

**DEPARTMENT OF AGRICULTURE, WATER AND THE ENVIRONMENT****Additional information required for assessment by Preliminary Documentation****Lotus Creek Wind Farm, Clarke-Connors Range, Queensland (EPBC 2020/8867)**

On 8 February 2021, the Minister for the Environment determined the Lotus Creek Wind Farm Project is likely to have a significant impact on the following matters protected under Part 3 of the *Environment Protection and Biodiversity Act 1999* (EPBC Act):

- listed threatened species and communities (sections 18 and 18A)
- listed migratory species (sections 20 and 20A)

It has also been determined that the proposed action will be assessed by preliminary documentation (further information required).

**1. GENERAL CONTENT, FORMAT AND STYLE**

The preliminary documentation, which includes the referral information and the additional information described below, must be a stand-alone document that contains sufficient information to avoid the need to search out previous or supplementary reports. The preliminary documentation must take into consideration the *EPBC Act Significant Impact Guidelines 1.1*, available at: [www.environment.gov.au/epbc/guidelines-policies.html](http://www.environment.gov.au/epbc/guidelines-policies.html).

The document must enable interested stakeholders and the Minister to easily understand the consequences of the proposed action on relevant matters of national environmental significance (MNES). Information provided in the document must be objective, clear, succinct, avoid technical jargon and, where appropriate, be supported by maps, plans, diagrams, data or other descriptive detail.

Detailed technical information, studies or investigations necessary to support the information in the stand-alone document must be included as appendices. It is recommended that any additional supporting documentation and studies, reports or literature not normally available to the public, from which information has been extracted, be made available at appropriate locations during the period of public display of the preliminary documentation. The proponent must also make sure the preliminary documentation is made available on the Internet.

If it is necessary to make use of material that is considered to be of a confidential nature, the proponent should consult with the Department of Agriculture, Water and the Environment (the department) on the preferred presentation of that material before submitting it to the Minister for approval for publication for public comment.

The level of analysis and detail in the stand-alone document should reflect the level of significance of the expected impacts on relevant MNES. All unknown variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental impact assessment must be discussed.

The document must be written so that any conclusions reached can be independently assessed. To this end, all sources must be appropriately referenced using the Harvard standard of referencing. The reference list should include the address of any Internet webpages used as data sources.

Maps, diagrams, and other illustrative material must be included in the preliminary documentation. The document should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour. The proponent should consider the format and style of the document appropriate for publication on the Internet. The

capacity of a website to store data and display the material may have some bearing on how the document is constructed.

The stand-alone document must include a copy of this request for information and a cross-reference table as an appendix to the preliminary documentation which clearly indicates where the information fulfilling this request is included in the preliminary documentation (e.g. Section 4.1.2, Section 1.3.4 of Appendix C, etc.).

#### Ecological data provision

The preliminary documentation must include an appendix of occurrence records (both sightings and evidence of presence) for all listed threatened and migratory species identified during field surveys for the proposed action. This data may be used by the department to update the relevant species distribution models that underpin the publically available Protected Matters Search Tool (PMST).

The species occurrence records must be provided in accordance with the department's [Guidelines for biological survey and mapped data](#) (2018) using the species observation data template provided with this request for additional information. Sensitive ecological data must be identified and treated in accordance with the department's [Sensitive Ecological Data – Access and Management Policy V1.0](#) (2016) or subsequent revision.

### **Specific Content of the Additional Information**

## **2. HABITAT ASSESSMENT – LISTED THREATENED SPECIES AND COMMUNITIES, AND LISTED MIGRATORY SPECIES**

#### Background

From the information available to date, the department considers the proposed action is likely to have a significant impact on the vulnerable Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW, and the ACT), Squatter Pigeon (Southern) (*Geophaps scripta scripta*) and Greater Glider (*Petauroides volans*) mainly as a result of habitat clearance (both permanent and temporary) and fragmentation of habitat.

In addition, the department considers the proposed action has the potential to have a significant impact on the following listed threatened and migratory bird and bat species mainly as a result of individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site:

- White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable and Migratory
- Red Goshawk (*Erythrorhynchus radiatus*) – Vulnerable
- Ghost Bat (*Macroderma gigas*) – Vulnerable
- Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- Fork-tailed Swift (*Apus pacificus*) – Migratory
- Satin Flycatcher (*Myiagra cyanoleuca*) – Migratory
- Oriental Cuckoo (*Cuculus optatus*) – Migratory
- Yellow Wagtail (*Motacilla flava*) – Migratory
- Black-faced Monarch (*Monarcha melanopsis*) – Migratory



Further, the department notes the proponent's intent to avoid, mitigate and manage potential impacts on relevant MNES as described in the referral documentation. However, the department considers that, in the absence of clarity, specificity and committal language for some key measures, there is potential for the proposed action to have a significant impact on:

- Northern Quoll (*Dasyurus hallucatus*) – Endangered
- *Cycas megacarpa* – Endangered
- *Cycas ophiolotoca* – Endangered
- Quassia (*Samadera bidwillii*) – Vulnerable
- Collared Delma (*Delma torquata*) – Vulnerable
- Yakka Skink (*Egernia rugosa*) – Vulnerable

**Note:** The list above may not be a complete list of MNES that will or are likely be impacted by the proposed action. It is the proponent's responsibility to ensure that any listed threatened species and ecological communities, and listed migratory species, at the time of the controlled action decision, which will or are likely to be impacted by the proposed action, are assessed for the Minister's consideration. Any listing events (i.e. the listing or up-listing of a species) that occur after the controlled action decision do not affect the assessment and approval process.

#### Habitat assessment

In order to undertake a robust assessment of the nature and scale of the likely impacts of the proposed action, include a detailed habitat assessment of the Squatter Pigeon (Southern) and Greater Glider within the project site. The preliminary documentation must also include a detailed habitat assessment for any other relevant listed threatened species and ecological community, and listed migratory species which will be or is likely to be impacted by the proposed action that is not listed above.

The habitat assessments must be informed by desktop and field surveys (in accordance with departmental or Queensland government survey guidelines, or as defined by best practice surveys in Queensland), and with reference to relevant departmental documents (e.g. approved [Conservation Advices](#), [Recovery Plans](#), [draft referral guidelines](#) and Listing Advices), including the [Species Profile and Threats \(SPRAT\) Database](#), published research, and other relevant sources. Attach all relevant ecological surveys referenced in the referral and preliminary documentation as supporting documents to the preliminary documentation.

**Note:** It is the proponent's responsibility to be aware of any changes to the distributions and information available in the SPRAT Database for listed threatened species and ecological communities, and listed migratory species. The proponent must ensure that a recent PMST has been generated and considered before finalising the draft preliminary documentation.

Further, the preliminary documentation must identify and describe known historical records of the Squatter Pigeon (Southern) and Greater Glider in the broader region. All known records must be supported by an appropriate source (i.e. Commonwealth and Queensland government databases, published research, publicly available survey reports, etc.), the year of the record and a description of the habitat in which the record was identified.

Please undertake a habitat assessment for the Squatter Pigeon (Southern) and Greater Glider in accordance with the requirements below. To assist, Table 1 provides habitat descriptions for Squatter Pigeon (Southern) (derived from the SPRAT Database) for breeding, foraging and dispersal habitats.



### Squatter Pigeon (Southern) (*Geophaps scripta scripta*) – Vulnerable

The department notes that the referral provides an assessment of Squatter Pigeon (Southern) breeding habitat within the project site in accordance with the SPRAT Database. However, there is no assessment of Squatter Pigeon (Southern) foraging and dispersal habitat (as defined in Table 1). As such, the habitat assessment for the Squatter Pigeon (Southern) must include, at a minimum:

- discussion of the vegetation composition and structure (i.e. specific tree and grass species) suitable to support foraging and dispersal habitat;
- identification of suitable land zones to support foraging and dispersal habitat;
- identification of permanent or seasonal water bodies or watercourses within three (3) kilometres of the project site to support foraging habitat; and
- total area (in hectares) of each breeding, foraging and dispersal habitat type, including consideration of disturbed (non-remnant vegetation) areas.

**Table 1:** Squatter Pigeon (Southern) habitat descriptions

| MNES habitat                                 | Habitat description                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Squatter Pigeon (Southern) breeding habitat  | Any remnant or regrowth open-forest to sparse, open-woodland or scrub dominated by <i>Eucalyptus</i> , <i>Corymbia</i> , <i>Acacia</i> or <i>Callitris</i> species, on sandy or gravelly soils (including but not limited to areas mapped as Queensland land zones 3, 5 or 7) and within 1 kilometre of a suitable, permanent or seasonal waterbody.  |
| Squatter Pigeon (Southern) foraging habitat  | Any remnant or regrowth open-forest to sparse, open-woodland or scrub dominated by <i>Eucalyptus</i> , <i>Corymbia</i> , <i>Acacia</i> or <i>Callitris</i> species, on sandy or gravelly soils (including but not limited to areas mapped as Queensland land zones 3, 5 or 7) and within 3 kilometres of a suitable, permanent or seasonal waterbody. |
| Squatter Pigeon (Southern) dispersal habitat | Any forest or woodland occurring between patches of foraging or breeding habitat that facilitates movement between patches of foraging habitat, breeding habitat and/or waterbodies, and areas of cleared land less than 100 metres wide linking areas of suitable breeding and/or foraging habitat.                                                  |

**Note:** The department strongly recommends that the habitat assessment for the Squatter Pigeon (Southern) is undertaken in line with the habitat descriptions outlined in Table 1 above. However, the proponent may deviate from the information available in the SPRAT Database when undertaking the habitat assessment. Any variation in habitat assessment approach must be discussed with the department prior to the submission of the draft preliminary documentation and must be supported by scientific evidence including published research, independent expert advice and information derived from field surveys.

### Greater Glider (*Petauroides volans*) – Vulnerable

The department notes that the referral describes high, moderate and low quality habitat for the Greater Glider. This does not align with Commonwealth requirements. The department also notes that Greater Glider individuals were observed within low value habitat. As such, provide a revised habitat assessment for the Greater Glider in the preliminary documentation which includes, at a minimum includes:

- identification of all areas of Eucalypt forest and woodland within the project site which contain hollow-bearing trees;
- an analysis of tree hollow size and density suitable for use by the Greater Glider (e.g. denning) in the identified areas of Eucalypt forest and woodland containing hollow-bearing trees within the project site;
- a detailed discussion of potential foraging habitat in Eucalypt forest and woodland adjacent to identified areas of Eucalypt forest and woodland which contain a high density of tree hollows; and
- total area (in hectares) of Greater Glider habitat, including foraging habitat.

**Note:** The department does not accept the consideration of only Queensland Regional Ecosystem (RE) mapping to determine habitat for listed threatened and migratory species – habitat assessments must consider and align with the information in the SPRAT Database, relevant departmental documents and other supporting scientific evidence.

Detailed mapping of suitable habitat for all of the above listed threatened and migratory species must be included in the preliminary documentation, and must:

- be specific to the habitat assessment undertaken for each listed threatened species (i.e. not illustrate relevant Queensland Regional Ecosystems only);
- include an overlay of the project site and disturbance footprint;
- include known records of individuals derived from desktop analysis and field surveys; and
- be provided separately as an attachment in a JPEG format.

#### Listed threatened and migratory bird and bat species

The department considers that the habitat descriptions used, and the supporting information provided in the referral, for the remaining listed threatened and migratory species are sufficient to inform the assessment of most direct impacts and some indirect impacts.

However, further information is required in the preliminary documentation, with supporting evidence, in relation to the utilisation of the project site and its surrounds by the listed threatened and migratory bird and bat species identified in Section 1 above. This information is required to enable a robust assessment of potential impacts associated with individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site and its surrounds as a result of the proposed action.

#### *Desktop assessment*

To predict the potential for the above listed threatened and migratory bird and bat species to be using the project site and its surrounds, the preliminary documentation must include the process and outcomes of:

- A preliminary site characterisation (desktop and/or initial site visit) for each species to identify all drivers of presence on the project site and utilisation of the project site. This characterisation must include, but not limited to, the consideration of:
  - o site characteristics: focal habitat features, topography, prevailing wind and weather patterns, wetlands (including adjacent to project site), and distance to potential nesting, roosting and foraging areas.

- o species characteristics: behaviour, flight or demographic factors (e.g. species presence [ongoing, transitory/migratory]), site use (e.g. transit, roosting, breeding and/or foraging), flight paths (including migratory flight paths), flight heights, soaring, flocking, and population numbers.

#### *Site-specific assessment*

To validate the outcomes of the desktop assessment, the preliminary documentation must include a detailed discussion of how at-risk listed threatened and migratory bird and bat species are using the project site (both project site and proposed disturbance footprint). This discussion must be informed by site-specific and species-specific site utilisation surveys (undertaken by a suitably qualified expert), and supported by other relevant scientific evidence. Further, this discussion must include detailed information on:

- How the design of the site utilisation surveys for each relevant species has been informed by its drivers of presence on the project site and utilisation of the project site and its surrounds (as determined through the preliminary site characterisation).
- How site utilisation surveys for each relevant species have been designed to improve understanding of site utilisation on the project site and its surrounds, and support an ongoing Before-After, Control Impact (BACI) framework for an adaptive Bird and Bat Management Plan (BBMP).

The proposed site utilisation survey methodology for each relevant species must be included as an appendix to the preliminary documentation.

**Note:** At least 24 months of site utilisation surveys must be undertaken to provide sufficient baseline data about a relevant species potential to utilise the project site and its surrounds. Site utilisation surveys must be undertaken for each relevant season over a minimum two years (up to 8 survey events). Each site utilisation survey must be of an appropriate duration and spatial coverage (including taking into consideration the potential turbine layout and visibility) to adequately evaluate site utilisation. At a minimum, each site utilisation survey must record the relevant information specified in 'Species characteristics' of the 'Desktop Assessment' requirements for each relevant species (see Section 2 above).

### **3. IMPACT ASSESSMENT**

All impacts, including direct, indirect and consequential, on the above listed threatened and migratory species and/or their habitat as a result of the proposed action must be assessed in accordance with relevant departmental policies and guidelines, and the SPRAT Database.

At a minimum, the direct habitat clearance impacts for the above listed threatened and migratory species (including breeding, foraging and dispersal habitat for the Squatter Pigeon [Southern], and foraging habitat for the Greater Glider) must be clearly stated in hectares.

For relevant listed threatened species, the preliminary documentation must demonstrate, with supporting evidence, how the proposed action will not be inconsistent with

- Australia's obligations under the Biodiversity Convention, the Convention on Conservation of Nature in the South Pacific (Apia Convention), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- a recovery plan or threat abatement plan.

For relevant listed migratory species, the preliminary documentation must demonstrate, with supporting evidence, how the proposed action will not be inconsistent with Australia's obligations under:



- the Bonn Convention;
- China-Australia Migratory Bird Agreement;
- Japan-Australia Migratory Bird Agreement;
- International Agreement – Republic of Korea-Australia Migratory Bird Agreement; and
- any international agreement approved under subsection 209(4) of the EPBC Act.

#### Listed threatened and migratory bird and bat species

To enable a robust assessment of potential impacts associated with individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site and its surrounds on relevant listed threatened and migratory bird and bat species, the preliminary documentation must include an impact assessment derived from the desktop assessment and species-specific information derived from site utilisation surveys as requested in Section 2 above. In particular, the impact assessment must include, but not be limited to:

- An assessment of the potential impact pathways on each relevant species (based on the desktop assessment and site utilisation surveys) including, but not limited to:
  - o direct mortality from turbine collision and barotrauma; and
  - o potential changes to site utilisation during construction and operation of the proposed action.
- Identification of potential impacts to each relevant species from direct mortality, including but not limited to:
  - o analysis and mapping of suitable habitat, territories and activity/utilisation patterns/rates ('heat maps') in the project site and its surrounds.
- Mathematical Collision Risk Modelling (CRM), which must:
  - o incorporate a project site-wide assessment and identify high risk turbines;
  - o incorporate baseline data collected during the minimum 24 months of site utilisation surveys (see Section 2 above);
  - o incorporate the recommendations of a model peer review (the peer review must be included as an appendix to the preliminary documentation); and
  - o include a literature review, justification of the choice of the model used, and a statement of all assumptions and uncertainties.

The preliminary documentation must clearly demonstrate how relevant departmental policies and guidelines, and the SPRAT Database have been used to assess the potential impacts of direct mortality from turbine collision and barotrauma, and potential changes to site utilisation during construction and operation of the proposed action on relevant listed threatened and migratory bird and bat species.

The preliminary documentation must include a map for each relevant species which identifies area/s in the project site and its surrounds which have been determined as 'high risk' based on the outputs of the CRM.

**Note:** The department notes the above requirements focus on direct mortality. Potential impacts as a result of changes to site utilisation may only become evident after the construction stage and during the operation stage. Therefore, ongoing BACI monitoring (through the

implementation of an approved BBMP) is required to inform adaptive avoidance, mitigation and management measures in relation to potential changes in site utilisation (see Appendix A below).

#### 4. PROPOSED AVOIDANCE, MITIGATION AND MANAGEMENT MEASURES

##### Background

Avoidance and mitigation measures are the primary methods of eliminating and reducing significant impacts on MNES. Where possible and practicable it is best to avoid impacts. If impacts cannot be avoided, then they should be minimised or mitigated as much as possible. Avoidance and mitigation measures must be investigated thoroughly as a part of the assessment, and be supported by evidence to demonstrate likely success.

The department notes the referral includes a detailed description of the proposed avoidance, mitigation and management measures to be implemented by the proponent during the construction, operation and maintenance stages of the proposed action. The referral also states that the following relevant management plans will be developed prior to the commencement of the proposed action:

- Construction Environmental Management Plan
- Vegetation and Fauna Management Plan
- Weed and Pest Animal Management Plan
- Bird and Bat Management Plan

##### Preliminary documentation requirements

To enable a robust assessment of the effectiveness of these plans to avoid, mitigate and manage potential impacts on relevant MNES, please include the plans specified above (in approved or draft format) as appendices to the preliminary documentation. Please see specific details for the adaptive BBMP at Appendix A below.

Further, the stand-alone document must include a detailed summary of the measures proposed to be undertaken by the proponent to avoid, mitigate and manage relevant impacts of the proposed action on relevant MNES. The proposed measures must be based on best available practices, appropriate standards, evidence of success for other similar actions and supported by published scientific evidence.

With consideration of the construction, operation and maintenance stages of the proposed action, the preliminary documentation must include:

- details of specific and measurable environmental outcomes to be achieved for relevant MNES;
- details of the proposed measures to be undertaken to avoid, mitigate and manage the relevant impacts of the proposed action, including those required through other Commonwealth, State and local government approvals, including but not limited to:
  - o a pre-clearance survey methodology, and its predicted effectiveness, for commitments to avoid (with appropriate buffers):
    - listed threatened flora species (including those identified in Section 2 above);

- habitat critical to the survival of the endangered Northern Quoll (*Dasyurus hallucatus*);
- identified records and likely nests for the vulnerable Collared Delma (*Delma torquata*) and Yakka Skink (*Egernia rugosa*);
- o relocation objectives, with supporting scientific evidence, if complete avoidance of listed threatened flora species is not possible;
- o specific management objectives for the Northern Quoll, Collared Delma and Yakka Skink to minimise and manage potential impacts during construction and operation of the proposed action;
- o specific measures to address potential individual mortality from turbine collision and barotrauma, and potential changes to utilisation of the project site and its surrounds for relevant listed threatened and migratory bird and bat species;
- the use of committed language (e.g. 'will' and 'must') when describing the proposed measures;
- an assessment of the expected or predicted effectiveness of the proposed measures;
- any statutory or policy basis for the proposed measures, including reference to the SPRAT Database and relevant approved conservation advices, and a discussion on how the proposed measures are not inconsistent with relevant recovery plans and threat abatement plans;
- details of ongoing management, including monitoring programs to support an adaptive management approach, validate the effectiveness of the proposed measures and overall demonstrate that the environmental outcomes will be achieved;
- details of tangible, on-ground corrective actions that will be implemented in the event the monitoring programs indicate that the environmental outcomes have not or will not be achieved;
- details of measures, if any, proposed to be undertaken by Queensland and local governments, including the name of the agency responsible for approving each measure; and
- information on the timing, frequency and duration of the proposed avoidance, mitigation, management and monitoring measures, and corrective actions to be implemented.

Appropriate measures may be detailed on the SPRAT Database, and relevant statutory documents, for relevant listed threatened and migratory species. All proposed measures should consider the 'S.M.A.R.T' principle.

- S – Specific (what and how)
- M – Measurable (baseline information, number/value, auditable)
- A – Achievable (timeframe, money, personnel)
- R – Relevant (conservation advices, recovery plans, threat abatement plans)
- T – Time-bound (specific timeframe to complete)

### Bird and Bat Management Plan (BBMP)

To enable a robust long-term approach to mitigate and manage potential impacts associated with individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site and its surrounds on relevant listed threatened and migratory bird and bat species, the preliminary documentation must include a draft BBMP that addresses, with supporting scientific and field-derived information, the requirements in Appendix A to this request for additional information. A summary of the key elements of the draft BBMP must be provided in the stand-alone document and the draft BBMP must be included as an appendix to the preliminary documentation.

## **5. REHABILITATION REQUIREMENTS**

The preliminary documentation must include details on the proposed rehabilitation activities for all disturbed areas associated with the proposed action. At a minimum, the preliminary documentation must include details on:

- rehabilitation acceptance criteria, including for the restoration of habitat for relevant listed threatened and migratory species, in particular the Koala and Greater Glider;
- procedures, including contingency measures that will be undertaken to achieve the rehabilitation acceptance criteria; and
- a monitoring program to determine the success of the implemented rehabilitation activities.

If relevant, the preliminary documentation must provide details of any rehabilitation activities proposed to be undertaken as required by Commonwealth, State and local government legislation. Attach relevant Commonwealth, State and local government approvals and permits as appendices to the preliminary documentation.

## **6. ENVIRONMENTAL OFFSETS – RESIDUAL SIGNIFICANT IMPACTS**

Environmental offsets are measures that compensate for the residual significant impacts of an action on the environment. Offsets provide environmental benefits to counterbalance the impacts that remain after avoidance and mitigation measures. It is important to consider environmental offsets early in the assessment process and correspondence with the department regarding offsetting is highly encouraged.

It is the department's standard practice that a draft Offset Management Strategy (OMS) and a draft Offset Area Management Plan (OAMP) are included as appendices in the preliminary documentation for assessment and approval. Further, it is the department's expectation that the environmental offset is legally secured under relevant Queensland legislation prior to the commencement of the proposed action. Where this is not practicable, the department is likely to recommend to the Minister (or delegate) that the conditions of approval require the environmental offset/s or the OAMP be approved and implemented prior to the commencement of the proposed action.

The preliminary documentation must include an assessment of the likelihood of residual significant impacts occurring on relevant MNES, after avoidance, mitigation and management measures have been applied. If it is determined that a residual significant impact is likely, include a summary of the proposed environmental offset and key commitments in the preliminary documentation, and a draft OMS as an appendix that provides, at a minimum:

- specific details of the nature of the conservation gain to be achieved for relevant MNES, including the creation, restoration and revegetation of habitat in the proposed offset area/s;
- details of the environmental offset/s (in hectares) to compensate for the residual significant impacts of the proposed action on relevant MNES, and/or their habitat;
- details of the potential offset area/s (including a map) to compensate for the residual significant impacts of the proposed action on relevant MNES, and/or their habitat;
- details, with supporting evidence, of how the environmental offset/s meets the requirements of the department's *EPBC Act Environmental Offsets Policy* (2012) (Offsets Policy), available at: [www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy](http://www.environment.gov.au/epbc/publications/epbc-act-environmental-offsets-policy);
- the methodology, with justification and supporting evidence, used to inform the inputs of the Offsets Assessment Guide in relation to the project site for each relevant MNES, including:
  - o total area of habitat (in hectares)
  - o habitat quality (e.g. using the Queensland Government [Guide to determining terrestrial habitat quality: A toolkit for assessing land based offsets under the Queensland Environmental Offsets Policy](#) [2020])
- the methodology, with justification and supporting evidence, used to inform the inputs of the Offsets Assessment Guide in relation to each potential offset area/s for each relevant MNES, including:
  - o time over which loss is averted (max. 20 years)
  - o time until ecological benefit
  - o risk of loss (%) without offset
  - o risk of loss (%) with offset
  - o confidence in result (%)
- evidence that the relevant MNES, and/or their habitat, can be present in the potential offset area/s;
- information about how the potential offset area/s provides connectivity with other relevant habitats and biodiversity corridors; and
- details and execution timing of the mechanism to legally secure the environmental offset/s (under Queensland legislation or equivalent) to provide enduring protection for the potential offset area/s against development incompatible with conservation.

Where offset area/s have been nominated, include a draft OAMP as an appendix to the preliminary documentation which also provides:

- specific, committal and measurable environmental outcomes which detail the nature of the conservation gain to be achieved for relevant MNES, including the creation, restoration and revegetation of habitat in the proposed offset area/s;
- details, with supporting evidence, to demonstrate how the environmental offset/s compensate for residual significant impacts of the proposed action on relevant MNES,

and/or their habitat, in accordance with the principles of the Offsets Policy and all requirements of the Offsets Assessment Guide;

- a description of the offset area/s, including location, size, condition, environmental values present and surrounding land uses;
- baseline data and other supporting evidence that documents the presence of the relevant MNES, and the quality of their habitat within the offset area/s;
- an assessment of the site habitat quality for the offset area/s (e.g. using the Queensland Government [Guide to determining terrestrial habitat quality: A toolkit for assessing land based offsets under the Queensland Environmental Offsets Policy](#) [2020]);
- details of how the offset area/s will provide connectivity with other habitats and biodiversity corridors and/or will contribute to a larger strategic offset for the relevant MNES;
- maps and shapefiles to clearly define the location and boundaries of the offset area/s, accompanied by the offset attributes (e.g. physical address of the offset area/s, coordinates of the boundary points in decimal degrees, the relevant MNES that the environmental offset/s compensates for, and the size of the environmental offset/s in hectares);
- specific offset completion criteria derived from the site habitat quality to demonstrate the improvement in the quality of habitat in the offset area/s over a 20 year period;
- details of the management actions, and timeframes for implementation, to be carried out to meet the offset completion criteria;
- interim milestones that set targets at 5-yearly intervals for progress towards achieving the offset completion criteria;
- details of the nature, timing and frequency of monitoring to inform progress against achieving the 5-yearly interim milestones (the frequency of monitoring must be sufficient to track progress towards each set of milestones, and sufficient to determine whether the offset area/s are likely to achieve those milestones in adequate time to implement all necessary corrective actions);
- proposed timing for the submission of monitoring reports which provide evidence demonstrating whether the interim milestones have been achieved;
- timing for the implementation of tangible, on-ground corrective actions to be implemented if monitoring activities indicate the interim milestones have not been achieved;
- risk analysis and a risk management and mitigation strategy for all risks to the successful implementation of the OAMP and timely achievement of the offset completion criteria, including a rating of all initial and post-mitigation residual risks in accordance with a risk assessment matrix;
- evidence of how the management actions and corrective actions take into account relevant approved conservation advices and are consistent with relevant recovery plans and threat abatement plans;
- details and execution timing of the mechanism to legally secure the proposed offset area/s, such that legal security remains in force over the offset area/s for at least 20 years to provide enduring protection for the offset area/s against development incompatible with conservation; and



- the use of committed language (e.g. 'will' and 'must') when describing the proposed management actions, monitoring approach and corrective actions.

The draft OAMP must be prepared by a suitably qualified ecologist and in accordance with the department's *Environmental Management Plan Guidelines* (2014), available at: [www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines](http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines).

**Note:** Supporting evidence must be included in the draft OAMP to justify how proposed management action/s are additional to the existing requirements of the landholder in managing their land (e.g. weed and pest management requirements under the Queensland *Biosecurity Act 2014*, existing grazing regimes, etc.) as required by the Offsets Policy. This may include, but not be limited to historical grazing regimes, satellite imagery and written statements from landholders.

**Note:** The draft OAMP must include robust scientific evidence (e.g. published research, pilot studies, previously successful projects/programs, etc.) to demonstrate the success of proposed measures to create, revegetate, regenerate and/or improve habitat (e.g. tree planting, nest boxes, artificial hollows, etc.) in the proposed offset area/s for relevant MNES to achieve the anticipated environmental outcomes (i.e. offset completion criteria).

## 7. ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

The preliminary documentation must include a discussion of how the proposed action will conform to the principles of ESD (as defined in Section 3A of the EPBC Act).

## 8. ECONOMIC AND SOCIAL MATTERS

The economic and social impacts of the proposed action, both positive and negative, must be analysed. Matters of interest may include:

- details of any public consultation activities undertaken and their outcomes;
- details of any consultation with Indigenous stakeholders, including with reference to the department's [Guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act](#) (2016);
- projected economic costs and benefits of the proposed action, including the basis for their estimate through cost/benefit analysis or similar studies; and
- employment opportunities expected to be generated by the proposed action (including construction and operational phases).

Economic and social impacts must be considered at the local, regional and national levels.

## 9. ENVIRONMENTAL RECORD OF PERSON(S) PROPOSING TO TAKE THE ACTION

The preliminary documentation must include details of any past or present proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- the person proposing to take the action; and
- for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.

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## APPENDIX A – Bird and Bat Management Plan (BBMP)

The following table outlines the framework to assist in the preparation and submission of a draft BBMP as an appendix to the preliminary documentation (as required by Section 4 above). The purpose of the BBMP is to enable a robust long-term approach to mitigate and manage potential impacts of the proposed action associated with individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site and its surrounds on relevant listed threatened and migratory bird and bat species.

The draft BBMP must be prepared by a suitably qualified ecologist and in accordance with the department's *Environmental Management Plan Guidelines* (2014), available at: [www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines](http://www.environment.gov.au/epbc/publications/environmental-management-plan-guidelines), and includes the following key requirements at a minimum. The draft BBMP must be informed by desktop and field-derived information, best available practices, appropriate standards, evidence of effectiveness for other similar actions and supported by published scientific evidence.

| <b>Pre-commissioning requirements*</b>                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *The department considers that these requirements must be completed during the EPBC Act assessment process. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1.1                                                                                                         | <p><b>Desktop assessment: Preliminary site characterisation</b></p> <p>To predict the potential for the listed threatened and migratory bird and bat species identified in Section 2 above (at a minimum) to be using the project site and its surrounds, the BBMP must include the process and outcomes of:</p> <ul style="list-style-type: none"> <li>A preliminary site characterisation (desktop and/or initial site visit) for each species to identify all drivers of presence on the project site and utilisation of the project site. This characterisation must include, but not limited to, the consideration of: <ul style="list-style-type: none"> <li><u>site characteristics</u>: focal habitat features, topography, prevailing wind and weather patterns, wetlands (including adjacent to project site), and distance to potential nesting, roosting and foraging areas.</li> <li><u>species characteristics</u>: behaviour, flight or demographic factors (e.g. species presence [ongoing, transitory/migratory]), site use (e.g. transit, roosting, breeding and/or foraging), flight paths (including migratory flight paths), flight heights, soaring, flocking, and population numbers.</li> </ul> </li> </ul> |
| 1.2                                                                                                         | <p><b>Site-specific assessment: Site utilisation surveys</b></p> <p>To validate the outcomes of the desktop assessment, the BBMP must include a detailed discussion of how at-risk listed threatened and migratory bird and bat species are using the project site (both project site and proposed disturbance footprint). This discussion must be informed by site-specific and species-specific site utilisation surveys (undertaken by a suitably qualified expert), and supported by other relevant scientific evidence.</p> <p>Further, this discussion must include detailed information on:</p> <ul style="list-style-type: none"> <li>How the design of the site utilisation surveys for each relevant species has been informed by its drivers of presence on the project site and utilisation of the project site (as determined through the preliminary site characterisation).</li> <li>How site utilisation surveys for each relevant species have been designed to improve understanding of site utilisation on the project site and its surrounds; and support the proposed ongoing BACI framework in this BBMP.</li> </ul>                                                                                          |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|     | <p>The site utilisation survey methodology for each relevant species must be included as an attachment to the BBMP.</p> <p><b>Note:</b> At least 24 months of site utilisation surveys must be undertaken to provide sufficient baseline data about a relevant species' potential to utilise the project site and its surrounds. Site utilisation surveys must be undertaken for each relevant season over a minimum two years (up to 8 survey events). Each site utilisation survey must be of an appropriate duration and spatial coverage (including taking into consideration the potential turbine layout and visibility) to adequately evaluate site utilisation. At a minimum, each site utilisation survey must record the relevant information specified in 'Species characteristics' of the 'Desktop assessment: Preliminary site characterisation' (Section 1.1 above).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 1.3 | <p><b>Long-term impact risk assessment</b></p> <p>To enable a robust assessment of potential impacts of the proposed action associated with individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site and its surrounds on relevant species, the BBMP must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>• An assessment of the potential impact pathways on each relevant species (based on the desktop assessment [Section 1.1 above] and site utilisation surveys [Section 1.2 above]) including, but not limited to: <ul style="list-style-type: none"> <li>o direct mortality from turbine collision and barotrauma; and</li> <li>o potential changes to site utilisation during construction and operation of the proposed action.</li> </ul> </li> <li>• Identification of potential impacts to each relevant species from direct mortality, including but not limited to: <ul style="list-style-type: none"> <li>o analysis and mapping of suitable habitat, territories and activity/utilisation patterns/rates ('heat maps') in the project site and its surrounds;</li> </ul> </li> <li>• Mathematical Collision Risk Modelling (CRM), which must: <ul style="list-style-type: none"> <li>o incorporate a project site-wide assessment and identify high risk turbines;</li> <li>o incorporate baseline data collected during the minimum 24 months of site utilisation surveys;</li> <li>o incorporate the recommendations of a model peer review (the peer review must be included as an appendix to the preliminary documentation); and</li> <li>o include a literature review, justification of the choice of the model used, and a statement of all assumptions and uncertainties.</li> </ul> </li> </ul> <p>The BBMP must clearly demonstrate how relevant departmental policies and guidelines, and the SPRAT Database have been used to assess the potential impacts of direct mortality from turbine collision and barotrauma, and potential changes to site utilisation during construction and operation of the proposed action on relevant listed threatened and migratory bird and bat species.</p> <p>The BBMP must include a map for each relevant species which identifies area/s in the project site and its surrounds which have been determined as 'high risk' based on the outputs of the CRM.</p> |

| Post-Commissioning requirements |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1                             | <p><b>Environmental outcomes</b></p> <p>To enable a robust long-term approach to mitigate and manage potential impacts associated with individual mortality from turbine collision and barotrauma, and potential changes to species utilisation of the project site and its surrounds on relevant species, the BBMP must include specific environmental outcomes to be achieved by the implementation of the BBMP. This may include, but is not limited to:</p> <ul style="list-style-type: none"> <li>• An improved understanding of the risk of turbine collision and barotrauma impacts on listed bird and bat species.</li> <li>• An improved understanding of whether or how project site usage changes as a result of wind farm construction and operation.</li> <li>• An improved monitoring approach for the timely identification of turbine collisions and the timely collection and analysis of data.</li> <li>• An improved approach to the timely and regular validation and update to the CRM using monitoring data, and support a robust adaptive management approach.</li> <li>• The development and implementation of tangible, on-ground management measures and corrective actions to promote a long-term reduction in the risk of turbine collision and barotrauma impacts on listed bird and bat species.</li> </ul> |
| 2.2                             | <p><b>Long-term site utilisation surveys</b></p> <p>To detect potential long-term changes to species utilisation of the project site and its surrounds on relevant species as a result of operation, the BBMP must include a long-term site utilisation survey program (prepared by a suitably qualified expert) for each relevant species. The program must, at a minimum:</p> <ul style="list-style-type: none"> <li>• be designed to ensure that species behaviour responses, including avoidance of turbines, and changes to project site utilisation, can be detected;</li> <li>• be designed to support a BACI monitoring framework;</li> <li>• include site utilisation survey methodologies, and proposed timings, which are consistent with the pre-commissioning site utilisation survey methodologies;</li> <li>• be undertaken by a suitable qualified expert;</li> <li>• be statistically reliable;</li> <li>• be able to inform adaptive mitigation and management measures, and corrective actions, to ensure environmental outcomes will be achieved.</li> </ul>                                                                                                                                                                                                                                                          |
| 2.3                             | <p><b>Long-term turbine collision and barotrauma monitoring</b></p> <p>To manage potential long-term mortality impacts on relevant species as a result of turbine collision and barotrauma, the BBMP must include a long-term monitoring and CRM update approach. The approach must, at a minimum:</p> <ul style="list-style-type: none"> <li>• Include details of the nature, timing and frequency of monitoring to inform progress against achieving the environmental outcomes, and be sufficient to determine whether the BBMP is likely to achieve those environmental outcomes in adequate time to implement all necessary corrective actions.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <ul style="list-style-type: none"> <li>• Demonstrate how site-specific and species-specific risks and uncertainties have informed the design of the monitoring program (e.g. scavenger activity, searcher efficiency, etc.).</li> <li>• Include a proposed timeframe for the regular validation and update of the CRM using site-specific data collected through ongoing monitoring activities.</li> <li>• Include a commitment to DNA test carcasses that cannot be otherwise identified by a bird or bat expert.</li> <li>• Include a commitment for carcass persistence trials to maximise turbine collision detection in a timely manner.</li> <li>• Include a commitment for searcher efficiency trials to maximise carcass detection in a timely manner.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 2.4 | <p><b>Reporting requirements to the department</b></p> <p>The BBMP must include, at a minimum, the following reporting commitments (and proposed timeframes) for the provision of site-specific and species-specific information to the department:</p> <ul style="list-style-type: none"> <li>• Annual turbine strike reports comprising raw strike data and strike notifications, survey methodologies, results of detection/persistence trials, environmental/meteorological conditions and associated statistical analysis.</li> <li>• Estimations of annual mortality rate for each relevant species, comprising supporting evidence from case studies of EPBC species carcass size classes, results of persistence trials, searcher efficiency trials and substitute carrion trials, and annual probability of detection and monthly strike monitoring.</li> <li>• Species occurrence records in accordance with the department's <a href="#">Guidelines for biological survey and mapped data</a> (2018) using the species observation data template on the department's website (sensitive ecological data must be identified and treated in accordance with the department's <a href="#">Sensitive Ecological Data – Access and Management Policy V1.0</a> (2016) or subsequent revision).</li> </ul> |
| 2.5 | <p><b>Adaptive management framework</b></p> <p>To ensure the environmental outcomes will be achieved for relevant species, the BBMP must include an adaptive management framework. The adaptive management framework must, at a minimum:</p> <ul style="list-style-type: none"> <li>• Be designed to clearly demonstrate the linkages between:             <ul style="list-style-type: none"> <li>o environmental outcomes;</li> <li>o implementation of mitigation and management measures;</li> <li>o monitoring, reporting and investigations; and</li> <li>o implementation of corrective actions to ensure environmental outcomes will be achieved.</li> </ul> </li> <li>• Be designed to incorporate site-specific data collected through ongoing monitoring activities (see requirement 2.4 above), and take into account changes to turbine risk ratings based on the CRM outputs.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                          |



|  |                                                                                                                                                                                                                                                        |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <ul style="list-style-type: none"><li>• Identify, with proposed timeframes for implementation, tangible, on-ground corrective actions to be implemented if monitoring activities indicate the environmental outcomes have not been achieved.</li></ul> |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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### Lotus Creek Wind Farm project meeting with proponent

**Purpose of the meeting:** to discuss the proposed approval decision

**Meeting date:** 29 September 2022

#### Meeting attendees

**Epuron Projects Pty Ltd (Epuron, proponent):** s. 47F(1)

**DCCEEW:** s. 22(1)(a)(ii)

**Vestas (construction entity):** s. 47F(1)

#### Topics discussed

1. Privacy
  - a. DCCEEW: Noted Vestas' disclosure statement on their email response to the department's meeting invitation stating that personal information may be stored and processed for meeting attendees. The department expressed their concerns regarding this statement from Vestas and asked for them to elaborate on this.
  - b. Vestas: Vestas will not use personal information. This is limited to the departmental contact information in Vestas' calendars.
  - c. DCCEEW: don't want the personal information of departmental employees shared with third parties.
  - d. Vestas: personal information of departmental employees in the meeting will not be shared.
2. Lotus Creek Wind Farm Mark 2 project overview
  - a. Epuron: Epuron will be renamed as 'Ark Energy' from the start of October.
  - b. Epuron: Vestas will be the long term operator and constructor of the project
  - c. Epuron: brief overview of the changes to the project since the previous Lotus Creek Wind Farm Project mark 1 (determined clearly unacceptable by the department) provided. Reiterated mitigation and minimisation strategies being undertaken for the project. Research efforts are being undertaken on the Koala as part of the project. Epuron are having discussions with a university regarding the species.
3. Updates on the project's proposed decision
  - a. DCCEEW: update on the proposed approval decision provided. Noted that there have been delays and the decision is late. This has been partially due to resourcing issues and issues associated with the recent machinery of government process. The proposed approval decision is likely to take approximately another month.

Commented [CA1]: And greater glider?

- b. Epuron: the delay in the project compared to Specimen Hill WF has been devastating to Epuron. Looking for ways to streamline the project.
- c. DCCEEW: Nothing that Epuron can really do to streamline the process including changes to communication between the department and Epuron. The delegate makes the proposed approval decision. Our team can meet with Epuron in a few weeks' time to provide an update.
- d. Epuron: was the mapping provided to the department by NGH (environmental consultant) adequate? Noted that s. 47F(1) (the proponent) was not cc'd in the email request from the department. s. 47F(1) wants to be cc'd in all emails in the future from the department to NGH regarding the project.
- e. DCCEEW: the mapping provided recently by NGH has been clearer compared to the initial mapping provided. Unclear mapping has caused some delays for us. This includes separation of survey information from the initial Lotus Creek Wind Farm Mark 1 project compared to the later survey efforts as part of the new project design.
- f. Vestas: have some of the delays been caused by the lack of clarity in the information?
- g. DCCEEW: information from the original surveys on the initial Lotus Creek Wind Farm project Mark 1 used in the Lotus Creek Wind Farm project Mark 2 was challenging for the department to interpret and made the process slightly slower.
- h. Vestas: timeline is important which is being held up by the EPBC Act approval process. Need to understand the conditions so that we understand what our commitments will be for the project.
- i. Vestas asked about micro-siting of the project footprint by small areas of 1 m and how the department processes this after the post approval decision.
- j. DCCEEW: provided overview of the post approvals condition variation process. The department is uncertain how long it may take for the Post Approvals Section to process a condition variation and whether this would be shorter if the change is for a small area outside of the project footprint.
- k. Vestas asked DCCEEW to check this time frame with the Post Approvals Section and to provide this timeline to Vestas and Epuron.
- l. Epuron: Epuron are concerned about the additional month until the department releases the proposed approval decision to them. Epuron may escalate their time delay concerns for the project.

#### Actions:

Vestas to provide DCCEEW with clarification on how Vestas typically 'processes' personal information.

DCCEEW to ask Post Approvals Section about typical timing to undertake a condition variation and to inform Vestas and Epuron.

Note taker: s. 22(1)(a)(ii)

## OFFICIAL



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

To: **s. 22(1)(a)(ii)**, Acting Branch Head, Environment Assessments Queensland and Sea Dumping Branch (for decision)

**Proposed Approval Decision Brief – Lotus Creek Wind Farm, Connors Ranges, Queensland (EPBC 2020/8867)**

**Timing: 26 July 2022** - Statutory timeframe (currently overdue)

**Recommendation/s:**

1. Consider the recommendation report at Attachment A.

**Considered / please discuss**

2. Consider the referral documentation at Attachment C.

**Considered / please discuss**

3. Consider the finalised preliminary documentation at Attachment D.

**Considered / please discuss**

4. Agree that the recommended decision on page one of the recommendation report (Attachment A), and summarised in the table below, reflects your proposed decision.

**Agreed / Not agreed**

5. Sign the letters at Attachment K to consult the proponent/person proposing to take the action and relevant Commonwealth Ministers on your proposed decision.

**Signed / Not signed**

6. Agree to NOT publish the proposed decision at Attachment B on the internet for public comment.

**Agreed / Not agreed**

**Summary of recommendations on each controlling provision:**

| Controlling Provisions<br>for the action               | Recommendation |                   |
|--------------------------------------------------------|----------------|-------------------|
|                                                        | Approve        | Refuse to Approve |
| Listed threatened species and communities (ss 18, 18A) | Approve        |                   |
| Listed migratory species (ss 20, 20A)                  | Approve        |                   |
|                                                        |                |                   |

Date:

s. 22(1)(a)(ii)

Acting Branch Head

Environment Assessments Queensland and Sea Dumping Branch

**Comments:**

### Key Points:

#### Background:

1. Lotus Creek Wind Farm Pty Ltd (the proponent), a subsidiary of Epuron Projects Pty Ltd propose to develop and operate the Lotus Creek Wind Farm (the proposed action) with up to 55 wind turbines together with associated ancillary infrastructure. The proposed action is anticipated to generate approximately 450 megawatts of renewable energy to contribute to the national electricity grid.
2. The project site is located in the Nebo-Connors Range and the Clarke-Connors ranges. The project site is approximately 175 km north-west of Rockhampton within the Isaac Regional Council local government area, Queensland.
3. The Preliminary Documentation (PD) describes the site as broadly characterised by undulating landforms with moderately steep slopes in the western Nebo-Connors Range and steeper slopes in the center (along the development footprint) and to the east in the Clarke-Connors Range.
4. The project site totals 48,367 ha with a project development footprint of 413 ha and an impact area of 391.3 ha. The proposed action is proposed over three leasehold lots which are currently used for cattle grazing.
5. The proposal was determined a controlled action on 8 February 2021 by a delegate of the Minister. The method of assessment was by preliminary documentation.
6. On 3 May 2022, the proposed action was granted approval by the Queensland Government State Assessment and Referral Agency (SARA) under the Queensland *Planning Act 2016*.

#### Issues/ Sensitivities:

7. The proposed action will have a residual significant impact on listed threatened species as a result of the proposed clearance of:
  - 341.36 ha of Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory) habitat;
  - 16.39 ha of Squatter Pigeon (Southern) *Geophaps scripta scripta*, breeding habitat;

- 32.35 ha of Squatter Pigeon (Southern), *Geophaps scripta scripta*, foraging habitat; and
  - 48.75 ha of Greater Glider (Southern and Central) (*Petauroides volans*) habitat.
8. To compensate for the clearance of Koala habitat, Squatter Pigeon (Southern) habitat, and Greater Glider (Southern and Central) habitat, the proponent must submit to the department for approval of the Minister an **Offset Area Management Plan** proposing the environmental offset site(s) for the Action's impacts to the protected matters.
  9. The conservation status for the Koala and the Greater Glider (Southern and Central) have been uplisted from Vulnerable to Endangered since the referral decision was made. Consistent with section 158A of the EPBC Act, the 'Endangered' listing of 12 February 2022 for the Koala and 5 July for the Greater Glider (Southern and Central) will not be considered in the environmental assessment or calculation of offsets for the Lotus Creek Wind Farm project, as the new listing for this species was made after the project referral decision.
  10. Consistent with section 146K of the EPBC Act, the Minister must have regard to any approved conservation advice and must not act inconsistently with approved recovery plans for species in making a decision on whether or not to approve a project. Relevant conservation advice and recovery plans implemented after the referral date include:
    - i. On 12 February 2022, the *Approved Conservation Advice for Phascolarctos cinereus (combined populations in Queensland, New South Wales and the Australian Capital Territory)* (2022) came into effect. The conservation advice is provided at [Attachment H](#).
    - ii. On 8 April 2022, the *National Recovery Plan for the Koala Phascolarctos cinereus (combined populations of Queensland, New South Wales and the Australian Capital Territory)* came into effect. The recovery plan is provided at [Attachment H](#).
    - iii. On 5 July 2022, the *Conservation Advice for Petauroides volans (greater glider (southern and central))* came into effect. The conservation advice is provided at [Attachment H](#).
  11. To avoid, mitigate and manage impacts of the Action on EPBC Act listed threatened species and EPBC Act listed migratory species and their habitat, the approval holder must submit to the department, for the approval of the Minister, an **MNES Management Plan**. The **MNES Management Plan** must be approved by the Minister prior to commencement.
  12. To manage the impacts of turbine strike and barotrauma on listed threatened and migratory bird and bat species during the operational phase of the proposed action, the proponent must prepare and implement a **Bird and Bat Management Plan (BBMP)** for approval by the Minister. The BBMP must be submitted to the department at least three months prior to commencement of the action. The BBMP must be approved by the Minister prior to commissioning. Commissioning must not commence until the BBMP has been approved.
  13. During the operational phase of the project, the project may result in a significant residual impact on White-throated Needletail and Red Goshawk (*Erythrotriorchis radiatus*) through turbine strike.
  14. Indirect offsets are proposed as a mechanism to compensate for impacts to White-throated Needletail and Red Goshawk individuals killed and/or injured through turbine strike during project operation. Turbine shutdown procedures have been included in the conditions for White-throated Needletail.

15. The department recommends that you inform and invite comments on the proposed decision from the proponent, Commonwealth Minister for Indigenous Australians, Commonwealth Minister for Climate Change and Energy, Commonwealth Minister for Defence and the Queensland Department of Environment and Science (DES). Letters for your signature are at Attachment D.
16. The department does not consider it necessary to publish the proposed decision notice as there have been no public comments during previous public comment periods for the Lotus Creek Wind Farm project.
17. During the referral decision stage of the project, the proponent observed multiple Cycad species present in the project area and was uncertain whether the species was a Commonwealth listed threatened species. Since the referral decision, the proponent has sought advice from the Queensland herbarium. The Queensland herbarium advised in a letter to the proponent that the species present is *Cycas terryana*, not a Commonwealth listed threatened Cycad species. The proponent has provided a copy of the letter to the department (Attachment L).
18. The Recommendation Report (Attachment A), prepared in accordance with Section 95C of the EPBC Act, concludes that the proposed action should be approved under section 130 and 133 of the EPBC Act subject to the proposed conditions recommended by the department (see proposed approval notice at Attachment B). This conclusion was reached by having regard to the likely impact of the proposed action for the purposes of each controlling provision and the relevant social and economic considerations under section 136 of the EPBC Act.

#### Precautionary Principle

19. In making your decision under section 133 of the EPBC Act, you are required to take account of the precautionary principle (section 139). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.
20. The department has taken account of the precautionary principle by assessing the threats of serious or irreversible environmental damage and considering whether there is scientific uncertainty, with respect to the matters protected by the EPBC Act. Further detailed consideration of the impacts to protected matters are provided in the recommendation report at Attachment A.

#### Public submissions on assessment documents

Number  For  Against  Not specified

#### Consultation:

21. The conditions for approval were provided to the department's Post Approvals and Compliance Sections for review.
22. On 4 July 2022 the Post Approvals Section commented on the proposed conditions of approval and these comments were incorporated into the current decision notice.



23. No comments were received from the Compliance Section on the proposed conditions of approval.
24. On 22 July 2022, the department's Environmental Compliance Branch provided the results of an Environmental History Report for Lotus Creek Wind Farm Pty Ltd. The branch identified no adverse history had been identified relating to the contravention of national environmental law (Attachment G).

s. 22(1)(a)(ii)

Director  
Queensland North Assessments Section

s. 22(1)(a)(ii)

Queensland North Assessments Section

s. 22(1)(a)(ii)

5 October 2022

## ATTACHMENTS

- A: Recommendation report
- B: Proposed approval decision
- C: Referral briefing Package
- D: Finalised preliminary documentation
- E: ERT – 10 km buffer
- F: SARA decision notice
- G: Environmental History Check
- H: Statutory Documents
- I: Scientific reference, also cited by the proponent
- J: No Public comment notification and Ministerial Correspondence
- K: Letters for signature to:
  - 1. Proponent
  - 2. Commonwealth Minister for Climate Change and Energy
  - 3. Queensland Department of Environment and Science (DES)
  - 4. Commonwealth Minister for Indigenous Australians
  - 5. Commonwealth Minister for Defence
- L: Queensland Herbarium Cycas species identification report



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

## RECOMMENDATION REPORT

### Lotus Creek Wind Farm, Connors Ranges, Queensland (EPBC2020/8867)

#### **Recommendation**

That the proposed action, to construct and operate a wind farm with up to 55 turbines in the Connors Ranges, approximately 175 kilometres (km) north-west of Rockhampton in Queensland, be approved subject to the conditions specified in the proposed decision notice (Attachment B).

#### **Background**

##### **Description of the project and location**

1. The Preliminary Documentation (PD) provides an overview of the proposed action, its location and the environmental values present within the project area and broader region (Attachment D).
2. Lotus Creek Wind Farm Pty Ltd (the proponent), a subsidiary of Epuron Projects Pty Ltd, propose to develop, operate and decommission, or repower, the Lotus Creek Wind Farm (the proposed action), approximately 175 km north-west of Rockhampton, within the Isaac Region local government area (LGA). Key infrastructure includes:
  - a. up to 55 wind turbines and hardstand infrastructure;
  - b. three permanent and temporary wind monitoring masts;
  - c. site offices, workshops, warehouses and staff amenities;
  - d. permanent site entries, gravel-capped roads and new fencing with grids and gates;
  - e. approximately 63 km of access tracks will be constructed (the width of internal access tracks would vary between 30 and 100 m, depending on local relief);
  - f. two temporary site compounds including temporary facilities such as construction compounds, laydown and stockpile areas, site entrances and accommodation construction camp;
  - g. mobile concrete batching plant and rock crushing facilities;
  - h. substations and switchyard, with medium-voltage (33 kilovolts (kV)/ 66 kV) and high-voltage (275 kV) overhead powerlines;
  - i. telecommunication towers up to 130 m in height;
  - j. underground power and communication cables.
3. The proposed action will contribute up to 450 megawatts (MW) of renewable power to the national energy grid, over a life expectancy of 30 years. At the end of the operational phase, the wind farm will either be decommissioned or repowered with new equipment.

4. The Project Site is located across three leasehold lots, between the township of Saint Lawrence on the central Queensland coast and the locality of Lotus Creek to the west (Attachment D, Figure A-1).
5. The Project Site is 48,367 hectares (ha), with a Development Footprint of approximately 413 ha, of which 14 ha are already modified (e.g. with tracks) and 399.1 ha will be cleared. The Project Site is split between the Nebo-Connors Ranges sub-bioregion in the west, and the Clarke-Connors Ranges sub-bioregion in the east.
6. The PD states that the Connors Range runs south-east to north-west through the Project Site with elevations ranging from 400 to 550 m above sea level (asl).
7. The Development Footprint is predominantly located within the central part of the Project Site, within the Nebo-Connors Ranges and up to the edge of the Clarke-Connors Range (Attachment D1).
8. The current dominant land use within the Project Site is cattle grazing, while a small area on the northern part of the ridge top is reserved for telecommunication towers. Surrounding properties include cleared land for raising cattle, and the Glencore State Forest located to the east of the northern section of the Site Boundary on the Collaroy Killarney Road.
9. Section 5 of the PD states that the Project Site Boundary is located on the eastern edge of the Fitzroy catchment. The Fitzroy catchment is the largest river catchment flowing to the eastern coast of Australia and the second largest catchment in Australia. The Fitzroy River flow is highly episodic, with seasonal bias to high flows in summer.
10. Habitat condition across the Project Site is variable due to different soil types, disturbance histories, and land management. The majority of the site is native vegetation (Appendix A, Figure A-4; Appendix E; Appendix I, Figure 1). Generally, habitat quality is higher in the central to eastern portion of the Project Site (outside of the Development Footprint), and more degraded in the western portion.
11. The Nebo-Connors Ranges are part of the Brigalow Belt bioregion and most of the vegetation within the far western side of the Project Site is cleared grassland dominated by perennial pasture and native grass species with sparsely scattered *Eucalyptus* species.
12. Most of the ridgelines in the eastern portion of the Project Site still contain remnant vegetation with excellent to high fauna habitat values. The PD states that the Clarke-Connors Range is a prehistoric refugia and a significant future climate change refugia for the distribution of Koala (*Phascolarctos cinereus*) in Queensland.
13. The impact area is largely confined to areas of uncleared eucalypt woodlands on ridgelines (Attachment D, Figure A-2 and A-6).
14. Table 7-2 of the PD states that 382.3 ha of the Development Footprint (95.6% of the 399.1 ha impact area) is remnant vegetation, 2.7 ha is regrowth, 14 ha is cleared land. Section 6 of the PD states that the habitat quality within the remnant areas of the Development Footprint is mostly uniform and has little disturbance through weeds, clearing and grazing. The PD notes that not all of the Development Footprint is likely to be cleared.
15. The PD states eight main vegetation communities were found in the development footprint. The majority of the Development Footprint contains narrow-leaved ironbark *Eucalyptus crebra* woodland (292.56 ha) with patches of other communities scattered throughout the footprint, including: Mixed *Eucalyptus* Woodland (48.75 ha); Semi-Evergreen Vine Thicket

(27.72 ha); *Acacia* Shrubland (11.39 ha); *Xanthorrhoea* shrubland (4.45 ha); *Leptospermum* Shrubland (0.08 ha); *Lophostemon* Woodland (0.04 ha).

16. No federally listed Threatened Ecological Communities (TEC) occur within the Development Footprint.
17. Clarke-Connors Ranges are dissected by perennial and seasonal streams that form the watershed for five major regional rivers, and a number of minor coastal streams. The Clarke-Connors Ranges hold the headwaters of the Fitzroy and Burdekin rivers, and water run-off from the range feeds into the Proserpine, O'Connell and Pioneer rivers (Attachment I).
18. Lotus Creek is a stream order 5 that runs northwest-southeast across the western portion of the Project Site (Attachment D, Figure A-8). Lower order streams and farm dams, with associated vegetation, are present across the Project Site.

### Controlling provisions, assessment approach and public consultation

19. On the 8 May 2020, Lotus Creek Wind Farm Pty Ltd (the proponent) submitted a referral to the Commonwealth Department of Agriculture, Water and the Environment (DAWE) for the proposed Lotus Creek Wind Farm development. A referral decision was issued on 6 June 2020 stating the action would have clearly unacceptable impacts on listed threatened species and communities.
20. In response to the DAWE's decision, the proponent redesigned the wind farm to remove turbines and associated infrastructure from Greater Glider habitat specifically, and from the Clarke-Connors Range in general, as well as reducing the number of turbines in Koala habitat from 81 down to 55 turbines.
21. On 7 January 2021, a valid referral was submitted for the new Development Footprint. The proponent stated its belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) due to likely significant impacts on listed threatened species and communities (sections 18 and 18A).
22. On 7 January 2021, the proposal was published on the department's website and public comments were invited until 21 January 2021. No public comments were received on the referral.
23. On 8 February 2021, the proposal was determined by the Minister to be a controlled action due to likely significant impacts on threatened species and communities (sections 18 and 18A) and Migratory species (sections 20 and 20A). On the same date, the Minister decided the proposed action would be assessed by Preliminary Documentation (PD) with further information required.
24. On 18 March 2021, the department wrote to the proponent requesting further information for the assessment of relevant impacts on matters of national environmental significance (MNES), in particular, the potential impacts on listed threatened species and communities and listed migratory species.
25. On 18 March 2022, the proponent submitted a draft PD that met the department's request for further information. On 8 April 2022, the Stage 2 fee payment was received by the department.
26. On 22 April 2022, in accordance with section 95A(3) of the EPBC Act, the department directed the proponent to publish the draft PD and invite public comment for no less than 10 business days.

27. On 12 May 2022 in accordance with section 95B(3) of the EPBC Act, the proponent notified the department that no public comments had been received on the draft PD. ([Attachment J1](#)).
28. On 30 May 2022, the final PD ([Attachment D](#)) was published for no less than 10 business days in accordance with section 95B(4) of the EPBC Act. A copy of the final PD was received 20 July 2022 ([Attachment J2](#)).

#### **State Assessment and Approval.**

29. Under the Queensland *Planning Act 2016*, the proposed action was assessed against State Code 23 (a material change of use for a wind farm) by the Queensland Department of State Development, Infrastructure, Local Government and Planning.
30. The proposed action also requires approval under the Queensland *Vegetation Management Act 1999* for clearing of native vegetation.
31. The proposed action was granted approval by the Queensland Government State Assessment and Referral Agency (SARA) on 3 May 2022.
32. Conditions of the Queensland Development Permit relevant to managing impacts to MNES include the preparation and implementation of the following:
- a. Vegetation and Fauna Management Plan
  - b. Bird and Bat Management Plan
  - c. Bird utilisation and bat surveys with a Before-After-Control-Impact design
  - d. Bushfire Management Plan
  - e. Construction Environmental Management Plan
  - f. Traffic Impact Assessment
  - g. Decommissioning Management Plan
  - h. Rehabilitation Plan
  - i. Cleared Vegetation Plan
  - j. Erosion and Sediment Control Plan.

#### **Assessment**

##### **Mandatory Considerations – section 136(1)(a) Part 3 controlling provisions**

33. The proposal was determined a controlled action with the following controlling provisions of the EPBC Act:
- Listed threatened species and ecological communities (sections 18 and 18A)
  - Listed migratory species (sections 20 and 20A).

These controlling provisions are discussed respectively below.

**Listed threatened species and ecological communities (sections 18 and 18A)**

34. The department's Environment Reporting Tool report (dated 9 June 2022) indicates that a total of 28 listed threatened species and 3 threatened ecological communities may occur within 10 kilometres of the proposed action (Attachment E).
35. All species data has been sourced from the department's Species Profile and Threats (SPRAT) Database, unless otherwise stated. The information in the SPRAT Database may include conservation advice, recovery plans, threat abatement plans and other guidance documents as relevant.
36. Based on the nature and location of the proposed action, known records of the species and habitat known to be present in the project area, the department considers the proposed action is likely to have significant impacts on:
- Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – Vulnerable
  - Greater Glider (*Petauroides volans*) (Southern and Central) – Vulnerable
  - Squatter Pigeon (Southern) (*Geophaps scripta scripta*) – Vulnerable
  - White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable
  - Red Goshawk (*Erythrorhynchus radiatus*) – Vulnerable.

**Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – Vulnerable**

***Description***

37. On 12 February 2022, the Koala (*Phascolarctos cinereus*) was uplisted from Vulnerable to Endangered under the EPBC Act and a new conservation advice was published.
38. Consistent with section 158A of the EPBC Act, the 'endangered' listing of 12 February 2022 for the Koala will not be considered in the environmental assessment or calculation of offsets for the Lotus Creek Wind Farm project, as the new listing for this species was made after the project referral decision. However, the Minister must take account of the new conservation advice in making a decision on whether to approve the project.
39. Consistent with section 139 of the EPBC Act, the Minister must not act inconsistently with a Recovery Plan in making a decision on whether or not to approve a project. In March 2022, the National Recovery Plan for the Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory) came into effect (Attachment H7).
40. The Koala inhabits eucalypt forests in eastern Australia, from north-east Queensland to south-east South Australia. The listed range of the Koala under the EPBC Act is in Queensland, New South Wales and the Australian Capital Territory. The highest density Koala populations in Queensland occur in south-east Queensland.
41. Known threats to the Koala are ongoing habitat loss and habitat fragmentation, vehicle strike, predation by domestic or feral dogs, disease and fire. Urban expansion continues to threaten Koalas, particularly in coastal regions, and urban development also brings the additional threats of predation by dogs and vehicle strike to an area.
42. Section 9 of the PD states that the Koala population in the Isaac Region LGA is thought to have declined by 30 to 37% over the past decade, predominantly due to land clearing.



43. A full description of the characteristics and range of the Koala can be found in the SPRAT Database: [www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=85104](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104).

*Species presence and habitat assessment*

44. The PD states that detailed habitat surveys were conducted across approximately 75% (255.56 ha) of the suitable habitat areas within Development Footprint (341.33 ha), and across the previously referred Lotus Creek development. The remaining area was not accessible and therefore not ground-truthed (Table 7-3).
45. Section 6 of the PD defines suitable Koala habitat as any forest or woodland (including remnant and non-remnant areas) containing Koala food trees, or any shrubland with emergent food trees. The PD states that Koala habitat is found across the Development Footprint in the *Eucalyptus crebra* woodland and mixed eucalypt woodland. The *Lophostemon* woodland may also be habitat for Koala as this is a preferred food tree. The department considers that this habitat definition is consistent with the SPRAT database.
46. The PD states that there is a 341.36 ha of suitable Koala habitat within the Development Footprint.
47. Koalas were recorded at 119 locations within the Project Site, including approximately 51 sightings within 200 m of the Development Footprint (Appendix A; Figure A-9). Seven (7) females were recorded with back young within or near the Development Footprint, suggesting the population is self-sustaining.

*Impact Assessment*

48. The proposed action will clear up to 341.36 ha of Koala habitat.
49. The PD states that the Koala will be impacted by the project through habitat clearing (foraging and shelter habitat), direct mortality which could occur during the construction and operational phases of the project, reduced viability of adjacent habitat, increased predatory pressures, and potential habitat loss through increased bushfires.
50. The proponent considers the proposed action will have a significant impact on the Koala as it will reduce the area of occupancy of an important population and adversely affect habitat critical to the survival of the species. The department agrees with this conclusion.

*Avoidance, mitigation and management measures*

51. The key avoidance strategies stated in the PD to reduce impacts of the project on the Koala were to redesign the Development Footprint to avoid high-quality habitat for Koala by minimising impacts to the Clarke-Connors Range, reducing the project footprint where possible, and siting turbines in areas of lower density non-juvenile Koala habitat trees where possible (PD-Figure 8-4).
52. The key mitigation strategies stated in Table 8-2 of the PD are to:
- Spotter catchers to check each tree for Koala prior to clearing;
  - Koalas in the Development Footprint to be allowed to move in their own time;
  - Ongoing education of staff working on site of Koala presence;
  - Staged clearing to be undertaken in Koala habitat;
  - Pest management measures to be included in the Construction Environmental Management Plan to outline requirements for managing introduced predators;



- f. Wildlife friendly fencing to be used where possible to ensure Koalas can move through the landscape;
  - g. Reduced speed limits during construction and operation to avoid unintended collisions with wildlife; and
  - h. bushfire management plan will be developed to manage the risk of bushfire.
53. The proponent notes it will implement a number of management plans for the proposed action, including:
- a. Fauna Management Plan
  - b. Vegetation Management Plan
  - c. Construction Environmental Management Plan.

54. The department considers the proposed avoidance, mitigation and management measures are appropriate given the likely impacts to the Koala from the proposed action.

*Residual impacts and recommended conditions*

55. After implementation of the proposed avoidance, mitigation and management measures, the proponent considers the proposed action will have a residual significant impact on 341.36 ha of Koala habitat (Attachment D).
56. Consistent with the application of the department's *EPBC Act Significant Impact Guidelines 1.1* significant impact criteria, the proponent determined that the proposed action is likely to have a significant impact on the Koala for adversely affecting habitat critical to the survival of the species.
57. The department agrees that the project will have a significant residual impact on the Koala and considers the provision of offsets in accordance with the principles of the department's *EPBC Act Environmental Offsets Policy* (2012) (EPBC Act Offsets Policy) is required by the proponent.
58. To compensate for the loss of Koala habitat, the proponent must submit an Offset Area Management Plan for the duration of the proposed approval as set out in conditions 5–9 in the decision notice (Attachment B).
59. In addition to an offset requirement for the species, the department has recommended other conditions to manage impacts on the Koala. These conditions set maximum vegetation clearance limits and the requirement to submit a MNES Management Plan for the Minister's approval. These requirements are outlined in condition 4 and conditions 10–15 in the decision notice (Attachment B).

*Conservation Advice, Recovery Plan and Threat Abatement Plans*

60. The *Approved Conservation Advice for Phascolarctos cinereus (combined populations in Queensland, New South Wales and the Australian Capital Territory)* (2022) outlines the priority management actions to support the recovery of the Koala, and is available at: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/85104-conservation-advice-12022022.pdf>.
61. The *National Recovery Plan for the Koala Phascolarctos cinereus (combined populations of Queensland, New South Wales and the Australian Capital Territory)*, a nationally led, landscape-scale conservation framework for the recovery of the endangered Koala is

available at: <https://www.dcceew.gov.au/sites/default/files/documents/recovery-plan-koala-2022.pdf>.

62. There are no Threat Abatement Plans related to the Koala.

Greater Glider (*Petauroides volans*) – Vulnerable

*Description*

63. On 5 July 2022, this species, Greater Glider (Southern and Central), was recognised as a distinct species to the northern Greater Glider (*Petauroides minor*) and a revised Conservation Advice was published.
64. On 5 July 2022, the Greater Glider (Southern and Central) was uplisted from Vulnerable to Endangered under the EPBC Act.
65. Consistent with section 158A of the EPBC Act, the 'Endangered' listing of 5 July 2022 for the Greater Glider (Southern and Central) will not be considered in the environmental assessment or calculation of offsets for the Lotus Creek Wind Farm project, as the new listing for this species was made after the project referral decision.
66. Consistent with section 139 of the EPBC Act, the Minister must have regard to any new conservation advice in making a decision on whether or not to approve the project. On 5 February 2022, the *Conservation Advice for Petauroides volans (greater glider (southern and central))* came into effect (Attachment H3).
67. The Greater Glider inhabits woodlands, open woodlands and open forests in eastern Australia. They have a preference for taller, montane, moist eucalypt forests with old trees and abundant hollows and favour forest with mixed eucalypt species with preferred food trees.
68. The Conservation Advice (2022) states that habitat critical to the survival of the species includes live and dead hollow-bearing trees for denning, feed trees and habitat connectivity across the landscape. The main threats to the species are habitat loss and fragmentation, inappropriate fire regimes, timber production and hyper-predation by owls.
69. A full description of the characteristics and range of the Greater Glider (Southern and Central) can be found in the SPRAT Database:  
<https://www.environment.gov.au/biodiversity/threatened/species/pubs/254-conservation-advice-05072022.pdf>.

*Species presence and habitat assessment*

70. The survey effort revealed 131 records of the species, including twenty (20) individuals in the Nebo-Connors Range and 111 sightings in the Clarke-Connors Ranges (Attachment D, Appendix A, Figure A-10). The PD states that several records were within a few metres of the development footprint (Attachment D, Section 9.1.3) including an individual within a few metres of Turbine 24 and within 110 m of Turbine 25. These records were in a non-remnant area adjacent to high quality habitat.
71. The PD states that the only suitable habitat within the Development Footprint as mixed eucalypt woodlands (areas ground-truthed as RE 11.12.6a [excluding RE 11.12.1]). The PD states that all suitable habitat patches must contain more than 1 live hollow bearing tree per ha to be considered habitat for Greater Glider. Based on this definition, a total of 45.2 ha of Greater Glider habitat was identified within the Development Footprint (Appendix D, Table 6-3).

72. The Conservation Advice states that habitat critical to the survival of the species includes smaller or fragmented habitat patches connected to larger patches of habitat that can facilitate dispersal of the species.
73. The department disagrees with the approach taken in the PD to define Greater Glider habitat. The department considers all 48.75 ha of mixed eucalypt woodland habitat is likely to be suitable habitat for the species.

*Impact assessment*

74. Section 9 of the PD states the project is likely to have a significant residual impact on the Greater Glider, due to adversely affecting habitat critical to the survival of the species, with the removal of habitat containing live hollows.
75. Impacts to the Greater Glider are stated in the PD as including the removal of habitat (including breeding habitat), direct mortality of Greater Gliders during construction and operation, reduced viability of adjacent habitat due to noise, dust, heat, or light spill, reduced population viability through fragmentation, increased predatory pressures, and potential habitat loss through increased bushfires ([Attachment D](#)).
76. In addition, the department considers the clearance width of proposed internal access roads of 30–100 m will further contribute to a residual significant impact to dispersal of Greater Gliders across the Development Footprint.
77. The department considers that there is a residual significant impact on 48.75 ha of Greater Glider habitat.

*Avoidance, mitigation and management measures*

78. Section 8 of the PD states impacts from the project to Greater Glider have been minimised through the redesign of the Development Footprint to avoid extensive impacts to Greater Glider habitat and the Clarke-Connors Range generally where the highest number of individuals were recorded.
79. The key mitigation strategies for Koala stated in the PD are:
- Road widths will be kept as narrow as possible (40 m or less). Where this is not possible, glider poles and bridges will be installed;
  - Micro-siting of roads and infrastructure to avoid hollow bearing trees wherever possible;
  - Locate temporary infrastructure outside remnant vegetation;
  - Wildlife friendly fencing to be used (no barbed wire) where possible to ensure Greater Gliders can safely glide (as per the Conservation Actions (TSSC, 2016a));
  - Spotter catcher to check all hollow bearing trees in Greater Glider (Southern and Central) habitat prior to felling;
  - A bushfire management plan will be developed to manage the risk of bushfire.
80. The PD states that a number of management plans will be implemented during construction and operation of the project including a Fauna Management Plan, Vegetation Management Plan and Construction Environmental Management Plan.

81. The department considers the proposed avoidance, mitigation and management measures are appropriate given the likely impacts to the Greater Glider from the proposed action.

*Residual impacts and condition*

82. After implementation of the proposed avoidance, mitigation and management measures, the department considers the proposed action will have a residual significant impact on 48.75 ha of Greater Glider (Southern and Central) habitat.
83. Consistent with the application of the department's EPBC Act *Significant Impact Guidelines 1.1* significant impact criteria, the proponent determined that the proposed action is likely to have a significant impact on the Greater Glider for adversely affecting habitat critical to the survival of the species.
84. The department agrees that the project will have a significant residual impact on the Greater Glider and considers the provision of offsets in accordance with the principles of the department's *EPBC Act Environmental Offsets Policy* (2012) (EPBC Act Offsets Policy) is required by the proponent.
85. To compensate for the loss of Greater Glider habitat, the proponent must submit an Offset Area Management Plan for the duration of the proposed approval as set out in conditions 5–9 in the decision notice (Attachment B).
86. In addition to the offset requirement for the species, the department has recommended other conditions to manage impacts on the Greater Glider. These conditions set maximum vegetation clearance limits and the requirement to submit a MNES Management Plan for the Minister's approval. These requirements are outlined in the condition 4 and conditions 10–15 in the decision notice (Attachment B).

*Conservation Advice, Recovery Plan and Threat Abatement Plans*

87. The approved *Conservation Advice for Petauroides volans (greater glider (southern and central))* (2022) is available at:  
<http://www.environment.gov.au/biodiversity/threatened/species/pubs/254-conservation-advice-05072022.pdf>.
88. There is no adopted Recovery Plan for the Greater Glider (Southern and Central).
89. There are no Threat Abatement Plans related to the Greater Glider.

Squatter Pigeon (southern) (*Geophaps scripta scripta*) – Vulnerable

*Description*

90. The Squatter Pigeon is a medium sized ground-dwelling pigeon. Its known distribution extends from the Burdekin-Lynd divide in the southern region of Cape York Peninsula, Queensland to the Border Rivers region of northern NSW.
91. The habitat of the Squatter Pigeon is generally defined as open-forest to sparse, open-woodlands and scrub. Commonly these forests are dominated by *Eucalyptus*, *Corymbia*, *Acacia* and/or *Callitris* species, with remnant regrowth and within 3 km of water bodies or courses. The species prefers regions with low percentages of groundcover (rarely exceeding 33% cover).
92. Known threats to the Squatter Pigeon include the loss and fragmentation of habitat, degradation of habitat from both grazing and invasive weeds, as well as predation by avian and terrestrial predators.

93. A full description of the characteristics and range of the Squatter Pigeon (southern) can be found in the SPRAT Database: [www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=64440](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=64440).

*Species presence and habitat assessment*

94. The Squatter Pigeon was recorded at 23 locations within the Project Site, with a total of 41 individuals recorded. One of these sightings was from within the Development Footprint near turbine 24 (Figure A-11), and the others were located greater than 1 km east of the central part of the Development Footprint. Within the Project Site, all Squatter Pigeon records were within approximately 100 m of a waterbody (creek and/or artificial water point).
95. The PD states that all remnant and regrowth mixed eucalypt woodland within 1 km (breeding) and 3 km (foraging) of a waterbody or watercourse has been mapped as potential habitat, but notes that it is likely that many of these areas have grass cover and density that is not suitable for Squatter Pigeon. The PD states that dispersal habitat includes any forest or woodland habitat occurring between patches of foraging or breeding habitat. The department considers that this habitat definition is consistent with the SPRAT Database.
96. The proponent assesses that there is 32.35 ha of suitable Squatter Pigeon foraging habitat in the Development Footprint, 16.39 ha of breeding habitat, and no dispersal habitat.
97. The department agrees with the assessment of foraging and dispersal habitat but disagrees that no dispersal habitat occurs on site. The SPRAT profile describes dispersal habitat as any forest or woodland occurring between patches of foraging or breeding habitat which facilitates movement between patches of foraging habitat, breeding habitat and/or waterbodies. Therefore, the department considers that dispersal habitat is present in *Eucalyptus crebra* woodland surrounding foraging and breeding habitat.

*Impact assessment*

98. The proposed action will result in the clearance of up to 32.35 ha of foraging habitat and 16.39 ha of breeding habitat for the Squatter Pigeon.
99. The proponent considers that the proposed action is not likely to result in a significant impact to the species. The department disagrees with this conclusion as the vegetation clearance is likely to adversely affect habitat critical to the survival of the species.
100. Section 7 of the PD states that impacts to Squatter Pigeon from the project include clearing of breeding and foraging habitat, direct mortality through vehicle strike during the construction and operational phases of the project, reduced viability of adjacent habitat due to noise, dust, heat, or light spill, increased weeds impacts, increased predatory pressures, and potential habitat loss through increased bushfires during the construction and operational phases of the project.

*Avoidance, mitigation and management measures*

101. The key mitigation strategies in the PD to reduce and/or manage impacts to the Squatter Pigeon include:
- Weed management measures to be included in the Construction Environmental Management Plan (CEMP);
  - Spotter catcher to check area for nests prior to clearing;

- c. Pest management measures to be included in CEMP to outline requirements for managing introduced predators;
- d. Allowing natural regeneration of native grasses under powerlines and other infrastructure to provide foraging opportunities for Squatter Pigeon;
- e. Reduced speed limits during construction and operation to avoid unintended collisions with wildlife;
- f. A bushfire management plan will be developed to manage the risk of bushfire.

102. The PD states that a number of management plans will be implemented during construction and operation of the project including a Fauna Management Plan, Vegetation Management Plan and CEMP.

103. The department considers the proposed avoidance, mitigation and management measures are appropriate given the likely impacts to the Squatter Pigeon from the proposed action.

*Residual impacts and recommended conditions*

104. After implementation of the proposed avoidance, mitigation and management measures, the department considers the proposed action will have a residual significant impact on a total of 48.74 ha of Squatter Pigeon habitat (Appendix D, Section 7). This includes 32.35 ha of foraging habitat and 16.39 ha of breeding habitat.

105. The department considers no environmental offset is required for the clearance of Squatter Pigeon dispersal habitat because of the generalist nature of the species in that it is known to occur in minimally vegetated areas (e.g. historically cleared agricultural land) and in cleared areas (e.g. roads). Further, the linear strips of vegetation clearance are sufficiently narrow to allow the species to disperse safely across the cleared areas (i.e. generally less than 100 m wide) (as described in the SPRAT Database).

106. Consistent with the application of the department's *EPBC Act Significant Impact Guidelines 1.1* significant impact criteria, the department considers that the proposed action is likely to have a residual significant impact on Squatter Pigeon for adversely affecting habitat critical to the survival of the species.

107. The department considers that the project will have a residual significant impact on the Squatter Pigeon and considers the provision of offsets in accordance with the principles of the department's *EPBC Act Environmental Offsets Policy* (2012) (EPBC Act Offsets Policy) is required by the proponent.

108. To compensate for the loss of Squatter Pigeon habitat, the proponent must submit an Offset Area Management Plan to be implemented for the duration of the proposed approval as set out in conditions 5–9 in the decision notice (Attachment B).

109. In addition to the offset requirement for the species, the department has recommended other conditions to manage impacts on the Squatter Pigeon. These conditions outline maximum vegetation clearance limits and the requirement to submit a MNES Management Plan for the Minister's approval. These requirements are outlined in the condition 4 and conditions 10–15 in the decision notice (Attachment B).

*Conservation Advice, Recovery Plan and Threat Abatement Plans*

110. The *Conservation Advice Geophaps scripta scripta squatter pigeon (southern)* (2015) outlines the management actions to support the recovery of the species. It is available at:



<http://www.environment.gov.au/biodiversity/threatened/species/pubs/64440-conservation-advice-31102015.pdf>.

111. There is no adopted or made Recovery Plan for this species
112. Threat Abatement Plans developed and adopted are the Threat Abatement Plan for predation by feral cats (2015), the Threat Abatement Plan for predation by the European red fox (2008), and the Threat Abatement Plan for competition and land degradation by rabbits (2016). These are available at:

<http://www.environment.gov.au/biodiversity/threatened/publications/tap/threat-abatement-plan-feral-cats>

<http://www.environment.gov.au/biodiversity/threatened/publications/tap/predation-european-red-fox>

<http://www.environment.gov.au/biodiversity/threatened/publications/tap/competition-and-land-degradation-rabbits-2016>

White-throated Needletail (*Hirundapus caudacutus*) – Vulnerable

*Description*

113. The White-throated Needletail is a large migratory swift, spending the non-breeding season (between September and April) in eastern Australia.
114. The species presence in Australia is almost exclusively aerial. Although they occur over most types of habitats, they are probably recorded most often above wooded areas with prominent updraughts off cliffs, to bring their food up to them and to fly using very little energy. The species has been recorded roosting in trees in forests and woodlands, both among dense foliage in the canopy or in hollows.
115. The Conservation Advice for the White-throated Needletail states that a key threat to the species is impacts from wind farms, including direct turbine collisions and indirect habitat alienation.
116. A full description of the characteristics and range of the White-throated Needletail can be found in the SPRAT Database: [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=682](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=682).

*Species presence and habitat assessment*

117. The department's Environment Reporting Tool (ERT) report found the project site is partially located within the 'may occur' distribution of the species (Attachment E).
118. Section 6 of the PD states that the White-throated Needletail was recorded 18 times within the Project Site, totalling 218 individuals. The proponent considers that this species is likely to occur on site regularly during the non-breeding season.
119. The PD states that the whole Development Footprint is likely to be foraging habitat for the species (Attachment D, Appendix A, Figure A-16). Further, the proponent considers that roosting habitat is most likely to be areas of mixed eucalypt woodland with denser canopy and a greater number of hollows.
120. The proponent determined that there is 399.1 ha of foraging habitat and 48.75 ha of roosting habitat within the Development Footprint.



121. The Conservation Advice defines roosting habitat as “trees amongst dense foliage in the canopy or in hollows”, the Conservation Advice also states that the species is recorded “often around coastal cliffs and other areas with prominent updraughts, such as ridges”.

*Impact assessment*

122. The proponent states in the PD that the proposed action will not have a residual significant impact on the White-throated Needletail. The department disagrees and considers that a significant impact is likely to occur during the operational phase of the proposed action through turbine collision and barotrauma.
123. As the species is almost exclusively aerial and is an aerial forager, the department does not consider the clearance of 399.1 ha of foraging habitat is likely to have a significant impact on this species. Similarly, the clearance of 48.75 ha of roosting habitat during construction is not considered likely to have a significant impact.

*Avoidance, mitigation and management measures*

124. The key mitigation measure to reduce or manage impacts to the White-throated Needletail is to monitor bird mortality at turbines to determine the incidence of collisions and implement corrective actions to reduce further collisions.

*Residual impacts and recommended conditions*

125. With consideration of the department's *EPBC Act Significant Impact Guidelines 1.1* significant impact criteria for threatened species, the department considers that the clearance of 399.1 ha of foraging habitat and 48.75 ha of roosting habitat is not likely to have a residual significant impact on the vulnerable White-throated Needletail.
126. However, after implementation of the proposed avoidance, mitigation and management measures, the department considers the proposed action will likely have a residual significant impact on the vulnerable White-throated Needletail due to barotrauma and collision impact.
127. The department has recommended conditions to manage impacts on the species. These conditions set maximum vegetation clearance limits and the requirement to submit a MNES Management Plan for the Minister's approval prior to commencement of the action. The MNES Management Plan must contain information for managing and minimising impacts of the action during the construction phase on EPBC Act listed bird and bat species, including ensuring that the species is not present before vegetation is removed or modified. These requirements are outlined in condition 4 and conditions 10–15 in the decision notice (Attachment B).
128. The *Referral guideline for 14 birds listed as migratory species under the EPBC Act* states that an ecologically significant proportion of a population (individuals) of White-throated Needletails is 0.1 % of the population. *The Action Plan for Australian Birds 2020* determined that the maximum population estimate of White-throated Needletail is 41 000 birds, therefore an ecologically significant proportion of the population is 41 birds. The department considers there is potential for an ongoing cumulative significant impact on the White-throated Needletail through ongoing turbine strike.
129. To avoid, mitigate and manage the potential impact of turbine strike, the proponent must submit a Bird and Bat Management Plan (BBMP) to be implemented for the duration of the proposed approval as set out in conditions 18–23 (Attachment B).

130. The department recommends a condition that the BBMP must include mechanisms for the long-term monitoring of White-throated Needletails and adaptive management actions to account for these impacts should they occur. This includes an indirect offset requirement (e.g. monetary compensation) if trigger values (50 % and 100 % of the ecologically significant proportion of a population) are reached during the course of a single migratory season (Attachment B). Further, these conditions outline the trigger value for halting the operation of the responsible turbines to prevent further strikes.

*Conservation Advice, Recovery Plan and Threat Abatement Plans*

131. The *Conservation advice* *Hirundapus caudacutus White-throated Needletail* (2019) outlines the primary conservation actions to support the recovery of the White-throated Needletail, and is available at:  
<https://www.environment.gov.au/biodiversity/threatened/species/pubs/682-conservation-advice-04072019.pdf>.

132. There is no adopted or made Recovery Plan for the White-throated Needletail.

133. No Threat Abatement Plan has been identified as being relevant for the White-throated Needletail.

Red Goshawk (*Erythroriorchis radiatus*) – Vulnerable

*Description*

134. The Red Goshawk is a large rufous-brown hawk, endemic to Australia. The species is often solitary and thinly dispersed, with pairs believed to remain in nesting territory year-round, though some individuals are known to roam further when not breeding.
135. The National Recovery Plan for this species states that the Red Goshawk has large home ranges of 120 km<sup>2</sup> (for females) and 200 km<sup>2</sup> (for males). Suitable habitat for the Red Goshawk is coastal and sub-coastal wooded and forested lands of tropical and warm-temperate Australia. They prefer extensive, uncleared, mosaics of native vegetation, especially riparian vegetation, open forest and woodland.
136. Red Goshawk nest trees are frequently the tallest tree in a forested area and within one kilometre of permanent water.
137. The most prevalent threat to the viability of the species is habitat loss. Clearing of lowland and riverine forests is believed to have caused the historical decline of the species in eastern Australia.
138. A full description of the characteristics and habitat of the Red Goshawk can be found on the SPRAT Database at: [http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=942](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=942).

*Species presence and habitat assessment*

139. The PD states that the Development Footprint contains open woodland which is suitable for Red Goshawk.
140. The species has not been observed to utilise the Project site, although, as stated in the PD, six historical records of the species exist within 100 km of the Development Footprint.
141. The species is known to be cryptic and is therefore challenging to detect during surveys. The department considers that the species may occur in the Project Site during project operation.

142. Section 6 of the PD states that due to the steep terrain, little permanent water occurs within or near the Development Footprint, although five Stream Order 3 and above waterways intersect the Development Footprint. Including Croydon Creek which intersects the powerline in the south, Yellow Creek which crosses the planned track south of Turbine 31 and Lotus Creek, which is stream order 5 and runs north-south across the eastern portion of the site.
143. The PD states that creeks within the Development Footprint would not provide suitable water sources for the species to breed. The species only breeds within 1 km of permanent water. None of these creeks are permanent although they may have some semi-permanent pools. Other permanent water sources include a number of farm dams and cattle water troughs.

*Impact assessment*

144. Section 7 of the PD states that 341.3 ha of suitable habitat for Red Goshawk will be cleared as a result of the proposed action.
145. The PD states that there is a risk of species collision with turbine structures during the operational stage of the project.

*Avoidance, mitigation and management measures*

146. The key mitigation strategies for Red Goshawk stated in Section 8 of the PD are to:
- Monitor bird mortality at turbines to determine the incidence of collisions.
  - A bushfire management plan will be developed to manage the risk of bushfire.
  - Pest management measures will be included in the CEMP to outline requirements for managing introduced predators.

*Residual impacts and recommended conditions*

147. The department considers direct impacts from the clearance of species habitat is not expected to occur as a result of the proposed action.
148. The PD states that if the species occurs on site, potential operational impacts upon the Red Goshawk is the risk of turbine strike. To avoid, mitigate and manage this potential impact the proponent must submit a Bird and Bat Management Plan (BBMP) to be implemented for the duration of the proposed approval as set out in conditions 18–23 in the decision notice (Attachment B).
149. In addition to this, the department has recommended conditions outlining indirect offset requirements for Red Goshawk (Attachment B). These conditions outline the bird strike trigger threshold for the indirect offset and for halting operation of the turbines to prevent further strikes.

*Conservation Advice, Recovery Plan and Threat Abatement Plans*

150. The *Conservation Advice Erythrorchis radiatus red goshawk* (2015) outlines the management actions developed to support the conservation of this species. It is available at: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/942-conservation-advice-31102015.pdf>.

151. The *National recovery plan for the red goshawk* *Erythrorchis radiatus* (2012) outlines the management actions developed to support the recovery of the Red Goshawk. It is available at: <https://www.dcceew.gov.au/sites/default/files/documents/erythrorchis-radiatus.pdf>.

152. There are no adopted or made Threat Abatement Plans relevant to the Red Goshawk.

Other listed threatened species

153. At the time of the referral decision, the department identified that 9 additional species were likely to be impacted by the proposed action, including:

- a. Corben's Long-eared Bat (*Nyctophilus corbeni*) – Vulnerable
- b. Quassia (*Samadera bidwillii*) – Vulnerable
- c. Ghost Bat (*Macroderma gigas*) – Vulnerable
- d. Grey-headed Flying-fox (*Pteropus poliocephalus*) – Vulnerable
- e. Collared Delma (*Delma torquata*) – Vulnerable
- f. Yakka Skink (*Egernia rugosa*) – Vulnerable
- g. Northern Quoll (*Dasyurus hallucatus*) – Endangered
- h. *Cycas megacarpa* – Endangered
- i. *Cycas ophiolotoca* – Endangered.

154. Based on the information provided in the PD and available in SPRAT and taking into account the nature of the action and the location, habitat and characteristics of the proposed action area, the department now considers the proposed action is **unlikely to have a significant impact** on the above species, or any other listed threatened species or ecological community.

*Conclusion – listed threatened species and communities*

155. Based on the information available to the department, the measures to avoid, mitigate and manage impacts, assuming compliance with the proposed conditions of approval, the department concludes the proposed action will not have an unacceptable impact on listed threatened species and communities (sections 18 and 18A of the EPBC Act).

**Listed migratory species (sections 20 and 20A)**

156. The department's Environment Reporting Tool report (ERT, dated 9 June 2022) indicates that a total of 17 migratory species may occur within ten kilometres of the proposed action (Attachment E).

157. Aquatic areas across the project site were primarily Lotus creek, farm dams and ephemeral creeks and drainage lines, which would be seasonal resources. Wetland bird species were not observed across the study area.

158. Based on information available to the department, such as the SPRAT Database, ERT (Attachment E) and information from the PD, the department considers that the proposed action has the potential to have significant impacts on the following migratory species:

- a. White-throated Needletail (*Hirundapus caudacutus*)

White-throated Needletail (*Hirundapus caudacutus*)

*Species Presence*

159. The PD states that 218 White-throated Needletails were observed within the Project Site.

*Existing Environment*

160. A discussion of the environmental values of the Project Site for the species is provided above in the listed threatened species section at paragraphs 117 to 121.

161. The *Referral guideline for 14 birds listed as migratory species under the EPBC Act* defines important habitat for this species as large tracts of native vegetation, particularly forest, and states that this species has been found to roost in tree hollows in tall trees on ridge-tops, on bark or rock faces. The department considers the roosting habitat on top of forested ridgelines in regions where the species has been observed to be important habitat for this species.

162. The proponent determined that there is 399.1 ha of foraging habitat and 48.75 ha of roosting habitat within the Development Footprint.

*Mitigation Measures*

163. Mitigation measures for this species are described above in paragraph 124. The department considers that these measures are also relevant and necessary for the protection of the White-throated Needletail under its listing as a migratory species.

*Residual impacts and recommended conditions*

164. The *Referral guideline for 14 birds listed as migratory species under the EPBC Act* provides area thresholds for the loss of important habitat likely to result in a significant impact. No threshold is provided for the White-throated Needletail due to a lack of knowledge, with the guideline indicating that research on White-throated Needletail may reveal site thresholds in tall forest used by roosting birds. The department notes that no roosting birds were identified within the Project Site, however surveys undertaken by the proponent were unlikely undertaken during early evening when the species is likely to be active and roost. Further, the lowest threshold provided within the guideline for a migratory species is 865 ha for the Black-winged Monarch (*Monarcha frater*). With consideration of this information, and all information available to the department, the department considers the loss of 48.75 ha of important habitat for the White-throated Needletail to not be a significant impact.

165. In consideration of *The Action Plan for Australian birds 2020* and the *Referral guideline for 14 birds listed as migratory species under the EPBC Act*, the Department considers that an ecologically significant proportion of a population (individuals) of White-throated Needletails is currently 41 individual birds (as noted in paragraph 128).

166. As discussed above, the department considers there is potential for an ongoing cumulative significant impact on the White-throated Needletail through turbine collision and barotrauma; therefore, the department considers that the implementation of a BBMP is necessary to manage these potential impacts.

167. Conditions for the ongoing protection of this species are described above in paragraphs 127 to 130. The department considers that these conditions are also relevant and necessary for the protection of the White-throated Needletail under its listing as a migratory species.

Other migratory species

168. At the time of the referral decision, the department identified that 5 additional species were likely to be impacted by the proposed action, including:
- Fork-tailed Swift (*Apus pacificus*)
  - Satin Flycatcher (*Myiagra cyanoleuca*)
  - Oriental Cuckoo (*Cuculus optatus*)
  - Yellow Wagtail (*Motacilla flava*)
  - Black-faced Monarch (*Monarcha melanopsis*).
169. Based on the information provided in the PD and available in SPRAT, and taking into account the nature of the action and the location, habitat and characteristics of the proposed action area, the department now considers the proposed action is unlikely to have a significant impact on the above species, or any other listed migratory species.

*Conclusion*

170. The department considers that if the mitigation measures are implemented and the proposed action is undertaken in accordance with the recommended conditions of approval, the impacts to listed migratory species (under sections 20 and 20A) will not be unacceptable.

**Considerations for Approval and Conditions**

**Mandatory considerations – section 136(1)(b) Economic and social matters**

171. Under subsection 136(1)(b) of the EPBC Act, in deciding whether or not to approve an action, and what conditions to attach to the approval, you must consider economic and social matters.
172. The referral indicates that the wind farm would assist the Queensland Government to achieve its target of 50% renewable energy generation by 2030, contributing towards reduced greenhouse gas emissions. Lotus Creek Wind Farm would have an installed capacity of up to 450 megawatts (MW).
173. Regarding indigenous heritage matters, the Lotus Creek Wind Farm Pty Ltd are working with the Barada Barna to develop an Indigenous Land Use Agreement and Cultural Heritage Management Plan for the Project.
174. The department has considered economic and social matters in the assessment of the proposed action and in recommending the approval of the proposed action.

**Factors to be taken into account – section 136(2)(a) Principles of ecologically sustainable development**

175. The proponent's Environmental Policy is included in the preliminary documentation. The Policy indicates Epuron's commitment to abiding by principles of ecologically sustainable development as defined in the *Protection of the Environment Administration Act 1991(NSW)*.
176. In deciding whether or not to approve the taking of an action and the conditions to attach to an approval, section 136(2)(a) of the EPBC Act provides that you are required to take into



account the principles of ecologically sustainable development (ESD). The principles of ESD, as defined in Part 1, section 3A of the EPBC Act, are:

- a. decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- b. if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- c. the principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- d. the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- e. improved valuation, pricing and incentive mechanisms should be promoted.

177. In formulating this recommendation, the department has taken into account the principles of ESD. In particular:

- a. This report and the assessment documentation provided contain information on the long-term and short-term economic, environmental, social and equitable considerations that are relevant to the decision and are presented for your consideration.
- b. Any lack of certainty related to the potential impacts of the projects is addressed by conditions that restrict environmental impacts, impose strict monitoring and adopt environmental standards which, if not achieved, require the application of response mechanisms in a timely manner to avoid adverse impacts.
- c. The proposed conditions will ensure protection of EPBC listed species and communities and listed migratory species. Those conditions allow for the project to be delivered and operated in a sustainable way to protect the environment for future generations and preserve EPBC listed species and communities to in perpetuity.
- d. The department has considered the importance of conserving biological diversity and ecological integrity in relation to all of the controlling provisions for this project, and the advice provided within this document reflects that consideration.
- e. The department's advice includes reference to and consideration of a range of information on the economic costs, benefits and impacts of the project. Based on the reference to relevant Queensland Government Planning and policy documents in the assessment documentation, the project has given consideration to evaluation, pricing and incentive mechanism, relevant to the project.

### **Precautionary Principle**

178. In making your decision under section 133 of the EPBC Act, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

179. The department has taken account of the precautionary principle by assessing the threats of serious or irreversible environmental damage and considering whether there is scientific uncertainty, with respect to the matters protected by the EPBC Act.
180. The department considers that the precautionary principle does not need to be applied for the Koala for this project. Many Koalas were observed in the project area during field surveys and the majority of the project area is classified as Koala habitat. There is therefore a good level of scientific certainty regarding Koala usage of the project area.
181. The department considers that the precautionary principle does not need to be applied for the Greater Glider for this project. The proponent observed 131 Greater Gliders across the project site during field surveys. Greater Glider habitat was found within the development footprint. Therefore, the department considers that there is high scientific certainty in the likely use of the project area by Greater Gliders.
182. The department considers that the precautionary principle does not need to be applied for the Squatter Pigeon for this project. Squatter Pigeons were observed at 23 locations across the project site during field surveys. The PD contains thorough habitat mapping for the Squatter Pigeon. The department considers there is a high level of scientific certainty regarding Squatter Pigeon usage of the project area.
183. The precautionary principle is relevant to impacts on listed threatened and migratory birds and bats. There is a potential threat of serious environmental damage through turbine strike during the approximately 30-year project operational phase. However, there is a lack of scientific research and understanding regarding these impacts, in particular, how often turbine strikes would occur and how many birds and bats would be killed or injured. In particular, there is a high degree of scientific uncertainty around the potential impact of the project on the cryptic Red Goshawk.
184. Taking account of this scientific uncertainty and the threat of serious or irreversible harm, the department has proposed a precautionary approach to avoid impacts to listed threatened and migratory birds and bats by conditioning the following:
- a) the requirement for the approval holder to submit a BBMP prior to commencement of the action and for approval by the Minister prior to commissioning;
  - b) 24 months of pre-commissioning bird and bat utilisation surveys;
  - c) 24 months of post-commissioning bird and bat utilisation surveys;
  - d) risk assessments for species likely to utilise the project area and likely to be at risk of turbine strike;
  - e) for species determined at risk of turbine strike, either collision risk modelling is to be undertaken OR application of a high risk rating;
  - f) an adaptive management approach in relation to turbine strike impacts;
  - g) requirements for carcass detection trials to increase the certainty of carcass detection of listed threatened and migratory birds and bats; and
  - h) the inclusion of trigger offsets for the White-throated Needletail and Red Goshawk to compensate for residual significant impacts on the species through turbine strike during operation.

185. The department has considered whether the precautionary principle applies to other MNES in relation to this project. The department considers that the precautionary principle does not apply to other MNES not discussed above, as it is considered there is not a lack of scientific certainty. The proponent has undertaken surveys in line with the department's survey guidelines, taken into account relevant statutory documentation and considered historical species records in the project area and surrounding region. The conditions also require an MNES Management Plan to be approved by the Minister prior to commencement of the action that contains commitments for managing impacts to listed threatened species.

**Factors to be taken into account – section 136(2)(bc) – preliminary documentation**

186. In accordance with section 136(2)(bc)(i), the documents given to the Minister under section 95B(1) are at Attachment D to the proposed approval brief.

187. In accordance with section 136(2)(bc)(ii), this document forms the recommendation report relating to the action given to the Minister in accordance with section 95C.

**Person's environmental history – section 136(4)**

188. On 9 May 2020, Lotus Creek Wind Farm Pty Ltd referred an 81-wind turbine farm located on the same Project Site. The proposed clearance footprint was 623.2 ha and would have resulted in the clearance of 623.2 ha of habitat critical to the survival of the Koala and 340 ha of habitat critical habitat to the survival of the Greater Glider (Southern and Central).

189. On 6 June 2020, the Minister for the Environment determined that the proposal was 'clearly unacceptable' under section 74B of the EPBC Act. On 4 August 2020, the proponent withdrew the referral. Section 74C(3)(b) of the EPBC Act states that the proponent may withdraw the referral and refer, under section 68 of the EPBC Act, a new proposal to take a modified action.

190. On 27 June 2022, the department's Environmental Compliance branch advised that based solely on the information available, the Environment Compliance Branch have conducted a history check, in particular section 136(4) Person's environmental history, on Lotus Creek Wind Farm Pty Ltd and no adverse history has been identified relating to contravention of national environmental law. Additionally, the Environment Compliance Branch is not aware of any contraventions of state laws associated with this entity (Attachment G).

**Considerations in deciding on conditions – section 134**

191. In accordance with section 134(1), the Minister may attach a condition to the approval of the action if he or she is satisfied that the condition is necessary or convenient for:

- (a) protecting a matter protected by a provision of Part 3 for which the approval has effect (whether or not the protection is protection from the action); or
- (b) repairing or mitigating damage to a matter protected by a provision of Part 3 for which the approval has effect (whether or not the damage has been, will be or is likely to be caused by the action).

192. As detailed in the Assessment section above, all recommended conditions attached to the proposed approval are necessary or convenient to protect, repair and/or mitigate impacts on a matter protected by provision of Part 3 for which this proposed approval has affect.

193. In accordance with section 134(4), in deciding whether to attach a condition to an approval the Minister must consider:

- (a) any relevant conditions that have been imposed, or the Minister considers are likely to be imposed, under a law of a State or self-governing Territory or another law of the Commonwealth on the taking of the action;

194. The SARA approval under section 75 of the *Planning Act* 2016 (Qld) for the proposed action (Attachment F1) dated 3 May 2022 sets out the conditions required by the Queensland Government. The department received a copy of these conditions on 16 June 2022.

195. The SARA approval conditions were negotiated under section 76(2) of *Planning Act* 2016 (Qld). On request of the proponent, SARA approval condition 1 was revised to include the provision for micro-siting within the project area, beyond the Development Footprint initially conditioned for. The revised SARA approval was sent to the proponent on 29 June 2022. The department received these revised conditions on 11 July 2022 (Attachment F2).

196. The department has considered these conditions, to the extent they are relevant to MNES, and is of the view that the recommended proposed conditions of approval at Attachment B are not inconsistent with the SARA Decision Notice (Attachment F2). Further, the department has developed the proposed conditions to ensure the adequate protection of relevant protected matters that are likely to be significantly impacted by the proposed action.

197. All relevant information provided by the proponent has been considered. Documentation provided by the person taking the action is at Attachments C and D.

- a. the desirability of ensuring as far as practicable that the condition is a cost-effective means for the Commonwealth and a person taking the action to achieve the object of the condition.

198. The department considers the conditions proposed are a cost-effective means of achieving their purpose.

#### **Consideration of Condition-setting Policy**

199. The department has considered the likely scope and severity of the impacts to MNES, and the proposed avoidance and mitigation measures, and determined that it is likely the proposed action will result in a significant residual adverse impact on Koala, Greater Glider (Southern and Central), Squatter Pigeon and may result in a significant residual adverse impact to the Red Goshawk and White-Throated Needletail.

200. The department has also considered the conditions imposed by Queensland's State Assessment and Referral Agency, as described in Attachment F2. The department considers that the conditions described are not suitable to manage the residual impacts to MNES resulting from the proposed action. Specifically, the department considers that:

- (a) environmental offsets in accordance with the Offsets Policy are required to compensate for the residual significant impact on Koala, Greater Glider (Southern and Central) and Squatter Pigeon habitat as a result of the proposed action;
- (b) an MNES Management Plan is required to avoid and mitigate impacts to the Koala, Greater Glider (Southern and Central), Squatter Pigeon and White-throated Needletail during the construction, operation and decommissioning of the action;
- (c) a Bird and Bat Management Plan to mitigate and manage the potential impacts of turbine strike and barotrauma to listed threatened and migratory species that utilise habitat within the project area

201. Accordingly, the department considers that it is necessary and convenient to apply approval conditions to this project, as outlined in Attachment B.
202. In applying this analysis, the department has had regard to the *EPBC Act Condition-setting Policy* (2015).

**Requirements for decisions about listed threatened species and communities – section 139**

203. In deciding whether or not to approve for the purposes of a subsection of section 18 or section 18A the taking of an action, and what conditions to attach to such an approval, the Minister must not act inconsistently with:

- a. Australia's obligations under:
  - i. the Biodiversity Convention; or
  - ii. the Apia Convention; or
  - iii. CITES; or
- b. a recovery plan or threat abatement plan.

(2) If:

- a. the Minister is considering whether to approve, for the purposes of a subsection of section 18 or section 18A, the taking of an action; and
- b. the action has or will have, or is likely to have, a significant impact on a particular listed threatened species or a particular listed threatened ecological community;

the Minister must, in deciding whether to so approve the taking of the action, have regard to any approved conservation advice for the species or community.

*The Biodiversity Convention*

204. The Biodiversity Convention is available at:  
<http://www.austlii.edu.au/au/other/dfat/treaties/ATS/1993/32.html>
205. The objectives of the Biodiversity Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.
206. The recommendations are not considered by the department to be inconsistent with the Biodiversity Convention, which promotes environmental impact assessment (such as this process) to avoid and minimise adverse impacts on biological diversity. The department has also given particular consideration to an appropriate combination of avoidance and mitigation measures for the management of species potentially impacted by the proposed action.
207. The Biodiversity Convention has been considered in, and is not inconsistent with, the recommended approval which requires avoidance, mitigation and management measures for listed threatened species and communities. The recommended approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

*Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*

208. CITES is available at: <http://www.austlii.edu.au/au/other/dfat/treaties/ATS/1976/29.html>
209. CITES is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.
210. The recommendations are not inconsistent with CITES as the proposed action does not involve international trade.

*Convention on the Conservation of Nature in the South Pacific (APIA Convention)*

211. The APIA Convention is available at:  
<http://www.austlii.edu.au/au/other/dfat/treaties/ATS/1990/41.html>.
212. The APIA Convention encourages the creation of protected areas which together with existing protected areas will safeguard representative samples of the natural ecosystems occurring therein (particular attention being given to endangered species), as well as superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural or scientific value.
213. The Apia Convention was suspended with effect from 13 September 2006. While this Convention has been suspended, Australia's obligations under the Convention have been taken into consideration. The recommendations are not inconsistent with the Convention which has the general aims of conservation of biodiversity.

*Recovery Plans and Threat Abatement Plans*

214. The Recovery Plans relevant to the proposed action and assessment are listed in the Statutory Documents Report ([Attachment H1](#)). The Recovery Plans relevant to the proposed action are at [Attachment H7-H8](#) and listed below:
- QLD Department of the Environment and Resource Management (2012), *National recovery plan for the Red goshawk Erythrotriorchis radiatus*  
<https://www.dcceew.gov.au/sites/default/files/documents/erythrotriorchis-radiatus.pdf>.
  - Department of Agriculture, Water and the Environment (2022). *National Recovery Plan for the Koala Phascolarctos cinereus (combined populations of Queensland, New South Wales and the Australian Capital Territory)*. Department of Agriculture, Water and the Environment, Canberra. Available from:  
<http://www.awe.gov.au/environment/biodiversity/threatened/publications/recovery/koala-2022>. In effect under the EPBC Act from 08-Apr-2022.
215. The recommendation report provides a discussion of the Recovery Plans in respect of each listed threatened species and community (see discussion above in the Assessment section).
216. Threat Abatement Plans relevant to this proposed action and assessment are listed in the Statutory Documents Report ([Attachment H1](#)). The species policy section noted that they are not anticipating any changes to the relevant Threat Abatement Plans associated with the proposed action. The Threat Abatement Plans relevant to the proposed action are at [Attachments H9 – H11](#) and listed below:
- Department of the Environment and Energy (2016). *Threat abatement plan for competition and land degradation by rabbits*. Canberra, ACT: Commonwealth of Australia. Available from:



<http://www.environment.gov.au/biodiversity/threatened/publications/tap/competition-and-land-degradationrabbits-2016>.

- b. Department of the Environment, Water, Heritage and the Arts (DEWHA) (2008). *Threat abatement plan for predation by the European red fox*. DEWHA, Canberra. Available from:  
<http://www.environment.gov.au/biodiversity/threatened/publications/tap/predation-european-red-fox>.
- c. Department of the Environment (2015). *Threat abatement plan for predation by feral cats*. Canberra, ACT: Commonwealth of Australia. Available from:  
<http://www.environment.gov.au/biodiversity/threatened/publications/tap/threat-abatement-plan-feral-cats>.

217. This Recommendation Report provides a discussion of Threat Abatement Plans in respect of each listed threatened species and community to which the Threat Abatement Plan is relevant (see discussion above in Assessment section above).

218. The department has considered all relevant Recovery Plans and Threat Abatement Plans and is of the view that approval of this action would not be inconsistent with the above obligations.

#### *Conservation Advice*

219. The approved Conservation Advice relevant to this proposed action and assessment are listed in the Statutory Documents Report ([Attachment H1](#)). The approved Conservation Advices relevant to the proposed action are at [Attachment H2-H6](#) and listed below:

- a. Department of Sustainability, Environment, Water, Population and Communities (2022). *Approved Conservation Advice for Phascolarctos cinereus (combined populations in Queensland, New South Wales and the Australian Capital Territory)*. Canberra: Department of Sustainability, Environment, Water, Population and Communities. Available from: [www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon\\_id=85104](http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104)
- b. Threatened Species Scientific Committee (2022). *Conservation Advice Petauroides volans greater glider*. Canberra: Department of the Environment. Available from: <https://www.environment.gov.au/biodiversity/threatened/species/pubs/254-conservation-advice-05072022.pdf>
- c. Threatened Species Scientific Committee (2015). *Conservation Advice Geophaps scripta scripta squatter pigeon (southern)*. Canberra: Department of the Environment. Available from: [www.environment.gov.au/biodiversity/threatened/species/pubs/64440-conservation-advice-31102015.pdf](http://www.environment.gov.au/biodiversity/threatened/species/pubs/64440-conservation-advice-31102015.pdf).
- d. The *Conservation Advice Erythrorchis radiatus red goshawk* (2015) outlines the management actions developed to support the conservation of this species. It is available at: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/942-conservation-advice-31102015.pdf>
- e. The *Conservation Advice Hirundapus caudacutus White-throated Needletail* (2019), outlines the management actions developed to support the recovery of the species. It is available at:

<http://www.environment.gov.au/biodiversity/threatened/species/pubs/682-conservation-advice-04072019.pdf>

220. As discussed in the Assessment section above, the department has had regard to the approved conservation advice relevant to the proposed action and has considered the likely impacts of the proposed action on listed threatened species and endangered ecological communities. The department is of the view that approval of this action would not be inconsistent with the conservation advice.

**Requirements for decisions about listed migratory species – section 140**

221. In deciding whether or not to approve for the purposes of section 20 or 20A the taking of an action relating to a listed migratory species, and what conditions to attach to such an approval, the Minister must not act inconsistently with Australia's obligations under whichever of the following conventions and agreements because of which the species is listed:

- a. the Bonn Convention;
- b. CAMBA;
- c. JAMBA;
- d. an international agreement approved under subsection 209(4).

*The Bonn Convention*

222. The Bonn Convention is available at: <http://www.cms.int/about/index.htm>

223. The Bonn Convention aims to conserve terrestrial, aquatic and avian migratory species throughout their range.

224. Section 7.1 of the PD notes that Parties to the (Bonn) convention must strive to protect listed species, conserve and restore habitats, mitigate obstacles to migration and control factors that endanger listed species.

225. The proponent considers there is no residual significant impact to migratory birds.

*Consideration*

226. The department has considered Australia's obligations under the Bonn agreement in making a recommendation on whether or not to approve the proposed action.

227. The department considers there may be a significant impact on White-throated Needletail individuals through turbine collision during operation, however these will be managed under the Conditions of Approval ([Attachment B](#)).

228. The department finds the Bonn agreement has been considered and is not inconsistent with the recommended approval which requires avoidance, mitigation and management measures for listed migratory species. The recommended approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

229. As such, the department is satisfied the approval of the proposed action for the purposes of sections 20 and 20A would not be inconsistent with Australia's obligations under The Bonn Convention.

*China-Australia Migratory Bird Agreement (CAMBA)*

230. The CAMBA agreement can be found at:  
<http://www.austlii.edu.au/au/other/dfat/treaties/1988/22.html>
231. The CAMBA agreement list terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds. The agreement requires the parties to protect migratory birds by:
- a. limiting the circumstances under which migratory birds are taken or traded;
  - b. protecting and conserving important habitats;
  - c. exchanging information; and
  - d. building cooperative relationships.
232. Section 7.1 of the PD notes that the CAMBA agreement promotes the co-operation in taking measures for the management and protection of migratory birds and birds in danger of extinction and also for the management and protection of their habitats.

Consideration

233. The department has considered Australia's obligations under the CAMBA agreement in making a recommendation on whether or not to approve the proposed action.
234. The department considers there may be a significant impact on White-throated Needletail individuals through turbine collision during operation, however these will be managed under the Conditions of Approval (Attachment B).
235. The department finds the CAMBA agreement has been considered and is not inconsistent with the recommended approval which requires avoidance, mitigation and management measures for listed migratory species. The recommended approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.
236. As such, the department is satisfied the approval of the proposed action for the purposes of sections 20 and 20A would not be inconsistent with Australia's obligations under the CAMBA.

*Japan-Australia Migratory Bird Agreement (JAMBA)*

237. The JAMBA agreement can be found at:  
<http://www.austlii.edu.au/au/other/dfat/treaties/1981/6.html>
238. The JAMBA agreement list terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds.
239. The agreement require the parties to protect migratory birds by:
- a. limiting the circumstances under which migratory birds are taken or traded;
  - b. protecting and conserving important habitats;
  - c. exchanging information; and

- d. building cooperative relationships.

240. Section 7.1 of the PD notes that the JAMBA agreement promotes the co-operation in taking measures for the management and protection of migratory birds and birds in danger of extinction and also for the management and protection of their habitats.

#### Consideration

241. The department has considered Australia's obligations under the JAMBA agreement in making a recommendation on whether or not to approve the proposed action.
242. As stated above, the department considers there may be a significant impact on White-throated Needletail individuals through turbine collision during operation, however these will be managed under the Conditions of Approval (Attachment B).
243. The department finds the JAMBA agreement has been considered and is not inconsistent with the recommended approval which requires avoidance, mitigation and management measures for listed migratory species. The recommended approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.
244. As such, the department is satisfied the approval of the proposed action for the purposes of sections 20 and 20A would not be inconsistent with Australia's obligations under the JAMBA.

#### *International Agreements*

##### *International Agreement - Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA)*

245. The ROKAMBA agreement can be found at:  
<http://www.austlii.edu.au/au/other/dfat/treaties/2007/24.html>
246. The ROKAMBA agreement list terrestrial, water and shorebird species which migrate between Australia and the respective countries. In both cases the majority of listed species are shorebirds.
247. The agreement requires the parties to protect migratory birds by:
- a. limiting the circumstances under which migratory birds are taken or traded;
  - b. protecting and conserving important habitats;
  - c. exchanging information; and
  - d. building cooperative relationships.
248. Section 7.1 of the PD notes that the ROKAMBA agreement promotes the co-operation in taking measures for the management and protection of migratory birds and birds in danger of extinction and also for the management and protection of their habitats.

#### Consideration

249. The department has considered Australia's obligations under the ROKAMBA agreement in making a recommendation on whether or not to approve the proposed action.
250. As stated above, the department considers there may be a significant impact on White-throated Needletail individuals through turbine collision during operation, however these will be managed under the Conditions of Approval (Attachment B).

251. The department finds the ROKAMBA agreement has been considered and is not inconsistent with the recommended approval which requires avoidance, mitigation and management measures for listed migratory species. The recommended approval requires information related to the proposed action to be publicly available to ensure equitable sharing of information and improved knowledge relating to biodiversity.

252. As such, the department is satisfied the approval of the proposed action for the purposes of sections 20 and 20A would not be inconsistent with Australia's obligations under the ROKAMBA.

#### Consideration

253. The department considers that likely impacts on listed migratory species will be avoided, mitigated and offset by the person taking the action to a reasonable degree under the proposed conditions. Approving the proposed action subject to the proposed conditions would therefore not be inconsistent with the International Agreement.

#### **Bioregional Plans section 176(5)**

254. In accordance with section 176(5), the Minister is required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant.

255. The proposed action is not located within or near an area designated by a bioregional plan. The department considers that there are no bioregional plans relevant to the proposed action.

#### **Conclusion**

256. The proposed action is likely to impact on important habitat for EPBC listed threatened species and listed migratory species. The department considers that the likely impacts of the proposed action on listed threatened species and listed migratory species will be acceptable, provided the action is undertaken in accordance with the recommended conditions and consistent with the mitigation and offset measures as required in conditions ([Attachment B](#)). Having considered all matters required to be considered under the EPBC Act, the department recommends the proposed action be approved, subject to the recommended conditions.

#### **Material used to prepare Recommendation Report**

- Approval Decision Notice
- Referral
- Preliminary documentation.
- Environment reporting tool (ERT)
- State conditions (SARA)
- Environmental History Check
- Statutory documents and Report



# Comparison of Lotus Creek Wind Farm v1 and v2

This table provides a summary of the differences between the original Lotus Creek Wind Farm proposal (Lotus Creek Wind Farm v1) that was refused under the EPBC Act in June 2020 and the updated proposal (Lotus Creek Wind Farm v2) that was approved in October 2022.

|                     | Lotus Creek Wind Farm v1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Lotus Creek Wind Farm v2                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assessment History  | <ul style="list-style-type: none"> <li>- Referral number: 2020/8627</li> <li>- Valid referral: 8 May 2020</li> <li>- Referral decision: 6 June 2020 – <u>Clearly unacceptable</u> due to impacts on listed threatened species and communities.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>- Referral number: 2020/8867</li> <li>- Valid referral: 7 January 2021</li> <li>- Referral decision: 8 February 2021 - <u>Controlled action</u> assessed by Preliminary Documentation</li> <li>- Final decision: 31 October 2022</li> </ul>                                                                                                                                                    |
| Main changes        | In response to the DAWE's decision on 6 June 2020, the proponent redesigned the wind farm to remove turbines and associated infrastructure from Greater Glider habitat specifically, and from the Clarke-Connors Range in general, as well as reducing the number of turbines in Koala habitat from 81 down to 55 turbines.                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Project description | <ul style="list-style-type: none"> <li>- 81 turbines, access roads and associated infrastructure</li> <li>- 450 megawatts (MW) of renewable power</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>- 55 turbines, access roads and associated infrastructure</li> <li>- 450 megawatts (MW) of renewable power</li> </ul>                                                                                                                                                                                                                                                                          |
| Project location    | <ul style="list-style-type: none"> <li>- Predominantly within the <b>Clarke-Connors Range</b> (eastern side of the Connors Ranges)</li> <li>- Clarke-Connors Range is part of the Queensland Coast Bioregion and falls within a State significant corridor.</li> <li>- Historical disturbance is minimal due to steep terrain and geology, which have largely precluded clearing for agriculture and development as resource extraction sites.</li> <li>- Clarke-Connors Range is identified as a prehistoric refugia and a significant future climate change refugia for the distribution of Koala (<i>Phascolarctos cinereus</i>) in Queensland and supports large numbers of Greater Gliders due to the extent and quality of mature hollow-bearing trees</li> </ul> | <ul style="list-style-type: none"> <li>- Within the <b>Nebo-Connors Ranges</b> (western side of the Connors Ranges) and up to the edge of the Clarke-Connors Range</li> <li>- Nebo-Connors Range is part of the Brigalow Belt bioregion</li> <li>- The proponent considers this development footprint to be poorer quality habitat than the eastern side of the range which is considered to have excellent habitat value.</li> </ul> |



|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project impacts | <p>Development footprint:</p> <ul style="list-style-type: none"> <li>- 623.2 ha</li> </ul> <p>Koala:</p> <ul style="list-style-type: none"> <li>- 623.2 ha of Koala habitat</li> </ul> <p>Greater Glider:</p> <ul style="list-style-type: none"> <li>- 340 ha of Greater Glider habitat</li> </ul> <p>Squatter Pigeon:</p> <ul style="list-style-type: none"> <li>- 150.5 ha of Squatter Pigeon habitat</li> </ul> <p>White-throated Needletail:</p> <ul style="list-style-type: none"> <li>- Potential impacts during the operational phase</li> </ul> <p>Red Goshawk:</p> <ul style="list-style-type: none"> <li>- Potential impacts during the operational phase</li> </ul> | <p>Development footprint:</p> <ul style="list-style-type: none"> <li>- 413 ha</li> </ul> <p>Koala:</p> <ul style="list-style-type: none"> <li>- 341.36 ha of Koala habitat</li> <li>- Koala's are considered to be at lower density within this revised footprint</li> </ul> <p>Greater Glider:</p> <ul style="list-style-type: none"> <li>- 48.75 ha of Greater Glider habitat.</li> </ul> <p>Squatter Pigeon:</p> <ul style="list-style-type: none"> <li>- 48.74 ha of Squatter Pigeon habitat</li> </ul> <p>White-throated Needletail:</p> <ul style="list-style-type: none"> <li>- Potential impacts during the operational phase</li> </ul> <p>Red Goshawk:</p> <ul style="list-style-type: none"> <li>- Potential impacts during the operational phase</li> </ul> |
| Offsets         | <p>No suitable offsets are considered possible due to:</p> <ul style="list-style-type: none"> <li>- The size of the project</li> <li>- The quality of the habitat</li> <li>- Similar geomorphic attributes, which limit disturbances</li> <li>- Forming part of multiple major corridors and abutting State Forest</li> <li>- In the same geographic region due to expected impacts of climate change</li> </ul>                                                                                                                                                                                                                                                               | <p>It is considered that the provision of offsets (for Koala, Greater Glider, and Squatter Pigeon) can deliver an overall conservation gain for these species if delivered in accordance with the principles of the department's EPBC Act Environmental Offsets Policy (2012) (EPBC Act Offsets Policy).</p> <p>To avoid, mitigate and manage the potential impact of turbine strike to White-throated Needletail and Red Goshawk, management and offset requirements include long term monitoring, adaptive management and trigger offset requirements should impacts occur</p>                                                                                                                                                                                        |



Australian Government

Department of Climate Change, Energy,  
the Environment and Water

To: Andrew McNee, Branch Head, Environment Assessments Queensland and Sea  
Dumping Branch

Approval Decision Brief – Lotus Creek Wind Farm, Connors Ranges, Queensland (EPBC  
2020/8867)

Timing: 26 July 2022 - Statutory timeframe (currently overdue)

**Recommendation/s:**

1. Consider the information in this brief and attachments, including the proposed approval decision package at Attachment A, which includes the department's Recommendation Report.  

Considered / ~~Please discuss~~
2. Consider the responses to the invitation for comment on the proposed decision at Attachment C.  

Considered / ~~Please discuss~~
3. Approve for each controlling provision, the action as summarised in the table below.  

Approved / ~~Not approved~~
4. Agree to attach the conditions of approval as set out in Attachment B.  

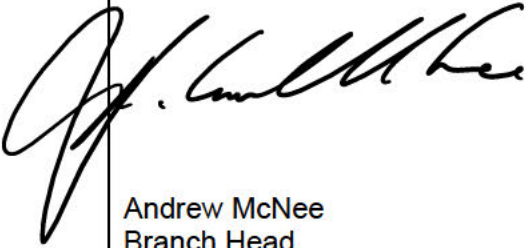
Agreed / ~~Not agreed~~
5. If you agree to 3 and 4, accept the reasoning in the departmental briefing package as the reasons for your decision.  

Accepted / ~~Not accepted~~
6. Sign the notice of your decision at Attachment B.  

Signed / ~~Not signed~~
7. Sign the letters at Attachment D advising the person proposing to take the action, and other relevant parties, of your decision.  

Signed / ~~Not signed~~

| Summary of recommendations on each controlling provision: |                |                   |
|-----------------------------------------------------------|----------------|-------------------|
| Controlling Provisions<br>for the action                  | Recommendation |                   |
|                                                           | Approve        | Refuse to Approve |
| Listed threatened species and communities (ss 18, 18A)    | Approve        |                   |
| Listed migratory species (ss 20, 20A)                     | Approve        |                   |



Date: 31/10/22

Andrew McNee  
 Branch Head  
 Environment Assessments Queensland and Sea Dumping Branch

**Comments:**

### Key Points:

#### Background

- On 5 October 2022, as recommended in the Proposed Approval Decision Brief (Attachment A) the delegate proposed to approve a proposal by Lotus Creek Wind Farm Pty Ltd (the proponent/ person proposing to take the action), to construct and operate a wind farm with up to 55 turbines in the Connors Ranges, 175 kilometres (km) north-west of Rockhampton in Queensland.
- On the 5 October 2022, in accordance with sections 131 and 131AA of the *Environment Protection and Biodiversity Conservation Act* (EPBC Act), a delegate of the Minister wrote to the following parties inviting comments on the proposed decision:
  - The person proposing to take the action;
  - The Hon. Linda Burney, Minister for Indigenous Australians;
  - The Hon. Chris Bowen, Minister for Climate Change and Energy; and
  - The s. 47F(1) , Director, Department of Defence.
- Although not required under the EPBC Act, the proposed decision was also provided to s. 47F(1) Director, Queensland Department of Environment and Science (DES) for comment.
- Except for the matters discussed in this brief, the matters for consideration and factors to be taken into account for your decision remain as set out in the proposed approval decision briefing package (Attachment A).



5. Following the referral decision, the parent company for Lotus Creek Wind Farm Pty Ltd changed from Epuron Projects Pty Ltd to Ark Energy Corporation Pty Ltd. The department's environmental compliance branch undertook an environmental history check on the parent companies for Lotus Creek Wind Farm Pty Ltd and found no records of adverse environmental history ([Attachment G](#)).

#### Issues/ Sensitivities

6. The proposed action will have a residual significant impact on listed threatened species as a result of the proposed clearance of:
  - a. 341.36 ha of Koala *Phascolarctos cinereus* (combined populations of Queensland, New South Wales and the Australian Capital Territory) habitat;
  - b. 16.39 ha of Squatter Pigeon (Southern) *Geophaps scripta scripta* breeding habitat;
  - c. 32.35 ha of Squatter Pigeon (Southern) *Geophaps scripta scripta* foraging habitat; and
  - d. 48.75 ha of Greater Glider (Southern and Central) *Petauroides volans* habitat.
7. During the operational phase of the project, the project may result in a significant residual impact on White-throated Needletail *Hirundapus caudacutus* (listed as vulnerable and migratory) and Red Goshawk *Erythrorhynchus radiatus* (listed as vulnerable) through turbine strike.
8. On 9 May 2020, Lotus Creek Wind Farm Pty Ltd submitted a valid referral by the same name, Lotus Creek Wind Farm, to the Commonwealth Department of Agriculture, Water and the Environment (DAWE). This referral was numbered EPBC 2020/8627. A referral decision was issued on 6 June 2020 stating the action would have clearly unacceptable impacts on listed threatened species and communities.
9. In response to DAWE's decision, the proponent redesigned the wind farm to remove turbines and associated infrastructure from Greater Glider habitat specifically, and from the Clarke-Connors Range in general, as well as reducing the number of turbines in Koala habitat from 81 down to 55 turbines.

#### Consultation:

10. The outcome of the consultation is summarised in the below table and responses to the conditions in the proposed approval decision are at [Attachment C](#). The department's responses to the comments from the person proposing to take the action are provided at [Attachment E](#).
11. The person proposing to take the action provided comment on the conditions in the proposed approval decision notice on 17 October 2022 ([Attachment C](#)). Their main concern was to update the White-throated Needletail impact trigger 2 conditions to allow additional time to report to the Minister and to clarify the requirements to repower turbines after impact trigger 2 exceedance. The person proposing to take the action and the department discussed this comment and agreed to update the number of business days from one to five. This was for practical reasons to enable the approval holder sufficient time for data collation, analysis and reporting on trigger exceedance events. There was also an agreement to change the condition to specify that an update to the BBMP would be required which would include further measures to avoid impacts to the species and need to be deemed acceptable by the Minister prior to repowering.
12. On 27 October 2022, the person proposing to take the action provided further comment on the revised conditions from the proposed approval decision notice. These comments were in

relation to clarifying condition 42(b) and enabling mitigation options to be included in a revised BBMP if the White-throated Needletail impact trigger 2 is reached (condition 43a). The person proposing to take the action and the department discussed these comments and agreed to update the condition set. The person proposing to take the action provided written notice of acceptance of the final condition set on 27 October 2022 (Attachment F).

13. The proposed conditions for approval were provided to the department's Post Approvals Section for review. Their comments were incorporated into the approval decision conditions (Attachment A).

|                                                  | Comment                                                                                                                                                                     |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Designated Proponent/ Person taking action       | <i>Agree</i>                                                                                                                                                                |
| Commonwealth Ministers                           | <i>Minister for Climate Change and Energy – no comment<br/>Minister for Indigenous Australians – comments below<br/>Director for Department of Defence – comments below</i> |
| Queensland Department of Environment and Science | <i>Comments below</i>                                                                                                                                                       |

14. On 19 October 2022, the Department of Defence responded noting the following (the following conditions have also been addressed in the SARA Decision Notice – Lotus Creek Wind Farm, 29 June 2022):

- a. Defence requests that the proponent provides construction details to Air Services Australia (ASA) via email at vod@airservicesaustralia.com;
- b. The aeronautical assessment be submitted to Civil Aviation Safety Authority (CASA) to determine the requirement for hazard lighting or marking;
- c. A recommendation for the top 1/3 of wind monitoring towers to be painted in alternating contrasting bands of colour in accordance with the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998;
- d. Defence has no objection to the proposed wind farm provided that the project complies with the above conditions and there are no changes to the proposal.

15. On 21 October 2022, the Queensland Department of Environment and Science (DES) responded to the invitation to comment on the proposed approval decision stating that the department has no concerns with the proposed approval conditions.

16. On 24 October 2022, the National Indigenous Australians Agency commented on behalf of the Minister for Indigenous Australians stating:

- a. They encourage the proponent to establish an Indigenous Land Use Agreements with the relevant groups;
- b. They advise the proponent to apply the *Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia and the Best Practice Standards in Indigenous Cultural Heritage Management and Legislation* to ensure preservation of First Nations cultural heritage;
- c. They advise the proponent seek advice from the Queensland Government on any future Act requirements which may apply under the *Native Title Act 1993*;

- d. They encourage the proponent to collaborate with Traditional Owners to develop cultural heritage awareness training for all project staff;
- e. They advise the proponent undertakes cultural heritage surveys in the project area; and
- f. Encourages the proponent to consider employing First National People in the project.

s. 22(1)(a)(ii)  
Director  
Queensland North Assessments Section  
s. 22(1)(a)(ii)

s. 22(1)(a)(ii)  
Queensland North Assessment Section

31 October 2022

#### Attachments

- A Proposed decision briefing package
- B Final decision notice
- C Responses to invitation for comment on proposed decision
- D Letters to Proponent/Person proposing to take the action, Queensland Department of Environment and Science, Commonwealth Ministers and Department of Defence
- E Department's comments on proposed approval decision conditions
- F Proponent's agreement to the final approval decision conditions
- G Environmental history check on proponent parent companies



**s. 22(1)(a)(ii)**

**From:** s. 22(1)(a)(ii)  
**Sent:** Friday, 18 March 2022 12:38 PM  
**To:** s. 47F(1)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** Lotus Creek WF (EPBC 2020/8867) Draft of Preliminary Documentation [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for providing the additional information for Lotus Creek Windfarm project (EPBC 2020/8867). We will be recommending to the delegate that there is enough information for the public to comment on and for the Minister (or delegate) to make a decision on approval.

As discussed, the provision of offsets will be provided in the Post Approvals stage. However, it is the department's expectation that offsets are provided prior to the commencement of the action.

We note that you have stated that targeted surveying for the White-throated Needletail will be provided prior to commissioning. Please ensure that the remainder of the 24 months of Bird Utilisation Surveys take into account the proposed turbine layout. Please note that the department is likely to recommend that a condition of approval be that species the department considers to be at high risk of turbine strike will require risk analysis, either Collision Risk Modelling or an alternative that is approved by the department.

In terms of timing, the delegate will need time to sign off on the direction to publish briefs, however we will endeavour to get these to you as soon as possible.

As always, feel free to get in touch for any clarifications.

Kind regards,

**s. 22(1)(a)(ii)**

Queensland North Assessments  
Environment Assessments Queensland and Sea Dumping Branch  
Department of Agriculture, Water and the Environment  
e: s. 22(1)(a)(ii) @awe.gov.au | a: GPO Box 858 CANBERRA ACT 2600

Please note: I work full-time Mon-Tues and part-time Wed-Fri

s. 22(1)(a)(ii)

**From:** s. 47F(1) @epuron.com.au>  
**Sent:** Thursday, 1 September 2022 10:01 AM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 22(1)(a)(ii)  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

**Categories:** ExternalMtg

Thanks s. 22(1)(a)(ii)

Appreciate you taking the time to update us – if there's anything that can be done to bring the schedule forward it would be much appreciated. Is there any chance we can see a copy of the pre-legal review updated draft conditions noting they are not for our comment at this juncture?

Kind regards,

s. 47F(1)  
 Project Manager



Level 11, 75 Miller Street, North Sydney, NSW 2060

s. 47F(1) | F: +61 (0)2 9922 6645  
[www.epuron.com.au](http://www.epuron.com.au)



Epuron acknowledges the Traditional Custodians of the land upon which we live and work, and their continuing connection to lands, waters and communities. We pay our respects to Elders past, present and emerging.

**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Wednesday, 31 August 2022 5:42 PM  
**To:** s. 47F(1) @epuron.com.au>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1),

Thank you for your email.

As discussed in the last meeting, the conditions are largely the same as those in the Specimen Hill Wind farm condition set. The exception is where there are site specific differences on impacts to MNES. I note that Epuron was very appreciative of this approach in the meeting.

I will, however, send through the response to s. 47F(1) around the BBMP submission process and the Greater Glider conditions very soon. Again, both of BBMP and Greater Glider conditions are in line with the Specimen Hill condition set, however the Lotus Creek Greater Glider conditions are likely to require fewer mitigation components. The fewer requirements for Greater Glider mitigation is because of the site specific differences, noting that unlike Specimen Hill WF, the proposed site for the Lotus Creek Wind farm (2020/8867) largely avoids climate refugia for the Greater Glider.

No decision time frame was given in the meeting due to the procedural changes that have come about recently, causing time frames to be extended beyond our control. As noted in the meeting, there is currently a higher degree of oversight of decisions in relation to consideration of the precautionary principle. All complex projects are now

requiring legal review at the referral, proposed and final decision stages. Alongside this legal review are the MoG and the challenging resourcing environment. Both points were noted during the meeting and highlighted below.

The ten day comment period you refer to is after the Minister, or the Minister's delegate, has reviewed the documentation around the proposed conditions and has made a decision on whether to propose approving the project in light of the condition set (noting that the Minister/ delegate can still request further information).

We are working very hard on getting the proposed condition to set to you ASAP, however, given the challenges mentioned above, it is likely still to be a couple of weeks away.

Please let me know if you have any further questions.

Kind regards,

s. 22(1)(a)

---

**From:** s. 47F(1) @epuron.com.au>  
**Sent:** Tuesday, 30 August 2022 4:00 PM  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Thanks s. 22(1)(a),

We appreciate your engagement on this project. We originally hoped we might have proposed conditions at the end of last week followed by a 10 day period to allow a decision at the end of next week. Is there anything that we can do to bring the schedule back forward?

Kind regards,

s. 47F(1)  
 Project Manager



Level 11, 75 Miller Street, North Sydney, NSW 2060  
 s. 47F(1) | F: +61 (0)2 9922 6645  
[www.epuron.com.au](http://www.epuron.com.au)



Epuron acknowledges the Traditional Custodians of the land upon which we live and work, and their continuing connection to lands, waters and communities. We pay our respects to Elders past, present and emerging.

---

**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Monday, 29 August 2022 5:10 PM  
**To:** s. 47F(1) @epuron.com.au>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1),

Thank you for your email – I am very sorry for the delay in getting back to you.

Unfortunately, the process is a bit slow at the moment and it is not just Epuron projects.

Partially the delays are due to the machinery of government changes in the creation of the new department; the change in processes with legal considerations taking in account the precautionary principle; the fact this is a relatively new industry with new impacts to be considered; and, resourcing requirements.

We are working very hard to get this to you ASAP, happy to give you an update at the end of the week if that would assist?

Apologies for the inconvenience.

Kind regards, s. 22(1)(a)

---

**From:** s. 47F(1) [@epuron.com.au](mailto:s.47F(1)@epuron.com.au)>  
**Sent:** Monday, 29 August 2022 9:50 AM  
**To:** s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 22(1)(a),

I hope you had a great weekend! How is Lotus Creek coming along – do you need anything from me? Is Lotus assessment progressing slower than Epuron's other projects – is there something I can improve on in our approach with this project?

Kind regards,

s. 47F(1)  
 Project Manager



Level 11, 75 Miller Street, North Sydney, NSW 2060

s. 47F(1) | F: +61 (0)2 9922 6645  
[www.epuron.com.au](http://www.epuron.com.au)



Epuron acknowledges the Traditional Custodians of the land upon which we live and work, and their continuing connection to lands, waters and communities. We pay our respects to Elders past, present and emerging.

---

**From:** s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Sent:** Wednesday, 24 August 2022 4:56 PM  
**To:** s. 22(1)(a)(ii) [@epuron.com.au](mailto:s.22(1)(a)(ii)@epuron.com.au)>; s. 22(1)(a)(ii) [@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Cc:** s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au)>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1),

Thanks for your mail – I hope your week is going well too.

Just to clarify – I don't recall indicating that the updated conditions will be with you this Friday, apologies if I did indicate that. We are working to get them to you as quickly as possible, but there are a number of processes still go to through.

Kind regards, s. 22(1)(a)

**From:** S. 47F(1) [redacted] <[redacted]@epuron.com.au>  
**Sent:** Wednesday, 24 August 2022 9:28 AM  
**To:** S. 22(1)(a)(ii) [redacted] <[redacted]@awe.gov.au>  
**Cc:** S. 22(1)(a)(ii) [redacted] <[redacted]@environment.gov.au>  
**Subject:** Re: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi S. 22(1)(a)(ii) [redacted]

I hope your week is going well. Just checking in can we still expect to see the updated Lotus Creek draft conditions this Friday?

Kind regards,

Get [Outlook for iOS](#)

---

**From:** S. 47F(1) [redacted] <[redacted]@nghconsulting.com.au>  
**Sent:** Monday, August 15, 2022 12:42 pm  
**To:** S. 22(1)(a)(ii) [redacted] <[redacted]@environment.gov.au>; S. 22(1)(a)(ii) [redacted] <[redacted]@environment.gov.au>;  
 S. 22(1)(a)(ii) [redacted] <[redacted]@environment.gov.au>  
**Cc:** S. 47F(1) [redacted] <[redacted]@epuron.com.au>; S. 47F(1) [redacted] <[redacted]@vestas.com>; S. 47F(1) [redacted] <[redacted]@epuron.com.au>; S. 47F(1) [redacted] <[redacted]@nghconsulting.com.au>; S. 47F(1) [redacted] <[redacted]@nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi guys,

Thanks for your time.

My two actions were to provide additional information on the below points. The BBAMP got a little complicated – S. 22(1)(a)(ii) [redacted] feel free to give me a call!

1. Proposed condition change to allow submission of BBAMP prior to commencement, with approval prior to commissioning.
  - Note, the conditions currently require the BBAMP to contain the results of the following time-intensive tasks:
    - 24 months of baseline surveys
    - Site-wide risk assessment
    - Turbine-level risk assessment (modelling or assignment of high risk to each turbine)
  - Did I understand from our conversation that there could be expectation that additional monitoring results, post clearing but prior to commissioning, would need to be included in the BBAMP? I can't see that is required by the CoA (at a glance)? Condition 36 requires carcass search efficiency trials during project **operation** (note, the results of these would not therefore need to be included in the BBAMP)
  - If there are no actions specifically required by the BBAMP (to meet CoA) to be undertaken during construction, what is the intent of submitting the BBAMP prior to commencement?
  - If the intent is that the BBAMP will need to be updated with new information specific to construction phase (you may need to point this condition(s) out to me!), then we would need to understand the process under the current proposed approach, i.e. is it:
    - Submit the BBAMP prior to commencement for assessment and approval
    - Address adequacy review requirements (if any)
    - Gain approval (*in a non-statutory assessment timeframe*) sometime between 2 months from commencement to 24 months from commencement (anticipated construction phase)

- What is the hold point/process if additional information is required by DCCEEW to be incorporated into the BBAMP from the construction phase, but the BBAMP is required to be submitted prior to construction?
- If the condition wording was simply changed to be consistent with SARA (i.e. submit/approved prior to commissioning) we would be cognisant of the fact that it takes time to finalise a BBAMP and would manage that process to ensure approval prior to commissioning. The flexibility to submit the BBAMP post commencement would be valued.

2. Proven use of constructed nest boxes by Greater Gliders:

- Evidence from March (I believe 2022) in SEQ: <https://wildlife.org.au/success-at-last/>
- See current study with ANU – it would be interesting to reach out and see emerging monitoring results <https://www.anu.edu.au/news/all-news/hi-tech-nest-boxes-to-help-greater-gliders>
- Note that the PD commits the Project to: *Salvaging and relocating tree hollows from felled trees (or where natural hollows are not viable, installing constructed nest boxes) to replace hollows with signs of use by Greater Glider.*

Kind regards, s. 47F(1)

s. 47F(1)

**GENERAL MANAGER - BIODIVERSITY**

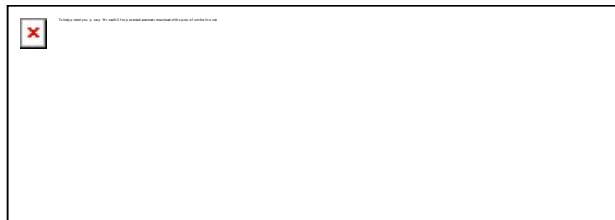
MEIANZ, BSc, MEnvMgt

s. 47F(1)

2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220  
(PO Box 466, Tugun, QLD 4224)

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-----Original Appointment-----

**From:** s. 22(1)(a)(ii) [@environment.gov.au](mailto:@environment.gov.au)>

**Sent:** Thursday, 4 August 2022 10:05 AM

**To:** s. 22(1)(a)(ii) ; s. 47F(1)

**Cc:** s. 47F(1)

**Subject:** Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

**When:** Monday, 15 August 2022 11:00 AM-11:30 AM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:**

Meeting to discuss feedback on proposed condition set for Lotus Creek Windfarm (EPBC 2020/8867).

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---

s. 22(1)(a)(ii)

**From:** s. 47F(1) @nghconsulting.com.au>  
**Sent:** Monday, 12 September 2022 3:50 PM  
**To:** s. 47F(1)  
**Cc:** s. 47F(1)  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** ExternalMtg

Thanks for getting back to me so quickly s. 22(1)(a).

I note that the Specimen Hill BBAMP timing condition refers to the 'satisfaction of the Minister' (snip below). Practically, what do you see this looking like? Will the BBAMP need to go through the adequacy review prior to commencement of the action? We are working on our schedule currently!

#### Bird and Bat Management

32. The approval holder must, prior to commencement of the action, submit to the department for the approval of the Minister, a Bird and Bat Management Plan (BBMP) to the satisfaction of the Minister.

Two additional questions:

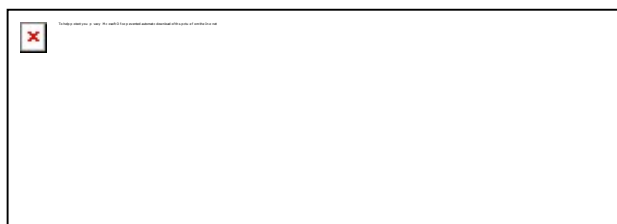
1. Can we please meet with the Post Approvals Team to start speaking to them about their expectations for the management plans, and their likely timeframes for review and approval? Are you able to provide a contact for us? We would appreciate this step as soon as possible, as we are making a start now.
2. Did you receive the updated Figure A-2 sent on Thursday? Our GIS (Taylor) is going to re-send as a link in case it was too big.

Kindest regards, s. 47F(1)

s. 47F(1)  
**GENERAL MANAGER - BIODIVERSITY**  
 MEIANZ, BSc, MEnvMgt

s. 47F(1)  
 @nghconsulting.com.au  
 2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220

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**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Thursday, 8 September 2022 3:45 PM  
**To:** s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1),

I am well, thanks, hope you are too.

Yes, you would have seen that Specimen Hill WF has been signed off and Lotus Creek WF BBMP conditions will be aligned with this.

That is:

- A **draft BBMP will be expected 3 months prior to commencement of the action.**
  - This will enable the approval holder to propose, and justify, site and region specific pre-commissioning monitoring measures to be undertaken from approval of the plan until commissioning.
  - This draft and the associated planning will enable the planning for and acquisition of information to be included in the final BBMP, i.e.
    - Information on how the action impacts listed bird and bat species during the construction phase; and
    - Information from pre-commissioning surveys that will be conducted along the final footprint, that is, where the actual turbines are to be placed.
  - Any pre-commissioning surveys required in the conditions associated with listed bird and bat species management will need to be undertaken prior to commissioning. This may include scavenger trials.
- The final **BBMP will need to be approved prior to commissioning and implemented throughout the life of the approval. Commissioning cannot commence prior to Ministerial approval of the BBMP.**

I hope this helps with your planning.

Kind regards, s. 22(1)(a)

---

**From:** s. 47F(1) [@nghconsulting.com.au](mailto:@nghconsulting.com.au)>  
**Sent:** Thursday, 8 September 2022 12:13 PM  
**To:** s. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au)>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Hope all is well with you?

I heard from Epuron that our approval may still be a week or two off – can you give any update on that? s. 47F(1)  
 and I are having lunch in Sydney tomorrow, and we were hoping for an excuse to have a glass of champagne 😊

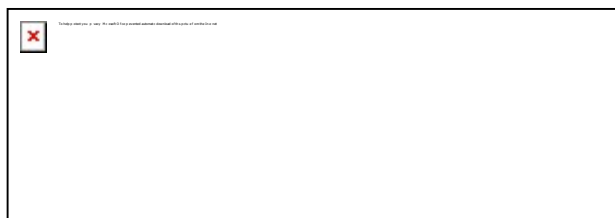
Regardless, are you able to confirm the final condition timing for the BBAMP? We are planning resourcing to secondary approvals, and whether pre-commissioning (our strong preference) or pre-construction will be key!

Feel free to give me a call on my mobile if that is easier for you,

Cheers, s. 47F(1)

s. 47F(1)  
**GENERAL MANAGER - BIODIVERSITY**  
 MEIANZ, BSc, MEnvMgt

s. 47F(1)  
[@nghconsulting.com.au](mailto:@nghconsulting.com.au)  
 2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220





**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Sunday, 21 August 2022 9:48 PM  
**To:** s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1)

Thank you for your email – I just wanted to note that I have read it and will reply in detail shortly.

Talk soon, s. 22(1)(a)(ii)

**From:** s. 47F(1) @nghconsulting.com.au>  
**Sent:** Monday, 15 August 2022 12:42 PM  
**To:** s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>;  
s. 22(1)(a)(ii) @environment.gov.au>  
**Cc:** s. 47F(1) @epuron.com.au>; s. 47F(1) @vestas.com>; s. 47F(1) @epuron.com.au>; s. 47F(1) @nghconsulting.com.au>; s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi guys,

Thanks for your time.

My two actions were to provide additional information on the below points. The BBAMP got a little complicated – s. 22(1)(a)(ii) feel free to give me a call!

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2. Proven use of constructed nest boxes by Greater Gliders:

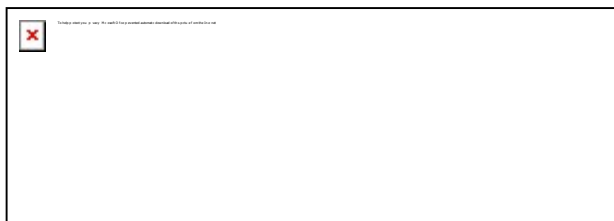
- Evidence from March (I believe 2022) in SEQ: <https://wildlife.org.au/success-at-last/>
- See current study with ANU – it would be interesting to reach out and see emerging monitoring results <https://www.anu.edu.au/news/all-news/hi-tech-nest-boxes-to-help-greater-gliders>
- Note that the PD commits the Project to: *Salvaging and relocating tree hollows from felled trees (or where natural hollows are not viable, installing constructed nest boxes) to replace hollows with signs of use by Greater Glider.*

Kind regards, s. 47F(1)

s. 47F(1)  
**GENERAL MANAGER - BIODIVERSITY**  
 MEIANZ, BSc, MEnvMgt

s. 47F(1)  
[nghconsulting.com.au](http://nghconsulting.com.au)  
 2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220  
 (PO Box 466, Tugun, QLD 4224)

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-----Original Appointment-----

**From:** s. 22(1)(a)(ii) [@environment.gov.au](mailto:@environment.gov.au)>

**Sent:** Thursday, 4 August 2022 10:05 AM

**To:** s. 22(1)(a)(ii) ; s. 47F(1)

**Cc:** s. 47F(1)

**Subject:** Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

**When:** Monday, 15 August 2022 11:00 AM-11:30 AM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:**

Meeting to discuss feedback on proposed condition set for Lotus Creek Windfarm (EPBC 2020/8867).

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---



s. 22(1)(a)(ii)

**From:** s. 47F(1) @niaa.gov.au>  
**Sent:** Monday, 24 October 2022 12:49 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 47F(1); Environment Policy; Heritage  
**Subject:** NIAA comments EPBC 2020/8867 Lotus Creek Wind Farm, Connors Ranges, Queensland [SEC=OFFICIAL]

**OFFICIAL**

Apologies s. 22(1)(a)(ii), I hit the send button too quickly.

s. 47F(1)

s. 22(1)(a)(ii)

Queensland North Assessments Section  
 Environment Assessments  
 Queensland and Sea Dumping  
 Department of Climate Change, Energy, the Environment and Water  
 s. 22(1)(a)(ii) @environment.gov.au

Dear s. 22(1)(a)(ii)

Thank you for the letter of 5 October 2022 inviting comments on the proposed approval decision for the Lotus Creek Wind Farm, a proposed action by Lotus Creek Wind Farm Pty Ltd (Lotus Creek) to construct and operate a wind farm with up to 55 turbines in the Connors Ranges, approximately 175 km north-west of Rockhampton, Queensland (EPBC 2020/8867).

The National Indigenous Australians Agency (NIAA) provided comments on the referral for the proposed action on 15 January 2021. In our previous comments, we noted the Traditional Owners, the Barda Kabalbarta Yetimarala (BKY) People, had concerns regarding the protection of their cultural heritage following the destruction of the cultural site at Jukkan Gorge. We acknowledged the proponent's ongoing engagement with the BKY People on cultural heritage management and other matters. To assist in strengthening relationships with the BKY People, we encouraged the proponent to establish an Indigenous Land Use Agreement (ILUA) with the relevant groups.

The NIAA also advised all parties to apply the *Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia and the Best Practice Standards in Indigenous Cultural Heritage Management and Legislation* to ensure preservation of First Nations cultural heritage. We note the preliminary documentation states Lotus Creek has been undertaking on-going engagement with the Barada Barna People, in addition to the BKY People, and that the proponent has implemented the NIAA's advice to establish ILUAs with relevant First Nations parties.

To further support the proponent in achieving best practice consultation with First Nations stakeholders and cultural heritage management, the NIAA provides the following advice and recommendations. Firstly, we note the land tenure for the proposed action is leasehold and therefore recommend, if it has not already done so, that the proponent seek advice from the Queensland Government on any future act requirements which may apply under the *Native Title Act 1993*.

Secondly, we recommend the proponent ensure the ILUAs incorporate a stakeholder consultation framework to ensure consultation with all First Nations stakeholders is ongoing for the life of the project, including project decommission, site rehabilitation or change in use. The ILUAs should also provide a framework for cultural heritage management and enable land access by the Traditional Owners.

The NIAA notes the proponent has worked with the Traditional Owners to develop a Cultural Heritage Management Plan (CHMP), but it is unclear whether thorough assessments and surveys were undertaken to inform the contents of the CHMP. We note that, at the time of the referral, the proponent had undertaken searches of the Department of Aboriginal and Torres Strait Islander Partnerships Database and Register and of the Queensland Heritage Register and the Broadsound Planning Scheme which identified 15 cultural heritage values present within the project area and its surrounds. However, it is unclear if the proponent undertook any on-ground cultural heritage surveys to more thoroughly inform understanding of the cultural values present in the project area.

As a matter of best practice, if it has not already done so, we strongly encourage the proponent to undertake appropriate on-ground cultural heritage surveys in collaboration with the Traditional Owner groups to ensure all First Nations heritage values, including any intangible values, are identified and protected. This should include discussing the presence of any cultural significant species, ecological communities or biogeographic features present in the project area. The Koala, Greater Glider, *Cycas megacarpa* and other species listed in the referral and preliminary documentation may be culturally significant. Any identified culturally significant species and agreed management measures should be documented in the CHMP. Further to the above, we recommend Lotus Creek develop protocols for the identification, protection and management of all cultural heritage values, including intangible values. These protocols should be documented in the CHMP as a matter of best practice.

The NIAA recommends that the proponent collaborate with the Traditional Owners to develop cultural heritage awareness training to ensure all project staff and contractors have an understanding of the cultural heritage values within the landscape and their duties and responsibilities for protecting those values. Any cultural heritage training expectations should be documented in the CHMP and a register of completion maintained.

We note the preliminary documentation states the ILUAs established for the project include training and capacity building opportunities for the Traditional Owner groups. The NIAA supports the engagement of First Nations businesses and employees in order to help fully realise the economic benefit and value of the project for the local First Nations community. We therefore encourage the proponent to consider First Nations employment and training opportunities beyond those established in the ILUAs. Lotus Creek should consider developing a First Nations employment plan or framework which incorporates employment and participation targets. We refer the proponent to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts' [Indigenous Employment and Supplier-use Infrastructure Framework](#) and the Australian Government's Indigenous Procurement Policy (<https://www.niaa.gov.au/indigenous-affairs/economic-development/indigenous-procurement-policy-ipp>) as useful tools for setting employment and business procurement targets respectively.

To meet any set targets, we reiterate our previous advice for Lotus Creek to engage with employment providers such as Workforce Australia in order to connect to First Nations jobseekers. Likewise, we recommend engaging with Supply Nation, which maintains a free online directory that can be used to identify suitable First Nations businesses to support project implementation.

Finally, the NIAA encourages the proponent to pursue opportunities for innovation in First Nations stakeholder engagement and community energy, securing long-term benefits for First Nations communities and a positive legacy for the Lotus Creek Wind Farm project. For example, Lotus Creek could improve local First Nations community energy access, security and affordability through infrastructure upgrades; and provide community shares and equity stakes in the project, power purchase agreements with First Nations corporations and community grants funded through a Social Contribution Action Plan.

Yours sincerely

s. 47F(1) on behalf of s. 47F(1)  
Branch Manager  
Land Policy and Environment Branch  
National Indigenous Australians Agency

October 2022

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d by the National EPA under the Freedom of Information A

Author: s. 47F(1)  
File/Ref number: 2025/001248  
Unit: Vegetation Management



Department of Natural  
Resources and Mines,  
Manufacturing and  
Regional and Rural  
Development

9 July 2025

s. 47F(1)

Email: s. 47F(1) @gmail.com

Dear s. 47F(1)

**RE: Request for a declared area on lot 4 KL210 - Isaac Regional Council (the property) -  
Offer of draft declaration**

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the department) has considered your request for a declared area on lot 4 KL210 and has determined that further information is required to demonstrate the application meets the requirements for a declared area in accordance with the *Vegetation Management Act 1999* (VMA).

Further information required:

1. Please confirm the specified period for which the declared area is intended to be in effect. This should be limited to the period required to achieve the intended conservation outcomes.
  - o The application material submitted to the department on 30 January 2025 states that *'The VDec is to remain in place for the life of the EPBC Act approval (2020/8867) – 30 September 2077'*. A declared area is a legally binding mechanism for securing an area to achieve a conservation outcome within a specified period. Stating that the declared area will be remain in place for the life of an approval does not achieve the intended purpose for declaring areas. A declared area should only be in place for the period required to manage an area to achieve a conservation outcome. This period should be a reasonable timeframe to demonstrate a conservation outcome is achievable and generally doesn't exceed 20 years.



2. Please supply a declared area management plan.

- o The application for a declared area was submitted with an Offset Area Management Plan (OAMP) and supported by a cover letter. The OAMP pertains to offset and area management requirements that are not consistent with requirements of declared areas under section 19 of the VMA. For clarity and transparency, a separate declared area management plan is required, this can be achieved by completing the attached Declared Area Management Plan template. The declared area management plan does not need to be extensive and can simply refer to the relevant sections listed in the OAMP.

For your convenience a draft declaration offer package has been prepared to allow you to review the draft material in conjunction with preparing a response to the above requested information. Drafts of the following documents are attached for your consideration:

- Declaration notice
- Declared area map
- Declared area Property Map of Assessable Vegetation (PMAV) 2025/001250

For your declared area application to proceed please provide a response to items 1 and 2 listed above. A response can be supplied along with the attached response letter which relates directly to the draft declared area offer package. In responding to the draft declared area offer please confirm agreement or disagreement with the draft declaration documents, this must be signed by all applicants and registered owners. Alternatively, you can elect to withdraw the request for a declared area by completing and returning this response letter.

Please note if you agree to the draft declaration offer and the department is satisfied with your response to items 1, and 2 above, the attached draft PMAV – 2025/001250 will be made over the declared area in accordance with section 20B of the VMA. The declared area will then be shown as a category A area on the regulated vegetation management map. The declaration will be noted on the title and is binding on current and future owners. This includes the management, monitoring, and reporting responsibilities set out in the declared area management plan which you are required to undertake to achieve the stated outcomes.

If you disagree with the draft declaration, you can provide reasons for your disagreement and any suggested changes. The department will then consider your reasons, suggested changes, and any additional information, and contact you to discuss further.

It is strongly recommended that you and any registered owner seek independent professional legal and financial advice regarding the proposed declaration and the future management, monitoring, and reporting responsibilities associated with the proposed declaration.

If you wish to discuss the information requested or draft declaration offer further, please contact s. 47F(1) on telephone number s. 47F(1) quoting the above reference number.

Yours sincerely,

s. 47F(1)

Senior Natural Resource Management Officer

d by the National EPA under the Freedom of Information A



File / Ref number: 2025/001249

Attn: **s. 47F(1)**

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

PO Box 937

Cairns QLD 4870

Dear **s. 47F(1)**

**Re: Request for a declared area on lot 4 KL210 – Isaac Regional Council (the property) – Offer of draft declaration**

*Please complete pages 1 and 2 of this response letter*

In response to the draft declaration offer, I confirm—

- ☒ I agree with the draft declaration offer, and request that the declaration be made.
- ☐ I disagree with the draft declaration offer, and request that the department reconsider the draft declaration offer.

*Please provide reasons for and suggested changes to the draft declaration with this response.*

- ☐ I withdraw this request for a declaration.

*Please provide signatures on the following page*

**Signature of owner (applicant) and all registered owners****READ BEFORE SIGNING THIS SECTION**

Acknowledgement and waiver by the owner (applicant) and all registered owners.

Before consent to or amendment of this offer of a draft declaration, it is recommended that all registered owners of the property seek their own independent legal and financial advice regarding the effect of the proposed declared area, and the legal and financial impacts of any subsequent making of any declaration.

By signing this section, those signing are taken to:

- acknowledge that the making of the declaration resulting from accepting this draft declaration offer may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any special, indirect or consequential damages or any damages whatsoever rising out of or in connection with the making of this declaration.
- request that the chief executive agree to make a declaration as proposed in this offer.

Where the owner is a company, execution by the company must be provided in accordance with the requirements of the **Corporations Act 2001 (Commonwealth)**, section 127.

A company:

- may execute a document without using a common seal if the document is signed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director; or
- with a company seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director.

If there are more owners, extra pages containing the additional signature(s) may be attached.

| Owner's Signature | Date   | Company seal (if applicable) |
|-------------------|--------|------------------------------|
| s. 47F(1)         | 5/8/25 |                              |
|                   |        |                              |
|                   |        |                              |





**Queensland  
Government**

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

ABN 59 020 847 551

## Declared area management plan

Vegetation Management Act 1999

Complete the following management plan for an area to be declared as an area of high nature conservation value or an area vulnerable to land degradation.

For guidance on declared areas see the Declared area guide at [www.qld.gov.au](http://www.qld.gov.au) (search 'declared areas'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

*Note: Examples of information to include in this management plan are intended as guidance only. The level of detail or scope of the management plan will depend on the purpose of the declaration and the particular circumstances of the area being secured.*

### 1. Owner's details

|                                                                                                                                    |                                                                                                          |                           |
|------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------|
| First name:                                                                                                                        | Middle name:                                                                                             | Surname:                  |
| Company name: Redrock Trading Co Pty Ltd                                                                                           |                                                                                                          |                           |
| If a corporation then enter one of the following: <input checked="" type="checkbox"/> ACN <input checked="" type="checkbox"/> ARBN |                                                                                                          | 649096051                 |
| Main phone:                                                                                                                        | Other phone:                                                                                             |                           |
| Address line 1:                                                                                                                    | Redrock                                                                                                  |                           |
| Address line 2:                                                                                                                    |                                                                                                          |                           |
| Town/Suburb:                                                                                                                       | Comet                                                                                                    | State: QLD Postcode: 4702 |
| Email address:                                                                                                                     | s. 47F(1) @gmail.com                                                                                     |                           |
| Preferred method of contact                                                                                                        | <input type="checkbox"/> Phone <input checked="" type="checkbox"/> Email <input type="checkbox"/> Letter |                           |
| Local government area:                                                                                                             | Isaac Regional Council                                                                                   |                           |

*Note: the department cannot provide any information regarding a declared area application to third parties without the expressed consent of the owner of the land or where authorised by law.*

Office use only:

eLVAS case number:

Notification number:

### 2. Property description

This is the property on which the declared area is proposed. The declared area management plan should indicate the specific location of the proposed declared area on the property.

Extra pages may be attached to list additional lots.

| Lot number | Plan number | Declared area in hectares | Tenure   |
|------------|-------------|---------------------------|----------|
| 4          | KL210       | 2,577.1                   | Freehold |
|            |             |                           |          |
|            |             |                           |          |



**3. Description of declared area**

Include enough information to effectively map the boundary of the stated area, including a description of the area subject to the declared area and a map showing the location and extent of the area.

Refer to to Section 1 and Section 3.1 and Figure 3-1 of the attached Lotus Creek Wind Farm Offset Area Management Plan (OAMP)

A map may be attached to this plan and submitted with the request for a declared area. Please provide both a map and map information in digital spatial data in the format of a .kml or .shp file of your proposed area so that the exact extent can be used for the assessment.

**4. Request for declaration**

The purpose of this declaration is to declare:

- ☒ an area of high nature conservation value  
☐ an area vulnerable to land degradation

under sections 19E-19L of the *Vegetation Management Act 1999* (VMA)

**5. Registered interest holders consent**

A registered interest is one registered under the *Land Act 1994* or the *Land Title Act 1994*.

Registered interests include mortgages, leases, subleases, covenants, profit a prendres, easements and building management statements.

A declaration may not be made unless the holder of a registered interest (other than the owner) in the proposed declaration area has consented in writing to the making of the declaration.

Note: where there is any change during assessment to the declared area management plan or extent of the proposed declared area, fresh consent of all persons with a registered interest on title is required.

**READ BEFORE SIGNING THIS SECTION**

Acknowledgement and waiver by all registered interest holders.

By signing this section, those signing are taken to:

- acknowledge that a declared area resulting from a request for a declared area may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Natural Resources, Mines, Manufacturing, Regional and Rural Development (the department) be liable for any special, indirect or consequential damages or any damages whatsoever arising out of, or in connection with, a request for a declared area or any subsequent declaration of the area in accordance with the request for a declared area.
- consent to the making of a declared area as proposed in the request for a declared area.

Extra pages may be attached to list additional lots and/or registered interest holders and provide their consent to the making of the declaration

| Parcel (Lot & plan) | Type of registered interest | Registered interest holder's name | Contact details | Signature |
|---------------------|-----------------------------|-----------------------------------|-----------------|-----------|
| 4KL210              | Mortgage                    | National Australia Bank           | S. 47F(1)       |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |

**Principles for drafting management plan:** In the sections below you will need to outline how you will achieve the management outcomes, including details on what actions will be taken to achieve this and how you will mitigate any impacts and manage any potential risks that may hinder the specified outcome.

## 6. Management intent

Refer to Section 8 of the OAMP for a detailed description of the range of Management Actions proposed within the Offset Site and Declared Area. Key management actions proposed include: • Bushfire management • Livestock exclusion and management • Feral animal control • Weed

### Examples:

1. The management intent for the area is the conservation of the native vegetation in the area. Conservation of the native vegetation will prevent the loss of biodiversity and maintain ecological processes.
2. The management intent for an area vulnerable to land degradation is to rehabilitate a degraded, unstable watercourse in an area subject to stream bank instability.

## 7. Management outcome

Refer to Section 8 of the OAMP for Offset Area Interim Milestones and Completion Criteria

**Principles for drafting management outcomes:** *The management outcomes for the area should be achievable, measurable and related to the conservation value or land degradation issue associated with the area.*

**Examples:**

1. *The management outcome for the area is that it achieves the definition of remnant vegetation.*
2. *The management outcome for the area is to establish (insert number) habitat trees and to have restored and enhanced (insert hectares) of natural area within (insert number) of years.*

**Note for exchange areas:** If the declaration is to legally secure an exchange area, the management objective must be either of the following:

- i. If the exchange area is located in a category X area, category C area or category R area—to return the exchange area to remnant vegetation (a category B area on the regulated vegetation management map) as soon as possible and within 20 years
- ii. If the exchange area is located in a category B area—to achieve the nominated substantial conservation outcome or address the nominated significant land degradation issue as soon as possible



## 8. Activities and restrictions

Activities and restrictions proposed within the Offset Site and Declared Area are detailed within Section 9: Management Actions of the OAMP.

*Example: To achieve the management outcome, the landholder will comply with the following activities and restrictions:*

1. *Clearing of native vegetation will not occur unless in accordance with an exemption listed in Schedule 21 of the Planning Regulation 2017 or a development approval under the Planning Act 2016.*
2. *All reasonable measures will be taken to maintain and enhance the structure and function of the regional ecosystem. For example, minimizing the introduction, establishment and spread of non-native plants. Where non-native plants already occur in the area, all reasonable measures will be taken to control the non-native plants.*
3. *Burning will only occur in accordance with the fire guideline/s specified in the Vegetation Management Regional Ecosystem Description Database (VM REDD available at [www.qld.gov.au](http://www.qld.gov.au)) for the regional ecosystem/s in the declared area.*
4. *Pest animals and pest plants considered an invasive biosecurity matter under the Biosecurity Act 2014 will be controlled.*

**Note for exchange areas:** If the declaration is to legally secure an exchange area, this section of the management plan must include:

- Description of the works / management actions that will be undertaken to achieve the management objective, including the methods, timing, frequency, intended benefits etc.
- The conservation outcomes that will be achieved by the works / management actions
- Description of the management actions that will be undertaken to ensure that the effects of the works do not result in land degradation
- Details of who is responsible for all works and management actions, and the estimated length of time the area/s will be managed

**Note:** provide information on any clearing restrictions that may apply (e.g. within a category A area).

Clearing in a category A area on a PMAV cannot be undertaken under any accepted development vegetation clearing code. However, clearing for some activities that are necessary to deliver the management outcomes and are provided for in the management plan may be Exempt Clearing Work (e.g. where the management plan provides for weed management, fences and firebreaks). For more guidance see section 11 of the Declared area guide.

**9. Term**

A management plan for a declared area has effect until the earlier of the following happens:

- the plan ends under its terms; or
- the declaration of the area as a declared area ends under section 19L of the VMA

**Ending a declaration**

Under section 19L of the VMA the chief executive may, by written notice given to the owner of the land the subject of a declaration, end the declaration if the chief executive considers:

- the declaration is not in the interests of the State, having regard to the public interest; or
- the management outcomes mentioned in section 19E(3)(c) of the VMA for the management plan relevant to the declaration have been achieved.

The chief executive may, by notice given to the owner of land declared as an area of high conservation value, end the declaration if:

- the area is, on or after the commencement of subsection 19L(2) of the VMA, a legally secured offset area; and
- a prescribed activity is, under an authority under another Act, to be carried out in or on the area; and
- the holder of the authority has entered into an agreed delivery arrangement in relation to an environmental offset for impacts to the area.

**Note:** the landholder may submit a request to end the declared area at any time. The department will assess whether the management outcomes have been met before removing the declaration.

Once the declaration has ended this plan will cease to have effect and the department will remove the declaration notice from the title of the land.

The department strongly encourages any landholder to seek acknowledgement from their offset provider that the offset management plan outcomes have been achieved before the making a request to the department to end the declaration.

The landholder may also need to submit a 20C PMAV application with the request to replace the Government issued PMAV over the declared area (where one has been placed over the declared area) and map the appropriate category of vegetation for the area (for example, category B).

## 10. Monitoring and record keeping

Monitoring actions are detailed in Section 10.7 while record keeping requirements are detailed in Section 10.6 of the OAMP.

Monitoring and record keeping should be undertaken to track the state of the declared area and progress towards achieving the management outcomes specified in this plan. The following information should also be provided:

- Monitoring and auditing processes including adaptive management approaches to rectify negative results from the monitoring and auditing processes
- Record keeping process for retaining appropriate records for monitoring and auditing processes.

**Note:** Providing the information above complies with the ADVCC requirements for legally securing an exchange area.

To apply for an area to be legally secured as an exchange area, complete the application to legally secure an exchange area at [www.qld.gov.au](http://www.qld.gov.au) (search 'exchange areas'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at [www.qld.gov.au](http://www.qld.gov.au) (search 'exchange areas').

**Note:** a declared area does not involve compliance powers and any compliance issues involving an offset dealing will not be dealt with by DNRMMRRD. Any such compliance function would sit with the administering authority responsible of the environmental offset. Additionally, the department will not be party to any negotiation for, or resolution of, any third-party arrangements or agreements.

## 11. Additional information

The management plan may also include any other information the applicant considers will assist in the determination of the request. Additional information can be provided below or as an attachment to this plan.

Section 4 of the OAMP details the Habitat Quality Scoring Methods to assess the improvement in habitat quality, while Section 7 details the Offset Assessment Guide inputs used to determine habitat quality.

## 12. How to lodge your Declared Area Management Plan

Email your application to [vegetation@resources.qld.gov.au](mailto:vegetation@resources.qld.gov.au)

Over the counter at any Department of Resources Business centre.

Via post at one of the following Department of Resources Business centres listed below.

|                                                |                                              |
|------------------------------------------------|----------------------------------------------|
| Bundaberg – PO Box 1167 Bundaberg QLD 4670     | Cairns – PO Box 937 Cairns QLD 4870          |
| Charleville – PO Box 224 Charleville QLD 4470  | Dalby – PO Box 589 Dalby QLD 4405            |
| Emerald – PO Box 19 Emerald QLD 4720           | Gympie – LMB 383 Gympie QLD 4570             |
| Ipswich – PO Box 864 Ipswich QLD 4305          | Mackay – PO Box 63 Mackay QLD 4740           |
| Rockhampton – PO Box 1762 Rockhampton QLD 4700 | Roma – PO Box 350 Roma QLD 4455              |
| Toowoomba – PO Box 318 Toowoomba QLD 4350      | Townsville – PO Box 5318 Townsville QLD 4810 |

12. Signature of owner (applicant) and all registered owners

If there is more than one owner of the land on which the declared area is proposed, each owner must complete and sign this management plan. The owner of the land is the party/s registered on title as the registered owner.

If there are more owners, extra pages containing the additional signature(s) may be attached.

| Lot | Plan number | Owner's name               | If a corporation record one of the following:<br>ACN ARBN |      | Owner's signature                                                                             | Date   | Company seal (if applicable) |
|-----|-------------|----------------------------|-----------------------------------------------------------|------|-----------------------------------------------------------------------------------------------|--------|------------------------------|
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
| 4   | KL210       | Redrock Trading Co Pty Ltd | 649096051                                                 |      |  S. 47F(1) | 5/8/25 |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |
|     |             |                            | ACN                                                       | ARBN |                                                                                               |        |                              |

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (office use only)

| Name | Position | Signature | Date |
|------|----------|-----------|------|
|------|----------|-----------|------|





**Queensland  
Government**

Department of Resources  
ABN 59 020 847 551

## Request for a declared area

ss19E-19L Vegetation Management Act 1999

Use this form to request an area of land to be declared an area of high nature conservation value or an area vulnerable to land degradation. For guidance on declared areas see the Guide to declared areas at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

To apply for an area to be legally secured as an exchange area, complete the Application to legally secure an exchange area at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

### 1. Owner's (applicant's) details

Owner, of land includes -

- (a) for freehold land - all registered owners; or
- (b) for a lease, license or permit under the *Land Act 1994* - all lessees, licensees or permittees; or
- (c) for indigenous land - the holder of title to the land; or
- (d) for any tenure under any other Act - the holder of the tenure.

First name:  Middle name:  Surname:

Company name:

If a corporation then enter one of the following: ☒ ACN ☐ ARBN

Main phone:  Other phone:

Email:

Address line 1:

Address line 2:

Town/Suburb:  State:  Postcode:

Preferred method of contact ☐ Phone ☒ Email ☐ Letter

The nominated contact person does not need to be the owner. All verbal and written correspondence (including the issue of notices) will be sent to the nominated contact person.

Name of nominated contact person (if applicable):

Company name:

If a corporation then enter one of the following: ☒ ACN ☐ ARBN

Main phone:  Other phone:

Email address:

Address line 1:

Address line 2:

Town/Suburb:  State:  Postcode:

Preferred method of contact ☐ Phone ☒ Email ☐ Letter

I accept that I will act as the nominated contact person on behalf of the owner(s) referred to in Section 1.

Signature of nominated contact person

Date:



**2. Property description**

This is the property on which the declared area is proposed. The declared area management plan should indicate the specific location of the proposed declared area on the property.

Extra pages may be attached to list additional lots.

| Lot number | Plan number | Area in hectares | Tenure   |
|------------|-------------|------------------|----------|
| 4          | 4KL210      | 2577.1           | Freehold |
|            |             |                  |          |
|            |             |                  |          |

**3. Registered interest holder consent**

A registered interest is one registered under the *Land Act 1994* or the *Land Title Act 1994*.

Registered interests include but are not limited to mortgages, leases, subleases, covenants, profit a prendre, easements and building management statements.

A declaration may not be made unless the holder of a registered interest (other than the owner) in the proposed declaration area has consented in writing to the making of the declaration.

**Note:** Registered interest holder consent is not required to lodge this request for a declared area but is required prior to the making of a declaration.

**Acknowledgement and waiver by all registered interest holders.**

**READ BEFORE SIGNING THIS SECTION**

By signing this section, those signing are taken to:

- acknowledge that a declaration resulting from this request may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any special, indirect or consequential damages or any damages whatsoever rising out of or in connection with this request or any subsequent declaration in accordance with this request.
- consent to the making of a declaration as proposed in this request and supporting material.

Extra pages may be attached to list additional lots and/or registered interest holders and provide their consent to the making of the declaration.

| Parcel (Lot & plan) | Type of registered interest | Registered interest holder's name | Contact details | Signature |
|---------------------|-----------------------------|-----------------------------------|-----------------|-----------|
| 4KL210              | s. 47F(1)                   |                                   |                 |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |
|                     |                             |                                   |                 |           |

**4. Type of declaration**

Specify the type of declaration that is requested, and the relevant criteria for the declaration. One or more of the criteria may be applicable to the area being sought for declaration.

Note: The owner must provide an explanation of how the declared area meets the criteria selected in this section. This explanation must be provided in the documents accompanying the request.

☒ **Area of high nature conservation value**

- ☐ A wildlife refugeium
- ☐ A centre of endemism
- ☐ An area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity
- ☐ An area that makes a significant contribution to the conservation of biodiversity
- ☐ An area that contributes to the conservation value of a wetland, lake or spring
- ☒ Another area that contributes to the conservation of the environment

OR

☐ **An area vulnerable to land degradation**

- ☐ Soil erosion
- ☐ Rising water tables
- ☐ The expression of salinity, whether inside or outside the area
- ☐ Mass movement by gravity of soil or rock
- ☐ Stream bank instability
- ☐ A process that results in declining water quality

**4.1 Purpose of request**

- |                                                                            |                                                          |
|----------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="radio"/> Environmental Offset (Vegetation Management)         | <input type="radio"/> Carbon Offset                      |
| <input type="radio"/> Environmental Offset (Queensland Government - Other) | <input type="radio"/> Better Environmental Outcome (BEO) |
| <input checked="" type="radio"/> Environmental Offset (Commonwealth)       | <input type="radio"/> Other Conservation Purpose         |
| <input type="radio"/> Environmental Offset (Local Government)              | <input type="radio"/> Enforceable Undertaking            |

Note: if the purpose of the declaration is to legally secure an exchange area, complete the Application to legally secure an exchange area at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

**4.2 Associated development approval**

If the declaration is linked to a development approval under the Planning Act (for example, if it required to meet a project condition to legally secure an offset area), please provide details of the development approval below:

Development approval reference number: **EPBC 2020/8867**

If the declaration is linked to an approval under another Act please provide details of the approval below:

Other Approval reference number: **2403-39753 SDA**

Responsible agency: **State Assessment and Referral Agency**

**5. Management plan**

A management plan must be provided with this request for a declared area. The management plan must contain all the components identified in this section. The management plan is to refer to the area identified in Section 2 of this form. The management plan may also include any other information the applicant considers will assist in the determination of the request.

For more information on the management plan, consult the Guide to declared areas, available on [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').



**Management plan checklist**

- ☒ Property owner's contact details and signature
- ☒ Includes description of the area subject to the declared area
- ☒ Includes map showing the location and extent of the declared area (or enough information for chief executive to map the stated area):
  - ☐ A map that defines the boundaries of the proposed declared area and a description of the boundaries of the area referenced by Map Grid of Australia 2020 (MGA2020) coordinates and zone references for the area
  - ☐ A map showing the proposed declared area with five or more GPS points that correspond to identifiable fixed features; and the Map Grid of Australia 2020 (MGA2020) coordinates and zone references for each point, acquired by GPS or similar system of satellites that receives and processing information; and a description of the feature that each point represents
  - ☒ A dataset, which can be used in a Geographic Information System showing the proposed declared area
- ☒ States the owner's management intent, and management outcomes proposed by the owner, for the conservation of the high nature conservation value of the area or the prevention of land degradation in the area
- ☒ States the activities the owner intends to carry out, or refrain from carrying out, to achieve the stated management outcomes
- ☒ States the restrictions, if any, to be imposed on the use of, or access to, the area by other persons to achieve the stated management outcomes
- ☒ If the declared area is to legally secure an environmental offset and the Department of Resources is not the administering agency, includes confirmation that the administering agency has / has not approved the declared area management plan that complies with the VMA.

A declared area management plan template / guidance is available at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

**6. Signature of owner (applicant) and all registered owners**

Where the owner is a company, execution by the company must be provided in accordance with the requirements of the *Corporations Act 2001 (Commonwealth)*, section 127.

A company:

- may execute a document without using a common seal if the document is signed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director; or
- with a company seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director.

**READ BEFORE SIGNING THIS SECTION**

Acknowledgement and waiver by the owner (applicant) and all registered owners.

Before consent to or lodging this request for a declared area, it is recommended that all registered owners of the property seek their own independent legal and financial advice regarding the effect of this request, and the legal and financial impacts of any subsequent declaration.

By signing this section, those signing are taken to:

- acknowledge that the declared area resulting from this request may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any damages whatsoever rising out of or in connection with this request or any subsequent declaration; and
- consent to the lodgment of the request; and
- agree that all information entered and provided in this request, including any maps, lists or other documents additionally supplied, is correct and accurate; and
- authorise the nominated contact person to act as such on your behalf; and
- authorise all verbal correspondence relating to this request to be to the nominated contact person; and
- authorise all written correspondence (including the issuing of notices) relating to this request to be sent to the postal address for the nominated contact person; and
- request that the chief executive agree to make a declaration as proposed in this request.

If there are more owners, extra pages containing the additional signature(s) may be attached.

s. 47F(1)

Office use only

|            |  |           |  |                |  |
|------------|--|-----------|--|----------------|--|
| Name:      |  | Position: |  | Date received: |  |
| Signature: |  | Date:     |  |                |  |



15 September 2025

Compliance Monitoring Section

Department of Climate Change, Energy, the Environment and Water

Issued via email – [EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au)

To whom it may concern,

**RE: Notification of delay in satisfying Condition 7 – EPBC Approval (EPBC 2020/8867)**

We refer to the Approval 2020/8867 issued to Lotus Creek Wind Farm Pty Ltd (the approval holder) for the construction of the Lotus Creek Wind Farm (LCWF).

Pursuant to Condition 59 of EPBC 2020/8867, this letter notifies the Department of Climate Change, the Environment, Energy and Water (the Department) of a potential non-compliance with the condition of the Approvals within 2 business days of becoming aware. Further details of the matter are outlined below.

**a. Condition which may be in breach**

The delay in achieving compliance concerns Condition 7 of the approvals *The OAMP must:*

7. d) be attached to the legal mechanism used to secure the environmental offset area(s). Each offset area(s) must be secured within 12 months of the commencement of the action. The approval holder must notify and provide evidence to the department within 5 business days of any environmental offset area(s) being secured.

The relevant definitions are provided below:

**Secure / secured / securing** means to execute a legal agreement or legally binding mechanism under relevant Queensland legislation, in relation to an offset site, to provide enduring protection for the offset site against development incompatible with conservation.

**b. Description of the delay in achieving compliance**

The OAMP for the LCWF (EPBC 2020/8867) was approved in writing by a delegate of the Minister 9 August 2024. Refer Attachment 1 for Letter.

The legally binding mechanism for the offset is a Voluntary Declaration under Queensland's *Vegetation Management Act 1999* assessed by the Queensland Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD).

The Voluntary Declaration application was lodged on 30 January 2025. Refer Attachment 2 for Application Material.

DNRMMRRD have not approved the Voluntary Declaration. The approval holder has received correspondence from DNRMMRRD acknowledging the receipt of the application and commencement of the assessment. On 9<sup>th</sup> July 2025 DNRMMRRD requested the re-submission of landholder consent forms with bank signatures. At the time of writing, one set of bank signatures is outstanding to enable the project to relodge these forms and recommence the registration process.

Importantly, the Offset Sites are secured through Option agreements with the landowners ensuring there is no clearance, damage or harm to native vegetation or habitat on the proposed Offset Sites and no improvements/constructions or change to farming practices. Thus, maintaining the biodiversity values of the Offset Sites until final registration is achieved.

As such the delay in achieving compliance has not resulted in impacts or loss of Matters of National Environmental Significance (MNES). Additionally, surveying and assessment works within the offset area have commenced without the approval of the legally binding mechanism. Works that have occurred within the Offset Area include:

- Offset Area BioCondition assessments;
- Offset Area baseline surveys, including:
  - Existing internal fencing,
  - Weeds and pest fauna,
  - Erosion and vehicle access, and
  - Bushfire risks.
- Request for Tender and negotiation of Contract for Offset Area Management Contractor.

**c. Location, Date and Time of potential non-compliance**

The delay in achieving compliance occurs if the legally binding mechanism is not approved by DNRMMRRD by 16 September 2025. The DNRMMRRD has noted that there are no statutory assessment timeframes and response times are based on current workloads.

Kind regards

**s. 47F(1)**

Lotus Creek Wind Farm Pty Ltd  
For and on behalf of the approval holder

**ATTACHMENTS**

1. OAMP Approval
2. Legally binding mechanism application material



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**Attachment 1. OAMP Approval**

d by the National EPA under the Freedom of Information A

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**Attachment 2. Legally binding mechanism application material**

d by the National EPA under the Freedom of Information A

**s. 22(1)(a)(ii)**

**From:** s. 47F(1) @attexo.com.au>  
**Sent:** Wednesday, 24 September 2025 11:14 AM  
**To:** s. 47F(1) @resources.qld.gov.au  
**Cc:** s. 47F(1); Resources Vegetation Enquiries; s. 47F(1)  
**Subject:** Lotus Creek VDEC 2025/000199  
**Attachments:** OneDrive\_1\_23-09-2025.zip  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi s. 47F(1),

In response to the RFI received from the Department regarding the Lotus Creek VDEC (2025/000199), please attached the following additional documents which address Items 1, 2, and 3 of your letter dated 8 July 2025:

s. 47F(1)

- DAMP completed and signed by s. 47F(1), thus acknowledging and agreeing to the DAMP
- Signed and completed Request for a Declared Area on Lot 3161 PH378
- Request for a Declared Area Form completed and signed by s. 47F(1)

#### Redrock Trading Co

- DAMP completed and signed
- Signed and completed Request for a Declared Area
- Request for a Declared Area Form completed and signed by s. 47F(1)

If you need any additional information, please let me know; otherwise I trust the attached confirms agreement with the draft declaration documents and is sufficient to allow the Department to proceed with the VDEC and have the PMAV made over the declared area in accordance with Section 20B of the VM Act.

Cheers,

s. 47F(1)

s. 47F(1)

@attexo.com.au

**Attexo**  
APEM Group





**Queensland  
Government**

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development

ABN 59 020 847 551

## Declared area management plan

*Vegetation Management Act 1999*

Complete the following management plan for an area to be declared as an area of high nature conservation value or an area vulnerable to land degradation.

For guidance on declared areas see the Declared area guide at [www.qld.gov.au](http://www.qld.gov.au) (search 'declared areas'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

**Note:** Examples of information to include in this management plan are intended as guidance only. The level of detail or scope of the management plan will depend on the purpose of the declaration and the particular circumstances of the area being secured.

### 1. Owner's details

First name: s. 47F(1) Middle name: s. 47F(1) Surname: s. 47F(1)

Company name:

If a corporation then enter one of the following: ☒ ACN ☒ ARBN

Main phone: Other phone:

Address line 1: s. 47F(1)

Address line 2:

Town/Suburb: s. 47F(1)

Email address: s. 47F(1) @gmail.com

Preferred method of contact ☐ Phone ☒ Email ☐ Letter

Local government area: Isaac Regional Council

**Note:** the department cannot provide any information regarding a declared area application to third parties without the expressed consent of the owner of the land or where authorised by law.

Office use only:

eLVAS case number:

Notification number:

### 2. Property description

This is the property on which the declared area is proposed. The declared area management plan should indicate the specific location of the proposed declared area on the property.

Extra pages may be attached to list additional lots.

| Lot number | Plan number | Declared area in hectares | Tenure   |
|------------|-------------|---------------------------|----------|
| 3161       | PH378       | 1,931.2                   | Freehold |

3. Description of declared area

Include enough information to effectively map the boundary of the stated area, including a description of the area subject to the declared area and a map showing the location and extent of the area.

Refer to to Section 1 and Section 3.1 and Figure 3-1 of the attached Lotus Creek Wind Farm Offset Area Management Plan (OAMP)

A map may be attached to this plan and submitted with the request for a declared area. Please provide both a map and map information in digital spatial data in the format of a .kml or .shp file of your proposed area so that the exact extent can be used for the assessment.

4. Request for declaration

The purpose of this declaration is to declare:

- ☒ an area of high nature conservation value
- ☐ an area vulnerable to land degradation

under sections 19E-19L of the *Vegetation Management Act 1999* (VMA)

5. Registered interest holders consent

A registered interest is one registered under the *Land Act 1994* or the *Land Title Act 1994*.

Registered interests include mortgages, leases, subleases, covenants, profit a prendres, easements and building management statements.

A declaration may not be made unless the holder of a registered interest (other than the owner) in the proposed declaration area has consented in writing to the making of the declaration.

Note: where there is any change during assessment to the declared area management plan or extent of the proposed declared area, fresh consent of all persons with a registered interest on title is required.

READ BEFORE SIGNING THIS SECTION

Acknowledgement and waiver by all registered interest holders.

By signing this section, those signing are taken to:

- acknowledge that a declared area resulting from a request for a declared area may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Natural Resources, Mines, Manufacturing, Regional and Rural Development (the department) be liable for any special, indirect or consequential damages or any damages whatsoever rising out of, or in connection with, a request for a declared area or any subsequent declaration of the area in accordance with the request for a declared area.
- consent to the making of a declared area as proposed in the request for a declared area.

Extra pages may be attached to list additional lots and/or registered interest holders and provide their consent to the making of the declaration

| Parcel (Lot & plan) | Type of registered interest | Registered interest holder's name | Contact details | Signature |
|---------------------|-----------------------------|-----------------------------------|-----------------|-----------|
|---------------------|-----------------------------|-----------------------------------|-----------------|-----------|

S. 47F(1)



**Principles for drafting management plan:** In the sections below you will need to outline how you will achieve the management outcomes, including details on what actions will be taken to achieve this and how you will mitigate any impacts and manage any potential risks that may hinder the specified outcome.

**6. Management intent**

Refer to Section 9 of the OAMP for a detailed description of the range of Management Actions proposed within the Offset Site and Declared Area. Key management actions proposed include: • Bushfire management; • Livestock exclusion and management; • Feral animal control; • Weed

**Examples:**

- 1. The management intent for the area is the conservation of the native vegetation in the area. Conservation of the native vegetation will prevent the loss of biodiversity and maintain ecological processes.
- 2. The management intent for an area vulnerable to land degradation is to rehabilitate a degraded, unstable watercourse in an area subject to stream bank instability.

7. Management outcome

Refer to Section 8 of the OAMP for Offset Area Interim Milestones and Completion Criteria. Completion Criteria to be achieved within 20 years

**Principles for drafting management outcomes:** *The management outcomes for the area should be achievable, measurable and related to the conservation value or land degradation issue associated with the area.*

**Examples:**

- 1. *The management outcome for the area is that it achieves the definition of remnant vegetation.*
- 2. *The management outcome for the area is to establish (insert number) habitat trees and to have restored and enhanced (insert hectares) of natural area within (insert number) of years.*

- Note for exchange areas:** If the declaration is to legally secure an exchange area, the management objective must be either of the following:
- i. If the exchange area is located in a category X area, category C area or category R area—to return the exchange area to remnant vegetation (a category B area on the regulated vegetation management map) as soon as possible and within 20 years
  - ii. If the exchange area is located in a category B area—to achieve the nominated substantial conservation outcome or address the nominated significant land degradation issue as soon as possible

8. Activities and restrictions

Activities and restrictions proposed within the Offset Site and Declared Area are detailed within Section 9: Management Actions of the OAMP.

*Example: To achieve the management outcome, the landholder will comply with the following activities and restrictions:*

- 1. Clearing of native vegetation will not occur unless in accordance with an exemption listed in Schedule 21 of the Planning Regulation 2017 or a development approval under the Planning Act 2016.*
- 2. All reasonable measures will be taken to maintain and enhance the structure and function of the regional ecosystem. For example, minimizing the introduction, establishment and spread of non-native plants. Where non-native plants already occur in the area, all reasonable measures will be taken to control the non-native plants.*
- 3. Burning will only occur in accordance with the fire guideline/s specified in the Vegetation Management Regional Ecosystem Description Database (VM REDD available at [www.qld.gov.au](http://www.qld.gov.au)) for the regional ecosystem/s in the declared area.*
- 4. Pest animals and pest plants considered an invasive biosecurity matter under the Biosecurity Act 2014 will be controlled.*

**Note for exchange areas:** If the declaration is to legally secure an exchange area, this section of the management plan must include:

- Description of the works / management actions that will be undertaken to achieve the management objective, including the methods, timing, frequency, intended benefits etc.
- The conservation outcomes that will be achieved by the works / management actions
- Description of the management actions that will be undertaken to ensure that the effects of the works do not result in land degradation
- Details of who is responsible for all works and management actions, and the estimated length of time the area/s will be managed

**Note:** provide information on any clearing restrictions that may apply (e.g. within a category A area).

*Clearing in a category A area on a PMAV cannot be undertaken under any accepted development vegetation clearing code. However, clearing for some activities that are necessary to deliver the management outcomes and are provided for in the management plan may be Exempt Clearing Work (e.g. where the management plan provides for weed management, fences and firebreaks). For more guidance see section 11 of the Declared area guide.*



## 9. Term

A management plan for a declared area has effect until the earlier of the following happens:

- the plan ends under its terms; or
- the declaration of the area as a declared area ends under section 19L of the VMA

### Ending a declaration

Under section 19L of the VMA the chief executive may, by written notice given to the owner of the land the subject of a declaration, end the declaration if the chief executive considers:

- the declaration is not in the interests of the State, having regard to the public interest; or
- the management outcomes mentioned in section 19E(3)(c) of the VMA for the management plan relevant to the declaration have been achieved.

The chief executive may, by notice given to the owner of land declared as an area of high conservation value, end the declaration if:

- the area is, on or after the commencement of subsection 19L(2) of the VMA, a legally secured offset area; and
- a prescribed activity is, under an authority under another Act, to be carried out in or on the area; and
- the holder of the authority has entered into an agreed delivery arrangement in relation to an environmental offset for impacts to the area.

**Note:** the landholder may submit a request to end the declared area at any time. The department will assess whether the management outcomes have been met before removing the declaration.

Once the declaration has ended this plan will cease to have effect and the department will remove the declaration notice from the title of the land.

The department strongly encourages any landholder to seek acknowledgement from their offset provider that the offset management plan outcomes have been achieved before the making a request to the department to end the declaration.

The landholder may also need to submit a 20C PMAV application with the request to replace the Government issued PMAV over the declared area (where one has been placed over the declared area) and map the appropriate category of vegetation for the area (for example, category B).

10. Monitoring and record keeping

Monitoring actions are detailed in Section 10.7 while record keeping requirements are detailed in Section 10.6 of the OAMP.

Monitoring and record keeping should be undertaken to track the state of the declared area and progress towards achieving the management outcomes specified in this plan. The following information should also be provided:

- Monitoring and auditing processes including adaptive management approaches to rectify negative results from the monitoring and auditing processes
- Record keeping process for retaining appropriate records for monitoring and auditing processes.

**Note:** Providing the information above complies with the ADVCC requirements for legally securing an exchange area.

*To apply for an area to be legally secured as an exchange area, complete the application to legally secure an exchange area at [www.qld.gov.au](http://www.qld.gov.au) (search 'exchange areas'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at [www.qld.gov.au](http://www.qld.gov.au) (search 'exchange areas').*

**Note:** a declared area does not involve compliance powers and any compliance issues involving an offset dealing will not be dealt with by DNRMMRRD. Any such compliance function would sit with the administering authority responsible of the environmental offset. Additionally, the department will not be party to any negotiation for, or resolution of, any third-party arrangements or agreements.





**12. Signature of owner (applicant) and all registered owners**

If there is more than one owner of the land on which the declared area is proposed, each owner must complete and sign this management plan. The owner of the land is the party/s registered on title as the registered owner.

If there are more owners, extra pages containing the additional signature(s) may be attached.

| Lot  | Plan number | Owner's name | If a corporation record one of the following:<br>ACN ARBN |      | Owner's signature | Date    | Company seal (if applicable) |
|------|-------------|--------------|-----------------------------------------------------------|------|-------------------|---------|------------------------------|
| 3161 | PH378       | s. 47F(1)    | ACN                                                       | ARBN | s. 47F(1)         | 23/9/25 |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |
|      |             |              | ACN                                                       | ARBN |                   |         |                              |

Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (office use only)

| Name | Position | Signature | Date |
|------|----------|-----------|------|
|------|----------|-----------|------|

**File / Ref number:** 2025/000199

Attn: **S. 47F(1)**

Department of Natural Resources and Mines,  
Manufacturing and Regional and Rural Development  
PO Box 937  
Cairns QLD 4870

Dear **S. 47F(1)**

**Re: Request for a declared area on lot 3161 PH378 – Isaac Regional Council (the property) – Offer of draft declaration**

*Please complete pages 1 and 2 of this response letter*

In response to the draft declaration offer package I confirm—

- ☒ I agree with the draft declaration offer, and request the declaration be made.
- ☐ I disagree with the draft declaration offer, and request the department reconsider the draft declaration offer.

*Please provide reasons for and suggested changes to the draft declaration with this response.*

- ☐ I withdraw this request for a declaration.

*Please provide signatures on the following page*



**Signature of owner (applicant) and all registered owners****READ BEFORE SIGNING THIS SECTION**

Acknowledgement and waiver by the owner (applicant) and all registered owners.

Before consent to or amendment of this offer of a draft declaration, it is recommended that all registered owners of the property seek their own independent legal and financial advice regarding the effect of the proposed declared area, and the legal and financial impacts of any subsequent making of any declaration.

By signing this section, those signing are taken to:

- acknowledge that the making of the declaration resulting from accepting this draft declaration offer may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any special, indirect or consequential damages or any damages whatsoever rising out of or in connection with the making of this declaration.
- request that the chief executive agree to make a declaration as proposed in this offer.

Where the owner is a company, execution by the company must be provided in accordance with the requirements of the **Corporations Act 2001 (Commonwealth)**, section 127.

A company:

- may execute a document without using a common seal if the document is signed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director; or
- with a company seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director.

If there are more owners, extra pages containing the additional signature(s) may be attached.

| Owner's Signature | Date    | Company seal (if applicable) |
|-------------------|---------|------------------------------|
| S. 47F(1)         | 23/9/25 |                              |
|                   |         |                              |
|                   |         |                              |

## MEMORANDUM

**TO:** Rockhampton Branch

**FROM:** Securities & Settlements

**WR:** 855747 – Bradford Family Trust

Copies of executed documents or Security Documents for you to onforward as required.

Regards

**Securities Office**

**SYDNEY**





## Request for a declared area

ss19E-19L Vegetation Management Act 1999

Use this form to request an area of land to be declared an area of high nature conservation value or an area vulnerable to land degradation. For guidance on declared areas see the Guide to declared areas at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

To apply for an area to be legally secured as an exchange area, complete the Application to legally secure an exchange area at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management'). For guidance on legally securing an exchange area see the General guide to accepted development vegetation clearing codes at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

### 1. Owner's (applicant's) details

Owner, of land includes -

- (a) for freehold land - all registered owners; or
- (b) for a lease, license or permit under the *Land Act 1994* - all lessees, licensees or permittees; or
- (c) for indigenous land - the holder of title to the land; or
- (d) for any tenure under any other Act - the holder of the tenure.

First name:  Middle name:  Surname:

Company name:

If a corporation then enter one of the following: ☐ ACN ☐ ARBN

Main phone:  Other phone:

Email:

Address line 1:

Address line 2:

Town/Suburb:  State:  Postcode:

Preferred method of contact ☐ Phone ☒ Email ☐ Letter

*The nominated contact person does not need to be the owner. All verbal and written correspondence (including the issue of notices) will be sent to the nominated contact person.*

Name of nominated contact person (if applicable):

Company name:

If a corporation then enter one of the following: ☐ ACN ☐ ARBN

Main phone:  Other phone:

Email address:

Address line 1:

Address line 2:

Town/Suburb:  State:  Postcode:

Preferred method of contact ☐ Phone ☒ Email ☐ Letter

*I accept that I will act as the nominated contact person on behalf of the owner(s) referred to in Section 1.*

Signature of nominated contact person

Date:



**2. Property description**

This is the property on which the declared area is proposed. The declared area management plan should indicate the specific location of the proposed declared area on the property.

Extra pages may be attached to list additional lots.

| Lot number | Plan number | Area in hectares | Tenure    |
|------------|-------------|------------------|-----------|
| 3161       | PH378       | 1931.2           | Leasehold |
|            |             |                  |           |
|            |             |                  |           |

**3. Registered interest holder consent**

A registered interest is one registered under the *Land Act 1994* or the *Land Title Act 1994*.

Registered interests include but are not limited to mortgages, leases, subleases, covenants, profit a prendres, easements and building management statements.

A declaration may not be made unless the holder of a registered interest (other than the owner) in the proposed declaration area has consented in writing to the making of the declaration.

**Note:** Registered interest holder consent is not required to lodge this request for a declared area but is required prior to the making of a declaration.

**Acknowledgement and waiver by all registered interest holders.**

**READ BEFORE SIGNING THIS SECTION**

By signing this section, those signing are taken to:

- acknowledge that a declaration resulting from this request may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any special, indirect or consequential damages or any damages whatsoever rising out of or in connection with this request or any subsequent declaration in accordance with this request.
- consent to the making of a declaration as proposed in this request and supporting material.

Extra pages may be attached to list additional lots and/or registered interest holders and provide their consent to the making of the declaration.

| Parcel (Lot & plan) | Type of registered interest | Registered interest holder's name | Contact details | Signature |
|---------------------|-----------------------------|-----------------------------------|-----------------|-----------|
|---------------------|-----------------------------|-----------------------------------|-----------------|-----------|

**S. 47F(1)**



**4. Type of declaration**

Specify the type of declaration that is requested, and the relevant criteria for the declaration. One or more of the criteria may be applicable to the area being sought for declaration.

Note: The owner must provide an explanation of how the declared area meets the criteria selected in this section. This explanation must be provided in the documents accompanying the request.

☒ **Area of high nature conservation value**

- ☐ A wildlife refugeium
- ☐ A centre of endemism
- ☐ An area containing a vegetation clump or corridor that contributes to the maintenance of biodiversity
- ☐ An area that makes a significant contribution to the conservation of biodiversity
- ☐ An area that contributes to the conservation value of a wetland, lake or spring
- ☒ Another area that contributes to the conservation of the environment

OR

☐ **An area vulnerable to land degradation**

- ☐ Soil erosion
- ☐ Rising water tables
- ☐ The expression of salinity, whether inside or outside the area
- ☐ Mass movement by gravity of soil or rock
- ☐ Stream bank instability
- ☐ A process that results in declining water quality

**4.1 Purpose of request**

- |                                                                            |                                                          |
|----------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="radio"/> Environmental Offset (Vegetation Management)         | <input type="radio"/> Carbon Offset                      |
| <input type="radio"/> Environmental Offset (Queensland Government - Other) | <input type="radio"/> Better Environmental Outcome (BEO) |
| <input checked="" type="radio"/> Environmental Offset (Commonwealth)       | <input type="radio"/> Other Conservation Purpose         |
| <input type="radio"/> Environmental Offset (Local Government)              | <input type="radio"/> Enforceable Undertaking            |

Note: if the purpose of the declaration is to legally secure an exchange area, complete the Application to legally secure an exchange area at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

**4.2 Associated development approval**

If the declaration is linked to a development approval under the Planning Act (for example, if it required to meet a project condition to legally secure an offset area), please provide details of the development approval below:

Development approval reference number: **EPBC 2020/8867**

If the declaration is linked to an approval under another Act please provide details of the approval below:

Other Approval reference number: **2403-39753 SDA**

Responsible agency: **State Assessment and Referral Agency**

**5. Management plan**

A management plan must be provided with this request for a declared area. The management plan must contain all the components identified in this section. The management plan is to refer to the area identified in Section 2 of this form. The management plan may also include any other information the applicant considers will assist in the determination of the request.

For more information on the management plan, consult the Guide to declared areas, available on [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').



**Management plan checklist**

- ☒ Property owner's contact details and signature
- ☒ Includes description of the area subject to the declared area
- ☒ Includes map showing the location and extent of the declared area (or enough information for chief executive to map the stated area):
  - ☐ A map that defines the boundaries of the proposed declared area and a description of the boundaries of the area referenced by Map Grid of Australia 2020 (MGA2020) coordinates and zone references for the area
  - ☐ A map showing the proposed declared area with five or more GPS points that correspond to identifiable fixed features; and the Map Grid of Australia 2020 (MGA2020) coordinates and zone references for each point, acquired by GPS or similar system of satellites that receives and processing information; and a description of the feature that each point represents
  - ☒ A dataset, which can be used in a Geographic Information System showing the proposed declared area
- ☒ States the owner's management intent, and management outcomes proposed by the owner, for the conservation of the high nature conservation value of the area or the prevention of land degradation in the area
- ☒ States the activities the owner intends to carry out, or refrain from carrying out, to achieve the stated management outcomes
- ☒ States the restrictions, if any, to be imposed on the use of, or access to, the area by other persons to achieve the stated management outcomes
- ☒ If the declared area is to legally secure an environmental offset and the Department of Resources is not the administering agency, includes confirmation that the administering agency has / has not approved the declared area management plan that complies with the VMA.

A declared area management plan template / guidance is available at [www.qld.gov.au](http://www.qld.gov.au) (search 'vegetation management').

**6. Signature of owner (applicant) and all registered owners**

Where the owner is a company, execution by the company must be provided in accordance with the requirements of the **Corporations Act 2001 (Commonwealth)**, section 127.

A company:

- may execute a document without using a common seal if the document is signed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director; or
- with a company seal may execute a document if the seal is fixed to the document and the fixing of the seal is witnessed by two (2) directors of the company or a director and a company secretary; or for a proprietary company that has a sole director who is also the sole company secretary - that director.

**READ BEFORE SIGNING THIS SECTION**

Acknowledgement and waiver by the owner (applicant) and all registered owners.

Before consent to or lodging this request for a declared area, it is recommended that all registered owners of the property seek their own independent legal and financial advice regarding the effect of this request, and the legal and financial impacts of any subsequent declaration.

By signing this section, those signing are taken to:

- acknowledge that the declared area resulting from this request may have legal and financial implications for your interest in the property, and you agree that in no event shall the Department of Resources be liable for any damages whatsoever rising out of or in connection with this request or any subsequent declaration; and
- consent to the lodgment of the request; and
- agree that all information entered and provided in this request, including any maps, lists or other documents additionally supplied, is correct and accurate; and
- authorise the nominated contact person to act as such on your behalf; and
- authorise all verbal correspondence relating to this request to be to the nominated contact person; and
- authorise all written correspondence (including the issuing of notices) relating to this request to be sent to the postal address for the nominated contact person; and
- request that the chief executive agree to make a declaration as proposed in this request.

If there are more owners, extra pages containing the additional signature(s) may be attached.

[illegible]



LEX 82640

DOCUMENT 17



25 September 2024

Approvals Compliance Section  
Department of Climate Change,  
Energy, the Environment and Water  
[epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)

**By email**

Dear Approvals Compliance Section,

**RE: Notice of Commencement of the Action for the Lotus Creek Wind Farm (EPBC 2020/8867)**

The Lotus Creek Wind Farm (**Project**) is an approved action under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC**).

In accordance with Condition 52 of the EPBC Approval (**EPBC 2020/8867**), the approval holder is required to inform the Department of the date of commencement of the action.

The commencement of the action commenced on 16th September 2024.

If there is any further assistance that can be provided, please contact the Project team on 1800 979 786 (toll-free) or via [info@lotuscreekwindfarm.com.au](mailto:info@lotuscreekwindfarm.com.au).

Kind regards,

s. 47F(1)

Head of Future Energy Development  
Lotus Creek Wind Farm Pty Ltd  
c/- CS Energy  
Level 12, 31 Duncan Street  
Fortitude Valley 4006 QLD  
[lotuscreekwindfarm@csenergy.com.au](mailto:lotuscreekwindfarm@csenergy.com.au)

s. 22(1)(a)(ii)

**From:** s. 47F(1) @bluepp.dk>  
**Sent:** Tuesday, 30 September 2025 2:13 PM  
**To:** EPBCMonitoring@environment.gov.au  
**Cc:** s. 47F(1); LotusCreekWindFarm; s. 47F(1)  
**Subject:** DCCEEW ref 2020/8867 Non-compliance investigation, impacts and actions  
**Attachments:** 2020\_8867 - Delay in achieving compliance.pdf; Lotus Creek VDEC 2025/000199

To Whom it may concern,

On behalf of the Lotus Creek Wind Farm Project (the Project) and pursuant to Condition 60 of our EPBC approval (Ref 2020/8867), following our correspondence (attached) to the Department dated 15 September 2025, please find to follow the details of:

- the non-compliance with the EPBC condition, and
- the specifics of:
  - o a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - o b) the potential impacts of the incident or non-compliance; and
  - o c) the method and timing of any remedial action that will be undertaken by the approval holder.

#### **Delay in compliance with Condition 7 of the EPBC approval ref 2020/8867**

Condition 7d of the Project's EPBC approval requires the OAMP (Offset Area Management Plan) be attached to the legal mechanism. Each offset area must be secured within 12 months of the commencement of the action.

The action commenced on 16 September 2024 and therefore to comply with Condition 7d of the approval, the offset area must have been secured by 16 September 2025.

##### **a. Corrective actions**

The Project has been working diligently with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD) since January 2025 to lodge the appropriate forms and information to support our application for a Voluntary Declaration under Queensland's *Vegetation Management Act 1999*. Unfortunately, DNRMMRRD have experienced some delays in processing the applications this year.

Since receiving the latest correspondence from DNRMMRRD on 9<sup>th</sup> July 2025 seeking further information, the Project has been working with the leaseholders and their banks to resubmit the appropriate forms with relevant signatures.

On the 24<sup>th</sup> September 2025 the Project was able to resubmit the finalised application package to DNRMMRRD for their consideration (see attached email ref 2025/000199).

The Project will continue to follow-up with DNRMMRRD regularly until the Voluntary Declaration is approved, or any further information is requested.

Once approved, pursuant with condition 7d the Project will notify and provide evidence to the department within 5 business days of any environmental offset area being secured.

##### **b. Potential impacts of the non-compliance**

As outlined in our attached letter dated 15 September 2025, the Offset Sites are secured through Option agreements with the landowners. The agreements ensure there is no clearance, damage or harm to native vegetation or habitat on the proposed Offset Sites and no improvements/constructions of change to farming practices. The biodiversity values of the sites will be maintained until final registration of the Offset Sites is achieved.

The delay in achieving compliance with Condition 7d has not and will not result in impacts or loss to Matters of National Environmental Significance (MNES).



**c. Remedial actions**

As described in Corrective actions, the Project continues to vigorously pursue the registration of the Offset Areas with DNRMMRRD.

At the same time, the Project continues the surveying and assessment works within the offset area in anticipation of the approval of the legally binding mechanism.

Works that have occurred within the Offset Area include:

- Offset Area BioCondition assessments;
- Offset Area baseline surveys, including:
  - o Existing internal fencing,
  - o Weeds and pest fauna,
  - o Erosion and vehicle access, and
  - o Bushfire risks.
- Request for Tender and negotiation of Contract for Offset Area Management Contractor.

Please do not hesitate to contact the Project if you require further information,  
Kind regards

s. 47F(1)

Best Regards

s. 47F(1)

Head of EPL - APAC



» Email: [s. 47F\(1\)@bluepp.dk](mailto:s.47F(1)@bluepp.dk)  
» Mobile: s. 47F(1)  
» Address: Level 19, 477 Collins St, Melbourne 3000, Australia  
» Web: <https://bluepowerpartners.com>

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**From:** s. 47F(1) @attexo.com.au>  
**Sent:** Monday, 5 January 2026 3:01 PM  
**To:** s. 22(1)(a)(ii)  
**Cc:** s. 47F(1)  
**Subject:** RE: EPBC 2020/8867 2024/2025 ACR [SEC=OFFICIAL]  
**Attachments:** 2020-8867-20240808-Letter to approval holder.pdf; RE: 2020-8867 Lotus Creek Wind Farm - BBMP submission [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Please see attached the approval letter for the MNES Plan.

Note that the BBMP was submitted as draft in accordance with requirements of the approval, with the final to be approved prior to commissioning. The updated draft that incorporates required additional pre-commissioning monitoring has not yet been submitted. Attached is the email conformation that the draft was received.

I'll be out of the office until late Jan, but please let s. 47F(1) (cc'd on this email) know if you have any additional questions after today.

Kind regards  
s. 47F(1)

OFFICIAL

---

**From:** s. 22(1)(a)(ii) @dcceew.gov.au>  
**Sent:** Monday, 5 January 2026 1:51 PM  
**To:** s. 47F(1) @attexo.com.au>  
**Subject:** RE: EPBC 2020/8867 2024/2025 ACR [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

Cheers for that: could you please also send across the approval letters for the MNESMP and Bird and Bat Management plan? Thanks.

s. 22(1)(a)(ii)

Compliance Officer

Environment Permitting and Compliance Division | Compliance Enforcement Branch|  
 Approvals Compliance Section  
 Level 22, Exchange Tower, 2 The Esplanade Plaza, WA, 6000, GPO Box 3090 ACT  
 2601

Department of Climate Change, Energy, the Environment and Water

s. 22(1)(a)(ii)

[@dcceew.gov.au](mailto:@dcceew.gov.au)



DCCEEW.gov.au ABN 63 573 932 849

OFFICIAL

**From:** s. 47F(1) [@attexo.com.au](mailto:@attexo.com.au)>  
**Sent:** Monday, 5 January 2026 6:18 AM  
**To:** s. 22(1)(a)(ii) [@dcceew.gov.au](mailto:@dcceew.gov.au)>  
**Cc:** epbcmonitoring <[epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)>  
**Subject:** RE: EPBC 2020/8867 2024/2025 ACR [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks for getting in contact. Please see a version that includes Appendix B. The intent was to exclude it from the version published on the website as it contained filenames and information that could be commercially sensitive. Let me know if you think this approach is ok.

Kind regards

s. 47F(1)

OFFICIAL

**From:** s. 22(1)(a)(ii) [@dcceew.gov.au](mailto:@dcceew.gov.au)>  
**Sent:** Monday, 22 December 2025 2:11 PM  
**To:** s. 47F(1) [@attexo.com.au](mailto:@attexo.com.au)>  
**Cc:** epbcmonitoring <[epbcmonitoring@dcceew.gov.au](mailto:epbcmonitoring@dcceew.gov.au)>  
**Subject:** RE: EPBC 2020/8867 2024/2025 ACR [SEC=OFFICIAL]

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OFFICIAL

Hi s. 47F(1)

I am currently assessing the 2024/2025 ACR for EPBC 2020/8867. I note that in the ACR it refers to "Appendix B", however Appendix B does not appear to be attached to the published ACR, there is a page that states "Appendix B" however there are no further pages after this. Could you please provide Appendix B? Thank you.

s. 22(1)(a)(ii)

Compliance Officer

Environment Permitting and Compliance Division | Compliance Enforcement Branch|  
Approvals Compliance Section  
Level 22, Exchange Tower, 2 The Esplanade Plaza, WA, 6000, GPO Box 3090 ACT  
2601

Department of Climate Change, Energy, the Environment and Water

s. 22(1)(a)(ii)

[@dcceew.gov.au](mailto:s.22(1)(a)(ii)@dcceew.gov.au)



**DCCEEW**.gov.au ABN 63 573 932 849

OFFICIAL

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**From:** Post Approval  
**Sent:** Wednesday, 25 February 2026 4:52 PM  
**To:** epbcmonitoring  
**Cc:** Post Approval  
**Subject:** FW: Lotus Creek Wind Farm EPBC Ref 2020/88678: Notification of bushfire impacts to Offset Area [SEC=OFFICIAL]  
**Attachments:** LCWF\_Offset Area Fire Impact Assessment\_20260219.pdf

OFFICIAL

Hi Compliance Team,

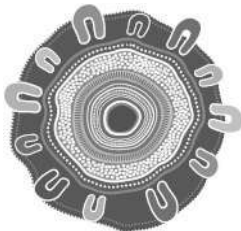
Forwarding on the below submission of a 'post-fire impact assessment of the Lotus Creek Wind Farm Offset Area' for EPBC 2020/8867 (Lotus Creek Wind Farm, QLD) for your action.

Kind Regards,

s. 22(1)(a)(ii)

Environment Regulation Division | Environment Assessments (VIC, TAS) and Post Approvals Branch  
 Ngunnawal Country, John Gorton Building, GPO Box 3090 ACT 2601  
 Department of Climate Change, Energy, the Environment and Water

DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

OFFICIAL

OFFICIAL

---

**From:** s. 47F(1) @bluepp.dk>  
**Sent:** Tuesday, 24 February 2026 1:55 PM  
**To:** EPBC Referrals <epbc.referrals@dcceew.gov.au>; epbcmonitoring@environment.gov.au  
**Cc:** s. 47F(1) @csenergy.com.au>; LotusCreekWindFarm <lcwf@bluepp.dk>; s. 47F(1) @bluepp.dk>  
**Subject:** RE: Lotus Creek Wind Farm EPBC Ref 2020/88678: Notification of bushfire impacts to Offset Area

To whom it may concern

Please find attached a post-fire impact assessment of the Lotus Creek Wind Farm Offset Area as a follow-up action of the Bushfire Incident in October 2025.

Please do not hesitate to contact us if you have any queries,

Best regards,

s. 47F(1)

Head of Environment, Planning & Land APAC

**BLUE  
POWER  
PARTNERS**

 Email [s. 47F\(1\)@bluepp.dk](mailto:s.47F(1)@bluepp.dk)  
 Mobile [\(s. 47F\(1\)\)](tel:s.47F(1))  
 Web <https://bluepowerpartners.com>  
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**From:** s. 47F(1)

**Sent:** Monday, 10 November 2025 2:27 PM

**To:** EPBC Referrals <[epbc.referrals@dcceew.gov.au](mailto:epbc.referrals@dcceew.gov.au)>; [epbcmonitoring@environment.gov.au](mailto:epbcmonitoring@environment.gov.au)

**Cc:** s. 47F(1) <[s. 47F\(1\)@csenergy.com.au](mailto:s.47F(1)@csenergy.com.au)>; LotusCreekWindFarm <[lcwf@bluepp.dk](mailto:lcwf@bluepp.dk)>; s. 47F(1) <[s. 47F\(1\)@bluepp.dk](mailto:s.47F(1)@bluepp.dk)>

**Subject:** Lotus Creek Wind Farm EPBC Ref 2020/88678: Notification of bushfire impacts to Offset Area

To whom it may concern,

### **Bushfire Incident**

On the 20<sup>th</sup> October 2025 a bushfire from the east encroached upon the southern most portion of the secured Offset Area for the Lotus Creek Wind Farm (LCWF).

The landholder, in cooperation with LCWF, immediately put in place a number of fire breaks and back burning to hamper the bushfire's progression.

Nevertheless, in the conditions at the time, the bushfire continued to move gradually north and west over the next 7 days (as shown in the mapping attached).

By Monday 27<sup>th</sup> October the bushfire was mostly burnt out, this has allowed the Lotus Creek Wind Farm Project team to provide an initial summary of the impacts of the fire.

### **Impacts**

The bushfire did not impact the Project's accommodation camp, site, staff, or plant and equipment. Whilst it did encroach towards the project area no losses or impacts to LCWF infrastructure have been reported.

The southern section of the Project's southern Offset Area (Killarney Offset) has, unfortunately, been impacted (see attached map).

Preliminary inspections and a health check indicate that the southern Cycad Recipient site has been protected, (thanks in large part to the work of the landholder and the firebreak that had been installed around the perimeter of the recipient site by LCWF - see attached photo).

**Next steps and Project Requirements**

**Offset Area Management Plan (OAMP)**

The Offset Areas for the Project were legally secured on:

- 14 October 2025 for the southern Offset Area (Killarney Offset); and
- 27 October 2025 for the northern Offset Area (Redrock Offset).

As per the corrective actions in the OAMP, the Project will undertake a post-fire field and risk assessment of the impacted offset area to determine the extent of impact on each ecosystem, and any corrective actions that may be required. These may include:

- Amendments to the OAMP bushfire management program; or
- Developing a Bushfire Recovery Program to ensure that the affected area can recover.

**Cycad Translocation Management Plan (CTMP)**

There are firebreaks in place for the Cycad recipient sites and these will be maintained as part of the OAMP.

If, upon further inspection, it is found that the translocated cycads have been impacted, the relevant processes under the CTMP will be followed.

Please do not hesitate to contact us if you have any queries,

Best regards

s. 47F(1)

Head of Environment, Planning & Land APAC

**BLUE  
POWER  
PARTNERS**

|        |                                                                           |
|--------|---------------------------------------------------------------------------|
| Email  | s. 47F(1)@bluepp.dk                                                       |
| Mobile | s. 47F(1)                                                                 |
| Web    | <a href="https://bluepowerpartners.com">https://bluepowerpartners.com</a> |

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# Memo

19 February 2026

|         |                                         |
|---------|-----------------------------------------|
| To      | s. 47F(1)                               |
| Cc      | s. 47F(1)                               |
| From    | s. 47F(1), Principal Consultant, Attexo |
| Subject | LCWF Offset Area Fire Impact Assessment |
| Ref     | CSE-014                                 |

## 1. Introduction

The Lotus Creek Wind Farm (LCWF) (the Project) is a 285 MW capacity, 46-turbine wind farm project located near St Lawrence, Queensland. The Project is owned by Lotus Creek Wind Farm Pty Ltd (the Principal), a subsidiary of CS Energy a Queensland Government-owned energy company. The Project is located on the traditional lands of the Barada Barna and Barada Kabalbara Yetimarala (BKY) peoples.

Condition 5 of the Project's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval required the preparation of an Offset Area Management Plan (OAMP) for koala (*Phascolarctos cinereus*), squatter pigeon (southern) (*Geophaps scripta scripta*) and greater glider (*Petauroides volans*). Condition 6 of the EPBC Act approval requires the OAMP to be implemented upon commencement of the action for the duration of the approval (30 September 2077). The Project's OAMP (Revision 05, 6 August 2024) was approved in writing by the Minister on 9 August 2024.

On 20 October 2025 an uncontrolled bushfire encroached upon the southernmost portion of the Project offset area. As per the OAMP, the Project is required to undertake a post-fire field and risk assessment of the impacted offset area to determine the extent of impact, and any corrective actions that may be required. This memo sets out the methods, results, summary and recommendations following completion of the offset area fire impact assessment, including any corrective actions required to be implemented.

## 2. Methods

The assessment involved desktop analysis and field surveys of fire affected areas. The desktop analysis included review of the following data:

- Queensland Government fire scar mapping (10 m resolution mapping derived using Sentinel-2 satellite data)
- North Australia & Rangelands Fire Information (NAFI) fire hotspots mapping (point data derived using visual infrared surface radiometer data from several earth observing satellites)
- NAFI burnt area mapping (10-250 m resolution mapping derived using several earth observing satellites including Sentinel-2 satellite data).

A field survey was undertaken by Attexo ecologists Darren Maxwell and Joseph Trigger on 31 January and 1 February 2026 and included:

- On-ground data collection at 11 survey sites including assessment of:
  - Apparent flame height (by observing burn or char evidence on vegetation)





- Fire impacts to vegetation layers
- Fire impacts to tree crowns
- Numbers of dead trees attributable to the fire
- Non-native species in the ground cover layer
- Non-native species in the shrub layer
- Changes to coarse woody debris abundance
- Changes to native species richness
- Overall forest response post-fire
- 6 drone flights of the fire impacted areas to examine the extent and intensity of the fire.

### 3. Results

Review of fire scar mapping, burnt area mapping and hotspot mapping indicated that the fire affected areas were isolated to the southern half of the southern offset area as shown on **Figure 1**. **Table 1** presents the extent of the fire within the southern offset area and within the offset areas for koala, squatter pigeon and greater glider.

Table 1: Fire extent within southern offset area

| Category                    | Total area (ha) | Fire extent (ha) |
|-----------------------------|-----------------|------------------|
| Southern offset area        | 1,932           | 529              |
| Koala offset area           | 1,932           | 529              |
| Squatter pigeon offset area | 1,932           | 529              |
| Greater glider offset area  | 1,205           | 260              |

Data collected at the 11 survey sites illustrated in **Figure 2** indicate that the fire was a low, cool burning fire. This is supported by the following data and observations:

- Evidence of charring on trees and shrubs indicate that flame heights ranged from not measurable to a maximum of 5 m (at Site 6).
- At all sites, with the exception of Sites 6 and 7, flame heights were below 3 m and the average flame height was approximately 1.5 to 2 m.
- Mild impacts to crown foliage were observed at Site 6, however, no other impacts to crown foliage were recorded.
- There were no observations of trees that had been killed by the fire at any of the survey sites.
- Course woody debris was reduced at Sites 6, 7 and 11, however many areas showed an increase in course woody debris when compared to baseline BioCondition data.
- Cycads were recorded at Sites 1, 2, 3, 4, 5, 7 and 11 and no impacts to cycads were observed at any site.
- Where semi-evergreen vine thicket species or communities were present, the fire was not hot enough to kill those species.
- Native species richness was not noticeably impacted at any of the sites, when compared to baseline BioCondition data.
- Non-native ground cover and non-native shrub cover was very low and noticeably (often significantly) reduced from the pre-fire levels at all survey sites.
- The above-ground biomass of non-native grasses and *Lantana camara* (lantana) shrubs appear to be most significantly impacted by the fire, with noticeable reductions in cover across most survey sites.
- The general post-fire regrowth response of vegetation communities at all sites was good to excellent with frequent observations of increased native species regeneration.

Photos from the 11 survey sites are provided in **Appendix A**.





The drone flight paths are illustrated in **Figure 3**. The drone surveys further support observations made on the ground, showing no significant evidence of crown damage or high flames within the fire affected areas (**Photograph 1** and **Photograph 2**) comparable to areas outside of the fire mapping (**Photograph 3**). The videos also show an open understorey in many areas, resulting from the post-fire reduction in grass and lantana (**Photograph 4**). Generally, the drone footage indicates good forest health and an overall positive response to the fire (**Photograph 5**, **Photograph 6**).

A qualitative assessment of the impact of the fire event on habitat for koala, greater glider and squatter pigeon is presented in **Table 2**. This assessment concludes there are no significant impacts on species habitat as a result of the fire event.

Table 2: Impact of the fire event on habitat for koala, greater glider and squatter pigeon

| Species         | Impact of fire event on species habitat                                                                                                                                       |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Koala           | Habitat values are likely enhanced due to the significant reduction of invasive weeds (lantana) that reduce species mobility capacity. Core habitat attributes remain intact. |
| Greater glider  | No loss of large hollow-bearing trees or primary food resource trees was observed; habitat connectivity remains stable.                                                       |
| Squatter pigeon | The removal of lantana and temporary thinning of dense grasses may improve foraging access in the short term.                                                                 |

Photograph 1: Drone flight path 1 - no canopy impacts and forest in good condition







Photograph 2: Drone flight path 5 - minor, low fire scarring on trees



Photograph 3: Drone flight path 6 - healthy canopy outside of the mapped fire extent







Photograph 4: Drone flight path 1 - area of open understory



Photograph 5: Drone flight path 8 - gully vegetation unimpacted by fire



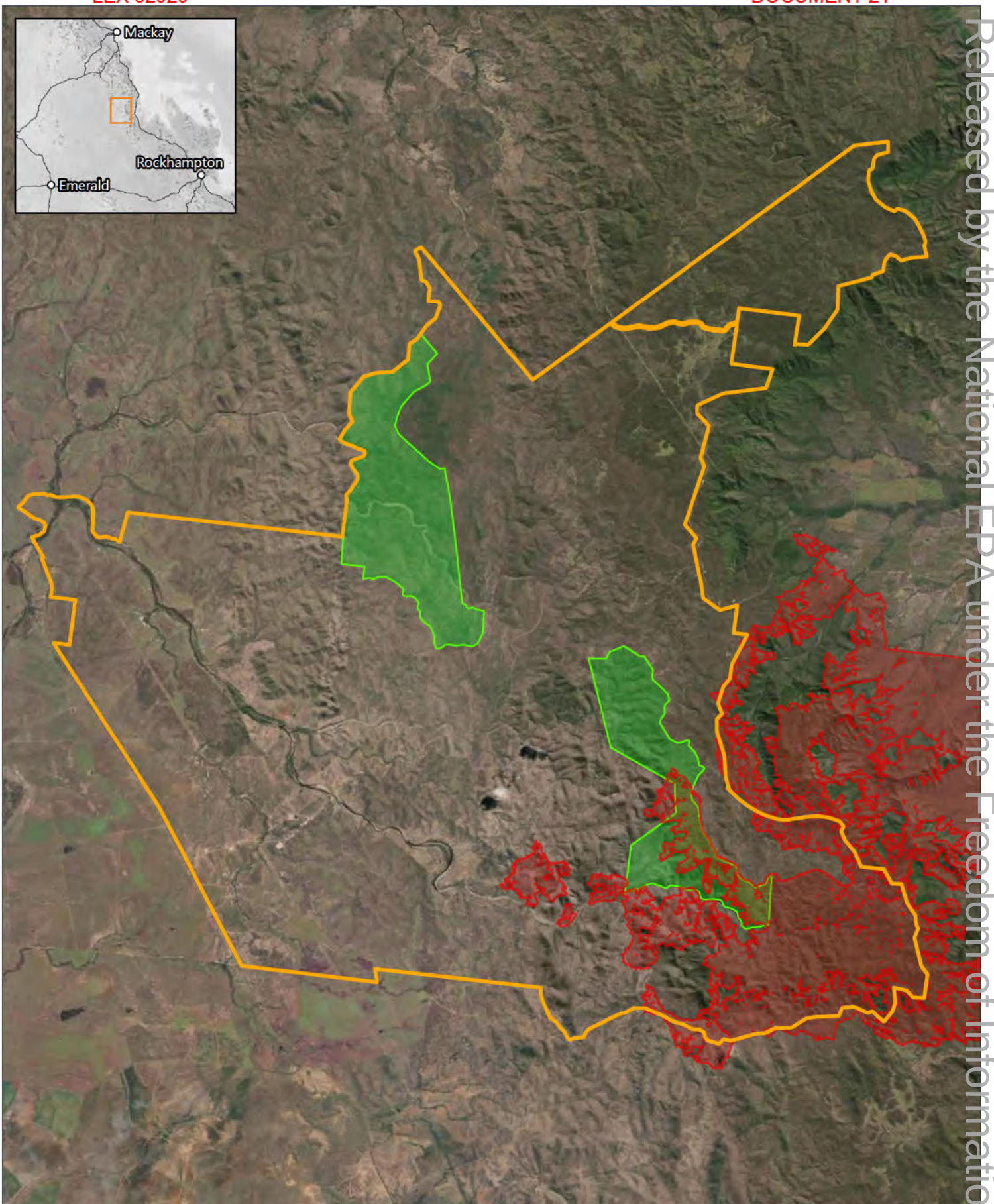
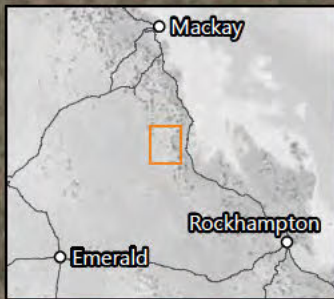




Photograph 6: Drone flight path 2 - high percentage ground cover







## Fire Extent - LCWF Offset Areas

**Figure 1**

Project Boundary

Offset Areas

Fire scars mapping  
October 2025

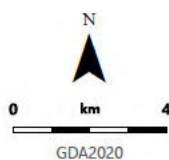
DWG No: CSE-014-007[A]

DATE: 18/02/2026

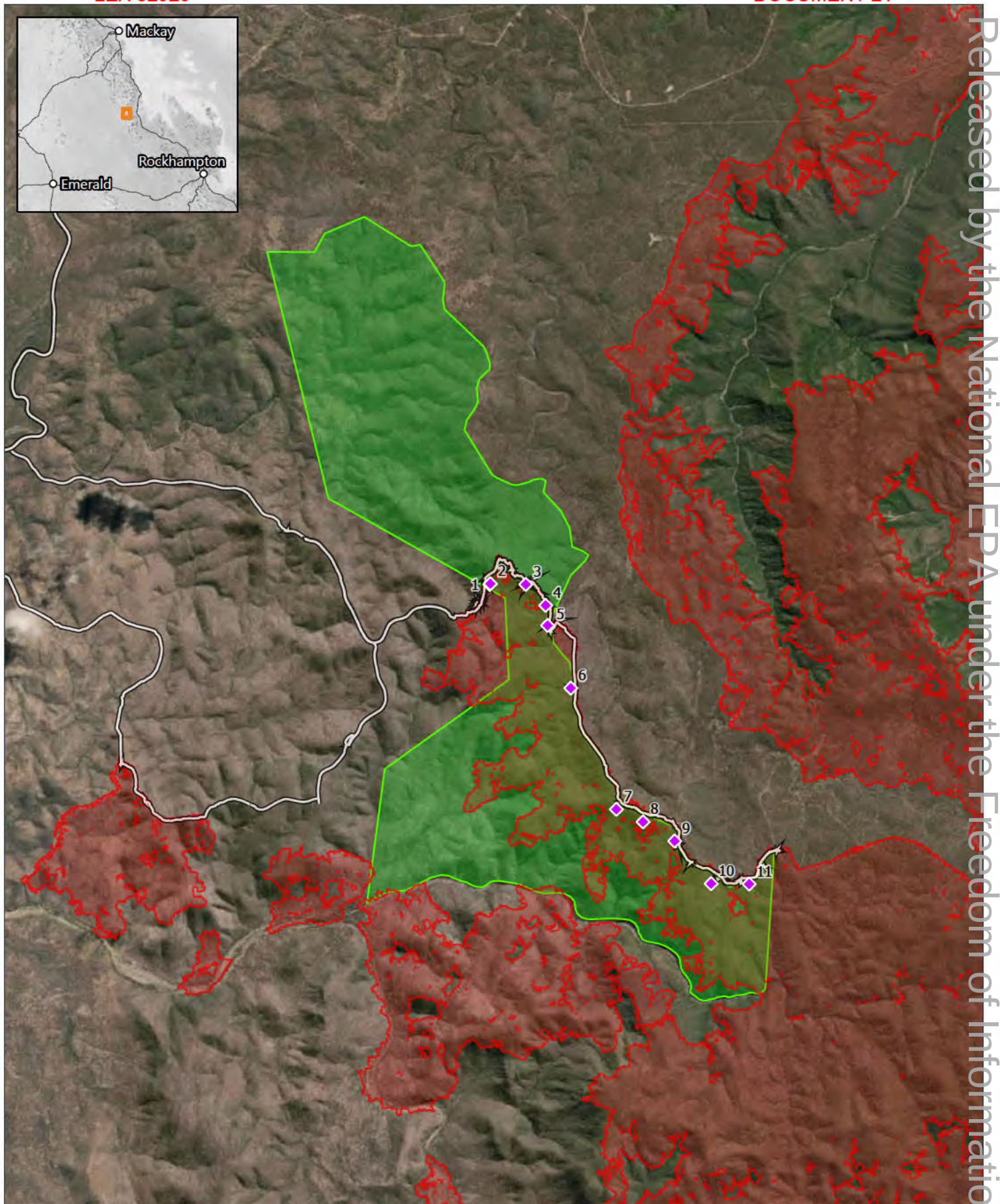
DRAWN: KB

REVIEWED NC

SCALE (A4): 1:180,000





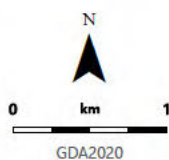


## Fire Assessment Survey Effort

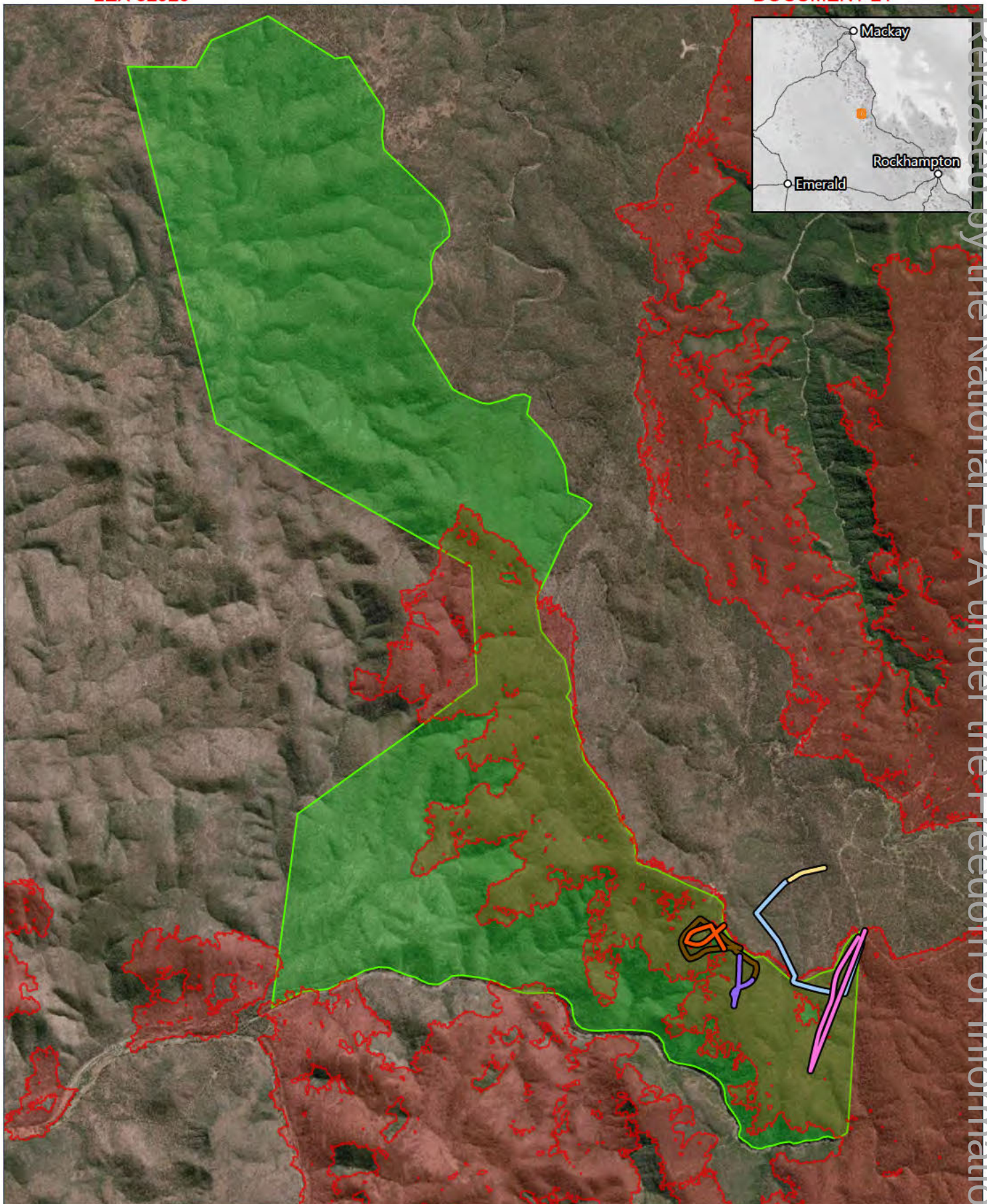
**Figure 2**

- Offset Areas
- Fire scars mapping October 2025
- Survey points
- Fire impact assessment tracks

DWG No: CSE-014-008[A]  
 DATE: 18/02/2026  
 DRAWN: KB  
 REVIEWED NC  
 SCALE (A4): 1:65,000







## Fire Assessment Drone Flights

**Figure 3**

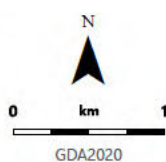
DWG No: CSE-014-009[A]

DATE: 18/02/2026

DRAWN: KB

REVIEWED NC

SCALE (A4): 1:45,000



- Offset Areas
- Fire scars mapping  
October 2025

### Drone Flight tracks

- Flight 01
- Flight 02
- Flight 05
- Flight 06
- Flight 07

- Flight 08





## 4. Summary and Recommendations

The post-fire impact assessment indicates that the October 2025 bushfire was a low-intensity, cool burn with minimal negative impact on native vegetation and habitat attributes within the southern offset area. The fire resulted in limited impacts to native canopy trees and mid-story vegetation. The fire event has reduced non-native ground cover and non-native shrub cover from pre-fire levels at all survey sites. The above-ground biomass of non-native grasses and lantana shrubs appear to be most significantly impacted by the fire, with noticeable reductions in cover across most survey sites. The general post-fire regrowth response of vegetation communities at all sites was good to excellent with frequent observations of increased native species regeneration.

Given the October 2025 fire event did not result in any significant detrimental impacts to native vegetation and habitat attributes within the offset area, no corrective actions are proposed. The following recommendations are proposed to support future fire management and weed control within the offset areas:

- Review of fire management controls
  - Review and map the existing fire management controls (i.e. firebreaks, fencelines, access tracks) in both offset areas to identify where further controls may be required.
- Targeted weed control
  - Undertake targeted, follow-up weed control within the fire affected areas focusing on regrowing lantana.
  - Follow-up weed control for lantana should include either controlled burns in the summer or chemical control between summer and autumn.





# Appendix A Survey site photos

Photograph A1: Conditions at site 1 (top left and right, and bottom left) and site 2 (bottom right)







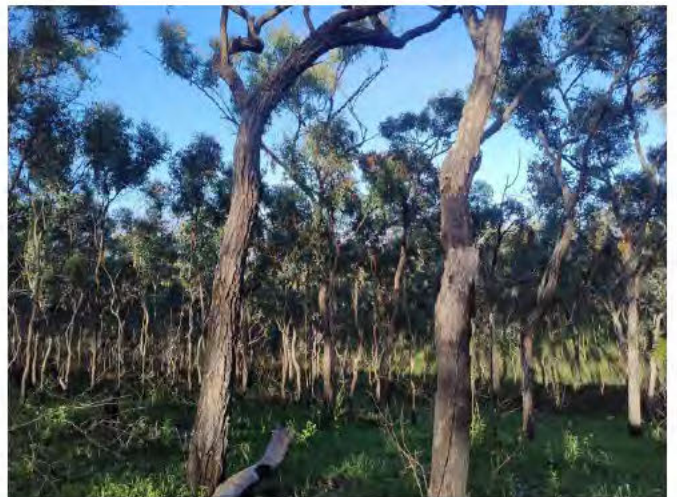
Photograph A2: Conditions at site 3 (top left and right) and site 4 (bottom left and right)







Photograph A3: Conditions at site 5 (top left and right) and site 6 (bottom left and right)







Photograph A4: Conditions at site 7 (top left and right) and site 8 (bottom left and right)



Photograph A5: Conditions at site 9 (top left and right) and site 10 (bottom left and right)







Photograph A6: Conditions at Site 11





Australian Government  
Department of Climate Change, Energy,  
the Environment and Water

EPBC ref: 2020/8867

**s. 47F(1)**

Head of Land, Planning and Environment  
Copenhagen Infrastructure Partners  
Level 34/477 Collins Street,  
Melbourne, VIC 3000  
Australia

**Approval of condition variation and Matters of National Environmental Significance (MNES) Management Plan for Lotus Creek Wind Farm, Connors Ranges, Qld**

Dear **s. 47F(1)**,

Thank you for your correspondence dated 15 July and 24 July 2024 to the department requesting the variation of conditions 2 and 3 and Attachments attached to the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) approval, and approval of the Matters of National Environmental Significance (MNES) Management Plan in accordance with conditions 10-17 of the approval.

Officers of this department have reviewed the variation request. As delegate of the Minister for the Environment and Water, I have varied the conditions and Attachments attached to EPBC Act approval 2020/8867 under section 143(1)(c) of the EPBC Act. The action must now be taken in accordance with the varied conditions specified in the variation notification, which has been attached for your information.

Officers of this department have advised me on the Matters of National Environmental Significance (MNES) Management Plan (Rev06, 23 July 2024) and the requirements of the conditions of the approval for this project. On this basis, and as a delegate of the Minister for the Environment and Water, I have decided to approve the Matters of National Environmental Significance (MNES) Management Plan (Rev06, 23 July 2024). This plan must now be implemented.

As you are aware, the department has an active monitoring program which includes monitoring inspections, desk top document reviews and audits. Please ensure that you maintain accurate records of all activities associated with, or relevant to, the conditions of approval so that they can be made available to the department on request.



Should you require any further information please contact s. 22(1)(a)(ii) on s. 22(1)(a)(ii) or by email to [PostApproval@dcceew.gov.au](mailto:PostApproval@dcceew.gov.au).

Yours sincerely



Rachel Short  
Branch Head  
Environment Assessments (Vic and Tas) and Post Approvals  
Nature Positive Regulation Division

8 August 2024

s. 22(1)(a)(ii)

**From:** Post Approval <PostApproval@dcceew.gov.au>  
**Sent:** Monday, 6 May 2024 11:16 AM  
**To:** s. 47F(1)  
**Cc:** s. 22(1)(a)(ii); Rachel SHORT; s. 47F(1);  
 LotusCreekWindFarm; s. 47F(1)  
**Subject:** RE: 2020-8867 Lotus Creek Wind Farm - BBMP submission [SEC=OFFICIAL]

Hi s. 47F(1),

Thank you for your email regarding EPBC approval 2020/8867. The Bird and Bat Management Plan (BBMP) has been received and will be assessed by the Post Approvals Section (QLD, NT, SA). An officer will be in contact once the request has been allocated.

As we are currently experiencing high demand for our services, this is resulting in some delay to our processing of requests. Please advise of any critical time constraints or deadlines relevant to this matter.

Kind regards,

s. 22(1)(a)(ii) (she/her)

Post Approvals Section (QLD, NT, SA)

Nature Positive Regulation Division | Environment Assessments (Vic, Tas) and Post Approvals Branch  
 Nggunawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia, GPO Box 3090 ACT 2601  
 Department of Climate Change, Energy, the Environment and Water



DCCEEW.gov.au ABN 63 573 932 849



We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

**From:** s. 47F(1) @attexo.com.au  
**Sent:** Sunday, May 5, 2024 8:04 PM  
**To:** Post Approval <PostApproval@dcceew.gov.au>  
**Cc:** s. 22(1)(a)(ii) @dcceew.gov.au; Short, Rachel <Rachel.Short@dcceew.gov.au>;  
 s. 47F(1) @vestas.com>; s. 47F(1) @bluepp.dk>; LotusCreekWindFarm  
 <lcwf@bluepp.dk>; s. 47F(1) @bpp-projects.com>; s. 47F(1) @attexo.com.au>  
**Subject:** RE: 2020-8867 Lotus Creek Wind Farm - BBMP submission

Some people who received this message don't often get email from s. 47F(1) @attexo.com.au. [Learn why this is important](#)

This email provides the Bird and Bat Management Plan (BBMP) prepared to address condition 18 of the approval that requires the submission of a BBMP at least three months prior to commencement of the action.

We would appreciate your feedback on the structure and content of the BBMP noting that additional works will be undertaken to finalise the plan before resubmission for approval prior to commissioning. Please let me know a suitable time to go through the plan.

Kind regards

s. 47F(1)

s. 47F(1)

@attexo.com.au

**Attexo**

Energy | Resources | Infrastructure

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**From:** EPBC Referrals  
**Sent:** Tuesday, 4 November 2025 10:23 AM  
**To:** epbcmonitoring  
**Subject:** FW: DCCEEW ref 2020/8867 Condition 7: Offset Areas now secured [SEC=OFFICIAL]  
**Attachments:** 2020\_8867 - Delay in achieving compliance.pdf; DCCEEW ref 2020/8867 Non-compliance investigation, impacts and actions; Declaration\_Notice\_2025\_000199\_Final.pdf; Declaration\_Cover\_Letter\_Final.pdf; Declaration\_Notice\_2025\_001249.pdf; Declaration\_Cover\_Letter\_2025\_001249.pdf  
**Categories:** Save to Spire

OFFICIAL

Good morning,

Referrals Gateway have received the below email that appears to be relevant to your team and are forwarding to you for your consideration.

We have responded to the original email to advised that it has been forwarded to you.

Kind Regards



Engagement and Referrals Gateway Section  
Environment Regulation Division | EPBC Regulatory Support Branch  
P 1800 423 135 | E [EPBC.Referrals@dcceew.gov.au](mailto:EPBC.Referrals@dcceew.gov.au)



**DCCEEW.gov.au** ABN 63 573 932 849



We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past and present.

OFFICIAL

**From:** s. 47F(1) @bluepp.dk>  
**Sent:** Tuesday, 4 November 2025 8:40 AM  
**To:** EPBC Referrals <epbc.referrals@dcceew.gov.au>  
**Cc:** s. 47F(1) @bluepp.dk>; s. 47F(1) @csenergy.com.au>;  
 LotusCreekWindFarm <lcwf@bluepp.dk>  
**Subject:** FW: DCCEEW ref 2020/8867 Condition 7: Offset Areas now secured

Hi there EPBC Referrals

I have been trying since Thursday 30/10 to send the below email to the epbcmonitoring email address but have received failure notifications.

I was on the phone with Gus from the Hotline this morning and he suggested I send it to epbc.referrals.

Can you please direct the below email and its attachments to the appropriate part of the department?

Kind regards

Mary

Best regards

s. 47F(1)

Head of Environment, Planning & Land APAC

**BLUE  
POWER  
PARTNERS**

Email s. 47F(1) @bluepp.dk  
 Mobile s. 47F(1)  
 Web <https://bluepowerpartners.com>

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**From:** s. 47F(1)  
**Sent:** Friday, 31 October 2025 1:10 PM  
**To:** epbcmonitoring@environment.gov.au  
**Cc:** s. 47F(1) @bluepp.dk>; s. 47F(1) @csenergy.com.au>  
**Subject:** DCCEEW ref 2020/8867 Condition 7: Offset Areas now secured

To Whom it may concern,

On behalf of the Lotus Creek Wind Farm Project (the Project) and pursuant to Condition 7 of our EPBC approval (Ref 2020/8867), following our correspondence (attached) to the Department dated 15 September 2025 and investigation report dated 30 September 2025, please find to follow (and attached) the details of:

- evidence to the department of the two environmental offset areas being secured (as required by Condition 7d).

On 14 October 2025, a declaration was made of part of Lot 3161 PH378 as an area of high nature conservation value under the *Vegetation Management Act 1999* (VMA) Qld.

Please see attached confirmation cover letter and declaration notice (2025\_000199) that makes specific reference to the "Lotus Creek Wind Farm Offset Area Management Plan", revision 5, dated 06 August 2024.

On 27 October 2025, a declaration was made of part of Lot 4 on KL210 as an area of high nature conservation value under the *Vegetation Management Act 1999* (VMA) Qld.

Please see attached confirmation cover letter and declaration notice (2025\_001249) that makes specific reference to the "Lotus Creek Wind Farm Offset Area Management Plan", revision 5, dated 06 August 2024.

Please do not hesitate to contact the project should you have any queries,  
Kind regards  
Mary

Best regards

s. 47F(1)

Head of Environment, Planning & Land APAC

**BLUE  
POWER  
PARTNERS**

|        |                                                                           |
|--------|---------------------------------------------------------------------------|
| Email  | s. 47F(1)@bluepp.dk                                                       |
| Mobile | s. 47F(1)                                                                 |
| Web    | <a href="https://bluepowerpartners.com">https://bluepowerpartners.com</a> |

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15 September 2025

Compliance Monitoring Section

Department of Climate Change, Energy, the Environment and Water

Issued via email – [EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au)

To whom it may concern,

**RE: Notification of delay in satisfying Condition 7 – EPBC Approval (EPBC 2020/8867)**

We refer to the Approval 2020/8867 issued to Lotus Creek Wind Farm Pty Ltd (the approval holder) for the construction of the Lotus Creek Wind Farm (LCWF).

Pursuant to Condition 59 of EPBC 2020/8867, this letter notifies the Department of Climate Change, the Environment, Energy and Water (the Department) of a potential non-compliance with the condition of the Approvals within 2 business days of becoming aware. Further details of the matter are outlined below.

**a. Condition which may be in breach**

The delay in achieving compliance concerns Condition 7 of the approvals *The OAMP must:*

7. d) be attached to the legal mechanism used to secure the environmental offset area(s). Each offset area(s) must be secured within 12 months of the commencement of the action. The approval holder must notify and provide evidence to the department within 5 business days of any environmental offset area(s) being secured.

The relevant definitions are provided below:

**Secure / secured / securing** means to execute a legal agreement or legally binding mechanism under relevant Queensland legislation, in relation to an offset site, to provide enduring protection for the offset site against development incompatible with conservation.

**b. Description of the delay in achieving compliance**

The OAMP for the LCWF (EPBC 2020/8867) was approved in writing by a delegate of the Minister 9 August 2024. Refer Attachment 1 for Letter.

The legally binding mechanism for the offset is a Voluntary Declaration under Queensland's *Vegetation Management Act 1999* assessed by the Queensland Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD).

The Voluntary Declaration application was lodged on 30 January 2025. Refer Attachment 2 for Application Material.

DNRMMRRD have not approved the Voluntary Declaration. The approval holder has received correspondence from DNRMMRRD acknowledging the receipt of the application and commencement of the assessment. On 9<sup>th</sup> July 2025 DNRMMRRD requested the re-submission of landholder consent forms with bank signatures. At the time of writing, one set of bank signatures is outstanding to enable the project to relodge these forms and recommence the registration process.

Importantly, the Offset Sites are secured through Option agreements with the landowners ensuring there is no clearance, damage or harm to native vegetation or habitat on the proposed Offset Sites and no improvements/constructions or change to farming practices. Thus, maintaining the biodiversity values of the Offset Sites until final registration is achieved.

As such the delay in achieving compliance has not resulted in impacts or loss of Matters of National Environmental Significance (MNES). Additionally, surveying and assessment works within the offset area have commenced without the approval of the legally binding mechanism. Works that have occurred within the Offset Area include:

- Offset Area BioCondition assessments;
- Offset Area baseline surveys, including:
  - Existing internal fencing,
  - Weeds and pest fauna,
  - Erosion and vehicle access, and
  - Bushfire risks.
- Request for Tender and negotiation of Contract for Offset Area Management Contractor.

**c. Location, Date and Time of potential non-compliance**

The delay in achieving compliance occurs if the legally binding mechanism is not approved by DNRMMRRD by 16 September 2025. The DNRMMRRD has noted that there are no statutory assessment timeframes and response times are based on current workloads.

Kind regards

**s. 47F(1)**

Head of EPL - APAC  
Lotus Creek Wind Farm Pty Ltd  
For and on behalf of the approval holder

**ATTACHMENTS**

1. OAMP Approval
2. Legally binding mechanism application material



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**Attachment 1. OAMP Approval**





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**Attachment 2. Legally binding mechanism application material**

## Declaration notice - Approval

*Vegetation Management Act 1999 Sections 19E to 19G*

### 1. Details of request

- 1.1. **Registered landowner:** s. 47F(1)
- 1.2. **Date request received:** 30 January 2025
- 1.3. **Request:** Request for a declared area.
- 1.4. **Property description:** Lot 3161 PH378 – Isaac Regional Council
- 1.5. **Land tenure:** Lands Lease
- 1.6. **Decision reference:** 2025/000199

### 2. Declaration information

#### 2.1. Declaration made:

The Chief Executive of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development declares the area, identified on Declared Area Map DAM 2025/000199, as an area of high nature conservation value in accordance with section 19F of the *Vegetation Management Act 1999* (VMA).

The chief executive considers the declared area to meet the following criteria under section 19G of the VMA—

The declared area is an area of high nature conservation value under section 19G(1)(b)(iv), as the area is considered to be:

- Another area that contributes to the conservation of the environment.

This declaration will be subject to condition that the declaration will end once the management outcomes for the declared area have been achieved or at the end of the 20-year period that the management outcomes are stated to be achieved as per the declared area management plan in accordance with section 19L(1) of the VMA.

The documents outlined in 2.2 form part of this declaration.

**2.2. Declaration documents:**

The following documents are part of this declaration, and must be read in conjunction with this notice:

- Declared area map (DAM 2025/000199)
- Declared area management plan 2025/000199 – signed 23/09/2025
- “Lotus Creek Wind Farm Offset Area Management Plan”, revision 5, dated 06 August 2024

**2.3. Property Map of Assessable Vegetation (PMAV)**

In accordance with s20B of the VMA, the following PMAV has been prepared for the declared area.

- Declared area PMAV (PMAV): 2025/000214

**2.4. Date of declaration: 14/10/2025****3. Delegated officer's signature**

**s. 47F(1)**



**Senior Natural Resource Management Officer (VM1)**

14/10/2025



## Declaration notice - Approval

*Vegetation Management Act 1999 Sections 19E to 19G*

### 1. Details of request

- 1.1. **Registered owner's name:** REDROCK TRADING CO. PTY LTD
- 1.2. **Date request received:** 30 January 2025
- 1.3. **Request:** Request for a declared area.
- 1.4. **Property description:** Lot 4 KL210 – Isaac Regional Council
- 1.5. **Land tenure:** Lands Lease
- 1.6. **Decision reference:** 2025/001249

### 2. Declaration information

#### 2.1. Declaration made:

The Chief Executive of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development declares the area, identified on Declared Area Map DAM 2025/001249, as an area of high nature conservation value in accordance with section 19F of the *Vegetation Management Act 1999* (VMA).

The chief executive considers the declared area to meet the following criteria under section 19G of the VMA—

The declared area is an area of high nature conservation value under section 19G(1)(b)(iv), as the area is considered to be:

- Another area that contributes to the conservation of the environment.

This declaration will be subject to condition that the declaration will end once the management outcomes for the declared area have been achieved or at the end of the 20-year period that the management outcomes are stated to be achieved as per the declared area management plan in accordance with section 19L(1) of the VMA

The documents outlined in 2.2 form part of this declaration.

**2.2. Declaration documents:**

The following documents are part of this declaration, and must be read in conjunction with this notice:

- Declared area map (DAM 2025/001249)
- Declared area management plan 2025/001249 - signed 05/08/2025
- "Lotus Creek Wind Farm Offset Area Management Plan", revision 5, dated 06 August 2024

**2.3. Property Map of Assessable Vegetation (PMAV)**

In accordance with s20B of the VMA, the following PMAV has been prepared for the declared area.

- Declared area PMAV (PMAV): 2025/001250

**2.4. Date of declaration: 27/10/2025****3. Delegated officer's signature**

s. 47F(1)



**Senior Natural Resource Management Officer (VM1)**

27/10/2025

s. 22(1)(a)(ii)

**From:** s. 47F(1) @bluepp.dk>  
**Sent:** Tuesday, 30 September 2025 2:12 PM  
**To:** EPBCMonitoring@environment.gov.au  
**Cc:** s. 47F(1) LotusCreekWindFarm; s. 47F(1)  
**Subject:** DCCEEW ref 2020/8867 Non-compliance investigation, impacts and actions  
**Attachments:** 2020\_8867 - Delay in achieving compliance.pdf; Lotus Creek VDEC 2025/000199

To Whom it may concern,

On behalf of the Lotus Creek Wind Farm Project (the Project) and pursuant to Condition 60 of our EPBC approval (Ref 2020/8867), following our correspondence (attached) to the Department dated 15 September 2025, please find to follow the details of:

- the non-compliance with the EPBC condition, and
- the specifics of:
  - o a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - o b) the potential impacts of the incident or non-compliance; and
  - o c) the method and timing of any remedial action that will be undertaken by the approval holder.

#### **Delay in compliance with Condition 7 of the EPBC approval ref 2020/8867**

Condition 7d of the Project's EPBC approval requires the OAMP (Offset Area Management Plan) be attached to the legal mechanism. Each offset area must be secured within 12 months of the commencement of the action.

The action commenced on 16 September 2024 and therefore to comply with Condition 7d of the approval, the offset area must have been secured by 16 September 2025.

##### **a. Corrective actions**

The Project has been working diligently with the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD) since January 2025 to lodge the appropriate forms and information to support our application for a Voluntary Declaration under Queensland's *Vegetation Management Act 1999*. Unfortunately, DNRMMRRD have experienced some delays in processing the applications this year.

Since receiving the latest correspondence from DNRMMRRD on 9<sup>th</sup> July 2025 seeking further information, the Project has been working with the leaseholders and their banks to resubmit the appropriate forms with relevant signatures.

On the 24<sup>th</sup> September 2025 the Project was able to resubmit the finalised application package to DNRMMRRD for their consideration (see attached email ref 2025/000199).

The Project will continue to follow-up with DNRMMRRD regularly until the Voluntary Declaration is approved, or any further information is requested.

Once approved, pursuant with condition 7d the Project will notify and provide evidence to the department within 5 business days of any environmental offset area being secured.

##### **b. Potential impacts of the non-compliance**

As outlined in our attached letter dated 15 September 2025, the Offset Sites are secured through Option agreements with the landowners. The agreements ensure there is no clearance, damage or harm to native vegetation or habitat on the proposed Offset Sites and no improvements/constructions of change to farming practices. The biodiversity values of the sites will be maintained until final registration of the Offset Sites is achieved.

The delay in achieving compliance with Condition 7d has not and will not result in impacts or loss to Matters of National Environmental Significance (MNES).



**c. Remedial actions**

As described in Corrective actions, the Project continues to vigorously pursue the registration of the Offset Areas with DNRMMRRD.

At the same time, the Project continues the surveying and assessment works within the offset area in anticipation of the approval of the legally binding mechanism.

Works that have occurred within the Offset Area include:

- Offset Area BioCondition assessments;
- Offset Area baseline surveys, including:
  - o Existing internal fencing,
  - o Weeds and pest fauna,
  - o Erosion and vehicle access, and
  - o Bushfire risks.
- Request for Tender and negotiation of Contract for Offset Area Management Contractor.

Please do not hesitate to contact the Project if you require further information,  
Kind regards

s. 47F(1)

Best Regards

s. 47F(1)

Head of EPL - APAC



» Email: [s. 47F\(1\)@bluepp.dk](mailto:s.47F(1)@bluepp.dk)  
» Mobile: s. 47F(1)  
» Address: Level 19, 477 Collins St, Melbourne 3000, Australia  
» Web: <https://bluepowerpartners.com>

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Author: s. 47F(1)  
File/Ref number: 2025/000199

Department of  
Natural Resources and Mines,  
Manufacturing and Regional  
and Rural Development

14 October 2025

s. 47F(1)

Email: s. 47F(1)@gmail.com

Dear s. 47F(1),

**RE: Declaration of part of Lot 3161 PH378 (the property) as an area of high nature conservation value**

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the department) has considered your request for a declaration and is satisfied that the proposed declared area meets the requirements for an area of high nature conservation value under the *Vegetation Management Act 1999* (VMA).

Accordingly, a declaration on the property has been made on 14 October 2025

A copy of each of the following documents are attached for you records:

- Declaration notice 2025/000199
- Declared area map (DAM) 2025/000199
- Property Map of Assessable Vegetation (PMAV) 2025/000214
- Information notice for PMAV 2025/000214

Please note, this declaration (2025/000199) will be noted on the property title and is binding on current and future owners.

In accordance with the management plan titled 'Lotus Creek Wind Farm Offset Area Management Plan' dated 06/08/2024 and 'Declared area management plan – signed 23/09/2025, you are required to undertake management of the declared area to achieve the stated outcomes.

Please note, in accordance with the declared area management plan you are required to undertake management of the declared area to achieve the stated outcomes within 20 years, for which the declaration will then end.

Telephone: 135 VEG or 135 834  
Email: [vegetation@nrmmrd.qld.gov.au](mailto:vegetation@nrmmrd.qld.gov.au)  
Website: [www.nrmmrd.qld.gov.au](http://www.nrmmrd.qld.gov.au)

ABN 59 020 847 551

If you wish to discuss the information requested or draft declaration offer further, please contact s. 47F(1) on telephone number 13 58 34 quoting the above reference number.

Yours sincerely,

s. 47F(1)

**Senior Natural Resource Management Officer (VM1)**

**Department of Natural Resources and Mines, Manufacturing and Regional and Rural  
Development**



Author: s. 47F(1)  
File/Ref number: 2025/001249

Department of  
Natural Resources and Mines,  
Manufacturing and Regional  
and Rural Development

27 October 2025

Redrock Trading Co Pty Ltd

s. 47F(1)

Email: s. 47F(1) @gmail.com

Dear s. 47F(1)

**RE: Declaration of part of Lot 4 on KL210 (the property) as an area of high nature conservation value**

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the department) has considered your request for a declaration and is satisfied that the proposed declared area meets the requirements for an area of high nature conservation value under the *Vegetation Management Act 1999* (VMA).

Accordingly, a declaration on the property has been made on 27 October 2025

A copy of each of the following documents are attached for you records:

- Declaration notice 2025/001249
- Declared area map (DAM) 2025/001249
- Property Map of Assessable Vegetation (PMAV) 2025/001250
- Information notice for PMAV 2025/001250

Please note, this declaration (2025/001249) will be noted on the property title and is binding on current and future owners.

In accordance with the management plan titled 'Lotus Creek Wind Farm Offset Area Management Plan' dated 06/08/2024 and 'Declared area management plan – signed 05/08/2025, you are required to undertake management of the declared area to achieve the stated outcomes.

Please note, in accordance with the declared area management plan you are required to undertake management of the declared area to achieve the stated outcomes within 20 years, for which the declaration will then end.

Telephone: 135 VEG or 135 834  
Email: [vegetation@nrmmrd.qld.gov.au](mailto:vegetation@nrmmrd.qld.gov.au)  
Website: [www.nrmmrd.qld.gov.au](http://www.nrmmrd.qld.gov.au)

ABN 59 020 847 551

If you wish to discuss these matters further, please contact s. 47F(1) on telephone number 13 58 34 quoting the above reference number.

s. 47F(1)

**Senior Natural Resource Management Officer (VM1)**

**Department of Natural Resources and Mines, Manufacturing and Regional and Rural  
Development**

15 September 2025

Compliance Monitoring Section

Department of Climate Change, Energy, the Environment and Water

Issued via email – [EPBCMonitoring@environment.gov.au](mailto:EPBCMonitoring@environment.gov.au)

To whom it may concern,

**RE: Notification of delay in satisfying Condition 7 – EPBC Approval (EPBC 2020/8867)**

We refer to the Approval 2020/8867 issued to Lotus Creek Wind Farm Pty Ltd (**the approval holder**) for the construction of the Lotus Creek Wind Farm (LCWF).

Pursuant to Condition 59 of EPBC 2020/8867, this letter notifies the Department of Climate Change, the Environment, Energy and Water (**the Department**) of a potential non-compliance with the condition of the Approvals within 2 business days of becoming aware. Further details of the matter are outlined below.

**a. Condition which may be in breach**

The delay in achieving compliance concerns Condition 7 of the approvals *The OAMP must:*

- 7. d) be attached to the legal mechanism used to secure the environmental offset area(s). Each offset area(s) must be secured within 12 months of the commencement of the action. The approval holder must notify and provide evidence to the department within 5 business days of any environmental offset area(s) being secured.

The relevant definitions are provided below:

**Secure / secured / securing** means to execute a legal agreement or legally binding mechanism under relevant Queensland legislation, in relation to an offset site, to provide enduring protection for the offset site against development incompatible with conservation.

**b. Description of the delay in achieving compliance**

The OAMP for the LCWF (EPBC 2020/8867) was approved in writing by a delegate of the Minister 9 August 2024. Refer Attachment 1 for Letter.

The legally binding mechanism for the offset is a Voluntary Declaration under Queensland's *Vegetation Management Act 1999* assessed by the Queensland Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (DNRMMRRD).

The Voluntary Declaration application was lodged on 30 January 2025. Refer Attachment 2 for Application Material.



DNRMMRRD have not approved the Voluntary Declaration. The approval holder has received correspondence from DNRMMRRD acknowledging the receipt of the application and commencement of the assessment. On 9<sup>th</sup> July 2025 DNRMMRRD requested the re-submission of landholder consent forms with bank signatures. At the time of writing, one set of bank signatures is outstanding to enable the project to relodge these forms and recommence the registration process.

Importantly, the Offset Sites are secured through Option agreements with the landowners ensuring there is **no clearance, damage or harm to native vegetation or habitat** on the proposed Offset Sites and no improvements/constructions or change to farming practices. Thus, maintaining the biodiversity values of the Offset Sites until final registration is achieved.

As such the **delay in achieving compliance has not resulted in impacts or loss of Matters of National Environmental Significance (MNES)**. Additionally, surveying and assessment works within the offset area have commenced without the approval of the legally binding mechanism. Works that have occurred within the Offset Area include:

- Offset Area BioCondition assessments;
- Offset Area baseline surveys, including:
  - Existing internal fencing,
  - Weeds and pest fauna,
  - Erosion and vehicle access, and
  - Bushfire risks.
- Request for Tender and negotiation of Contract for Offset Area Management Contractor.

**c. Location, Date and Time of potential non-compliance**

The delay in achieving compliance occurs if the legally binding mechanism is not approved by DNRMMRRD by 16 September 2025. The DNRMMRRD has noted that there are no statutory assessment timeframes and response times are based on current workloads.

Kind regards

**s. 47F(1)**

Lotus Creek Wind Farm Pty Ltd  
For and on behalf of the approval holder

**ATTACHMENTS**

1. OAMP Approval
2. Legally binding mechanism application material





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**Attachment 1. OAMP Approval**



---

**Attachment 2. Legally binding mechanism application material**

# s. 22(1)(a)(ii)

**From:** s. 47F(1) @epuron.com.au>  
**Sent:** Friday, 30 September 2022 9:58 AM  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 47F(1) @vestas.com>; s. 47F(1) @gmail.com>;  
 s. 47F(1) @agriculture.gov.au>; s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Thanks for your time on the call yesterday. Regarding the condition relating to BBMP, could you consider the wording amendment below? We believe this would make the condition wording clearer and remove ambiguity as to what needs to be done to satisfy the condition.

The approval holder must, prior to **commencement of the action**, submit to the **department** for the approval of the **Minister**, a Bird and Bat Management **Plan** (BBMP) ~~to the satisfaction of the Minister~~ which addresses the requirements of conditions 25 to 37, 40, 43 and 45.

s. 47F(1)

Project Manager

M: s. 47F(1)

E: s. 47F(1) @arkenergy.com.au

W: [arkenergy.com.au](http://arkenergy.com.au)



Ark Energy acknowledges the Traditional Custodians of the land upon which we live and work, and their continuing connection to lands, waters, and communities. We pay our respects to Elders past, present, and emerging.

*The contents of this email (including attachments) are confidential, and may contain copyright material of Ark Energy. If you are not the intended recipient, please immediately notify Ark Energy by return email and destroy the original transmission and its contents. It is the recipient's duty to virus scan or otherwise test this email before loading it onto any computer. No warranty is given that this email is free from computer viruses or any other defect or error.*

---

**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Wednesday, 14 September 2022 5:30 PM  
**To:** s. 47F(1) @nghconsulting.com.au>  
**Cc:** s. 47F(1) @epuron.com.au>; s. 47F(1) @vestas.com>; s. 47F(1) @nghconsulting.com.au>; s. 47F(1) @gmail.com>; s. 47F(1) @nghconsulting.com.au>; s. 47F(1) @agriculture.gov.au>  
**Subject:** Re: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1)

Thanks for your email.

Re. the BBAMP and the 'satisfaction of the Minister' -

Yes, I would consider there would be a degree of adequacy approval needed for the BBAMP for the component submitted prior to commencement.

Re. contacting Post Approvals -

Depending on the information you are seeking from Post Approvals, there would be little point in discussing the management plans yet.

The Minister/ delegate is still to decide on whether they will approve the project, consequently, Post Approvals does not have oversight of the project and will not be aware of the project complexities.

Re. the mapping - I didn't receive it last Thursday, but did on Monday - thank you.

Kind regards, s. 22(1)(a)(ii)

---

**From:** s. 47F(1) @nghconsulting.com.au>  
**Sent:** 12 September 2022 15:49  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 47F(1) @epuron.com.au>; s. 47F(1) @vestas.com>; s. 47F(1) @nghconsulting.com.au>; s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Thanks for getting back to me so quickly s. 22(1)(a)(i)

I note that the Specimen Hill BBAMP timing condition refers to the 'satisfaction of the Minister' (snip below). Practically, what do you see this looking like? Will the BBAMP need to go through the adequacy review prior to commencement of the action? We are working on our schedule currently!



**Bird and Bat Management**

32. The approval holder must, prior to **commencement of the action**, submit to the **department** for the approval of the **Minister**, a Bird and Bat Management Plan (BBMP) **to the satisfaction of the Minister**.

Two additional questions:

1. Can we please meet with the Post Approvals Team to start speaking to them about their expectations for the management plans, and their likely timeframes for review and approval? Are you able to provide a contact for us? We would appreciate this step as soon as possible, as we are making a start now.
2. Did you receive the updated Figure A-2 sent on Thursday? Our GIS (Taylor) is going to re-send as a link in case it was too big.

Kindest regards, s. 47F(1)

s. 47F(1)

GENERAL MANAGER - BIODIVERSITY

MEIANZ, BSc, MEnvMgt

M. s. 47F(1)

E. s. 47F(1)@nghconsulting.com.au

2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220



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[WWW.NGHCONSULTING.COM.AU](http://WWW.NGHCONSULTING.COM.AU)



From: s. 22(1)(a)(ii)@awe.gov.au>

Sent: Thursday, 8 September 2022 3:45 PM

To: s. 47F(1)@nghconsulting.com.au>

Subject: RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1)

I am well, thanks, hope you are too.

Yes, you would have seen that Specimen Hill WF has been signed off and Lotus Creek WF BBMP conditions will be aligned with this.

That is:

- A draft BBMP will be expected 3 months prior to commencement of the action.
  - This will enable the approval holder to propose, and justify, site and region specific pre-commissioning monitoring measures to be undertaken from approval of the plan until commissioning.
  - This draft and the associated planning will enable the planning for and acquisition of information to be included in the final BBMP, i.e.

- Information on how the action impacts listed bird and bat species during the construction phase; and
- Information from pre-commissioning surveys that will be conducted along the final footprint, that is, where the actual turbines are to be placed.
- Any pre-commissioning surveys required in the conditions associated with listed bird and bat species management will need to be undertaken prior to commissioning. This may include scavenger trials.
- The final **BBMP will need to be approved prior to commissioning and implemented throughout the life of the approval. Commissioning cannot commence prior to Ministerial approval of the BBMP.**

I hope this helps with your planning.

Kind regards, s. 22(1)(a)(ii)

---

**From:** s. 47F(1) [@nghconsulting.com.au](mailto:@nghconsulting.com.au)  
**Sent:** Thursday, 8 September 2022 12:13 PM  
**To:** s. 22(1)(a)(ii) [@awe.gov.au](mailto:@awe.gov.au)  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Hope all is well with you?

I heard from Epuron that our approval may still be a week or two off – can you give any update on that? Jess Picton and I are having lunch in Sydney tomorrow, and we were hoping for an excuse to have a glass of champagne 😊

Regardless, are you able to confirm the final condition timing for the BBAMP? We are planning resourcing to secondary approvals, and whether pre-commissioning (our strong preference) or pre-construction will be key!

Feel free to give me a call on my mobile if that is easier for you,

Cheers, s. 47F(1)

s. 47F(1)  
**GENERAL MANAGER - BIODIVERSITY**  
 MEIANZ, BSc. MEnvMgt  
**M. s. 47F(1)**  
**E. s. 47F(1)@nghconsulting.com.au**  
 2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220



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[WWW.NGHCONSULTING.COM.AU](http://WWW.NGHCONSULTING.COM.AU)



**From:** s. 22(1)(a)(ii) <@awe.gov.au>  
**Sent:** Sunday, 21 August 2022 9:48 PM  
**To:** s. 47F(1) <@nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1)

Thank you for your email – I just wanted to note that I have read it and will reply in detail shortly.

Talk soon, s. 22(1)(a)(ii)

**From:** s. 47F(1) <@nghconsulting.com.au>  
**Sent:** Monday, 15 August 2022 12:42 PM  
**To:** s. 22(1)(a)(ii) <@environment.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@environment.gov.au>; s. 22(1)(a)(ii) <@environment.gov.au>  
**Cc:** s. 47F(1) <@epuron.com.au>; s. 47F(1) <@vestas.com>; s. 47F(1) <@epuron.com.au>; s. 47F(1) <@nghconsulting.com.au>; s. 47F(1) <@nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi guys,

Thanks for your time.

My two actions were to provide additional information on the below points. The BBAMP got a little complicated – s. 22(1)(a)(ii) feel free to give me a call!

1. Proposed condition change to allow submission of BBAMP prior to commencement, with approval prior to commissioning.
  - Note, the conditions currently require the BBAMP to contain the results of the following time-intensive tasks:
    - 24 months of baseline surveys
    - Site-wide risk assessment
    - Turbine-level risk assessment (modelling or assignment of high risk to each turbine)
  - Did I understand from our conversation that there could be expectation that additional monitoring results, post clearing but prior to commissioning, would need to be included in the BBAMP? I can't see that is required by the CoA (at a glance)? Condition 36 requires carcass search efficiency trials during project **operation** (note, the results of these would not therefore need to be included in the BBAMP)

- If there are no actions specifically required by the BBAMP (to meet CoA) to be undertaken during construction, what is the intent of submitting the BBAMP prior to commencement?
  - If the intent is that the BBAMP will need to be updated with new information specific to construction phase (you may need to point this condition(s) out to me!), then we would need to understand the process under the current proposed approach, i.e. is it:
    - Submit the BBAMP prior to commencement for assessment and approval
    - Address adequacy review requirements (if any)
    - Gain approval (*in a non-statutory assessment timeframe*) sometime between 2 months from commencement to 24 months from commencement (anticipated construction phase)
    - What is the hold point/process if additional information is required by DCCEEW to be incorporated into the BBAMP from the construction phase, but the BBAMP is required to be submitted prior to construction?
  - If the condition wording was simply changed to be consistent with SARA (i.e. submit/approved prior to commissioning) we would be cognisant of the fact that it takes time to finalise a BBAMP and would manage that process to ensure approval prior to commissioning. The flexibility to submit the BBAMP post commencement would be valued.
2. Proven use of constructed nest boxes by Greater Gliders:
- Evidence from March (I believe 2022) in SEQ: <https://wildlife.org.au/success-at-last/>
  - See current study with ANU – it would be interesting to reach out and see emerging monitoring results <https://www.anu.edu.au/news/all-news/hi-tech-nest-boxes-to-help-greater-gliders>
  - Note that the PD commits the Project to: *Salvaging and relocating tree hollows from felled trees (or where natural hollows are not viable, installing constructed nest boxes) to replace hollows with signs of use by Greater Glider.*

Kind regards, s. 47F(1)

s. 47F(1)

GENERAL MANAGER - BIODIVERSITY

MEIANZ, BSc. MEnvMgt

M. s. 47F(1)

E. s. 47F(1) [nghconsulting.com.au](mailto:nghconsulting.com.au)

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-----Original Appointment-----

From: s. 22(1)(a)(ii) [@environment.gov.au](mailto:@environment.gov.au)

Sent: Thursday, 4 August 2022 10:05 AM

To: s. 22(1)(a)(ii) s. 47F(1)



Cc: **S. 47F(1)**

**Subject:** Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

**When:** Monday, 15 August 2022 11:00 AM-11:30 AM (UTC+10:00) Canberra, Melbourne, Sydney.

**Where:**

Meeting to discuss feedback on proposed condition set for Lotus Creek Windfarm (EPBC 2020/8867).

---

## Microsoft Teams meeting

### Join on your computer or mobile app

[Click here to join the meeting](#)

Meeting ID: 415 692 539 832

Passcode: SSSab5

[Download Teams](#) | [Join on the web](#)

### Join with a video conferencing device

[163575618@t.plcm.vc](tel:163575618@t.plcm.vc)

Video Conference ID: 136 262 519 7

[Alternative VTC instructions](#)

### Or call in (audio only)

[+61 2 9053 4873](tel:+61290534873), [465431645#](tel:+61290534873) Australia, Sydney

Phone Conference ID: 465 431 645#

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[Learn more](#) | [Meeting options](#)

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# s. 22(1)(a)(ii)

**From:** s. 47F(1) @nghconsulting.com.au>  
**Sent:** Monday, 4 April 2022 2:59 PM  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>; s. 47F(1)  
 <carissa.f@nghconsulting.com.au>; Jessica Picton <j.picton@epuron.com.au>  
**Subject:** RE: Lotus Creek WF (EPBC 2020/8867) Draft of Preliminary Documentation [SEC=OFFICIAL]

Good afternoon s. 22(1)(a)(ii)

Are you able to advise on the likely timing for us to receive confirmation from the delegate that we can publish the Lotus Creek PD?

Kindest regards, s. 47F(1)

s. 47F(1)

GENERAL MANAGER - BIODIVERSITY

MEIANZ, BSc, MEnvMgt

M s. 47F(1)

E, s. 47F(1)@nghconsulting.com.au

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(PO Box 466, Tugun, QLD 4224)

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---

**From:** s. 22(1)(a)(ii) @awe.gov.au>  
**Sent:** Friday, 18 March 2022 11:38 AM  
**To:** s. 47F(1) @nghconsulting.com.au>  
**Cc:** s. 22(1)(a)(ii) @environment.gov.au>  
**Subject:** Lotus Creek WF (EPBC 2020/8867) Draft of Preliminary Documentation [SEC=OFFICIAL]

Dear s. 47F(1)

Thank you for providing the additional information for Lotus Creek Windfarm project (EPBC 2020/8867). We will be recommending to the delegate that there is enough information for the public to comment on and for the Minister (or delegate) to make a decision on approval.

As discussed, the provision of offsets will be provided in the Post Approvals stage. However, it is the department's expectation that offsets are provided prior to the commencement of the action.

We note that you have stated that targeted surveying for the White-throated Needletail will be provided prior to commissioning. Please ensure that the remainder of the 24 months of Bird Utilisation Surveys take into account the proposed turbine layout. Please note that the department is likely to recommend that a condition of approval be that species the department considers to be at high risk of turbine strike will require risk analysis, either Collision Risk Modelling or an alternative that is approved by the department.

In terms of timing, the delegate will need time to sign off on the direction to publish briefs, however we will endeavour to get these to you as soon as possible.

As always, feel free to get in touch for any clarifications.

Kind regards,

**s. 22(1)(a)(ii)**

Queensland North Assessments

Environment Assessments Queensland and Sea Dumping Branch

Department of Agriculture, Water and the Environment

e **s. 22(1)(a)(ii)**@[awe.gov.au](mailto:awe.gov.au) | a: GPO Box 858 CANBERRA ACT 2600

*Please note: I work full-time Mon-Tues and part-time Wed-Fri*



# s. 22(1)(a)(ii)

**From:** s. 47F(1) <[REDACTED]@nghconsulting.com.au>  
**Sent:** Monday, 21 March 2022 12:20 PM  
**To:** s. 22(1)(a)(ii) <[REDACTED]@awe.gov.au>  
**Cc:** s. 22(1)(a)(ii) <[REDACTED]@environment.gov.au>; s. 47F(1) <[REDACTED]@epuron.com.au>;  
 s. 47F(1) <[REDACTED]@epuron.com.au>; s. 47F(1) <[REDACTED]@nghconsulting.com.au>  
**Subject:** RE: Lotus Creek WF (EPBC 2020/8867) Draft of Preliminary Documentation [SEC=OFFICIAL]

Dear s. 22(1)(a)(ii) and s. 22(1)(a)(ii)

That is great news!

We will look out for the formal go-ahead to commence exhibition.

Kindest regards, s. 47F(1)

s. 47F(1)

GENERAL MANAGER - BIODIVERSITY  
 MEIANZ, BSc, MEnvMgt

M. s. 47F(1)

E. s. 47F(1) <[REDACTED]@nghconsulting.com.au>

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As always, feel free to get in touch for any clarifications.

Kind regards,

s. 22(1)(a)(ii)

Queensland North Assessments

Environment Assessments Queensland and Sea Dumping Branch

Department of Agriculture, Water and the Environment

e: s. 22(1)(a)(ii)@awe.gov.au | a: GPO Box 858 CANBERRA ACT 2600

Please note: I work full-time Mon-Tues and part-time Wed-Fri

# s. 22(1)(a)(ii)

**From:** s. 22(1)(a)(ii) @dcceew.gov.au>  
**Sent:** Thursday, 1 December 2022 9:10 AM  
**To:** s. 47F(1) @vestas.com>; s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 47F(1) @epuron.com.au>; s. 47F(1) @dcceew.gov.au>;  
s. 47F(1) @dcceew.gov.au>; s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Good morning s. 47F(1)

Hope you are well. As indicated in the final decision letter, the email for Post Approvals is  
[PostApproval@environment.gov.au](mailto:PostApproval@environment.gov.au)

All the best, s. 22(1)(a)(ii)

**From:** s. 47F(1) @vestas.com>  
**Sent:** Wednesday, 30 November 2022 10:45 AM  
**To:** s. 22(1)(a)(ii) @awe.gov.au>  
**Cc:** s. 47F(1) @epuron.com.au>; s. 47F(1) @dcceew.gov.au>; s. 47F(1)  
s. 47F(1) @nghconsulting.com.au>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Hope you are well.

I'm reaching out to check if you can please arrange for a meeting with the post approval team, the purpose is to understand the expectation and review timeline mainly on the Offset area management plan. As you can understand Lotus creek EPBC condition has a requirement to have OAMP approved by the minister prior to commencement of action and Vestas is working on a construction schedule commencing on July 2023, any delays to secondary conditions approval or not able to commencement

of action status as planned on a wind farm project will be huge risk for us in a current market scenario.

Appreciate If we can receive some advice from DCCEEW on the OAMP preparation to mitigate the risk.

Regards,

s. 47F(1)

Classification: Restricted

---

**From:** s. 22(1)(a)(ii) @awe.gov.au>

**Sent:** Wednesday, September 14, 2022 5:30 PM

**To:** s. 47F(1) @nghconsulting.com.au>

**Cc:** s. 47F(1) @epuron.com.au> s. 47F(1) @vestas.com>; s. 47F(1)

s. 47F(1) @nghconsulting.com.au>; s. 47F(1) @gmail.com>; s. 47F(1)

s. 47F(1) @nghconsulting.com.au>; s. 47F(1) @agriculture.gov.au>

**Subject:** Re: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

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**EXTERNAL EMAIL:** Be careful with links/attachments

Hi s. 47F(1)

Thanks for your email.

Re. the BBAMP and the 'satisfaction of the Minister' -

Yes, I would consider there would be a degree of adequacy approval needed for the BBAMP for the component submitted prior to commencement.

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 Sent: 12 September 2022 15:49  
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 Cc: **S. 47F(1)** @epuron.com.au>; **S. 47F(1)** @vestas.com> **S. 47F(1)**  
**S. 47F(1)** @nghconsulting.com.au>; **S. 47F(1)** @nghconsulting.com.au>  
 Subject: RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Thanks for getting back to me so quickly **S. 22(1)(a)(ii)**

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#### Bird and Bat Management

32. The approval holder must, prior to **commencement of the action**, submit to the **department** for the approval of the **Minister**, a Bird and Bat Management Plan (BBMP) **to the satisfaction of the Minister**.

Two additional questions:

1. Can we please meet with the Post Approvals Team to start speaking to them about their expectations for the management plans, and their likely timeframes for review and approval? Are you able to provide a contact for us? We would appreciate this step as soon as possible, as we are making a start now.
2. Did you receive the updated Figure A-2 sent on Thursday? Our GIS (Taylor) is going to re-send as a link in case it was too big.

Kindest regards, **S. 47F(1)**

**S. 47F(1)**  
 GENERAL MANAGER - BIODIVERSITY  
 MEIANZ, BSc, MEnvMgt  
 M. **S. 47F(1)**  
 E. **S. 47F(1)** @nghconsulting.com.au  
 2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220



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From: **S. 22(1)(a)(ii)** @awe.gov.au>  
 Sent: Thursday, 8 September 2022 3:45 PM  
 To: **S. 47F(1)** @nghconsulting.com.au>  
 Subject: RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1)

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  - This will enable the approval holder to propose, and justify, site and region specific pre-commissioning monitoring measures to be undertaken from approval of the plan until commissioning.
  - This draft and the associated planning will enable the planning for and acquisition of information to be included in the final BBMP, i.e.
    - Information on how the action impacts listed bird and bat species during the construction phase; and
    - Information from pre-commissioning surveys that will be conducted along the final footprint, that is, where the actual turbines are to be placed.
  - Any pre-commissioning surveys required in the conditions associated with listed bird and bat species management will need to be undertaken prior to commissioning. This may include scavenger trials.
- **The final BBMP will need to be approved prior to commissioning and implemented throughout the life of the approval. Commissioning cannot commence prior to Ministerial approval of the BBMP.**

I hope this helps with your planning.

Kind regards, s. 22(1)(a)(ii)

---

**From:** s. 47F(1) <[s.47F\(1\)@nghconsulting.com.au](mailto:s.47F(1)@nghconsulting.com.au)>  
**Sent:** Thursday, 8 September 2022 12:13 PM  
**To:** s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@awe.gov.au](mailto:s.22(1)(a)(ii)@awe.gov.au)>  
**Subject:** RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 22(1)(a)(ii)

Hope all is well with you?

I heard from Epuron that our approval may still be a week or two off – can you give any update on that? s. 47F(1) and I are having lunch in Sydney tomorrow, and we were hoping for an excuse to have a glass of champagne 😊

Regardless, are you able to confirm the final condition timing for the BBAMP? We are planning resourcing to secondary approvals, and whether pre-commissioning (our strong preference) or pre-construction will be key!

Feel free to give me a call on my mobile if that is easier for you,

Cheers, s. 47F(1)

s. 47F(1)

GENERAL MANAGER - BIODIVERSITY

MEIANZ, BSc, MEnvMgt

M. s. 47F(1)

E. s. 47F(1) @nghconsulting.com.au

2B/34 Tallebudgera Creek Rd, Burleigh Heads QLD 4220



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[WWW.NGHCONSULTING.COM.AU](http://WWW.NGHCONSULTING.COM.AU)



From: s. 22(1)(a)(ii) @awe.gov.au>

Sent: Sunday, 21 August 2022 9:48 PM

To: s. 47F(1) @nghconsulting.com.au>

Subject: RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi s. 47F(1)

Thank you for your email – I just wanted to note that I have read it and will reply in detail shortly.

Talk soon, s. 22(1)(a)(ii)

From: s. 47F(1) @nghconsulting.com.au>

Sent: Monday, 15 August 2022 12:42 PM

To: s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii)

s. 22(1)(a)(ii) @environment.gov.au>; s. 22(1)(a)(ii) @environment.gov.au>

Cc: s. 47F(1) @epuron.com.au>; s. 47F(1) @vestas.com>; s. 47F(1)

s. 47F(1) @epuron.com.au>; s. 47F(1) @nghconsulting.com.au>; s. 47F(1)

s. 47F(1) @nghconsulting.com.au>

Subject: RE: Lotus Creek Proposed Condition Set [SEC=OFFICIAL]

Hi guys,

Thanks for your time.

My two actions were to provide additional information on the below points. The BBAMP got a little complicated – s. 22(1)(a)(ii) feel free to give me a call!

1. Proposed condition change to allow submission of BBAMP prior to commencement, with approval prior to commissioning.
  - Note, the conditions currently require the BBAMP to contain the results of the following time-intensive tasks:
    - 24 months of baseline surveys
    - Site-wide risk assessment
    - Turbine-level risk assessment (modelling or assignment of high risk to each turbine)
  - Did I understand from our conversation that there could be expectation that additional monitoring results, post clearing but prior to commissioning, would need to be included in the BBAMP? I can't see that is required by the CoA (at a glance)? Condition 36 requires carcass search efficiency trials during project **operation** (note, the results of these would not therefore need to be included in the BBAMP)
  - If there are no actions specifically required by the BBAMP (to meet CoA) to be undertaken during construction, what is the intent of submitting the BBAMP prior to commencement?
  - If the intent is that the BBAMP will need to be updated with new information specific to construction phase (you may need to point this condition(s) out to me!), then we would need to understand the process under the current proposed approach, i.e. is it:
    - Submit the BBAMP prior to commencement for assessment and approval
    - Address adequacy review requirements (if any)
    - Gain approval (*in a non-statutory assessment timeframe*) sometime between 2 months from commencement to 24 months from commencement (anticipated construction phase)
    - What is the hold point/process if additional information is required by DCCEEW to be incorporated into the BBAMP from the construction phase, but the BBAMP is required to be submitted prior to construction?
  - If the condition wording was simply changed to be consistent with SARA (i.e. submit/approved prior to commissioning) we would be cognisant of the fact that it takes time to finalise a BBAMP and would manage that process to ensure approval prior to commissioning. The flexibility to submit the BBAMP post commencement would be valued.
2. Proven use of constructed nest boxes by Greater Gliders:
  - Evidence from March (I believe 2022) in SEQ: <https://wildlife.org.au/success-at-last/>
  - See current study with ANU – it would be interesting to reach out and see emerging monitoring results <https://www.anu.edu.au/news/all-news/hi-tech-nest-boxes-to-help-greater-gliders>
  - Note that the PD commits the Project to: *Salvaging and relocating tree hollows from felled trees (or where natural hollows are not viable, installing constructed nest boxes) to replace hollows with signs of use by Greater Glider.*

Kind regards s. 47F(1)



s. 47F(1)

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-----Original Appointment-----

**From:** s. 22(1)(a)(ii) <@environment.gov.au>**Sent:** Thursday, 4 August 2022 10:05 AM**To:** s. 22(1)(a)(ii) <s. 47F(1)>**Cc:** s. 47F(1)**Subject:** Lotus Creek Proposed Condition Set [SEC=OFFICIAL]**When:** Monday, 15 August 2022 11:00 AM-11:30 AM (UTC+10:00) Canberra, Melbourne, Sydney.**Where:**

Meeting to discuss feedback on proposed condition set for Lotus Creek Windfarm (EPBC 2020/8867).

## Microsoft Teams meeting

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## Specimen Hill and Lotus Ck proposed decision discussion – 4.7.22

s. 47F(1)

s. 22(1)(a)(ii)

### Discussion

s. 47F(1) Impact on National park or other adjacent areas

- If towers are v close to national park it would depend on having a clear line of sight – it would be good to not have any impact in those areas

Would it be where they go to post-approvals rather than have a decision run over.

Compliance was finding it difficult to take a tmt re. compliance impact affect on pr

s. 47F(1) – reference to attachment B – not often referencing an attachment as part of a condition, but is good.

### **Predator survey conditions**

– know there are quite a few predators in the area – likely to attract more as a result of the action.  
Make sure numbers don't increase as a result of the action

- Is this enforceable.
- Don't want to condition them to make sure Quoll numbers increased.
- Good to have baseline numbers
- Search efficiency any of them that scavenge -will affect turbine efficiency of
  - o Appreciate if they reduce the feral animal numbers.

### **Offsets:**

- Offset for reducing turbine strike
- Given offset scarcity also looking at wider scale threat reduction
- Indirect offset for WTNT – could be a benefit of having part of that

### **Is the project fenced?**

- Probably not?
- To what degree – there will be populations of feral animals site.

### **Vegetation close to turbines**

- What birds are predominantly affected – presumably close to this size

### Notification

Unless there is something about notification then there is nothing that indicates that they need to notify the dept. e.g. if they find nests, etc.

### s. 47F(1) query:

Offsets – research project – is that because we know they are not going to provide 100% offsets? Yes

- Boulder Ck project is the same proponent as this one.
- Both projects are going to get sold on.
- Not sure about doubling up of projects over the same area
- Goyga south
- One of them has to submit the research plan

**Q – were you happy with the roosting habitat offset for WTNT? And the GG hollows**

### Lotus Creek – Maps:

Because they are big project areas – we have a series of maps with anything on the ground

If detailed documents – can refer to published documents

**We would like boundary line to be no fatter than 1 m to what is translated as on the ground. But** these maps we can't tell what that is on the ground. – So prefer they were way more detailed.

Maps chopped and changed as to how they were referring to different areas with respect to different hatching/ etc.

Discussion re. development footprint/ envelope and which map and which colour

With defining habitat, whilst it is nice to define wrt what spp. is present – we need to be able to refer back to habitat and shape scale over same area.

In the long run the overview map might not be needed to attach to conditions

To get the level of detail in the map – it might be as well to refer to maps in the PD.

*Maybe need to publish as two separate documents – the conditions and the attachments to the conditions (as opposed to referring to the PD).*



If there is a clear way of larger scale maps of describing male

What scale map? 1-2 m on the ground.

What happens if they don't use

-

Lotus Ck – chat with s. 22(1)(a)(ii) and me – 30 June 2022

Attaching the additional –

Trying to get to a narrative that we are on a condition set of what they are.

- Happy to discuss high level
- Come to s. 22(1)(a) then s. 22(1)(a)(ii)
- Likes the idea of GG – but not sure there's enough thought re. going ahead on this project
- How would you condition it. Rules around fixing it to a tree, around maintaining it, exploring it
  - o Maybe better in area where there is poor quality habitat it would be better?
  - o Be keen to not put it in the condition set – but something we explore for future projects
  - o When would this be appropriate to explore for other data sets
  - o To see if it's a good mitigation method going forward
  - o If used as an indirect offset if it can be built in that way
- 

How do we define a GG hollow? Not written into conditions

- To be compliant we need to be clear and simple.
- Proponent needs to know what are they taking out and why

#### **How many hollows ? What if we define it by tree diameter?**

What are the metrics and when would we impose those metrics?

How do they cut it out of the tree, etc.

Proponent has committed to save the hollows where possible

- No details on how they will move it.
- s. 22(1)(a) still anticipates compliance challenges
- We could do as mitigation – not an offset
- 

Aldoga Solar farm send conditions

-poorer quality habitat.

Ensure we have the right listing when it goes up.

\Greater glider hollow

- What is it? Evidence of a hollow in a tree
- Record all hollows evidence or not –

- Had GG fur in it.

**Increase the visibility condition –**

Are we intentionally asking them to make their own conditions?

**To do**

- Send Aldoga and Lotus Ck proposed conditions to s. 22(1)(a)
- Improving offsets -
- s. 22(1)(a) doing transmission – line 0 where is it and what is feeding into it.
-

**Catch up on Lotus Creek (2020/8867):****Key Concerns:**

- Potential turbine collision risk – especially to WTNT
- Loss of ridgeline roosting habitat for WTNT
- Loss of Koala habitat
- Loss of SP habitat
- Loss of GG habitat

**Avoidance:**

- Switch off if an ecologically significant proportion of the population is seen/struck?
- Avoid hollow-bearing trees wherever possible
- 

**Mitigation options:**

- glider poles?
- Need fauna spotters
- Speed limits to 50km/hr

**Offset:**

- Trigger offset: Potential turbine collision risk of WTNT
- Ridgeline roosting habitat for WTNT
- Koala habitat
- SP habitat
- GG habitat

**Management Plans – to be approved in Post Approvals**

- BBMP
  - o CRM
  - o Cadaver dogs? (especially from Spring to Autumn)
  - o Reporting for collision strike
- Weed and pest management plans - biosecurity
- OAMP and SOAMP (ensure calculation of risk of loss)
- Vegetation and fauna management plan – what do they do if they find an MNES individual during pre-clearance surveys

**Project Area will allow micro-siting of infrastructure** (up to 100 m from the development area shown herein) – from referral – no increase in area of impact



s. 22(1)(a)(ii)

### Lotus Ck - proposed

- a lot to do in a small time frame
- s. 22(1)(a)(ii) – extension of time frame brief
- 2 week extension the most Epuron, s. 47F(1) about it.
- Rec report –
- Needs conditions finalised
  - o s. 22(1)(a) has concerns re. needs to look the same as for specimen hill (offsets in the back
  - o WTNT – offset requirement – need to think and talk through on this one.
    - What would an offset look like for this – what would the completion criteria be it – how do you improve habitat for that spp,.
    - What about a 100% research offset/ financial repayment
- Draft copy of the conditions to the proponent before
- End of next week – sign by s. 22(1)(a)(ii)
- IF we give conditions upfront then we have a good headstart
  - o Anything they require to pay then we need their approval
- Rec report – in a ppor state – whole sections missing
  - o Asked s. 22(1)(a) to copy off the MCIntyre
  - o Boulderck – says there is no sig impact unless we include this
  - o Do we just care about the WTNT
- Specimen Hill talked about listed and migratory spp. in the same section, need to separate into separate section.
- LCK – do we care about the GHFF and Ghost Bat, or do we not think there's a sign impact
- Progress on rec report is going to be a huge report to get it across the line
- 

### GG – indirect offset

- We don't have an offset plan, just a strategy for this, but maybe we can
- Met the principle of the strategy are they confident they can get an approval in the offset strategy
- Trying to get from a 9 to a 10.
- Handover notes – say there are plenty of options. Because they would have to provide us with information. But can put the offset to the

What they are doing with an indirect offset is better than what they are doing with a direct offset.

A

s. 22(1)(a)(ii)

### Finalising conditions –

s. 22(1)(a) asked – open specimen hill and make sure they look the same.

Appendix B –

### Rec report – which species are critical that need to be included in the rec report that need to be in the BBMP –

WTNT, Bats, Red Goshawk – if they hit one they need to do an offset  
If not likely to be an

Mapping – the thing that is less than a metre – if they move it 5m what is the width of the line – pretty much universally same habitat on this site.

Maps just not at the scale – how far can they get out

Project area vs project footprint – flexibility that reduce the impact – if they can have less of an impact – the condition

You can microsite within 100m of footprint providing you can demonstrate the impact on MNES has been reduced / net reduction in key HBT

- and haven't increased the number of HBT that are impacted.

Micrositing to reduce the habitat being cleared or

### Salvageable – HBT

Lotus Ck – 19/10/22

**Ark Energy (formerly Epuron)**

s. 47F(1)

**DCCEEW:**

s. 22(1)(a)(ii), myself

Conditions:

43 and 47 – s. 22(1)(a)(ii) – might need to review

47\_ - can't commence until minister has approved. The offset

43 can't commence until minister has approved the BBMP

20 - can't commence until minister has approved the BBMP

41b: ceasing operations at the project site due to the WTNT

- How do you recommence operations
- Proposib

Science based methodology.

s. 22(1)(a)(ii) – had reporting period to increase from 1 to 5 bd

Early works and Geotech

- In reference to SARA approval
- s. 22(1)(a)(ii) -noted and updated
- Definition for early works to dbl check
- - is install temporary wind masts as part of feasibility stage
-