



PILBARA PORTS

# DAMPIER MARINE SERVICES FACILITY

## MS 868 COMPLIANCE ASSESSMENT REPORT 2023/24

Endorsed by:

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## 1. EXECUTIVE SUMMARY

Pilbara Ports was granted Ministerial Approval to construct the Dampier Marine Services Facility (**DMSF**) on 27 June 2011 under Ministerial Statement Number 868 (**MS868**). Construction of the DMSF *substantially commenced* on 1 September 2013 with the Floating Deck Trans-shipment Facility (**FDTS**) project. This initial phase of the project was completed in April 2014. The works included land-based reclamation (one hectare), construction of a land-backed (combi-pile) wharf, construction of a rock revetment seawall and mooring dolphins.

Between 1 July 2023 and 30 June 2024 (**Reporting Period**), no further marine or landside construction works were undertaken under the auspices of Ministerial Statement 868. No actual and/or potential non-conformances were recorded within the Reporting Period. Pilbara Ports remains compliant with all conditions of MS868.

## 2. INTRODUCTION

Pilbara Ports was granted Ministerial Approval to construct the DMSF on 27 June 2011 under MS868. The DMSF project involves capital dredging (2.2 million m<sup>3</sup>), 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.

Construction of the DMSF *substantially commenced* on 1 September 2013 with the FDTS project. This project included the following broad construction phases:

- Reclamation of one hectare of land;
- Construction of a land-backed wharf;
- Construction of a rock seawall; and
- Installation of mooring dolphins.

The FDTS project was completed in April 2014 and now consists of 10,000m<sup>2</sup> of laydown area, a land backed wharf (**LBW**) with 60 metres of fendered quay face and two mooring dolphins. The facility provides the ability for large and small vessels up to 150 metre length overall (LOA), barges for unloading specialised cargo and general cargo. The wharf deck has a section of removable steel wedge inserts to expose a concrete ramp, to enable smaller landing barges to drop their ramps and facilitate exchange operations in lower tide conditions. The steel inserts can be placed to large vessels giving a level operational wharf when required.

The scope of this compliance assessment report includes any activity described in Schedule 1 of Ministerial Statement No. 868, undertaken during the Reporting Period.

## 3. PROJECT IMPLEMENTATION

Construction of the DMSF Project (Ministerial 868) substantially commenced on 1 September 2013 with the FDTS Facility project. During the Reporting Period, no marine or landside construction works were undertaken under the auspices of MS868.

#### **4. SUMMARY OF COMPLIANCE**

Pilbara Ports has remained compliant with all conditions of MS868 during the Reporting Period. A record of Pilbara Ports' compliance to the statutory conditions of MS868 is maintained by Pilbara Ports' Environment and Heritage team.

#### **5. NON-CONFORMANCES**

No actual and/or potential non-conformances were recorded during the Reporting Period. Note that no works were undertaken under the auspices of MS868 during the Reporting Period.

#### **6. REPORTING**

During the Reporting Period, no reporting or correspondence relating to MS868 has occurred between the Western Australian Department of Water and Environmental Regulation (**DWER**) and Pilbara Ports.

#### **7. CHANGES TO THE COMPLIANCE ASSESSMENT PLAN**

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

#### **8. AUDIT TABLE**

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

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**Table 1:** Audit Table for Ministerial 868 Compliance Assessment Report 2023/24

Audit Code	Subject	Action	How	Evidence	Satisfy	Advice	Phase	When	Status
868:G									
868:M1.1	<b>Proposal Implementation</b>	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		<b>C</b>
868:M2.1	<b>Proponent Nomination and Contact Details</b>	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		<b>C</b>
868:M2.2	<b>Proponent Nomination and Contact Details</b>	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.	<b>C</b>
868:M3.1	<b>Time Limit of Authorisation</b>	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 was 'substantially commenced' on 1 September 2013.			Construction	By 30 June 2016.	<b>CLD</b>
868:M3.2	<b>Time Limit of Authorisation</b>	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 from Brad Kitchen (former Pilbara Ports Director Environment and Heritage) addressed to the CEO of the OEPA was sent on 6 August 2013, outlining that Ministerial 868 would be 'substantially commenced' later in August 2014.	CEO		Construction	By 30 June 2016.	<b>CLD</b>
868:M4.1	<b>Compliance Reporting</b>	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		<b>C</b>
868:M4.2	<b>Compliance Reporting</b>	The proponent shall submit to the Chief Executive Officer of the Office of the Environmental	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	<b>CLD</b>

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		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.						implementation, whichever is sooner.	
868:M4.3	<b>Compliance Reporting</b>	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	<b>C</b>
868:M4.4	<b>Compliance Reporting</b>	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 PPA electronic records management system <i>Objective.</i>	This compliance assessment report has been saved within Pilbara Ports records management system (Objective).	CEO		Overall	When requested by CEO.	<b>C</b>
868:M4.5	<b>Compliance Reporting</b>	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 being known	Written correspondence and email to OEPA	No actual or potential non-compliance recorded in the current reporting period.	CEO		Overall	Within 7 days of that non-compliance being known.	<b>C</b>
868:M4.6	<b>Compliance Reporting</b>	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	Written correspondence and disk.	This Annual Compliance Assessment Report satisfies the requirements of this condition.  The report was issued by Pilbara Ports in 2012  No changes are proposed to the compliance assessment plan.	CEO		Overall	The first Compliance Assessment Report was submitted by 30 September 2012.  The first report covered the period from the issue of the Ministerial Statement 868 (30 <sup>th</sup> June 2011) to 30 June 2012.	<b>C</b>

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		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.							
868:M5.1	<b>Coral Communities</b>	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	The Original construction works did not include or require any dredging, thus the conditions associated with dredging impact (Condition 5) presented in MS868 do not apply at this time.			Overall		<b>NR</b>
868:M5.2	<b>Coral Communities</b>	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	As above.			Overall	Prior to implementation.	<b>NR</b>
868:M5.3	<b>Coral Communities</b>	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	Develop water quality and coral health monitoring plan	As above.  This condition will be met at least two months prior to the commencement of dredging (if required in future).	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.	<b>NR</b>

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		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.						Provide baseline data on coral community health prior to dredging.  Undertake coral health survey within 2 months prior to completion of dredging.	
868:M5.4	<b>Coral Communities</b>	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	As above.	CEO		Overall	Within 3 months of completion of coral health survey.	<b>NR</b>
868:M5.5	<b>Coral Communities</b>	Should the report required by condition 5-4 show that the requirements of condition 5-1 have 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.	Continue to report as per 5.3	As above.	CEO		Overall	If requirements of Condition 5-1 not met.	<b>NR</b>

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868:M6.1	<b>Cumulative loss of benthic primary producer habitats</b>	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	The location and spatial extent of coral communities, macroalgae communities and sandy (benthic microalgal) habitat to be impacted by the proposal were documented prior to implementation. This information was incorporated into the Benthic Primary Producer Habitat Survey Report (refer below to 868:M6.2).			Design	Prior to implementation.	<b>C</b>
868:M6.2	<b>Cumulative loss of benthic primary producer habitats</b>	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 provided as; a best, a most probable, and a worst-case estimate for each habitat type, along with the assumptions used for each estimate.	Undertake assessment of coral and impacts against baseline data	On 8 August 2014, the Benthic Primary Producer Habitat Survey Report required by this condition was sent to the OEPA (our reference: A184849). On 10 September 2014, Pilbara Ports submitted a second letter to OEPA with <i>correct</i> version of the Benthic Primary Producer Habitat Survey Report (our reference: A190468 – an administrative error meant that incorrect version of this Report was supplied to OEPA on 8 August 2014).	CEO		Construction	Within 12 months of commencement of construction.	<b>C</b>
868:M6.3	<b>Cumulative loss of benthic primary producer habitats</b>	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	Written report	No dredging undertaken to date as part of Ministerial 868, thus the conditions associated with this condition do not apply at this time.  A Post Dredging Primary Producer Habitat Survey Report will be completed within five	CEO		Overall	Within 5 months of completion of dredging.	<b>NR</b>

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		describes the additional cumulative loss of benthic primary producer habitat that has resulted from implementation of the proposal.		months of completion of dredging and reclamation components of the proposal.					
868:M7.1	<b>Non-Indigenous Marine Species</b>	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 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	Undertake vessel and equipment inspections, engage suitably qualified contractors to carry out inspections	Letter from OEPA advised the then DPA that under the provision of Condition 7-2 of Ministerial Statement 868, the project vessel proposed to be used in construction of Floating Deck Trans-shipment System Henderson is exempt from the requirements of Condition 7-1 (your reference: CA02-2013-0040).	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.	<b>C</b>

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		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	<b>Non-Indigenous Marine Species</b>	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	Refer above.	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.	<b>C</b>
868:M7.3	<b>Non-Indigenous Marine Species</b>	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 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.	Written correspondence and email	No known invasive or suspected invasive marine species were detected during the reporting period.	CEO, DoF		Construction	Within 48 hours following confirmation of detection.	<b>NR</b>
868:M7.4	<b>Non-Indigenous Marine Species</b>	In the event that any known invasive marine species are	Engage DoF to develop	Not applicable – refer above.			Construction	When known invasive marine species are detected during the	<b>NR</b>

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		<p>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.</p>	<p>management strategies as required</p>					<p>inspection of non-trading vessels and immersible equipment, or during monitoring surveys.</p>	