



## VARIATION TO CONDITIONS ATTACHED TO APPROVAL

### Great Keppel Island Tourism and Marina Development (EPBC 2010/5521)

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

#### Approved action

Person to whom the approval is granted

GKI Resort Pty Ltd

ACN: 122 786 109

Approved action

Construction and operation of a tourism and marina development on Great Keppel Island, Queensland (See EPBC Act referral 2010/5521)

#### Variation

Variation of conditions of approval

The variation is:

Delete conditions 2, 6, 9, 10, 54, 64, 72, 88 and 90 attached to the approval and substitute with the conditions specified below.

Revoke conditions 11 and 89 attached to the approval.

Add the definition specified below.

Date of effect

This variation has effect on the date the instrument is signed

#### Person authorised to make decision

Name and Position

Shane Gaddes  
Assistant Secretary  
Compliance & Enforcement Branch

Signature

Date of decision

2 August 2016

## Conditions attached to the approval

### ***Consolidated Master Plan***

2. The person taking the action must not **commence the action** until the Consolidated Master Plan is approved by the **Minister**. The person taking the action must implement the approved Consolidated Master Plan.

### ***Pre-construction Surveying Program***

6. Prior to **commencement of the action** the person taking the action must implement and complete the approved Pre-construction Surveying Program in relation to all EPBC **listed marine species**. The person taking the action must notify the **Minister** within ten (10) business days of the commencement and, subsequently, the completion of the Pre-construction Surveying Program.

### ***Water Quality Monitoring Program***

9. The Water Quality Monitoring Program must:
  - a. utilise the latest available baseline information, including information gathered as part of the **Final Environmental Impact Statement** and other studies undertaken by a suitably qualified person/organisation;
  - b. take into account the existing regional water quality monitoring initiatives;
  - c. apply best practice water quality assessment, in accordance with the *National Water Quality Management Strategy*, the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)*, the *National Assessment Guidelines for Dredging*, the *Water Quality Guidelines for the Great Barrier Reef Marine Park (2009)* and the *Queensland Water Quality Guidelines 2009*, or most current versions of these guidelines;
  - d. provide the environmental values, levels of protection, management aims and water quality objectives, survey methodology (including but not limited to time of year), locations, and water quality parameters to determine existing background levels of stressors and toxicants including nutrients, pesticides, dissolved trace metals and suspended solids entering the Great Barrier Reef World Heritage Area and Great Barrier Reef Marine Park;
  - e. specify the location of static surface and groundwater sampling points including, but not limited to, Putney Creek, groundwater aquifers, stormwater outlets and the wet weather storage ponds;
  - f. specify the frequency, timeframe for implementing and locations for the monitoring capable of detecting exceedance at and above the levels

anticipated, with results aggregated to appropriate regular intervals for reporting purposes; and

- g. commit that samples will be collected and analysed in accordance with the *Queensland Monitoring and Sampling Manual 2009*, or the most current version of that manual.

10. The person taking the action must implement the approved Water Quality Monitoring Program at least 12 months prior to the **commencement of the action**.

#### **Offset Area**

54. The person taking the action must submit the Great Keppel Island Offset Restoration and Management Plan to the **Minister** for approval. The person taking the action must not **commence the action** until the Great Keppel Island Offset Restoration and Management Plan is approved by the **Minister**. The person taking the action must implement the approved Great Keppel Island Offset Restoration and Management Plan.

#### **Marine Environment Offset Strategy**

64. The person taking the action must submit the Marine Environment Offset Strategy to the **Minister** for approval. The person taking the action must not **commence the action** until the Marine Environment Offset Strategy is approved by the **Minister** in writing. The person taking the action must implement the approved Marine Environment Offset Strategy.

#### **Publication Requirements**

72. Subject to any written notice provided by the **Minister** in accordance with condition 36, all **survey data** collected for the project must be recorded so as to conform to data standards notified from time to time by the **Department**. When requested by the **Department**, the person taking the action must provide to the **Department** all species and ecological survey data and related survey information from ecological surveys undertaken for **matters of national environmental significance**, and survey and monitoring records and derived information including recordings of pile driving operations required in accordance with condition 20(h) and the Water Quality Monitoring Program required in accordance with condition 8. **Survey data** and survey and monitoring records and derived information must be provided within 30 business days of a request by the **Department**, or in a timeframe agreed to by the **Department** in writing. The **Department** may use the **survey data** and survey and monitoring records and derived information for other purposes.

#### **General**

88. a. The person taking the action may choose to revise a management plan or program approved by the **Minister** under conditions 1, 3, 8, 16, 21, 28 and 43 without submitting it for approval (including approval under section 143A of the *Environment Protection and Biodiversity Conservation Act, 1999* (Cth)), if the taking

of the action in accordance with the revised plan or program would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must:

- I. Notify the **Department** in writing that the approved plan or program has been revised and provide the **Department** with:
    - i. an electronic copy of the revised plan or program;
    - ii. an explanation of the differences between the revised plan or program and the approved plan or program; and
    - iii. the reasons the person taking the action considers that taking the action in accordance with the revised plan or program would not be likely to have a **new or increased impact**;
  - II. Declare in writing a date on which the revised plan or program will first be implemented by the person taking the action. That date of first implementation must be at least 28 days after sub-condition 88. a. I. is satisfied.
88. b. The person taking the action may revoke their choice under condition 88. a. at any time by giving written notice to the **Department** in which case, commencing on the day after giving such notice, the person taking the action must implement the plan or program previously submitted for approval and approved by the **Minister**.
88. c. If the **Minister** gives a notice to the person taking the action that the Minister is satisfied that the taking of the action in accordance with the revised plan or program would be likely to have a **new or increased impact**, then:
- I. Condition 88. a. does not apply, or ceases to apply, in relation to the revised plan or program; and
  - II. The person taking the action must implement the plan or program previously submitted for approval and approved by the **Minister**.

To avoid doubt, this condition does not affect any operation of sub-conditions 88. a. and 88. b. 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 sub-condition 88. a. does not apply for one or more specified plans or programs required under the approval.

Note: This condition is not intended to limit the operation of section 143A of the *Environment Protection and Biodiversity Conservation Act, 1999* (Cth) which allows the person taking the action to submit a revised action management plan to the **Minister** for approval

90. If, at any time after five (5) years of the date of this approval, the person taking the action has not **commenced the action**, then the person taking the action must not **commence the action** without the written agreement of the **Minister**.

### **Definition**

**New or increased impact:** A new or increased environmental impact or risk relating to any matter protected by the controlling provisions for the action, when compared to the environmental impact or risk resulting from implementing the plan or program that has been approved by the **Minister**.