

Environmental Standard – Seabed Levelling Activities

1. PURPOSE

The purpose of this Environmental Standard (“**Standard**”) is to define the minimum environmental standard to be applied to seabed levelling activities at any of Tasmanian Ports Corporation Pty Ltd (“**TasPorts**”) operated “**port waters**” in areas licenced from Crown Land Services (“**The Crown**”).

2. SCOPE

This Standard applies to all “**sweeping**” or “**seabed levelling**” activities occurring in port waters licenced from the Crown. These activities are defined by the use of a levelling bar or sweeping bar to level and push material from shallow to adjacent deeper areas. The bar is a large steel plough suspended below a seagoing tug or barge that can be raised and lowered to the required depth and cater for tidal movement. The activities result in the relocation of sediment from high points to low points in the immediate swept or levelling area, but do not involve disposal of sediments outside of this area. Seabed levelling is normally undertaken within port areas that have been previously dredged to maintain design depths.

3. OBJECTIVES

This standard aims to manage environmental and stakeholder impacts associated with any sweeping or seabed levelling activities.

4. BACKGROUND

The *Environmental Management and Pollution Control Act (“EMPCA”) 1994* (Tas), requires that any activity classified as a ‘level 2 activity’ defined in Schedule 2 of EMPCA, must undergo an impact assessment by the Board of the Environment Protection Authority (“**EPA**”). The definition below taken from Schedule 2 of EMPCA, for activities undertaken in waters is not well defined in relation to seabed levelling activities:

“(e) Conduct of Certain Activities in Waters Within the Limits of the State: the dumping of dredge spoil or the dumping or sinking of boats, aircraft, platforms or other man-made structures and the placement of artificial reefs in waters within the limits of the State”.

For this reason, seabed levelling projects undertaken by TasPorts in the past have been undertaken on a case by case basis, seeking confirmation from the **EPA** on the required assessment process each time. Seabed levelling projects have been small in scale and extent, have consistently applied similar management controls and none have triggered a level 2 assessment.

5. LEGAL REQUIREMENTS AND APPROVALS

The EPA letter to TasPorts on 14th June 2018 [Ref.1], endorsed a set of minimum requirements. These requirements are detailed in **Section 6** below and shall be applied to all seabed-levelling projects undertaken by TasPorts. Compliance with these minimum requirements ensures that TasPorts is permitted to undertake seabed levelling activities without triggering a level 2 assessment process by the EPA Board.

Under the *Environmental Management and Pollution Control Act 1994* (Tas), a person has a **general environmental duty** to take such steps as are practicable or reasonable to prevent or minimise **environmental harm** or **environmental nuisance** caused, or likely to be caused by an activity. In addition to TasPorts' general environmental duty under EMPCA, the following guidelines and manuals are considered mandatory:

1. Tasmanian Coastal Works Manual: A Best Practice Guide for Changing Coastlines [Ref.2]; and
2. National Bio-fouling Management Guidelines for Non-trading Vessels [Ref.3].

6. REQUIREMENTS

6.1. Stakeholder Consultation

1. Other river and port users will be advised of any proposed works by way of either public notice or direct advice.
2. The EPA will be notified by emailing EPAEnquiries@environment.tas.gov.au at least three (3) working days (if practical) prior to the works being undertaken.

6.2. Environmental

1. All works will be carried out in a manner that does not cause environmental nuisance or environmental harm.
2. All works to be carried out in compliance with the *Tasmanian Coastal Works Manual: A Best Practice Guide for Changing Coastlines* [Ref.1].
3. Biodiversity Conservation Section within DPIPWE will be consulted immediately prior to work commencing, to determine whether there has been any recent marine mammal sightings within close proximity of the work area (Telephone: Whale Hotline 0427 942 537).
4. A 500m radius marine fauna observation ("MFO") and action zone shall be established and monitored around the seabed levelling activities.
5. Marine fauna observations shall be recorded on the TasPorts MFO Form, or similar, and include the following marine fauna:
 - a. Cetaceans (whales); and
 - b. Pinnipeds (seals).
6. Work will cease if any listed marine mammal species become known to be present within 500 metres of the operating levelling bar or tug.
7. Occurrences of marine mammals will be reported to DPIPWE within ninety (90) days of observation. Reference data will include species name, location- **GPS** (grid reference GDA94), observer name, date, number of individuals and area occupied.
8. Remediation of any contamination caused during works will be the responsibility of TasPorts.
9. Work areas are to be clearly demarcated and only required amount of material excavated to achieve required depth.
10. All "in water" works must be undertaken during calm sea conditions.
11. Sediment plumes will be visually monitored. Should the plume extend beyond expected extent and concentration then wave, wind and tidal information will be reviewed and if necessary activities halted until more suitable conditions occur.
12. Machinery to be used must be in good working order and well maintained. Work methods must ensure that no oil/fuel spills occur during refuelling of plant and machinery.
13. Where seabed levelling is to be carried out in proximity to an area known to contain sensitive environmental receptors (see surveys below), further measures will be taken to reduce impacts occurring as a result of the activity. These may include:
 - a. Use of silt curtains;
 - b. Sea state restrictions;
 - c. Duration limits (e.g. activities limited to two week operations at any one time);

- d. Seasonal restrictions (times of year to avoid presence or key life cycle events (e.g. spawning); and
- e. Other mitigation measures specific to the identified sensitive receptor.

6.3. Marine Pests

- 1. Any equipment sourced outside of Tasmania will be washed down consistent with the *National Bio-fouling Management Guidelines for non-trading vessels* [Ref.3].
- 2. An Invasive Marine Pest Risk Assessment will be completed for each piece of floating and submersible plant and equipment prior to mobilisation to the project area.

6.4. Social, health and economic issues

- 1. All requirements of relevant authorities will be complied with including, but not limited to, Workplace Standards, the Council relevant to the port location, Marine and Safety Tasmania (“**MAST**”), and the Environment Protection Authority.

6.5. Surveys and studies

- 1. Where sediments are likely to be contaminated, sampling and analysis will be undertaken to inform an assessment of whether the activity has the potential to cause environmental nuisance or environmental harm. Sediment sampling and analysis undertaken to identify contamination will remain current for a maximum of five (5) years.
- 2. A pre-operation environmental assessment will be undertaken to identify the potential for sensitive environmental receptors, which are likely to be impacted by the proposed activity. Field surveys will remain current for a maximum of five (5) years.

6.6. Timing and location

- 1. Seabed levelling activities will only occur between the hours of 6am to 6pm.
- 2. All works are to be carried out within Crown Lands.

6.7. Monitoring and Reporting

- 1. Monitoring measures will be undertaken during seabed levelling operations to ensure above provisions are being met.
- 2. Surveys to determine pre- and post-seabed levelling depths are to be undertaken.
- 3. A report will be provided to the EPA within two (2) months of the works being completed to provide confirmation that the provisions of TasPorts Crown Licence that the additional measures above have been met.

7. DEFINITIONS AND ABBREVIATIONS

DPIPWE	Department of Primary Industries, Parks, Water and Environment
EMPCA	<i>Environmental Management and Pollution Control Act 1994</i> (Tas)
Environmental Harm	Environmental harm is defined in section 5(1) of the <i>Environmental Management and Pollution Control Act 1994</i> (Tas) to mean: any adverse effect on the environment (of whatever degree or duration) and includes an environmental nuisance

Environmental Nuisance	<p>Environmental nuisance is defined in section 3 of the <i>Environmental Management and Pollution Control Act 1994 (Tas)</i> to mean:</p> <p>(a) the emission, discharge, depositing or disturbance of a pollutant that unreasonably interferes with, or is likely to unreasonably interfere with, a person's enjoyment of the environment; and</p> <p>(b) any emission, discharge, depositing or disturbance specified in an environment protection policy to be an environmental nuisance.</p>
EPA	Environment Protection Authority
General Environmental Duty	<p>General environmental duty is defined in section 23A(1) of the <i>Environment Management and Pollution Control Act 1994 (Tas)</i>, to mean:</p> <p>(1) A person must take such steps as are practicable or reasonable to prevent or minimise environmental harm or environmental nuisance caused, or likely to be caused, by an activity conducted by that person.</p>
GPS	Geospatial position system
MAST	Marine and Safety Tasmania
MFO	Marine Fauna Observation
Seabed levelling or Sweeping Activities	Are defined by the use of a levelling bar or sweeping bar to level and push material from shallow to adjacent deeper areas that does not result in a need to dispose of sediments outside the area of sweeping or levelling.
Port waters / TasPorts waters	Port waters for the purposes of this standard are those defined by Crown Land Service licence areas.

8. REFERENCES

1. EPA, 2018. 'TasPorts Sea Bed Levelling Activities Proposed Minimum Standards'. Letter from EPA to TasPorts 14 June 2018 [EPA ref: EN-EM-EV-DE-238593/H871505/TasPorts Burnie Devonport Ports Sea Bed Levelling - EPA response] [TRIM No. DOC/18/26250]
2. Page, Leah and Thor, Veronica, 2010. *Tasmanian Coastal Works Manual: A Best Practice Guide for Changing Coastlines*. Published by the Department of Primary Industries, Parks, Water and Environment - Tasmania, December 2010. ISBN: 978-0-7246-6559-4 (pdf). Viewed online on 27 July 2018 at <<http://dpiwwe.tas.gov.au/conservation/coastal-management/managing-the-coast/tasmanian-coastal-works-manual>>
3. Commonwealth of Australia, 2009. *National Bio-fouling Management Guidelines for Non-trading Vessels*. April 2009. ISBN 978-1-921575-07-5. Viewed online on 27 July 2018 at <http://www.marinepests.gov.au/marine_pests/publications/Documents/Biofouling_guidance_NTV.pdf>