

EPBC APPROVAL NUMBER: EPBC 2017/7994
PROJECT NAME: LOCKYER POWER PROJECT
DATE: 23 NOVEMBER 2022

A R C H E

2022 Approval Conditions Annual Compliance Report

Details of Project

Approval number	EPBC 2017/7994
Project name	Lockyer Energy Project
Approval holder name	Capital Partners Australia Pty Ltd
ACN of approval holder	152 374 895
Approved action	To develop a natural gas-fired power generation plant, 2.5km north of Gatton, Queensland [see EPBC referral 2017/7994].
Location of the project	Lot 191 on CSH2361, Ford's Road, Adare, QLD 4343
Person accepting responsibility for the report	Robert Kerr
Dates for the reporting period	7 September 2021 – 6 September 2022
Date of preparation of report	17 November 2022

Description of activities

During the reporting period, the following activities were undertaken.

3 September 2021	Completed installation of approximately 676 metres of Fauna Exclusion fence along southern boundary of Lot 191 CSH2361
3 September 2021	Completed of installation of approximately 2,740 metres of wildlife friendly fencing along western, northern and eastern boundaries of Lot191 CSH2361
6 September 2021	Inspected all fencing on site and completed a Close-out report on Fencing.
6 September 2021	Conducted on-site Pre-clearance Fauna and Habitat inspection by suitably qualified person.
7, 8, 9, 10, 13, 14, 15, 16, 17 and 19 September 2021	Cleared vegetation from the approved project footprint. A qualified fauna spotter catcher was present on site at all times when clearing was occurring. No koalas were identified during the course of vegetation clearing.
5 September 2022	Inspected site and prepared report confirming satisfactory condition of Fauna Exclusion fencing, wildlife friendly fencing, and absence of regrowth within 3m of Fauna Exclusion fencing. Recommended control of minor weeds in various locations.

Subsequent activities

23 and 26 September 2022	Annual Fauna and Habitat inspections by suitably qualified persons.
23 September 2022	Annual Native Vegetation and Weed Audit by suitably qualified persons
26 and 27 September 2022	Mowed approximately 2,690 lineal metres of a 10m wide fence maintenance line along western, northern and eastern boundaries of Lot101 CSH2361
28 and 29 September 2022	Hand-sprayed minor occurrences of weeds including Lantana and fireweed in Offset Area A, Offset Area B and the approved project footprint
29 September to 6 October 2022	Hand-sprayed eucalyptus sucker regrowth within approved project footprint.
10 October 2022	Inspected site to confirm satisfactory completion of mowing along fencelines, spraying of weeds across site, and spraying of sucker regrowth within approved project footprint

2022 APPROVAL CONDITIONS ANNUAL COMPLIANCE REPORT

Declaration of accuracy

490 Providing false or misleading information in response to a condition on an approval or permit

1. A person is guilty of an offence if:
 - (a) the person is the holder of an environmental authority; and
 - (b) a condition attached to the environmental authority requires the person to provide information; and
 - (c) the person provides information in response (or purportedly in response) to the requirement; and
 - (d) the person is reckless as to whether the information is false or misleading in a material particular.

Note: The fault element in paragraph (1)(d) can be demonstrated by proof of knowledge. See subsection 5.4(4) of the Criminal Code.

2. The offence is punishable on conviction by:
 - (a) imprisonment for a term not more than 2 years, a fine not more than 120 penalty units, or both, if it is proved the person knew the information was false or misleading; or
 - (b) imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both, if it is proved the person was reckless as to whether the information was false or misleading.

Note: Subsection 4B(3) of the Crimes Act 1914 lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.

491 Providing false or misleading information to authorised officer etc.

1. A person is guilty of an offence if the person:
 - (a) provides information or a document to another person (the recipient); and
 - (b) knows the recipient is:
 - (i) an authorised officer; or
 - (ii) the Minister; or
 - (iii) an employee or officer in the Department; or
 - (iv) a commissioner;
 - (v) performing a duty or carrying out a function under this Act or the regulations; and
 - (c) knows the information or document is false or misleading in a material particular.

2. The offence is punishable on conviction by imprisonment for a term not more than 1 year, a fine not more than 60 penalty units, or both.

Note: Subsection 4B(3) of the Crimes Act 1914 lets a court fine a body corporate up to 5 times the maximum amount the court could fine a person under this subsection.

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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 (please print)	Robert Kerr
Position (please print)	Director
Organisation	Capital Partners Australia Pty Ltd ACN 152 374 895
Date	22 Nov 2022

APPROVAL CONDITIONS COMPLIANCE TABLE

Lockyer Energy Project Approval Conditions Compliance Table

This table adopts the format suggested by the Department's Annual Compliance Report Guidelines at <http://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>

Condition Number/Reference	Condition	Is the project compliant with this condition?	Evidence/Comments
Condition 1	The approval holder must not clear vegetation outside of the project site and the approval holder must not clear more than 18.38 hectares of vegetation within the project site .	Compliant	Evidence with drawings and maps was provided to the Department in November 2022. This evidence is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 2	The approval holder must ensure that a pre-clearance survey is undertaken by a suitably qualified person within 24 hours before any clearing of vegetation within the project site , to identify any koalas present.	Compliant	On 6th September 2021 (i.e. within 24 hours before clearing commenced), a suitably qualified person conducted a pre-clearing inspection of the site. No koalas were identified. A pre-clearance report by Bemrose Wildlife Management Services is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 3	The approval holder must not clear any vegetation supporting any koalas until such time that any present koalas vacate the vegetation or are relocated by a suitably qualified person . Veterinary care, or assistance from a wildlife refuge, must be sought if any koalas are found injured within the project site while clearing and/or construction occurs within the project site .	Compliant	Clearing of vegetation from the approved project footprint occurred on 7 th , 8 th , 9 th , 10 th , 13 th , 14 th , 15 th , 16 th , 17 th and 19 th September 2021. Bemrose Environmental Management Services provided a qualified fauna spotter catcher who was present on site at all times when clearing was occurring. No koalas were identified during the course of vegetation clearing. A post-clearance report by Bemrose Wildlife Management Services, including details of tree-protection zones, no-go signs and general demarcation signage, is displayed on the Lockyer Energy website at https://lockyerenergy.com.au

APPROVAL CONDITIONS COMPLIANCE TABLE

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Condition 4	Prior to the commencement of the action , the approval holder must develop a Construction Environment Management Plan. The Construction Environment Management Plan must incorporate all of the management objectives, performance criteria and management controls described in <u>Attachment A</u> of these conditions and must be implemented until the end date .	Compliant	A Construction Environment Management Plan incorporating all of the management objectives, performance criteria and management controls described in <u>Attachment A</u> of these conditions was developed and implemented prior to the commencement of the action, and is currently displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 5	The approval holder must, prior to the commencement of this action, legally secure a minimum of 41.58 hectares of koala habitat at the offset site . Within 20 business days of legally securing the offset site , the approval holder must provide the Department with evidence of when the offset site was legally secured , and what mechanism was used to legally secure the offset site .	Compliant	On 16 November 2018 the Department was advised by email that the approval holder had legally secured an area of 41.65 hectares of koala habitat. See Restrictive Covenant 719003439 issued pursuant to the <i>Land Title Act 1994</i> (Qld), containing Registered Plan of Survey SP303401 which is titled "Plan of Covenant B in Lot 191 on CSH2361". This covenant is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 6	Prior to the commencement of the action , the approval holder must develop an Offset Management Plan. The Offset Management Plan must incorporate all of the aspects described in <u>Attachment B</u> of these conditions and must be implemented until the end date .	Compliant	An Offset Management Plan incorporating all of the management objectives, performance criteria and management controls described in <u>Attachment B</u> of these conditions was developed and implemented prior to the commencement of the action and is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 7	The approval holder must, from the date of approval until the end date , ensure that there is no decline in the extent, or habitat quality , of baseline condition , at the offset site .	Compliant	Surveys by Bemrose Wildlife Management Services (23 rd and 26 th September 2022) and S5 Consulting Pty Ltd (23 rd September 2022) showed no evidence of decline in the extent, or habitat quality , of baseline condition , at the offset site . Reports on both surveys are displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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Condition 8	If at any time before the end date , the approval holder identifies that the outcomes specified in condition 7 are not being, or are unlikely to be achieved, the approval holder must report to the Department in writing within 20 business days of becoming aware. The report must state the cause, the response measures (including timeframes for reporting the success of those measures to the Department) and the actions to prevent further occurrences.	Compliant	Surveys by Bemrose Wildlife Management Services (23 rd and 26 th September 2022) and S5 Consulting Pty Ltd (23 rd September 2022) showed no evidence that the outcomes specified in condition 7 are not being, or are unlikely to be achieved. Reports on both surveys are displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 9	The approval holder must ensure that management plans are prepared in accordance with the Environmental Management Plan Guidelines . Each management plan must also: Include details on how the management plan is consistent with the Environmental Management Plan Guidelines and the conservation advice for koalas . Provide a statement signed by the approval holder declaring that the information is true and has been prepared in accordance with the Environmental Management Plan Guidelines .	Compliant	A Construction Environmental Management Plan, an Offset Management Plan, and a Landscape & Revegetation Plan were prepared in accordance with the Environmental Management Plan Guidelines . These plans: Include details on how the management plan is consistent with the Environmental Management Plan Guidelines and the conservation advice for koalas Provide a statement signed by the approval holder declaring that the information is true and has been prepared in accordance with the Environmental Management Plan Guidelines . All these plans are displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 10	The approval holder must publish all management plans on its website prior to commencement of the action . The approval holder may choose to revise a management plan provided the revised management plan is consistent with the requirements listed in either condition 4 (for the Construction Environment	Compliant	All plans were displayed prior to commencement of the action and they continue to be displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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	Management Plan) or condition 6 (for the Offset Management Plan). The revised management plan must be published on the approval holder's website at least 10 business days before being implemented. All management plans must remain on the approval holder's website until the end date .		
Condition 11	Within 20 business days after the commencement of the action , the approval holder must advise the Department of the actual date of commencement of the action	Compliant	On 23 rd September 2021 via letter ref: 18/000642, the Department acknowledged that via an email dated 16 th September 2021 the approval holder had advised the Department that the action had commenced on 7 th September 2021. See this Departmental letter displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 12	The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions , including measures taken to implement any management plans 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 . Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Compliant	The approval holder maintains accurate records substantiating all activities associated with or relevant to the conditions , including measures taken to implement any management plans required by this approval, and will make them available upon request to the Department .
Condition 13	Within 60 business days of every 12 month anniversary of the commencement of the action , the approval holder must publish a report on its website addressing	Compliant	By letter ref 18/000642 dated 23 September 2021, the Department confirmed that via an email dated 16 September 2021 the approval holder had informed the Department that the action had commenced

APPROVAL CONDITIONS COMPLIANCE TABLE

Condition Number/Reference	Condition	Is the project compliant with this condition?	Evidence/Comments
	compliance with each of the conditions , including implementation of any management plans as specified in the conditions . Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions must be provided to the Department at the same time as the compliance report is published. The Minister may provide written consent to the approval holder to cease reporting if satisfied additional reports are not warranted.		on 7 September 2021. The Department then advised that accordingly, each Annual Compliance Report is due by 1 st December in each year. In November 2022 this Compliance Report was submitted to the Department and also displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Condition 14	The approval holder must report any potential or actual contravention of the conditions to the Department in writing within 5 business days of the approval holder becoming aware of the potential or actual contravention.	Compliant	The approval holder is not aware of any potential or actual contravention of the conditions.
Condition 15	Upon the direction of the Minister , the approval holder must ensure that an independent audit of compliance with these conditions is conducted and a report submitted to the Minister . The independent auditor and 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 .	Compliant	The approval holder has not received any such direction from the Minister.
Condition 16	If at any time after 5 years from the date of this approval, the approval holder has not commenced the action , then the approval holder must not commence the action without the written agreement of the Minister.	No longer applicable	By letter ref 18/000642 dated 23 September 2021, the Department confirmed that via an email dated 16 September 2021 that the approval holder had informed the Department that the action had commenced on 7 September 2021. As the date of commencement (7 September 2021) was less than five years from the date of the approval (29 January 2018) this condition no longer applies.

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Table 2 Offset Strategy Details – first bullet point	Annual monitoring of the offset to assess koala usage of the site, evidence of predators, evidence of plant pathogens or fauna disease, and habitat condition aspects such as extent of weed infestations, eroding land, and presence of water.	Compliant	Surveys by Bemrose Wildlife Management Services (23 rd and 26 th September 2022) and S5 Consulting Pty Ltd (23 September) assessed these items. Both reports are displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 Offset Strategy Details – second bullet point	Monitoring of wildlife friendly boundary fencing (including koala exclusion fencing around the project infrastructure and along the southern boundary of the lot) on a 6-monthly basis to identify maintenance requirements, such as trimming regrowth within 3 m of koala exclusion fence and repairing fences to assist in excluding predators.	Compliant	See Closeout Report on Fencing, dated 6 September 2021 which assesses all fencing and notes that no maintenance is required. This report is displayed on the Lockyer Energy website at https://lockyerenergy.com.au See also the Annual Fencing Inspection Report dated 6 September 2022 which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 Offset Strategy Details – third bullet point	Monitoring and management of weed infestations to maintain free movement of koalas and regeneration of food trees.	Compliant	See Site Inspection Report dated 6 th September 2022 for identification of Lantana occurrences and proposed control measures. See the report by S5 Environmental (“Compliance Report – Native Vegetation and Weed Audit 5522202EL001 v1.2”) dated 26 th October 2022. See Report on Follow-up Site Inspection dated 10 October 2022 including assessment of weed control measures applied. All reports are displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 Offset Strategy Details -	Restriction of livestock of a species and number that is incompatible to maintaining or improving koala habitat.	Compliant	No livestock has been permitted onto any part of the site, including Offset Area A or Offset Area B, since August 2021.

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fourth bullet point			
Table 2 Offset Strategy Details - fifth bullet point	Should predators, including wild dogs, be observed on-site, a management program of baiting may be undertaken and assessment of fencing for their future exclusion.	Compliant	No evidence of wild dogs was observed during the reporting period.
Table 2 Offset Strategy Details - sixth bullet point	Monitoring and management of the two small farm dams located in Offset Area A and the ephemeral creek lines to reduce siltation and control erosion in this area as part of general land management and improvement of the habitat for the koala.	Compliant	Details of monitoring and management are contained in the Offset Management Plan which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 Offset Strategy Details - seventh bullet point	Controlled fire management to maintain eucalyptus species diversity and health, as appropriate to koala habitat, season and ecosystem.	Compliant	No action is presently required. See report by S5 Environmental dated 26 October 2022 which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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<p>Table 2 Offset Strategy Details - eighth bullet point</p>	<p>Offset Area B will include regeneration in accordance with Landscape Management and Revegetation Plan including incorporation of eucalyptus species suitable for providing koala food trees and winter/spring foraging habitat for the grey headed flying-fox.</p>	<p>Compliant</p>	<p>See report by S5 Environmental dated 26th October 2022, which includes a recommendation for minor infill planting of appropriate species to increase available food resources in Offset Area B, as set out in the Landscape Management and Revegetation Plan. This report is displayed on the Lockyer Energy website at https://lockyerenergy.com.au</p> <p>A further report will be displayed on the website upon completion of this infill planting.</p>