



Approval

Mio College vegetation clearing for high value agriculture, Barratta Road, Clare, north Queensland (EPBC 2017/7876)

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 Mio College Pty Ltd

proponent's ACN 162 567 035

proposed action To clear native vegetation and construction of irrigation dams and associated infrastructure for the development and operation of sugar cane farming, Clare, north Queensland, approximately 60 kilometres south east of Townsville [See EPBC Act referral 2017/7876 and variation to proposal notice dated 5 April 2018].

Approval

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approved
National Heritage places (sections 15B & 15C)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Great Barrier Reef Marine Park (sections 24B & 24C)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 June 2053.

Decision-maker

name and position James Barker
Assistant Secretary
Assessments and Governance Branch

signature



date of decision 23 / 5 / 2018

1. The **approval holder** must implement the **Environmental Management Plan**.
2. The **approval holder** must not **clear** more than 295 hectares (ha) of **habitat**. The clearing of **habitat** must only occur in the area shown as 'area to be cleared' in Attachment A.
3. The **approval holder** must **legally secure** the 816 ha **Conservation Zone** shown at Attachment A as an environmental offset within three (3) years from the **commencement of the action**.
4. Between years 5 and 8 after the date of the approval, the **approval holder** must assess the effectiveness of the habitat restoration measures in the **Environmental Management Plan** in achieving increased species usage of the **Conservation Zone** by the **Black-throated Finch** (*Poephila cincta cincta*) and the **Bare-rumped Sheath-tail bat** (*Saccolaimus saccolaimus nudicluniatius*). The assessment must be **peer-reviewed** and be made publicly available, either through publication on the **approval holder's** website or in a peer-reviewed scientific journal.
5. The **approval holder** must not **add to the pollutant quantity** entering Barratta Creek.
6. The **approval holder** must construct **irrigation infrastructure** to prevent seepage of irrigation water to groundwater aquifers.

Administrative conditions

7. Within 20 business days after the **commencement of the action**, the **approval holder** must advise the **Department** in writing of the actual date of commencement.
8. The **approval holder** must maintain accurate **records** substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the **Environmental Management Plan** 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 **Department's** website. The results of audits may also be publicised through the general media.
9. Within three (3) months of every 12 month anniversary of the **commencement of the action**, for the first five (5) years, the **approval holder** must **publish** an annual compliance report on their website addressing compliance with each of the conditions of this approval, including implementation of the **Environmental Management Plan** and results of the **flora**

and fauna survey. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.

10. 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**.
11. The **approval holder** may choose to revise the **Environmental Management Plan** approved by the **Minister** under condition 1 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan, would not be likely to have a **new or increased impact**. If the **approval holder** makes this choice they must:
 - i. notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the revised plan;
 - ii. implement the revised plan from the date that the plan is submitted to the **Department**; and
 - iii. for the life of this approval, maintain a record of the reasons the **approval holder** considers that taking the action in accordance with the revised plan would not be likely to have a **new or increased impact**.
12. The **approval holder** may revoke their choice under condition 11 at any time by notice to the **Department**. If the **approval holder** revokes the choice to implement a revised plan, without approval under section 143A of the **EPBC Act**, the plan approved by the **Minister** must be implemented.
13. Condition 11 does not apply if the revisions to the approved plan include changes to environmental offsets provided under the plan in relation to a matter protected by a controlling provision for the action, unless otherwise agreed in writing by the **Minister**. This does not otherwise limit the circumstances in which the taking of the action in accordance with a revised plan would, or would not, be likely to have **new or increased impacts**.
14. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a **new or increased impact**, then:
 - i. Condition 11 does not apply, or ceases to apply, in relation to the revised plan, and
 - ii. The **approval holder** must implement the plan approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 1, 12 and 13 in the period before the day the notice is given.

At the time of giving the notice, the **Minister** may also notify that for a specified period of time that condition 11 does not apply for one or more specified plans required under the approval.

15. Conditions 11, 12, 13 and 14 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the **approval holder** to submit a revised plan to the **Minister** for approval.

16. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must **publish** all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one (1) month of being approved by the **Minister** or being submitted under condition 11.

Definitions

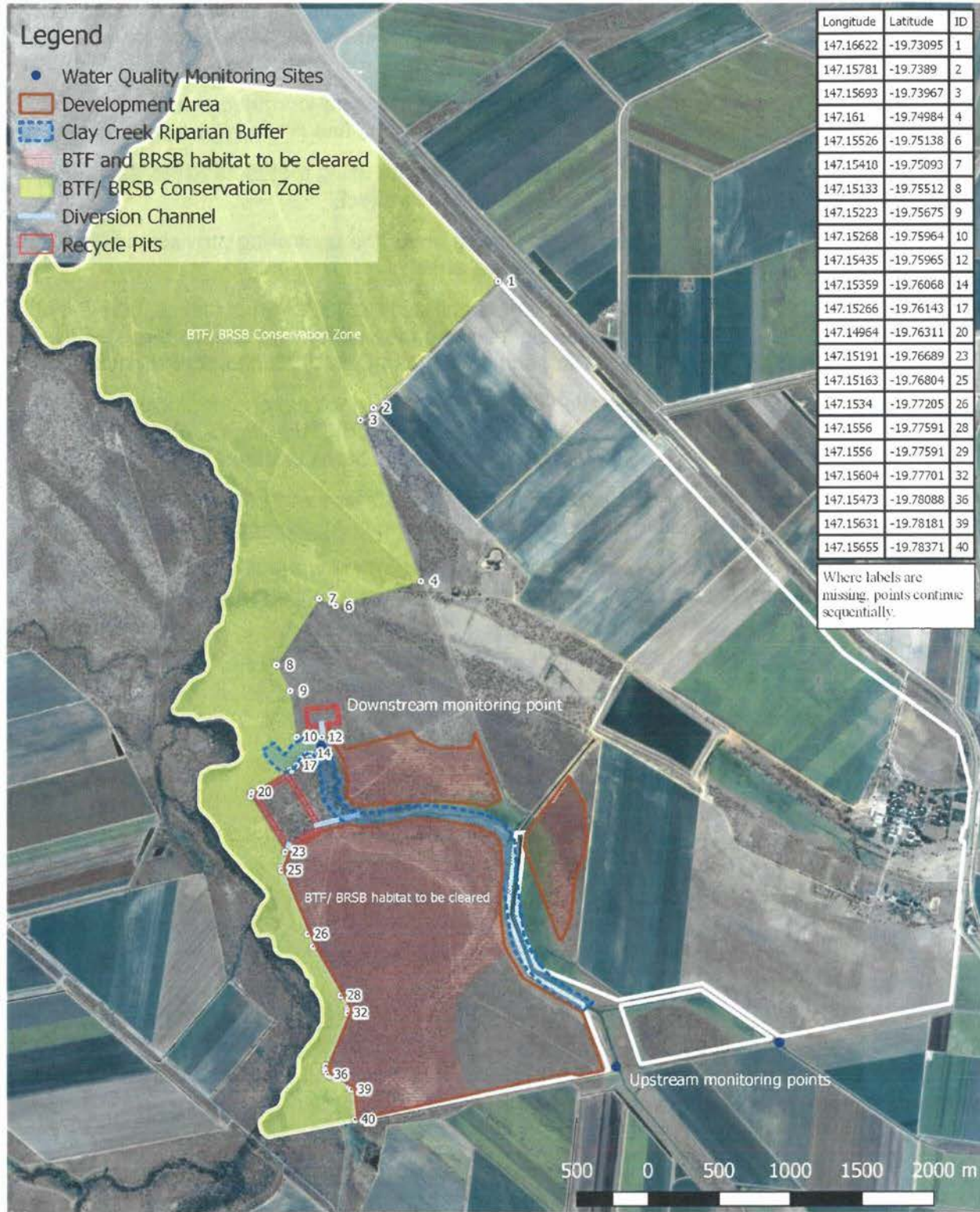
In these conditions, except where contrary intention is expressed, the following definitions are used:

- a. **Add to** means any increase in the **annual quantity** of any **pollutants** leaving the property as measured by the difference in **annual quantity** of **pollutants** in **surface water entering the property** compared to **annual quantity** of **pollutants** in **surface water leaving the property**;
- b. **Approval holder** means the person to whom the approval is granted;
- c. **Annual** means each 12 month period commencing on the anniversary of the approval date;
- d. **Black-throated Finch** means the **EPBC Act** listed *Poephila cincta cincta*;
- e. **Bare-rumped sheathtail bat** means the **EPBC Act** listed *Saccolaimus saccolaimus nudicluniatu*s;
- f. **Clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* available from <http://www.agriculture.gov.au/pests-diseases-weeds/pest-animals-and-weeds/review-aus-pest-animal-weed-strategy/aus-weeds-strategy> for further guidance). This excludes clearing undertaken for conservation outcomes;
- g. **Commencement of the action** means the commencement of **clearing**;
- h. **Conservation Zone** means the area that is to be retained as the offset area as marked on Attachment A;
- i. **Department** means the Commonwealth Department of Environment and Energy or any other agency that administers the **EPBC Act** from time to time and includes, where the context permits, the officers, delegates, employees and successors of the **Department**;
- j. **Environmental Management Plan** means the means the Environmental Management Plan and all contained sub-plans submitted to the **Department** on 17 April 2018;
- k. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
- l. **Flora and fauna survey** means the baseline and periodic surveys carried out in accordance with the **Environmental Management Plan**;
- m. **Habitat** means the area shown in the map at Attachment A as habitat for the **Black-throated Finch (BTF)** and the **Bare-rumped Sheathtail bat (BRSB)**;
- n. **Irrigation infrastructure** means the flood furrows, dams and channels;
- o. **Legally secure** means to secure a legal agreement under relevant Queensland legislation or equivalent, in relation to a site, to provide enduring protection for the site against development incompatible with conservation;
- p. **Minister** means the Minister administering the **EPBC Act** including any delegate of the Minister;
- q. **New or increased impact** means a new or increased environmental impact or risk relating to any **Protected matter**, when compared to the likely impact under an existing management plan that has been approved by the **Minister** (as outlined in the *Guidance*

on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017) available from <http://www.environment.gov.au/epbc/publications/new-increased-impact-guidance>;

- r. **Peer-reviewed** means to have the assessment reviewed by at least two recognised subject matter experts, or through the process of peer-review as required for publication in a scientific journal;
- s. **Pollutant** means Dissolved inorganic nitrogen, Dissolved inorganic phosphorus, Pesticides and herbicides, total suspended solids and fine (<16 µm) suspended solids;
- t. **Publish** means to publish a document on a website using metadata to facilitate ready discovery by use of search terms relevant to the project;
- u. **Protected matter** means a matter protected under the controlling provision in Part 3 of the EPBC Act for which this **approval** has effect;
- v. **Quantity** means the amount, in kilograms and to three (3) decimal places, of relevant **pollutant** determined from monitoring following the methods outlined in the **Environmental Management Plan** sub-plan Water Quality Monitoring Program;
- w. **Records** means all documentation or other material in whatever form, including without limitation any correspondence, reports, assessments, methodologies, operations manuals, specifications, training materials and instructions or data;
- x. **Surface water entering the property** means the surface water flow passing through the Clay Creek upstream monitoring point as shown in Attachment A; and
- y. **Surface water leaving the property** means the surface water flow passing through the Clay Creek downstream monitoring point as shown in Attachment A.

Attachment A



	PROJECT: Mio College High Value Agriculture Project		
	1450 Barratta Road, Clare, Lot 17 on SP248092 TITLE: Mio College Project Layout		
SOURCE(S): © State of Queensland (Department of Natural Resources and Mines) © Google	1:35,000	DRAWING NUMBER: M1055-015	REV: A

Prepared by: S Madden Date: 6 April 2018