

Office of the Environmental Monitor's



Work Plan 2008 to 2012

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Photo on cover: Temperate reef

1. Introduction

The Office of the Environmental Monitor (OEM) is the source of independent and transparent advice on the environmental performance of the Channel Deepening Project (the Project).

The Port of Melbourne Corporation (PoMC) is the proponent of the Project. The Project involves deepening the shipping channels in Port Phillip Bay from the Entrance to the Port of Melbourne, to accommodate ships with a draught of up to 14 metres.

The Victorian and Commonwealth governments approved the Project in 2007, subject to PoMC adhering to a number of conditions.

The approvals specified environmental controls for the Project, including a requirement for PoMC to adhere to a comprehensive Environmental Management Plan (EMP) and to lodge a \$100 million environmental bond as added security, which may be drawn on if remedial or recovery works are necessary.

For Victoria, the Project is regulated by the Secretary of the Department of Sustainability and Environment with the Ministers for Roads and Ports, and for Environment and Climate Change having final authority to control it.

For the Commonwealth, the Secretary of the Department of Environment, Water, Heritage and the Arts, and the

Commonwealth Minister for the Environment, Heritage and the Arts has regulatory responsibilities for matters of national environmental significance.

Victorian approvals required that an Environmental Monitor be appointed to ensure the Project had the necessary level of environmental scrutiny.

The OEM was established in December 2007, under the *Public Administration Act 2004*, for the duration of the Project.

The Office will use a rolling six-month work program to manage its activities during the four years to 2012. This work plan reflects, at a minimum, the obligations to provide quarterly and annual reports on the environmental performance of the Project.

Over the next four years, the work program will be adjusted to reflect issues raised by stakeholders and the community, requests for advice received from regulators and Ministers, any adjustments that may be made to the dredging schedule in accordance with the EMP, and the date of completion of dredging in 2009.

In fulfilling the role, the OEM aims to consult widely with stakeholders to remain informed on all aspects of the Project implementation that may affect its environmental performance. The OEM will also seek to keep all stakeholders informed on the Project's progress.

2. Role of the Environmental Monitor

The Environmental Monitor's role is to provide an independent and transparent view on the environmental performance of the Channel Deepening Project.

This includes scrutinising and reporting on PoMC's conformance with the EMP and monitoring the Project to ensure the accepted environmental effects of dredging are appropriately managed and remain within the levels of impact that were expected based on predictions from the environmental assessment.

The Environmental Monitor will also provide advice on any actions that may be required to ensure the environmental performance requirements are achieved.

Specific matters considered will be in response to requests from Ministers, regulators, PoMC, and matters that the

Environmental Monitor believes should be considered based on issues raised by the community.

Advice from the Environmental Monitor will be independently prepared and will involve assessing relevant documentation from PoMC, engaging relevant expertise where required, and consulting widely with stakeholders.

The Environmental Monitor's advice will be directed towards Government, the Regulator and PoMC and will be publicly available on the OEM website.

In the event of an incident, the Environmental Monitor will scrutinise any remedy plans prepared by PoMC and will continue to scrutinise any action taken. Reports and advice will be provided on the effectiveness of such actions.



Photo: Seals

3. Objectives

The OEM's objectives are to:

- Be **accessible** to all stakeholders and the community;
- **Scrutinise, report and advise** on the Project's environmental performance in an independent and transparent way; and
- **Communicate** all available information on the Project's environmental performance in a timely manner to stakeholders and the community.



Photo: Seagrass beds

4. Functions

The Office has four functions, as outlined in Figure 1. They are to scrutinise, report, advise and consult on the Project's environmental performance.

4.1 Scrutinise

The OEM will scrutinise the environmental performance of the Project by evaluating monitoring programs, auditing PoMC documentation, reviewing reports and investigations and undertaking investigations where necessary.

4.2 Report

Reports will be produced quarterly, annually; and as required or when requested by Government.

4.3 Advice

The OEM will prepare advice for Government and PoMC on progress against the required environmental performance of the Project. This advice may cover any matters considered to be relevant or as requested by Government. The advice will consider the significance and implications of proposed or unexpected changes to the Project, incidences that may arise during implementation and on the information resulting from monitoring programs operating in Port Phillip Bay.

4.4 Consult

The OEM will consult widely with all stakeholders to ensure it remains informed on any issues and concerns. It will also establish meetings with stakeholder groups to encourage to improve knowledge and understanding.

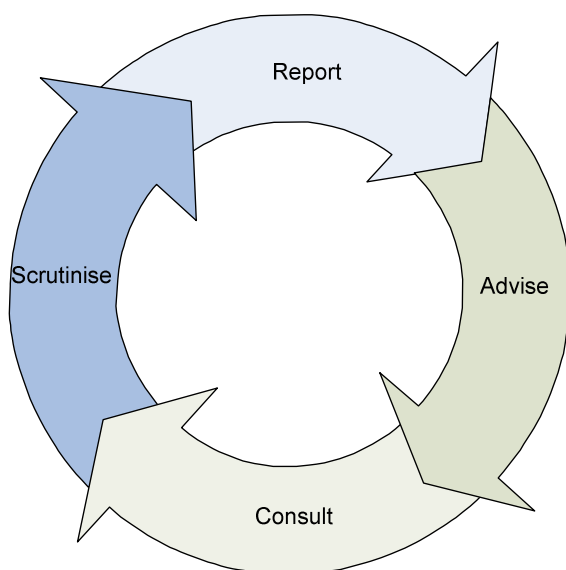


Figure 1: Functions of the Environmental Monitor

5. Outputs

Objective	Key Performance Indicators
Be accessible to all stakeholders and the community	<ul style="list-style-type: none"> • Key stakeholders and community groups met • Bay environmental data provided on the website
Scrutinise, report and advise on the Project's environmental performance in an independent and transparent way	<ul style="list-style-type: none"> • Matters referred to the Office by regulators or Ministers investigated
	<ul style="list-style-type: none"> • Information from monitoring programs investigated
	<ul style="list-style-type: none"> • PoMC documentation examined to determine: <ul style="list-style-type: none"> – compliance with EMP environmental controls; – compliance with EMP environmental limits; and – compliance with supporting procedures
	<ul style="list-style-type: none"> • Any relevant reports relating to environmental performance reviewed such as compliance with controls to manage risks from Yarra silts, turbidity effects on seagrass and limits on over dredge depth in the entrance, and sea level effects • Remedy plans reviewed in the event of an incident
	<ul style="list-style-type: none"> • Annual reports for 2009, 2010, 2011 and 2012 produced • Quarterly reports produced • Thematic reports produce
	<ul style="list-style-type: none"> • Advice provided to PoMC, relevant Ministers and their delegates
	<ul style="list-style-type: none"> • All key stakeholders and community groups consulted • Stakeholders and community groups convened
	<ul style="list-style-type: none"> • Reports and advice made public on the OEM website
Communicate all available information on the Project's environmental performance in a timely manner to stakeholders and the community	<ul style="list-style-type: none"> • All available information publicly released as data becomes available via the website and through media releases or other public information channels

6. Stakeholders

The OEM's stakeholders include:

- PoMC (the proponent);
- Parts of Government regulating the Project including relevant Ministers and their delegates;
- Government departments and agencies conducting monitoring programs;
- Local Government and;
- The broader community with interests in the outcomes of the Project and its effects.



Photo: Kelp

7. Regulation of the Project

7.1 The Environmental Management Plan

The EMP is the document that has been approved by the Victorian and Commonwealth Governments. It sets out the controls, standards and processes that PoMC must adhere to when implementing the Project.

The EMP is a key component of the broader Environmental Management System, which consists of policies, plans and procedures and activities that together, form a systematic method of managing the environmental aspects of the Project.

Controls

The EMP specifies the required management and mitigation measures that were identified through the environmental assessment process to control the effects of the Project on Port Phillip Bay. The measures intend to contain the effects within approved levels and timeframes.

The required measures include:

- Environmental controls - are the management and mitigation actions required to protect assets, values and beneficial uses of the Bay, applying to channel and dredge material ground design, equipment usage and scheduling. These controls are based on the Project design that was considered during the environmental assessment process to minimise the effects of dredging to the Bay.

- Environmental limits - a numerical limit that the Project must comply to, applying to turbidity and noise. These limits are based on the level of risk or predicted effects set out in the environmental assessment process. Response levels, set below the Environmental Limit, provide for an early warning to enable action to be taken in order to remain within the level of risk approved through the EMP.
- Supporting procedures - such as external notifications and reporting requirements, risk management, document and record control, change management, training and awareness internal and external communications, contractor management and emergency preparedness, response and recovery.

Monitoring

The EMP also includes a framework for measurement and evaluation to measure conformance with, and the effectiveness of, established limits, controls and processes identified in the EMP. This framework includes:

- Monitoring of environmental performance
 - Process monitoring, inspections and surveys - to confirm compliance with Environmental Controls monitoring of operational activities including equipment tracking during dredging and dredge material placement, physical conditions including inspections of the bund

Monitoring cont.

and cap integrity, and post-construction environmental conditions including bathymetric surveys of the seabed.

- Environmental monitoring - to provide timely and efficient feedback to ensure that turbidity and noise levels remain below the Environmental Limits and that any flow-on impacts do not become unacceptable. Contingency plans provide a process to be followed in the event that response levels or environmental limits have been reached, or that management action is required.
- Baywide monitoring programs - to assess the health of the bay and detect changes outside expected variability as a result of the Project. Expert opinion and multiple lines of evidence will be used to identify changes outside expected variability. Monitoring of environmental conditions across the Bay provides broader information on the health of key species, habitats and ecological processes. Nine programs focus on fish stocks in the bay, water quality, little penguins, nutrient cycling, the behaviour of the turbidity plume, contaminants in fish, algal blooms, Ramsar wetlands and seagrass.
- Management performance monitoring - to inform the overall management of the Project by monitoring the implementation and effectiveness of the Environmental Management System.

For example, the nature of complaints received or number of corrective actions undertaken.

- Audits - to monitor compliance with the Environmental Management System and EMP and to ensure continued conformance with ISO14001 standards. Improvement opportunities will also be identified during audits.
- Audit timeframes will occur:
 - For all Project components - as a minimum, to coincide with commencement of key activities and the use of key equipment, and on a six-monthly basis whilst the activity occurs.
 - For Project processes and work areas - annually to ensure that environmental management arrangements conform to ISO14001.
 - For performance against Commonwealth requirements (Environment Protection and Biodiversity Act 1999 Matters of National Environmental Significance) - annually and undertaken independently by an auditor agreed to by the Secretary to the Department for the Environment, Water, Heritage and the Arts.
- Incident reporting and investigation - environmental incidents and hazards, including pollution incidents reported by PoMC, agencies or other Bay users will be recorded and investigated to inform appropriate management actions.

7.2 The Project Regulators

The EMP is the control document for the Project. It has been approved by both the Victorian and Commonwealth Governments based on the management and mitigation measures it contains.

In all instances, PoMC must comply with the EMP environmental requirements. It is expected that PoMC will actively monitor the Project and will adopt activities at any time to ensure the environmental requirements are met.

Conditions of the Victorian and Commonwealth approvals specify that the EMP can be revised with approval to facilitate these changes.

The EMP specifies the reporting and notification arrangements. PoMC is required to notify or report to Government agencies and to the Environmental Monitor during the Project on the compliance with the EMP.

Such occasions of notification or reporting include reaching response levels, exceeding environmental limits, pollution events or environmental hazards, actions triggered through Baywide Monitoring Programs and scheduled reporting requirements on implementation progress throughout the Project.

Conditions of the Victorian and Commonwealth approvals specify that the EMP can be revised with approval to facilitate these changes. Government regulation of the Project occurs at both the Victorian and Commonwealth level.

For Victoria, the Project is regulated by the Secretary of the Department of Sustainability and Environment with the Ministers for Roads and Ports, and for Environment and Climate Change having final authority to control it.

For the Commonwealth, the Secretary of the Department of Environment, Water, Heritage and the Arts, and the Commonwealth Minister for the Environment, Heritage and the Arts has regulatory responsibilities for matters of national environmental significance.