

Lower Fitzroy River Infrastructure – EPBC (2009/5173) Annual Compliance Report 2022

17 July 2021 to 16 July 2022

Date: 28/09/2022



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Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:

Full name:

Inaki Goni

Position:

Rookwood Weir Project Director

Organisation:

Sunwater

Date:

29/09/2022

Introduction

This Annual Compliance Report is the second annual report for the Lower Fitzroy River Infrastructure Project, Queensland (the Project), which commenced in July 2020. This Report has been prepared by BASE Consulting Group Pty Ltd (BASE) for Sunwater Ltd (Sunwater) and only considers the Rookwood Weir component of the Lower Fitzroy River Infrastructure project (LFRIP) under the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* approval (2009/5173 – Condition 10). The Project was granted approval on 28 February 2017 and the conditions were varied on 27 May 2020 and again on 27 July 2021. The approval conditions outlined in Table 1 reflect the varied approval conditions dated 27 July 2021.

Project Background

In May 2011, the Coordinator-General (Queensland) declared the Lower Fitzroy River Infrastructure Project (LFRIP) a 'Coordinated Project' for which an Environmental Impact Statement (EIS) was required pursuant to section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (SDPWO Act). The Coordinator-General approved the LFRIP, subject to conditions and in accordance with recommendations set out in the Coordinator-General's Evaluation Report on 8 December 2016. In addition, the Commonwealth Minister for the then Department of Environment and Energy granted approval (EPBC Referral 2009/5173) for the Project on 28 February 2017, subject to specific approval conditions as outlined in the Commonwealth Decision Notice.

The Project is a component of the LFRIP. The LFRIP originally contemplated the construction and operation of a raised Eden Bann Weir plus a new weir at Rookwood on the Fitzroy River in Central Queensland. The Rookwood Weir component of the LFRIP included two stages: Stage 1 (RW1) was a concrete crested weir built to full supply level (FSL) of 45.5m Australian Height Datum (AHD; also referred to as Relevant Level (RL)); and Stage 2 (RW2) which involved the addition of flap gates to raise the weir height to FSL of 49.0m AHD/RL. Under the EIS, impacts of the Rookwood Weir component were assessed and approved for construction for a maximum weir height corresponding to RL 49m for RW2.

In late 2017, Sunwater, in partnership with Building Queensland, completed the detailed business case for construction of RW2 as the reference project and the design was progressed to 85%. Further budget assessments in 2019 identified that RW2 would exceed the budget allocated for the LFRIP and in 2019 the project was directed to proceed with Rookwood Weir Stage 1 (RW1) or a weir height corresponding to RL 45.5m. The RW1 Project was also to be delivered under an Alliance Agreement. In 2020, detailed design of RW1 was progressed by the Alliance. In parallel, to the detailed design process, Sunwater along with the Alliance, identified an opportunity to raise the crest height of RW1 by 700mm – optimising the yield the weir will deliver. The Queensland and Commonwealth Governments committed to funding this optimised weir height. As such, the current project involves construction of a new weir at Rookwood to a corresponding weir height of RL 46.2m.

Project components and commencement (Construction)

The Rookwood Weir project comprises several components including:

1. Construction of Rookwood Weir;
2. Construction of a new bridge at Riverslea due to the current crossing being inundated and impassable when the weir fills;
3. Upgrades to the current crossing to the Apis Creek Road crossing at Foleyvale; and
4. Upgrades to the low-level crossing at Hanrahan's Road that is downstream of the weir site.

Supporting works that were not included in the EPBC approval included upgrades to the Capricorn Highway/Second Avenue intersection at Gogango and upgrades to Thirsty Creek Road (as required to

facilitate construction traffic to the weir site). These works commenced in early 2020 and were completed in mid-2020.

Commencement of the Action was deemed to occur following commencement of construction of Riverslea Bridge, which occurred on 17 July 2020. A notice of commencement was provided to the Department of Agriculture, Water and Environment (DAWE) (now Department of Climate Change, Energy Efficiency and Water (DCCEEW)) on 22 July 2020.

Purpose of this document

The purpose of this report is to meet the requirements of Condition 10 of EPBC 2009/5173 which states that:

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 this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.

This report is the second annual compliance report for the Project and covers the period from on 17 July 2021 to 16 July 2022.

Figure 1 . Location of proposed Rookwood Weir



Description of activities

Overview

EPBC number	EPBC 2009/5173
Project name	Lower Fitzroy River Infrastructure Project, Queensland
Approval holder and ACN or ABN	Sunwater Limited ABN: 17 020 276 523
Approved action	The raising of the existing Eden Bann Weir, construction, and operation of a new weir near Rookwood crossing, and construction and operation of associated ancillary infrastructure. Note: as outlined above, only the Rookwood Weir component is being undertaken during this reporting period.
Scope of compliance report	Rookwood Weir component of the LFRIP
Location of the project	Rookwood Weir: approximately 66 km south-west of Rockhampton.
Dates for the reporting period of the report	17 July 2021 to 16 July 2022

Details of activities undertake during reporting period

Activities carried out for the period of 17 July 2021 to 16 July 2022 in accordance with conditions of the EPBC Act approval included:

- Variation of EPBC approval conditions dated 27 July 2021 to raise the weir from RL45.5m to RL46.2m
- Submission of the Fitzroy River Turtle Infrastructure Passage Report.
- Approval of the Fitzroy River Turtle Success Criteria by the Minister on 18 August 2022.
- Completion and submission of inundation area pre-clearance ecological surveys.
- Preparation and submission of a revised Biodiversity Offset Strategy based on RL 46.2m and pre-clearance surveys.
- Submission of Water Quality Monitoring Program.
- Submission of Land Management Code of Practice
- Undertake preparation and clean up works from three flood events of the Rookwood Weir construction site between November 2021 and June 2022.
- Undertake concrete works of Monoliths 9-11.
- Undertake construction works of the Right Abutment.
- Undertake construction works of the Fishlock.
- Complete Stages 1-3 of the Fitzroy River diversion works.

Project Compliance

Table 1 provides details of the status of compliance with the conditions of the EPBC Act approval notice (EPBC 2009/5173). The following designations have been used to record findings in this compliance report:

Compliant

‘Compliance’ is achieved when all the requirements of a condition have been met, including the implementation of management plans or other measures required by those conditions.

Non-compliant

A designation of ‘non-compliance’ should be given where the requirements of a condition or elements of a condition, including the implementation of management plans and other measures, have not been met.

Not applicable

A designation of ‘not applicable’ should be given where the requirements of a condition or elements of a condition fall outside of the scope of the current reporting period. For example, a condition which applies to an activity that has not yet commenced.

Table 1 EPBC Act approval notice (2009/5173) as varied on 27 July 2021 compliance results

#	Approval condition	Is the Project Compliant?	Comments
1	<p>Water Quality Monitoring Program</p> <p>a) The approval holder must develop a separate water quality monitoring and reporting program (Program) for each weir that is to be constructed or raised, in consultation with the Great Barrier Reef Marine Park Authority and the following Queensland Government departments, that meets current recognised standards for water quality monitoring and reporting:</p> <ul style="list-style-type: none"> i. Department of Environment and Science (DES); ii. REVOKED iii. Department of Agriculture and Fisheries; and iv. Department of Natural Resources, Mines and Energy; <p>b) The Program for each weir must specify the monitoring activities and procedures capable of predicting potential, and detecting actual, impacts from the action in respect of the relevant weir on the Great Barrier Reef World Heritage Area and National Heritage place that may result from:</p> <ul style="list-style-type: none"> i. changes in nutrient concentrations and oxygen levels due to decaying vegetation; and ii. agricultural development facilitated by the action in respect of the relevant weir. <p>c) In order to predict, detect and manage impacts on the Great Barrier Reef World Heritage Area and National Heritage place, the Program for each weir must:</p> <ul style="list-style-type: none"> i. specify water quality characteristics for: ii. the lower Fitzroy River; iii. water entering irrigation areas from higher in the sub-catchment; and iv. water flowing from irrigated areas, and comparable unirrigated areas; v. provide details of water sampling and analysis methodologies for detecting and predicting all water impacts on matters of national environmental significance (MNES) from changes in water quality that may be derived from the action in respect of the relevant weir; vi. provide details of reporting requirements, including timeframes, vii. state the reliability of the Program to predict and detect changes to water quality as a result of implementing the action in respect of the relevant weir, and include adaptive implementation and continuous improvement systems to enhance its 	Not applicable	<p>The Water Quality Monitoring Program 9WQMP) is currently being prepared in consultation with DCCEW. It is required to be submitted to the Minister for approval prior to inundation. Inundation did not commence during the reporting period. Sunwater will formally submit the WQMP prior to the commencement of inundation resulting from the operation of the Project. Inundation is dependent on the rainfall but is expected to occur in late 2023 and following completion of the Project.</p>

#	Approval condition	Is the Project Compliant?	Comments
	<p>capacity to predict and detect changes to water quality and impacts on the Great Barrier Reef World Heritage Area and National Heritage place;</p> <p>viii. outline how monitoring will be conducted during major flood events for the purpose of the Program;</p> <p>ix. provide details of a process for:</p> <p>x. reviewing the effectiveness of the Program; and</p> <p>xi. amending and/or terminating the Program;</p> <p>xii. provide sufficient information, including the establishment of pre-action baselines, to enable the determination of, and the need for, the water quality offset appropriate to fully offset any residual water quality impacts on the Great Barrier Reef World Heritage Area and National Heritage place for each year in which those impacts occur.</p> <p>d) If the monitoring results from the Program for a weir determine that a residual impact to the Great Barrier Reef World Heritage Area and National Heritage place is likely to or has actually occurred, the approval holder must notify the Minister within 20 business days.</p> <p>If and when such notification occurs, a description of actions and timeframes for the provision of water quality offsets in accordance with the Program and the offsets strategy for that weir must be provided to the Minister within 20 business days after notification.</p> <p>e) Prior to inundation of the impoundment from the construction or raising of a weir, the approval holder must submit the Program for that weir for approval by the Minister in writing. No water from the raising of Eden Bann Weir or Rookwood Weir respectively may be used for the purpose of irrigated agriculture until the Program for that weir has been approved by the Minister and the water quality baselines required under condition 1.c) vii. for that weir have been established.</p> <p>f) The Program for each weir must be designed to complement relevant existing or future water quality monitoring programs including, but not limited to, the Reef 2050 Integrated Monitoring and Reporting Program.</p>		
2	<p>Land management code of practice</p> <p>a) The approval holder must develop a separate land management code of practice (code) for each weir that is to be constructed or raised, in consultation with the Great Barrier</p>	Not applicable	The Land Management Code of Practice (LMCOP) is currently being prepared in consultation with DCCEW. It is required to be submitted to the Minister for approval prior to inundation. Inundation did not commence during the reporting period.

#	Approval condition	Is the Project Compliant?	Comments
	<p>Reef Marine Park Authority and the following Queensland Government departments and stakeholders:</p> <ul style="list-style-type: none"> i. Department of Agriculture and Fisheries; ii. Department of Environment and Science; iii. Department of Natural Resources Mines and Energy; and iv. community and relevant agricultural industry bodies. <p>b) Prior to inundation of the impoundment from the construction or raising of a weir, the approval holder must submit the code for that weir for approval by the Minister in writing. No water from the raising of Eden Bann Weir or Rookwood Weir respectively may be used for the purpose of irrigated agriculture until the code for that weir has been approved by the Minister. The approved code(s) must be implemented.</p> <p>c) The code for each weir must:</p> <ul style="list-style-type: none"> i. include water quality objectives for nutrients, sediments, and farm chemicals for the sub-catchment. Those objectives must include sediment, water column concentration and flow weighted total pollutant loading objectives and targets; ii. demonstrate how the water quality objectives will meet the targets of the Reef 2050 Plan and the Reef Water Quality Protection Plan as updated from time to time; iii. include land and water management practices that will be implemented by the purchaser of the water to ensure water quality objectives are achieved, accounting for seasonal variability, and the types of agriculture and water uses undertaken; iv. include a process for: <ul style="list-style-type: none"> A. reviewing the effectiveness of the code with respect to achieving and maintaining water quality objectives; and B. amending the code if water quality objectives are not met; <p>d) The code for each weir may include an accreditation scheme for individual irrigators that may reduce any monitoring and compliance obligations.</p> <p>e) The approval holder must require each purchaser, proposing to use water in a manner that may impact on the quality of the water entering the Great Barrier Reef World Heritage Area and National Heritage place, to comply with the approved code for the relevant weir; and</p> <p>f) The approval holder must require the purchaser to provide annual notification of compliance with the approved code for the relevant weir, as it applies to land</p>		<p>Sunwater will submit the LMCOP to the Minister for approval prior to the commencement of inundation resulting from the operation of the Project. Inundation is dependent on the rainfall but is expected to occur in late 2023 and following completion of the Project.</p>

#	Approval condition	Is the Project Compliant?	Comments
	management practices on their property or require the purchaser to participate in the accreditation scheme under condition 2d).		
3	<p>Pre-clearance surveys</p> <p>a) Prior to clearing/inundation of vegetation for each weir that is to be constructed or raised, the approval holder must undertake a pre-clearance survey and prepare a preclearance survey report for the impact area of the relevant weir to identify the extent of EPBC Act listed threatened species and ecological communities.</p> <p>b) The pre-clearance survey for each weir must:</p> <ol style="list-style-type: none"> be undertaken in accordance with the Department's survey guidelines in effect at the time of the survey, or another survey methodology agreed by the Department prior to the survey being undertaken; be undertaken by a suitably qualified person/s. Revoked Revoked Revoked <p>c) The pre-clearance survey report for each weir must:</p> <ol style="list-style-type: none"> Include details of survey methods utilised and the timing of the survey identify measures to minimise mortality of EPBC Act listed threatened species and impacts on listed threatened ecological communities; identify measures to protect EPBC Act listed threatened species and ecological community habitat located adjacent to the cleared/inundated areas; for any EPBC Act listed threatened species and ecological communities identified during the survey, provide to the Department precise data on the areas of habitat or ecological community directly and indirectly impacted by the action and a description of proposed management measures to be implemented. <p>d) The approval holder must provide the pre-clearance survey report for each weir to be constructed or raised to the Department within 25 business days after the completion of the survey for the respective weir.</p>	Compliant	<p>Prior to vegetation clearing at the Riverslea and Rookwood Weir construction areas, pre-clearance surveys were undertaken in May 2019 and January 2020. The formal pre-clearance report was submitted to DAWE on 25/02/2020.</p> <p>Pre-clearance surveys for the inundation area were undertaken in mid-September 2021. The formal clearance report was submitted to DAWE on 22 October 2021.</p>
4	<p>Offset Strategy</p> <p>a) The approval holder must submit for the Minister's written approval, a separate Offset Strategy for each weir to be constructed or raised, which identifies the residual impacts arising from the respective weir on the following MNES:</p> <ol style="list-style-type: none"> Brigalow (<i>Acacia harpophylla</i> dominant and codominant) ecological community; 	Compliant	<p>The Biodiversity Offsets Strategy (BOS) for the Project was approved by DAWE on 27 April 2021. In accordance with Condition 18 of the EPBC Act approval, the Offset Strategy was published on the Rookwood Weir Project webpage and is available publicly at: https://www.sunwater.com.au/wp-</p>

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	<div><div><div><div><div><div>ii.</div><div>Black Ironbox (<i>Eucalyptus raveretiana</i>);</div></div><div><div>iii.</div><div>Red Goshawk (<i>Erythroriorchis radiates</i>);</div></div><div><div>iv.</div><div>Fitzroy River Turtle (<i>Rheodytes leukops</i>);</div></div><div><div>v.</div><div>Great Barrier Reef World Heritage Area and National Heritage place.</div></div></div></div><div><div>b)</div><div>The offset strategy for each weir must propose in general terms the offsets that the approval holder will provide for the residual impacts arising from the construction or raising of the relevant weir, as set out in <u>Table 1</u>, and how the approval holder intends to deliver the offset obligations.</div></div></div><div>Table 1</div><table><tr><th>Impact</th><th colspan="2">Indicative Impact Area / Quantity</th></tr><tr><td></td><th>Rookwood Weir</th><th>Eden Bann Weir</th></tr><tr><td colspan="3">Listed threatened species and ecological communities</td></tr><tr><td>i. inundation of Fitzroy River Turtle nest sites within the weir impoundment areas</td><td></td><td></td></tr><tr><td>ii. modifying aquatic habitat for the Fitzroy River Turtle</td><td>660 ha</td><td>282 ha</td></tr><tr><td>iii. loss of Red Goshawk nesting habitat</td><td>588 ha</td><td>384 ha</td></tr><tr><td>iv. loss of the area of Black Ironbox habitat</td><td colspan="2">impact area to be determined by pre-clearance surveys required under condition 3</td></tr><tr><td>v. loss of the area of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community</td><td colspan="2">impact area to be determined by pre-clearance surveys required under condition 3</td></tr><tr><td>vi. any increase in nutrients, sediments, farm chemicals and/or other water quality parameters above baseline levels</td><td colspan="2">as determined by the Program approved in accordance with condition 1</td></tr></table></div>	Impact	Indicative Impact Area / Quantity			Rookwood Weir	Eden Bann Weir	Listed threatened species and ecological communities			i. inundation of Fitzroy River Turtle nest sites within the weir impoundment areas			ii. modifying aquatic habitat for the Fitzroy River Turtle	660 ha	282 ha	iii. loss of Red Goshawk nesting habitat	588 ha	384 ha	iv. loss of the area of Black Ironbox habitat	impact area to be determined by pre-clearance surveys required under condition 3		v. loss of the area of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community	impact area to be determined by pre-clearance surveys required under condition 3		vi. any increase in nutrients, sediments, farm chemicals and/or other water quality parameters above baseline levels	as determined by the Program approved in accordance with condition 1			<div><div>content/uploads/Home/Projects/Rookwood/Rookwood_Weir_Offsets_Strategy_Redacted.pdf .</div><div>The Offsets Strategy included field verified vegetation and impact areas at the Riverslea Bridge and Rookwood Weir construction areas. However, impacts within the inundation area were based on desktop assessment from the EIS. The Offsets Strategy was approved with the requirement that following the inundation area pre-clearance surveys, the Strategy be revised to include the verified impacts requiring offsetting and be submitted for approval by the Minister.</div><div>As outlined against Condition 3, pre-clearance surveys of the inundation area were undertaken in September 2021. These surveys included the additional areas required for inundation to RL46.2.</div><div>As such, the Strategy was revised based on the increased weir height to RL46.2 and pre-clearance surveys and been submitted to DCCEEW in January 2022 for approval by the minister.</div><div>At of 16 July 2022, the revised Strategy is still being reviewed by DCCEEW.</div><div>Construction of the weir has not progressed past RL 45.5m. Therefore, the project remains complaint with Condition 4.</div></div>
Impact	Indicative Impact Area / Quantity																													
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#	Approval condition			Is the Project Compliant?	Comments					
	<table><tr><td rowspan="2">vii. any increase in nitrogen due to decaying vegetation in the inundation area</td><td>at least 645 tonnes^{1, 2}</td><td>at least 458 tonnes²</td></tr><tr><td colspan="2">unless the monitoring required at condition 1b) i. conclusively determines that the impact is less than predicted¹</td></tr></table> <p>Notes: (1) The indicative areas/quantities will need to be determined based on the particular weir to (first) be constructed or raised. (2) Unless a different impact area is determined by the pre-clearance survey required under condition 3.</p> <p>c) The offset strategy for each weir must include, but is not limited to:</p> <ul style="list-style-type: none">i. offset outcomes to be achieved, for listed threatened species and ecological communities listed in Table 1;ii. details of how offsets will be provided for modifying Fitzroy River Turtle aquatic habitat (Table 1, item ii.);iii. the timeline and legal mechanism/s for securing the offset area/s and offset outcomes;iv. information about how the offset area/s will provide connectivity with other relevant habitats and biodiversity corridors;v. details of how water quality offsets will be provided consistent with Table 1;vi. inputs and justification for inputs demonstrating that the offsets are likely to be in accordance with the EPBC Act Environmental Offsets Policy and relevant Reef 2050 Plan requirements, including the net benefit principle. <p>d) The approval holder must not commence construction or raising of the relevant weir unless the offset strategy for that weir has been approved by the Minister in writing. The approved offset strategy relevant to each weir must be implemented.</p>			vii. any increase in nitrogen due to decaying vegetation in the inundation area	at least 645 tonnes ^{1, 2}	at least 458 tonnes ²	unless the monitoring required at condition 1b) i. conclusively determines that the impact is less than predicted ¹			
vii. any increase in nitrogen due to decaying vegetation in the inundation area	at least 645 tonnes ^{1, 2}	at least 458 tonnes ²								
	unless the monitoring required at condition 1b) i. conclusively determines that the impact is less than predicted ¹									
5	<p>Offset Management Plans</p> <p>a) The approval holder must submit for the Minister's written approval a separate offset management plan for each weir to be constructed or raised, addressing each offset requirement in condition 4 for any weir for which an offset strategy has been approved by the Minister.</p> <p>b) The offset management plan for each weir must be consistent with the approved offset strategy for the relevant weir.</p>			Not applicable	Offset Management Plans (OMP) are currently being prepared and reviewed by DCCEEW. They are required to be submitted to the Minister for approval prior to inundation. Inundation did not commence during the reporting period. Sunwater will submit the OMPs to the Minister for approval prior to the commencement on inundation resulting from the operation of the Project.					

#	Approval condition	Is the Project Compliant?	Comments
	<p>c) The offset management plan for each weir must include, but not be limited to:</p> <ul style="list-style-type: none"> i. the offset area/s to be secured for the listed threatened species and ecological communities listed in Table 1; ii. a description and map to clearly define the location and boundaries of the offset area/s, accompanied by the offset attributes; iii. information about how the offset area/s provide connectivity with other relevant habitats and biodiversity corridors; iv. a description of the management measures (including timing, frequency, and duration) that will be implemented in each offset area; v. details of how the management measures proposed are consistent with relevant approved conservation advice, recovery plans and threat abatement plans; vi. performance and completion criteria for implementing the offset management plan/s for evaluating its effectiveness, and criteria for triggering corrective action/s; vii. a program for monitoring and reporting on the effectiveness of the management measures, and progress against the performance and completion criteria; viii. a description of potential risks to the successful implementation of the offset/s, and contingency measures that can be implemented to mitigate against these risks; and ix. evidence that the offsets are in accordance with the EPBC Act Environmental Offsets Policy and relevant Reef 2050 Plan requirements including the net benefit principle. <p>d) In respect of offsets for impacts to the Fitzroy River turtle, the offset management plan for each weir must:</p> <ul style="list-style-type: none"> i. be in accordance with Appendix G of the additional information to the EIS (AEIS) and the Addendum to the AEIS ii. ensure the effectiveness of the offset in achieving long-term protection and management of Fitzroy River Turtle nesting habitat until the outcomes of the offset management plan are achieved; iii. specify the offset delivery mechanism. If the mechanism is through a financial settlement, then the financial contribution must be calculated using the Financial Settlement Offset Calculator and offset payments in relation to each weir must be made in full within one year of the completion of each stage of construction or raising of that weir. <p>e) The approval holder must not begin inundation of the impoundment of a weir unless the Minister has approved in writing an offset management plan for the relevant weir</p>		<p>Inundation is dependent on the rainfall but is expected to occur in late 2023 and following completion of the Project.</p> <p>Reporting for this aspect will be included in the next annual report.</p>

#	Approval condition	Is the Project Compliant?	Comments
	<p>for all offset requirements in the approved offset strategy for that weir. The approved offset management plan for each weir must be implemented.</p> <p>f) For the offsets for modifying Fitzroy River turtle aquatic habitat (condition 4. b) ii. [within Table 1]), the approval holder may elect to provide a financial offset in a manner approved by the Minister, as calculated using the Financial Settlement Offset Calculator, or as otherwise agreed by the Minister.</p>		
6	<p>Fitzroy River Turtle</p> <p>a) The approval holder must submit for the Minister's written approval, a separate species management plan to minimise impacts on the Fitzroy River turtle (<i>Rheodytes leukops</i>) for each weir to be constructed or raised</p> <p>b) The species management plan for each weir must:</p> <ol style="list-style-type: none"> be developed in consultation with DES and be in accordance with Appendix E of the AEIS; detail how the population and habitat for the Fitzroy River turtle will be protected during construction and operation of the action; detail how, subject to compliance with the Queensland Fitzroy Basin Water Plan and the weir operating plan, the approval holder will manage weir storage levels within the impoundment of the relevant weir to minimise the inundation of Fitzroy River turtle nests; and detail how the approval holder will manage the impoundment water levels of the relevant weir during the period from May to January to encourage high nesting positions and reduce the risk of nest inundation. <p>c) The species management plan may include subplans relative to each development stage (if relevant).</p> <p>d) The approval holder must not commence construction or raising of a weir unless the species management plan for the relevant weir has been approved by the Minister in writing. The approved species management plan for each weir must be implemented.</p>	Compliant	<p>The species management plan for the Fitzroy River Turtle was approved by DAWE on 02/11/2020. This document is available publicly at: https://www.sunwater.com.au/wp-content/uploads/Home/Projects/Rookwood/Sunwater_Rookwood_Weir_Project_Turtle_Species_Management_Plan_.pdf.</p> <p>Due to the time differences between construction and operational impacts, DAWE agreed that the species management plan could be split with the first plan covering the construction areas and a second plan to be submitted that would cover the operational requirements.</p> <p>The operational species management plan was approved by QLD Department of Environment and Sciences (DES) and is expected to be submitted to the Minister for approval prior to the commencement of inundation resulting from the operation of the Project. Inundation is dependent on the rainfall but is expected to occur in late and following completion of the Project.</p> <p>Reporting for this aspect will be included in the next annual report.</p>
7	<p>Turtle Passage Infrastructure</p> <p>a) At each weir to be constructed or raised, the approval holder must:</p> <ol style="list-style-type: none"> construct turtle passage infrastructure (suitable for the Fitzroy River turtle) before the commencement of operation of the relevant weir; 	Non-Complaint	<p>A non-compliance incident occurred under Condition 7d). Construction of the Turtle passage infrastructure commenced prior to the 'success criteria' being approved by the minister.</p>

#	Approval condition	Is the Project Compliant?	Comments
	<ul style="list-style-type: none"> ii. construct turtle passage infrastructure at the relevant weir site in accordance with a design informed by the turtle movement study (at conditions 7b) and 7c)); iii. ensure turtle passage infrastructure and weir design and operation minimise the incidence of turtle injury; iv. monitor the effectiveness of the turtle passage infrastructure against the success criteria approved by the Minister (at conditions 7c) iii. and 7d)) twelve months after the construction of the relevant weir; and v. report to DES on the effectiveness of the turtle passage infrastructure in relation to the turtle movement success criteria, (taking account of wet and dry seasons and a full year of turtle movement, breeding and nesting distribution) twelve months after the construction of the relevant weir and thereafter annually and include a copy as part of the annual environmental report required under condition 10. <p>b) Before finalising the design of turtle passage infrastructure for each weir (condition 7), the approval holder must undertake a turtle movement study for the relevant weir (Study), in accordance with the AEIS and Addendum to the AEIS, to collect baseline data for relevant sections of the Fitzroy River.</p> <p>c) The Study for each weir must:</p> <ul style="list-style-type: none"> i. be prepared and undertaken by a suitably qualified person in accordance with a methodology determined in consultation with DES; ii. collect data on seasonal movement patterns and home ranges of the Fitzroy River turtle. The study must include wet and dry season movements, breeding periods and nesting distribution; and iii. inform the development of criteria for demonstrating successful movement of Fitzroy River turtles around the relevant weir (success criteria). <p>d) The approval holder must not commence the construction of turtle passage infrastructure at the Eden Bann or Rookwood Weir sites unless the success criteria for the relevant weir have been approved by the Minister. The approval holder must provide written advice to the Minister on how DES's advice has been addressed for each weir prior to submitting the success criteria for approval.</p> <p>e) The turtle passage infrastructure design and success criteria approved under condition 7d) must be applied to the Eden Bann Weir or Rookwood Weir, as relevant.</p>		<p>The non-compliance was identified by Sunwater employees on 10 March 2022. Works ceased once the non-compliance was identified.</p> <p>The non-compliance was notified to DAWE under Condition 19 on 10 March 2022.</p> <p>The DES approved infrastructure design, success criteria and associated monitoring program have been submitted to the Minister for Approval.</p> <p>Works on the turtle passage have not re-commenced as of 16 July 2022.</p> <p>Ministerial approval is expected in July 2022.</p> <p>The turtle movement study, in accordance with the AEIS and Addendum to the AEIS, commenced in 2017 and is ongoing. An annual report has been provided to the Commonwealth in 2017, 2018, 2019 and 2020. The results of the 2021 study are still being collated and finalised. The 2021 annual report is anticipated to be submitted to DCCEEW by October 2022.</p> <p>Reporting for these aspects will be included in the next annual report.</p>

#	Approval condition	Is the Project Compliant?	Comments
	<p>f) The monitoring and reporting of the effectiveness of the turtle passage infrastructure (condition 7a) iv.) must be undertaken by a suitably qualified person and externally peer reviewed.</p> <p>g) If the monitoring specified by conditions 7a) iv. and 7a) v. fails to demonstrate that the success criteria are being met, the turtle passage infrastructure must be modified in accordance with advice provided by DES with the aim of achieving the success criteria.</p> <p>h) The approval holder must maintain the operation of the turtle passage infrastructure while the relevant weir remains in operation and provide for the safe access by officers of DES and the Department to the weir infrastructure (including the turtle passage) for monitoring and compliance purposes.</p> <p>i) If the monitoring specified by condition 7a) iv. Demonstrates that the success criteria are not being met, the approval holder must implement an ongoing catch and release program for the Fitzroy River Turtle until the criteria are met.</p> <p>j) The catch and release program must ensure complete, safe turtle passage upstream and downstream of the relevant weir site.</p> <p>k) The catch and release program must be prepared and implemented by a suitably qualified person in accordance with a methodology determined in consultation with DES.</p> <p>l) In relation to the raising of Eden Bann Weir, the approval holder must undertake construction works at Glenroy Crossing outside of the nesting (September to November) and hatching (December to February) seasons for the Fitzroy River Turtle, unless surveys required by condition 7m) fail to identify the presence of turtle nests.</p> <p>m) Prior to undertaking construction works at Glenroy Crossing (condition 7 (l)), a suitably qualified person must undertake surveys for Fitzroy River Turtle nests, gravid females, and hatchlings within 100 meters of Glenroy Crossing.</p> <p>n) If any Fitzroy River Turtle nests, gravid female turtles and/or hatchlings are identified during surveys referred to in condition 7m), the approval holder must undertake management protocols to avoid and/or minimise disturbance to turtles.</p>		
8	<p>Standard Conditions</p> <p>Within 5 business days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement of the action.</p>	Compliant	Notice of commencement was provided to the Department on 22 July 2020 to DAWE. Action commenced 17 July 2020.
9	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan, program, strategy, or code of practice required by this approval, and	Compliant	Sunwater has maintained records substantiating all activities associated with or relevant to the conditions of approval.

#	Approval condition	Is the Project Compliant?	Comments
	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		
10	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 this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.	Compliant	<p>The 2021 Compliance Report was uploaded to the Rookwood Wier Project Website on 17 October 2021.</p> <p>This compliance report will be published on the Rookwood Weir Project's website (https://www.sunwater.com.au/projects/rookwood-weir-project/environment/) within the relevant timeframe.</p>
11	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 and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister.	Not applicable	This did not occur during the reporting period.
12	<p>The approval holder may choose to revise a management plan, program or code of practice approved by the Minister under conditions 1, 2, 5 and 6 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan, program or code of practice would not be likely to have a new or increased impact. If the approval holder makes this choice they must:</p> <p>a) notify the Department in writing that the approved action management plan has been revised and provide the Department with:</p> <ol style="list-style-type: none"> an electronic copy of the revised plan, program, or code of practice; an electronic copy of the revised plan, program or code of practice marked up with track changes to show the differences between the approved revised plan, program or code of practice and the revised plan, program, or code of practice; an explanation of the differences between the approved revised plan, program or code of practice and the revised plan, program, or code of practice; 	Compliant	No other revisions of management plans or reports have occurred within the scope of this compliance report.

#	Approval condition	Is the Project Compliant?	Comments
	<ul style="list-style-type: none"> iv. the reasons the approval holder considers that taking the action in accordance with the revised plan, program, or code of practice; would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the revised plan, program, or code of practice; (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the revised plan, program or code of practice, or a date agreed to in writing with the Department. <p>b) subject to condition 15, implement the revised plan, program, or code of practice from the RAMP implementation date.</p>		
13	The approval holder may revoke their choice under condition 12 at any time by notice to the Department. If the approval holder revokes the choice to implement a plan, program, or code of practice, without approval under section 143A of the EPBC Act, the plan, program, or code of practice previously in force must be implemented.	Not applicable	This did not occur during the reporting period.
14	Condition 12 does not apply if the revisions to the approved plan, program or code of practice include changes to environmental offsets provided under the plan, program, or code of practice in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan, program or code of practice would, or would not, be likely to have new or increased impacts.	Compliance	<p>As outlined against Condition 4, a revised Biodiversity Offset Strategy was submitted to DCCEEW in January 2022. The revised BOS included additional impacts as a result of the increased weir height, which changed environmental offsets provided under the plan. Therefore, the BOS was re-submitted under Condition 4, not under Condition 12.</p> <p>No other revisions of management plans, reports or strategies has occurred within the scope of this compliance report.</p>
15	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised plan, program or code of practice would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a) Condition 12 does not apply, or ceases to apply, in relation to the plan, program or code of practice; and b) The approval holder must implement the plan, program or code of practice specified by the Minister. <p>To avoid any doubt, condition 15 does not affect any operation of conditions 12, 13 and 14 in the period before the day the notice is given.</p>	Not applicable	The Minister did not give a notice to Sunwater.

#	Approval condition	Is the Project Compliant?	Comments
	At the time of giving the notice the Minister may also notify that for a specified period of time that condition 12 does not apply for one or more specified plan, program or code of practice required under the approval.		
16	Conditions 12, 13, 14 and 15 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan, program, or code of practice to the Minister for approval.	Not applicable	Note only.
17	If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.	Compliant	Notice of commencement was provided to the Department on 22 July 2020 to DAWE. Action commenced 17 July 2020.
18	Unless otherwise agreed to in writing by the Minister, the approval holder must publish all management plans, reports, strategies, or codes of practice referred to in these conditions of approval on their website. Each management plan, report, strategy, or code of practice must be published on the website within 15 business days of being approved by the Minister or being submitted under condition 12a).	Compliant	Approved management plans are available on the Sunwater website: https://www.sunwater.com.au/projects/rookwood-weir-project/environment/
19	Reporting Compliance The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in approved plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> a) any condition which is or may be in breach; b) a short description of the incident and/or non-compliance; and c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available. 	Compliant	<p>A non-compliance incident occurred under Condition 7d). Construction of the Turtle passage infrastructure commenced prior to the 'success criteria' being approved by the minister.</p> <p>The non-compliance was identified by Sunwater employees on 10 March 2022. Works ceased once the non-compliance was identified.</p> <p>The non-compliance was notified to DAWE under Condition 19 and 20 on 10 March 2022.</p> <p>The DES approved infrastructure design, success criteria and associated monitoring program have been submitted to the Minister for Approval.</p> <p>Works on the turtle passage have not re-commenced as of 16 July 2022.</p>

#	Approval condition	Is the Project Compliant?	Comments
			Ministerial approval is expected in August 2022.
20	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in an approved plan as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the approval holder. 	Compliant	<p>A non-compliance incident occurred under Condition 7d). Construction of the Turtle passage infrastructure commenced prior to the 'success criteria' being approved by the minister.</p> <p>The non-compliance was identified by Sunwater employees on 10 March 2022. Works ceased once the non-compliance was identified.</p> <p>The non-compliance was notified to DAWE under Condition 19 and 20 on 10 March 2022.</p> <p>The DES approved infrastructure design, success criteria and associated monitoring program have been submitted to the Minister for Approval.</p> <p>Works on the turtle passage have not re-commenced as of 16 July 2022.</p> <p>Ministerial approval is expected in August 2022.</p>
21	<p>Interpretation</p> <p>The action may be constructed and operated in two stages. Each stage comprises the construction or raising of one weir, the consequent inundation of the impoundment created by that weir and any ancillary works required in order to raise or construct the particular weir and the operation of that weir and ancillary infrastructure. To allow the proposed action to be so staged, and notwithstanding any condition in this Approval to the contrary, each condition in this Approval is to be read, interpreted, and implemented so as to apply only to the relevant weir that is to be constructed or raised.</p>	Not applicable	Note only

Appendix A – *Variation of EPBC approval conditions dated 27 July 2021*



VARIATION OF CONDITIONS ATTACHED TO APPROVAL

Lower Fitzroy River Infrastructure Project, Queensland - (EPBC 2009/5173)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the
approval is granted

Sunwater Limited

ABN: 17 020 276 523

Approved action

The raising of the existing Eden Bann Weir, construction and operation of a new weir near Rookwood crossing, and construction and operation of associated ancillary infrastructure [See EPBC Act 2009/5173].

Variation

Variation of conditions
attached to approval

The variation is:

Delete condition 5 attached to the approval and substitute with the conditions specified in the table below.

Add the definition of **Inundation** specified in the table below.

Date of effect

This variation has effect on the date the instrument is signed

Person authorised to make decision

Name and position

Dwaine McMaugh
A/Assistant Secretary
Assessments (Vic, Tas) and Post Approvals Branch

Signature

Date of decision

27 July 2021

Date of decision	Conditions attached to approval
Variation dated 27/5/2020	<p>1. Water quality monitoring program</p> <ul style="list-style-type: none"> a) The approval holder must develop a separate water quality monitoring and reporting program (Program) for each weir that is to be constructed or raised, in consultation with the Great Barrier Reef Marine Park Authority and the following Queensland Government departments, that meets current recognised standards for water quality monitoring and reporting: <ul style="list-style-type: none"> i. Department of Environment and Science (DES); ii. REVOKED iii. Department of Agriculture and Fisheries; and iv. Department of Natural Resources, Mines and Energy; b) The Program for each weir must specify the monitoring activities and procedures capable of predicting potential, and detecting actual, impacts from the action in respect of the relevant weir on the Great Barrier Reef World Heritage Area and National Heritage place that may result from: <ul style="list-style-type: none"> i. changes in nutrient concentrations and oxygen levels due to decaying vegetation; and ii. agricultural development facilitated by the action in respect of the relevant weir. c) In order to predict, detect and manage impacts on the Great Barrier Reef World Heritage Area and National Heritage place, the Program for each weir must: <ul style="list-style-type: none"> i. specify water quality characteristics for: <ul style="list-style-type: none"> A. the lower Fitzroy River; B. water entering irrigation areas from higher in the sub-catchment; and C. water flowing from irrigated areas, and comparable unirrigated areas; ii. provide details of water sampling and analysis methodologies for detecting and predicting all water impacts on matters of national environmental significance (MNES) from changes in water quality that may be derived from the action in respect of the relevant weir; iii. provide details of reporting requirements, including timeframes, iv. state the reliability of the Program to predict and detect changes to water quality as a result of implementing the action in respect of the relevant weir, and include adaptive implementation and continuous improvement systems to enhance its capacity to predict and detect changes to water quality and impacts on the Great Barrier Reef World Heritage Area and National Heritage place; v. outline how monitoring will be conducted during major flood events for the purpose of the Program; vi. provide details of a process for: <ul style="list-style-type: none"> A. reviewing the effectiveness of the Program; and B. amending and/or terminating the Program; vii. provide sufficient information, including the establishment of pre-action baselines, to enable the determination of, and the need for, the water quality offset appropriate to fully offset any residual water

Date of decision	Conditions attached to approval
	<p>quality impacts on the Great Barrier Reef World Heritage Area and National Heritage place for each year in which those impacts occur.</p> <p>d) If the monitoring results from the Program for a weir determine that a residual impact to the Great Barrier Reef World Heritage Area and National Heritage place is likely to or has actually occurred, the approval holder must notify the Minister within 20 business days.</p> <p>If and when such notification occurs, a description of actions and timeframes for the provision of water quality offsets in accordance with the Program and the offsets strategy for that weir must be provided to the Minister within 20 business days after notification.</p> <p>e) Prior to inundation of the impoundment from the construction or raising of a weir, the approval holder must submit the Program for that weir for approval by the Minister in writing. No water from the raising of Eden Bann Weir or Rookwood Weir respectively may be used for the purpose of irrigated agriculture until the Program for that weir has been approved by the Minister and the water quality baselines required under condition 1.c) vii. for that weir have been established.</p> <p>f) The Program for each weir must be designed to complement relevant existing or future water quality monitoring programs including, but not limited to, the Reef 2050 Integrated Monitoring and Reporting Program.</p>
Variation dated 27/5/2020	<p>2. Land management code of practice</p> <p>a) The approval holder must develop a separate land management code of practice (code) for each weir that is to be constructed or raised, in consultation with the Great Barrier Reef Marine Park Authority and the following Queensland Government departments and stakeholders:</p> <ul style="list-style-type: none"> i. Department of Agriculture and Fisheries; ii. Department of Environment and Science; iii. Department of Natural Resources Mines and Energy; and iv. community and relevant agricultural industry bodies. <p>b) Prior to inundation of the impoundment from the construction or raising of a weir, the approval holder must submit the code for that weir for approval by the Minister in writing. No water from the raising of Eden Bann Weir or Rookwood Weir respectively may be used for the purpose of irrigated agriculture until the code for that weir has been approved by the Minister. The approved code(s) must be implemented.</p> <p>c) The code for each weir must:</p> <ul style="list-style-type: none"> i. include water quality objectives for nutrients, sediments and farm chemicals for the sub-catchment. Those objectives must include sediment, water column concentration and flow weighted total pollutant loading objectives and targets; ii. demonstrate how the water quality objectives will meet the targets of the Reef 2050 Plan and the Reef Water Quality Protection Plan as updated from time to time; iii. include land and water management practices that will be implemented by the purchaser of the water to ensure water quality objectives are achieved, accounting for seasonal variability, and the types of agriculture and water uses undertaken;

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> iv. include a process for: <ul style="list-style-type: none"> A. reviewing the effectiveness of the code with respect to achieving and maintaining water quality objectives; and B. amending the code if water quality objectives are not met; d) The code for each weir may include an accreditation scheme for individual irrigators that may reduce any monitoring and compliance obligations. e) The approval holder must require each purchaser, proposing to use water in a manner that may impact on the quality of the water entering the Great Barrier Reef World Heritage Area and National Heritage place, to comply with the approved code for the relevant weir; and f) The approval holder must require the purchaser to provide annual notification of compliance with the approved code for the relevant weir, as it applies to land management practices on their property or require the purchaser to participate in the accreditation scheme under condition 2d).
Variation dated 27/5/2020	<p>3. Pre-clearance surveys</p> <ul style="list-style-type: none"> a) Prior to clearing/inundation of vegetation for each weir that is to be constructed or raised, the approval holder must undertake a pre-clearance survey and prepare a pre-clearance survey report for the impact area of the relevant weir to identify the extent of EPBC Act listed threatened species and ecological communities. b) The pre-clearance survey for each weir must: <ul style="list-style-type: none"> i. be undertaken in accordance with the Department's survey guidelines in effect at the time of the survey, or another survey methodology agreed by the Department prior to the survey being undertaken; ii. be undertaken by a suitably qualified person/s. iii. Revoked iv. Revoked v. Revoked c) The pre-clearance survey report for each weir must: <ul style="list-style-type: none"> i. Include details of survey methods utilised and the timing of the survey ii. identify measures to minimise mortality of EPBC Act listed threatened species and impacts on listed threatened ecological communities; iii. identify measures to protect EPBC Act listed threatened species and ecological community habitat located adjacent to the cleared/inundated areas; iv. for any EPBC Act listed threatened species and ecological communities identified during the survey, provide to the Department precise data on the areas of habitat or ecological community directly and indirectly impacted by the action and a description of proposed management measures to be implemented. d) The approval holder must provide the pre-clearance survey report for each weir to be constructed or raised to the Department within 25 business days after the completion of the survey for the respective weir.

Date of decision	Conditions attached to approval																																
Variation dated 27/5/2020	<p>4. Offset Strategy</p> <p>a) The approval holder must submit for the Minister's written approval, a separate Offset Strategy for each weir to be constructed or raised, which identifies the residual impacts arising from the respective weir on the following MNES:</p> <p>i. Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community;</p> <p>ii. Black Ironbox (<i>Eucalyptus raveretiana</i>);</p> <p>iii. Red Goshawk (<i>Erythroriorchis radiates</i>);</p> <p>iv . Fitzroy River Turtle (<i>Rheodytes leukops</i>);</p> <p>v . Great Barrier Reef World Heritage Area and National Heritage place.</p> <p>b) The offset strategy for each weir must propose in general terms the offsets that the approval holder will provide for the residual impacts arising from the construction or raising of the relevant weir, as set out in <u>Table 1</u>, and how the approval holder intends to deliver the offset obligations.</p> <p>Table 1</p> <table><tr><th>Impact</th><th colspan="2">Indicative Impact Area / Quantity</th></tr><tr><th></th><th>Rookwood Weir</th><th>Eden Bann Weir</th></tr><tr><td colspan="3">Listed threatened species and ecological communities</td></tr><tr><td>i. inundation of Fitzroy River Turtle nest sites within the weir impoundment areas</td><td></td><td></td></tr><tr><td>ii. modifying aquatic habitat for the Fitzroy River Turtle</td><td>660 ha</td><td>282 ha</td></tr><tr><td>iii. loss of Red Goshawk nesting habitat</td><td>588 ha</td><td>384 ha</td></tr><tr><td>iv. loss of the area of Black Ironbox habitat</td><td colspan="2">impact area to be determined by pre-clearance surveys required under condition 3</td></tr><tr><td>v. loss of the area of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community</td><td colspan="2">impact area to be determined by pre-clearance surveys required under condition 3</td></tr><tr><td>vi. any increase in nutrients, sediments, farm chemicals and/or other water quality parameters above baseline levels</td><td colspan="2">as determined by the Program approved in accordance with condition 1</td></tr><tr><td rowspan="2">vii. any increase in nitrogen due to decaying vegetation in the inundation area</td><td>at least 645 tonnes ^{1, 2}</td><td>at least 458 tonnes ²</td></tr><tr><td colspan="2">unless the monitoring required at condition 1b) i. conclusively determines that the impact is less than predicted ¹.</td></tr></table> <p>Notes: (1) The indicative areas/quantities will need to be determined based on the particular weir to (first) be constructed or raised. (2) Unless a different impact area is determined by the pre-clearance survey required under condition 3.</p> <p>c) The offset strategy for each weir must include, but is not limited to:</p> <p>i. offset outcomes to be achieved, for listed threatened species and ecological communities listed in <u>Table 1</u>;</p> <p>ii. details of how offsets will be provided for modifying Fitzroy River Turtle aquatic habitat (<u>Table 1</u>, item ii.);</p> <p>iii. the timeline and legal mechanism/s for securing the offset area/s and offset outcomes;</p>	Impact	Indicative Impact Area / Quantity			Rookwood Weir	Eden Bann Weir	Listed threatened species and ecological communities			i. inundation of Fitzroy River Turtle nest sites within the weir impoundment areas			ii. modifying aquatic habitat for the Fitzroy River Turtle	660 ha	282 ha	iii. loss of Red Goshawk nesting habitat	588 ha	384 ha	iv. loss of the area of Black Ironbox habitat	impact area to be determined by pre-clearance surveys required under condition 3		v. loss of the area of Brigalow (<i>Acacia harpophylla</i> dominant and co-dominant) ecological community	impact area to be determined by pre-clearance surveys required under condition 3		vi. any increase in nutrients , sediments, farm chemicals and/or other water quality parameters above baseline levels	as determined by the Program approved in accordance with condition 1		vii. any increase in nitrogen due to decaying vegetation in the inundation area	at least 645 tonnes ^{1, 2}	at least 458 tonnes ²	unless the monitoring required at condition 1b) i. conclusively determines that the impact is less than predicted ¹ .	
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Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> iv. information about how the offset area/s will provide connectivity with other relevant habitats and biodiversity corridors; v. details of how water quality offsets will be provided consistent with <u>Table 1</u>; vi. inputs and justification for inputs demonstrating that the offsets are likely to be in accordance with the EPBC Act Environmental Offsets Policy and relevant Reef 2050 Plan requirements, including the net benefit principle. <p>d) The approval holder must not commence construction or raising of the relevant weir unless the offset strategy for that weir has been approved by the Minister in writing. The approved offset strategy relevant to each weir must be implemented.</p>
As varied on the date this instrument was signed	<p>5. Offset Management Plans</p> <ul style="list-style-type: none"> a) The approval holder must submit for the Minister's written approval a separate offset management plan for each weir to be constructed or raised, addressing each offset requirement in condition 4 for any weir for which an offset strategy has been approved by the Minister. b) The offset management plan for each weir must be consistent with the approved offset strategy for the relevant weir. c) The offset management plan for each weir must include, but not be limited to: <ul style="list-style-type: none"> i. the offset area/s to be secured for the listed threatened species and ecological communities listed in Table 1; ii. a description and map to clearly define the location and boundaries of the offset area/s, accompanied by the offset attributes; iii. information about how the offset area/s provide connectivity with other relevant habitats and biodiversity corridors; iv. a description of the management measures (including timing, frequency and duration) that will be implemented in each offset area; v. details of how the management measures proposed are consistent with relevant approved conservation advice, recovery plans and threat abatement plans; vi. performance and completion criteria for implementing the offset management plan/s for evaluating its effectiveness, and criteria for triggering corrective action/s; vii. a program for monitoring and reporting on the effectiveness of the management measures, and progress against the performance and completion criteria; viii. a description of potential risks to the successful implementation of the offset/s, and contingency measures that can be implemented to mitigate against these risks; and ix. evidence that the offsets are in accordance with the EPBC Act Environmental Offsets Policy and relevant Reef 2050 Plan requirements including the net benefit principle. d) In respect of offsets for impacts to the Fitzroy River turtle (condition 4.b) i. [within Table 1]), the offset management plan for each weir must: <ul style="list-style-type: none"> i. be in accordance with Appendix G of the additional information to the EIS (AEIS) and the Addendum to the AEIS

Date of decision	Conditions attached to approval
	<ul style="list-style-type: none"> ii. ensure the effectiveness of the offset in achieving long-term protection and management of Fitzroy River Turtle nesting habitat until the outcomes of the offset management plan are achieved; iii. specify the offset delivery mechanism. If the mechanism is through a financial settlement then the financial contribution must be calculated using the Financial Settlement Offset Calculator and offset payments in relation to each weir must be made in full within one year of the completion of each stage of construction or raising of that weir. e) The approval holder must not begin inundation of the impoundment of a weir unless the Minister has approved in writing an offset management plan for the relevant weir for all offset requirements in the approved offset strategy for that weir. The approved offset management plan for each weir must be implemented. f) For the offsets for modifying Fitzroy River turtle aquatic habitat (condition 4. b) ii. [within Table 1]), the approval holder may elect to provide a financial offset in a manner approved by the Minister, as calculated using the Financial Settlement Offset Calculator, or as otherwise agreed by the Minister.
Variation dated 27/5/2020	<p>6. Fitzroy River Turtle</p> <ul style="list-style-type: none"> a) The approval holder must submit for the Minister's written approval, a separate species management plan to minimise impacts on the Fitzroy River turtle (<i>Rheodytes leukops</i>) for each weir to be constructed or raised. b) The species management plan for each weir must: <ul style="list-style-type: none"> i. be developed in consultation with DES and be in accordance with Appendix E of the AEIS; ii. detail how the population and habitat for the Fitzroy River turtle will be protected during construction and operation of the action; iii. detail how, subject to compliance with the Queensland Fitzroy Basin Water Plan and the weir operating plan, the approval holder will manage weir storage levels within the impoundment of the relevant weir to minimise the inundation of Fitzroy River turtle nests; and iv. detail how the approval holder will manage the impoundment water levels of the relevant weir during the period from May to January to encourage high nesting positions and reduce the risk of nest inundation. c) The species management plan may include sub-plans relative to each development stage (if relevant). d) The approval holder must not commence construction or raising of a weir unless the species management plan for the relevant weir has been approved by the Minister in writing. The approved species management plan for each weir must be implemented.
Variation dated 27/5/2020	<p>7. Turtle Passage Infrastructure</p> <ul style="list-style-type: none"> a) At each weir to be constructed or raised, the approval holder must: <ul style="list-style-type: none"> i. construct turtle passage infrastructure (suitable for the Fitzroy River turtle) before the commencement of operation of the relevant weir; ii. construct turtle passage infrastructure at the relevant weir site in

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	<p>accordance with a design informed by the turtle movement study (at conditions 7b) and 7c));</p> <ul style="list-style-type: none"> iii. ensure turtle passage infrastructure and weir design and operation minimise the incidence of turtle injury; iv. monitor the effectiveness of the turtle passage infrastructure against the success criteria approved by the Minister (at conditions 7c) iii. and 7d)) twelve months after the construction of the relevant weir; and v. report to DES on the effectiveness of the turtle passage infrastructure in relation to the turtle movement success criteria, (taking account of wet and dry seasons and a full year of turtle movement, breeding and nesting distribution) twelve months after the construction of the relevant weir and thereafter annually and include a copy as part of the annual environmental report required under condition 10. <p>b) Before finalising the design of turtle passage infrastructure for each weir (condition 7), the approval holder must undertake a turtle movement study for the relevant weir (Study), in accordance with the AEIS and Addendum to the AEIS, to collect baseline data for relevant sections of the Fitzroy River.</p> <p>c) The Study for each weir must:</p> <ul style="list-style-type: none"> i. be prepared and undertaken by a suitably qualified person in accordance with a methodology determined in consultation with DES; ii. collect data on seasonal movement patterns and home ranges of the Fitzroy River turtle. The study must include wet and dry season movements, breeding periods and nesting distribution; and iii. inform the development of criteria for demonstrating successful movement of Fitzroy River turtles around the relevant weir (success criteria). <p>d) The approval holder must not commence the construction of turtle passage infrastructure at the Eden Bann or Rookwood Weir sites unless the success criteria for the relevant weir have been approved by the Minister. The approval holder must provide written advice to the Minister on how DES's advice has been addressed for each weir prior to submitting the success criteria for approval.</p> <p>e) The turtle passage infrastructure design and success criteria approved under condition 7d) must be applied to the Eden Bann Weir or Rookwood Weir, as relevant.</p> <p>f) The monitoring and reporting of the effectiveness of the turtle passage infrastructure (condition 7a) iv.) must be undertaken by a suitably qualified person and externally peer reviewed.</p> <p>g) If the monitoring specified by conditions 7a) iv. and 7a) v. fails to demonstrate that the success criteria are being met, the turtle passage infrastructure must be modified in accordance with advice provided by DES with the aim of achieving the success criteria.</p> <p>h) The approval holder must maintain the operation of the turtle passage infrastructure while the relevant weir remains in operation and provide for the safe access by officers of DES and the Department to the weir infrastructure (including the turtle passage) for monitoring and compliance purposes.</p> <p>i) If the monitoring specified by condition 7a) iv. demonstrates that the</p>

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	<p>success criteria are not being met, the approval holder must implement an ongoing catch and release program for the Fitzroy River Turtle until the criteria are met.</p> <ul style="list-style-type: none"> j) The catch and release program must ensure complete, safe turtle passage upstream and downstream of the relevant weir site. k) The catch and release program must be prepared and implemented by a suitably qualified person in accordance with a methodology determined in consultation with DES. l) In relation to the raising of Eden Bann Weir, the approval holder must undertake construction works at Glenroy Crossing outside of the nesting (September to November) and hatching (December to February) seasons for the Fitzroy River Turtle, unless surveys required by condition 7m) fail to identify the presence of turtle nests. m) Prior to undertaking construction works at Glenroy Crossing (condition 7 (l)), a suitably qualified person must undertake surveys for Fitzroy River Turtle nests, gravid females and hatchlings within 100 meters of Glenroy Crossing. n) If any Fitzroy River Turtle nests, gravid female turtles and/or hatchlings are identified during surveys referred to in condition 7m), the approval holder must undertake management protocols to avoid and/or minimise disturbance to turtles.
Variation dated 27/5/2020	<p>Standard conditions</p> <p>8. Within 5 business days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement of the action.</p>
Variation dated 27/5/2020	<p>9. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan, program, strategy or code of practice 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.</p>
Variation dated 27/5/2020	<p>10. 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 this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the Department at the same time as the compliance report is published.</p>
Original dated 28/02/2017	<p>11. 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 and audit criteria must be approved by the Minister prior to the commencement of the audit. The audit report must address the criteria to the satisfaction of the Minister.</p>
Variation dated 27/5/2020	<p>12. The approval holder may choose to revise a management plan, program or code of practice approved by the Minister under conditions 1, 2, 5 and 6 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan, program or code of practice would not be likely to have a new or increased impact. If the approval holder makes this choice they must:</p>

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	<p>a) notify the Department in writing that the approved action management plan has been revised and provide the Department with:</p> <ul style="list-style-type: none"> i. an electronic copy of the revised plan, program or code of practice; ii. an electronic copy of the revised plan, program or code of practice marked up with track changes to show the differences between the approved revised plan, program or code of practice and the revised plan, program or code of practice; iii. an explanation of the differences between the approved revised plan, program or code of practice and the revised plan, program or code of practice;; iv. the reasons the approval holder considers that taking the action in accordance with the revised plan, program or code of practice; would not be likely to have a new or increased impact; and v. written notice of the date on which the approval holder will implement the revised plan, program or code of practice; (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the revised plan, program or code of practice, or a date agreed to in writing with the Department. <p>b) subject to condition 15, implement the revised plan, program or code of practice from the RAMP implementation date.</p>
Variation dated 27/5/2020	<p>13. The approval holder may revoke their choice under condition 12 at any time by notice to the Department. If the approval holder revokes the choice to implement a plan, program or code of practice, without approval under section 143A of the EPBC Act, the plan, program or code of practice previously in force must be implemented.</p>
Variation dated 27/5/2020	<p>14. Condition 12 does not apply if the revisions to the approved plan, program or code of practice include changes to environmental offsets provided under the plan, program or code of practice in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the Minister. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan, program or code of practice would, or would not, be likely to have new or increased impacts.</p>
Variation dated 27/5/2020	<p>15. If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised plan, program or code of practice would be likely to have a new or increased impact, then:</p> <ul style="list-style-type: none"> a) Condition 12 does not apply, or ceases to apply, in relation to the plan, program or code of practice; and b) The approval holder must implement the plan, program or code of practice specified by the Minister. <p>To avoid any doubt, condition 15 does not affect any operation of conditions 12, 13 and 14 in the period before the day the notice is given.</p> <p>At the time of giving the notice the Minister may also notify that for a specified period of time that condition 12 does not apply for one or more specified plan, program or code of practice required under the approval.</p>
Variation dated 27/5/2020	<p>16. Conditions 12, 13, 14 and 15 are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan, program or code of practice to the Minister for approval.</p>
Original dated 28/02/2017	<p>17. If, at any time after 5 years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not commence the action without the written agreement of the Minister.</p>

Date of decision	Conditions attached to approval
Variation dated 27/5/2020	18. Unless otherwise agreed to in writing by the Minister , the approval holder must publish all management plans, reports, strategies, or codes of practice referred to in these conditions of approval on their website. Each management plan, report, strategy or code of practice must be published on the website within 15 business days of being approved by the Minister or being submitted under condition 12a).
Variation dated 27/5/2020	Reporting non-compliance 19. The approval holder must notify the Department in writing of any: incident ; non-compliance with the conditions; or non-compliance with the commitments made in approved plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> a) any condition which is or may be in breach; b) a short description of the incident and/or non-compliance; and c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
Variation dated 27/5/2020	20. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in an approved plan as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: <ul style="list-style-type: none"> a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the approval holder.
Variation dated 27/5/2020	Interpretation 21. The action may be constructed and operated in two stages. Each stage comprises the construction or raising of one weir, the consequent inundation of the impoundment created by that weir and any ancillary works required in order to raise or construct the particular weir and the operation of that weir and ancillary infrastructure. To allow the proposed action to be so staged, and notwithstanding any condition in this Approval to the contrary, each condition in this Approval is to be read, interpreted and implemented so as to apply only to the relevant weir that is to be constructed or raised.

Date of decision	Definitions attached to approval
Variation dated 27/5/2020	Action: REVOKED
Original dated 28/02/2017	AEIS: Additional information to the Environmental Impact Statement as submitted to the Department in May 2016.
Variation dated 27/5/2020	Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.

Date of decision	Definitions attached to approval
Variation dated 27/5/2020	Commence: The term “commence” in relation to construction or raising of a weir means construction of weir infrastructure, excluding the construction of associated ancillary infrastructure, clearing for both construction works associated with the weir and associated ancillary infrastructure and preparatory excavations for the construction of the weir. Associated ancillary infrastructure includes fencing, signage, roads or access tracks and other ancillary infrastructure (including site establishment infrastructure and site facilities) associated with the construction or raising of a weir. This definition applies to use of the term ‘ commence ’ in sub-conditions 4(d) and 6(d).
Variation dated 27/5/2020	Commence the action / commencement of the action means clearing for construction works associated with weir and/or bridge infrastructure (including road approaches to a bridge) and preparatory excavations for the construction of weir and/or bridge infrastructure, and construction or raising of weir and/or bridge infrastructure, excluding fencing, signage, upgrade, maintenance and use of existing roads and access tracks, and provision of temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no significant impact on MNES .
Original dated 28/02/2017	Department: The Australian Government Department or any other agency administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) from time to time.
Variation dated 27/5/2020	DES: Queensland Government Department of Environment and Science
Variation dated 27/5/2020	EHP: Revoked
Original dated 28/02/2017	EPBC Act: <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
Original dated 28/02/2017	EPBC Act Environmental Offsets Policy: the <i>Environment Protection and Biodiversity Conservation Act Environmental Offsets Policy</i> (October 2012), or subsequent revision, including the Offsets Assessment Guide
Variation dated 27/5/2020	Financial Settlement Offset Calculator: an online tool for calculating financial offsets for environmental impacts. Found at: https://apps/des.qld.gov.au/offsets-calculator/
Variation dated 27/5/2020	Incident means any event which has the potential to, or does, impact on one or more MNES .
As varied on the date this instrument was signed	Inundation means inundation that occurs as an intended result of the operation of any weir associated with the action. Note: Some uses of the term ‘inundation’ within the conditions are not intended to refer to this definition. These instances are intentionally not in bold typeface.
Original dated 28/02/2017	Irrigated agriculture: method in which a controlled amount of water is supplied to plants at regular intervals to supplement rainfall in agricultural production.
Variation dated 27/5/2020	Legal mechanism for securing: to secure by use of a covenant or other legal agreement in relation to a site, to provide enduring protection for the site against development incompatible with conservation.
Original dated 28/02/2017	Management practices: are best management practices in reef catchments illustrated, for example , by the SmartCane Best Management Practice and Grazing Best Management Practice programs.
Original dated 28/02/2017	Matters of national environmental significance (MNES): matters listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) for the following controlling provisions: listed threatened species and ecological communities, world heritage properties, national heritage places, and migratory species.

Date of decision	Definitions attached to approval
Original dated 28/02/2017	Minister: the Minister administering the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and includes a delegate of the Minister.
Original dated 28/02/2017	Net benefit principle: as outlined in the Reef 2050 Plan Annual Report and Implementation Strategy (2016) available at: http://www.environment.gov.au/system/f1ies/resources/e2b70193-91fa-49e6-95b2-b1aa8adb1d7c/files/annual-report-imp-plan-reef-2050-plan.pdf
Variation dated 27/5/2020	New or increased impact: a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the likely impact of implementing the plan, program or strategy that has been approved by the Minister .
Original dated 28/02/2017	Nutrients: water quality parameters including nitrogen and phosphorus.
Original dated 28/02/2017	Pre-action baselines: water quality parameters measured before commencement of the construction or raising of a weir.
Variation dated 27/5/2020	Queensland Fitzroy Basin Water Plan: <i>Fitzroy Basin Water Resource Plan 2015</i> and <i>Fitzroy Basin Resource Operations Plan 2015</i> or subsequent revision managed by the Queensland Department of Natural Resources Mines and Energy under the <i>Water Act 2000</i> and the <i>Water Reform and Other Legislation Amendment Act 2014</i> .
Original dated 28/02/2017	Recognised standards for water quality monitoring and reporting: <i>National Water Quality Management Strategy Australian Guidelines for Water Quality Monitoring and Reporting 2000</i> .
Original dated 28/02/2017	Reef 2050 Integrated Monitoring and Reporting Program: monitoring and reporting programs that are implemented under the Reef 2050 Plan .
Original dated 28/02/2017	Reef 2050 Plan: <i>Reef 2050 Long-Term Sustainability Plan</i> . Commonwealth of Australia, 2015.
Original dated 28/02/2017	Reef Trust: a financial mechanism assisting in the delivery of the Reef 2050 Long-Term Sustainability Plan, Commonwealth of Australia 2015.
Original dated 28/02/2017	Reef Water Quality Protection Plan: <i>Reef Water Quality Protection Plan</i> , State of Queensland, 2013.
Original dated 28/02/2017	Sub-catchment: Sub-catchment within the Fitzroy Basin water catchment in which the use of water is occurring.
Original dated 28/02/2017	Suitably qualified person/s: means a person who has professional qualifications, training or skills or experience relevant to the nominated subject matters and can give authoritative assessment, advice and analysis about performance relevant to the subject matter using relevant protocols, standards, methods and/or literature.
Variation dated 27/5/2020	Water quality: levels of pesticides and farm chemicals, nutrients such as phosphorus and nitrogen, sediments and other suspended solids. A detrimental impact to water quality would be an increase in any of these parameters above established baselines.
Original dated 28/02/2017	Weir operating plan: The plans developed to manage the operation of each weir under the <i>Water Act 2000</i> and the <i>Water Reform and Other Legislation Amendment Act 2014</i> .
Variation dated 27/5/2020	458 tonnes at Eden Bann Weir and 695 tonnes at Rookwood Weir: Revoked