



Sta

Ass # 931

Bull # 830

State # 432

MINISTER FOR THE ENVIRONMENT WESTERN AUSTRALIA

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

DEVELOPMENT OF A NEW BERTH, ALBANY PORT (931)

ALBANY PORT AUTHORITY

This proposal may be implemented subject to the following 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, the proponent shall fulfil the commitments made in the Consultative Environmental Review and subsequently; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

The consolidated environmental management commitments (July 1996) were published in Environmental Protection Authority Bulletin 830 (Appendix 4) and a copy 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.

Published on 11 NOV 1996

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 Time Limit on Approval

The environmental approval for the proposal is limited.

- 4-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then approval to implement the proposal as granted in this statement 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.

5 Compliance Auditing

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

- 5-1 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.

6 Environmental Management

- 6-1 Throughout the life of the proposal the proponent shall exercise all care and due diligence in managing the proposal to ensure the protection of the environment.
- 6-2 The proponent shall prepare and implement an environmental management plan and environmental management procedures (for example those provided for in Australian Standards 9000 and 14000 (draft) series) to manage the relevant environmental factors to achieve the objectives specified in Bulletin 830, with appropriate monitoring, auditing and reporting to ensure compliance with these conditions and procedures and the ongoing protection of the environment.
- 6-3 If through the implementation of the procedures referred to in 6-2 the proponent identified a relevant environmental factor not listed as such in Bulletin 830, the proponent shall immediately report to the Minister on that factor, a proposed objective and any proposals for management of the factor to achieve the objective.

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.
- 3 In connection with the following requirements, the Department of Environmental Protection will receive advice from the Albany Waterways Management Authority:
 1. management of the proposed dredging and reclamation;
 2. the environmental monitoring programme; and
 3. the provision of stormwater drainage.

Hon Peter Foss QC MLC
MINISTER FOR THE ENVIRONMENT

- 6 NOV 1996

**Proponent's Environmental Management
Commitments**

July 1996

ALBANY PORT DEVELOPMENT (931)

ALBANY PORT AUTHORITY

ENVIRONMENTAL COMMITMENTS

The Proponent makes the following commitments in relation to the development:

Dredging and Dredge Spoil

1. The Albany Port Authority (APA) will apply for a dredging licence from the Albany Waterways Management Authority (AWMA) for the proposed dredging and reclamation activities. The application will include a Dredging and Dredge Spoil Disposal Management Plan (DDSDMP)
2. The APA will manage and monitor all dredging and reclamation operations for the proposed port expansion in accordance with the DDSDMP.

This Management Plan will be prepared in compliance with Waterways Guidelines No. 9 published by the Waterways Commission in December 1995 and will also be to the requirements of the Department of Environmental Protection (DEP) on advice of the AWMA.

3. The DDSDMP will include:
 1. specific strategies for the control of turbidity from all dredge and sediment handling activities;
 2. details of the design of cells within the reclamation area and methods for the control of dredging rates and sedimentation return flows;
 3. strategies for the control of sediment overflow during reclamation through the control of dredging rates and sedimentation based design; and
 4. a monitoring programme for water quality in and within a relevant distance of the works area, and of the levels of nutrients and heavy metals in sediments in both the dredged area and the existing stockpiled sediments which will be used for reclamation.

Note 1:

The water quality parameters and environmental criteria which will be used in the monitoring programme will be in accordance with those described in EPA Bulletin 711 for the "Protection of Aquatic Ecosystems" and "Recreational Water Quality and Aesthetics" and those in the "Guidelines for the Preparation of a Dredging and Dredge Spoil Disposal Management Plan" of the Waterways Commission (1995).

Note 2:

The environmental criteria which will be used in the monitoring programme of sediments will be the background criteria of the environmental soil quality guidelines defined in the "Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites" (ANZECC/NHMRC, 1992).

4. The monitoring programme will commence following environmental approval of the port developments in order to establish existing baseline conditions in the dredge area, reclamation area, and the existing stockpiled sediments.
5. Additional monitoring will occur during and following construction.
6. The DDSDMP and all results of the monitoring programme will be made available to the general public (Timing - prior to, during and following construction).

7. The APA will prepare a contingency plan for the treatment and disposal of any currently stockpiled or dredged sediments from Princess Royal Harbour which may be found to have levels of contaminants which exceed the relevant ANZECC/NHMRC guidelines and which are not suitable for conventional reclamation works. The contingency plan will specify the locations and secure methods for disposal/containment of such sediments and handling, packaging and transport procedures as appropriate. The contingency plan will form part of the DDSMP which will be submitted to AWMA and DEP for approval. The APA will also dispose of any contaminated sediments in accordance with the approved contingency plan (Timing - prior to and during construction).
8. The APA will prepare a DDSMP in consultation with AWMA for any maintenance dredging operations which may be required in the Port of Albany following the completion of the proposed developments.

Introduced Organisms

9. The APA will report the results of the Australian Quarantine & Inspection Service/Commonwealth Scientific & Industrial Research Organisation (AQIS/CSIRO) survey for introduced organisms in the sediments of the proposed dredged area to the DEP and AWMA prior to construction.

Noise

10. The APA will ensure that the noise regulations of the Environmental Protection Act 1986, are complied with in respect to the construction of the port developments.

Drainage

11. The APA will prepare a Drainage Plan for the reclaimed land and new berth which will include a drainage system designed to reduce the potential for pollution of Princess Royal Harbour due to runoff and spills. The drainage plan will be prepared prior to construction and to the requirements of the DEP on the advice of AWMA.

Dust

12. The APA will require contractors to ensure that no nuisance dust is generated during earthworks associated with the reclamation activities and that any requirements of the DEP relating to dust control are met.

Landscaping

13. The APA will implement landscaping plantings on the southern side of the eastern end of Brunswick Road to provide screening of port facilities from nearby residents if local residents are in agreement. (Timing - prior to developments).
14. The APA will prepare and implement a landscape plan for the proposed development area as part of the design of specific storage and loading facilities. Timing - concurrent with delineation of leases and their development).