



Ass # 893

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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: BUNBURY HARBOUR CITY DEVELOPMENT -
MARINA (435-1 / 893)

CURRENT PROPONENT: DEPARTMENT OF TRANSPORT AND THE SOUTH
WEST DEVELOPMENT COMMISSION

CONDITIONS SET ON: 15 MARCH 1993

The implementation of the marina development part of this proposal (See note 1) 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 marina development part of the proposal, the proponent shall fulfil the relevant environmental management commitments made in the Public Environmental Review and in response to issues raised following public submissions; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

The relevant environmental management commitments were extracted from those consolidated in Environmental Protection Authority Bulletin 660 (Appendix 1) and a copy as edited in August 1996 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 shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal.
- 2-2 Where, in the course of the detailed implementation referred to in condition 2-1, the proponent seeks to change the designs, specifications, plans or other technical material submitted to the Environmental Protection Authority 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.

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3 Sand Excavation, Point Casuarina Beach

3-1 Prior to excavation of sand from Point Casuarina beach, the proponent shall determine and report on the following:

- 1 the coastal stability of Point Casuarina beach;
- 2 the implications of sand excavation on adjacent beaches to the south and to the north; and
- 3 the approximate amount of sand which may be taken from Point Casuarina beach (in cubic metres) without adversely affecting the amenity of this and other beaches in the area,

to the requirements of the Department of Environmental Protection on advice of the Ministry for Planning.

3-2 The proponent shall only remove sand from Point Casuarina beach in a manner consistent with the report prepared in accordance with condition 3-1, to the requirements of the Department of Environmental Protection on advice of the Ministry for Planning.

4 Sullage Disposal

4-1 Prior to the leasing of moorings or pens constructed as part of the marina development, the proponent shall provide for sullage tank effluent disposal at the marina development.

5 Proponent

These conditions legally apply to the nominated proponent.

5-1 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.

6 Time Limit on Approval

The environmental approval for the proposal is limited.

6-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the marina development part of this proposal as granted in the statement of 15 March 1993 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.

Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years.

7 Decommissioning

- 7-1 The proponent shall achieve the satisfactory decommissioning of the project, removal of the plant and installations and rehabilitation of the site and its environs.
- 7-2 At least six months prior to decommissioning, the proponent shall prepare a decommissioning and rehabilitation plan to achieve the objectives of condition 7-1.
- 7-3 The proponent shall implement the plan required by condition 7-2.

8 Compliance Auditing

To help determine environmental performance and compliance with the conditions, periodic reports on the implementation of the proposal are required.

- 8-1 The proponent shall submit periodic Performance and Compliance Reports, in accordance with an audit programme prepared by the Department of Environmental Protection in consultation with the proponent.

Procedure

- 1 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 2 Where compliance with any condition is in dispute, the matter will be determined by the Minister for the Environment.

Note

- 1 Conditions for the residential part of this proposal were set on 3 April 1996.

Hon Peter Foss QC MLC
MINISTER FOR THE ENVIRONMENT

7 April 1996

Proponent's Environmental Management Commitments

Edited August 1996

**BUNBURY HARBOUR CITY DEVELOPMENT - MARINA
(435-1 / 893)**

**THE DEPARTMENT OF TRANSPORT
&
THE SOUTH WEST DEVELOPMENT COMMISSION**

Environmental Management Commitments (893) - August 1996

Construction Management

To minimize the environmental impacts of the construction of the Marina Complex identified in the PER, the Department of Transport - Maritime Division will undertake the following management strategies:

To minimize the disturbance to landform DOT will:

- 1 minimize fill levels by filling only to a level necessary for engineering purposes, taking into account the predicted impact of the Greenhouse Effect.

To maintain water quality during construction DOT will:

- 2 limit sea bed excavations to no more than one continuous week, with daily hours of operation not exceeding ten hours.
- 3 use clean fill from local sand pits and from the sand trap adjacent to the groyne on the ocean side of Casuarina Breakwater.
- 4 confine turbid plume to bunded areas, to the satisfaction of the Environmental Protection Authority.
- 5 monitor dewatering discharge for contamination and treat in settling ponds to remove any detected contamination. Ensure the standard of discharge meets water quality criteria established for the receiving environment (i.e. Schedule 7(3) - Maintenance and Preservation of Aquatic Ecosystems, as outlined in Environmental Protection Authority Bulletin No. 103).

To minimize the environmental impact of construction wastes DOT will:

- 6 dispose of all building construction wastes to the satisfaction of the City of Bunbury.
- 7 allow no waste material to enter the water, to the satisfaction of the City of Bunbury.
- 8 supply portable toilets for works staff during the construction phase.

To minimize the impact of construction on flora and fauna of the area DOT will:

- 9 consult with the Bunbury Dolphin Trust, the Department of Conservation and Land Management and the Fisheries Department of Western Australia to determine timing of blasting.

To minimize dust generation during construction DOT will:

- 10 carry out dust control prevention measures in accordance with EPA Dust Control Guidelines 1990 including:
 - 1 watering exposed soil surfaces;
 - 2 stabilising areas by either sowing grasses or hydromulching;
 - 3 watering all sand stockpiles; and
 - 4 constructing barriers to sand where necessary.
- 11 cover all trucks transporting sand and soil to the site, to the satisfaction of the City of Bunbury.

To minimize noise generation during construction DOT will:

- 12 carry out blasting in accordance with Australian Standards and to the satisfaction of the Department of Minerals and Energy and the Environmental Protection Authority in order to minimize disturbance to waterbird and dolphin communities and the general community.
- 13 comply with the requirements of the Occupational Health, Safety and Welfare Act 1984 (as amended) and with the Environmental Protection Authority's Recommendations and DEP Regulations regarding noise abatement.

To protect historical sites and artefacts during construction DOT will:

- 14 give the Bunbury Historical Society seven days' notice prior to removal of designated sections of the Bunbury Jetty.

Operational Management

To minimize the environmental impacts of the operational phase of the Marina Complex identified in the PER, the Department of Transport - Maritime Division will undertake the following management strategies:

To maintain water quality within the marina DOT will:

- 15 contain stormwater on site as a policy. Locate, design and construct all stormwater disposal systems to the satisfaction of the EPA and the City of Bunbury.
- 16 dispose of all sewage via reticulated deep sewerage to the satisfaction of the Water Corporation. Liaise with the Water Corporation to prepare adequate contingency plans in case of system failure.
- 17 develop and implement a Marine Management Programme as outlined in Section 1.2.3 of the PER and to the satisfaction of the EPA.
- 18 develop a contingency plan for accidental oil spills within the marina waters, to the satisfaction of the EPA. In the contingency plan, address contingencies for fire and explosions, collision between vessels, fuel and oil pollution, bombs and hazardous devices, toxic gas leaks, sewage and effluent spills and hazardous chemical spills.

Train the contingency plan immediately following construction of Stage 1 of the Marina Complex.

To minimize the impact of the Marina Complex on the aesthetics of the area DOT will:

- 19 landscape the site following completion of construction in accordance with the landscape plan prepared for the area by SWDC, to the satisfaction of the EPA.

To minimize the impact of industrial risk associated with existing activities on the Marina Complex DOT will:

- 20 prohibit public access to and use of the Marina Complex whilst transportation and loading of ammonium nitrate is occurring, to the satisfaction of the Department of Minerals and Energy.

To minimize the impact of dust on the Marina Complex DOT will:

- 21 liaise with Bunbury Port Authority to reduce dust levels from mineral sands loading facilities in Bunbury Outer Harbour, to the satisfaction of the City of Bunbury.

To provide adequate and safe boating facilities DOT will:

- 22 monitor the entrance channel for siltation and dredge if necessary to maintain a navigable depth and effective water exchange to maintain water quality in accordance with criteria established for the receiving environment (i.e. Schedule 7(3) - Maintenance and Preservation of Aquatic Ecosystems, as outlined in Environmental Protection Authority Bulletin No. 103).

To provide adequate public access to and within the Marina Complex DOT will:

- 23 provide a dual use path system designed in accordance with Environmental Guidelines and the Bunbury Region Cycleplan.

Marine Management Programme

- 24 A Marine Management Programme which will include a water quality and sediment monitoring programme will be implemented by the waterways managers (Department of Transport - Maritime Division) for the proposed Marina Complex in accordance with the requirements of the Environmental Protection Authority.
- 25 The objective of the Marine Management Programme will be to determine the impact of the development on the marine environment. The management programme will allow an assessment of the effectiveness of the management strategies outlined by Section 8.2.2 of the PER in maintaining the existing water quality. The data obtained may lead to alterations in the strategies employed in the management or in the design of the Marina Complex.
- 26 The monitoring programme will measure water quality parameters known to be indicators of water quality in marinas constructed on the western coast of Western Australia. Additional parameters will also be selected for measurement where they can be shown to be typical for the proposed Marina Complex.
- 27 The sampling periods and intensity of testing will allow a statistical comparison of test results between each sampling period. The timing of sampling periods will take into account antecedent conditions, including any major input events.

- 28 The monitoring programme will commence immediately prior to the construction of Stage 1 with baseline testing. The programme will run for a three year period or until it can be verified to the satisfaction of the EPA that the Marina Complex has had little or no detrimental impact on the existing environment.