Chief Executive Officer  
Albany Port Authority  
85 Brunswick Road  
ALBANY WA 6330

Attn: Rachael Goetze

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

PROPOSAL: Albany Port Maintenance Dredging  
PROPOSAINT: Albany Port Authority  
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 22 September 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.

Anthony Sutton  
Director  
Assessment and Compliance Division  
8 September 2014  

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Summary

The Albany Port Authority (APA) proposes to undertake maintenance dredging to remove 'high spots' within the Port of Albany entrance channel and harbor basin, to reinstate navigation depths.

The APA proposes to dispose of approximately 82,400 cubic metres of dredged material offshore in King George Sound near the boundary of the Port water limit. The offshore disposal site (G7) has not previously been used but has been designated for the proposed Albany Port Expansion Project which received environmental approval in November 2010 under Ministerial Statement 846.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that two public comments were received.

The 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.

The EPA considers that the proposal is unlikely to have a significant effect on the environment and does not warrant formal assessment. The potential impacts from the proposal can be adequately managed to meet the EPA's objectives through the implementation of the proponent's environmental monitoring and management plan and regulated through other statutory processes.

1. Environmental Factors

The EPA has identified the following preliminary environmental factors relevant to this proposal:

a) Marine Environmental Quality;
b) Marine Fauna, and
c) Benthic Communities and Habitat.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act.

2. Advice and Recommendations regarding Environmental Issues

The EPA advises the proponent to make publicly available on its website the revised Albany Port Authority Maintenance Dredging Program Environmental Impact Assessment, August 2014 document on which this decision is based. It should also make available the results of the turbidity monitoring and any contingency monitoring and measures undertaken.
a. Marine Environmental Quality
In August 2014, the APA modified the proposal, removing sites A and C2 (in the berth pockets) which contained elevated levels of tributyltin (TBT) in the sediments from the dredging program. The APA does not consider these areas to be priority areas and the dredge machinery proposed to be used would not be appropriate in terms of time and cost for land disposal. Based on the modified proposal, the EPA considers its objective for marine environmental quality can be met.

The EPA notes that the proponent has committed to undertake turbidity monitoring and management during the dredging program consistent with Section 8 of the Albany Port Authority Maintenance Dredging Program Environmental Impact Assessment, August 2014 document.

The EPA notes the Albany Port is a declared Waterway Management Area under the Waterways Conservation Act 1976. The Department of Water provides for the management and conservation of waterways by licensing certain activities, including dredging that has the potential to affect a declared Waterway Management Area.

The proponent is also required to obtain a Sea Dumping Permit from the Commonwealth Department of the Environment for the offshore disposal of dredge material at the G7 site.

It should be noted the decision of the EPA to not assess this proposal carries no presumption about the outcome of an application for a permit or a licence issued under the Environment Protection (Sea Dumping) Act 1981 or the Waterways Conservation Act 1976 to undertake dredging activities in the Albany Port.

The EPA considers that potential impacts to marine environmental quality can be regulated and mitigated by other regulatory processes to meet the EPA’s objective.

b. Marine Fauna
The EPA notes that the proponent has committed to undertaking monitoring and management of potential impacts to marine fauna with reference to the Environment Protection and Biodiversity Conservation Act 1999 policy Statement 2.1 – Interaction between offshore seismic exploration and whales.

The EPA considers that the proposal implemented consistent with the Albany Port Authority Maintenance Dredging Program Environmental Impact Assessment document, August 2014 is not likely to have a significant impact on the environmental factor of marine fauna.

c. Benthic Communities and Habitat
The proposed dredging will occur within the existing turning basins and shipping channels and will not directly disturb seagrass communities. The EPA notes however the proponent is proposing to monitor seagrass epiphyte loading as the dredging activities in the Albany Port would be occurring adjacent to seagrass meadows.

The EPA considers that the proposal implemented consistent with the Albany Port Authority Maintenance Dredging Program Environmental Impact Assessment document, August 2014 is not likely to have a significant impact on the environmental factor of benthic communities and habitat.