
Appendix H

Response to submissions

Response to draft Preliminary Documentation submissions

H.1 Introduction

The draft Preliminary Documentation for the Eva Copper Mine Stage 1 Referral Action (EPBC 2026/10587) was placed on public exhibition for a period of 10 business days, from 3 September 2026 to 16 September 2026, in accordance with the requirements of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Hard copies of the draft Preliminary Documentation were made available for public inspection at the Bob McDonald Library (Cloncurry) and the State Library of Queensland. An electronic copy was also made available on the Harmony website and via the EPBC Act Portal.

A single submission was received following completion of the public comment period. This document has been prepared to summarise the comments raised in that submission, and detail how those comments have been addressed within the final Preliminary Documentation, or to provide further clarification relevant to the matter.

H.2 Summary and response to submission

All issues raised in the submission have been reviewed and considered by ECMPL. A summary of the key issues raised in the submission and ECMPL's responses are provided in the sections below.

H.2.1 Scope and adequacy of the proposed habitat offset

Issue: The submission questions whether the proposed Offset Strategy and Action Plan adequately compensates for the full extent of habitat affected by the Stage 1 Referral Action. It suggests that the offset should address impacts to both Critical Habitat and dispersal habitat, rather than being calculated solely on the 91.4 ha of Critical Habitat. On this basis, the submitter considers that the offset should include the proposed 1,500 ha associated with Critical Habitat plus approximately an additional 15,500 ha of dispersal habitat, with consideration also given to the spatial configuration and connectivity of these habitat areas.

Response: The Stage 1 Preliminary Documentation distinguishes between 'Critical Habitat' and 'Habitat – dispersal'¹ based on the ecological function and importance to the Northern Blue-tongued Skink. The assessment concluded that the residual impact requiring compensation through an environmental offset is associated with the permanent loss of 91.4 ha of Critical Habitat. While the Stage 1 Referral Action will also result in the removal of 953.9 ha of mapped dispersal habitat, the extent of dispersal habitat within the Project Area has been conservatively mapped to include all woodland, grassland and riparian vegetation that does not meet the definition of Critical Habitat.

The extent and availability of dispersal habitat within the surrounding landscape was considered in determining the significance of the impact. Approximately 102,111 ha, representing 99.1% of mapped Habitat - dispersal within the Action Area and surrounding 10 km landscape, will remain available following Stage 1. The removal of 953.9 ha of dispersal habitat was therefore not assessed as materially affecting the species' area of occupancy or giving rise to an expanded Significant Impact requiring offset.

¹ 'Critical Habitat' within the Action Area contains key habitat attributes defined in the Conservation Advice as important for the persistence and recovery of the Northern Blue-tongued Skink and may, therefore, contribute to habitat critical to the survival of the species, particularly where Cane Toads are present.

'Habitat – dispersal' constitutes all woodland, grassland and riparian communities that occur within the Action Area that are not identified as Critical Habitat. These areas may contain reduced functional habitat attributes or lack microhabitat requirements for refuge but provide corridors that may provide movement, breeding basking or foraging opportunities.

Accordingly, the Stage 1 offset requirement has been calculated against the 91.4 ha residual impact to Critical Habitat using the EPBC Act Offsets Assessment Guide (OAG). Under the assumptions adopted in the OAG, which are justified in the Offset Strategy, a 1,500 ha offset area represents 100.63% of the offset requirement being met. The proposed offset quantum in land area therefore meets the EPBC Act Offset Policy for the residual significant impacts to Northern Blue-tongued Skink as a result of the Stage 1 Referral Action. An offset is not required under the offsets policy as there is no significant residual impact to Habitat – dispersal. The offset approach was determined in consultation with the National Environment Protection Agency (NEPA) during engagement regarding the Stage 1 Referral.

The Offset Strategy recognises the importance of habitat integrity, landscape connectivity and dispersal opportunities to the conservation of the Northern Blue-tongued Skink. The proposed offset actions specifically address threatening processes, enhance Critical Habitat and Habitat – dispersal and improve knowledge of the species at its eastern limit, which is consistent with the species Conservation Advice statement. These are like-for-like offset actions. The proposed Threat Abatement Program will operate across multiple participating properties and will prioritise properties where the subspecies is confirmed or has a high likelihood of occurrence and where Critical Habitat and/or Habitat – dispersal is present. Property selection, targeted surveys and subsequent property-specific threat-abatement planning will allow management actions to be directed to habitat supporting Northern Blue-tongued Skink populations and to the ecological functions important to their persistence and recovery. The Threat Abatement Program will deliver a reduction in key threatening processes including from fire, feral cats and feral pigs as well as improve habitat quality and function and habitat connectivity.

H.2.2 Basis for the Offsets Assessment Guide inputs

Issue: The submission questions whether the key inputs adopted in the OAG are sufficiently supported by evidence, particularly the habitat quality scores, confidence in result, and timeframe to ecological benefit. Specifically, it questions the basis for assigning an impact habitat quality score of 7/10, an offset habitat quality improvement from 6/10 to 8/10, an 80% confidence in achieving the proposed offset outcome, and a 20-year timeframe to realise the ecological benefit. The submitter considers that, in the absence of an established Northern Blue-tongued Skink-specific habitat quality assessment methodology, these inputs have not been adequately demonstrated or justified and that there is insufficient basis to objectively measure and verify the assumed improvement in habitat quality over time.

Response: ECMPL acknowledges that there is currently no established Northern Blue-tongued Skink-specific habitat quality assessment methodology that provides prescribed metrics for assigning habitat quality scores on the 0–10 scale used by the OAG. This reflects the broader knowledge gaps for the subspecies that are recognised in the Offset Strategy and which the proposed Species Research and Monitoring Program is specifically intended to address. The offset approach was determined in consultation with NEPA during engagement regarding the Stage 1 Referral. The OAG was used to provide a means to identify what a likely size of offset area would be for the Northern Blue-tongued Skink considering its status of Critically Endangered and scale of impact. This nominal offset area supported development and consideration of the budget which will support delivery of the offset programs.

The OAG inputs represent reasonable assumptions based on an understanding of vegetation community condition and degrading processes through field surveys for the Project, incorporating precautionary elements and conservative inputs such as not assuming any reduction in habitat quality without an offset. These inputs were used to establish the scale of the Stage 1 offset commitment. The impact habitat quality score of 7/10 reflects the fact that Critical Habitat affected by Stage 1 has been assessed to be in moderate condition as a result of field ecology surveys. The assumed starting offset habitat quality score of 6/10 reflects the reality that potential participating properties within the local region that support suitable Northern Blue-tongued Skink habitat are subject to existing threatening processes, including grazing, pest animals, suboptimal fire regimes and degradation of riparian areas. The assumed improvement to 8/10 reflects the anticipated benefit of reducing

these threats and improving habitat quality through the management measures proposed under the Threat Abatement Program and that would be continued through capacity building.

The 80% confidence in the result reflects the use of established land-management and threat-abatement measures, together with the proposed research, baseline assessment, monitoring, reporting and adaptive management framework. Importantly, the Offset Strategy does not assume that the same management measures will be applied uniformly across prospective offset properties. Candidate properties will be subject to targeted surveys and baseline assessment to confirm Northern Blue-tongued Skink presence or likely presence, habitat suitability and the threatening processes operating at each property. This information will inform property-specific Threat Abatement Plans, with ongoing monitoring and reporting used to evaluate the effectiveness of the measures implemented and refine them where required. 80% confidence is also based on the fact that Southern Gulf NRM has extensive experience implementing these types of threat abatement programs in the region in conjunction with landholders, and over time have demonstrated their effectiveness.

The 20-year timeframe to ecological benefit is similarly intended to recognise that improvements in habitat condition and conservation outcomes for the Northern Blue-tongued Skink will occur over an extended period rather than immediately following implementation of management measures. The Strategy establishes a staged program incorporating research, baseline assessment, a Threat Abatement Pilot Program, subsequent expansion of threat-abatement activities, and long-term population monitoring. ECMPL have committed that monitoring and reporting will continue for up to 20 years, and that through the Capacity Building and Community Engagement program, landholders will derive knowledge and training to continue management practices for the longer term to maintain the conservation gains achieved. This provides for the effectiveness of management measures to be evaluated over time and for the outcomes and learnings from earlier stages to inform subsequent implementation.

Applying the OAG, 1,500 ha offset area would deliver 100.63% of the offset requirement for Stage 1 significant impacts to Northern Blue-tongued Skink. The OAG calculation establishes the scale of the Stage 1 offset commitment, while the proposed offset programs that deliver species research, population baselines and property-specific threat abatement provide the mechanism for refining the management measures and monitoring approaches as additional information on Northern Blue-tongued Skink populations, habitat requirements and threatening processes becomes available.

ECMPL therefore considers that the OAG inputs provide an appropriate basis for establishing the Stage 1 offset quantum in the context of the currently available information. The acknowledged uncertainty regarding Northern Blue-tongued Skink ecology is addressed through the research-informed, staged and adaptive design of the Offset Strategy rather than through an assumption that the ecological characteristics and management requirements of future participating properties are already known.

H.2.3 Adequacy of the financial provision for offset delivery

Issue: The submission questions whether the financial provision identified in the Offset Strategy is sufficient to ensure delivery of the required offset outcomes. It characterises the approximately \$3.5 million financial commitment as a cap on ECMPL's offset obligation and argues that, as the EPBC Act offsets framework is outcomes-based, the required environmental outcomes should not be constrained by a predetermined expenditure amount.

Response: ECMPL does not agree with the characterisation that the Offset Strategy establishes a \$3.5 million expenditure cap that limits the environmental outcomes to be achieved. The Stage 1 offset requirement was established through assessment of the residual impact to the Northern Blue-tongued Skink and consideration of the Commonwealth OAG. The financial provision was subsequently developed to support delivery of the offset measures required to address that residual impact.

The \$3,515,635 financial provision relates specifically to delivery of the Stage 1 Offset Action Plan. The Offset Strategy establishes a staged approach under which the Stage 1 financial provision supports establishment and

initial implementation of the Species Research and Monitoring Program, Threat Abatement Program and Capacity Building and Community Engagement Program. The Strategy expressly recognises that these programs extend beyond the initial Stage 1 implementation period and that continued and expanded implementation will be supported by the offset package associated with the Stage 2 Referral.

The Stage 1 financial offset fully funds the initial five-year research program targeted at Northern Blue-tongued Skink, while ongoing population monitoring and reporting will continue beyond this period with support from the Stage 2 offset package. Future Stage 2 offset funding will also support expansion of the Threat Abatement Program beyond the Pilot Program and across its full-term duration, including a minimum of 10 years of active threat abatement followed by maintenance and monitoring for a further 10 years. The Capacity Building and Community Engagement Program is similarly intended to continue for the full 20-year program duration, with continuity and growth supported through the Stage 2 Referral offset.

Accordingly, the Stage 1 financial provision should not be interpreted as a cap on the overall investment in, or duration of, the Offset Strategy. Rather, it represents the financial provision for the Stage 1 Offset Action Plan within a staged offset delivery framework, with subsequent funding associated with Stage 2 supporting the continued implementation, expansion, monitoring and long-term delivery of the offset programs.

The Offset Strategy confirms that the Stage 1 financial provision is appropriate to execute the defined scope based on a preliminary quote prepared by Southern Gulf NRM.

H.2.4 Southern Gulf NRM delivery role and capability

Issue: The submission questions whether the proposed role of Southern Gulf NRM in delivering key components of the Offset Strategy is sufficiently supported. In particular, it considers that the Strategy relies substantially on Southern Gulf NRM for implementation of the offset programs but does not provide formal evidence confirming its commitment to the proposed role or acceptance of the identified responsibilities. The submission also raises concerns regarding whether sufficient evidence has been provided to demonstrate Southern Gulf NRM's capacity and capability to deliver the proposed offset measures.

Response: ECMPL does not agree that the Offset Strategy relies on an unsupported assumption regarding Southern Gulf NRM's involvement or capability. Southern Gulf NRM has been actively involved in the development and scoping of the proposed offset framework, tasks in the Action Plan and development of delivery costings. Preparation of the Offset Strategy and Stage 1 Offset Action Plan Framework involved contributions from the Southern Gulf NRM Environment Team Lead. The Offset Strategy documents relevant experience within Southern Gulf NRM in threatened species conservation, pest animal and fire management, riparian restoration, landholder engagement and delivery of regional conservation programs. Southern Gulf NRM has provided preliminary costing for delivery of the offset measures contemplated by the Stage 1 Offset Action Plan, demonstrating its involvement in the practical scoping of the proposed program.

The proposed involvement of Southern Gulf NRM does not transfer ECMPL's responsibility for oversight of the Offset Strategy, rather it provides a mechanism for broader outcomes across North West Queensland which are specific to the Northern Blue-tongued Skink. It also recognises Southern Gulf NRM's important role in the region working with landholders and active involvement in other existing offset and conservation programs, leading to the assessment that Southern Gulf NRM is well positioned and experienced to support delivery. ECMPL retains responsibility for overseeing delivery of the Offset Strategy, providing the committed Stage 1 funding, coordinating relevant program components, reporting to NEPA and addressing any non-compliances. Southern Gulf NRM will perform its identified functions as a key regional delivery partner under ECMPL's oversight.

The proposed delivery arrangements with Southern Gulf NRM will be formalised prior to commencement of the Stage 1 Referral Action through execution of a Heads of Agreement, or similar suitable instrument. This provides a formal mechanism for confirming the parties' respective roles, responsibilities and commitments prior to implementation of the offset programs.

The proposed governance arrangements therefore combine demonstrated early involvement by Southern Gulf NRM, relevant regional delivery experience and a mechanism for formally establishing responsibilities prior to implementation. ECMPL remains responsible for oversight and implementation of the Offset Strategy, with Southern Gulf NRM providing the regional expertise, coordination and delivery support identified in the Offset Strategy.

H.2.5 Approach to wild dog management within the Threat Abatement Program

Issue: The submission questions the inclusion of wild dog control as a potential threat-abatement measure within the Offset Strategy, particularly in relation to the management of dingoes. It considers that the Strategy does not adequately distinguish between feral or hybrid wild dogs and dingoes and raises concern that control activities could have unintended ecological consequences, including through the potential role of dingoes in suppressing feral cat populations.

Response: ECMPL acknowledges the submitter's comments regarding dingoes and their ecological role. The Offset Strategy does not prescribe broad-scale dog control or indiscriminate control of dingoes as a mandatory offset action. Targeted wild dog control was recommended by Southern Gulf NRM due to the confirmed impacts wild dogs have on native wildlife in the region.

Wild dog control is identified as one measure within a broader toolkit of potential threat-abatement measures that also includes feral cat and feral pig control, appropriate fire management and exclusion of cattle from riparian habitat. The combination of measures applied to an individual property will be determined following baseline assessment of the property, including assessment of pest species and threatening processes, and will be documented through a property-specific Threat Abatement Plan.

Accordingly, inclusion of wild dog control within the available management toolkit should not be interpreted as a commitment or intention to undertake dingo control across participating properties. Management measures will be selected where appropriate to the threats demonstrated at the relevant property and the conservation objectives for the Northern Blue-tongued Skink.

H.2.6 Implementation and long-term delivery of offset outcomes

Issue: The submission questions whether the proposed landholder-based delivery model provides sufficient certainty that the intended conservation outcomes will be achieved and maintained over the life of the offset. In particular, it raises concerns regarding the extent of landholder discretion in selecting threat-abatement measures and whether those measures will result in demonstrable ecological benefits for the Northern Blue-tongued Skink. The submission also questions the long-term security of the offset arrangements, noting that the Strategy does not propose permanent legal protection of participating properties and argues that the offset outcomes may therefore not be secured for the duration of the impact.

Response: The statement that participating landholders will determine the combination of actions implemented on their property should be read in the context of the broader property-selection and Threat Abatement Program process. It does not provide landholders with unrestricted discretion over the use of offset funding.

Candidate properties will first be identified based on confirmed or likely occurrence of the Northern Blue-tongued Skink and assessed through targeted surveys and baseline assessment of habitat suitability and threatening processes. The suite of actions subsequently agreed with each landholder will be drawn from the threat-abatement measures identified in the Offset Strategy as they are recognised threats to the species. A property-specific Threat Abatement Plan will establish the actions to be implemented, tailored to the specific threats occurring on the property, their implementation timeframes and performance criteria, supported by contractual arrangements with participating landholders, monitoring and reporting. Ongoing monitoring and reporting will enable assessment of the effectiveness of the measures adopted at each property and the broader Threat Abatement Program to be evaluated and refined over time, noting that each property will be different in its needs, but the overall objective being threats are reduced and habitat quality is improved.

The Offset Strategy has intentionally adopted an approach based on threat abatement, research and monitoring, and capacity building across multiple participating properties, rather than a typical land-based offset. The offset approach was determined in consultation with NEPA during engagement regarding the Stage 1 Referral. The approach seeks to achieve enduring conservation benefits by reducing threatening processes within habitat supporting confirmed or likely Northern Blue-tongued Skink populations and by building the capability of landholders and Traditional Owners to maintain improved land-management practices. This enables threat-abatement activities to be implemented across multiple properties and over a broader landscape, while also improving knowledge of the location and condition of Northern Blue-tongued Skink populations and habitat.

The Threat Abatement Program will operate across at least 1,500 ha, with a minimum of 10 years of active threat abatement across the Pilot Program and subsequent stages, followed by additional maintenance and monitoring. Long-term species monitoring will continue over the full 20-year program period, providing an ongoing mechanism to evaluate population response, habitat condition and the effectiveness of implemented management measures.

The absence of a conventional land-acquisition offset does not mean that implementation of the proposed measures will be informal or solely dependent upon voluntary landholder action. Participating properties will be subject to agreed property-specific Threat Abatement Plans and contractual arrangements, with defined management actions, performance criteria, monitoring and reporting requirements. These mechanisms, together with the staged implementation, long-term monitoring, adaptive management and capacity-building components of the Offset Strategy, provide the framework through which conservation benefits are intended to be delivered and maintained under the proposed offset delivery approach.

Accordingly, ECMPL considers that the proposed delivery model provides an appropriate framework for achieving and maintaining conservation benefits for the Northern Blue-tongued Skink over the duration of the Offset Strategy, while allowing management measures to be targeted to the ecological conditions and threatening processes demonstrated at individual participating properties.

H.2.7 Duration and performance framework for offset delivery

Issue: The submission questions whether the duration and performance framework established by the Offset Strategy provides sufficient certainty that the intended conservation outcomes will be achieved and maintained over the longer term. In particular, it interprets the commitment to a minimum of 10 years of active threat abatement as potentially limiting implementation to that period and raises concerns that the identified performance outcomes and completion criteria are too general to demonstrate that measurable ecological benefits for the Northern Blue-tongued Skink will ultimately be achieved.

Response: ECMPL considers that the submission misinterprets the reference to a minimum 10-year period of active threat abatement as representing the duration of the overall offset program.

The Offset Strategy establishes a staged program extending over a 20-year period. The initial Species Research and Monitoring Program occurs over five years, and the Threat Abatement Pilot Program will be implemented and reviewed during the initial program period. Subsequent threat-abatement activities will then be expanded by the Stage 2 offset program with associated funding to expand the area under threat abatement activities and support delivery for the extended duration. Active threat abatement is required for a minimum of 10 years, with additional maintenance and monitoring thereafter. Long-term population monitoring will continue for the full 20-year term.

The staged approach is intentional and reflects the recognised knowledge gaps regarding Northern Blue-tongued Skink distribution, habitat use and threatening processes in the region. Rather than prescribing uniform management actions before the relevant populations, habitat condition and property-specific threats are understood, the Strategy uses targeted research and baseline assessment to inform the selection and implementation of appropriate threat-abatement measures. These measures will then be subject to monitoring,

review and adaptive management. The Pilot Program provides an initial opportunity to evaluate the effectiveness of implemented measures and apply those learnings to subsequent phases of the Threat Abatement Program.

Accordingly, the Strategy establishes a long-term framework for delivery, monitoring and evaluation of offset outcomes, while allowing the specific management measures and associated monitoring approaches to be refined in response to the research findings, baseline conditions and demonstrated effectiveness of the measures implemented. ECMPL considers that this provides an evidence-responsive framework for achieving and maintaining conservation benefits over the duration of the Offset Strategy.

H.3 Conclusion

ECMPL acknowledges the submission and has considered each of the matters raised in relation to the Environmental Offset Strategy.

A number of the matters raised relate to the design and delivery of the proposed offset approach, particularly the adoption of a research-informed and adaptive approach comprising threat abatement across multiple participating properties, species research and monitoring, and capacity building and community engagement, rather than a typical land-based offset. The proposed approach reflects recognised knowledge gaps regarding the distribution, habitat requirements and threatening processes affecting the Northern Blue-tongued Skink, particularly at the eastern extent of its known distribution in Queensland. The offset approach was determined in consultation with NEPA during engagement regarding the Stage 1 Referral.

The Offset Strategy establishes an integrated package comprising a Species Research and Monitoring Program, Threat Abatement Program, and Capacity Building and Community Engagement Program. These programs are intended to operate collectively and progressively. Targeted research and baseline assessment will improve understanding of Northern Blue-tongued Skink populations, habitat attributes and threatening processes. This information will inform property-specific threat-abatement measures; monitoring will evaluate the effectiveness of those measures; and review and adaptive management will enable subsequent stages of implementation to incorporate the outcomes and learnings from earlier stages.

The Offset Strategy also establishes a staged delivery framework. The Stage 1 financial offset supports establishment and initial implementation of the offset programs, with subsequent funding associated with the Stage 2 Referral intended to support their continued and expanded implementation over the longer term. This includes long-term species monitoring over the full 20-year program period and a minimum of 10 years of active threat abatement, followed by additional maintenance and monitoring.

Following consideration of the submission, ECMPL maintains that the proposed offset quantum, delivery approach and Stage 1 financial provision remain appropriate to address the Stage 1 Significant Impact. The matters raised do not alter the assessment that the residual impact requiring offset comprises the loss of 91.4 ha of Critical Habitat for the Northern Blue-tongued Skink or the use of a minimum 1,500 ha threat-abatement area as the scale of the Stage 1 offset derived through application of the OAG. The Offset Strategy provides a framework for delivering conservation outcomes across at least this area, supported by targeted research, long-term monitoring, adaptive management, contractual delivery arrangements and defined roles and responsibilities.