



MINISTER FOR THE ENVIRONMENT;
EMPLOYMENT AND TRAINING

Statement No.
000463

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

OAKAJEE DEEPWATER PORT, OAKAJEE, SHIRE OF CHAPMAN VALLEY (1074)

MINISTER FOR RESOURCES DEVELOPMENT

This proposal at either the "north", "central" or "south" location 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 Public Environmental Review and subsequently during the environmental assessment process conducted by the Environmental Protection Authority, provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

In the event of any inconsistency, the conditions and procedures shall prevail to the extent of the inconsistency.

The attached environmental management commitments form the basis for consideration by the Chief Executive Officer of the Department of Environmental Protection for auditing of this proposal in conjunction with the conditions and procedures contained in this statement.

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 key proposal characteristics 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.

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- 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.

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 Environmental Management System

The proponent should exercise care and diligence in accordance with best practice environmental management principles.

- 4-1 In order to manage the environmental impacts of the project, and to fulfil the requirements of the conditions and procedures in this statement, prior to construction, the proponent shall prepare environmental management system documentation with components such as those adopted in Australian Standards AS/NZS ISO 14000 series, in consultation with the Department of Environmental Protection.

- 4-2 The proponent shall implement the environmental management system referred to in condition 4-1.

5 Environmental Management Plans

In order to plan for the deepwater port and to maintain environmental impacts at acceptable levels, Environmental Management Plans are required.

- 5-1 The proponent shall prepare a schedule for the preparation of Environmental Management Plans to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Unless indicated in the schedule, no design shall be finalised and no construction shall begin for any part of the project for which a relevant management plan has not been approved.

- 5-2 The proponent shall prepare and implement each management plan to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, except in the case of the management plans listed below.

In addition to the Department of Environmental Protection, Fisheries Western Australia will provide advice to the Environmental Protection Authority on the preparation and implementation of the following management plans:

- Marine Flora and Fauna Management Plan (see condition 5-3-2);
- Construction Management Plan (see condition 5-3-4);
- Dredging and Dredge Spoil Management Plan (see condition 5-3-5);
- Accidental Spillage Management Plan (see condition 5-3-7);

- Oil Spill Contingency Plan (see condition 5-3-9); and
- Water and Sediment Quality Monitoring and Management Plan (see condition 5-3-11).

5-3 In the Environmental Management Plans, the proponent shall provide strategies and actions to implement requirements which shall include:

Rare and priority flora and vegetation communities

1 A Rehabilitation and Coastal Management Plan formulated to protect, retain or replace identified environmental values of remnant coastal vegetation, to include:

- (1) dieback management measures;
- (2) procedures to keep vegetation clearing to a practical minimum; and
- (3) weed control measures.

Note: It is the intention of the Environmental Protection Authority that, as one of several options, remnant coastal vegetation lost through the port development could be replaced by safeguarding in some form of secure tenure, other land with similar environmental values. Appropriate coastal vegetation associated with the proposed Oakajee Industrial area could be set aside in secure tenure to satisfy this requirement.

Marine flora and fauna

2 A Marine Flora and Fauna Management Plan to minimise reduction in environmental values, to include:

- (1) a detailed description of the mixed reef/seagrass habitat and its role in the ecology of on-shore waters;
- (2) a benthic survey prior to the selection of mooring and dredge spoil disposal areas; and
- (3) a survey of the area for marine mammals prior to any blasting, and the avoidance of blasting should any marine mammals be present.

Introduced marine organisms

3 An Introduced Marine Organisms Management Plan to minimise the risk of introduction of unwanted, non-indigenous marine organisms, to include:

- (1) a strategy for risk-based ballast water management, to include a contingency plan that deals with ships not complying with the Australian Quarantine Inspection Service Ballast Water Guidelines; consideration of an on-shore ballast water treatment; and, in the event that the contingency plan is based on ocean discharge of contaminated water in the open sea, exclusion of discharge in the vicinity of the Abrolhos, especially north of the area upstream in the context of the Leeuwin Current; and
- (2) to ensure early detection of any introduced organisms, a marine fauna and flora survey targeting exotic organisms and identifying existing habitats and biotic communities as the basis for recognition and targeting of exotic species for ongoing monitoring. Details of monitoring frequency shall be included in the Plan.

Marine water and sediment quality

Plans and specifications for the maintenance of environmental values in relevant areas (as identified in Environmental Protection Authority Bulletin 711), to include:

- 4 Construction Management Plan;
- 5 Dredging and Dredge Spoil Management Plan;
- 6 Materials Handling Environmental Requirement Specification to outline the materials to be loaded and unloaded at the port and equipment used to prevent loss, spillage or waste;
- 7 Accidental Spillage Management Plan;
- 8 Drainage Design and Treatment Specification;
- 9 Oil Spill Contingency Plan;
- 10 Port Waste Management Plan; and
- 11 Water and Sediment Quality Monitoring and Management Plan to include a specification for a baseline survey of water quality and sediments within the port management area with due account taken of broad seasonal variation.

Note: The Plans required by conditions 5-3-4 to 5-3-11 have been formulated, based in part, on proponent commitment no. 6.

Dust

- 12 An Air Quality Management Plan to manage dust at an acceptable level during construction, operation and transport of materials.

Noise

- 13 A Noise Monitoring Plan for the port to assess noise impacts, including cumulative noise, to be integrated with the noise monitoring for the industrial estate.

Heritage

- 14 A Heritage Management Plan to include:
 - (1) detailed ethnographic and archaeological surveys as appropriate, including consultation with local Aboriginal groups;
 - (2) ethnographic and archaeological surveys in the vicinity of the Oakajee River training works, should training works be required; and
 - (3) a detailed assessment of the likely effects of the development on any sites identified, including ground disturbance, chemical emissions and altered surface hydrology.

Recreation

- 15 A Recreation Plan developed in consultation with the public, making adequate provision for public access to available recreational areas.

- 5-4 The proponent shall make publicly available the Environmental Management Plans and reports on requirements referred to in condition 5-3.

6 Hull Scrubbing

- 6-1 To minimise the risk of introduction of unwanted, non-indigenous marine organisms, the proponent shall prohibit hull scrubbing in the Statutory Control Area.

7 Fishing

- 7-1 Prior to construction, the proponent shall prepare a Fishing Access Plan in consultation with the fishing industry and recreational fishing interests.

The Fishing Access Plan shall include:

- 1 port management areas excluded to commercial and recreational fishers;
- 2 port management areas accessible to commercial fishers;
- 3 port management areas accessible to recreational fishers and access conditions (if any); and
- 4 provision of facilities for use by recreational fishers;

to the requirements of the Environmental Protection Authority on advice of Fisheries Western Australia and the Department of Environmental Protection.

- 7-2 The proponent shall implement the Fishing Access Plan required by condition 7-1.

8 Decommissioning

- 8-1 The proponent shall carry out the decommissioning of the project, removal of the plant and installations and rehabilitation of the site and its environs.

- 8-2 At least three years prior to decommissioning, the proponent shall prepare a decommissioning plan to include reference to a final rehabilitation plan, to achieve the objectives of condition 8-1.

- 8-3 The proponent shall implement the plan required by condition 8-2.

9 Commencement

The environmental approval for the substantial commencement of the proposal is limited.

- 9-1 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 Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.

10 Performance Review

The proponent should review the environmental performance of the project to ensure the environmental management meets the environmental objectives and allows for continuous improvement.

10-1 Each six years following the commencement of construction, the proponent shall prepare and submit a performance review to evaluate the environmental performance, which shall include, but not be limited to:

- 1 environmental objectives reported on in Environmental Protection Authority Bulletin 866;
- 2 proponent environmental management commitments made in the Public Environmental Review, those made in response to issues raised following public submissions, and those published in Environmental Protection Authority Bulletin 866;
- 3 environmental management system environmental management targets;
- 4 Environmental Management Plans; and
- 5 environmental performance indicators;

to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection.

Note: The Environmental Protection Authority may recommend changes and where significant, recommend actions to the Minister for the Environment following consideration of the performance review.

11 Compliance Auditing

To help determine environmental performance and compliance with the conditions, periodic reports on the implementation of the proposal are required.

11-1 The proponent shall submit periodic Performance and Compliance Reports, in accordance with an audit program 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 The proponent shall give consideration to the inclusion of significant coastal vegetation communities into a Remnant Vegetation Protection Scheme covenant to ensure the protection of representative sections of vegetation community types [refer condition 5-3-1].

Note

- 1 Any port-related activities which may impact on Oakajee River shall be the subject of separate referral to the Environmental Protection Authority. The referral document shall include an analysis of impact on on-shore and near-shore environment, heritage values and flora and fauna, including remnant riverine vegetation. Any assessment which results from the above-mentioned referral to the Environmental Protection Authority should be completed prior to construction of the port breakwaters.
- 2 The Environmental Protection Authority reported on the proposal in Environmental Protection Authority Bulletin 866 (September 1997).
- 3 The proponent is required to apply for a Works Approval for this project under the provisions of Part V of the Environmental Protection Act.

LS
CHERYL EDWARDES (Mrs) MLA
MINISTER FOR THE ENVIRONMENT

Proponent's Environmental Management Commitments

28 August 1997

**OAKAJEE DEEPWATER PORT, OAKAJEE, SHIRE
OF CHAPMAN VALLEY (1074)**

MINISTER FOR RESOURCES DEVELOPMENT

CONSOLIDATED LIST OF COMMITMENTS

The commitments made in the Oakajee Deepwater Port PER are numbered listed below for ease of reference.

Macroalgae

1. The proponent will monitor the accumulation of sea wrack on the shoreline between the Buller and Oakajee Rivers on an ongoing basis and will take appropriate steps to overcome any adverse impacts, as required.
2. The proponent will manage any large accumulation of sea wrack against the breakwaters by mechanical or other means of collection and will redistribute the wrack to other sections of the coastline in the Special Management Area or into the littoral stream where there is evidence that the sea wrack accumulation may have been reduced. Any such operations will be subject to approval by the Department of Conservation & Land Management.
3. The proponent will ensure that the Water Quality Monitoring Program associated with the port is designed so that it will detect any significant variations in nutrient levels which may be attributable to changes in the distribution of sea wrack in the near-coastal marine environment, and will implement appropriate management practices if the monitoring program identifies any unacceptable impacts on the nutrient levels in the vicinity of the port.

Introduced Marine Organisms

4. The proponent throughout the life of the port will routinely check that the Australian Ballast Water Management Strategy and/or any other management procedure for ballast water recommended by AQIS or any other Commonwealth, State or International agency which may have responsibility for the management of ballast water in the future are complied with.
5. The proponent will implement a monitoring program, in accordance with the requirements of the EPA, upon advice from the DEP, to detect the presence of toxic dinoflagellates in the harbour of the Oakajee port. This program will be initiated prior to the commencement of shipping operations, and will occur on a bi-annual basis thereafter. The results of the monitoring program will be provided to the EPA and to any other agencies nominated by that department.

Marine Water Quality and Sediments

6. The proponent will, prior to construction, prepare a Marine Management Plan that will include the following:
 - 6a. A Construction Management Plan in accordance with the requirements of the EPA, upon advice from the DEP. All contractors will be required to comply with this plan, which will specify measures designed to prevent marine pollution and to limit the impact on the marine environment.

- 6b. A Dredging and Dredge Spoil Disposal Management Plan (DDSDMP) in the event that the final port plan involves dredging. This Management Plan will be prepared in accordance with the requirements of the EPA, upon the advice of the DEP, and will include a monitoring program for water quality in and within a relevant distance of the works area. The management plan and all results of the monitoring programs will be made available to the general public.
- 6c. An Oil Spill Contingency Plan to the satisfaction of the Department of Minerals and Energy, the Environmental Protection Authority, the Department of Environmental Protection, and the WA State Committee for Combating Oil Pollution at Sea. This plan will include management processes required to avoid or minimise any impacts to beaches north of the port.
- 6d. A Waste Management Plan of port operations prepared in accordance with the requirements of the EPA, upon advice from the DEP. This plan will specify management procedures for the collection and disposal of waste discharges from ships, and will regulate wash-down of ships in harbour. This plan will include management processes required to avoid or minimise any impacts to beaches north of the port, and will include treatment of stormwater if appropriate.
- 6e. An Accidental Spillage Management Plan to the requirements of the Department of Minerals and Energy. This plan will include management processes required to avoid or minimise any impacts to beaches north of the port.
- 6f. A Water Quality Monitoring and Management Program in accordance with the requirements of the EPA, upon the advice of the DEP. A summary of the scope this monitoring program is provided in Section 6 of the PER document. Should levels of any parameter be above the criteria during the sampling period, more frequent monitoring will occur in order to identify a possible cause for the elevated levels, and also to determine the duration of the levels over time. Provision will be made to implement appropriate management practices if the monitoring program identifies any unacceptable impacts on the quality of marine waters in the vicinity of the port.
- 6g. A Sediment Monitoring and Management Program. This will be prepared in accordance with the requirements of the EPA, upon the advice of the DEP. The program will involve bi-annual samples following construction. All samples will be analysed for a range of heavy metals and other potential contaminants. The results of the monitoring program will be provided to the EPA. Should levels of any parameter be above the criteria during the sampling period, more frequent monitoring will occur in order to identify a possible cause for the elevated levels, and also to determine the duration of the levels over time. Provision will be made to implement appropriate management practices if the monitoring program identifies any unacceptable impacts on the quality of marine waters in the vicinity of the port.

The marine management plan will address the issue of protection of offshore seal colonies, and any other applicable protection issues.

7. The proponent will commission a detailed study of water circulation and water exchange in the harbour at Oakajee following the adoption of a final design for the port. The results of this study will be supplied to the EPA, and other relevant government agencies, and will be used to refine the port design if necessary to achieve better performance with respect to water exchange.

The Shoreline

8. The proponent will monitor coastal sand movements between the Buller River and Coronation Beach. The proponent will take appropriate steps to maintain the stability of the beaches in this area, as necessary. The scope and duration of this monitoring program will be determined in association with the EPA and all results will be submitted to the EPA and made available to the general public.
9. The proponent will implement a program for the redistribution of sand accumulated against the breakwaters of the port if the coastal sand monitoring program indicates that such redistribution is necessary to minimise the possibility of shoreline erosion.

Regionally Significant Vegetation

10. The proponent will prepare and implement a rehabilitation plan (including landscape considerations) for all areas which are disturbed by construction activities but which are not required for port structures and facilities. This plan will be integrated into the Coastal Management Plan and will be prepared in consultation with CALM and the rehabilitation areas will be monitored and the monitoring results will be provided to the EPA.

Declared Rare Flora and Specially Protected Fauna

11. The proponent will commission a follow-up survey for declared rare flora in any areas of vegetation which might be disturbed by future development. This survey will be made in spring 1997. The results of this survey will be provided to CALM and the EPA. The proponent will also commission an assessment of the port to determine the likelihood that threatened and priority fauna is present.

Dust

12. The proponent will ensure that all contractors associated with the construction of the deepwater port comply with the EPA Guidelines for Assessment and Control of Dust and Windborne Material from Land Development Sites (updated 1995) and the Environmental Protection Policy (Atmospheric Waste) (Kwinana).
13. The proponent will ensure that all port operations comply with air quality criteria specified by the EPA.
14. The proponent will prepare an Air Quality Management Plan which will detail management and strategies for dust control. The plan will be implemented prior to construction, and will incorporate ambient dust monitoring.

Noise and Vibration

15. The proponent will ensure that all contractors and port users, including itself, comply with the relevant noise and vibration criteria in either the Noise Abatement (Neighborhood Annoyance) Regulations 1979 or the Environmental Protection (Noise) Regulations when promulgated, and will adopt best practice noise attenuation measures as appropriate and defined by industry and Government Agencies.
16. The proponent will conduct regular noise monitoring, as necessary.

Public Health and Safety

17. The proponent will ensure that all proposals for the handling of potentially hazardous cargoes through the deepwater port are referred to the DEP and the Department of Minerals and Energy for their consideration. All requirements of these departments with respect to quantitative risk assessments and procedures for the safe handling of hazardous cargoes will be met.
18. The proponent will prepare a Port Safety Plan which will incorporate a risk assessment and response measures for incidents, and will be subject to community consultation. Where appropriate, the measures in this plan will be implemented.

Aboriginal and Post-Colonisation Heritage Sites

19. The proponent will prepare a Heritage Management Plan prior to construction to ensure that any sites discovered during construction activities are managed accordance with statutory requirements.

Recreation

20. The proponent will prepare a Coastal Management Plan (CMP) for the coastal area under its control between the Buller and Oakajee Rivers. The CMP, which will include a Recreation Plan, will be prepared prior to the commencement of construction of the port, in accordance with the requirements of the Ministry for Planning, and in consultation with the Shire of Chapman Valley.
21. The proponent will complete a detailed assessment of the impact of port structures on waves breaks to the north of the proposed port when the final design of the port is selected.
22. The proponent will undertake a study, as part of the Recreation Plan, to determine the significance of the Oakajee area to windsurfing. This study will also consider the potential impact of the construction of the port on the sport.

Professional Fishing

23. The proponent, through a Construction Management Plan, will take steps to ensure that construction of the port is managed so as to limit the potential for

incidental damage to rock lobster habitat. The Construction Management Plan will be prepared to the requirements of the DEP.

24. The proponent will liaise with the Department of Fisheries and rock lobster fishing industry representatives on a continuing basis regarding port operations and their implications for rock lobsters and to provide information on the results of the Water Quality Monitoring Program.

Unexploded Ordnance

25. The proponent commits to work with the Western Australian Police Unexploded Ordnance Unit to determine the nature, extent and risk associated with the presence of any unexploded ordnance in the area of the project and to clear unexploded ordnance before commencement of construction.

Attachment 2 to Statement 469

Change to Proposal

Proposal: Oakajee Deepwater Port, Oakajee, Shire of Chapman Valley

Proponent: Department of State Development

Change: Confirmed port location as the northern option, with an offshore design capable of berthing two Cape Class (180,000 DWT fully laden) vessels plus one further Cape Class (180,000 DWT fully laden) vessel or one Panamax Class (70,000 DWT fully laden) vessel.

Key Characteristics Table:

Element	Description of approved proposal	Description of approved changed proposal
Location	North, Central, South	North
Port design	In-shore/Off-shore	Off-shore
Breakwater length	Not more than 1.6 kilometres	Not more than 1.9 kilometres
Breakwater fill	4-8 million tonnes	Not more than 8 million tonnes
Dredge spoil volume	Not more than 8 million cubic metres	Not more than 5 million cubic metres
Dredge depth	Not more than -16.5mCD	Not more than -19mCD (berth) and -23mCD (channel)
Storage area	50 hectares	50 hectares
Service corridor	30-60 hectares	31 hectares
Marine area affected (direct and in-direct impacts)	Not more than 170 hectares	Not more than 170 hectares
Berths	3 berths to accommodate 65,000 DWT Panamax vessels	3 berths capable of accommodating 2 Cape Class (180,000 DWT fully laden) vessels plus 1 further Cape Class (180,000 DWT fully laden) vessel or 1 Panamax Class (70,000 DWT fully laden) vessel.

mCD: metres Chart datum

List of Figures:

Figure 1: Oakajee Port Layout

Dr Paul Vogel
 CHAIRMAN
 Environmental Protection Authority
 under delegated authority

Approval date: 1-12-09

