

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, Gerard Early, First Assistant Secretary, Approvals and Wildlife Division, a delegate for the purposes of section 133 of the Act, approve the taking of the following action:

to conduct capital dredging of an apron area and departure path at the Port of Hay Point, and to conduct subsequent maintenance dredging of these areas

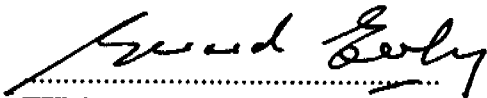
by the Ports Corporation of Queensland (EPBC 2004/1775), subject to the conditions set out in ANNEXURE 1.

This approval has effect for:

- sections 12 and 15A (World Heritage);
- sections 18 and 18A (listed threatened species and ecological communities);
- sections 20 and 20A (listed migratory species); and
- sections 23 and 24A (marine environment) of the *Environment Protection and Biodiversity Conservation Act 1999*.

This approval has effect until 31 December 2011.

Dated this 8<sup>th</sup> day of December 2005



**FIRST ASSISTANT SECRETARY  
APPROVALS AND WILDLIFE DIVISION  
DEPARTMENT OF THE ENVIRONMENT AND HERITAGE**

## **ANNEXURE 1**

### **Environmental Management Plan (EMP)**

1. The person taking the action must prepare and submit an environmental management plan to the Minister for approval at least two months before capital dredging commences. Dredging must not commence until the plan has been approved and the approved plan must be implemented. The plan must include measures to address the following:
  - a) identification of the environmental risks of the project as they relate to World Heritage, listed threatened and migratory species, and the Commonwealth marine environment;
  - b) measures to refine the existing plume modelling data;
  - c) measures to protect turtles and dugong – including the use of turtle excluder devices on the drag heads on the dredger;
  - d) triggers for initiating adaptive management;
  - e) monitoring in relation to both:
    - i. the triggers established under Condition 1d; and
    - ii. the long term impacts of the action;
  - f) options, linked to the triggers established under Condition 1d, for adaptively managing the action – including options for varying the timing and location of dredging and dumping; and
  - g) protocols to inform the Minister of environmental incidents, milestones, and results of surveys and studies.

The plan must be resubmitted for approval at least two months prior to the commencement of maintenance dredging. Maintenance dredging must not commence until the plan has been approved and the approved plan must be implemented.

2. If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan referred to in Condition 1, the person taking the action may submit for the Minister's approval a revised version of any such plan. If the Minister approves a revised plan so submitted, the person taking the action must implement that plan or program instead of the plan or program as originally approved.
3. If the Minister believes that it is necessary or desirable for the better protection of World Heritage, listed threatened and migratory species, or the Commonwealth marine environment, the Minister may request the person taking the action to make specified revisions to the plan approved pursuant to Condition 1 and to submit the revised plan 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 paragraph, the person taking the action must implement that plan instead of the plan as originally approved.

### **Statement of Compliance**

4. On 1 December of each year after the date of this approval, until 1 December 2011, the Chief Executive Officer of the Ports Corporation of Queensland must provide a certificate stating that the Ports Corporation of Queensland has complied with the conditions of this Approval.

### **Independent Audit**

5. Within three months of the commencement of capital dredging, the person taking the action must ensure that an independent audit of compliance with the conditions of this Approval, and the effectiveness of implementation of measures to mitigate impacts on World Heritage, listed threatened and migratory species, and the Commonwealth marine environment, is carried out. An audit report must be given to the Minister within five months of the commencement of capital dredging.
6. Within two months of the commencement of maintenance dredging, the person taking the action must ensure that an independent audit of compliance with the conditions of this Approval, and the effectiveness of implementation of measures to mitigate impacts on World Heritage, listed threatened and migratory species, and the Commonwealth marine environment, is carried out. An audit report must be given to the Minister within five months of the commencement of each maintenance dredging.
7. In relation to the audits required under Conditions 5 and 6:
  - a) the independent auditor must be accredited by the Quality Society of Australasia, or such other similar body as the Minister may notify in writing;
  - b) the audit criteria must be agreed by the Minister; and
  - c) the audit reports must address the criteria to the satisfaction of the Minister.