
APPENDIX A

DEH SEA DUMPING PERMIT



ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981

SEA DUMPING PERMIT

Issued to

PORT KEMBLA PORT CORPORATION

I, Anne-Marie Delahunt, a delegate of the Minister for the Environment and Heritage acting under section 19 of the *Environment Protection (Sea Dumping) Act 1981*, hereby grant a sea dumping permit to Port Kembla Port Corporation, PO Box 89, Port Kembla NSW 2505, to load, for the purposes of dumping, and to dump up to 335,000 cubic metres of seabed material from within the inner harbour of Port Kembla as part of port development works for the creation of two new berths, for a period commencing on the date of signature of this permit and extending for a period of 3 years, subject to conditions which are specified in Appendix 1.

DATE.....day of.....2005

Anne-Marie Delahunt
Delegate of the Minister

This permit comprises five (5) pages, including Appendix 1

**CONDITIONS FOR DUMPING AT SEA
OF SEABED MATERIAL DERIVED FROM CAPITAL DREDGING OF THE
INNER HARBOUR OF PORT KEMBLA**

Definitions

1) In this permit

“the Act” means the *Environment Protection (Sea Dumping) Act 1981*;

“the Application” means the Application for a permit under the *Environmental Protection (Sea Dumping) Act 1981* submitted by Port Kembla Port Corporation on 15 July 2005;

“the Department” means
Department of the Environment and Heritage,
Ports and Marine Section,
GPO Box 787,
Canberra ACT 2601.
Telephone – 02 6274 1428
Facsimile – 02 6274 1620;

“dumping activities” means all activities associated with the dumping permitted under this permit, including:
(i) the excavation or dredging of the material
(ii) the loading and carriage of dredged or other material for the purpose of dumping;
(iii) the dumping of the material at the prescribed placement area;

“EB4” means Eastern Basin No 4;

“GPS” means Global Positioning System;

“monitoring zone” means the area within 300 metres of any point on the dumping run about to be commenced;

“MPB3” means Multi Purpose Berth 3;

“the vessel” means any vessel or vessels used for, or in connection with, the dumping activities.

2) Except so far as the contrary intention appears, terms and expressions used in this permit have the same meaning as such terms and expressions in the Act.

Environment Management Plan

- 3) Port Kembla Port Corporation must develop and submit for approval to the Department, prior to any dredging taking place, an Environment Management Plan addressing staged works at EB4 and MPB3; including:
- a) Pre-disposal sediment sampling following the dredging of the overlaying contaminated material to verify that there is no cross contamination with the underlying clean material proposed for sea dumping;
 - b) Pre-and post-disposal remotely operated vehicle camera surveys of the rocky reef in the vicinity of the disposal site to determine any impacts due to the dispersion of mud from the disposal site, including estimates of epifaunal biota and fish species present;
 - c) Pre-and post-disposal sediment sampling and benthic surveys at the disposal site and reference sites to determine any biological impacts on organisms on or in the sediments at the disposal site; and
 - d) Placement plans for the disposal of the dredged material at the disposal site.

The plan must include timing and a commentary on the surveys undertaken. The surveys specified in 3(b) and 3(c) must be undertaken for each dredging stage. The approved plan must be implemented. Dredging and dumping must not commence until the plan is approved.

Materials to be Dumped

- 4) Port Kembla Port Corporation must only dump in the area specified in Condition 5 up to 225,000 cubic metres from area MPB3 and up to 110,000 cubic metres from EB4, as described in Part V of the application.

Disposal Site

- 5) Port Kembla Port Corporation must only dump the seabed material within the area defined by the following WGS84 coordinates:

150° 59' 34.80" E and 34° 29' 29.22" S

151° 00' 56.40" E and 34° 29' 29.88" S

150° 59' 27.60" E and 34° 30' 41.04" S

151° 00' 27.60" E and 34° 30' 44.82" S

- 6) Port Kembla Port Corporation must establish by GPS that, immediately prior to dumping, the vessel is within the defined disposal site in Condition 5.
- 7) Any dredge used in connection with the dumping activities and any associated towing vessels must comply with the relevant State/Northern Territory, national or international standards with respect to seaworthiness, safety and environmental requirements, or any rules or conditions laid down by the certifying Classification Society, and be capable of dumping the dredge spoil at the dump site in accordance with this permit.

Access for Observers

- 8) At least two Australian Government nominees are to be afforded access to witness, inspect, examine or audit any part of the operations, including any dumping or monitoring activity, the vessel or any other equipment, or any documented records, and are to be provided with any necessary assistance in carrying out their duties.

Compliance of All Parties Engaged in Dumping Activities

- 9) All persons engaged in the dumping activities authorised under this permit, including the owner(s) and person(s) in charge of the vessel, must be made aware of, and comply with, this permit and the requirements of the Act.

Mitigation Measures for Protection of Cetaceans

- 10) During June to October inclusive, Port Kembla Port Corporation must check, using binoculars from a suitable, high observation platform on the dredge vessel, for cetaceans within the monitoring zone.
- 11) Dumping activities may be commenced only if no cetaceans have been observed in the monitoring zone for ten minutes immediately preceding commencement.
- 12) If any cetaceans are sighted in the monitoring zone, dumping activities must not commence until twenty minutes after the last cetacean is observed to leave the monitoring zone.

Monitoring and Reporting

- 13) Port Kembla Port Corporation must keep records comprising either weekly plotting sheets or a certified extract of the ship's log which detail:
- a) The times and dates of when each dumping run is commenced and finished;
 - b) The position of the vessel at the beginning and end of each dredging run;
 - c) The position (eg by GPS) of the vessel at the beginning and end of each dumping run with the inclusion of the path of each disposal run; and
 - d) The volume of dredge spoil (in cubic metres) dumped for the specific operational period.

These records are to be retained for audit purposes.

- 14) A bathymetric and sidescan sonar survey of the disposal site must be undertaken:
- a) prior to commencement of dredging MPB3 and within one month of the completion of the dredging and dumping of materials from MPB3;
 - b) prior to commencement of dredging EB4 and within one month of the completion of the dredging and dumping of materials from EB4; and
 - c) 12 to 18 months after the dumping of the material from EB4 or MPB3, whichever occurs last.

Within one month of completion of each of the activities specified in Conditions 14(a), 14(b) and 14(c), Port Kembla Port Corporation must provide a digital copy of the bathymetric surveys to the RAN Hydrographer, Locked Bag 8801, South Coast Mail Centre, NSW, 2521.

- 15) Within two months of the completion each of the activities specified in Conditions 14(a), 14(b) and 14(c), Port Kembla Port Corporation must provide a report to the Department. The report must include a chart showing the changes in sea floor bathymetry as a result of dumping, a written commentary on the volumes of dumped material that appear to have been retained within the spoil ground, the rate of breakdown of the clumps of the dumped material and any observed changes from the surveys outlined in Condition 14(a) and 14(b).

- 16) Port Kembla Port Corporation must document any incidents involving dumping activities that result in injury or death to any cetacean. The time and nature of each incident, and the species involved, if known, must be recorded.
- 17) Port Kembla Port Corporation must notify the Department, in writing, of any incidents documented in accordance with Condition 16. Reports must be submitted to the Department within 24 hours of each incident, or as requested by the Department.
- 18) To facilitate annual reporting to the International Maritime Organization, PKPC must report to the Department by 31 January each year the following:
1. Permit start date
 2. Permit expiry date
 3. Approved dumping site
 4. Nature of material
 5. Permit quantity
 6. Quantity dumped
 7. Dumping method used