

Appendix B

Approvals, Licences and Permits Required for TRR4

Townsville Ring Road Section 4

Legislative Triggers and Approvals Register



Townsville Ring Road Section 4

Legislative Triggers and Approvals Register

Prepared for

Department of Transport and Main Roads

Prepared by

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ABN 20 093 846 925

9 October 2012

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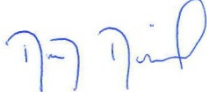
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Quality Information

Document Townsville Ring Road Section 4
 Ref 60264706
 Date 9 October 2012
 Prepared by Kylie Grusning
 Reviewed by Marjorie Cutting

Revision History

Revision	Revision Date	Details	Authorised	
			Name/Position	Signature
0	04-Oct-2012	For review by client	David Derrick Associate Director	Original not signed
A	08-Oct-2012	Final Copy	David Derrick Associate Director	Original previously signed
B	09-Oct-2012	Revised Final Copy	David Derrick Associate Director	

Legislative Triggers and Approvals Register

Job Number: 60264706-RG-PM-022 Client: Department of Transport and Main Roads (TMR) Principals: David Atkinson Date of Issue: 04 October 2012 Revision: B

The information contained in the table below is based on *Figure 1 - Concept Design; Options as at 05/10/2012; 60264706 – TRR4_SK126*.

N.B.: Colour coding: **Green** = Authorisation/permit obtained; **Yellow** = Application for authorisation/permit submitted; **Red** = Application for authorisation/permit not prepared and not submitted.

LEGISLATION	APPROVAL	AUTHORITY	TRIGGERED BY	REQUIRED	PERMIT REQUIREMENTS	TIMEFRAME	FEE FOR APPLICATION	PARTY TO ACTION?	PHASE TO ACTION?
<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (EPBC)	EPBC Referral	Department of Sustainability, Environment, Water, Population and Communities (SEWPaC)	Significant impact on matter of National Environmental Significance (NES). Matters of NES include: <ul style="list-style-type: none"> - Black-throated Finch (<i>Poephila cincta cincta</i>); - Squatter Pigeon (<i>Geophaps scripta scripta</i>); - Bare-rumped Sheath-tail Bat (<i>Saccolaimus saccolaimus</i>); - Semon's Leaf-nosed Bat (<i>Hipposideros semoni</i>); - Greater Large-eared Horseshoe Bat (<i>Rhinolophus philippinensis</i>); - Australian Painted Snipe (<i>Rostratula australis</i>); and - Williams' Tylophora (<i>Tylophora williamsii</i>) 	Yes. An EPBC referral was submitted to the Minister in late September 2012	EPBC Referral Form http://www.environment.gov.au/epbc/assessments/referral-form.html	Max 20 business days for decision on referral on whether action is considered to be uncontrolled or controlled. A controlled action decision will mean a further 6 months – 3 years	Not Applicable	TMR / Consultant	Preliminary/ Detailed Design
<i>Vegetation Management Act 1999</i> (VMA)	Clearing Permit	Department of Environment and Heritage Protection (DEHP) – Townsville Office	Under the <i>Sustainable Planning Act 2009</i> (SPA) clearing of vegetation is assessable for a road (under the <i>Land Act 1994</i>); unless the clearing is clearing mentioned in the Sustainable Planning Regulation (SPR), schedule 24, part 1 (e.g. item 2) for land generally or schedule 24, part 2 for particular land	No. A permit for clearing VMA protected vegetation is not required by TMR within the gazetted road. If clearing outside of the gazetted road is required, a permit may be required but this does depend on the type of vegetation present (e.g. remnant or regrowth) and the tenure of the land. Regrowth watercourses may also require a permit to be cleared	Not applicable for gazetted road alignment. Potentially for other land tenures Clearing and development – Process for development applications http://www.derm.qld.gov.au/vegetation/clearing/index.html	IDAS timeframe (6 – 12 weeks minimum). Note: If land based offsets were required this timeframe would extend considerably	\$1280.00 (more than 5 ha) \$353.30 (less than 5 ha) \$353.30 (application fee for Property maps of assessable vegetation (PMAV)) http://www.derm.qld.gov.au/factsheets/pdf/vegetation/v29.pdf http://www.derm.qld.gov.au/services_resources/item_list.php?category_id=45&topic_id=39	TMR / Consultant	Detailed Design/Prior to Construction
<i>Nature Conservation Act 1992</i> (NC Act)	Clearing Permit Damage Mitigation Permit	DEHP – Townsville Office	A clearing permit is triggered when clearing native plants (as defined under the NC Act) with the exception of least concern plants which TMR have a DEHP granted exemption for (until mid-2013). A Damage Mitigation Permit is required when removing or relocating wildlife or breeding places not exempt under the <i>Species Management Plan for tampering with animal breeding places, February 2011</i> (e.g. for Endangered, Vulnerable or Near Threatened species listed under the NC Act or colonial breeding species) Offsets under the Qld Biodiversity Offset Policy may also be triggered	Yes. Clearing permit required for Bog Figwort. Damage mitigation permit potentially required if non-exempt fauna/breeding places are present within the TRR4 alignment during construction. It is an offence under the NC Act to capture or relocate protected (listed) species without the appropriate licences and permits	DEHP Vegetation management (clearing) http://www.ehp.qld.gov.au/licences-permits/plants-animals/land-management/vegetation_management_clearing.html	20 business days (4 weeks) assessment and 20 business days (4 weeks) decision	No Application Fee	TMR / Contractor	Detailed Design/Prior to Construction. Note that permits under the NCA can only be held by the party physically undertaking the work and only have a six month duration

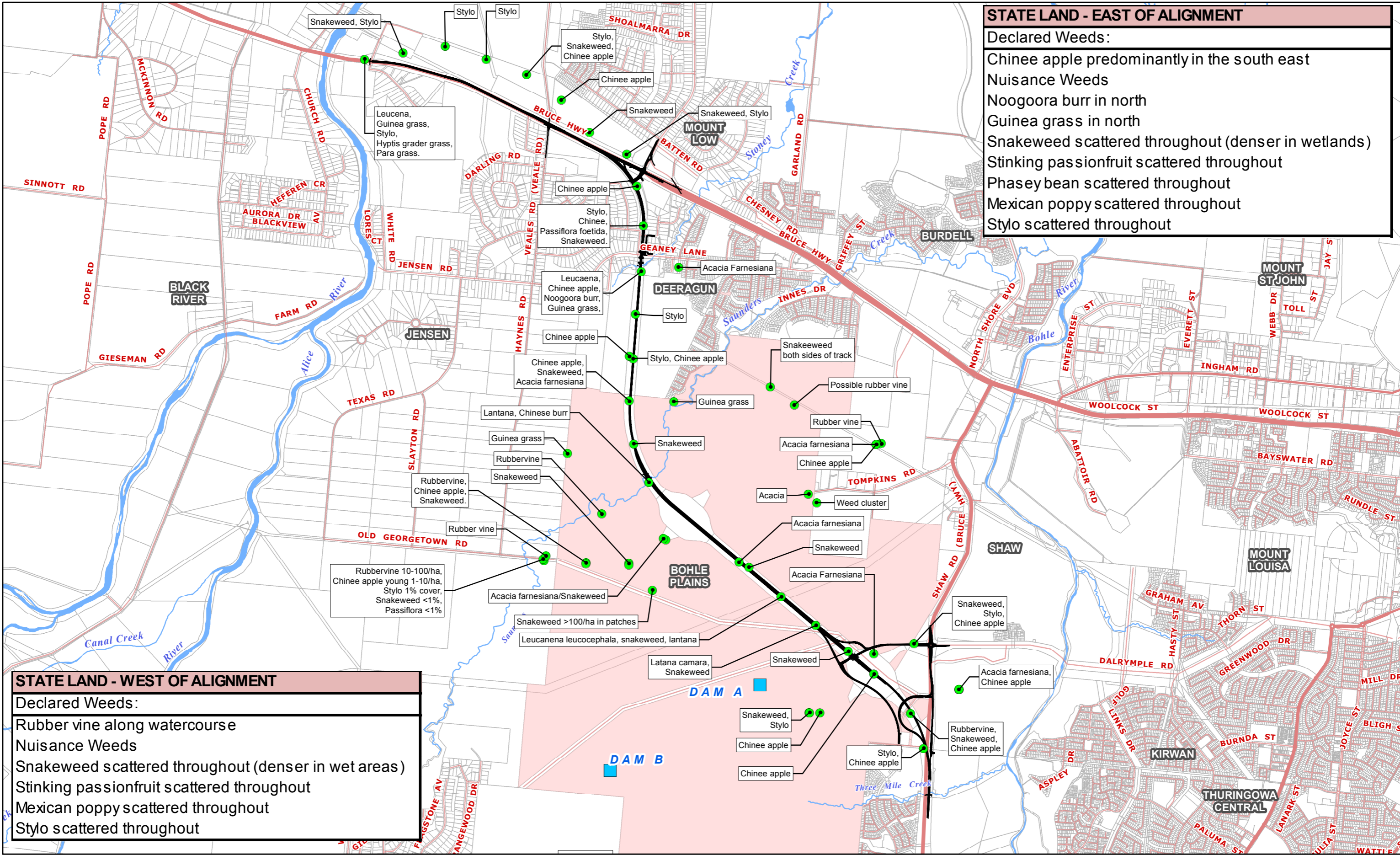
LEGISLATION	APPROVAL	AUTHORITY	TRIGGERED BY	REQUIRED	PERMIT REQUIREMENTS	TIMEFRAME	FEE FOR APPLICATION	PARTY TO ACTION?	PHASE TO ACTION?
			for impacts related to protected species						
Sustainable Planning Act 2009 (SPA)	Resource Entitlement	State Government Authorities	Reference to Schedule 14 of the <i>Sustainable Planning Regulations 2009</i> . Required when submitting development applications for some State land (e.g. leased, unallocated, Strategic Port Land, etc.)	Unlikely. An entitlement to a resource (e.g. soil) may be required if undertaking work outside (e.g. winning fill) of the proposed alignment on other State departments land	<i>Various Application Forms</i>	6 – 8 weeks (Estimated)	Not Available	TMR / Consultant	Detailed Design/Prior to Construction
	Development Application	Department of State Development, Infrastructure and Planning	Operational works such as clearing of listed vegetation and temporary and permanent waterway barrier works. Schedule 4, table 4, item 1 provides that operational work carried out on or behalf of the TMR is not assessable development under a local government planning scheme	Unknown at this stage, subject to final design.	IDAS Form 1 – Application details; and IDAS Checklist 1 (Development assessment checklist)	IDAS Timeline (6 to 12 weeks minimum)	Not Available	TMR / Consultant	Detailed Design
Fisheries Act 1994	Development application for Waterway Barrier Works (permanent bridge works, temporary barriers and requirements for fish passage)	Department of Agriculture, Forestry & Fisheries (DAFF) Alana O'Brien; (07) 4760-1587 (Townsville Office); Alana.O'Brien@deedi.qld.gov.au	Waterway barrier works means a minor dam, weir, floodgate, bridges, culverts and bed level crossings across a waterway if the barrier limits fish access and movement along a waterway. This permit is required for any structure that may impact on fish movement. There are codes for self-assessable development http://www.daff.qld.gov.au/28_9109.htm which apply to low impact projects. Projects that comply with the requirements of a self-assessable code can be done without an approval from DAFF, however, notification and signage requirements apply	Waterway bridges may require permits,, subject to final design. Culverts should be designed to be code compliant. Otherwise a permit is required	IDAS Forms using Smart eDA https://www.smarteda.qld.gov.au/forms.action;jsessionid=196C2177AFBEBF0FE5B1625F8E2D7E15 IDAS Form Number 27 Waterway barrier works	IDAS Timeline (6 to 12 weeks minimum).	No cost for self-assessable codes. IDAS = Between \$472.90 (Assessment Fee Level 1) and \$14200.30 (Assessment Fee Level 5) GST Exempt	TMR / Consultant	Detailed Design
Water Act 2000 (Water Act)	Riverine Protection Permit (RPP)	DEHP – Townsville Office	This permit is required to: - Destroy vegetation; - Excavate; or - Place fill in a watercourse, lake or spring, if the works cannot comply with the conditions of the <i>Guideline - Activities in a watercourse, lake or spring carried out by an entity</i> The above-mentioned guideline is available at: http://www.derm.qld.gov.au/about/policy/documents/4167/wap_2010_4165.pdf	Unlikely at this stage, subject to final design	Application form: http://www.derm.qld.gov.au/water/management/rpp.html	Not Available	Not Available	TMR / Consultant	Detailed Design
	Water Licence to Divert	DEHP – Townsville Office	Under section 206 of the Water Act, a water licence is required when diverting the flow of water in a watercourse (as defined under the Water Act).	Likely at this stage	Application form: http://www.derm.qld.gov.au/water/management/pdf/w2f006.pdf Guideline:	Not Available	\$106.10 application fee	TMR / Consultant	Prior to Construction

LEGISLATION	APPROVAL	AUTHORITY	TRIGGERED BY	REQUIRED	PERMIT REQUIREMENTS	TIMEFRAME	FEE FOR APPLICATION	PARTY TO ACTION?	PHASE TO ACTION?
			It is likely that a tributary of the Bohle River will require diverting to accommodate the Kalynda Chase overpass at the Southern Connection		http://www.derm.qld.gov.au/water/management/pdf/w2q006.pdf				
	Protocol – Authorised taking of water without a water entitlement under the Water Regulation 2002 (WAP/2011/4768 – Version 2) (Protocol)	Department of Natural Resources & Mines (DNRM) – Townsville Office	Section 20(8) of the Water Act authorises the taking of water by a constructing authority, in accordance with the Water Regulation and Protocol http://www.derm.qld.gov.au/about/policy/documents/4768/wap_2011_4768.pdf ; For the purpose of construction or maintenance of infrastructure only; Without the need to obtain a water permit or a water licence under the Water Act	Unknown at this stage, subject to final design and constructor's chosen methodology	Compliance with the Protocol negates the need for a permit	Not Available	No Application Fee	TMR / Contractor	Prior to Construction
City of Thuringowa Planning Scheme 2003	Operational Works Permit under the City of Thuringowa Planning Scheme	Townsville City Council	Not Applicable. SPR, Schedule 4, table 4, item 1 provides that operational work carried out on or behalf of TMR is not assessable development against a planning scheme	No	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Aboriginal Cultural Heritage Act 2003 (ACHA)	Duty of care obligation – Not an approval	DEHP – Townsville Office	A person: Must exercise due diligence and reasonable precaution before undertaking an activity which may harm Aboriginal cultural heritage. Who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage	Yes	A Cultural Heritage Management Agreement (CHMA) has been established for this project between the TMR and Traditional Owners for the project. A mandatory CHMP is required under the Act if an Environmental Impact Statement is required as an EPBC referral outcome	The formal CHMP process (under the ACHA) involves a statutory notification period during which the land user must notify the Cultural Heritage Body(s) and/or Aboriginal Party(s) of their intent to develop a CHMP. Recipients are then given 30 business days in which to respond to the notification, which is followed by an 84-day consultation and negotiation period. There are no statutory guidelines or time limitations either for the notification of the land user's intention to enter an agreement, or the negotiation of that agreement	Not Available	TMR / Consultant (where required)	All phases
Native Title Act 1993 (NT Act)	Obtaining no objection for works	Australian Government ComLaw (Federal Court of Australia)	Native title notification is required to undertake works on the following tenures: Unallocated State Land (including state owned water crossings); Reserve to the State; Land in Trust;	No. TMR has established that Native Title has been extinguished within the TRR4 alignment	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

LEGISLATION	APPROVAL	AUTHORITY	TRIGGERED BY	REQUIRED	PERMIT REQUIREMENTS	TIMEFRAME	FEE FOR APPLICATION	PARTY TO ACTION?	PHASE TO ACTION?
			Local Government Road Reserve; Road Reserve under the <i>Land Act 1994</i> ; and Road under the <i>Transport Infrastructure Act 1994</i> . There is no recorded Native Title claim for the proposed alignment						
<i>Environmental Protection Act 1994</i>	Environmentally Relevant Activity (ERA)	DEHP – Townsville Office	The Act in its regulation lists ERA's that require a permit and licence. The ERA licences that may be required relate to: Activity 6 – Asphalt manufacturing; Activity 8 – Chemical storage; Activity 16 – Extractive and screening activities; Activity 33 - Crushing, milling or grinding; Activity 43 – Concrete batching; and Activity 57 – Regulated waste transport. There is a Code of Compliance that exists for several of the ERA's where impacts to the environment are considered minor	Possibly for chemical storage. At this stage it is likely that fill will be obtained from licenced quarries, licenced regulated waste transporters will be engaged and asphalt and concrete will not be made up onsite but will be trucked in.	A one off permit is required and an annual licence. The operator is also required to be licenced separately. An ERA requirement includes temporary and mobile activities. Applications are made with the SPA integrated development assessment system (IDAS) forms 1 and 8. IDAS Forms using Smart eDA https://www.smarteda.qld.gov.au/forms.action.jsessionid=196C2177AFBEBF0FE5B1625F8E2D7E15	IDAS Timeline (6 to 12 weeks minimum)	\$551.00 plus the highest annual fee for the ERAs in the application	TMR / Contractor	Construction
	Environmental Protection Policies	DEHP – Townsville Office	If development assessment (particularly an ERA) is triggered under SPA (with regards to the <i>Environmental Protection (Water) Policy 2009</i> (EPP Water) only)	Possibly. At the concept stage, assessable development under SPA may be required (e.g. ERA, waterway barrier works etc.)	Undertaken as part of the IDAS assessment	Undertaken as part of the IDAS assessment	Undertaken as part of the IDAS assessment	TMR / Contractor	Design/ Construction

Appendix C

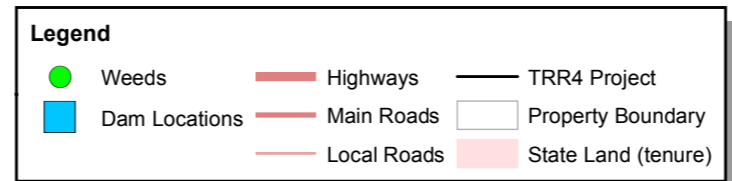
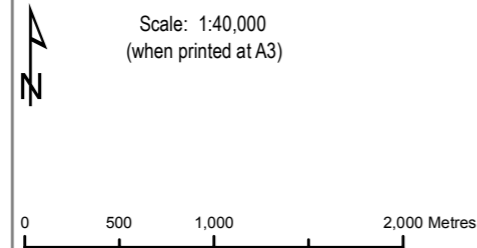
Location of Weeds



PROJECT ID 60264706
 LAST MODIFIED CFS 15-Aug-2013
 FILE NAME 60264706_ENV_59

AECOM

Cadastre, Study Area, Water body provided by Townsville City Council 2011.
 Squatter Pigeon - AECOM 2012 and NRA 2013
 StreetPro © 2010 Pitney Bowes Software Pty Ltd
 Roads, Watercourse - © 2010 PSM Australia Pty Ltd
 Weed locations - RPS and AECOM 2013



TOWNSVILLE RING ROAD SECTION 4

Weed Distribution on TRR4 Road Reserve and in Adjacent Land

Figure 11

Appendix F

POTL Controlled Action Approval Conditions



Proposed Approval

Port of Townsville Limited Marine Armour Stone Quarry
EPBC 2010/5461

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 Port of Townsville Limited

proponent's ACN 130 077 673

proposed action To construct and operate a marine armour stone quarry and associated infrastructure on Lots 9 & 12 on Crown Plan E124175, in the Pinnacles region of Townsville, Queensland. To construct and operate a northern haul road in accordance with Annexure 1. The proposed quarry will have an annual production rate of 500,000 tonnes per annum, with a total capacity to produce 11 million tonnes of material. [See EPBC Act referral and variation 2010/5461].

Proposed 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 1 January 2062

Decision-maker

name and position James Barker
A/g Assistant Secretary
Environment Assessment Branch

signature 

date of decision 9/9/11

Conditions attached to the approval.

1. Within 14 days after the **commencement** and completion of the action, the person taking the action must advise the **department** in writing of the actual date of **commencement** and completion.
2. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the **plans** specified in condition 11 and 12 and required by this approval. These records must be made 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.
3. By 30 June of each year after the **commencement** of the action, where operations have occurred within the preceding 12 months, and until completion, the person taking the action must publish a report on their website addressing compliance with the conditions of this approval over the previous 12 months, including implementation of any **plans** as specified in the conditions. Non-compliance with any of the conditions of this approval must be reported to the **department** at the same time as the compliance report is published.
4. Upon the direction of the **Minister**, the person taking the action 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**.
5. If the person taking the action wishes to carry out any activity otherwise than in accordance with any **plan** as specified in the conditions, the person taking the action must submit to the **department** for the **Minister's** written approval a revised version of that **plan**. The varied activity shall not commence until the **Minister** has approved the varied **plan** in writing. The **Minister** will not approve a varied **plan** unless the revised **plan** would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised **plan** that **plan** must be implemented in place of the **plan** originally approved.
6. If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and ecological communities to do so, the **Minister** may request that the person taking the action make specified revisions to any **plan** specified in the conditions and submit the revised **plan** for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved **plan** must be implemented. Unless the **Minister** has approved the revised **plan**, then the person taking the action must continue to implement the **plan** originally approved, as specified in the conditions.
7. If, at any time after 5 years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not commence the action without the written agreement of the **Minister**.
8. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all **plans** referred to in these conditions of approval on their website. Each **plan** must be published on the website within 1 month of being approved.
9. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must make available a copy of each approved **plan** referred to in these conditions of approval to members of the public upon request. Copies must be provided within a reasonable time of the request.

10. The person taking the action must not clear more than 35 ha, for the **quarry footprint**, to construct the quarry and **associated infrastructure** in accordance with the quarry plan at Annexure 1 without prior written consent from the Minister. The person taking the action must construct the alternative **haul road** in accordance with the haul road location plan at Annexure 1. The alternative **haul road** identified in Annexure 1 must be the only **haul road** used for the operation of the quarry.
11. The person taking the action must:
- a) review, amend and finalise the following **plans**, provided with the referral documentation:
 - i. Site Based Management Plan;
 - ii. Environmental Management Plan (Construction);
 - iii. Quarry Design and Planning Report;
 - iv. Revegetation and Remediation Plan; and
 - v. Stormwater and Erosion Sediment Control Plan;
 - b) In order to protect the habitat of the **Black-throated Finch** and **Greater Large-eared Horseshoe Bat** ensure that the plans address the following:
 - i. restriction of vegetation clearing;
 - ii. schedule, frequency and impacts of blasting activities, and mitigation measures to reduce impacts from blasting activities;
 - iii. the management of **fugitive dust** from haul truck movement, including the use of materials for **construction** of the **haul road** which will minimise dust, implementation of tarpaulins on haul trucks and daily schedule of dust suppression activities;
 - iv. the implementation of erosion and sediment control measures at all creek crossings along the **haul road** and the design of creek crossings to protect banks from erosion;
 - v. management of the water quality and restriction of water extraction in Central Creek and other creeks within the **site**, excluding quarry specific water retaining structures constructed as part of the action, to ensure the action does not result in the loss of dry season pools;
 - vi. site revegetation and rehabilitation with Australian native flora species endemic to the area;
 - vii. management of onsite storm water to ensure clean water is diverted away from sediment basins; and
 - viii. weed management.
- The plans must incorporate all mitigation measures, including those specified in these approval conditions that will be implemented for the protection of the **Black-throated Finch** and **Greater Large-eared Horseshoe Bat**. Prior to **commencement** these finalised **plans** must be submitted to the **department** for the **Minister's** approval in relation to the matters set out in condition 11 (b)(i) to (viii). The **plans** must be implemented during **construction** and **operation**. The person taking the action must not commence unless these **plans** have been approved by the **minister**.
12. The person taking the action must commission a **suitably qualified professional** to develop a **Black-throated Finch** Management Plan for the **site**, in cooperation with the relevant experts on the species, to provide for the ongoing protection of the **Black-throated Finch** at the **site**.

The **Black-throated Finch** Management Plan must address the following management strategies:

- i. detailed **Black-throated Finch** survey methodology to be implemented prior to the construction of the **haul road** to determine the presence of **Black-throated Finch** within the **haul road** footprint;
- ii. specific actions to be implemented for the **construction** of the **haul road**, should **Black-throated Finch** nest trees be observed in the **haul road** footprint, to avoid clearing of nest trees;
- iii. a comprehensive monitoring program including the seasonal abundance of the **Black-throated Finch** population along the area of Central Creek within the **site** one year prior to operational periods, during operational periods and for one year after operational periods;
- iv. management of the water quality and restriction of water extraction in Central Creek and other creeks within the **site** to ensure the action does not result in the loss of dry season pools;
- v. specific mitigation actions or review of quarry operations to be implemented should the **Black-throated Finch** population along Central Creek be found to be declining for two consecutive years following **commencement** and there is reasonable agreement from **suitably qualified professionals** that the action is a causal or contributing factor; and
- vi. detailed information in relation to the continued management of the **site** for the **Black-throated Finch** including weed management, a grazing regime which promotes the persistence of **Black-throated Finch** if grazing is included in the management plan, **site** rehabilitation and protection of the **site**.

The **Black-throated Finch** Management Plan must be submitted to the **department** for the **Minister's** approval. The approved **plan** must be implemented during **construction** and **operation**. The person taking the action must not commence unless the **plan** has been approved by the **minister**.

13. Following **construction** of the **haul road** the person taking the action must ensure that no haul trucks or quarry staff vehicles are permitted along the **track** identified as the haul road on Annexure 1. The person taking the action must erect signage at the intersection of the approved **haul road** and the **track** which clearly stipulates that no haul trucks or quarry staff vehicles are permitted along the **track**. Prior to **construction** of the **haul road** the person taking the action must limit heavy machinery and truck use of the track to no more than 10 vehicle trips per day to protect essential breeding habitat of the **Black-throated Finch**.
14. The person taking the action must ensure all **security lighting**, to be used at night, is yellow lights or Light Emitting Diode lights (LED) designed not to attract insects in order to prevent the **Greater Large-eared Horseshoe Bat** from being attracted to forage in the area of the **quarry footprint**.
15. The person taking the action must commission a **suitably qualified professional** to undertake ecological surveys of the **haul road footprint** for EPBC Act listed threatened species, including the **Black-throated Finch**, prior to **construction**. These survey reports must be submitted to the **department** prior to **construction**. Should a population of any EPBC Act listed threatened species be identified within the **haul road footprint**, the **department** must be notified within 2 business days. Prior to **construction** of the **haul road** the person taking the action must identify mitigation measures to minimise impacts to the EPBC Act listed threatened species. The person taking the action must not proceed with **construction** without agreement from the **department**.

16. The person taking the action must ensure that no clearing or **construction** takes place within the **Greater Large-eared Horseshoe Bat** priority areas, identified in Annexure 2, without prior written consent from the **Minister**.
17. The person taking the action must ensure blasting activities are restricted to **daylight hours** to prevent disturbance to foraging activities of the **Greater Large-eared Horseshoe Bat**. The person taking the action must include the proposed blasting design and schedule in the finalised Site Based Management Plan and Quarry Design and Planning Report for the **Minister's** approval.
18. The person taking the action must ensure that all haul truck movements into or out of the quarry are restricted to **daylight hours** to prevent disturbance to foraging activities or direct mortality of the **Greater Large-eared Horseshoe Bat**.
19. The person taking the action must ensure 60 km per hour speed limits are implemented along the **haul road** to protect foraging habitat and minimise direct mortality of the **Black-throated Finch**. Speed limit signs must be erected at regular intervals, no more than 1500 m apart, along the length of the **haul road** and for each direction of the **haul road**. Speed limit signs must be erected in positions clearly visible to motorists and in accordance with local and/or state government regulations. Speed limit signs must be erected along the **haul road** prior to **operation** of the quarry.
20. Prior to **construction** the person taking the action must undertake to enter a **conservation area** along Central Creek into a conservation agreement, covenant or other conservation arrangement with the state or local government to protect critical habitat for the **Black-throated Finch** and possible roosting habitat for the **Greater Large-eared Horseshoe Bat**. The person taking the action must provide a copy of this agreement, or proof of this undertaking, to the **department** prior to **construction**. Within 1 month of the conservation agreement, covenant or other conservation arrangement being finalised, a copy must be provided to the **department**.

Definitions

Associated infrastructure: Infrastructure required for the operation of the quarry including, but not limited to, stockpile, site office/s, maintenance workshops, sewerage supply infrastructure, water supply infrastructure, bunded fuel tanks and a weighbridge.

Banks: The lateral confines or channel margins which are visible during all but flood periods.

Black-throated Finch: EPBC Act listed endangered bird (*Poephila cincta cincta*).

Commencement: The construction of any roads or infrastructure and any preparatory works required to be undertaken including clearing of vegetation. Commencement includes the construction or erection of fences and signage associated with the action.

Conservation area: Area of no less than 198 ha, identified as Environmental Offset Area at Annexure 1, which will be offset and protected in perpetuity for Black-throated Finch and Greater Large-eared Horseshoe-bat.

Construction: Includes, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure. The period of time during which clearing of the site takes place, haul roads are developed and the quarry site infrastructure is installed.

Daylight hours: for the purpose of this approval means all hours between 0700 hours and 1800 hours.

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

EPBC Act: *Environment Protection and Biodiversity Conservation Act 1999*.

Fugitive dust: Particles lifted into the ambient air caused by man-made or natural activities such as the movement of soil, vehicles, equipment and from blasting activities.

Greater Large-eared Horseshoe Bat: EPBC Act listed endangered bat (*Rhinolophis philippinensis*).

Haul Road: Road to be constructed between Ross Dam Road and the Quarry site as identified in Annexure 2.

Haul road footprint: The area which will be used to construct the haul road including 5 m either side of the haul road (Annexure 1).

Minister: The Minister responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Operation: The activities associated with progressive clearing of the quarry pits, drilling, blasting, extraction, stockpiling and haulage of quarry materials.

Plans: Any of the plans referred to in the approval conditions, namely:

- i. Site Based Management Plan;
- ii. Environmental Management Plan (Construction);
- iii. Quarry Design and Planning Report;
- iv. Revegetation and Remediation Plan;
- v. Stormwater and Erosion Sediment Control Plan; and
- vi. Black-throated Finch Management Plan.

Quarry footprint: The 35 ha area identified for quarry infrastructure, in Annexure 1, including Pit 1, Pit 2, stockpile area, office, workshop, weighbridge and associated infrastructure. Not including haul road or access road.

Security lighting: The lighting installed in and around the quarry footprint which will be used at night.

Site: Proposed Lot 10 on SD228126 (Lot 9 on Crown Plan E124175 at the time of this approval) and Lot 12 on Crown Plan E124175, in the Pinnacles region of Townsville, Queensland.

Substantially commenced: Clearing of vegetation or construction of roads or infrastructure for the purpose of the action.

Suitably qualified professional: Person with qualifications in ecology (or similar) and knowledge and experience in the ecological requirements and survey techniques for EPBC Act listed threatened species in particular the Black-throated Finch.

Track: Existing dirt road which runs adjacent and through central creek in the area identified as Black-throated Finch habitat in Annexure 1.