



MINISTER FOR THE ENVIRONMENT
EMPLOYMENT AND TRAINING

Ass # 1046

Bull # 836

State # 443

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

**BREAKWATER EXTENSION, NORTHERN HARBOUR PRECINCT
JERVOISE BAY (1046)**

DEPARTMENT OF COMMERCE AND TRADE

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, in response to issues raised following public submissions and subsequently; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

The proponent's amended environmental management commitments of 12 February 1997 are 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.

Published on

24 APR 1997

- 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.

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 Contingency Plan

- 4-1 The proponent shall prepare a contingency plan in two stages. Both stages shall include estimates for and the parties to be involved in the implementation of contingency measures, and a strategy to provide the required resources for the agreed measures.

Both stages shall also involve consultation with the City of Cockburn.

- 4-2 Stage 1: Prior to construction, the proponent shall prepare Stage 1 of the contingency plan to identify a proposed course of action to ensure that water quality in the harbour will meet acceptable limits, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Stage 1 of the contingency plan shall include monitoring and management of water quality and outline possible causes of potential deterioration of water quality due to the construction of the breakwater extension.

- 4-3 Stage 2: Within ten months following commencement of construction, the proponent shall prepare Stage 2 of the contingency plan which will consider options and alternatives to the emergency wastewater effluent outlet, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

- 4-4 In the event of unacceptable water quality occurring in the harbour, the proponent shall coordinate implementation of the contingency plan required by condition 4-1, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority. (Note: The need to implement the contingency plan may arise from an emergency event.)

5 Environmental Management System

- 5-1 The proponent shall prepare and implement an environmental management plan and environmental management procedures in order to implement the proposal and shall manage the relevant environmental factors to ensure that the environmental objectives (Section 3, Environmental Protection Authority Bulletin 836) are met.

The plan shall adopt quality assurance principles (such as those adopted in Australian Standards ISO 9000 series) and environmental management principles (such as those adopted in the voluntary Australian Standards ISO 14000 series), with appropriate monitoring, auditing and reporting to ensure compliance with these conditions and the on-going protection of the environment.

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 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.

7 Compliance Auditing

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

- 7-1 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 The Environmental Protection Authority's assessment report for the proposal was published in Environmental Protection Authority Bulletin 836.

CHERYL EDWARDES (Mrs) MLA
MINISTER FOR THE ENVIRONMENT

22 APR 1997

**Proponent's Environmental Management
Commitments**

February 1997

**BREAKWATER EXTENSION
NORTHERN HARBOUR PRECINCT
JERVOISE BAY (1046)**

DEPARTMENT OF COMMERCE AND TRADE

LIST OF COMMITMENTS (1046)

The following lists the proponent's commitments in respect of managing the potential environmental impacts of the project. Each commitment is numbered to assist with referencing during the implementation and management of the project.

- 1/2 The proponent will prepare and implement a monitoring programme for marine water quality both within the Northern Harbour and immediately outside the harbour within Jervoise Bay.

This monitoring will be undertaken pre-construction and post-commissioning for:

- 1 average vertical light attenuation coefficient,
- 2 faecal coliforms,
- 3 total nitrogen,
- 4 dissolved inorganic nitrogen,
- 5 chlorophyll *a*, and
- 6 dissolved oxygen concentration,

in the water column on a quarterly basis, with the sampling interval to be reviewed by the Department of Environmental Protection after 2 years.

- 3 Annual progress compliance reports (PCR) will be submitted for 5 years post-construction, to the requirements of the Department of Environmental Protection.
- 4 If any monitoring results show the water quality within the harbour to have significantly changed, these results will be immediately reported to the Department of Environmental Protection.
- 5 The proponent will monitor the sediments both within the Northern Harbour and immediately outside the harbour within Jervoise Bay.

This monitoring will be undertaken on an annual basis pre- and post-commissioning for:

- 1 heavy metals,
- 2 tributyl tin, and
- 3 organic content.

- 6 Within 12 months following the commencement of construction, the proponent will prepare a contingency plan, to identify a proposed course of action in the event that water quality in the harbour becomes unacceptable, to the requirements of the Environmental Protection Authority.
- 7 In the event of unacceptable water quality occurring in the harbour, the proponent will co-ordinate implementation of the contingency plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 8 In the event that the emergency wastewater effluent outlet discharges cause water quality in the harbour to exceed acceptable water quality criteria, then the proponent will liaise with the Water Corporation to implement remedial action.
- 9 The proponent will maintain unobstructed passage for shipping and small craft, before, during and after the breakwater construction to the satisfaction the Department of Transport.

- 10 The proponent will manage dust, noise and traffic during construction in accordance with the requirements of the Department of Environmental Protection and on advice from the Local Government Authorities.
- 11 Trucking of materials to the site for construction of the breakwater will be restricted to the hours approved by the local government authorities.
- 12/13 The proponent will prepare and implement a traffic safety plan in consultation with the respective local and state government authorities.
- 14 The proponent will maintain and make good any access roads used within the Woodman Point Reserve.
- 15/16 The proponent will prepare and coordinate the implementation of an on-going management plan, in collaboration with other relevant Government agencies, to manage day-to-day harbour operations.

This plan will encompass on-going monitoring requirements, clean-up and containment procedures for spills and noxious substances, management of stormwater, maintenance of the breakwater, navigation issues, etc.

- 17 The proponent will incorporate, at its cost, an open culvert through the base of the breakwater section to provide for future extension of the Water Corporation's emergency wastewater effluent outlet outside of the Northern Harbour.

The Water Corporation will provide the key design specifications for this culvert (eg. Invert level, diameter, etc) to our consultants, Halpern Glick Maunsell, as a matter of urgency so that the culvert can be incorporated into tender design documentation.