



## Minister for Environment; Youth

Statement No. 787

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

#### ALBANY PROTECTED HARBOUR DEVELOPMENT PRINCESS ROYAL HARBOUR

**Proposal:** The construction of a boat harbour for commercial and recreational craft through the extension of the existing Albany Town Jetty with a breakwater that will shelter a 6.6 hectare area of water. The harbour will include approximately 130 boat pens (built in two stages), a breakwater with full public access, boat ramp and trailer parking, fishing industry hardstand areas and board walks.

The proposal involves excavation of 15,000 cubic metres of sediment and reclamation of 3.4 hectares of land for the breakwater and fishing industry hardstand areas.

**Proponent:** LandCorp

**Proponent Address:** Level 3, Wesfarmers House, 40 The Esplanade, Perth WA 6000

**Assessment Number:** 1750

**Report of the Environmental Protection Authority:** Report 1301

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

#### 1 Proposal Implementation

- 1-1 The proponent shall implement the proposal as assessed by the Environmental Protection Authority and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

#### 2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for the Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

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- 2-2 The proponent shall notify the Chief Executive Officer (CEO) of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

**3 Time Limit of Authorisation**

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO of the Department of Environment and Conservation with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

**4 Compliance Reporting**

- 4-1 The proponent shall submit to the CEO of the Department of Environment and Conservation environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO of the Department of Environment and Conservation to report more frequently.
- 4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO of the Department of Environment and Conservation and shall be prepared and submitted in a format acceptable to the CEO of the Department of Environment and Conservation.
- 4-3 The environmental compliance reports shall:
- 1 be endorsed by signature of the proponent's Chief Executive Officer or a person, approved in writing by the CEO of the Department of Environment and Conservation, delegated to sign on behalf of the proponent's Chief Executive Officer;
  - 2 state whether the proponent has complied with each condition and procedure contained in this statement;
  - 3 provide verifiable evidence of compliance with each condition and procedure contained in this statement;
  - 4 state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
  - 5 provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;
  - 6 identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each non-compliance or non-conformance;

- 7 review the effectiveness of all corrective and preventative actions taken; and
  - 8 describe the state of implementation of the proposal.
- 4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

## **5 Performance Review and Reporting**

- 5-1 The proponent shall submit to the CEO of the Department of Environment and Conservation a Performance Review Report at the conclusion of the first, second and fifth year after the start of operation of the proposal and then, at such intervals as the CEO of the Department of Environment and Conservation may regard as reasonable, which address:
- 1 the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to the management of the major risks and impacts;
  - 2 the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
  - 3 significant improvements gained in environmental management which could be applied to this and other similar projects.

## **6 Sediment and Water Quality Monitoring**

- 6-1 In implementing the proposal, the proponent shall monitor contaminant levels in the Albany Protected Harbour and adjacent Princess Royal Harbour to ensure ANZECC /ARMCANZ 2000<sup>1</sup> guidelines for mercury in water (0.1 micrograms per litre) and sediment (0.15 milligrams per kilogram) are met.
- 6-2 The monitoring required by condition 6-1 is to be done to the satisfaction of the CEO of the Department of Environment and Conservation.
- 6-3 The proponent shall undertake sediment quality monitoring for metals bi-annually for two years post construction to ensure ANZECC/ARMCANZ 2000 criteria are being met.
- 6-4 The proponent shall submit monitoring results required by conditions 6-1 and 6-3 to the CEO of the Department of Environment and Conservation.
- 6-5 The proponent shall provide proposed management measures to the CEO of the Department of Environment and Conservation if the requirement of conditions 6-1 and 6-3 is not met or is not likely to be met.

<sup>1</sup> Australian and New Zealand Environment and Conservation Council (ANZECC) and Agriculture and Resource Management Council of Australia and New Zealand (ARMCANZ) October 2000, *Australian and New Zealand guidelines for fresh and marine water quality*.

## **7 Sentinel Mussel Monitoring**

- 7-1 Prior to commencement of construction the proponent shall design and implement a Sentinel Mussel Monitoring Programme in consultation with the Department of Fisheries to operate within and outside the Albany Protected Harbour during construction (activities associated with sediment excavation and breakwater construction), and for at least six months following completion of construction activities.
- 7-2 Prior to commencement of construction the proponent shall deploy sentinel mussels and harvest and analyse these mussels after four weeks to determine background concentrations of mercury.
- 7-3 Immediately prior to construction the proponent shall deploy sentinel mussels and harvest and analyse these mussels for contaminant levels under 7-4 after four weeks. Fresh sentinel mussels shall then be deployed at four to six week intervals, then harvested and analysed as above, and this regime continued for at least six months following completion of construction activities. The sample size and analysis of samples shall consist of at least five mussels each time.
- 7-4 Subject to 7-5, the proponent shall ensure the maintenance of seafood safe for human consumption, and in doing so ensure contaminant levels in sentinel mussels shall not exceed the standards specified in the Table to Clause 2 of *Standard 1.4.1 Contaminants and Natural Toxicants* of the *Australia and New Zealand Food Standards Code*.
- 7-5 If the level of mercury in sentinel mussels harvested under 7-2 or 7-3 exceeds a trigger level 0.4 mg/kg (mean value), the proponent shall temporarily cease construction and provide proposed management measures to the CEO of the Department of Environment and Conservation, the Department of Fisheries and the Department of Health. The CEO of the Department of Environment and Conservation will advise the proponent when operations may resume.
- 7-6 If the level of one or more of the contaminants in sentinel mussels harvested under conditions 7-2 or 7-3 exceeds the levels set by 7-4, the proponent is to report that exceedance to the CEO of the Department of Environment and Conservation and the Department of Health as soon as possible, but in any event, not later than 24 hours of the exceedance being identified.
- 7-7 The proponent shall submit the results of the monitoring programme required by condition 7-1 to the CEO of the Department of Environment and Conservation, and the Department of Fisheries, within six months following commencement of construction activities.

## **8. Marine Water Quality Monitoring**

- 8-1 In implementing the proposal, the proponent shall ensure that environmental values for the Albany Protected Harbour and adjacent waters of Princess Royal Harbour are protected and that a moderate level of ecological protection is maintained for the Albany Protected Harbour and that a high level of ecological protection is maintained at the boundary where waters enter Princess Royal Harbour.

To assist the achievement of these levels of protection the proponent shall monitor chlorophyll *a* within the Albany Protected Harbour (Moderate Protection Zone) and adjacent waters of Princess Royal Harbour (High Protection Zone) against the following criteria:

- Albany Protected Harbour (Moderate Protection Zone): 1.8 micrograms per litre of chlorophyll *a*;
  - Princess Royal Harbour (High Protection Zone): 1.5 micrograms per litre of chlorophyll *a*.
- 8.2 The monitoring required by condition 8-1 is to be done to the satisfaction of the CEO of the Department of Environment and Conservation.
- 8-3 The proponent shall submit monitoring results to the CEO of the Department of Environment and Conservation.
- 8-4 The proponent shall provide proposed management measures to the CEO of the Department of Environment and Conservation if the criteria set out in condition 8-1 are not met or are not likely to be met.
- 8-5 The proponent shall report the condition of the environmental values of the Albany Protected Harbour and Princess Royal Harbour in the Performance Review Report required by condition 5-1.

## **9 Seagrass Rehabilitation and Monitoring**

- 9-1 The proponent shall implement the proposal to ensure that seagrass is not adversely affected beyond the 15 metre halo around the breakwater as shown on Figure 2 of Schedule 1.
- 9-2 The proponent shall replant 0.4 hectares of seagrass in selected areas of Princess Royal Harbour, as referred to in schedule 1, at a planting density to achieve 75% average cover in those areas after a 10 year period.
- 9-3 To ensure seagrass loss is not greater than that described in Schedule 1, the proponent shall design and implement a monitoring programme for construction and operations.

The monitoring programme shall include:

1. annual monitoring of seagrass extent (through high resolution vertical digital imagery) and density adjacent to the project area during construction and for two

years following construction (i.e. three instances of monitoring) to determine any impact of the proposal on seagrass; and

2. monitoring of the survival and shoot density of rehabilitated seagrass annually for four years following planting to confirm that survival and growth are sufficient to attain 0.4 hectares of seagrass meadow of 75% average cover within 10 years following planting.

9-4 The proponent shall provide proposed management measures to the CEO of the Department of Environment and Conservation if the requirements of condition 9-3 demonstrate, or are likely to demonstrate, that seagrass loss may be greater than that described in Schedule 1.

9-5 The proponent shall report annually to the Department of Environment and Conservation and the Department of Water on the total seagrass loss and the status of the seagrass rehabilitation for four years following completion of construction of the Albany Protected Harbour.

#### Procedures

1. Where a condition states "on advice of the Environmental Protection Authority", the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.
2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for the Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfillment of the requirements of the conditions.
4. Where a condition lists advisory bodies, it is expected that the proponent will obtain the advice of those listed as part of its compliance reporting to the Department of Environment and Conservation.



Hon Donna Faragher JP MLC  
**MINISTER FOR ENVIRONMENT; YOUTH**

**18 FEB 2009**

## Schedule 1

### The Proposal (Assessment No. 1750)

#### General Description

The proposal involves the construction of a boat harbour for commercial and recreational craft through the expansion of the existing Albany Town Jetty on the Albany Foreshore with a breakwater that will shelter a 6.6 hectare (ha) area of water (Figure 1).

The proposal involves excavation of approximately 15,000 cubic metres (m<sup>3</sup>) of sediment and reclamation of 3.4 ha of land for the breakwater and fishing industry hardstand areas.

The proposal will include:

- provision for approximately 130 boat pens that will be built in two stages with Stage 1 comprising approximately 74 boat pens and Stage 2 the remainder;
- a total of 3.4 ha of reclamation within Princess Royal Harbour which includes:
  - reclamation of about 0.85 ha for fishing industry hardstand, including a sea wall and revetment, fishing industry wharf, jetty with fuel and sullage pump-out facilities;
  - construction of two breakwaters with a total footprint of 2.25 ha: one to widen and extend the existing Albany Town Jetty (1.8 ha) and one internal cut-off breakwater (0.45 ha), which will separate the boat harbour from the existing tug boat harbour;
- excavation of the harbour area using earthmoving equipment working from a land-based excavator from a series of temporary sand platforms. Total excavation will include approximately 15,000 m<sup>3</sup> of sediment over an area of 1.4 ha to give a maximum depth of -2.8 metres AHD;
- public fishing platform with disabled access; and
- public boat ramps, rubbish collection and trailer parking.

The total loss of seagrass (*Posidonia sinuosa* and *Posidonia australis*) will not exceed approximately 1.6 ha. The estimate seagrass losses are equivalent to approximately 0.3 ha if expressed in terms of 75% cover seagrass.

The proposal is described in the following document – *Albany Protected Harbour Development – Environmental Protection Statement* Strategen (June 2008).

#### Summary Description

A summary of the key proposal characteristics is presented in Table 1.



**Table 1 – Summary of Key Proposal Characteristics**

<b>Element</b>	<b>Description</b>
<b><i>Boat harbour</i></b>	
Capacity	Approximately 130 boat pens, with approximately 74 pens in the first stage and the remainder when there is demand.
Boat harbour depth	Excavated to -2.8 metres AHD
Protected water area	Not more than 6.6 hectares
Excavated sediment	Not more than 15,000 cubic metres
Area excavated outside proposed seawalls	Not more than 1.4 hectares
Disposal of excavated material	Used in land reclamation within the proposal. Excavated material to be placed above the watertable in the fishing industry hardstand area; and if geotechnically unsuitable, excavated material will be taken to a licensed landfill site.
<b><i>Breakwaters, reclamation on eastern side of breakwater, groyne, fishing industry reclamation</i></b>	
Total reclamation and breakwaters area	Not more than 3.4 hectares
Reclamation area fill material	Excavated material from onsite and imported sand fill from a local licensed sand pit.
Breakwater material	Quarried rock core and armour (granite or ferricrete), washed where necessary to manage fines.
<b><i>Seagrass disturbance</i></b>	
Seagrass loss	Not more than 1.6 hectares (approximately 0.111 hectares at 90% cover and 1.436 hectares at <20% cover). Total area of seagrass meadow loss, is equivalent to 0.3 hectares of 75% cover seagrass.
<b><i>Seagrass Rehabilitation</i></b>	
Area of replanting at a density to achieve 75% cover in 10 years	Not less than 0.4 hectares, within Princess Royal Harbour.

## Figures

Figure 1: Albany Protected Harbour Development Layout Plan.

Figure 2: Seagrass species and density (%) in the project area, showing 15 metre 'halo' of potential indirect seagrass loss.







Figure 2: Seagrass species and density (%) in the project area, showing 15 metre 'halo' of potential indirect seagrass loss

