

## Environmental Protection Authority

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### *Environmental Protection Act 1986*

#### Section 45C

### NOTICE OF DECISION TO CONSENT TO AMEND AN APPROVED PROPOSAL AND IMPLEMENTATION CONDITIONS WITHOUT INQUIRY

#### PERSON TO WHOM THIS NOTICE IS GIVEN

Southern Ports Authority

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#### PROPOSAL TO WHICH THIS NOTICE RELATES

Turkey Point Access Road and Bridge

#### MINISTERIAL STATEMENT and ANY APPROVED CHANGES

Ministerial Statement 1192, issued 17 July 2022

Attachment 1 to Ministerial Statement 1192, approved 5 September 2024

#### DECISION

Pursuant to s. 45C (1) (c) of the *Environmental Protection Act 1986* (EP Act), the Chair acting as delegate for the Minister for Environment gives approval to the following amendments of the approved proposal:

- Increase of development envelope size from 6.91 hectares (ha) to 6.925 ha (0.015 ha increase). This is to allow additional and temporary disturbance and filling activities in the Preston River.
- Changes to condition 3-4. The amended condition 3-4 extends the timeframe of the temporary causeway being in place within the Preston River until 31 May (in any year) to allow for the completion of works and removal of the temporary causeway.
- Addition of a definition for Temporary construction causeway.

The amended proposal content document and figures are attached.

#### SUMMARY OF REASONS

- The proponent has applied to change the proposal so that a small additional area in the Preston River can be temporarily disturbed and filled and allow the operation of a large crane. The proponent has also applied to change condition 3-4 because the project construction schedule predicts that the temporary causeway is unlikely to be entirely removed by 1 May, as required by the condition.

- The quantity of native vegetation clearing approved under Ministerial Statement 1192 will not be exceeded.
- The proposed amendment increases the development envelope in the Preston River by 0.015 ha (downstream of the causeway). The impact to the Preston River and Inland Waters is not likely to be significant given the very small extent of the increase in disturbance footprint, the already disturbed condition of the Preston riverbed and the existing requirement (as amended) to remove the construction causeway by 31 May 2025. The indirect impacts to water and sediment quality will be temporary and localised to the heavily disturbed portion of the lower Preston River.
- The impact of changing condition 3-4 to Inland Waters is not likely to be significant given it allows the temporary causeway to be in place for an additional 30 days (until 31 May), at a time when the likelihood of a flooding event is still considered to be low. Any potential impacts from the physical constriction of the Preston River on hydrological regime will continue to be a temporary effect. The construction causeway is being implemented in a manner which ensures Preston River tidal flow and exchange is maintained.
- The existing Condition 2-1 will continue to require that the proponent ensure there are no project attributable impacts to the *Subtropical and Temperate Coastal Saltmarsh* TEC within twenty (20) metres outside the development envelope (shown in Figure 1).
- It is noted that the potential impact of construction of the temporary causeway on the Preston River including the proposed amendment, will continue to be regulated under the *Waterways Conservation Act 1976* (the WC Act). The licence issued under the WC Act includes conditions to regulate any potential impacts on water quality from potential disturbance of acid sulfate soils.
- There are no new environmental factors likely to be significantly affected as a result of the amendments.
- The effects of the amendments on their own, the effect of the amendments in the context of the existing referred proposal, cumulative impacts, and holistic impacts have been considered.
- The amended condition will not result in a significant detrimental effect on the environment in addition to, or different from, the effect of the proposal's implementation under the existing implementation conditions.
- The amended proposal will be substantially the same character as the existing referred proposal.

## EFFECT OF THIS NOTICE:

1. The proposal and condition as amended in accordance with this notice is taken to be able to be implemented under s. 45 of the EP Act.

**RIGHTS OF APPEAL:**

There are no rights of appeal under the EP Act in respect of this decision.

A handwritten signature in black ink, appearing to read 'D. Walsh', with a stylized flourish at the end.

**Mr Darren Walsh**  
**Delegate of the Environmental Protection Authority**  
CHAIR

17 March 2025

Attachment 1- Amended proposal content document

Attachment 2 – Attachment 2 to Ministerial Statement 1192