

**GBRMPA STATEMENT OF REASONS - Granting permissions on Sea Dumping permit SD19/01**

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 Section 19 of the *Environment Protection (Sea Dumping) Act 1981* to grant permit SD19/01 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 lodged on 25 October 2018 requesting permission to load for the purposes of dumping and dumping of up to a maximum of 956,553 cubic metres of 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) prepared by the GBRMPA Environmental Assessment and Protection Section under the EPSD Act for the purposes of assisting me to assess the application.
  - 1.6. The term '**EPSD Act**' refers to the *Environment Protection (Sea Dumping) Act 1981*
  - 1.7. the term '**GBRMPA**' refers to the Great Barrier Reef Marine Park Authority established under the GBRMP Act.
  - 1.8. the term '**GBRMP Act**' refers to the *Great Barrier Reef Marine Park Act 1975*.
  - 1.9. the term '**GBRMP Regulations**' refers to the *Great Barrier Reef Marine Park Regulations 1983*.
  - 1.10. the term '**Marine Park**' refers to the Great Barrier Reef Marine Park.
  - 1.11. The term '**Minister**' refers to the Minister for the Environment.
  - 1.12. The term '**National Assessment Guidelines for Dredging**' refers to National Assessment Guidelines for Dredging (2009) produced by the then Department of the Environment, Water, Heritage and the Arts and which set out the framework for the environmental impact assessment and permitting of the ocean disposal of dredged material.
  - 1.13. the term '**Permit**' means the permissions the subject of Permit Number SD19/01 granted to the applicant pursuant to the EPSD Act.
  - 1.14. The term '**London Protocol**' refers to the '1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter', 1972, London on 7 July 1996, as amended and in force in Australia from time to time.
  - 1.15. 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 section 34 of the EPSD Act to make this decision.
3. Specifically, I am authorised by instrument of delegation made on 7 January 2018 to make a decision to exercise the power of the Minister under subsection 19(1) of the EPSD Act.

**Legislative framework**

4. Applications for dumping under the EPSD Act are assessed and decided on by GBRMPA delegates of the Minister if the proposed dumping is to take place within the Great Barrier Reef Marine Park.



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5. The EPSD Act provides for the protection of the environment by regulating dumping into the sea, incineration at sea and artificial reef placements, and for other purposes.

**Background**

6. On 8 December 2017, the applicant applied for a new Marine Park permit with the following permissions:
- 6.1. **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
  - 6.2. **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.
7. From 23 June 2018 until 21 August 2018, the applicant advertised their Marine Park permit application pursuant to Regulation 88PE of the GBRMP Regulations.
8. On 25 September 2018, GBRMPA requested further information from the applicant in response to issues raised in public submissions.
9. 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.
10. On 6 December 2018, GBRMPA received the applicant's response to public submissions on the Marine Park permit as a supplementary public information package.
11. On 19 December 2018, I wrote to the applicant as delegate of the Minister advising:
- 11.1. that I note the importance of the current Marine Park permit 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;
  - 11.2. that any reduction in the volume of dredge material disposed in the Great Barrier Reef Marine Park is an important step in supporting the resilience of the Reef over the long term; and
  - 11.3. that I require the applicant to enter into an agreement under subsection 19(9) of the EPSD Act prior to me making a decision on their sea dumping permit application. 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 at-sea disposal of dredge material into the future by further investigating the feasibility of beneficial re-use options for the dredge spoil material.
12. On 21 January 2019 the applicant executed an Agreement under subsection 19(9) of the EPSD Act.
13. On 23 January 2019 I executed an Agreement under subsection 19(9) of the EPSD Act and subsequently made decisions on the application.

**Materials relevant to the decision**

14. In making the decision, I had regard to, and sought to act in a way that is consistent with:
- 14.1. the legislative framework (described above)
  - 14.2. The London Protocol, including Annex 1 and 2.
  - 14.3. the assessment report

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- 14.4.supporting information as listed in the assessment report:
- 14.4.1. peer reviews commissioned by the Authority
  - 14.4.2. applicant's public information package
  - 14.4.3. applicant's supplementary information package
  - 14.4.4. technical reports submitted with the application.
- 14.5.The executed Agreement under subsection 19(9) of the Sea Dumping Act between the applicant and the Authority, dated 23 January 2019.
- 14.6.The National Assessment Guidelines for Dredging 2009
- 14.7.The Australian Government Long term Monitoring and Management Plan Requirements for 10 year Permits to Dump Maintenance Dredge Material at Sea; and
- 14.8.The Queensland Guidelines for Long-term Maintenance Dredging Management Plans 2018.

**Considerations**

1. I had regard to the required considerations set out in subsection 19 of the EPSD Act, including but not limited to the assessment requirements set out in Annex 2 of the London Protocol and analysed in the assessment report.
2. I considered the following items particularly important in making the decision:
  - 2.1. Alternatives to at-sea disposal were considered by the applicant for the Port of Hay Point. A process of selection and evaluation of alternatives to at-sea disposal was undertaken over a number of years and is supported by technical reports.
  - 2.2. "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.
  - 2.3. Independent peer reviews of the following technical reports, prepared by the applicant to consider alternatives to at-sea disposal, were commissioned by the GBRMPA:
    - 2.3.1.Comparative analysis technical report
    - 2.3.2.Assessment for navigational maintenance
    - 2.3.3.Comprehensive beneficial reuse assessment
    - 2.3.4.Onshore Pond and Reclamation Engineering
  - 2.4. 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."*
  - 2.5. 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 structure 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.
  - 2.6. 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.



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- 2.7. 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.
- 2.8. The modelling was found (by an independent peer review commissioned by GBRMPA) 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.
- 2.9. 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 that 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.
- 2.10. 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.
- 2.11. 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 and dumping activities. Coral communities lie outside of the area predicted to be impacted by turbidity and sedimentation. Dredging and dumping works are not permitted during mass coral spawning periods by permit conditions to avoid potential impacts to recruitment processes.
- 2.12. Protected species are unlikely to be significantly impacted by maintenance dredging and the proposed dumping. The Port of Hay Point does not provide critical habitat resources for any marine species and disturbance to habitats is expected to be low.
- 2.13. 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.
- 2.14. 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.
- 2.15. The proposed 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.
- 2.16. The proposed conducts are not inconsistent with the World Heritage Convention; JAMBA, CAMBA and ROCKAMBA agreements for international protection of migratory birds; and the London Protocol. The proposed 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.



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3. I made the following conclusions based on the above considerations and findings identified in the assessment report:
- 3.1. The executed Agreement under subsection 19(9) of the EPSD Act will ensure ongoing obligations under the London Protocol to make further attempts to reduce the necessity of dumping will be fulfilled during the term of the permit (10 years);
  - 3.2. The maintenance material is well characterised and analysis shows it is suitable for unconfined disposal at-sea in accordance with the National Assessment Guidelines for Dredging 2009. The contamination audit did not identify any areas of contamination requiring further audit or investigation.
  - 3.3. The technical studies have demonstrated that no opportunities exist to prevent the natural processes that provide for the source of naturally accumulating marine sediments requiring maintenance dredging and dumping, a waste prevention strategy is not considered necessary and no waste reduction targets have been recommended.
  - 3.4. Consideration of product reformulation, clean production technologies, process modification, input substitution on-site and closed-loop recycling are not applicable to the application.
  - 3.5. Waste prevention strategies additional to port operational strategies that are included in the Long Term Monitoring and Management Plan are not warranted. The Long Term Monitoring and Management Plan will be reviewed and updated at least every 5 years and will consider whether the sediment management strategies set in the Long Term Monitoring and Management Plan are being achieved over the long term.
  - 3.6. 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.
  - 3.7. 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 rather than an ongoing solution. In addition, considering the low risk of environmental impacts (refer Attachment A 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 the hierarchy of waste management options.
  - 3.8. The chemical, physical and biological properties of the proposed maintenance dredge material is well characterised and meets all requirements under the Australian Action List for screening wastes.
  - 3.9. The Approved Dredge Spoil Disposal Area (ADSDA) 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 ADSDA, which is that approximately two thirds of the material placed at the existing ADSDA would be retained.
  - 3.10. Based on the risk assessment in the assessment report, which considered the nature, temporal and spatial scales and duration of expected impacts and their potential effects on human health, living resources, amenities and other legitimate uses of the sea, the loading and dumping of maintenance dredge spoil at the existing ADSDA in accordance with the maximum volumes defined in the permit over ten years are considered to be low risk.
  - 3.11. The ADSDA site selection considered the environmental values identified in the area and, as such, highly environmentally sensitive areas were excluded in formulating the potential disposal options.
  - 3.12. The independently peer reviewed plume modelling assessment, sediment analysis in accordance with the National Assessment guidelines for Dredging 2009, environmental values assessment, sediment resuspension assessment and additional technical reports supporting the sustainable sediment management plan and environmental risk assessment are considered to



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adequately inform the assessment of risks of maintenance dredge material dumping from the Port of Hay Point within the existing Approved ADSDA

- 3.13. It is considered that the application is consistent with all matters of the London Protocol and granting the permit with the recommended permit conditions is in accordance with the EPSD Act and the London Protocol.
- 3.14. The application includes a very comprehensive three-tiered field monitoring program and the recommended permit conditions ensure compliance monitoring and reporting will be undertaken.
- 3.15. The assessment report considered all impact evaluations and monitoring requirements and the permit includes all appropriate permit conditions consistent with the London Protocol.
- 3.16. The applicant has 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.

**Decision: sea dumping permission**, 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, commencing on the date of signature of this permit until 31 January 2029, subject to conditions which are specified in Appendices 1 and 2.

4. In reaching the decision to grant the permission to load for the purposes of dumping, and to dump maintenance dredge spoil, 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 subsection 19(1) of the EPSD Act, I made a decision to grant permission with conditions for activities under permit **SD19/01**.



Simon Banks  
General Manager, Reef Protection  
Position Number 383  
DELEGATE

Date: 23/01/2019

