



Ass # 898

Bull # 800

State # 421

MINISTER FOR THE ENVIRONMENT WESTERN

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

**ALBANY FORESHORE REDEVELOPMENT
PRINCESS ROYAL HARBOUR (898)**

LANDCORP

This 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 the commitments made in the Consultative Environmental Review and in response to issues raised following public submissions; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

The environmental management commitments were published in Environmental Protection Authority Bulletin 800 (Appendix 5) and a copy, as revised in May 1996, 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.
- 2-2 Where, in the course of the detailed implementation referred to in condition 2-1, the proponent seeks to change the designs, specifications, plans or other technical material submitted to the Environmental Protection Authority 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

27 JUN 1996

3 Proponent

These conditions legally apply to the nominated proponent.

- 3-1 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.

4 Seagrass Meadows

- 4-1 The proponent shall minimise damage to seagrass meadows in Princess Royal Harbour.
- 4-2 To achieve the objective of condition 4-1, prior to commencement of earthworks, the proponent shall modify the Western Precinct designs to reduce the area of reclamation adjacent to the Western Precinct, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Albany Waterways Management Authority.
- 4-3 The proponent shall implement the modified design required by condition 4-2.

5 Sediment Movement

- 5-1 The proponent shall reduce the impact of off-shore sediment movement accumulation adjacent to the Western Precinct.
- 5-2 To achieve the objective of condition 5-1, prior to commencement of earthworks, the proponent shall modify the final design of the Western Precinct component of the redevelopment in consultation with the Albany Waterways Management Authority and the Department of Transport, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 5-3 The proponent shall implement the modified design required by condition 5-2.

6 Disposal of Contaminated Soils

- 6-1 Prior to commencement of earthworks, the proponent shall investigate the suitability of the Hanrahan Road Tip site for the disposal of contaminated soils in consultation with the Waste Management Division of the Department of Environmental Protection to ensure that it complies with appropriate landfill criteria.
- 6-2 The proponent shall only dispose of contaminated soils in a site which has been identified as environmentally acceptable in the opinion of the Minister for the Environment on advice of the Department of Environmental Protection, following consultation with the Waste Management Division of the Department of Environmental Protection as required by condition 6-1.

7 Groundwater

- 7-1 Prior to commencement of earthworks, the proponent shall contribute towards the investigation of contaminated groundwater in and around the project area, in collaboration with the Water and Rivers Commission and the Department of Environmental Protection (See procedure 3).

This investigation shall determine the source of groundwater contamination, the nature and extent of contamination, and whether the rates of contamination are likely to increase.

- 7-2 Prior to commencement of earthworks, the proponent shall prepare an Environmental Management Programme which incorporates the findings arising from condition 7-1, and which addresses the construction and future management phases for the site, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 7-3 The proponent shall implement the Environmental Management Programme required by condition 7-2.
- 7-4 The proponent shall manage dewatering activities associated with construction in such a way as to avoid direct human contact with groundwater.
- 7-5 The proponent shall only discharge water from dewatering activities associated with construction directly into Princess Royal Harbour if the water quality meets the requirements of the Water and Rivers Commission.
- 7-6 Following the construction phase, the proponent shall not permit abstraction of groundwater on the site.
- 7-7 Except for building footings and normal infrastructure, the proponent shall not construct or build structures below ground level on the site, unless and until considered acceptable by the Minister for the Environment following a review of this moratorium by the Department of Environmental Protection (See procedure 4).

8 Water Quality within Princess Royal Harbour

- 8-1 The proponent shall ensure that the proposal does not have an adverse impact on the beneficial uses of the waters of Princess Royal Harbour.
- 8-2 Prior to construction, the proponent shall prepare a programme for monitoring of impacts of reclamation on water quality within Princess Royal Harbour, in liaison with the Fisheries Department and the Albany Waterways Management Authority.
- 8-3 Prior to construction, the proponent shall implement the monitoring programme required by condition 8-2.

9 Setback Distance

- 9-1 To ensure that there is no risk to public safety, prior to the final design of the Precinct plans, the proponent shall, in consultation with the Department of Minerals and Energy, define an appropriate setback distance between residential dwellings and Princess Royal Drive, to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection and the Department of Minerals and Energy.
- 9-2 The proponent shall implement the setback distance requirements between residential dwellings and Princess Royal Drive resulting from condition 9-1.

10 Time Limit on Approval

The environmental approval for the proposal is limited.

- 10-1 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.

Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years.

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 Performance 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.
- 3 Prior to commencement of earthworks, the Water and Rivers Commission will undertake the investigation of the contaminated groundwater referred to in condition 7-1 with adequate assistance from the proponent, to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection.
- 4 The Department of Environmental Protection will review the moratorium on building below ground level (referred to in condition 7-7) after disposal of contaminated soils and site remediation have been completed, and further testing of the soils and groundwater has also been completed.

Hon Peter Foss QC MLC
MINISTER FOR THE ENVIRONMENT

23 JUN 1996

Environmental Management Commitments

May 1996

ALBANY FORESHORE REDEVELOPMENT (898)

LANDCORP

The following commitments are made by LandCorp to ensure that the potential environmental impacts resulting from site development are minimised and managed. The relevant management measures, authorities responsible and timeframes for monitoring are identified in each section. Key issues which are addressed include:

- contaminated sites;
- impacts on seagrasses and marine fauna;
- impacts on coastal processes;
- impacts on water quality and circulation;
- impacts on heritage and archaeology;
- dust control;
- noise control;
- traffic management; and
- impacts on recreation.

NOTE: The asterisks on commitment numbers indicate those commitments which will be audited by the Department of Environmental Protection.

CONTAMINATED SITES

- 1 Prior to construction, the proponent shall advise, in writing, the Western Australian Heritage Council, the Western Australian Museum and local museums that contaminated soils are proposed to be removed. This will allow any heritage investigations to be conducted. Relevant organisations shall consult with the proponent to arrange monitoring or heritage investigations.
- 2* The proponent shall ensure that the contaminated soil in Areas 'A', 'B' and 'C' are removed and clean filled to the satisfaction of the Town of Albany.
- 3 The proponent commits to making the necessary contractual arrangements in order that the contractor ensures that construction workers at the site who may have potential prolonged or significant contact with subsurface soil and/or groundwater, wear necessary protective clothing in order to avoid dermal contact or ingestion of these media.
- 4 The proponent commits to carry out necessary measures in order to prevent the use of groundwater from the subject premises as a potable source of water until such time that the groundwater quality is reassessed and found to be of an acceptable standard. This reassessment should be undertaken in consultation with and to the satisfaction of the DEP.

SEAGRASSES AND MARINE FAUNA

Construction Phase

- 5 The proponent shall use cohesionless granular fill material with a minimum silt, clay and organic fraction and little or no nutrients during the reclamation process.

- 6* The proponent shall attempt to confine filling operations to autumn, winter and spring months. Where this cannot be achieved sediment curtains will be used to minimise the impacts of turbidity on seagrass meadows.
- 7* The proponent will ensure placement of fill material is planned and carried out in a manner that causes any turbid water to be directed away from seagrass areas, to the satisfaction of AWMA. Discharge water which requires pumping from reclaimed areas will be directed to a settlement pond or another reclamation fill area to allow it to settle before flowing into the Harbour. This will minimise the impacts of turbidity on seagrasses.
- 8* The proponent will confine temporary filling for seawall construction to only that necessary to allow work to be completed. No disturbance will be allowed outside of this area.
- 9 The proponent will ensure that excavated sediments for seawalls, where they could contain organic matter, nutrients, or fine clay or silt fractions, are disposed of at the Hanrahan Road refuse tip or other suitable location. This shall be carried out to the satisfaction of the DEP and the Town of Albany.
- 10 The proponent will advise contracted construction companies that they should ensure containment and retention of all site contaminants, wastes and runoff.
- 11 The proponent will confirm with construction contractors and operators of construction vessels, for example pile drivers, of measures required to avoid fuel and oil spills. This shall be done in consultation with AWMA.
- 12 The measures required in Commitment 11 will be prepared by the proponent to the satisfaction of AWMA.

Post-Construction Phase

- 13* The proponent undertakes to monitor areas of seagrass affected to ensure it is not greater than predicted and record changes through annual mapping using aerial photographs and dive survey checking of selected transects annually for a period of five years after construction commences. This monitoring shall be carried out to the satisfaction of the DEP and results shall be reported to and discussed with AWMA on an annual basis.

COASTAL PROCESSES

Construction Phase

- 14* The proponent will ensure that the headland on Western Precinct is of sufficient size and appropriate design to minimise sand from moving in an easterly direction and depositing on the eastern side of this new breakwater. This shall be done to the satisfaction of the Department of Transport.
- 15 The proponent will ensure that predominantly washed beach sand with a particle size greater than 0.2 millimetres in diameter (medium to coarse sand) is used to construct the beach on the Western Precinct.
- 16* The proponent will liaise with the Town of Albany to ensure that the proposed drainage outlet to the west of the town jetty breakwater is relocated to the eastern side to maximise sediment disposal dispersal and to minimise sediment build up in the embayment area.

Post-Construction Phase

- 17* The proponent will monitor sand build-up beyond the predicted shoreline location which results from the construction of the artificial embayment heads by undertaking an assessment using aerial photographs and monitoring in two locations, the Western Precinct and the Accommodation Precinct, shown on *Figure 5.1* in the CER, on a bi-annual basis for a period of five years. This shall be carried out to the satisfaction of the DEP and an annual report of monitoring results and activities will be provided to the DEP and any remedial actions undertaken.

WATER QUALITY AND CIRCULATION

- 18* The project will not involve dredging. Should dredging be contemplated at a later stage it would be subject to separate environmental impact assessment and would be referred by the proponent to DEP.

Pre-Construction Phase

- 19* The proponent will ensure that a program for the placement of fill into reclamation areas is developed in consultation with AWMA in order to minimise turbidity and potential for sedimentation.
- 20* The proponent will ensure that sediment curtains are used during construction, to the satisfaction of AWMA, to minimise the impact of sedimentation and turbidity and potential for sedimentation.

Construction Phase

- 21* The proponent will liaise with the Town of Albany to ensure that baffles are built at all drainage outlet points to act as velocity attenuators and traps in the case of an upgradient fuel spill. The design of the baffle system will be discussed informally by the construction engineers and the Town of Albany and implemented to the satisfaction of the Town of Albany and the Albany Waterways Management Authority.
- 22 The proponent will ensure that sediment traps and litter traps, as identified in *Figure 5.1*, *Figure 5.2* and *Figure 5.3* in the CER, are constructed as part of the Town Square Precinct. This will be done to the satisfaction of the Town of Albany to ensure that adequate access is provided for maintenance purposes.
- 23* The proponent shall ensure that the fill process is designed to maximise settlement before the water flows into the harbour. This will be specified in the construction program identified in Commitment 18.
- 24 The proponent shall liaise with the Town of Albany to ensure that adequate sewerage systems are put in place such that no sewage or waste emanating from the site enters Princess Royal Harbour.

Post-Construction Phase

- 25* The proponent will liaise with the Town of Albany to ensure that a minimum amount of stormwater containing sediments is released directly into the harbour. This will be achieved through the use of baffles, litter traps and sedimentation pits located beneath the main drains in the Town Square Precinct and at the drainage outlet currently located near the town jetty. Plans for these facilities would be developed to the satisfaction of the Town of Albany.

- 26 The Town of Albany shall ensure that bird feeding activities are controlled to prevent pollution of the water as a result of decomposing food or from excessive levels of bird excreta. This will be achieved by providing appropriate signage and regular cleaning and maintenance by the Town of Albany.
- 27 The proponent shall liaise with the Town of Albany to ensure that an appropriate fertiliser regime is applied to all parks and gardens to minimise any input of nutrients to the waterway. A policy for this regime should be developed by the Town of Albany in conjunction with AWMA.
- 28 The proponent will liaise with the Town of Albany to identify an appropriate cleaning and maintenance schedule for the sediment and litter traps identified in Commitment 22 and ensure that this is conducted on a regular basis.
- 29* The proponent will liaise with the Town of Albany to establish a monitoring program of the water quality of the embayment through quarterly visual assessments and water sampling for a period of three years with biannual reports to AWMA and the DEP, reporting activities and results.
- 30* The proponent will liaise with the Town of Albany to establish a monitoring program for all drain outlets. Quarterly sampling within the project area shall be undertaken to ensure contaminants are not entering the marine environment. Bi-annual reports of results would be provided to AWMA and the DEP.

HERITAGE AND ARCHAEOLOGY

Construction Phase

- 31 In the event of the discovery of artefact material or a specific historical archaeological site, the proponent will take the following steps:
 - 1 work will stop temporarily;
 - 2 a photograph using a visible scale and a brief written description of the artefacts or site will be prepared;
 - 3 the significance of the site will be determined on the basis of available data;
 - 4 on the basis of the significance assessment the following will be done; continue work, continue work but avoid disturbance by work around the site if possible and arrange for further inspection, recording and, if necessary, professional assistance; and
 - 5 the location of the site will be plotted on plans for further reference and to minimise further disturbance.
- 32 The proponent shall ensure that these guidelines are provided to contracted construction firms.

If continued disturbance of a site is necessary the proponent will undertake to:

- 1 have a qualified historical archaeologist assess the site and, if necessary, undertake a watching brief during the disturbance phase;
- 2 record the details of the site and take a sample of artefacts for dating, educational and other purposes;

- 3 arrange the analysis, conservation and storage of artefacts; and
 - 4 report the findings of the watching brief and artefact analysis to LandCorp or other designated authority.
- 33 With regard to large individual artefacts, such as industrial machinery, the proponent will ensure that:
- 1 an assessment is made of the significance of the item using appropriate specialist advice if required;
 - 2 the artefact is removed if this is determined to be appropriate;
 - 3 the artefact is stabilised and conserved; and
 - 4 arrangements are made for the storage and ongoing management of the artefact.

Post-Construction Phase

- 34 The proponent will undertake to:
- 1 have historical/archaeological guidelines drawn up for future foreshore developers;
 - 2 ensure that large artefacts which are recovered are suitably conserved and integrated into the design of public areas; and
 - 3 have interpretative plaques mounted at suitable locations which explain the site's significant and history.
- 35 The proponent will ensure that Commitments 31 to 34 are carried out to the satisfaction of the WA Museum and Heritage Council of WA.

DUST CONTROL

Construction Phase

- 36* The proponent shall control dust, including wind blown particulate matter, to the extent necessary to ensure that there are no substantiated complaints of dust nuisance.
- 37* Prior to the commencement of any ground disturbing activities, the proponent shall prepare a Dust Management Strategy to achieve the objective of Commitment 36.
- 38* The proponent shall implement the Dust Management Strategy required by Commitment 37 to the satisfaction of the EPA Dust Control Guidelines and the Town of Albany.

NOISE CONTROL

Pre-Construction Phase

- 39* The proponent commits to recommending that the Town of Albany designate specifically in the Precinct Plans for the foreshore redevelopment the building design and construction guidelines required to achieve the following noise conditions:

- 1 an internal noise standard of 35 dB L_{Aeq} over any fifteen minute period between 2200 hours and 0700 hours in bedrooms only for any road and rail traffic;
 - 2 50 dB L_{Amax} for noise from any rail activities between 2200 hours and 0700 hours.
- 40 The proponents are prepared to accept that some or all of the following Development Conditions shall be used to achieve the above noise standards:
- 1 bedrooms shall preferably be placed in the part of the house furthest away from the road;
 - 2 all walls shall be constructed of double brick;
 - 3 all roof materials shall be either clay or concrete tiles;
 - 4 all glazing shall be 10mm thick laminated;
 - 5 all external doors shall be of solid core construction with seals;
 - 6 all ceilings shall be insulated;
 - 7 all plasterboard ceilings shall be 19mm thick; and
 - 8 mechanical ventilation shall be installed.
- 41* The proponent shall prepare these building conditions to the satisfaction of the DEP.

TRAFFIC MANAGEMENT

Construction Phase

- 42 The proponent shall undertake to manage traffic activity associated with site construction to the extent necessary to meet the requirements of the EPA to ensure that noise levels are not exceeded.
- 43 The proponent undertakes to respond to and alleviate traffic congestion problems which may occur as a result of construction activity.

RECREATION

Construction Phase

- 44 The proponent, together with the Town of Albany, should ensure that as far as possible access to the town jetty and other recreational facilities in the project area is maintained during the construction phase through the provision of alternative access roads if necessary.

Post-Construction Phase

- 45 The proponent, together with the Town of Albany, will ensure that the development of the site does not inhibit, but rather maximises, public use of the project area through bike and pedestrian paths, promenades and beaches.

Attachment to Statement 421 – Change to Proposal

Proposal: Albany Foreshore Redevelopment, Princess Royal Harbour

Proponent: Landcorp

Change: Change to footprint of reclamation, land use and split of Proposal into two parts with nomination of separate Proponents for each part (Landcorp for the eastern part, and City of Albany for the western part) shown on Figure 3.

From:

Element	Quantities/Description
Area of Proposal	Description in Consultative Environmental Review; Figure 2 in Bulletin 800.
Reclamation area below high tide mark	Up to 3.5ha.
Land use	Maritime and industrial use in eastern part; residential in western part.

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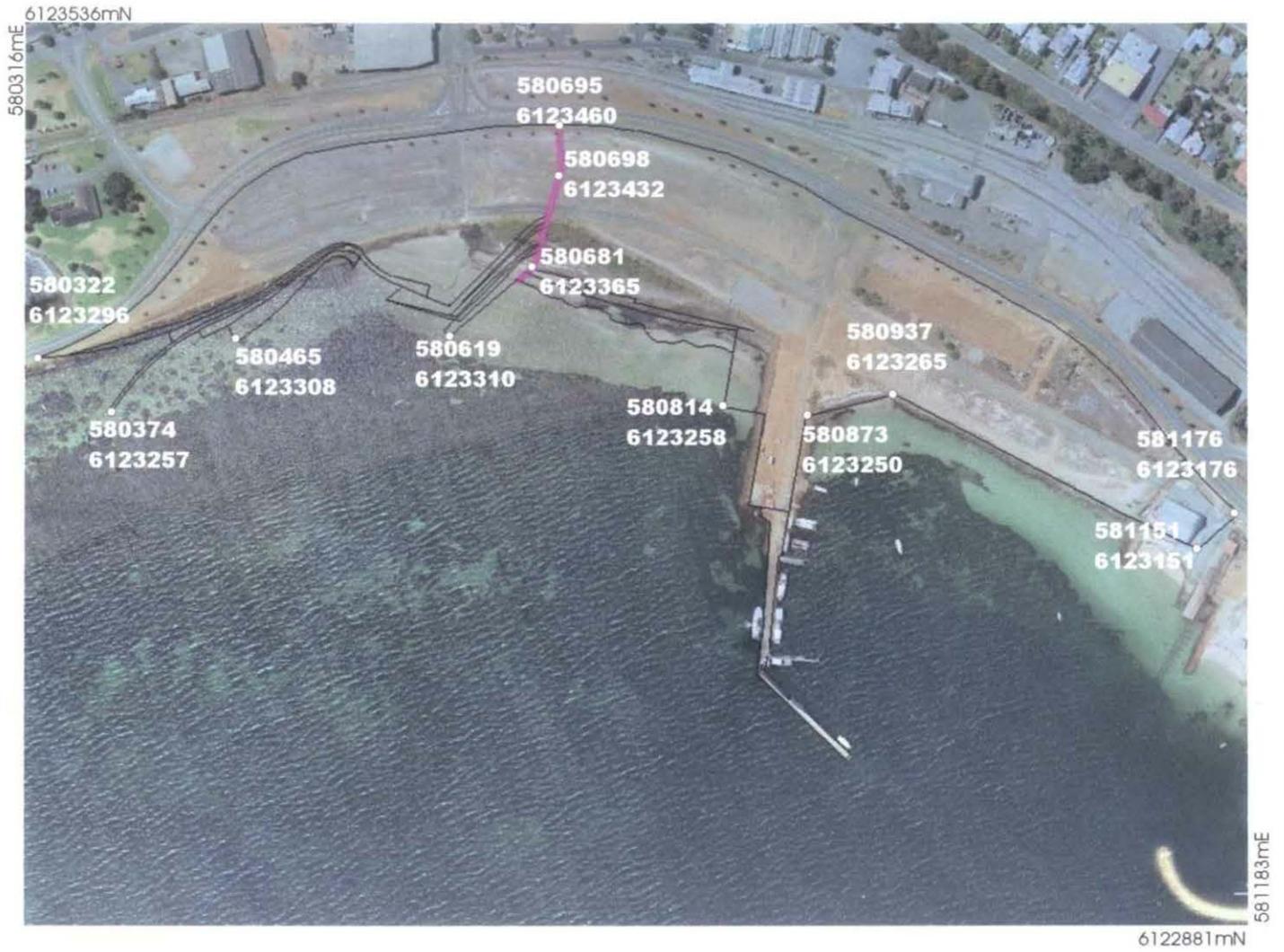
Element	Quantities/Description
Area of Proposal	Figure 3 showing boundary between eastern and western parts of redevelopment area; approximate easting and northing co-ordinates as shown.
Reclamation area below high tide mark	Total of approximately 1.3 ha (0.6ha in immediately west of the existing jetty and 0.7ha far western part of the project area.)
Land use	Public open space in western part of the project area, remainder of project area to include mixed use maritime industrial, commercial, retail and short stay accommodation.

Figure 1. Boundary between the eastern and western parts of the Proposal, and the revised layout, Albany Waterfront Project.

Figure 2. Extent and layout of approved Foreshore Redevelopment area.

Approval Date: 28/04/06

Statement 421 is void as of the date when the two new Statements are issued.



Co-ordinates are approximate values provided in GDA94

Figure 1.
Legend

-  Co-proponent boundary
-  Albany Waterfront Project



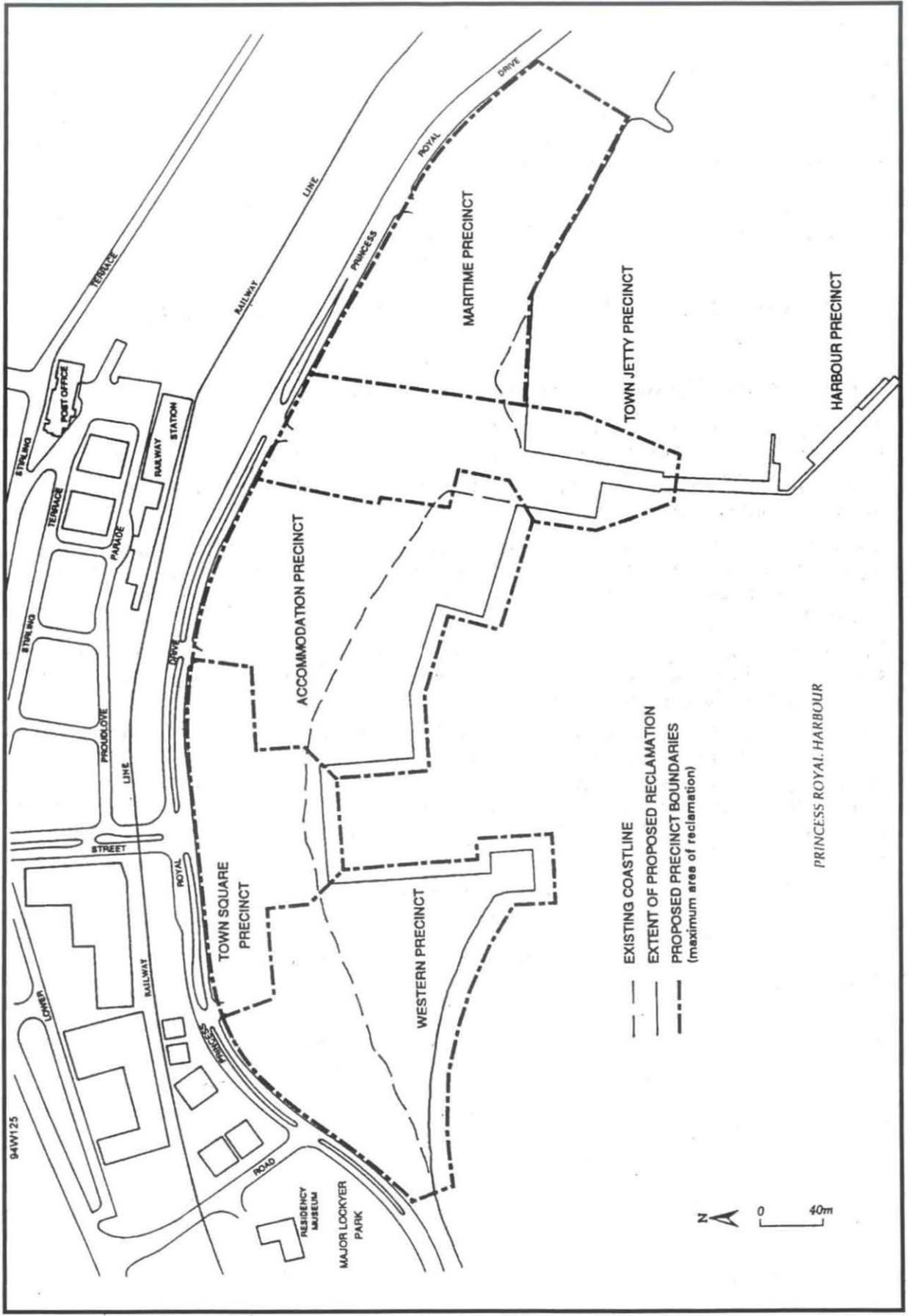


Figure 2. Map outlining details of the Albany Foreshore Redevelopment. (Source: Albany Foreshore Redevelopment Project CER)