

**Senate Standing Committee on Environment and Communications  
Legislation Committee**

Answers to questions on notice

**Sustainability, Environment, Water, Population and Communities portfolio**

Supplementary Budget Estimates, October 2011

**Program: Division or Agency:** 5.2: EACD **Question No:** 180

**Topic:** Applications for dredging in  
the World Heritage area

**Proof Hansard Page and Date** 17 (18/10/11)  
**or Written Question:**

**Senator Waters asked:**

Senator WATERS: ...Are you tracking—and I certainly hope you are—the cumulative figures of both approved and applied for dredging in the World Heritage area, up and down the coast? It is not just Gladstone Harbour; there are all sorts of new coal ports proposed which entail millions and millions of cubic metres of dredging within the World Heritage area. I am keen to know the exact figures on that—what has been approved; what has been applied for; what is being dumped offshore; and have you notified UNESCO of those applications and approvals as per the requirement to do so?

Ms Dripps: We are certainly aware of the range of different proposals. I suggest that we take on notice the tabling of the specific figures about the volumes. Again, it will come from the environmental assessments and compliance grant.

Senator WATERS: Thank you very much.

**Answer:**

Please refer to the response for Question on Notice 195 for detailed information on dredging application and approval volumes in the World Heritage Area.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 181

**Topic:** Olympic Dam approval –  
operation of the desalination  
plant

**Proof Hansard Page and Date** 24 (18/10/11)  
**or Written Question:**

**Senator Birmingham asked:**

Senator BIRMINGHAM: So you are not able to tell me whether the report provided to the Commonwealth either included a report from SARDI on the implications of the desal plant or was informed by a report from SARDI on the implications of the desal plant or what input they necessarily had?

Mr Barker: The South Australian assessment report would have involved contributions of all relevant state agencies but I would need to pursue further detail about the extent at which SARDI may have contributed to that report.

Senator BIRMINGHAM: If you could pursue that detail, Mr Barker, and provide that to us on notice that would be much appreciated.

**Answer:**

The South Australian Research and Development Institute (SARDI) was one of the South Australian Government agencies that provided input to the South Australian Government Assessment Report for the Olympic Dam expansion proposal, particularly for the chapter on the proposed desalination plant. The department has no knowledge of SARDI producing a separate report relating to the proposed desalination plant.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 182

**Topic:** Sugarloaf Pipeline

**Proof Hansard Page and Date** 25 (18/10/11)  
**or Written Question:**

**Senator Birmingham asked:**

Senator BIRMINGHAM: My last question is one about the Sugarloaf Pipeline. I draw your attention to a question on notice No. 127 in which the department kindly pointed me to the Melbourne Water website to attempt to give me an answer! That website is not particularly clear on the questions that I asked, so I will put them on the record now. If you can answer them now, great; if not, if you could actually provide an answer this time and not a web link that would be appreciated.

As I understand it, water is not currently being sent down the north-south pipeline. I am seeking to confirm that is the department's understanding; to check what reporting conditions remain on Melbourne Water while no water is being extracted; and to find out whether the government is aware of how the water allocated to the pipeline is currently being used—whether it is being used for environmental flows, irrigator activities or what is actually happening to the 75 gig allocated for pipeline usage.

Ms Dripps: We will have to take those questions on notice.

Senator BIRMINGHAM: Thank you.

**Answer:**

1. Based on information provided by Melbourne Water, the Department of Sustainability, Environment, Water, Population and Communities (the department) understands that, at 3 November 2011, water is not being sent down the pipeline.
2. Reporting requirements under the conditions of approval remain unchanged. Under condition 14 of their approval, Melbourne Water is required to provide an annual report to the department by 30 November each year.
3. Water allocated to the pipeline is being stored by Melbourne Water in Eildon Weir.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 183

**Topic:** Boral quarry in Currumbin Valley

**Proof Hansard Page and Date** 28 (18/10/11)  
**or Written Question:**

**Senator Macdonald asked:**

Senator IAN MACDONALD: It is a Boral quarry in Currumbin Valley. Boral proposed it and the Queensland state government have approved it subject to EPBC, but it impacts upon the Currumbin Valley wetlands, which I understand are RAMSAR listed. It is one of the few bits of mass greenery left on the southern Gold Coast. You are not familiar with the application?

Mr Barker: I am sorry, Senator—I do not have details of that project in front of me. We would need to take that on notice.

Senator IAN MACDONALD: Are you the one that would?

Mr Barker: I expect I would be, yes.

Senator IAN MACDONALD: Could you give me on notice some advice about it—where it is at, what is happening, what needs to be done, when decisions are likely to be made—because it is an issue that is very strongly opposed by all the residents in the area.

**Answer:**

On 1 December 2010, Boral Resources (Qld) Pty Ltd referred an action to establish a new extractive industry operation on a greenfield site at Tallebudgera Creek Road on the Gold Coast, Queensland (EPBC 2010/5757). On 21 December 2010, a delegate for the minister determined the proposal to be a controlled action, as it was likely to have a significant impact on listed threatened species and ecological communities.

The proposed action was also declared to be a significant project by the Queensland Coordinator-General on 19 November 2010. It is being assessed through an Environmental Impact Statement under Part 4 of the Queensland *State Development and Public Works Organisation Act 1971*. This assessment process is accredited under the bilateral agreement between the Commonwealth and the state of Queensland. At the 18 October 2011, the Queensland state government had not made an approval decision on this proposal.

On 22 July 2011, the Queensland Coordinator-General finalised Terms of Reference for the Environmental Impact Statement. The proponent is preparing the required documentation. Once it is completed and acceptable, the draft Environmental Impact Statement will be released for public comment. The proponent is required to finalise the documentation by responding to the public comments. The Coordinator-General will then finalise his assessment and provide his report to the Commonwealth Minister. The final decision under the *Environment Protection and Biodiversity Conservation Act 1999* will be due 30 business days after this report is received.

Relevant public documents are available at [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc) by entering 2010/5757 into the referral search tool.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 184

**Topic:** Adequacy of the EPBC Act

**Proof Hansard Page and Date** 41-42 (18/10/11)  
**or Written Question:**

**Senator Xenophon asked:**

Ms Dripps: ...I just wanted to check that we understood the question. The question was about the adequacy of the EPBC Act?

Senator XENOPHON: It has been put to me by those who have environmental concerns for the long-term health of the Great Artesian Basin that the act may constrain, either in terms of environmental impact or in terms of ongoing monitoring, the potential long-term impacts of coal-seam gas extraction—fracking and the chemicals used in fracking—and also the long-term impact of a sustained withdrawal of water from the basin and in particular in the context of the Olympic Dam expansion.

Ms Dripps: The matters that can be considered under the EPBC Act are matters of national environmental significance. The EPBC Act comes into play in assessing a proposal where we have a species or an ecological community that is listed, or a Ramsar wetland that is likely to be impacted. Where that is not the case, the EPBC Act does not come into play at all.

Senator XENOPHON: So, for instance, in the event that there is a concern as to what impact this could have on the long-term health of the basin from salinity or other matters with respect to sustained significant extractions from a proportion of the basin, and in the absence of those factors that you have listed, there would not be a role for the EPBC Act to be involved?

Ms Dripps: That is correct.

Senator XENOPHON: In relation to the issue of coal-seam gas Senator Joyce has raised the impact of seepage. As I understand it, as a result of fracking for instance and the chemicals used in fracking, it is that very slow movement of the water table and impacts on adjoining properties which may take many years. Is that something that the act is not able in its current form to look at?

Ms Dripps: The act in its current form does not consider the impact on farming land, for example.

But what we have in the situation of the three very large Queensland coal-seam gas projects is very conservative conditions set around repressurisation and reinjection of aquifers because of the connection to the mound spring ecological communities. Ms Colreavy might add to that.

Ms Colreavy: Thank you. There are two issues that you have raised here that I might be able to assist you with ... We should be up to see very early in the period of time if there is in fact a draw-down.

Senator XENOPHON: Because of time constraints you can provide some more details on notice in relation to that. Also, if you rely on the companies to provide those reports of connectivity is there a capacity to do spot checks to audit that?

Ms Colreavy: Yes.

**Answer:**

The following provides further detail of the water-related conditions of approval for the Queensland Gas Company (QGC) gas fields (EPBC 2008/4398), the Santos gas fields (EPBC 2008/4059), and the Australia Pacific LNG (APLNG) gas fields (EPBC 2009/4974). These conditions were attached to the approvals of these projects under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The conditions were imposed for the protection of matters of national environmental significance protected under the EPBC Act, including the “community of native species dependent on natural discharge of groundwater from the Great Artesian Basin”.

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Under the conditions, detailed management plans are required to be approved and thresholds apply for each aquifer relevant to gas field development. Plans can be adaptively revised when needed, for example; based on better data, subsequent stages of gas field development, and the need for continuous improvement.

The conditions include two ‘pathways’. The first pathway relates to demonstrating whether there is hydraulic connectivity between relevant aquifers. The first pathway allows the proponent to demonstrate, to the satisfaction of the Minister, that an aquifer is not hydraulically connected. If the proponent can demonstrate this, then groundwater threshold values and response measures would not apply for that aquifer. However, ongoing monitoring of connectivity and drawdown for such an aquifer is still required. If new evidence subsequently showed a material change in hydraulic connectivity, for an aquifer previously assessed as being hydraulically not connected, the Minister may require the proponent to follow the second pathway for that aquifer.

The second pathway relates to requirements for CSG Water Management and Monitoring Plans (WMMP) addressing groundwater and surface management of extracted groundwater. Six months after the Minister’s approval of the projects, the proponents were required to submit ‘Stage 1’ WMMPs. The Stage 1 WMMPs must, among other matters:

- relate to both groundwater and surface water management;
- set out a program, including timing, for a groundwater connectivity study and monitoring of relevant aquifers, having regard to the proponent’s gas field development plans; and
- set out a program for field piloting of reinjection of extracted CSG water.

The Minister’s consideration of both pathways will be informed by advice from an expert panel.

Default groundwater drawdown limits apply for each aquifer until the Minister has approved the Stage 1 WMMPs, which may include revised limits. While an approved Stage 1 WMMP remains in effect, the threshold drawdown levels may not be exceeded. The thresholds apply until the approval of the Stage 2 WMMP. During Stage 1 proponents must work to progress development of the Stage 2 WMMP. Within 18 months of the Minister’s approval of the projects, the proponents must submit ‘Stage 2’ WMMPs for approval. An approved Stage 2 WMMP is required to be implemented no later than 24 months after the Minister’s approval of the project.

The Stage 2 WMMPs must include the same scope as the Stage 1 WMMPs and are based on the framework of the Stage 1 WMMPs. Additionally, the Stage 2 WMMPs must include, among other matters, a program for groundwater re-pressurisation using reinjection into appropriate permeable aquifers or other groundwater re-pressurisation options to re-establish pressure levels and water qualities to the satisfaction of the Minister.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 185

**Topic:** Fitzgerald National Park

**Proof Hansard Page and Date** Written  
**or Written Question:**

**Senator Siewert asked:**

1. Are you aware of the threat that dieback poses to the Fitzgerald National Park?
2. Have you collected any information relating to the status of dieback in this region?

**Answer:**

1. Yes.
2. The Department of Sustainability, Water, Population and Communities (the department) has contacted the Western Australian Department of Environment and Conservation regarding the revised threat abatement plan for *Phytophthora cinnamomi*. As a result, the department received recent updates on the Bell Track containment project and on trialling of semi permeable membranes at the Pabelup infestation in Fitzgerald River National Park.

Additionally, the department received updated map data for *Phytophthora cinnamomi* in Western Australia from the Western Australian Department of Environment and Conservation. Some of this data relates to the Fitzgerald River National Park infestation.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 186

**Topic:** Seismic surveys – North-west  
marine region

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Siewert asked:**

Please provide information on:

1. The number of seismic survey compliance reports (as required under EPBC Act policy statement 2.1) relating to the North-west marine bioregion received by the department in the last 5 years? The number/percentage of those surveys that
  - a. included the use of a single Marine Mammal Observer
  - b. included the use of one or more Marine Mammal Observers
  - c. included the use of spotter aircraft or vessels
  - d. included the use of passive acoustic monitoring
  - e. powered down because of cetacean sightings
  - f. shut down because of cetacean sightings
  - g. mention whale interactions
  - h. included operation at night-time.

**Answer:**

1. The Department of Sustainability, Environment, Water, Population and Communities (the department) has made 92 decisions under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) relating to seismic surveys in the North-west marine bioregion in the last 5 years. These were ‘not controlled action if undertaken in a particular manner’ decisions, made under s.77A of the EPBC Act. These decisions are available on the department’s public website at <http://www.environment.gov.au/epbc/>.

The department examines all compliance reports received to ensure that the requirements under EPBC Act policy statement 2.1 (where relevant) have been adhered to on a case by case basis. The department does not maintain aggregated data from the various reports received, or numbers or percentages derived from surveys undertaken, such as those requested in the question.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 187

**Topic:** Dredging of Gippsland Lakes

**Proof Hansard Page and Date** Written  
**or Written Question:**

**Senator Di Natale asked:**

1. What studies did the Department rely on to ensure that the salt content of the system is the same now (after the 2008 trial) than it was when the Gippsland lakes were listed as Ramsar protected in 1982?
2. If the salt content of the system is currently different to 1982 levels, has the government informed the Ramsar Secretariat of the changes to the lakes as required by Article 3.2 of the Ramsar Convention? If not, what are the reasons behind not informing the Secretariat?
3. Did the Minister's delegate agree with all of the assumptions presented by Gippsland Ports regarding the effects on the Ramsar listed lakes? If not, how did it differ?
4. Is the Department able to confirm the precise depth and width levels of dredging currently being conducted and how this compares to historical (pre-2008 trial) levels?
5. If the current width and depth are greater than historical levels, was the Minister's delegate aware of this discrepancy when considering Gippsland Ports referral which stated "the proposed action is maintenance dredging which does not seek to enlarge or deepen the existing channel profiles" and "the proposed dredging work will be in channels which have been subject to continuous maintenance dredging for over 30 years, and historical records show that dredging in the Gippsland Lakes has occurred since 1879"?
6. Was any modelling, other than that provided by Gippsland Ports used to conclude that salinity 'influences from tidal influences only have a minor role [in increasing salinity levels in the Gippsland Lakes]'?
7. In the statement of reasons, the delegate stated 'changes in the salinity levels in the Gippsland Lakes in recent years can be predominately attributed to a reduction in freshwater inflows, caused by lower rainfall and water extraction. What are the other 'attributable' factors the delegate considered for changes in salinity levels and how much relative weight were these factors given?
8. In the statement of reasons, the delegate stated 'creating a deeper and wider channel through the bar will not in and of itself increase the flow of water to the lakes'. On what basis was this claim made?
9. Were the cumulative simultaneous impacts between future low rainfall, water extraction, nutrient deposits from irrigation and saltwater intrusion from intensive dredging considered by the delegate?
10. How much consideration did the Department give to the correlation between the Victorian EPA's salinity test results before and after the deepened dredging?
11. Gippsland Ports' referral on page 16 states that a depth of 3.5m is needed for navigational reliability. Was any consideration given by the department to reducing the permitted depth back from the proposed 5.5m so as to balance environmental and economic concerns?
12. What departmental processes occurred once they were informed by the Environment Defenders Office that Gippsland Port had failed to refer the project?
13. How did the Department come to the conclusion not to fine Gippsland Ports for twice breaching the Act by dredging without making a referral in June 2009 and July 2010?

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**Answer:**

1. Decisions made under the *Environment Protection and Biodiversity Conservation Act 1999* (EBPC Act) consider the potential impacts of a proposed action to the ecological character of the site. Studies used to assess potential impacts of the proposal were:

- ESRI (1999- 2008) *ArcGIS*;
- Draft Ecological Character description of Gippsland Lakes Ramsar Site;
- Coastal Engineering Solutions. 2005. Authoritative Statement/ Professional Opinion. Lakes Entrance Bar System. By Dr Peter Riedel;
- Water Technology (2011), Review of hydrodynamic and salinity effects associated with TSHD on the Gippsland Lakes;
- Walker, S. And Andrewartha, J. (2000) Gippsland Lakes Environmental Study - Hydrodynamic modelling. CSIRO; and
- Webster, I., Parslow, J., Grayson, R., Molloy, R., Andrewartha, J., Sakov, P., Seong Tan, K., Walker, S. And Wallace, B (2001), Gippsland Lakes Environmental Study Assessing options for improving water quality and ecological function, CSIRO, Glen Osmond, Australia.

2. The ecological character of the site has not changed. Notification under Article 3.2 of the Ramsar Convention is only required if the ecological character of a site has changed, is changing, or is likely to change as the result of technological developments, pollution or other human interference.

3. The Minister's delegate was satisfied that the action proposed by Gippsland Ports would not have a significant impact on the ecological character of the declared Ramsar wetland.

4. The depths and width of the proposed dredging is given in the referral documents and provided in the table below.

Location	Dredging Target <sup>1</sup>		Over Dredging <sup>2</sup> Tolerance (metres)	
	Width	Depth	Width	Depth
Bar/Wedge	80	5.5	± 5m	-1.0
Entrance Channel <sup>3</sup>	80	4.5	±2m	-1.0
Swing Basin (diameter)	100	4.5	±2m	-1.0
Cunninghame Arm <sup>4</sup>	50	4.5	±2m	-1.0
The Narrows / Reeve Channel / Hopetoun Channel	50	4	±2m	-1.0

Notes:

All depths are measured from 'Chart Datum' (0.543m below Australia Height Datum), therefore depth of water varies with tidal influences.

1 – Dredging Target allows for accretion of sand during non-dredging interval

2 – Over Dredging Tolerance (includes survey tolerance) – allowance for slumping and settlement immediately after dredging.

3 – The width of the entrance is fixed by the location of the training walls and is the

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hydraulic control for tidal exchange. Therefore the tidal prism is fixed and unchanged.(CES 2010, GHD comm.. 31 January 2011)
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4 – The western end of Cunninghame Arm is dredged to allow safe navigation to unloading facilities for trawlers at Bullock Island.
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The Department of Sustainability, Environment, Water, Population and Communities (the department) does not have pre-2008 data for comparison.

5. The department does not have pre-2008 data.
6. No additional modelling was used, rather, the technical reports provided to the department used actual monitoring data to demonstrate that tidal influences had only a minor role in salinity levels.
7. The Water Technology report and the CSIRO Report (Webster et al) both identify that the volume of freshwater entering the system is the major factor in determining salinity levels. Other possible factors that influence the salinity levels of the lakes are the amount of water lost to evaporation within the system, the temperature of the water, water density, amount of mixing, presence of thermoclines or hydroclines, atmospheric pressure, wind, salinity levels of the “freshwater” entering the system, and salt water inflows all influence the salinity levels of the lakes.
8. The bar is located outside the coastline in the open ocean and changing its dimensions will not have any impact on inflows to the lakes. The flow of water into the lakes is governed by the size of the entrance channel. In addition, modelling has shown that the wedge shaped dredging profile at the bar will cause the incoming waves to refract away from the entrance. The bathymetry of the system inside the lakes away from the maintained channels is shallow and therefore further reduces the ability of salt water to penetrate any great distance into the system.
9. No.
10. The department closely considered the salinity test results pre and post the 2008 dredging campaign in light of the freshwater inflows into the Gippsland Lakes system. Data reaching back to 1992 shows that salinity is strongly linked to freshwater inflows.
11. No. The Minister’s delegate was satisfied that the action proposed by Gippsland Ports would not have a significant impact on the ecological character of the declared Ramsar wetland.
12. The allegation that the dredging of the Gippsland port has had a significant impact on matters of national environment significance was referred to the relevant compliance area of the department in July 2010 by the Environment Defenders Office (Victoria) Ltd. The matter was investigated consistent with the department’s Compliance and Enforcement Policy.
13. The EPBC Act requires any person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance to refer the proposal to the Minister for assessment and approval. Not all actions affecting matters protected by the EPBC Act will have a significant impact and require referral.

The department’s investigation into this matter did not identify any substantive breach of the EPBC Act and no significant impact on a matter of national environmental significance could be attributed to the dredging.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 188

**Topic:** Bonshaw to Lismore Transgrid  
Line Proposal

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Nash asked:**

1. Has the Bonshaw to Lismore Transgrid Line Proposal been given approval by the Minister? If so, given the enormous amount the Government is spending on a 'clean energy future' – why is this project still going ahead, when it appears contrary to the government's target of a 'clean energy future'?
2. Has the Environmental Impact Study into the Bonshaw to Lismore Transgrid line provided any information that would prevent this line from going ahead?
3. Were any alternatives considered when planning the Bonshaw to Lismore Transgrid Line Proposal?
4. Have any complaints been made with regard to the Bonshaw to Lismore Transgrid Line Proposal?

**Answer:**

1. No.
2. The proposal is currently under assessment.
3. The Environmental Assessment report for this proposal includes consideration of several alternatives. The report is available on the NSW Department of Planning and Infrastructure's website: <http://majorprojects.planning.nsw.gov.au/>.
4. The Department of Sustainability, Environment, Water, Population and Communities (the department) received ten public submissions following the initial exhibition of the proposal on the department's website on 20 January 2010. All ten submissions opposed the proposed action. Sixty three submissions were received providing comments on the Environmental Assessment for this proposal. All of these submissions opposed the proposal.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 189

**Topic:** EPBC referrals – North-west  
marine region

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Siewert asked:**

Please provide information on:

1. The number of referrals made under the EPBC Act in the last 5 years for oil and gas-related infrastructure and production activity in the North-west marine bioregion? The number of those that have
  - a. been approved
  - b. been approved if conducted in a particular manner
  - c. been approved as controlled actions
  - d. been refused

**Answer:**

1. From 1 January 2007 to 31 October 2011, there have been 143 referrals for offshore oil and gas related activities or infrastructure in the North-west marine bioregion submitted to the Department of Sustainability, Environment, Water, Population and Communities. Of these:
  - a. four referrals were withdrawn;
  - b. eight referrals were determined to be ‘not a controlled action’;
  - c. 122 referrals were determined to be ‘not a controlled action if undertaken in a particular manner’. Of these, 92 were seismic surveys;
  - d. four referrals were approved following a full environmental assessment;
  - e. five referrals determined to be a ‘controlled action’ are still being assessed; and
  - f. no referrals have been refused.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 190

**Topic:** EPBC referrals – North-west  
marine region – seismic  
surveys

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Siewert asked:**

Please provide information on:

1. The number of referrals made under the EPBC Act in the last 5 years that have involved seismic surveys in the North-west marine bioregion? The number of those involving seismic surveys that have
  - a. been approved
  - b. been approved if conducted in a particular manner
  - c. been approved as controlled actions
  - d. been refused

**Answer:**

1. From 1 January 2007 to 31 October 2011, there have been 99 referrals for seismic surveys in the North-west marine bioregion submitted to the department. Of these:
  - a. six referrals were withdrawn prior to a referral decision being made;
  - b. one referral decision is pending;
  - c. 92 referrals have been determined to be ‘not a controlled action if undertaken in a particular manner’;
  - d. no referrals have been determined to be a ‘controlled action’ and
  - e. no referrals have been refused.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 191

**Topic:** Busselton hospital  
Redevelopment

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Siewert asked:**

1. Is the work currently underway at this site in breach of the EPBC Assessment requirements?
2. Is the Department monitoring the work at this site?

**Answer:**

1. No. The Department of Sustainability, Water, Population and Communities (the department) has been advised by the Western Australian Department of Health that recent work on the Busselton hospital site is associated with the removal of the existing Bureau of Meteorology weather monitoring station and soil sampling. This work is not part of the action referred under the *Environment Protection and Biodiversity Conservation Act 1999*.
2. The site is not being monitored at this time, although the department may decide to inspect or monitor any site at any time, if considered appropriate or necessary.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 192

**Topic:** Coal mines

**Proof Hansard Page and Date** Written  
**or Written Question:**

**Senator Waters asked:**

1. How many new or expanded coal mines were approved under the EPBC Act in 2009-10, and 2010-11? What is the total mega tonnes of thermal and coking coal that these mines represent? (ie per annum)
2. What percentage of this (approximately) coal is to be exported?
3. When burnt, what is the total CO2 emissions represented by these mines? How does this compare with our national emissions?
4. Does the Department advise the Minister on the climate change impacts when considering significant impacts of proposals on climate-sensitive MNES (eg GBR, species)? Can the Department supply a copy of an example of the type of advice that is provided, especially for significant new coal mine proposals?

**Answer:**

1. In 2009-10, one extension to an existing mine, and one new mine were approved under the EPBC Act. These approvals were for the mining of up to 20 million tonnes per annum (Mtpa) thermal coal, and 4 Mtpa coking coal.

In 2010-11, nine mine extensions or new mines were approved under the EPBC Act. These approvals were for the mining of up to 70.2 Mtpa thermal coal and up to 32.3 Mtpa coking coal.

2. Approximately 67 per cent of the projected coal production from mines approved under the EPBC Act in 2009-10 and 2010-11 was intended for export.

3. The Department of Sustainability, Environment, Water, Population and Communities (the department) does not routinely collect or collate information on coal production, potential uses and emissions in its assessment of environmental impacts of proposed coal mine projects under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This information is provided in varying formats by different proponents, making it difficult to provide overall totals.

4. The department provides detailed advice to the Minister in regard to assessment of the impacts of actions on matters of national environmental significance. An example of such advice can be seen at:

<http://www.environment.gov.au/epbc/notices/assessments/2005/2502/dept-advice.pdf>.

The department's advice may include consideration of climate change impacts associated with greenhouse gas emissions, particularly where we have sole jurisdiction, such as in the Commonwealth marine environment. In such circumstances, conditions may be applied to help manage greenhouse gas emissions consistent with government policy. For example, see the conditions applied to the Ichthys offshore and onshore processing facilities and subsea pipeline: <http://www.environment.gov.au/epbc/notices/assessments/2008/4208/approval.pdf>.

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The Australian Government rejected the recommendations of the Hawke Review to introduce an interim greenhouse trigger in the EPBC Act. The Government's Clean Energy Future initiative is the Government's plan to reduce carbon pollution.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 193

**Topic:** Deep sea mining

**Proof Hansard Page and Date** Written  
**or Written Question:**

**Senator Waters asked:**

1. Have any deep sea mining projects been approved under the EPBC Act? Applied for?
2. Can the Department confirm that any deep sea mining project occurring in Commonwealth waters would require EPBC assessment and approval? What other Commonwealth approvals have been or are likely to be needed by such projects?
3. Has there been an upwards trend in applications for deep sea mining? Is the Department considering proposing a strategic approach to management of this industry?

**Answer:**

1. As at 3 November 2011, no deep sea mining projects have been approved or applied for under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
2. All actions referred under the EPBC Act are assessed on a case by case basis. If an action is likely to have a significant impact on a matter of national environmental significance, including on the Commonwealth marine area, then the action would required further assessment and approval under the Act. The Department of Resources, Energy and Tourism is responsible for administering other relevant legislation, including the *Offshore Minerals Act 1994*.
3. There been no upwards trend observed in applications for deep sea mining.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 194

**Topic:** Gladstone Harbour dredging –  
EPBC Assessment

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Waters asked:**

1. Given the unfolding environmental disaster in Gladstone Harbour (and the extreme turbidity which has caused dredging to be ceased twice already), has or will the Department recommend to the Minister that the dredging permit be suspended and reviewed?
2. In August SEWPaC undertook to advise me on the scope to suspend approval for dredging using the provisions of the EPBC Act regarding changed circumstances (for example, the Qld floods). However in the actual dredging approval conditions themselves there is significant discretion for the Minister to amend the conditions. Has the Department recommended that the Minister amend the dredging conditions since the approval was granted? If so, in what manner and for what reason?
3. Regarding the amendment to the Gladstone Ports Corporation dredging conditions made in August, what was the purpose of those changes and what on-ground impacts will those amendments have? Why was the decision taken to amend the conditions at that time given the wildlife deaths which were already being recorded by that stage? Please provide any correspondence between the Department and Gladstone Ports Corporation regarding these amendments.
4. As required by condition 9 of the Gladstone Ports Corporation sea dumping permit, has the Department received any notification of an environmental incident or identified environmental risk (ie dredging was suspended twice, did GPC notify Cth of this?) Please provide a copy of any report supplied including the requisite discussion of measures taken, their success and future proposed measures.
5. As part of the EPBC assessment of the Gladstone Port dredging project and/or the sea dumping permit assessment, what advice did the Department give Minister Burke regarding the impacts of dumping 11 million cubic metres of dredge spoil (a) within the World heritage Area, and (b) 400m from the boundary of the GBR marine park area? Has the Department or GBRMPA received any applications for dredging or dumping within the GBRMPA?
6. Given the current level of impacts on the World Heritage Area around Gladstone Harbor can you advise what impacts the proposed Xstrata coal port development on Balaclava island are likely to have on the World Heritage Values of the Great Barrier Reef?

**Answer:**

1. An approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be suspended or revoked in circumstances, as detailed in ss.144 and 145 of the EPBC Act. As at 3 November 2011, the Department of Sustainability, Environment, Water, Population and Communities (the department) has not provided advice to the Minister to suspend or review the approval under ss.144 or 145 of the EPBC Act.
2. No.

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3. The variation made on 26 August 2011 was made in response to correspondence from the Gladstone Ports Corporation which included recommendations of the Port Curtis and Port Alma Ecosystem and Research Monitoring Program Advisory Panel. The variations related to conditions concerning marine megafauna, migratory shorebirds, and seagrass, and the timing of reports. The delegate concluded that the variations were convenient for the protection of matters of national environmental significance and would not result in adverse impacts on these matters. For example, in relation to seagrass, the varied conditions provide for long-term monitoring surveys in the Western Basin and Port Alma (the original condition provided for such surveys in the Western Basin only). Correspondence between the department and the Gladstone Ports Corporation relating to the variation is at **Attachment A**.
4. Yes. As at 21 November 2011, the Gladstone Ports Corporation has provided incident reports to the department relating to minor oil spills and one turtle death, as per condition 9 of the sea dumping permit. A copy of those reports is at **Attachment B**.
5. The department provided advice to the Minister in relation to his proposed and final decision on EPBC 2009/4904. The proposal was altered from that originally referred to include offshore disposal which reduced the amount of reclamation works. The department considered that the offshore disposal would reduce environmental impacts of the proposal. The department has not received a proposal for dredging or dumping in the Great Barrier Reef Marine Park. Questions relating to applications to the Great Barrier Reef Marine Park Authority should be directed to that agency.
6. The Xstrata project is being assessed under a bilateral agreement with Queensland. On 7 June 2011, final terms of reference for the assessment were released by the State Government. Xstrata is currently preparing its draft environmental impact statement for the proposal, in accordance with the terms of reference. When this document is finalised, the department will assess all the relevant impacts of the proposal, including any likely impacts relating to the World Heritage values of the Great Barrier Reef.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 195

**Topic:** Dredging impacts on the Great Barrier Reef

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Waters asked:**

1. What are cumulative figures of approved dredging currently being undertaken within the GBR WHA? Applied for? Total amount in cubic metres of offshore dumping approved? Applied for?
2. Has the Department notified UNESCO as per para 172 of UNESCO's operational guidelines for the Implementation of the WH Convention? Have you considered the cumulative impacts of all that dredging and offshore dumping or just project by project assessment?

**Answer:**

1. The cumulative dredging volume approved under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in the Great Barrier Reef World Heritage Area in the last five years (since 1 January 2007) is 52,581,000 m<sup>3</sup>.

The dredging volume in the Great Barrier Reef World Heritage Area currently applied for and being assessed under the EPBC Act is 60,603,000 m<sup>3</sup>. There are also a number of proposals being assessed for which dredging volumes are yet to be provided.

The total amount of offshore dumping approved in the Great Barrier Reef World Heritage Area in the last five years (since 1 January 2007) is 22,124,000 m<sup>3</sup>.

The amount of offshore dumping currently under application under the *Environment Protection (Sea Dumping) Act 1981* is 2,013,000 m<sup>3</sup>.

2. Yes. At the 34<sup>th</sup> meeting of the Great Barrier Reef Ministerial Council, Australian and Queensland Government ministers agreed to work together to implement a comprehensive strategic assessment under the EPBC Act of planned and potential coastal development affecting the Great Barrier Reef. Discussions with the Queensland Government regarding the strategic assessment are ongoing. The strategic assessment will consider the cumulative impacts of offshore dredging and sea dumping activities along with a range of other matters.

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**Program: Division or Agency:** 5.2: EACD

**Question No:** 196

**Topic:** Coal Seam Gas

**Proof Hansard Page and Date** Written  
**or Written Question:**

**Senator Waters asked:**

1. Has the Department added any additional staff to monitor the hundreds of conditions on the EPBC CSG approvals issued to date? Allocated any extra resources for additional enforcement of those conditions?

**Answer:**

1. Yes. The Department of Sustainability, Environment, Water, Population and Communities has established a section, comprising six persons, to ensure compliance with the conditions imposed by the Minister on the three approved coal seam gas projects in southern Queensland. The section also provides secretariat support to the Expert Panel on Major Coal Seam Gas Projects. That Panel, comprised of five persons with expertise in hydrology, hydrogeology and ecotoxicology, was established by the Minister to provide advice on water management and monitoring requirements under the conditions of approval.

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**Program: Division or Agency:** 5.2: EACD **Question No:** 197

**Topic:** Enforcement action on EPBC breaches

**Proof Hansard Page and Date  
or Written Question:** Written

**Senator Waters asked:**

1. What is the total number and nature of enforcement actions have been taken for breaches of any EPBC conditions since the commencement of the Act up to today's date? Please provide a breakdown which also specifies which industries the enforcement actions relate to.

**Answer:**

1. The total number of enforcement actions taken for breaches of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) conditions attached to approvals given under s.133 of the Act, or where requirements are imposed under s.77A of the Act, is 14. These included:

- Court Actions, civil penalties under EPBC Act, s.77A. - PGP Developments Pty Ltd. (Residential development)
- Suspension of approvals under EPBC Act, s.144. - Reef Cove was a proposed residential development at False Cape, south of Cairns in Queensland (EPBC 2003/1179). The proponent, Starline Australia Holdings' approval to construct the development was suspended on three occasions between 2008 and 2010. (Residential Development)
- Revocation of approvals under EPBC Act, s.145. - The Reef Cove development, described above. (Residential Development)
- Variation of conditions under EPBC Act, s.143. The minister may vary conditions in response to an approval holder contravening conditions. Conditions on approvals for the following projects were varied under s.143 of the Act:
  - Sylvatech operated the Tiwi Forestry Plantations on the Tiwi islands (Forestry)
  - Anglo Coal operate the Callide coal mine near Biloela in Queensland. (Mining)
- Infringement Notices under the EPBC Act, s.142B, may be issued if there are reasonable grounds for believing that a person has committed an offence under s.142B of the Act. The following infringement notices have been issued:
  - Queensland Gas Corporation (EPBC 2008/4399) received three Infringement Notices. (Mining)
  - Qanstruct (Aust) Pty Ltd (EPBC 2010/5552) was issued with one Infringement Notice. (Industrial Development)

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- Directed Audit under EPBC Act, s.458. The minister may direct a proponent to undertake a directed audit if the minister believes the proponent believes or suspects there has been a contravention of a condition on approval. Three proponents have been required to undertake directed audits including:
  - Reef Cove, a proposed residential development near Cairns.  
(Residential Development, noted above)
  - Apache, a project within the “Van Gogh” petroleum field offshore from Exmouth in Western Australia (EPBC 2006/3148) (Mining)
  - Koolan Island iron ore mine off the north-west coast of Western Australia (EPBC 2006/2522). (Mining)