, smart, healthy and fair - www.towardQ2.qld.gov.au
Please consider the environment before printing this email

DEPARTMENT OF SUSTAINABILITY, ENVIRONMENT, WATER, POPULATION
AND COMMUNITIES

Ref: B12/331

To: Minister (for decision)

EXTENSION TO TIMEFRAME - ABBOT POINT MULTI CARGO FACILITY - EPBC 2009/4837

Timing: 30 March 2012, when the existing time to make a decision on approval expires.

Recommendations:

1. Agree to extend the timeframe for a final approval decision, pursuant to section 130(1A), for the proposed Abbot Point Multi Cargo Facility

Agreed / Please Discuss

2. Sign and date the notice of your decision, which will be published (Attachment A)

Signed / Not Signed

3. Sign the attached letter to the proponent advising of your decision (Attachment B).

Signed / Not Signed

Minister:

Tommy Banks

Date: 7.3.12

Comments:

I note the decision may still be made earlier than the extended deadline.

Key Points:

1. On 30 December 2011 you extended the timeframe for a final approval decision on this proposal to 30 March 2012.
2. At a meeting on 9 February 2012 you requested further information relating to the direct, consequential and cumulative impacts of the proposal on protected matters to assist you in making an informed decision on whether to approve the project.
3. The information is, in part, being gathered through a series of coordinated, cumulative impact assessment studies commissioned by North Queensland Bulk Ports Corporation and other proponents at Abbot Point. It is anticipated that several of these studies may be completed in the second half of 2012, although this is highly dependent on the port proponents and the timeline is, therefore, uncertain. The department is also seeking additional information from the GBR Marine Park Authority, the Queensland Government and port proponents.
4. Accordingly, the department recommends that you extend the timeframe for your final approval decision to 31 December 2012 to enable sufficient time for: the above work to be completed and assessed; its outcomes to be incorporated in a proposed approval decision for the project, for you to consider a proposed decision; and for mandatory consultation with Commonwealth Ministers and the proponent on the proposed decision.
5. Nothing prevents a decision being made earlier than this date, or an alternate date specified by you, should all necessary information become available earlier than anticipated.

6. Section 130(1A) of the EPBC Act relevantly states 'The Minister must make the decision within the relevant period specified in subsection (1B) that relates to the controlled action, or such longer period as the Minister specifies in writing'. In specifying a longer period you are required to notify the proponent in writing and publish the decision instrument. A draft notice is provided at Attachment A and letter to the proponent (North Queensland Bulk Ports Corporation) is at Attachment B.

Background:

1. On 12 May 2009, the proposal was determined to be a controlled action.
2. On 6 December 2010, the final EIS for the proposal was received, commencing the 40 business day approval timeframe.
3. The delegate initially 'stopped the clock' on the approval process on 2 February 2011 and there have been a number of additional requests for, and submissions of, information since.
4. On 23 December 2011, following a request from the delegate, the Qld Coordinator-General provided information on the strategic context for the proposal and the delegate restarted the approval clock.
5. On 30 December 2011 you extended the timeframe for a final approval decision to 30 March 2012.

ATTACHMENTS

A: Extension notice for SIGNATURE

B: Letter to the proponent for SIGNATURE



EXTENSION TO TIME IN WHICH TO MAKE A DECISION WHETHER TO APPROVE A CONTROLLED ACTION

Development of Multi Cargo Facility, Abbot Point, Queensland (EPBC 2009/4837)

This specification is made under Section 130(1A) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Controlled Action

controlled action To develop a Multi Cargo Facility (MCF) at Abbot Point in Queensland. The MCF involves the dredging of a shipping access channel, swing basin and berth pockets, reclamation to construct a protected harbour, and construction of a haul road and port access and services corridor [see EPBC Act referral No. 2009/4837].

designated proponent North Queensland Bulk Ports Corporation Ltd
ABN: 2906197757

Specified longer period

specified longer period The relevant period in which the Minister must make a decision whether or not to approve the controlled action is extended to:

3 / 1 / 2012

This specification is provided for the purposes of subsections 130(1A), 130(1B) and 130(4) of the Environment Protection and Biodiversity Conservation Act 1999.

Person authorised to make decision

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

signature

date of decision

7.3.12

Anderson Jodie

From: Chesterman Andrew
Sent: Monday, 30 April 2012 9:33 AM
To: Armstrong Steve
Cc: Troy Collings
Subject: Abbott Point

Steve.

The Minister and I are meeting tomorrow afternoon with the Premier re the above.

I think there is a briefing in the system which I would like but I would also like to have spelt out in (possibly flowchart form?) the approvals process we will be required to follow and the associated timeframes (including whether these timeframes are statutory or Departmental)..

The Minister and I will need to be prepared with the specifics of the EHP role in the process.

Can you please allocate this task so that we have something by noon tomorrow.

Thanks

Andrew

RTI DL RELEASE - EHP

Anderson Jodie

Subject: Abbot Point pre-brief
Location: Steve to phone DG on 3330 6298

Start: Mon 30/04/2012 2:00 PM
End: Mon 30/04/2012 2:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Chesterman Andrew
Required Attendees: Elson Steve

<< Attachments:

>> [URGENT: Abbott Point](#) (9.1KB)

RTI DL RELEASE - EHP

From Armstrong Steve
To Anderson Jodie
Cc
Subject URGENT: Abbott Point

Date

Jodie

In anticipation, can you please hold a **30 minute slot for Dean to brief the DG** ahead of his meeting with the Premier and Minister tomorrow afternoon.

Steve Armstrong

Executive Officer

Office of the Director General

Ph: 3330 6304

Mobile: 4 - Personal Information

From: Armstrong Steve
Sent: Monday, 30 April 2012 12:25 PM
To: Ellwood Dean
Cc: Delzoppo Lindsay; Lenz Anne; McMain Lisa
Subject: URGENT: Abbott Point

Dean

Please see the request from the DG below ... and note the **deadline of noon tomorrow**.

I note there are a number of briefs in the system (e.g. the one attached) which may go close to hitting the mark.

Based on your advice, I am happy to put forward existing Briefs supplemented by the suggested flowchart.

Can someone please phone me with the plan to provide the information requested.

Also ... If you think a verbal brief to the DG would be an advantage, then let me know.

In anticipation, I think I will try to reserve a 30 minute pre-brief for the DG.

Steve Armstrong

Executive Officer

Office of the Director General

Ph: 3330 6304

Mobile: 4 - Personal Information

From: Chesterman Andrew
Sent: Monday, 30 April 2012 9:33 AM
To: Armstrong Steve
Cc: Troy Collings
Subject: Abbott Point

Steve.

The Minister and I are meeting tomorrow afternoon with the Premier re the above.

I think there is a briefing in the system which I would like but I would also like to have spelt out in (possibly flowchart form?) the approvals process we will be required to follow and the associated timeframes (including whether these timeframes are statutory or Departmental)..

The Minister and I will need to be prepared with the specifics of the EHP role in the process.

Can you please allocate this task so that we have something by noon tomorrow.

Thanks

Andrew

RTI DL RELEASED EHP

Anderson Jodie

From: Karen Cowell <Karen.Cowell@premiers.qld.gov.au>
Sent: Monday, 30 April 2012 4:54 PM
To: 'mary.sharp@ministerial.qld.gov.au'; 'kim.mcinnis@ministerial.qld.gov.au';
'karen.gilndermann@ministerial.qld.gov.au';
'susan.mcdonald@ministerial.qld.gov.au'; Anderson Jodie;
'tracy.schneider@coordinatorgeneral.qld.gov.au'; Vella Kim @ DEEDI; Laing Debby
@ DEEDI; Serena Baker (Treasury)
Cc: Barbara Tollenare; 'carly.blaik@ministerial.qld.gov.au'
Subject: Abbot Point meeting briefing papers
Attachments: Premier s Briefing Note - Port of Abbot Point.DOCX; Attachment 1 - Premier s Letter
to the Hon Julia Gillard Prime Minister regarding the Abbot Point Multi Cargo
Facility.PDF; Attachment 2 - Deputy Premier s letters to rail proponents.PDF;
Attachment 3 - Copy of North Qld Bulk Ports letter to Coordinator-General.PDF

Good afternoon all

Please find attached background briefing papers for your Minister or Director-General for tomorrow's Premier meeting on Abbot Point.

This meeting is scheduled to be held in the Premiers Boardroom, level 15, Executive Building, 100 George Street from 4:30pm to 5:15pm tomorrow.

Kind regards

Karen Cowell
Office of the Director-General
Department of the Premier and Cabinet

Ph: 07 340 67933
Email: karen.cowell@premiers.qld.gov.au
PO Box 15185 City East Qld 4002 Floor 15, 100 George Street, Brisbane Qld 4000

To: THE PREMIER
Date: 30 April 2012
Subject: Port of Abbot Point

Approved / Not Approved / Noted

Premier

Date/...../.....

Date Action Required by:/...../.....

Requested by:
(if appropriate)

• **RECOMMENDATION**

It is recommended that you:

- **note** the contents of this briefing note concerning Port of Abbot Point project delays
- **note** a meeting has been scheduled for you on 1 May 2012 to discuss these issues further. The meeting will be attended by me and the following:
 - the Honourable Jeff Seeney MP, Deputy Premier, Minister for State Development, Infrastructure and Planning
 - Mr Barry Broe, Coordinator-General
 - Mr Brad Fish CEO North Queensland Bulk Ports (NQBP)
 - the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines
 - Mr Dan Hunt, Director-General of Natural Resources and Mines
 - the Honourable Andrew Powell MP, Minister for Environment and Heritage Protection
 - Mr Andrew Chesterman, Director-General of Environment and Heritage Protection.

• **KEY ISSUES**

- There are several key concerns in relation to the Port of Abbot Point which include:
 - Commonwealth delays in its approval process for the Multi Cargo Facility (MCF)
 - identification of a multi-user rail corridor from the Galilee Basin to Abbot Point
 - Terminals 4–9 site location in the Abbot Point State Development Area (APSDA)
 - delays in Terminals 4–9 Preferred Respondents signing required agreements.

Commonwealth Delays and MCF — the Commonwealth has deferred decision timeframes for the MCF until 31 December 2012. The primary reason given for the delay is to seek further information on the cumulative impacts of development at Abbot Point. This delay has put the MCF project at risk. On 24 April 2012, you wrote to the Prime Minister (**Attachment 1**) advising of your concerns about Commonwealth delays and seeking her assurance that the Commonwealth will grant an approval for the MCF before the end of May 2012.

s.73 - Irrelevant Information

Multi-user User Rail Corridor from the Galilee Basin to Abbot Point — under the former

Government's approach, multiple rail lines to Abbot Point are being proposed by several proponents. Currently, Hancock and Waratah's proposed rail lines cross each other three times and will be less than 20 kilometres apart for approximately half the distance.

- To address concerns raised by landowners and the mining industry, on 20 April 2012 the Deputy Premier wrote to Hancock Coal, GVK and Waratah Coal, as the most advanced rail project proponents, seeking their commitment towards developing a genuine proposal, which better addresses the State's preferred outcome of a multi-user rail corridor from the Galilee Basin to Abbot Point. The Deputy Premier sought confirmation of their commitment to his request by 4 May 2012, with more detailed proposals to follow soon after. The Deputy Premier also wrote to other rail proponents advising of this approach. Refer to **Attachment 2**.

Terminals 4–9 Site Location in APSDA — on 17 April 2012, NQBP wrote to the Coordinator-General seeking his approval for a new location for Terminals 4–9 within the APSDA. NQBP claim its proposed new location would avoid a \$150 million cost to realign the North Coast Rail Line for a proponent wishing to be the initial developer. Refer to **Attachment 3**.

- Studies, commissioned by the Office of the Coordinator-General in 2009, identified three potential locations for coal stockpiling within the APSDA, with one of these sites being NQBP's proposed new location. However, as NQBP's preferred site was considered the best site for future higher value industrial use in the APSDA, the former Coordinator-General approved another site location in the APSDA for Terminals 4–9.
- As use of NQBP's preferred site has previously been denied to Waratah, Hancock and other proponents for coal stockpiling, if the State were to allow NQBP uncontested access to its preferred site, the State faces the risk of legal action from unsuccessful proponents.
- In considering NQBP's proposed new location for Terminals 4–9, the State also needs to consider the trade-off of using the site for coal stockpiling versus possible longer term opportunities for higher value industrial use. No specific industrial projects have as yet been unidentified.
- Given the above, the State should continue to preserve NQBP's preferred APSDA site for longer term industrial use or facilitate a public Expression of Interest process for use of the site. It is understood the Coordinator-General is currently considering NQBP's proposal.

Delays in Terminals 4–9 Preferred Respondents signing Framework Agreements — of the six Preferred Respondents (Anglo, Rio Tinto, North Queensland Coal Terminal Pty Ltd, Vale, Waratah Coal and Macmines Australia) for Terminals 4–9, only Anglo, Vale and Macmines have signed Preferred Respondent Agreements with NQBP.

- Rio Tinto recently announced it was withdrawing from the Abbot Point additional port capacity process. Reasons cited include changes in the economic climate, commitments required to progress the option, a sustained upward pressure on costs and long timeframes for regulatory approvals. In response to this announcement, the Deputy Premier and Treasurer issued a joint media statement on 20 April 2012 criticising the Commonwealth for project approval delays. It is understood that Vale is also considering withdrawing from the additional port capacity process due to MCF delays and their own project timeframes being extended.
- Under NQBP's proposed timeframes, Framework Agreements were to be finalised with Preferred Respondents by 30 April 2012. Due to MCF delays, it is understood that signed Preferred Respondents are reluctant to pay the \$75 million Participation Charge to NQBP required upon execution of the Framework Agreements.

• **CONSULTATION**

- Office of the Coordinator-General, Office of Government-Owned Corporations.

Comments (Premier or DG)

Jon Grayson
Director-General



Premier of Queensland

For reply please quote: *MBN12/53 – TF/12/9578 – DOC/12/77698*

24 APR 2012

The Honourable Julia Gillard MP
Prime Minister
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Dear Prime Minister

I write to you about a critical infrastructure project in Queensland that the Commonwealth has delayed in the approvals process and placed the project at great risk.

The issue is that the Honourable Tony Burke MP, Minister for Sustainability, Environment, Water, Population and Communities (SEWPaC) decided to defer his decision on the Environmental Impact Statement (EIS) for the proposed Multi Cargo Facility (MCF) at the Port of Abbot Point from March 2012 until 31 December 2012.

Even before the Minister decided to defer a decision, the North Queensland Bulk Ports Corporation Limited (NQBPC) had already faced considerable delays from SEWPaC's assessment of the EIS for the proposed facility. NQBPC submitted their final EIS for the MCF with SEWPaC in late 2010 and had a reasonable expectation that approval would be achieved by early 2011. For each month that approval of the MCF is delayed, the risk that the MCF may not meet the timeframes of its future users is greatly increased. It also increases the risk and uncertainty for investors and project developers. It is now 16 months since this EIS was finalised and no decision taken.

The MCF at the Port of Abbot Point is one of the most significant pieces of infrastructure planned in Queensland and Australia. It is critical to facilitating future long-term exports, and increasing State and Federal Government revenue and employment. An increase in port capacity at Abbot Point is essential for Queensland to be able to respond to world markets and increase its trade opportunities.

The impacts of the delay in SEWPaC's approval of the MCF is not isolated to this project, as it has flow-on implications to all other projects currently proposed at Abbot Point. The proposed coal stockpile terminals 4–9 require the MCF to export coal to world markets with associated proponents making considerable investment in the development of mine, rail and port infrastructure.



The delays caused by the Commonwealth have made it more difficult to meet project delivery and market timeframes as potential developments have been deferred resulting in loss of potential revenue. The delays have also increased costs for proponents. As a result, Queensland and more broadly Australia, is facing a serious risk that proponents may move their investment interests overseas and choose not to pursue their Queensland investments.

I acknowledge that a proposed port expansion of this size, adjacent to the Great Barrier Reef World Heritage Area requires a thorough environmental assessment. I note, however, that in addition to approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the proposed MCF is subject to the parallel stringent state approval processes that will address all the impacts and issues.

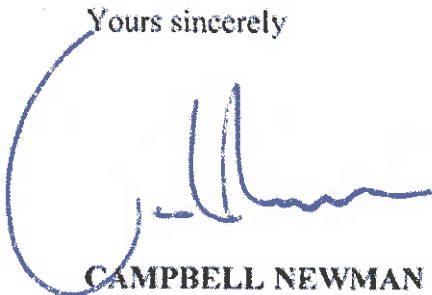
While Queensland already has rigorous environmental assessment processes embedded in legislation, the Queensland Government has committed to a comprehensive strategic assessment under the EPBC Act, to protect World Heritage values and ensure that the impacts of development on the Great Barrier Reef World Heritage Area are taken into account.

Given the extensive amount of information already provided in the EIS and subsequent submissions to SEWPac from the Queensland Government, a decision timeframe for this approval of 31 December 2012 is not in the best interest of Queensland or Australia. It can only threaten economic growth and jobs. It is also quite the opposite approach to that articulated last week by the Commonwealth to streamline approvals for major projects.

Queensland is in a strong position to capitalise on the economic opportunities that will ultimately increase our trade opportunities for the benefit of both the State and Australia. But this will only occur if we have the necessary infrastructure in place in time. We, therefore, must avoid any further delays and I seek your assurance that SEWPac will grant an approval for the MCF by the end of May 2012 at the latest.

As a closing point, can I reflect on our discussion last week at the Council of Australian Governments (COAG) meeting regarding the Commonwealth handing over approvals to Queensland to reduce duplication. This example itself is a real example of where the Queensland Government would move the project faster, still deal with all the impacts and avoid unnecessary delays and cost to proponents. I seek your assistance in bedding down our agreement last week to ensure this hand over occurs as quickly as possible.

Yours sincerely



CAMPBELL NEWMAN



Queensland
Government

Hon Jeffrey Seeney
Deputy Premier

20 April 2012

Our ref: MBN12/65

Ms Georgina Rinehart
Chairperson
Hancock Prospecting Pty Ltd
PO Locked Bag No 2
WEST PERTH WA 6872

Dr G V Sanjay Reddy
Vice Chairman
GVK Resources
sanjayreddy@gvk.com

Dear Ms Rinehart and Dr Reddy

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

Level 12 Executive Building
100 George Street
PO Box 115009
City East Queensland 4002
Telephone + 61 7 3224 4800
Facsimile + 61 7 3224 4781
Email: deputypremier@ministerial.qld.gov.au

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

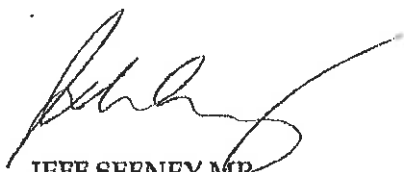
At this stage the Coordinator-General has given a commitment that he will continue to progress your assessment processes. However, in light of the stated Government policy position, I am seeking a genuine proposal from Hancock Coal/GVK and Waratah Coal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

I ask that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between the respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning

Executive Building
100 George Street
PO Box 15517
City East Queensland 4002
Telephone + 61 7 3404 6099
Facsimile + 61 7 3698 0486
Website www.deedl.qld.gov.au



Queensland
Government

Hon Jeffrey Seeney
Deputy Premier

20 April 2012

Our ref: MBN12/65

Mr Jignesh Derasari
Chief Executive Officer
Adani Mining Pty Ltd
GPO Box 2569
BRISBANE QLD 4001

Dear Mr Derasari

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community

concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

At this stage the Coordinator-General has given a commitment that he will continue to progress various assessment processes. However, in light of the stated Government policy position, I have written to Hancock Coal/GVK and Waratah Coal to seek a genuine proposal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

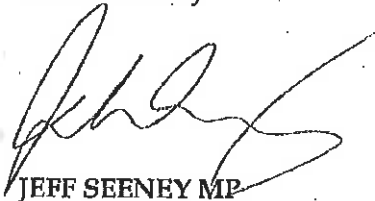
I have asked that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between their respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

I realise that the plans of your company are also likely to be impacted by these considerations and therefore I will also be pleased to receive a submission about how your plans either currently support, or can be enhanced to support, Government policy with respect to development of the railway and other infrastructure needed for the basin to be opened to mining. In so doing I will also need an indication of your participation in these considerations by 4 May 2012.

My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning



Queensland
Government

Hon Jeffrey Seeney
Deputy Premier

20 April 2012

Our ref: MBN12/65

Mr Brett Fraser
Manager - Corporate Affairs & Communications
Vale
GPO Box 731
BRISBANE QLD 4001

Dear Mr Fraser

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"Identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community

concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

At this stage the Coordinator-General has given a commitment that he will continue to progress various assessment processes. However, in light of the stated Government policy position, I have written to Hancock Coal/GVK and Waratah Coal to seek a genuine proposal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

I have asked that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between their respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

I realise that the plans of your company are also likely to be impacted by these considerations and therefore I will also be pleased to receive a submission about how your plans either currently support, or can be enhanced to support, Government policy with respect to development of the railway and other infrastructure needed for the basin to be opened to mining. In so doing I will also need an indication of your participation in these considerations by 4 May 2012.

My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning



Queensland
Government

Hon Jeffrey Seeney
Deputy Premier

20 April 2012

Our ref: MBN12/65

Mr Michael Li
Chief Representative
Macmines Austasia Pty Ltd
Suit 22, Level 9
320 Adelaide Street
BRISBANE QLD 4000

Dear Mr Li

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community

concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

At this stage the Coordinator-General has given a commitment that he will continue to progress various assessment processes. However, in light of the stated Government policy position, I have written to Hancock Coal/GVK and Waratah Coal to seek a genuine proposal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

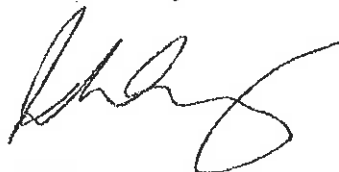
I have asked that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between their respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

I realise that the plans of your company are also likely to be impacted by these considerations and therefore I will also be pleased to receive a submission about how your plans either currently support, or can be enhanced to support, Government policy with respect to development of the railway and other infrastructure needed for the basin to be opened to mining. In so doing I will also need an indication of your participation in these considerations by 4 May 2012.

My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning



Queensland
Government

Hon Jeffrey Seeney
Deputy Premier

Our ref: MBN12/65

Mr Lance Hockridge
Managing Director and CEO
QR National
GPO Box 456
BRISBANE QLD 4001

Dear Mr Hockridge

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community

concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

At this stage the Coordinator-General has given a commitment that he will continue to progress various assessment processes. However, in light of the stated Government policy position, I have written to Hancock Coal/GVK and Waratah Coal to seek a genuine proposal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

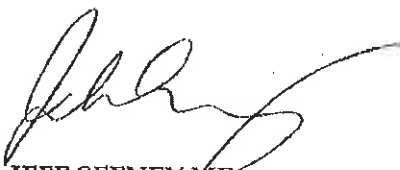
I have asked that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between their respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

I realise that the plans of your company are also likely to be impacted by these considerations and therefore I will also be pleased to receive a submission about how your plans either currently support, or can be enhanced to support, Government policy with respect to development of the railway and other infrastructure needed for the basin to be opened to mining. In so doing I will also need an indication of your participation in these considerations by 4 May 2012.

My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning



Queensland
Government

20 April 2012

Hon Jeffrey Seeney

Deputy Premier

Our ref: MBN12/65

Mr Shane Condon
Managing Director
East West Line Parks
Level 16, 344 Queen Street
BRISBANE QLD 4000

Dear Mr Condon

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community

concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

At this stage the Coordinator-General has given a commitment that he will continue to progress various assessment processes. However, in light of the stated Government policy position, I have written to Hancock Coal/GVK and Waratah Coal to seek a genuine proposal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

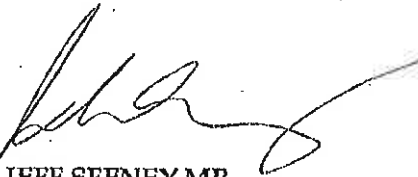
I have asked that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between their respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

I realise that the plans of your company are also likely to be impacted by these considerations and therefore I will also be pleased to receive a submission about how your plans either currently support, or can be enhanced to support, Government policy with respect to development of the railway and other infrastructure needed for the basin to be opened to mining. In so doing I will also need an indication of your participation in these considerations by 4 May 2012.

My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEEHEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning



20 April 2012

Our ref: MBN12/65

Mr Rob McNamara
General Manager Project Development
American Metals and Coal International (Alpha) Pty Ltd
GPO Box 1118
BRISBANE QLD 4001

Dear Mr McNamara

I write to you about development of the Galilee coal basin and projects being proposed by different mine and infrastructure proponents. In so doing I would firstly like to emphasise the importance of developing the basin as a major centre for coal mining, processing and export. The Government views the Galilee basin as a key economic region critical for the future economic prosperity of the State. In this regard I congratulate you for your efforts to date, which are contributing to the long held vision of the Galilee basin becoming a major new resource region.

The LNP has come into Government with a very clear policy position with respect to the development of railway infrastructure to service the needs of the Galilee coal basin. This policy is simple and is to *"identify the best corridor for the rail line from the Galilee basin to Abbot Point and institute multiple user requirements for all proponents"*.

Inherent in this statement is the proposition that we will facilitate the development of a corridor that to the greatest extent possible minimises real and potential impacts, including land acquisition issues, ongoing farm management, severance, floodplain issues and the environment generally.

The previously uncoordinated approach has led to multiple rail lines being proposed by several proponents. It has been identified by both coal companies and local landholders as a failure of planning and coordination. It must be addressed for the successful development of the Galilee basin coal reserves and minimisation of impacts. Additionally, the Government also wishes to ensure that the broader infrastructure requirements of the region, such as roads, power and water are understood and better coordinated so the best outcomes for the State can be achieved.

I have now met with a number of proponents including Hancock Coal/GVK, Waratah Coal and QR National. It is clear to me that the projects proposed by Hancock Coal/GVK and Waratah Coal are well advanced ones, potentially capable of servicing the needs of the southern part of the basin. However, the considerable community

concern that has been expressed to me regarding the impact of the multiple proposals on local communities and landholders is a significant issue that the Government has a duty to address.

The *State Development and Public Works Organisation Act 1971*, for which I am the responsible Minister, provides the Coordinator-General with a wide range of powers that may be used to support achievement of the Government's policy. As a number of proponents are at various stages of project development and are now seeking Government support with respect to acquisition of land needed for their railway projects, it is important that the Government carefully considers which powers are best used to achieve its preferred outcome of a multi-user corridor.

At this stage the Coordinator-General has given a commitment that he will continue to progress various assessment processes. However, in light of the stated Government policy position, I have written to Hancock Coal/GVK and Waratah Coal to seek a genuine proposal which addresses the concerns raised by the community and mining industry and which better achieves the preferred outcomes sought by the Government.

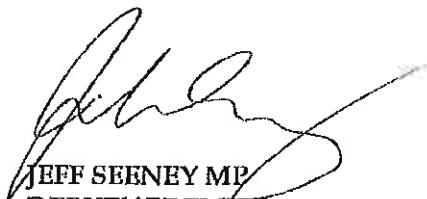
I have asked that both Hancock Coal/GVK and Waratah Coal, as the most advanced project proponents in the southern part of the Galilee basin, engage in a serious and genuine dialogue aimed at identifying common ground between their respective proposals and identifying the multi-user corridor from the southern basin area to the Port of Abbot Point. Such a corridor might also be capable of accommodating other infrastructures if appropriate.

In order to provide a meaningful input to Government considerations I am seeking commitment to this request by 4 May 2012, with more detailed proposals to follow soon thereafter and at a date agreed between both parties and the Department.

I realise that the plans of your company are also likely to be impacted by these considerations and therefore I will also be pleased to receive a submission about how your plans either currently support, or can be enhanced to support, Government policy with respect to development of the railway and other infrastructure needed for the basin to be opened to mining. In so doing I will also need an indication of your participation in these considerations by 4 May 2012.

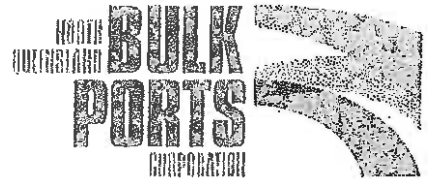
My Department will be pleased to assist in facilitating this outcome. In the first instance I suggest you contact Mr David Edwards, Director-General, Department of State Development, Infrastructure and Planning on (07) 3227 8451, who will support this process at the highest levels.

Yours sincerely



JEFF SEENEY MP
DEPUTY PREMIER

Minister for State Development, Infrastructure and Planning



17 April 2012

Mr Barry Broe
Coordinator-General
Department of State Development
Infrastructure & Planning
PO Box 15517
CITY EAST QLD 4002

Dear Barry

Abbot Point T4-T9 – Location
Reference: PM/056/00016 (E12/13971)

Introduction

As discussed during our meeting last Friday (13 April), I write concerning the location of our proposed Terminal 4 – Terminal 9 (T4-T9) export coal project at Abbot Point.

Your support is being sought for a proposed new location, as per the attached drawing (the New Location). Your support is critically important in facilitating the project's development and subsequently other significant development proceeding at the port.

The project planning and commercial negotiations at Abbot Point are now at a crucial stage and coal export companies are considering their options. Reducing start-up costs, which the proposed New Location would provide, are paramount in order to get the first project/s to commit.

Planning For Infrastructure

The planning for the T4-T9 project has been progressing for some time following considerable collaboration between our respective organisations to determine the most appropriate site at Abbot Point.

The plan for the six terminals is based on the long-term needs for the port, in particular the emerging needs of the Galilee Basin, as well as the further development of the Northern Bowen Basin.

Given the long-term nature of investment in port infrastructure, NQBP remains convinced of the need to provide robust strategic planning for its ports and therefore, the need to identify now the location for the T4 to T9 terminals, even though some may not start construction for some time.

By way of context, NQBP has already committed in the order of \$100 million into the studies and preliminary planning for the Multi Cargo Facility (MCF), T0-T3 and T4-T9, while the mining companies will have invested considerably more in aggregate in their individual feasibility studies.

BRISBANE OFFICE
GPO Box 409 Brisbane
Queensland 4001
P 07 3224 7088 F 07 3224 7234
nqbp.com.au info@nqbp.com.au

MACKAY OFFICE
PO Box 3340 North Mackay
Queensland 4740
P 07 4969 0700 F 07 4969 0799
nqbp.com.au info@nqbp.com.au

Level 11, 111 Douglas Street, The Yacht Club, Mackay, Queensland 4740
NORTH QUEENSLAND BULK PORTS CORPORATION LIMITED
ACN 126 292 514 • ABN 26 126 292 514
PORTS CORPORATION OF QUEENSLAND LIMITED
ACN 126 292 514 • ABN 26 126 292 514
MACKAY PORTS LIMITED
ACN 126 292 514 • ABN 26 126 292 514

HAY POINT • MACKAY • ABBOT POINT • WEIPA

Practical Benefits of New Location

Apart from cost, there are other compelling reasons why NQBP needs to pursue the New Location over the Original Location. They are:

- As planning has developed and on further analysis, this work has shown that the flood boundaries of Splitters Creek are more extensive than originally assumed and this could potentially impact on any future development proposed for the Original Location; and
- In order to accommodate the six terminals, there is a need to realign the North Coast Railway Line (NCRL) if the Original Location is used. It is also now apparent that the NCRL cannot be moved in a timeframe to meet the planned first coal in 2017.

Commercial Hurdle without New Location

The preferred proponents, being the foundation customers for the project, were announced by the then Premier in December 2011. The proponents will use the proposed MCF at the Port of Abbot Point following its approval.

While the six original proponents all indicated their desire to construct their own terminal in the next five to eight years, it was always envisaged by NQBP that development of the terminals would be at a slower pace given the cost and size of the respective developments. The cost of developing mines will be approximately \$2 billion and rail and other supporting infrastructure would easily take this number to \$6 to \$10 billion depending on the location of the mine.

It has also become apparent that there has been a softening in demand and that while it was originally assumed that at least two terminals would commence initially, it is now likely that only one terminal will start with the others following in subsequent years.

This initial terminal will have substantial additional costs as the "first mover" for base infrastructure including power, water and MCF development costs. The imposition of an additional \$150 million for the realignment of the NCRL (plus timing delays) places a major hurdle for any proponent wishing to be the initial developer.

Commercial Pragmatism

NQBP considers that the New Location for the T4-T9 represents the best planning and development outcome for the project, the development of the MCF, the Abbot Point State Development Area (APSDA) and ultimately is in the State's best economic interest.

The current economic and approvals climate makes it critical to obtain financial surety for foundation customer/s, tangible outcomes for the MCF and the APSDA. The proponents for T4-T9 are the only real customers showing sufficient interest and having the financial capability to start and continue with development of the port and coal terminals or any real development in a planned way.

APSDA Development - Contract NQBP - MIDQ

NQBP currently has an application with the Minister for Industrial Development of Queensland (MIDQ) to purchase an area of land which accommodates the proposed New Location for T4-T8 of the T4-T9 terminals. NQBP is close to finalising negotiations with MIDQ and has exchanged a draft contract.

The provision of base infrastructure is also important for the future development of the APSDA by MIDQ. As you are aware, the State has invested a significant sum in purchasing land and on initial studies in relation to the APSDA.

A major hurdle in attracting industry to the APSDA is the cost of base infrastructure. It is vital that a cost environment be provided for the developer/s of the first T4-T9 terminal which is competitive with other terminal developments in the State and which underwrites the provision of the base infrastructure.

Moving the site to the New Location will remove a major cost impediment, the realignment of the NCRL. While it will mean losing part of the industrial development area, it will most likely lead to the early development of the APSDA.

It is also expected there would be major and well justified criticism by proponents and the public of the costs and inconvenience associated with relocating the NCRL while an abundance of land within the APSDA that has already been purchased by the State, sits idle and unused for what could be a long period of time.

A further financial advantage to the State as a whole is that the New Location land has already been purchased by the State. Using the previous T4-T9 site would require the State to embark on further purchases while land it had already purchased at a significant cost sits idle.

Investigation Program

NQBP is planning a comprehensive investigation program costing in excess of \$300,000 as soon as conditions on site are suitable and also needs to finalise the Contract with MIDQ. Accordingly, we look forward to receiving your urgent support for the purchase of the land and our proposed New Location.

A decision on the location for T4-T9 is also necessary to allow NQBP to refer the T4-T9 project to start the approval process.

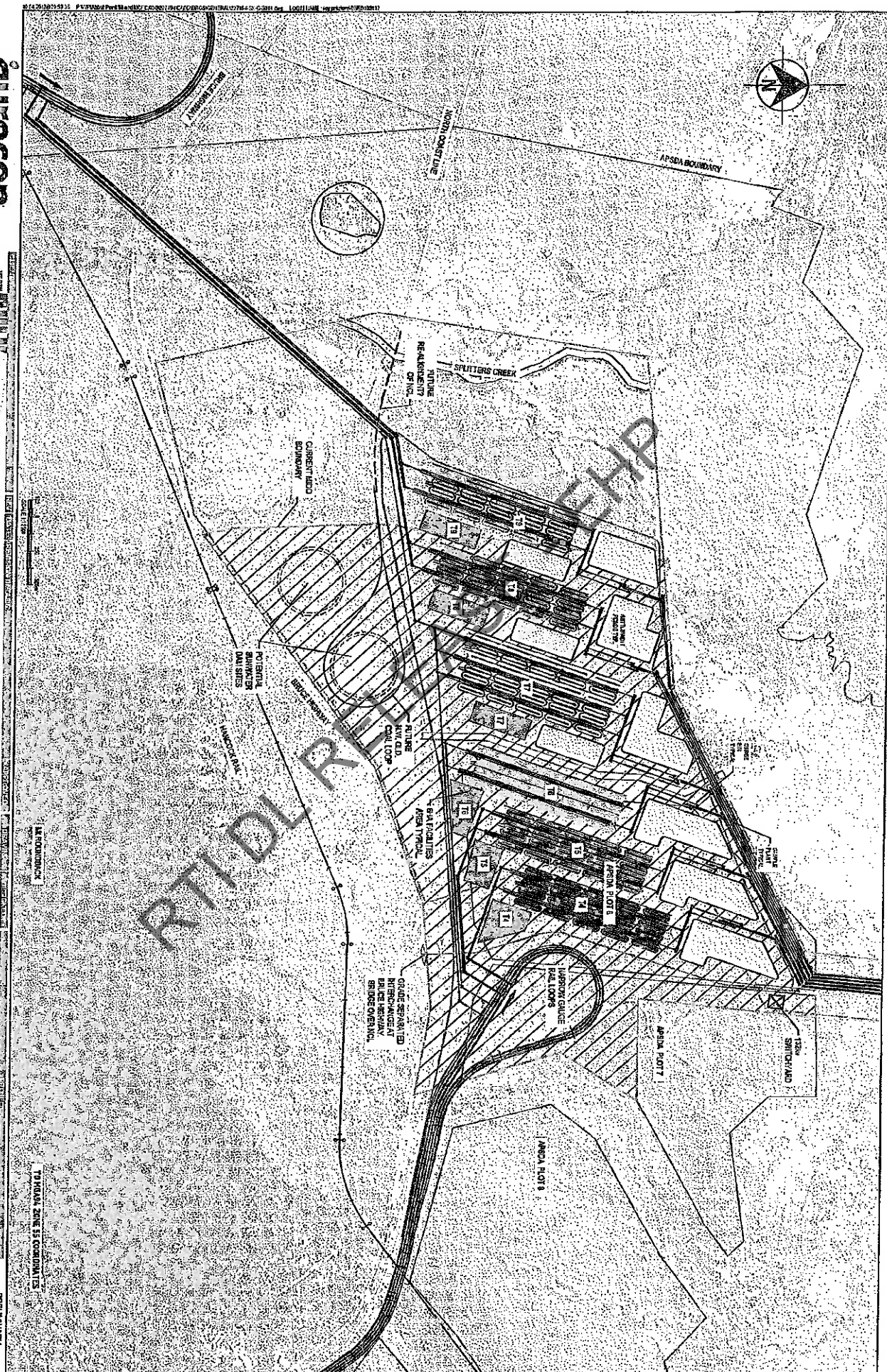
If you have any queries please do not hesitate to contact me.

Yours sincerely

Sch 4 - Signatures

Brad Fish
Chief Executive Officer

Enquiries:	Brad Fish
Telephone:	(07) 3224 8728
Email:	bfish@nqbp.com.au



Anderson Jodie

From: Chesterman Andrew
Sent: Tuesday, 1 May 2012 6:44 AM
To: Armstrong Steve
Subject: Fwd: Abbott Point

Steve.
Can you please run a quick check on this today.
Thanks
Andrew

Sent from my iPad

Begin forwarded message:

From: "Troy Collings" <Troy.Collings@ministerial.qld.gov.au>
Date: 30 April 2012 6:01:51 PM AEST
To: "Chesterman Andrew" <Andrew.Chesterman@derm.qld.gov.au> "Armstrong Steve" <Steve.Armstrong@derm.qld.gov.au>
Subject: RE: Abbott Point

This will probably be covered in the said brief, but I also note in the attendees, Mr Brad Fish, CEO North Qld Bulk Ports. It may be also prudent to see if he/his organisation has had any dealings of note with DERM/EHP?

T

Troy Collings
Chief of Staff
The Hon Andrew Powell MP | Minister for Environment and Heritage Protection

GPO Box 2464 | Brisbane Qld 4001
P: (07) 3239 0801 | F: (07) 3224 2493 | Min 4 - Personal Information
E: troy.collings@ministerial.qld.gov.au

From: Chesterman Andrew [<mailto:Andrew.Chesterman@derm.qld.gov.au>]
Sent: Monday, 30 April 2012 9:33 AM
To: Armstrong Steve
Cc: Troy Collings
Subject: Abbott Point

Steve.
The Minister and I are meeting tomorrow afternoon with the Premier re the above.
I think there is a briefing in the system which I would like but I would also like to have spelt out in (possibly flowchart form?) the approvals process we will be required to follow and the associated timeframes (including whether these timeframes are statutory or Departmental).
The Minister and I will need to be prepared with the specifics of the EHP role in the process.
Can you please allocate this task so that we have something by noon tomorrow.
Thanks
Andrew

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and /or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Queensland Government.

Please consider the environment before printing this email.

RTI DL RELEASE EHP

Anderson Jodie

Subject: Premier Meeting - Abbot Point
Location: Premier's Boardroom, level 15, 100 George Street

Start: Tue 1/05/2012 4:30 PM
End: Tue 1/05/2012 5:15 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Jon Grayson
Required Attendees: 'jeff.seeney@ministerial.qld.gov.au'; 'andrew.cripps@ministerial.qld.gov.au'; Craig Evans; David Hourigan; Barry Broe (Coordinator-General); Andrew Chesterman (Environment and Heritage); 'bfish@nqbp.com.au'; Dan Hunt (Natural Resources and Mines); 'andrew.powell@ministerial.qld.gov.au'; Helen Gluer (Treasury)
Optional Attendees: 'Jeff Popp'; 'Broe, Barry'

Attendees:

- The Honourable the Premier
- The Honourable Jeff Seeney, Minister for State Development, Infrastructure and Planning
- The Honourable Andrew Powell, Minister for Environment and Heritage Protection
- The Honourable Andrew Cripps, Minister for Natural Resources and Mines
- Jon Grayson, DG Department of the Premier and Cabinet
- Craig Evans, DDG Policy, Department of the Premier and Cabinet
- Andrew Chesterman, DG Department of Environment and Heritage Protection
- Barry Broe, Coordinator-General
- Dan Hunt, DG Department of Natural Resources and Mines
- David Hourigan, ED Economic Policy, Department of the Premier and Cabinet
- Brad Fish, CEO, North Queensland Bulk Ports Corporation
- Helen Gluer, Under Treasurer

Contact:

Barbara Tollenaere
Office of the Director General - DPC
3224 4728

Anderson Jodie

Subject: FW: Premier Meeting - Abbot Point
Location: Premier's Boardroom, level 15, 100 George Street
Start: Tue 1/05/2012 4:30 PM
End: Tue 1/05/2012 5:15 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Jon Grayson

When: Tuesday, 1 May 2012 4:30 PM-5:15 PM (GMT+10:00) Brisbane.
Where: Premier's Boardroom, level 15, 100 George Street

Note: The GMT offset above does not reflect daylight saving time adjustments.

Troy.

I note this is in my diary for tomorrow which you mentioned on Friday but it doesn't seem to have Minister Powell's name in the attendee list.

Is the Minister going to attend do you know?

Regards

Andrew

From: Jon Grayson [<mailto:Jon.Grayson@premiers.qld.gov.au>]
Sent: Thursday, 26 April 2012 2:49 PM
To: Jon Grayson; jeff.seeney@ministerial.qld.gov.au; andrew.cripps@ministerial.qld.gov.au; Craig Evans; David Hourigan; bfish@ngpb.com.au; Barry Broe (Coordinator-General); Andrew Chesterman (Environment and Heritage)
Subject: Premier Meeting - Abbot Point
When: Tuesday, 1 May 2012 4:30 PM-5:15 PM (GMT+10:00) Brisbane.
Where: Premier's Boardroom, level 15, 100 George Street

Attendees:

- The Honourable the Premier
- The Honourable Jeff Seeney
- The Honourable Andrew Cripps
- Jon Grayson
- Craig Evans
- Andrew Chesterman
- Barry Broe
- David Hourigan
- Brad Fish

Contact:

Barbara Tollenaere
Office of the Director General - DPC
3224 4728

From: Ellwood Dean
Sent: Tuesday, 8 May 2012 6:50 PM
To: Chesterman Andrew
Cc: McMains Lisa; Brown Glen; Delzoppo Lindsay
Subject: RE: Hancock EIS
Attachments: Alpha Coal CG Conditions_ 3 May 12a.doc; ATT735077.htm

Andrew, advice received below on status of advice to CG. In addition to you being cc'd in on email to Matt Grant tomorrow morning, I will also draft an email for your consideration to send to CG.

Regards
Dean

As you would know, the Coordinator-General is committed to releasing his report on the Alpha Coal Project EIA by 25 May 2012. In relation to outstanding EHP issues raised by the CoG this morning, for the Alpha Project (Hancock) as part of the EIS under the SD&PWO Act- you could advise the following:

Draft EA Conditions

EHP has been working to finalise draft Environmental Authority conditions for consideration and inclusion in the CoG's Report. After discussions today, Matt Grant from the Office of the CoG's agreed that EHP should submit the draft ES conditions to his office by 10am tomorrow 09 May 2012. This timeline was supported by Mr Grant as this will provide his team with additional information which would enhance the CoG's EIS report. EHP's submission tomorrow will include a detailed list of those issues for which EHP has received insufficient information from the proponent to enable specific EA conditions to be prepared, as well as the type of additional information which would need to be sought as a requirements of the CoG report. Outstanding issues which EHP discussed with Hancock representatives today, include:

- mine rehabilitation
- mine water management and stream diversions
- performance requirements for 'regulated structures' such as tailings dams and large levee banks

Future Abbot Point MCU Applications

Negotiations are continuing with Hancock representatives in relation to the need for and timing of information about the Abbot Point rail loop. EHP believes acid sulphate soils survey data should be provided before consideration of an MCU application for the development which would be in the State Development Area 4 - Business Affairs

Biodiversity Offsets

The Office of the CoG has consistently made it clear to proponents seeking to develop mines in the Galilee basin, that it would apply the Queensland Biodiversity Offset Policy (BOP) adopted by the former government in October last year.

EHP has held extensive discussions with the office of the CoG about how best to apply the BOP to the Alpha Coal project. One proposed solution would involve a mix of:

- *direct offsets* whereby the company would put forward land owns containing high-biodiversity quality regrowth; and
- *financial payment* arrangements (possibly including some up-front payments and periodic payments) which would be used to fund the acquisition of land with outstanding biodiversity values, for addition to the National Park estate

EHP is arranging to seek the views of Minister Powell on this approach.

Given the timeline or the release of CoG's EIS report for the Alpha Coal project, it is unlikely that details of Biodiversity Offset requirements will be finalised by 25 May. That being the case, it is likely that the CoG report would need to specify some requirements for Biodiversity Offsets, while specifying that other aspects of such Biodiversity Offsets (such as the nature and timing of financial offset payment) would be finalised after the release of the CoG report.

EHP has also been developing a Galilee Offsets Strategy which maps the significant State values that are targets for future land acquisition (including important biodiversity corridors) and which would provide important guidance for future mine rehabilitation planning – to ensure habitat connectivity in the east-west direction. As this will not be completed until the end of May 2012, it may be desirable for the CoG report to direct further work by the proponent once the strategy is completed.

From: Chesterman Andrew
Sent: Tuesday, 8 May 2012 8:49 AM
To: Ellwood Dean
Cc: Wall Terry
Subject: FW: Hancock EIS

Dean

Please find below another request from the CG.

Can you please provide a response to the CG (Matt Grant) and cc me.

Regards

Andrew

From: Broe, Barry
[mailto:Barry.Broe@coordinatorgeneral.qld.gov.au]
Sent: Tuesday, 8 May 2012 8:37 AM
To: Chesterman Andrew
Subject: Hancock EIS

Andrew

At a meeting we held with Hancock and its EIS and social impact consultants on the Alpha Coal Project late Thursday 3 May, I agreed to request from you that DEHP:

Finalise today DEHP advice to me on the draft Environmental Authority conditions for the mine, even though it is understood that discussions on these conditions between DEHP and Hancock will resume once my EIS Evaluation Report is finalised. It would be useful for the OCG to be made aware of any unresolved points of disagreement between DEHP and Hancock, but I would generally intend to recommend the DEHP position on each of these matters, unless there is subsequent alternative agreement between OCG and DEHP senior staff.

Finalise by early Wed 9 May, DEHP advice to me on biodiversity offset matters.

Our contact is Matt Grant.

This is a very important major project and we are working around the clock to meet a timeframe of a CG report on 24 May, months ahead of schedule.

Thanks

Barry

<Alpha Coal CG Conditions_ 3 May 12a.doc>

RTI DL RELEASE - EHP

Alpha Coal Project- Environmental Offsets
Proposed Conditions CG Report
3 May 2012

Biodiversity offsets under the following requirements must be located within the strategic areas identified by the Galilee Basin Offset Strategy (Environment and Heritage Protection 2012). Biodiversity offsets may be located in other areas to the satisfaction of EHP.

The outcome is that no clearing is to occur under the Environmental Authority until all preclearance surveys and ecological equivalence surveys are completed, and a Biodiversity Offset Strategy has been approved by the Department of Environment and Heritage Protection.

Where there is a requirement for the clearing of plants protected under the *Nature Conservation Act 1992* (NC Act):

- Clearing must only occur in accordance with a clearing permit under the NC Act
- Offsets must be provided for the take of endangered, vulnerable or near threatened plants consistent with the Queensland Biodiversity Offset Policy.

Offsets under the Queensland Biodiversity Offset Policy

Offsets must be provided for the unavoidable impacts on State significant biodiversity values in accordance with the Queensland Biodiversity Offset Policy 2011 as amended.

As part of the environmental authority for the mining lease, the proponent must enter into a Deed of Agreement with the Department of Environment and Heritage Protection on the provision of offsets, consistent with the Queensland Biodiversity Offset Policy. The Deed is for the life of the project and may be amended as required.

The Deed of Agreement must, as a minimum, contain the following information about:

- the provision of offsets consistent with the Queensland Biodiversity Offsets Policy
- the offset delivery mechanisms for the provision of offsets
- the delivery of a Site-based Offset Plan for each stage for which offsets are to be provided. The Site-based Offset Plan is to include:
 - Demonstration that the activity has (where possible) avoided, then minimised impacts on State significant biodiversity values.
 - A detailed description of the values to be offset
 - A detailed description of the extent of impact on each of the State significant biodiversity values.
 - The offset delivery mechanism (land based offset or offset payment), and where relevant:
 - information detailing whether the values can be offset within the landscape; and
 - assessment of ecological equivalence using the Ecological Equivalence Methodology produced by the administering authority.
 - the values to which a proposed offset payment relates.

- Financial surety, where required under the Queensland Biodiversity Offset Policy.

Within 4 months of the issuing of the environmental authority, the proponent must have undertaken and submitted to the Department of Environment and Heritage Protection for approval, an ecological equivalence assessment of areas with State significant biodiversity values that will be impacted. Assessment of ecological equivalence is to be undertaken consistent with the Ecological Equivalence Methodology.

Within 6 months of the issuing of the environmental authority, the proponent must submit to the Department of Environment and Heritage Protection for approval:

A Biodiversity Offset Strategy which addresses the Queensland Biodiversity Offset Policy.

The strategy should contain, as a minimum:

- The values which will be offset and the extent of impact on each value, and the specific-issue offset policy the value will be offset under.
- The offset delivery mechanism (land based offset or offset payment).
 - Where offsets will be provided via a land based offset, information should be included detailing whether the values can be offset within the landscape.
 - Where an offset payment is proposed, the values to which the offset payment relates.
- Details of when offsets will be provided, that is, prior to the issuing of the environmental authority or staged over the life of the project. Where it is proposed to stage the provision of offsets, identify what the stages and the anticipated timeframes.
- Details of where State significant biodiversity values correlate with Matters of National Environmental Significance under the *Environment Protection and Biodiversity Conservation Act 1999* how the offset provided under the EPBC has achieved the same (or greater) outcomes for the values impacted as would be required by the Queensland Biodiversity Offset Policy, including the offset area being legally secured and managed.
- An assessment of ecological equivalence of the impact area where land based offsets are proposed. Assessment of ecological equivalence should use the current Ecological Equivalence Methodology developed by the administering authority.
- Details on how the offsets provided align with the Galilee Basin Offset Strategy (EHP 2012).
- a Site-based Offset Plan for stage 1.

Offsets under the *Vegetation Management Act 1999* (VMA)

Offsets for development associated with the rail line under the *Sustainable Planning Act 2009* must be provided in accordance with the Policy for Vegetation Management Offsets under the VMA.

A Property Vegetation Management Plan (PVMP), consistent with the Vegetation Management Regulation 2000, must be provided with the development application for the clearing of native vegetation. The PVMP must include, but is not limited to:

- Demonstration of how the proposed clearing of vegetation will be avoided and/or minimised (in order of preference);
- The location and extent of the values proposed to be cleared under the application;
- The purpose of the clearing;
- An assessment of how the proposed clearing meets the performance requirements of the relevant Regional Vegetation Management Code;
- Information supporting any request by the proponent for the project to be classified a significant community project under the VMA.
- Details of how offsets will be provided consistent with the latest version of the Policy for Vegetation Management Offsets.
- Details on how any proposed offsets align with the Galilee Basin Offset Strategy (EHP 2012).

Impacts on animal breeding places under the Nature Conservation Act 1992

Where activities of the proponent are likely to cause disturbance to animal breeding places as defined under the *Nature Conservation (Wildlife Management) Regulation 2006*, the approval of the Department of Environment and Heritage Protection must be obtained prior to the commencement of the activity.

A Species Management Program (SMP) must be submitted to the Department of Environment and Heritage Protection as part of the approval, detailing how the population and habitat of a protected animal listed under the *Nature Conservation Act 1992* will be managed during construction and operation of the project (including but not limited to any species already identified in the EIS or found during preclearance surveys or prior to construction within the project area).

The proponent must enter into a Deed of Agreement with the Department of National Parks, Recreation, Sport and Racing on the provision of offsets, consistent with the SMP. The Deed is for the life of the project and may be amended as required.

Anderson Jodie

From: Hodgman Laurie
Sent: Thursday, 24 May 2012 2:54 PM
To: Chesterman Andrew
Cc: Roberts Tony; Blackett Nicole
Subject: COAG bilateral accreditation agenda

Andrew, if you wanted to raise it at the CEOs meeting tomorrow, these are the next few milestones in the COAG taskforce process:

s.73 - Irrelevant Information

Also, Nicole mentioned you had asked about the relationship between the strategic assessment and Abbot Point. The strategic assessment does not affect any project already approved or in the process of being approved. Once the strategic assessment is completed and endorsed, any project receiving approval under the nominated 'classes of actions' (in effect the accredited state statutory processes) will not require EPBC approval as well.

Laurie

Laurie Hodgman
A/Director, Environmental Planning
Telephone: 07 3330 5896 **Mobile:** [REDACTED]
laurie.hodgman@derm.qld.gov.au

Section 4 - Personal Information

Anderson Jodie

From: Helen Stehbens <Helen.Stehbens@hancockcoal.com.au>
Sent: Friday, 15 June 2012 9:01 PM
To: Chesterman Andrew
Subject: Invitation for Public Comment Preliminary Documentation for Terminal 3 Development at the Port of Abbot Point
Attachments: Annexure A Publication of preliminary documentation s95A.pdf; Annexure A.pdf; FINAL_A4 Fact Sheet 150612 Rev2.pdf; Key Questions and Answers 3 insert.pdf; 120615 Offer to provide project briefing stakeholder letter Mr Andrew Chesterman.pdf

Please find both a letter and fact sheet attached advising you on the public notification of the Preliminary Documentation for the Terminal 3 Development at the Port of Abbot Point.

The Preliminary Documentation for the proposed T3 development will be available for public comment for a four week period from 18 June to 16 July 2012.

A hardcopy of the attached letter and factsheet will also be mailed to you.

Kind Regards,

Helen Stehbens
EGM – External Affairs



GVK Hancock Coal Pty Ltd

Level 8, 307 Queen Street, Brisbane QLD 4000

T: +61 7 3003 5500

F: +61 7 3229 4788

E: Helen.Stehbens@gvkresources.com

This email (including all attachments) may contain personal information that is intended solely for the named addressee. It is confidential and may be subject to legal or other professional privilege. Any confidentiality or privilege is not waived or lost because this email has been sent to you by mistake. Any personal information in this email must be handled in accordance with the Privacy Act 1988 (Cth). Any unauthorised use of the contents is expressly prohibited. If you have received this email in error, please let us know by reply email, delete it from your system and destroy any copies. Before opening or using attachments, check them for viruses and defects. It is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by us for any loss or damage arising in any way from its use. Our liability is limited to re-supplying the email. This email and any attachments are also subject to copyright. No part of them may be reproduced, adapted or transmitted without the written permission of the copyright owner.

This email (including all attachments) may contain personal information that is intended solely for the named addressee. It is confidential and may be subject to legal or other professional privilege. Any confidentiality or privilege is not waived or lost because this email has been sent to you by mistake. Any personal information in this email must be handled in accordance with the Privacy Act 1988 (Cth). Any unauthorised use of the contents is expressly prohibited. If you have received this email in error, please let us know by reply email, delete it from your system and destroy any copies. Before opening or using attachments, check them for viruses and defects. It is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by us for any loss or damage arising in any way from its use. Our liability is limited to re-supplying the email. This email and any attachments are also subject to copyright. No part of them may be reproduced, adapted or transmitted without the written permission of the copyright owner.

**Publication of Information for Assessment on Preliminary Documentation
under Section 95A of the
Environment Protection and Biodiversity Conservation Act 1999**

Information to be published:

- (a) Specified information included in the referral to the Minister of the proposal to take the action;
- (b) Specified information relating to the action that was given to the Minister after the referral but before the Minister made the assessment approach decision;
- (c) Specified information relating to the action that was received in response to the Minister's request under subsection (2);
- (d) An invitation for anyone to give the designated proponent, within the period specified in the direction, comments in writing relating to the information or the action.

If the material is more than 200 words, a notice may be published instead.

Where to be published:

- (a) at an appropriate location on the internet;
- (b) in a national or state daily newspaper that circulates in the state or territory in which the action occurs; and
- (c) if practical, in regional newspapers that circulate in any regions of Australia where the action is likely to have a significant impact on a matter protected by a provision of Part 3 of the Act.

The designated proponent must:

- (a) give 2 copies of the material to:
 - (i) at least 1 local authority, or at least 1 local or regional library, for the area where the action is likely to have a significant impact on a matter protected by a provision of Part 3 of the Act;
 - (ii) a state government authority responsible for environmental protection, or a state library, in the state where the action is likely to have a significant impact on a matter protected by a provision of Part 3 of the Act;
 - (iii) the department.
- (b) ask the authority or library to display the material publicly.

The published material or notice must invite public comments and state:

- (a) the provision of the Act that requires the material to be published;
- (b) the identification number for the action, allocated by the Department;
- (c) a descriptive title for the action;
- (d) the location of the action;
- (e) the name of the person intending to take the action;
- (f) each matter protected by a provision of Part 3 of the Act;
- (g) where a copy of the material may be viewed or obtained:
 - (i) in electronic and hard copy form; and
 - (ii) at a reasonable cost or without charge.
- (h) that persons with special needs (ie for whom English is a second language or who has a vision impairment) may contact a designated person for assistance in accessing the material.

The notice must be approved by the Secretary before it is published.



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Mr Paul Mulder
Managing Director – Coal
Hancock Coal Infrastructure Pty Ltd
GPO Box 963
BRISBANE QLD 4001

Date: 8th June 2012
EPBC Ref: 2008/4468
EPBC Contact: s.73 - Irrelevant Information

Dear Mulder

**Direction to publish Preliminary Documentation –
Abbot Point Coal Terminal 3, Port of Abbot Point, Queensland**

On 20 October 2008, we decided that your proposed coal terminal expansion project at the Port of Abbot Point, Queensland (EPBC 2008/4468), required assessment and approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As you would be aware, the proposed action has been varied a number of times since then and a final, revised set of documentation was submitted to the department on 25 May 2012.

You are now required to publish the information you have provided on the proposed action (as outlined above) **within 20 business days of the date of this decision**. This allows for public consultation on the potential impacts of your project. The information must be available for comment for no less than **20 business days** and during this time any third parties can comment on the proposed action.

Public comments will come directly to you so that you have an opportunity to address any issues raised. You are then required to provide us with:

- a copy of all public comments received (if any);
- a summary of each of the comments (if any) and how you have addressed each of them; and
- a revised version of your documentation with any changes or additions needed to take account of the public comments (if any); or
- if no public comments are received, a written statement to that effect.

Once you have provided us with this information, you will then need to publish the summary of comments and your responses, together with the original documentation including any changes or additions made in response to the public comments (or a notice) **within 10 business days**.

Detailed directions on what information you need to publish and where to publish are attached to this letter.

The assessment process will commence as soon as we receive the public comments and your responses to them. A decision on whether the proposed action can be approved or not would generally be expected within 40 business days of that time, unless further information is required.

Details on the assessment process and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the department's website at <http://www.environment.gov.au/epbc>.

I have also written to the following parties to advise them of this decision:

State authority

Mr Lindsay Delzoppo
Queensland Department of Environment &
Heritage Protection

If you have any questions about the assessment process or this decision, please contact the EPBC project manager and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Sch 4 - Signatures

Adrienne Lea
Assistant Secretary
Environment Assessment Branch

RTI DL RELEASE - EHP



Hancock Coal Infrastructure Pty Ltd Terminal 3 Development at the Port of Abbot Point

About the Project

Hancock Coal Infrastructure Pty Ltd (HCIPL), a wholly owned subsidiary within the GVK Group, has been nominated by North Queensland Bulk Ports (NQBPs) as the preferred developer for a parcel of land referred to as "Terminal 3" (previously X110 Terminal and referred to below as "T3 Project").

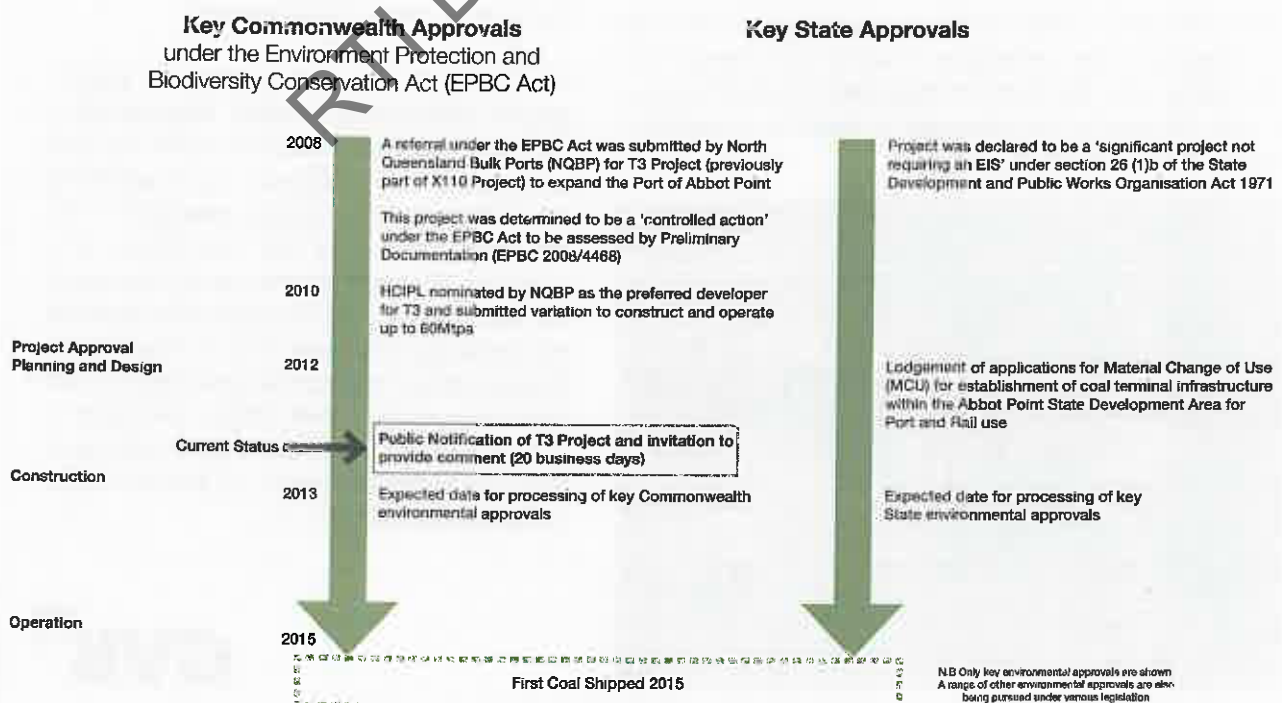
HCIPL proposes to develop the T3 Project to enable the export of up to 60 Mtpa of coal delivered by a standard gauge rail line from new mines in the Galilee Basin. The proposed development includes both onshore (coal stockpile catering for throughput of up to 60Mtpa) and offshore development (jetty and berth facilities) and associated in-loading and out-loading infrastructure. A map showing project infrastructure is provided on page 4. The Port of Abbot Point is HCIPL's preferred port because of its proximity to the Galilee Basin and Asian destinations. T3 is critical to the development of the Alpha Coal, Alpha West and Kevin's Corner Projects which are also being progressed by GVK Hancock through other companies in the GVK Group.

GVK

In October 2011, one of India's leading infrastructure developers, the GVK Group, acquired majority ownership in mine, rail and port developments from Hancock Prospecting Group. GVK Group holds power and infrastructure interests and is committed to expanding its business in Australia. GVK's mission statement is:

"GVK will develop a world class integrated coal business through the commitment of our people, collaboration with stakeholders and underpinned by safety, technical and cost leadership."

T3 Project Timing



Environmental Studies

The T3 development is a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The controlling provisions under the EPBC Act for the T3 Project are:

- World Heritage Properties (sections 12 and 15A)
- National Heritage Places (sections 15B and 15C)
- Listed Threatened Species and Threatened Ecological Communities (sections 18 and 18A)
- Listed Migratory Species (sections 20 and 20A)
- Commonwealth Marine Area (sections 23 and 24A).

The assessment examines a number of potential areas of impact on Matters of National Environmental Significance (MNES) including:

- Increases in light, noise and air pollution on the Great Barrier Reef World Heritage Area which are shown not to have a significant impact on the Reef's world heritage values
- Increases in light, noise and air pollution on marine and terrestrial habitats adjacent to the T3 Project area which provide habitat for a number of threatened and migratory species under the EPBC Act
- Loss of a small area of a threatened ecological community within the project footprint which has been considered as a part of the assessment, and which, when appropriately managed, is shown not to impact the ongoing survival of the ecological community
- The direct loss of a number of marginal habitat areas for listed species which are shown not to significantly impact the survival of these species.

The report also assesses the impacts of increased shipping from the T3 Project and its impact on the Great Barrier Reef. Given the limited number of ship movements associated with the project and the current level of control and management of shipping within the World Heritage Area, this small increase in ship numbers is not expected to result in a significant impact to the World Heritage Area.



Environmental Management

To ensure the T3 Project does not unduly impact the environment, comprehensive environmental management plans have been developed for the construction and operational phases of the project. Habitat offsets are also proposed in relation to the direct loss of a small area of threatened ecological community which is required to be cleared to allow the T3 Project to proceed.

The assessment concludes that, when conducted in accordance with the design and management controls presented in the Preliminary Documentation report, the T3 project will not result in significant impacts to MNES.

Benefits

Development of T3 at the Port of Abbot Point is key to development of the Alpha Coal, Alpha West and the Kevin's Corner Project.

The T3 Project will have significant direct economic benefits to the Whitsunday/Bowen Region. It is expected to generate up to 650 jobs during construction and approximately 100 full-time jobs during operations. This project is a component of the combined GVK Hancock mine, rail and port projects. It is expected that over \$1.5bn in taxes and royalties will be returned to State and Federal governments from these projects each year.

Cumulative Impact Assessment

In addition to the management of project-specific environmental matters documented in the Preliminary Documentation, HCIPL has also committed to the completion of an additional voluntary cumulative impact assessment. An expected outcome of the CIA Project is a proposed port-wide environmental framework that will provide for the management of potential cumulative impacts at the Port of Abbot Point. This project is being undertaken together with other proponents – BHP Billiton and Adani – and the Port Operator, North Queensland Bulk Ports. For further information on the CIA Project visit www.nqbp.com.au



How to Comment

The Preliminary Documentation will be available for public comment for a four-week period from 18 June to 16 July 2012. Interested persons and organisations are invited to comment in writing on the Preliminary Documentation by 16 July 2012.

The Preliminary Documentation can be obtained from the Hancock Coal website at www.hancockcoal.com.au or through calling the dedicated enquiries hotline 1300 279 766.

(Calls to 1300 numbers are charged at the cost of a local call. Calls from mobile phones are charged at a higher rate.)

Hardcopies are also available for viewing at:

Whitsunday Regional Council

67 Herbert Street
Bowen QLD 4805

Department of Sustainability, Environment, Water, Population and Communities

John Gorton Building
King Edward Terrace
Parkes ACT 2600

Department of Environment and Heritage Protection

22-30 Wood Street
Mackay QLD 4740

Comments should be provided in writing to:

Grant Keenan
Community Engagement Manager
Hancock Coal Infrastructure Pty Ltd
GPO Box 963
Brisbane QLD 4001

Or via email at:

mail@hancockcoal.com.au

Project Information

For further information on the T3 Project please contact the project team on:

Phone: 1300 279 766

8am – 5pm Monday to Friday

Email: mail@hancockcoal.com.au

Web: www.hancockcoal.com.au



Key Questions and Answers

What is the purpose of the Terminal 3 Project (referred to as T3 Project) Preliminary Documentation?

The aim of the T3 Project Preliminary Documentation is to identify potential beneficial and adverse, direct and indirect impacts on Matters of National Environmental Significance (MNES) under the *Environment Biodiversity and Conservation Act 1999* (EPBC Act) associated with the T3 Project. Where possible, this document also identifies the measures to avoid adverse impacts on MNES, and management and mitigation strategies to minimise the project's impacts.

Where adverse impacts are unavoidable, they will be addressed under an offsets strategy, so no overall loss of environmental values occurs.

Other key objectives of the Preliminary Documentation are as follows:

- ▶ To provide information on the project proposal and development process to the community and decision makers
- ▶ To identify potential impacts affecting MNES including environmental, social, cultural, transport and land uses, and recommend required design and operational measures to minimise, or compensate for adverse impacts and enhance benefits
- ▶ To provide an opportunity for the community and other relevant stakeholders to participate in the process of identifying, assessing and responding to the impacts on MNES of the proposal
- ▶ To provide an overview of licences, planning and environmental approvals relevant to MNES
- ▶ To provide input into the Commonwealth government decision-making process.

How long will the construction be and when will the Terminal 3 Project be completed?

The construction phase has an estimated duration of up to seven years split into four stages. Based on current plans/knowledge, the operational life of the Port is anticipated to be at least 99 years. For design purposes, 50 years has been used as the design life for major structural components assuming refurbishment at that time.

How have impacts on wetlands, habitat and species from the T3 Project been assessed?

Environmental assessment identified a number of EPBC Act listed species that are either known to occur or have a moderate potential to occur within the T3 Project area. The assessment of potential impacts to these species has been conducted in accordance with Department of Sustainability, Environment, Water, Population and Community (SEWPaC) recognised guidelines. This assessment concluded that no significant or unacceptable impacts would result on individuals or populations of fauna. Further details on this assessment are provided in the Preliminary Documentation that is currently available for public comment.

How are cumulative impacts being addressed at the Port of Abbot Point?

Cumulative impacts are being addressed through a joint voluntary initiative by GVK Hancock, BHP Billiton and Adani with the Port Authority – North Queensland Bulk Ports Corporation. This cumulative impact assessment (CIA) will include a comprehensive set of studies in relation to potential impacts such as shipping, fishing, noise, marine and terrestrial biodiversity and visual amenity. These studies will also be reviewed by independent experts in their individual areas before being consolidated into a final CIA report.

Public consultation on this CIA report is expected to occur in the second half of 2012. For further information on the CIA go to www.nqbp.com.au.

What is the relationship between the CIA Project and other approvals?

The CIA is not an approval process. It is a scientific investigation being undertaken voluntarily that will provide baseline environmental information on cumulative impacts at the Port of Abbot Point. This will be drawn upon by project proponents collectively and individually and utilised in future joint management obligations at the port.

How have environmental studies undertaken as part of the CIA project been considered in the T3 Preliminary Documentation?

A review of CIA environmental baseline studies was undertaken to ensure consistency of the T3 Preliminary Documentation with CIA baseline studies. This review also identified any differences in information informing the T3 Project impact assessment (which was then amended accordingly) and key recommendations of relevance to the T3 Project.

What is the difference between the Alpha Coal Mine and Rail Project and the Terminal 3 Project?

The Alpha Coal Mine and Rail Project EIS addresses impacts associated with the development of a 30Mtpa open cut coal mine (with the closest town being Alpha) and a 495km standard gauge rail to the Port of Abbot Point.

The Terminal 3 Project includes both onshore and offshore port infrastructure required to enable export of up to 60Mtpa of coal at the Port of Abbot Point.

Both of these projects are undergoing separate assessments under the EPBC Act and will address relevant Matters of National Environmental Significance (MNES).

How are the issues raised in relation to the Alpha Coal Mine and Rail Project on the Caley Valley Wetland and Great Barrier Reef being addressed?

The Alpha Coal Mine and Rail Project is the subject of a separate referral under the EPBC Act to that of the T3 Project. Both of these referrals are subject to Commonwealth assessment under the EPBC Act. The Alpha Coal Mine and Rail Project is further advanced in terms of its environmental assessment process. GVK Hancock is currently providing additional information that includes impacts on the Caley Valley Wetlands and the Great Barrier Reef.

Mr Andrew Chesterman
Director-General
Queensland Department of Environmental and Heritage Protection
GPO Box 2454
Brisbane Qld 4001

Invitation for Public Comment
Preliminary Documentation for Terminal 3 Development at the Port of Abbot Point

Dear Mr Andrew Chesterman

Hancock Coal Infrastructure Pty Ltd (HCIPL), a wholly owned subsidiary within the GVK Group, is the preferred developer for the proposed Terminal 3 (T3) development (previously the X110 Terminal) at the Port of Abbot Point.

The Federal Government advised on 8 June 2012 letter attached in Annexure A advised that the preliminary documentation was deemed to be of a quality and standard that met the adequacy test. The preliminary documentation for the proposed T3 development will be available for public comment for a four week period from 18 June to 16 July 2012.

Project background and benefits

This project is a component of the GVK Hancock mine, rail and port projects. HCIPL proposes to develop the T3 Project to enable export of up to 60 Mtpa of coal delivered by a standard gauge rail line from new mines in the Galilee Basin. The Port of Abbot Point is HCIPL's preferred port because of its strategic location to the Galilee Basin and Asian export destinations. The proposed development includes both onshore and offshore development including jetty, wharf and coal stockyard facilities and associated in-loading and out-loading infrastructure.

The T3 Project will have significant direct economic benefits to the local Whitsunday/Bowen Region. It is expected to generate up to 650 jobs during construction and approximately 100 full-time jobs during operations. The wider benefits from the combined mine, rail and port projects will include creation of approximately 4,500 jobs through construction, and 1,800 during operations. In addition, it is expected that over \$1.5bn in taxes and royalties will be returned to State and Federal governments from the projects each year.

Environmental assessment

Thorough assessment of potential environmental impacts relevant to Matters of National Environmental Significance (MNES) under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) has been undertaken. This information is provided in the Preliminary Documentation.

The controlling provisions under the EPBC Act for the T3 Project are:

- World Heritage Properties (sections 12 and 15A)
- National Heritage Places (sections 15B and 15C)
- Listed Threatened Species and Threatened Ecological Communities (sections 18 and 18A)
- Listed Migratory Species (sections 20 and 20A)
- Commonwealth Marine Area (sections 23 and 24A).

Comprehensive environmental management plans will be developed for both construction and operational phases of the project. In addition to the assessment of project-specific matters documented in the Preliminary Documentation, HCIPL has also committed to the completion of a voluntary cumulative impact assessment. This is being undertaken together with other proponents – BHP Billiton and Adani and the Port Authority, North Queensland Bulk Ports Corporation.

HCIPL is committed to maintaining strict environmental standards for the Port of Abbot Point, while also addressing legislative requirements and the expectations of the community for the management of the Great Barrier Reef.

Project Briefings

The purpose of this letter is to provide you with project information and details on how to submit comment on the T3 Preliminary Documentation. An information sheet including project map is attached for your information.

We would be delighted to provide you the opportunity for a more detailed project briefing and further information on the T3 development at the Port of Abbot Point.

In the meantime the Preliminary Documentation can be obtained from the project website at www.hancockcoal.com.au or by calling the dedicated enquiries hotline 1300 279 766.

Hard copies are also available for viewing at:

- Whitsunday Regional Council Library, 67 Herbert Street Bowen QLD 4805
- Department of Sustainability, Environment, Water, Population and Communities, John Gorton Building King Edward Terrace Parkes ACT 2600
- Department of Environment and Heritage Protection, 22-30 Wood Street Mackay QLD 4740

Comments should be provided in writing to:

Grant Keenan
Community Engagement Manager
Hancock Coal Infrastructure Pty Ltd
GPO Box 963
Brisbane 4001

For further information please visit the Project website www.hancockcoal.com.au, phone the Project hotline 1300 279 766 or email mail@hancockcoal.com.au

Yours sincerely

Sch 4 - Signatures

Helen Stehbens
General Executive Manager – External Affairs

Anderson Jodie

From: Speak Siobhan
Sent: Thursday, 27 September 2012 10:12 AM
To: Chesterman Andrew
Cc: Anderson Jodie
Subject: ** SENT TO TONY AND ANNE** Abbot Point Coal Terminal 3, Port of Abbot Qld - BURKE MP Tony
Attachments: Invitation to Comment on Proposed Approval Decision - Abbot Point Coal Terminal 3, Port of Abbot Qld - BURKE MP Tony.PDF; MC12-354.pdf

Good morning Andrew

The Coordinator-General asked me to send a copy of the response he prepared for the DP's consideration to the attached incoming correspondence from The Federal Minister for Sustainability, Environment, Water and Communities.

Thanks.

Kind regards

Siobhan Speak
A/Executive Officer
Coordinator-General's Directorate
Department of State Development,
Infrastructure and Planning
Queensland Government

tel + 61 7 3225 1802 (ext 51802)

post PO Box 15517 City East Queensland 4002 visit Level 12, 100 George Street Brisbane

siobhan.speak@coordinatorgeneral.qld.gov.au

www.dsdp.qld.gov.au

P Please consider the environment before printing this email

Ministerial Office Use only:

Date: 24/9/12

Ref: T13242912

Internal Document

Received

14 SEP 2012

ESU

DATE DUE TO MINISTER'S OFFICE:

26/9/12

Ref: MC12/354

File No.:

DEPUTY PREMIER CORRESPONDENCE

Drafting Instructions:

Please note response due to Tony Burke's office by 30/9 - required in RPO no later than 11am Thursday 27/9. Please contact Corinne regarding any delay. URGENT

Name: Corinne - 241338 (please print)

Date: 24/9/12

Prepared by ESU

☐ Acknowledgement

- ☐ Standard
- ☐ As Courtesy and Final
- ☐ Planning Scheme Amendments
- ☐ Submissions

☐ Referral Agency/Minister

Signatory:

- ☐ Deputy Premier
- ☐ Assistant Minister
- ☐ Chief of Staff
- ☐ Senior Policy Advisor
- ☐ Policy Advisor
- ☐ Assistant Policy Advisor

Prepared by Department

☒ Response Letter

- ☒ Priority - 3 days
- ☐ Routine - 15 days
- ☐ Other - days

☐ No Response Required

☐ Refer to Department for direct reply

☐ Briefing Note ☐ Decision ☐ Noting

Signatory:

- ☒ Deputy Premier
- ☐ Assistant Minister
- ☐ Chief of Staff
- ☐ Senior Policy Advisor
- ☐ Policy Advisor
- ☐ Assistant Policy Advisor

Minister's Office:

☐ Copies to:

- ☐ Deputy Premier
- ☐ Chief of Staff
- ☐ Assistant Minister
- ☐ Senior Policy Advisor
- ☐ Policy Advisor
- ☐ Senior Media Advisor
- ☐ Personal Assistant
- ☐ Other

Allocation

- ☐ Office of the Director-General
- ☐ Office of the Coordinator-General

Business Groups:

- ☒ Coordinator-General
- ☐ State Development
- ☐ Planning
- ☐ Major Projects Office
- ☐ Regional Services
- ☐ Strategy & Governance
- ☐ ESU

☐ CONSTITUENT

☐ COMPLAINT

☐ CORRESPONDENCE FINALISED



The Hon Tony Burke MP

Minister for Sustainability, Environment, Water, Population and Communities

B12/1635

EPBC Ref: 2008/4468

The Hon Jeff Seency MP
Deputy Premier
Minister for State Development, Infrastructure and Planning
PO BOX 15009
CITY EAST QLD 4022

20 SEP 2012



Dear Minister 

**Invitation to Comment on Proposed Approval Decision –
Abbot Point Coal Terminal 3, Port of Abbot Point, Queensland.**

The above proposal was referred and assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for its impacts on World Heritage properties (sections 12 & 15A), National Heritage places (sections 15B & 15C), Listed threatened species and communities (sections 18 & 18A), Listed migratory species (sections 20 & 20A) and Commonwealth marine (sections 23 & 24A). I am proposing to approve this project. My proposed decision is attached.

In accordance with the EPBC Act, I invite you to provide comments on my proposed decision, including the conditions which I propose to attach, within 10 business days of the date of this letter. Please quote the title of the action and EPBC reference, as shown at the beginning of this letter, in any correspondence. You can send comments to:

by letter Queensland 1 Section
Environment Assessment Branch
Department of Sustainability, Environment, Water, Population
and Communities
GPO Box 787
CANBERRA ACT 2601

by email s.73 - Irrelevant Information@environment.gov.au

If you have any questions about this process, please contact s.73 - Irrelevant Information and quote the EPBC reference number.

Yours sincerely


Tony Burke
Enc



PROPOSED 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 previously referred under X110" coal terminal expansion project by North Queensland Bulk Ports.

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 2044.

Decision-maker

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

signature	NOT FOR SIGNATURE
-----------	-------------------

date of decision	XXXXX
------------------	-------

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 the map 1 (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 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 Significances (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 the project.

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 and the Caley Valley Wetland

Species	Habitat within project area
Squatter Pigeon (<i>Geophaps scripta scripta</i>) Striped-tailed delma Australian Painted Snipe (<i>Rostratula australis</i>)	44.4 ha of Eucalypt woodland 130 ha of non-native grassland vegetation communities 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>
--	---

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

- 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:
 - 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; and
 - methodology for staging the pre-clearance surveys.
- Pre-clearance surveys must:
 - be undertaken for each species identified in condition 2;
 - be undertaken in accordance with the department's survey guidelines in effect at the time of the survey, or survey methodology agreed to the department prior to surveys being undertaken. This information can be obtained from the department's website (link to be added);
 - be undertaken by a suitably qualified person/s approved by the department in writing;
 - document the survey methodology;
 - 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 activities and operation of the project;
 - g) utilise current and up to date baseline information (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 (including pre-construction activities).

The CEMP must maximise 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; and
 - j) Environmental Incidents.
 - 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 aspect of the project.

The OEMP must maximise the ongoing protection and long term conservation of EPBC listed matters of national environmental significance 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 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. The approved OEMP must be published on the proponent's website within 1 month of approval and remain for the life of the project.
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 aspect of the project.

The HMP must maximise 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 result in an overall net benefit to the protection of 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 the project.

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, or 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 wagons;

- 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 six monthly (mid December and mid May);
- h) if chemical coverings are used, outline proposed methodology for:
 - a. covering coal wagons, with details of materials used in covering the wagons, their relative toxicities, and evidence that this method better controls coal dust when compared with physical covering of coal wagons;
 - b. 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 covering of stock piles;
- i) location, and use of, windbreaks (to protect stockpiles from winds as well as to ensure coal dust does not enter 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 construction 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 and indirect (consequential) and 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 (including pre-construction activities).
- 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.

The MMF must 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 within the project area as provided in condition 1.

25. The MMF must be able to:

- a) measure the success of management measures to inform an adaptive management approach that must be implemented over the project area as a result of direct, indirect and 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 and OEMP 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 within the project area, including methodology, timing, scope, duration and reporting over the duration of the fauna monitoring program;

- 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 finalisation of Condition 23 and 24 to ensure consistency in the management approach to ensure protection for 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 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
Releases of sediment	Changes in landscape and seascape character
Pile Driving	
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 to ensure the ongoing protection of MNES that must be implemented if agreed management measures are found to be ineffective;
 - b) report on milestones and compliance to the MMF;
 - c) identify measures of success; and
 - d) 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 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 28 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 implemented by the person taking the action within 10 business days of the date of 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 commencement of any pre-construction, construction or operation of the proposed activity, the person taking the action must submit to the Minister for approval, a Biodiversity Offset Strategy to ensure better protection of EPBC listed threatened species and communities.
35. The Biodiversity Offset Strategy will aim to compensate for any authorised unavoidable impacts on MNES as provided by these conditions and as confirmed by the pre-clearance survey requirements in condition 2. 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 land that has been acquired by the proponent and will be managed for environmental gain and protected by covenant until 2073. All offsets must be secured under relevant Queensland legislation within 3 years of commencement of construction.

37. The Biodiversity Offset Strategy must take into consideration 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.
38. The Biodiversity Offset Strategy must be developed in accordance with EPBC Act Environmental Offset Policy.
39. Offsets must be provided for disturbance impacts (direct and 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; and
 - c) To areas of seagrass identified in pre-clearance surveys.
40. 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 in Condition 3 within the project area for the life of the project.
 - 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.
 - c) Identify mechanisms in order to achieve the outcomes of this condition with the Queensland Government.
41. 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.
42. Offsets must be negotiated with the Department and agreed in writing by the Minister before any project activity can commence. The approved offsets must be published on the proponent's website within 1 month of approval.
43. The approved offsets must be implemented.
44. The person taking the action is required to:
- a) Contribute funding of \$500,000 per annum (indexed at CPI) for the life of the project 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 \$100,000 per annum for the life of the project (indexed at CPI) 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 for the life of the project (indexed at CPI) 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 offset areas 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.

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.

- 46. 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 the project.
- 47. The approved Biodiversity Offset Strategy must be implemented.

General

- 48. 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.
- 49. 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.
- 50. 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.
- 51. 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.

52. 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.
53. 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.
54. 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 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.
55. 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.
56. Unless otherwise agreed to in writing by the Minister, the person taking the action must publish all 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.

57. Definitions

- a) **Construction:** construction includes any action-related construction and commissioning activities on the project property, excluding investigatory works such as, but not limited to, geotechnical, geophysical, biological and cultural heritage surveys, baseline monitoring surveys and technology trials.
- b) **Commencement:** means any physical disturbance including clearing of terrestrial and marine vegetation that is a listed threatened species or community or that is habitat of listed threatened species or listed migratory species or dredging, onshore infrastructure, new rail works, new camps, development of associated infrastructure and operations.
Commencement does not include:
 - (a) 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 railway or road development or construction;
 - (b) activities that are critical to commencement that are associated with mobilisation of plant and equipment, materials, machinery and personnel prior to the start of railway 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.
- c) **Disturbance limits:** Maximum amount of habitat MNES depend upon, to be cleared within the area defined in condition 1.
- d) **EPBC Act:** means the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
- e) **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.
- f) **Cumulative Impact Assessment:** means the joint voluntary Cumulative Impact Assessment initiated by the North Queensland Bulk Ports, Adani, BHP Billiton and GVK Hancock currently under development for the Port of Abbot Point.
- g)
- h) **MNES:** means matters of national environmental significance, being the relevant matters protected under Part 3 of the EPBC Act;
- i) **Operation:** means the transport of coal to ships via terminal.
- j) **Department:** The Australian Government Department administering the Environment Protection and Biodiversity Conservation Act 1999.
- k) **EPBC Act Environmental Offset Policy:** Reference should be made to the EPBC Act Environmental Offsets Policy – Consultation Draft; and the Environmental Offsets Assessment Guide.
- l) **Minister:** The Minister administering the Environment Protection and Biodiversity Conservation Act 1999 and includes a delegate of the Minister.
- m) **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.
- n) **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.

- o) 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.
- p) Plan:** includes a protocol, report, study, plan or strategy (however described).
- q) Person taking the action:** means the person to whom the approval is granted, and includes any person acting on behalf of that person.
- r) 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.
- s) 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:

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



Hon Jeff Seeney MP
Deputy Premier

Minister for State Development, Infrastructure and Planning

Our ref: MC12/354

Your ref: B12/1635

Level 12 Executive Building
100 George Street Brisbane 4000
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov

Queensland 1 Section
Environmental Assessment Branch
Department of Sustainability, Environment, Water,
Population and Communities
GPO Box 787
CANBERRA ACT 2601

To whom it may concern

I refer to a letter of 20 September 2012 from the Honourable Tony Burke MP, Minister for Sustainability, Environment, Water, Population and Communities (SEWPAC), about the proposed approval decision for the Abbot Point Coal Terminal 3.

The Queensland Government welcomes the proposed decision on this project and appreciates the opportunity to comment on the proposed conditions.

Figure E-2 and section E.2.1 of the Preliminary Documentation Volume 1 referred to in condition 1 are outdated, and should be amended to reflect the Queensland Government's immediate focus which is on the development of Terminals 2 and 3, and the expansion of the existing Terminal 1 facility.

The Queensland Coordinator-General is currently assessing a material change of use application for the terminal part of the project within the Abbot Point State Development Area against the Development Scheme for the Abbot Point State Development Area. This application was recently referred to SEWPAC, and my department will continue to liaise with SEWPAC on this application.

If you require any further information, please contact Jeff Popp, Chief of Staff on 3224 4600, who will be pleased to assist.

Yours sincerely

JEFF SEENEY MP
DEPUTY PREMIER
Minister for State Development, Infrastructure and Planning