



**Approval**

**Cultana Expansion Area Project, near Whyalla, South Australia (EPBC 2010/5316)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

**person to whom the approval is granted** Department of Defence

**proponent's ACN (if applicable)** not applicable

**proposed action** the expansion of the existing Cultana Training Area in South Australia westwards, from 50 250 hectares to approximately 209 294 hectares through the acquisition of pastoral leases as described in the referral received on [see referral EPBC 2010/5316]

**Approval decision**

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	approve, subject to conditions
Commonwealth action (section 28)	approve, subject to conditions

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

31 December 2114

**Decision-maker**

**name and position** Greg Hunt

**signature**



**date of decision** 5 December 2013

## Conditions

### Prohibited activities

1. No chemical, biological, radioactive or nuclear weapons may be taken onto or used within the boundaries of *the CEA*.

### Stakeholder engagement

2. The approval holder must establish and maintain an environmental advisory committee (EAC) for the duration of the approval to facilitate input from relevant stakeholders into environmental management of *the CEA*. The EAC must be established within twelve (12) months of this approval and meet at least every twelve (12) months thereafter.
3. The approval holder must establish, maintain and advertise protocols for receiving, managing and resolving complaints in a timely and transparent manner. The protocols must be established prior to *commencement* of the action.

### Environmental management framework

4. The approval holder must establish and implement an environmental management system (EMS) for *the CEA*, consistent with *ISO14001*. The EMS must include an overarching document that:
  - a) describes the interaction between elements of the EMS including the *Defence Environmental Management Framework*, and specific plans relevant to *the CEA*, as well as other elements of *the CEA environmental management framework*;
  - b) identifies roles and responsibilities for implementation of the elements of the EMS; and
  - c) describes arrangements for ongoing review (and revision as necessary) of elements of the EMS.

The overarching EMS document described above must be provided to *the Department* for information within twelve (12) months of *commencement* of the action.

**Note:** *The Department* understands that Defence may wish to amalgamate EMS documents relating to several individual sites. This condition would not preclude that approach, provided that commitments made in relation to *the CEA* are clearly identifiable, and that the conditions of approval are satisfied in full.

5. The approval holder must prepare and implement *operational controls* that reduce environmental impacts and maintain public amenity and safety. The *operational controls* must address at least the following public amenity matters:
  - a) firing of projectiles from, into or within *the CEA* over any public road or railway or any other area occupied by civilians;
  - b) noise, noting that training activities may occur at night;
  - c) transport of equipment and personnel to, from and within *the CEA*;
  - d) dust and smoke;
  - e) electro-magnetic frequency interference (including electronic warfare activities); and
  - f) light spill (including laser technologies).

Specific *operational controls* must be made available to *the Department* upon request. The approval holder must, upon request, demonstrate to *the Minister* that the *operational controls* provide for public safety from these matters.

## Management plans

6. The approval holder must, within twelve (12) months of the **commencement** of the action, provide **the Minister** with a threatened species habitat management plan (TSHMP), prepared by a **suitably qualified expert**. The TSHMP must identify specific areas of important habitat and / or known occurrence of **threatened species** within **the CEA** and describe how those areas will be managed for the protection of those species. The TSHMP must make reference to any relevant conservation advices or recovery plans approved under **the EPBC Act**.

Once approved, by **the Minister** the TSHMP must be implemented. Any work undertaken prior to **the Minister's** approval of the TSHMP must be preceded by a pre-activity survey for all **threatened species** and, if any are detected, relevant work may not proceed until the TSHMP is approved.

At least once every ten (10) years, the TSHMP must be reviewed and updated as required in consideration of all available sustainability monitoring reports (refer Condition 12), and provided to **the Minister** for approval. The revised TSHMP must not be implemented until it has been approved by **the Minister**.

**Note:** This condition may be satisfied by a single document, or separate documents dealing with individual species or groups of species.

7. The approval holder must, within twelve (12) months of the **commencement** of the action, provide **the Minister** with a biosecurity and overabundant native species management plan (BONSMP), prepared by a **suitably qualified expert**. The BONSMP must describe measures to monitor and control animal pests, weeds and pathogens, including but not limited to the following species, within **the CEA**:

- Feral Cat (*Felis catus*)
- Red Fox (*Vulpes vulpes*)
- Feral Goat (*Capra hircus*)
- Rabbit (*Oryctolagus cuniculus*)
- rodents (non-native *Mus* and *Rattus* spp.)
- tramp ants
- Buffel Grass (*Cenchrus ciliaris*)
- Carrion Flower (*Orbea variegata*)

The BONSMP must make reference to any relevant threat abatement plans approved under **the EPBC Act**.

Once approved, by **the Minister**, the BONSMP must be implemented. Any work undertaken prior to **the Minister's** approval of the BONSMP, must have clear and effective protocols in place to monitor and control animal pests, weeds and pathogens. These protocols must be provided to **the Minister** upon request.

**Note:** Native species must not be culled except in accordance with any relevant permits, quotas, protocols or other administrative measures managed by the Government of South Australia.

**Note:** This condition may be satisfied by a single document, or separate documents dealing with individual species or groups of species.

8. The approval holder must, within twelve (12) months of the **commencement** of the action, provide **the Minister** with a pollution prevention and contamination management plan

(PPCMP), prepared by a ***suitably qualified expert***. The PPCMP must address at least the following matters in relation to ***the CEA***:

- a) identification of, and management prescriptions for, existing contamination by waste fuels and other hazardous and toxic substances;
- b) protocols for the safe storage, handling, use, transport and disposal of fuels and other anticipated hazardous and toxic substances;
- c) measures for monitoring contamination against known baselines, making reference to any applicable Australian standards; and
- d) contingency measures for reporting, containing and remediating spills and other accidental pollution events.

Once approved by ***the Minister***, the PPCMP must be implemented. Any work undertaken prior to ***the Minister***'s approval of the PPCMP, must have clear and effective protocols in place to prevent pollution and manage contamination consistent with the requirements of 8a) to 8d) above. These protocols must be provided to ***the Minister*** upon request.

Material described in 8a) above must be provided to ***the Minister*** within twenty-four (24) months of ***commencement*** of the action.

9. Within six (6) months of ***commencement*** of the action, the approval holder must provide evidence to ***the Department*** that the following organisations have been consulted in relation to transport management, and that any concerns raised have been addressed, through ***the CEA environmental management framework***:
  - Civil Aviation Safety Authority, in relation to airspace management;
  - South Australian Department of Planning, Transport and Infrastructure;
  - Port Augusta City Council, in relation to local road traffic;
  - Whyalla City Council, in relation to local road traffic; and
  - Royal Flying Doctor Service, in relation to their operational needs.

**Note:** ***The Department*** acknowledges that in some cases consultation may already have occurred.

### **Environmental planning framework**

10. Construction and training activities may only be undertaken in accordance with the Defence environmental assessment process as described in ***the PER*** and with reference to ***the CEA environmental management framework***. If an environmental assessment identifies any residual impacts on matters protected under ***the EPBC Act***, the approval holder must provide to ***the Minister*** for approval:
  - a report of the environmental assessment in question including a copy of Defence's environmental assessment;
  - the corresponding construction environmental management plan (CEMP) if one has been prepared; and
  - an evaluation, with reference to ***the EPBC Act offsets policy***, of whether any offset (compensation) is required.

Where an offset is required, the approval holder must prepare an environmental offset strategy (EOS) in accordance with the ***EPBC Act offsets policy*** and in consultation with the relevant agencies within the South Australian Government.

The construction or training activity must not commence until ***the Minister*** has approved it on the basis of any environmental assessment, CEMP or EOS provided, and imposed any

additional environmental protection measures that are deemed necessary. Such plans and measures must be implemented as approved.

### Monitoring and reporting

11. The approval holder must engage a ***suitably qualified expert*** to prepare an environmental baseline condition report (EBCR). The EBCR must describe the condition of the environment at ***the CEA*** at the ***commencement*** of the action, at least in the following terms:
- a) comprehensive ground-truthed mapping of vegetation communities, using a relevant regional or statewide vegetation classification system;
  - b) descriptions of all vegetation communities occurring within ***the CEA***, including information on key species, conservation status, soil, geographic and climatic preferences, relevant threats and general condition;
  - c) comprehensive ground-truthed mapping of environmentally sensitive features, including claypans, contaminated sites and highly erodible or saline soils;
  - d) comprehensive ground-truthed mapping of waterbodies and watercourses (including floodplains) within ***the CEA***;
  - e) comprehensive mapping (unless culturally inappropriate) of culturally significant sites and areas, based on local, state and Commonwealth heritage databases as well as consultation with relevant traditional owners;
  - f) identification of all weeds and pests identified on the site, and mapping of the distribution of prescribed / listed and major pest and weed populations;
  - g) an inventory of all species known to occur within ***the CEA***; and
  - h) descriptions, justifications and limitations (eg due to climatic conditions) of survey methodology employed.

The EBCR must be provided to ***the Minister*** within twenty-four (24) months of the complete acquisition of ***the CEA***. No native vegetation may be cleared without having been surveyed.

12. The approval holder must, within twelve (12) months of the ***commencement*** of the action, provide ***the Minister*** with a ***sustainability monitoring and reporting plan*** (SMRP) for ***the CEA***. The SMRP must be prepared with reference to the EBCR (see Condition 11) and must include:
- a) clearly defined ***thresholds and indicators*** including occurrence, extent, abundance and condition for the following parameters:
    - i) soil;
    - ii) water;
    - iii) air;
    - iv) noise;
    - v) ***threatened species***;
    - vi) animal pests, weeds and pathogens; and
    - vii) indigenous and non-indigenous heritage;
  - b) establishment of a representative network of longitudinal reference sites;
  - c) establishment of a periodic vegetation remapping regime (at least every ten (10) years);

- d) a clearly articulated “rest and rotation” policy for the protection of areas potentially damaged by overuse;
- e) descriptions and justifications of survey methodology to be employed;
- f) a recovery planning process linked to the **thresholds and indicators** defined in 12a) above; and
- g) a requirement for the preparation of annual sustainability monitoring reports on implementation of the SMRP (including any management responses undertaken or intended).

Once approved by **the Minister**, the SMRP must be implemented. Any work undertaken prior to **the Minister’s** approval of the SMRP must have clear and effective protocols in place to monitor the parameters in 12a) above and this information must be included in any reporting on the SMRP.

- 13. Sustainability monitoring reports must be provided to **the Minister** annually within ten (10) business days of their finalisation, and must be permanently published at a suitable location on the internet within one (1) month of their finalisation.

#### **Miscellaneous environmental management**

- 14. Prior to any **commencement** of the action, the approval holder must provide **the Department** with a copy of **the CEA lease agreement**.

**Note:** The conditions of approval have been prepared in consideration of a draft of the agreement described above. Substantial deviations from this draft may result in variations to the conditions of approval under Section 143 of **the EPBC Act**.

- 15. The following environmental themes must be managed in accordance with **the CEA lease agreement**:
  - flora and fauna (except for **threatened species** as defined for the purposes of these conditions);
  - bushfire;
  - water conservation;
  - noise and vibration;
  - air and water pollution; and
  - decommissioning and closure.

Any documents required in accordance with **the CEA lease agreement** must be provided to **the Department** upon request.

#### **Administrative conditions**

- 16. Within fourteen (14) days after the **commencement** of the action, the approval holder must advise **the Department** in writing of the actual date of **commencement**.
- 17. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement all **management documents** required by this approval, and make them available upon request to **the Department**. Such records may be subject to audit by **the Department** or an independent auditor in accordance with Section 458 of **the EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on **the Department’s** website. The results of audits may also be publicised through the general media.

18. Within three months of every 12 month anniversary of the **commencement** of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of approval, including implementation of any **management documents** as specified in the conditions of approval. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of approval must be provided to **the Department** at the same time as the compliance report is published.

**Note:** To facilitate administration, this requirement may be addressed concurrently with the annual sustainability monitoring reporting process described in Conditions 12 and 13.

19. Upon the direction of **the Minister**, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to **the Minister**. The independent auditor must be approved by **the Minister** prior to the commencement of the audit. Audit criteria must be agreed to by **the Minister** and the audit report must address the criteria to the satisfaction of **the Minister**.
20. If the approval holder wishes to carry out any activity otherwise than in accordance with a **management document** specified in the conditions of approval, the approval holder must submit to **the Department** for **the Minister's** written approval a revised version of that **management document**. The varied activity shall not commence until **the Minister** has approved the varied **management document** in writing. **The Minister** will not approve a varied **management document** unless the revised **management document** would result in an equivalent or improved environmental outcome over time. If **the Minister** approves the revised **management document**, that **management document** must be implemented in place of the **management document** originally approved.
21. If **the Minister** believes that it is necessary or convenient for the better protection of the environment to do so, **the Minister** may request that the approval holder make specified revisions to **management documents** specified in the conditions of approval and submit the revised **management documents** for **the Minister's** written approval. The approval holder must comply with any such request. The revised approved **management documents** must be implemented. Unless **the Minister** has approved the revised **management document**, then the approval holder must continue to implement the **management document** originally approved, as specified in the conditions of approval.
22. If, at any time after five (5) years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of **the Minister**.
23. Unless otherwise agreed to in writing by **the Minister**, the approval holder must publish all **management documents** referred to in the conditions of approval on their website. Each **management document** must be published on the website within one (1) month of being approved.

#### **Definitions:**

**The CEA** is the Cultana Expansion Area, defined by **the CEA lease agreement**.

**The CEA environmental management framework** is the collection of documents and protocols for the management of the **CEA** environment, including the EMS (as defined through Condition 5), **operational controls**, **the CEA lease agreement** and these conditions of approval.

**The CEA lease agreement** is the agreement made (finalised) between the Government of South Australia (lessor) and the Commonwealth represented by the Department of Defence (lessee) for the leasing of land adjacent to the existing Cultana Training Area for “defence purposes”, including its terms and conditions. Note that at the time of approval this agreement has not been finalised.

**Commencement** of the action is the first instance of a particular field training or construction activity (excluding fences or signage) undertaken within the boundaries of **the CEA**.

**The Department** is the Australian Government department administering **the EPBC Act**.

**The Defence Environmental Management Framework** is the network of policies, procedures, plans and mechanisms maintained by the Department of Defence for the environmental stewardship of lands under its control, as described in **the PER**.

**The EPBC Act** is the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, as amended from time to time, as well as its corresponding regulations.

**The EPBC Act offsets policy** is any policy prepared by the Department in relation to offsetting (compensating for) environmental impacts, currently the *EPBC Act Environmental Offsets Policy*, October 2012.

**ISO14001** is the international standard entitled *ISO14001 – Environmental management systems—Requirements with guidance for use*, or its successor documents.

**Management documents** are any reports, plans, documented processes or other documents prepared pursuant to the conditions of approval for the management of **the CEA**.

**The Minister** is the Australian Government minister administering the **EPBC Act**.

**Operational controls** are documented protocols and procedures maintained by the Department of Defence for the day-to-day management of **the CEA**, including:

- Range Standing Orders
- Defence Instructions
- Standard Operating Procedures
- Environmental Clearance Certificates

**The PER** is the public environment report prepared for the purpose of environmental impact assessment under **the EPBC Act**, specifically the finalised document dated 2 April 2012.

A **suitably qualified expert** is a person or persons, independent of the approval holder, with appropriate tertiary qualifications and demonstrated experience in ecology, zoology, geology or environmental sciences as they relate to the issues known or reasonably expected to occur within **the CEA**.

**Threatened species** are the following species listed as threatened under **the EPBC Act** (including their status at the time of approval):

- Corunna Daisy (*Brachyscome muelleri*) – endangered
- Greencomb Spider-Orchid (*Caladenia tensa*) – endangered
- Nodding Rufoushood (*Pterostylis* sp. “Eyre Peninsula”) – vulnerable
- Desert Greenhood (*Pterostylis xerophila*) – vulnerable
- Yellow Swainson Pea (*Swainsona pyrophila*) – vulnerable

- Beaded Glasswort (*Tecticornia flabelliformis*) – vulnerable
- Slender-Billed Thornbill (western subspecies) (*Acanthiza iredalei* subsp. *iredalei*) – vulnerable
- Malleefowl (*Leipoa ocellata*) – vulnerable
- Sandhill Dunnart (*Sminthopsis psammophila*) – vulnerable

**Thresholds and indicators** are quantitative and / or qualitative values determined in relation to limits of acceptable change in environmental values, to ensure that degradation of those values can be identified and remedied, as described in the **PER** and **the CEA lease agreement**.