

Ass # 937

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State # 403

MINISTER FOR THE ENVIRONMENT WESTERN AUSTRALIA

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL  
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE  
ENVIRONMENTAL PROTECTION ACT 1986)**

**PROPOSAL:** SHORT-TERM CONTINUATION OF SHELL SAND  
DREDGING, SUCCESS BANK, OWEN ANCHORAGE  
& STRATEGY TO ADDRESS LONG-TERM  
ENVIRONMENTAL ISSUES OF SHELL SAND  
DREDGING (859/937)

**CURRENT PROPONENT:** COCKBURN CEMENT LIMITED

**CONDITIONS SET ON:** 4 AUGUST 1994

The implementation of this proposal is now subject to the following conditions which replace all previous conditions:

**1 Proponent Commitments**

The proponent has made a number of environmental management commitments in order to protect the environment.

- 1-1 In implementing the proposal (including the documented modifications of July 1995), the proponent shall fulfil the relevant environmental management commitments made in documentation on the dredging of Parmelia Bank for beneficiation trials (July 1995), reported on in Environmental Protection Authority Bulletin 792; in the Consultative Environmental Review (January 1994); and published in Environmental Protection Authority Bulletin 739 as Appendix 3, and those made in response to issues raised in submissions; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

A copy of the environmental management commitments which will be audited by the Department of Environmental Protection is attached.

**2 Implementation**

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 2-1 Subject to these conditions, the manner of detailed implementation of the proposal, including the dredging of Parmelia Bank for "shell sand material" for beneficiation trials as proposed in July 1995, shall conform in substance with that set out in any designs,

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specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

### **3 Proponent**

These conditions legally apply to the nominated proponent.

- 3-1 No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

### **4 Access to Shell Sand (Short-term)**

- 4-1 The proponent shall only dredge for shell sand resource within the area identified in Figure 7 of its Consultative Environmental Review (January 1994) as the "2 Year Dredging Area" to a depth consistent with previous dredging operations. (A copy of Figure 7 is attached).

### **5 Access to Shell Sand (Medium-term)**

The "medium term", for the purposes of this statement, means that period of time immediately following the depletion of resource as approved in condition 4-1 up to the depletion of resource identified in condition 5-7 and subject to the results of the wave climate studies required under condition 5-3.

- 5-1 The proponent shall obtain approval of the Minister for the Environment for any dredging beyond that approved by condition 4-1. Any approval will be based on the acceptance of an Environmental Management Programme to meet the requirements of the Minister for the Environment following advice of the Environmental Protection Authority, the Department of Environmental Protection, the Department of Conservation and Land Management and the Fisheries Department and in consultation with the Department of Resources Development, the Department of Minerals and Energy and the Fremantle Port Authority.
- 5-2 The Environmental Management Programme shall be subject to a four week public review period, managed by the Department of Environmental Protection prior to the Minister for the Environment considering approval of the Environmental Management Programme.
- 5-3 Within six months of the formal authority issued to the decision-making authorities under Section 45(7) of the Environmental Protection Act 1986, the proponent shall prepare and submit a detailed Environmental Management Programme incorporating the following studies on:
- 1 seagrass rehabilitation;
  - 2 the ecological significance of seagrass; and
  - 3 wave climate and the implications resulting from dredging between the Fremantle Port Authority channel and the second channel as a result of the short-term and medium dredging operations.
- 5-4 The proponent shall include in the Environmental Management Programme commitments to detailed studies on both beneficiation and identifying alternative resources.

- 5-5 The proponent shall include also, in the Environmental Management Programme, details of:
- 1 amount of resource required on an annual basis for the medium term from between the Fremantle Port Authority channel and the second channel;
  - 2 when the resource would be accessed;
  - 3 where the resource would be accessed and to what depth; and
  - 4 how long the amount of resource determined by condition 5 would last.
- 5-6 The reports required by conditions 5-3 and 5-4 shall be reported upon annually to the Department of Environmental Protection and shall be made publicly available.
- 5-7 The proponent shall be confined in the medium term to dredging resource between the Fremantle Port Authority channel and the second channel on Success Bank, subject to condition 5.
- 5-8 The Minister for the Environment may set such requirements on the Environmental Management Programme as considered appropriate following advice from the Environmental Protection Authority, the Department of Environmental Protection, the Department of Conservation and Land Management and the Fisheries Department and in consultation with the Department of Resources Development, the Department of Minerals and Energy and the Fremantle Port Authority.
- 5-9 The proponent shall only dredge "shell sand material" on Parmelia Bank for use in beneficiation studies as described in the document "Trials using Parmelia Bank shell sand for beneficiation" (July 1995) submitted to the Environmental Protection Authority.

**Definitions** (Conditions 2-1, 4-1, 5, 6, and 9.)

"Shell sand resource" or "resource" means relatively high quality shell sand dredged for commercial purposes in commercial quantities.

"Shell sand material" means lower quality shell sand dredged for use in beneficiation studies as described in the document "Trials using Parmelia Bank shell sand for beneficiation" (July 1995) rather than for commercial purposes in commercial quantities.

**6 Access to Shell Sand (Long-term)**

- 6-1 The proponent shall submit its proposal for long term access to shell sand resource not less than 15 months before depletion of the approved medium term resource.
- 6-2 Access by the proponent to shell sand resource in the long term, which would impact upon seagrasses, will be contingent upon the results of the studies required under this statement demonstrating that seagrass on Success Bank and its surrounds can be successfully rehabilitated, or that its removal through dredging would have acceptable ecological and wave climate consequences.

**7 Rehabilitation**

- 7-1 The proponent shall rehabilitate any areas dredged on Success Bank from 4 August 1994, consistent with the results of the studies required by condition 5-3.

**8 Changes to Environmental Conditions**

- 8-1 Annual reporting by the proponent on the results of studies required under this statement may provide the basis for the Minister for the Environment to initiate changes to conditions in this statement through Section 46 of the Environmental Protection Act. Insubstantial changes to the proposal may be made through condition 2 of this statement.

## **9 Lead-up Time for Beneficiation**

- 9-1 Annual reporting to the Department of Environmental Protection shall include the results of beneficiation and alternative resource studies. The proponent shall recognise that, consistent with condition 6, the proponent shall include in its scheduling, the time to secure necessary approvals and to build a beneficiation plant or relocate to alternative resources before depletion of the approved medium term resource.

## **10 Time Limit on Approval**

The environmental approval for this proposal is limited.

- 10-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced.

Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority.)

## **11 Compliance Auditing**

In order to ensure that environmental conditions and commitments are met, an audit system is required.

- 11-1 The proponent shall prepare periodic Progress and Compliance Reports, to help verify the environmental performance of this project, in consultation with the Department of Environmental Protection.

## **Procedure**

- 1 The Department of Environmental Protection is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.
- 2 If any dispute arises concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

Hon Peter Foss MLC  
MINISTER FOR THE ENVIRONMENT

- 5 JAN 1996

# **ENVIRONMENTAL MANAGEMENT COMMITMENTS**

which will be audited by the Department of Environmental Protection

October 1995

SHORT-TERM CONTINUATION OF SHELL SAND  
DREDGING, SUCCESS BANK, OWEN ANCHORAGE  
&  
STRATEGY TO ADDRESS LONG-TERM  
ENVIRONMENTAL ISSUES OF SHELL SAND DREDGING  
(859/937)

COCKBURN CEMENT LIMITED

## COMMITMENTS

Cockburn Cement Limited confirms that it has no option but to dredge on Success Bank, and that it will dredge only within the agreed boundaries of the short-term dredging strategy over the two year period of the CER.

Furthermore, the Company reaffirms its commitment to its Environmental Policy, to the preparation of an ERMP for its long-term dredging strategy, and the associated Environmental Investigation Programme outlined below:

- continue existing DMP study commitments;
- test and develop mitigation techniques for the long-term dredging strategy;
- minimise the effects of the short-term dredging strategy.

DMP Commitments include:

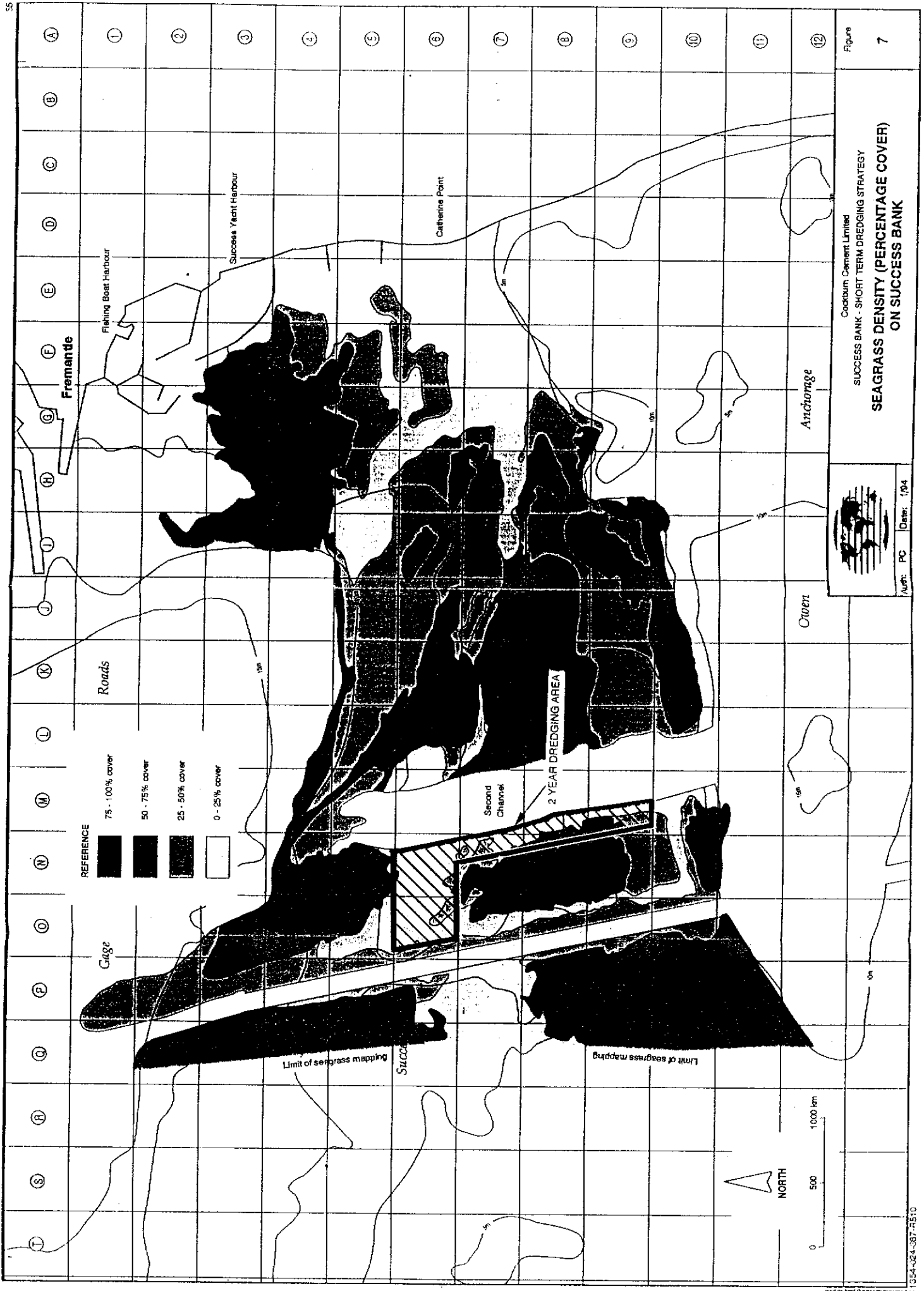
- shoreline monitoring between Woodman Point and Catherine Point;
- monitoring of stability and seagrass dynamics of dredged slopes;
- detailed seagrass mapping of Success Bank resources;
- characterisation and quantification of the biotic component of dredged habitats;
- photographic monitoring of the study area.

Mitigation Techniques include:

- investigations by Murdoch University into means of restoring seagrass to dredged areas;
- investigations into improved dredging techniques to minimise seagrass loss;
- investigations into techniques for bulk transport of seagrasses;
- investigations of beneficiation of lower grade sands to enable dredging in alternative areas;
- investigations into enhancement of dredged areas for recreational use by establishing artificial reefs.

Dredging Management will include:

- accurately marking the boundaries of the dredging area;
- dredging the boundaries to maximise the rate of slope stabilisation;
- monitoring of slope stability and compliance with dredging area boundary proposed.



**Figure 7**

**SEAGRASS DENSITY (PERCENTAGE COVER) ON SUCCESS BANK**

**SUCCESS BANK - SHORT TERM DREDGING STRATEGY**

Cockburn Cement Limited

**Auth: PC Date: 1/94**