



APPROVAL

**Sanctum West Master Planned Community, 19 km west of Townsville, Queensland,
(EPBC 2017-8067)**

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

Details

Person to whom the approval is granted (approval holder)	Maidment Land Pty Ltd
ACN or ABN of approval holder	ABN 46 154 889 004
Action	To develop a residential housing estate located approximately 19 km west of Townsville, Queensland [See EPBC Act referral 2017-8067]

Approval decision

My decision on whether or not to approve the taking of the action is as follows.


Listed Threatened Species and Communities	
Section 18	Approve
Section 18A	Approve

Period for which the approval has effect

This approval has effect until Tuesday, 30 June 2043

Decision-maker

<i>Name and position</i>	James Barker Assistant Secretary of Assessments (QLD, TAS, VIC) (AB).
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<i>Signature</i>	
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<i>Date of decision</i>	15 / 3 / 2018
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Conditions of approval

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.



ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. The **person taking the action** must commence implementation of the **Black-throated Finch Management Plan** within 12 months of the date of this approval.
2. The **person taking the action** must, within four years of this **approval** date, submit a revised **Black-throated Finch Management Plan** to the **Minister** for approval, which includes management and monitoring measures to maintain outcomes for the **Black-throated Finch** to the **Minister's** satisfaction, for the remainder of the period for which the approval has effect. The **person taking the action** must, within one year of submitting the revised **Black-throated Finch Management Plan**, implement the revised **Black-throated Finch Management Plan** once approved by the **Minister** for the remaining period for which the approval has effect.
3. The **person taking the action** must not clear within the 208 ha **Black-throated Finch Conservation Area**, shown at Attachment A unless:
 - a) clearing is required to establish or maintain **necessary infrastructure corridors**; and
 - b) the location and size of the **necessary infrastructure corridors** is restricted to that which is necessary to establish and maintain **necessary infrastructure corridors** and will avoid significant impacts on the **Black-throated Finch**; and
 - c) the methods of establishing the **necessary infrastructure corridors** includes measures to avoid, mitigate and manage potential impacts on the **Black-throated Finch**.
4. The **person taking the action** must **legally secure** the **Black-throated Finch Conservation Area** shown at Attachment A within three (3) years from the **commencement of the action**.

Part B – Standard administrative conditions

5. Within 20 days after the date of **commencement of the action** the **person taking the action** must notify the **Department** in writing of the actual date of **commencement of the action**.
6. 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 **Black-throated Finch Management Plan** 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. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
7. Within three months after every 12 month anniversary of the date of **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.
8. Upon the direction of the **Minister**, the **person taking the action** must ensure that an independent audit of compliance with the conditions of **approval** is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
9. The **person taking the action** may choose to revise a management plan required to be implemented under **Conditions 1** and **2** without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised management plan would not be likely to have a **new or increased impact**. If the **person taking the action** makes the choice they must:



- i. notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the Revised plan;
 - ii. implement the revised plan from the date that the plan is submitted to the **Department**; and
 - iii. for the life of the **approval**, maintain a record of the reasons the **person taking the action** considers that taking the action in accordance with the revised plan would not likely to have a **new or increased impact**.
10. The **person taking the action** may revoke its choice under **Condition 9** at any time by giving written notice to the **Department**. If the approval holder revokes the choice to implement a revised plan without approval under section 143A of the EPBC Act, the plan approved by the **Minister** must be implemented.
11. 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:
 - i. **Condition 9** does not apply, or ceases to apply, in relation to the revised plan; and
 - ii. 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 **condition 9** and **10** in the period before the day the Minister gives the notice.
12. **Conditions 9, 10** and **11** 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.
13. Unless otherwise agreed to in writing by the **Minister**, the **person taking the action** must publish all management plans referred to in these conditions of approval on their **website**. Each management plan must be published on the **website** within 1 month of being approved by the **Minister**.

Part C - Definitions

14. In these **Conditions**, except where contrary intention is expressed, the following definitions are used:
 - a. **Approval** means the **approval** to take the **action** under section 133 of the EPBC Act as noted in the Date of decision section of this approval;
 - b. **Action** means the **action** specified in the **approval**;
 - c. **Black-throated Finch** means the EPBC Act listed *Poephila cincta cincta*;
 - d. **Black-throated Finch Conservation Area** means the area marked in green in the map in Attachment 1;
 - e. **Black-throated Finch Management Plan** means the Mitigation Driven Passive Relocation Plan Black-throated Finch submitted to the Department with the EPBC Act referral on 23 October 2017;
 - f. **Clear/ing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation (but not including weeds – see the *Australian weeds strategy 2017 to 2027* available from <http://www.agriculture.gov.au/pests-diseases-weeds/pest-animals-and-weeds/review-aus-pest-animal-weed-strategy/aus-weeds-strategy> for further guidance). This excludes clearing undertaken for conservation outcomes;
 - g. **Commencement of the action** means the commencement of **clearing**, or the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure;

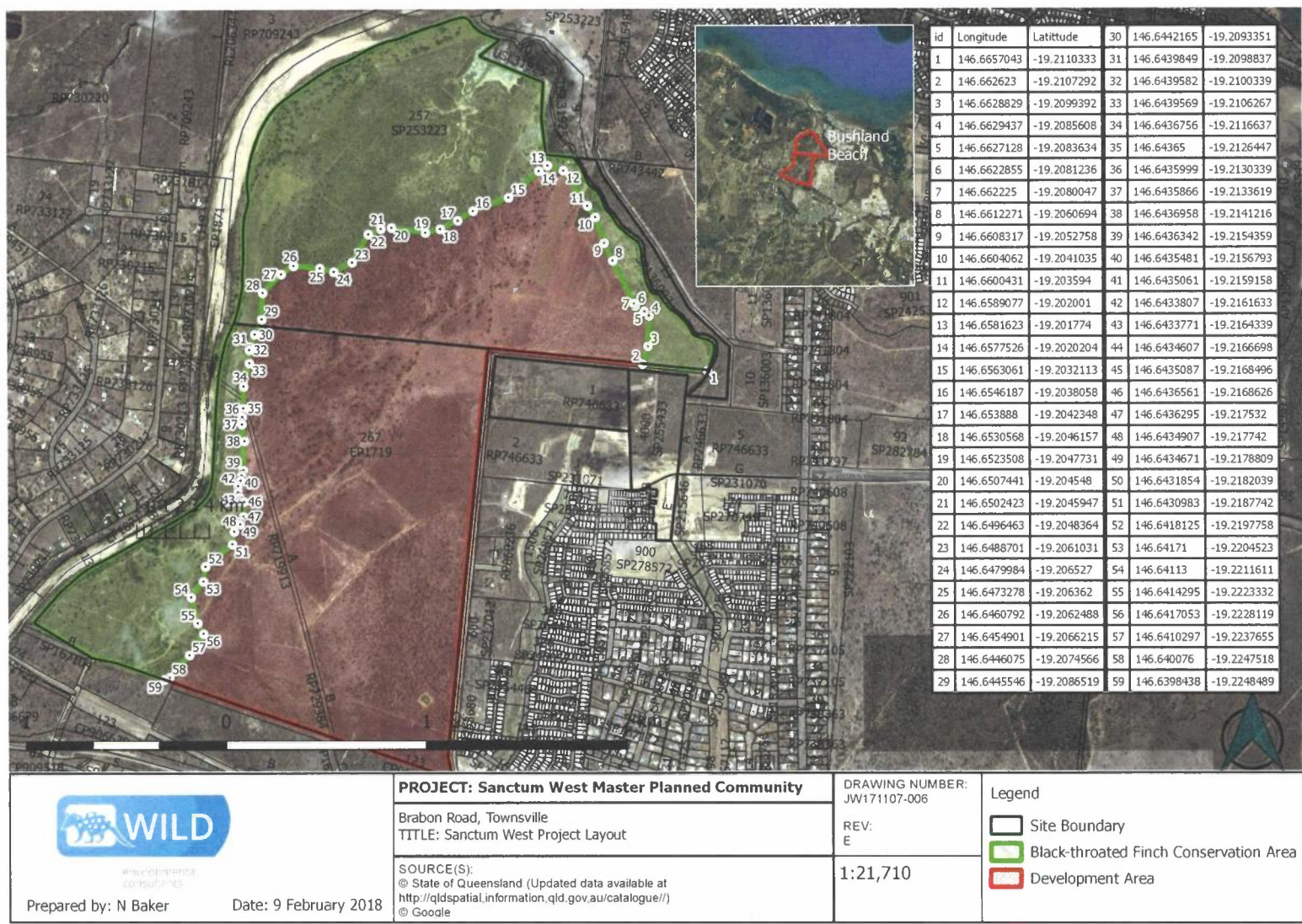


preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of fences and signage;

- h. **Conditions** means the conditions in this Annexure A of the **approval**;
 - i. **Department** means the Commonwealth Department of Environment and Energy or any other agency that administers the **EPBC Act** from time to time and includes, where the context permits, the officers, delegates, employees and successors of the **Department**;
 - j. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
 - k. **Legally secure** means to secure a legal agreement under relevant Queensland legislation or equivalent, in relation to a site, to provide enduring protection for the site against development incompatible with conservation;
 - l. **Minister** means the Minister administering the **EPBC Act** including any delegate of the Minister;
 - m. **Necessary infrastructure corridors** means corridors containing infrastructure to maintain access for conservation and water management purposes (such as fire breaks, access tracks, storm water drainage) and low impact community facilities (low impact pedestrian and cycle pathways, bridges, refuges and the like);
 - n. **New or increased impact** means a new or increased environmental impact or risk relating to any **Protected matter**, when compared to the likely impact under an existing management plan that has been approved by the **Minister** (as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)* available from <http://www.environment.gov.au/epbc/publications/new-increased-impact-guidance>);
 - o. **Person taking the action** means the person to whom the **approval** is granted;
 - p. **Protected matter** means a matter protected under the controlling provision in Part 3 of the **EPBC Act** for which this **approval** has effect;
 - q. **Records** means all documentation or other material in whatever form, including without limitation any correspondence, reports, assessments, methodologies, operations manuals, specifications, training materials and instructions or data;
 - r. **Site** means Lot 267 EP1719 and the adjacent Lot 257 SP253223 on Brabon Road, Townsville, as marked by the black outline on the map in Attachment A; and
 - s. **Website** means a website and associated **document** metadata, such that a reasonable search using the term 'Sanctum West Master Planned Community' seeking documents referred to in this approval will locate the documents.
15. In these Conditions, unless contrary intention is expressed:
- a. the singular includes the plural and vice versa, and a gender includes other genders;
 - b. another grammatical form of a defined word or expression has a corresponding meaning;
 - c. the meaning of general words is not limited by specific examples introduced by 'for example' or similar expressions;
 - d. a reference to a condition or annexure is to a condition of or annexure to, the Approval; and
 - e. a reference to time is to the time in the place where the obligation is to be performed.

ATTACHMENTS

1. Attachment A



Prepared by: N Baker Date: 9 February 2018

PROJECT: Sanctum West Master Planned Community

Brabon Road, Townsville
TITLE: Sanctum West Project Layout

SOURCE(S):
© State of Queensland (Updated data available at <http://qldspatial.information.qld.gov.au/catalogue/>)
© Google

DRAWING NUMBER:
JW171107-006

REV:
E

1:21,710

Legend

	Site Boundary
	Black-throated Finch Conservation Area
	Development Area