



APPROVAL

Clinton Vessel Interaction Project, Gladstone, Queensland (EPBC 2017/7976)

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

Person to whom the approval is granted (approval holder)	Gladstone Ports Corporation Limited
ACN of approval holder	131 965 896
Action	To dredge approximately 800 000 m ³ to deepen and widen the existing Clinton channel and dispose of dredged material in the Western Basin Reclamation Area, Gladstone, Queensland [See EPBC Act referral 2017/7976]

Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

Controlling Provisions

World Heritage	
Section 12	Approve
Section 15A	Approve

National Heritage values of a National heritage place	
Section 15B	Approve
Section 15C	Approve

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

Listed migratory species	
Section 20	Approve
Section 20A	Approve

Period for which the approval has effect

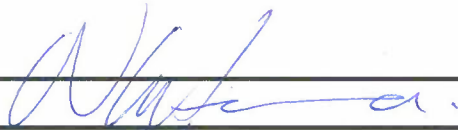
This approval has effect until 30 June 2026.

Decision-maker

Name and position

Nathan Hanna
Acting Assistant Secretary of Assessments and Governance Branch
Department of the Environment and Energy

Signature



Date of decision

15/7/2019

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. For the protection of **protected matters**, the approval holder must ensure that:
 - a. **capital dredging** does not occur outside the **Clinton channel widening footprint** and the **Western Basin Reclamation Area** shown at Attachment A;
 - b. no more than 800,000 cubic metres of **capital dredge material** is removed;
 - c. **capital dredge material** is only disposed of within the **Western Basin Reclamation Area** shown at Attachment A;
 - d. there is no **uncontrolled release** from the **Western Basin Reclamation Area** of placed **capital dredge material**; and
 - e. ensure that **dredging activities** do not result in the Benthic Photosynthetically Active Radiation level being less than $6 \text{ mol photons m}^{-2} \text{ day}^{-1}$ at the seagrass canopy depth for more than 28 consecutive days at any of the seagrass meadow water quality monitoring sites shown (as CVIP BPAR sites) in Attachment A.
2. The approval holder must:
 - a. implement the approved **Fine-grained Sediment Validation Monitoring Plan**; and
 - b. publish the **Fine-grained Sediment Validation Monitoring Plan** on the **website** within 20 **business days** of the date of this approval decision.
3. If the approval holder revises the **Dredge Management Plan** approved under the approval holder's state Environmental Authority EA000168:
 - a. any revision must not result in a **new or increased impact**; and
 - b. within five (5) **business days** of the revised plan being approved by the State Government, the approval holder must provide to the **Department** an electronic copy of the revised **Dredge Management Plan** with all changes from the previous version marked in track changes mode, evidence that the revised plan is published on the **website** and an explanation as to why implementation of the revised plan will not result in a **new or increased impact**.
4. Within 20 **business days** after the completion of **capital dredging**, the approval holder must notify the **Department** of the actual date of completion of **capital dredging**.
5. The approval holder must submit a Dredging Completion Report (DCR) to the **Department** within six (6) months of the completion of **capital dredging**. The DCR must include, but is not limited to:
 - a. the amount of **fine-grained sediment** returned to the marine environment that was not available for resuspension before **commencement of the action**, calculated and validated in accordance with the **Fine-grained Sediment Validation Monitoring Plan**;
 - b. the amount of **fine-grained sediment** returned to the marine environment that was available for resuspension before **commencement of the action**, calculated and validated in accordance with the **Fine-grained Sediment Validation Monitoring Plan**; and
 - c. an assessment of the effectiveness of the methods specified in the **Fine-grained Sediment Validation Monitoring Plan** for monitoring and measuring **fine-grained sediment** during **dredging activities** for validating the **fine-grained sediment** release modelling.
6. 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 approval holder must provide offsets for the amount of **fine-grained sediment** returned to the marine

environment that was not previously available for resuspension before commencement of the **dredging activities**, calculated in accordance with the **Fine-grained Sediment Validation Monitoring Plan**.

7. The approval holder may deliver all or part of the offsets as a contribution to the **Reef Trust**. If a contribution is being made to the **Reef Trust**, evidence must be provided to the **Department** by 31 January 2021 that payment has been made to the **Reef Trust**, and the proportion of the offset obligation that has been met by this payment. If the offsets are not being delivered in full by a contribution to the **Reef Trust**, then the approval holder must submit an Offset Plan (OP) to the Minister by 31 January 2021. If the **Minister** approves the OP, the approved OP must be implemented within six (6) months of approval of the OP. The OP must include, but is not limited to:
 - a. details of offset(s) to compensate for impacts of the amount of **fine-grained sediment** returned to the marine environment that was not previously available for resuspension before commencement of the **dredging activities**, calculated and validated in accordance with the **Fine-grained Sediment Validation Monitoring Plan**;
 - b. timeframes for delivery and completion of the offset(s);
 - c. details of how the offset(s) align with the broader strategies and programs for the Great Barrier Reef, including but not limited to the **Reef 2050 Long-Term Sustainability Plan**;
 - d. a description of the management measures (including timing, frequency and longevity) that will be implemented to deliver the offset(s);
 - e. performance and completion criteria for evaluating the success of the management measures and criteria for triggering remedial action (if necessary);
 - f. a program, including timelines to monitor and report on the effectiveness of the management measures, and progress against the performance and completion criteria; and
 - g. a description of potential risks to the successful implementation of the management measures and a description of the contingency measures that would be implemented to mitigate against these risks and residual risk ratings.

Part B – Standard administrative conditions

Notification of date of commencement of the action

8. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.

Compliance records

9. The approval holder must maintain accurate and complete **compliance records**.
10. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

Preparation and publication of plans

11. The approval holder must:
 - a. submit the OP required under condition 7 electronically to the **Department** for approval by the **Minister**;
 - b. publish the OP on the **website** within 20 **business days** of the date the OP is approved by the **Minister**, or of the date a revised OP is submitted to the **Minister**, unless otherwise agreed to in writing by the **Minister**;
 - c. exclude or redact **sensitive ecological data** from the OP published on the **website** or provided to a member of the public; and
 - d. keep the OP published on the **website** until the end date of this approval.
12. The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps and other spatial and metadata required under condition 7 of this approval, is prepared in accordance with the **Department's Guidelines for biological survey and mapped data** (2018) and submitted electronically in accordance with the requirements of the OMP.

Annual compliance reporting

13. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, until **completion of the action**, or as otherwise agreed to in writing by the **Minister**. The approval holder must:
 - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
 - b. notify the **Department** by email that a **compliance report** has been published on the **website** within five (5) **business days** of the date of publication;
 - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
 - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and
 - e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within five (5) **business days** of publication.

Note: **Compliance reports** may be published on the **Department's** website.

Reporting non-compliance

14. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two (2) **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
 - a. the condition which is or may be in breach; and
 - b. a short description of the **incident** and/or non-compliance.
15. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
 - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
 - b. the potential impacts of the **incident** or non-compliance; and
 - c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

16. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
17. For each **independent audit**, the approval holder must:
 - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
 - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
 - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
18. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

Completion of the action

19. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

Part C - Definitions

20. In these conditions, except where contrary intention is expressed, the following definitions are used:
 - a. **Business days** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
 - b. **Capital dredging** means dredging, including loading and unloading of **capital dredge material**, undertaken to widen and deepen the Clinton channel.
 - c. **Capital dredge material** means material removed by dredge to widen and deepen the Clinton channel.
 - d. **Clinton channel widening footprint** is the area to be capital dredged, including any batters, designated 'Clinton Vessel Interaction Project' and marked in red in the map at Attachment A.
 - e. **Commencement of the action** means the first undertaking of physical works associated with dredging or piling. **Commencement of the action** does not include preparatory works such as site surveys or monitoring, the erection of signage or fencing and preparatory earthworks within the **Western Basin Reclamation Area**.
 - f. **Completion data** means an environmental report and spatial data information clearly detailing how the conditions of this approval have been met. The **Department's** preferred spatial data format is shapefile. The **completion data** must include Benthic Photosynthetically Active Radiation monitoring data and an analysis of this to determine if condition 1e was breached, and if so, when.
 - g. **Completion of the action** means the time at which all approved conditions (except condition 19) have been fully met.
 - h. **Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.
 - i. **Compliance reports** means written reports:
 - i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions and the **plans**;

- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**; and
- iii. annexing a schedule of all **plans** prepared and in existence in relation to the conditions during the relevant 12 month period.
- j. **Department** means the Australian Government agency responsible for administering the **EPBC Act**.
- k. **Dredging activities** include **capital dredging** and de-watering of material placed in the **Western Basin Reclamation Area**.
- l. **Dredge Management Plan** comprises the following approved plans; Clinton Vessel Interaction Project Environmental Monitoring Plan and Clinton Vessel Interaction Project Environmental Management Plan.
- m. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.
- n. **Fine-grained sediment** means all sediment grains <15.6 µm.
- o. **Fine-grained Sediment Validation Monitoring Plan** is the approved Fine-grained Sediment Validation Monitoring Plan.
- p. **Incident** means any event which has the potential to, or does, impact on **protected matter(s)**.
- q. **Independent audit** means an audit conducted by an independent and suitably qualified person as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2015)*.
- r. **Monitoring data** means the data required to be recorded under the conditions of this approval.
- s. **Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.
- t. **New or increased impact** means a new or increased environmental impact or risk relating to any **protected matter**, when compared to the likely impact of implementing the **dredge management plan**, as outlined in the *Guidance on 'New or Increased Impact' relating to changes to approved management plans under EPBC Act environmental approvals (2017)*.
- u. **Plan(s)** means any of the documents required to be prepared, approved by the **Minister**, and/or implemented by the approval holder and published on the **website** in accordance with these conditions (includes action management plans and/or strategies).
- v. **Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect, specifically:

The following attributes of the Great Barrier Reef World Heritage Area Outstanding Universal Values;

- Species of dolphins – the Australian humpback dolphin (*Sousa sahulensis*)
- Shorebirds and migratory birds, including threatened species and important roost and feeding habitat
- Marine water quality
- Dugong (*Dugong dugon*)
- Breeding colonies of marine turtles and rookeries
- Seagrass meadows
- Diversity supporting marine fauna species
- Total species diversity

The following listed species;

- Loggerhead Turtle (*Caretta caretta*) – endangered

- Flatback Turtle (*Natator depressus*) – vulnerable
- Green Turtle (*Chelonia mydas*) – vulnerable
- Hawksbill Turtle (*Eretmochelys imbricata*) – vulnerable
- Eastern curlew (*Numenius madagascariensis*) – critically endangered

The following listed migratory species;

- Australian humpback dolphin (*Sousa sahalensis*)
 - Dugong (*Dugong dugon*)
 - Red necked stints (*Calidris ruficollis*)
- w. **Reef Trust** means the account established through the *Public Governance, Performance and Accountability Act 2013* (Cth) (PGPA Act) (*Reef Trust Special Account 2014*) *Determination 01* by the Minister for Finance under section 78 of the PGPA Act or any other special account established by the Minister for Finance under section 78 of the PGPA Act for the purpose of protecting, repairing or mitigating damage to the Great Barrier Reef World Heritage Area or a fund approved by the **Minister** for an equivalent purpose.
- x. **Reef 2050 Long-Term Sustainability Plan** means the *Reef 2050 Long-Term Sustainability Plan - July 2018, Commonwealth of Australia 2018*.
- y. **Sensitive ecological data** means data as defined in the Australian Government Department of the Environment (2016) *Sensitive Ecological Data – Access and Management Policy V1.0*.
- z. **Uncontrolled release** means the release of **capital dredge material** from the **Western Basin Reclamation Area** (including via tailwater or flooding) otherwise than in accordance with the **Dredge Management Plan**.
- aa. **Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.
- bb. **Western Basin Reclamation Area** means the area confined by a bund wall where dredge material can be received, managed and confined, designated ‘Western Basin Reclamation Area’ and marked with a pink outline in the map at Attachment A.

ATTACHMENTS

Attachment A: Clinton channel widening footprint, the Western Basin Reclamation Area and seagrass BPAR monitoring sites.

