

Reclamation EMP Compliance Report

09 NOVEMBER 2023



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Introduction

In 2001 the Port of Brisbane Pty Ltd (PBPL) was granted an *Environmental Protection & Biodiversity Conservation Act 1999* (EPBC) approval for the expansion of the port facility. Under the Future Port Expansions (FPE) project, the Port of Brisbane facility was extended in 2002. Approximately 4.5 km of outer bund wall was constructed over two years (completed in August 2004) to enclose 230ha of sub tidal land. During 2004 the development of internal bund walls was undertaken to divide this area up into smaller ‘reclamation ponds’. These ponds were developed for the placement of dredge material and subsequent management of tail waters from PBPL’s capital works and maintenance dredging.

The purpose of this report is to address compliance with each of the conditions under the EPBC approval, including implementation of any management plan as specified in the conditions (see Table 1 below).

Table 1: EPBC approval conditions

Condition Number	Condition
1	The approval holder must prepare and submit for approval by the Minister prior to commencement of the action, a plan for managing the impacts of construction of the bund wall and reclamation works on listed migratory species, and the impacts of turbidity plumes associated with construction on the ecological character of the Ramsar wetland. The plan must provide for construction to be phased so that disturbance of sites used by listed migratory species is minimised during the periods of September-October and March-April. The plan must also include a programme of monitoring, and actions that will be taken if turbidity is greater by a factor of three or more than predicted in hydrological modelling in section 8.4.2 of the Draft Queensland Impact Assessment Study, and if impacts identified in the plan result from turbidity. The action must be taken in accordance with the plan approved by the Minister.
3	The approval holder may choose to revise a plan approved by the Minister under condition 1 without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact . If the approval holder makes this choice it must: <ol style="list-style-type: none"> a) notify the Department in writing that the approved plan has been revised and provide the Department, at least four weeks before implementing the revised plan, with: <ol style="list-style-type: none"> I. an electronic copy of the revised plan; II. an explanation of the differences between the revised plan and the approved plan; and III. the reasons the approval holder considers that the taking of the action in accordance with the revised plan would not be likely to have a new or increased impact.
3A	The approval holder may revoke its choice under condition 3 at any time by giving written notice to the Department. If the approval holder revokes the

	<p>choice to implement the revised plan, without approval under section 143A of the EPBC Act, the plan approved by the Minister must be implemented.</p>
3B	<p>If the Minister gives a notice to the approval holder that the Minister is satisfied that the taking of the action in accordance with the revised plan would be likely to have a new or increased impact, then:</p> <ol style="list-style-type: none"> I. condition 3 does not apply, or ceases to apply, in relation to the revised plan; II. and the approval holder must implement the plan approved by the Minister. <p>To avoid any doubt, this condition does not affect any operation of conditions 3 and 3A in the period before the day the notice is given. At the time of giving the notice, the Minister may also notify that for a specified period of time condition 3 does not apply for the plan required under the approval.</p> <p>Conditions 3, 3A and 3B are not intended to limit the operation of section 143A of the EPBC Act which allows the approval holder to submit a revised plan to the Minister for approval.</p>
4	<p>The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plan required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.</p>
5	<p>Within three months of every 12 month anniversary of the commencement of this condition, the approval holder must publish a report on its website addressing compliance with each of the conditions of this approval, including implementation of any management plan as specified in the conditions. Documentary evidence providing proof of the date of publication and noncompliance with any of the conditions of this approval must be provided to the Department at the same time as the compliance report is published.</p>
6	<p>Unless otherwise agreed to in writing by the Minister, the approval holder must publish the management plan and report referred to in these conditions of approval on their website.</p> <p>Subsequent to the commencement of this condition, each management plan and report must be published on the website within 1 month of being approved by the Minister or being submitted under condition 3.</p>

Compliance

Condition 1

Both the Future Port Expansion – Bund Construction Environmental Management Plan (June 2002) and the draft Future Port Expansion – Reclamation Environmental Management Plan (June 2002) were submitted and approved prior to the commencement of the FPE project. Both plans addressed the requirements of the Section 86 sanction and Section 91 authority issued under the *Harbours Act 1955*.

The Reclamation Environmental Management Plan (EMP) specifically addresses the management associated with the reclamation phase of the FPE project, that is, the infilling of internal reclamation paddocks. The EMP also directly refers to turbidity management and shorebird monitoring which is conducted on a monthly basis at Reclamation.

Condition 3,3A and 3B

Minor amends were made to the Reclamation EMP and submitted to Department of Climate Change, Energy, the Environment and Water in October 2022 and is available on the Port of Brisbane website. The changes were either administrative or relating to personnel changes and resulted in no new or increased impacts.

Condition 4

PBPL maintains accurate records of the following documents:

- Reclamation EMP
- Audit Documents
- Long Term Maintenance Dredge Management Plan
- Turbidity Data
- Contractor CEMP

Condition 5

Complied.

Condition 6

Complied, this report and the Reclamation EMP and the Bund Construction EMP are available on the PBPL website.