



ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981

VARIATION No. 1 TO SEA DUMPING PERMIT No. SD2012/2382

for

CALTEX REFINERIES (NSW) PTY LTD

I, DEBRA JAYNE CALLISTER - CARTER, a delegate of **the Minister** for the Environment, acting under Sections 21 and 23 of the *Environment Protection (Sea Dumping) Act 1981*, hereby vary the sea dumping permit granted on 1 July 2013, to Caltex Refineries (NSW) Pty Ltd, Level 24, 2 Market St Sydney NSW 2000, to load for the purposes of dumping, and to dump up to 153,000 cubic metres of dredge spoil, derived from capital dredging of the Caltex Kurnell Port and Berthing Facilities in Botany Bay NSW commencing on 1 July 2013 and extending for a period of two years, subject to conditions which are specified in Appendices 1 and 2.

DATE..... 31stday of..... OCTOBER2013

Debra Jayne Callister - Carter
Delegate of the Minister

This permit comprises ten (10) pages, including Appendices 1, 2, 3 & 4.

Appendix 1

CONDITIONS FOR DUMPING AT SEA OF CAPITAL DREDGED SEABED MATERIAL DERIVED FROM THE CALTEX KURNELL PORT AND BERTHING FACILITIES IN BOTANY BAY NSW

Definitions

In this permit:

- “the Act” means the *Environment Protection (Sea Dumping) Act 1981*;
- “the Application” means the Application for a permit under the *Environment Protection (Sea Dumping) Act 1981* submitted by **Caltex** and received by **the Department** on 28 November 2012 with further information received on 14 February 2013 and 28 May 2013 and the variation request received on 9 October 2013, with additional information received on 28 October 2013;
- “Caltex” means Caltex Refineries (NSW) Pty Ltd;
- “Cetacean” means all whales and dolphins identified as of significance under the *Environment Protection and Biodiversity Conservation Act 1999*;
- “the Department” means the Department of the Environment, Queensland 3 and Sea Dumping Section, GPO Box 787, Canberra ACT 2601.
Telephone – 02 6274 1111
Email – seadumping@environment.gov.au
or successor entities;
- “Dumping activities” means all activities associated with the dumping permitted under this permit, including:
- (i) the loading and carriage of dredged material for the purpose of dumping;
 - (ii) the dumping of the material at the prescribed disposal site;
- “Environmental incident” any event which has the potential to, or does impact, on the environment;
- “Environmental risk” any risk, additional to those risks previously identified in the application, which has the potential to, or does impact, on the environment;
- “GPS” means Global Positioning System;
- “the Minister” means the Australian Government Minister who administers the *Environment Protection (Sea Dumping) Act 1981*;
- “Monitoring zone” means the area within 300 metres of the vessel;
- “Vessel” means any vessel or vessels used for or in connection with the loading and/or dumping activities.
- “Sediment and Water” means the Kurnell Wharf Infrastructure Upgrade Sediment

Quality Management Plan and Water Quality Management Plan, 1 October 2013

“Dredge and Spoil Disposal Management Plan” means the Kurnell Wharf Infrastructure Upgrade Dredge and Spoil Disposal Management Plan, 1 October 2013

1. 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**.

Material to be dumped

2. **Caltex** must ensure that only up to 153, 000 cubic metres of material derived from capital dredging using a backhoe dredge at Caltex’s Kurnell Facility in Botany Bay, NSW, as specified in Part E of **the application**, are loaded and dumped.
3. A silt curtain must be used around the backhoe dredger during all dredging as described in Section 4.4.1 and shown in Figure 4-2 of the *Environmental Impact Assessment -Kurnell Port and Berthing Facility* dated May 2013.
4. Overflow dredging is not permitted within the areas bound by the following coordinates and as shown in Appendix 4.

Coordinates (WGS84) of the areas in which Overflow Dredging is Not Permitted

No Overflow Dredging - Fixed Berth #1 and Fixed Berth #2	
Latitude (South)	Longitude (East)
33°59.94’S	151°12.78’E
34°00.14’S	151°12.65’E
34°0.05’S	151°12.45’E
33°59.88’S	151°12.55’E
33°59.96’S	151°12.72’E
No Overflow Dredging - In Front (Immediately East) of the Sub Berth	
Latitude (South)	Longitude (East)
33° 59.64’S	151° 12.87’E
33° 59.79’S	151° 12.79’E
33° 59.75’S	151° 12.69’E
33° 59.60’S	151° 12.77’E

Disposal Site

5. **Caltex** must only dump within the disposal site bound by the following WGS84 coordinates:

Latitude	Longitude
33° 51.51' S	151° 24.07' E
33° 52.21' S	151° 24.07' E
33° 51.27' S	151° 26.02' E
33° 52.21' S	151° 26.02' E

6. **Caltex** must ensure that each load of dredge material is dumped so that the dumped material is distributed evenly over the disposal site defined in Condition 5.
7. **Caltex** must establish by **GPS** that, prior to dumping; the **vessel** is within the disposal site defined in Condition 5.

Suspended Sediment monitoring

8. Within three months of completing the post-dredging water quality monitoring required under the Section 9 of the Sediment and Water Quality Management Plan, Revision 4, issued on 1 October 2013 **Caltex** shall submit a report to **the Department** documenting the results of the water quality monitoring undertaken before, during and post dredging.
9. **Caltex** must comply with:
- Sections 8 and 9 of the Sediment and Water Quality Management Plan, Revision 4 issued on 1 October 2013, and the following additional requirements to Table 9.1 of that plan:
 - In the case of non-compliance as per Table 9.1 of the plan, **Caltex** would immediately notify the Department as well as NSW EPA.
 - The three grab samples collected whilst dredging in the Sub-berth and Berth #1 would be undertaken within 24 hours, but not at the same time. The TBT samples would be sent to the laboratory. The laboratory (ALS Brisbane) has indicated that TBT testing would be available 5 days.
 - The steps undertaken in the case of TBT exceedances (any confirmed results >0.006 micrograms per litre) are as follows:
 - Step 1. Notify NSW EPA and the Department
 - Step 2. Do the following actions (either a or b)
 - Cease overflow dredging if overflow dredging is undertaken
 - Reduce rate of dredging if no overflow dredging is undertaken
 - Step 3. Immediately resample at that location following Step 2
 - Step 4. Once monitoring results indicate that TBT levels are below the trigger levels, normal dredging operations may recommence at that location. If sample result is still >0.006 micrograms per litre, cease dredging at this location. Contact NSW EPA and the Department to discuss further management action.
 - Sections 4 and 8.1 of the Dredging and Spoil Disposal Management, Revision 4 issued on 1 October 2013.

Access for Observers

10. If requested by the **Department**, at least two nominees of **the Department** must 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 must be provided with any necessary assistance in carrying out their duties.

Mitigation Measures for Protection of Marine Species

11. Before beginning **dumping activities**, **Caltex** must ensure that a check is undertaken, using binoculars from a high observation platform, for **cetaceans**, pinnipeds or turtles within the **monitoring zone**.
12. If any marine species specified in Condition 11 are sighted in the **monitoring zone**, **dumping activities** must not commence in the **monitoring zone** until 20 minutes after the last marine species is observed in the **monitoring zone**, or the vessel is to move to another area of the disposal site to maintain a minimum distance of 300 metres between the vessel and any marine species identified in Condition 11.

Environmental Risk and Incidents

13. If, at any time during the course of the dumping activities, an **environmental incident** occurs or **environmental risk** is identified, all measures must be taken immediately by **Caltex** to mitigate the risk or the impact. The situation is to be reported within 24 hours, to the Department, with details of the incident or risk, the measures taken, the success of those measures in addressing the incident or risk and any additional measures proposed to be taken.
14. **Caltex** must document any incidents involving the **dumping activities** that result in injury or death to any **cetacean** or turtle. The time and nature of each incident and the species involved, if known, must be recorded.
15. **Caltex** must notify the Department, in writing, of any incidents documented in accordance with Condition 14. Reports must be submitted to the Department within 24 hours, or as requested by the Department.

Compliance of all Parties engaged in dumping activities

16. **Caltex** must ensure that all persons engaged in the **dumping activities** under this permit, including the owner(s) and person(s) in charge of the **vessel**, comply with this permit and the requirements of the **Act**.

Monitoring and reporting

17. **Caltex** 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 (as determined by GPS) of the dumping **vessel** at the beginning and end of each dumping run, with the inclusion of the path of each dumping run; and
 - c) the volume of dredge material (in-situ cubic metres) dumped and quantity in dry tonnes for the specified operational period and compare these quantities with the total amount permitted under the permit on a daily basis.
18. These records are to be retained by **Caltex** for verification and audit purposes.
19. A bathymetric survey of the disposal site must be undertaken by **Caltex**:
 - a) prior to the commencement of dredging under this permit; and
 - b) within one month of the completion of all dumping activities authorised under this permit.

20. Within two (2) months of the final bathymetric survey being undertaken, **Caltex** must provide a digital copy of each of the bathymetric surveys to the Australian Hydrographic Office, Locked Bag 8801, Wollongong, NSW 2500.
21. **Caltex** must provide a report on the bathymetry to **the Department** within two (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 and include written commentary on 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, **Caltex** must report to the Minister by 31 January each year, including on the day of the expiry of the permit or completion of all dredging under this permit, information at Appendix 2 to this permit, or in a format as approved by **the Minister** from time to time.

Appendix 2: Sea Dumping Permit International Reporting Requirements

Please fill in this form and return it by **email only** to the Department of the Environment by 31 January each year. This information is required for Australia's international reporting obligations under the London Protocol. Email: seadumping@environment.gov.au

Permit Holder: Address: Submitted by: Phone: Email:	Date: (dd/mm/yyyy)
---	--------------------

Sea Dumping Permit number:

Permit start date: (dd/mm/yyyy) **Permit end date:** (dd/mm/yyyy)

Approved dumping site/s:

Geographical position

Latitude	Longitude

Calendar year this report applies to:

Permit quantity:

Quantity dumped (cubic metres/number) in the preceding calendar year:

Description of material Please tick relevant box or boxes

- Capital Dredged Material , Maintenance Dredged Material , Fish Waste ,
 Vessels , Platforms , Sewage Sludge , Organic Material of Natural Origin ,
 Bulky Waste , CO₂ , Inert-Inorganic Geological Material ,

Comments:

Appendix 3: Schedule of variations to Sea Dumping Permit SD2012/2382

Variation number	Date of variation request	Section (permit/ definitions/ conditions)	Description of variation		Date varied
			Previous text (If applicable)	New text (If applicable)	
1	9 October 2013	permit	<p><i>ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981</i></p> <p>SEA DUMPING PERMIT No. SD2012/2382 for CALTEX REFINERIES (NSW) PTY LTD</p> <p>I, DEBRA JAYNE CALLISTER - CARTER, a delegate of the Minister for Sustainability, Environment, Water, Population and Communities acting under Section 19 of the <i>Environment Protection (Sea Dumping) Act 1981</i>, hereby grant a sea dumping permit to Caltex Refineries (NSW) Pty Ltd, Level 24, 2 Market St Sydney NSW 2000, to load for the purposes of dumping, and to dump up to 153,000 cubic metres of dredge spoil, derived from capital dredging of the Caltex Kurnell port and berthing facilities in Botany Bay NSW commencing on the date of signature of this permit and extending for a period of two years, subject to conditions which are specified in Appendices 1 and 2.</p>	<p><i>ENVIRONMENT PROTECTION (SEA DUMPING) ACT 1981</i></p> <p>VARIATION No. 1 TO SEA DUMPING PERMIT No. SD2012/2382 for CALTEX REFINERIES (NSW) PTY LTD</p> <p>I, DEBRA JAYNE CALLISTER - CARTER, a delegate of the Minister for the Environment, acting under Sections 21 and 23 of the <i>Environment Protection (Sea Dumping) Act 1981</i>, hereby vary the sea dumping permit granted on 1 July 2013, to Caltex Refineries (NSW) Pty Ltd, Level 24, 2 Market St Sydney NSW 2000, to load for the purposes of dumping, and to dump up to 153,000 cubic metres of dredge spoil, derived from capital dredging of the Caltex Kurnell Port and Berthing Facilities in Botany Bay NSW commencing on 1 July 2013 and extending for a period of two years, subject to conditions which are specified in Appendices 1 and 2.</p>	Signed /11/2013 Debra Jayne Callister- Carter AS EACD
		definition	<p>“the Application” means the Application for a permit under the <i>Environment Protection (Sea Dumping) Act 1981</i> submitted by Caltex and received by the Department on 28 November 2012 with further information received on 14 February 2013 and 28 May 2013</p>	<p>means the Application for a permit under the <i>Environment Protection (Sea Dumping) Act 1981</i> submitted by Caltex and received by the Department on 28 November 2012 with further information received on 14 February 2013 and 28 May 2013 and the variation request received on 9 October 2013, with additional information received on 28 October 2013;</p>	
		definition	<p>“the Department” means the Department of the Environment, Water, Population and Communities, South Australia and Permits Section, GPO Box 787, Canberra ACT 2601.</p>	<p>“the Department” means the Department the Environment Queensland 3 and Sea Dumping Section, GPO Box 787, Canberra ACT 2601. Telephone – 02 6274 1111</p>	

		Telephone – 02 6274 1111 Email – seadumping@environment.gov.au or successor entities;	Email – seadumping@environment.gov.au or successor entities;														
definition	“RAN” means the Royal Australian Navy;	Definition deleted as no longer applicable.															
definition		“Sediment and Water Quality Management Plan” means the Kurnell Wharf Infrastructure Upgrade Sediment and Water Quality Management Plan, 1 October 2013															
definition		“Dredge and Spoil Disposal Management Plan” means the Kurnell Wharf Infrastructure Upgrade Dredge and Spoil Disposal Management Plan, 1 October 2013															
Condition 4	Overflow dredging is prohibited.	Overflow dredging is not permitted within the areas bound by the following coordinates and shown in Appendix 4. Coordinates (WGS84) of the areas in which Overflow Dredging is Not Permitted															
		<table border="1"> <thead> <tr> <th colspan="2">No Overflow Dredging - Fixed Berth #1 and Fixed Berth #2</th> </tr> <tr> <th>Latitude (South)</th> <th>Longitude (East)</th> </tr> </thead> <tbody> <tr> <td>33°59.94'S</td> <td>151°12.78'E</td> </tr> <tr> <td>34°00.14'S</td> <td>151°12.65'E</td> </tr> <tr> <td>34°0.05'S</td> <td>151°12.45'E</td> </tr> <tr> <td>33°59.88'S</td> <td>151°12.55'E</td> </tr> <tr> <td>33°59.96'S</td> <td>151°12.72'E</td> </tr> </tbody> </table>	No Overflow Dredging - Fixed Berth #1 and Fixed Berth #2		Latitude (South)	Longitude (East)	33°59.94'S	151°12.78'E	34°00.14'S	151°12.65'E	34°0.05'S	151°12.45'E	33°59.88'S	151°12.55'E	33°59.96'S	151°12.72'E	
No Overflow Dredging - Fixed Berth #1 and Fixed Berth #2																	
Latitude (South)	Longitude (East)																
33°59.94'S	151°12.78'E																
34°00.14'S	151°12.65'E																
34°0.05'S	151°12.45'E																
33°59.88'S	151°12.55'E																
33°59.96'S	151°12.72'E																
		No Overflow Dredging - In Front (Immediately East) of the Sub Berth															
		<table border="1"> <thead> <tr> <th>Latitude (South)</th> <th>Longitude (East)</th> </tr> </thead> <tbody> <tr> <td>33° 59.64'S</td> <td>151° 12.87'E</td> </tr> <tr> <td>33° 59.79'S</td> <td>151° 12.79'E</td> </tr> <tr> <td>33° 59.75'S</td> <td>151° 12.69'E</td> </tr> <tr> <td>33° 59.60'S</td> <td>151° 12.77'E</td> </tr> </tbody> </table>	Latitude (South)	Longitude (East)	33° 59.64'S	151° 12.87'E	33° 59.79'S	151° 12.79'E	33° 59.75'S	151° 12.69'E	33° 59.60'S	151° 12.77'E					
Latitude (South)	Longitude (East)																
33° 59.64'S	151° 12.87'E																
33° 59.79'S	151° 12.79'E																
33° 59.75'S	151° 12.69'E																
33° 59.60'S	151° 12.77'E																
Condition 8	The predictions for the dispersion and deposition modelling presented in Appendix D1, <i>Coastal and</i>	Within three months of completing the post-dredging water quality monitoring required under the Section 9															

		<p><i>Hydrodynamic Processes (Botany Bay) Report</i> dated 19 December 2012 must be validated by Caltex during the first two months of the dredging campaign. A report detailing the outcomes of the validation must be provided to the Department.</p>	<p>of the Sediment and Water Quality Management Plan, Revision 4 issued on 1 October 2013, Caltex shall submit a report to the Department documenting the results of the water quality monitoring undertaken before, during and post dredging.</p>
	<p>Condition 9</p>	<p>Should the monitoring indicate sediment plumes beyond those predicted in the <i>Coastal and Hydrodynamic Processes (Botany Bay) Report</i> or exceeded the turbidity values specified in Section 7.4.1: <i>Suspended Sediment Monitoring</i> on Page 7-5 of the <i>Environmental Impact Assessment</i> dated May 2013, all dredging must be stopped. Revised turbidity monitoring and management measures for further dredging must be submitted to the Department for approval before dredging can recommence.</p>	<p>9. Caltex must comply with:</p> <ol style="list-style-type: none"> a. Sections 8 and 9 of the Sediment and Water Quality Management Plan, Revision 4 issued on 1 October 2013, and the following additional requirements to Table 9.1 of that plan: <ol style="list-style-type: none"> 1. In the case of non-compliance as per Table 9.1 of the plan, Caltex would immediately notify the Department as well as NSW EPA. 2. The three grab samples collected whilst dredging in the Sub-berth and Berth #1 would be undertaken within 24 hours, but not at the same time. The TBT samples would be sent to the laboratory. The laboratory (ALS Brisbane) has indicated that TBT testing would be available 5 days. 3. The steps undertaken in the case of TBT exceedances (any confirmed results >0.006 micrograms per litre) are as follows: <ol style="list-style-type: none"> Step 1. Notify NSW EPA and the Department Step 2. Do the following actions (either a or b) <ol style="list-style-type: none"> a. Cease overflow dredging if overflow dredging is undertaken b. Reduce rate of dredging if no overflow dredging is undertaken Step 3. Immediately resample at that location following Step 2 Step 4. Once monitoring results indicate that TBT levels are below the trigger levels, normal dredging operations may recommence at that

			location. If sample result is still >0.006 micrograms per litre, cease dredging at this location. Contact NSW EPA and the Department to discuss further management action.	
			b.Sections 4 and 8.1 of the Dredging and Spoil Disposal Management, Revision 4 issued on 1 October 2013.	
Condition 11	Before beginning dumping activities , Caltex must ensure that a check is undertaken, using binoculars from a high observation platform, for cetaceans or turtles within the monitoring zone .	Before beginning dumping activities , Caltex must ensure that a check is undertaken, using binoculars from a high observation platform, for cetaceans , pinnipeds or turtles within the monitoring zone .		
Condition 20	Within two (2) months of the final bathymetric survey being undertaken, Caltex must provide a digital copy of each of the bathymetric surveys to the RAN Hydrographer , Locked Bag 8801, South Coast Mail Centre, NSW 2521.	Within two (2) months of the final bathymetric survey being undertaken, Caltex must provide a digital copy of each of the bathymetric surveys to the Australian Hydrographic Office, Locked Bag 8801, Wollongong, NSW 2500.		
Appendix 2	Please fill in this form and return it by email only to the Department of Sustainability, Environment, Water, Population and Communities by 31 January each year. This information is required for Australia's international reporting obligations under the London Protocol. Email: seadumping@environment.gov.au	Please fill in this form and return it by email only to the Department of the Environment, by 31 January each year. This information is required for Australia's international reporting obligations under the London Protocol. Email: seadumping@environment.gov.au		

