

Mr M Sharaf
Maritime Facilities Manager
BAE Systems Australia Ltd
42 Quill Way
HENDERSON WA 6166

Our Ref 13-245608
Enquiries Leanne Thompson
Phone 6145 0820

Dear Mr Sharaf

NOTICE UNDER SECTION 39A(3)
Environmental Protection Act 1986

PROPOSAL: Henderson Facility Land-Backed Wharf and Dredging
LOCALITY: City of Cockburn
PROPONENT: BAE Systems Australia Ltd
DECISION: Not Assessed – Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the Authority for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the staff of the Office of the EPA has provided the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 16 September 2013. Information on the appeals process is available through the Office of the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190.

Yours sincerely



Anthony Sutton
Director
Assessment and Compliance Division

2 September 2013

Encl

PUBLIC ADVICE UNDER SECTION 39A(7)
Environmental Protection Act 1986

**BAE SYSTEMS AUSTRALIA LTD– HENDERSON FACILITY LAND BACKED
WHARF AND DREDGING**

1. Environmental issues

a. Marine fauna

2. Advice and recommendations regarding environmental issues

a. **Marine fauna**

It is recognised that pile driving can impact a range of marine faunal groups, and it is known that the Cockburn Sound population of dolphins frequent the adjacent marine area. The Environmental Protection Authority (EPA) notes that the proponent has advised that:

- piling is expected to take approximately one month;
- piling will only take place in one location at a time;
- piling will only take place during daylight hours; and
- piles will be inserted through fill material and therefore not have a through-water path for noise attenuation.

To minimise the impacts of piling works on marine fauna, the EPA also notes that the proponent has committed to implementing marine fauna observation protocols. The EPA advises that these protocols should include:

- **Pre-start up visual observations:** Visual observations for marine fauna (including dolphins) should be undertaken within a 300m radius of piling works (the fauna exclusion zone) by a suitably trained crew member for at least 30 minutes before the commencement of the soft or 'fairy taps' start procedure.
- **Operating procedures:** While pile driving is being undertaken, the following procedures should be implemented:
 - Visual observations of the fauna exclusion zone should be maintained continuously to identify if there are any marine fauna present.
 - If marine fauna are sighted within the 100m of piling works, piling activities should be completely shut down immediately.
 - Piling activities should not recommence until marine fauna are observed to move outside the fauna exclusion zone or 30 minutes have passed since the last sighting.
- **Soft 'fairy taps' start procedures:** Piling activities should be initiated at the soft 'fairy taps' start level and then build up to full impact force. The soft 'fairy taps' start procedures should only commence if no marine fauna have been sighted within the fauna exclusion zone during the pre-start-up visual observations.

These protocols should be included in an Environmental Management Plan that should be made publicly available.