

**Briefing note to assist with submissions:
QGC Surat Basin Acreage Development
EPBC Referral 2018/8276**

Find information on the referral here: **EPBC referral 2018/8276**

Helpful information on writing an EPBC submission:

- the Department's guide [here](#);
- EDO Qld's EPBC Act factsheet [here](#);
- EDO Qld's EPBC Act submissions factsheet [here](#); and
- EDO Qld's EPBC Act referral submission template [here](#).

1. Overview of key matters for submissions

The purpose of this public consultation opportunity is to assist in determining whether the proposed activities should be assessed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**). While that is the formal purpose, you can include other information in your material but the decision maker does not have to take it into account at this stage.

Concerned stakeholders may argue that:

- **this referral should be considered to be a controlled action** due to the significant impact likely on matters of national environmental significance (**MNES**) and therefore should be assessed under the EPBC Act;
- **the MNES that may be impacted**, as notified by QGC, include *listed threatened species and communities* and *water resources*. There may be other MNES not notified but we do not have the capacity/skills to determine this, it would require expert assistance;

You can also submit that **the assessment approach** under [section 87 of the EPBC Act](#) should (at least) be an **environmental impact statement** under Division 6, and not on referral information or preliminary documentation due to any identified limitations (see the Department's [assessment manual](#) at pp. 54 and 55).

If you can find an expert in time to review the documents, it is helpful to have experts review the referral and supporting documentation. The key is demonstrating that the impact to MNES will be 'significant'. Where it is found that the impacts have been inadequately assessed, tie comments to the Department's [significant impact guidelines](#).

There are particular guidelines relevant to determining whether impacts to water will be significant, here: [significant water impact guidelines](#). QGC does not consider the impacts to water to be significant and therefore require assessment. If you disagree, it would be helpful to make comments as to why you think the impacts are likely to be 'significant' in accordance with these guidelines.

2. Summary of referral

QGC Pty Ltd (QGC) has proposed the next phase of its gas production near Wandoan. It has referred this project expansion for assessment under the EPBC Act: Referral 2018/8276. Its *previous* referral for the initial 400 wells was EPBC Referral 2013/7047.

This referral seeks to extend the initial project by 740 wells in addition to the original 400 wells (1200 wells in total), however they will be undertaken in the same referral project area for the initial approval project.

This referral also proposes limited associated infrastructure (e.g. no additional compression facilities or water storage).

QGC admits that the project will impact on matters of national environmental significance (MNES) to the following degrees:

1. listed threatened species and communities – considered to be *significant* and therefore warrant EPBC assessment; but
2. impacts to water resources – considered to be *not significant* and therefore not needing EPBC assessment.

3. Overview of impacts to MNES proposed:

1. *Listed Threatened Species and Communities*

- Brigalow – 9ha clearing
- Koala – 62ha habitat (MNES impact assessment report at Table E-6)
- South-eastern long-eared bat- 80ha habitat fragmentation, loss and degradation
- Belson's Panic Grass

2. *Water Resources*

- Subsurface depressurisation and dewatering – impacts to shallow aquifers – Horse Creed 'watercourse spring'.
- The increase in wells by 740 will affect water resources.

4. Other issues

(a) Currency of supporting documentation

It should be noted that a lot of the documentation was prepared from QGC's previous referral – with some documents dating back to 2012 – and many referring to the previous proposed impacts (i.e. 400 wells rather than 1200 wells). For example:

Terrestrial ecology assessment- prepared for QGC in 2014. Concludes that mitigation measures sufficient to render the residual impacts to habitats 'insignificant'. It says in this document that this has been reviewed for currency by Environmental Resource Management Australia in 2018 (see p.44). Is this document in the referral documents? If not, this should be raised as it should be transparent to the public.

See particularly the conclusion on p.59, which raises concern considering they are intending to develop these sites further now:

‘With less than 5% of remnant vegetation remaining, the study area is clearly a heavily disturbed and modified environment. Nevertheless, for the terrestrial ecology elements that do persist in this landscape, **much of the remaining habitat is important for maintaining the existence of recognised terrestrial ecological values.** The minimal extents of habitats remaining are actually rendered more important as a direct consequence of their extensive reduction.

Indeed, it is the past clearing and degradation of this environment that has led many of the vegetation communities relevant to this Project to reach threatened status.’

Other examples of aged reports being relied upon include:

- Aquatic Ecology Assessment – May 2012
- Significant Species Management Plan – January 2014

While it may be valid to include the ecological data produced prior to the initial project, particularly since this shows the baseline of the environment prior to impact, more information may have come to light in understanding this environment, or the environment may have changed, since the initial data was obtained.

You could raise the age or currency of this material in your submission, noting that the assessments should be updated to consider the increased impact the expanded project will have on the areas that must be considered for valid assessment of potential impacts.

Notes on other documents:

- EPBC Act Protected Matters Report – without going through this in detail, there appears to be many species in this document not mentioned in the referral document.
- MNES Impact Assessment Report – ideally, this document should be scrutinised – for example, well stimulation (fracking) may be undertaken (see pp.25 and p.75).

Question to be investigated: are the impacts to MNES properly addressed, or have any species been missed, or impacts inadequately assessed?

(b) Environmental record

The environmental history of a proponent must be considered under the EPBC Act.¹ The Department requires proponents to include information about that history in the referral documents. You can take this opportunity to raise other issues that you think the decision maker needs to be made aware of in assessing this project.

QGC has disclosed that it was found in non-compliance with two of its environmental authority conditions. QGC did not mention it was fined \$60,000 for this.

Due to the broad definition of ‘environmental history’ in the Department’s policy guideline, there may be other matters that QGC should have disclosed, but has not, for example:

- Environmental Protection Orders and two fines for noise levels;

¹ Environmental history is a relevant consideration for decisions under subsections 136(4), 143(3), 144(3), and 145(3) of the EPBC Act.

- Fine for environmental nuisance.

The onus is on QGC to provide information potentially relevant to its environmental history.

Also, there is also an obligation to disclose both the history of the executive officers of QGC, and if QGC is a subsidiary of Shell, then also Shell.

You can request that the Department use its information request powers under section 76 of the EPBC Act to ensure that QGC has fully disclosed all of its relevant environmental history

NOT LEGAL ADVICE