



Approval

Commercial Development 4499-4651 Mount Lindesay Highway, North Maclean, Queensland (EPBC 2013/6941)

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	Wearco Pty Ltd
proponent's ACN	ACN: 162 925 082
proposed action	To establish an industrial development on a property described as 4499-4651 (Lot 39 on SP258739) Mount Lindesay Highway, North Maclean, Queensland [as described in EPBC Act referral 2013/6941 received on 22 July 2013 and the variation of proposal to take action received on 12 July 2015].

Approval decision

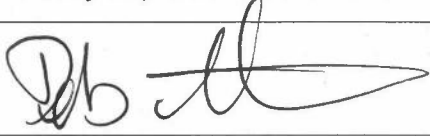
Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2050.

Decision-maker

name and position	Deb Callister Assistant Secretary Assessments (Queensland, Victoria, Tasmania) and Policy Implementation Branch
signature	
date of decision	10 February 2016

Conditions attached to the approval

1. The **approval holder** must not **clear** more than 117.28 hectares of vegetation located on Lot 39 on SP258739, 4499-4651 Mount Lindesay Highway, North Maclean, Queensland.
2. To compensate for the residual significant **impacts of clearing** 62.77 hectares of **habitat for listed threatened species**, the **approval holder** must provide, for the **Minister's** approval an **Offset Management Strategy** which meets the principles of the **EPBC Act Environmental Offsets Policy** and **Offsets Assessment Guide**. The **Offset Management Strategy** must include, but not be limited to:
 - a. details of how the offset area provides **habitat** of a **quality** at least as good as the **impact site** and adequately compensates for residual significant **impacts** of the action on **listed threatened species**, in accordance with the principles of the **EPBC Act Environmental Offsets Policy** and **Offsets Assessment Guide**;
 - b. details of the **legal mechanism for securing** the offset area, and an approach that will ensure that this security is obtained within 18 months of the commencement of the action;
 - c. the location of the offset area, including **shapefiles** and map(s) in electronic Geographic Information System (GIS) format clearly defining the location and boundaries of the offset site;
 - d. a detailed baseline description of the offset area, including surveys undertaken, condition of existing **habitat** and connectivity with other **habitat** areas;
 - e. management measures for the offset area(s) that will improve **habitat** quality. These management measures must commence concurrently with **commencement of the action**;
 - f. annual key performance indicators for management of the offset area(s) for the life of the approval, that are quantifiable and measurable, corrective actions to be undertaken if these indicators are not met and the timeframes within which these actions will be taken;
 - g. a monitoring program for the offset area(s) suitable to assess the effectiveness of the management measures using key performance indicators, including monitoring locations and timing;
 - h. a description of the potential risks to the successful implementation of the **Offset Management Strategy** and details of measures that will be implemented to mitigate these risks;
 - i. an outline of how and when compliance with the **Offset Management Strategy** will be reported; and
 - j. details of qualifications and experience of persons responsible for undertaking monitoring, review and implementation of the **Offset Management Strategy**.

Note: Offsets for different species may overlap where they share the same habitat requirements.

3. The approval holder must not commence the action until the **Offset Management Strategy** has been approved by the Minister in writing. The approved **Offset Management Strategy** must be implemented.
4. To minimise the direct and indirect **impacts to listed threatened species** during **clearing**, the **approval holder** must ensure that the action is undertaken in accordance with the draft *Queensland Code of Practice for the welfare of wild animals affected by land-clearing and other habitat impacts and wildlife spotter/catchers* (Australian Wildlife Hospital, 2009).
5. To mitigate impacts to the EPBC listed *Swamp tea-tree (Melaleuca irbyana) forest of south-east Queensland* ecological community, prior to commencement of the action the **approval holder** must provide, for the **Minister's** approval, a Stormwater Management Plan that describes how the stormwater management system has been designed to meet the following outcome:
 - a. post-development runoff from the catchment that drains towards the south is within 10% of pre-development runoff from this catchment.
6. The approval holder must not commence the action until the Stormwater Management Plan submitted in accordance with condition 5 has been approved by the Minister in writing. The approved Stormwater Management Plan must be implemented.
7. Within twenty (20) business days of 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 plans or strategies 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 twelve (12) month anniversary of the **commencement of the action**, the **approval holder** must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of any plans or strategies as specified in the conditions. 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. The requirement to submit compliance reports will cease following written agreement from the **Department**.
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 audit must not commence unless and until the **Minister** has approved the independent auditor and audit criteria. The audit report must address the criteria to the satisfaction of the **Minister**.

11. A. The person taking the action may choose to revise a management plan or strategy approved by the **Minister** under conditions 2 and 3, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan, or strategy 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 strategy has been revised and provide the **Department** with an electronic copy of the revised plan or strategy;
- ii. implement the revised plan or strategy from the date that the plan or strategy 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 or strategy would not be likely to have a **new or increased impact**.

11. B. The person taking the action may revoke their choice under condition 11A at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised plan or strategy, without approval under section 143A of the Act, the plan or strategy approved by the **Minister** must be implemented.

11. C. Condition 11A does not apply if the revisions to the approved plan or strategy include changes to environmental offsets provided under the plan or strategy in relation to the matter, 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 or strategy would, or would not, be likely to have **new or increased impacts**.

11. D. 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 strategy would be likely to have a **new or increased impact**, then:

- i. Condition 11A does not apply, or ceases to apply, in relation to the revised plan or strategy; and
- ii. The person taking the action must implement the plan or strategy approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 11A, 11B and 11C 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 A does not apply for one or more specified plans or strategies required under the approval.

11. E. Conditions 11A, 11B, 11C and 11D are not intended to limit the operation of section 143A of the EPBC Act which allows the person taking the action to submit a revised plan or strategy to the **Minister** for approval.

12. Unless otherwise agreed to in writing by the **Minister**, the **approval holder** must publish all plans and strategies referred to in these conditions of approval on its website. Each plan or strategy must be published on the website within one (1) month of being approved (unless otherwise specified in these conditions) and remain on the website for the duration of the project approval.

Definitions:

Approval Holder means the person to whom the approval is granted, or any person acting on their behalf, or to whom the approval is transferred under section 145B of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Clear/Clearing is the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation, but does not include measures for weed and pest management.

Commencement/Commenced/Commencement of the action is the **clearing** of habitat for **listed threatened species**, and includes any preparatory works required to be undertaken including the erection of any fences, signage or on-site temporary structures and the use of construction or excavation equipment on site for the purpose of breaking the ground, or buildings or infrastructure.

Department is the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (October 2012)* or subsequent revisions.

Habitat means areas containing species of trees and vegetation that provide food and shelter for the **listed threatened species**. Note that food trees may vary spatially and temporally, and information specific to the local area is likely to be most accurate.

Impact site means 4499-4651 Mount Lindesay Highway (Lot 39 on SP258739), North Maclean, Queensland.

Impact/s/ed has the definition assigned to it in section 527E of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Legal mechanism for securing means to secure a covenant or similar legal agreement in relation to a site, to provide enduring protection for the site against developments incompatible with conservation. The site can be secured by placing a covenant on the title and voluntary declaration under the Queensland *Vegetation Management Act 1999* or to establish a nature refuge under the Queensland *Nature Conservation Act 1992* or any other equivalent legally binding mechanism.

Listed threatened species means threatened species protected under Part 3 of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, specifically the koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) (*Phascolarctos cinereus*), grey-headed flying-fox (*Pteropus poliocephalus*) and swift parrot (*Lathamus discolor*).

Minister is the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the **Minister**.

New or increased impact(s) is a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the management plan or strategy that has been approved by the Minister.

Offsets Assessment Guide means the tool that accompanies the **EPBC Act Environmental Offsets Policy** to assess the suitability of offset proposals.

Person taking the action means the person to whom the approval is granted.

Quality means habitat of the quality described in the *Final Preliminary Documentation Report* for EPBC 2013/6941 (28 South Environmental, 6 July 2015) on the **impact site** for **listed threatened species**.