

# Townsville Port Expansion Channel Upgrade Project

## Annual Compliance Report



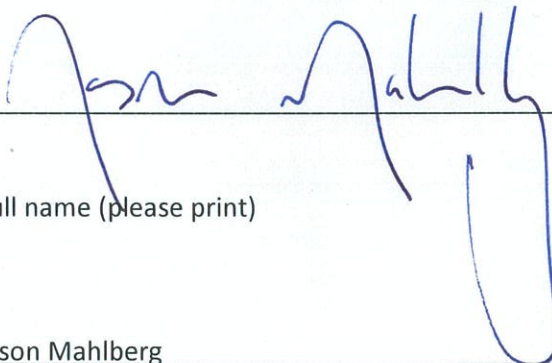
March 2021 – March 2022

## DECLARATION OF ACCURACY

**EPBC Number** 2011/5979  
**Project Name** Port of Townsville Port Expansion Project  
**Approval Holder** Port of Townsville Limited  
**ACN / ABN** 130 077 673 / 44 411 774 236  
**Approved Action** To expand the Port of Townsville, in Townsville Queensland. The action is for dredging, land reclamation and construction of infrastructure.  
**Location of the Action** Townsville, Queensland

In making this declaration, I am aware that section 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) makes it an offence in certain circumstances to knowingly provide false or misleading information or documents to specified persons who are known to be performing a duty or carrying out a function under the EPBC Act or the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth). The offence is punishable on conviction by imprisonment or a fine, or both. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed



Full name (please print)

Jason Mahlberg

Organisation (please print)

Port of Townsville Limited

Date 01 / 06 / 2022

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# 1 INTRODUCTION

Port of Townsville Limited (the Port) is a Government Owned Corporation established under the *Government Owned Corporations Act 1993*, which manages the Port of Townsville. The Port is located on Cleveland Bay, approximately three kilometres east of the Townsville city centre in North Queensland (Figure 1). It is a multi-purpose port that handles predominantly bulk and general cargo with a land and sea jurisdiction in excess of 450 km<sup>2</sup>. The Port is situated in the Great Barrier Reef World Heritage Area but is outside of the Great Barrier Reef Marine Park. Townsville is a long-established township with a history of urbanisation and industrial activities in the Ross River and Ross Creek drainage system.

The Townsville Port Expansion Channel Upgrade Project (CU Project) is Stage 1 of the Port's long-term Port Expansion Project (PEP). The PEP aims to create a series of strategic assets that will address current capacity constraints and accommodate future growth in trade over a planning horizon to 2040. It includes development of port infrastructure, namely work to "top of wharf" facilities, capital dredging; reclamation; breakwaters and revetments; berths; access roads; rail loop; and trunk services and utilities. It does not include the development of "above wharf" infrastructure such as terminal pavements; ship-loaders and unloaders; product conveyors; storage buildings for products; rail loaders and unloaders; stacking and reclaiming equipment; storage tanks; and pipelines, which will be subject to separate statutory assessment and approval requirements prior to the start of their operations.

## 1.1 Scope

The CU Project construction activities in the marine environment primarily involves:

- Creation of a 62-hectare reclamation area via the construction of rockwalls forming a receival pond for beneficial re-use of all capital dredge material from the channel widening works;
- Capital dredging works of approximately 3.5 million cubic metres from the channels using a mechanical dredge, involving:
  - On its western side to widen the Platypus Channel from 92 metres width to 180 metres (at the harbour entrance) tapering to 135 metres (at the seaward end);
  - On its eastern side to widen the Sea Channel from 92 metres to 120 metres along its length;
- Installation and operation of a temporary offloading facility to allow transfer of dredged material from the dredge barges to the reclamation area;
- Reclamation activities, including the placement of dredged material within the reclamation area and discharge of tailwater via a weir box into Cleveland Bay;
- Construction of the Diagonal Breakwater (including realignment of the seaward end of the Western Breakwater) to allow for a widening of Platypus Channel at the harbour entrance; and
- Installation of navigation aids in alignment with the new channel configuration.

The construction, reclamation and dredging will occur inside the existing port limits, the designated water areas in which navigation falls under the control of the Regional Harbour Master (RHM). The reclamation area forms part of Lot 794 on SP308904 adjacent to the northern extent of the East Port area (Lot 791 on EP2348, which is Strategic Port Land), while the temporary unloading facility and activities will occur adjacent to Lot 794.

The layout of the reclamation area, including the boundaries of Lot 794, is shown in **Figure 2**. The indicative area for the temporary unloading facility is also shown on this figure.

The capital dredge campaign will last approximately 2 – 2.5 years and dredge approximately 3.5 million cubic metres of material from the channels using a mechanical backhoe dredge. Dredging is intended to be undertaken by mechanical BHD. All the capital dredge material will be placed within the new reclamation area as part of land reclamation activities. Dewatering and ground improvement of emplaced sediments within this area will be undertaken.

Whilst the majority of dredging will occur in the Platypus Channel, the initial phase of dredging undertaken was to create the approach channel to the temporary unloading facility to allow access for the barges to unload dredge material.

## **1.2 Approvals**

The following approvals have been obtained for PEP and the CU Project.

### *Commonwealth Approvals*

- EPBC Approval No. 2011/5979 issued 5 February 2018

### *State Approvals*

- Coordinator-General's Evaluation Report on the Environmental Impact Statement for the Townsville Port Expansion Project issued September 2017 (and all associated operational development permits); and
- Development Permit DA0190 POTL/CU / 1905-11091 SRA for Operational Work for Tidal Works (Townsville Port Expansion Project Rock Wall and Reclamation Works), issued June 2019.
- Development Permit DA0197 POTL/CU / 03-21840 SRA for Operational Work for Tidal Works for Temporary Unloading Facility, issued May 2021
- Development Permit 2103-21834 SDA for Operational Work for Tidal Works for Diagonal Breakwater, issued June 2021
- Development Permit 2103-21775 SDA for MCU for ERA 16 and Operational Works – Tidal Works within a Coastal Management District (for the purpose of capital dredging) and Marine plant disturbance, issued June 2021
- Environmental Authority (EA) SDA EA0002890 for capital dredging and placement activities, issued June 2021.



Figure 1: Locality Plan of the Port of Townsville & CU Project



Figure 2: Site Plan for CU Project Rock Wall Construction & Reclamation Activities



## **2 EPBC APPROVAL COMPLIANCE**

As per Condition 36 of EPBC approval (EPBC 2011-5979), for each 12 month anniversary period of commencement of the action, the person taking the action must publish a report addressing compliance with each of the conditions of this approval.

This report provides this compliance statement for the period 4 March 2021 to 3 March 2022, with details of the conditions and compliance with them detailed in Table 1.



Table 1: Annual Compliance Statement for EPBC 2011-5979

<b>Approval Number</b>	EPBC 2011/5979
<b>Approval</b>	Port of Townsville Port Expansion Project - Townsville, Queensland
<b>Issuing Authority</b>	Department of Agriculture, Water and the Environment
<b>Action</b>	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].
<b>Approval Decision</b>	World Heritage properties (sections 12 & 15A) National Heritage places (sections 15B & 15C) Wetlands of international importance (sections 16 & 17B) Listed threatened species and communities (sections 18 & 18A) Listed migratory species (sections 20 & 20A) Commonwealth marine areas (sections 23 & 24A) Great Barrier Reef Marine Park (sections 24B & 24C)
<b>Original Approval Date</b>	5/02/2018
<b>Expiry Date</b>	This approval has effect until 31 January 2058.
<b>Amendment dates (if applicable)</b>	N/A
<b>Action Commencement Date</b>	4/03/2020
<b>Anniversary Period</b>	04/03/2021 to 03/03/2022

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
<b>Capital dredging</b>	1	The person taking the action must ensure that:			
	1 (a)	capital dredging is only undertaken using a TSHD or a mechanical dredge;	During dredging	Compliant	Dredging has only been undertaken using a mechanical dredge as detailed in the DMP.
	1 (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;	During dredging	Compliant	All dredging has been undertaken within the demarcated areas. All dredging has remained within the approved boundaries and depth.
	1 (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	During dredging	Compliant	As of 4 March 2022, a total of 47,789m <sup>3</sup> had been dredged as part of this project using mechanical dredging only.
	1 (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.	During dredging	Compliant	All capital dredge material has been transported and placed within the Channel Upgrade Reclamation area. The CU reclamation area is 62ha in size, and is within the footprint of the 110ha reclamation area shown at Appendix B.
	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).	Prior to dredging	Compliant	A SAP was completed for all dredge areas across 2021, including additional sampling within the Temporary Unloading Facility (TUF) dredge area footprint. All dredging undertaken within the year this compliance report applies to was in the TUF dredge area.  The SAP was issued to the Department on 11 August 2020.  This item is considered closed.
	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	Prior to dredging	Compliant	Specific surveys were undertaken to assess seagrass in the dredging and breakwater footprint in 2020 which determined the area of seagrass habitat that is expected to be impacted by the CU Project. Details were reported in the 2020-21 Annual Compliance Report.

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		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	<p>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.</p> <p>Note: To avoid doubt, the action does not include maintenance dredging undertaken after the completion of each stage of capital dredging.</p>	Prior to dredging	Compliant	<p>Monitoring programs for seagrass and coral communities at impact and reference sites across Cleveland Bay (and Halifax Bay for coral) have been established in 2018 with monitoring completed across 2018-2021 to create a baseline assessment of the condition of both sensitive receptors.</p> <p>Dredging under the Project commenced on 24 January 2022.</p>
<b>Dredge Management Plan</b>	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:	During dredging	Compliant	<p>The DMP R0 was submitted in accordance with EPBC 2011-5979 Condition 5 to the Department on 18 September 2021 for approval.</p> <p>The DMP R0 was approved by the Minister on 22 October 2021.</p> <p>Dredging activities under the CU Project commenced on 24 January 2022.</p> <p>The DMP establishes relevant monitoring programs as required by this condition, including Marine Water (Section 12.1.1), Coral and seagrass monitoring programs (sections 12.1.2 and 12.1.3 respectively). These all include baseline (pre-dredging), during dredging and post dredging components.</p>
	5 (a)	clearly defined objectives and performance criteria to mitigate and			<p>The DMP details the trigger values that have been established based on current scientific knowledge relevant to Cleveland Bay. These trigger</p>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		manage potential impacts to MNES, including to:			levels, based on light levels at depth are ecologically relevant, and determined based on the assessment of the condition of seagrass and coral communities in areas likely to be affected by dredging.
	5 (a) (i)	avoid or minimise disturbance to seagrasses and corals;			The DMP also details the adaptive management program to be applied during dredging in response to the scientifically established water quality trigger limits. These provide early-warning trigger alerts and trigger levels for modifying or ceasing dredging as well as measures to minimise impacts to MNES from dredging activities.
	5 (a) (ii)	avoid or minimise impacts to marine fauna from dredge vessels;			
	5 (a) (iii)	avoid or minimise the uncontrolled release of dredged material into the marine environment;			
	5 (a) (iv)	avoid the release of potentially contaminated sediments into the marine environment;			
	5 (a) (v)	manage risks associated with extreme weather events; and			
	5 (a) (vi)	avoid vessel accidents and oil spills;			
	5 (b)	a schedule of dredging works associated with the relevant stage of the action;			
	5 (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;			
	5 (d)	methodologies and results of the surveys and assessments undertaken in accordance with Conditions 3 and 4;			
	5 (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			



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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		levels, risk management, adaptive management strategies, corrective actions, and emergency response measures;			
	5 (f)	measures to avoid or minimise potential impacts to corals during coral spawning periods (usually between October to March);			
	5 (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;			
	5 (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:			
	5 (h) (i)	establishment of the pre-dredging baseline condition of the environment before the commencement of dredging;			
	5 (h) (ii)	surface and sub-surface monitoring of dredge plumes;			
	5 (h) (iii)	measures to monitor turbidity and suspended sediment concentrations at sensitive habitat sites, including seagrass and coral habitat;			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	5 (h) (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;			
	5 (h) (v)	measures to monitor potential contaminants based on the results of sediment analyses undertaken in accordance with Condition 2;			
	5 (h) (vi)	quality assurance/quality control measures for validation monitoring; and			
	5 (h) (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;			
	5 (i)	an adaptive management program to monitor and manage impacts from dredge plumes associated with <b>TSHD</b> and mechanical dredging activities. The adaptive management program must comprise:			
	5 (i) (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			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		Condition 4, and suitable for preventing sub-lethal and lethal impacts to seagrasses and corals from dredging;			
	5 (i) (ii)	real-time monitoring measures including photosynthetic active radiation, turbidity and total suspended solids;			
	5 (i) (iii)	adaptive management measures, including measures to modify dredging activities or cease dredging to avoid or mitigate impacts to corals and seagrasses;			
	5 (i) (iv)	quality assurance/quality control measures; and			
	5 (i) (v)	procedures for reporting to the Department, in instances where trigger levels were exceeded and the adaptive management measures or corrective actions taken;			
	5 (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:			
	5 (j) (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			
	5 (j) (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;			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	5 (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));			
	5 (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;			
	5 (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;			
	5 (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);			
	5 (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;			



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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	5 (p)	procedures for reporting actual lethal or sub-lethal impacts on sensitive habitat sites, including seagrasses and corals, to the Department;			
	5 (q)	mechanisms for stakeholder consultation on the implementation of the DMP; and			
	5 (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.	After dredging for each stage	Not applicable	The current dredging campaign is totally within stage 1 of the PEP. As such no action is required on this condition for the reporting period.
	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.	During dredging	Compliant	The DMP R0 was approved by the Minister on 22 October 2021, Dredging started 24 January 2022 and the DMP has been implemented for all dredging noting 47,789m <sup>3</sup> was dredged in this reporting period. No subsequent versions of the DMP were submitted in this reporting period.
<b>Reclamation area</b>	8	The person taking the action must ensure that:			
	8 (a)	the reclamation area does not exceed 110 hectares at stage 1 of the action in accordance with Appendix 8;	During reclamation construction	Compliant	The reclamation area constructed for Stage 1 (Channel Upgrade Project) is built to the approved design of ~62 hectare reclamation which is in accordance with Appendix B.
	8 (b)	the reclamation area does not exceed 152 hectares in total, in accordance with Appendix C; and	During reclamation construction	Compliant	The reclamation area constructed for Stage 1 (Channel Upgrade Project) is built to the approved design of ~62 hectare reclamation which is in accordance with Appendix C.

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	8 (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.	During reclamation construction	Compliant	The rockwall creating the reclamation area has been built as per the specification and basis of design established for the project. Certification by a Registered Professional Engineer Queensland (RPEQ) was received following this reporting period (11 August 2021) as being constructed generally in accordance with the design plans and constructed to contain material placed within the reclamation area and minimise release of sediment to tidal waters. No release of tailwater has occurred in this reporting period.
	9	The person taking the action must ensure that a survey of the reclamation area in Appendix 8 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.	Prior to reclamation construction	Compliant	A seagrass survey of the proposed reclamation area (stage 1 - Channel Upgrade Project) was completed on 7 and 8 October 2018 with no seagrass present. No further action is required under this condition.
<b>Construction and management of the reclamation area</b>	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:	Prior to commencement of the action	Compliant	<p>The CEMP R2 was submitted in accordance with EPBC 2011-5979 Condition 10 to the Department on 18 September 2021 for approval. The CEMP was revised to incorporate the dredging and reclamation components of the CU Project.</p> <p>The CEMP R2 was approved by the Minister on 22 October 2021.</p> <p>Also approved by the Minister on 22 October 2021 were the following CEMP appendices/sub-plans:</p> <ul style="list-style-type: none"> <li>- CU Project Reclamation Integrity Plan R6 - App F</li> <li>- CU Project Tailwater Management Plan R1 - App G</li> <li>- CU Project Site Monitoring Plan R1 - App H</li> <li>- CU Project Stormwater, Sediment &amp; Erosion Control Plan R1 - App I</li> </ul>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	10 (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;			<p>The CU Project: Acid Sulfate Soil and Contamination Management Plan R1 (App E) was amended and submitted to the Department under Condition 38(a) on 26 October 2021 and implemented the same day.</p> <p>Construction of the rockwall was completed in June 2021, with the dredging activities commencing on 24 January 2022.</p>
	10 (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;			
	10 (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;			
	10 (d)	management measures for potential acid sulfate soils;			
	10 (e)	a program to monitor the integrity of the reclamation area, including monitoring locations, methods, and frequency;			
	10 (f)	a program to monitor, manage and treat tailwater before release into the marine environment;			
	10 (g)	management measures to maintain the integrity of the reclamation area in the case of extreme weather events;			
	10 (h)	an outline of the involvement of scientific and technical experts in the development of the CEMP, and procedures for the involvement of			

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		scientific and technical experts in the development of associated monitoring programs;			
	10 (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;			
	10 (j)	mechanisms for the regular review of the performance of the CEMP in achieving its objectives to support continuous improvement;			
	10 (k)	procedures for reporting to the Department on outcomes of environmental monitoring, performance monitoring and periodic reviews of the CEMP;			
	10 (l)	mechanisms for stakeholder consultation on the implementation of the CEMP; and			
	10 (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.	Ongoing during construction	Compliant	<p>The approved CEMP was implemented across the entire reporting period, which included the completion of the rockwall construction, the construction of the temporary unloading facility and through the commencement of dredging and reclamation activities (47,789m<sup>3</sup> of material dredged). The CEMP was approved by the department on the 22 October 2021 whereby CEMP R2 was implemented.</p> <p>Contractor EMP documentation was reviewed and confirmed to be in accordance with the approved CEMP.</p>



Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
<b>Marine Environmental Management Plan</b>	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:	Prior to commencement of the action	Compliant	<p>The MEMP (R2) and the Environmental Procedure for Pile Driving (R1) were submitted in accordance with EPBC 2011-5979 Condition 12 to the Department on 29 June 2021 for approval. The MEMP and Environmental Procedure was revised to incorporate the Marine Megafauna Exclusion and Observation Zones for pile driving activities associated with the Temporary Unloading Facility construction.</p> <p>The MEMP (R2) and the Environmental Procedure for Pile Driving (R1) were approved by the Minister on 12 July 2021.</p> <p>Construction of the rockwall was completed in June 2021, with piling activities commencing on 16 August 2021. Dredging activities commencing on 24 January 2022.</p>
	12 (a)	clearly defined objectives and performance criteria to:			<p>The MEMP (R3) was submitted in accordance with EPBC 2011-5979 Condition 12 to the Department on 18 September 2021 for approval. The MEMP was revised to incorporate the dredging and reclamation components of the CU Project.</p> <p>The MEMP (R3) was approved by the Minister on 22 October 2021.</p> <p>Also approved by the Minister on 22 October 2021 was the CU Project: Invasive Marine Pest Monitoring Plan R0 - App H.</p> <p>All other sub-plans remained as per the previous approved documents.</p> <p>The MEMP (R4) and Environmental Procedure for Pile Driving (R2) were further amended on 10 November 2021 and submitted to the Department on 15 November 2021 under Condition 38(a).</p> <p>In line with requirements in the MEMP, marine fauna observations were undertaken around all construction fronts when works were in the</p>
	12 (a) (i)	avoid or minimise impacts to MNES from construction and operational activities in the marine environment;			
	12 (a) (ii)	avoid or minimise pollution of the marine environment;			
	12 (a) (iii)	manage risks associated with extreme weather events; and			
	12 (a) (iv)	avoid vessel accidents and oil spills from vessels associated with the action;			
	12 (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;			

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	12 (c)	mitigation and management measures to mitigate impacts from noise, artificial light, vessel strike, invasive marine species, vessel accidents, storm-water runoff, chemical and fuel management, and accidental release of waste and/or other contaminant spills into the marine environment;			<p>marine environment. For the period March 2021 to end of February 2022, 9,019 marine fauna observations were recorded in association with this project, involving 4,743 observations undertaken during rockwall/TUF construction, 2,380 observations for piling works and 1,896 observations from the dredge and support vessels. In total, 188 fauna sighting entries were recorded, with 52 occasions where marine fauna were present within the defined exclusion zone around the relevant work front and works stopped.</p> <p>No fauna interaction occurred during the reporting period.</p>
	12 (d)	a program to monitor the potential impacts to marine fauna before and during construction activities in the marine environment;			
	12 (e)	a program to monitor the potential impacts to shorebirds before and during construction activities in the marine environment;			
	12 (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 <i>Australian Marine Pest Monitoring Manual</i> (version 2.0, 2010), as amended or substituted );			
	12 (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;			
	12 (h)	mechanisms for the regular review of the performance of the MEMP in achieving its objectives and to support continuous improvement;			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	12 (i)	procedures for reporting to the Department on outcomes of monitoring, performance monitoring, and periodic reviews of the MEMP;			
	12 (j)	mechanisms for stakeholder consultation on the implementation of the MEMP; and			
	12 (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.	Prior to commencement of the action or each stage	Compliant	<p>The MEMP R0 was approved by the Minister on 26 February 2020 with the action commencing on 04 March 2020.</p> <p>Amendments to the MEMP and sub-plans to incorporate pile driving activities and dredging were approved by the Minister, or under Section 38(a), prior to the commencement of the relevant activities within the CU Project.</p>
	14	<p>The approved MEMP, or subsequent version of the MEMP as provided for under Condition 38, must be implemented.</p> <p>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.</p>	Ongoing during construction	Compliant	<p>The approved MEMP (R2 and R3), including subsequent revisions under Condition 38 (R4), was implemented across the completion of the rockwall construction, the construction of the temporary unloading facility and through the commencement of dredging and reclamation activities.</p> <p>Contractor EMP documentation were reviewed and confirmed to be in accordance with the approved MEMP.</p>
<b>Pile driving operations</b>	15	The person taking the action must establish an exclusion zone to minimise the risk of physiological impacts to marine fauna from pile driving	Prior to pile driving activities	Compliant	During this reporting period the Port engaged Jasco Applied Sciences to determine relevant exclusion and observation zones for the pile driving activities at the Temporary Unloading Facility. This involved establishing zones for four different animal hearing groups (based on

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		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.			<p>varying auditory impacts) across three different pile types (sheet piles, 700mm and 950mm cylinder piles). These exclusion and observation zones were included in the MEMP / Environmental Procedure for Pile Driving prior to pile driving activities commencing.</p> <p>As per condition 12 compliance statement, the MEMP R2 and the Environmental Procedure for Pile Driving (R1) were submitted to the Department on 29 June 2021 and approved by the Minister on 12 July 2021.</p> <p>Piling activities commenced on 16 August 2021.</p> <p>An operational change in the piling approach was proposed, the exclusion and observation zones for the TUF piling were re-assessed by JASCO using the underwater noise model and revised in October 2021. The MEMP (R4) and Environmental Procedure for Pile Driving (R2) were amended on 10 November 2021 and submitted to the Department on 15 November 2021 under Condition 38(a) and applied from that date.</p> <p>All modelling works to determine the exclusion and observation zones for the TUF pile driving were Peer Reviewed by Dr Mike Noad employed by Blue Planet Marine (BPM). Dr Noad/BPM are independent, having no direct links to the pile driving works. The Peer Review assessments confirmed that "the exclusion zones, properly implemented and monitored, will minimise the risk of physiological impacts to marine fauna from the planned pile driving operations".</p>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	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.	During pile driving activities	Compliant	<p>The Piling contractor for the TUF engaged dedicated marine megafauna observers (MMO) to complete megafauna observations in association with the pile driving activities. The MMOs conducted pre-start visual observations for marine megafauna prior to piling on each day, and after substantial breaks in piling during the day.</p> <p>Records of all observations were made by the MMOs (every 30mins or when sighting occurred) were made and provided to the Port for verification and confirmation of sightings being undertaken.</p>
	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.	During pile driving activities	Compliant	The Piling contractor did not commence pile driving activities until the MMO had confirmed that no marine megafauna had been observed in the Exclusion Zone or that 30mins had elapsed since the last sighting of megafauna within the Exclusion Zone.
	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.	During pile driving activities	Compliant	In line with procedures and requirements, the Piling Contractor confirmed that soft start procedures were implemented for all pile driving activities. Port also reviewed MMO records and undertook verification observations.
	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	During pile driving activities	Compliant	The Piling Contractor implemented stand by to stop procedures for all pile driving activities at the TUF. This was driven by the MMO sighting information, with direct communication between the MMO and the piling crew. Any notification to stand by was recorded by the MMO in the daily MMO log. Port reviewed the MMO records and daily piling logs to ensure recording and compliance with this condition.



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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		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.	During pile driving activities	Compliant	<p>The Piling Contractor ceased pile driving operations where marine megafauna were identified as being within the relevant Exclusion Zone for all pile driving activities at the TUF. The MMO notification triggered the stop works, with direct communication between the MMO and the piling crew. Any notification to stop was recorded by the MMO in the daily MMO log, along with the notification that pile driving operations could recommence once 30 mins had passed from the last sighting within the Exclusion Zone.</p> <p>Across the 97 days where observations were completed in association with TUF pile driving operations, 2,380 MMO observation records were made, including where no fauna was sighted. A total of 51 stop work events were triggered by marine megafauna being observed within an Exclusion Zone, with an additional 126 reports of megafauna within the observation zones. The MFO records include details of when the stop works requirement is lifted (i.e. when the stop works was lifted).</p>
	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.	During pile driving activities	Compliant	No pile driving activities occurred between the hours of sunset and sunrise all piling crews were not on site prior to day light and ceased all activities by sunset. This is supported by the MMO records, pile logs and Observations made by Port.
	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	During pile driving activities	Not applicable	No re-strike testing activities were undertaken.

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		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.	Prior to pile driving activities	Compliant	Alternative procedures related to the observation zones for dolphins and dugongs were developed and incorporated in the MEMP/Environmental Procedure for Pile driving. These revised zones were based on peer review comments and incorporated into the plans submitted for the Minister approval on 30 June 2021. The MEMP/Environmental Procedure for Pile Driving were approved by the minister on 12 July 2021, prior to any piling work being undertaken.
<b>Inshore Dolphin Monitoring Plan</b>	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:	Prior to commencement of the action	Compliant	<p>The Inshore Dolphin Monitoring Program (IDMP) R0 was submitted in accordance with EPBC 2011-5979 Condition 24 to the Department on 25 February 2020 for approval.</p> <p>The IDMP R0 was approved by the Minister on 26 February 2020.</p> <p>The action commenced on 04 March 2020.</p> <p>The IDMP has been implemented since June 2019, with three annual survey periods completed up to the end of this annual compliance reporting period.</p> <p>The IDMP is also an appendix of the MEMP and relevant aspects from the IDMP will inform the MEMP and specific controls for marine megafauna/MNES through that plan.</p>
	24 (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;			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	24 (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 <i>Coordinated National Research Framework to Inform the Conservation and Management of Australia's Tropical Inshore Dolphins</i> (Department of the Environment, 2015), or subsequent document;			The potential influence on the IDMP has been considered where new construction activities have been undertaken. Flinders University (IDMP Contractor) was consulted on the impact of conducting piling activities during the annual dolphin survey period to ensure there was no impact on the scientific validity of the monitoring program and outcomes.
	24 (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;			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	24 (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;			
	24 (e)	provide for the identification of residual adverse impacts to listed dolphin species in Cleveland Bay, in cases where impacts cannot be managed; and			
	24 (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.			
<b>Indigenous consultation</b>	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.	Prior to commencement of the action/stages	Compliant	<p>The Port has established a Traditional Owner Representative Group under the Cultural Heritage Management Plan for the Port Expansion Project.</p> <p>The Traditional Owner representatives were further engaged on 31 March 2021 regarding the dredging components of the Project and the management arrangements and plans for the dredging phase.</p>
<b>Dredging Completion Report</b>	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:	At completion of dredging	Not applicable	This condition is not applicable in this reporting period as capital dredging has not been completed yet.

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	26 (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			
	26 (b)	delineate and quantify (in tonnes):			
	26 (b) (i)	fine sediment returned to the marine environment that was not available for resuspension before commencement; and			
	26 (b) (ii)	fine sediment returned to the marine environment that was available for resuspension before commencement.			
<b>Offset Management Strategy</b>	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:	Prior to commencement of the action	Compliant	<p>The CU Project: Offset Management Strategy R1 was submitted in accordance with EPBC 2011-5979 Condition 27 to the Department on 18 September 2021 for approval. The CEMP was revised to incorporate the dredging and reclamation components of the CU Project.</p> <p>The OMS R1 was approved by the Minister on 22 October 2021.</p>
	27 (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			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		Dredging Completion Reports required under Condition 26(b)(i);			
	27 (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 50) 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);			
	27 (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;			
	27 (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			



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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		footprints, taking account of the density of seagrass coverage;			
	27 (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			
	27 (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.	Prior to commencement of the action	Not applicable	No contribution to Reef Trust has been undertaken as part of the OMS during the reporting period
	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.	Prior to commencement of the action	Compliant	<p>The OMS (R0) for Stage 1 of the CU Project was approved by the Minister on 26 February 2020 with the action commencing on 04 March 2020.</p> <p>The OMS (R1) was approved by the Minister on 22 October 2021 incorporating the offset requirements associated with the dredging component of the CU Project.</p> <p>Dredging activities commenced on 24 January 2022.</p>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	30	The approved OMS must be implemented.	Ongoing during construction	Compliant	The approved OMS was implemented across the completion of the rockwall construction, the construction of the temporary unloading facility and through the commencement of dredging and reclamation activities. The OMS was reviewed but did not require updating at this stage.
<b>Independent Review Requirements</b>	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.	Prior to Management Plan submission	Compliant	<p>All management plans (and associated sub-plans) were subject to independent peer review prior to initial draft submission to the Department in August 2019.</p> <p>The revised management plans submitted in 2021 reporting period were peer reviewed as follows:</p> <p><b><u>DMP (R0)</u></b> - independent peer review by RMC Pty Ltd in March 2021.</p> <p><b><u>CEMP (R2)</u></b> - independent peer review by RMC Pty Ltd in March/April 2021.</p> <p><b><u>MEMP (R2)</u></b> - independent peer review by University of Qld in March 2021.</p> <p><b><u>OMS (R1)</u></b> - independent peer review by RMC Pty Ltd in March 2021.</p> <p><b><u>Environmental Procedure for Pile Driving (R1 &amp; R2)</u></b> - independent peer review by Blue Planet Marine in June and November 2021.</p>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	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.	Prior to Management Plan submission	Compliant	<p>All independent peer reviews of the Management plans as required by Condition 31 included detailed review of the documents as well as an analysis of effectiveness of the avoidance and mitigation measures in meeting the outcomes, targets or management measures identified in the plan/s or strategies.</p> <p>In line with Condition 15, the independent peer review of the piling noise exclusion zones included an assessment of the effectiveness of the exclusion zones to minimise the physiological impact on marine megafauna from the piling activities.</p>
	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.	Prior to Management Plan submission	Compliant	<p>Independent Peer review comments on the management plans were submitted to the Department on 21 September 2021 to support the Minister's approval of the Management Plans.</p> <p>The independent peer review comments on the piling noise exclusion zones under condition 15 was submitted to the Department on 30 June 2021.</p>
<b>Standard conditions</b>	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.	Within 10 days of commencement	Compliant	<p>The Department was advised on 10 March 2020 of commencement of the Action.</p> <p>No further action is required for this condition - item is closed.</p>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	35	<p>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.</p> <p>Note: Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.</p>	Ongoing during construction	Compliant	All records of the reports and data have been saved in Port of Townsville's electronic document management system and/or (database management systems) and/or server and can be made available to the Department upon request.
	36	<p>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.</p>	Within 3 months of the anniversary of commencement	Compliant	<p>This annual compliance report provides the compliance statement for the 12 months from 04 March 2021 to 03 March 2022.</p> <p>All relevant Management Plans (CEMP, MEMP, OMS) have been approved by the Delegate, or under condition 38, and implemented as part of the project works.</p> <p>Compliance with all relevant conditions has been achieved.</p>

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	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.	As required	Not applicable	No directive has been received from DAWE to appoint an independent auditor and conduct a third party audit of the EPBC 2011/5979 Permit during this reporting period.
	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:	As required	Compliant	<p>The MEMP (R4) and Environmental Procedure for Pile Driving (R2) were amended on 10 November 2021 and submitted to the Department on 15 November 2021 under Condition 38(a).</p> <p>The CU Project: Acid Sulfate Soil and Contamination Management Plan R1 (App F) was amended on 26 October 2021 and submitted to the Department on 26 October 2021 under Condition 38(a).</p> <p>The revised plans were implemented from the date of submission to the Department (38b), as per conditions 11 and 14 respectively and made available on the Ports website.</p>
	38 (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;			
	38 (b)	implement the revised plan from the date that the plan or strategy is submitted to the Department; and			
	38 (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.			

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	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.	As required	Not applicable	No decision was made to revoke any submission under Condition 38 during this reporting period.
	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.	As required	Not applicable	No revision of a management plan during the reporting period included changes to the environmental offsets required under the OMS R1.
	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:	As required	Not applicable	No notice under condition 41 has been issued during the reporting period.
	41 (a)	Condition 38 does not apply, or ceases to apply, in relation to the revised plan; and			
	41 (b)	The person taking the action must implement the plan approved by the Minister.			
		To avoid any doubt, this condition does			



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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
		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.	As required	Not applicable	No revised plan has been submitted under condition 42 during the reporting period.
	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.	After 5 years of approval issuing (Feb 2018)	Compliant	The action commenced on 04 March 2020.  As a result, this condition is complied with and no further action is required for this condition - item is closed.

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Heading	Condition Number	Condition	Timing	Condition compliance	Compliance evidence/Comments (March 2021 – March 2022)
	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).	Within 1 month of approval of the Management Plan	Compliant	<p>The MEMP (R2) and Environmental Procedure for Pile driving (R1) were approved by the Minister on 12 July 2021 and confirmed to be on the Port of Townsville Limited website on 13 July 2021.</p> <p>All management plans - CEMP R2, DMP R0, MEMP R3, OMS R1 (and relevant sub-plans) were approved by the Minister on 22 October 2021 and were published on the Port of Townsville Limited Website on 29 October 2021.</p> <p>The ASSCMP (R1) was updated on 26 October 2021 and published on the Port of Townsville Limited website on 29 October 2021.</p> <p>The MEMP (R4) and Environmental Procedure for Pile driving (R2) were amended on 10 November 2021 under the Condition 38(a) and confirmed to be on the Port of Townsville Limited website on 19 November 2021.</p>





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