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Published on: 21 October 2021

Statement No. 1173

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED**  
**(*Environmental Protection Act 1986*)**

**SHARK BAY MAINTENANCE DREDGING**

**Proposal:** The Proposal is for no more than 80,000 m<sup>3</sup> of maintenance/capital dredging and disposal, and seabed levelling of no more than 10,000 m<sup>3</sup> in a Development Envelope of up to 106.6 ha. The Development Envelope is comprised of an entrance channel dredge footprint, offshore disposal area for dredged channel material, and seabed levelling in the berth pocket.

**Proponent:** Shark Bay Resources Pty Ltd  
Australian Company Number 079 088 636

**Proponent Address:** Level 16/ 2, The Esplanade  
PERTH WA 6000

**Assessment Number:** 2272

**Report of the Environmental Protection Authority:** 1703

Pursuant to section 45 of the *Environmental Protection Act 1986* (EP Act), it has been agreed that the proposal described in section 2 of the proponent's Referral Information (Revision 5, 18 June 2021), which included changes to the proposal approved under section 43A of the EP Act on 1 June 2021 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

**1 Limitations and extent of proposal**

When implementing the proposal, the proponent shall ensure the proposal does not exceed the following extents:

Proposal element	Location	Maximum extent or range
Operational elements		
Berth Pocket	Figure 1	Levelling of no more than 10,000 m <sup>3</sup> of material, to a maximum depth of -10 metres at LAT, within the 28.1 ha Berth Pocket footprint defined by coordinates held by DWER (Doc Ref DWERDT468017)
Entrance Channel	Figure 1	Dredging of no more than 80,000 m <sup>3</sup> of material, to a maximum depth of -10.5 metres at LAT, within the 35.3 ha Entrance Channel footprint defined by coordinates held by DWER (Doc Ref DWERDT468017)
Offshore Disposal Area	Figure 1	Disposal of no more than 80,000 m <sup>3</sup> of material within the 43.2 ha Offshore Disposal Area footprint defined by coordinates held by DWER (Doc Ref DWERDT468017)
Timing elements		
Dredging and spoil disposal activities	N/A	No more 14 cumulative days within a 28 day period
Offshore Disposal Area	Figure 1	No spoil disposal between May and July

## 2 Marine Environmental Quality and Benthic Communities and Habitats

2-1 The proponent shall ensure the implementation of the proposal achieves the following environmental outcomes:

- (1) no **irreversible impacts** to benthic communities and habitats outside the **Entrance Channel Zone of High Impact, Offshore Disposal Area Zone of High Impact** and the **Berth Pocket Zone of High Impact**;
- (2) during seabed levelling activities, concentrations of tributyltin in waters within the **Port Exclusion Area** shall be no more than 0.02 µg/L and no more than 0.0004 µg/L at the boundary of the Shark Bay Marine Park;
- (3) within one (1) month following cessation of dredging and spoil disposal activities, **water quality** at the Entrance Channel and Offshore Disposal Area is to have returned to reference site conditions; and
- (4) within one (1) month following cessation of seabed levelling activities, **water and sediment quality** at the boundary of the Shark Bay Marine Park is to have returned to reference site conditions.

- 2-2 The proponent shall undertake monitoring during and following the cessation of dredging, spoil disposal and seabed levelling activities capable of demonstrating whether the outcomes in condition 2-1 will be met.
- 2-3 The proponent shall submit as part of the Compliance Assessment Report required by condition 7-6, and to the Department of Biodiversity, Conservation and Attractions, evidence that shall:
- (1) outline the monitoring that was undertaken during the implementation of the proposal;
  - (2) outline the results of the monitoring undertaken to report whether the environmental outcomes specified in condition 2-1 were achieved;
  - (3) report whether the outcome in condition 2-1(1) was achieved through analysis of photosynthetically active radiation collected during implementation of the proposal;
  - (4) outline any management actions undertaken during the implementation of the proposal to meet the outcomes in condition 2-1.
- 2-4 Unless otherwise demonstrated in the Compliance Assessment Report required by condition 7-6, within eighteen (18) months following the cessation of dredging, spoil disposal and seabed levelling activities, the proponent shall submit to the CEO a Seagrass Report that reports whether, through seagrass surveys and mapping, that seagrass outside the Zones of High Impact identified in condition 2-1(1) have **recoverable impacts** and that the outcome in condition 2-1(1) was achieved.
- 2-5 In the event that the monitoring required by condition 2-4 does not demonstrate impacts are recoverable, the proponent shall conduct additional seagrass surveys and mapping to demonstrate whether the outcome in condition 2-1(1) is achieved.
- 2-6 In the event that monitoring or reports identify that any of the environmental outcomes set in condition 2-1 are not being achieved, the proponent shall:
- (1) immediately implement contingency management actions until the CEO has determined in writing that the environmental outcomes set in condition 2-1 are being achieved and will continue to be achieved;
  - (2) investigate to determine the likely cause of the environmental outcomes set in condition 2-1 not being achieved;
  - (3) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to non-achievement of the environmental outcomes set in condition 2-1;

- (4) within twenty-one (21) days of monitoring or reports identifying that any of the environmental outcomes set in condition 2-1 are not being achieved, submit to the CEO a report detailing the following:
  - (a) the results of the monitoring that led to the identification that any of the environmental outcomes set in condition 2-1 are not being achieved;
  - (b) details and effectiveness of the contingency actions implemented;
  - (c) findings of the investigation required by conditions 2-6(2) and 2-6(3);
  - (d) measures to prevent, control or abate impacts which may have occurred.

### **3 Marine Fauna**

- 3-1 The proponent shall ensure the implementation of the proposal achieves the following environmental objective:
  - (1) avoid where possible and otherwise minimise direct and indirect impacts on marine fauna listed under the *Biodiversity Conservation Act 2016*.
- 3-2 During dredging, spoil disposal and seabed levelling activities, the proponent shall:
  - (1) implement measures to avoid direct vessel strikes with marine fauna;
  - (2) implement measures to minimise direct entrainment impacts to turtles and other relevant marine fauna, including not operating dredge pumps during transit;
  - (3) implement a monitoring zone observed by trained marine fauna observers;
  - (4) implement noise management procedures to avoid temporary and permanent changes to hearing sensitivity in marine fauna and minimise behavioural responses;
  - (5) maintain a log of recorded sightings, locations and behaviours indicative of stress or disturbance of marine fauna; and
  - (6) document and report to relevant regulators any incidents relating to marine fauna injury / mortality.

### **4 Marine Pests**

- 4-1 The proponent shall ensure the implementation of the proposal achieves the following environmental outcome:

- (1) no introduction of **marine pests** into the State, within the State and into or out of the Shark Bay World Heritage Area as a result of the proposal.
- 4-2 To achieve the environmental outcome in condition 4-1, the proponent shall develop procedures for managing all vessels and immersible equipment prior to mobilisation and during the proposal to the requirements of the CEO, on advice of the Department of Primary Industries and Regional Development.
- 4-3 The proponent shall implement the procedures required by condition 4-2 during the implementation of the proposal.

## **5 Contact Details**

- 5-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

## **6 Time Limit for Proposal Implementation**

- 6-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 6-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

## **7 Compliance Reporting**

- 7-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 7-6, or prior to implementation of the proposal, whichever is sooner.
- 7-2 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; the method of reporting of potential non-compliances and corrective actions taken;
  - (4) the table of contents of Compliance Assessment Reports; and
  - (5) public availability of Compliance Assessment Reports.

- 7-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 7-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 7-1.
- 7-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 7-1 and shall make those reports available when requested by the CEO.
- 7-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 7-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person 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 potential 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 7-1.

## **8 Public Availability of Data**

- 8-1 Subject to condition 8-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.
- 8-2 If any data referred to in condition 8-1 contains particulars of:
- (1) a secret formula or process; or

(2) confidential commercially sensitive information,

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

[signed on 21 October 2021]

HON AMBER-JADE SANDERSON MLA  
**MINISTER FOR ENVIRONMENT; CLIMATE ACTION**

**Table 1: Abbreviations and definitions**

<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<b>Berth Pocket Zone of High Impact</b>	The area within the Berth Pocket where irreversible impacts on benthic communities or habitats are predicted to occur, shown in Figure 2 and defined by coordinates in held by DWER (Doc Ref DWERDT468017)
<b>CEO</b>	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
<b>Dredging and spoil disposal activities</b>	Seabed excavation and dredge material placement activities that introduce sediments to the water column. For the purposes of this proposal, it does not include seabed levelling activities within the Berth Pocket.
<b>DWER</b>	Department of Water and Environmental Regulation
<b>Offshore Disposal Area Zone of High Impact</b>	The area within the Offshore Disposal Area where irreversible impacts on benthic communities or habitats are predicted to occur, shown in Figure 2 and defined by coordinates in held by DWER (Doc Ref DWERDT468017)
<b>Entrance Channel Zone of High Impact</b>	The area within the Entrance Channel where irreversible impacts on benthic communities or habitats are predicted to occur, shown in Figure 2 and defined by coordinates in held by DWER (Doc Ref DWERDT468017)
<b>EP Act</b>	<i>Environmental Protection Act 1986</i>
<b>ha</b>	hectare
<b>Irreversible impacts</b>	Impacts on benthic communities or habitats lack a capacity to return or recover to a state resembling that prior to being impacted within a timeframe of five years or less.
<b>LAT</b>	Lowest Astronomical Tide
<b>m<sup>3</sup></b>	Cubic metres
<b>marine pests</b>	Marine species not native to the environment of Shark Bay or Shark Bay bioregion, that do or may threaten biodiversity. The information from <a href="http://www.marinepests.gov.au">www.marinepests.gov.au</a> and advice from the Department of Primary Industries and Regional Development will guide interpretation of this definition.
<b>Port Exclusion Area</b>	The area of waters adjacent to the Shark Bay Resources Pty Ltd infrastructure at Useless Loop that is not part of the Shark Bay Marine Park.
<b>Recoverable impacts</b>	Where impacts on benthic organisms are recoverable within a period of five years following completion of the activities

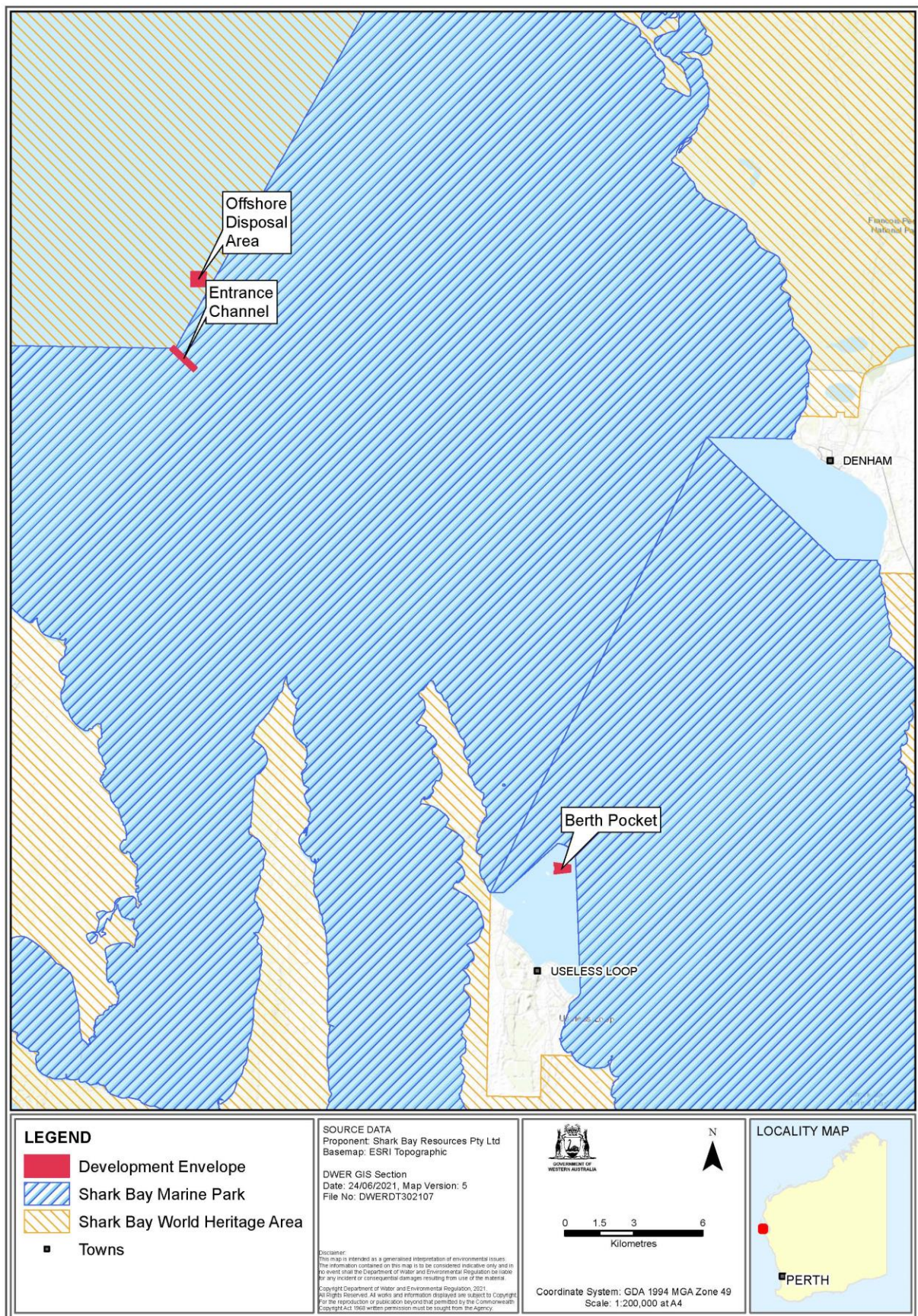


Acronym or abbreviation	Definition or term
<b>Reference site</b>	A site located in a similar system, or in a location that experiences similar natural environmental conditions as the areas being monitored, but largely un-impacted by human influences and used as a benchmark for determining the environmental outcome.
<b>µg/L</b>	micrograms per litre
<b>Water and sediment quality</b>	Parameters relevant to proposal activities and the likely threats and pressures to marine environmental quality and benthic communities and habitats, with reference to the EPA's <i>Technical Guidance Protecting the Quality of Western Australia's Marine Environment</i> (December, 2016)

### Figures (attached)

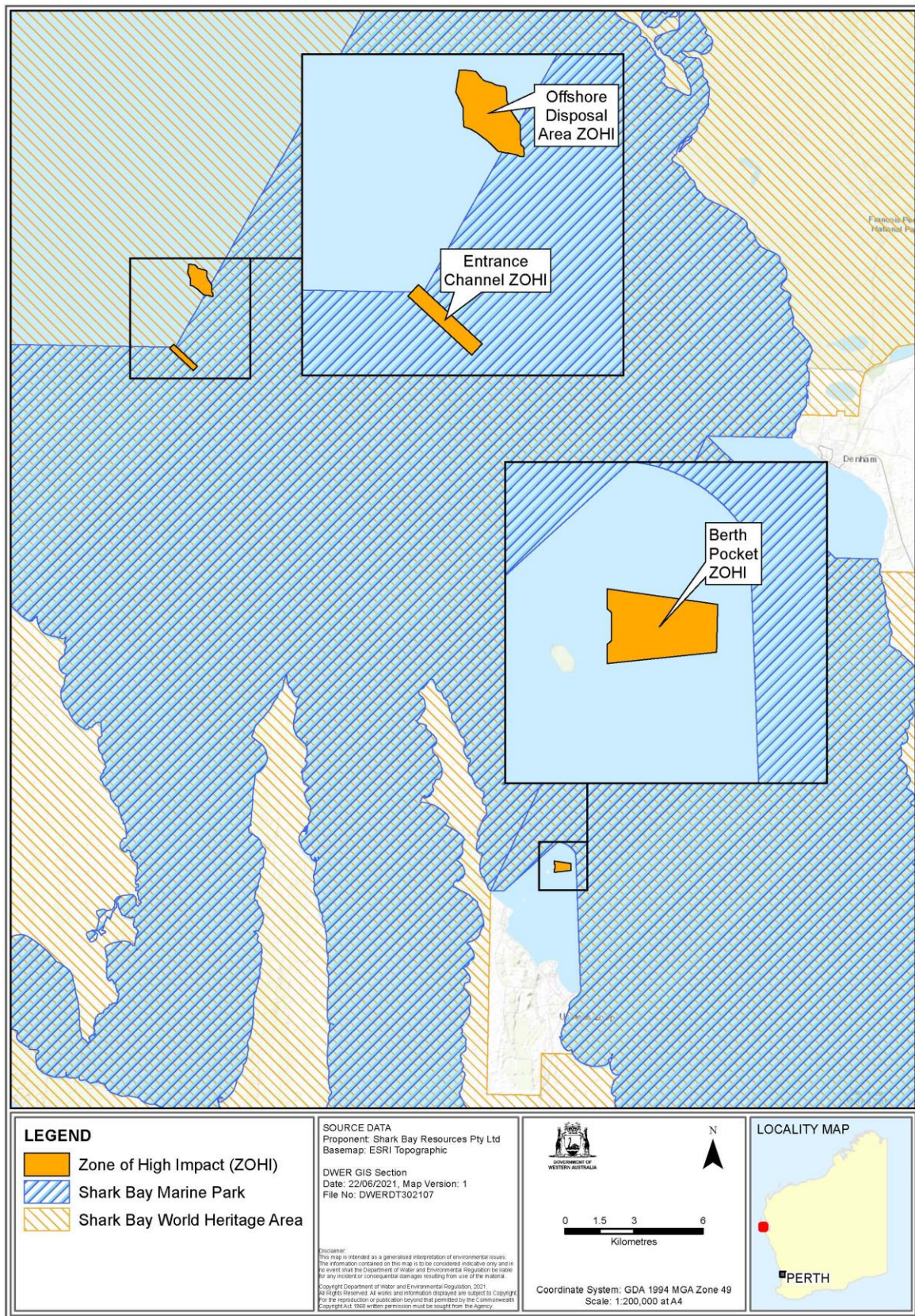
- Figure 1 Development envelope for the proposal (This figure is a representation of the coordinates held by DWER (Doc Ref DWERDT468017))
- Figure 2 Zones of High Impact (This figure is a representation of the coordinates held by DWER (Doc Ref DWERDT468017))





**Figure 1: Development envelope for the proposal**





**Figure 2: Zones of High Impact**

## **Schedule 1**

All coordinates are in metres, listed in Map Grid of Australia Zone 49 (MGA Zone 49) datum of Geocentric Datum of Australia 1994 (GDA94)

Spatial data depicting the figures in this schedule are held by the Department of Water and Environmental Regulation as follows:

- Figure 1: Development envelope for the proposal (DWERDT468017)
- Figure 2: Zones of High Impact (DWERDT468017).