



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Variation of conditions attached to approval

Cultana Expansion Area Project, near Whyalla, South Australia (EPBC 2010/5316)

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Approved action

approval holder	Department of Defence ABN: 68 706 814 312
approved action	The expansion of the existing Cultana Training Area in South Australia westwards, from 50 250 hectares to approximately 209 294 hectares through the acquisition of pastoral leases as described in the referral received on (see referral EPBC 2010/5316)

Variation

variation of conditions attached to approval	<p>The variation is:</p> <p>Delete conditions 2 and 3 attached to the approval and substitute with the conditions specified in the table below.</p> <p>Delete definition of the CEA attached to the approval and substitute with the definition specified in the table below.</p> <p>Add new definition of website specified in the table below.</p> <p>Add new attachment at Annexure A.</p>
date of effect	This variation has effect on the date this instrument is signed.

Person authorised to make decision

name and position	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals
signature	
date of decision	12 June 2024

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Words that appear in bold have the meanings as described in the definitions.	
Original dated 5/12/2013	Prohibited activities 1) No chemical, biological, radioactive or nuclear weapons may be taken onto or used within the boundaries of the CEA .
As varied on the date this instrument was signed	Stakeholder engagement 2) By 1 July 2024 the approval holder must publish a webpage to enable the community to make comment and raise issues regarding environmental matters associated with the CEA . This webpage may also cover the adjoining Cultana Training Area. The approval holder must maintain this webpage, and ensure it remains published on the website , until the expiry date of this approval. This webpage must: a) be easily accessible and easily found by members of the public, and b) provide a direct means of communication between the public and the approval holder. The approval holder must record details of all correspondence received, and contact details of the correspondent (where provided), and record all responses sent from the approval holder to the correspondent, including the date of the reply. The approval holder must provide a summary of all correspondence received as part of the annual compliance report required by condition 18 of this approval, in accordance with relevant privacy considerations. This summary should include environmental management actions that have been identified to address issues raised. The summary must provide evidence of active and timely engagement with the community to resolve open issues which remain under consideration.
As varied on the date this instrument was signed	3) The approval holder must establish, maintain and advertise protocols for receiving, managing and resolving complaints in a timely and transparent manner. The protocols must be established prior to commencement of the action. The means to lodge a complaint in accordance with these protocols must appear on the webpage as required by condition 2 of this approval, and the means to lodge a complaint (or a link to the relevant part of the website) must

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Original dated 5/12/2013	<p>appear on that webpage alongside the means to provide environmental management input.</p>
	<p>Environmental management framework</p> <p>4) The approval holder must establish and implement an environmental management system (EMS) for the CEA, consistent with ISO14001. The EMS must include an overarching document that:</p> <ul style="list-style-type: none">a) describes the interaction between elements of the EMS including the Defence Environmental Management Framework, and specific plans relevant to the CEA, as well as other elements of the CEA environmental management framework;b) identifies roles and responsibilities for implementation of the elements of the EMS; andc) describes arrangements for ongoing review (and revision as necessary) of elements of the EMS. <p>The overarching EMS document described above must be provided to the Department for information within twelve (12) months of commencement of the action.</p> <p>Note: The Department understands that Defence may wish to amalgamate EMS documents relating to several individual sites. This condition would not preclude that approach, provided that commitments made in relation to the CEA are clearly identifiable, and that the conditions of approval are satisfied in full.</p>

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Original dated 5/12/2013	<p>5) The approval holder must prepare and implement operational controls that reduce environmental impacts and maintain public amenity and safety. The operational controls must address at least the following public amenity matters:</p> <ul style="list-style-type: none">a) firing of projectiles from, into or within the CEA over any public road or railway or any other area occupied by civilians;b) noise, noting that training activities may occur at night;c) transport of equipment and personnel to, from and within the CEA;d) dust and smoke;e) electro-magnetic frequency interference (including electronic warfare activities); andf) light spill (including laser technologies). <p>Specific operational controls must be made available to the Department upon request. The approval holder must, upon request, demonstrate to the Minister that the operational controls provide for public safety from these matters.</p>
Original dated 5/12/2013	<p>Management plans</p> <p>6) The approval holder must, within twelve (12) months of the commencement of the action, provide the Minister with a threatened species habitat management plan (TSHMP), prepared by a suitably qualified expert. The TSHMP must identify specific areas of important habitat and / or known occurrence of threatened species within the CEA and describe how those areas will be managed for the protection of those species. The TSHMP must make reference to any relevant conservation advices or recovery plans approved under the EPBC Act.</p> <p>Once approved, by the Minister the TSHMP must be implemented. Any work undertaken prior to the Minister's approval of the TSHMP must be preceded by a pre-activity survey for all threatened species and, if any are detected, relevant work may not proceed until the TSHMP is approved.</p> <p>At least once every ten (10) years, the TSHMP must be reviewed and updated as required in consideration of all available sustainability monitoring reports (refer Condition 12), and provided to the Minister for approval. The revised</p>

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	<p>TSHMP must not be implemented until it has been approved by the Minister.</p> <p>Note: This condition may be satisfied by a single document, or separate documents dealing with individual species or groups of species.</p>
Original dated 5/12/2013	<p>7) The approval holder must, within twelve (12) months of the commencement of the action, provide the Minister with a biosecurity and overabundant native species management plan (BONSMP), prepared by a suitably qualified expert. The BONSMP must describe measures to monitor and control animal pests, weeds and pathogens, including but not limited to the following species, within the CEA:</p> <ul style="list-style-type: none"> a) Feral Cat (<i>Felis catus</i>) b) Red Fox (<i>Vulpes vulpes</i>) c) Feral Goat (<i>Capra hircus</i>) d) Rabbit (<i>Oryctolagus cuniculus</i>) e) rodents (non-native <i>Mus</i> and <i>Rattus</i> spp.) f) tramp ants g) Buffel Grass (<i>Cenchrus ciliaris</i>) h) Carrion Flower (<i>Orbea variegata</i>) <p>The BONSMP must make reference to any relevant threat abatement plans approved under the EPBC Act.</p> <p>Once approved, by the Minister, the BONSMP must be implemented. Any work undertaken prior to the Minister's approval of the BONSMP, must have clear and effective protocols in place to monitor and control animal pests, weeds and pathogens. These protocols must be provided to the Minister upon request.</p> <p>Note: Native species must not be culled except in accordance with any relevant permits, quotas, protocols or other administrative measures managed by the Government of South Australia.</p> <p>Note: This condition may be satisfied by a single document, or separate documents dealing with individual species or groups of species.</p>
	<p>8) The approval holder must, within twelve (12) months of the commencement of the action, provide the Minister with a pollution prevention and contamination management plan (PPCMP), prepared by a suitably qualified expert. The PPCMP must address at least the following matters in relation to the CEA:</p>

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	<ul style="list-style-type: none">a) identification of, and management prescriptions for, existing contamination by waste fuels and other hazardous and toxic substances;b) protocols for the safe storage, handling, use, transport and disposal of fuels and other anticipated hazardous and toxic substances;c) measures for monitoring contamination against known baselines, making reference to any applicable Australian standards; andd) contingency measures for reporting, containing and remediating spills and other accidental pollution events. <p>Once approved by the Minister, the PPCMP must be implemented. Any work undertaken prior to the Minister's approval of the PPCMP, must have clear and effective protocols in place to prevent pollution and manage contamination consistent with the requirements of 8a) to 8d) above. These protocols must be provided to the Minister upon request.</p> <p>Material described in 8a) above must be provided to the Minister within twenty-four (24) months of commencement of the action.</p>
	<p>9) Within six (6) months of commencement of the action, the approval holder must provide evidence to the Department that the following organisations have been consulted in relation to transport management, and that any concerns raised have been addressed, through the CEA environmental management framework:</p> <ul style="list-style-type: none">a) Civil Aviation Safety Authority, in relation to airspace management;b) South Australian Department of Planning, Transport and Infrastructure;c) Port Augusta City Council, in relation to local road traffic;d) Whyalla City Council, in relation to local road traffic; ande) Royal Flying Doctor Service, in relation to their operational needs. <p>Note: The Department acknowledges that in some cases consultation may already have occurred.</p>

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	<p data-bbox="564 264 1002 291">Environmental planning framework</p> <p data-bbox="564 318 1385 591">10) Construction and training activities may only be undertaken in accordance with the Defence environmental assessment process as described in the PER and with reference to the CEA environmental management framework. If an environmental assessment identifies any residual impacts on matters protected under the EPBC Act, the approval holder must provide to the Minister for approval:</p> <ul style="list-style-type: none"><li data-bbox="619 622 1353 725">a) a report of the environmental assessment in question including a copy of Defence's environmental assessment;<li data-bbox="619 757 1385 819">b) the corresponding construction environmental management plan (CEMP) if one has been prepared; and<li data-bbox="619 851 1353 954">c) an evaluation, with reference to the EPBC Act offsets policy, of whether any offset (compensation) is required. <p data-bbox="619 985 1334 1173">Where an offset is required, the approval holder must prepare an environmental offset strategy (EOS) in accordance with the EPBC Act offsets policy and in consultation with the relevant agencies within the South Australian Government.</p> <p data-bbox="619 1205 1372 1438">The construction or training activity must not commence until the Minister has approved it on the basis of any environmental assessment, CEMP or EOS provided, and imposed any additional environmental protection measures that are deemed necessary. Such plans and measures must be implemented as approved.</p>
	<p data-bbox="564 1469 874 1496">Monitoring and reporting</p> <p data-bbox="564 1523 1385 1711">11) The approval holder must engage a suitably qualified expert to prepare an environmental baseline condition report (EBCR). The EBCR must describe the condition of the environment at the CEA at the commencement of the action, at least in the following terms:</p> <ul style="list-style-type: none"><li data-bbox="619 1742 1362 1845">a) comprehensive ground-truthed mapping of vegetation communities, using a relevant regional or statewide vegetation classification system;<li data-bbox="619 1877 1340 2020">b) descriptions of all vegetation communities occurring within the CEA, including information on key species, conservation status, soil, geographic and climatic preferences, relevant threats and general condition;

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	<p>c) comprehensive ground-truthed mapping of environmentally sensitive features, including claypans, contaminated sites and highly erodible or saline soils;</p> <p>d) comprehensive ground-truthed mapping of waterbodies and watercourses (including floodplains) within the CEA;</p> <p>e) comprehensive mapping (unless culturally inappropriate) of culturally significant sites and areas, based on local, state and Commonwealth heritage databases as well as consultation with relevant traditional owners;</p> <p>f) identification of all weeds and pests identified on the site, and mapping of the distribution of prescribed / listed and major pest and weed populations;</p> <p>g) an inventory of all species known to occur within the CEA; and</p> <p>h) descriptions, justifications and limitations (e.g. due to climatic conditions) of survey methodology employed.</p> <p>The EBCR must be provided to the Minister within twenty-four (24) months of the complete acquisition of the CEA. No native vegetation may be cleared without having been surveyed.</p>
	<p>12) The approval holder must, within twelve (12) months of the commencement of the action, provide the Minister with a sustainability monitoring and reporting plan (SMRP) for the CEA. The SMRP must be prepared with reference to the EBCR (see Condition 11) and must include:</p> <p>a) clearly defined thresholds and indicators including occurrence, extent, abundance and condition for the following parameters:</p> <ul style="list-style-type: none">i) soil;ii) water;iii) air;iv) noise;v) threatened species;vi) animal pests, weeds and pathogens; andvii) indigenous and non-indigenous heritage;

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	<ul style="list-style-type: none">b) establishment of a representative network of longitudinal reference sites;c) establishment of a periodic vegetation remapping regime (at least every ten (10) years);d) a clearly articulated "rest and rotation" policy for the protection of areas potentially damaged by overuse;e) descriptions and justifications of survey methodology to be employed;f) a recovery planning process linked to the thresholds and indicators defined in 12a) above; andg) a requirement for the preparation of annual sustainability monitoring reports on implementation of the SMRP (including any management responses undertaken or intended). <p>Once approved by the Minister, the SMRP must be implemented. Any work undertaken prior to the Minister's approval of the SMRP must have clear and effective protocols in place to monitor the parameters in 12a) above and this information must be included in any reporting on the SMRP.</p>
	<p>13) Sustainability monitoring reports must be provided to the Minister annually within ten (10) business days of their finalisation, and must be permanently published at a suitable location on the internet within one (1) month of their finalisation.</p>
	<p>Miscellaneous environmental management</p> <p>14) Prior to any commencement of the action, the approval holder must provide the Department with a copy of the CEA lease agreement.</p> <p>Note: The conditions of approval have been prepared in consideration of a draft of the agreement described above. Substantial deviations from this draft may result in variations to the conditions of approval under Section 143 of <i>the EPBC Act</i>.</p>
	<p>15) The following environmental themes must be managed in accordance with the CEA lease agreement:</p> <ul style="list-style-type: none">a) flora and fauna (except for threatened species as defined for the purposes of these conditions);b) bushfire;

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	<p>c) water conservation;</p> <p>d) noise and vibration;</p> <p>e) air and water pollution; and</p> <p>f) decommissioning and closure.</p> <p>Any documents required in accordance with the CEA lease agreement must be provided to the Department upon request.</p>
	<p>Administrative conditions</p> <p>16) Within fourteen (14) days after the commencement of the action, the approval holder must advise the Department in writing of the actual date of commencement.</p>
Original dated 5/12/2013	<p>17) The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement all management documents required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with Section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Departments website. The results of audits may also be publicised through the general media.</p>
Original dated 5/12/2013	<p>18) Within three months of every 12 month anniversary of the commencement of the action, the approval holder must publish a report on their website addressing compliance with each of the conditions of approval, including implementation of any management documents as specified in the conditions of approval. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of approval must be provided to the Department at the same time as the compliance report is published.</p> <p>Note: To facilitate administration, this requirement may be addressed concurrently with the annual sustainability monitoring reporting process described in Conditions 12 and 13.</p>
Original dated 5/12/2013	<p>19) Upon the direction of the Minister, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of</p>

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Original dated 5/12/2013	the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister .
Original dated 5/12/2013	20) If the approval holder wishes to carry out any activity otherwise than in accordance with a management document specified in the conditions of approval, the approval holder must submit to the Department for the Minister's written approval a revised version of that management document . The varied activity shall not commence until the Minister has approved the varied management document in writing. The Minister will not approve a varied management document unless the revised management document would result in an equivalent or improved environmental outcome over time. If the Minister approves the revised management document , that management document must be implemented in place of the management document originally approved.
Original dated 5/12/2013	21) If the Minister believes that it is necessary or convenient for the better protection of the environment to do so, the Minister may request that the approval holder make specified revisions to management documents specified in the conditions of approval and submit the revised management documents for the Minister's written approval. The approval holder must comply with any such request. The revised approved management documents must be implemented. Unless the Minister has approved the revised management document , then the approval holder must continue to implement the management document originally approved, as specified in the conditions of approval.
Original dated 5/12/2013	22) If, at any time after five (5) years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister .
Original dated 5/12/2013	23) Unless otherwise agreed to in writing by the Minister , the approval holder must publish all management documents referred to in the conditions of approval on their website. Each management document must be published on the website within one (1) month of being approved.

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As varied on the date this instrument was signed	The CEA is the Cultana Expansion Area, as shown on the map at <u>Annexure A</u> enclosed by a solid yellow line and labelled "Cultana Expansion Area".
Original dated 5/12/2013	The CEA environmental management framework is the collection of documents and protocols for the management of the CEA environment, including the EMS (as defined through Condition 5), operational controls, the CEA lease agreement and these conditions of approval.
Original dated 5/12/2013	The CEA lease agreement is the agreement made (finalised) between the Government of South Australia (lessor) and the Commonwealth represented by the Department of Defence (lessee) for the leasing of land adjacent to the existing Cultana Training Area for "defence purposes", including its terms and conditions. Note that at the time of approval this agreement has not been finalised. Commencement of the action is the first instance of a particular field training or construction activity (excluding fences or signage) undertaken within the boundaries of the CEA .
Original dated 5/12/2013	The Department is the Australian Government department administering the EPBC Act .
Original dated 5/12/2013	The Defence Environmental Management Framework is the network of policies, procedures, plans and mechanisms maintained by the Department of Defence for the environmental stewardship of lands under its control, as described in the PER .
Original dated 5/12/2013	The EPBC Act is the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, as amended from time to time, as well as its corresponding regulations.
Original dated 5/12/2013	The EPBC Act offsets policy is any policy prepared by the Department in relation to offsetting (compensating for) environmental impacts, currently the EPBC Act Environmental Offsets Policy, October 2012.

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Original dated 5/12/2013	ISO14001 is the international standard entitled <i>ISO14001 - Environmental management systems- Requirements with guidance for use</i> , or its successor documents.
Original dated 5/12/2013	Management documents are any reports, plans, documented processes or other documents prepared pursuant to the conditions of approval for the management of the CEA .
Original dated 5/12/2013	The Minister is the Australian Government minister administering the EPBC Act .
Original dated 5/12/2013	Operational controls are documented protocols and procedures maintained by the Department of Defence for the day-to-day management of the CEA , including: <ul style="list-style-type: none">– Range Standing Orders– Defence Instructions– Standard Operating Procedures– Environmental Clearance Certificates
Original dated 5/12/2013	The PER is the public environment report prepared for the purpose of environmental impact assessment under the EPBC Act ; specifically the finalised document dated 2 April 2012.
Original dated 5/12/2013	A suitably qualified expert is a person or persons, independent of the approval holder, with appropriate tertiary qualifications and demonstrated experience in ecology, zoology, geology or environmental sciences as they relate to the issues known or reasonably expected to occur within the CEA .
Original dated 5/12/2013	Threatened species are the following species listed as threatened under the EPBC Act (including their status at the time of approval): <ul style="list-style-type: none">– Corunna Daisy (<i>Brachyscome muellen</i>) - endangered– Greencomb Spider-Orchid (<i>Caladenia tensa</i>)- endangered– Nodding Rufoushood (<i>Pterostylis</i> sp. "Eyre Peninsula") - vulnerable– Desert Greenhood (<i>Pterostylis xerophila</i>) - vulnerable– Yellow Swainson Pea (<i>Swainsona pyrophila</i>) - vulnerable– Beaded Glasswort (<i>Tecticomia flabelliformis</i>) - vulnerable

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Original dated 5/12/2013	<ul style="list-style-type: none">- Slender-Billed Thornbill (western subspecies) (<i>Acanthiza iredalei</i> subsp. <i>iredalei</i>) - vulnerable- Malleefowl (<i>Leipoa ocellata</i>) - vulnerable- Sandhill Dunnart (<i>Sminthopsis psammophila</i>) - vulnerable
As varied on the date this instrument was signed	<p>Thresholds and indicators are quantitative and / or qualitative values determined in relation to limits of acceptable change in environmental values, to ensure that degradation of those values can be identified and remedied, as described in the PER and the CEA lease agreement.</p> <p>Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.</p>

date of decision

Annexure A

As varied on the date this instrument was signed

