

COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION TO APPROVE THE TAKING OF AN ACTION

Pursuant to section 133 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, MALCOLM BLIGH TURNBULL, Minister for the Department of the Environment and Water Resources, approve the taking of the following action:

to construct and operate the Kuranda Range Road upgrade between Smithfield and Kuranda, Cairns, QLD (EPBC 2002/719),

by the Queensland Department of Main Roads subject to the conditions set out in ANNEXURE 1.

This approval has effect for:

Sections 12 and 15A (World Heritage) and
Sections 18 and 18A (listed threatened species and communities) of the
Environment Protection and Conservation Biodiversity Act 1999.

This approval has effect until 31 December 2030.

Dated this 25th day of May 2007



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MALCOLM BLIGH TURNBULL

ANNEXURE 1

1. The person taking the action may only construct the Kuranda Range Road Upgrade within the boundaries as shown in Figure 13 of *Integrated Transport Study for Kuranda Range IAS Addendum – Volume 2 Figures*.
2. The person taking the action must construct the road in accordance with the design as outlined in the *Integrated Transport Study for Kuranda Range IAS Addendum – Volume 2 Figures*.
3. The person taking the action must construct bridges BD05, BD25, and BD22 and BD23 (the areas of Avondale Creek, Streets Creek, and Diplazium Gully) using **ground level access** and/or **top down** methodology.
4. The person taking the action must submit to the Minister for approval a plan for the sequencing of the stages of road construction prior to the commencement of **construction**. The plan must demonstrate that bridges BD05, BD25, and BD22 and BD23 (the areas of Avondale Creek, Streets Creek, and Diplazium Gully) are given priority in the sequencing of stages in construction. Construction must not commence until the plan is approved. The approved plan must be implemented.
5. The person taking the action must submit to the Minister for approval, a strategy to enhance connectivity of the Wet Tropics of Queensland World Heritage Area, prior to construction. This strategy must address the following:
 - a) a monitoring and mitigation strategy addressing all the matters outlined in Table 4.4.3 of the Executive Summary in the *Integrated Transport Study for Kuranda Range Kuranda Range Impact Assessment Study Further Information Report (as requested by DEH 29 May 2006)*;
 - b) the location and size of culverts; and
 - c) the location and details of overpasses.

Construction cannot commence until the strategy is approved. The approved strategy must be implemented.

6. The person taking the action must submit a Remnant Vegetation Offset Plan (RVOP) to the Minister for approval prior to construction. The RVOP must address the following requirements:

- a) a minimum of 150ha, containing at least 80% of remnant vegetation of suitable quality for the Southern Cassowary (*Casuarius casuarius johnsonii*) as defined by the Queensland *Vegetation Management Act 1999*;
- b) the land must be located such that its conservation significantly reduces one or both of the following identified threats to the Wet Tropics World Heritage Area:
 - fragmentation of external corridors that are important to maintaining the integrity of the Wet Tropics World Heritage Area, or
 - loss of habitat for species of conservation significance (i.e. listed species under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and/or the *Nature Conservation Act 1992* (Qld));
- c) the land must provide some linkage between existing conservation reserves, and/or be adjacent to existing conservation reserves;
- d) the land must be either:
 - be protected by a legal instrument, attached to the title, that conserves the land for conservation purposes only for perpetuity, or
 - be in or be committed to be in a suitable conservation tenure (e.g. national park under the *Nature Conservation Act 1992* (Qld)); and
- e) a map delineating the extent of the conservation reserve and where it is in relation to 6(b) and 6(c).

The RVOP must be implemented within 12 months of the commencement of construction. The approved RVOP must be implemented.

7. The person undertaking the action must provide to the Minister for approval a management plan for the *Diplazium pallidum*. This plan must address:
 - a) Management of existing populations;
 - b) Targeted surveys for new populations; and
 - c) Development of a recovery plan for the species, and funding of recovery actions.

The plan must be provided to the Minister prior to construction. The approved plan must be implemented.

8. The person taking the action must provide a report describing how the conditions of this approval have been complied with by July 1 of the

first, fifth, tenth and fifteenth year after the commencement of construction.

9. If the person taking the action wishes to carry out any activity other than in accordance with the plans required under paragraphs 4, 5, 6 and 7, the person taking the action must submit for the Minister's approval a request for revision of the plan. If the Minister approves the revised plan so submitted, the person taking the action must implement that plan instead of the plan as originally approved.
10. If the Minister believes that it is necessary or desirable for the better protection of the environment to do so, the Minister may request the person taking the action to make specific revisions to the plans approved, and to submit the revised plans for the Minister's approval. The person taking the action must comply with any such request. If the Minister approves a revised plan pursuant to this condition, the person taking the action must implement that plan instead of the plan as originally approved.
11. If, at any time after 7 years from the date of this approval, the Minister notifies the person taking the action in writing that the Minister is not satisfied that there has been substantial commencement of the Kuranda Range Road Upgrade, the action must not thereafter be commenced without the written agreement of the Minister.

Definitions

Ground level access – construction of vehicular access tracks to bridge piers and abutments with minimal clearing and canopy disturbance.

Top down method – overhead construction via purpose-made steel gantries that enable bridges to be built with minimal disturbance to vegetation at any strata.

Construction – Includes all works in respect of the action other than survey, acquisitions, road dilapidation surveys, geotechnical investigations required to finalise design requirements, and establishing site and works office compounds, or other activities determined by the Minister to have minimal environmental impact.

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Minister for the Environment and Water Resources

25 MAY 2007

The Hon Paul Lucas MP
Minister for Transport and Main Roads
GPO Box 2644
BRISBANE QLD 4001

Dear Minister

Thank you for your letter of 12 February 2007 concerning the Kuranda Range Road upgrade.

As you will be aware, further negotiations on a "without prejudice" basis have been held between our Departments in order to finalise the conditions for this project. I am happy to inform you that I have approved the taking of the action, under the conditions attached.

Please also find attached a copy of the letter to Mr Paul Smith, Queensland Main Roads State-wide Planning Manager. I would like to congratulate your Department on their conduct throughout these negotiations, and the work undertaken by the Department of Main Roads (DMR) in order to minimise impacts associated with the Kuranda Range Road upgrade.

Yours sincerely

Malcolm Turnbull



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Minister for the Environment and Water Resources

Mr Paul Smith
General Manager (State-wide Planning)
Queensland Department of Main Roads
P O Box 1293
TOWNSVILLE QLD 4810

25 MAY 2007

Dear Mr Smith

Kuranda Range Road (Kennedy Highway) Upgrade(EPBC: 2002/719)

I have considered the proposal to upgrade the Kuranda Range Road between Smithfield and Kuranda, Queensland, in accordance with Part 9 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and have decided to grant an approval to the Department of Main Roads. The proposal must be undertaken in accordance with specified conditions. A copy of the assessment report and approval is attached for your information.

It should also be noted that, although an approval has been granted under Part 9 of the EPBC Act, this approval does not relieve the person to whom it has been granted from an obligation to comply with any other law of the Commonwealth, State or Territory that is applicable to the action, and to have any right, title or interest that is required to access land or waters and to do the action.

I understand that the Queensland Government may be considering other options for the upgrade of the Kuranda Range Road. If the approved proposal does not proceed, I would expect that any other proposed option would be referred for assessment under the EPBC Act in due course.

If you require any further information please contact Chris Murphy on 02 6274 1821 or chris.murphy@environment.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Turnbull'.

Malcolm Turnbull