Approval

Port of Townsville Port Expansion Project – Townsville, Queensland (EPBC 2011/5979)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Action

person to whom the approval is granted	Port of Townsville Limited
proponent's ACN	ACN: 130 077 673
Action	To expand the Port of Townsville, in Townsville Queensland. The action is for dredging, land reclamation and construction of infrastructure [See EPBC Act referral 2011/5979 received on 26 May 2011 and variation request dated 6 April 2016].

Approval decision

Controlling Provision	Decision
World Heritage properties (sections 12 & 15A)	Approved
National Heritage places (sections 15B & 15C)	Approved
Wetlands of international importance (sections 16 & 17B)	Approved
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved
Commonwealth marine areas (sections 23 & 24A)	Approved
Great Barrier Reef Marine Park (sections 24B & 24C)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 January 2058.

Decision-maker

name and position	James Barker Assistant Secretary Assessments and Governance Branch
signature	
date of decision	5/2/2018

Conditions attached to the approval

Capital dredging

1. The person taking the action must ensure that:
   a) **capital dredging** is only undertaken using a **TSHD** or a **mechanical dredge**;
   b) **capital dredging** only occurs in the Sea Channel, Platypus Channel, new berth areas and outer harbour as shown in Appendix A, and up to the depths and widths specified in Table 2.3 of the **AEIS**;
   c) no more than 11.4 million cubic metres of **capital dredged material** is removed from the dredging footprint in Appendix A, and no more than 2.2 million cubic metres of **capital dredged material** is removed by **TSHD**; and
   d) all **capital dredged material** is placed in the reclamation area identified at Appendix B for **stage** 1 of the action, and the reclamation area identified at Appendix C for **stage** 2 and **stage** 3 of the action.
2. The person taking the action must ensure that an analysis of the sediment to be dredged within the dredging footprint at Appendix A is undertaken to meet at least the standards in the **NAGD**, before the **commencement** of dredging associated with each **stage** of the action (**stages** 1-3).
3. The person taking the action must ensure that field surveys of the dredge footprint in Appendix A and surrounding areas likely to be affected by dredging, are undertaken before each **stage** of the action (**stages** 1-3), to determine the presence and density of seagrass within the footprint to be dredged and surrounding areas for the relevant **stage**.
4. The person taking the action must undertake a baseline assessment of the condition of seagrass and coral communities in areas likely to be affected by dredging, before **commencement** of dredging for each **stage** of the action.

Note: To avoid doubt, the action does not include **maintenance dredging** undertaken after the completion of each **stage** of **capital dredging.**

Dredge Management Plan

5. The person taking the action must submit a Dredge Management Plan (DMP) for the **Minister's** approval to mitigate impacts to **MNES** from **capital dredging** before the **commencement** of dredging for each **stage** of the action (**stages** 1-3). The person

taking the action must not **commence** dredging for that **stage** unless the **Minister** has approved the DMP for that **stage** of the action. The DMP must be prepared in accordance with the **Department's Environmental Management Plan Guidelines** and include at least the following:

a) clearly defined objectives and performance criteria to mitigate and manage potential impacts to **MNES**, including to:

   i) avoid or minimise disturbance to seagrasses and corals;

   ii) avoid or minimise impacts to **marine fauna** from dredge vessels;

   iii) avoid or minimise the uncontrolled release of dredged material into the marine environment;

   iv) avoid the release of **potentially contaminated sediments** into the marine environment;

   v) manage risks associated with **extreme weather events**; and

   vi) avoid vessel accidents and oil spills;

b) a schedule of dredging works associated with the relevant **stage** of the action;

c) methodologies and results of the analyses undertaken of sediments to be dredged in accordance with Condition 2, including measures to manage **potentially contaminated sediments**, if identified, to prevent impacts to **MNES**;

d) methodologies and results of the surveys and assessments undertaken in accordance with Conditions 3 and 4;

e) specific and auditable mitigation and management measures to avoid and minimise impacts to **MNES** taking account of the outcomes of surveys and assessments in Conditions 3 and 4, including: dredging techniques, dredging controls, performance indicators, real-time monitoring, early-warning trigger levels, risk management, adaptive management strategies, corrective actions, and emergency response measures;

f) measures to avoid or minimise potential impacts to corals during coral spawning periods (usually between October to March);

g) measures to minimise impacts to **MNES** from dredging activities, including from vessel strike, dredge entrapment, underwater noise, wastes generated from dredging operations, fuel and oil spill mitigation and response measures, invasive marine species, and artificial lighting;

h) a program to monitor water quality before, during and after dredging to validate risk assumptions, modelling results and predicted effects from **TSHD** and mechanical dredging activities. The validation monitoring must comprise:

   i) establishment of the pre-dredging baseline condition of the environment before the **commencement** of dredging;

   ii) surface and sub-surface monitoring of dredge plumes;

   iii) measures to monitor turbidity and suspended sediment concentrations at sensitive habitat sites, including seagrass and coral habitat;

   iv) measures to monitor the amount of **fine sediment** returned to the marine environment that was available for resuspension before

commencement and the amount of **fine sediment** returned to the marine environment that was not available for resuspension before **commencement**;

v) measures to monitor potential contaminants based on the results of sediment analyses undertaken in accordance with Condition 2;

vi) quality assurance/quality control measures for validation monitoring; and

vii) mechanisms for reviewing the outcomes of the validation monitoring against the objectives of the DMP, and modifying mitigation and management measures, if necessary, to avoid or minimise impacts to **MNES**;

i) an adaptive management program to monitor and manage impacts from dredge plumes associated with **TSHD** and mechanical dredging activities. The adaptive management program must comprise:

i) scientifically peer-reviewed water quality trigger limits providing early-warning trigger levels, and trigger levels for modifying or ceasing dredging. The trigger levels must be ecologically relevant, and determined based on the assessment of the condition of seagrass and coral communities in areas likely to be affected by dredging as required by Condition 4, and suitable for preventing sub-lethal and lethal impacts to seagrasses and corals from dredging;

ii) real-time monitoring measures including photosynthetic active radiation, turbidity and total suspended solids;

iii) adaptive management measures, including measures to modify dredging activities or cease dredging to avoid or mitigate impacts to corals and seagrasses;

iv) quality assurance/quality control measures; and

v) procedures for reporting to the **Department**, in instances where trigger levels were exceeded and the adaptive management measures or corrective actions taken;

j) a program to monitor the condition of seagrass and coral communities in areas likely to be affected by dredging. The monitoring program must be designed to:

i) continue for a sufficient period of time after dredging ceases, to detect lethal or sub-lethal impacts on seagrasses or corals as a result of the action; and

ii) delineate impacts as a result of the action from impacts due to **maintenance dredging** and/or **extreme weather events,** in a scientifically valid manner;

k) despite condition 31, the method for defining, delineating and quantifying the **fine sediment** returned to the marine environment as required by condition 26(b), must be reviewed by a **suitably qualified independent expert**. The **suitably qualified independent expert** must not have been involved in the development of the method mentioned in this condition (5(k));

l) contingency plans should undesirable or unforeseen impacts occur, including as a result of **extreme weather events** or any additional pressures that may impact **MNES**;

m) an outline of the involvement of scientific and technical experts in the development and review of the DMP, and procedures for the involvement of scientific and technical experts in the development of associated monitoring programs;

n) mechanisms for the regular review of the performance of the DMP in achieving its objectives and to support continuous improvement, taking into account the outcomes of monitoring programs required by Conditions 5(h), 5(i) and 5(j);

o) procedures for reporting to the **Department** on outcomes of the monitoring programs required by Conditions 5(h), 5(i), 5(j), and 26(b), performance monitoring and periodic reviews of the DMP;

p) procedures for reporting actual lethal or sub-lethal impacts on sensitive habitat sites, including seagrasses and corals, to the **Department**;

q) mechanisms for stakeholder consultation on the implementation of the DMP; and

r) an outline of the governance structure, including roles and responsibilities for implementing the DMP.

6. The person taking the action must review the DMP at the conclusion of each **stage** of the action, and before the **commencement** of the next **stage** of the action. The person taking the action must seek the **Minister's** approval of the DMP in accordance with Condition 5.

7. The approved DMP for each **stage** of the action, or subsequent version of the DMP as provided for under Condition 38, must be implemented.

Reclamation area

8. The person taking the action must ensure that:

a) the reclamation area does not exceed 110 hectares at **stage** 1 of the action in accordance with Appendix B;

b) the reclamation area does not exceed 152 hectares in total, in accordance with Appendix C; and

c) the design, materials and methods of construction for the reclamation area must prevent water quality impacts from leaching material through the bund wall, release of tailwater and storm-water run-off.

9. The person taking the action must ensure that a survey of the reclamation area in Appendix B is undertaken before the **commencement** of the action, and a survey of the final reclamation area shown in Appendix C is undertaken before the **commencement** of **stage** 2 of the action, to determine the presence and density of seagrass within the reclamation footprint.

Construction and management of the reclamation area

10. The person taking the action must submit a Construction Environmental Management Plan (CEMP) for the **Minister's** approval, which includes measures to mitigate impacts to **MNES** from the construction of the reclamation area before the **commencement** of the action. The person taking the action must not **commence** the action unless the **Minister** has approved the CEMP. The CEMP must be prepared in accordance with the **Department's Environmental Management Plan Guidelines** and include at least the following:

a) clearly defined objectives and performance criteria to mitigate impacts to **MNES** from the construction of the reclamation area and the placement of dredged material in the reclamation area;

b) details on the design, materials, and methods to be used for constructing the reclamation area, that meet best practice and/or recognised industry standards;

c) specific and auditable mitigation and management measures to avoid and minimise impacts to **MNES**, including: controls, performance indicators, early-warning trigger levels, risk management, adaptive management strategies, corrective actions, and emergency response measures;

d) management measures for potential acid sulfate soils;

e) a program to monitor the integrity of the reclamation area, including monitoring locations, methods, and frequency;

f) a program to monitor, manage and treat tailwater before release into the marine environment;

g) management measures to maintain the integrity of the reclamation area in the case of **extreme weather events**;

h) an outline of the involvement of scientific and technical experts in the development of the CEMP, and procedures for the involvement of scientific and technical experts in the development of associated monitoring programs;

i) contingency plans should undesirable or unforeseen impacts occur, including as a result of **extreme weather events** or any additional pressures that may impact **MNES**;

j) mechanisms for the regular review of the performance of the CEMP in achieving its objectives to support continuous improvement;

k) procedures for reporting to the **Department** on outcomes of environmental monitoring, performance monitoring and periodic reviews of the CEMP;

l) mechanisms for stakeholder consultation on the implementation of the CEMP; and

m) an outline of the governance structure, including roles and responsibilities for implementing the CEMP.

11. The approved CEMP, or subsequent version of the CEMP as provided for under Condition 38, must be implemented.

Marine Environmental Management Plan

12. The person taking the action must submit a Marine Environmental Management Plan (MEMP) for the **Minister's** approval, which includes measures to mitigate impacts to **MNES** from activities in the marine environment, before the **commencement** of the action. The person taking the action must not **commence** the action unless the **Minister** has approved the MEMP. The MEMP must be prepared in accordance with the **Department's Environmental Management Plan Guidelines**, and include at least the following:

    a) clearly defined objectives and performance criteria to:

        i) avoid or minimise impacts to **MNES** from construction and operational activities in the marine environment;

        ii) avoid or minimise pollution of the marine environment;

        iii) manage risks associated with **extreme weather events**; and

        iv) avoid vessel accidents and oil spills from vessels associated with the action;

    b) specific and auditable mitigation and management measures to avoid and minimise impacts to **MNES**, including: controls, performance indicators, early-warning trigger levels, risk management, adaptive management strategies, corrective actions, and emergency response measures;

    c) mitigation and management measures to mitigate impacts from noise, artificial light, vessel strike, invasive marine species, vessel accidents, storm-water run-off, chemical and fuel management, and accidental release of waste and/or other contaminant spills into the marine environment;

    d) a program to monitor the potential impacts to **marine fauna** before and during construction activities in the marine environment;

    e) a program to monitor the potential impacts to shorebirds before and during construction activities in the marine environment;

    f) a program to monitor the Port Expansion Project area for the presence of invasive marine species. The invasive marine species monitoring program must be based on nationally agreed methodologies and standards (such as the *Australian Marine Pest Monitoring Manual* (version 2.0, 2010), as amended or substituted);

    g) contingency plans should undesirable or unforeseen impacts occur, including as a result of **extreme weather events** or any additional pressures that may impact **MNES**;

    h) mechanisms for the regular review of the performance of the MEMP in achieving its objectives and to support continuous improvement;

    i) procedures for reporting to the **Department** on outcomes of monitoring, performance monitoring, and periodic reviews of the MEMP;

    j) mechanisms for stakeholder consultation on the implementation of the MEMP; and

    k) an outline of the governance structure, including roles and responsibilities for implementing the MEMP.

13. The MEMP may be submitted to the **Minister** in stages, but the MEMP must be submitted before the **commencement** of each **stage**, and the respective **stages** must not **commence** until the **Minister** has approved the respective version of the MEMP.

14. The approved MEMP, or subsequent version of the MEMP as provided for under Condition 38, must be implemented.

Note: The **approval holder** may align a plan required under these conditions with the requirements of the Queensland Government, as long as the relevant matters under the conditions of this approval are clearly and adequately addressed.

Pile driving operations

15. The person taking the action must establish an **exclusion zone** to minimise the risk of physiological impacts to **marine fauna** from pile driving operations. The **exclusion zone** must be based on noise modelling and relevant scientific evidence. The **exclusion zone** must be peer reviewed by a **suitably qualified independent expert** and included in the MEMP required by Condition 12 and submitted for the **Minister's** approval. The person taking the action must not **commence** pile driving operations unless the **Minister** has approved the MEMP.

16. The person taking the action must ensure that pre-start visual observations for **marine fauna** are undertaken across the entire **observation zone**. The visual observations must be undertaken by a **suitably qualified marine observer** for at least 30 minutes immediately preceding the **commencement** of pile driving operations, and during pile driving operations. Records must be kept of marine observers engaged for visual observations.

17. The person taking the action can only **commence** pile driving operations if **marine fauna** have not been sighted within the **exclusion zone** at the completion of the 30 minute pre-start visual observations in Condition 16.

18. The person taking the action must initiate soft-start procedures at the **commencement** of pile driving operations, with a gradual increase in piling impact energy of no more than 50% of full impact energy for 10 minutes. The soft-start procedure must be implemented after breaks in piling of 30 minutes or more.

19. The person taking the action must implement stand-by procedures if **marine fauna** are sighted within the **observation zone** during the soft-start or normal operation procedures. The operator of the piling equipment must be placed on stand-by to shutdown the piling equipment.

20. The person taking the action must cease pile driving operations if **marine fauna** are observed in, or about to enter the **exclusion zone**. Pile driving operations must not **commence** again until all **marine fauna** are observed to move outside the **exclusion zone** and 30 minutes have passed since the last sighting of the **marine fauna** within the **exclusion zone**.

21. The person taking the action must not **commence** pile driving operations between the hours of sunset and sunrise. Pile driving operations **commenced** before sunset or before a period of low visibility may continue between the hours of sunset and sunrise, unless pile driving operations have been suspended for more than 15 minutes.

22. The person taking the action must also apply Conditions 16, 17, 19, 20 and 21 to **re-strike testing activities**. A maximum of 15 full force blows of the pile hammer

may be applied to each test pile on a maximum of two re-strike test events per test pile.

23. The person taking the action may undertake an alternate procedure to Conditions 15 – 22, if the alternate procedure provides equivalent or better protection to **marine fauna** from pile driving operations. The alternate procedure must be outlined in the MEMP, peer reviewed by a **suitably qualified independent expert**, and submitted for the **Minister's** approval. The person taking the action must not **commence** pile driving operations unless the **Minister** has approved the MEMP, outlining the alternate procedures in accordance with this Condition.

Inshore Dolphin Monitoring Plan

24. For the protection of **listed dolphin species**, the person taking the action must submit an Inshore Dolphin Monitoring Plan for the **Minister's** approval. The person taking the action must not **commence** the action unless the **Minister** has approved the Inshore Dolphin Monitoring Plan. The Inshore Dolphin Monitoring Plan must:

    a) establish baseline information on the distribution, abundance and habitat use of **listed dolphin species** in areas of Cleveland Bay that may be directly or indirectly impacted by the action and adjacent non-impacted sites, before the **commencement** of the action;

    b) establish a monitoring program to measure and detect changes to the population and behaviour of **listed dolphin species** throughout construction, pile driving operations and dredging activities for each **stage** of the action, and a sufficient period of time post construction (during operational activities) to identify any changes in population and behaviour of **listed dolphin species** as a result of the action. The monitoring program must be undertaken consistent with the *Coordinated National Research Framework to Inform the Conservation and Management of Australia's Tropical Inshore Dolphins* (Department of the Environment, 2015), or subsequent document;

    c) establish consistent and scientifically valid monitoring methodologies that allow for the monitoring of **listed dolphin species** in Cleveland Bay and appropriate nearby non-impacted control site(s), over sufficiently long-term timescales (throughout construction, pile driving operations and dredging activities for each **stage** of the action, and a sufficient period of time post construction (during operational activities)) to be able to determine trends, and to enable the identification of stressors with the potential to cause adverse impacts on **listed dolphin species**;

    d) provide for the outcomes of monitoring to be incorporated into management plans required by this approval regularly, and at the completion of each **stage** of the action, to manage and, as far as practicable, avoid adverse impacts to **listed dolphin species**;

    e) provide for the identification of residual adverse impacts to **listed dolphin species** in Cleveland Bay, in cases where impacts cannot be managed; and

    f) include procedures for reporting to the **Department** the relevant findings and outcomes of monitoring, performance monitoring, and periodic reviews of the Inshore Dolphin Monitoring Plan, and the assessment of residual significant impacts on **listed dolphin species**.

Indigenous consultation

25. The person taking the action must provide an opportunity for Indigenous people to comment on the management plans and strategies specified in this approval during their preparation. The person taking the action must provide to the **Minister** a copy of the outcomes of consultation with Indigenous people, and an explanation of how any comments have been addressed in the management plans and strategies.

Dredging Completion Report

26. At the completion of **capital dredging** for each **stage** of the action, the person taking the action must submit a Dredging Completion Report to the **Minister**. The Dredging Completion Report must:

    a) include details (including assumptions, inputs and findings) of modelling used to determine the actual amount (tonnes) of **fine sediment** returned to the marine environment as a result of the action during dredging and release of tailwater from the reclamation area; and

    b) delineate and quantify (in tonnes):

        i. **fine sediment** returned to the marine environment that was not available for resuspension before **commencement**; and

        ii. **fine sediment** returned to the marine environment that was available for resuspension before **commencement**.

Offset Management Strategy

27. To compensate for residual significant impacts of the action and to achieve a net benefit to the outstanding universal value of the Great Barrier Reef World Heritage Area, the person taking the action must submit an Offset Management Strategy (OMS) for the **Minister's** approval before **commencement** of the action. The person taking the action must not **commence** the action unless the **Minister** has approved the OMS. The OMS must include the following:

    a) details of how the person taking the action will achieve a reduction of sediment entering the marine environment from the Burdekin, Ross and Black river basins, based on the amount of **fine sediment** determined in Dredging Completion Reports required under Condition 26(b)(i);

    b) details on how the person taking the action will achieve a reduction of sediment entering the marine environment from the Burdekin, Ross and Black river basins, if monitoring undertaken in accordance with condition 5(j) identifies actual lethal or sub-lethal impacts on sensitive habitat sites, including seagrasses or corals. The sediment offset must be based on the amount of **fine sediment** that was available for resuspension before **commencement** of the relevant **stage** of the action, as determined in Dredging Completion Reports required under Condition 26(b)(ii);

    c) if residual impacts to **listed dolphin species** in Cleveland Bay from the proposed action are identified through monitoring undertaken in accordance with Condition 24, details of how the person taking the action will compensate for the residual impacts to **listed dolphin species**;

    d) if seagrasses are identified in the dredge footprint or reclamation area from surveys undertaken in accordance with Conditions 3 and 9, details of how the person taking the action will compensate for the loss of seagrasses within the

dredge and reclamation footprints, taking account of the density of seagrass coverage;

e) details of how the proposed offset actions or contributions to programs align with the broader strategies and programs for the Great Barrier Reef, including but not limited to the **Reef 2050 Long-term Sustainability Plan**; and

f) a process for annual reviews of the performance of the OMS for the life of the approval including timeframes for conducting the reviews and for publishing the findings of each review on the website of the person taking the action.

28. The person taking the action may provide a contribution to the **Reef Trust** or equivalent to meet the requirements of Condition 27 in whole or part. The OMS must detail how the proposed contributions to **Reef Trust** will meet the requirements of Condition 27 before submission of the OMS to the **Minister** for approval.

29. The OMS may be submitted to the **Minister** in stages, but the OMS must be submitted before the **commencement** of each **stage**, and the respective **stages** must not **commence** until the **Minister** has approved the respective version of the OMS.

30. The approved OMS must be implemented.

Independent Review Requirements

31. Unless otherwise agreed in writing by the **Minister**, each plan or strategy specified in the conditions must be independently peer reviewed before submission to the **Minister** for approval.

32. The reviews undertaken for Condition 31 must include an analysis of the effectiveness of the avoidance and mitigation measures in meeting the outcomes, targets or management measures identified in the plan/s or strategies being reviewed.

33. Unless otherwise specified in these conditions or notified in writing by the **Minister**, the person taking the action must provide to the **Minister** a copy of all advice and recommendations made by the independent peer reviewer(s) with the plan or strategy, and an explanation of how the advice and recommendations will be implemented, or an explanation of why the person taking the action does not propose to implement certain recommendations.

Standard conditions

34. Within 10 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.

35. 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 management plans and strategy 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.

Note: Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.

36. Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a report on their website addressing

compliance with each of the conditions of this approval, including implementation of any management plans 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.

37. 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** before 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**.

38. The person taking the action may choose to revise a management plan approved by the **Minister** under Conditions 5, 10 and 12 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the person taking the action makes this choice they must:

    a) notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the revised plan;

    b) implement the revised plan from the date that the plan or strategy is submitted to the **Department**; and

    c) 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 would not be likely to have a **new or increased impact**.

39. The person taking the action may revoke their choice under Condition 38 at any time by notice to the **Department**. If the person taking the action revokes the choice to implement a revised plan, without approval under section 143A of the Act, the plan approved by the **Minister** must be implemented.

40. Condition 38 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 a matter protected by a controlling provision for the action, 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**.

41. 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 would be likely to have a **new or increased impact**, then:

    a) Condition 38 does not apply, or ceases to apply, in relation to the revised plan; and

    b) the person taking the action must implement the plan approved by the **Minister**.

    To avoid any doubt, this condition does not affect any operation of Conditions 38, 39 and 40 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 38 does not apply for one or more specified plans required under the approval.

42. Conditions 38, 39, 40 and 41 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 to the **Minister** for approval.

43. If, at any time after five (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 substantially **commence** the action without the written agreement of the **Minister**.

44. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans, reports and strategies referred to in these conditions of approval on their website. Each management plan, report and strategy must be published on the website within 1 month of being approved by the **Minister** or being submitted under Condition 38.a).

Definitions

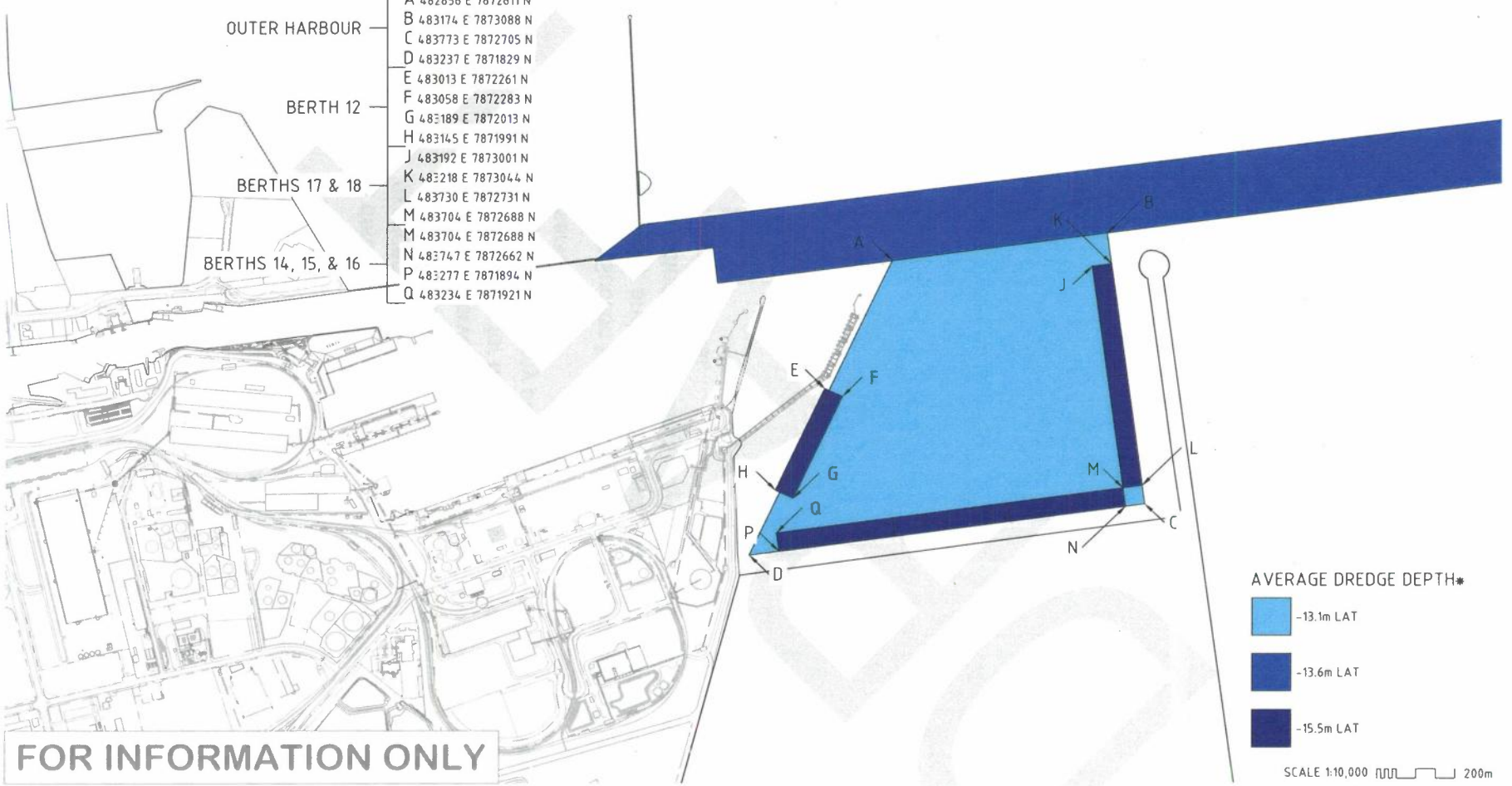
AEIS	Townsville Port Expansion Project: Additional Information to the Environmental Impact Statement – Final (June 2017).
Capital dredging	as defined in the **NAGD**, being 'dredging for navigation, to enlarge or deepen existing channels and port areas or to create new ones'.
Capital dredged material	Material (clays, silts and sands) derived from **capital dredging**.
Commencement/ Commence	Any works that are required to be undertaken for construction (includes works associated with the construction of the reclamation area, pile driving activities, dredging activities, and any infrastructure associated with the action). Excludes **preliminary works**.
Department	The Australian Government Department or any other agency administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) from time to time.
Department's Environmental Management Plan Guidelines	Environment Management Plan Guidelines, Australian Government Department of the Environment (2014), as amended or substituted.
Exclusion zone	A radius, from the centre of the pile to be driven, around pile driving operations to minimise the risks of physiological impacts to **marine fauna**, based on current scientific evidence. The zone must be visually observed at all times during piling driving operations, and where pile driving operations must cease if **marine fauna** are observed within the relevant radius.
Extreme weather events	includes but not limited to periods of high rainfall, strong winds, very high tides and cyclones.
Fine sediment	<15.6µm fine silt and clay.
Listed dolphin species	Australian snubfin dolphin (*Orcaella heinsohni*) and Indo-Pacific humpback dolphin (*Sousa chinensis*).
Listed turtle species	Green Turtle *(Chelonia mydas),* Hawksbill Turtle (*Eretmochelys imbricate);* Flatback Turtle *(Natator depressus);* Loggerhead Turtle

	(*Caretta caretta*); Olive Ridley Turtle *(Lepidochelys olivacea);* and Leatherback Turtle *(Dermochelys coriacea)*.
Maintenance dredging	Dredging to ensure that channels, berths or other port areas are maintained at their designed dimensions.
Marine fauna	**Listed turtle species**, Dugong (*Dugong dugon*), **listed dolphin species**, and all other Cetaceans.
Minister	The Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes a delegate of the Minister.
Mechanical dredge	A dredger that removes sediments via mechanical methods. Can include grab dredges (clamshells and buckets) or backhoe dredges.
MNES	Matters of National Environmental Significance: In the context of this approval: Great Barrier Reef World Heritage Area, Great Barrier Reef National Heritage place, **listed turtle species, listed dolphin species** and all other Cetaceans, Dugong (*Dugong dugon*), Commonwealth marine area and the Great Barrier Reef Marine Park.
NAGD	National Assessment Guidelines for Dredging (2009), as amended or substituted.
New or increased impact	A new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan or strategy that has been approved by the **Minister**.
Observation zone	The zone whereby the movement of **marine fauna** should be monitored to determine whether they are approaching or entering the **exclusion zone**. For whales, dolphins or dugongs, this includes a 2 kilometre horizontal radius from the piling equipment, and for **listed turtle species**, this includes a 300 metre horizontal radius from the piling equipment. An alternate distance for the observation zone may be considered, if it provides equivalent or better protection to **marine fauna**, in accordance with Condition 23.
PGPA Act	*Public Governance, Performance and Accountability Act 2013* (Cth).
Potentially contaminated sediments	Sediments identified as containing contaminants that exceed the Screening Level within the **NAGD** (or elevated concentrations of contaminants for which guidelines do not exist).
Preliminary works	Includes works of a temporary nature necessary to undertake investigations and to prepare the project area for development.
Reef 2050 Long-Term Sustainability Plan	*Reef 2050 Long-Term Sustainability Plan*, Commonwealth of Australia 2015, as amended or substituted.
Reef Trust	The account established through the **PGPA Act** (*Reef Trust Special Account 2014*) *Determination 01* by the Minister for Finance under section 78 of the **PGPA Act** or any other special account established by the Minister for Finance under section 78 of the **PGPA Act** for the purpose of protecting, repairing or mitigating damage to the Great

	Barrier Reef World Heritage Area or a fund approved by the **Minister** for an equivalent purpose.
Re-strike testing activities	Testing of an installed pile to confirm that the pile has been installed to the appropriate engineering standards.
Stage/s	As identified at Section 2.4.1 of the *Townsville Port Expansion Project – Additional Information to the Environmental Impact Statement (October 2016)*
Suitably qualified independent expert(s)	A person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative assessment, advice and analysis on performance relative to the subject matter using the relevant current protocols, standards, methods and/or literature.
Suitably qualified marine observer(s)	A dedicated and suitably trained person, with demonstrated experience in **marine fauna** observation, identification and monitoring of **marine fauna**, distance estimation and reporting. The marine observer must only be tasked with undertaking visual observations for **marine fauna** whilst they are engaged to do so, and must not have any other duties while engaging in visual observations.
TSHD	Trailer Suction Hopper Dredge. A self-propelled ship with a hold (hopper), and a dredging mechanism comprised of suction pipes connected to draghead(s), by which it can fill the hopper with dredged material.

• A NAVIGATION DESIGN DEPTH HAS BEEN USED TO DESCRIBE THE CHANNEL DEPTH DURING THE DESIGN PROCESS IN THE EIS AND THE AEIS. THE NAVIGATION DESIGN DEPTH INCLUDES ALLOWANCES FOR UNDERKEEL CLEARANCE, AND OTHER TOLERANCES WHICH ARE APPLIED FOR SAFE VESSEL NAVIGATION. NAVIGATIONAL DESIGN DEPTH OF -12.8m LAT IN THE CHANNEL TRANSLATES TO AN AVERAGE DESIGN DEPTH OF -13.6m LAT.

OUTER HARBOUR	A	482856 E 7872611 N
	B	483174 E 7873088 N
	C	483773 E 7872705 N
	D	483237 E 7871829 N
BERTH 12	E	483013 E 7872261 N
	F	483058 E 7872283 N
	G	483189 E 7872013 N
	H	483145 E 7871991 N
BERTHS 17 & 18	J	483192 E 7873001 N
	K	483218 E 7873044 N
	L	483730 E 7872731 N
	M	483704 E 7872688 N
BERTHS 14, 15, & 16	M	483704 E 7872688 N
	N	483747 E 7872662 N
	P	483277 E 7871894 N
	Q	483234 E 7871921 N



FOR INFORMATION ONLY

DATE	REVISIONS	CHK'D	APV'D

SCALE: AS SHOWN AT A3 SIZE
GRID SYSTEM: GDA94
LEVEL DATUM: IS PORT OF TOWNSVILLE LIMITED DATUM (PoTL) BL 0.0 (PoTL) = TIDE HEIGHT OF +0.28m (LAT)

UNLESS STATED OTHERWISE, THIS DRAWING IS UNCONTROLLED, AND IS FOR INFORMATION ONLY.

DRAWN: DJM	DATE: 21.12.2017
CHECKED	CONFIRMED
DESIGNED	
APPROVED	

PORT of TOWNSVILLE

CHANNEL CAPACITY UPGRADE
DREDGE FOOTPRINT
SETOUT AND DEPTHS (1)

IF YELLOW, THIS IS THE ORIGINAL DRAWING
DWG NO & ACAD FILE: P3470-01
A

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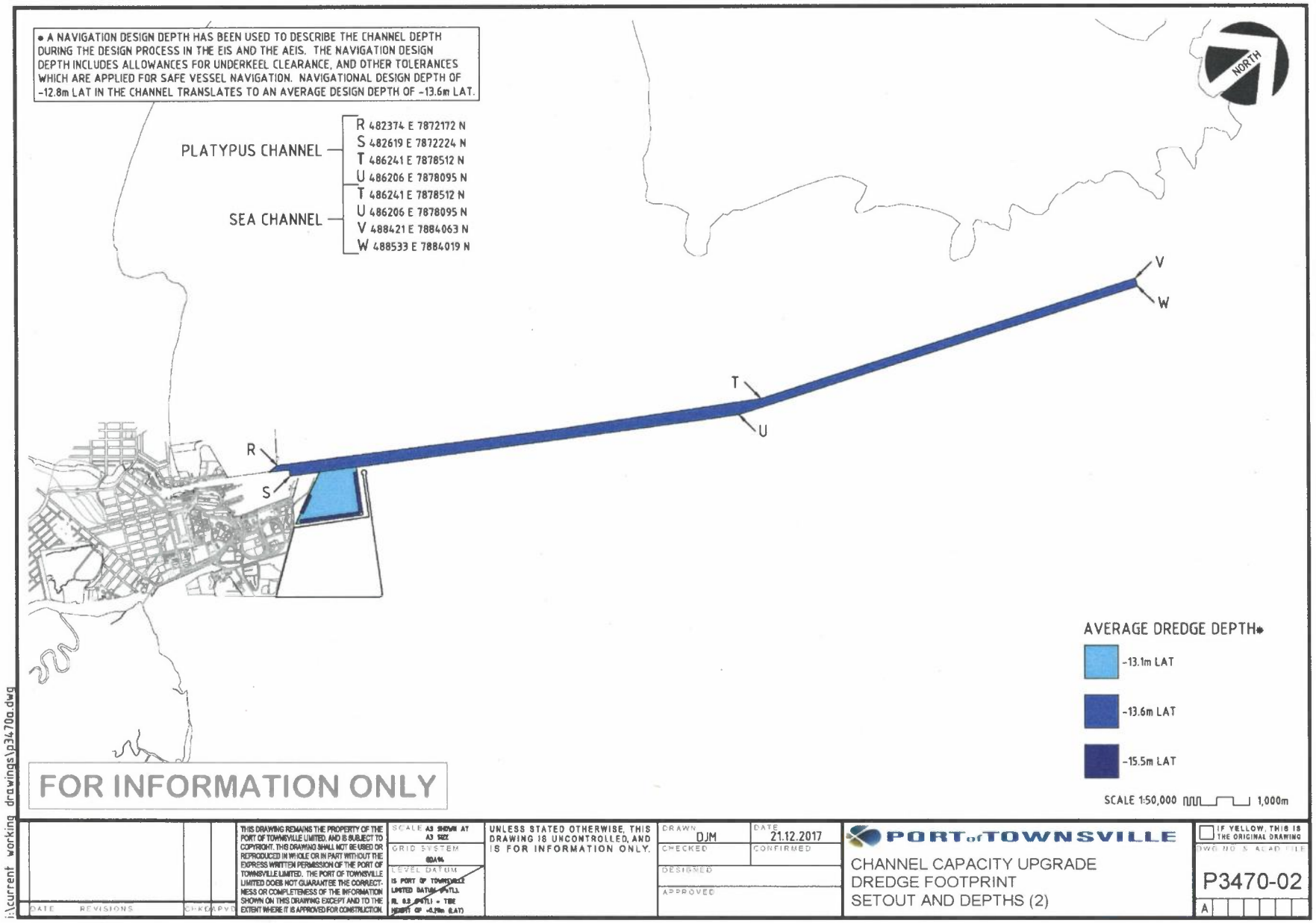

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DATE	REVISIONS	CHK'D	APV'D

SCALE AS SHOWN AT A3 SIZE
GRID SYSTEM GDA94
LEVEL DATUM IS PORT OF TOWNSVILLE LIMITED DATUM (PTDL). RL 0.0 (PTDL) = TIDE HEIGHT OF +0.79m (LAT)

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DRAWN	DJM	DATE 21.12.2017
CHECKED		CONFIRMED
DESIGNED		
APPROVED		

PORT of TOWNSVILLE

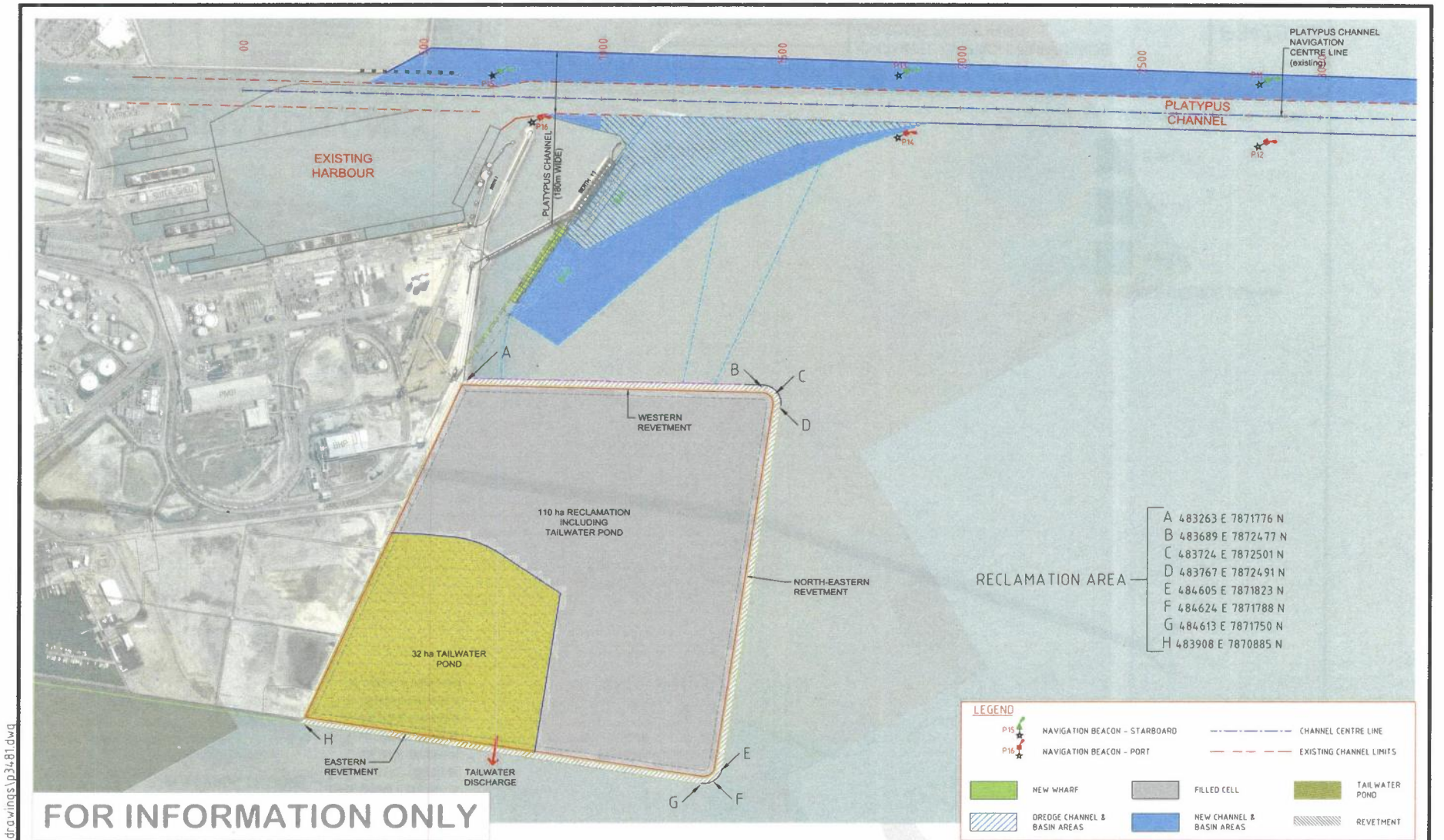
CHANNEL CAPACITY UPGRADE
DREDGE FOOTPRINT
SETOUT AND DEPTHS (2)

IF YELLOW, THIS IS THE ORIGINAL DRAWING

DWG NO & REV LTR

P3470-02

A



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REVISED FROM AECOM PLAN No. 60161996-SK3150D

DATE REVISIONS CHKD APVD

SCALE AS SHOWN AT A3 SIZE
GRID SYSTEM GDA94
LEVEL DATUM IS PORT OF TOWNSVILLE LIMITED DATUM (PTDL) RL 0.0 (PTDL) = TIDE HEIGHT OF +0.28m (LAT)

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SCALE X 0 100 200 250m
1 : 10000 (A3) 1 : 5000 (A1)

DRAWN DJM DATE 21.12.2017
CHECKED CONFIRMED
DESIGNED
APPROVED

PORT of TOWNSVILLE

PORT EXPANSION PROJECT
OUTER HARBOUR LAYOUT
STAGE 1 RECLAMATION AREA

IF YELLOW, THIS IS THE ORIGINAL DRAWING

DWG NO & ACAD FILE
P3481

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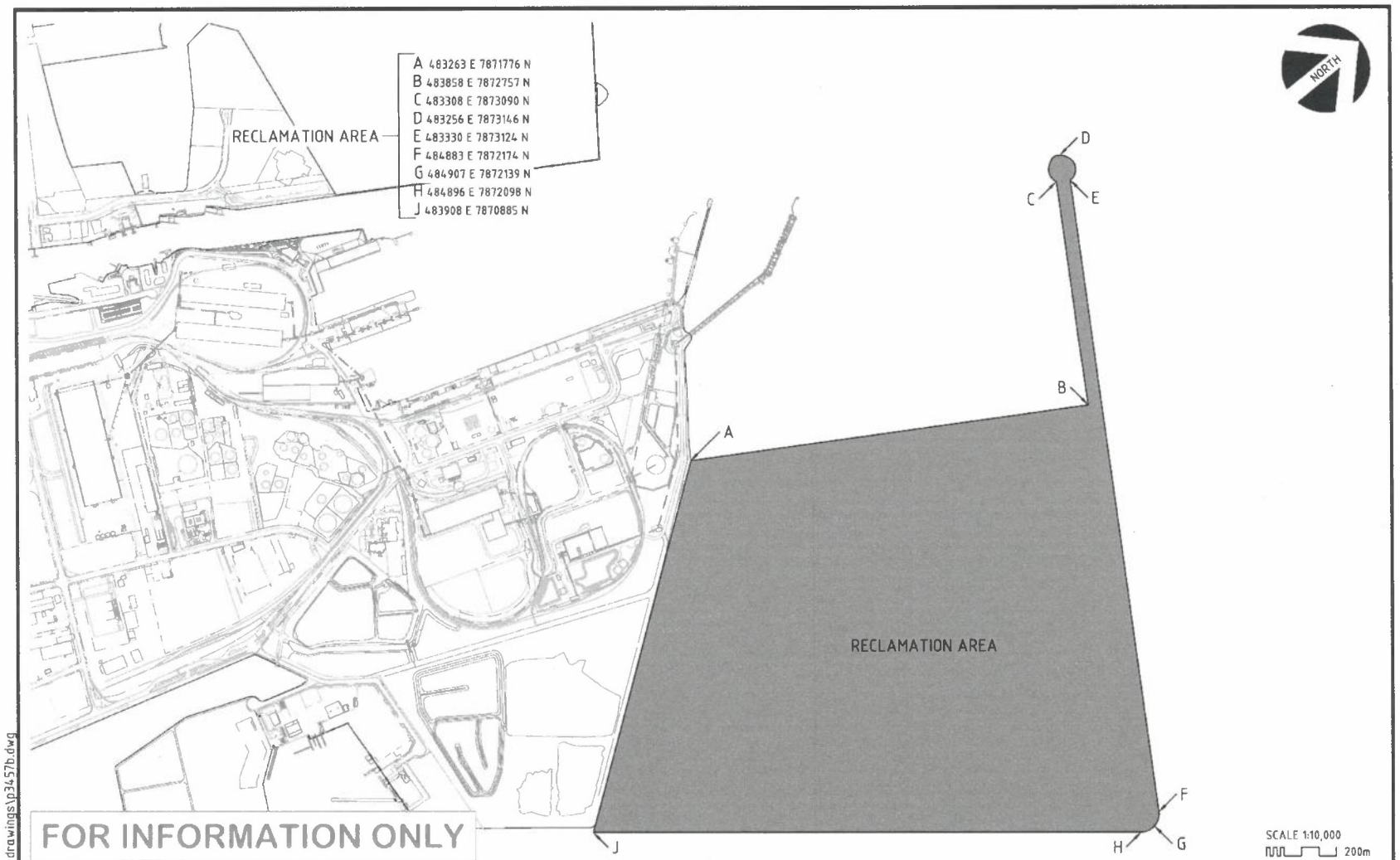

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