

Mr Peter Wilkins
General Manager
Department of Transport
1 Essex Street
FREMANTLE WA 6160

Our Ref 13-283104
Enquiries Peta Hayward
Phone 6145 0856

Dear Mr Wilkins

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

PROPOSAL: Beadon Creek Capital Dredging and Construction of Land-Backed Wharf
LOCATION: Lot 561 on plan 174170, Beadon Creek Road, Onslow
LOCALITY: Shire of Ashburton
PROPONENT: Department of Transport
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 EPA provides 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 12 May 2014. 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

28 April 2014

Encl

**PUBLIC ADVICE UNDER SECTION 39A(7)
ENVIRONMENTAL PROTECTION ACT 1986**

Summary

The Department of Transport is proposing to upgrade the Beadon Creek Maritime Facility. The proposal involves capital dredging a berth pocket and turning basin immediately west of the existing channel. The volume of dredged material will be around 65,000 cubic metres and will be used to create an additional land-backed wharf area on the western side of Beadon Creek, north of Beadon Creek Road.

The Environmental Protection Authority (EPA) has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Environmental Impact Assessment Administrative Procedures 2012*. In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012*.

1. Environmental Factor

The EPA identified **Marine Environmental Quality** to be the preliminary environmental factor relevant to this proposal.

There were no factors that were determined to be key environmental factors that would require assessment under Part IV of the EP Act. The EPA considers that based on the information provided by the proponent, it does not warrant formal assessment under the EP Act as the proposal is unlikely to have a significant effect on the environment.

2. Advice and Recommendations regarding Environmental Issues

In considering the potential impacts to Marine Environmental Quality the EPA considers the main potential impact is the mobilisation of potential contaminants particularly tributyltin (TBT) into the water column of Beadon Creek during dredging.

The EPA notes that the proponent has prepared a management and monitoring program as outlined in Section 8 of the *Beadon Creek Maritime Facility Capital Dredging Environmental Impact Assessment*, April 2014. The program includes: containing known TBT contaminated material in a settlement pond on the reclaimed wharf; monitoring water quality in Beadon Creek; sentinel oyster monitoring; and opportunistic gastropod sampling for potential imposex monitoring. The monitoring program is to ensure that the dredging proposal meets the national guidelines for marine water quality.

The EPA considers that the proposal implemented consistent with the referral documentation is not likely to have a significant impact to the environmental factor of marine environmental quality.

The EPA advises the proponent to make publicly available on its website the referral documentation on which this decision is based. It should also make available the results of the marine water quality monitoring and any contingency monitoring and measures undertaken.