

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

Department of State Development

**Report and recommendations
of the Environmental Protection Authority**

**Environmental Protection Authority
Perth, Western Australia
Report 1341
October 2009**

Section 46 Report Timelines

Date	Progress stages	Time (weeks)
9 October	Section 46 report request from Minister	
15 October	Section 46 report to Minister	1
	EPA report released	

s46 Report no appeals

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Assessment No. 1813

OAKAJEE DEEPWATER PORT, SHIRE OF CHAPMAN – S46 REPORT (ASSESSMENT NO. 1074, STATEMENT 469)

1.1 Introduction

On 9 October 2009 you wrote to the Environmental Protection Authority (EPA) requesting an enquiry, under section 46 of the *Environmental Protection Act 1986* (EP Act) and to report to you on the Department of State Development's (Proponent) request for a change to the environmental conditions that apply to the substantial commencement date for works at the Oakajee Deepwater Port, Shire of Chapman Valley.

The following is the EPA's Report and Recommendations (No. 1341) to you pursuant to section 46(3) of the EP Act.

The Oakajee Deepwater Port was approved for implementation in February 1998 through Minister for the Environment Statement that a Proposal May be Implemented No. 469.

A section 46 application to amend the implementation conditions for commencement of the project was lodged in December 2007. The EPA provided its report and recommendations to the Minister for Environment in Report 1284. Condition 9-1 of Ministerial Statement 469 required substantial commencement of the project within five years of the date that Ministerial Statement 469 was published (February 1998) however, the condition also provided for the Minister to extend the period for substantial commencement for an additional 5 years. The EPA noted at that time of considering the 2007 section 46 application 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 through section 46 of the EP Act.

The EPA recommended in Report 1284 that an extension to the time limit for commencement of the conceptual proposal was acceptable provided, "the port design and any supporting infrastructure are consistent with the original approvals". The Minister for the Environment then granted approval to extend the substantial commencement date to the 25 February 2010 via Ministerial Statement 774 issued on 12 August 2008.

Ministerial Statement 469 identified a conceptual proposal which allowed for construction of either an onshore or offshore deepwater port at one of three site locations (north, south, and central). In view that it was a conceptual proposal; the Proponent undertook to develop a detailed design to meet the requirements of Ministerial 469. This resulted in a submission under section 45C of the EP Act to change the proposal which was approved by the Chairman of the EPA on 2 September 2009. This approved change confirmed the port as an offshore design to be located in the northern section. As such the Proponent is now progressing detailed planning necessary to allow implementation of the proposal and this now necessitates a further extension of the time to substantially commence the project. Construction is currently anticipated to commence in 2011.

A change to Conditions 9-1 and 9-2 of Ministerial Statement No. 469 under section 46 of the EP Act is being sought to allow the extension of time in which to substantially commence the

proposal. The EPA has assessed the requested change in order to determine whether the project can be managed under the existing conditions to meet the EPA's objectives.

1.2 Discussion

The Proponent now seeks to amend the current commencement implementation conditions 9-1 and 9-2 of Statement No. 469 (as amended by Ministerial Statement No. 774), relevant to the substantial commencement date.

In effect, the Proponent seeks a three year extension (from 25 February 2010 to 25 February 2013) in which to substantially commence implementation of the project.

Changes to the proposal

The change to conditions only relates to extending the time limit for substantially commencing the project and hence there is no significant change to the original proposal which would require a revised proposal being referred to the EPA under section 38 of the EP Act.

Additional factors

No additional environmental factors have been identified during the EPA assessment of the requested change to implementation conditions for commencement under section 46 of the EP Act.

1.3 Updates to Ministerial Conditions

The EPA considered that two of the conditions set out in Ministerial Statement 469 should be updated to reflect the request.

9-1 The Proponent shall substantially commence implementation of the proposal by 25 February 2013.

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 2013.

1.4 EPA Recommendation

The EPA has concluded that it would be acceptable to allow an extension of three years for substantial commencement of the Oakajee Deepwater Port proposal.

The EPA recommends that the commencement condition (Condition 9-1 and 9-2 of Statement No 469) be updated to reflect an extension to 25 February 2013 as per above.

Recommended environmental conditions to amend Statement No. 469 are attached as Appendix 1.

Appendix 1

Recommended Environmental Conditions

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

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: Department of State Development

Proponent Address: 197 St Georges Terrace, Perth, Western Australia, 6000

Assessment Number: 1813

Previous Assessment Number: 1074

Previous Statement Number: Statement No. 469 (published on 25 February, 1998)
Statement No. 774 (published on 12 August, 2008)

Report of the Environmental Protection Authority: Bulletin 1341

Previous Report of the Environmental Protection Authority: Bulletin 849, 866 and 1284

The implementation of the proposal to which the above reports of the Environmental Protection Authority relate is now subject to the following conditions and procedures which replace all previous conditions and procedures:

1. Condition 9-1 replaced

Condition 1 of Statement No. 469 is deleted and the following conditions inserted:

“9-1 The proponent shall substantially commence implementation of the proposal by 25 February 2013.

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 2013.”

2. General amendments

This statement supercedes Ministerial Statement No. 774.