

**Oakajee Deepwater Port, Oakajee,  
Shire of Chapman Valley,  
Change to Conditions**

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**Minister for Resources Development**

**Section 46 Report and Recommendations  
of the Environmental Protection Authority**

**Environmental Protection Authority  
Perth, Western Australia  
Bulletin 1284  
March 2008**

### **Section 46 Report Timelines**

<b>Date</b>	<b>Actions</b>
<b>24 Dec 2007</b>	<b>Section 46 report request from Minister</b>
<b>20 Mar 2008</b>	<b>Section 46 report to Minister</b>
<b>25 Mar 2008</b>	<b>EPA bulletin released</b>

Report Released: 25/03/08  
Assessment No. 1722

# **OAKAJEE DEEPWATER PORT, OAKAJEE, SHIRE OF CHAPMAN VALLEY – S46 REPORT (ASSESSMENT NO. 1722)**

## **1.1 Introduction**

On 24 December 2007, you wrote to the Environmental Protection Authority (EPA) requesting an inquiry, under section 46 of the *Environmental Protection Act 1986* (EP Act), on the matter of whether the time limit for substantial commencement of the Oakajee Deepwater Port proposal should be extended.

The condition in Statement No. 469 that is relevant to commencement (Condition 9-1) states:

“If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement this proposal as granted in this statement shall lapse and be void. The Minister For the Environment shall determine any question as to whether the project has been substantially commenced.

Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period to the Minister for the Environment.

Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.”

An extension to the approval was previously sought and approved by the then Minister for the Environment in 2002. This current approval expired on 25 February 2008.

On 21 December 2007, the Minister for State Development (the proponent) wrote to you, as Minister for the Environment, noting the strategic significance of this project to the State and requesting a further 24 month extension to the proposal.

The EPA has assessed whether this extension should be allowed.

## **1.2 Discussion**

The original approval was based on a conceptual plan at one of three locations in the Oakajee area and those plans were assessed some 10 years ago. The original assessment was based on limited marine studies and the original approval did not extend to any significant nearshore stockpiling and loading facilities, as is now being anticipated. It is therefore likely that any contemporary design for the port which differs significantly from the original designs will have environmental impacts that are in addition to, or different from, those of the original proposal. If this is the case, a contemporary design is likely to require formal assessment under Part IV of the EP Act.

In regard to the request for an extension for substantial commencement, the EPA considers that an extension of 24 months to 25 February 2010 for the conceptual plan is acceptable provided the port design and any supporting infrastructure is consistent with the original approvals.

The EPA notes that since an extension of 5 years has already been granted under condition 9-1, a further extension may only be approved by replacing condition 9-1 with alternative condition(s) through section 46 of the EP Act.

### **1.3 Recommendations**

The EPA has concluded that it would be acceptable to allow an extension of 24 months for substantial commencement of the Oakajee Deepwater Port proposal provided the design of the port and supporting infrastructure is consistent with the original approvals.

The EPA recommends that the commencement condition (Condition 9-1 of Statement No. 469) be deleted, and that the recommended replacement conditions (Conditions 9-1 and 9-2) allowing an extension to 25 February 2010 be inserted.

The recommended environmental conditions to amend Statement No. 469 are attached in Appendix 1.

## **Appendix 1**

### **Recommended Environmental Conditions**

## **Recommended Environmental Conditions**

### OAKAJEE DEEPWATER PORT, OAKAJEE, SHIRE OF CHAPMAN VALLEY

**Proposal:** The construction of a deepwater port at either the “north”, “central” or “south” location, as allowed in Statement No. 469.

**Proponent:** Minister for Resources Development.

**Proponent Address:** 197 St Georges Terrace, PERTH WA 6000.

**Assessment Number:** 1722.

**Previous Assessment Number:** 1074.

**Previous Statement Number:** Statement No. 469 (published on 25 February 1998).

**Report of the Environmental Protection Authority:** Bulletin 1284.

**Previous Report of the Environmental Protection Authority:** Bulletin 866.

The implementation of the proposal to which the above reports of the Environmental Protection Authority relate is subject to the conditions and procedures contained in Ministerial Statement No. 469 (25 February 1998), as amended by the following:

Condition 9-1 (Commencement) of Statement No. 469 is deleted and replaced by the following conditions:

9-1 The proponent shall substantially commence implementation of the proposal by 25 February 2010.

9-2 The proponent shall provide the CEO with written evidence which demonstrates whether the proposal has been substantially commenced on or before 25 February 2010.