



Ass # 924

Bull # 771

State # 383

WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

PROPOSAL: FREMANTLE INNER HARBOUR DEEPENING
PROJECT (100/924)

CURRENT PROPONENT: FREMANTLE PORT AUTHORITY

CONDITIONS SET ON: 11 OCTOBER 1988

The implementation of this proposal is now subject to the following conditions which replace all previous 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, including the documented modifications involving the construction of a sea wall and land reclamation to extend Rous Head (January 1995), the proponent shall fulfil the relevant environmental management commitments made in the Public Environmental Report reported on in Environmental Protection Authority Bulletin 342, in documentation on the sea wall and land reclamation to extend Rous Head, and those made in response to issues raised following public submissions; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

A schedule of environmental management commitments (March 1995) which will be audited by the Department of Environmental Protection is published in Environmental Protection Authority Bulletin 771 (Section 6) 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.

Published on

7 APR 1995

3 Water Quality

- 3-1 The proponent shall ensure that water quality within the Fremantle Inner Harbour is maintained such that there are no unacceptable environmental impacts on the marine environment or on the beneficial uses of adjacent waters outside the Inner Harbour to the requirements of the Department of Environmental Protection.

4 Facilities and Amenities

- 4-1 Prior to construction of refuelling facilities, stormwater drainage, pumpout facilities and run-off containment, the proponent shall liaise with the Department of Environmental Protection.

5 Dredging

- 5-1 Prior to commencement of any major additional dredging activity not addressed within the Public Environmental Report (1988), or in documentation submitted in connection with the construction of the sea wall and land reclamation to extend Rous Head, the proponent shall refer that activity to the Environmental Protection Authority.

6 Shoreline Stability

- 6-1 The proponent shall undertake shoreline monitoring in order to confirm shoreline stability to the requirements of the Department of Environmental Protection.
- 6-2 The proponent shall prepare a shoreline monitoring programme to achieve the objective of condition 6-1.
- 6-3 The proponent shall implement the monitoring programme required by condition 6-2.
- 6-4 If erosion is detected as a result of the monitoring programme required by condition 6-2, the proponent shall prepare and implement a strategy for management of the affected beach.

7 Reclamation Fill

- 7-1 The proponent shall ensure that fill material is supplied from within the Fremantle Port Authority Inner Harbour area.
- 7-2 The proponent shall ensure that fill material is inert.
- 7-3 Prior to the commencement of dredging in the harbour (associated with the extension of Rous Head), the proponent shall prepare and undertake a monitoring programme for heavy metals and tributyl tin in all areas to be dredged.
- 7-4 If contamination is detected as a result of the monitoring programme required by condition 7-3, the proponent shall prepare and implement a strategy for management of the spoil.

8 Completion of Reporting

- 8-1 Within six months of the formal authority issued to the decision-making authorities under Section 45(7) of the Environmental Protection Act 1986, the proponent shall complete the monitoring required by conditions 2 and 5(5) of the statement issued on 11 October 1988 and submit monitoring reports to the Department of Environmental Protection.
- 8-2 Within twelve months of the formal authority issued to the decision-making authorities under Section 45(7) of the Environmental Protection Act 1986, the proponent shall

submit to the Department of Environmental Protection, as required by condition 5(6) of the statement issued on 11 October 1988, a report on monitoring results obtained during the full five year period, including an interpretation of the results and recommendations relating to future requirements.

- 8-3 In the event that monitoring results and reports required by conditions 8-1 and 8-2 show unacceptable environmental impacts, the proponent shall amend management in accordance with the monitoring results.

9 Time Limit on Approval

The environmental approval for the proposal is limited.

- 9-1 If the proponent has not substantially commenced the modified project within five years of the date of this statement, then approval to implement the proposal as granted in the statement of 11 October 1988 shall lapse and be void. The Minister for the Environment shall determine any question as to whether the modified 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).

10 Proponent

These conditions legally apply to the nominated proponent.

- 10-1 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.

11 Compliance Auditing

To help determine environmental performance, periodic reports on progress in implementation of the proposal are required.

- 11-1 The proponent shall submit periodic Progress and Compliance Reports, in accordance with an audit programme prepared by the Department of Environmental Protection in consultation with the proponent.

Procedure

- 1 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 2 Where compliance with any condition is in dispute, the matter will be determined by the Minister for the Environment.

Hon. Peter Foss, MLC
MINISTER FOR THE ENVIRONMENT

FREMANTLE INNER HARBOUR DEEPENING PROJECT (100 / 924)

FREMANTLE PORT AUTHORITY

Schedule of Environmental Management Commitments to be audited by the Department of Environmental Protection

March 1995

Overall

1. Expand the Land Use Management Plan (Stage 4 now under preparation) to include the construction of a sea wall and land reclamation to extend Rous Head.

Prior to construction

2. Testing samples of sediment taken from Berth No. 3 and other areas of the Inner Harbour, if necessary, for contaminants (heavy metals and tributyl tin). Sampling and testing will be carried out on behalf of the proponent by the Chemistry Centre of WA, to the satisfaction of the DEP. The frequency will be decided by the DEP, with the first exercise to be carried out on the Berth No. 3 area prior to any dredging or excavation commencing.

During construction

3. Monitor the noise, investigate any complaints and ensure that any further problems are minimised. A reputable organisation will be engaged to take sound readings during construction at the nears work area (office of Fremantle Container Depot Pty Ltd near the intersection of Port Beach Road with Rudderham Drive). The FPA will abide by the Noise Abatement (Neighbourhood Annoyance) Regulations 1979 to the satisfaction of the DEP.
4. Reduce turbidity to a minimum during dredging and construction by implementing staged construction of the seawall and the timing of the land reclamation operations to the satisfaction of the DEP.
5. Monitor and limit the generation of dust arising from construction operations by providing FPA supervision to ensure that contract requirements for the work are complied with. The contract documents concerned will contain clauses which require Contractors to adopt strict dust control measures (applications of water and truck covers to be used if necessary) and to prepare a "Dust Management Strategy" to control dust (wind blown particulates from the site) to ensure that there are no validated complaints, to the requirements of the DEP.
6. The FPA will provide stormwater drainage and connection to deep sewerage to Local Authority Standards.