



Ass # 435

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WESTERN AUSTRALIA

**MINISTER FOR THE ENVIRONMENT**

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

**BUNBURY HARBOUR CITY DEVELOPMENT (435)**

**DEPARTMENT OF MARINE & HARBOURS  
SOUTH WEST DEVELOPMENT AUTHORITY**

The marina development part of the proposal may be implemented subject to the following conditions:

**1 Proponent Commitments**

The proponent has made a number of environmental management commitments in order to protect the environment.

- 1-1 In implementing the proposal, the proponent shall fulfil relevant commitments (which are not inconsistent with the conditions or procedures contained in this statement) made in the Public Environmental Review and in response to issues raised following public submissions. The relevant commitments are extracted from those consolidated in Environmental Protection Authority Bulletin 660 as Appendix 1 and a copy is attached.

**2 Implementation**

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 2-1 Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

**3 Sand Excavation, Point Casuarina Beach**

- 3-1 Prior to any excavation of sand from Point Casuarina beach, the proponent shall determine and report on the following:

- 1 the coastal stability of Point Casuarina beach;
- 2 the implications of sand excavation on adjacent beaches to the south and to the north; and
- 3 the approximate amount of sand which may be taken from Point Casuarina beach (in cubic metres) without adversely affecting the amenity of this and other beaches in the area,

to the requirements of the Environmental Protection Authority on advice of the Department of Planning and Urban Development.

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3-2 The proponent shall only remove sand from Point Casuarina beach in a manner consistent with the report prepared in accordance with condition 3-1, to the requirements of the Environmental Protection Authority on advice of the Department of Planning and Urban Development.

#### **4 Sullage Disposal**

4-1 Prior to the leasing of any moorings or pens constructed as part of the marina development, the proponent shall provide means for sullage tank effluent disposal at the marina development.

#### **5 Proponent**

These conditions legally apply to the nominated proponent.

5-1 No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

#### **6 Time Limit on Approval**

The environmental approval for the proposal is limited.

6-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced. Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority.)

#### **7 Compliance Auditing**

In order to ensure that environmental conditions and commitments are met, an audit system is required.

7-1 The proponent shall prepare periodic "Progress and Compliance Reports", to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority.

#### **Procedure**

The Environmental Protection Authority is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.

If the Environmental Protection Authority, other government agency or proponent is in dispute concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

**Note**

If the proponent wishes to pursue the changing of the land use in the area covered by this proposal to residential and tourist uses, the issues of concern to the Environmental Protection Authority may be addressed through a publicly available revised structure plan with associated text which should be referred to the Environmental Protection Authority.

Land uses consistent with the proposed rezoning should not be implemented until after the Minister for the Environment has considered an Environmental Protection Authority report and recommendations on a revised structure plan which addresses issues raised in Environmental Protection Authority Bulletin 660.



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Kevin Minson MLA  
MINISTER FOR THE ENVIRONMENT

15 MAR 1993

## **PROPONENT'S COMMITMENTS**

**(RELEVANT TO MARINA PART OF PROPOSAL)**

### **BUNBURY HARBOUR CITY DEVELOPMENT (435)**

The proponent has made the following environmental commitments:

#### **Construction Management Commitments**

To minimise the environmental impacts of the construction of the Marina Complex identified in this PER, the Department of Marine and Harbours will undertake the following management strategies.

#### **To minimise the disturbance to landform DMH will:**

- 1 Minimise fill levels by filling only to a level necessary for engineering purposes taking into account the predicted impact of the Greenhouse Effect.

#### **To maintain water quality during construction DMH will:**

- 2 Limit sea bed excavations to no more than one continuous week with daily hours of operation not exceeding ten hours.
- 3 Use clean fill from local sand pits and from the sand trap adjacent to the groyne on the ocean side of Casuarina Breakwater.
- 4 Confine turbid plume to banded areas to the satisfaction of the Environmental Protection Authority
- 5 Monitor dewatering discharge for contamination and treat in settling ponds to remove any detected contamination. Ensure the standard of discharge meets water quality criteria established for the receiving environment (i.e. Schedule 7 (3) - Maintenance and Preservation of Aquatic Ecosystems as outlined in the Environmental Protection Authority's Bulletin No. 103).

#### **To minimise the environmental impact of construction wastes DMH will:**

- 6 Dispose of all building construction wastes to the satisfaction of the City of Bunbury.
- 7 Allow no waste material to enter the water to the satisfaction of the City of Bunbury.
- 8 Supply portable toilets for works staff during the construction phase.

#### **To minimise the impact of construction on flora and fauna of the area DMH will:**

- 9 Consult with the Bunbury Dolphin Trust, the Department of Conservation and Land Management and the Western Australian Department of Fisheries to determine timing of blasting.

**To minimise dust generation during construction DMH will:**

- 10 Carry out dust control prevention measures in accordance with EPA Dust Control Guidelines 1990 including:
  - watering exposed soil surfaces;
  - stabilising areas by either sowing grass or hydromulching;
  - watering all sand stock piles; and
  - constructing barriers to sand where necessary.
- 11 Cover all trucks transporting sand and soil to the site to the satisfaction of the City of Bunbury.

**To minimise noise generation during construction DMH will:**

- 12 Carry out blasting in accordance with Australian Standards and to the satisfaction of the Mines Department and the Environmental Protection Authority in order to minimise disturbance to waterbird and dolphin communities and the general community.
- 13 Comply with the requirements of the Occupational Health, Safety and Welfare Act, 1984 (as amended) and with the Environmental Protection Authority's Recommendations and Regulations regarding noise abatement to the satisfaction of the EPA.

**To protect historical sites and artifacts during construction DMH will:**

- 14 Give the Bunbury Historical Society seven days notice prior to removal of designated sections of the Bunbury Jetty.

## **Operational Management Commitments**

To minimise the environmental impacts of the operational phase of the Marina Complex identified in this PER the Department of Marine and Harbours will undertake the following management strategies.

**To maintain water quality within the marina DMH will:**

- 15 Contain stormwater on site as a policy. Locate, design and construct all stormwater disposal systems to the satisfaction of the EPA and the City of Bunbury.
- 16 Dispose of all sewage via reticulated deep sewerage to the satisfaction of WAWA. Liaise with WAWA to prepare adequate contingency plans in case of system failure.
- 17 Develop and implement a Marine Management Programme as outlined in Section 1.2.3 and to the satisfaction of the EPA.
- 18 Develop a contingency plan for accidental oil spills within the marina waters to the satisfaction of the EPA. In the contingency plan address contingencies for fire and explosions, collision between vessels, fuel and oil pollution, bombs and hazardous devices, toxic gas leaks, sewage and effluent spills and hazardous chemical spills. Trial the contingency plan immediately following construction of Stage 1 of the Marina Complex.

**To minimise the impact of the Marina Complex on the aesthetics of the area DMH will :**

- 19 Landscape the site following completion of construction in accordance with the landscape plan prepared for the area by SWDA to the satisfaction of the EPA.

**To minimise the impact of industrial risk associated with existing activities on the Marina Complex DMH will:**

- 20 Prohibit public access to and use of the Marina Complex whilst transportation and loading of ammonium nitrate is occurring to the satisfaction of the Department of Mines.

**To minimise the impact of dust on the Marina Complex DMH will:**

- 21 Liaise with Bunbury Port Authority to reduce dust levels from mineral sands loading facilities in Bunbury Outer Harbour to the satisfaction of the City of Bunbury.

**To provide adequate and safe boating facilities DMH will:**

- 22 Monitor the entrance channel for siltation and dredge if necessary to maintain a navigable depth and effective water exchange to maintain water quality in accordance with criteria established for the receiving environment (i.e. Schedule 7 (3) - Maintenance and Preservation of Aquatic Ecosystems as outlined in the Environmental Protection Authority's Bulletin No. 103).

**To provide adequate public access to and within the Marina Complex DMH will:**

- 23 Provide a dual use path system designed in accordance with Environmental Guidelines and the Bunbury Region Cycleplan.

## **Marine Management Programme**

- 24 A Marine Management Programme which will include a water quality and sediment monitoring programme will be implemented by the waterways managers (Department of Marine and Harbours) for the proposed Marina Complex in accordance with the requirements of the Environmental Protection Authority.

The objective of the Marine Management Programme will be to determine the impact of the development on the marine environment. The management programme will allow an assessment of the effectiveness of the management strategies outlined by Section 8.2.2 of this document in maintaining the existing water quality. The data obtained may lead to alterations in the strategies employed in the management or in the design of the Marina Complex.

The monitoring programme will measure water quality parameters known to be indicators of water quality in marinas constructed on the western coast of Western Australia. Additional parameters will also be selected for measurement where they can be shown to be typical for the proposed Marina Complex.

The sampling periods and intensity of testing will allow a statistical comparison of test results between each sampling period. The timing of sampling periods will take into account antecedent conditions including any major input events.

The monitoring programme will commence immediately prior to the construction of Stage 1 with baseline testing. The programme will run for a three year period or until it can be verified to the satisfaction of the EPA that the Marina Complex has had little or no detrimental impact on the existing environment.