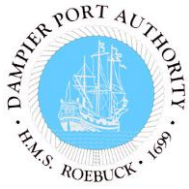


Compliance Assessment Report

Dampier Marine Services Facility
Ministerial Statement No. 868

2011-12 Reporting Period



Compliance Assessment Report

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Compliance Assessment Report

1. EXECUTIVE SUMMARY

The Dampier Port Authority (DPA) was granted Ministerial Approval to construct the Dampier Marine Services Facility (DMSF) on 27 June 2011 (Ministerial Statement Number 868). The DPA did not commence construction of the DMSF within this reporting period (i.e. 27 June 2011 to 30 June 2012). The DPA is compliant with all conditions of Ministerial Statement No. 868.

2. INTRODUCTION

The DPA was granted Ministerial Approval to construct the DMSF on 27 June 2011 (Ministerial Statement Number: 868). The DMSF project involves capital dredging (2.2 million m³), land reclamation (22 hectares) and the construction of land-backed and piled wharf facilities. Some terrestrial disturbance will be associated with the construction of access tracks around the reclamation area.

The scope of this compliance assessment report includes any activity described in Schedule 1 of Ministerial Statement No. 868, undertaken between 27 June 2011 and 30 June 2012.

3. PROJECT IMPLEMENTATION

The DPA did not commence construction of the DMSF Project within this reporting period. The DPA is compliant with all conditions set out in Ministerial Statement No. 868 and associated environmental management commitments set out in DPA's Commitment Register for the DMSF Project.

4. NON-CONFORMANCES

No actual and/or potential non-conformances were recorded within the reporting period.

5. REPORTING

The following points represent a record of the reporting and correspondence between the WA OEPA and DPA in the current reporting period:

- Original Compliance Assessment Plan for DMSF Project, sent to WA OEPA on 14 June 2012 (our reference: ED2012-014729);
- Email correspondence from Hugh Lance (WA OEPA) to Dan Pedersen (DPA) dated 29th June 2012 indicating that DPA would need to re-submit the Compliance Assessment Plan to include further information (our reference: ED2012-24347);
- Revised Compliance Assessment Plan for DMSF Project, sent to WA OEPA on 11 July 2012 (our reference: ED2012-017068).
- Letter from OEPA accepting the DPA's revised Compliance Assessment Plan dated 16 July 2012 (our reference: ED2012-018483; your reference: A523205:OEPA2011/000324-1)

6. CHANGES TO THE COMPLIANCE ASSESSMENT PLAN

There have been no changes to the Compliance Assessment Plan for the DMSF Project.

7. AUDIT TABLE

Table 1 is the approved Audit Table for Ministerial Statement 868. Note that both the 'evidence' and 'status' columns have been updated.

TABLE 1: AUDIT TABLE

Statement Compliance Section

PROJECT: DAMPIER MARINE SERVICES FACILITY

Note:

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Overall (several phases).
- This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Minister's Statement for full detail/precise wording of individual elements.
- Code prefixes: M = Minister's condition, P = Proponent's commitment.
- Any elements with status "Audited by proponent only" are legally binding but are not required to be addressed specifically in compliance reports, if complied with.
- Acronyms list: CEO = Chief Executive Officer of OEPA; DEC = Department of Environment and Conservation; DIA = Department of Indigenous Affairs; DMP = Department of Mining and Petroleum; EPA = Environmental Protection Authority; DoF = Department of Fisheries; DoH = Department of Health; DoW = Department of Water, Minister for Env = Minister for the Environment; OEPA = Office of the Environmental Protection Authority.

Compliance Status: C = Compliant, CLD = Completed, NA = Not Audited, NC = Non – compliant, NR = Not Required at this stage. Please note the terms VR = Verification Required and IP = In Process are only for OEPA use .

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
868:G									
868:M1.1	Proposal Implementation	The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the conditions and procedures of this statement.	Written correspondence	Annual Compliance Assessment Report			Overall		C
868:M2.1	Proponent Nomination and Contact Details	The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the <i>Environmental Protection Act 1986</i> is responsible for the implementation of the proposal.	Written correspondence	Proposal application			Overall		C
868:M2.2	Proponent Nomination and Contact Details	The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.	Written correspondence	No change to proponent within reporting period.			Overall	Within 30 Days of such changes.	C
868:M3.1	Time Limit of Authorisation	The authorisation to implement the proposal provided for in this statement shall lapse and be void five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.		Proposal has not yet been 'substantially commenced'. DPA is still operating within the nominated time limit of authorisation.			Construction	By 30 June 2016.	C
868:M3.2	Time Limit of Authorisation	The proponent shall provide the Chief Executive Officer of the Office of the Environmental Protection Authority with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.	Written correspondence	A letter to the CEO of the OEPA has not yet been prepared as the proposal has not yet been 'substantially commenced' by the DPA.	CEO		Construction	By 30 June 2016.	C

TABLE 1: AUDIT TABLE

Statement Compliance Section

PROJECT: DAMPIER MARINE SERVICES FACILITY

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
868:M4.1	Compliance Reporting	The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority.	Develop CAP	Compliance Assessment Plan accepted by the OEPA (our reference: ED2012-018483; your reference: A523205:OEPA2011/000324-1)	CEO		Overall		C
868:M4.2	Compliance Reporting	The proponent shall submit to the Chief Executive Officer of the Office of the Environmental Protection Authority the compliance assessment plan required by condition 4-1 at least six months prior to the first compliance report required by condition 4-6, or prior to implementation, whichever is sooner. 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; 4. the method of reporting of potential non-compliances and corrective actions taken; 5. the table of contents of compliance assessment reports; and 6. public availability of compliance assessment reports.	Submit written plan	Revised Compliance Assessment Plan submitted to the CEO of the OEPA on 11 July 2012 (our reference: ED2012-017068).	CEO		Overall	At least 6 months prior to the first compliance report required by condition 4-6, or prior to implementation, whichever is sooner.	CLD
868:M4.3	Compliance Reporting	The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.	Written correspondence	This annual compliance assessment report.	CEO		Overall	Annually	C
868:M4.4	Compliance Reporting	The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-1 and shall make those reports available when requested by the Chief Executive Officer of the Office of the Environmental Protection Authority	Retain locally and use DPA electronic filing system <i>RecFind</i>	This compliance assessment report has been saved within DPA's records management system (Recfind).	CEO		Overall	When requested by CEO.	C
868:M4.5	Compliance Reporting	The proponent shall advise the Chief Executive Officer of the Office of the Environmental Protection Authority of any potential non-compliance within seven days of that non-compliance	Written correspondence and email to OEPA	The DPA received a non-compliance for the late submission of the first Compliance Assessment Plan to the OEPA. This is non-compliance is referred to in the letter from OEPA accepting the DPA's revised Compliance Assessment Plan (our reference: ED2012-	CEO		Overall	Within 7 days of that non-compliance being known.	C

TABLE 1: AUDIT TABLE

Statement Compliance Section

PROJECT: DAMPIER MARINE SERVICES FACILITY

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
		being known		018483; your reference: A523205:OEPA2011/000324-1).					
868:M4.6	Compliance Reporting	The proponent shall submit to the Chief Executive Officer of the Office of the Environmental Protection Authority the first compliance assessment report fifteen months from the date of issue of this Statement addressing the twelve month period from the date of issue of this Statement and then annually from the date of submission of the first compliance assessment report. The compliance assessment report shall: 1. be endorsed by the proponent's Managing Director or a person approved in writing by the Chief Executive Officer of the Office of the Environmental Protection Authority, delegated to sign on the Managing Director'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 4-1.	Written correspondence and disk.	This Annual Compliance Assessment Report.	CEO		Overall	The first Compliance Assessment Report to be submitted by 30 September 2012. The first report will cover the period from the issue of the Ministerial Statement 868 (30th June 2011) to 30 June 2012.	C
868:M5.1	Coral Communities	The proponent shall ensure that the implementation of the proposal does not cause the mortality of, or long-term serious damage to, the coral communities outside the zones of Direct and Indirect impact shown on Figure 4.	Coral monitoring program	Proposal is not yet 'substantially commenced'.			Overall		NR
868:M5.2	Coral Communities	The proponent shall identify any critical windows for key mass coral spawning events and have in place procedures to ensure that implementation of the proposal does not adversely impact on these events.	Coral monitoring program	Proposal is not yet 'substantially commenced'.			Overall	Prior to implementation.	NR

TABLE 1: AUDIT TABLE

Statement Compliance Section

PROJECT: DAMPIER MARINE SERVICES FACILITY

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
868:M5.3	Coral Communities	To verify that the requirements of condition 5-1 and 5-2 are met, the proponent shall: 1. at least two months prior to the commencement of dredging, submit a monitoring plan for water quality and coral health to the requirements of the Chief Executive Officer of the Office of the Environmental Protection Authority. The monitoring plan shall include water quality trigger levels for protecting coral health; 2. undertake appropriate management actions during dredging should trigger levels in the monitoring plan be reached; 3. provide baseline data on the health of coral communities prior to the commencement of dredging; 4. undertake a coral health survey within two months of the completion of dredging; and 5. at least two months prior to the commencement of dredging, submit management procedures for mass coral spawning events to the requirements of the Chief Executive Officer of the Environmental Protection Authority.	Develop water quality and coral health monitoring plan	This condition will be met at least two months prior to the commencement of dredging. Proposal is not yet 'substantially commenced'.	CEO		Overall	Submit monitoring plan for water quality and coral health at least 2 months prior to the commencement of dredging. Submit management procedures for mass coral spawning at least two months prior to the commencement of dredging. Provide baseline data on coral community health prior to dredging. Undertake coral health survey within 2 months prior to completion of dredging.	NR
868:M5.4	Coral Communities	The proponent shall submit a report of any management actions undertaken as required by condition 5-3 b) and e), and the coral health data required by conditions 5-3 c) and d) to demonstrate that the requirements of condition 5-1 and 5-2 have been met. This report shall be submitted to the Chief Executive Officer of the Office of the Environmental Protection Authority within three months of completion of the survey required by condition 5-3 d).	Written correspondence	Proposal is not yet 'substantially commenced'.	CEO		Overall	Within 3 months of completion of coral health survey.	NR
868:M5.5	Coral Communities	Should the report required by condition 5-4 show that the requirements of condition 5-1 have	Continue to report as per 5.3	Proposal is not yet 'substantially commenced'.	CEO		Overall	If requirements of Condition 5-1 not met.	NR

TABLE 1: AUDIT TABLE

Statement Compliance Section

PROJECT: DAMPIER MARINE SERVICES FACILITY

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
		not been met, the proponent shall undertake further annual coral health surveys to the requirements of the Chief Executive Officer of the Office of the Environmental Protection Authority. These surveys shall be required until the coral has recovered, is within natural variation, or the Dampier marine Services Facility is no longer demonstrated to be the impacting activity.							
868:M6.1	Cumulative loss of benthic primary producer habitats	Prior to implementation, the proponent shall document the location and spatial extent of the following intertidal and subtidal benthic primary producer habitats to be impacted by the proposal: coral communities; macroalgae communities; and sandy (benthic microalgal) habitat.	Undertake survey and assessment prior to implementation	A Benthic Primary Producer Habitat Survey will be completed prior to the commencement of construction of the DMSF project.			Design	Prior to implementation.	NR
868:M6.2	Cumulative loss of benthic primary producer habitats	Within 12 months of commencement of construction of the proposal, the proponent shall submit a report to the Chief Executive Officer of the Environmental Protection Authority which describes the cumulative loss of each benthic primary producer habitat referred to in condition 6-1 that has resulted from human activities and developments in the Dampier Port local assessment unit. The Report shall: estimate the historical distribution and extent of the benthic primary producer habitats referred to in condition 6-1 in the Dampier Port Authority local assessment unit, prior to European impact; and estimate the cumulative loss of the benthic primary producer habitats resulting from post European settlement human activities and developments in the Dampier Port Authority local assessment unit up to the time of implementation of the proposal. This should be	Undertake assessment of coral and impacts against baseline data	A Benthic Primary Producer Habitat Survey Report will be completed within 12 months of the commencement of construction of the proposal.	CEO		Construction	Within 12 months of commencement of construction.	NR

TABLE 1: AUDIT TABLE

Statement Compliance Section

PROJECT: DAMPIER MARINE SERVICES FACILITY

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
		provided as; a best, a most probable, and a worst-case estimate for each habitat type, along with the assumptions used for each estimate.							
868:M6.3	Cumulative loss of benthic primary producer habitats	Within five months of completion of the dredging and reclamation components of the proposal, the proponent shall submit a report to the Chief Executive Officer of the Office of the Environmental Protection Authority which describes the additional cumulative loss of benthic primary producer habitat that has resulted from implementation of the proposal.	Written report	A Post Dredging Primary Producer Habitat Survey Report will be completed within five months of completion of dredging and reclamation components of the proposal.	CEO		Overall	Within 5 months of completion of dredging.	NR
868:M7.1	Non-Indigenous Marine Species	The proponent shall ensure that all non-trading vessels and associated immersible equipment, that are either owned by the proponent, or contracted for construction of the DMSF Project, (including dredges and pile driving barges) are appropriately cleaned and maintained, that the same are inspected by a Department of Fisheries Officer or a suitably qualified marine pest expert approved by the Department of Fisheries, and evidence is provided to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority on advice from the Department of Fisheries, certifying that: 1. there is no sediment on or within the non-trading vessel and equipment; 2. ballast water (if any) has been, or will be, managed according to the Australian Quarantine Inspection Service ballast water requirements; and 3. no invasive marine species (as listed within the Revised Consultative Committee on Introduced Marine Pest Emergencies (CCIMPE) Trigger List – refer to condition 7-4) or any	Undertake vessel and equipment inspections, engage suitably qualified contractors to carry out inspections	An Invasive Marine Species Vessel Risk Assessment and Vessel Risk Assessment Score Sheet will be developed and implemented prior to commencement of construction.	CEO	DoF	Overall	No more than 48 hours prior to vessel or immersible equipment departure for Port of Dampier; or within 48 hours following arrival of vessel or immersible equipment within Port of Dampier; and vessels that have spent more than seven continuous days in Australian coastal waters (less than 50 metre depth) between inspection and their arrival at Dampier Port shall also be inspected during the sixth week after arrival in Port of Dampier.	NR

TABLE 1: AUDIT TABLE

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Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
		other species demonstrating invasive characteristics, have been identified on or within any vessel or immersible equipment inspected; and 4. any cleaning or treatment activities are undertaken to address invasive marine species risk, has been undertaken to an extent that the non-trading vessel or associated immersible equipment is considered to represent a low risk to the West Australian marine environment. 5. vessel and immersible equipment inspections shall be conducted either: immediately (no more than 48 hours) prior to vessel or immersible equipment departure for Port of Dampier; or within 48 hours following arrival of vessel or immersible equipment within Port of Dampier; and vessels that have spent more than seven continuous days in Australian coastal waters (less than 50 metre depth) between inspection and their arrival at Dampier Port shall also be inspected during the sixth week after arrival in Port of Dampier.							
868:M7.2	Non-Indigenous Marine Species	Specified vessels and equipment will be exempt from the invasive marine species risk mitigation measures referred to in condition 7-1 if, prior to arriving at Port of Dampier, the Chief Executive Officer of the Office of the Environmental Protection Authority, on advice from the Department of Fisheries, has issued a written exemption for that specified vessel and/or equipment.	DoF notifies CEO OEPA	Proposal is not yet 'substantially commenced'.	CEO	DoF	Overall	If, prior to arriving at Port of Dampier, the Chief Executive Officer of the Office of the Environmental Protection Authority, on advice from the Department of Fisheries, has issued a written exemption for that specified vessel and/or equipment.	NR
868:M7.3	Non-Indigenous Marine Species	The proponent shall, throughout the life of the construction project notify the Chief Executive Officer of the Office of the Environmental Protection Authority and the Department of Fisheries of any known invasive or suspected invasive marine species (refer to	Written correspondence and email	Proposal is not yet 'substantially commenced'.	CEO, DoF		Construction	Within 48 hours following confirmation of detection.	NR

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PROJECT: DAMPIER MARINE SERVICES FACILITY

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
		condition 7-4) are detected either: (a) in the waters at, or adjacent to, the Port of Dampier, or; (b) on a vessel or piece of immersible equipment associated with the project, within 48 hours following confirmation of detection.							
868:M7.4	Non-Indigenous Marine Species	In the event that any known invasive marine species are detected during the inspection of non-trading vessels and immersible equipment, or during monitoring surveys, the proponent shall, in consultation with the Chief Executive Officer of the Office of the Environmental Protection Authority and the Department of Fisheries develop and implement an agreed Invasive Marine Species Management Strategy to prevent wherever practicable, the establishment and proliferation of that organism, aiming to control and potentially eradicating that organism, and to minimise the risk of that the organism being transferred to other locations within Western Australia. For the purpose of condition 7, the term 'non-trading vessel' refers to those vessels included in the definition of non-trading vessels outlined in the <i>National System for the Prevention and Management of Marine Pest Incursions, National Biofouling Management Guidance for Non-Trading Vessels</i> ; and known invasive marine species are considered to be those species listed by the Consultative Committee on Introduced Marine Pest Emergencies (CCIMPE) within the Revised CCIMPE Trigger List.	Engage DoF to develop management strategies as required	Proposal is not yet 'substantially commenced'.			Construction	When known invasive marine species are detected during the inspection of non-trading vessels and immersible equipment, or during monitoring surveys.	NR