



Statement of Reasons for Approval under the *Environment Protection and Biodiversity Conservation Act 1999*

I, Declan O'Connor-Cox, acting Head of Division, Environment Regulation Division, Department of Climate Change, Energy, the Environment and Water (**the department**), provide the following statement of reasons for my decision of 3 July 2025, as delegate for the Minister for the Environment and Water (**the Minister**) under section 133 of the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), for the Queensland Department of Transport and Mains Roads (**the proponent**) to duplicate the existing rail corridor from two to four tracks, including the construction of associated station and rail system upgrades and localised road and infrastructure upgrades from Kuraby to Beenleigh, Queensland (EPBC 2022/09439) (the proposed Action).

Legislation

- 1) Relevant legislation is set out in **Annexure A**.

Background

- 2) The Queensland Department of Transport and Mains Roads (**TMR**) (**the proponent**), proposed to duplicate 18.7 kilometres (**km**) of the rail corridor between Kuraby station and Beenleigh station from two to four tracks. This will include associated station, rail system and road upgrades, as well as site preparation, and Public Utility Plant relocation works. The area where direct impacts will occur (**impact area**) is 194.45 hectares (**ha**).
- 3) The rail line spans between the Brisbane City Council and Logan City Council local government areas, beginning approximately 16 km east of the Brisbane central business district.
- 4) I noted that the preliminary documentation (**PD**) describes the environment surrounding the impact area as being cleared residential areas, industrial land, roads, rail corridors and stations, non-vegetated parklands, artificial wetlands and mixed regrowth. The impact area traverses these land uses, within or adjacent to the existing rail line.
- 5) Although the proposed Action is primarily located in a fragmented, urban environment, the impact area is connected to high value remnant vegetation in Karawatha Forest Park. Karawatha Forest Park is located immediately west of the northern point of the proposed Action footprint. The park is approximately 900 ha which includes a large contiguous patch of remnant eucalypt forest (RE 12.3.3) with old growth hollow bearing trees and other eucalypt communities with a dense stratum of *Allocasuarina* spp.
- 6) I noted the PD states the Koala (*Phascolarctos cinereus*) (combined population of Queensland, New South Wales and the Australian Capital Territory) (Koala) is known to occur within Karawatha Forest Park and that the park is also considered to contain suitable habitat for the Grey-headed Flying-fox (*Pteropus poliocephalus*), South-eastern Glossy Black-cockatoo

(*Calyptorhynchus lathami lathami*), Swift Parrot (*Lathamus discolor*) and Regent Honeyeater (*Anthochaera phrygia*).

- 7) The PD states that the proposed Action is a key infrastructure investment to prepare for the 2032 Brisbane Olympic and Paralympic Games as services will be able to run more frequently and more reliably for both all-stop and express services between Brisbane and the Gold Coast.
- 8) Since referring the proposed Action in 2023, the proponent has implemented substantial avoidance measures and reduced the impact area from 294.19 ha to 194.45 ha, a reduction of approximately 34 per cent. The avoidance has resulted in a reduction in impacts to Matters of National Environmental Significance (MNES), with major reductions occurring at Key Biodiversity Areas including Kuraby, Accacia Forest Park, Scrubby Creek/Gould Adams Park and Beenleigh.

Procedural history

Referral, controlling provisions, assessment approach decision and public consultation.

- 9) The proposed Action was referred to the department on 14 February 2023. The proposed Action was referred by AECOM AUSTRALIA PTY LTD (the referring party) on behalf of TMR (the designated proponent and the person proposing to take the Action). The referral stated that the proponent considered the proposed Action is a controlled Action for the purposes of the EPBC Act.
- 10) On 11 April 2023, the proposed Action was determined to be a controlled Action due to likely significant impacts on listed threatened species and communities (sections 18 and 18A, EPBC Act). On the same day, a delegate decided under section 87, that the proposed Action would be assessed by preliminary documentation (PD) with a request for further information.
- 11) On 4 May 2023, the delegate wrote to the proponent requesting further information for assessment of the relevant impacts, including but not limited to impacts to the Koala, Greater Glider (Southern and central) (*Petauroides volans*), Grey-headed Flying-fox, Regent Honeyeater, and Swift Parrot.
- 12) The proponent provided a draft PD to the department on 5 April 2024, with further revisions provided on 27 June 2024, 4 October 2024, and 17 February 2025 following feedback to the proponent by the department.
- 13) On 21 February 2025, I considered that the PD received on 17 February 2025 met the request for further information and in accordance with section 95A(3) of the EPBC Act, I gave written direction to publish the documentation for no less than 10 business days.
- 14) The proponent published the draft PD for public comment from 12 to 25 March 2025. On 11 March 2025, a notice inviting public comment was published in the Courier Mail, the Gold Coast Bulletin, My City Logan, and on the proponent's website. The PD was also made available in the Queensland State Library, Logan Central Library, Sunnybank Hills Library, and the Beenleigh Library.
- 15) On 17 March 2025, the department received correspondence which raised concern that the MNES which are likely to be significantly impacted by the proposed Action are of immense cultural significance to First Nations peoples and requested the public comment period be extended by 10 business days to 8 April 2025 to allow adequate time to seek expert evidence.

- 16) In response to the correspondence, the proponent extended the closure of the public comment period by 8 business days, from 25 March 2025 to 4 April 2025.
- 17) On 9 May 2025, in accordance with section 95B(1) of the EPBC Act, the proponent notified the department that seven public comments had been received on the draft PD. The concerns in the public comments which related to MNES included:
- a) Assessment methods failed to appropriately assess the impacts to MNES due to deficiencies in the chosen methodologies.
 - b) The assessment materials were overly dependent on desktop mapping and do not apply local knowledge.
 - c) The impact area is 295 ha and includes 42.55 ha of remnant high value regrowth and 166.3 ha of non-remnant vegetation. Legislation at both the federal and state level require the proponent to make all reasonable efforts to avoid and minimise impacts.
 - d) The assessment fails to account for cumulative impacts.
 - e) Detecting Koalas using the Spot Assessment Technique method may fail to record Koalas when they are in low densities or where the scats desiccate and decay.
 - f) Vegetation clearing will result in significant impacts to MNES and may also have indirect impacts on waterways, increase the spread of invasive fauna and flora, and produce noise, light and dust pollution.
 - g) It is unclear whether the proponent has planned to relocate or translocate displaced fauna. No consultation has occurred relating to translocation. Tracking displaced species would provide useful data for existing species management strategies.
 - h) An ecologist and fauna spotters must be engaged for all vegetation clearing.
 - i) The proposed Action will have significant impacts on the Koala, Grey-headed Flying-fox, South-eastern Glossy Black-Cockatoo, Swift Parrot, and Regent Honeyeater.
 - j) Dispersal of Flying-fox communities goes against local management intent and ongoing management becomes more complex. The proponent should consider how they can assist in reducing and managing impacts from Flying-fox dispersal.
 - k) Species being impacted are culturally significant and therefore the proposed Action will cause cultural harm. The Koala is specifically mentioned.
 - l) The proposed Action is inconsistent with the principles of ecological and sustainable development, in particular the principle of conservation of biological diversity due to significant impacts to MNES including the Koala.
 - m) Additional fauna passage solutions will help ensure safety of the local Koala population. An underpass at Acacia Road is essential to ensure safe connectivity for fauna.

- n) The proposed Action is inconsistent with the Koala Conservation Advice and proposed to clear priority and core Koala habitat. The proponent is reliant on exemptions for clearing priority and core Koala habitat.
 - o) Construction of the proposed Action will increase Koala mortality from vehicle strike.
 - p) The proposed Action may have significant impacts on the Greater Glider, Yellow-Bellied Glider, Powerful Owl, Green-Thighed Frog and Wallum Froglet.
 - q) Run off into waterways may contaminate the Moreton Bay Ramsar Site.
 - r) The proposed offset sites are far from the impact site and will not provide benefit to locally impacted species.
 - s) Further revegetation of Koala habitat should be done local to the impact area.
 - t) Wild dogs on the Undullah offset site present a threat to Koala.
 - u) Queries regarding offset site acquisition, financial arrangement/s and land management.
 - v) Community engagement was not effective and did not engage stakeholders with local knowledge.
 - w) The public comment period of 10 business days was not long enough for the community to review, understand and respond to the PD. Particularly for First Nations groups. The extension to 18 business days was also not long enough.
- 18) The department considered, and I agreed that the PD and the proponent's response to the public comments contained sufficient information to address the concerns raised.
- 19) On 23 May 2025, the final PD was published for information only for 10 business days in accordance with section 95B(2) of the EPBC Act. On the same day, the department provided the proponent with draft proposed conditions of approval and invited the proponent to provide the department with feedback.

State assessment and approval

- 20) I noted that the proponent would undertake a comprehensive analysis of Queensland state approval requirements at the detailed design stage. The proponent expected the required planning approvals would be achieved within four to six months for code assessable development applications and potentially longer for Environmental Authorities.
- 21) I noted that a cultural heritage management plan under the *Aboriginal Cultural Heritage Act 2003* (Qld) will be developed in consultation with traditional owners of the land within the impact area:
- a) The Jugera Applicant on behalf of the Jugera People #2.
 - b) The Turrbal Applicant on behalf of the Turrbal People.
 - c) The Danggan Balun Applicant on behalf of the Danggan Balun People.
 - d) The Gold Coast Applicant on behalf of the Gold Coast Native Title Group.

- 22) I noted that several heritage listed items under the Queensland Heritage Register, Queensland Rail Heritage Register, Logan City Council Heritage Register and Brisbane City Council Heritage Register occur within or in proximity to the impact area. Where avoidance of these items cannot be achieved, the proponent may be required to seek an approval or exemption under the *Queensland Heritage Act 1992* (Qld).
- 23) The proposed Action will require property acquisitions via negotiation or resumption under the *Acquisition of Land Act 1967* (Qld). The required acquisitions are being progressed concurrently with the EPBC Act assessment process.
- 24) The proposed Action will meet the General Biosecurity Obligations under the *Biosecurity Act 2014* (Qld). As the proposed Action occurs within Fire Ant Biosecurity Zone 2, a Biosecurity Instrument Permit may be required where fire ant movement controls cannot be adhered to.
- 25) I noted that as 81 lots within the impact area are listed on the Environmental Management Register, a soil disposal permit under the *Environmental Protection Act 1994* (Qld) may be required in order to transport the soils to a licensed waste disposal facility if contaminated soils cannot be managed or treated on site.
- 26) I also noted that under the *Nature Conservation Act 1992* (Qld) a flora survey and protected plant clearing permit is required for removing a protected plant or within 100 m of the plant, and a high-risk species management program may be required if colonial breeders or animal breeding places for listed species are found in the impact area.
- 27) As the proposed Action intersects tidal watercourses and associated Coastal Management District, and areas of marine plants, under the *Coastal Protection and Management Act 1995* (Qld) the proponent is required to submit pre-works notification of the intention to undertake work under mapped Coastal Management Districts to the Queensland Department of Environment, Tourism, Science and Innovation at least 5 business days (but no more than 22 business days) before work commences.
- 28) Under the *Environmental Offsets Act 2014* (Qld) acquired development approvals and associated conditions will be included in the construction contract documents.
- 29) I noted the PD states that the proposed Action will be exempt from some Queensland state approvals requirements under the *Planning Act 2016* (Qld) and *Planning Regulation 2017* (Qld) because it involves government supported transport infrastructure (**GSTI**) and is being carried out by the Queensland Government represented by the proponent. For example, exemptions will apply to:
 - a) Local government planning scheme approval requirements, because development for the construction of GSTI cannot be made assessable under a planning scheme: section 16 and Schedule 6 of the *Planning Regulation 2017* (Qld) (**Planning Regulation**).
 - b) Local laws made under the *Local Government Act 2009* (Qld) and the *City of Brisbane Act 2010* (Qld).

- c) Operational work that is clearing of vegetation will not be assessable where it is exempt clearing work for the construction or maintenance of transport infrastructure, as it is GSTI that is exempt clearing work.
 - d) Building work assessment requirements, because the building work will be carried out by or for the State or a public sector entity: Schedule 7 of the Planning Regulation.
 - e) Reconfiguring a lot that is acquired by the State for use as part of a rail transport corridor: section 240 of *the Transport Infrastructure Act 1994* (Qld): Schedule 6, Part 4, section 21(2) and Schedule 10, Part 14 of the Planning Regulation.
 - f) Development on a State or local heritage place, which will be exempt where the development is carried out by the State: Schedule 10, Part 8 of the Planning Regulation.
 - g) Development interfering with Koala habitat in a Koala priority area and a habitat area (or one of these), which will be exempted development where it is for transport infrastructure carried out by or for the State or a public sector entity.
 - h) Water licences or a formal exemption for filling, excavation and clearing thresholds under the *Water Act 2000* (Qld) as the proponent is an existing approved entity under the Riverine Protection Permit Exemption Requirements.
- 30) I noted the department's advice that that as there are no existing local or state government conditions, the department has not considered this when developing the proposed conditions of approval. I also noted that the department has considered aspects of the proposed Action that may lead to impacts to relevant protected matters.

Proposed decision

- 31) On 6 June 2025, I proposed to approve the Action subject to proposed conditions of approval (**proposed decision**). The same day, I wrote to the proponent and the following ministers invited comment on my proposed decision:
- a) A delegate for the Queensland Minister for the Environment and Tourism and Minister for Science and Innovation.
 - b) The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government.

Response to proposed decision

The proponent

- 32) On 23 May 2025, prior to the proposed decision, the department invited the proponent to comment on the draft proposed decision notice and conditions of approval.
- 33) On 5 June 2025, the proponent provided comments on the proposed decision notice and conditions of approval and a cover note providing additional justifications for some amendments. Key suggested amendments included the matters set out in the following table:

Table 1 the proponent's comments on proposed conditions of approval

Proponents suggested amendment to proposed decision	Department's position
Reduction of approval time from 40 to 20 years.	Disagree. It is standard to provide additional time to allow for unexpected delays or corrective actions to be implemented at the offset sites.
Condition 1: In some circumstances, allow for clearing, construction or temporary facilities or other activities to occur outside of the footprint.	Disagree. This approval only applies to activities within the Action area. The proponent was advised if they require additional areas for activities associated with the action they can: <ol style="list-style-type: none"> 1. Vary the proposal prior to an approval. 2. Refer the additional required areas separately. 3. Complete a self-assessment at the proponent's risk.
Condition 7a: Remove the requirement for the Fauna Sensitive Transport Infrastructure Delivery Manual to be implemented as the relevant sections of these guidelines are referenced in the Overarching Environmental Management Plan. Applying the guidelines in full would include implementation for matters not considered by this approval.	Partially agree. The condition was retained but amended to only require the guidelines be implemented for the Koala, Grey-headed Flying-fox, Swift Parrot, Regent Honeyeater and South-eastern Glossy Black-cockatoo as referenced in the Overarching Environmental Management Plan.
Condition 7b: Amendment to the requirement for a fauna spotter catcher to be present during all construction to only require their presence where construction is likely to interact with a protected matter.	Agree. The condition was amended to require a fauna spotter catcher for construction activities only where a protected matter is likely to enter the active construction area.
Conditions 9b and 9c: Require the Offset Area Management Plans be implemented until the offset outcomes are achieved, rather than until the expiry of the approval.	Disagree. The management period of the offset sites is specified within the management plans (20 years). The additional time to the expiry of the approval is to allow for unexpected delays or the implementation of corrective actions. The condition was retained.
Condition 29: Allow commencement of the Action to occur later than 5 years past the	Disagree. If commencement of the Action is to occur more than 5 years after the date of

date of the approval with written permission from the Minister.	the approval, the proponent will be required to request a variation of the condition.
Definition: Amend the definition of ‘clear’ to only include native vegetation.	Disagree. Some protected matters use non-native vegetation as habitat. Unlimited clearing of non-native vegetation may result in new or additional impacts to protected matters not considered by this approval.
Definition: Amend the definition of ‘incident’ to only refer to actual non-compliance by removing the references to potential non-compliance.	Agree. References to potential non-compliance removed.
Definition: Amend the definition of ‘independent’ to apply to individuals who are not a member or staff of the Department of Transport and Main Roads, instead of individuals who are not the approval holder, the approval holder’s staff, representative or associated person. As the approval holder is the Queensland State Government (Qld Gov), the existing definition is too broad.	Disagree. The assessment documents make clear that the proponent is an entity of and acts on behalf of Qld Gov. Therefore, an individual employed by the Qld Gov would not be considered independent. Given this condition relates to auditing, it is expected the proponent engages a third party from outside of the Qld Gov. It is not appropriate for the Qld Gov to audit their own projects. The existing definition was retained.

- 34) I considered the proponent’s suggested amendments and the department’s position. I agreed with the department’s position in response to each suggested amendment.
- 35) In response to the proponent’s request to in some circumstances allow for clearing and construction outside of the Action area, the department advised, that there should be no reference, other than condition 1 (which stipulates that the approval holder must not clear outside the Action area), to any activity outside of the Action or approved area contained in the instrument of the approval. I considered and agreed with this advice.
- 36) On 10 June 2025, the department met with the proponent to provide responses to the suggested amendments to the proposed decision.
- 37) On 16 June 2025, the proponent provided comments on the final decision notice and conditions of approval. The suggested amendments clarified the requirement for a fauna spotter catcher to only be required where a protected matter is likely to enter the active construction area, rather than for all construction. The department agreed with this change.
- 38) On 26 June 2025, the proponent provided confirmation of acceptance of the final decision notice and conditions of approval. The department provided me with a summary of changes made to the proposed notice and conditions. I concurred with the changes to the conditions set that the department agreed with the proponent.

Ministerial comments

- 39) On 12 June 2025, a delegate to the Minister for Infrastructure, Transport, Regional Development and Local Government responded to their invitation to comment stating they had no comments on the proposed Action.
- 40) On 23 June 2025, a delegate to the Queensland Minister for the Environment, Tourism and Minister for Science and Innovation responded to their invitation to comment stating they had no comments on the proposed Action.

Approval decision

- 41) On 3 July 2025, I approved the taking of the proposed Action for the purposes of section 18 and 18A and section 20 and 20A of the EPBC Act, subject to conditions of approval.

Evidence or other material on which my findings were based

- 42) In making my decision to approve the proposed Action under section 133 of the EPBC Act, I considered the information in the final decision approval brief (**approval decision brief**) prepared by officers of the department dated 27 June 2025, and all of its attachments.
- 43) The approval decision brief contained the attachments set out in **Annexure B**.

Findings on material questions of fact

Listed threatened species and ecological communities (section 18 and 18A)

- 44) In making my decision, I considered the nature and location of the Action area, known records of the species and habitat known to be present in the Action area, and that the proposed Action will have or is likely to have a residual significant impact on the following EPBC listed matters:
- a) Koala (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT)) – Endangered
 - b) Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
 - c) South-eastern Glossy Black-cockatoo (*Calyptorhynchus lathami lathami*)- Vulnerable
 - d) Regent Honeyeater (*Anthochaera phrygia*)– Critically endangered
 - e) Swift Parrot (*Lathamus discolor*) – Critically endangered.
- 45) The potential impacts associated with the proposed Action on the above species and ecological communities and any other species believed likely to be impacted by the proposed Action are discussed in my reasons below, as are the measures to be implemented by the proponent to avoid and mitigate the impact and the likelihood of residual significant impacts.
- 46) I noted the PD also considered impacts to the following species and ecological communities, but considered a significant impact is not likely:
- a) Angle-stemmed Myrtle (*Gossia gonoclada*) – Endangered
 - b) Greater Glider (Southern and Central) (*Petauroides volans*) – Endangered
 - c) Macadamia Nut (*Macadamia integrifolia*) – Vulnerable)

- d) Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland Bioregions – Endangered
 - e) Yellow-bellied Glider (*Petaurus australis australis*) – Vulnerable.
- 47) Based on the information available, I was satisfied that these protected matters are unlikely to be significantly impacted.

Koala (*Phascolarctos cinereus* (combined populations of Qld, NSW and the ACT)) – endangered

Description

- 48) I noted that the Koala inhabits eucalypt woodland and forests in eastern Australia from north-eastern Queensland to the south-east corner of South Australia. The Species Profile and Threats Database (SPRAT) profile lists the range of the sub-population from Queensland, New South Wales and the Australian Capital Territory. The highest density Koala populations in Queensland occur in south-east Queensland.
- 49) I noted that the National Recovery Plan for the Koala *Phascolarctos cinereus* (combined population of Queensland, New South Wales and the Australian Capital Territory) 2022 (**Koala Recovery Plan**), defines habitat critical to the survival of the species as the areas that the species relies on to avoid or halt decline and promote recovery of the species. Key questions to ask in evaluating habitat are:
- a) Whether the habitat is used during periods of stress (e.g. flood, drought or fire).
 - b) Whether the habitat is used to meet essential life cycle requirements (e.g. foraging, breeding, social behaviour, dispersal).
 - c) The extent to which the habitat is used by important populations.
 - d) Whether the habitat is necessary to maintain genetic diversity and long-term evolutionary development.
 - e) Whether the habitat is necessary for use as corridors to allow the species to move freely between sites.
 - f) Whether the habitat is necessary to ensure the long-term future of the species or ecological community through reintroduction or re-colonisation.
- 50) I noted that the Conservation Advice for *Phascolarctos cinereus* (Koala) combined population of Queensland, New South Wales and the Australian Capital Territory (**Koala conservation advice**) describes the threats impacting the Koala as including but not limited to loss of climatically suitable habitat, clearing and degradation of habitat, and mortality due to encounters with vehicles and dogs.
- 51) I noted that the Threat abatement plan for predation by feral cats 2024 (**feral cat abatement plan**) has been adopted for the Koala. The plan helps to guide Australia’s response to the impacts of feral cats on biodiversity and identifies the research, management and other Actions needed to ensure the long-term survival of native species and ecological communities affected by predation by feral cats. Appendix 8 ‘Cat-susceptibility of terrestrial mammals, reptiles and birds; and threatened seabirds’ of the plan categorises the susceptibility of Koalas to feral cats

as low or no susceptibility. This means Koalas are likely to persist with cats with some reduction in population size (i.e. 0-9%); will have higher viability where cats are more effectively controlled; or that viability is unaffected by cats.

Action area

- 52) The impact area contains several Koala food tree species including those in the *Eucalyptus*, *Corymbia*, *Angophora*, *Lophostemon*, *Leptospermum* and *Melaleuca* genera. Locally important Koala trees for the Southeast Queensland region, including *Eucalyptus tereticornis*, *Eucalyptus crebra* and *Eucalyptus propinqua* were also identified within the impact area.
- 53) To detect Koala usage of the proposed impact area the proponent conducted 3 nights of thermal drone surveys across 10 sites, deployment of 15 cameras for 14 nights capturing a total of 210 trap nights, 80 person hours of spotlighting, 6 person hours of call playback, deployment of 6 AudioMoth acoustic recorders across 6 sites for 14 days, 408 person hours of targeted habitat assessments and searches of 1,087 sites for Koala scats and scratches.
- 54) Public comments on the PD raised concerns relating to the adequacy of survey timing, effort and techniques for detecting MNES. The department considered the survey efforts were adequate and align with recommendations for detecting the species and I agreed.
- 55) Two adult male Koalas were detected during targeted thermal drone surveys. One individual was recorded in Gould Adams Park 4 metres (m) west of the impact area. The second was in Karawatha Forest Park approximately 217 m from the impact area. Evidence of scats and scratches was also found within and adjacent to the impact area on both sides of the existing rail line. The highest concentrations were recorded at the northern end of the impact area near Karawatha Forest Park.
- 56) The PD states that predation from feral cats presents a high threat level within and adjacent to the impact area, however, does not provide any further information on the abundance or distribution of feral cats within or adjacent to the impact area.
- 57) I noted that public comments on the PD raised concerns that the proposed Action will have significant impacts on the Koala. The department considered, and I agreed, that the proposed Action will have significant residual impacts on the Koala. The department considered, and I agreed, the proponent has applied the mitigation hierarchy and proposed suitable offsets such that the proposed Action is not unacceptable.
- 58) In accordance with the Koala Recovery Plan and due to the presence of suitable habitat, scats, scratches and Koalas within the impact area, the department considered that 107.74 ha of the proposed impact area is considered to meet the definition of habitat critical to the survival of the species. The areas provide habitat essential to meet life cycle requirements of breeding, foraging and dispersal in the landscape. Areas that do not meet this definition are those that include pre-existing development. I agreed with the department's assessment.

Impact

- 59) I noted that the proposed Action will result in a direct impact to 27.48 ha of breeding/foraging habitat and 80.27 ha of dispersal habitat via vegetation clearing. The total 107.74 ha of habitat being cleared meets the criteria for habitat critical to the survival of the species.

Avoidance and mitigation measures

- 60) I noted that since referring the proposed Action in 2023, the proponent has avoided 69.41 ha of impacts to the Koala by reducing the impact area such that the area of Koala habitat impacted has been reduced from 177.15 ha to 107.74 ha.
- 61) I noted that, the proponent proposed to implement the Overarching Environmental Mitigation Plan (**OEMP**) to mitigate impacts to the Koala. The department considered that measures included in the OEMP are consistent with best practice guidelines and are therefore adequate to mitigate some impacts to the Koala and I agreed. Species specific measures in the OEMP include the following:
- a) Construction personnel to be made aware of the Koala on site and via site inductions, pre-start meetings and pre-clearance inspections.
 - b) Temporary Koala exclusion fencing around the perimeter of Key Biodiversity Areas to exclude fauna from impact area. Unless otherwise advised by an appropriately qualified and experienced ecologist, temporary fencing will replicate standard drawings of the proponent's Roadworks drainage culverts and geotechnical Standard Drawing 1603 – Koala Proof Fence and Gate and Standard Drawing 1615 – Floppy Top Mesh Fence and Gate Drawing and will be inspected weekly. Where applicable, appropriate permanent fencing, fauna crossing structures and refuge poles to mitigate the risks of increase fauna interaction with humans and domestic docs and facilitate rapid escape to habitat areas.
 - c) Works near high-risk Koala areas to be avoided during high Koala activity periods (prior to 6am and after 6pm). Where works must take place during high Koala activity periods, lights are to be directed away from sensitive habitat. Noise and vibration will be minimised by all construction vehicles complying with maintenance schedules and operational restrictions designed to limited disturbance.
 - d) Areas with a Koala present will be clearly flagged prior to vegetation clearing. Works are to stop within 50 m of the Koala or where the canopy of another tree overlaps (whichever is greater). Works should not begin or continue until the Koala leaves of its own accord. Temporary laydown areas must be located within cleared areas which do not impede Koala movement to habitat outside of the impact area.
 - e) Trenches, excavations and pits will be inspected for Koala entrapment prior to works commencing. If necessary, a suitably qualified fauna spotter catcher will be contacted to respond to the situation including facilitating medical intervention. Release of Koalas to the wild must be conducted in accordance with the relevant provisions in the Queensland Government's Nature Conservation (Koala) Conservation Plan 2017 (**the Koala Plan**).
 - f) Habitat clearing will comply with sequential clearing requirements prescribed by the Koala Plan.
 - g) Speed reduction signs, road signage and road pavement stencils will be installed to reduce risk of vehicle strikes and other threats associated with traffic speed.
 - h) Rehabilitation of disturbed habitat will be undertaken at suitable locations in accordance with the proponent's MRTS16 Landscape and Revegetation Works Technical Specification.

Rehabilitation will be considered against the landscape and maintenance requirements of the future asset owner.

- 62) The department considered, and I agreed, that the mitigation measures outlined above will reduce the risk of death or injury to the Koala during construction and operation of the proposed Action, consistent with state-based obligations and guidelines.
- 63) Public comments on the PD raised concerns relating to the adequacy of avoidance and mitigation of impacts to the Koala. The department considered that the mitigation hierarchy has been adequately applied such that the Action is not unacceptable, and I agreed.

Compensatory measures

- 64) I considered that after the implementation of the proposed avoidance and mitigation measures, the proposed Action will have a significant residual impact due to the loss of 107.74 ha of habitat critical to the survival of the Koala. In accordance with the *EPBC Act Environmental Offsets Policy (2012) (the Offsets Policy)*, an environmental offset is required to compensate for the proposed Action's significant residual impact to the Koala.
- 65) To compensate for the significant residual impact to the Koala, the proponent proposed to manage direct environmental offsets across two sites:
- a) The Benobble offset site located 27 km south of the impact area in Benobble, Queensland and covers approximately 356.65 ha comprised of three land parcels.
 - b) The Undullah offset site located 39 km south-west of the impact area in Undullah, Queensland and covers approximately 640.46 ha comprised of six land parcels.
- 66) I also noted that to compensate for residual significant impacts to the Koala, the proponent proposed to manage the entire 356.65 ha of the Benobble site and 631.61 ha of the Undullah site for 20 years. The department provided calculations which demonstrated that the proposed offset sites compensate for impacts to the Koala as a result of the proposed Action, which I considered and agreed with.
- 67) I noted that public comments on the PD raised concern that the offset sites would not benefit locally impacted species due to their distance from the impact area. Comments also raised concern regarding the threat of wild dogs to Koalas at the Undullah offset site. After consideration of these comments, the department considered, and I agreed, that the proposed offset sites are suitable, and the management plans adequately demonstrate how impacts to MNES will be compensated in line with the Offsets Policy, and that pest control and monitoring proposed in the Offset Area Management Plans is sufficient to achieve the required outcomes.

Outcomes and conditions

- 68) I noted that to avoid and mitigate harm to the Koala, I agreed with the department's recommendation to impose conditions 1 and 2 which stipulate that the proponent must not clear more than 107.74 ha of Koala habitat and must not clear or construct outside of the impact area. Given there is evidence that Koalas utilise the impact area, the department considered these conditions are necessary to ensure no significant impacts to the Koala additional to those considered in the assessment occur and I agreed.

- 69) To minimise the risk of injury or death to the Koala as a result of the proposed Action, I agreed with the department's recommendation to impose condition 4 which stipulates that the OEMP must be implemented. The OEMP describes species-specific environmental controls proposed for the Koala. The department considered it necessary to condition the implementation of the OEMP to enforce the proposed management and mitigation measures and minimise risk to the Koala during clearing and construction activities and I agreed.
- 70) To minimise the risk of injury or harm to protected matters additional to those considered as part of this assessment, I agreed with the department's recommendation to impose conditions 3, 5, 6 and 8 which stipulate that the proponent must notify the department of any protected matters or protected matter habitat not previously reported, ensure no protected matter is killed or injured as a result of the Action, contact a veterinary centre, wildlife hospital or wildlife expert if an injured protected matter is found, and have a suitably qualified fauna spotter catcher present during all clearing and construction where a protected matter is likely to enter the active construction area. The department considered it necessary to condition these requirements to ensure no additional impacts to protected matters which have not been considered as part of this assessment occur and I agreed.
- 71) Additionally, the department considered, and I agreed, it was necessary and convenient to condition the implementation of TMR's Fauna Sensitive Transport Infrastructure Delivery manual for the Koala as referenced in the OEMP and the Koala-sensitive Design Guideline as the implementation of these documents form part of the proponent's internal requirements. This is stipulated in condition 7.
- 72) To compensate for residual significant impacts to the Koala, I agreed with the department's recommendation to impose conditions 9 to 11 which require that the proponent must commence implementation of the Benobble OAMP and the Undullah OAMP at or before commencement of the Action. The department considered, and I agreed, it is necessary to condition the implementation of the OAMPs prior to commencement of the Action so that the residual significant impact to 107.74 ha of Koala habitat is concurrently compensated for via management of 356.65 ha of the Benobble offset site and 631.61 ha of the Undullah offset site. The department considered, and I agreed, that a delay in implementing the OAMPs may result in the required habitat gains for the Koala not being met in the 20-year time to ecological benefit and management period committed to by the proponent.
- 73) To ensure the offsets for the Koala are protected, I agreed with the department's recommendation to impose conditions 12 to 14 which stipulate the proponent must secure the offset sites with a legal mechanism agreed to by the department within 12 months of commencement of the Action. The department considered, and I agreed, these conditions are necessary to ensure that the use of the offset sites is restricted to management for the purpose of achieving the offset outcomes proposed by the proponent.
- 74) To ensure the proposed compensation for impacts to Koala habitat are met I agreed with the department's recommendation to impose conditions 15 to 18 which stipulate that the proponent must achieve all proposed habitat quality performance targets for Year 5, Year 10, Year 15 and Year 20 as described in the OAMPs, by the end of the specified timeframe, and that once achieved the proponent must maintain or exceed the offset outcomes at least until the expiry of the approval. The department considered, and I agreed, these conditions are

necessary to ensure the habitat uplifts the proponent have committed to for the Koala are achievable within the 20-year management period. These conditions will also ensure that where performance targets have not been met, the proponent will be required to implement corrective Actions described in the OAMPs to ensure that the next target is met.

- 75) To ensure the effectiveness of the OAMPs and progress of associated performance targets are appropriately monitored and reported, I agreed with the department's recommendation to impose conditions 19-22 which stipulate an independent suitably qualified ecologist must undertake an assessment at Year 5, Year 10, Year 15 and Year 20 to determine whether proposed improvements to Koala habitat quality relevant to that period, as specified in the OAMPs, have been achieved. The department considered, and I agreed, this condition is necessary to ensure habitat quality uplifts for the Koala are independently and transparently verified.

Conclusion

- 76) I considered all available information, including the nature of the proposed Action, the PD, public comments, the Koala Recovery Plan, the Koala Conservation Advice, the feral cat threat abatement plan, and the EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (**Significant Impact Guidelines**).
- 77) The department considered, and I agreed, that the proposed Action is likely to have a residual significant impact on the Koala due to the direct clearance of 107.74 ha of habitat critical to the survival of the species.
- 78) Based on the proposed measures to mitigate and manage impacts, provision of offsets that are aligned with the Offset Policy, and assuming compliance with the proposed conditions of approval, I was satisfied that the proposed Action will not have an unacceptable impact on the endangered Koala.

Grey-headed Flying-fox (*Pteropus poliocephalus*) (GHFF) – Vulnerable

Description

- 79) The National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus* (GHFF Recovery Plan) describes the GHFF as a canopy-feeding frugivore and nectarivore which utilises vegetation communities including rainforests, open forests, closed and open woodland, melaleuca swamps and banksia woodlands. South-east Queensland has a permanent and abundant population of GHFF, and available habitat is spread throughout the region given the high prevalence of winter-flowering eucalypts.
- 80) The GHFF Recovery Plan defines habitat critical to the survival of the GHFF as habitat containing:
- a) Important winter or spring flowering species
 - b) Native species that are known to be productive as foraging habitat during the final weeks of gestation and during the weeks of birth, lactation and conception (August to May)
 - c) Native species used for foraging and occurring within 20 km of a nationally important camp or
 - d) Native and or exotic species used for roosting sites of nationally important GHFF camps.

- 81) The GHFF Recovery Plan states that the key threat to the survival of the GHFF is loss and degradation of foraging and roosting habitat. Conflict with people, including disturbance of camps and mortality from Actions to manage commercial fruit crops, is considered to be a moderate threat, but is increasing in urban areas.
- 82) The feral cat abatement plan has been adopted for the GHFF. Appendix 8 of the feral cat abatement plan categorises the susceptibility of GHFF to feral cats as low or no susceptibility. This means GHFF are likely to persist with cats with some reduction in population size (i.e. 0-9%); will have higher viability where cats are more effectively controlled; or that viability is unaffected by cats.

Action area

- 83) I noted that surveys identified 45.33 ha of ground truthed GHFF habitat within the impact area. Numerous important winter and spring flowering species were observed within the impact area with *Eucalyptus tereticornis* (blue gum) being the dominant species. The identified species occur sporadically across the impact area.
- 84) I noted that to detect GHFF usage of the impact area the proponent conducted desktop assessment of the department's National Flying-fox Monitoring Viewer, diurnal roost searches, 48 person hours of targeted surveys across 4 sites where species presence had been confirmed, fly out counts, infrared drone surveys across 10 sites over 3 nights.
- 85) I also noted that public comments on the PD raised concerns relating to the adequacy of survey timing, effort and techniques for detecting MNES. The department considered the survey efforts were adequate and align with recommendations for detecting the species and I agreed.
- 86) I noted that two camps occur within the impact area at Voyager Drive, Kuraby and Jacaranda Avenue, Kingston. A third camp was observed approximately 158 m west of the impact area at Ridgewood Reserve. All three camps are considered temporary due to the low number of individuals (<100) and intermittent observations during surveys. The camps are not listed on the National Flying Fox Monitoring Viewer and are unlikely to meet the criteria of a nationally important camp as defined in the GHFF Recovery Plan.
- 87) I noted that the PD states that predation from feral cats presents a high threat level within and adjacent to the impact area however does not provide any further information on the abundance or distribution of feral cats within or adjacent to the impact area.
- 88) I noted that as the impact areas occur within a highly urbanised landscape adjacent to an existing rail corridor, presence of threats such as powerlines, traffic, and netted and fenced fruit trees is high.
- 89) I noted the public comments on the PD raised concerns that the proposed Action will have significant impacts on the Grey-headed Flying-fox. The department considered, and I agreed, that the proposed Action will have residual significant impacts on the Grey-headed Flying-fox. The department considered, and I agreed, the proponent has applied the mitigation hierarchy and proposed suitable offsets such that the proposed Action is not unacceptable.

Impact

90) I considered that the proposed Action will result in direct impacts to 0.54 ha of breeding/roosting habitat and 42.60 ha of foraging/dispersal habitat via vegetation clearing. The proposed Action will also likely result in indirect impacts to 2.20 ha of roosting habitat at the Voyager Drive, Kuraby and Jacaranda Avenue, Logan Central. The potential indirect impacts include weed incursion, increase presence of pests and pathogens, dust, noise and light pollution, and vibration. The habitat being impacted meets the criteria for habitat critical to the survival of the species.

Avoidance and mitigation measures

91) I noted that since referring the proposed Action in 2023, the proponent has avoided 21.83 ha of impacts to the GHFF by reducing the impact area such that the area of GHFF habitat impacted has been reduced from 67.16 ha to 45.33 ha.

92) I noted that the proponent proposed to implement the OEMP to mitigate impacts to the GHFF. The department considered, and I agreed, measures included in the OEMP are consistent with best practice guidelines and are therefore adequate to mitigate some impacts to the GHFF. Species specific measures in the OEMP include the following:

- a) Eliminate the use of barbed wire fencing in areas of known breeding/roosting habitat. In Key Biodiversity Areas, avoid use of barbed wire wherever possible, replace the top strand of barbed wire fences with plane wire, enhance visibility through plastic-strand wrapping or addition of electrical fence tape (or similar), and affix reflective tape / bat tags at suitable spacings.
- b) All fencing in identified Key Biodiversity Areas will be fauna exclusion fencing and incorporate reflective discs / bat tags generally in accordance with Bat Conservation & Rescue QLD. INC. guidance document Mitigating Barbed Wire Risk For Wildlife.
- c) Roost activity observations to be undertaken in advance of commencement to verify GHFF presence and estimate roost abundance at the Voyager Drive, Kuraby, Jacaranda Avenue, Kingston and Ridgewood Reserve, Edens Landing camps.
- d) Construction personnel to be made aware of GHFF presence on site via site inductions, pre-start meetings and pre-clearance inspections.
- e) A Contractors Environmental Management Plan (**EMP (C)**) will be developed during the detailed design phase, which will align with the mitigation measures described in the OEMP. The EMP (C) will outline roost information including relevant management procedures and site procedures.
- f) Light management and compliance monitoring will be undertaken between dusk and dawn in accordance with the Bat mitigation toolbox section outlined in the department's National Light Pollution Guidelines for Wildlife for areas within the impact area, or within a 300 m buffer, where GHFF occur.
- g) Noise and vibration controls will be implemented across the impact area in accordance with:

- i) Queensland Government's Environmental Protection (Noise) Policy 2019, Schedule 1 – Acoustic quality objectives.
- ii) TMR's Transport Noise Management Code of Practice: Volume 2 – Construction Noise vibration.
- iii) TMR's Transport and Main Roads Specifications MRTS51 Environmental Management, section 8.5.
- iv) TMR's Interim Guideline Operational Railway Noise and Vibration, sections 2-4.
- h) Dust controls will be implemented within the entire impact area. Various controls will be used including dust suppression, speed restrictions, erosion and sediment measures, progressive stabilisation/revegetation of temporary disturbance areas.
- i) The disturbance boundary will be clearly delineated and demarcated prior to vegetation clearing.
- j) A suitably qualified fauna spotter catcher will undertake a pre-clearing inspection, supervise vegetation clearing, assess the presence of GHFF within known camps within the impact site and a 300 m buffer (including presence of pregnant females and dependent young to determine whether clearing can commence), and revise construction activities and timing related to any new camps found within a 300 m buffer.
- k) Other than under exceptional circumstances, vegetation clearing within 300 m buffer surrounding known camps and high impact activities within 100 m of camps will occur at low-risk times, be prioritised at night, will not occur during or immediately after periods of climatic extremes, be sequentially staged, occur within 24 hours of reviewing the flying-fox heat stress forecaster, will immediately cease if temperatures within 300 m of camps exceed 38°C or notable signs of stress are observed within the camp. Where works are occurring under exceptional circumstances, this will be guided by a fauna spotter catcher.
- l) Vegetation outside the impact area and adjacent to camps will be retained to allow movement of individuals to cooler areas, reducing the risk of heat stress mortality.
- m) Only a suitably qualified fauna spotter catcher with up-to-date Lyssavirus vaccination will handle bats in accordance with Queensland Government's Code of Practice: Care of Sick, Injured or Orphaned Protected Animals in Queensland. Injured fauna will be transported to RSPCA Wacol.
- n) Electrostatic wildlife guards to be installed on overhead line equipment to minimise electrocution.
- o) Domestic dogs are prohibited on the construction site at all times.
- p) Rehabilitation of disturbed habitat to be undertaken in suitable location using native species, in consideration with the landscape and maintenance requirements of the future asset owner.
- q) Eradication of feral cats from identified Key Biodiversity Areas.

- 93) I noted that public comments on the PD raised concern relating to management of dispersal of GHFF roosts. The department considered, and I agreed, the proposed GHFF management strategies in the OEMP are adequate.

Compensatory measures

- 94) I noted that after the implementation of the proposed avoidance and mitigation measures, the proposed Action will have a residual significant impact through the loss of 45.33 ha of habitat critical to the survival of the GHFF. In accordance with the Offsets Policy, an environmental offset is required to compensate for the proposed Action's residual significant impact to the GHFF.
- 95) I noted that to compensate for the residual significant impact to the GHFF, the proponent proposed to manage 356.65 ha of the Benobble Offset site and 640.60 ha of the Undullah offset site for 20 years. The department provided calculations which demonstrated that the proposed offset sites compensate for impacts to the GHFF as a result of the proposed Action, which I considered and accepted.
- 96) Public comments on the PD raised concern that the offset sites will not benefit locally impacted species due to their distance from the impact area. The department considered, and I agreed, the proposed offset sites are suitable, and the management plans adequately demonstrate how impacts to MNES will be compensated in line with the Offsets Policy.

Outcomes and conditions

- 97) To avoid and mitigate harm to the GHFF, I agreed with the department's recommendation to impose conditions 1 and 2 which stipulate that the proponent must not clear more than 45.33 ha GHFF habitat and must not clear or construct outside of the impact area. Given two GHFF camps occur within the impact area, and a third adjacent to the impact area, the department considered, and I agreed, these conditions are necessary to ensure no significant impacts additional to those considered in the assessment occur and that GHFF are not harmed during clearing and construction activities related to the proposed Action.
- 98) To minimise injury or death to the GHFF as a result of the proposed Action, I agreed with the department's recommendation to impose condition 4 which stipulates that the OEMP must be implemented. The OEMP describes species-specific environmental controls proposed for the GHFF which are provided in detail above. The department considered, and I agreed, it is necessary to condition the implementation of the OEMP to enforce the proposed management and mitigation measures and minimise risk to the GHFF during clearing and construction activities.
- 99) To minimise the risk of injury or harm to protected matters additional to those considered as part of this assessment, I agreed with the department's recommendation to impose conditions 3, 5, 6 and 8 which stipulate that the proponent must notify the department of any protected matters or protected matter habitat not previously reported, ensure no protected matter is killed or injured as a result of the Action, contact a veterinary centre, wildlife hospital or wildlife expert if an injured protected matter is found, and have a suitably qualified fauna spotter catcher present during all clearing and construction where a protected matter is likely to enter the active construction area. The department considered, and I agreed, it is necessary to

condition these requirements to ensure no additional impacts to protected matters, which have not been considered as part of this assessment, occur.

100) Additionally, the department considered, and I agreed, that it is convenient to condition the implementation of TMR's Fauna Sensitive Transport Infrastructure Delivery manual for the Grey-headed Flying-foxes as referenced in the OEMP, as the implementation of this document forms part of the proponent's internal requirements. This is stipulated in condition 7.

101) To compensate for residual significant impacts to the GHFF, I agreed with the department's recommendation to impose conditions 9 to 11 which require that the proponent must commence implementation of the Benobble OAMP and the Undullah OAMP at or before commencement of the Action. The department considered, and I agreed, that it is necessary to condition the implementation of the OAMPs prior to commencement of the Action so that the residual significant impact to 45.33 ha of GHFF habitat is concurrently compensated via management of 356.65 ha of the Benobble Offset site and 640.60 ha of the Undullah offset site. A delay in implementing the OAMPs may result in the required habitat gains for the GHFF not being met in the 20-year time to ecological benefit and management period committed to by the proponent.

102) To ensure the offsets for the GHFF are protected, I agreed with the department's recommendation to impose conditions 12-14 which stipulate the proponent must secure the offset sites with a legal mechanism agreed to by the department within 12 months of commencement of the Action. The department considered, and I agreed, these conditions are necessary to ensure that the use of the site is restricted to management for the purpose of achieving the offset outcomes proposed by the proponent.

103) To ensure the proposed compensation for impacts to GHFF habitat is met, I agreed with the department's recommendation to impose conditions 15 to 18 which stipulate that the proponent must achieve all proposed habitat quality performance targets for Year 5, Year 10, Year 15 and Year 20 as described in in the OAMPs, by the end of the specified timeframe, and that once achieved the proponent must maintain or exceed the offset outcomes at least until the expiry of the approval. The department considered, and I agreed, these conditions are necessary to ensure the habitat uplifts the proponent have committed for the GHFF are achievable within the 20-year management period. These conditions will also ensure that where performance targets have not been met, the proponent will be required to implement corrective Actions described in the OAMPs to ensure that the next target is met.

104) To ensure the effectiveness of the OAMPs and progress of associated performance targets are appropriately monitored and reported, I agreed with the department's recommendation to impose conditions 19 to 22 which stipulate an independent suitably qualified ecologist must undertake an assessment as to whether improvements to GHFF habitat quality relevant to that period, as specified in the OAMPs, have been achieved. The department considered, and I agreed, this condition is necessary to ensure the effectiveness of the OAMPs are independently and transparently verified.

Conclusion

105) Having considered all available information, including the nature of the proposed Action, the PD, public comments, the recovery plan, the feral cat threat abatement plan, and the Significant

Impact Guidelines, the department considered, and I agreed, that the proposed Action is likely to have a residual significant impact on the GHFF due to the direct clearance of 43.14 ha of habitat critical to the survival of the species and indirect impacts to 2.20 ha of adjacent camps.

106) Based on the proposed measures to mitigate and manage impacts, provision of offset management plans that are aligned with the offset policy, and assuming compliance with the proposed conditions of approval, I was satisfied that the proposed Action will not have an unacceptable impact on the vulnerable Grey-headed Flying-fox.

South-eastern Glossy Black-cockatoo

Description

107) The Conservation Advice for *Calyptorhynchus lathami lathami* (South-eastern Glossy Black-cockatoo (GBC)) (GBC Conservation Advice) does not define habitat critical to the survival of the species, but notes that habitat critical to the survival of a species refers to that which is used for breeding, foraging, roosting or dispersal. Assessments relevant to the South-eastern GBC must consider that the subspecies:

- a) Has a highly specialised diet and preference of individual feed trees
- b) Nests only occur in very old trees in large hollows, which take centuries to form naturally
- c) Has a specific set of preferences in nesting tree species and hollow characteristics
- d) Nests close to, or within, foraging habitat
- e) Is a long-lived subspecies with a slow life cycle.

108) I noted that GBC rely on nine species of sheoaks for feeding. In south-east Queensland, they show a preference for *Allocasuarina littoralis* (black sheoak) and *A. torulosa* (forest sheoak). Although there are also records of them feeding on *A. inpholia* (stringybark sheoak), *Casuarina equisetifolia* (coastal sheoak), and to a lesser extent *C. cunninghamiana* (river sheoak) and *C. glauca* (swamp sheoak).

109) I noted that the GBC Conservation Advice describes potential nest hollows for the GBC subspecies as having the following traits:

- a) >8 m above the ground
- b) Located in branches >30 cm in diameter
- c) Branch or stem no more than 45 degrees from vertical
- d) Minimum entrance diameter of >15 cm.

110) I noted that the GBC Conservation Advice states that the main threat causing decline of the GBC is habitat loss, degradation, and fragmentation. Historic land clearance was the main cause of decline in the past, leading to the loss of both feeding and breeding habitats.

111) I noted that the feral cat abatement plan has been adopted for the GBC. Appendix 8 of the plan categorises the susceptibility of GBC to feral cats as low or no susceptibility. This means GBC are likely to persist with cats with some reduction in population size (i.e. 0-9%); will have higher

viability where cats are more effectively controlled; or that viability is unaffected by introduced predators.

Action area

- 112) I noted that the foraging habitat within the impact area contains four of the nine tree species GBC feed on (*Allocasaurina littoralis*, *Allocasaurina torulosa*, *Casaurina cunninghamiana* and *Casaurina glauca*). Sporadic occurrence of scattered eucalypt trees, forest and woodland in proximity to foraging resources within the impact area is likely to facilitate dispersal to the surrounding landscape. Suitable nesting hollows meeting the requirements of the GBC were also identified within the impact area.
- 113) I noted that a total of 41.74 ha of ground truthed GBC habitat occurs within the impact area. This is comprised of 18.91 ha of breeding habitat, 7.13 ha of combined breeding and foraging habitat, 2.19 ha of foraging habitat, and 13.51 ha of dispersal habitat. An assessment of the availability of hollows meeting the required characteristics for the GBC estimates the impact area contains 25 suitable nesting hollows.
- 114) I noted that to detect GBC usage of the impact area, the proponent conducted 144 person hours across 13 days of diurnal surveys, deployment of six AudioMoth acoustic recorders across six sites for 14 days, 408 person hours of habitat assessments across 1,087 sites, and visual hollow assessment in areas containing breeding habitat over four days.
- 115) I noted that public comments on the PD raised concerns relating to the adequacy of survey timing, effort and techniques for detecting MNES. The department considered, and I agreed that the survey efforts were adequate and align with recommendations for detecting the species.
- 116) I also noted that no individuals or evidence of species usage (such as ort chewings) were recorded on the site. However, previous surveys conducted in 2021 found ort chewings within the impact area, suggesting the species may be present at a low abundance or that the impact area is used on an intermittent basis.
- 117) I noted that the PD states that predation from feral cats presents a high threat level within and adjacent to the impact area however does not provide any further information on the abundance or distribution of feral cats within or adjacent to the impact area. The GBC is also threatened by competition with and predation from brushtail possums who may utilise similar nesting habitat.
- 118) I noted that public comments on the PD raised concerns that the proposed Action will have significant impacts on the GBC. The department considered, and I agreed, that the proposed Action will have residual significant impacts on the GBC. The proponent has applied the mitigation hierarchy and proposed suitable offsets such that the proposed Action is not unacceptable.

Impact

- 119) I noted that the proposed Action will directly impact of 18.91 ha of breeding habitat, 7.13 ha of combined breeding and foraging habitat, 2.19 ha of foraging habitat, and 13.51 ha of dispersal habitat, and remove an estimated 25 suitable nesting hollows, via vegetation clearing. The total

41.74 ha of habitat being cleared meets the criteria for habitat critical to the survival of the species.

Avoidance and mitigation measures

120) Since referring the proposed Action in 2023, the proponent has avoided 22.60 ha of impacts to the GBC by reducing the impact area such that the area of GBC habitat impacted has been reduced from 64.34 ha to 41.74 ha.

121) I noted that the proponent proposed to implement the OEMP to mitigate impacts to the GBC. The department considered, and I agreed, that measures included in the OEMP are consistent with best practice guidelines and are therefore adequate to mitigate some impacts to the GBC. Species specific measures in the OEMP include the following:

- a) Construction personnel to be made aware of GBC on site via site inductions, pre-start meetings and pre-clearance inspections.
- b) A qualified and experienced fauna spotter catcher to undertake pre-clearance surveys 1-2 weeks prior to clearing, and where necessary immediately prior to clearing, to identify GBC occupation and breeding locations and ensure hollow-bearing trees and important habitat features are suitably managed.
- c) Pre-clearance surveys will assess areas of potential habitat and mark and map potential and known foraging and breeding places to direct management by fauna spotter catchers during clearing. A fauna spotter catcher will inspect all hollow-bearing trees prior to clearing. Present fauna will be encouraged to leave of their own accord through tree tapping and other measures.
- d) GBC will be removed from active nesting trees within the impact area immediately before clearing and translocated to suitable habitat adjacent to the impact area. Where individuals need to be physically removed from hollows, trees will be dismantled under the direction of an experienced fauna spotter catcher. Trees will be felled immediately after clearing wildlife to prevent return. A fauna spotter catcher will conduct a ground inspection after trees have been felled to identify presence of young or injured GBC.
- e) Identify opportunities for salvage of relevant microhabitat features (e.g. nesting hollows). Where nesting hollows are identified, best attempts will be made to salvage and preserve them. Felled timber will be reviewed for suitability for creating carved hollows at the offset site.
- f) Rehabilitation of disturbed habitat to be undertaken in suitable location using native species, in consideration with the landscape and maintenance requirements of the future asset owner.
- g) Electrostatic wildlife guards to be installed on overhead line equipment to minimise electrocution.
- h) Domestic dogs are prohibited on the construction site at all times.
- i) Appropriate weed, pathogen and disease hygiene practices and management to be implemented for the species as per the OEMP.

- j) Eradicate feral cats from identified Key Biodiversity Areas.

Compensatory measures

- 122) I noted that after the implementation of the proposed avoidance and mitigation measures, the proposed Action will have a residual significant impact on 41.74 ha of habitat critical to the survival of the GBC, including an estimated 25 suitable nesting hollows. In accordance with the Offsets Policy, an environmental offset is required to compensate for the proposed Action's residual significant impacts to the GBC.
- 123) I also noted that to compensate for the residual significant impact to the GBC, the proponent has proposed to manage 356.65 ha of the Benobble offset sites for 20 years. To compensate for the removal of suitable nesting hollows at the impact site, the proponent also proposed to install 31 carved hollows which meet the nesting requirements of the GBC at the Benobble offset site within 10 years. The department provided calculations which demonstrated that the proposed offset sites compensate for impacts to the GBC as a result of the proposed Action, which I considered and accepted.
- 124) I noted that public comments on the PD raised concern that the offset sites will not benefit locally impacted species due to their distance from the impact area. The department considered, and I agreed, that the proposed offset sites are suitable, and the management plans adequately demonstrate how impacts to MNES will be compensated in line with the Offsets Policy.

Outcomes and conditions

- 125) To avoid and mitigate harm to the GBC, I agreed with the department's recommendation to impose conditions 1 and 2 which stipulate the proponent must not clear more than 41.74 ha of GBC habitat, must not clear more than 25 GBC nesting hollows and must not clear or construct outside of the impact area. Given there is evidence GBC utilise the impact area, the department considered, and I agreed, these conditions are necessary to ensure there are no significant impacts to the GBC additional to those considered in the assessment occur.
- 126) To minimise the risk of injury or death to the GBC as a result of the proposed Action, I agreed with the department's recommendation to impose condition 4 which stipulates that the OEMP must be implemented. The OEMP describes species-specific environmental controls proposed for the GBC which are provided in detail above. The department considered, and I agreed, it is necessary to condition the implementation of OEMP to enforce the proposed management and mitigation measures and minimise risk to the GBC during clearing and construction activities.
- 127) To minimise the risk of injury or harm to protected matters additional to those considered as part of this assessment, I agreed with the department's recommendation to impose conditions 3, 5, 6 and 8 which stipulate that the proponent must notify the department of any protected matters or protected matter habitat not previously reported, ensure no protected matter is killed or injured as a result of the Action, contact a veterinary centre, wildlife hospital or wildlife expert if an injured protected matter is found, and have a suitably qualified fauna spotter catcher present during all clearing and construction where a protected matter is likely to enter the active construction area. The department considered, and I agreed, it is necessary to condition these requirements to ensure no additional impacts to protected matters which have not been considered as part of this assessment occur.

- 128) Additionally, the department considered, and I agreed, that it is convenient to condition the implementation of TMR's Fauna Sensitive Transport Infrastructure Delivery manual for the GBC as referenced in the OEMP, as the implementation of this document forms part of the proponent's internal requirements. This is addressed in condition 7.
- 129) I noted that to compensate for residual significant impacts to the GBC, I agreed with the department's recommendation to impose conditions 9 to 11 which stipulate that the proponent must commence implementation of the Benobble OAMP at or before commencement of the Action. The department considered, and I agreed, it is necessary to condition the implementation of the OAMP at or before commencement of the Action so that the residual significant impacts to 41.74 ha of GBC habitat and 25 GBC nesting hollows is concurrently compensated for via management of 356.65 ha of GBC habitat and installation of 31 carved nesting hollows at the Benobble offset site. A delay in implementing the OAMP may result in the required habitat gains for the GBC (including replacement of nesting hollows) not being met in the 20-year time to ecological benefit and management period committed to by the proponent.
- 130) To ensure the offsets for the GBC are protected, I agreed with the department's recommendation to impose conditions 12 to 14 which stipulate the proponent must secure the offset site with a legal mechanism agreed to by the department within 12 months of commencement of the Action. The department considered, and I agreed, these conditions are necessary to ensure that the use of the site is restricted to management for the purpose of achieving the offset outcomes proposed by the proponent.
- 131) To ensure the proposed compensation for impacts to the GBC are met, I agreed with the department's recommendation to impose conditions 15 and 17 which stipulate that the proponent must achieve all habitat quality performance targets for Year 5, Year 10, Year 15 and Year 20 as described in the OAMP, by the end of the specified timeframe, and that once achieved the proponent must maintain or exceed the offset outcomes at least until the expiry of the approval. The department considered, and I agreed, these conditions are necessary to ensure the habitat uplifts the proponent have committed to for the GBC are achievable within the 20-year period. These conditions will also ensure that where performance targets have not been met, the proponent will be required to implement corrective Actions described in the OAMP to ensure that the next target is met.
- 132) To ensure the effectiveness of the OAMP and progress of associated performance targets are appropriately monitored and reported, I agreed with the department's recommendation to impose conditions 19 to 22 which stipulate an independent suitably qualified ecologist must undertake an assessment as to whether improvements to GBC habitat quality relevant to that period, as specified in the OAMP, have been achieved. The department considered, and I agreed, this condition is necessary to ensure habitat quality uplifts for the GBC are independently and transparently verified.

Conclusion

- 133) Having considered all available information, including the nature of the proposed Action, the PD, public comments, the GBC Conservation Advice, the feral cat abatement plan, and the Significant Impact Guidelines, the department considered, and I agreed, that the proposed Action is likely to have a residual significant impact on the GBC due to the direct clearance of

41.74 ha of habitat critical to the survival of the species including an estimated 25 suitable nesting hollows.

134) Based on the proposed measures to mitigate and manage impacts, provision of offsets that are aligned with the Offset Policy, and assuming compliance with the proposed conditions of approval, I was satisfied that the proposed Action will not have an unacceptable impact on the vulnerable GBC.

Swift Parrot

Description

135) I noted the National Recovery Plan for the Swift Parrot *Lathamus discolor* (**the Swift Parrot Recovery Plan**) describes the Swift Parrot as a small fast-flying, nectivorous parrot which occurs in eucalypt forests in southeastern Australia. The Swift Parrot breeds in Tasmania during the summer and migrates north to mainland Australia for winter.

136) I noted that the Swift Parrot Recovery Plan defines habitat critical for the survival of the species on the Australian mainland as including all preferred foraging species within known and likely foraging habitat on the mainland including Yellow Gum (*E. leucoxylon*); Red Ironbark (*E. tricarpa*); Mugga Ironbark (*E. sideroxylon*); Grey Box (*E. macrocarpa*); White Box (*E. albens*); Yellow Box (*E. melliodora*); Swamp Mahogany (*E. robusta*); Forest Red Gum (*E. tereticornis*); Blackbutt (*E. pilularis*); and Spotted Gum (*Corymbia maculata*).

137) I noted the Swift Parrot Recovery Plan states that it is important to note that Swift Parrots opportunistically use areas depending on the occurrence of eucalypt flowering. As a result, the absence of Swift parrots from a given location at a given time cannot be taken as evidence that the location is unsuitable habitat.

138) I noted the Conservation Advice *Lathamus discolor* Swift parrot (**Swift Parrot Conservation Advice**) lists threats to the species as including predation by sugar gliders, habitat loss and alteration, collision mortality, competition from large aggressive Honeyeaters and introduced birds and bees, Psittacine break and feather disease, and illegal wildlife capture and trading.

139) I noted that the feral cat abatement plan has been adopted for the Swift Parrot. Appendix 8 of the plan categorises the susceptibility of Swift Parrot to feral cats as low or no susceptibility. This means Swift Parrot are likely to persist with cats but with some reduction in population size or viability (i.e. 0-9%); will have higher viability where cats are more effectively controlled; or that viability is unaffected by cats.

Action area

140) The impact area contains 42.28 ha of ground truthed foraging and dispersal habitat. This habitat is comprised of *Eucalyptus tereticornis*, *Eucalyptus robusta*, *Coymbia henryi* and *Corymbia citriodora*. Habitat containing *Eucalyptus tereticornis* or *Eucalyptus robusta* meets the criteria for habitat critical to the survival of the species.

141) To detect Swift Parrot using of the impact area, the proponent conducted 160 person hours of area searching in suitable habitat over 11 survey days. Six AudioMoth acoustic recorders were deployed across six sites for 13 days during December 2023 targeting Swift Parrot calls. Targeted habitat assessments were conducted for the species within and adjacent to the impact area

during September, October and November 2023, and January 2024 totalling 408 person hours over 1087 sites.

142) Public comments on the PD raised concerns relating to the adequacy of survey timing, effort and techniques to detect MNES. The department considered, and I agreed, that the survey efforts were adequate and align with recommendations for detecting the species.

143) I noted that no individuals were observed during surveys. The PD states that two Atlas of Living Australia records dated 2014 are recorded in Gould Adams Park, approximately 537 m from the impact area. Therefore, the proponent considers that the species may occur within the impact area.

144) The PD states that predation from feral cats presents a high threat level within and adjacent to the impact area, however, does not provide any further information on the abundance or distribution of feral cats within or adjacent to the impact area.

145) Public comments on the PD raised concerns that the proposed Action will have significant impacts on the Swift Parrot. The department considered, and I agreed, that the proposed Action will have residual significant impacts on the Swift Parrot. The proponent has applied the mitigation hierarchy and proposed suitable offsets such that the proposed Action is not unacceptable.

Impact

146) I noted the proposed Action will directly impact all 42.28 ha of foraging habitat via vegetation clearing. The habitat being cleared meets the criteria for habitat critical to the survival of the species.

Avoidance and mitigation measures

147) I noted that since referring the proposed Action in 2023, the proponent has avoided 22.52 ha of impacts to the Swift Parrot by reducing from the impact area such that the area of Swift Parrot habitat impacted has been reduced from 64.80 ha to 42.28 ha.

148) I noted that the proponent proposed to implement the OEMP to mitigate impacts to the Swift Parrot. The department considered, and I agreed, that measures included in the OEMP are consistent with best practice guidelines and are therefore adequate to mitigate some impacts to the Swift Parrot. Species-specific measures in the OEMP include:

- a) Construction personnel to be made aware of Swift Parrot on site via site inductions, pre-start meetings and pre-clearance inspections.
- b) Prior to commencement of construction, a fauna spotter-catcher will confirm presence of individuals which may be disturbed.
- c) Rehabilitation of disturbed habitat to be undertaken in suitable location using native species, in consideration with the landscape and maintenance requirements of the future asset owner.
- d) Domestic dogs will be prohibited on the construction site at all times.
- e) Eradication of feral cats from identified Key Biodiversity Areas.

Compensatory measures

- 149) I noted that after the implementation of the proposed avoidance and mitigation measures, the proposed Action will have a residual significant impact on 42.28 ha of habitat critical to the survival of the Swift Parrot. In accordance with the Offsets Policy, an environmental offset is required to compensate for the proposed Action's residual significant impact to the Swift Parrot.
- 150) I noted that to compensate for the residual significant impact to the Swift Parrot, the proponent proposed to manage 356.65 ha of the Benobble offset site and 631.60 ha of the Undullah offset site for 20 years. The department provided calculations which demonstrated that the proposed offset sites compensate for impacts to the Swift Parrot as a result of the proposed Action, which I considered and accepted.
- 151) I considered that public comments on the PD raised concern that the offset sites will not benefit locally impacted species due to their distance from the impact area. The department considered, and I agreed, the proposed offset sites are suitable, and the management plans adequately demonstrate how impacts to MNES will be compensated in line with the Offsets Policy.

Outcomes and conditions

- 152) To avoid and mitigate harm to the Swift Parrot I agreed with the department's recommendation to impose conditions 1 and 2 which stipulate that the proponent must not clear more than 42.28 ha of Swift Parrot habitat and must not clear or construct outside of the impact area. Given habitat critical to the survival of the species occurs in the impact area and there are historical records of the species in proximity to the impact area, the department considered, and I agreed, these conditions are necessary to ensure no significant impacts to the Swift Parrot additional to those considered in the assessment occur.
- 153) To minimise the risk of injury or death to the Swift Parrot as a result of the proposed Action, I agreed with the department's recommendation to impose condition 4 which stipulates that the OEMP must be implemented. The OEMP describes species-specific environmental controls proposed for the Swift Parrot which are provided in detail above. The department considered, and I agreed, it is necessary to condition the implementation of the OEMP to enforce the proposed management and mitigation measures and minimise risk to the Swift Parrot during clearing and construction activities.
- 154) To minimise the risk of injury or harm to protected matters additional to those considered as part of this assessment, I agreed with the department's recommendation to impose conditions 3, 5, 6 and 8 which stipulate that the proponent must notify the department of any protected matters or protected matter habitat not previously reported, ensure no protected matter is killed or injured as a result of the Action, contact a veterinary centre, wildlife hospital or wildlife expert if an injured protected matter is found, and have a suitably qualified fauna spotter catcher present during all clearing and construction where a protected matter is likely to enter the active construction area. The department considered, and I agreed, it is necessary to condition these requirements to ensure no additional impacts to protected matters which have not been considered as part of this assessment occur.
- 155) Additionally, the department considered, and I agreed, that it is convenient to condition the implementation of TMR's Fauna Sensitive Transport Infrastructure Delivery manual for the Swift

Parrot as referenced in the OEMP, as the implementation of this document forms part of the proponent's internal requirements. This is stipulated in condition 7.

- 156) To compensate for residual significant impacts to the Swift Parrot, I agreed with the department's recommendation to impose conditions 9-11 which stipulate that the proponent must commence implementation of the Benobble OAMP the Undullah OAMP prior to commencement of the Action. The department considered, and I agreed, it is necessary to condition the implementation of the OAMPs prior to commencement of the Action so that the significant residual impact to 42.28 ha of Swift Parrot habitat is concurrently compensated for via management of 356.65 ha Benobble offset site and 631.60 ha of the Undullah offset site. A delay in implementing the OAMPs may result in the required habitat gains for the Swift Parrot not being met in the 20-year time to ecological benefit and management period committed to by the proponent.
- 157) To ensure the offsets for the Swift Parrot are protected, I agreed with the department's recommendation to impose conditions 12 to 14 which stipulate the proponent must secure the sites with a legal mechanism agreed to by the department within 12 months of commencement of the Action. The department considered, and I agreed, that these conditions are necessary to ensure that the use of the site is restricted to management for the purpose of achieving the offset outcomes proposed by the proponent.
- 158) To ensure the proposed compensation for impacts to Swift Parrot habitat are met, I agreed with the department's recommendation to impose conditions 15-18 which stipulate that the proponent must achieve all proposed habitat quality performance targets for Year 5, Year 10, Year 15 and Year 20 as described in the OAMPs, by the end of the specified timeframe, and that once achieved the proponent must maintain or exceed the offset outcomes at least until the expiry of the approval. The department considered, and I agreed, that these conditions are necessary to ensure the habitat uplifts the proponent have committed to for the Swift Parrot are achievable within the 20-year management period. These conditions will also ensure that where performance targets have not been met, the proponent will be required to implement corrective Actions described in the OAMPs to ensure that the next target is met.
- 159) I considered that to ensure the effectiveness of the OAMPs and progress of associated performance targets are appropriately monitored and reported, I agreed with the department's recommendation to impose conditions 19 to 22 which stipulate an independent suitably qualified ecologist must undertake an assessment at Year 5, Year 10, Year 15 and Year 20 to determine whether proposed improvements to Swift Parrot habitat quality relevant to that period, as specified in the OAMPs, have been achieved. The department considered, and I agreed, that this condition is necessary to ensure habitat quality uplifts for the Swift Parrot are independently and transparently verified.

Conclusion

- 160) Having considered all the information, including the nature of the proposed Action, the PD, public comments, the Swift Parrot Recovery Plan, Swift Parrot Conservation Advice, the feral cat threat abatement plan, and the Significant Impact Guidelines, the department considered, and I agreed, that the proposed Action is likely to have a residual significant impact on the Swift Parrot due to the direct clearance of 42.28 ha of habitat critical to the survival of the species.

161) Based on the proposed measures to mitigate and manage impacts, provision of offsets that are aligned with the Offsets Policy, and assuming compliance with the proposed conditions of approval, I was satisfied that the proposed Action will not have an unacceptable impact on the critically endangered Swift Parrot.

Regent Honeyeater

Description

162) I considered that the Conservation Advice *Anthochaera phrygia* Regent Honeyeater (**Regent Honeyeater Conservation Advice**) states that the species mostly inhabits inland slopes of the Great Dividing Range. It is most commonly associated with box-ironbark eucalypt woodland and dry sclerophyll forest but also inhabits riparian vegetation such as sheoak (*Casuarina spp.*) where it feeds on needle-leaved mistletoe and sometimes breeds.

163) I also noted that the Regent Honeyeater Conservation Advice states that the species movement patterns are thought to be governed by the flowering of select eucalypt species. It is nomadic and partly migratory, with some predictable seasonal movements observed. The species usually nests in the canopy of mature trees with rough bark.

164) I noted that the National Recovery Plan Regent Honeyeater (*Anthochaera phrygia*) (**Regent Honeyeater Recovery Plan**) states that habitat critical to the survival of the species includes:

- a) Any breeding or foraging areas where the species is likely to occur, and
- b) Any newly discovered breeding or foraging locations.

165) I noted that the Regent Honeyeater Conservation Advice states current threatening processes to the Regent Honeyeater relate to the species' small population size, habitat loss and fragmentation, competition, and degradation of remnant habitat.

166) I also noted that the feral cat threat abatement plan has been adopted for the Regent Honeyeater. Appendix 8 of the plan categorises the susceptibility of Regent Honeyeater to feral cats as low or no susceptibility. This means Regent Honeyeater are likely to persist with cats but with some reduction in population size or viability (i.e. 0-9%); will have higher viability where cats are more effectively controlled; or that viability is unaffected by cats.

167) I noted that the Threat abatement plan for competition and land degradation by rabbits has been adopted for the Regent Honeyeater. The plan establishes a national framework to guide and coordinate Australia's response to the impacts of rabbits on biodiversity. The plan states that even at low densities (more than 0.5 rabbits per ha) impacts from rabbits can still be severe and notes that the main impact to the Regent Honeyeater is habitat degradation.

Action area

168) I noted that the PD states that the impact area contains 42.28 ha of ground truthed foraging and dispersal habitat. The PD describes the habitat on site as being marginal, due to the low densities of key foraging mistletoe resources, lack of box-ironbark woodland and no woodlands dominated by key tree species as outlined within the Regent Honeyeater recovery plan. Eucalypt woodlands and riparian areas that do occur are generally scattered throughout the impact area in a highly degraded and urbanised environment. Any breeding or foraging areas where the species is likely to occur is habitat critical to the survival of the species. Therefore, the

department considered, and I agreed, that the habitat on site meets the criteria for habitat critical to the survival of the species.

169) I noted that to detect Regent Honeyeater usage of the site, the proponent conducted a total of 160 person hours of surveys over 11 days in July to November 2023, deployment of six AudioMoth acoustics recorders across six sites for 14 days, and targeted habitat surveys for a total of 408 person hours over 1,087 sites within and adjacent to the impact area.

170) I noted that no individuals were observed during surveys. One Atlas Living of Australia record from 2020 occurs within the study area. The department considered, and I agreed, that the survey efforts were adequate and align with recommendations for detecting the species.

171) Public comments on the PD raised concerns relating to the adequacy of survey timing, effort and techniques to detect MNES. The department considered, and I agreed, the survey efforts were adequate and align with recommendations for detecting the species.

172) I noted that the PD states that predation from feral cats presents a high threat level within and adjacent to the impact area, however, does not provide any further information on the abundance or distribution of feral cats within or adjacent to the impact area.

173) Public comments on the PD raised concerns that the proposed Action will have significant impacts on the Regent Honeyeater. The department considered, and I agreed, that the proposed Action will have residual significant impacts on the Regent Honeyeater and the proponent has applied the mitigation hierarchy and proposed suitable offsets such that the proposed Action is not unacceptable.

Impact

174) I noted that the proposed Action will directly impact all 42.28 ha of foraging and dispersal habitat via vegetation clearing. The habitat being cleared meets the criteria for habitat critical to the survival of the species.

Avoidance and mitigation

175) I noted that since referring the proposed Action in 2023, the proponent has avoided 22.52 ha impacts to the Regent Honeyeater by reducing the impact area such that the area of Regent Honeyeater habitat being impacted has been reduced from 64.80 ha to 42.28 ha.

176) I noted that the proponent proposed to implement the OEMP to mitigate impacts to the Regent Honeyeater. The department considered, and I agreed, that measures included in the OEMP are consistent with the best practice guidelines and are therefore adequate to mitigate some impacts to the Regent Honeyeater. I noted that measures in the OEMP to mitigate impacts to the Regent Honeyeater are the same as those provided for the Swift Parrot, detailed above.

Compensatory measures

177) I noted that after the implementation of the proposed avoidance and mitigation measures, the proposed Action will have a residual significant impact through the loss of 42.28 ha of habitat critical to the survival of the Regent Honeyeater. In accordance with the Offset Policy, an environmental offset is required to compensate for the proposed Action's residual significant impact to the Regent Honeyeater.

- 178) I noted that to compensate for the residual significant impact to the Regent Honeyeater, the proponent proposed to manage 356.65 ha of the Benobble offset site and 631.60 ha of the Undullah offset site for 20 years. The department provided calculations which demonstrated that the proposed offset sites compensate for impacts to the Regent Honeyeater as a result of the proposed Action, which I considered and accepted.
- 179) Public comments on the PD raised concern that the offset sites will not benefit locally impacted species due to their distance from the impact area. The department considered, and I agreed, that the proposed offset sites are suitable, and the management plans adequately demonstrate how impacts to MNES will be compensated in line with the Offsets Policy.

Outcomes and conditions

- 180) To avoid and mitigate harm to the Regent Honeyeater, I agreed with the department's recommendation to impose conditions 1 and 2 which stipulate that the proponent must not clear more than 42.28 ha of Regent Honeyeater habitat and must not clear or construct outside of the impact area. Given habitat critical to the survival of the species occurs in the impact area and there are historical records of the species in proximity to the impact area, the department considered, and I agreed, these conditions are necessary to ensure no significant impacts to the Regent Honeyeater additional to those considered in the assessment occur.
- 181) To minimise the risk of injury or death to Regent Honeyeaters as a result of the proposed Action, I agreed with the department's recommendation to impose conditions 4 which stipulates that the OEMP must be implemented. The OEMP describes species environmental controls for the Regent Honeyeater which are the same as those proposed for the Swift Parrot and are provided in detail above. The department considered, and I agreed, it is necessary to condition the implementation of the OEMP to enforce the proposed management and mitigation measures and minimise risk to the Regent Honeyeater during clearing and construction activities.
- 182) To minimise the risk of injury or harm to protected matters additional to those considered as part of this assessment, I agreed with the department's recommendation to impose conditions 3, 5, 6 and 8 which stipulate that the proponent must notify the department of any protected matters or protected matter habitat not previously reported, ensure no protected matter is killed or injured as a result of the Action, contact a veterinary centre, wildlife hospital or wildlife expert if an injured protected matter is found, and have a suitably qualified fauna spotter catcher present during all clearing and construction where a protected matter is likely to enter the active construction area. The department considered, and I agreed, it is necessary to condition these requirements to ensure no additional impacts to protected matters which have not been considered as part of this assessment occur.
- 183) Additionally, the department considered, and I agreed, that it is convenient to condition the implementation of TMR's Fauna Sensitive Transport Infrastructure Delivery manual for the Regent Honeyeater as referenced in the OEMP, as the implementation of this document forms part of the proponent's internal requirements. This is stipulated in condition 7.
- 184) To compensate for residual significant impacts to the Regent Honeyeater, I agreed with the department's recommendation to impose conditions 9 to 11 which require that the proponent must commence implementation of the Benobble OAMP and the Undullah OAMP at or before commencement of the Action. The department considered, and I agreed, it is necessary to

condition the implementation of the OAMPs at or before commencement of the Action so that the residual significant impact to 42.28 ha of Regent Honeyeater habitat is concurrently compensated for via management of 356.65 ha Benobble offset site and 631.60 ha of the Undullah offset site. A delay in implementing the OAMPs may result in the required habitat gains for the Regent Honeyeater not being met in the 20-year time to ecological benefit and management period committed to by the proponent.

185) To ensure the offsets for the Regent Honeyeater are protected, I agreed with the department's recommendation to impose conditions 12 to 14 which stipulate the proponent must secure the sites with a legal mechanism agreed to by the department within 12 months of commencement of the Action. The department considered these conditions are necessary to ensure that the use of the site is restricted to management for the purpose of achieving the offset outcomes proposed by the proponent and I agreed.

186) To ensure the proposed compensation for impacts to Regent Honeyeater habitat is met, I agreed with the department's recommendation to impose conditions 15 to 18 which stipulate that the proponent must achieve all proposed habitat quality performance targets for Year 5, Year 10, Year 15 and Year 20 as described in the OAMPs, by the end of the specified timeframe, and that once achieved the proponent must maintain or exceed the offset outcomes at least until the expiry of the approval. The department considered, and I agreed, these conditions are necessary to ensure the habitat uplifts the proponent has committed to for the Regent Honeyeater are achievable within the 20-year management period. These conditions will also ensure that where performance targets have not been met, the proponent will be required to implement corrective Actions described in the OAMPs to ensure that the next target is met.

187) To ensure the effectiveness of the OAMPs and progress of associated performance targets are appropriately monitored and reported, I agreed with the department's recommendation to impose conditions 19 to 22 which stipulate an independent suitably qualified ecologist must undertake an assessment at Year 5, Year 10, Year 15 and Year 20 to determine whether proposed improvements to Regent Honeyeater habitat quality relevant to that period, as specified in the OAMPs, have been achieved. The department considered, and I agreed, this condition is necessary to ensure habitat quality uplifts for the Regent Honeyeater are independently and transparently verified.

Conclusion

188) Having considered all the information, including the nature of the proposed Action, the PD, public comments, the Regent Honeyeater Recovery Plan and Conservation Advice, the feral cat threat abatement plan, the rabbit threat abatement plan, and the Significant Impact Guidelines, the department considered, and I agreed, that the proposed Action is likely to have a residual significant impact on the Regent Honeyeater due to the direct clearance of 42.28 ha of habitat critical to the survival of the species.

189) Based on the proposed measures to mitigate and manage impacts, provision of offsets that are aligned with the Offsets Policy, and assuming compliance with the proposed conditions of approval, I was satisfied that the proposed Action will not have an unacceptable impact on the critically endangered Regent Honeyeater.

Offset proposal

Proposed offset sites

190) I noted that the proponent has proposed to manage two offset sites to compensate for residual significant impacts of the proposed Action. One site is located in Benobble and one site is located in Undullah. The Benobble site will contribute to the required offset acquittal for all MNES with residual significant impacts and the Undullah site will contribute to the required offset acquittal for all MNES with residual significant impacts except for the GBC.

Benobble –comprising Lot 53 on Plan SP340166, Lot 54 on Plan SP342144, and Lot 1003 on Plan SP342145, Benobble, Queensland

191) I noted that the Benobble offset site (Benobble site) is 356.65 ha. The site is 27 km south of the impact area. The PD states the majority of the site supports remnant vegetation (approximately 283 ha). While much of the site has been subject to broadscale historical clearing, most of the vegetation has now regrown to remnant status, with approximately 43 ha remaining as regrowth vegetation and 31 ha remaining as cleared land.

192) I noted that the remnant vegetation on site is predominantly characterised by mixed eucalypt woodlands and open forests situated on rolling hills. The site is positioned within contiguous remnant and regrowth vegetation, including the Tamborine National Park (Witches falls section) to the north, and freehold lots to the south and east including the Canungra Land Welfare Centre Training Area.

193) I noted that for the purpose of habitat quality assessments, the Benobble site has been categorised into nine Assessment Units (**AU**). The PD characterises an AU as an area or group of areas within the matter area that is homogenous in vegetation community classification (i.e. Regional Ecosystem and broad condition state (remnant, regrowth, non-remnant)). Each AU reflects a particular community with similar structure, function, and quality of habitat.

Undullah offset site – comprising of Lot 123 on Plan CH311750, Lot 269 on Plan W312014, Lot 286 on Plan W312555, Lot 280 on Plan W312013, Lot 292 on Plan W312183 and Lot 33 on Plan W312183, Undullah, Queensland

194) I noted that the Undullah offset site (**Undullah site**) is 640.60 ha. The site is 39 km south of the impact area, approximately 20 km west of the township of Jimboomba. The PD states the site has historically been used for cattle grazing but has not undergone any clearing since the late 1990s and no active management in the last several years.

195) I noted that the area is now predominantly high value regrowth vegetation with pockets of remnant and non-remnant vegetation. The site is characterised by *Corymbia* and *Eucalyptus* open forests on rolling hills, *Eucalyptus* and *Casuarina* riparian woodland fringing watercourses and *Lophostemon* open forest on slopes and gullies of sedimentary origin. The site is positioned within contiguous remnant and regrowth vegetation associated with the Dugandan Ranges between Ipswich in the north to Kooralbyn in the south.

196) I noted that for the purpose of habitat quality assessment, the Undullah site has been categorised into twelve assessment units. AUs were characterised in the same way as described for the Benobble site above.

Offset site suitability

197) I considered the information prepared by the proponent in the OAMP for each offset site. The OAMPs provide the following justifications for suitability of the relevant offset site for each MNES.

Koala

198) I noted that the Benobble OAMP states that suitable Koala habitat was observed across most of the site, totalling 356.65 ha, comprising 146.16 ha of accessible breeding and foraging habitat, 179.81 ha of breeding and foraging habitat for which access is currently limited due to intense weed incursion, and 30.70 ha of future breeding and foraging habitat. Several locally important Koala tree (LIK) species including *Eucalyptus tereticornis*, *Corymbia citriodora*, *E. acmenoides*, *E. crebra*, *E. grandis*, *E. microcorys*, *E. propinqua*, and *E. siderophloia* were identified across the site. Several ancillary Koala tree species were also identified across the site.

199) I noted that targeted surveys (including nocturnal spotlighting and scat searches) at the Benobble site detected a single Koalas on five occasions.

200) I noted that the key threat to the Koala on site is intense weed cover limiting habitat accessibility. Other threats include lack of fire management, cattle grazing, and wild dogs.

201) I noted that the Undullah OAMP states that suitable Koala habitat was observed across most of the site, totalling 631.60 ha, comprising 559.08 ha of breeding and foraging habitat and 72.52 ha of dispersal habitat. LIKs for the Southeast Queensland Bioregion are the dominant or subdominant tree species in most of the vegetation communities ground-truthed throughout the Offset Area. A portion of the site (8.99 ha) is considered unsuitable for the Koala due to a dense understorey inhibiting Koala movement. This area is not proposed to be managed for the Koala and has been excluded from all calculations.

202) I noted that targeted surveys (including nocturnal spotlighting, call playback and SAT searches) at the Undullah site recorded one individual within the site.

203) I noted that potential threats to the species on site include wild dogs, intense weed cover, and risk of high intensity bush fire.

204) I noted that in total, the proponent proposed to manage 988.26 ha of Koala habitat across both offset sites as a direct environmental offset, including 101.79 ha of new habitat creation.

Grey-headed Flying-fox

205) I noted that the Benobble OAMP states that the Benobble site contains an abundance of feed trees, including a variety of important winter and spring flowering species (important feed tree species). No active Flying-fox roosts were observed during surveys; however, 4.86 ha of potential breeding and roosting habitat was observed in remnant *Corymbia* dominated open forest associated with Franklin Creek in the northwest of the site. The potential breeding and roosting habitat within the site is considered to be of comparable quality to habitat within the impact area. The remainder of the site is comprised of 321.09 ha of abundant foraging resources, and 30.70 ha of unsuitable habitat which is currently hindered by substantial weed cover but will be rehabilitated to provide additional foraging resources.

- 206) I also noted that targeted surveys did not detect the species on site, however, Flying-foxes were seen flying over the site during spotlighting. Due to abundance of resources on site and the proximity of known GHFF camps (2 km and 4.5 km south of the offset area), the species is considered likely to occur within the Benobble site. The Benobble OAMP does not specify the location of these camps.
- 207) I noted that the key threats to the GHFF at the Benobble offset site are degradation of habitat due to fire and the increased risk of intense fires due to high weed cover, and entanglement in barbed-wire fences which occur across the site.
- 208) I noted that the Undullah OAMP states that the Undullah site contains important feed tree species. Suitable roosting habitat was observed in association with remnant vegetation along Dugnan Creek. The remnant vegetation along Dugandan contains dense canopy (to 20 m) that may provide suitable shelter for the species, particularly in warmer weather. A total of 568.08 ha of suitable habitat is mapped within the Undullah site, including 12.45 ha of potential breeding and roosting habitat and 555.63 ha of foraging habitat.
- 209) Targeted surveys did not detect the species at the Undullah site, and no Flying-foxes were observed flying over the site. However, the National flying-fox monitoring viewer identifies four camps located within 20 km of the Undullah site which have recorded GHFF. These camps are:
- a) Boonah, Bicentennial Park which is located 17 km south-west of the Undullah site and contains >2,500 - <10,000 individuals.
 - b) Undullah, Homestead Drive which is located 16 km north-east of the Undullah site and contains <500 individuals.
 - c) Cedar Grove which is located 18 km east of the Undullah site and contains <500 individuals.
 - d) Cedar Vale, Banksia Court which is located 20 km east of the Undullah site and contains <500 individuals.
- 210) I noted that the Undullah OAMP states that due to the abundance of feed trees within the Undullah site and the proximity of known GHFF camps, the species is considered likely to utilise the site for foraging and potentially breeding and roosting.
- 211) I noted that the key threat to the GHFF at the Undullah site is entanglement of barbed-wire fences which occur across the site.
- 212) I noted that in total, the proponent proposed to manage 997.25 ha of GHFF habitat across both sites as a direct environmental offset, including 116.22 ha of new habitat creation.

South-eastern Glossy Black-cockatoo

- 213) I noted that the Benobble OAMP states that GBC habitat occurs throughout most of the site, totalling 356.65 ha, comprising of 325.95 ha of suitable breeding and foraging habitat, and 30.70 ha of unsuitable habitat that has the potential to be restored. Habitat observed within the Benobble site contained low to moderate abundance of foraging species, including *A. torulosa* and *C. cunninghamiana* as well as an abundance of large trees with >30 cm, and occasional trees that are >50 cm diameter at breast height with hollows. Feed tree presence across the site is

less than the benchmark for each relative regional ecosystem however there is evidence of the site being used for foraging.

- 214) I noted that targeted surveys of the Benobble site observed an adult pair feeding on *A. torulosa* and another pair in a *Eucalyptus biturbinata* tree. Other supplementary evidence of utilisation such as calls and foraging scraps were also recorded in the site.
- 215) I noted that key threats to the GBC at the Benobble site include substantial weed incursion and cattle grazing limiting density of feed trees, increased risk of intense fires due a lack of fire management, predation by feral cats and foxes, and competition for nesting resources.
- 216) I noted that the Undullah site will not be used to offset impacts to the GBC.
- 217) I noted that in total, the proponent proposed to manage 356.65 ha of GBC habitat as a direct environmental offset, including 30.70 ha of new habitat creation and the installation of 31 carved nesting hollows.

Swift Parrot

- 218) I noted that the Benobble OAMP states suitable foraging habitat for the Swift Parrot is present through most of the site, totalling 325.95 ha. The vegetation includes *E. tereticornis*, *Corymbia citriodora* and *E. melliodora* at varying levels of maturity and density. Areas of unsuitable habitat (30.70 ha) are limited to pockets of cleared non-remnant vegetation with limited feed trees. These areas will be used to create new foraging habitat for the species.
- 219) I also noted that targeted surveys did not detect the species on the Benobble site however due to the abundance of feed trees within the site, records of the Swift Parrot north, east, and west of the site, and high species mobility, the species is considered likely to utilise the site.
- 220) I noted that the key threat to the Swift Parrot at the Benobble site is increased risk of intense fire and competition for resources by both native and non-native species.
- 221) I noted that the Undullah OAMP states that foraging habitat for the Swift parrot is present through most of the site, totalling 560.52 ha. The vegetation includes communities containing *Eucalyptus tereticornis*, *Corymbia citriodora* and *Eucalyptus melliodora*. Areas of unsuitable habitat (71.09 ha) are limited to pockets of cleared non-remnant vegetation with scattered mature trees. These areas will be used to create new foraging habitat for the species.
- 222) I noted that targeted surveys did not detect the species on the Undullah site, however, due to the abundance of feed trees within the site, records of the Swift Parrot south-west and north-east of the site, and high species mobility, the species is considered likely to utilise the site.
- 223) I noted that the key threat to the Swift Parrot at the Undullah site is increased risk of intense fire.
- 224) I noted that in total, the proponent proposed to manage 988.26 ha of Swift Parrot habitat across both sites as a direct environmental offset, including 101.79 ha of new habitat creation.

Regent Honeyeater

- 225) I noted that the Benobble OAMP states foraging habitat for the Regent Honeyeater is present throughout most of the site, totalling 325.95 ha. The vegetation includes preferred tree species

Eucalyptus crebra, *E. siderophloia*, *E. biturbinata*, *E. melliodora*, *E. moluccana*, *Corymbia citriodora* present at varying levels of maturity and density. Additionally, *Amyema* spp. Mistletoe was also recorded across much the site. Areas of unsuitable habitat (30.70 ha) are limited to pockets of cleared non-remnant vegetation with limited feed tree availability. Additional foraging habitat will be created in these areas.

- 226) I noted that targeted surveys did not detect the species on the Benobble site however due to the abundance of feed trees within the site, high species mobility, and the proximity of known Regent Honeyeater records (nearest record 12.3 km away), the species is considered likely to utilise the site.
- 227) I noted that the key threats to the Regent Honeyeater at the Benobble site are habitat degradation from historical clearing and weed incursion which facilitates competition with other large, aggressive honeyeaters such as the *Philemon corniculatus* (Noisy Friarbird), *Anthochaera carunculata* (Red Wattlebird), and *Manorina melanocephala* (Noisy Miner), and increased risk of intense fire.
- 228) I noted that the Undullah OAMP states that Regent Honeyeater foraging habitat occurs through most of the site, totalling 560.52 ha. The vegetation included two preferred tree species, *Eucalyptus crebra* and *Corymbia maculata*, as well as regionally important food tree species including *Corymbia citriodora*, *Corymbia tessellaris*, *Corymbia intermedia*, *Eucalyptus siderophloia*, *Eucalyptus tereticornis*, *Eucalyptus Melanophloia*. Areas of unsuitable habitat (71.09 ha) are limited to pockets of non-remnant vegetation with scattered mature trees. Additional foraging habitat will be created in these currently unsuitable areas.
- 229) I noted that targeted surveys did not detect the species on the Undullah site, however due to the abundance of feed trees within the site, high species mobility, and the proximity of Regent Honeyeater records, the species is considered likely to utilise the site.
- 230) I noted that in total, the proponent proposed to manage 988.26 ha of Regent Honeyeater habitat across both sites as a direct environmental offset, including 101.79 ha of new habitat creation.

Offset management activities

- 231) I noted that the OAMPs for each site detail the management strategies that will be taken on the sites in order to achieve habitat creation and improvement for the Koala, GHFF, GBC (Benobble site only), Swift Parrot, and Regent Honeyeater. The application of the strategies will vary depending on the specific requirements for each assessment unit.
- 232) I noted that at the Benobble site, the management strategies include:
- a) Complete and permanent exclusion of livestock from the entire site via installation or repair of property fencing.
 - b) Active revegetation using a mix of canopy eucalypt species and *Allocasuarina torulosa* to provide additional shelter and foraging resources for all MNES. Revegetation areas will be categorized into three priority areas:

- i) Priority 1: cleared areas where natural recruitment is unlikely to occur in the short-term without intervention.
 - ii) Priority 2: cleared areas where natural recruitment is occurring but at a protracted rate due to dense weed cover.
 - iii) All other areas: Vegetated areas where natural recruitment has been observed. Revegetation will only occur in select areas when triggered by monitoring outcomes.
- c) Natural regeneration in areas of mature vegetation, facilitated through other management strategies (e.g. weed and fire management). Accompanied by active replanting as a corrective action if natural regeneration is not reaching the required performance targets.
 - d) Installation of 31 carved hollows for the GBC, preceded by expert assessment to identify which individual trees are most suitable for receiving a hollow.
 - e) Weed cover will be reduced to less than 20% across the site, with two AUs proposed to have weed cover reduced to below 5%.
 - f) Presence of wild dogs/dingos and red foxes has been confirmed via camera deployment at 22 sites within and adjacent to the site. Presence of pests will be reduced to or maintained at low (<0.025 detections per trap night) across the site.
 - g) All internal barbed-wire fences will be removed, and all perimeter fences will have the top-strand replaced with barbless wire.
 - h) Implementation of a fire management plan (as detailed in the OAMP) and prescribed burns, informed by delineation of the site into Fire Management Zones based location of assets, surrounding land managers' bushfire mitigation measures, topography, land use, potential bushfire hazard and risk.

233) I noted that at the Undullah site, habitat creation and improvements for the Koala, GHFF, Swift Parrot, and Regent Honeyeater will be achieved through the following strategies. The application of the strategies will vary depending on the specific requirements for each assessment unit. Detailed descriptions of how the strategies will be applied are in the Undullah OAMP. The summarised actions proposed include:

- a) Complete and permanent exclusion of livestock from the entire site via installation or repair of property fences.
- b) Active revegetation using a mix of canopy eucalyptus species to provide additional foraging resources for all MNES. Revegetation areas will be categorized into four priority areas:
 - i) Priority 1a: Cleared areas where natural recruitment is unlikely to occur in the short-term without intervention.
 - ii) Priority 1b: Regrowth areas located along Dugandan Creek, where supplementary infill planting will be undertaken to ensure prescribed future habitat type (e.g. GHFF breeding and roosting) is achieved.

- iii) Priority 2: Cleared areas where natural recruitment is occurring but at a protracted rate due to dense weed cover.
- c) All other areas: Vegetated areas where natural recruitment has been observed. Revegetation will only occur in select areas when triggered by monitoring outcomes.
- d) Natural regeneration in areas of mature vegetation, facilitated through other management strategies (e.g. weed and fire management). Accompanied by active replanting as a corrective action if natural regeneration is not reaching the required performance targets. Weed cover will be reduced to less than 20% across the site.
- e) Presence of wild dogs/dingos, feral pigs, and red foxes has been confirmed via camera deployment at 15 sites with and adjacent to the site. Presence of pests will be reduced to or maintained at low (<0.025 detections per trap night) across the site.
- f) All internal barbed wire fences will be removed, and all perimeter fences will have the top-strand replaced with barbless wire.
- g) Implementation of a fire management plan (as detailed in the OAMP) and prescribed burns, informed by delineation of the site into Fire Management Zones based on location assets, surrounding land managers' bushfire mitigation measures, topography, land use, potential bushfire hazard and risk.

Adequacy of proposal

234) I considered the management activities proposed to restore and improve or create habitat across the offset sites are beneficial to the Koala, GHFF, GBC, Swift Parrot, and Regent Honeyeater.

235) The department considered, and I agreed, that the actions proposed at the offset sites will achieve the proposed improvements in habitat quality within the 20-year time to ecological benefit, facilitating improvements in species abundance and demonstrating a commensurate increase in habitat quality and presence. Improvements will be measured and monitored throughout the life of the offset.

236) The OAMPs provide that the proposed improvements to habitat quality will acquit the following overall offset requirements to compensate for residual significant impacts. The department has conducted independent Offset Assessment Guide calculations which are consistent with the below. I considered and agreed with the department's calculations.

- a) 153.54% of residual significant impacts to Koala habitat.
- b) 359.34% of residual significant impacts to GHFF habitat.
- c) 174.46% of residual significant impacts to GBC habitat and 103.32% of residual significant impacts to GBC nesting hollows.
- d) 133.25% of residual significant impacts to Swift Parrot habitat.
- e) 133.25% of residual significant impacts to Regent Honeyeater habitat.

237) I considered the proposed offsets in accordance with the EPBC Act Environmental Offsets Policy and the Offsets assessment guide and considered the offsets will meet 100% of the offset liability, noting:

- a) The nature of the Action will result in the loss of habitat critical to survival of Koala, GHFF, GBC (including suitable nesting resources), Swift Parrot, and the Regent Honeyeater (the MNES).
- b) The offset sites are known to support the protected matter or their habitat.
- c) The offset sites promote connectivity in the landscape.
- d) Existing remnant and regrowth habitat will be improved and/or restored.
- e) Predominantly cleared areas will be restored through planting of habitat.
- f) Existing threats to the species and their habitat will be reduced and/or removed.
- g) The OAMPs propose that the offset sites will be legally secured through a voluntary declaration under the *Vegetation Management Act 1999* (Qld) which provides protection until completion of the management actions or for the duration of the approval and then a covenant either under the *Land Act 1994* (Qld) or *Land Title Act 1994* (Qld) which will secure the site in perpetuity.

Economic and social matters – section 136(1)(b)

238) I noted that section 136(1)(b) of the EPBC Act requires me, in deciding whether or not to approve an Action, and what conditions to attach to the approval, to consider economic and social matters.

239) I noted that the PD states that the proposed Action is essential infrastructure to support the growing population between Brisbane, Logan, and the Gold Coast. The proposed Action will deliver modern and accessible stations between Kuraby and Beenleigh, which will provide improved access to the train network for all residents as well as removing existing level crossings, improving journey times and safety for road and rail users. The proposed Action is considered a significant and key infrastructure investment to prepare for the 2032 Brisbane Olympic Games. As such, the proposed Action remains a high priority for the Queensland Government.

240) The PD states that a social impact evaluation was conducted and identified several positive social impacts likely as a result of the proposed Action:

- a) Employment and training opportunities (local)(construction).
- b) Enhanced network efficiency and productivity benefits.
- c) Improved operational flexibility (great network resilience).
- d) Improved access to employment opportunities.
- e) Community connectivity.

- f) Changes in landscape and enhancement of station amenity and aesthetic quality.
- g) Enhanced safety and security at stations and the immediate surrounding environment.
- h) Improved customer experience and quality of rail service.
- i) Improved access to social infrastructure.
- j) Improved safety at level crossings.
- k) Improved corridor safety due to signalling upgrades.
- l) Improved equity of access to rail for all users (access for special needs, prams, elderly etc.)

241) I agreed with the social impact evaluation which also identified four negative social impacts likely as a result of the proposed Action:

- a) Temporary disruption to transport access.
- b) Impact to areas of high ecological significance.
- c) Noise pollution and vibration.
- d) Land acquisitions.

242) I considered economic and social matters in deciding whether or not to approve the taking of the proposed Action and the conditions to attach to an approval.

Factors to be taken into account – section 136

Principles of ecologically sustainable development

243) In deciding whether or not to approve the taking of an Action and the conditions to attach to an approval, section 136(2)(a) of the EPBC Act provides that I am required to take into account the principles of ecologically sustainable development (**ESD**). The principles of ESD, as defined in Part 1, section 3A of the EPBC Act, are:

- a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social, and equitable considerations;
- b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- c) the principle of inter-generational equity – that the present generation should ensure that the health, diversity, and productivity of the environment is maintained or enhanced for the benefit of future generations;
- d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- e) improved valuation, pricing, and incentive mechanisms should be promoted.

244) In considering the recommendation formulated by the department as well as the PD, I have considered the principles of ESD. In particular, I considered that:

- a) The recommendation report and the assessment documentation provided contain information on the long-term and short-term economic, environmental, social, and equitable considerations that are relevant to the decision and are presented for my consideration.
- b) Any lack of certainty related to the potential impacts of the projects is addressed by conditions that restrict environmental impacts, impose strict monitoring, and adopt environmental standards which, if not achieved, require the application of response mechanisms in a timely manner to avoid adverse impacts.
- c) The proposed conditions will ensure protection of EPBC listed species and communities. Those conditions allow for the project to be delivered and operated in a sustainable way to protect the environment for future generations and preserve EPBC listed species and communities in perpetuity.
- d) The department has considered, and I agreed, with the importance of conserving biological diversity and ecological integrity in relation to all the controlling provisions for this project, and the advice provided within this document reflects that consideration.
- e) The department's advice included reference to and consideration of a range of information on the economic costs, benefits, and impacts of the project. Based on the reference to relevant Queensland Government Planning and policy documents in the assessment documentation, the project has considered evaluation, pricing, and incentive mechanism, relevant to the project. I considered and accepted this advice.

Precautionary principle

245) Section 391 of the EPBC Act provides that I must take into account the precautionary principle in deciding whether or not to approve the taking of an Action. The precautionary principle requires that, if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

246) In making my decision under section 133, I am required to take account of the precautionary principle (section 391), to the extent it is not inconsistent with other provisions of the EPBC Act. In making my decision under section 133, in considering matters protected by the controlling provisions for the proposed Action, and economic and social matters, I am required to take into account the principles of ecologically sustainable development, which include the precautionary principle (section 391A(b) of the EPBC Act).

247) I took account of the precautionary principle by considering whether there are threats of serious or irreversible environmental damage with respect to the relevant matters protected by the EPBC Act and considering whether there is a lack of scientific certainty. The department concluded, and I agreed, that where there are scientific uncertainties or threats to protected matters, measures should be put in place to address these. These measures form the recommended conditions of approval.

Preliminary documentation

248) In accordance with section 136(2)(bc)(i) of the EPBC Act, I considered the finalised PD relating to the proposed Action which I was given under section 95B(1) of the EPBC Act.

249) In accordance with section 136(2)(bc)(ii) of the EPBC Act, I considered the recommendation report relating to the proposed Action, which I was given under section 95C of the EPBC Act.

Relevant comments

250) Public comments were invited on the referral and assessment documentation. I considered adequate public consultation for the proposed Action had occurred. Therefore, I did not invite public comment under section 131A of the EPBC Act on the proposed decision and recommended conditions of approval as this was unlikely to elicit views or information that have not already been considered in relation to the proposed Action.

251) Under section 131 of the EPBC Act, the Minister must invite other ministers to give comments on the proposed decision within 10 business days.

Proponent

252) Under section 131AA(1) of the EPBC Act, the proponent was invited to comment on the proposed decision and recommended conditions of approval. The proponent's comments on the proposed decision and recommended conditions of approval are discussed in Table 1 above.

Commonwealth ministers

253) I invited the Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government may have administrative responsibilities relating to the Action and is proposed to be invited to comment.

254) On 12 June 2025, a delegate to the Minister for Infrastructure, Transport, Regional Development and Local Government responded to their invitation to comment stating they had no comments on the proposed Action

State ministers.

255) I invited the Hon Andrew Powell MP, Queensland Minister for Environment and Tourism and Minister for Science and Innovation may have administrative responsibilities relating to the Action.

256) On 23 June 2025, a delegate to the Queensland Minister for the Environment, Tourism and Minister for Science and Innovation responded to their invitation to comment stating they had no comments on the proposed Action.

Other matters for decision making

Person's environmental history – section 136(4)

257) Pursuant to s136(4) of the EPBC Act, in deciding whether or not to approve the taking of an Action by a person, and what conditions to attach to an approval, I may consider whether the person is a suitable person to be granted an approval, having regard to:

- a) the person's history in relation to environmental matters; and

- b) if the person is a body corporate – the history of its executive officers in relation to environmental matters; and
- c) if the person is a body corporate that is a subsidiary of another body or company (the parent body) – the history in relation to environmental matters of the parent body and its executive officers.

258) I noted that the department's Compliance and Enforcement Branch (**CEB**) was engaged to undertake a search of known matters relevant to the proponent's environmental history. On 30 May 2025, CEB advised that there are seven records of non-compliance within the department.

259) I considered the records of non-compliance and noting the nature of the incidents identified, I had no reason to believe that the proponent would not be suitable to be granted an approval as the person proposing take the Action. In addition, I considered that the proposed conditions would ensure that the proponent is compliant with their approval obligations through monitoring, reporting, and auditing requirements.

Minister not to consider other matters – section 136(5)

260) In deciding whether or not to approve the taking of the Action, and what conditions to attach to an approval, I did not consider any matters that I was not required or permitted to consider by Division 1, Part 9 of the EPBC Act.

Threatened species and endangered communities – section 139

261) I noted that in accordance with section 139(1) of the EPBC Act, in deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an Action, and what conditions to attach to such an approval, the Minister must not act inconsistently with Australia's obligations under:

- a) the Biodiversity Convention; or
- b) the Apia Convention; or
- c) CITES; or
- d) a recovery plan or threat abatement plan.

262) Under section 139(2) of the EPBC Act, if:

- a) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an Action; and
- b) the Action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;

the Minister must, in deciding whether to so approve the taking of the Action, have regard to any approved conservation advice for the species or community.

Biodiversity convention

263) I noted that the objectives of the Biodiversity Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

264) I accepted the department's advice that the decision it recommended was not inconsistent with the Biodiversity Convention, which promotes environmental impact assessment (such as this process) to avoid and minimise adverse impacts on biological diversity. I agreed with the department's assessment that there was an appropriate combination of avoidance and mitigation measures for the management of species potentially impacted by the proposed Action. I also considered that the approval requires information related to the proposed Action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

Apia Convention

265) I noted that the Convention on the Conservation of Nature in the South Pacific (Apia Convention) encourages the creation of protected areas which together with existing protected areas will safeguard representative samples of the natural ecosystems occurring therein (particular attention being given to endangered species), as well as superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural, or scientific value.

266) I noted that the Apia Convention was suspended with effect from 13 September 2006. While this Convention has been suspended, Australia's obligations under the Convention have been taken into consideration. I agreed that the approval decision is not inconsistent with the Convention which has the general aims of conservation of biodiversity.

International trade in endangered species

267) I noted that the Convention on International Trade in Endangered Species of Wild Fauna and Flora (**CITES**) is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

268) I accepted the department's advice that approving the proposed Action, subject to proposed conditions, would not be inconsistent with CITES as the proposed Action does not involve international trade in the specimens of wild animals and plants.

Recovery Plans and Threat Abatement Plans

269) As required by section 193(1)(b) of the EPBC Act, I considered the following Recovery Plans relevant to the proposed Action and assessment, discussed above in my reasons, at the relevant protected matter:

- a) National Recovery Plan for the Koala (*Phascolarctos cinereus* (combined populations of Queensland, New South Wales, and the Australian Capital Territory)).
- b) National Recovery Plan for the Grey-headed Flying-fox (*Pteropus poliocephalus*).

- c) National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*).
- d) National Recovery Plan for the Swift Parrot (*Lathamus discolor*).

270) I noted that the Threat abatement plans relevant to the proposed Action are:

- a) Threat abatement plan for predation of feral cats 2024.
- b) Threat abatement plan for competition and land degradation by rabbits.

271) I considered all Recovery Plans and Threat Abatement Plans in relation to the species and communities for which they are relevant and concluded the approval of this Action with the recommended conditions of approval would not be inconsistent with them.

Conservation Advice

272) In deciding whether or not to approve the taking of the proposed Action, as required by section 139(2) of the EPBC Act, I had regard to the following approved conservation advices:

- a) Conservation Advice for *Phascolarctos cinereus* (Koala) combined populations of Queensland, New South Wales, and the Australian Capital Territory.
- b) Conservation Advice for *Calyptorhynchus lathami lathami* (South-eastern Glossy Black-cockatoo).
- c) Conservation Advice *Anthochaera Phrygia* Regent Honeyeater.
- d) Conservation Advice *Lathamus discolor* Swift Parrot.

273) I had regard to the approved conservation advices listed above that are relevant to the proposed Action and considered the likely impacts of the proposed Action on listed threatened species and ecological communities. The department considered, and I agreed, that approval of this Action would not be inconsistent with the relevant conservation advices.

Bioregional Plans

274) In accordance with section 176(5) of the EPBC Act, I am required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant.

275) I noted that the proposed Action is not located within or near an area designated by a bioregional plan. I considered that there are no bioregional plans relevant to the proposed Action.

Conditions of approval

Section 134(1) of the EPBC Act: The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:

- a) *protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or*
- b) *repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).*

- 276) I considered the likely scope and severity of the impacts to MNES, the proposed avoidance and mitigation measures, and determined that it is likely that the proposed Action will result in residual significant impacts to the Koala, Grey-headed Flying-fox, South-eastern Glossy Black-cockatoo, Swift Parrot and Regent Honeyeater.
- 277) I determined it was necessary or convenient to apply approval conditions to the approval of the proposed Action, as detailed in the approval decision notice. The key conditions relating to protected matters have been discussed under each controlling provision.
- 278) The conditions are only those required to mitigate likely risks of harm or injury to protected matters, limit clearing for what only adequate compensation has been proposed for as well as ensure compensatory measures are implemented consistent with the requirements of the Offset Policy.

Additional considerations for conditions

- 279) In accordance with section 134(4) of the EPBC Act, in deciding whether to attach a condition to an approval, I must consider all of the following:

Section 134(4)(a): Any relevant conditions that have been imposed, or the Minister considers are likely to be imposed, under a law of a state or self-governing territory or another law of the Commonwealth on the taking of the action.

- 280) I was not aware of any conditions that may be imposed on the taking of this Action under a law of a State or self-governing territory or another law of Commonwealth.

Section 134(4)(aa): Information provided by the person proposing to take the action or by the designated proponent of the action.

- 281) I took into account the information in the documentation provided by the proponent in making my decision on whether or not to approve the proposed Action. The proponent was given 10 business days to comment on the proposed decision and conditions of approval, and the comments provided by the proponent were included in the final approval decision briefing package for my consideration. I considered those comments.

Section 134(4)(b): The desirability of ensuring as far as practicable that the condition is a cost-effective means for the Commonwealth and the person taking the action to achieve the object of the condition.

- 282) I considers the proponent's comments on the proposed decision, and I determined that the proposed conditions are, as far as practicable, a cost-effective means for the Commonwealth and the person proposing the Action to achieve the objects of the conditions.

Reasons for decision

- 283) In deciding whether or not to approve the taking of the proposed Action, I considered (among other matters) the principles of ESD as required under section 136(2)(a) of the EPBC Act, and the precautionary principle as required under section 391 of the EPBC Act.

- 284) Having taken into account matters required to be considered under the EPBC Act and in light of the findings discussed in this statement of reasons, I decided to approve the taking of the

proposed Action, subject to conditions, for the purposes of sections 18 and 18A of the EPBC Act.

285) The approval will be in effect for a period of 40 years to allow sufficient time for the completion of construction and operation, and for the implementation of measures to protect MNES.

name and position Declan O'Connor-Cox
Acting Head of Division
Environment Regulation Division

Signature



date of decision

18/11/25

Annexure A

Section 130 of the EPBC Act relevantly provides:

Basic rule

The Minister must decide whether or not to approve, for the purposes of each controlling provision for a controlled action, the taking of the action.

1A) 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.

Notice of extension of time

- 4) If the Minister specifies a longer period for the purposes of subsection (1A), he or she must:
 - a) give a copy of the specification to the person proposing to take the action; and
 - b) publish the specification in accordance with the regulations.

Section 131 of the EPBC Act relevantly provides:

- 1) Before the Minister (the Environment Minister) decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she must:
 - c) inform any other Minister whom the Environment Minister believes has administrative responsibilities relating to the action of the decision the Environment Minister proposes to make; and
 - d) invite the other Minister to give the Environment Minister comments on the proposed decision within 10 business days.

A Minister invited to comment may make comments that:

- e) relate to economic and social matters relating to the action; and
- f) may be considered by the Environment Minister consistently with the principles of ecologically sustainable development.

This does not limit the comments such a Minister may give.

Section 131AA of the EPBC Act relevantly provides:

- 1) Before the Minister decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she must:
 - a) inform the person proposing to take the action, and the designated proponent of the action (if the designated proponent is not the person proposing to take the action), of:
 - i) the decision the Minister proposes to make; and

- ii) if the Minister proposes to approve the taking of the action – any conditions the Minister proposes to attach to the approval; and
- b) invite each person informed under paragraph (a) to give the Minister, within 10 business days (measured in Canberra), comments in writing on the proposed decision and any conditions.

If the Minister proposes not to approve, for the purposes of a controlling provision, the taking of the action, the Minister must provide to each person informed under paragraph (1)(a), with the invitation given under paragraph (1)(b):

- c) a copy of whichever of the following documents applies to the action:
 - i) an assessment report;
 - ii) a finalised recommendation report given to the Minister under subsection 93(5);
 - iii) a recommendation report given to the Minister under section 95C, 100 or 105; and
- d) any information relating to economic and social matters that the Minister has considered; and
- e) any information relating to the history of a person in relation to environmental matters that the Minister has considered under subsection 136(4); and
- f) a copy of any document, or part of a document, containing information of a kind referred to in paragraph 136(2)(e) that the Minister has considered.

The Minister is not required to provide under subsection (2):

- a) information that is in the public domain; or
 - b) a copy of so much of a document as is in the public domain; or
 - c) in the case of information referred to in paragraph (2)(b) or (c) – any conclusions or recommendations relating to that information included in documents or other material prepared by the Secretary for the Minister.
- 6) In deciding whether or not to approve, for the purposes of a controlling provision, the taking of the action, the Minister must take into account any relevant comments given to the Minister in response to an invitation given under paragraph (1)(b).

Section 131A of the EPBC Act relevantly provides:

Before the Minister decides whether or not to approve, for the purposes of a controlling provision, the taking of an action, and what conditions (if any) to attach to an approval, he or she may publish on the Internet:

- a) the proposed decision and, if the proposed decision is to approve the taking of the action, any conditions that the Minister proposes to attach to the approval; and

- b) an invitation for anyone to give the Minister, within 10 business days (measured in Canberra), comments in writing on the proposed decision and any conditions.

Section 133 of the EPBC Act relevantly provides:

Approval

- 1) After receiving the assessment documentation relating to a controlled action, or the report of a commission that has conducted an inquiry relating to a controlled action, the Minister may approve for the purposes of a controlling provision the taking of the action by a person.

1A) If the referral of the proposal to take the action included alternative proposals relating to any of the matters referred to in subsection 72(3), the Minister may approve, for the purposes of subsection (1), one or more of the alternative proposals in relation to the taking of the action.

Content of approval

An approval must:

- a) be in writing; and
- b) specify the action (including any alternative proposals approved under subsection (1A)) that may be taken; and
- c) name the person to whom the approval is granted; and
- d) specify each provision of Part 3 for which the approval has effect; and
- e) specify the period for which the approval has effect; and
- f) set out the conditions attached to the approval.

Persons who may take action covered by approval

2A) An approval granted under this section is an approval of the taking of the action specified in the approval by any of the following persons:

- a) the holder of the approval;
- g) a person who is authorised, permitted, or requested by the holder of the approval, or by another person with the consent or agreement of the holder of the approval, to take the action.

Notice of approval

The Minister must:

- a) give a copy of the approval to the person named in the approval under paragraph 133(2)(c); and
- b) provide a copy of the approval to a person who asks for it (either free or for a reasonable charge determined by the Minister).

Notice of refusal of approval

- 7) If the Minister refuses to approve for the purposes of a controlling provision the taking of an action by the person who proposed to take the action, the Minister must give the person notice of the refusal.

Section 134 of the EPBC Act relevantly provides:

Condition to inform persons taking action of conditions attached to approval

1A) An approval of the taking of an action by a person (the first person) is subject to the condition that, if the first person authorises, permits, or requests another person to undertake any part of the action, the first person must take all reasonable steps to ensure:

- c) that the other person is informed of any condition attached to the approval that restricts or regulates the way in which that part of the action may be taken; and
- d) that the other person complies with any such condition.

For the purposes of this Chapter, the condition imposed by this subsection is attached to the approval.

Generally

- 1) The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:
- a) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or
 - b) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).

Conditions to protect matters from the approved action

The Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:

- a) protecting from the action any matter protected by a provision of Part 3 for which the approval has effect; or
- b) repairing or mitigating damage that may or will be, or has been, caused by the action to any matter protected by a provision of Part 3 for which the approval has effect.

This subsection does not limit subsection (1).

Examples of kinds of conditions that may be attached

The conditions that may be attached to an approval include:

- aa) conditions requiring specified activities to be undertaken for:

- i) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or
 - ii) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage may or will be, or has been, caused by the action); and
- ab) conditions requiring a specified financial contribution to be made to a person for the purpose of supporting activities of a kind mentioned in paragraph (aa); and
- a) conditions relating to any security to be given by the holder of the approval by bond, guarantee or cash deposit:
- iii) to comply with this Act and the regulations; and
 - iv) not to contravene a condition attached to the approval; and
 - v) to meet any liability of a person whose taking of the action is approved to the Commonwealth for measures taken by the Commonwealth under section 499 (which lets the Commonwealth repair and mitigate damage caused by a contravention of this Act) in relation to the action; and
- b) conditions requiring the holder of the approval to insure against any specified liability of the holder to the Commonwealth for measures taken by the Commonwealth under section 499 in relation to the approved action; and
- c) conditions requiring a person taking the action to comply with conditions specified in an instrument (including any kind of authorisation) made or granted under a law of a State or self-governing Territory or another law of the Commonwealth; and
- d) conditions requiring an environmental audit of the action to be carried out periodically by a person who can be regarded as being independent from any person whose taking of the action is approved; and
- e) if an election has been made, or is taken to have been made, under section 132B in respect of the approval – conditions requiring:
- i) an action management plan to be submitted to the Minister for approval, accompanied by the fee (if any) prescribed by the regulations; and
 - ii) implementation of the plan so approved; and
- f) conditions requiring specified environmental monitoring or testing to be carried out; and
- g) conditions requiring compliance with a specified industry standard or code of practice; and
- h) conditions relating to any alternative proposals in relation to the taking of the action covered by the approval (as permitted by subsection 133(1A)).

This subsection does not limit the kinds of conditions that may be attached to an approval.

Certain conditions require consent of holder of approval

3A) The following kinds of condition cannot be attached to the approval of an action unless the holder of the approval has consented to the attachment of the condition:

- a) a condition referred to in paragraph (3)(aa), if the activities specified in the condition are not reasonably related to the action;
- a) a condition referred to in paragraph (3)(ab).

3B) If the holder of the approval has given consent, for the purposes of subsection (3A), to the attachment of a condition:

- a) the holder cannot withdraw that consent after the condition has been attached to the approval; and
- b) any person to whom the approval is later transferred under section 145B is taken to have consented to the attachment of the condition and cannot withdraw that consent.

Conditions attached under paragraph (3)(c)

(3C) A condition attached to an approval under paragraph (3)(c) may require a person taking the action to comply with conditions specified in an instrument of a kind referred to in that paragraph:

- a) as in force at a particular time; or
- c) as is in force or existing from time to time;

even if the instrument does not yet exist at the time the approval takes effect.

Considerations in deciding on condition

In deciding whether to attach a condition to an approval, the Minister must consider:

- a) any relevant conditions that have been imposed, or the Minister considers are likely to be imposed, under a law of a State or self-governing Territory or another law of the Commonwealth on the taking of the action; and
- aa) information provided by the person proposing to take the action or by the designated proponent of the action; and
- b) the desirability of ensuring as far as practicable that the condition is a cost effective means for the Commonwealth and a person taking the action to achieve the object of the condition.

Effect of conditions requiring compliance with conditions specified in another instrument

4A) If:

- a) a condition (the principal condition) attached to an approval under paragraph (3)(c) requires a person taking the action to comply with conditions (the other conditions) specified in an instrument of a kind referred to in that paragraph; and
- c) the other conditions are in excess of the power conferred by subsection (1);

the principal condition is taken to require the person to comply with the other conditions only to the extent that they are not in excess of that power.

Validity of decision

A failure to consider information as required by paragraph (4)(aa) does not invalidate a decision about attaching a condition to the approval.

Section 136 of the EPBC Act relevantly provides:

Mandatory considerations

- 1) In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must consider the following, so far as they are not inconsistent with any other requirement of this Subdivision:
 - a) matters relevant to any matter protected by a provision of Part 3 that the Minister has decided is a controlling provision for the action;
 - b) economic and social matters.

Factors to be taken into account

In considering those matters, the Minister must take into account:

- a) the principles of ecologically sustainable development; and
- b) the assessment report (if any) relating to the action; and
- ba) if Division 3A of Part 8 (assessment on referral information) applies to the action – the finalised recommendation report relating to the action given to the Minister under subsection 93(5); and
- bc) if Division 4 of Part 8 (assessment on preliminary documentation) applies to the action:
 - i) the documents given to the Minister under subsection 95B(1), or the statement given to the Minister under subsection 95B(3), as the case requires, relating to the action; and
 - ii) the recommendation report relating to the action given to the Minister under section 95C; and
- c) if Division 5 (public environment reports) of Part 8 applies to the action:
 - i) the finalised public environment report relating to the action given to the Minister under section 99; and
 - ii) the recommendation report relating to the action given to the Minister under section 100; and
- ca) if Division 6 (environmental impact statements) of Part 8 applies to the action:

- i) the finalised environmental impact statement relating to the action given to the Minister under section 104; and
- iii) the recommendation report relating to the action given to the Minister under section 105; and
- d) if an inquiry was conducted under Division 7 of Part 8 in relation to the action – the report of the commissioners; and
- e) any other information the Minister has on the relevant impacts of the action (including information in a report on the impacts of actions taken under a policy, plan, or program under which the action is to be taken that was given to the Minister under an agreement under Part 10 (about strategic assessments)); and
- f) any relevant comments given to the Minister in accordance with an invitation under section 131 or 131A; and
- g) if a notice relating to the action was given to the Minister under subsection 132A(3) – the information in the notice.

Person's environmental history

- 4) In deciding whether or not to approve the taking of an action by a person, and what conditions to attach to an approval, the Minister may consider whether the person is a suitable person to be granted an approval, having regard to:
 - h) the person's history in relation to environmental matters; and
 - i) if the person is a body corporate – the history of its executive officers in relation to environmental matters; and
 - j) if the person is a body corporate that is a subsidiary of another body or company (the parent body) – the history in relation to environmental matters of the parent body and its executive officers.

Minister not to consider other matters

In deciding whether or not to approve the taking of an action, and what conditions to attach to an approval, the Minister must not consider any matters that the Minister is not required or permitted by this Division to consider.

Section 139 of the EPBC Act relevantly provides in part:

- 5) If:
 - a) the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and
 - b) the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;

the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community.

Annexure B – attachments to final decision brief

Attachments to proposed decision brief – signed 6 June 2025

A: Recommendation Report

B: Proposed decision notice

- a. Draft proposed decision notice and conditions of approval
- b. Conditions team's comments on draft proposed decision notice and conditions of approval
- c. Updated proposed decision notice and conditions of approval

C: Final Preliminary Documentation

- a. PD Report and Appendix A
- b. Supplementary MNES Report
- c. Protected Matters Search Tool report
- d. MNES Report Figures
- e. Likelihood of occurrence assessments
- f. MNES Habitat mapping rules
- g. Flora and fauna species list
- h. MNES significant impact assessment
- i. Landscape connectivity modelling
- j. Koala habitat mapping letter
- k. Overarching Environmental Mitigation Plan
- l. Offset Area Management Plan – Benobble
- m. Offset Area Management Plan – Undullah
- n. Consultation summary
- o. Draft conditions written by TMR

D: Public comments

- a. Public comments received on the referral
- b. Request for extension of PD public comment period
- c. DCCEEW's response to D(b)
- d. Public comment 1

- e. Public comment 2
- f. Public comment 3
- g. Public comment 4
- h. Public comment 5
- i. Public comment 6
- j. Public comment 7
- k. TMR's summary of public comments and responses

E: Letters

- a. Letter notifying proponent of proposed decision
- b. Letter notifying Minister for Infrastructure, Transport, Regional Development and Local Government of proposed decision
- c. Letter notifying Minister for Environment, Tourism, Science and Innovation of proposed decision

F: Protected Matters Search Tool report dated 26 May 2025

G: Statutory documents

- a. Conservation Advice for *Phascolarctos cinereus* (Koala) combined populations of Queensland, New South Wales and the Australian Capital Territory
- b. National Recovery Plan for the Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory)
- c. National Recovery Plan for the Grey-headed Flying-fox *Pteropus poliocephalus*
- d. Conservation Advice for *Calyptorhynchus lathami lathami* (South-eastern Glossy Black Cockatoo)
- e. Conservation Advice *Lathamus discolor* swift parrot
- f. National Recovery Plan for the Swift Parrot (*Lathamus discolor*)
- g. Conservation Advice *Anthochaera phrygia* regent honeyeater
- h. National Recovery Plan for the Regent Honeyeater (*Anthochaera phrygia*)
- i. Threat abatement plan for predation by feral cats 2024
- j. Appendix 8 - Cat-susceptibility of terrestrial mammals, reptiles and birds; and threatened seabirds
- k. Threat abatement plan for competition and land degradation by rabbits

H: Species listing and statutory document check

- a. Species Information and Policy section advised that no changes to statutory documents identified
- b. Protected species and communities report

I: Departmental Offset Assessment Guide Calculations

- a. Department's calculation for offset area required for impacts to the Koala at the Benobble Offset Site
- b. Department's calculation for offset area required for impacts to the Koala at the Undullah Offset Site
- c. Department's calculation for offset area required for impacts to the Grey-headed Flying-fox at the Benobble Offset Site
- d. Department's calculation for offset area required for impacts to the Grey-headed Flying-fox at the Undullah Offset Site
- e. Department's calculation for offset area required for impacts to the South-eastern Glossy Black-cockatoo at the Benobble Offset Site
- f. Department's calculation for offset area required for impacts to the Regent Honeyeater at the Benobble Offset Site
- g. Department's calculation for offset area required for impacts to the Regent Honeyeater at the Benobble Offset Site
- h. Department's calculation for offset area required for impacts to the Regent Honeyeater at the Undullah Offset Site
- i. Department's calculation for offset area required for impacts to the Swift Parrot at the Benobble Offset Site
- j. Department's calculation for offset area required for impacts to the Swift Parrot at the Undullah Offset Site

J: Environmental history of the proponent

K: Quality assurance checklist

Attachment to final decision brief – signed 3 July 2025

L: Recommendation Report (signed)

M: Consultation

- a. Proponent's comments on proposed decision notice and conditions of approval
- b. Proponent's justifications for changes to proposed conditions of approval
- c. Response from Post Approvals team regarding activities outside of footprint

- d. Departments' Response to B(a) and B(b)
- e. Proponent's comments on final conditions
- f. Department's response to B(e)
- g. Proponent's acceptance of final decision notice and conditions of approval
- h. Table summary of changes made to proposed decision notice and conditions of approval
- i. Proposed decision notice and conditions of approval with tracked changes
- j. Department of Environment, Tourism, Science and Innovation response to invitation to comment
- k. Department of Infrastructure, Transport, Regional Development and Local Government response to invitation to comment

N: Final decision notice and conditions of approval

O: Letters

- a. Letter notifying proponent of approval decision
- b. Letter notifying the Minister for Environment, Tourism, Science and Innovation of approval decision
- c. Letter notifying the Minister for Infrastructure, Transport Regional Development and Local Government of approval decision

P: Proposed decision package (above)