

**GBRMPA STATEMENT OF REASONS - Granting permissions on Marine Park permit G19/40185.1**

I, Simon Banks, General Manager, Reef Protection (Position Number 393) of the Great Barrier Reef Marine Park Authority, provide the following reasons for my decision on 23 January 2019 under regulation 88X of the *Great Barrier Reef Marine Park Regulations 1983* to grant permit G19/40185.1 to North Queensland Bulk Ports Corporation Ltd.

**Relevant Terms**

1. In this statement, words and phrases have the following meanings:
  - 1.1. the term '**application**' refers to the application G40185.1 lodged on 8 December 2017 requesting permission to carry out works, being the maintenance dredging of up to a maximum of 33,509 cubic metres of dredge spoil material from the Approved Dredge Area and bed levelling within the Approved Dredge Area; and the dumping of up to a maximum of 756,553 cubic metres of maintenance dredge material and a maximum of 200,000 cubic metres of contingency maintenance dredge material within the Approved Dredge Spoil Disposal Area
  - 1.2. the term '**applicant**' refers to North Queensland Bulk Ports Corporation Ltd (ACN 136 880 218).
  - 1.3. the term '**Approved Dredge Area**' refers to the Approved Dredge Area identified in the Permit.
  - 1.4. the term '**Approved Dredge Spoil Disposal Area**' refers to the Approved Dredge Spoil Disposal Area identified in the Permit.
  - 1.5. the term '**assessment report**' refers to the permit assessment report (dated 22 January 2019) of application G40185.1 prepared by the GBRMPA Environmental Assessment and Protection Section under the GBRMP Regulations for the purposes of assisting me to assess the application.
  - 1.6. the term '**GBRMPA**' refers to the Great Barrier Reef Marine Park Authority established under the GBRMP Act.
  - 1.7. the term '**GBRMP Act**' refers to the *Great Barrier Reef Marine Park Act 1975*.
  - 1.8. the term '**GBRMP Regulations**' refers to the *Great Barrier Reef Marine Park Regulations 1983*.
  - 1.9. the term '**Marine Park**' refers to the Great Barrier Reef Marine Park.
  - 1.10. the term '**Permit**' means the permissions the subject of Permit Number G19/40185.1 granted to the applicant pursuant to the GBRMP Regulations.
  - 1.11. the term '**Zoning Plan**' refers to the *Great Barrier Reef Marine Park Zoning Plan 2003*.

**Authority of the GBRMPA delegate**

2. I have delegated authority pursuant to s47 of the GBRMP Act to make this decision.
3. Specifically, I am authorised by instrument of delegation made on 29 October 2018 to make a decision to exercise the power of GBRMPA under Division 2A.5 of the GBRMP Regulations.

**Legislative framework**

4. GBRMPA is responsible for the management of the Marine Park.

***Great Barrier Reef Marine Park Act 1975***

5. The main object of the GBRMP Act is to provide for long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region (section 2A(1)).



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6. In making the decision, I had regard to, and sought to act in a way that is consistent with:
- 6.1. the objects of the GBRMP Act in section 2A;
  - 6.2. ecosystem-based management<sup>1</sup>; and
  - 6.3. the principles of ecologically sustainable use; and
  - 6.4. the protection of the world heritage values of the Great Barrier Reef World Heritage Area.<sup>2</sup>

**Great Barrier Reef Marine Park Regulations 1983**

7. Part 2A of the GBRMP Regulations provides for the assessment of applications for permissions.<sup>3</sup>
8. Division 2A.4 of the GBRMP Regulations sets out mandatory matters in section 88Q which I must consider.
9. In making the decision I had regard to regulation 88Q for the assessment of the application.

**Great Barrier Reef Marine Park Zoning Plan 2003**

10. The Zoning Plan stipulates that certain activities require GBRMPA's permission to use or enter the Marine Park.
11. The activities that are the subject of the Permit are activities within the General Use Zone and Habitat Protection Zone.
12. I considered the objectives of the zones (General Use Zone and Habitat Protection Zone) within which the conduct is to be undertaken.

**Background**

13. On 8 December 2017, the applicant lodged an application under the GBRMP Act for the following permissions under the Zoning Plan:
- 13.1. **CARRYING OUT WORKS** – being the maintenance dredging of up to a maximum of 33,509 cubic metres of dredge spoil material from the Approved Dredge Area and bed levelling within the Approved Dredge Area
  - 13.2. **CARRYING OUT WORKS** – being the dumping of up to a maximum of 756,553 cubic metres of maintenance dredge material and a maximum of 200,000 cubic metres of contingency maintenance dredge material within the Approved Dredge Spoil Disposal Area.
14. From 23 June 2018 until 21 August 2018, the applicant advertised the Marine Park Permit application pursuant to regulation 88PE of the GBRMP Regulations.
15. On 25 September 2018, GBRMPA requested further information from the applicant in response to issues raised in public submissions.
16. On 25 October 2018, the applicant lodged a Sea Dumping Permit application under the EPSD Act to load for the purposes of dumping, and to dump up to 956,553 cubic metres of seabed material, derived from maintenance dredging of the Port of Hay Point.
17. On 6 December 2018, GBRMPA received the applicant's response to public submissions as a supplementary public information package.
18. On 19 December 2018, I wrote to the applicant as delegate of the Minister outlining that we note the importance of the current application for at-sea disposal of 956,553 cubic metres of maintenance dredge material from the Port of Hay Point to maintain navigable depths at the Port of Hay Point over the next ten years and the importance of the port to the economy of Queensland and Australia. However, the Great Barrier Reef Marine Park Authority is of the view that any reduction in the volume of dredge material disposed in the Great Barrier Reef Marine Park is an important step in

<sup>2</sup> Subsection 7(3) GBRMP Act.

<sup>3</sup> Paragraph 88(1)(b) GBRMP Regulations.



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supporting the resilience of the Reef over the long term. I proposed that an agreement be prepared consistent with subsection 19(9) of the EPSD Act. A condition of the agreement would be that for the duration of the agreement the applicant continues to explore the possibility of avoiding or reducing the need for dumping into the future by further investigating the feasibility of beneficial re-use options for the dredge spoil material.

19. On 21 January 2019 the applicant provided GBRMPA with a signed copy of the Agreement under subsection 19(9) of the EPSD Act.
20. On 23 January 2019 I executed the Agreement under subsection 19(9) of the EPSD Act and subsequently granted the Sea Dumping Permit.

<b>Materials relevant to the decision</b>
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21. I referred to, and considered the following in making my decisions to grant permissions under the Marine Park Permit:
- 21.1. the legislative framework (described above), including the objectives of the zones where the proposed conduct would be carried out;
  - 21.2. the assessment report
  - 21.3. Supporting information as listed in the assessment report:
    - 21.3.1. Peer reviews commissioned by the GBRMPA
    - 21.3.2. Applicant's public information package
    - 21.3.3. Applicant's supplementary information package
    - 21.3.4. Technical reports submitted with the application.
  - 21.4. the executed Agreement under subsection 19(9) of the EPSD Act between the applicant and the Authority, dated 23 January 2019.
  - 21.5. written comments received
  - 21.6. policies and guidelines published by the GBRMPA or adopted by the Department of the Environment and Energy:
    - 21.6.1. Environmental impact management policy: permission system
    - 21.6.2. Dredging and dredge spoil material disposal policy
    - 21.6.3. Guidelines for the Use of Hydrodynamic Numerical Modelling for Dredging Projects in the Great Barrier Reef Marine Park.
    - 21.6.4. Social value assessment guidelines
    - 21.6.5. Seagrass value assessment guidelines
    - 21.6.6. Traditional Owner heritage assessment guidelines
    - 21.6.7. Guidelines: Permission assessment and decision
    - 21.6.8. Great Barrier Reef Biodiversity Conservation Strategy 2013
    - 21.6.9. National Assessment Guidelines for Dredging 2009
    - 21.6.10. Long term Monitoring and management Plan Requirements for 10 year Permits to Dump Maintenance Dredge material at Sea
    - 21.6.11. Significant Impact Guidelines 1.1 - Matters of National Environmental Significance
    - 21.6.12. EPBC Act referral guidelines for the Outstanding Universal Value of the Great Barrier Reef World Heritage Area
    - 21.6.13. Reef 2050 Cumulative impact management policy
    - 21.6.14. Reef 2050 Net benefit policy
    - 21.6.15. Reef 2050 Good practice management for the Great Barrier Reef

21.7. Other matters relevant to achieving the objects of the GBRMP Act or orderly and proper management of the Marine Park:

21.7.1. Guidelines for Long-term Maintenance Dredging Management Plans 2018

### Considerations

22. I had regard to and made findings on the required mandatory considerations identified in regulation 88Q of the matters set out in the GBRMP Regulations and analysed in the assessment report.

23. I considered the following items particularly important in making the decision:

23.1. "Not dredging" is not a viable option at the Port of Hay Point as maintenance to declared depths is essential to ensure safe navigation in the approach channel, the harbour and berth pockets. Sediment accumulation at the Port of Hay Point is predominantly influenced by littoral drift and no practical solutions exist to completely avoid the accumulation of sediment within the Port area.

23.2. An independent assessment of the following technical reports were commissioned by the GBRMPA:

- 23.2.1. Comparative analysis technical report
- 23.2.2. Assessment for navigational maintenance
- 23.2.3. Comprehensive beneficial reuse assessment
- 23.2.4. Onshore Pond and Reclamation Engineering

23.3. The independent peer review concluded that "*the approach used to develop the 4 technical appendices is appropriate and robust, the supporting information considerable and the conclusions drawn by the various authors / consulting teams sound. In summary, we conclude that the documents reviewed more than adequately meet requirements.*"

23.4. Alternatives to at-sea disposal were adequately considered by the applicant for the Port of Hay Point. A comparison of all the disposal options, based on the comprehensive technical reports, was undertaken using the principles of structured decision making. The independently peer reviewed comparison study provided sufficient evidence to support the conclusions that traditional maintenance dredging and at-sea disposal is, on balance of environmental, social and economic considerations, the most appropriate option for the Port of Hay Point. It is noted that habitat restoration options may be found feasible pending further investigation.

23.5. The Applicant and GBRMPA have executed an Agreement under subsection 19(9) of the EPSD Act to ensure the feasibility of habitat restoration and/or creation options are fully studied and, if superior disposal or re-use options are identified that the applicant will implement those options prior to disposal in the Marine Park.

23.6. The independently peer reviewed numerical plume modelling, based on three years of water quality monitoring data, demonstrated that maintenance dredging and dumping of up to 400,000 cubic metres of spoil resulted in water clarity comparable to that experienced during calm conditions (wind speeds of 15 knots and under). The modelling showed that the suspended sediment concentrations would remain within the natural range of the Hay Point area, up until 800,000 cubic metres or more was dredged and disposed in a single campaign.

23.7. The modelling was found (by an independent peer reviewer) to be of a high quality with valid assumptions. Peer review comments were adequately addressed and the applicant's Long term Maintenance Dredge Plan commits to continual improvement of modelling based on ambient, impact and adaptive management monitoring results during and between dredge campaigns.

23.8. Sediment sampling to support characterisation of material to be targeted during the 2019 maintenance dredging program was completed in February 2018 in accordance with the approved Sampling and Analysis Plan (SAP). This testing has determined the material is suitable for at-sea disposal, meeting the criteria of the National Assessment Guidelines for Dredging 2009. Permit conditions require sediment testing in accordance with the National Assessment Guidelines for Dredging 2009 prior to each dredge campaign over the permit term.



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- 23.9. The Approved Dredge Material Disposal Area (DMPA) has been used for this purpose by the Port since capital dredging in 2006. Results from the long-term resuspension modelling are generally in agreement with the findings from a bathymetric analysis of the existing DMPA, which is that approximately two thirds of the material placed at the existing DMPA would be retained.
- 23.10. Risks to sensitive habitats such as seagrass and coral communities are likely to be low. Seagrass communities are naturally low density and ephemeral and have been shown to recover post-dredging. Coral communities lie outside of the area predicted to be impacted by turbidity and sedimentation. Dredging and dumping works are excluded during mass coral spawning periods by permit conditions to avoid potential impacts to recruitment processes.
- 23.11. Protected species are unlikely to be significantly impacted by maintenance dredging. The Port of Hay Point does not provide critical habitat resources for any marine species and disturbance to habitats is expected to be low.
- 23.12. Mitigation and environmental best practice actions are incorporated into the Maintenance Dredge Environmental Management Plan, which will be reviewed after each campaign and updated based on lessons learned and improved modelling over the life of the permit.
- 23.13. A detailed monitoring program is proposed for ongoing ambient, impact (pre, during and post dredging activities) and adaptive management components of the long term management of sediment at the Port of Hay Point. The adaptive management monitoring information will be available to the public and regulators in real-time on the applicant's website during each dredge campaign. The Marine Environment Monitoring Management Plan clearly state the practical application of site specific environmental thresholds and the real-time monitoring during the dredge campaign has a traffic light system developed to ensure action is progressed if water quality remains above predetermined concentrations for defined periods of time with associated management response.
- 23.14. The monitoring and dredge management plans have key links to the Port of Hay Point Long-term Maintenance Dredging Management Plan (2018 – 2028), which sets out the process by which the results of the monitoring will be reviewed, analysed and reported.
- 23.15. The undertaking of the works is considered to be not inconsistent with the World Heritage Convention; JAMBA, CAMBA and ROCKAMBA agreements for international protection of migratory birds; and the London Protocol. The conducts are consistent with the Reef 2050 Long-term Sustainability Plan and the Queensland Government's Maintenance Dredging Strategy for the Great Barrier Reef World Heritage.
24. I made the following conclusions based on the above considerations, findings identified in the assessment report, peer review reports commissioned by GBRMPA, and information prepared in support of the application:
- 24.1. The application is consistent with the objectives of the General Use Zone and Habitat Protection Zone in the locations where the proposed conducts are proposed to occur;
- 24.2. The applicant is considered to be a suitable person to hold a Marine Park permission for the proposed conduct and has the capacity to satisfactorily undertake the permitted works in the manner specified in the Permit.
- 24.3. All reasonable steps to prevent or minimise harm to the environment in the Marine Park that might or will be caused by the applicant's use or entry have been incorporated in the applicant's dredge and monitoring management plans and risks of environmental harm are considered to be adequately managed through existing laws, permit conditions and associated management plans.
- 24.4. Alternatives to at-sea disposal were adequately considered by the applicant for the Port of Hay Point. In considering the practical availability of beneficial re-use options, it is noted that legislative approvals for undertaking habitat restoration or creation will be required and the scope for habitat restoration or creation is limited to individual dredge campaigns. In addition, considering the low risk of environmental impacts (refer Consideration G risk assessment) based on the proposed application, permit conditions and associated mitigation strategies, it is considered that the applicant has demonstrated that appropriate consideration has been given to feasible and prudent alternatives.

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- 24.5. All written submissions received in relation to the application were considered in the assessment report.
- 24.6. The nature, temporal and spatial scales and duration of expected impacts and their potential effects on the environment from maintenance dredging and dumping at the existing Approved Dredge Spoil Disposal Area in accordance with the maximum volumes defined in the permit over ten years are considered to be low risk;
- 24.7. The undertaking of permitted works will not have an unacceptable impact on the conservation of the natural resources of the Marine Park;
- 24.8. The undertaking of permitted works will not have an unacceptable impact on the cultural and heritage values held in relation to the Marine Park by Traditional Owners and other Marine Park users
- 24.9. The strategies for avoiding and mitigating relevant impacts through compliance with all laws and permit conditions, including implementation of the approved management plans, are considered adequate and the identified residual risks are rated low. Offset measures are not considered necessary.
- 24.10. The application includes a very comprehensive three-tiered field monitoring program and the permit conditions ensure compliance monitoring and reporting will be undertaken.
- 24.11. Relevant Commonwealth and Queensland laws and plans relevant to the proposed conducts have been considered.
- 24.12. The undertaking of permitted works is not considered likely to have a significant impact on matters of national environmental significance, therefore the GBRMPA did not refer this application under the EPBC Act.
- 24.13. The undertaking of permitted works is considered to be not inconsistent with all relevant recovery plans, wildlife conservation plans, threat abatement plans and approved conservation advice under the EPBC Act.
- 24.14. The undertaking of permitted works is not considered to be inconsistent with the World Heritage Convention; JAMBA, CAMBA and ROCKAMBA agreements for international protection of migratory birds; and the London Protocol. The permitted works are considered not to be inconsistent with the Reef 2050 Long-term Sustainability Plan and the Queensland Government's Maintenance Dredging Strategy for the Great Barrier Reef World Heritage.
- 24.15. The undertaking of permitted works is not inconsistent with all relevant guidelines and policies as listed under Materials Relevant to the Decision above. The applicant developed the Port of Hay Point Long-term Maintenance Dredging Management Plan (2018 – 2028) (the Long term Plan), which is a requirement for long term (10 years) sea dumping applications. The Long term Plan meets the requirements of the Queensland *Guidelines for Long-term Maintenance Dredging Management Plans 2018* and the Australian Government *Long term Monitoring and management Plan Requirements for 10 year Permits to Dump Maintenance Dredge material at Sea*, with minor amendments agreed to be implemented by the applicant before the first dredge campaign.
- 24.16. The orderly and proper management of the Marine Park will be maintained and the permit conditions are in accordance with achieving the objects of the Act

**Decision: Carrying out works**, being the maintenance dredging of up to a maximum of 33,509 cubic metres of dredge spoil material from the Approved Dredge Area and bed levelling within the Approved Dredge Area

25. In reaching the decision to grant the permission to carry out maintenance dredging works, I had regard to the above and was satisfied of the findings and considerations set out above and on the reasons provided above. Therefore, pursuant to regulation 88X of the GBRMP Regulations, I made a decision to grant permission with conditions for activities under Marine Park permit **G19/40185.1**.



Simon Banks  
General Manager, Reef Protection  
Position Number 383  
DELEGATE

Date: 23/01/2019

**Decision: Carrying out works**, being the dumping of up to a maximum of 756,553 cubic metres of maintenance dredge material and a maximum of 200,000 cubic metres of contingency maintenance dredge material within the Approved Dredge Spoil Disposal Area.

26. In reaching the decision to grant the permission to maintenance dredge spoil disposal works, I had regard to the above and was satisfied of the findings and considerations set out above and on the reasons provided above. Therefore, pursuant to regulation 88X of the GBRMP Regulations, I made a decision to grant permission with conditions for activities under Marine Park permit **G19/40185.1**.



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Date: 23/01/2019