



## Notification of approval decision

### Viva Energy Gas Terminal Project (EPBC 2020/8838)

This decision is made under section 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act also applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.

#### Approved Action

<b>person to whom the approval is granted (approval holder)</b>	Viva Energy Gas Australia Pty Ltd ACN: 645450059
<b>Action</b>	To develop and operate a gas terminal using a Floating Storage and Regasification Unit (FSRU) and associated activities in Corio Bay

#### Approval decision

<b>decision</b>	My decision on whether or not to approve the taking of the Action for the purposes of each controlling provision for the Action are as follows.	
	<b>Controlling Provision</b>	<b>Decision</b>
	Wetlands of international importance (section 16 and section 17B)	Approved
	Listed threatened species and communities (section 18 and section 18A)	Approved
	Listed migratory species (section 20 and section 20A)	Approved
<b>period for which the approval has effect</b>	This approval has effect until 31 December 2044.	
<b>conditions of approval</b>	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

#### Person authorised to make decision

<b>name and position</b>	Rachel Short Branch Head Environment Assessments (Vic and Tas) and Post Approvals Branch Environment Regulation Division
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signature



date of decision

1 April 2026

## Annexure A

**Note:** Words and terms appearing in **bold** (excluding headings) have the meaning assigned to them at **Part C – Definitions**.

### Part A – Avoidance and mitigation conditions

#### CLEARING LIMITS – TERRESTRIAL AND MARINE

- 1) The approval holder must not:
  - a) **Clear** outside of the **Action area**,
  - b) **Construct** outside of the **Action area**,
  - c) **Dredge** outside of the **dredging site**, and
- 2) The approval holder must not **clear** more than:
  - a) 0.354 hectares (ha) of **Grey-headed Flying fox foraging habitat**, and
  - b) 0.354 ha of **Swift Parrot foraging habitat**.
- 3) The approval holder must not undertake **trenching** of more than 8,800 cubic meters of in-situ volume of sediment.

#### DREDGING AND DISPOSAL

- 4) The approval holder must not undertake **capital dredging** of more than 490,000 cubic meters of in-situ volume of dredge material.
- 5) The approval holder must ensure that any dredge material derived from **capital dredging** at the **dredging site** is only disposed of within the **disposal site**.
- 6) While disposing of any dredged material, the approval holder must ensure that the dredged material is managed in a manner to prevent **mounding** in the **disposal site**.
- 7) To avoid adverse impacts on seagrass, phytoplankton, fish species in their larval or juvenile stages and migratory shorebirds within or adjacent to the **Ramsar Wetlands**, the approval holder must ensure that **dredging activities** associated with the Action do not occur during the period commencing on 1 September and ending on 31 March of any given year.
- 8) In order to minimise sediment spill rate during **dredging activities** associated with the Action, the approval holder must ensure that:

- a) the overflow duration from any barge receiving dredge material from a **small or medium-size backhoe dredge** does not exceed 20 minutes per **dredging cycle**; and
- b) the overflow duration from any barge receiving dredge material from a **large-size backhoe dredge** does not exceed 14 minutes per **dredging cycle**.

## SILT CURTAIN INSTALLATION

- 9) The approval holder must ensure that a **silt curtain** is installed to enclose **the dredging activity**, prior to the **commencement of dredging activities**. The **silt curtain** must remain in place for the duration of **dredging**.
- 10) The approval holder must ensure that, during **dredging activities**, the effectiveness of the **silt curtain** to prevent suspended sediments escaping from the **dredging site** is verified by daily monitoring conducted by a **suitably qualified expert**. The approval holder must ensure that the daily monitoring includes measurement of **turbidity** levels at the surface, mid and bottom water levels immediately outside the **dredging site** and inside of the **silt curtain**.

## TURBIDITY MANAGEMENT PLAN

- 11) To avoid and mitigate **harm** to the **Ramsar Wetlands**, the approval holder must submit a Turbidity Management Plan (TMP) to the **department** for the **Minister's** approval. The TMP must be prepared by a **suitably qualified ecologist**.
- 12) The approval holder must not commence **dredging** unless the TMP has been approved in writing by the **Minister**. The approval holder must implement the approved TMP from commencement of and until all **dredging activities** have been completed.
- 13) By implementing the TMP the approval holder must achieve the following environmental outcomes:
  - a) minimise **turbidity** associated with **dredging activities**; and
  - b) prevent avoidable **harm to Ramsar Wetlands** and associated seagrass beds and benthic fauna.
- 14) All commitments, including environmental outcomes, management measures, corrective measures, trigger values and performance indicators in the TMP must be **SMART** and based on referenced or included evidence of effectiveness. The TMP must be consistent with the **Environmental Management Plan Guidelines**, and must include:
  - a) details of the relevant **protected matters** and a reference to **EPBC Act** approval conditions to which the plan refers,
  - b) a table of commitments made in the plan to achieve the environmental outcomes, and a reference to exactly where these commitments are detailed in the plan,
  - c) commitments capable of ensuring that the environmental outcomes are achieved,

- d) reporting and review mechanisms to demonstrate compliance with the commitments made in the plan, and
  - e) a Water Quality Monitoring Program, that is capable of:
    - i) characterising natural variability in turbidity, light attenuation, and total suspended solids at the **Ramsar Wetlands**,
    - ii) establishing existing conditions at the **Ramsar Wetlands** prior to the commencement of dredging activities, and
    - iii) real-time online monitoring of impacts of dredging on the **Ramsar Wetlands** for the duration of the dredging activities.
- 15) The Water Quality Monitoring Program must include, but is not limited to, the following:
- a) consistency with the **ANZ Water Quality Guidelines**,
  - b) be prepared and conducted by a **suitably qualified water quality expert**,
  - c) presentation of a minimum of 12 months of baseline monitoring data or timeframe as otherwise approved by the **Minister** in writing with information sufficient to specify effective **warning level** and **action level** threshold limits for turbidity,
  - d) a clear methodology for how baseline monitoring data is used to establish **warning level** and **action level** threshold limits for **turbidity**, in consultation with relevant regulatory authorities, including EPA Victoria,
  - e) specify, discuss and justify the location of baseline monitoring sites and real-time monitoring sites during **dredging activities**, noting these can be the same location. At a minimum, at least three real-time monitoring sites must be established along the 3 m depth contour at the offshore boundary of the main seagrass beds at North Corio Bay, including areas within the **Ramsar Wetlands**,
  - f) specify the complete methodology of real-time monitoring for **turbidity**, **light attenuation**, and **total suspended solids** during **dredging activities**, and include justification of its appropriateness for monitoring potential impacts on the **Ramsar Wetlands**,
  - g) hourly comparison of real-time monitoring results during **dredging activities** against baseline data and other relevant data to detect any reaching or exceedance of a **warning level** or **action level** threshold limit,
  - h) specify adaptive management measures to be implemented in the event of exceedance of specified **warning level** and **action level** threshold limits. The adaptive management measures must include provisions to:
    - i) reduce the period of overflow from barges to zero,
    - ii) modify or reinforce the **silt curtain** to ensure its continued effectiveness, and

- iii) halt all **dredging activities** while maintaining the operation of the **silt curtain**
  - i) commitments for reporting to the **department** monitoring results from the water quality monitoring program and performance against specified objectives,
  - j) a commitment to submission of a completion report to the **department** within 6 months following the completion of **dredging activities**, and
  - k) commitments to publish on the **website** monitoring reports for a week of data at a time from the Water Quality Monitoring Program, starting two weeks after **dredging commencement** and updated weekly throughout the period of **dredging activities**, and keep the reports published on the **website** for the duration of this approval.
- 16) The TMP must be peer reviewed by an **independent suitably qualified water quality expert** before submission to the **Minister** for approval. The peer review must include, but is not limited to, the following:
- a) analysis of the effectiveness of the baseline monitoring data in establishing **warning level** and **action level** threshold limits for turbidity, and
  - b) analysis of the effectiveness of the real-time monitoring of water quality during **dredging** activities and proposed adaptive management measures in achieving the environmental outcomes of the TMP.
- 17) Unless otherwise notified in writing by the **Minister**, the approval holder must provide to the **Minister** a copy of all advice and recommendations made by the **independent suitably qualified water quality expert** with the plan, and an explanation of how the advice and recommendations will be implemented, or a justification of why the approval holder proposes not to implement certain recommendations.

## UNDERWATER NOISE

- 18) The approval holder must ensure that impulsive noise generated during **piling** is minimised to the greatest extent reasonably practicable to protect listed species and the critical components and processes of the **Ramsar wetlands**, including areas along the wetland boundary.
- 19) The approval holder must implement noise mitigation measures which include, but are not limited to:
- a) using the quietest reasonably practicable **piling** technique,
  - b) setting the number and duration of sound exposure periods to the minimum necessary to complete the Action, including limiting the rate of pile penetration, the number of piles installed per day, and the number of hammer strikes, and
  - c) implementing primary noise mitigation measures at the source and secondary noise mitigation measures in the path of sound propagation.
- 20) The approval holder must ensure that procedures to deter **EPBC Act listed large marine fauna** and fish from the vicinity of construction are implemented during **piling, dredging** and other

noise-generating activities associated with the Action. These procedures must include, but are not limited to:

- a) use of **Acoustic Harassment Devices** during noise-critical activities, including the onset of **pile driving**, and
- b) use of **Soft start procedures** prior to commencing or recommencing noise-critical activities.

## PRECAUTION ZONES

- 21) The approval holder must establish an **observation zone** and a **shutdown zone** around the **piling** locations.
- 22) The approval holder must implement a **soft start** whenever commencing **piling activities** and following any break in **piling** activity of 30 minutes or more.
- 23) During **piling activities**, including the 30-minute period prior to and throughout the **soft start**, the approval holder must ensure that:
  - a) visual observations to the extent of the **observation zone** and **shutdown zone** are maintained continuously by a **marine fauna observer** to identify if there are any **EPBC Act listed large marine fauna** present,
  - b) the **marine fauna observer** must only be tasked with undertaking visual observations for marine fauna whilst they are engaged to do so and must not have any other duties while engaging in visual observations,
  - c) if any **EPBC Act listed large marine fauna** is sighted within the **observation zone**, the operator of the **piling** equipment places it on standby, ready to shut-down the equipment in case the observed marine fauna enters the **shutdown zone**,
  - d) if any **EPBC Act listed large marine fauna** is sighted within the **shutdown zone**, underwater **piling** operations cease within 2 minutes of the sighting or as soon as safely possible, and
  - e) after all **EPBC Act listed large marine fauna** are observed to move outside the **shutdown zone** or 30 minutes have passed since the last sighting, underwater **piling** is initiated by **soft start**.

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## Part B – Administrative conditions

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### PLAN REVISION

**Note:** Section 143A of the **EPBC Act** entitles the approval holder to apply for the **Minister's** approval of a revised version of a **plan**.

- 24) The approval holder may choose to revise a **plan** required to be implemented under conditions without submitting it for approval under section 143A of the **EPBC Act**, if:

- a) the taking of the Action in accordance with the revised **plan** would be consistent with the approved Action,
  - b) the taking of the Action in accordance with the revised **plan** would be consistent with the conditions attached to this approval, and
  - c) the taking of the Action in accordance with the revised **plan** would not be likely to have a **new or increased impact**.
- 25) The approval holder must notify the **department** electronically that it has prepared a revised version of the **plan** (the 'revised **plan**'). In notifying the **department**, the approval holder must specify each condition which references the **plan** and provide the **department** with:
- a) an electronic copy of the revised **plan**,
  - b) an electronic copy of the revised **plan** marked up with track changes to show the differences between the **plan** and the revised **plan**,
  - c) a comprehensive explanation of all differences between the **plan** and the revised **plan**,
  - d) a declaration that the approval holder has read and understands the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017,
  - e) a comprehensive analysis and detailed discussion on the likelihood that taking the Action in accordance with the revised plan will not have, or will be not likely to have, a **new or increased impact**,
  - f) written notice of the date on which the approval holder will implement the revised **plan** (the 'revised **plan** implementation date'), being at least 30 **business days** after the date of providing notice of the revision of the **plan**, or a date agreed to in writing with the **department**, and
  - g) a copy of the **compliance report** for the latest **ACR period** and a statement of any relevant history of compliance (including non-compliance) in relation to the **plan**.

The approval holder must commence implementation of the revised **plan** from the revised **plan** implementation date unless otherwise notified in writing by the **Minister**.

- 26) If the **Minister** notifies the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with a **plan** which has been revised without submitting it for the **Minister's** approval would be likely to have a **new or increased impact**, then:
- a) the approval holder's ability to revise a **plan** without submitting the **plan** for **Minister** approval does not apply, or ceases to apply, in relation to the revised **plan**,
  - b) the approval holder must implement the **plan** in force immediately prior to that revised **plan** or a version of the **plan** specified by the **Minister** in the notice, and

- c) the **Minister** may also notify that, for a specified period, the approval holder's ability to revise a **plan** without submitting the **plan** for **Minister** approval does not apply for one or more specified **plans**.
- 27) The approval holder may, at any time by giving written notice to the **department**, revoke its choice to implement a **plan** which has been revised without submitting it for the **Minister's** approval. If the approval holder revokes the choice to implement a revised **plan**, the approval holder must implement the plan in force immediately prior to that revised **plan**.

**Note:** The above conditions are not intended to limit the operation of section 143A of the **EPBC Act**.

### **SUBMISSION AND PUBLICATION OF PLANS**

- 28) Wherever these conditions require the approval holder to submit any **plan** to the **department**, all such **plans** must be submitted to the **department** electronically.
- 29) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**,
- 30) The approval holder must keep all **plans** published on the **website**, in a format that is easily accessible and downloadable, from the first date which that **plan** must be published and until the expiry date of this approval. This requirement applies to all current and superseded versions of **plans**.
- 31) The approval holder is required to exclude or redact **sensitive biodiversity data** from any version of a **plan** before that **plan** is published on the **website** or otherwise provided to a member of the public. If **sensitive biodiversity data** is excluded or redacted from a **plan**, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

### **MODIFICATIONS TO STATE OR TERRITORY APPROVAL**

- 32) The approval holder must notify the **department** in writing of any proposed change to any State Approval Conditions that may relate to **protected matters** within 2 **business days** of formally proposing such a change and within 5 **business days** of becoming aware of any proposed change.
- 33) The approval holder must notify the **department** in writing of any change to any State Approval Conditions that may relate to **protected matters**, within 5 **business days** of such a change to conditions coming into effect. Such notification must include a copy of the changed State Approval conditions showing what changes have been made.

### **COMMENCEMENT OF THE ACTION**

- 34) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** following **commencement of the Action**.

- 35) The approval holder must not **commence the Action** later than 5 years after the date of this approval decision.

## COMPLIANCE RECORDS

- 36) The approval holder must maintain accurate and complete **compliance records** and document the procedure for recording and storing **compliance records**.
- 37) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

**Note: Compliance records** may be subject to audit by the **department**, or by an **independent auditor** in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 38) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.
- 39) The approval holder must ensure that any **monitoring data**, surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or as otherwise specified by the **Minister** in writing.
- 40) The approval holder must submit all **monitoring data**, surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** within 20 business days of the next anniversary of the date of this approval decision except where otherwise specified in a **plan**.

## ANNUAL COMPLIANCE REPORTING

- 41) The approval holder must prepare a **compliance report** for each **Annual Compliance Report period (ACR period)**.
- 42) The approval holder must ensure each **compliance report** includes:
- a) accurate and complete details of compliance and any non-compliance with:
    - i) each condition attached to this approval decision, and
    - ii) all commitments made in each plan,
  - b) a schedule of all **plans** in effect in relation to these conditions during the **ACR period**,
  - c) accurate and complete details of how each **plan** was implemented during the **ACR period**, and
  - d) if any **incident** occurred, accurate and complete details of each **incident**.

- 43) The approval holder must ensure each **compliance report** is completed to the satisfaction of the **Minister** and is consistent with the *Annual Compliance Report Guidelines, Commonwealth of Australia 2023*.
- 44) The approval holder must, within 20 **business days** following the end of each **ACR period**, in a format that is easily accessible and downloadable, publish on the **website**:
- a) each **compliance report**, and
  - b) a **shapefile** showing all **clearing of protected matters**, and their habitat, undertaken within the **ACR period**.
- 45) The approval holder must:
- a) Exclude or redact **sensitive biodiversity data** from each **compliance report** and **shapefile** published on the **website** or otherwise provided to a member of the public.
  - b) If **sensitive biodiversity data** is excluded or redacted from a version of a **compliance report** published or otherwise provided to a member of the public, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
  - c) If **sensitive biodiversity data** is excluded or redacted from a version of a **shapefile** published or otherwise provided to a member of the public, submit the full **shapefile** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the **website** or otherwise provided to a member of the public.
- 46) The approval holder must notify the **department** electronically, within 5 **business days** of each date of publication that the **compliance report** has been published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **compliance report** and related **shapefile** are published on the **website**.
- 47) The approval holder must keep each **compliance report** and related **shapefile** published on the **website** from the first date which that **compliance report** must be published and until the expiry date of this approval.

**Note:** **Compliance reports** may be published on the **department's** website.

## REPORTING NON-COMPLIANCE

- 48) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident**. The approval holder must specify in each notification:
- a) any condition or commitment made in a **plan** which has not been, or may have not been, complied with,
  - b) a short description of the **incident**, and

- c) the location (if applicable, including co-ordinates), date and time of the **incident**.
- 49) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of an **incident**, the details of that **incident**. The approval holder must specify:
- a) all corrective measures and investigations which the approval holder has already taken in respect of the **incident**,
  - b) the potential impacts of the **incident**,
  - c) the method and timing of any corrective measures that the approval holder proposes to undertake to address the **incident**, and
  - d) any variation of these conditions or revision of a **plan** that will be required to prevent recurrence of the **incident** and/or to address its consequences.

### INDEPENDENT AUDIT

- 50) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every **audit period**.
- 51) The approval holder must submit details of the **independent auditor** and their qualifications to the **department** within 10 **business days** following the end of each **audit period**.
- 52) The approval holder must ensure the scope of each **independent audit** is sufficient to determine the compliance status for each condition of approval, and each commitment made in each **plan**.
- 53) The approval holder must ensure the criteria for each **independent audit** and the undertaking of each **independent audit** are consistent with the **Independent Audit and Audit Report Guidelines**.
- 54) The approval holder must submit an **audit report** to the **department** for written agreement from the **department** within 3 months following the end of each **audit period**, or as otherwise directed by the **Minister** in writing.
- 55) The approval holder must ensure each **audit report** is completed to the satisfaction of the **Minister** and is consistent with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.
- 56) The approval holder must publish each **audit report** on the **website**, in a format that is easily accessible and downloadable, within 10 **business days** of the date the **department** agrees to that **audit report** in writing.
- 57) The approval holder must notify the **department** within 5 **business days** of the date the **audit report** is published on the **website**. In this notification, the approval holder must provide the **department** with the web address for where the **audit report** is published on the **website**.
- 58) The approval holder must keep each **audit report** published on the **website** from the first date which that **audit report** must be published and until the expiry date of this approval.

## COMPLETION OF THE ACTION

- 59) Within 20 **business days** after the **completion of the Action**, and, in any event, at least 20 **business days** prior to the expiry date of this approval, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**. The approval holder must submit any spatial data that comprises **completion data** as a **shapefile**.

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## Part C – Definitions

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**Acoustic Harassment Devices** refers to underwater devices that emit sound signals designed to deter marine fauna from entering or remaining in areas where construction activities, such as **piling** or **dredging**, are occurring.

**Action area** means the location of the Action, represented in Attachment A by the green shaded zones designated 'EPBC Act Action Area boundary'.

**Action level** means a specified level of a water quality parameter which, when reached or exceeded, indicates that **dredging activities** must be ceased and modified to prevent sub-lethal or lethal impacts to critical components and processes of **Ramsar Wetlands**.

**Annual Compliance Report period** or **ACR period** means each subsequent 12-month period following the date of this approval decision until the expiry date of this approval, unless otherwise specified in writing by the **Minister**.

**ANZ Water Quality Guidelines** means the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2018)* and the associated Water Quality Management Framework, as published by the Commonwealth of Australia and the New Zealand Government.

**Auditor** means a person, or firm, who:

- has demonstrated experience in undertaking government-regulated environmental compliance audits, and
- holds relevant professional qualifications and accreditations.

**Audit period** means each subsequent three-year period following the **commencement of the Action** until the expiry date of this approval unless otherwise specified in writing by the **Minister**.

**Audit report** means a written report of an **independent audit**.

**Backhoe dredge** means a dredge that uses a mechanical arm to operate a bucket to scrape or scoop material from the seabed, bring it to the surface and deposit it onto a separate barge for transport and disposal.

**Biodiversity data** means ‘biodiversity data’ as described in the *Policy on Accessing and Sharing Biodiversity Data*, Commonwealth of Australia 2024.

**Business day** means a day that is not a Saturday, a Sunday, or a public holiday in Victoria.

**Capital dredging** means **dredging** undertaken to increase water depth in areas where sufficient depth has not previously existed, typically to support new marine infrastructure or navigation. It does not involve removal of recently accumulated sediment to maintain or regain previously existing depths at established channels and berths.

**Commence the Action** or **commences the Action** means the first instance of any on-site **clearing, construction** or other physical activity associated with the Action, but does not include minor physical disturbance necessary to:

- Undertake pre-clearance surveys or monitoring programs.
- Install signage and/or temporary fencing to prevent unapproved use of the **Action area**, so long as the signage and/or temporary fencing is located where it does not **harm any protected matter**.
- Protect environmental and property assets from fire, weeds, and feral animals, including use of existing surface access tracks.
- Install temporary site facilities for persons undertaking pre-commencement activities so long as these facilities are located where they do not **harm any protected matter**.

**Commencement of the Action** means the date on which the approval holder **commences the Action**.

**Completion data** means an environmental report and spatial data clearly detailing how the conditions of this approval have been met.

**Completion of the Action** means the date on which all activities associated with the approved Action, other than those which provide compensation for the impacts of the Action, have permanently ceased and/or been completed.

**Compliance records** mean all documentation or other material in whatever form required to demonstrate compliance with these conditions of approval (including compliance with commitments made in **plans**) in the approval holder’s possession, or that are within the approval holder’s power to obtain lawfully.

**Compliance report** means a written report of compliance with, and fulfilment of, these conditions (including compliance with commitments made in **plans**).

**Construct** or **construction** means:

- the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,

- the alteration, maintenance, repair or demolition of any building or structure,
- any work which involves breaking of the ground (including **piling** and **dredging**) or bulk earthworks,
- the laying of pipes and other prefabricated materials in the ground, and
- any associated excavation work.

**Construction** does not include the installation of temporary fences or signage.

**Clear, cleared or clearing** means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**Disposal site** means the area represented in Attachment A by the zone enclosed by the solid white outline and labelled as ‘Disposal Area’.

**Dredge, Dredging or Dredging activities** means the process of removing sediment, including sand, silt and mud, from the bottom of bodies of water, such as harbours.

**Dredging cycle** means the complete sequence of operations undertaken by a **backhoe dredge** to excavate, load and discharge dredged material into a barge, commencing with the initial excavation and concluding when the barge ceases overflow discharge for that sequence. A new dredging cycle begins with the next excavation event.

**Dredging site** means the area represented in Attachment A by the zone enclosed by the solid yellow line and hatched with thinner yellow lines, designated in the legends as ‘Current Dredged Area Boundary’.

**Environmental Management Plan Guidelines** means the *Environmental Management Plan Guidelines*, Commonwealth of Australia 2024.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

**EPBC Act listed large marine fauna** means large marine fauna species listed as threatened under section 18 of the **EPBC Act** and/or as migratory under sections 20 and 20A of the **EPBC Act**.

**Grey-headed Flying fox** means the **EPBC Act** listed threatened species *Pteropus poliocephalus*.

**Grey-headed Flying fox foraging habitat** means any area within the **Action area** boundary that contains flowering or fruiting vegetation which provide nectar, pollen or fruit resources for the **Grey-headed Flying Fox**, regardless of age, size or origin of the vegetation.

**Habitat quality** means a measure of the overall viability of a site and its capacity to support **protected matters**, with respect to site condition, site context and species stocking rate and/or composition.

**Harm** means to cause any measurable direct or indirect disturbance or deleterious change as a result of any activity associated with the Action.

**Incident** means any:

- event which has the potential to, or does, **harm any protected matter**,
- potential non-compliance with these conditions, including the administrative requirements,
- actual non-compliance with these conditions, including the administrative requirements,
- potential non-compliance with one or more commitment made in a **plan**, and/or
- actual non-compliance with one or more commitment made in a **plan**.

**Independent** means a person, or firm, who does not have any individual, financial\*, employment\* or family affiliation or any conflicting interests with the Action, the approval holder or the approval holder's staff, representatives, or associated persons,

\*Other than for the purpose of undertaking the role for which the person, or firm, is required.

**Independent audit** means an audit, conducted by an **independent auditor**, of compliance with and fulfilment of these conditions and the commitments made in **plans**, objectively evaluated against the audit criteria developed by the **independent auditor**, in accordance with the **Independent Audit and Audit Report Guidelines** to the extent that the **Independent Audit and Audit Report Guidelines** are consistent with these conditions.

**Independent Audit and Audit Report Guidelines** means the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

**Large-size backhoe dredge** means a **backhoe dredge** with a bucket sized greater than 25 m<sup>3</sup>.

**Light attenuation** means the reduction in intensity of photosynthetically active solar radiation as it passes through the water column, typically caused by suspended sediments and other particles.

**Marine fauna observer** means a person trained and experienced in identification, behaviour and distance estimation of **EPBC Act** listed marine fauna and capable of making accurate identifications and observations of marine fauna in Australian waters and reporting.

**Minister** means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

**Monitoring data** means the data required to be recorded under the conditions of this approval, including **sensitive biodiversity data**.

**Mounding** means the uneven accumulation of dredged material at a disposal site, resulting in raised seabed areas that may alter hydrodynamics, affect benthic habitats, or interfere with navigation and ecological recovery.

**New or increased impact** means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

**Night-time hours** mean the time between 30 minutes prior to sunset of a given day and 30 minutes after sunrise of the next day.

**Observation zone** means the area which falls between 3-kilometre radius and 1-kilometre radius from the centre of the particular site of **piling** or **dredging**, including all waters within this area.

**Periods of low visibility** means when prevailing visibility conditions prevent the suitably qualified **marine fauna observer** from confidently detecting the presence of **EPBC Act listed large marine fauna** in the **observation zone** or **shutdown zone**.

**Piling** or **Piling activities** refers to the process of installing piles into the sea floor to create a deep foundation for marine structures and associated works.

**Plan** means any action management plan or strategy that the approval holder is required by these conditions to implement.

**Protected matter** means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

**Ramsar Wetlands** means the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site listed as a Wetland of International Importance under the Convention on Wetlands of International Importance (the Ramsar Convention).

**Seawater transfer pipe area** means the area represented in Attachment A by the zone enclosed by the dashed blue lines, designated as 'Seawater Transfer pipe'.

**Sensitive biodiversity data** means **biodiversity data** which, if released, published or otherwise exposed, may result in **harm** to the relevant **protected matter** as a result of the intentional or unintentional misuse of that **biodiversity data**.

**Shapefile** means location and attribute information about the Action provided in an Esri shapefile format containing:

- '.shp', '.shx', '.dbf' files,
- a '.prj' file which specifies the projection or geographic coordinate system used, and

- an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

**Shutdown zone** means the area which falls within a 1-kilometre radius from the centre of the particular site of **piling** or **dredging**, including all waters within this area.

**Silt curtain** means a structure that is suspended in the water column to limit the dispersal of water-borne sediment.

**Small or medium-size backhoe dredge** means a **backhoe dredge** with a bucket sized equal or less than 25 m<sup>3</sup>.

**SMART** means specific, measurable, achievable, relevant and time bound.

**Soft Start** or **Soft start procedures** means procedures in which **piling** impact energy or the level of **dredging activity** is gradually increased from minimum power over a period of at least 10 minutes before maximum power is used, to allow marine fauna to move away from the area.

**Suitably qualified ecologist** (for the purpose of preparing and implementing environmental management plans) means a person who has relevant professional qualifications and:

- at least 3 years of work experience writing and implementing management plans for the habitat of **protected matters**,
- has implemented and reported on management plans for the habitat of **protected matters**, and can demonstrate the implementation of those plans achieved the desired **habitat quality** for habitat of **protected matters**, and
- demonstrated experience in assessing the effects of **turbidity** and sedimentation on critical components and processes of **Ramsar Wetlands**.

**Suitably qualified expert means** a person with at least 3 years of demonstrated experience in assessing the effectiveness of silt curtains controlling the dispersal of suspended sediments.

**Suitably qualified marine biologist** means a person with at least 3 years of demonstrated experience in assessing and managing the impacts of underwater noise on marine fauna, including **EPBC Act listed large marine species**.

**Suitably qualified water quality expert** means a person who has relevant professional qualifications and at least 5 years of work experience studying the effects of **turbidity** and sediments on sensitive receptors and can give an authoritative assessment and advice on the management and effects of **turbidity** and sediments on sensitive receptors using relevant protocols, standards, methods and/or literature.

**Swift Parrot** means the **EPBC Act** listed threatened species *Lathamus discolor*.

**Swift Parrot foraging habitat** means any area within the **Action area** boundary that contains flowering or fruiting vegetation which provide nectar, fruit or insect resources for the **Swift Parrot**, regardless of age, size or origin of the vegetation.

**Total suspended solids** mean the concentration of particulate matter suspended in water, typically measured in milligrams per litre (mg/L).

**Trenching** means the process of shallow excavation of sediment from the seabed using a small excavator

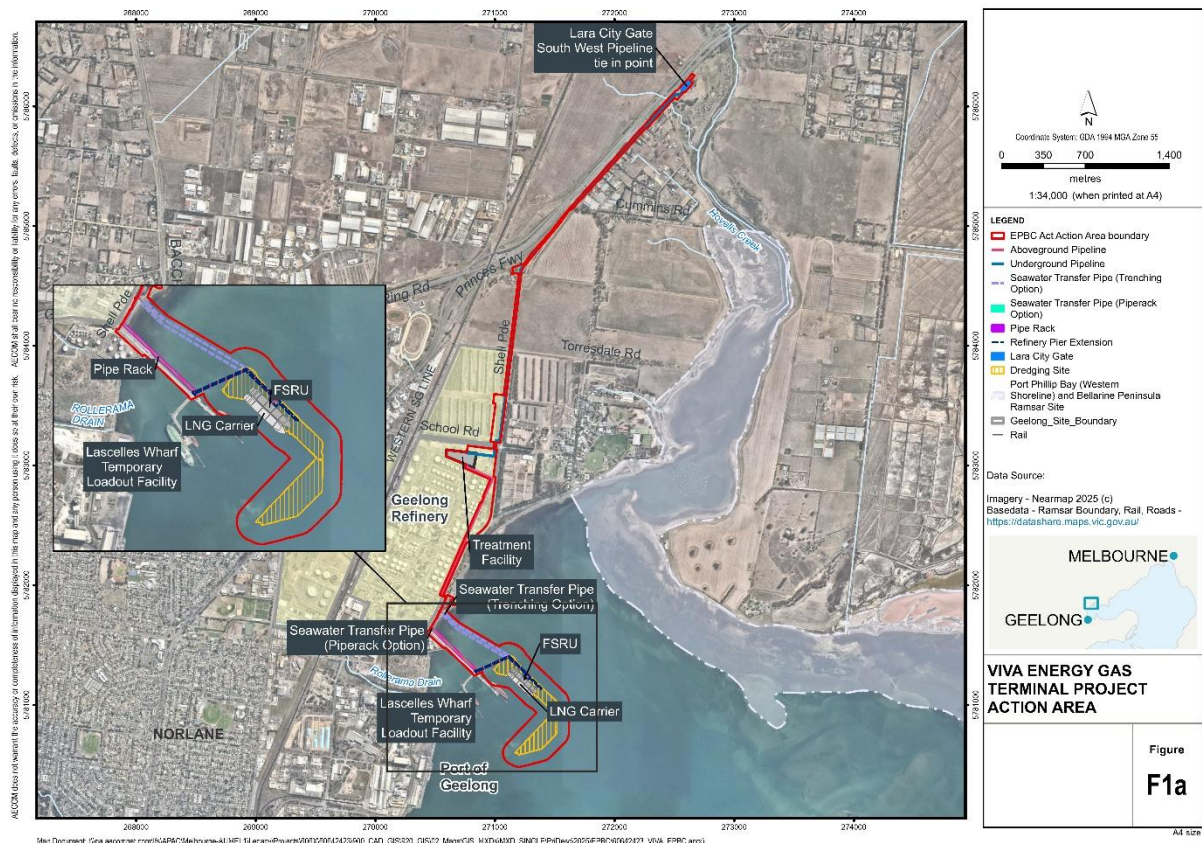
**Turbidity** means the effect of the quantity of suspended particulate matter on the clarity of water, measured in Nephelometric Turbidity Units (NTU).

**Warning level** means a specified level of a parameter which, when reached or exceeded, indicates early signs of a potential risk of **harm** to critical components or processes of the **Ramsar Wetlands**.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

## Attachments

### A: Action Area



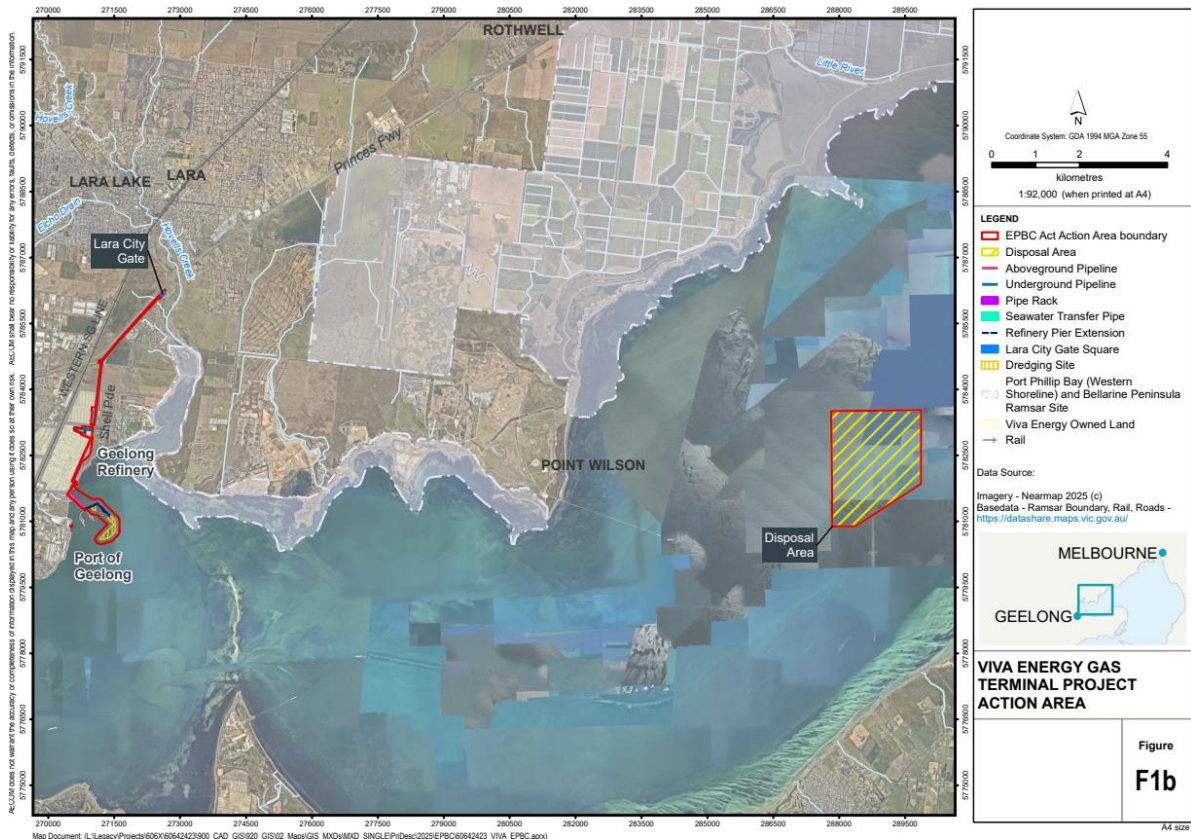


Figure 1: EPBC Act Action Area boundary

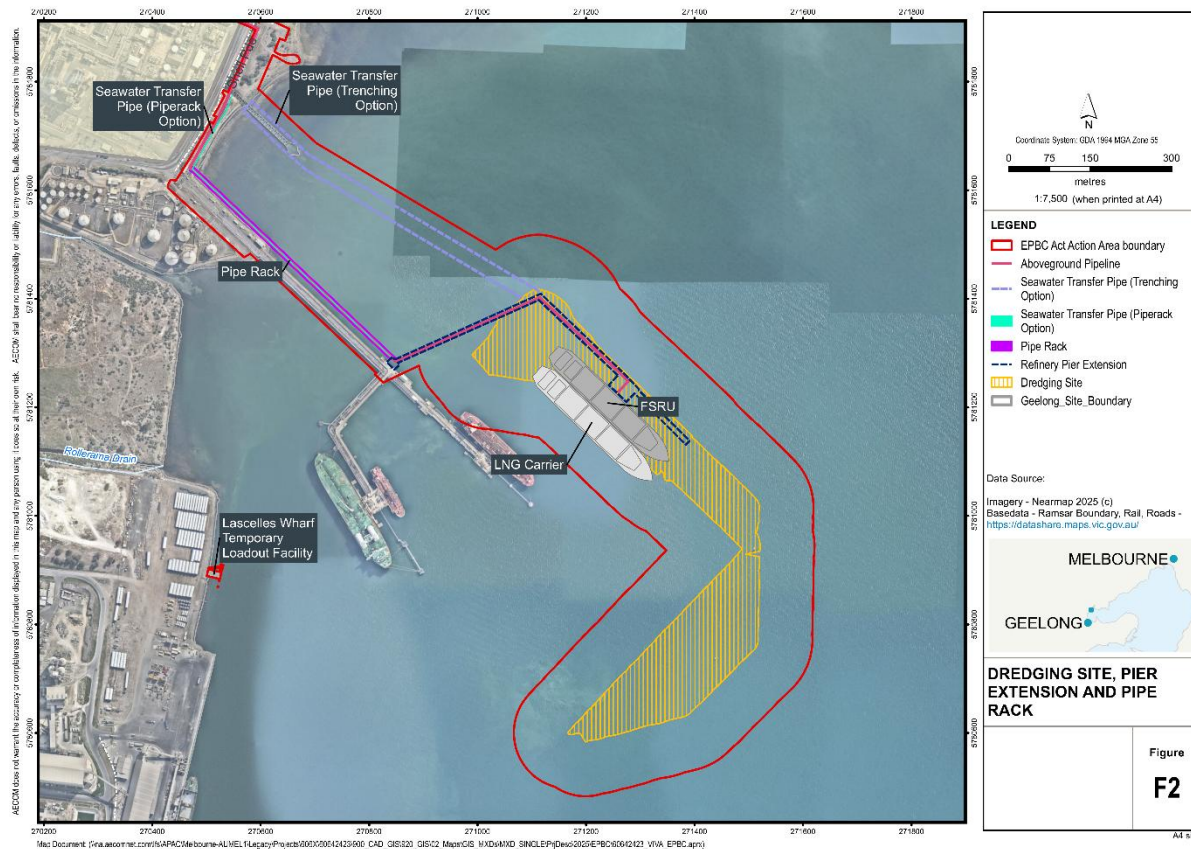


Figure 2: Dredging site

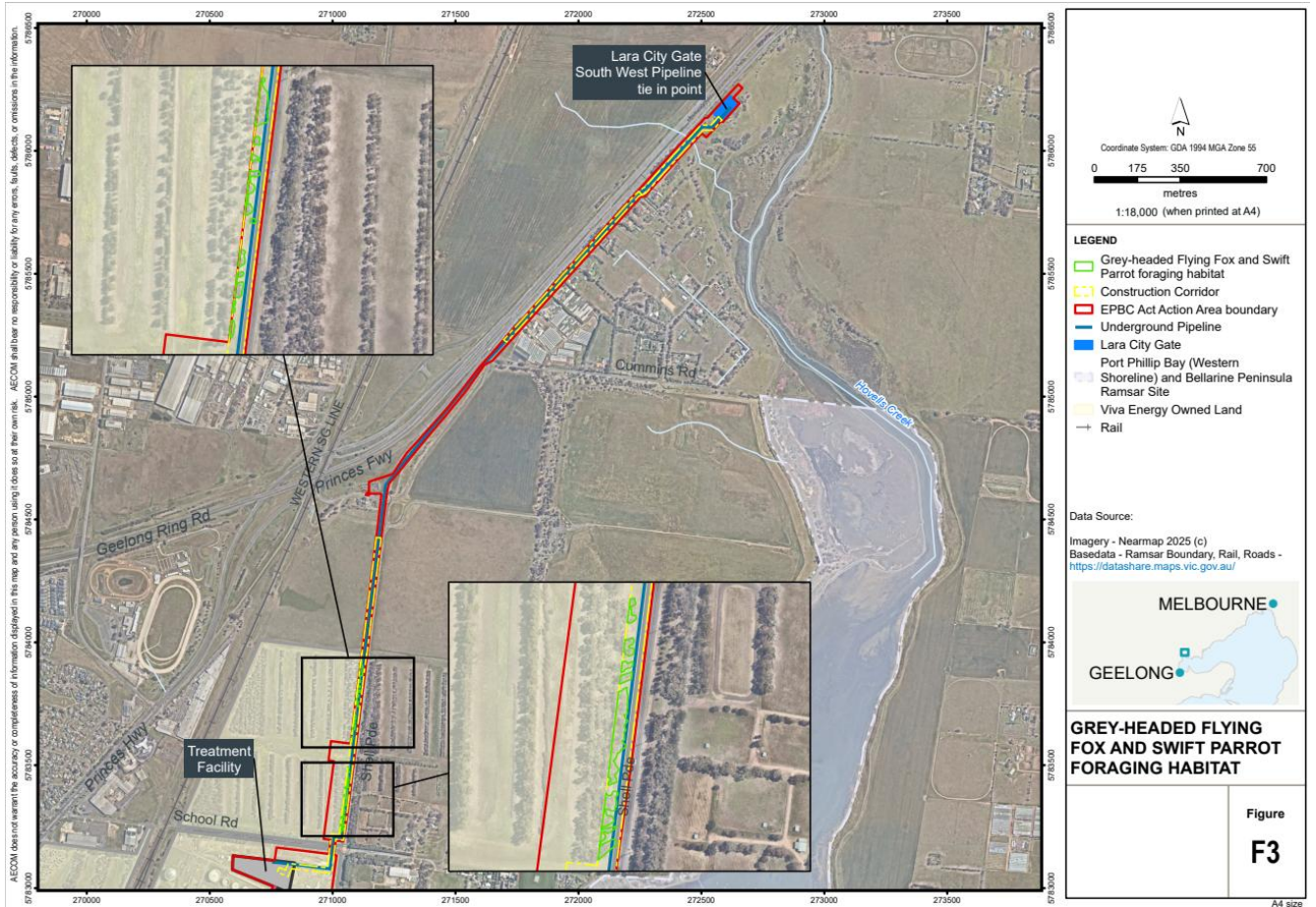


Figure 3: Grey-headed Flying Fox and Swift Parrot foraging habitat