



# Report and recommendations of the Environmental Protection Authority



**Albany Port Expansion Project  
- inquiry under s46 of the  
*Environmental Protection Act 1986*  
to amend Ministerial Statement 846**

**Southern Ports Authority**

Report 1542

March 2015

ENVIRONMENTAL PROTECTION AUTHORITY  
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR  
ENVIRONMENT

**ALBANY PORT EXPANSION PROJECT PROPOSAL - INQUIRY UNDER  
SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986* TO  
AMEND MINISTERIAL STATEMENT 846 – EXTENSION OF TIME LIMIT  
FOR PROPOSAL IMPLEMENTATION (ASSESSMENT NO. 2039)**

The Minister for Environment has requested (on 19 December 2014) that under section 46 of the *Environmental Protection Act 1986* (EP Act) the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the Albany Port Expansion Project proposal.

The following is the EPA's Report and Recommendations (No. 1542) to the Minister pursuant to section 46(6) of the EP Act.

**Background**

Ministerial Statement 846 (published 18 November 2010) gives approval for the Albany Port Expansion Project proposal. Under Section 40 of the EP Act the EPA determined that the proposal was to be assessed at the Public Environmental Review (PER) level of assessment.

The EPA considered the following key environmental factors in its original assessment of the proposal:

- Marine Benthic Communities;
- Water and Sediment Quality;
- Water Quality (post dredging);
- Marine Fauna;
- Sedimentation;
- Water Quality

Using the new Environmental Assessment Guidelines for Environmental Factors and Objectives (EAG8) these factors are now represented by:

- Benthic Communities and Habitat;
- Marine Environmental Quality;
- Marine Fauna; and.
- Coastal Processes

### **Requested changes to conditions**

Condition 3 of Statement 846 requires the proponent to substantially commence the proposal within five years of the date of the Statement (i.e. before 18 November 2015).

The proposal has not yet substantially commenced. The proponent, Southern Ports Authority, has requested an extension of the timeframe for substantial commencement for a further five years, to 18 November 2020.

### **Assessment of the requested change to conditions**

The EPA considers that the environmental factors of the proposal have not changed significantly from those presented in the Public Environmental Review (PER) and as assessed by the EPA in Report 1346 (January 2010), and no new significant environmental factors have arisen since the EPA's assessment of the proposal. The EPA is satisfied that the existing implementation conditions will continue to address the relevant environmental factors, and manage and mitigate the potential impacts of the proposal.

The EPA concludes that its objectives would not be compromised through amendment to condition 3 to extend the 'Time Limit of Authorisation' by five years, to 18 November 2020.

### **EPA recommendation(s)**

Having inquired into this matter, the EPA recommends to the Minister for Environment that:

- the timeframe for substantial commencement of the Albany Port Expansion Project proposal be extended by five years, to 18 November 2020; and
- after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to change condition 3 of Statement 846 in the manner provided for in the attached recommended statement.

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL  
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE  
*ENVIRONMENTAL PROTECTION ACT 1986*)**

ALBANY PORT EXPANSION PROJECT

**Proposal:** The proposal is for the dredging of 12 million cubic metres of sediments to widen and deepen the existing shipping channel into Princess Royal Harbour and to extend the shipping channel into King George Sound to allow access of cape-size vessels to the Port. Dredged material will be disposed offshore at a location in King George Sound.

A portion of the dredged material will be used for reclamation of up to 9 hectares of Princess Royal Harbour to construct a new berth (Berth 7). The proposal is as documented in Statement 846.

**Proponent:** Southern Ports Authority  
(ABN: 30 044 341 250)

**Proponent Address:** 85 Brunswick Road,  
ALBANY WA 6330

**Assessment Number:** 2039

**Report of the Environmental Protection Authority:** Report 1542

**Related Statement Number:** Ministerial Statement 846

The implementation of the proposal to which the above report of the Environmental Protection Authority relates, is subject to the conditions and procedures contained in Ministerial Statement No. 846 as amended by the following:

**1 Condition 3 changed**

Condition 3 of Ministerial Statement 846 is deleted and replaced with:

**3 Time Limit for Proposal Implementation**

**3-1** The proponent shall not commence implementation of the proposal after 18 November 2020, and any commencement prior to this date must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 18 November 2020, must be demonstrated as substantial by providing the CEO\* with written evidence, on or before 18 November 2020.

\*“CEO” means the Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed xxx]

**HON ALBERT JACOB MLA  
MINISTER FOR ENVIRONMENT; HERITAGE**