



APPROVAL

Lindeman Island Integrated Tourism Resort, Lindeman Island, Queensland, (EPBC 2015/7461)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	WHITE HORSE AUSTRALIA LINDEMAN PTY LTD
ACN of approval holder	152 242 610
Action	To redevelop the existing resort and airstrip at Lindeman Island, approximately 40 kilometres south-east from Shute Harbour, Whitsunday Island group, Queensland (see EPBC Act referral 2015/7461) subject to the variation of the action accepted by the Minister under section 156B on Monday, 17 September 2018.

Approval decision

My decision on whether or not to approve the taking of the action for the purposes of each controlling provision for the action is as follows.

Controlling Provisions

World Heritage	
Section 12	Approve
Section 15A	Approve
National Heritage values of a National heritage place	
Section 15B	Approve
Section 15C	Approve
Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve
Listed migratory species	
Section 20	Approve
Section 20A	Approve
Great Barrier Reef Marine Park	
Section 24B	Approve
Section 24C	Approve



Period for which the approval has effect

This approval has effect until 30 July 2058.

Decision-maker

Name and position

Nathan Hanna
A/g Assistant Secretary
Assessments and Governance Branch
Department of the Environment and Energy

Signature

Date of decision

8 November 2018

Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.



ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The approval holder may trim to < 10 m height, or clear, up to 1.5 hectares (ha) of **Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland** in the area shown in Attachment A as 'impact area'.
2. The approval holder must restore the 3.66 ha area shown in Attachment A as 'vegetation to be restored to Broad-Leaf Tea-tree TEC' to meet the condition thresholds for the **Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland** within 5 years from the undertaking of the allowable impacts described in condition 1. The condition thresholds must be maintained for the remaining life of the approval. Specifically the approval holder must achieve:
 - a. a reduction in perennial non-native plant species to less than 40% of the total ground layer vegetation cover at any time of the year; and
 - b. at least 10 perennial native plant species present in the understorey (shrub and ground layers, excluding juvenile canopy trees). The native plant species must be species identified in the **Commonwealth Listing Advice** vegetation description for the **Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland**.
3. The approval holder must ensure that the action does not result in a reduction in the extent, ecosystem functionality, condition and/or cover of plant species of the **Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland** and **Littoral Rainforest and Coastal Vine Thickets of Eastern Australia** shown in Attachment B (excluding the impact allowed under condition 1).
4. The approval holder must undertake a monitoring program (including baseline data) at the areas of **Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland** and **Littoral Rainforest and Coastal Vine Thickets of Eastern Australia** shown in maps referenced in conditions 2 and 3. The monitoring program must be adequate to demonstrate whether the outcomes described in conditions 2 and 3 are being met. Monitoring must be undertaken by a **suitably qualified person** and must take into consideration the **BioCondition Assessment Manual**. Performance indicators which must be monitored include tree canopy, native species richness and exotic species presence.
5. The approval holder must implement the **Water Quality Monitoring Program**. The approval holder must not commence **construction** until 12 months of baseline data monitoring, as identified in the **Water Quality Monitoring Program**, has been completed and a revised **Water Quality Monitoring Program** has been submitted to the **Department**.
6. The revised **Water Quality Monitoring Program** must:
 - a. include the baseline data;
 - b. include trigger levels for corrective actions;
 - c. include corrective actions;
 - d. include any changes to forward monitoring that have resulted from the analysis of the baseline data;
 - e. identify threshold levels and duration of change in monitored water quality of the receiving environment that would constitute a significant impact; and
 - f. be reviewed by an external **expert**.

The **expert** review must be submitted to the **Department** with the revised program.



7. The approval holder must ensure that the action does not have a significant impact, as identified in the revised plan, on the water quality of the **Great Barrier Reef** marine receiving waters.
8. The approval holder must submit all **Precinct** Development Plans (PDP) for the action for the written approval of the **Minister**. The PDP must include:
 - a. details of how the PDP avoids, mitigates and manages the visual impacts of the action on the **Great Barrier Reef**;
 - b. details of building materials to be used for all structures;
 - c. colours proposed for all structures; and
 - d. detailed lighting plan, including internal and external lighting.
9. The approval holder must not commence **construction** of a **precinct** until the **Minister** has approved the PDP for that **precinct** in writing. The approval holder must implement all approved PDP.

Part B – Standard administrative conditions

Notification of date of commencement of the action

10. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.

Compliance records

11. The approval holder must maintain accurate and complete **compliance records**.
12. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Preparation and publication of plans

13. The approval holder must:
 - a. submit **plans** electronically to the **Department** for approval by the **Minister**;
 - b. publish each **plan** on the **website** within 20 **business days** of the date the **plan** is approved by the **Minister**, unless otherwise agreed to in writing by the **Minister**;
 - c. exclude or redact **sensitive ecological data** from **plans** published on the **website** or provided to a member of the public; and
 - d. keep **plans** published on the **website** until the end date of this approval.
14. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under conditions of this approval, is prepared in accordance with the **Department's Guidelines for biological survey and mapped data** (2018) and submitted electronically to the **Department** in accordance with the requirements of the **plan**.

Annual compliance reporting

15. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or as otherwise agreed to in writing by the **Minister**. The approval holder must:
 - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;



- b. notify the **Department** by email that a **compliance report** has been published on the **website** within five **business days** of the date of publication;
- c. keep all **compliance reports** publicly available on the **website** until this approval expires;
- d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
- e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

Note: **Compliance reports** may be published on the **Department's** website.

Reporting non-compliance

16. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. the condition which is or may be in breach; and
 - b. a short description of the **incident** and/or non-compliance.
17. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

18. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
19. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
20. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

21. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

22. In these conditions, except where contrary intention is expressed, the following definitions are used:



- a. **Biocondition Assessment Manual** is the document *BioCondition: A Condition Assessment Framework for Terrestrial Biodiversity in Queensland. Assessment Manual*. (2015). Version 2.2. Queensland Herbarium, Department of Science, Information Technology, Innovation and Arts, Brisbane, (or any later revised version) or other manual approved by the **Minister**.
- b. **Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland** as defined by the key diagnostic characteristics and condition thresholds in the **Commonwealth Listing Advice**, or subsequent revision.
- c. **Business days** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
- d. **Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* for further guidance) available from <http://www.agriculture.gov.au/pests-diseases-weeds/pest-animals-and-weeds/review-aus-pest-animal-weed-strategy/aus-weeds-strategy>.
- e. **Commencement of the action** means the first instance of any specified activity associated with the action including clearance of vegetation and **construction** of any infrastructure. Commencement does not include minor physical disturbance necessary to:
 - i. undertake pre-clearance surveys or monitoring programs;
 - ii. install signage and /or temporary fencing to prevent unapproved use of the project area;
 - iii. protect environmental and property assets from fire, weeds and pests, including erection or **construction** of fencing and signage, and maintenance or use of existing surface access tracks, if agreed in writing by the **Department**.
- f. **Commonwealth Listing Advice** means the
 - i. *Commonwealth Listing Advice on Broad leaf tea-tree (*Melaleuca viridiflora*) woodlands in high rainfall coastal north Queensland* (2012), or subsequent revision. Available at: www.environment.gov.au/biodiversity/threatened/communities/pubs/122-listing-advice.pdf, or
 - ii. *Commonwealth Listing Advice on Littoral Rainforest and Coastal Vine Thickets of Eastern Australia*. (2008). Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/76-listing-advice.pdf>.
- g. **Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is shapefile.
- h. **Completion of the action** means all specified activities associated with the action have permanently ceased.
- i. **Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
- j. **Compliance reports** means written reports:
 - i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;
 - ii. consistent with the **Department's Annual Compliance Report Guidelines** (2014) found at : <http://www.environment.gov.au/epbc/publications/annual-compliance-report-guidelines>;
 - iii. include a shapefile of any **clearance** of any **protected matters**, or their habitat, undertaken within the relevant 12 month period; and



- iv. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.
- k. **Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of fences and signage. Construction does not include redevelopment of the jetty.
- l. **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- m. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
- n. **Expert** means a person recognised by peers as an expert in the area of marine water quality and has published in academic journals on matters related to water quality of the **Great Barrier Reef**.
- o. **Great Barrier Reef** means the following:
 - I. The Great Barrier Reef World Heritage property.
 - II. The Great Barrier Reef National Heritage place.
 - III. The Great Barrier Reef Marine Park.
- p. **Incident** means any event which has the potential to, or does, impact on **protected matter(s)**.
- q. **Independent audit**: means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines* (2015) available from <http://www.environment.gov.au/epbc/publications/independent-audit-report-guidelines>.
- r. **Littoral Rainforest and Coastal Vine Thickets of Eastern Australia** as defined by the key diagnostic characteristics and condition thresholds in the **Commonwealth listing advice**, or subsequent revision.
- s. **Monitoring data** means the data required to be recorded under the conditions of this approval.
- t. **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
- u. **Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions.
- v. **Precinct** means the Resort and Village Precinct, Tourist Villa Precinct, Services and Access Precinct and Environment and Open Space Precinct.
- w. **Protected matter(s)** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.
- x. **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0* available from <http://www.environment.gov.au/system/files/resources/246e674a-feb1-4399-a678-be9f4b6a6800/files/sensitive-ecological-data-access-mgt-policy.pdf>.
- y. **Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

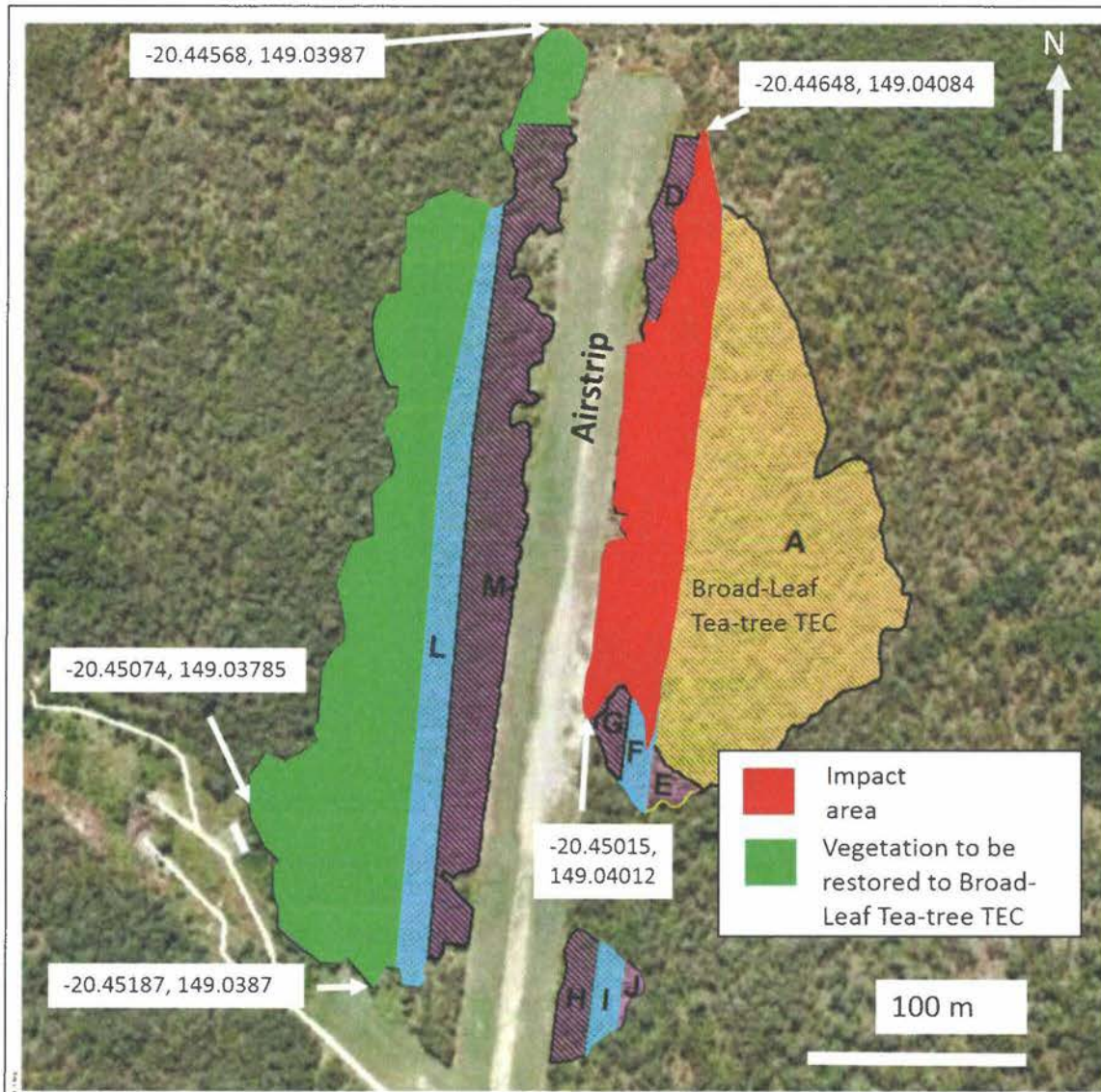


- z. **Trim** means cut, prune or other method to reduce the tree height.
- aa. **Water Quality Monitoring Program** means the **Water Quality Monitoring Program** submitted to the Department on 26 September 2018.
- bb. **Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.



ATTACHMENTS

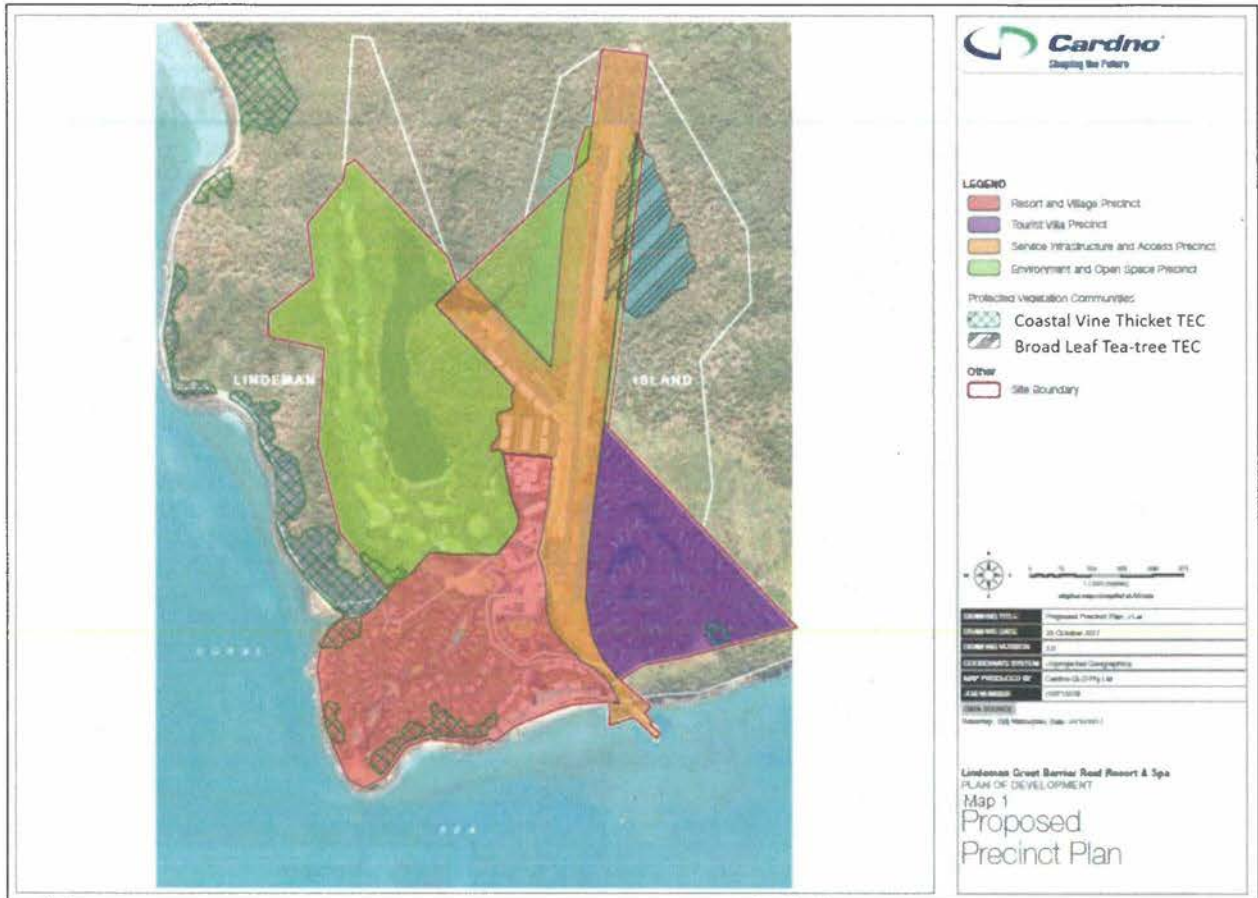
Attachment A: Impact and restoration areas for the Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland.



Shaded area A is Broad Leaf Tea-tree that will not be impacted. Shaded areas marked D-M are mapped vegetation that is not a Threatened Ecological Community. Broad Leaf Tea-tree TEC: The Threatened Ecological Community Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland.



Attachment B: Areas of Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland and Littoral Rainforest and Coastal Vine Thicket of Eastern Australia requiring vegetation management.



Coast Vine Thicket TEC: the Threatened Ecological Community and Littoral Rainforest and Coastal Vine Thicket of Eastern Australia. Broad Leaf Tea-tree TEC: The Threatened Ecological Community Broad Leaf Tea-tree (*Melaleuca viridiflora*) Woodlands in High Rainfall Coastal North Queensland.