

DEPARTMENT OF THE ENVIRONMENT AND ENERGY

To: James Barker, Assistant Secretary, Assessments and Sea Dumping Branch, (for decision)

Referral Decision Brief – Meadowbank Station Vegetation Clearing for High Value Cropping, South of Mt Garnet, Queensland (EPBC 2016/7838)

Timing: as soon as practicable - 25 January 2017 was the statutory timeframe.

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>												
Designated Proponent	G P Cameron & L J Cameron ABN: 21 465 266 042												
Controlling Provisions triggered or matters protected by particular manner	<table border="0"> <tr> <td>World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> <tr> <td>A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> <td>C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/></td> </tr> </table>	World Heritage (s12 & s15A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Ramsar wetland (s16 & s17B) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Threatened Species & Communities (s18 & s18A) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/>	Migratory Species (s20 & s20A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth marine (s23 & 24A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	Nuclear actions (s21 & 22A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth land (s26 & s27A) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth actions (s28) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	GBRMP (s24B & s24C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	A water resource – large coal mines and CSG (s24D & s24E) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>	C'wealth heritage o/s (s27B & 27C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/>
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Public Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Number: 3 (see Attachment C).												
Ministerial Comments	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Who: The Hon Barnaby Joyce, Minister for Agriculture and Water Resources (see Attachment D).												
Assessment Approach Decision	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> What: Preliminary Documentation Bilateral Applies <input type="checkbox"/>												
Recommendation/s:													
1. Consider the information in this brief, the referral (Attachment A) and other attachments.	Considered / Please discuss												
2. Agree with the recommended decision.	Agreed / Not agreed												
3. Agree to the designated proponent.	Agreed / Not agreed												

4. Agree the action be assessed on Preliminary Documentation.

Agreed / Not agreed

5. If you agree to 2 and 4, indicate that you accept the reasoning in the departmental briefing package as the basis for your decision.

Accepted / Please discuss

6. Agree to the fee schedule (Attachment E) and that the fee schedule be sent to the proponent.

Agreed / Not agreed

7. Note that the person undertaking the action has declared exemption under section 520(4C)(e)(v) of the EPBC Act.

Noted / Discuss

8. Agree to request the designated proponent to provide information relevant to the assessment of the impacts of the action as set out in the letter at Attachment G and its attachment outlining preliminary documentation requirements.

Agreed / Not agreed

9. Sign the notice at Attachment F (which will be published if you make the recommended decision).

Signed / Not signed

10. Sign the letters at Attachment G.

Signed / Not signed


James Barker, Assistant Secretary, Assessments and
Sea Dumping Branch

Date:

10/2/17

Comments:

BACKGROUND:

Description of the referral

A referral was received on 23 December 2016. The action was referred by G.P Cameron & L.J Cameron (the proponent), who have stated their belief that the proposal is a controlled action for the purposes of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Description of the proposal (including location)

The proposal involves the clearing of 1,475 hectares (ha) for the production of forage and grain crops on Lot 537, SP132224, Meadowbank Station. The proposed action is located in the upper Burdekin River catchment around 100 kilometres (km) south of Mt Garnet in Queensland.

Description of the environment

The site occurs on an operating cattle station and comprises of Eucalypt woodland to open woodland. The proposed site for clearing occurs on low relief landscape adjacent to first and second order streams.

KEY ISSUES:

- Potential habitat occurs on site for the vulnerable Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT), vulnerable Greater Glider (*Petauroides volans*), endangered Black-throated Finch (southern) (*Poephila cincta cincta*) and endangered Northern Quoll (*Dasyurus hallucatus*).
- The proposed action occurs in an upper portion of a Great Barrier Reef catchment.

RECOMMENDED DECISION:

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action because there are likely to be significant impacts on listed threatened species and communities (section 18 & section 18A).

These impacts are discussed respectively below.

Listed threatened species and communities

The Department's Environment Reporting Tool (ERT) identifies 17 species and no communities may occur within five kilometres of the proposed action (see the ERT report at **Attachment B**).

Based on the likely habitat present in the area of the proposed action, the Department considers that impacts potentially arise in relation to the following matters.

Greater Glider (*Petauroides volans*) and Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – Vulnerable

These two species are discussed together due to the similarities in habitat requirements.

The proposal site comprises eucalypt woodlands to open woodlands containing multiple eucalypt species. No on-ground surveys have been undertaken to determine species presence or absence or to undertake a detailed habitat assessment. The ERT report notes that Koala are known to occur within the project area and the Greater Glider may occur.

The proponent notes that Eucalypt woodland containing known koala food tree species covers the majority of the site and that the clearing is likely to affect habitat critical to the survival of the Koala. While the clearing footprint has been designed with 100 metre (m) buffers to riparian vegetation avoiding some Koala and Greater Glider habitat, the proposed action will result in the permanent removal of 1,475 ha of habitat critical to the survival of the Koala.

On the basis of all the information available to the Department (including the ERT, which suggests the presence of the following species or communities in the area of the proposal), and without further detailed assessment of potential impacts, the Department considers that there is

a real chance or possibility that the proposed action will significantly impact on the vulnerable Koala and Greater Glider through the removal of critical habitat.

Other listed species

On the basis of all the information available to the Department (including the ERT, which suggests the presence of the following species in the area of the proposal), and without further detailed assessment of potential impacts, the Department considers that there is a real chance or possibility that project activities will significantly impact on the following, but not limited to:

- Northern Quoll (*Dasyurus hallucatus*) – Endangered
- Black-throated Finch (southern) (*Poephila cincta cincta*) – Endangered
- Ghost bat (*Macroderma gigas*) – Vulnerable

PROTECTED MATTERS THAT ARE NOT CONTROLLING PROVISIONS:

Listed migratory species

The Department’s Environment Reporting Tool (ERT) identifies 11 migratory species may occur within five kilometres of the proposed action (see the ERT report at **Attachment B**). The Department considers that the proposed action is unlikely to substantially modify, destroy or isolate an area of important habitat for migratory species or seriously disrupt the lifecycle of an ecological significant proportion of the population of a migratory species.

Great Barrier Reef Marine Park

The project is located in the upper Burdekin River catchment and this catchment flows into the Great Barrier Reef Marine Park (GBRMP). Advice was sought from the Great Barrier Reef Marine Park Authority (**Attachment B1**) who advised that the proposed activity is unlikely to impact on the GBRMP. In particular, the site is located over 550 km from the headwaters of the system and streams adjacent to the proposed action and, with the proposed mitigation measures, any contaminants are unlikely to reach the Great Barrier Reef. Further, the proponent is proposing measures to minimise erosion including establishing ground cover prior to commencement of the wet season and minimising soil tillage.

Ramsar Wetlands	The ERT did not identify any Ramsar listed wetland of international importance within or adjacent to the proposed action area, therefore this controlling provision does not apply.
World Heritage properties	The nearest World Heritage Property is the Great Barrier Reef World Heritage Area, located over 550 km downstream of the project site. For the reasons outlined in the discussion regarding the GBRMP above, the Department considers that this controlling provision does not apply.
National Heritage places	The nearest National Heritage Property is the Great Barrier Reef, located over 550 km downstream of the project site. For the reasons outlined in the discussion regarding the GBRMP above, the Department considers that this controlling provision does not apply.
Commonwealth marine environment	The proposed action does not occur in the vicinity of a Commonwealth marine environment therefore this controlling provision does not apply.
Commonwealth action	The referring party is not a Commonwealth agency, therefore this controlling provision does not apply.

Commonwealth land	The proposed action is not being undertaken on Commonwealth land therefore this controlling provision does not apply.
Nuclear action	The proposed action does not meet the definition of a nuclear action as defined in the EPBC Act therefore this controlling provision does not apply.
Commonwealth Heritage places overseas	The proposed action is not located overseas, therefore this controlling provision does not apply.
A water resource, in relation to coal seam gas development and large coal mining development	The proposed action is not a coal seam gas or a large coal mining development, therefore this controlling provision does not apply.

SUBMISSIONS:

Public submissions

The proposal was published on the Department's website on 28 December 2016 and public comments were invited until 11 January 2017. Three public submissions were received on the referral (**Attachment C**). The submissions raised the following key issues:

- the proposal be rejected on the grounds of impacts to listed threatened species and communities and the Great Barrier Reef; and
- the project be considered a controlled action for impacts to Great Barrier Reef World Heritage Property, listed threatened species and communities and migratory species. Further, that the proposed action should be assessed by Environmental Impact Statement (EIS).

The Department has addressed the concerns regarding impacts to the Great Barrier Reef in the discussion above. The recommendation that the project be assessed by EIS are discussed further under the assessment approach decision below.

Comments from Commonwealth Ministers

By letter dated 23 December 2016, the following ministers were invited to comment on the referral:

- The Hon Barnaby Joyce MP, Deputy Prime Minister and Minister for Agriculture and Water resources.

Minister Joyce responded on 13 January 2017 and noted the importance of agriculture in catchments adjacent to the Great Barrier Reef and requested that no unnecessary intervention under the EPBC Act occur (**Attachment D**).

Comments from State/Territory Ministers

By letter dated 23 December 2016, the following State/Territory ministers were invited to comment on the referral:

- **s47F**, delegate for the Queensland Minister for Environment and Heritage Protection

s47F responded on 5 January 2017 and noted that the project will not be assessed under the bilateral agreement with the Queensland (**Attachment D**).

ASSESSMENT APPROACH:

If you agree that the action is a controlled action, you must decide on the approach for assessment in accordance with section 87 of the EPBC Act. The Department recommends that this proposal be assessed by Preliminary Documentation.

Given the location of matters of national environmental significance, the number of matters likely to be impacted, the scale of the action, and potential impacts from the proposal, that form of assessment represents an appropriate method that will ensure that impacts on the controlling provisions are appropriately assessed.

Under section 87(3)(b) of the EPBC Act, you must consider any other relevant information available about the relevant impacts of the action, including information in a report on the impacts of actions under a policy, plan or program under which the action is to be taken that was given to the Minister under an agreement under Part 10 (about strategic assessments).

Under section 87(5) of the EPBC Act, you may decide on an assessment on preliminary documentation only if you are satisfied that the approach will enable an informed decision to be made about whether or not to approve the taking of the action. In this case, the number and complexity of relevant impacts is low and locally confined. The referral has provided sufficient information regarding the likely sources of impacts and proposed mitigation and management. Assessment on preliminary documentation is therefore considered appropriate for this proposal.

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Any other information about the impacts of the action considered relevant – s87(3)(b)	Relevant information is discussed in the Department's advice on relevant impacts contained in this referral decision brief.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	There was one comment received in response to an invitation under s74(2) for this proposal. As noted above, a delegate for the Queensland Minister for Environment and Heritage Protection responded on 5 January 2017 and noted that the project will not be assessed under the bilateral agreement with the Queensland (Attachment D).
Minister may decide on an Accredited Assessment if certain requirements are met – s87(4)	Assessment by an accredited assessment process is not recommended.

OTHER MATTERS FOR DECISION-MAKING:

Significant impact guidelines

The Department has reviewed the information in the referral against the *EPBC Act Policy Statement 1.1 Significant Impact Guidelines – Matters of National Environmental Significance* (December 2013) and other relevant material. While this material is not binding or exhaustive, the factors identified are considered adequate for decision-making in the circumstances of this referral. Adequate information is available for decision-making for this proposal.

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Cost Recovery

The person undertaking the action has sought exemption under section 520(4C)(e)(v) of the EPBC Act. The fee schedule for your consideration is at **Attachment E**. The fee schedule will be sent to the person taking the action for information.

s22

Director
QLD Major Projects Section
Assessments and Sea Dumping Branch
Ph: s22

 February 2017

s22

QLD Major Projects Section
Ph: s22 }

ATTACHMENTS

- A: Referral documentation
- B: Environment Reporting Tool (dated 2 February 2017)
 - B1: Advice from the Great Barrier Reef Marine Park Authority
- C: Public comments
- D: Ministerial comments
- E: Fee schedule
- F: Decision notice FOR SIGNATURE
- G: Letters to the proponent & Ministers FOR SIGNATURE

s22

From: s22
Sent: Tuesday, 17 January 2017 9:28 AM
To: s22
Subject: FW: [epbc.referral] Invitation to comment on Referral – (EPBC 2016/7838) Meadowbank Station vegetation clearing for high value cropping, Mt Garnet, Qld [SEC=UNCLASSIFIED]

GBRMPA comment

From: s22
Sent: Tuesday, 17 January 2017 9:11 AM
To: s22 @environment.gov.au
Subject: FW: [epbc.referral] Invitation to comment on Referral – (EPBC 2016/7838) Meadowbank Station vegetation clearing for high value cropping, Mt Garnet, Qld [SEC=UNCLASSIFIED]

Hello s22

See below.

Regards

s22

From: s22 @gbrmpa.gov.au
Sent: Friday, 13 January 2017 9:06 AM
To: s22 @environment.gov.au
Cc: s22 @gbrmpa.gov.au; s22 @gbrmpa.gov.au; s22 @gbrmpa.gov.au
Subject: FW: [epbc.referral] Invitation to comment on Referral – (EPBC 2016/7838) Meadowbank Station vegetation clearing for high value cropping, Mt Garnet, Qld [SEC=UNCLASSIFIED]

Hi s22

We note the proposed clearing is situated in the Upper Burdekin River (subcatchment 17) of the Upper Burdekin Basin. The associated Water Quality Improvement Plan and the Reef Water Quality Protection Plan do indicate that the bulk of fine sediment delivered from within Burdekin Basin to the Great Barrier Reef is derived from a small proportion of the basin area, primarily within the Bowen (43%) and Upper Burdekin catchments (27%).

However, given the following reasons and management practices put forward by the proponent in section 3(a) of their referral:

1. It is situated over 550km upstream at the furthestmost head waters of the system.
2. The streams adjacent to the activity are stream order one and represent a very small proportion of the entire system.
3. Because of points 1 and 2 most contaminants are either filtered out or perish before reaching the GBR.
4. The streams are ephemeral and flow for only short periods during the wet season.
5. Proponents will maintain a non-cleared buffer zone 100m from any creek line.
6. Boundary line to be clearly marked to ensure clearing activities maintain agreed distance from streams.
7. All clearing will take place outside of Wet Season.
8. Suitable pasture cover during non-cropping periods will minimise erosion.
9. Sow cleared areas before wet season with suitable pasture species to establish good ground cover.
10. Maintain sufficient ground cover during the wet season.
11. The site chosen has well drained soils.
12. The site chosen has minimal slope of <1% that will help minimise erosion.

13. There will be minimum soil tillage during wet season.
and that the proposed area for clearing is outside areas of High Ecological Value (HEV- waters) under the Catchment atlas for Upper Burdekin River., our conclusion is that the proposed activity is unlikely to cause a significant impact on the GBRMP MNES.

Let us know if you require anything further.

s22

s22

Director

Environmental Assessment and Protection

Great Barrier Reef Marine Park Authority
2-68 Flinders St Townsville | PO Box 1379 Townsville QLD 4810

Phone: s22

Email: s22

Visit us at www.gbrmpa.gov.au

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From: EPBC Referrals [<mailto:EPBC.Referrals@environment.gov.au>]

Sent: Friday, 23 December 2016 3:10 PM

To: epbc referral

Subject: [epbc.referral] Invitation to comment on Referral – (EPBC 2016/7838) Meadowbank Station vegetation clearing for high value cropping, Mt Garnet, Qld [SEC=UNCLASSIFIED]

Good afternoon

We are sending you the attached link to a referral received for consideration under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for your comments, as it falls within your area of interest:
<http://epbcnotices.environment.gov.au/invitations/>

Any comment should be sent by 11 January 2017 via:

by letter s22
Queensland Major Projects Section
Assessments (Qld, Tas, Vic) & Policy Implementation Branch
Department of the Environment and Energy
GPO Box 787
CANBERRA ACT 2601

by email s22 [@environment.gov.au](mailto:s22@environment.gov.au)

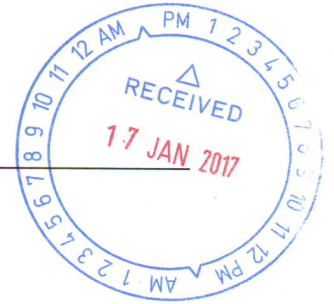
Regards

s22

Referrals Gateway
Data and Information Management System



MC17-000832



The Hon. Barnaby Joyce MP

Deputy Prime Minister
Minister for Agriculture and Water Resources
Leader of The Nationals
Federal Member for New England

Ref: MC17-000132

The Hon. Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

Min No: MC
 Division: *ESD* Link:
 DLO: *MS* Date: *16/1*
 RECEIVED 16 JAN 2017 Environment and Energy Minister
 Covering Brief
 Minister Reply
 CoS/Adviser Reply
 Refer to:
 Departmental Reply
 Appropriate Action
 For Information
 Campaign Advice/Min

13 JAN 2017

Dear Minister *Josh*

I refer to the letter of 23 December 2016 inviting my comment on referral EPBC 2016/7838 (Meadowbank Station vegetation clearing for high value cropping, Mt Garnet, QLD) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

I note the proposed action by Mr Glen Cameron and Ms Laurel Cameron is to clear approximately 1470 hectares on Meadowbank Station (Lot 537, SP132224), located about 100 kilometres south of Mount Garnet, to produce forage and grain crops (sorghum) to supplement livestock on the property and to sell to surrounding cattle stations. The property which occupies approximately 21 500 hectares, is currently used for extensive cattle grazing.

I note, on 28 November 2016, the Queensland Government Department of Infrastructure, Local Government and Planning granted a development permit (SDA-0315-018836) under the *Sustainable Planning Act 2009* for operational work for clearing of native vegetation (1470.14 hectares) for high value agriculture at Meadowbank Station. I understand the proponent may still need to obtain further approvals under other Queensland legislation, prior to proceeding with the proposed action.

Agriculture production in catchments adjacent to the Reef is worth around \$3.7 billion annually and supports about 44 000 jobs. The Reef catchment is some 42 million hectares and is home to 5 million cattle. In this context, the Department of Environment and Energy should clearly outline the body of evidence that suggests the proposed action at Meadowbank Station, to clear around 1470 hectares on a property of around 21 500 hectares, which is 550 kilometres upstream at the furthest headwaters of the Upper Burdekin river catchment, is likely to impact on the Reef.

Land managers play an important role in managing private land and achieving environmental outcomes. Much of Australia's wealth comes from our natural resources, through agriculture, forestry and fisheries, underpinned by healthy and resilient ecosystems that include soil, water and native vegetation.

Family farmers represent some of Australia's best examples of outstanding environmental stewardship. Through successive generations of ownership, many family farms have acquired a deep understanding of local ecosystems and weather patterns with their adaptive farming practices supporting the long-term sustainability of their land resources. With a focus on passing on the farm to the next generation, family farmers are also conscious of maintaining the productive capacity of the soil and water resources on the farm, and the wider environmental landscape.

The Agricultural Competitiveness White Paper (White Paper) which I released on 4 July 2015 highlights the damage to productivity that poor regulation causes. It can also deter investment and undermine jobs and growth. Cutting red tape is a key component of improving the competitiveness of Australian agribusiness and agriculture and requires efforts by all levels of government. The impacts of native vegetation management regulation has been identified in the White Paper as a major impediment to agricultural productivity improvement, and a compliance cost to farmers.

The Australian Farm Institute observed that the over regulation of the removal of native vegetation effectively prevents an area of farm land having native vegetation growing on it being used for productive agricultural purposes, and in doing so imposes high regulatory, financial and productivity costs on the landholder.

The Australian Government Productivity Commission is currently undertaking an inquiry into Regulation of Agriculture with a final report expected to be released in early 2017. The inquiry focused on regulations that have a material impact on the competitiveness and productivity of Australian agriculture. This includes land-use regulation.

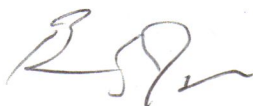
Land managers continue to adopt appropriate farm practices including landscape scale conservation through native vegetation management. This approach will ensure that Australia's farmers continue to be best practice managers and safeguard the future productivity and competitiveness of our farms.

The Coalition Government has a strong policy to support sustainable development. In this context, I would appreciate no unnecessary intervention under the EPBC Act.

I have sent a copy of this letter to Senator the Hon. Matthew Canavan, Minister for Resources and Northern Australia, for his information.

Thank you for the opportunity to comment on referral EPBC 2016/7838.

Yours sincerely



① Barnaby Joyce MP

cc: Senator the Hon. Matthew Canavan, Minister for Resources and Northern Australia

To: James Barker, Assistant Secretary, Assessments and Governance Branch (for decision)

Direction to publish preliminary documentation under Section 95A(3)

Meadowbank Station vegetation clearing for high value cropping, south of Mt Garnet, Queensland (EPBC 2016/7838)

Timing: 1 November 2017- Statutory timeframe

Recommendations:

1. Agree that the information provided by the proponent for assessment by preliminary documentation (Attachment A) is acceptable. Agreed / Not agreed
2. Agree that the preliminary documentation be published and that public comment be sought for 10 business days. Agreed / Not agreed
3. Sign the letter at Attachment C to the proponent directing them to publish the preliminary documentation. Signed / Not signed


James Barker
Assistant Secretary
Assessments and Governance Branch

Date: 19 October 2017

Comments:

KEY ISSUES

1. The proposed action to clear 1,475 hectares for the production of forage and grain crops on Lot 537, SP132224, Meadowbank Station, 100 km south of Mt Garnet, Queensland, was determined a controlled action on 10 February 2017, due to likely significant impacts on listed threatened species and communities (sections 18 & 18A).
2. On 10 February 2017 it was determined that the proposed action would be assessed by preliminary documentation.
3. On 10 February 2017, the Department wrote to the proponent requesting further information for assessment of the relevant impacts on:
 - Koala (*Phascolarctos cinereus*) (combined populations of Qld, NSW and the ACT) – Vulnerable
 - Greater Glider (*Petauroides volans*) – Vulnerable

- Northern Quoll (*Dasyurus hallucatus*) – Endangered
- Black-throated Finch (southern) (*Poephila cincta cincta*) – Endangered
- Ghost bat (*Macroderma gigas*) – Vulnerable.

See Attachment B for the full information request.

Direction to publish

4. Following consultation with the Department the final preliminary documentation was provided by the proponent on 17 October 2017. Under section 95A(3) of the EPBC Act, the Minister (or approved delegate) must give written direction to publish the documentation within 10 business days of receipt of the requested information and relevant payment.
5. The proponent has been granted exemption from cost recovery under section 520(4C)(e)(v) of the EPBC Act.
6. The Department is satisfied that the information in the preliminary documentation, comprising the referral information and additional information provided on 17 October 2017 (Attachment A) is adequate to allow the public to make informed comment and for an assessment of the proposed action to be undertaken.

Conclusion

7. The Department recommends that you sign the letter at Attachment C, directing the proponent to publish the preliminary documentation.

s22

Director
Queensland North Assessments
Assessments and Governance Branch
Ph: s22 †

19 October 2017

s22
Queensland North Assessments
Ph: s22

ATTACHMENTS.

- A:** Preliminary documentation package
- B:** Request for further information to form preliminary documentation
- C:** Letter of notification to the proponent

To: James Barker, Assistant Secretary, Assessments and Governance Branch
(for decision)

Variation of proposal to take an action – Meadowbank Station vegetation clearing for high value cropping, south of Mt Garnet, Queensland (EPBC 2016/7838)

Timing: 22 December 2017 – Statutory timeframe

Recommendations:

1. Consider the information in this brief and attachments.

Considered / Please discuss

2. Note the variation request at Attachment A.

Noted / Please discuss

3. Agree to the recommended decision to accept the variation request.

Agreed / Not agreed

4. If you agree to recommendation 3, accept the variation by signing the decision notice at Attachment B.

Signed / Not signed

5. Sign the letter at Attachment C, advising the proponent of your decision.

Signed / Not signed



James Barker, Assistant Secretary
Assessments and Governance Branch

Date: 14/12/17

Comments:

Key points:

1. On 10 February 2017, Meadowbank Station vegetation clearing for high value cropping, south of Mt Garnet, Queensland (EPBC 2016/7838) was determined a controlled action under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) for likely significant impacts on:
 - Listed threatened species and communities (sections 18 & 18A)
2. On 17 October 2017, the proponent submitted their final preliminary documentation (PD). The final PD states that the area of 106.8 hectares (ha) of greater glider habitat on the project site will now be avoided. The proponents have now requested a variation to the proposed action reflect the reduction in clearing area from 1475 ha to 1365 ha.
3. The proposal is currently undergoing assessment and the statutory time frame for a decision on approval is 22 January 2018.
4. The Department notes that the proponent is exempt from cost recovery.

Legal Considerations

5. EPBC Regulation 5.08 specifies that a request to vary a proposal under s156A of the EPBC Act must contain the following information:
 - (a) details of the proposed variation to the action;
 - To reduce the area of clearing from 1475 ha to 1365 ha.
 - (b) the reasons for the proposed variation;
 - The initial area of the referred land clearing (1475 ha) has been reduced to 1365 ha due to avoidance of 106.8 ha of greater glider habitat.
 - (c) how the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal;
 - The result of reducing the land clearing area is that there will be no direct impact on greater glider habitat.
 - (d) if applicable, the impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal;
 - Not applicable.
 - (e) if applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance.
 - Not applicable.
6. Under s156B of the EPBC Act, you must decide whether or not to accept the varied proposal. You must not decide to accept the varied proposal unless you are satisfied the nature of the varied proposal is substantially the same as that of the original proposal, having regard to:
 - (a) the nature of the activities proposed to be carried out in taking the action:
 - The nature of the activities of the proposed variation are essentially the same as that referred, with no change to the purpose of the action.
 - (b) the nature and extent of the impacts the action has, will have, or is likely to have on MNES:
 - The nature of the impacts the action has, or is likely to have on MNES will be unchanged by the variation request; and
 - The extent of impacts the action has, or is likely to have on MNES will be reduced by the variation request.
7. Based on the above information, the Department considers the nature of the varied proposal is substantially the same as that of the proposal referred. The Department recommends that you accept the varied proposal in accordance with section 156(B).
8. If you accept the varied proposal, a written notice of your decision will be published on the Department's website.

s22

Director
Queensland North Assessments
Ph: s22

14 December 2017

s22

Queensland North Assessments
Ph: s22

ATTACHMENTS

- A: Proponent request for variation of proposal (dated 10 December 2017)
- B: Decision notice FOR SIGNATURE
- C: Letter to proponent FOR SIGNATURE