

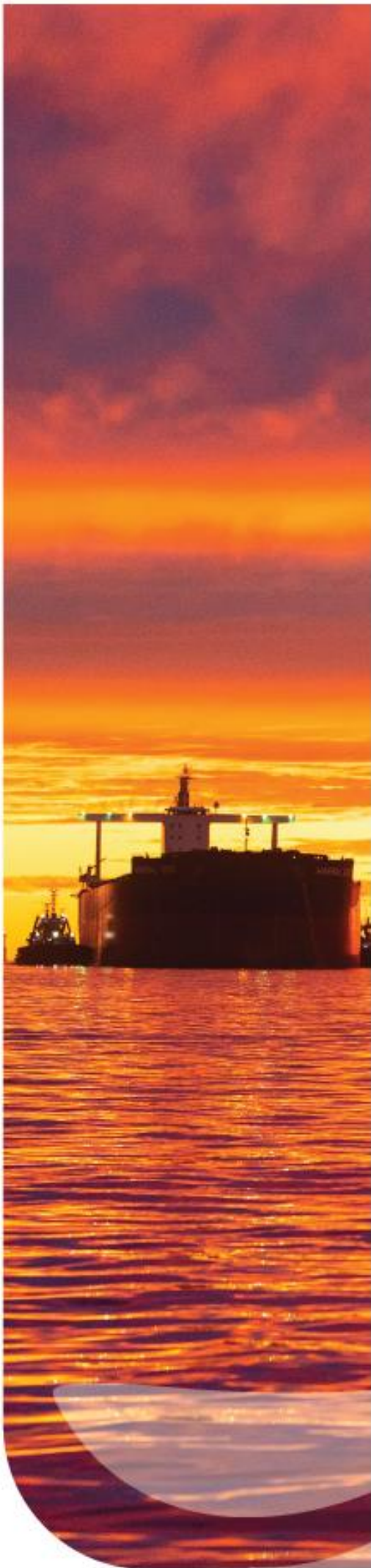


EPBC 2019/8520 Spoilbank Marina

Annual Compliance Report 2024

A1472590

August 2024



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EXECUTIVE SUMMARY

This document forms the Annual Compliance Report (ACR) as required under Condition 14 of *Environment Protection and Biodiversity Conservation Act 1999* approval (EPBC 2019/8520) for the Spoilbank Marina Project.

This ACR has been prepared by Pilbara Ports, the approval holder and nominated developer for Spoilbank Marina Project development activities undertaken during the period 8 June 2023 to 7 June 2024 (Reporting Period).

Two non-compliances occurred under EPBC 2019/8520 during the Reporting Period. Pilbara Ports notified and reported the details of these non-compliances to the Department of Climate Change, Energy, the Environment and Water (Department) in accordance with Conditions 15 and 16 of EPBC 2019/8520. Pilbara Ports complied with all other implementation conditions of EPBC 2019/8520 during the Reporting Period.

During the Reporting Period, project construction activities included works on the inner revetment walls and outer breakwaters, the excavation of the marina basin, dredging activities, marine piling, completion of installation of the boat pens and boat ramp, opening of the boat ramp to the public, commencement of the installation of landside amenities and carpark.

This ACR was prepared in accordance with the Department's Annual Compliance Report Guidelines (2014) and will be published on Pilbara Ports's website on or before 31 August 2024.

Declaration of Accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that to the best of my knowledge, all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:



Full name: Damien Miles

Position: Executive General Manager Safety, People & Environment

Organisation: Pilbara Ports Authority – ABN 94 987 448 870

Date: 30 August 2024

1. INTRODUCTION

Pilbara Ports is the nominated Developer of the Port Hedland Spoilbank Marina (**Project**), a government initiative originally led by the Department of Transport (**DoT**) in partnership with the Town of Port Hedland (**ToPH**). On 27 June 2024, Pilbara Ports submitted a Deed of Agreement to the Department of Climate Change, Energy, the Environment and Water (**Department**) to enable the transfer of the Project Commonwealth environmental approval (**EPBC 2019/8520**) back to DoT. The deed was executed by the Department and the approval transferred on 9 July 2024.

The Project is located in Port Hedland, Western Australia, on the western side of the spoil bank sand formation, which is a man-made coastal landform created in the late-1960s and early-1970s as a result of disposing dredge material associated with Port Hedland's inner harbour development.

The Project includes development of a marina basin, rock armoured breakwaters, a dredged access channel, boat pens, a boat ramp and landside infrastructure such as carparks, amenities, public open space, lighting, paths, and landscaping.

The implementation of the Project began in 2021 with the commencement of the mobilisation of equipment to the construction site on the 8 June 2021 (**commencement date**), and first ground disturbance activities commencing soon after.

This report has been prepared to meet Condition 14 of EPBC 2019/8520, whereby the approval holder must prepare an Annual Compliance Report (**ACR**) for each 12-month period following the date of commencement of the action. Pilbara Ports has prepared an ACR for the Spoilbank Marina Project's development activities undertaken during the period 8 June 2023 to 7 June 2024 (**Reporting Period**).

During the Reporting Period project construction activities included works on the inner revetment walls and outer breakwaters, the excavation of the marina basin, dredging activities, marine piling, completion of the boat pens and boat ramp, and commencement of the installation of landside services, amenities and carpark (see Figures 1 and 2).

This ACR will be made publicly available and published on Pilbara Ports' website, as Pilbara Ports' were the approval holder for the Reporting Period. All subsequent reports will be the responsibility of DoT (as the new approval holder) to make publicly available and publish on DoT's website, until the expiry of this approval on 19 February 2065. Pilbara Ports will notify the Department of the publication for this ACR.

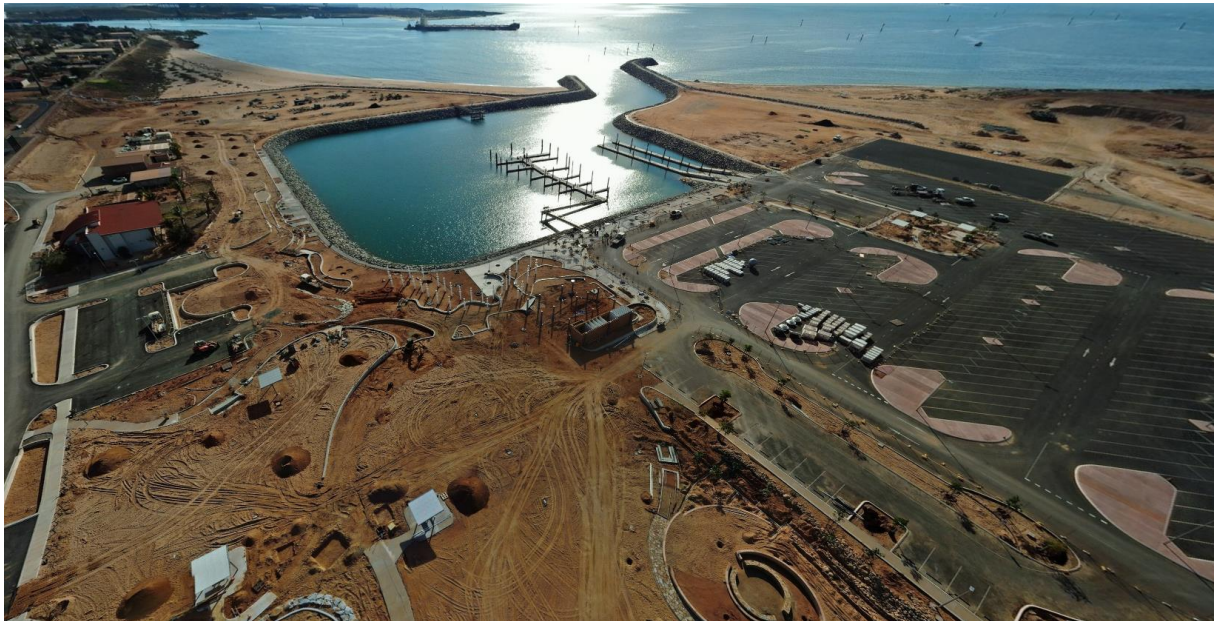


Figure 1: Construction progress of the landside amenities and carpark at the end of the Reporting Period, image facing north-west (30 May 2024).



Figure 2: Construction progress of the landside area at the end of the Reporting Period, image facing north-west (30 May 2024).

2. COMPLIANCE AUDIT TABLE AND CURRENT COMPLIANCE STATUS

During the Reporting Period, Pilbara Ports was responsible for ensuring compliance with the implementation conditions of EPBC 2019/8520. Table 1 presents a summary of Pilbara Ports' compliance to each of those implementation conditions for the Reporting Period.

EPBC 2019/8520 PORT HEDLAND SPOILBANK MARINA – ANNUAL COMPLIANCE REPORT 2024



Table 1: EPBC 2019/8520 Spoilbank Marina – Annual Compliance Audit Table

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth) Approval Decision Notice (2019/8520) – Conditions</i>			
C1	Condition 1 To minimise impacts to protected matters, the approval holder must not remove or modify more than: a) 15 ha of Flatback Turtle inter-nesting habitat; b) 2.3 ha of Green Turtle foraging habitat; and c) 10 ha of Green Sawfish foraging habitat, within the project area.	Compliant.	The entire footprint of the Spoilbank Marina project does not remove or modify more than the area shown in conditions a, b, & c. No marine construction works were conducted outside of the permitted area as shown in survey data that is displayed in Figure 3 (A1285076). The project area with each habitat zone is presented in Figure 4 below (A1282021).
C2A	Condition 2A To minimise impacts to protected matters, the approval holder must not undertake any marine construction activities during the following dates and times for the period of the approval: a) Flatback Turtle peak nesting period, between 1 December and 31 March. b) Green Sawfish key movement period, between the hours of 19:00 and 07:00.	Compliant.	a) No marine construction activities occurred during Flatback Turtle peak nesting period, between 1 December and 31 March. All marine construction activities ceased 30 November 2023 and recommenced after 1 April 2024 (evidence saved in correspondence on Objective - A1352381 and A1359981) b) No marine construction activities were to occur during Green Sawfish key movement period, between the hours of 19:00 and 07:00. The hours of permitted marine construction are outlined in the CEMP, which are from 7.00am to 7.00pm. There was one instance of a contractor commencing work outside of these hours on 19 July 2023 at 0620. This was reported to the Department; refer to comments in Condition 15 and correspondence on 20 July 2023 (A1273471). This is the only occurrence of this condition not being complied with during the Reporting Period. A record of the dredge operating times (WP2b) are shown in the daily logs provided by the dredging contractor and

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
			<p>saved on Pilbara Ports' record keeping system 'Objective' (A1109509).</p> <p>A record of the operating times for the breakwater construction of WP2a & 2c are shown in the documented meeting records and saved as a record within Objective (A1242808).</p> <p>A record of the operating times for the piling for WP3 is shown in SMC's piling logs and saved as a record within Objective (A1290172).</p>
C3	<p>Condition 3 To minimise impacts to protected matters, the approval holder must not dredge outside of the dredge area. If any dredge material is disposed of offshore, this must be undertaken in accordance with all requirements of a Permit issued under the <i>Environmental Protection (Sea Dumping) Act 1981</i>.</p>	Compliant.	<p>Dredging activities were conducted within the permitted dredge area and in accordance with sea dumping permit SD2021/4009 as shown in survey data map (Figure 4, A1285076) and documented in a dredge audit completed on 14 August 2022 (A1140508).</p>
C4	<p>Condition 4 To ensure that marine construction activities and construction do not significantly impact protected matters, the approval holder must implement the Dredging Environmental Management Plan (DEMP) and Construction Environmental Management Plan (CEMP).</p>	Compliant.	<p>The DEMP was implemented throughout the dredging campaign with regular inspections and an audit for compliance saved on objective (fA98359) and documented in a dredge audit (A1140508).</p> <p>The CEMP has been implemented with weekly inspections for compliance documented (A1243854).</p>
C5	<p>Condition 5 The approval holder must submit an Operational Environment Management Plan (OEMP), at least three months prior to the</p>	Not applicable.	<p>The OEMP was submitted on 21 February 2024 date and is still under review by the Department (A1412026), which includes:</p>

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	<p>anticipated commencement of the operation of the marina, for the Minister's approval to ensure that the operation of the marina does not significantly impact protected matters. The OEMP must:</p> <ul style="list-style-type: none"> a) include an Artificial Lighting Management Plan (ALMP) that ensures artificial lighting associated with the operation of the marina does not impact upon Flatback Turtle nesting on Cemetery Beach. The ALMP must be consistent with the Department's National Light Pollution Guidelines for Wildlife including Marine Turtles, Seabirds and Migratory Shorebirds (2020) and include: <ul style="list-style-type: none"> i. the finalised artificial lighting design of the marina; ii. justification of how the proposed design will prevent impacts to Flatback Turtle hatchlings on Cemetery Beach; iii. a monitoring and reporting program, which includes baseline data that monitoring and reporting will be evaluated against, to be undertaken for a minimum length of two years post commencement of operation of the marina to provide certainty that the artificial lighting of the marina is not impacting Flatback Turtle hatchlings or nesting on Cemetery Beach; and iv. management measures and corrective actions to be implemented should monitoring indicate that the marina's artificial lighting is 		<ul style="list-style-type: none"> a) Artificial Light Management Plan (ALMP), b) Sediment Management Plan (SMP); and c) Marine Environment and Water Quality Management Plan (MEWQMP). <p>A light audit is scheduled to be carried out between 1-5 July 2024 to confirm the lighting design meets the National Light Pollution Guidelines and that the final lighting will not impact on turtle nesting or hatchlings at Cemetery beach.</p>

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	<p>likely to impact Flatback Turtle hatchlings on Cemetery Beach.</p> <p>b) Include a Sediment Management Plan (SMP) that ensures anthropogenic activities of the action do not result in, or contribute to, the denuding of Cemetery Beach. The SMP must include measures to monitor for denuding of Cemetery Beach and specify intervention measures to be implemented should denuding of Cemetery Beach be predicted or detected as a result of:</p> <ol style="list-style-type: none"> 1) anthropogenic activities; and/or 2) environmental factors in combination with anthropogenic activities. <p>c) Include a Marine Environment and Water Quality Management Plan (MEWQMP) that addresses how marine water quality, sediment quality and accumulation of marine debris will be monitored and managed to prevent impacts to protected matters from the operation of the marina. The MEWQMP must specify and justify the quality indicators to be monitored and timing of monitoring to prevent impacts to protected matters, including specific trigger criteria and limits, and clear, detailed corrective actions that will be implemented to prevent impacts to protected matters should trigger criteria and limits be reached.</p>		

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ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
C5A	<p>Condition 5A The approval holder may enable use of the public boat ramp prior to operation of the marina, subject to meeting the commitments of the Construction Environmental Management Plan. In enabling use of the public boat ramp the approval holder must:</p> <ul style="list-style-type: none"> a) fully comply with the Construction Environmental Management Plan (CEMP); b) during each period commencing on 1 December and ending on 31 March in the same financial year, prevent use of the public boat ramp after 6.00 pm each day and until 6.00 am the next day; c) not provide or permit any artificial lighting in the vicinity of the public boat ramp; d) install gates and close them to prevent the use of the public boat ramp outside the period between between 6.00 am and 6.00pm each day; and e) erect clear signage at the public boat ramp prohibiting its use outside the period between between 6.00 am and 6.00pm each day. 	Compliant	<p>The public Boat ramp opened to the public on 20 January 2024 on the condition of only being open between 0600 and 1800 until 1 April 2024.</p> <p>On 10 February 2024 security attended the boat ramp at 0600 to open the access for use and found that the chains were down and boats were already launched. This incident resulted in the second non-compliance under the approval, and was subsequently reported to the Department on 13 February 2024. Evidence of the installation of bollards, chains and signage restricting access outside of designated times has been recorded in Pilbara Ports records management system (Objective) (A1400693).</p> <p>The lighting has not been commissioned during the Reporting Period and is still under construction.</p>
C6	<p>Condition 6 The approval holder must not commence operation of the marina unless the Minister has approved the OEMP in writing. If the Minister approves the OEMP then the approved OEMP must be implemented.</p>	Compliant	<p>The public boat ramp was opened for use on 20 January 2024 in alignment with Condition 5A.</p> <p>The OEMP was submitted on 21 February 2024 date and is still under review by the Department.</p>
C7	<p>Condition 7 All plans required under these conditions must be consistent with the Department's Environmental Management Plan Guidelines, and must include:</p>	Compliant	<p>The CEMP and DEMP have been submitted to the Department and subsequently been approved for use on the Spoilbank Marina Project.</p>

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	<ul style="list-style-type: none"> a) The environmental objectives, 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 objectives, and a reference to where the commitments are detailed in the plan; c) Reporting and review mechanisms, and documentation standards to demonstrate compliance with the commitments made in the plan; d) An assessment of risks to achieving the environmental objectives and risk management strategies that will be applied; e) Impact avoidance, mitigation and/or repair measures, and their timing; and f) A monitoring program, which must include: <ul style="list-style-type: none"> i. measurable performance indicators; ii. trigger values for corrective actions; iii. the timing and frequency of monitoring to detect trigger values and changes in the performance indicators; and iv. proposed corrective actions, if trigger values are reached. 		<p>A revised action management plan (RAMP) CEMP was submitted to the minister 28 March 2022 (A1065284). Acknowledgement of the RAMP was received from the Department on 6 April 2022 (A1065283).</p> <p>A revised DEMP was submitted to the minister 26 July 2021 (A973481). Approval of the DEMP was received from the Department on 30 November 2021 (A1013807).</p>
Part B – Standard administrative conditions Notification of date of commencement of the action			
C8	Condition 8 The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action. The approval holder must notify the Department in writing of the date of commencement of the operation of the marina within	Compliant.	The Department was notified of the commencement of action via letter on 17 June 2021 . Acknowledgement of commencement was received from the Department on 21 June 2021 . (A959379)

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ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	10 business days after the date of commencement of the operation of the marina.		
C9	Condition 9 If the commencement of the action does not occur within 5 years from the date of this approval, then the approval holder must not commence the action without the prior written agreement of the Minister.	Compliant	The action commenced on 8 June 2021 .
Compliance records			
C10	Condition 10 The approval holder must maintain accurate and complete compliance records.	Compliant.	Pilbara Ports maintains a records management system (Objective) where all documents, including compliance records, are maintained. Compliance records under this approval and supporting documents can be found under folder fA72196 in Pilbara Ports records management system.
C11	Condition 11 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.	Compliant.	No requests were made by the Department during the Reporting Period.
Submission and publication of plans			
C12	Condition 12 The approval holder must: a) submit plans electronically to the Department ; b) unless otherwise agreed to in writing by the Minister , publish each plan on the website within 20 business days of the date:	Compliant.	a) The CEMP and DEMP have been submitted to the Department and subsequently been approved for use on the Spoilbank Marina Project.

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	<ul style="list-style-type: none"> i. of this approval, if the version of the plan to be implemented is specified in these conditions; or ii. that the plan is submitted to the Department, if the plan does not require the approval of the Minister but was not finalised before the date of this approval; or iii. that the plan has been approved by the Minister in writing, if the plan requires the approval of the Minister; c) exclude or redact sensitive ecological data from plans published on the website or provided to a member of the public; and d) keep plans published on the website until the end date of this approval. 		<p>A RAMP (CEMP) was submitted to the minister 28 March 2022 (A1065284). Acknowledgement of the RAMP was received from the Department on 6 April 2022 (A1065283).</p> <p>A revised DEMP was submitted to the minister 26 July 2021 (A973481). Approval of the DEMP was received from the Department on 30 November 2021 (A1013807).</p> <p>b) Pilbara Ports has published all plans on the website (A1013027): DEMP CEMP</p> <p>c) There is no sensitive ecological data redacted from the plans</p> <p>d) All plans will remain published on Pilbara Ports' website until the end date of this approval.</p>
C13	<p>Condition 13</p> <p>The approval holder must ensure that any monitoring data (including sensitive ecological data), surveys, maps, and other spatial and metadata required under a plan, is prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data</i> (2018) and submitted electronically to the Department in accordance with the requirements of the plan.</p>	Compliant.	<p>No monitoring data of species listed under the EPBC Act were recorded during the Reporting Period. The spatial data within Figure 3 and Figure 4 was prepared in accordance with the Department's <i>Guidelines for biological survey and mapped data</i> (2018) and is available upon request.</p> <p>Pre and post dredge bathymetric survey data was supplied to the Australian Hydrographic Office on 08 September 2023 as per condition 22 and a report was provided to the Department as per condition 23 of sea dumping permit SD2021/4009 (A1306219).</p>
Annual compliance reporting			

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
C14	<p>Condition 14 The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:</p> <ul style="list-style-type: none"> a) publish each compliance report on the website within 60 business days following the relevant 12 month period; b) notify the Department by email that a compliance report has been published on the website and provide the weblink and documentary evidence providing proof of the date of publication for the compliance report within five business days of the date of publication; c) keep all compliance reports publicly available on the website until this approval expires; d) exclude or redact sensitive ecological data from compliance reports published on the website; and e) where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication. 	Compliant.	<p>The action commenced on 8 June 2021.</p> <ul style="list-style-type: none"> a) the first Annual Compliance Report (ACR) was published on the website 26 August 2022. The second Annual Compliance Report was published on the website on the 25 August 2023. b) The Department was notified that the ACR was published on the website 29 August 2022 and 28 August 2023 respectively. c) All plans will remain published on Pilbara Ports' website until the end date of this approval. d) There was no excluded or redacted sensitive ecological data from the Report.
Reporting non-compliance			
C15	<p>Condition 15 The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p>	Compliant.	<p>Two non-compliances occurred during the reporting period, which were reported to the Department in accordance with condition 15 & 16 of the approval.</p> <p>Non-compliance #1 Involved an instance where a contractor commenced work outside of the approved marine construction hours of 0700 to 1900 set out in Condition 2A. On 19 July</p>

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ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	<ul style="list-style-type: none"> a) any condition which is or may be in breach; b) a short description of the incident and/or non-compliance; and c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available. 		<p>2023 contractors were noted to have started work at 0620. This was reported to the Department, refer to correspondence on 20 July 2023 (A1273768).</p> <p>Non-compliance #2 occurred against Condition 5A, which outlined restrictions to the operation of the Spoilbank Marina public boat ramp between the hours of 0600 and 1800. On 10 February 2024 security attended the boat ramp at 0600 to open the access and found that the chains were down and boats were already launched. This was reported to the Department on 13 February 2024 (A1407648), with additional investigation details and corrective actions provided to the Department on 22 February 2024 (AA1412307). The Department provided a response to Pilbara Ports on 5 March 2024, confirming that no further action will be taken on this matter (A1418920).</p>
C16	<p>The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <ul style="list-style-type: none"> a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future; b) the potential impacts of the incident or non-compliance; and c) the method and timing of any remedial action that will be undertaken by the approval holder. 	Compliant.	<p>Two non-compliances occurred during the reporting period, which were reported to the Department in accordance with condition 15 & 16 of the approval.</p> <p>Non-compliance #1 Involved an instance where a contractor commenced work outside of the approved marine construction hours of 0700 to 1900 set out in Condition 2A. On 19 July 2023 contractors were noted to have started work at 0620. This was reported to the Department, refer to correspondence on 20 July 2023 (A1273768).</p> <p>Non-compliance #2 occurred against Condition 5A outlined restrictions to the operation of the Spoilbank Marina public boat ramp between the hours of 0600 and 1800. On 10</p>

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
			<p>February 2024 security attended the boat ramp at 0600 to open the access and found that the chains were down and boats were already launched. This was reported to the Department on 13 February 2024 (A1407648), with additional investigation details and corrective actions provided to the Department on 22 February 2024 (AA1412307). The Department provided a response to Pilbara Ports on 5 March 2024, confirming that no further action will be taken on this matter (A1418920).</p> <p>Both incidents were reported to the Department in the required timeframes of this condition.</p>
Independent audit			
C17	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Compliant.	No request were made by the Minister for auditing.
C18	For each independent audit, the approval holder must: <ul style="list-style-type: none"> a) provide the name and qualifications of the independent auditor and the draft audit criteria to the Department; b) only commence the independent audit once the audit criteria have been approved in writing by the Department; and c) submit an audit report to the Department within the timeframe specified in the approved audit criteria. 	Compliant.	No request were made by the Minister for auditing.
C19	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Compliant.	No request were made by the Minister for auditing.

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
Revision of action management plans			
C20	Condition 20 The approval holder may, at any time, apply to the Minister for a variation to an action management plan approved by the Minister under conditions 4 and 5, or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the EPBC Act. If the Minister approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous action management plan.	Compliant	A RAMP (CEMP) was submitted to the Minister 28 March 2022 (A1065284). Acknowledgement of the RAMP was received from the Department on 6 April 2022 (A1065283). A revised DEMP was submitted to the Minister 26 July 2021 (A973481). Approval of the DEMP was received from the Department on 30 November 2021 (A1013807).
C21	Condition 21 The approval holder may choose to revise an action management plan approved by the Minister under conditions 4 and 5 or as subsequently revised in accordance with these conditions, without submitting it for approval under section 143A of the EPBC Act, if the taking of the action in accordance with the RAMP would not be likely to have a new or increased impact.	Compliant	A RAMP (CEMP) was submitted to the Minister 28 March 2022 (A1065284). Pilbara Ports considers that in taking the action in accordance with the RAMP would not be likely to have a new or increased impact. Acknowledgement of the RAMP was received from the Department on 6 April 2022 (A1065283).
C22	Condition 22 If the approval holder makes the choice under condition 21 to revise an action management plan without submitting it for approval, the approval holder must: <ul style="list-style-type: none"> a) notify the Department in writing that the approved action management plan has been revised and provide the Department with: <ul style="list-style-type: none"> i. an electronic copy of the RAMP; ii. an electronic copy of the RAMP marked up with track changes to show the differences 	Compliant	A RAMP (CEMP) and cover letter which addressed condition 22 (a) was submitted to the Minister 28 March 2022 (A1065284). Acknowledgement of the RAMP was received from the Department on 6 April 2022 (A1065283). (b) The RAMP was implemented 2 May 2022 .

ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	<p>between the approved action management plan and the RAMP;</p> <p>iii. an explanation of the differences between the approved action management plan and the RAMP;</p> <p>iv. the reasons the approval holder considers that taking the action in accordance with the RAMP would not be likely to have a new or increased impact; and</p> <p>v. written notice of the date on which the approval holder will implement the RAMP (RAMP implementation date), being at least 20 business days after the date of providing notice of the revision of the action management plan, or a date agreed to in writing with the Department.</p> <p>b) subject to condition 24 implement the RAMP from the RAMP implementation date.</p>		
C23	<p>Condition 23</p> <p>The approval holder may revoke their choice to implement a RAMP under condition 21 at any time by giving written notice to the Department. If the approval holder revokes the choice under condition 21, the approval holder must implement the action management plan in force immediately prior to the revision undertaken under condition 21.</p>	Not applicable.	Pilbara Ports has not revoked their choice to implement a RAMP.
C24	<p>Condition 24</p> <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 RAMP would be likely to have a new or increased impact, then:</p>	Not applicable.	No notice has been given by the Minister to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact.

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ITEM	COMMITMENT	COMPLIANCE	EVIDENCE
	a) condition 21 does not apply, or ceases to apply, in relation to the RAMP; and b) the approval holder must implement the action management plan specified by the Minister in the notice.		
C25	Condition 25 At the time of giving the notice under condition 24, the Minister may also notify that for a specified period of time, condition 21 does not apply for one or more specified action management plans.	Not applicable.	No notice has been given by the Minister to the approval holder that the Minister is satisfied that the taking of the action in accordance with the RAMP would be likely to have a new or increased impact.
Completion of the action			
C26	Condition 26 Within 20 business days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Not applicable.	The Action is not expected to be completed until December 2024.

3. NON-COMPLIANCES AND CORRECTIVE AND PREVENTATIVE ACTIONS

Two non-compliances occurred under EPBC 2019/8520 during the Reporting Period. A non-compliance to Condition 2A occurred on the 19 July 2023 where a contractor commenced work outside the designate marine construction hours. This was reported to the Department on the 20 July 2023. The contractor was instructed to cease all works outside the approved construction hours.

A non-compliance with Condition 5A occurred on the 10 February 2024 in which the public boat ramp was accessed prior to the approved operation hours. Pilbara Ports reported the incident to the Department on the 13 February 2024, and on 22 February with investigation details and actions. Corrective actions taken involved installing padlocks onto the chains to prevent unauthorised access of the boat ramp outside of the approved operating hours.

Both incidents were reported to the Department in accordance with the requirements under Conditions 15 and 16 of EPBC 2019/8520. Based on the nature and time of these incidents, Pilbara Ports considers there was no actual or potential environmental impact or risk from these incidents.

Pilbara Ports was compliant with all other conditions of EPBC 2019/8520 during the Reporting Period.

4. PUBLIC AVAILABILITY AND FUTURE ANNUAL COMPLIANCE REPORTS

Pilbara Ports will make a copy of this report publicly available on Pilbara Port's website (www.pilbaraports.com.au).

All future ACRs for the Project will be the responsibility of DoT to make publicly available as the new approval holder of EPBC 2019/8520.

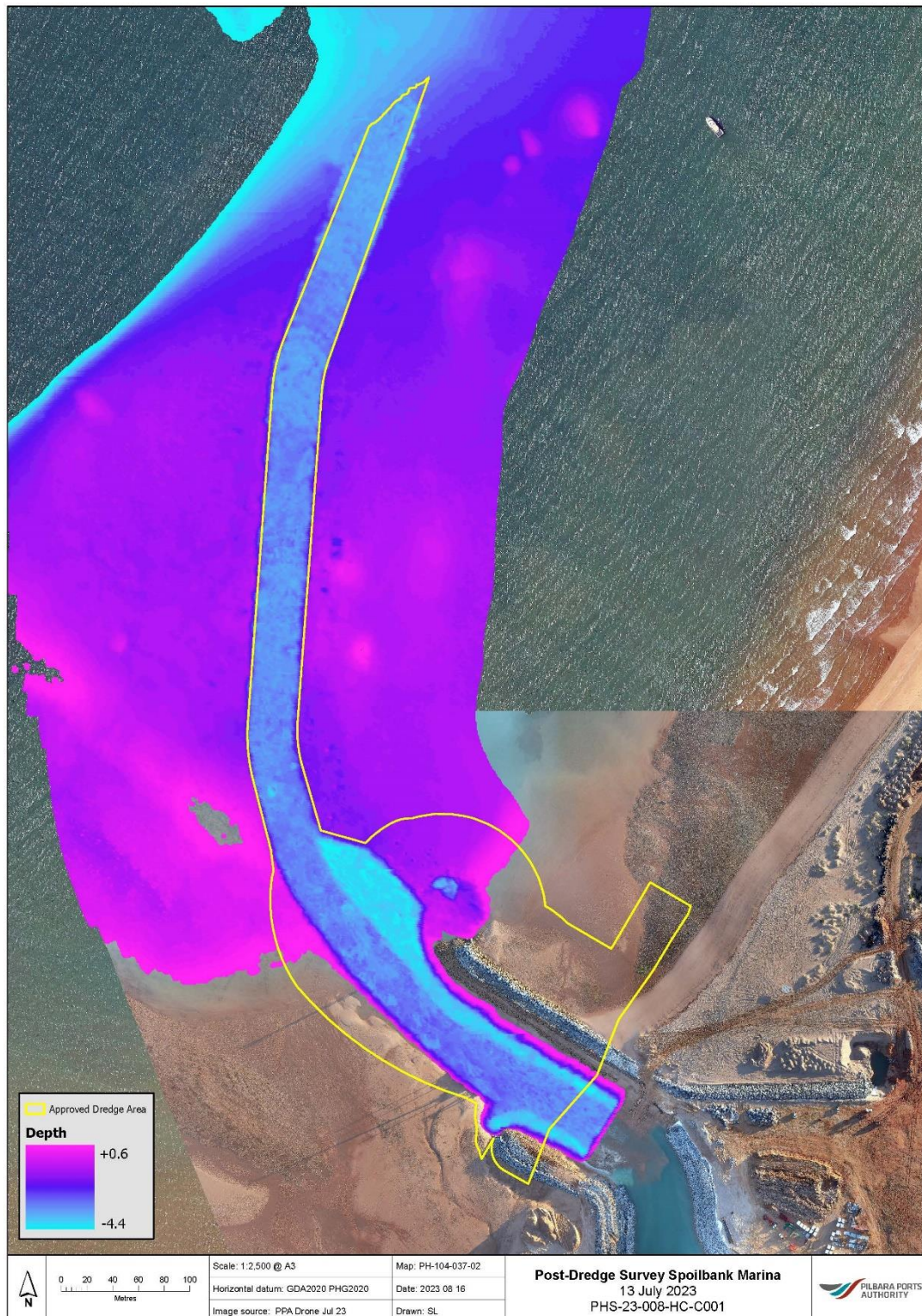


Figure 3: Post dredging bathymetric survey of the Spoilbank Marina channel

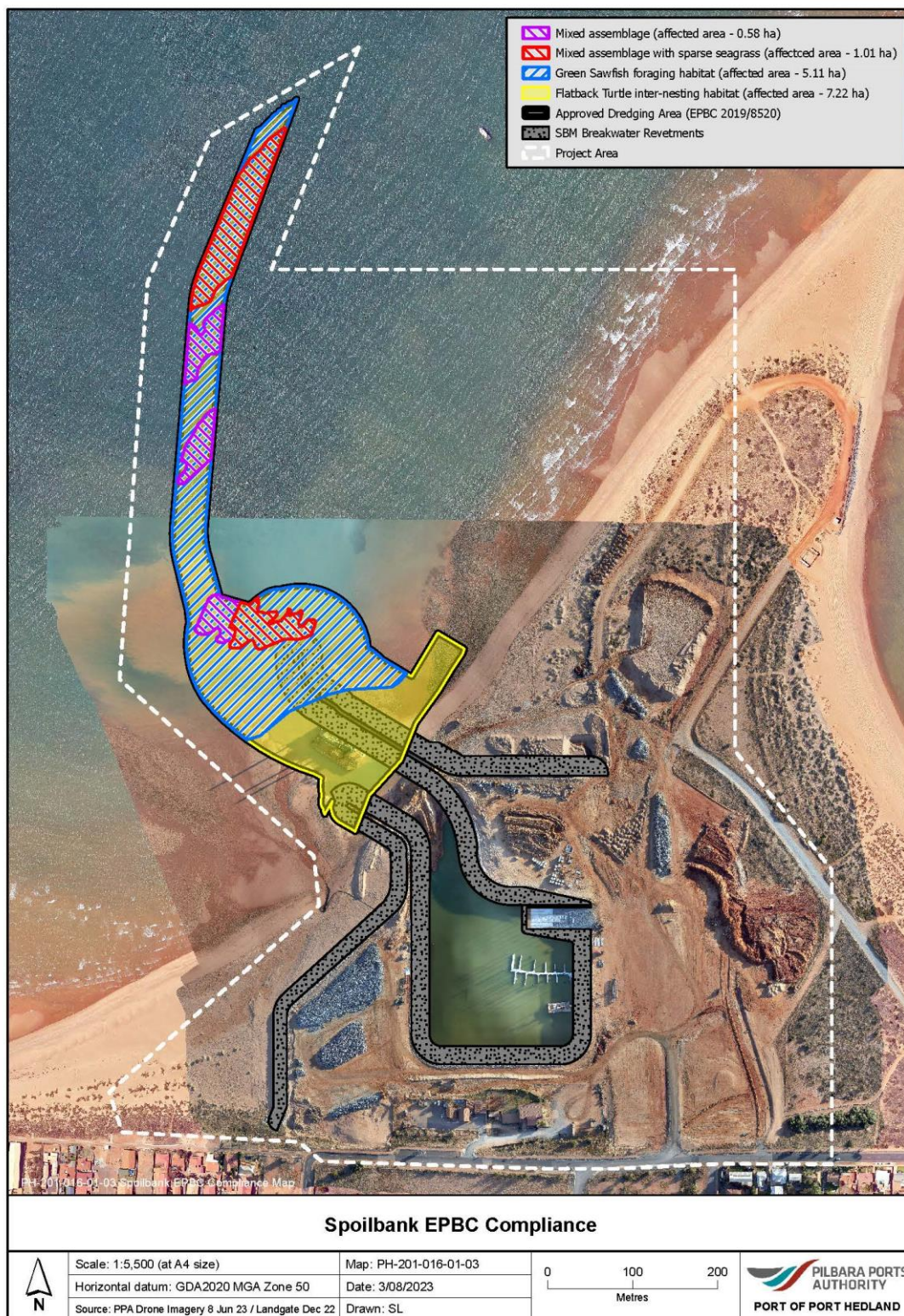


Figure 4: Spoilbank Marina approved dredging area and habitat zone