



Environmental
Protection
Authority

Albany Port Expansion Project – inquiry under section 46
of the *Environmental Protection Act 1986*
to amend Ministerial statements 846 and 1004

Southern Ports Authority

Report 1724

June 2022

Inquiry under section 46 of the *Environmental Protection Act 1986*

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation condition 3 (Time Limit for Proposal Implementation) in Ministerial statement 846 and 1004 relating to the Albany Port Expansion Project.

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA to prepare a report that includes:

- (a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed
- (b) any other recommendations that it thinks appropriate.

The following is the EPA's report to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



Prof. Matthew Tonts
Chair

14 June 2022

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1 Proposal

The Albany Port Expansion Project (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 (PRH) and to extend the shipping channel into King George Sound (KGS) 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 proponent for the proposal is Southern Ports Authority.

The Environmental Protection Authority (EPA) assessed the proposal at the level of Public Environmental Review (PER) and published its report in January 2010 (Report 1346). In this report, the EPA considered the following key environmental factors were relevant to the proposal:

- Marine benthic communities
- Water and sediment quality
- Water quality (post dredging)
- Marine fauna
- Sedimentation
- Water quality.

In applying the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2021a) these factors are now represented by:

- Benthic communities and habitat
- Marine environmental quality
- Marine fauna
- Coastal processes.

The EPA concluded in Report 1346, that it was unlikely that the EPA objectives would be compromised provided there was satisfactory implementation by the proponent of the EPA's recommended conditions.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial statement 846 on 18 November 2010.

Previously approved changes to the proposal

There have been no changes to the proposal since Ministerial statement 846 was issued.

Previously approved changes to the conditions

Condition 3 of Ministerial statement 846 required the proponent to substantially commence the proposal within 5 years of the date of the statement (i.e. before 18 November 2015).

On 30 October 2014, the proponent requested an extension of the timeframe for substantial commencement for a further 5 years under section 46 of the *Environmental Protection Act 1986*, as the proposal had not yet substantially commenced.

On 4 May 2015, the then Minister for Environment issued Ministerial statement 1004 to change condition 3 of Ministerial statement 846 to extend the timeframe for substantial commencement of the Albany Port Expansion Project proposal by 5 years, to 18 November 2020.

2 Requested changes to the conditions

Condition 3 of Ministerial statement 1004 states that the proponent shall not commence implementation of the proposal after 18 November 2020, and any commencement prior to this date must be substantial.

The proponent has not yet substantially commenced implementation of the proposal. In September 2020, the proponent requested a change to condition 3 of Ministerial statement 1004 to extend the authorised time limit for substantial commencement of the proposal by 5 years. The proponent has not proposed any changes to the proposal or changes to any other conditions of Ministerial statements 846 and 1004.

In response to the proponent's request, on 1 October 2020, the Minister for Environment requested that the EPA inquire into and report on the matter of changing the implementation conditions relating to the Albany Port Expansion Project proposal. This report satisfies the requirements of the EPA's inquiry.

3 Inquiry into changing conditions

The EPA typically recommends the Minister for Environment sets conditions on significant proposals that require them to be substantially commenced within a specified timeframe. Extending this timeframe requires the Minister to change the relevant conditions under s. 46 of the *Environmental Protection Act 1986* and provides for the EPA to review and consider the appropriateness of the implementation conditions relating to the proposal.

The EPA has discretion as to how it conducts this inquiry. In determining the extent and nature of this inquiry, the EPA had regard to information such as:

- the currency of its original assessment of the proposal (Report 1346)
- the previous s. 46 inquiry (Report 1542)
- Ministerial statements 846 and 1004
- information provided by the proponent (BMT 2021a and 2021b).

In conducting this inquiry, the EPA reviewed the information provided by the proponent and considered the original assessment of the proposal detailed in Report 1346. In considering whether it was appropriate to recommend an extension of the authorised timeframe for substantial commencement of the proposal, the EPA considered whether (since Report 1346) there was any change to, or new information relating to, the key environmental factors relevant to the proposal. The EPA also considered whether any new key environmental factors had arisen since its original assessment of the proposal.

In conducting the s. 46 inquiry the EPA also had the opportunity to consider:

- any changes in environmental, scientific or technological knowledge that may have arisen since the initial assessment
- whether the proposal is being implemented using best practice and contemporary methods so that the EPA objectives for the key environmental factors are met.

EPA procedures

In conducting this inquiry, the EPA has considered and given due regard to relevant current and former policy documents. The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2021* (State of Western Australia 2021) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA 2021b).

4 Inquiry findings

The EPA considers that the following are the key environmental factors relevant to the change to the conditions:

- Benthic communities and habitat
- Marine environmental quality
- Marine fauna
- Coastal processes.

Since the 2010 report and previous s. 46 inquiry, the EPA has also considered greenhouse gas emissions as part of this inquiry.

4.1 Marine environmental quality

The EPA's environmental objective for marine environmental quality is *to maintain the quality of water, sediment and biota so that environmental values are protected.*

Conclusions from EPA Report 1346

The EPA concluded that the implementation of the proposal would result in:

- potential risk of water column effects during dredging, particularly sediments containing mercury (and other contaminants) will enter the marine environment. This concern is due to the proximity of the dredging to the mussel farms in the vicinity of Mistaken Island
- turbid plumes in a large portion of KGS and small portions of PRH and Oyster Harbour during the duration of the dredging campaign.

To manage these impacts, the EPA recommended the following conditions:

- that the proponent monitor water and sediment quality during and after the dredging program to ensure the proposal does not pose a risk to ecosystem integrity or human health (condition 5A)
- that the proponent undertakes dredging of the portion of the proposed shipping channel with contaminated sediments without overflow, and implement a monitoring program to demonstrate that the contaminant levels in the vicinity of the dredge and disposal areas are consistent with the national water quality guidelines (condition 7)
- that the proponent undertakes monitoring of both mercury in mussels (condition 8) and turbidity (condition 10) in the vicinity of Mistaken Island to ensure the EPA's environmental quality objective for the maintenance of seafood safe for human consumption is being met during and after the dredging program.

Assessment of the requested change to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental factor guideline – Marine environmental quality (EPA 2016a)*
- *Technical guidance: Protecting the quality of Western Australia’s marine environment (EPA 2016b).*

The requested change relates only to the timeframe for substantial commencement of the proposal and does not include any other change to elements of the proposal.

Albany Port covers the waters and seabed of the majority of KGS and PRH. The key issue assessed in Report 1346 was the temporary suspension of contaminated sediments in the water column and the redistribution of these sediments in KGS, and potentially into PRH, from dredging and disposal.

The proponent’s original sediment investigations found that the primary contaminant of concern is mercury. The EPA considered in its initial assessment that the overall risks to marine environmental quality from the proposal will depend on the effectiveness of the proponent’s proposed management, the extent of monitoring and the management response to the results of monitoring. The EPA therefore recommended conditions 7 and 10 to ensure that water and sediment contamination would be monitored and managed so that the proposal could be managed to meet EPA’s objective for marine environmental quality.

To further mitigate the risk of contaminant mobilisation, the EPA also considered that there was a need for the proponent to implement a monitoring program using sentinel mussels as bio-indicators (condition 8). This would determine whether the proposal is causing mercury to enter the marine food chain and/or affecting the operations of the mussel farms in the vicinity of Mistaken Island.

The proponent conducted sediment sampling in 2020 from 44 sampling locations within the Albany Port Expansion Project footprint. The updated sediment analysis found that all sediment results were similar to results from previous sediment sampling programs (BMT 2021a). There were no exceedances in metal concentrations or tributyltin (TBT), and total organic carbon (TOC) contents were also low. As the environment remains largely unchanged, the EPA considers conditions 7, 8 and 10 remain adequate to ensure the risks posed by contaminants would not be inconsistent with the EPA objective for marine environmental quality.

Apart from the Albany Aquaculture Development Zone, which is discussed in section 4.5, there have been no further developments proposed in the area since the initial assessment of this proposal in 2010. Therefore, the EPA considers the proposal is unlikely to significantly increase potential cumulative impacts in the area to a level that would be inconsistent with the EPA objective for marine environmental quality. The EPA considers condition 5A regarding a water quality monitoring program therefore remains adequate.

Summary

In considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA considers that there is no new significant or additional information that justifies the reassessment of marine environmental quality factor for this proposal.

The EPA is therefore satisfied that the following existing conditions and the revised condition for the extension of Time Limit for Proposal Implementation for an additional 5 years would, when implemented, ensure that the outcome of the proposal would not be inconsistent with the EPA objective for marine environmental quality:

- condition 7, MS 846: Marine water and sediment quality
- condition 8, MS 846: Sentinel mussel monitoring
- condition 10, MS 846: Maintenance of aquaculture.

4.2 Benthic communities and habitat

The EPA environmental objective for benthic communities and habitats is *to protect benthic communities and habitats so that biological diversity and ecological integrity are maintained.*

Conclusions from EPA Report 1346

The EPA concluded that the implementation of the proposal would result in:

- permanent loss of up to 0.78 and 16.6 ha of seagrass in PRH and KGS, respectively
- up to a further 7.7 ha of seagrass in PRH and 11.3 ha in KGS experiencing temporary impacts such as reductions in shoot density.

To manage these impacts, the EPA recommended the following conditions:

- that the zone of total permanent loss of seagrass in KGS and PRH is specified (condition 5-2)
- that the proponent does not undertake dredging of the shipping channel in KGS during the summer season to minimise impacts on seagrass communities, which would also serve to minimise impacts on recreational activities in KGS when it is expected that the recreational usage will be at its highest (condition 5-1)
- that the proponent undertakes ongoing monitoring of underwater light attenuation and seagrass health against seagrass health indicators, and that management responses are implemented in the event seagrass health criteria are exceeded (condition 5-3)
- that the proponent rehabilitates at least one hectare of seagrass in PRH (condition 6-1)
- that the proponent ensures that the proposal does not result in mortality or long-term serious impact on the reef communities at Gio Batta Patch and Michaelmas Reef in KGS (condition 5-10).

Assessment of the requested change to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental factor guideline – Benthic communities and habitat* (EPA 2016c)
- *Technical guidance: Protection of benthic communities and habitats* (EPA 2016d)
- *Technical guidance: Environmental impact assessment of marine dredging proposals* (EPA 2021c).

The EPA noted the proposal would have direct, irreversible impacts as well as indirect impacts on the seabed and potential benthic communities and habitats, resulting from:

- reclamation of marine sandy habitat and subtidal rocky shoreline, and its conversion to a hardstand area for future port facilities
- dredging of the shipping channel
- offshore disposal of material dredged from the shipping channel in KGS at depths greater than 35 metres.

In its initial assessment of the proposal, the EPA noted that on the basis of the proponent's predicted impacts, seagrass losses are unlikely to compromise ecological integrity. The EPA however considered the level of confidence and uncertainties in the proponent's predictions. Due to the uncertainties, the EPA recommended conditions to limit the extent of impacts to seagrass such that permanent seagrass loss does not exceed the proponent's predictions. The EPA considers that these impact predictions remain unchanged since the initial assessment. In addition, the EPA recommended conditions for seagrass rehabilitation as an offset to ensure no net loss of seagrass within PRH.

Two reef communities, Gio Batta Patch and Michaelmas Reef, were identified to be in the vicinity of the proposed shipping channel. These reef systems support diverse encrusting invertebrate, filter feeding and coral communities. The proponent had predicted that the 2 reef systems are outside the area of influence and would not be impacted by turbid plumes. The EPA considers that these impact predictions remain unchanged since the initial assessment. The EPA recommended conditions requiring the proponent to demonstrate the reef communities are not being affected by the proposal by requiring surveys to be undertaken before and after the dredging program.

Since the initial assessment in 2010 and subsequent section 46 review in 2015, the EPA published *Technical guidance – Environmental impact assessment of marine dredging proposals* in 2016. This guidance describes the impact prediction and assessment framework that the EPA expects proponents to use so that predictions of impacts to benthic habitats associated with significant dredging activities are presented in a clear and consistent manner.

It is noted that the EPA's original assessment of the proposal is consistent with the generic guidance in the EPA's technical guidance as it included:

- predictions of the extent, severity and duration of impacts to benthic communities, with a focus on temperate seagrass using the latest knowledge about the tolerance of temperate seagrasses to shading pressures

- the setting of environmental outcomes for zones of temporary and permanent loss, and for monitoring to demonstrate impacts are consistent with the outcomes set and improves the understanding about dredge related effects
- conditions specifying non-dredge times (in this case November to February) to minimise impacts on seagrass that are consistent with Appendix B of the guidance.

In June 2021, the guidance was revised to incorporate the relevant scientific findings from the Western Australian Marine Science Institution’s Dredging Science Node. It is noted that the bulk of the additional information is detailed technical advice most relevant to benthic communities in tropical north-west Western Australia.

The EPA considers that no further assessment is required other than the original assessment for this factor, and that with the implementation of the following existing conditions the proposal can be managed to ensure the outcome is likely to be consistent with the EPA objective for benthic communities and habitats:

- condition 5, MS 846: Marine Benthic Communities
- condition 6, MS 846: Seagrass Rehabilitation and Monitoring.

4.3 Marine fauna

The EPA’s environmental objective for marine fauna is *to protect marine fauna so that biological diversity and ecological integrity are maintained.*

Conclusions from EPA Report 1346

The EPA noted that the key elements of the proposal with the potential to impact on marine fauna include dredging and spoil disposal and pile driving activities associated with the construction of the reclamation area.

In its initial assessment, the EPA had particular regard to the important marine habitats in KGS for both pinnipeds and cetaceans. The EPA’s advice to the proponent was to be more comprehensive in the draft Dredging and Land Reclamation Management Plan to enable adequate marine fauna management.

The EPA did not recommend conditions regarding marine fauna mitigation as it was advised that the Department of Agriculture, Water and Environment (DAWE) would impose conditions in relation to the mitigation of marine fauna impacts through the Commonwealth sea dumping permit process of the *Environment Protection and Biodiversity Conservation Act 1999*.

The EPA did however recommend a condition which requires the proponent to inspect any dredging and marine construction equipment for marine pests and implement management strategies in consultation with the Department of Fisheries in the event marine pests are identified (condition 9).

Assessment of the requested change to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental factor guideline – Marine fauna* (EPA 2016e).

The EPA notes the requirement for the proponent to obtain a sea dumping permit and DAWE's capacity to impose conditions for the mitigation of marine fauna. The EPA considers that no further assessment is required other than the original assessment for this factor, and that with the implementation of the following existing condition the proposal can be managed to ensure the outcome is likely to be consistent with the EPA objective for marine fauna:

- condition 9, MS 846: Introduced Marine Species and Dredging Equipment.

4.4 Coastal processes

The EPA's environmental objective for coastal processes is *to maintain the geophysical processes that shape coastal morphology so that the environmental values of the coast are protected*.

Conclusions from EPA Report 1346

The EPA considered that the proponent undertook the necessary investigation to demonstrate that the proposed change to the PRH entrance configuration would not cause significant changes in flushing and circulation of PRH.

Assessment of the requested change to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental factor guideline – Coastal processes* (EPA 2016f).

The EPA notes in its initial assessment that previous research has suggested that the depth and width of the entrance channel are important factors in tidal exchange between PRH and KGS and that changes in the configuration of the channel could affect water circulation within, and flushing of, the harbour.

Deepened areas of port water bodies have the potential to interrupt tidal flows or cause a reduction in water exchange (EPA 2016f). This may have associated impacts such as changed water quality or retention of nutrients and other contaminants. In its initial assessment, the proponent had adequately demonstrated through hydrodynamic modelling that the widening and deepening of the entrance channel between PRH and KGS for the berth pocket and turning basin will not adversely affect the circulation and flushing of PRH and therefore does not pose a risk for long term water quality of the harbour. Modelling showed that the wave heights off Middleton Beach were unchanged and therefore unlikely to result in changes to coastal processes and will not alter the existing pattern of seasonal erosion and accretion.

Since the initial assessment, additional or changes to the coastal infrastructure that may affect coastal processes have not occurred. The modelling and impact predictions undertaken during the initial assessment therefore remain valid.

The EPA considers that no further assessment is required other than the original assessment for this factor, and that the proposal can be managed to ensure the outcome is likely to be consistent with the EPA objective for coastal processes.

4.5 Other factors

Given the time since the original assessment and the previous s. 46 inquiry, the proponent is required to consider the relevancy of any new or additional environmental factors in its request for a change to conditions. The assessment of other factors is outlined below.

Greenhouse gas emissions

In April 2020, greenhouse gas emissions was added as an environmental factor for consideration by the EPA in the environmental impact assessment process. The EPA's environmental objective for greenhouse gas emissions is *to reduce net greenhouse gas emissions in order to minimise the risk of environmental harm associated with climate change*.

The EPA's *Environmental factor guideline – Greenhouse gas emissions* (EPA 2020) sets out that, generally, emissions from a proposal will be assessed where they exceed 100,000 tonnes of scope 1 emissions each year measured in CO₂ equivalent. The EPA will have regard to this guideline when assessing new proposals and changes to proposals or conditions (s. 46 inquiries) resulting in an increase in greenhouse gas emissions, which may involve the EPA recommending inclusion of additional conditions.

Assessment of the requested change to conditions

The proponent engaged a consultant to estimate the greenhouse gas emissions for the proposal's construction activities.

The proponent identified fuel combustion from equipment used in dredging and reclamation activity as a source of greenhouse gas emissions. During the construction, scope 1 greenhouse gas emissions would be produced by diesel and petrol-powered fleet used for channel dredging, berth pocket dredging and reclamation works, and are estimated by the proponent to be 27,507 tCO₂-e (BMT 2021b). The proponent did not consider that the proposal would produce scope 2 emissions.

The EPA notes the estimates of scope 1 emissions provided by the proponent are well below the threshold of 100,000 tonnes CO₂-e, and therefore advises that greenhouse gas emissions is not a relevant consideration for this assessment. The EPA concludes that the likely outcome of this proposal is consistent with the EPA objective for greenhouse gas emissions.

Social surroundings

Since the initial assessment, an aquaculture development zone has been announced in Albany. The Albany Aquaculture Development Zone (the Zone) encompasses four separate areas and was declared by the Minister for Fisheries in 2 stages.

The first stage of the Zone, an area in Oyster Harbour, was declared on 7 August 2020. The second stage of the Zone, situated in Princess Royal Harbour and King George Sound, was declared on 2 December 2021. The second stage of the Zone encompasses 2 areas in King George Sound (near Mistaken Island in Frenchmans Bay) and an area in Princess Royal Harbour (in Shoal Bay).

The Zone provides a designated area for future aquaculture operations, subject to approvals by the Department of Primary Industries and Regional Development (DPIRD). Currently there is some existing aquaculture in the area declared as a Zone. The second stage of the Zone, particularly in Shoal Bay and near Mistaken Island, is the closest to the proposal.

In its initial assessment, the EPA considered the maintenance of aquaculture in its initial assessment of the proposal, including water quality in Princess Royal Harbour and aquaculture operations in the vicinity of Mistaken Island being influenced by water quality changes due to dredging. The potential impacts from dredging on aquaculture operations were determined to be temporary and limited in duration, and manageable under the proponent's Dredging and Land Reclamation Management Plan.

The EPA also recommended that the proponent consider the establishment of a Community Stakeholder Reference Group to provide a mechanism for information exchange between the proponent and users of King George Sound, to consider ways to avoid or minimise impacts to activities within King George Sound including aquaculture operations. In the event the proposal is implemented, the EPA recommends the inclusion of the DPIRD in this group and future aquaculture operators in second stage of the Zone.

Ministerial statement 846 require the proponent to:

- prepare a Water Quality Monitoring Program in consultation with stakeholders including the City of Albany and Department of Fisheries (now DPIRD), and local stakeholders including but not limited to commercial fishing and aquaculture operations (condition 5A)
- inspect any dredging and marine construction equipment for marine pests and implement management strategies in consultation with the Department of Fisheries (now DPIRD) in the event marine pests are identified (condition 9)
- ensure the proposal does not cause the Environmental Quality Objective for the 'Maintenance of aquaculture' to be compromised at the aquaculture operations in the vicinity of Mistaken Island (condition 10).

Considering the initial assessment of the proposal and the conditions that address aquaculture operations, the EPA considers the likely outcome of this proposal is consistent with the EPA objective for social surroundings.

5 Conclusions and recommendations

Change to condition 3

The proponent has requested a change to condition 3 of Ministerial statement 1004 to extend the Time Limit for Proposal Implementation. The EPA considers it is appropriate to amend condition 3 and extend the time limit of authorisation by a further 5 years to 18 November 2027.

Conclusions

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes that:

- there are no changes to the proposal associated with the request to change the conditions
- there is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Report 1346 (January 2010) and the subsequent s. 46 inquiry in 2015 (March 2015)
- no new significant environmental factors have arisen since the EPA's original assessment of the proposal
- impacts to the key environmental factors are consistent with the EPA factor objectives, based on the requirements of the original conditions retained in Ministerial statement 846
- the authorised timeframe for substantial commencement of the proposal may be extended by a further 5 years as requested.

Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the *Environmental Protection Act 1986*:

1. While retaining the environmental requirements of the original conditions of Ministerial statement 846, it is appropriate to supersede condition 1004 and replace it with a new implementation condition extending the authorised timeframe for substantial commencements of the proposal by a further 5 years, to 18 November 2027.
2. After complying with s. 46(8) of the *Environmental Protection Act 1986*, the Minister may issue a statement of decision to change condition 3 of Ministerial statement 1004 in the manner provided for in the attached recommended statement (Appendix A).

Appendix A: Recommended conditions

STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A PROPOSAL (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

Report of the Environmental Protection Authority: Report 1724

Preceding Statements Relating to this Proposal: 846 and 1004

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 1004 be changed as specified in this Statement.

Condition 3 of Ministerial Statement 1004 is deleted and replaced with:

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after 22 June 2027, and any commencement, within this five (5) year period, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 22 June 2027, must be demonstrated as substantial by providing the CEO with written evidence, on or before 22 June 2027.

Appendix B: Identified decision-making authorities

The decision-making authorities in the table below have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*.

Decision-making authority	Legislation (and approval)
1. Minister for Ports	<i>Port Authorities Act 1999</i>
2. Minister for Water	<i>Waterways Conservation Act 1976</i>

References

BMT 2021a, *Sediment Sampling and Analysis Plan Implementation Report Albany Port Expansion Project*, June 2020.

BMT 2021b, *Technical Memorandum Port of Albany Expansion: Greenhouse Gas Emissions Assessment*, August 2021.

EPA 2016a, *Environmental factor guideline – Marine environmental quality*, Environmental Protection Authority, Perth, WA.

EPA 2016b, *Technical guidance – Protecting the quality of Western Australia’s marine environment*, Environmental Protection Authority, Perth, WA.

EPA 2016c, *Environmental factor guideline – Benthic communities and habitats*, Environmental Protection Authority, Perth, WA.

EPA 2016d, *Technical guidance – Protection of benthic communities and habitats*, Environmental Protection Authority, Perth, WA.

EPA 2016e, *Environmental factor guideline – Marine fauna*, Environmental Protection Authority, Perth, WA.

EPA 2016f, *Environmental factor guideline – Coastal processes*, Environmental Protection Authority, Perth, WA.

EPA 2020, *Environmental factor guideline – Greenhouse gas emissions*, Environmental Protection Authority, Perth, WA.

EPA 2021a, *Statement of environmental principles, factors, objectives and aims of EIA*, Environmental Protection Authority, Perth, WA.

EPA 2021b, *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual*, Environmental Protection Authority, Perth, WA.

EPA 2021c, *Technical guidance: Environmental impact assessment of marine dredging proposals*, Environmental Protection Authority, Perth, WA.

State of Western Australia 2021, *Western Australia Government Gazette, No. 180, Environmental impact assessment (Part IV Divisions 1 and 2) administrative procedures 2021*, 22 October 2021.