



**APPROVAL**

**Shell Clyde Terminal Expansion, NSW (EPBC 2013/6878)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Proposed action**

**person to whom the approval is granted** The Shell Company of Australia Limited

**proponent's ACN (if applicable)** ACN: 004 610 459

**proposed action** To undertake physical modifications at the existing Shell Clyde Terminal, Rosehill, NSW (See EPBC Act referral 2013/6878).

**Approval Decision**

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve

**conditions of approval**

This approval is subject to the conditions specified below.

**expiry date of approval**

This approval has effect until 31 December 2064.

**Decision-maker**

**name and position**

Mahani Taylor  
Acting Assistant Secretary  
South-Eastern Australia Environment Assessments

**Signature**

**date of decision**

17/4/14

### **Conditions of Approval:**

1. The **approval holder** must not demolish redundant infrastructure or modify existing assets other than as described in EPBC referral 2013/6878 received by the **Department** on 23 May 2013.
2. To assist in mitigating the impacts of the proposal on the Green and Golden Bell Frog (*Litoria aurea*) the **approval holder** must undertake the action in full accordance with the documentation included in the final Preliminary Documentation, being the *Plan of Management: Restoration of Green and Golden Bell Frog Habitat, Clyde, October 2013* and *Conservation of Green and Golden Bell Frogs, Shell Site, Clyde, 2013*. These Plans must be implemented.
3. To mitigate the impacts of the proposal on the Green and Golden Bell Frog (*Litoria aurea*) the **approval holder** must install frog-proof fences around **temporary frog refuge areas** to exclude the Green and Golden Bell Frog from construction and operational areas. The frog proof fences adjacent to the **frog dispersal corridor** must be removed when demolition works are completed. The frog proof fences adjacent to operational areas must remain in place and be maintained when demolition works are completed.
4. To assist in mitigating the impacts of the proposal on the Green and Golden Bell Frog (*Litoria aurea*) the **approval holder** must implement the NSW Threatened Species Management Information Circular No. 6 Service Hygiene Protocol for the Control of Disease in Frogs (April 2008), or most recent revision of that document, on the site during all works and any other activities undertaken as part of the action.
5. Within 30 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
6. The **approval holder** must maintain accurate records substantiating all activities associated with or relevant to these conditions of approval, including measures taken to implement the Plans specified in Condition 2, 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 **Department's** website. The results of audits may also be publicised through the general media.
7. Within three months of every 12 month anniversary of the **commencement** of the action (for a period of five years after commencement of the action), the **approval holder** must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of the Plans as specified in the conditions. Documentary evidence providing proof of the date of publication must be provided to the **Department** at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the **Department** within 2 business days of becoming aware of the non-compliance.
8. 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 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**.

9. If the **approval holder** wishes to carry out any activity otherwise than in accordance with the Plans as specified in the conditions, the **approval holder** must submit to the **Department** for the **Minister's** written approval a revised version of that Plan. The varied activity shall not commence until the **Minister** has approved the varied Plan in writing. The **Minister** will not approve a varied Plan unless the revised Plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised Plan, that Plan must be implemented in place of the Plan originally approved.
10. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the **Minister** may request that the **approval holder** make specified revisions to the Plans specified in the conditions and submit the revised Plans for the **Minister's** written approval. The **approval holder** must comply with any such request. The revised approved Plans must be implemented. Unless the **Minister** has approved the revised Plans then the **approval holder** must continue to implement the Plans originally approved.
11. If, at any time after 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**.

### Definitions

- a) **approval holder**, means the person to whom the approval is granted, or to whom the approval is transferred under s145B of the *Environment Protection and Biodiversity Conservation Act 1999*.
- b) **Department**, the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.
- c) **Minister**, the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.
- d) **commencement**, means the earthworks, vegetation removal or construction of any infrastructure, excluding fences and signage, associated with the proposed action.
- e) **substantially commenced**, means the commencement of earthworks and vegetation removal.
- f) **temporary frog refuge areas**, as delineated in the *Plan of Management: Restoration of Green and Golden Bell Frog Habitat, Clyde, (October 2013)*.
- g) **frog dispersal corridor**, as depicted in Figure 9 in the *Plan of Management: Restoration of Green and Golden Bell Frog Habitat, Clyde, (October 2013)*.