

EPBC APPROVAL NUMBER: EPBC 2017/7994
PROJECT NAME: LOCKYER ENERGY PROJECT
DATE: 28 NOVEMBER 2023

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2023 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 Limited
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 2022 – 6 September 2023
Date of preparation of report	21 November 2023

Description of activities

During the reporting period, the following activities were undertaken.

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	Contractor mowed approximately 2,690 lineal metres of a 10m wide fence maintenance line along western, northern and eastern boundaries of Lot 101 CSH2361
28 and 29 September 2022	Contractor 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	Contractor hand-sprayed eucalyptus sucker regrowth within approved project footprint.
10 October 2022	With contractor, inspected site to confirm satisfactory completion of mowing along fence-lines, spraying of weeds across site, and spraying of sucker regrowth within approved project footprint. Inspected minor erosion damage around the southern farm dam and requested quotation to remediate same.
16 January 2023	Contractor installed geotextiles and 24 cubic metres of graded rock armouring to repair minor erosion damage and mitigate against future erosion around the inlet and by-wash at the farm dam at the southern end of the property
17 January 2023	Site visit to inspect and confirm completion of erosion mitigation works, as well as status of grass growth along fence maintenance lines, and results of weed spraying and spraying of sucker regrowth within approved project footprint
30 July 2023	Inspected perimeter fencing, vegetation growth along fence-lines and status of by-wash. No action required.

Subsequent activities

2 October 2023	Conducted annual site and fencing inspection. Noted damage to gate in koala proof fence at south east corner of property, two damaged steel
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	fence posts in northern perimeter fence, one broken barbed wire in same fence, and status of grass in fence maintenance lines.
13 November 2023	Onsite meeting with mowing/fencing contractor, for site induction and pre-work start meeting.
13-15 November 2023	Contractor mowed approximately 2,690 lineal metres of a 10m wide fence maintenance line along the western, northern and eastern boundaries of Lot101 CSH2361. Contractor repaired damage to gate in koala-proof fence. Contractor repaired damage to fence on the northern boundary. Contractor slashed sucker regrowth in 15.92ha approved project footprint.
15 November 2023	Annual Fauna and Habitat inspections, plus 5-year Milestone inspections by suitable qualified persons
15 November 2023	Annual Flora and Weeds inspections, plus 5-year Milestone inspections by suitable qualified persons
15 November 2023	Site visit to confirm satisfactory completion of all above works.
21 November 2023	2023 Fauna and Habitat Audit Report, including 5-year Offset Milestone report received from Bemrose Wildlife Management Services
21 November 2023	2023 Flora and Weed Audit Report, including 5-year Offset Milestone report received from S5 Environmental

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Declaration of accuracy

A person must not knowingly provide information to the Department that is false or misleading (see sections 490 and 491 of the EPBC Act). The extract below from the EPBC Act should be considered in the context of the Act as whole, including any related sections and any relevant definitions. You should seek your own legal advice regarding interpretation of the sections.

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.*

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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.

The declaration below should be attached to the compliance report and signed by the approval holder. If the approval holder has sub-contracted the project (or part thereof), or the preparation of the compliance report, the responsibility for accuracy still lies with the approval holder:

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 (please print)	Robert Kerr
Position (please print)	Director
Organisation	Capital Partners Australia Pty Limited ACN 152 374 895
Date	28 / 11 / 2023

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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. No further vegetation clearing has occurred since September 2021. The Fauna and Habitat Report 2023 (dated 21 st November 2023) by Bemrose Wildlife Management Services is displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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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

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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	The “Fauna and Habitat Report 2023” by Bemrose Wildlife Management Services (dated 21 st November 2023) and the “Flora and Weed Report 2023” by S5 Environmental (dated 21 st November 2023) showed no evidence of decline in the extent, or habitat quality , of baseline condition , at the offset site . Both reports are displayed on the Lockyer Energy website at https://lockyerenergy.com.au
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	The “Fauna and Habitat Report 2023” by Bemrose Wildlife Management Services (dated 21 st November 2023) and the “Flora and Weed Report 2023” by S5 Environmental (dated 21 st November 2023) showed no evidence of decline in the extent, or habitat quality , of baseline condition , at the offset site . Both reports are displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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5	<p>The approval holder must ensure that management plans are prepared in accordance with the Environmental Management Plan Guidelines. Each management plan must also:</p> <ul style="list-style-type: none"> a. Include details on how the management plan is consistent with the Environmental Management Plan Guidelines and the conservation advice for koalas. b. 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	<p>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:</p> <ul style="list-style-type: none"> a. Include details on how the management plan is consistent with the Environmental Management Plan Guidelines and the conservation advice for koalas b. 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. <p>All these plans are displayed on the Lockyer Energy website at https://lockyerenergy.com.au</p>
Condition 10	<p>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 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.</p>	Compliant	<p>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</p>

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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
Condition12	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 .

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Condition 13	<p>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 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.</p>	Compliant	<p>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 on 7 September 2021. The Department then advised that accordingly, each Annual Compliance Report is due by 1st December in each year.</p> <p>In November 2023 this Compliance Report was displayed on the Lockyer Energy website at https://lockyerenergy.com.au</p>
Condition 14	<p>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.</p>	Compliant	<p>The approval holder is not aware of any potential or actual contravention of the conditions.</p>
Condition 15	<p>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.</p>	Compliant	<p>The approval holder has not received any such direction from the Minister.</p>

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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.
Table 2 Offset Strategy Details – first dot 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	The “Fauna and Habitat Report 2023” by Bemrose Wildlife Management Services (dated 21 st November 2023) and the “Flora and Weed Report 2023” by S5 Environmental (dated 21 st November 2023) assessed these items. Both reports are displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 Offset Strategy Details – second dot 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 “Site Inspection – Annual Compliance 2023” dated 2 nd October 2023, which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au See also “Site Inspection - Follow-up 2023” dated 15 November 2023 which confirms that all damage has been repaired and that no further maintenance is required. This report is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 Offset Strategy Details – third dot point	Monitoring and management of weed infestations to maintain free movement of koalas and regeneration of food trees.	Compliant	See “Flora and Weed Report 2023” (Dated 21 st November 2023) by S5 Environmental. This report is displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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Table 2 Offset Strategy Details - fourth dot point	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 and Offset Area B, since August 2021.
Table 2 Offset Strategy Details - fifth dot 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 dot 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 dot point	Controlled fire management to maintain eucalyptus species diversity and health, as appropriate to koala habitat, season and ecosystem.	Compliant	See "Flora and Weed Report 2023" (Dated 21 st November 2023) by S5 Environmental which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au

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Table 2 Offset Strategy Details - eighth dot point	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.	Compliant	See "Flora and Weed Report 2023" (Dated 21 st November 2023) by S5 Environmental which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au
Table 2 – Offset Strategy Details	<p>Milestones</p> <ul style="list-style-type: none"> At 5 years after the start of the offset, the habitat has been maintained or improved and no increase in threats have occurred <p>Performance indicators</p> <ul style="list-style-type: none"> Density and abundance of koala food trees is maintained or increased Threats that have been identified have not spread or increased 	Compliant	<p>See "Fauna and Habitat Report 2023" (dated 21st November 2023) by Bemrose Wildlife Management Service which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au</p> <p>See "Flora and Weed Report 2023" (Dated 21st November 2023) by S5 Environmental which is displayed on the Lockyer Energy website at https://lockyerenergy.com.au</p>