

MINISTER FOR THE ENVIRONMENT

000663

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

JAMES POINT STAGE 1 PORT, COCKBURN SOUND, KWINANA

Proposal: The proposal is to construct and operate Stage 1 of a container and general cargo port, consisting of dredged channels, turning basin and berthing pocket, a cargo wharf on reclaimed land, an off-shore breakwater and associated cargo handling facilities, to the north of James Point in Cockburn Sound, as documented in schedule 1 of this statement.

The land area to be developed is located in the Kwinana Industrial Area within the Town of Kwinana. It is envisaged that the port will handle a range of cargoes, notably livestock, though other material currently traded through port facilities in the Perth Metropolitan Area may also be handled in the future. The proposal also includes the transport of materials along designated heavy vehicle transport routes to and from the Stage 1 Port during the construction and operations phases.

The boundaries of Stage 1 Port (the "Port") are shown on the plans in Figures 1 and 2 to schedule 1 to this statement.

Proponent: James Point Pty Ltd

Proponent Address: PO Box 39, FREMANTLE WA 6959

Assessment Numbers: 1353 and 1523

Reports of the Environmental Protection Authority: Bulletins 1076 and 1141

The proposal referred to above may be implemented by the proponent subject to the following conditions and procedures:

1 Implementation

1-1 The proponent shall implement the proposal as documented in schedule 1 of this statement subject to the conditions of this statement.

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2 Proponent Commitments

- 2-1 The proponent shall implement the environmental management commitments documented in schedule 2 of this statement, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

3 Proponent Nomination and Contact Details

- 3-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person as the proponent for the proposal.
- 3-2 If the proponent wishes to relinquish the nomination, the proponent shall apply for the transfer of proponent and provide a letter with a copy of this statement endorsed by the proposed replacement proponent that the proposal will be carried out in accordance with this statement. Contact details and appropriate documentation on the capability of the proposed replacement proponent to carry out the proposal shall also be provided.
- 3-3 The nominated proponent shall notify the Department of Environment of any change of contact name and address within 60 days of such change.

4 Commencement and Time Limit of Approval

- 4-1 The proponent shall substantially commence the proposal within five years of the date of this statement or the approval granted in this statement shall lapse and be void.

Note: The Minister for the Environment will determine any dispute as to whether the proposal has been substantially commenced.

- 4-2 The proponent shall make application for any extension of approval for the substantial commencement of the proposal beyond five years from the date of this statement to the Minister for the Environment, prior to the expiration of the five-year period referred to in condition 4-1.

The application shall demonstrate that:

1. the environmental factors of the proposal have not changed significantly;
2. new, significant, environmental issues have not arisen; and
3. all relevant government authorities have been consulted.

Note: The Minister for the Environment may consider the grant of an extension of the time limit of approval not exceeding five years for the substantial commencement of the proposal.

5 Compliance Audit and Performance Review

5-1 The proponent shall prepare an audit program and submit compliance reports to the Department of Environment which address:

1. the status of implementation of the proposal as defined in schedule 1 of this statement;
2. evidence of compliance with the conditions and commitments; and
3. the performance of the environmental management plans and programs.

Note: Under sections 48(1) and 47(2) of the *Environmental Protection Act 1986*, the Chief Executive Officer of the Department of Environment is empowered to monitor the compliance of the proponent with the statement and should directly receive the compliance documentation, including environmental management plans, related to the conditions, procedures and commitments contained in this statement.

5-2 The proponent shall submit a performance review report every five years after the start of operations, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, which addresses:

1. the major environmental issues associated with the project; the targets for those issues; the methodologies used to achieve these; and the key indicators of environmental performance measured against those targets;
2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable;
3. significant improvements gained in environmental management, including the use of external peer reviews;
4. stakeholder and community consultation about environmental performance and the outcomes of that consultation, including a report of any on-going concerns being expressed; and
5. the proposed environmental targets over the next five years, including improvements in technology and management processes.

5-3 The proponent shall submit a report prepared by an auditor approved by the Department of Environment under the "Compliance Auditor Accreditation Scheme" to the Chief Executive Office of the Department of Environment on each condition and commitment of this statement which requires the preparation of a management plan, programme, strategy or system, stating that the requirements of each condition and commitment have been fulfilled within the timeframe stated within each condition and commitment.

6 Consultation on Environmental Management Plans and Programs

- 6-1 Prior to finalisation of the various environmental management plans and programs required by this statement, the proponent shall conduct public reviews and interact with the community and stakeholders during the preparation of each plan and program in a manner which is consistent with schedule 3, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 6-2 Following the public reviews of the various environmental management plans and programs required by condition 6-1, and in the event that the Environmental Protection Authority determines that modifications to the plans and programs are desirable to address the pertinent environmental issues raised during the public reviews, the proponent shall amend the plans and programs accordingly, to the requirements of the Minister for the Environment.
- 6-3 The proponent shall establish a James Point Port Stakeholder Reference Group within six months following the formal authority issued to the decision-making authorities under section 45(7) of the *Environmental Protection Act 1986*, with membership and Terms of Reference meeting the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The Terms of Reference of the Group shall relate to:

1. provision of advice to the Minister for the Environment on the environmental aspects of the construction and operation of the proposal generally;
2. provision of feedback and input into the preparation and standard of implementation of the environmental management plans and programs;
3. provision of advice and input into the mitigation for loss of coastal access, as a consequence of the proposal; and
4. provision of advice on the proponent's environmental performance.

Note 1: An independent person will chair the Group and the proponent is responsible for the reasonable resourcing of the operations of the Group.

7 Noise Management

Management of Noise from Livestock Ships and Fodder Loading Equipment

- 7-1 The proponent shall ensure that, on the first occasion on which a livestock ship enters the Port, a Noise Assessment Report relating to that ship is prepared to the requirements of the Minister for the Environment by a suitably qualified acoustic specialist and submitted to the Department of Environment within 30 days following entry of that ship into the Port.

7-2 The proponent shall ensure that, prior to the operation of any fodder loading equipment at the Port, a Noise Assessment Report relating to that fodder loading equipment is prepared to the requirements of the Minister for the Environment by a suitably qualified acoustic specialist engaged by the proponent, as referred to in condition 7-1, and the Report submitted to the Department of Environment.

7-3 A Noise Assessment Report referred to in conditions 7-1 and 7-2 shall identify:

1. the name and acoustic qualifications of the author of the report;
2. measurements of noise taken for the purposes of the report; and
3. the single point sound power level for the livestock ship or the single point sound power level of the fodder loading equipment.

For the purposes of these conditions the single point sound power level of a livestock ship and the single point sound power level of fodder loading equipment is to be calculated and determined according to a methodology to be agreed in the Noise Management Plan required by condition 7-8.

7-4 The proponent shall ensure that:

1. no single livestock ship with an individual single point sound power level exceeding 121 dB(A); nor
2. a combination of two or more livestock ships with a combined single point sound power level exceeding 121 dB(A),

as calculated in a Noise Assessment Report or Reports, enters the boundaries of the Port as shown on the plans in Figures 1 and 2 to schedule 1 of this statement.

Note: This condition does not apply to a livestock ship on the first occasion on which it enters the Port.

7-5 The proponent shall ensure that:

- no fodder loading equipment with a sound power level exceeding 115 dB(A),

as calculated in a Noise Assessment Report or Reports, operates within the boundaries of the Port as shown on the plans in Figures 1 and 2 to schedule 1 of this statement.

Noise Regulations

7-6 The proponent shall ensure that noise emitted from the Port, when received at other premises which are located within "Area B" defined in clause 3(2)(b) of the *Environmental Protection (Kwinana)(Atmospheric Wastes) Policy 1999*, does not cause, or significantly contribute to, a level of noise which exceeds the assigned level in respect of noise received at premises of that kind, determined by reference to the table to regulation 8 of the *Environmental Protection (Noise) Regulations 1997*, and its updates.

Note: The *Environmental Protection (Kwinana)(Atmospheric Wastes) Policy 1999* is published in the Government Gazette of 21 December 1999 at pages 6395-6403.

- 7-7 The proponent shall ensure that noise emitted from the Port does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not in the Port.

Noise Management Plan

- 7-8 Prior to commencement of construction of the Port, the proponent shall prepare a Noise Management Plan, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objectives of the Plan are:

- to ensure that the amenity, health, welfare and comfort of residents in surrounding areas are protected; and
- to ensure that the requirements of conditions 7-1, 7-2, 7-3, 7-4, 7-5, 7-6 and 7-7 are met.

This Plan shall:

1. identify all sources of noise emissions from the proposal;
2. include noise monitoring and management measures for the management of noise emissions during construction, particularly from pile driving and increased traffic from the transport of construction materials to the Port;
3. include contractual agreements with livestock ship operators to limit noise emissions from ships;
4. show revised noise modelling contours based on operations since commencement of operations;
5. include details of the reference positions and procedures for the measurement and monitoring of noise levels;
6. use results from item 4 to identify reference positions for the measurement and monitoring of noise levels;
7. set out the methodology to be used to calculate and determine the single point sound power level for the livestock ships and fodder loading equipment required by condition 7-3;
8. set out procedures for the implementation of operational restrictions for livestock ships identified in the Noise Assessment Reports required by condition 7-3;
9. include procurement strategies and policies to avoid potentially noisy port equipment;
10. set out procedures to restrict the operation of fodder loading equipment at night (2200 hours to 0700 hours);

11. identify noise control measures required to minimise and/or reduce noise emissions from the Port as far as practicable and reasonable;
12. include a complaints register;
13. set out procedures for response to and reporting of noise complaints;
14. include procedures for review and continual improvement of the Noise Management Plan; and
15. set out reporting procedures.

Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following parties will be obtained:

- the Livestock Export Environmental Management Consultative Committee (see commitment 7);
- the Town of Kwinana;
- James Point Port Stakeholder Reference Group;
- the City of Rockingham;
- Kwinana Industries Council; and
- the City of Cockburn.

7-9 The proponent shall implement the Noise Management Plan required by condition 7-8, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

7-10 The proponent shall make the Noise Management Plan required by condition 7-8, including the results of any noise modelling, publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

8 Odour Management

8-1 The proponent shall ensure that odour emitted from the Port does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not in the Port.

8-2 The proponent shall ensure that:

1. livestock unloaded from trucks at the Port are immediately directed onto races/ramps for loading onto livestock ships;
2. no livestock are held in livestock holding pens in the Port, apart from those livestock considered unfit for export;
3. livestock considered unfit for export are removed from temporary livestock holding pens and transported from the Port within three hours of the livestock entering those pens;
4. each livestock truck leaves the Port within one hour following the completion of the unloading of that truck;

5. each livestock truck is thoroughly cleaned and washed after unloading livestock and prior to leaving the Port;
 6. there is no discharge of wash waters from truck wash-down bays into the environment;
 7. the following areas are cleaned (using dry methods including mechanical sweepers and vacuums), immediately following the completion of livestock vessel loading:
 - livestock unloading bays;
 - temporary holding pens for unfit livestock;
 - livestock truck wash down areas; and
 - livestock loading ramps and races.
 8. all solid and liquid wastes generated from actions required by paragraphs 5, 6 and 7 are collected, transported from the Port in enclosed systems and containers and disposed to a facility licensed to receive those wastes;
 9. livestock ships leave the Port within three hours following completion of livestock loading; and
 10. livestock ships which enter the port partially loaded with livestock leave the Port within 24 hours of berthing.
- 8-3 The proponent shall establish and implement procedures for the daily removal of accumulated livestock wastes from the Port for recycling or removal to a facility licensed to receive those wastes, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 8-4 The proponent shall ensure that no livestock truck enters the port unless a Livestock Loading Plan and Schedule relating to the livestock carried by that truck have been prepared at least 48 hours prior to the arrival of the truck, and that Loading Plan and Schedule:
1. include procedures to coordinate truck movements and livestock loading to maximise loading rates and minimise duration of livestock loading;
 2. have been agreed with the livestock ship operator, livestock supplier, fodder supplier, transport operator, and stevedore; and
 3. specify the docking time, number and type of stock to be loaded, delivery loading times and rates and estimated time of completion of loading and vessel departure.
- 8-5 The proponent shall investigate and respond to all odour complaints received and shall maintain a Register of Complaints which is accessible at all times, to the requirements of the Minister for the Environment.

The Register of Complaints shall include the following details:

1. the source of complaints and time;
2. actions taken to address and resolve complaints;
3. responses provided to complainants; and
4. loading conditions, livestock and truck numbers, name of livestock ship, wind speed and direction at the time of the complaint.

8-6 Prior to commencement of port operations, the proponent shall prepare an Odour Management Plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objectives of this Plan are:

- to ensure that the amenity, health, welfare and comfort of residents and workers in the Kwinana Industrial Area are protected from unreasonable odour levels; and
- to detail 'best practice' design and operation for the facility, based on national and international benchmarking.

This Plan shall include:

1. procedures to minimise the time required for livestock ship loading;
2. provision, operation and maintenance of measures to minimise the generation of odours;
3. consultation with the James Point Port Stakeholder Reference Group (see condition 6-3);
4. the establishment and maintenance of logs to record livestock loading circumstances (including meteorological conditions, time of day, loading rate, duration of loading, vessel name, whether vessels are partly loaded and systems and equipment failures) during livestock transport and exporting activities;
5. allocation of roles and responsibilities for implementation of the Plan;
6. procedures for the training and education on the Plan;
7. the review of procedures for continual improvement of odour management;
8. procedures for monitoring, auditing and reporting; and
9. annual independent odour audits of the implementation of the Plan and Schedule referred to in condition 8-4, and the proponent's complaint responses.

Note: In the preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following parties will be obtained:

- the Livestock Export Environmental Management Consultative Committee required by commitment 7;
- the Cockburn Sound Management Council;
- the Town of Kwinana;
- the City of Rockingham; and
- the City of Cockburn.

8-7 The proponent shall implement the Odour Management Plan required by condition 8-6 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

8-8 The proponent shall undertake annual odour sampling of livestock exporting operations, having regard for worst-case conditions, and shall determine the odour levels in the samples collected, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority. The first odour sampling exercise shall be undertaken within 6 months following the commencement of livestock operations.

In assessing the odour levels in the samples collected, the proponent shall use 'dynamic olfactometry methods' and appropriate modelling to determine the extent of odour concentration equivalent to an intensity level of 'distinct', averaged over three minutes, 99.5th percentile in relation to odour-sensitive premises.

8-9 The proponent shall provide the Odour Management Plan required by condition 8-6 and the results arising from condition 8-8 to the Environmental Protection Authority for review, within 8 months following the commencement of livestock operations, to the requirements of the Minister for the Environment.

Note: This review shall be repeated after a further three years of livestock export operations, and subsequently as determined by the Environmental Protection Authority.

8-10 Following the review of odour management referred to in condition 8-9, and in the event that the Environmental Protection Authority determines that modifications to odour management are desirable, the proponent shall modify the Odour Management Plan (required by condition 8-6) accordingly, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

8-11 The proponent shall make the Odour Management Plan required by condition 8-6, including any modification required by condition 8-10, and the odour level determinations arising from condition 8-8, publicly available to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

9 Management of Loading and Unloading

- 9-1 The proponent shall ensure that no materials, including livestock and livestock waste, are discharged into the waters within the boundaries of the Port as shown in Figures 1 and 2 to schedule 1 of this statement during the loading and unloading of ships.
- 9-2 Prior to commencement of livestock exporting operations, the proponent shall ensure that the wharf at the Port is bunded and sealed to contain any material, including livestock and livestock wastes, spilt during loading and unloading operations, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 9-3 The proponent shall ensure that ships in waters within the boundaries of the Port shown in Figures 1 and 2 to schedule 1 of this statement, do not discharge any solid or liquid wastes, including hydrocarbons, livestock and livestock wastes into marine waters.

10 Drainage Management

- 10-1 The proponent shall ensure that there is no discharge of contaminated waters from the Port to the waters of Cockburn Sound or the groundwater.
- 10-2 In order to meet the requirements of condition 10-1, the proponent shall:
1. provide detailed calculations of volumes of potentially contaminated water runoff likely to be generated by the operations of the Port and dimensions of detention basin/s that are required to be constructed, to the Department of Environment, prior to the commencement of construction;
 2. ensure that the livestock loading and temporary holding areas, vehicle wash-down bays and areas where oily or solvent wastes are present are sealed with appropriate material and graded to collection points to contain potentially contaminated surface water runoff;
 3. ensure that all potentially contaminated stormwater and wash-down waters are collected in impervious and enclosed detention tanks for,
 - (a) discharge to sewer; or
 - (b) removal offsite (in enclosed containers or sealed tanker trucks to a facility licensed to receive that waste).
 4. equip the enclosed detention tanks with level alarm devices to detect (potential) overflows;
 5. have in place a system of regular inspections and maintenance to ensure effective use and operation of the detention tanks and contaminated surface water collection system; and
 6. prepare and implement a water quality monitoring program to determine the effectiveness of the structures to prevent discharge of contaminated waters to the waters of Cockburn Sound.

11 Contamination – Soil, Groundwater and Sediments

- 11-1 Prior to any ground-disturbing activity, the proponent shall undertake soil and groundwater investigations to determine the extent and nature of any contamination within the Port area which is consistent with the Department of Environmental Protection's Contaminated Sites Management Series (2003) and its revisions, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 11-2 If as a result of the investigations required by condition 11-1, the soil or groundwater within the boundaries of the proposal is found to be contaminated, the proponent shall undertake further investigations to determine whether the contamination is posing or may pose a risk to either human health or the environment, including the water and sediment quality of Cockburn Sound, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 11-3 In the event that the investigations required by conditions 11-1 and 11-2 demonstrate that the contamination within the boundaries of the proposal is posing or may pose a risk to either human health or the environment, including the water and sediment quality of Cockburn Sound, the proponent shall undertake remediation of the site for soil and/or groundwater, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 11-4 In the event that soil and/or groundwater remediation is required, as referred to in condition 11-3, the proponent shall prepare a Site (Soil and Groundwater) Remediation Plan and Validation Report which is consistent with the Department of Environmental Protection's Contaminated Sites Management Series (2003) and its revisions, and is designed to facilitate meeting the requirements of condition 11-3, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Note: In the preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that the advice of the following agencies will be obtained:

- James Point Port Stakeholder Reference Group (see condition 6-3);
- Cockburn Sound Management Council;
- Department of Health; and
- Town of Kwinana.

- 11-5 In the event that remediation is required, the proponent shall implement the Site (Soil and Groundwater) Remediation Plan and Validation Report required by condition 11-4, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Sediment contamination

- 11-6 Prior to commencement of dredging, the proponent shall undertake sediment investigations in areas to be dredged, consistent with the *National Ocean Disposal Guidelines for Dredged Material, Commonwealth of Australia* (2002), and its revisions, to determine the extent and nature of any contamination in sediments to be used as reclamation fill material, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 11-7 If as a result of the investigations required by condition 11-6 the sediments are found to be contaminated, the proponent shall undertake further investigations to determine whether the sediments to be used as reclamation fill material may pose a risk to either human health or the environment, in order to determine the suitability of the reclamation fill material for the purpose of land reclamation, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 11-8 In the event that the investigations required by conditions 11-6 and 11-7 demonstrate that the sediments to be used as reclamation fill material may pose a risk to either human health or the environment, the proponent shall undertake management strategies, including alternative containment and disposal options, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Note: In preparation of advice of the Minister for the Environment, the Environmental Protection Authority expects that advice of the following agencies will be obtained:

- Department of Health; and
- Cockburn Sound Management Council.

12 Environmental Management System

- 12-1 In order to manage the environmental impacts of the project, and to fulfil the requirements of the conditions in this statement, prior to the commencement of operations, the proponent shall demonstrate to the requirements of the Minister for the Environment that there is in place an Environmental Management System which includes the following elements:
1. An environmental policy and corporate commitment to it;
 2. Mechanisms and processes to ensure:
 - (a) planning to meet environmental requirements;
 - (b) implementation and operation of actions to meet environmental requirements;
 - (c) measurement and evaluation of environmental performance; and
 3. Review and improvement of environmental outcomes.

- 12-2 The proponent shall implement the Environmental Management System required by condition 12-1 to the requirements of the Minister for the Environment.
- 12-3 The proponent shall make the Environmental Management System required by condition 12-1, including any of its revisions, publicly available to the requirements of the Minister for the Environment.
- 12-4 The proponent shall cause the Environmental Management System referred to in condition 12-1 to be audited by a suitably qualified external auditor within the first six months following the commencement of port operations and subsequently audited according to a schedule to be agreed with the Department of Environment.

13 Introduced Marine Species and Ballast Water for Dredging Equipment

- 13-1 Prior to allowing dredging plant to enter State Waters, the proponent shall arrange for an inspection by an appropriately qualified expert to ensure that:
1. there is no sediment on the dredging equipment;
 2. ballast water (if any) has been managed according to the Australian Quarantine Inspection Service ballast water requirements; and
 3. any fouling organisms on the dredging equipment do not present a risk to the ecosystem integrity of the marine waters of Cockburn Sound,

to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Note: In preparation of advice of the Minister for the Environment, the Environmental Protection Authority expects that advice of the following agencies will be obtained:

- Department of Fisheries; and
- Australian Quarantine Inspection Service.

- 13-2 The proponent shall manage any sediment or fouling organism found as a consequence of the inspection required by condition 13-1, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Note: In preparation of advice of the Minister for the Environment, the Environmental Protection Authority expects that advice of the following agencies will be obtained:

- Department of Fisheries; and
- Australian Quarantine Inspection Service.

14 Marine Water, Sediment and Biota Quality Management - Operations

14-1 During operation of the Port, the proponent shall monitor water, sediment and biota quality in the marine areas within and adjacent to the boundaries of the Port, as shown in Figures 1 and 2 to schedule 1 of this statement, in accordance with the protocols and procedures set out in the *Revised Manual of Standard Operating Procedures for Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria* (March 2004), or its most recent update, to assess whether the quality of waters, sediments and biota in areas shown in Figures 1 and 2 meet the relevant “environmental quality standard(s)” specified in:

- tables 1, 2 and 3, under “Moderate protection”, to ensure marine ecosystem protection from the effects of physical and chemical stressors, toxicants in marine waters and sediment pore waters and toxicants in sediments;
- table 4, to ensure that seafood is safe for human consumption;
- table 6, to ensure that waters are safe for primary contact recreation; and
- table 8, to ensure that waters are free from surface films of oil and petrochemicals, floating debris, dust and other objectionable matter including substances that cause foaming and tainting of seafood,

in the *Revised Environmental Quality Criteria Reference Document (Cockburn Sound)* (October 2004) or its most recent update, by using the corresponding decision schemes set out in that document.

14-2 If an ‘environmental quality standard(s)’ referred to in condition 14-1 is not met, the proponent shall determine the cause and shall initiate a management response(s), and remedy the matter, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Cockburn Sound Management Council, the Department of Health and the Department of Fisheries.

For the purposes of this condition, the proponent shall seek the advice of:

- the Cockburn Sound Management Council and the Department of Environment for all failures to meet environmental quality standards relating to chemical and physical stressors and contaminants in water and sediment pore water and sediment, seafood which is safe for human consumption and primary contact recreation;
- the Department of Health for all failures to meet environmental quality standards relating to seafood which is safe for human consumption and primary contact recreation; and
- the Department of Fisheries for all failures to meet environmental quality standards relating to seafood which is safe for human consumption.

14-3 Prior to commencement of operations, the proponent shall prepare a Marine Water, Sediment and Biota Quality Monitoring and Management Plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objective of this Plan is to ensure that the requirements of conditions 14-1 and 14-2 are met.

The Plan shall:

1. include the protocols and procedures for monitoring and evaluating the quality of water, sediment and biota in marine areas within and adjacent to the boundaries of the Port that are consistent with the *Revised Manual of Standard Operating Procedures for Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria* (March 2004), and its most recent update(s);
2. include the protocols and procedures for comparing monitoring data against the relevant “environmental quality guidelines” and “environmental quality standards” specified in the *Revised Environmental Quality Criteria Reference Document (Cockburn Sound)* (October 2004) or its most recent update, in such a way as to demonstrate that the protocols and procedures are consistent with the decision schemes specified in that document and the methods described in the *Revised Manual of Standard Operating Procedures for Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria* (March 2004), or its most recent update;
3. include a program of investigation and consultation to be undertaken in the event that an ‘environmental quality guideline’ referred to in item 2) above is not met;
4. establish the framework for development of management actions to be undertaken by the proponent in the event that any environmental quality standard referred to in condition 14-1 is not met;
5. include the water, sediment and biota environmental quality indicators to be monitored, as agreed with the Environmental Protection Authority;
6. specify the numbers of samples to be taken for each environmental quality indicator;
7. specify the timing and frequency of sampling for each environmental quality indicator;
8. show the location of monitoring sites for the purposes of monitoring each water, sediment and biota quality indicator identified above;
9. include a map showing the boundary of the “defined area”, for the purpose of comparing monitoring data for physical and chemical stressors against the relevant environmental quality guidelines and environmental quality standards specified in the *Revised Environmental Quality Criteria Reference Document (Cockburn Sound)* (October 2004);
10. present the location of appropriate reference sites where necessary;
11. set out the procedures for seeking advice from relevant Government agencies in relation to monitoring and analysis as well as in response to any failure to meet environmental quality standards as required by condition 14-2 above;

12. establish the reporting procedures, including the format, timing, and frequency for the reporting of monitoring data, the comparisons of monitoring data against the relevant environmental quality guidelines and environmental quality standards and management actions undertaken by the proponent;
13. set out contingency measures to be given affect by the proponent in the event that monitoring is unable to be carried out for whatever reason;
14. set out monitoring and management procedures to minimise the risk of the proposal affecting the quality of water to be used in the Water Corporation's Seawater Desalination Plant; and
15. include an Oil Spill Management Plan which takes into account the Water Corporation's Seawater Desalination Plant, to be developed in consultation with the Water Corporation, the Department for Planning and Infrastructure, the Fremantle Port Authority and the Department of Fisheries.

Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that advice of the following will be obtained:

- Cockburn Sound Management Council;
- Town of Kwinana;
- Water Corporation;
- Western Power;
- Fremantle Port Authority;
- Department of Fisheries;
- Department for Planning and Infrastructure; and
- Department of Health.

14-4 The proponent shall implement the Marine Water, Sediment and Biota Quality Monitoring and Management Plan required by condition 14-3 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

15 Coastal Processes (Offshore Breakwater)

15-1 The proponent shall not commence the construction of the offshore breakwater until:

1. the further investigations, numerical modelling and peer review referred to in conditions 15-2 and 15-3 have been completed and the Minister for the Environment on advice of the Environmental Protection Authority is satisfied that construction of the offshore breakwater will not have an adverse effect on coastal processes and stability of sandy beaches on the eastern shore of Cockburn Sound and that existing maritime infrastructure on the eastern shore of Cockburn Sound and recreational amenity of Challenger Beach are protected from potential impacts of the offshore breakwater;
2. a Breakwater Construction Management Plan has been prepared to manage the impacts of the breakwater construction on the marine environment of Cockburn Sound;

3. a Coastal Monitoring and Management Program referred to in condition 15-4, has been prepared; and
4. prior written advice of the Minister for the Environment has been received that construction of the offshore breakwater may occur consistent with the final design determined in accordance with condition 15-2 or in a manner specified in the Minister's advice.

15-2 Following the finalisation of land tenure arrangements and operational requirements for the offshore breakwater and prior to finalising the detailed design of the offshore breakwater, the proponent shall undertake investigations and numerical modelling to examine wave reflection and refraction due to the offshore breakwater, to demonstrate the following:

1. waves reflected from the offshore breakwater (design) will be substantially directed away from the coast;
2. both existing maritime infrastructure on the eastern shore of Cockburn Sound and the recreational amenity of Challenger Beach are protected from potential impacts of the offshore breakwater;
3. the (final) design of the offshore breakwater will not have an adverse effect on coastal processes and stability of beaches and dunes on the eastern shores of Cockburn Sound, up to two kilometres north and south of the proposal; and
4. waves reflected from the offshore breakwater (design) will not significantly impact on nearby shipping channels, ship manoeuvrability, and the safety of shipping using these channels,

to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The results of the investigations and modelling referred to above shall be made publicly available.

15-3 The proponent shall subject the investigations and numerical modelling referred to in condition 15-2 to peer review by a panel of experts and stakeholders to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The panel of experts and stakeholders shall include representatives from the following:

- Department for Planning and Infrastructure;
- Cockburn Sound Management Council;
- Water Corporation;
- Fremantle Port Authority;
- Western Power;
- James Point Port Stakeholder Reference Group;
- City of Cockburn;
- Town of Kwinana; and
- a suitably qualified coastal process expert (to be appointed on advice of the Environmental Protection Authority).

15-4 Prior to commencement of construction, the proponent shall prepare a Coastal Monitoring and Management Program to monitor and manage the impacts of the proposal including, the offshore breakwater, reclaimed lands, dredged channels and dredged turning basins on local coastal processes, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objective of this Program is to ensure that the recreational amenity of local beaches and maritime infrastructure(s) are protected.

The Program shall incorporate ongoing beach monitoring, with a focus on beaches up to two kilometres north and south of the proposal, and include:

1. examination and comparisons of historical and post-construction aerial photographs to detect changes to shoreline positions;
2. annual measurements of beach profiles and widths; and
3. monitoring of beach dunes.

The Program shall also include contingency measures in the event that erosion or changes to shoreline positions which are inconsistent with the existing shoreline shape (localised pockets of erosion) or inconsistent with the historical range of shoreline positions, are detected.

Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that advice of the following will be obtained:

- Cockburn Sound Management Council;
- Town of Kwinana;
- Water Corporation;
- Western Power;
- Fremantle Port Authority; and
- Department for Planning and Infrastructure.

15-5 The proponent shall implement the Coastal Monitoring and Management Program referred to in condition 15-4 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

15-6 If erosion is detected as a result of the Coastal Monitoring and Management Program referred in condition 15-4, the proponent shall implement contingency measures in consultation with the relevant stakeholders for the management of the affected beach and maintain its stability to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

For the purpose of this condition, contingency measures for erosion may include beach sand replenishment, nourishment or modifications to the proposal, or a combination of any two measures or any other measures agreed with stakeholders.

16 Decommissioning

16-1 At least 12 months prior to decommissioning or prior to the removal of maritime infrastructure related to the proposal, including the offshore breakwater, the proponent shall prepare a Decommissioning and Removal of Maritime Infrastructure Management Plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, the Fremantle Port Authority, the Department for Planning and Infrastructure and the Water Corporation.

The objectives of this Plan are:

- to return the marine area, as far as is practicable, to its pre-disturbance state, or to a state agreed to by the Environmental Protection Authority; and
- to minimise the environmental impacts caused by decommissioning and removal of maritime infrastructure.

The Plan shall address:

1. the removal of maritime infrastructure;
2. rehabilitation of disturbed areas;
3. preparation of a post-project Environmental Management Plan which identifies on-going monitoring and management for at least five years following the decommissioning of the project and/or removal of infrastructure; and
4. completion criteria.

16-2 The proponent shall implement the Decommissioning and Removal of Maritime Infrastructure Management Plan required by condition 16-1 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

16-3 The proponent shall make the Decommissioning and Removal of Maritime Infrastructure Management Plan required by condition 16-1 publicly available, to the requirements of the Minister for the Environment.

17 Dredging

17-1 The proponent shall, at least seven days prior to the commencement of any dredging operations, establish pairs of logging underwater light meters, with at least two metres of vertical separation between the meter sensors, at:

1. impact monitoring sites at locations where seagrass is found and where water clarity has the potential to be affected by dredging operations; and
2. reference monitoring sites which are equivalent to each impact monitoring site in all respects including water depths and the presence of seagrass and where water clarity does not have the potential to be affected by dredging operations,

to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

- 17-2 The proponent shall operate the logging underwater light meters referred to in condition 17-1 to record the photosynthetically active radiation ("PAR") intensity at 15 minute intervals during daylight hours from a period beginning at least 7 days prior to the commencement of any dredging operations and ending at least 8 weeks after the completion of all dredging operations ("the Light Monitoring Period").

For the purposes of this condition "daylight hours" begin two hours after sunrise and end two hours before sunset.

- 17-3 On Wednesday of each week during the Light Monitoring Period the proponent shall report to the Chief Executive Officer of the Department of Environment:

1. all PAR intensity data recorded at each monitoring site during the week ending on the previous Monday;
2. the median of all LACs (light attenuation coefficient - see below) for each impact monitoring site taken during the week ending on the previous Monday, calculated from the data reported pursuant to paragraph 1 above; and
3. the 80th percentile of all LACs for all reference monitoring sites taken during the week ending on the previous Monday, calculated from the data reported pursuant to paragraph 1.

For the purpose of these conditions, an "LAC" is the instantaneous 15 minute vertical light attenuation coefficient calculated as follows:

$$\text{LAC (m}^{-1}\text{)} = \frac{\text{Log}_{10} \text{ A} - \text{Log}_{10} \text{ B}}{\text{Z}}$$

Where:

A is the instantaneous reading of the level of PAR recorded by the top light meter at a monitoring site, expressed in $\mu\text{moles/m}^2/\text{s}$;

B is the instantaneous reading of the level of PAR recorded by the bottom light meter at the same monitoring site, expressed in $\mu\text{moles/m}^2/\text{s}$; and

Z is the vertical distance between the top and bottom light meter sensors at that monitoring site expressed in metres.

- 17-4 Subject to condition 17-6, where the median LAC for any of the impact monitoring sites, as calculated under condition 17-3(2), is greater than the Light Standard A for four consecutive weeks, the proponent shall ensure that all dredging operations cease immediately and do not recommence until the median of the LAC for all impact monitoring sites, calculated over a day, is less than the Light Standard A for seven consecutive days.

For the purposes of these conditions "Light Standard A", in relation to any period, means the greater of:

1. the light attenuation coefficient at which 10% of surface PAR at any monitoring site will reach the seabed at that monitoring site; or
2. the calculated 80th percentile of all LACs for all reference monitoring sites during that period.

17-5 Subject to condition 17-6, where the median of the LAC for any of the impact monitoring sites, as calculated under condition 17-3(2), is greater than the Light Standard B for two consecutive weeks, the proponent shall ensure that all dredging operations cease immediately and do not recommence until the median of the LAC for all impact monitoring sites, calculated over a day, is less than the Light Standard B for seven consecutive days.

For the purposes of these conditions, "Light Standard B", in relation to any period, means the greater of:

1. the light attenuation coefficient at which 5% of surface PAR at any monitoring site will reach the seabed at that monitoring site; or
2. the 95th percentile of all LACs for all reference monitoring sites during that period.

17-6 In any period during which a logging underwater light meter at any impact monitoring site fails to properly operate, the median LAC for that impact monitoring site shall be taken to be greater than Light Standard A and Light Standard B for that period for the purposes of conditions 17-4 and 17-5.

17-7 The proponent shall ensure that:

1. only a Cutter Suction Dredge is used to dredge the channels, turning basin and berthing pocket at the Port;
2. dredge material is pumped directly from the dredge to a bunded reclamation area onshore, within the Port;
3. at least one silt curtain is installed and properly maintained around the point at which return water is discharged from the reclamation area into Cockburn Sound until turbidity-generating activities have ceased; and
4. no dredging takes place between 1 October and 30 April in any year.

Dredge Management Plan

17-8 At least two weeks prior to the commencement of any dredging operations, the proponent shall develop a Dredging Management Plan, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The objective of this Plan is:

- to ensure that the health of flora and fauna, including dolphins and seagrass, in Cockburn Sound are not adversely affected by dredging operations.

This Plan shall:

1. establish dredging procedures to ensure that the requirements of condition 17-7 and the objective of the Plan are met;
 2. establish protocols and procedures for monitoring LAC (as referred to in conditions 17-2, 17-3 and 17-4);
 3. show locations of appropriate impact monitoring and reference monitoring sites (as referred to in condition 17-1) and confirm through turbidity modelling that water clarity at the reference monitoring sites does not have the potential to be affected by dredging operations;
 4. include monitoring procedures to confirm (during dredging operations) that reference monitoring sites are not being affected by dredging operations;
 5. identify alternative reference monitoring sites and the procedures for establishing alternative reference sites and gathering data from those sites in the event that the procedures in item 4 demonstrate that the water clarity at reference monitoring sites is being affected by dredging operations;
 6. procedures for the management and control of return water from the reclamation area, including the specification of relevant guideline 'trigger' values;
 7. procedures for the management and control of turbidity generated by dredging equipment, including the specification of relevant guideline 'trigger' values;
 8. procedures for the monitoring, management and control of turbidity generated by dredging, at the intake pipes of the Water Corporation's Seawater Desalination Plant;
 9. include a program of monitoring for nutrients and contaminants in the plume against 'trigger' levels;
 10. allow for regular notification and consultation to occur with relevant agencies including the Cockburn Sound Management Council and the Water Corporation and other parties which are likely to be affected by the dredging operations;
 11. establish a register of complaints and responses taken; and
 12. audit and reporting procedures.
- 17-9 The proponent shall implement the Dredging Management Plan required by condition 17-8 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Seagrass Monitoring Program

17-10 At least two weeks prior to the commencement of any dredging operations, the proponent shall develop a Seagrass Monitoring Program, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Cockburn Sound Management Council.

The objective of this Program is:

- to monitor the effects of dredging operations on the health of marine flora, including seagrass, in Cockburn Sound.

This Program shall:

1. establish a program of fortnightly seagrass health monitoring which involves:
 - (a) the establishment of seagrass health impact monitoring sites coincident with the impact monitoring sites referred to in condition 17-1(1), where each site will contain at least 24 permanent relocatable quadrats measuring 20 centimetres wide and 20 centimetres long;
 - (b) the establishment of seagrass health reference monitoring sites coincident with the reference monitoring sites referred to in condition 17-1(2), where each site will contain at least 24 permanent relocatable quadrats measuring 20 centimetres wide and 20 centimetres long;
 - (c) the measurement and recording of seagrass shoot and leaf density in all quadrats established at each seagrass health impact monitoring site and each seagrass health reference monitoring site;
 - (d) the commencement of the program of fortnightly seagrass health monitoring for four weeks prior to the commencement of dredging operations to determine 'pre-dredging' seagrass shoot and leaf density; and
 - (e) ongoing seagrass health monitoring from seagrass health impact monitoring sites, at six monthly intervals, including undertaking monitoring during the annual summer seagrass health monitoring program for Cockburn Sound, following the completion of dredging operations, until it can be demonstrated that seagrass shoot and leaf density are comparable to pre-dredging levels,
2. establish protocols and procedures for seagrass health monitoring in accordance with the Environmental Protection Authority's *Manual of Standard Operating Procedures for Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria* (March 2004);
3. include the pre-dredging seagrass shoot and leaf density data for each permanent relocatable quadrat established at all seagrass health impact monitoring sites and all seagrass health reference monitoring sites, including:
 - (a) the calculated 5th percentile of pre-dredging seagrass shoot and leaf density for each seagrass health impact monitoring site;
 - (b) the calculated median of pre-dredging seagrass shoot and leaf density for each seagrass health impact monitoring site;

- (c) the calculated 20th percentile of pre-dredging seagrass shoot and leaf density for the seagrass health reference monitoring sites; and
 - (d) the calculated median of pre-dredging seagrass shoot and leaf density for the seagrass health reference monitoring sites;
4. set out procedures for calculating each fortnight the median seagrass shoot and leaf density from counts of seagrass shoots and leaves in all permanent relocatable quadrats established at each seagrass health impact and reference monitoring site referred to in 1 a) and b) above;
 5. establish management responses to be implemented, in the event that the seagrass health criteria in item 5 a) or b) below, are not met during dredging operations:
 - (a) the median seagrass shoot and leaf density calculated each fortnight for each seagrass health impact monitoring site is greater than the 5th percentile of pre-dredging seagrass shoot and leaf density determined for each seagrass health impact monitoring site, as referred to in item 3 a) above; or
 if the median seagrass shoot and leaf density at the seagrass health reference monitoring sites is below the 20th percentile of pre-dredging seagrass shoot and leaf density determined for each seagrass health reference monitoring site, as referred to in item 3 c) above, and is due to the influence of natural regional-scale processes, then the following criteria in b) apply;
 - (b) the median seagrass shoot and leaf density calculated each fortnight for each seagrass health impact monitoring site is greater than the 5th percentile of seagrass shoot and leaf density determined for seagrass health reference monitoring sites calculated following confirmation that seagrass shoot and leaf density has been reduced at reference sites due to regional processes other than dredging operations;
 6. set out the management actions to be undertaken immediately in the event that the proponent is unable to undertake seagrass health monitoring for two consecutive fortnights during the dredging operations. The management actions shall include ceasing dredging operations and not recommencing until the proponent is able to undertake seagrass health monitoring to determine whether the seagrass health criteria in item 5 above have been met; and
 7. include audit and reporting procedures.

17-11 The proponent shall implement the Seagrass Monitoring Program required by condition 17-10 to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

17-12 The proponent shall ensure that the dredging operations do not significantly impact on the health of seagrass outside the boundaries of the Port, as shown on the plans in Figures 1 and 2 to schedule 1 to this statement, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

18 Coastal Access – Mitigation for Loss of Beach Access for Recreation Use

18-1 Prior to commencement of construction, the proponent shall provide resources for the development of a Coastal Recreational and Conservation Management Plan to examine options for mitigating the loss of beach access for recreational use, to the requirements of the Minister for the Environment.

The Coastal Recreational and Conservation Management Plan shall be undertaken under the direction of the Cockburn Sound Management Council, in partnership with the Town of Kwinana and the City of Rockingham and shall include:

1. a multiple-use planning study for Cockburn Sound;
2. an assessment of existing and projected recreational and other key uses of the local coastal and near-shore areas;
3. detailed guidance in terms of the provision of facilities and long-term multiple-use management, taking into account the impacts of the proposal on access to existing beach and near-shore areas;
4. coastal restoration and environmental enhancement works to improve the environmental values of local foreshores, dunes and sandy beaches; and
5. consultation with the James Point Port Stakeholder Reference Group (see condition 6-3).

18-2 Prior to commencement of operations, the proponent shall develop and implement an agreement with the Cockburn Sound Management Council, in consultation with the Town of Kwinana and the City of Rockingham, for the provision of resources for the implementation of the outcomes and recommendations arising from the Coastal Recreational and Conservation Management Plan required by condition 18-1, to the requirements of the Minister for the Environment.

19 Marine Habitat (Studies and Programs)

19-1 Within six months following the issuing of the notice to the decision-making authorities under section 45(7) of the *Environmental Protection Act 1986*, the proponent shall contribute towards environmental management studies and programs of the marine habitats and ecology of Cockburn Sound beyond the boundaries of the proposal as shown in schedule 1, to the requirements of the Minister for the Environment.

These studies and programs shall relate to:

1. monitoring of water quality and sediments;
2. monitoring of benthic habitat; and

3. development of methods for evaluating the cumulative impacts of current and future activities and developments in Cockburn Sound, along with the refinement of existing environmental impact assessment tools,

and shall occur under the direction of and in partnership with the Cockburn Sound Management Council and at a level of contribution agreed by the Minister for the Environment.



Dr Judy Edwards MLA
MINISTER FOR THE ENVIRONMENT

Schedule 1

The Proposal (Assessment No. 1353/1523)

The proposal is to construct and operate Stage 1 of a port facility consisting of dredged channels, turning basin and berthing pocket, a cargo wharf on reclaimed land, an off-shore breakwater and associated cargo handling facilities, to the north of James Point in Cockburn Sound.

The ultimate project may involve other stages.

The proposal comprises:

- creation of approximately 172,000 square metres of land-back wharfed area, of which approximately 151,000 square metres will be reclaimed below low water mark, to create 600 metres of land-backed wharf north of the existing BHP jetty No. 1;
- dredging of approximately 1.2 million cubic metres of marine sediments to create a berthing pocket dredged to -13 metres Chart Datum (CD) immediately west of the reclaimed land-backed wharf, an entrance channel dredged to approximately -12.2 metres CD, and an increase in the depth and width of the Stirling Channel approach to -12.2 metres CD with a final width of approximately 175 metres. The dredging program is expected, as far as practicable, to balance the reclamation requirements;
- import of additional clean fill as required to complete the reclamation;
- an offshore breakwater approximately 850 metres long, with a gap of 200 metres between the land-backed wharf and the eastern end of the breakwater requiring the importation of approximately 574,000 cubic metres of core and armour material;
- road transport of armour materials to the port;
- anticipated exports including livestock, scrap metals and general bulk cargoes, including dangerous goods which are currently handled by other port facilities in the Perth Metropolitan area; and
- anticipated imports including general cargoes, product steel and bulk products, including dangerous goods which are currently handled by other port facilities in the Perth Metropolitan Area.

The location of the proposal is shown in Figure 1.

The constructed elements of the proposal are shown in Figure 2.

The Key Proposal Characteristics are shown in Table 1 below.

Table 1 - Key Proposal Characteristics

Element	Quantities/Description
Reclamation	<p>Approximately 172,000 square metres of filled land and seabed to create a 600 metre long land-backed wharf.</p> <p>Of this area, approximately 151,000 square metres will be reclaimed below low water mark, including approximately 82,000 square metres of seabed which is currently less than 10 metres deep.</p>
Dredging	<p>Dredging of approximately 1.2 million cubic metres of marine sediments to create a berthing pocket dredged to minus 13 metres Chart Datum (CD) immediately west of the reclaimed land-backed wharf, an entrance channel dredged to approximately minus 12.2 metres CD, and an increase in the depth and width of the Stirling Channel approach to minus 12.2 metres CD with a final width of approximately 175 metres.</p> <p>This dredging will occur over an area of approximately 800,000 square metres, including approximately 90,000 square metres of seabed that is currently less than 10 metres deep.</p>
Offshore breakwater	<p>Approximately 800 metres long in 10 metre deep water extending from approximately 200 metres off-shore in an arc to approximately 500 metres off-shore.</p> <p>Breakwater construction requiring approximately 574,000 cubic metres of imported limestone core and armour material.</p>
Target trades	<p>Exports may include:</p> <ul style="list-style-type: none"> • Livestock—sheep, cattle, fodder <ul style="list-style-type: none"> ○ Up to 3,000,000 sheep per year; and ○ Up to 100,000 cattle per year • Bulk trades—silica sand, mineral sand • Scrap steel • General cargo—containers, bulka bags, project cargoes. <p>Imports may include:</p> <ul style="list-style-type: none"> • Bulk trades—fertiliser products, grain, cement clinker • General cargo—steel products, project cargo.

Element	Quantities/Description
Transport	<p>Construction: Transport of rock armour, core material and fill requiring approximately 56,000 truck movements over a period of approximately 9 months.</p> <p>Operations: Transport of livestock from farms and existing holding facilities at Mundijong and Wellard on an on-going basis. Livestock transport will result in an increase of heavy vehicle traffic on Anketell Road west of the Kwinana Freeway, and on Rockingham Road and Beard Street, Kwinana.</p>

Figures (attached)

Figure 1 Location map, Stage 1 Port, Kwinana.

Figure 2 Conceptual layout showing land-backed wharf (including dimensions), dredging area and depths, offshore breakwater and port limits Stage 1 Port, Kwinana.

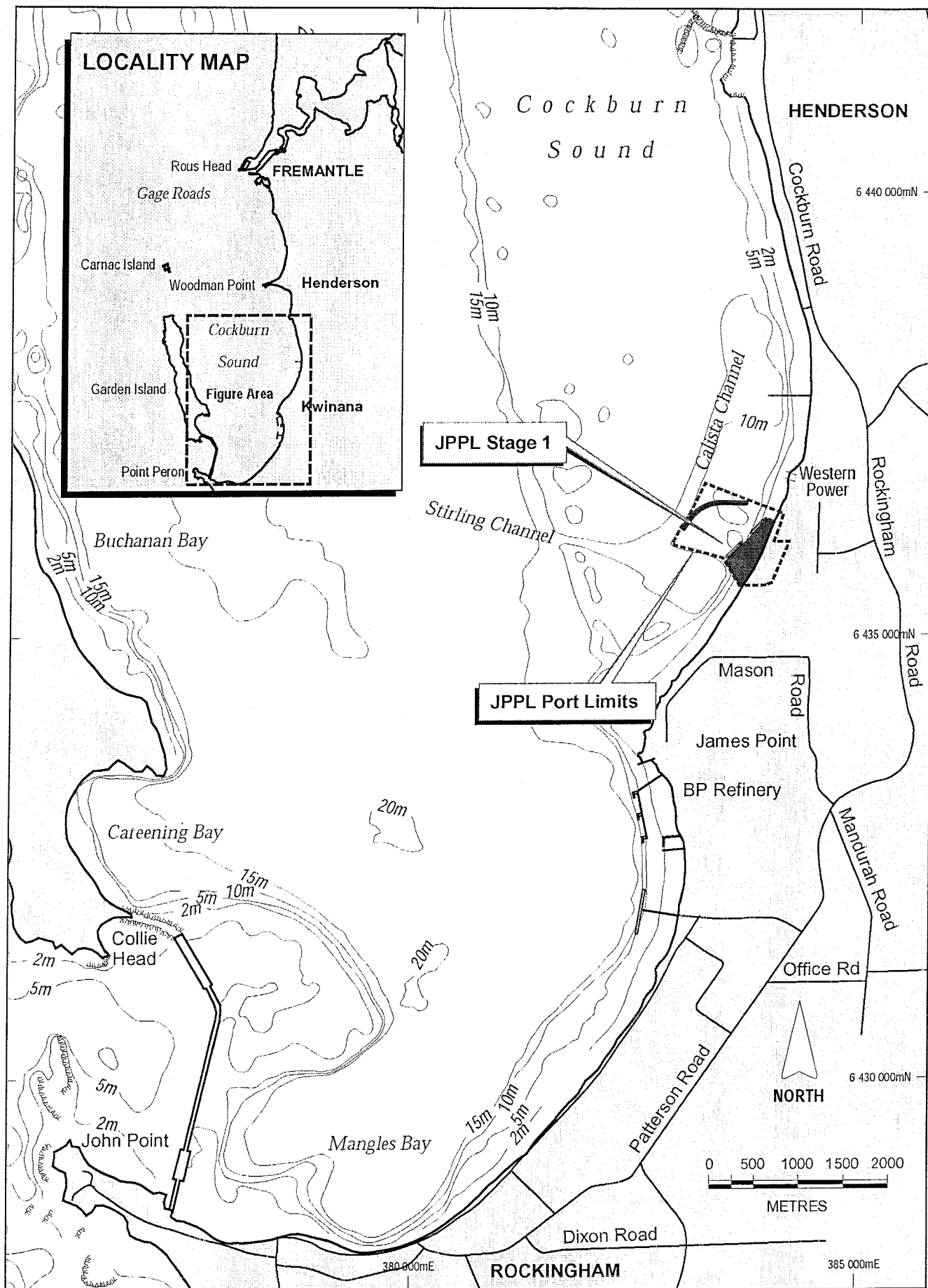


Figure 1: Location map, Stage 1 Port, Kwinana

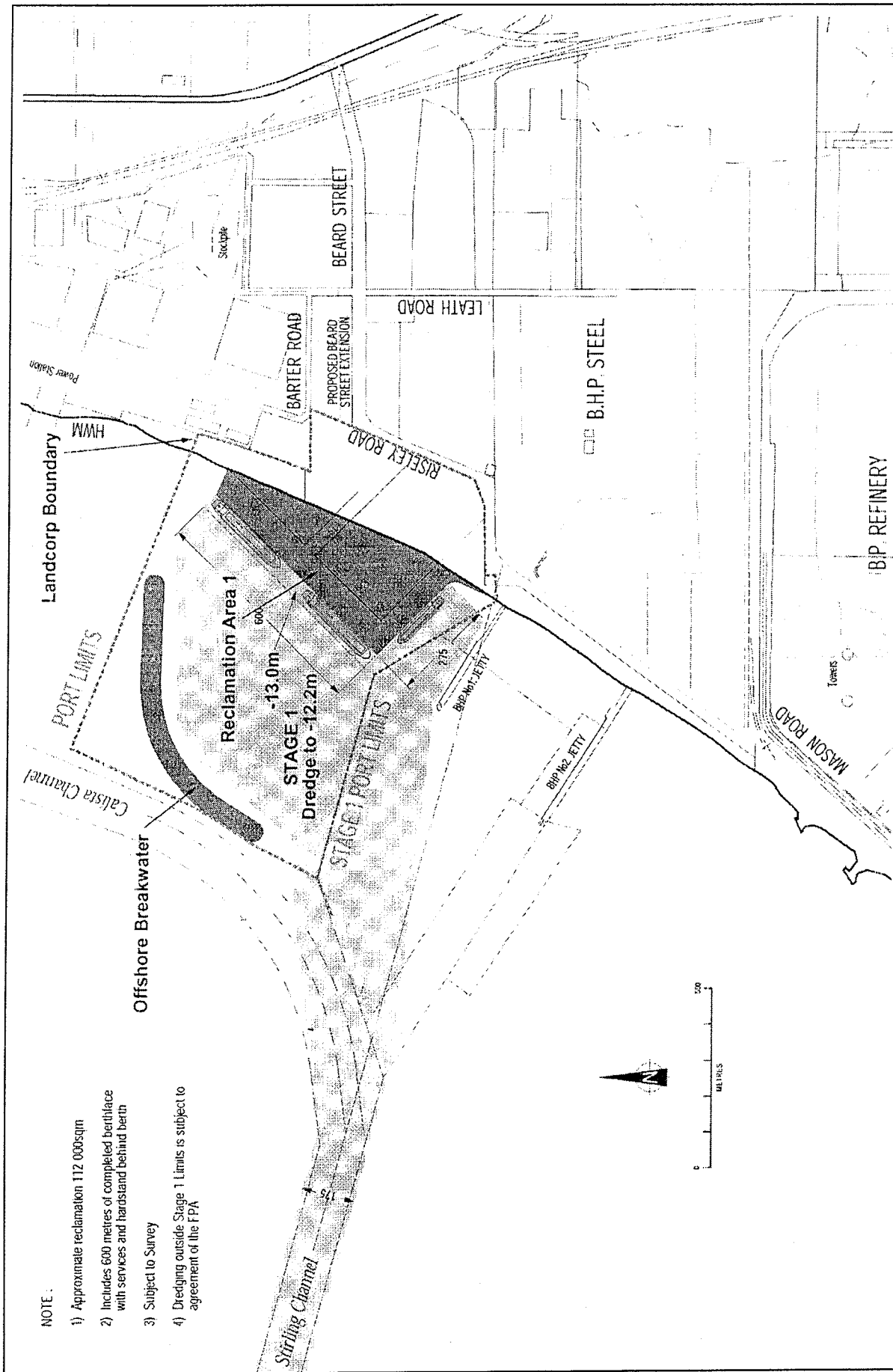


Figure 2: Conceptual layout showing land-backed wharf (including dimensions), dredging area and depths, offshore breakwater and port limits Stage 1 Port, Kwinana

Proponent's Environmental Management Commitments

April 2004

James Point Port, Stage 1
Cockburn Sound, Kwinana

(Assessment Nos. 1353 & 1523)

James Point Pty Ltd

**JAMES POINT STAGE ONE PORT, COCKBURN SOUND, KWINANA (Assessment Nos. 1353 and 1523)
Proponent's Environmental Management Commitments – April 2004**

The term "commitment" as used in this schedule includes the entire row of the table and its six separate parts as follows:

- a commitment number;
- a commitment topic;
- the "action" to be undertaken by the proponent;
- the objective of the commitment;
- the timing requirements of the commitment; and
- the body/agency to provide technical advice to the Department of Environment.

No.	TOPIC	ACTION	OBJECTIVES	TIMING	ADVICE
1	Dust Management Plan	Prepare a Dust Management Plan which will address: 1. Dust control on trucks; 2. Procedures for dust control on site; 3. Procedures for dust monitoring; and 4. Contingencies plans/strategies.	To protect the surrounding land users such that dust and particulate emissions will not adversely impact upon their welfare and amenity or cause health problems by meeting the Guidelines for the Prevention of Dust and Smoke Pollution from Land Development Sites in WA and the <i>Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999</i> . Minimise impacts of construction activities on dust levels away from the site.	Prior to commencement of construction	Local Government Authorities
2	Dust Management Plan	Implement the Dust Management Plan.	As per 1	During construction	Local Government Authorities
3	Maintenance Dredging Management	Prepare a Maintenance Dredging Management Plan which addresses:	To ensure that maintenance dredging is undertaken in an environmentally appropriate manner.	Prior to undertaking any maintenance dredging	FPA, DPI Water Corporation

	Plan	1. Onshore disposal of spoil arising from maintenance dredging; and 2. Protection of the marine environment during maintenance dredging.				
4	Maintenance Dredging Management Plan	Implement the Maintenance Dredging Management Plan.	As per 3		During maintenance dredging	FPA DPI Water Corporation
5	Introduced Species Management Plan	Prepare an Introduced Species Management Plan which addresses: 1. the monitoring and management of introduced species (including phytoplankton); and 2. contingency plans for the event that previously unrecorded targeted species are found in port waters.	Protect coastal waters by taking early action in the event of the detection of new exotic species.		Prior to commencement of operations	CSIRO AQIS Department of Fisheries
6	Introduced Species Management Plan	Implement the Introduced Species Management Plan.	As per 5		Prior to commencement of operations	CSIRO AQIS Department of Fisheries
7	Livestock Export Environmental Management Consultative Committee	Convene a Livestock Export Environmental Management Consultative Committee with membership and chair elected from the following parties: <ul style="list-style-type: none"> • relevant community groups from the Kwinana area; • Kwinana industry (e.g. Kwinana Industries Council, unions); • LiveCorp • Livestock Transporters' Association of WA (Inc); • the proponent; • relevant local government authorities; • Cockburn Sound Management Council; • Department of Environment (involvement as and when required); and • Department for Planning and Infrastructure. 	To provide opportunities for community and industry feedback on the effectiveness of environmental management, particularly noise and odour associated with the trade in livestock through the Stage 1 Port.		Prior to exporting of livestock	

		<p>The Terms-of-Reference of this Committee will be as follows:</p> <ol style="list-style-type: none"> 1. to provide advice and recommendations to the proponent on management of noise associated with livestock export activities, including transport and shipping of livestock to and from the port; 2. to provide advice and recommendations to the proponent on management of odour associated with livestock export activities, including transport and shipping of livestock to and from the port; and 3. to provide advice to the proponent on other issues relevant to environmental management of livestock export activities. 			
8	Livestock Export Environmental Management Consultative Committee	<p>Have regard for the advice and recommendations of the Livestock Export Environmental Management Consultative Committee and advise the following parties of management actions taken to address the findings and recommendations of the Committee:</p> <ol style="list-style-type: none"> 1. livestock owners/agents of livestock shipping lines; 2. livestock holding yard operators; and 3. livestock transport companies/contractors. 	As per 7	Ongoing	Relevant Local Government Authorities, including the Town of Kwinana

Abbreviations

AQIS	Australian Quarantine Inspection Service
CoC	City of Cockburn
CoR	City of Rockingham
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CSMC	Cockburn Sound Management Council
DPI	Department for Planning and Infrastructure
FPA	Fremantle Ports (formerly Fremantle Port Authority)
ToK	Town of Kwinana

Schedule 3

Processes and Procedures for Public Review of Environmental Management Plans and Programs (April 2004)

- Submit drafts of the Environmental Management Plans and Programs to the Department of Environment for review.
- The Department of Environment will determine whether the draft Plans and Programs are suitable for public review by considering the following:
 - a) the relevant Environmental Protection Authority objectives as described in Environmental Protection Authority Bulletin 1076 have been adequately addressed;
 - b) the document/s are technically sound;
 - c) the document/s are understandable; and
 - d) the document's format, content and style are appropriate.
- Commence the public review period, for not more than three Plans and/or Programs at a time, upon receiving written advice from the Department of Environment that the draft Plans and Programs are suitable for public review.
- Advertise the availability of the draft Plans and Programs in the news section of the main local newspaper and a state-wide daily newspaper in a form and content agreed by the Department of Environment.
- Ensure the draft Plans and Programs are available to the community and key stakeholders including the James Point Port Community Reference Group (see condition 6-3) throughout the public review period.
- Invite comments and input from the key stakeholders by supplying copies of the draft Plans and Programs during the commencement of the public review period, at no cost to the following groups, as appropriate:
 - a. Cockburn Sound Management Council;
 - b. Town of Kwinana;
 - c. City of Rockingham;
 - d. City of Cockburn;
 - e. Conservation Council;
 - f. Kwinana Progress Association;
 - g. Kwinana Watchdog Group;
 - h. Fremantle Port Authority;
 - i. Department for Planning and Infrastructure;
 - j. Local public libraries (Cockburn, Kwinana and Rockingham); and
 - k. Water Corporation;
 - l. James Point Port Community Reference Group (see condition 6-3).
- Hold project open days and/or forums during the public review period to engage stakeholder and community input into the draft Plans and Programs.
- Summarise the environmental issues raised and respond to the comments and issues and provide a copy of the summary of the issues raised, the proponent's responses and the modified Plans and Programs, where necessary, to the Environmental Protection Authority.