

OFFICIAL



ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981

SEA DUMPING PERMIT No. SD2022-4039

for

Gippsland Ports Committee of Management Incorporated
(ABN: 98 943 634 870)

I, KATE ELLIOTT, a delegate of the Minister for the Environment and Water, acting under Sections 19 and 21 of the *Environment Protection (Sea Dumping) Act 1981*, hereby grant a 10-year sea dumping permit to Gippsland Ports Committee of Management Incorporated, 97 Main Street, Bairnsdale, Victoria 3875 (ABN: 98 943 634 870), to load for the purposes of dumping, and to dump, up to 5,000,000 cubic metres (*in-situ*) of dredged material derived from the Port of Gippsland Lakes, Lakes Entrance, Victoria. This consists of up to 4,910,000 cubic metres derived from maintenance dredging of the Bar, Entrance Channel, Narrows, Swing Basin, Cunninghame Arm, North Arm and Hopetoun Channel, and up to 90,000 cubic metres derived from capital dredging of the Swing Basin, Cunninghame Arm, North Arm and Hopetoun Channel.

This permit is valid from 24 October 2023 until 24 October 2033, subject to conditions specified in Appendices 1 and 2.

DATE.....24th.....day of.....October.....2023

.....
KATE ELLIOTT
Delegate of the Minister

This permit comprises eleven (11) pages, including Appendices 1 - 3.

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CONDITIONS FOR THE LOADING, AND DUMPING AT SEA OF MAINTENANCE AND CAPITAL DREDGED MATERIAL DERIVED FROM THE PORT OF GIPPSLAND LAKES, LAKES ENTRANCE, VICTORIA

DEFINITIONS

In this permit:

Act	means the <i>Environment Protection (Sea Dumping) Act 1981</i> .
Application	means the application for a permit under the Act submitted by the permit holder and received by the department on 16 September 2022, with further information received on 7 November 2022 and 26 July 2023.
Department	means the Australian Government department responsible for administering the Act . For the purposes of this permit, any communication to the department should be sent by email addressed to: seadumping@dcceew.gov.au .
Disposal site	means the disposal areas (site codes: AU007A and AU007B bound by the following co-ordinates (WGS84), and as shown in Figure 1 (at Appendix 2).

AU007A (western disposal ground)	
Latitude	Longitude
-37.9020°	147.9363°
-37.9055°	147.9380°
-37.8954°	147.9574°
-37.8988°	147.9589°

AU007B (eastern disposal ground)	
Latitude	Longitude
-37.8877°	147.9907°
-37.8911°	147.9923°
-37.8811°	148.0118°
-37.8845°	148.0135°

Dumping activities	means all activities associated with the dumping permitted under this permit, including: <ul style="list-style-type: none"> (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 that has the potential to, or does, impact on the environment other than the dumping activities for which this permit is granted.

Environmental management plan	means the <i>Gippsland Lakes Ocean Access Environmental Management Plan</i> , Version 5 dated July 2022 (or subsequent versions).
Environmental risk	means any risk that has the potential to impact on the environment, other than the dumping activities for which this permit is granted.
EPBC Act	means the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth).
GPS	means Global Positioning System.
Impact	<p>(verb) means to cause any measurable direct or indirect disturbance or harmful change as a result of any activity associated with dumping activities.</p> <p>(noun) means any measurable direct or indirect disturbance or harmful change as a result of any activity associated with dumping activities.</p>
Marine species	means all marine cetaceans, sirenians, elasmobranchs and reptiles.
Marine species observer	means a person who has demonstrated experience in marine species and pinniped observation and recognition, distance estimation and reporting, can give reliable independent advice on marine species presence, identity, and distance from the observer and, while in the role of marine species observer, has no duties other than making and recording visual observations for marine species and pinnipeds .
Minister	means the Australian Government Minister administering the Act and includes a Delegate of the Minister.
Monitoring and management plan	means the <i>Gippsland Lakes Ocean Access Long-Term Monitoring and Management Plan</i> , Version 1 dated 12 October 2023, and approved by the minister from the date of signature of this permit, or a revised version of the <i>Gippsland Lakes Ocean Access Long-Term Monitoring and Management Plan</i> approved by the minister in accordance with condition 7 or condition 8, or a version of the <i>Gippsland Lakes Ocean Access Long-Term Monitoring and Management Plan</i> revised in accordance with condition 9.
Monitoring zone	means the area within a 300-metre radius of the vessel .
Mounding	means the accumulation of dredge material from dumping activities creating a high point from the sea floor within the disposal site .
Permit holder	means Gippsland Ports Committee of Management Incorporated, 97 Main Street, Bairnsdale, Victoria 3875 (ABN: 98 943 634 870).

Pinnipeds	means seals or sea lions.
Suitably qualified	means a person who has/holds one or a combination of the following: professional qualifications, training (e.g., identification at sea of marine species), skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice, and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.
Vessel(s)	means any vessel or vessels used for or in connection with dumping activities .
Website	means a set of related web pages located under a single domain name attributed to the permit holder and available to the public.

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**.

CONDITIONS

1. The **permit holder** must ensure that all persons engaged in the **dumping activities** under this permit, including any owner and any person in charge of a **vessel**, comply with this permit and the requirements of the **Act**. The fulfilment of these conditions is, at all times while this permit is valid, the responsibility of the **permit holder**.

Material to be dumped

2. The **permit holder** must ensure that no more than 5,000,000 cubic metres (*in-situ*) of material from the Port of Gippsland Lakes, Lakes Entrance, Victoria is loaded and dumped, in accordance with methods specified in the **application** and the **environmental management plan**. Material is limited to:
 - a. Up to 4,910,000 cubic metres of maintenance dredge material from the Bar, Entrance Channel, Narrows, Swing Basin, Cunninghame Arm, North Arm and Hopetoun Channel and
 - b. Up to 90,000 cubic metres of capital dredge material from the Swing Basin, Cunninghame Arm, North Arm and Hopetoun Channel.

Disposal site

3. The **permit holder** must only dump within the **disposal site** shown in *Figure 1* at Appendix 2.
4. The **permit holder** must establish by **GPS** that, prior to dumping, the **vessel** is within the **disposal site**.
5. The **permit holder** must ensure that the dredged material is dumped across the **disposal site** in a manner to prevent **mounding**.

Monitoring and management plan

6. The **permit holder** must commence implementing the approved **monitoring and management plan** upon the commencement of **dumping activities** and notify the **department** within 5 days of the date on which **dumping activities** have concluded.
7. If the **minister** requires for the better protection of the environment, the **permit holder** to make specified revisions to the **monitoring and management plan**, the **permit holder** must submit a revised monitoring and management plan in accordance with the specified revisions for the **minister's** approval. If the **minister** approves a revised monitoring and management plan pursuant to this condition, the **permit holder** must implement the version of the **monitoring and management plan** most recently approved by the **minister** in writing from the date of its approval.
8. The **permit holder** may submit for the **minister's** approval a revised version of the **monitoring and management plan**. If the **minister** approves in writing a revised monitoring and management plan pursuant to this condition, the **permit holder** must implement the version of the **monitoring and management plan** most recently approved by the **minister** in writing, from the date of its approval.
9. The **permit holder** may make administrative changes to the **monitoring and management plan** without submitting it for the approval of the **minister**, if the taking of the action in accordance with the revised **monitoring and management plan** will not have a new or increased **impact** on the environment or reduce the public accessibility of information. If the **permit holder** makes this choice, they must:

- a. notify the **department** in writing that the **monitoring and management plan** has been revised and provide the **department** with an electronic copy of the revised plan showing the proposed changes in track mode, accompanied by a covering letter specifying the changes made and the reasons that the **permit holder** considers that taking the action in accordance with the revised plan would not be likely to have a new or increased **impact** on the environment and/or reduce the public accessibility of information
 - b. implement the revised **monitoring and management plan** no sooner than 14 days after the date of submission of the revised **monitoring and management plan** to the **department** unless the **department** informs the **permit holder** in writing that the revised **monitoring and management plan** requires submission under condition 8
 - c. for the life of this permit, maintain a record of the reasons the **permit holder** considers that taking the action in accordance with the revised **monitoring and management plan** would not have a new or increased **impact** on the environment and/or reduce the public accessibility of information.
10. Each version of the **monitoring and management plan** approved or adopted for implementation must be published on the **website** within 30 days of its approval or adoption for implementation, and must include:
- a. the date of this permit
 - b. the date that a revised version of the **monitoring and management plan** is approved by the **minister**
 - c. the date that a revised version of the **monitoring and management plan** may be implemented without the **minister's** approval in accordance with condition 9.

The **permit holder** must ensure that each version of the **monitoring and management plan** remains published on the **website** until the expiry of the permit.

Protection of marine species

11. The **permit holder** must ensure that at least one **suitably qualified marine species observer** is on duty on at least one **vessel** adjacent to or in the **monitoring zone** at least 20 minutes prior to, and throughout, any **dumping activities**. The **permit holder** must ensure that the **marine species observer** scans the entire **monitoring zone**, using binoculars from a suitable observation position on the **vessel**, for the presence of any **marine species** within the **monitoring zone** at least once every 30 minutes, commencing at least 20 minutes prior to, and continuing throughout, any **dumping activities**.
12. If any **marine species** is/are sighted in the **monitoring zone**, the **permit holder** must not commence **dumping activities**, or if **dumping activities** has already commenced, must pause **dumping activities** as soon as safe and practicable to do so, until either:
- a. 20 minutes after the time when the last **marine species** has left the **monitoring zone** of its own accord
 - b. the **vessel** has moved to another area of the **disposal site** where no **marine species** are within the **monitoring zone** of the **vessel's** new location.

Note: It is an offence under the **EPBC Act** to interfere with a **marine species** or in any way attempt to deter it from entering the **monitoring zone** or cause it to leave.

13. The **permit holder** must ensure a **marine species observer** is continually observing for **pinnipeds** during **dumping activities**.
- The **permit holder** must take all reasonable measures to avoid **environmental incidents** with **pinnipeds**.
 - If an **environmental incident** involving a **pinniped** occurs, the **permit holder** must pause **dumping activities** as soon as safe and practicable to do so. **Dumping activities** may recommence with soft start procedures once the **environmental incident** involving a **pinniped** has been resolved.

Environmental risk and incidents

14. If, at any time during **dumping activities**, an **environmental incident** occurs or an **environmental risk** is identified, all reasonable measures must be taken immediately by the **permit holder** to minimise or mitigate the **environmental risk** and/or the **impact** of the **environmental incident**. The **permit holder** must provide a report on the **environmental incident** and/or **environmental risk** to the **department** within 72 hours of detecting any **environmental incident** and/or **environmental risk** and include in the report:
- details of the **environmental incident** and/or **environmental risk**, including the date, time, and location (**GPS** co-ordinates)
 - the measures taken to minimise or mitigate the **environmental risk** and/or the **impact** of the **environmental incident** following detection
 - the success of those measures in addressing the **environmental incident** and/or **environmental risk**
 - any additional measures proposed to be taken.
15. The **permit holder** must document any detected injury to, or death of any **marine species** or **pinniped** potentially associated with the operation of a **vessel** or **dumping activities**. The date, time, location (**GPS** co-ordinates) and nature of each detected injury to, or death of, the **marine species** or **pinniped**, and the species involved, if known, must be recorded and reported to the **department** within 72 hours of detecting the injury to, or death of, the **marine species** or **pinniped**.

Access for observers

16. If requested by the **department**, the **permit holder** must provide access, including to **vessels**, for at least 2 nominees of the **department** to witness, inspect, examine and/or audit any part of the operations, including any **dumping activities**, monitoring activities, equipment, and any records. The **permit holder** must provide all reasonable assistance to nominees of the **department** in carrying out their duties.

Record-keeping and reporting

17. The **permit holder** must make and retain records (which may comprise weekly plotting sheets or an extract of the ship's log certified by the **vessel's** captain) which must detail:
- the dates, times, and **GPS** co-ordinates of **vessel** movements for dumping activities
 - the volume of dredged material (in-situ cubic metres) dumped and quantity in dry tonnes for the specified operational period, including the proportion that this amount represents of the total amount permitted under the permit for the dredging campaign

- c. the names and relevant training and experience of the person(s) who undertook the **marine species** observation required under condition 11, the **marine species** observed within the **monitoring zone** for each **vessel** movement, including, for each sighting, the date, time, species (or nearest identification), location (**GPS** co-ordinates) and approximate distance of the **marine species** from the **vessel**, and the action taken to comply with condition 12.
18. The **permit holder** must retain the records required by conditions 14, 15 and 17 for the life of the permit, for verification and audit purposes.
19. The **permit holder** must ensure that a **suitably qualified** person undertakes annual bathymetric surveys of the **disposal site(s)**.
20. Within 2 months of the final bathymetric survey being undertaken, the **permit holder** must provide a digital copy of each of the bathymetric surveys to the Australian Hydrographic Office, Locked Bag 8801, Wollongong, NSW 2500 or via email at: datacentre@hydro.gov.au.
21. The **permit holder** must provide a report on the bathymetry to the **department** within 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 activities** and include a reliable estimate of 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, the **permit holder** must report to the **department** by 31 January each year, including a final annual report on the day of the expiry of this permit or completion of all **dumping activities** under this permit, the information specified at Appendix 3 to this permit, in the format of Appendix 3 or as otherwise approved by the **department**.

Auditing

23. If the **department** believes that it is necessary or desirable to undertake an audit of the permit conditions, the **permit holder** must comply with any such request and must provide any necessary assistance to the **department's** representatives in carrying out their duties.

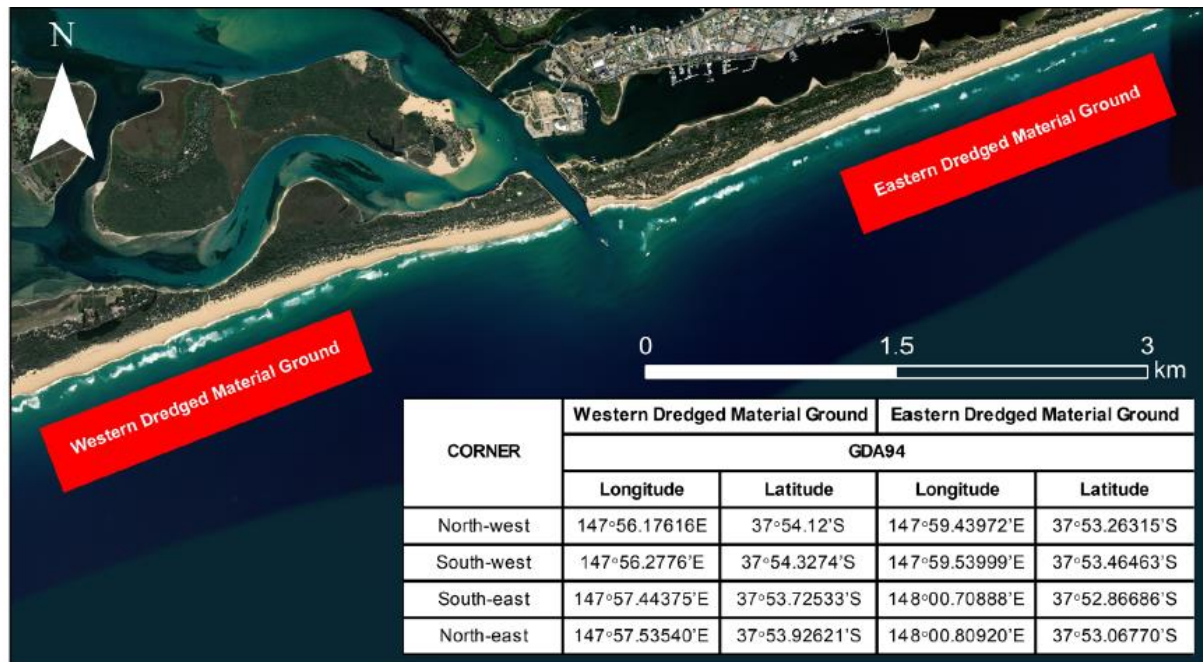


Figure 1: The disposal site(s), Lakes Entrance, Victoria.

SEA DUMPING PERMIT ANNUAL INTERNATIONAL REPORTING REQUIREMENTS

Please fill in this form and return it by **email** to the **department by 31 January each year**. This information is required for Australia's reporting obligations to the International Maritime Organization under the London Protocol.

Email: seadumping@dcceew.gov.au and epbcmonitoring@dcceew.gov.au, quoting the permit reference number (SD2022-4039).

Permit details

Sea Dumping Permit number:	SD2022-4039
Permit holder:	Gippsland Port (ABN: 98 943 634 870)
Address:	97 Main Street, Bairnsdale, Victoria 3875
Permit start date:	24/10/2023
Permit end date:	24/10/2033
Description of material:	Maintenance and capital dredged material
Total permit quantity (cubic metres):	5,000,000 m³ (4,910,000 m³ maintenance, 90,000 m³ capital)

Annual report

Submitted by (name):	
Phone:	
Email:	Date: <i>(DD/MM/YYYY)</i>

1) Specify the calendar year this report applies to: _____ (*Reporting period*)

2) Quantity of material permitted under this permit but not yet dumped at the beginning of the reporting period:

Maintenance: _____ m³, Capital: _____ m³

3) Quantity of material dumped during the reporting period (*please provide volume and weight*) at each **disposal site**:

Geodetic Datum:

Disposal Site Code	Disposal Site Latitude (North/South decimal degrees)	Disposal Site Longitude (East/West decimal degrees)	Type of material	Volume (in-situ cubic metres)	Weight (dry weight tonnes)
AU007A	-37.9020°	147.9363°	Maintenance dredged material		
	-37.9055°	147.9380°			
	-37.8954°	147.9574°	Capital dredged material		
	-37.8988°	147.9589°			
AU007B	-37.8877°	147.9907°	Maintenance dredged material		
	-37.8911°	147.9923°			
	-37.8811°	148.0118°	Capital dredged material		
	-37.8845°	148.0135°			

Briefly describe any conversion rates used for calculating disposal volumes:

4) Quantity of material permitted under this permit but not yet dumped at the end of the reporting period:

Maintenance: _____ m³, Capital: _____ m³

5) Was field monitoring of the **disposal sites** conducted during the reporting period? Yes ☐ No ☐

If yes, please complete questions 6-9 below.

Monitoring of the disposal site

6) When was field monitoring conducted? *(Please tick all boxes which apply.)*

Before dumping ☐, During dumping ☐, After dumping ☐, Other ☐

If other, please explain: _____

7) What type(s) of field monitoring was undertaken? *(Please tick all boxes which apply.)*

Biological ☐, Geological ☐, Chemical ☐, Physical ☐, Other ☐

If other, please explain: _____

8) Were any adverse impact(s) found beyond those that were predicted? Yes ☐, No ☐

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

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