



ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981
VARIATION No. 1 TO SEA DUMPING PERMIT No. SD2015/3102
for
Department of Industry, Skills and Regional Development
(ABN: 72 189 919 072)

I, James Barker, a delegate of the Minister for the Environment and Energy, acting under Sections 21 and 23 of the *Environment Protection (Sea Dumping) Act 1981*, hereby vary the sea dumping permit granted on 18 February 2016 to the Department of Industry, Skills and Regional Development, Level 3/437 Hunter Street, Newcastle, New South Wales (ABN: 72 189 919 072), to load for the purposes of dumping, and to dump up to 231,500 cubic metres (in-situ) of dredged material, derived from capital dredging at Eden, New South Wales, commencing on 18 February 2016 and extending until 31 March 2019, subject to conditions which are specified in Appendices 1 and 2.

DATE.....27.....day of.....April.....2017

James Barker
Delegate of the Minister

This permit comprises nine (9) pages, including Appendices 1, 2 & 3.

**CONDITIONS FOR DUMPING AT SEA OF CAPITAL DREDGED SEABED
MATERIAL DERIVED FROM DREDGING OF TWOFOLD BAY, EDEN, NSW**

Definitions

In this permit:

- “**Act**” means the *Environment Protection (Sea Dumping) Act 1981*;
- “**Application**” means the application for a permit under the **Act** submitted by **DISRD** and received by the **Department** on 9 October 2015 with further information received on 15 December 2015, and the variation application received on 28 November 2016;
- “**Department**” means the Australian Government Department responsible for administering the **Act**;
- “**Disposal Site**” means the Twofold Bay, New South Wales disposal area (site code: AU0094) bound by the following co-ordinates (WGS84).

| Latitude | Longitude |
|----------------|-----------------|
| 37°5'15.7056"S | 150°1'39.4788"E |
| 37°4'43.3272"S | 150°1'39.4788"E |
| 37°4'43.3272"S | 150°1'59.7684"E |
| 37°5'15.7056"S | 150°1'59.7684"E |

- “**DISRD**” means the applicant, Department of Industry, Skills and Regional Development;
- “**Dumping activities**” means all activities associated with the dumping permitted under this permit, including:
- (i) the loading for the purpose of dumping of dredged material;
 - (ii) the dumping of the material at the prescribed disposal site;
- “**Environmental incident**” means any event which has the potential to, or does impact, on the environment;
- “**Environmental risk**” means any risk, which has the potential to, or does impact, on the environment;
- “**DGPS**” means Differential Global Positioning System;
- “**Marine Species**” means all whales, dolphins and marine turtles listed under the *Environment Protection and Biodiversity Conservation Act 1999*;
- “**Minister**” means the Australian Government **Minister** administering the *Environment Protection (Sea Dumping) Act 1981* and includes a delegate of the **Minister**;
- “**Monitoring zone**” means the area within a 300 metre radius of the **vessel**;

“**Vessel**” means any vessel or vessels used for or in connection with **dumping activities**.

1. Except so far as the contrary intention appears, terms used in the conditions of this permit have the same meaning as such terms in the **Act**.

Material to be dumped

2. **DISRD** must ensure that no more than 231,500 cubic metres of (in-situ) material derived from capital dredging as specified in the **Application**, is loaded and dumped.

Disposal Site

3. **DISRD** must only dump capital dredged material derived from the Port of Eden, NSW, within the **disposal site**.
4. **DISRD** must ensure that each load of dredged material is dumped so that the dumped material is evenly distributed over the **disposal site**.
5. **DISRD** must establish by **DGPS** that, prior to dumping; the **vessel** is within the **disposal site**.

Monitoring and Management Plan

6. **DISRD** must develop and submit for the Minister’s approval a Monitoring and Management Plan for managing the impacts on the environment from **dumping activities**. **Dumping activities** must not commence until the Monitoring and Management Plan is approved.
7. **DISRD** must implement the approved Monitoring and Management Plan.
8. **DISRD** may submit for the **Minister’s** approval a revised version of the Monitoring and Management Plan specified under Condition 6. If the **Minister** approves such a revised Monitoring and Management Plan, the revised Monitoring and Management Plan must be implemented in place of the original Monitoring and Management Plan specified at Condition 6.
9. If the **Minister** believes that it is necessary or desirable for the better protection of the environment to do so, the **Minister** may request **DISRD** to make specified revisions to the Monitoring and Management Plan approved under Condition 6 and submit the revised Monitoring and Management Plan for the **Minister’s** approval. If the **Minister** approves a revised Monitoring and Management Plan pursuant to this condition, **DISRD** must implement that Monitoring and Management Plan instead of the original Monitoring and Management Plan.
10. The Monitoring and Management Plan must be made available for the life of the permit (electronically) on **DISRD’s** website within 30 days of the Monitoring and Management Plan being approved by the **Minister**.

Mitigation Measures for Protection of Marine Species

11. For 20 minutes prior to the commencement of the **dumping activities**, **DISRD** must ensure that a check is undertaken, using binoculars from a high observation platform, for **marine species** within the **monitoring zone**.
12. If any **marine species** are sighted in the **monitoring zone**, **dumping activities** must not commence in the **monitoring zone** until 20 minutes after the last marine species is observed in the **monitoring zone**, or the **vessel** is to move to another area of the **disposal site** to maintain a minimum distance of 300 metres between the **vessel** and any **marine species**.

Environmental Risk and Incidents

13. If, at any time during the course of the **dumping activities**, an **environmental incident** occurs or **environmental risk** is identified, all reasonable measures must be taken immediately by **DISRD** to minimise or mitigate the risk or the impact. **DISRD** must provide a report on the environmental incident or risk to the **Department** within 24 hours, with details of the incident or risk, the measures taken, the success of those measures in addressing the incident or risk and any additional measures proposed to be taken.
14. **DISRD** must document any incidents involving the **dumping activities** that result in injury or death to any **marine species**. The date, time and nature of each incident and the species involved, if known, must be recorded, and the incident is to be reported within 24 hours.

Compliance of all Parties engaged in dumping activities

15. **DISRD** must ensure that all persons engaged in the **dumping activities** under this permit, including the owner(s) and person(s) in charge of the **vessel**, comply with this permit and the requirements of the **Act**. The fulfilment of these conditions remains the responsibility of **DISRD**.

Access for Observers

16. If requested by the **Department**, **DISRD** must provide access for at least two nominees of the **Department** to witness, inspect, examine and/or audit any part of the operations, including any **dumping activities** or monitoring activities, the **vessel** or any other equipment, or any documented records. **DISRD** must provide all reasonable assistance to the nominees of the **Department** for carrying out their duties.

Reporting

17. **DISRD** must make and retain records comprising either weekly plotting sheets or a certified extract of the ship's log which detail:
 - a) the dates and times of when each dumping run commenced and finished;
 - b) the position (as determined by **DGPS**) of the dumping **vessel** at the beginning and end of each dumping run, including the path of each dumping run;
 - c) the volume of dredged material (in-situ cubic metres) dumped and quantity in dry tonnes for the specified operational period and compared to the total amount permitted under the permit on a daily basis;
 - d) the person(s) undertaking the marine species observation required in Condition 11 and any **marine species** observed within the monitoring zone for each run, including the date and time, the approximate distance from the vessel and the actions taken to comply with condition 12; and
 - e) the person(s) responsible for the operation of the vessel at any time during dumping activities.
18. **DISRD** must retain records required by conditions 13, 14 and 17 for verification and audit purposes.
19. **DISRD** must ensure that a bathymetric survey of the **disposal site** is undertaken by a suitably qualified person:
 - a) prior to the commencement of **dumping activities** under this permit; and
 - b) within one month of the completion of all **dumping activities** authorised under this permit.

20. Within two (2) months of the final bathymetric survey being undertaken, **DISRD** must provide a digital copy of each of the bathymetric surveys to the Australian Hydrographic Office, Locked Bag 8801, Wollongong, NSW 2500.
21. **DISRD** must provide a report on the bathymetry to the **Department** within two (2) months of the final bathymetric survey being undertaken. The report must include a chart showing the change in sea floor bathymetry as a result of dumping and include written commentary on the volumes of dumped material that appear to have been retained within the disposal site.
22. To facilitate annual reporting to the International Maritime Organization, **DISRD** must report to the **Department** by 31 January each year, including on the day of the expiry of the permit or completion of all **dumping activities** under this permit, information at Appendix 2 to this permit, or in a format as approved by the **Department** from time to time.

Sea Dumping Permit International Reporting Requirements

Please fill in this form and return it by **email** to the Department of the Environment, by **31 January each year**. This information is required for Australia's international reporting obligations under the London Protocol.

Email: seadumping@environment.gov.au, quoting the permit reference number

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|--|
| Permit Holder: Department of Industry, Skills and Regional Development |
| Address: |
| Submitted by: |
| Phone: |
| Email: |
| Date: (dd/mm/yyyy) |

Permit Details:

1) Sea Dumping Permit number: SD2015-3102

2) Permit start date: (dd/mm/yyyy) Permit end date: (dd/mm/yyyy)

3) Description of material *Please tick relevant box or boxes*

Capital Dredged Material , Maintenance Dredged Material , Fish Waste ,
Vessels , Platforms or other man-made structures , Sewage Sludge , CO₂ ,
Organic Material of Natural Origin , Bulky Waste , Inert-Inorganic Geological Material

4) Total permit quantity (cubic metres/number):

5) Approved disposal site/s:

Geodetic Datum:

| Latitude (North/South degrees, minutes, seconds) | Longitude (East/West degrees, minutes, seconds) |
|--|--|
| | |
| | |
| | |
| | |

Annual Report:

6) Specify the calendar year this report applies to: _____

7) Quantity dumped in the specified calendar year. Please complete either section A or B.

A. For dredged material disposed please report against all of the following:

Quantity in in-situ cubic metres _____

Quantity in dry weight tonnes _____

Remaining permit quantity _____

Briefly describe any conversion rates used:

B. Other wastes (number/volume/type):

8) Additional comments:

9) Was monitoring of the disposal site conducted during the reporting period?

Yes No

If yes, please complete questions 10-13 of this form.

Monitoring of the disposal site

10) What type(s) of field monitoring was undertaken?

Biological , Geological , Chemical , Physical , Other (explain) _____

11) When was field monitoring conducted? (explain, provide dates)


Before dumping , During dumping , After Dumping , Other _____

12) Were adverse impact(s) found beyond those predicted? Yes , No

If yes, briefly describe the impacts (e.g. physical, chemical or biological) and their spatial or temporal variation.

13) Provide a website/URL link to Field Monitoring Reports, or any additional information.

SCHEDULE OF VARIATIONS TO SEA DUMPING PERMIT SD 2015/3102

| Variation number | Date of variation request | Section (permit/ definitions/ conditions) | Description of variation | | Signed |
|------------------|---------------------------|---|--|---|---|
| | | | Previous text | New text | |
| 1 | 28 November 2016 | Permit | <p>ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981</p> <p>SEA DUMPING PERMIT No. SD2015/3102</p> <p>for</p> <p>Department of Industry, Skills and Regional Development</p> <p>(ABN: 72 189 919 072)</p> <p>I, James Barker, a delegate of the Minister for the Environment, acting under Sections 19 and 21 of the <i>Environment Protection (Sea Dumping) Act 1981</i>, hereby grant a sea dumping permit to Department of Industry, Skills and Regional Development, Level 3/437 Hunter Street, Newcastle, NSW (ABN: 72 189 919 072), to load for the purposes of dumping, and to dump up to 170,000 cubic metres (in-situ) of dredged material, derived from capital dredging at Eden, New South Wales commencing on the date of signature of this permit and extending until 1 June</p> | <p>ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981</p> <p>VARIATION No. 1 TO SEA DUMPING PERMIT No. SD2015/3102</p> <p>for</p> <p>Department of Industry, Skills and Regional Development</p> <p>(ABN: 72 189 919 072)</p> <p>I, James Barker, a delegate of the Minister for the Environment and Energy, acting under Sections 21 and 23 of the <i>Environment Protection (Sea Dumping) Act 1981</i>, hereby vary the sea dumping permit granted on 18 February 2016 to the Department of Industry, Skills and Regional Development, Level 3/437 Hunter Street, Newcastle, New South Wales (ABN: 72 189 919 072), to load for the purposes of dumping, and to dump up to 231,500 cubic metres (in-situ) of dredged material, derived from capital dredging at Eden, New South Wales, commencing on 18 February 2016 and extending until 31 March 2019, subject</p> |  Signed: James Barker Assistant Secretary Assessments and Sea Dumping Branch 27 April 2017 |

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|--|--|-------------|---|---|--|
| | | | 2018, subject to conditions which are specified in Appendices 1 and 2. | to conditions which are specified in Appendices 1 and 2. | |
| | | Definitions | <p>“Application”</p> <p>means the Application for a permit under the <i>Environment Protection (Sea Dumping) Act 1981</i> submitted by Department of Industry, Skills and Regional Development and received by the Department on 9 October 2015 with further information received on 15 December 2015;</p> | <p>“Application”</p> <p>means the application for a permit under the Act submitted by DISRD and received by the Department on 9 October 2015 with further information received on 15 December 2015, and the variation application received on 28 November 2016;</p> | |
| | | Definitions | <p>“Department”</p> <p>means the Department of the Environment: Queensland and Sea Dumping Section, GPO Box 787, Canberra ACT 2601 Telephone: 02 6274 1111 Email: seadumping@environment.gov.au or successor entities;</p> | <p>“Department”</p> <p>means the Australian Government Department responsible for administering the Act;</p> | |
| | | Condition 2 | <p>DISRD must ensure that no more than 170,000 cubic metres of (in-situ) material derived from capital dredging as specified in the Application, is loaded and dumped.</p> | <p>DISRD must ensure that no more than 231,500 cubic metres of (in-situ) material derived from capital dredging as specified in the Application, is loaded and dumped.</p> | |

