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Published on 18 August 2009

Statement No 801

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

**FREMANTLE PORTS INNER HARBOUR AND CHANNEL DEEPENING,
RECLAMATION AT ROUS HEAD AND OFFSHORE PLACEMENT OF DREDGED
MATERIAL**

Proposal: The proposal is to deepen the Fremantle Inner Harbour, Entrance Channel and the Deep Water Channel by dredging approximately 3.1 million cubic metres to provide for further reclamation at Rous Head of approximately 27 hectares and for offshore disposal.

The proposal is further documented in schedule 1 of this statement.

Proponent: Fremantle Ports

Proponent Address: 1 Cliff Street, Fremantle, WA 6160

Assessment Number: 1621

Report of the Environmental Protection Authority: Report 1330

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 documented and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

Published on:

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer of the Department of Environment and Conservation (CEO) 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 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 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 prepare and maintain a Compliance Assessment Plan to the satisfaction of the CEO.
- 4.2 The Proponent shall submit to the CEO, the Compliance Assessment Plan required by Condition 4.1 within 6 months of the date of this Statement. The Compliance Assessment Plan shall indicate:
 - 1. the frequency of compliance reporting;
 - 2. the approach and timing of compliance assessments;
 - 3. the retention of compliance assessments;
 - 4. reporting of non-compliances and corrective actions taken;
 - 5. the table of contents of Compliance Assessment Reports; and
 - 6. public availability of compliance reports.
- 4.3 The Proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by Condition 4.1.
- 4.4 The Proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by Condition 4.1 and shall make those reports available when requested by the CEO.
- 4.5 The Proponent shall advise the CEO of any non-compliance as soon as practicable.
- 4.6 The Proponent shall submit to the CEO a Compliance Assessment Report annually from the date of issue of this Statement addressing the previous twelve month period or other period as agreed by the CEO. The date of the first Compliance Assessment

Report shall be 15 months from the date of this Statement, with each subsequent report 12 months from the date of the previous Report. The Compliance Assessment Report shall:

1. be endorsed by the Proponent's Chief Executive Officer or a person, approved in writing by the Department of Environment and Conservation, delegated to sign on the Chief Executive Officer's behalf;
2. include a statement as to whether the Proponent has complied with the conditions;
3. identify all non-compliances and describe corrective and preventative actions taken;
4. be made publicly available in accordance with the approved Compliance Assessment Plan; and
5. indicate any proposed changes to the Compliance Assessment Plan required by Condition 4.1.

5 Marine Ecology – Benthic Primary Producer Habitat

5-1 Prior to dredging activities the proponent shall prepare maps showing the:

1. Gage Roads Benthic Primary Producer Habitat Management Unit;
2. location and extent of the benthic primary producer habitat types;
3. boundaries of the direct disturbance area and predicted levels of impact, including coordinates;
4. boundaries of the indirect disturbance area and predicted levels of indirect impact, including coordinates;
5. the spatially defined offshore spoil disposal ground, including coordinates; and
6. boundary of the Rous Head reclamation area, including coordinates.

5-2 The proponent shall ensure that there are no direct or indirect losses of coral or macroalgal Benthic Primary Producer Habitat within the Gage Roads management unit (referred to in condition 5-1) caused by this dredging campaign and that losses of seagrass BPPH within this management unit caused by the dredging campaign do not exceed 50 hectares.

5-3 The proponent shall monitor and record the loss of Benthic Primary Producer Habitat (seagrass, macroalgae, coral) within the Gage Roads management unit referred to in condition 5-1 for the duration of the dredging campaign and for six months following the dredging campaign if impacts are within predicted levels, or for up to 5 years if impacts exceed predictions, to the requirements of the Department of Environment and Conservation.

5-4 Two months following the conclusion of monitoring of each program referred to in condition 5-3 the proponent is to report to the CEO of the Department of Environment and Conservation the total cumulative loss of each Benthic Primary Producer Habitat type (seagrass, macroalgae, and coral) in the Gage Roads

management unit referred to in condition 5-1. The report is to include a map showing area and losses of benthic primary producer habitat type.

5-5 The proponent shall annually survey the footprint (as per coordinates) of the offshore spoil ground for two years after completion of the disposal activities and after any severe storm event within the two year period exceeding a one in five year ARI for the purposes of demonstrating that the dredging spoil has remained within the footprint of the approved dredge spoil disposal ground.

5-6 The future use of the offshore disposal site for disposal outside the approved coordinates is not permitted under this assessment and therefore requires an additional consideration under the EP Act.

6 Marine Water Quality and Sediment Quality

6-1 To achieve the Environmental Quality Objectives (EQOs) established for the marine environment by the Environmental Protection Authority in *Perth Coastal Waters Environmental Values and Objectives*, specifically for the 'high' Ecological Protection Area adjacent to the reclamation return water discharge zone, the proponent shall prepare and implement a Water Quality Monitoring Program as a component of the Dredge Spoil Disposal Management Plan (DSDMP) to the satisfaction of the CEO of the Department of Environment and Conservation.

6-2 Prior to dredging activities causing sediment dispersion into the marine environment the proponent shall prepare a map defining the levels of Ecological Protection that will apply for the duration of the dredging campaign including:

1. The boundary of the Rous Head reclamation area and adjacent seabed where the level of ecological protection is reduced to 'moderate' for the duration of the project implementation.
2. The boundary of the Rous Head reclamation area and adjacent seabed where a high level of ecological protection will be met after completion of the dredging campaign.
3. Identify environmental quality indicators and associated 'trigger' levels, based on the guidelines and recommended approaches in the Australian and New Zealand Guideline for Fresh and Marine Water Quality (ANZECC & ARMCANZ, 2000) and the Environmental Quality Criteria Reference Document for Cockburn Sound (2003 – 2004) (EPA, 2005), for assessing the performance of the discharges in meeting the EQOs for the moderate ecological protection areas and at the boundary of the 'high' Ecological Protection Area, both during and after completion of the dredging campaign.
4. Design and employ protocols and schedules for reporting performance against the EQOs using the environmental quality 'trigger' levels for discharges.
5. Specify appropriate management and mitigation measures to be applied if monitoring demonstrates that the environmental quality 'trigger' levels are exceeded at any point during the dredging and reclamation program, or if they are exceeded for a high level of ecological protection adjacent to Rous Head after completion of the dredging campaign.

- 6-3 If the Water Quality Monitoring Program required in condition 6-1 demonstrates that the environmental quality ‘trigger’ levels (as determined in condition 6.2) are not met, the proponent shall immediately report to the CEO of the Department of Environment and Conservation with the remedial management and/or preventative actions to be implemented.
- 6-4 Monitoring shall be conducted for the duration of the dredging and disposal program and for six months following completion of the program, or until it has been demonstrated that the High Ecological Protection values have re-established adjacent to Rous Head. The results of monitoring shall be reported to the CEO of the Department of Environment and Conservation. The report shall include the initial predictions of the proponent as described in the Public Environmental Review and proponent’s response to submissions, and an analysis of how, and to what extent the results of monitoring varied from the predictions.

Notes

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 Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.

Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

Table 1: BPPH assessment

The table below is a summary of the project's predicted footprint from dredging from direct (dredged area and spoil placement) and indirect (sediment plume dispersion and settlement). The proponent has modelled the zone of effect for indirect impacts as a result of sediment plumes across two timing scenarios (November and January).

BPPH Loss Calculations	BPPH Management Unit (MU)							
	Gage Roads Category E				Deep Water Channel Category D		Coastal Unit Category C	
	November		January					
Total Size of Management Unit (ha)	6825				10521		6411	
Types of Benthic Primary Producer Habitat	Dominant seagrass with macroalgae and coral				Macroalgae on limestone pavement, occasional seagrass		Dominant seagrass with macroalgae on limestone pavement	
Historical Area of Total BPPH (ha)	1108				1532		642	
Current Area of Total BPPH (ha)	1050				1532		642	
EPA Category and Loss Threshold (2004b)	E 10%				D 5%		C 2%	
Potential Permanent Seagrass Loss due to Project (ha and %)	99.0	9.3%	69.0	6.5%	11.0	2.9%	0.0	0.0%
Estimated Historic Seagrass Loss (ha and %)	47.0	4.4%	47.0	4.4%	0.0	0.0%	0.0	0.0%
Potential Total Cumulative Seagrass Loss (Historical + this Project) (ha and %)	146.0	13.8%	116.0	10.9%	11.0	2.9%	0.0	0.0%
Potential Permanent Macroalgal Loss due to Project (ha and %)	0.0	0.0%	0.0	0.0%	11.0	1.0%	0.0	0.0%
Estimated Historic Macroalgal Loss (ha and %)	11.0	25.0%	11.0	25.0%	0.0	0.0%	0.0	0.0%
Potential Total Cumulative Macroalgal Loss (Historical + this Project) (ha and %)	11.0	25.0%	11.0	25.0%	11.0	1.0%	0.0	0.0%
Potential Permanent Direct Coral Loss due to Project (ha and %)	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%
Estimated Historic Coral Loss (ha and %)	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%
Potential Total Cumulative Coral Loss (Historical + this Project) (ha and %)	0.0	0.0%	0.0	0.0%	0.0	0.0%	0.0	0.0%

The Proposal (Assessment No. 1621)

The main characteristics of the proposal are summarised in Table 2 below. A detailed description of the proposal is provided in Section 2 of the project referral document, *Fremantle Ports Inner harbour and Channel Deepening, Reclamation at Rous Head and Offshore Placement of Dredged Material (PER, 2009)*.

Table 2: Summary of key proposal characteristics

Element	Description
General	
Construction of a sea wall	1000 m long
Reclamation	Approx 27 ha at Rous Head
Dredging	<ul style="list-style-type: none"> • Inner Harbour, from a depth of RL -13.0 m to a depth of RL -15.0 m Low Water Mark Fremantle (LWMF) • Entrance Channel from depths of RL -13.2 to 13.4 m to depths between RL -16.0 m (LWMF) and RL -16.8 m (LWMF) to provide adequate depth for turning ships • Deep Water Channel to a depth of RL -16.5 m (LWMF) on straight sections and RL -18.0 m (LWMF) on bends, within an area of approx 169ha
Relocation of dredged materials	<ul style="list-style-type: none"> • From the Inner Harbour (approx 0.9 Mm3) and the inner section of Entrance Channel (approx 1.1 Mm3) to Rous Head • from the Deep Water Channel (approx 1.1 Mm3) to a proposed spoil ground located at Gage Roads (placement of approx 1.45 Mm3 within an area of approx 150ha)
Timing	<ul style="list-style-type: none"> • Dredging campaign to commence in November for 20-26 weeks.

Key

M metres

M3 cubic metres

Figures

1. Fremantle Ports project location
2. Fremantle Ports project location – Satellite
3. Fremantle Ports project location – Inner Harbour dredging and reclamation
4. Fremantle Ports project location – Rous Head extension

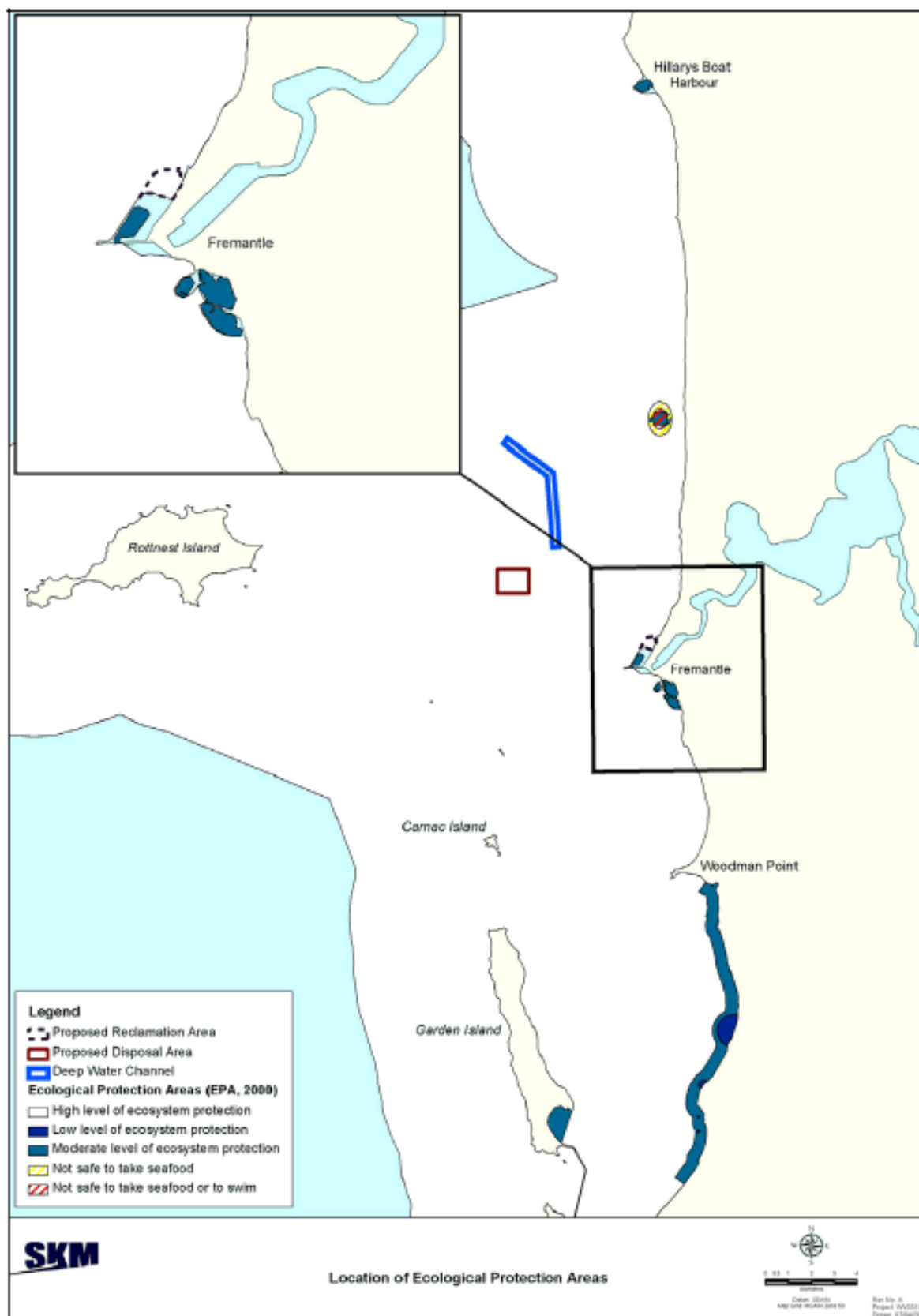


Figure 1: Ports project location



Figure 2 Fremantle Ports project location – Satellite

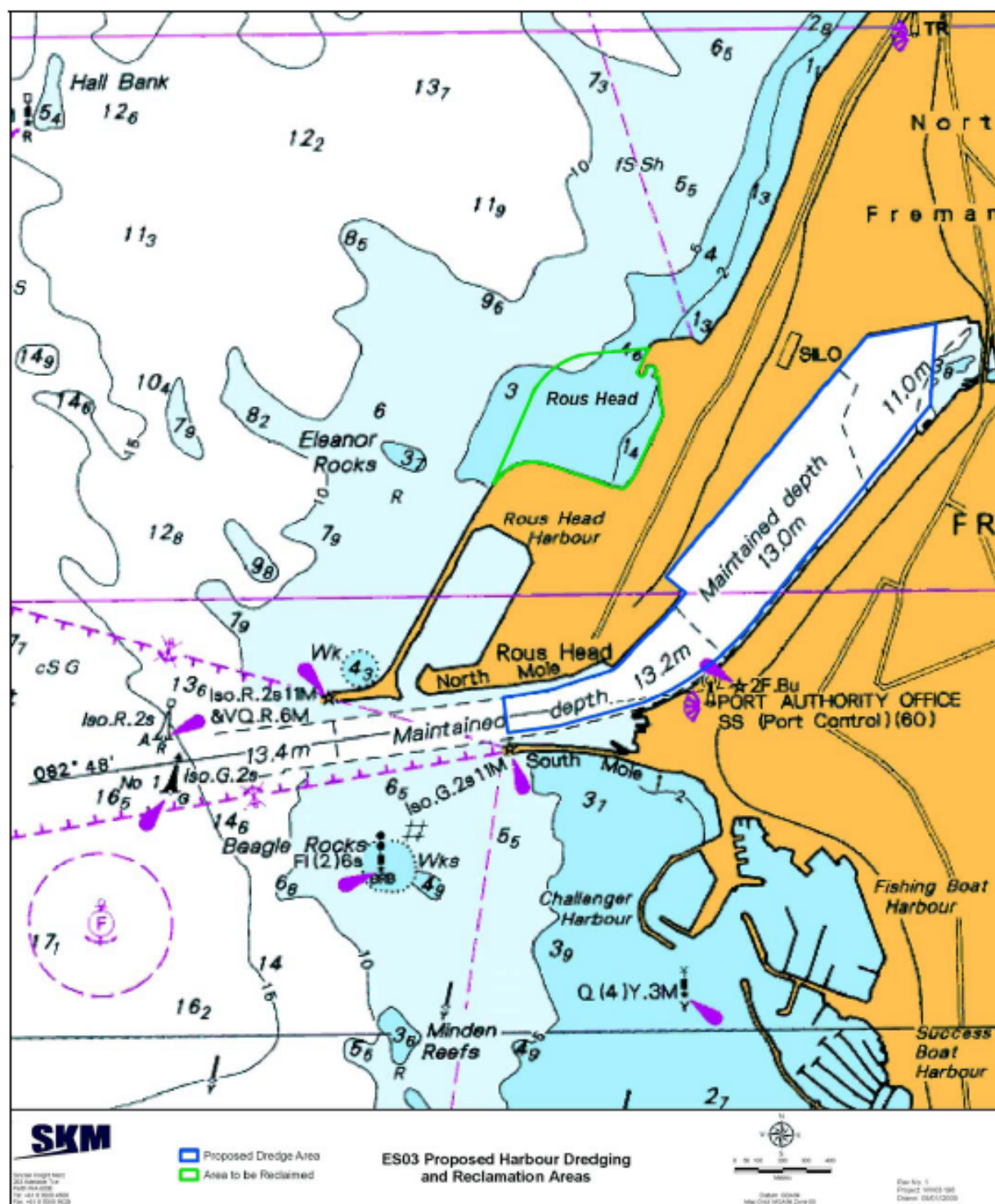


Figure 3: Fremantle Ports project location – Inner Harbour dredging and reclamation

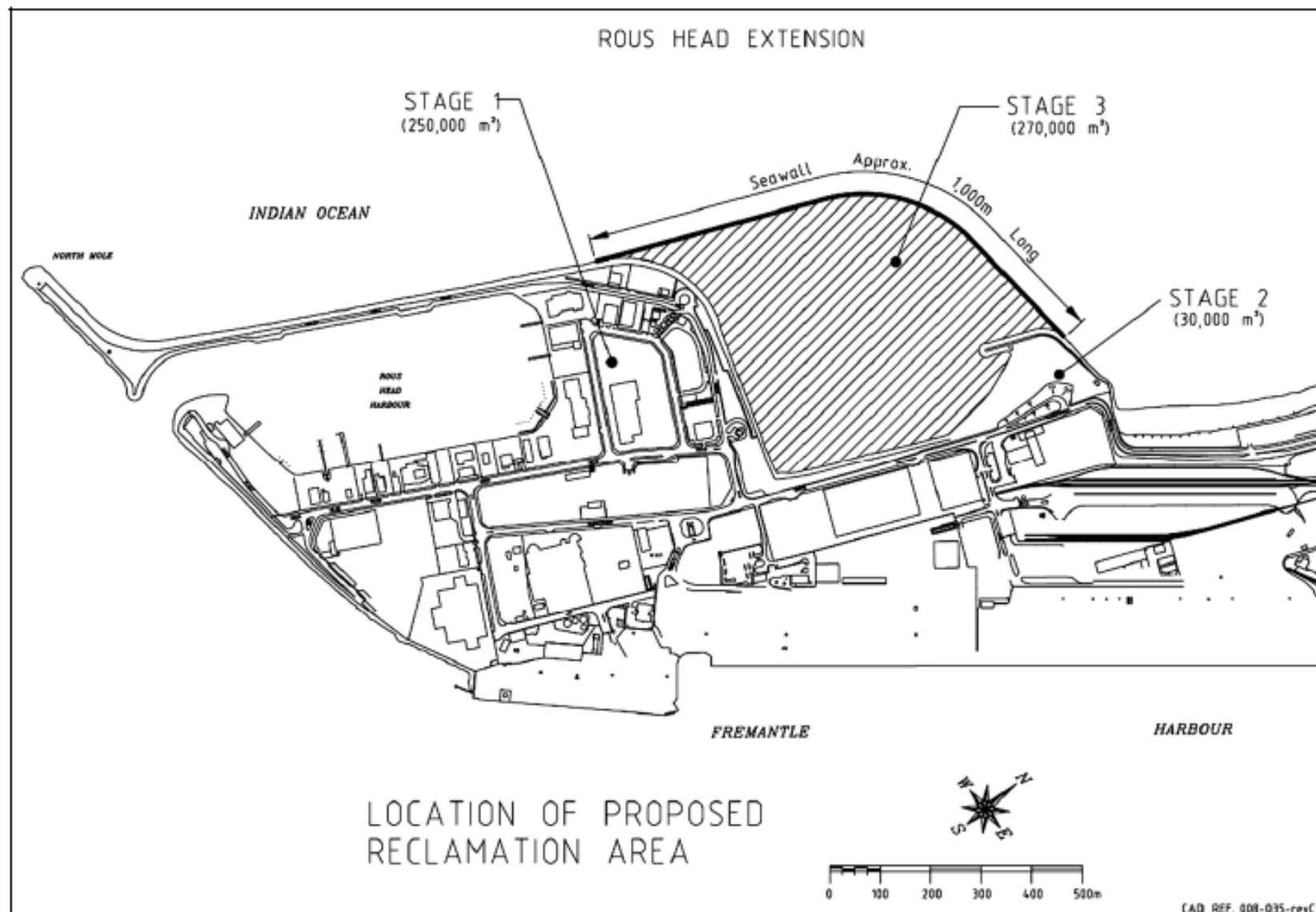


Figure 4: Fremantle Ports Project location – Rous Head extension

Attachment 1 to Statement 801

Change to Proposal

Proposal: Fremantle Ports Inner Harbour and Channel Deepening, Reclamation at Rous Head and Offshore Placement of Dredged Material

Proponent: Fremantle Ports

Change: A change to the location of offshore placement of dredged material from Fremantle Ports Inner Harbour and Channel Deepening, and related works (Figure 5).

List of Figures:

Figure 5: Change to location of offshore disposal site

Dr Paul Vogel
CHAIRMAN
Environmental Protection Authority
under delegated authority

Approval date: 6 August 2010

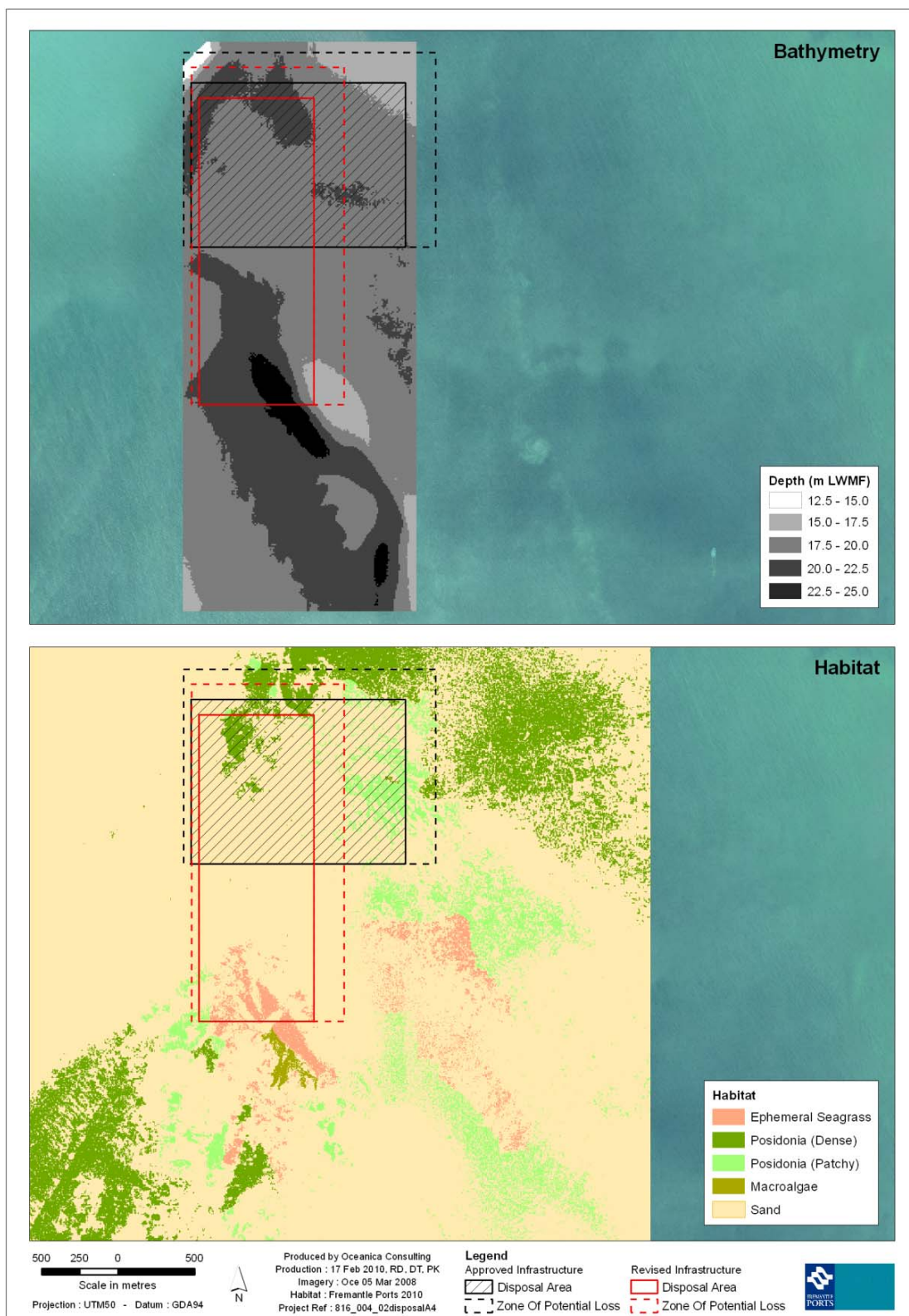


Figure 5: Change to location of offshore disposal site

Attachment 2 to Ministerial Statement 801

Change to Proposal

Proposal: Fremantle Ports Inner Harbour and Channel Deepening, Reclamation at Rous Head and Offshore Placement of Dredged Material

Proponent: Fremantle Ports

Change: Extension of dredging duration and removal of dredging timeframe indication

Key Characteristics Table:

Element	Description of proposal	Description of approved change to proposal
Construction of sea wall	1000m long	1000m long
Reclamation	Approx 27 ha at Rous Head	Approx 27 ha at Rous Head
Dredging	<ul style="list-style-type: none"> • Inner Harbour, from a depth of RL – 13.0 m to a depth of RL – 15.0 m Low Water Mark Fremantle (LWMF) • Entrance Channel from depths of RL – 13.2 to 13.4 m to depths between RL – 16.0 m (LWMF) and RL – 16.8 m (LWMF) to provide adequate depth for turning ships • Deep Water Channel to a depth of RL – 16.5 m (LWMF) on straight sections and RL – 18.0 m (LWMF) on bends, within an area of approx 169 ha 	<ul style="list-style-type: none"> • Inner Harbour, from a depth of RL – 13.0 m to a depth of RL – 15.0 m Low Water Mark Fremantle (LWMF) • Entrance Channel from depths of RL – 13.2 to 13.4 m to depths between RL – 16.0 m (LWMF) and RL – 16.8 m (LWMF) to provide adequate depth for turning ships • Deep Water Channel to a depth of RL – 16.5 m (LWMF) on straight sections and RL – 18.0 m (LWMF) on bends, within an area of approx 169 ha
Relocation of dredged materials	<ul style="list-style-type: none"> • From the Inner Harbour (approx 0.9 Mm3) and the inner section of Entrance Channel (approx 1.1 Mm3) to Rous Head • From the Deep Water channel (approx 1.1 Mm3) to a proposed spoil ground located at Gage Roads (placement of approx 1.45 Mm3 within an area of approx 150ha) 	<ul style="list-style-type: none"> • From the Inner Harbour (approx 0.9 Mm3) and the inner section of Entrance Channel (approx 1.1 Mm3) to Rous Head • From the Deep Water channel (approx 1.1 Mm3) to a proposed spoil ground located at Gage Roads (placement of approx 1.45 Mm3 within an area of approx 150ha) • From the Inner Harbour approximately 4,200 cubic metres of consolidated limestone will be excavated and disposed of within the Inner Harbour

Timing	<ul style="list-style-type: none"> • Dredging campaign to commence in November for 20-26 weeks. 	<ul style="list-style-type: none"> • Duration of dredging works up to 30 weeks in aggregate.
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Dr Paul Vogel
 CHAIRMAN
 Environmental Protection Authority
 under delegated authority

Approval date: 24 March 2011