

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, DAVID ALISTAIR KEMP, Minister for the Environment and Heritage, approve the taking of the following action:

to construct and operate the Burnett River Dam with a capacity of 300,000 megalitres, on the lower Burnett River at 131.2km Average Middle Thread Distance, and make controlled discharges of water for agricultural, commercial, domestic and environmental uses (EPBC 2001/422)

by Burnett Water Pty Ltd subject to the conditions set out in annexure 1.

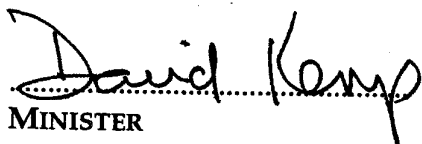
This approval has effect for:

sections 18 and 18A of the *Environment Protection and Conservation Biodiversity Act 1999*

sections 20 and 20A of the *Environment Protection and Conservation Biodiversity Act 1999*

This approval has effect until 1 January 2052.

Dated this 25th day of January 2002


MINISTER

ANNEXURE 1

1. Burnett Water Pty Ltd must prepare and submit for the Minister's approval a plan to mitigate impacts of the action on the Black-breasted Button Quail by securing compensatory habitat at Mount Blandy. The Burnett River Dam may not be operated before the plan is approved. The approved plan must be implemented.

2. Burnett Water Pty Ltd must prepare and submit for the Minister's approval, at least one year prior to commencement of operation of the Burnett River Dam, a plan to manage the impacts of the dam on listed migratory species in the Burnett River estuary. The plan must include:

(a) Surveying listed migratory species;

(b) Sufficient monitoring of water quality and environmental flows to determine whether the operation of the dam is impacting on listed migratory species habitat; and

(c) Measures to be taken if the information derived from (a) and (b) indicates that the action is having an adverse impact on listed migratory species.

VARIATION OF CONDITIONS OF APPROVAL

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

Pursuant to section 143 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, DAVID ALISTAIR KEMP, Minister for the Environment and Heritage for the purposes of section 143, hereby vary the conditions attached to the approval granted on 25 January 2002 for the taking of the following action by Burnett Water Pty Ltd:

to construct and operate the Burnett River Dam with a capacity of 300,000 megalitres, on the lower Burnett River at 131.2km Average Middle Thread Distance (AMTD), and make controlled discharges of water for agricultural, commercial, domestic and environmental uses (EPBC 2001/422)

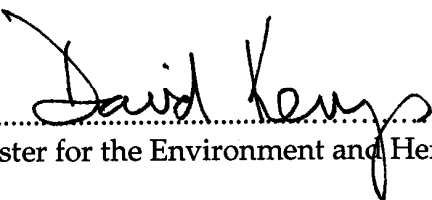
The variation is:

Add the following paragraphs to Annexure 1 to the approval:

3. Burnett Water Pty Ltd must install a fish transfer device on the Burnett River Dam suitable for the lungfish. The fishway will commence when the dam becomes operational.
4. Burnett Water Pty Ltd must adhere to the environmental flow requirements specified in the *Water Resource Plan (Burnett Basin) 2000* and the *Resource Operation Plan (Burnett Basin) 2003* and the Burnett River Dam Flow Strategy for Lungfish dated 22 May 2003.
5. Prior to commencing operation of the Burnett River Dam, Burnett Water Pty Ltd must provide to the Minister a report detailing the results of baseline monitoring of the lungfish population in the vicinity of the Burnett River Dam wall.

6. Burnett Water Pty Ltd must undertake annual aquatic ecosystem monitoring at about AMTD 119 km, AMTD 201 km and at least two sites between these points and provide to the Minister five biennial summary reports. This 10-year monitoring program will include the measurement of the condition of lungfish and lungfish habitat / macrophytes. Monitoring will commence when the dam becomes operational.
7. Burnett Water Pty Ltd must conduct a review of the impacts of Burnett River Dam on the lungfish at the conclusion of the 10 year monitoring program in consultation with the Commonwealth Environment portfolio, to determine whether future monitoring is required.
8. Burnett Water Pty Ltd must make lungfish information and data from research and monitoring activities freely available for inclusion in State and Commonwealth lungfish recovery programs or programs relating to water quality in the Burnett River.
9. If aquatic ecosystem monitoring required under paragraph 4 or the review required under paragraph 5 indicates ongoing lungfish population decline at about AMTD 119 km that cannot be attributed to natural periodic fluctuations, then Burnett Water Pty Ltd will initiate appropriate recovery actions. The recovery actions cannot be inconsistent with an adopted Commonwealth Lungfish Recovery Plan.

Dated this 8th day of August 2003


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Minister for the Environment and Heritage