Appendix 4: Additional Regulatory Mechanisms

Factor	Sub - Factor	General Management Requirement	EP Act , Part V – including Environmental harm provisions (DEC)	EP Act regulations (Noise, controlled waste, unauthorised discharge, native vegetation etc.) (DEC)	Wildlife Conservation Act (DEC)	Conservation and Land Management Act (DEC)	Environmental Protection and Biodiversity Conservation Act (Comm)	Occupational Safety and Health Act (DoC)	Dangerous Goods Safety Act and related regulations (DMP)	Planning and Development Act – local Govt.	Rights in Water and Irrigation Act, Bed and bank permit (DoW)	Rights in Water and Irrigation Act, Licences to construct and operate a well (DoW)	Health Act (DoH)	Aboriginal Heritage Act s.18 (DIA)	Jetties Act (DoT)	Port Authorities Act – DPA Development Approvals Process (DPA)	Quarantine Act (AQIS)	Land Administration Act (DROL)	Comment/ rationale
Marine	Benthic Primary Producer Habitat	Minimise footprint and suitably located				X									X	X		X	• Proposal defines footprint and location. Proposal would be implemented as presented. • Facilities design avoids coral areas and dredging is not required. • Jetties Act verifies construction in location referred • LA Act envelope limits location to defined area. • DPA development application process will determine location of Project elements in detail. • CALM Act protection in marine park only.
		Protect from indirect impacts	X	X		X											X		• Location avoids BPPH and hence reduces risk. • Indirect impacts risk is limited as no dredging and small (200 m) incursion into marine environment with solid structure. • CALM Act protection in marine park only.
	Marine Fauna	Protected Marine Fauna			X	X	X												• Protected species list – it is an offence to take fauna. Small scale proposal with relatively low risk to marine fauna. • CALM Act protection in marine park only.
	Wastewater Outfall (Desalination Plant)	Ensure mixing zone is minimised and suitably located	X	X	X											X			• Proposal defines footprint and location. Proposal would be implemented as presented. • CALM Act protection in marine park only.
		Manage outfall water quality	X	X	X														• Monitoring is generally done on discharge water with spot checking of water quality at mixing zone limited to verify mixing predictions. Discharge amounts and risks are low. • Use Application Enquiry Form to determine if proposal is sufficiently significant to require Works Approval. • WC Act for any protected fauna impacts
	Oil Spill Contingency	Spill prevention	X	X	X											X			• DPA development application process to specify spill prevention equipment and procedures. • WC Act for any protected fauna impacts • CALM Act protection in marine park only.
		Response planning and capability	X	X												X			To EPA requirements upon advice of DPA.
	Introduced Marine Pests	Ballast water controls				X										X	X		• Well established protocols based on MARPOL established in Australia for ballast water. • CALM Act protection in marine park only.
		Vessel hygiene inspections				X										X	X		• Risk assessment approach under established protocols. • CALM Act protection in marine park only.
		IMP monitoring														X			Low risk. Cape Preston port also has monitoring requirements to detect infestation.
	Biofouling Agents	Use authorised biofouling agents and procedures														X			Well established protocols established in Australia.
	Marine Noise	Industry standard controls for pile driving in marine environment			X		X												Controls as presented in Proposal. WC Act and EPBC could be used if impacts result.
Coastal	Coastal Processes	Sediment/wrack transfer if required														X			DPA development approval process to ensure mechanism is identified and funded.
	Mangroves	Ensure no impact on mangroves	X	X							X								No impact on mangroves as existing crossing is used.
	Recreational Access	Manage recreational access								X						X			Small workforce. Small section of coast. DPA will control access.
Terrestrial	Flora and Vegetation	Minimise footprint and suitably located	X	X							X					X			NVCP process and conditions for any additional clearing if required. DPA development application process will determine location in detail.
		Protect from indirect impacts	X	X	X						X								NVCP process and conditions for any additional clearing if required. Environmental harm provisions, WC Act, EPBC to protect any protected species. Beds and banks permits to control stream crossings.

Factor	Sub - Factor	General Management Requirement	EP Act , Part V – including Environmental harm provisions (DEC)	EP Act regulations (Noise, controlled waste, unauthorised discharge, native vegetation etc.) (DEC)	Wildlife Conservation Act (DEC)	Conservation and Land Management Act (DEC)	Environmental Protection and Biodiversity Conservation Act (Comm)	Occupational Safety and Health Act (DoC)	Dangerous Goods Safety Act and related regulations (DMP)	Planning and Development Act – local Govt.	Rights in Water and Irrigation Act, Bed and bank permit (DoW)	Rights in Water and Irrigation Act, Licences to construct and operate a well (DoW)	Health Act (DoH)	Aboriginal Heritage Act s.18 (DIA)	Jetties Act (DoT)	Port Authorities Act – DPA Development Approvals Process (DPA)	Quarantine Act (AQIS)	Land Administration Act (DROL)	Comment/ rationale
	Fauna	Protected Fauna	X	X	X		X												• NVCP process and conditions to protect habitat. • Environmental harm provisions, WC Act, EPBC for protected species. • Beds and banks permits to control stream habitat.
		Protect from indirect impacts	X	X							X								• NVCP process and conditions to protect habitat. • Environmental harm provisions, WCA, EPBC to protect any protected species. • Beds and banks permits to control stream crossings.
	Emissions to Air	Minimise dust	X	X				X					X			X			• Works Approval, Licence, Environmental harm, unauthorised discharge. • DPA development approval process. • OHS controls.
		Power Station emissions	X	X															Works Approval and Licence conditions
	Surface Water	Control runoff to manage sediment and other potential pollutants	X	X							X					X			• NVCP process and conditions to protect water quality. • Environmental harm provisions, unauthorised discharge to protect water quality. • Beds and banks permits to control stream crossings.
	Aboriginal Heritage	Protect sites												X					• Heritage surveys and Native Title Agreements • S18 process to authorise any disturbance of sites.