

9 Legally binding mechanism

The offsets will be secured by being declared as an area of high conservation value under section 19F of the VM Act. Once this has been registered on the title, the offset areas will be mapped as a category A area on the property map of assessable vegetation (**PMAV**). An area mapped as category A on a PMAV is described as an 'area subject to compliance notices, offsets and voluntary declarations'.

To secure the declared area on the title of each property, the property owners will complete and submit a request for a declared area form, and a declared area management plan form. Both of these forms are requirements of the Queensland Department of Resources so that the legally binding mechanism may be lodged on the title of the property.

The approval holder will legally secure the environmental offset within 12 months of the date of issue of the approval conditions; i.e., the offsets will be legally secured by 17 March 2024. The approved OAMP will be attached to the legal mechanism used to legally secure the environmental offset. The approval holder will provide written evidence to the Department within 20 business days of the mechanism to legally secure the environmental offset having been registered.

Management and monitoring of the offset area will be undertaken in accordance with commitments in the approved OAMP.

The declared area will remain in place as the legally securing mechanism for the offset area. The declared area and approved OAMP will ensure the offset completion criteria are attained, and then maintained for the period of the EPBC Act approval. Statutory protection of the offset area is maintained under the VM Act, NC Act and EPBC Act (or subsequent legislation). This will ensure that the ecological benefits of the offset are maintained in perpetuity.

With respect to the property Tabooba, TMR may enter into an agreement with DES and/or SRRC to have the property established as a nature conservation area and/or be maintained under the Land for Wildlife program respectively. Brief informal discussions have already been had with SRRC's Land for Wildlife Program as to TMR and Council maintaining the property post approval. Decisions on the maintenance of the property would be made closer to the lapsing of the approval.

With respect to the property Greenridge, DES and GCCC have previously expressed interest in acquiring Greenridge. Given the interest by both DES and GCCC, TMR may enter into an agreement with either or both DES and GCCC to maintain the property particularly given its proximity to the Pimpama River Conservation Area. Decisions on the maintenance of the property would be made closer to the lapsing of the approval.

10 Adaptive management and plan review

This OAMP has been prepared to be implemented until the offset completion criteria have been achieved, or when the approval for the action ceases. Management measures will be reported in the Offset Area reports, and adapted, where required, if triggers are reached and corrective actions are implemented (see *Table 12* and *Table 13*). If management measures need substantial adjustment, TMR will review this plan in consultation with the Department.

TMR will notify the Department electronically within 2 business days of becoming aware of any incident and/or potential or actual non-compliance with the conditions or commitments made in this OAMP. The notification will specify the condition or commitment made in a plan which has been or may have been breached; provide a short description of the incident and/or potential non-compliance and/or actual non-compliance; and identify the location (including co-ordinates), date, and time of the incident and/or potential or actual non-compliance.

TMR will provide to the Department the details of any incident or non-compliance with the conditions or commitments made in this OAMP as soon as practical and no later than 2 business days after becoming aware of the incident or non-compliance, specifying:

- a) the condition that the approval holder has potentially breached
- b) the nature of the non-compliance
- c) when and how the approval holder became aware of the non-compliance
- d) how the non-compliance will affect the approved action
- e) how the non-compliance will affect the anticipated impacts of the approved action, in particular how the non-compliance will affect the impacts on the MNES
- f) the measures the approval holder will take to address the impacts of the non-compliance on the MNES and rectify the non-compliance
- g) the time by when the approval holder will rectify the non-compliance.

If TMR wishes to carry out any activity otherwise than in accordance with this OAMP, TMR will submit to the Department for the Minister's written approval, a revised version of the OAMP. The varied activity will not commence until the Minister has approved the varied OAMP in writing. If the Minister approves the revised OAMP, that OAMP will be implemented in place of the OAMP originally approved.

If the Minister requests that TMR make specified revisions to the OAMP, TMR will develop and submit the revised OAMP for the Minister's written approval. TMR will implement the revised OAMP. Unless the Minister has approved the revised OAMP, then TMR will continue to implement the OAMP originally approved.

This OAMP will be submitted electronically to the Department, and will be published on TMR's website within 15 business days of the Minister approving the OAMP in writing. The OAMP will remain on TMR's website until the expiry date of the approval (17 March 2053).

11 Conclusion

This OAMP has been prepared to address all the requirements of the EPBC Act. This OAMP will be published on TMR's website within 1 month of the OAMP being approved by the Minister. The OAMP will remain on the website and accessible to the public for the duration of the EPBC Act approval.

The offset sites will successfully deliver offsets for the Project's residual significant impacts to Coastal Swamp Oak TEC, habitat for the Koala and GHFF.

This offset for the action will be implemented consistent with the EPBC Act *Environmental Offset Policy* and the approval conditions for the action. The approval holder commits to the implementation of this OAMP until the expiry of the EPBC approval (17 March 2053).

The approval holder also commits to registering a legally binding conservation mechanism to provide long-term protection to the offset area within 12 months of the date of the EPBC approval (i.e., by 17 March 2024), and to providing DCCEEW with written evidence demonstrating that the offset areas at Tabooba and Greenridge have been legally secured within 20 business days after the offsets have been legally secured.