



## Environmental Protection Authority

Our ref: APP-0025634  
Enquiries: [REDACTED]

### *Environmental Protection Act 1986*

#### Section 40(2)(a)

### NOTICE REQUIRING INFORMATION FOR ASSESSMENT

#### PERSON TO WHOM THIS NOTICE IS GIVEN

Mid West Ports Authority (ABN 73 384 989 178)  
298 Marine Terrace  
**GERALDTON WA 6530**

#### PROPOSAL TO WHICH THIS NOTICE RELATES:

Geraldton Port Maximisation Project

Pursuant to section 40(2)(a) of the *Environmental Protection Act 1986*, I, as a delegate of the Environmental Protection Authority (EPA), require that you provide the EPA with the following information for its assessment.

The Environmental Referral Supporting Information (ERSI) documentation must be revised to address the requested additional information in Attachments 1 and 2. The revised document should be consistent with the EPA's [Instructions on how to prepare an Environmental Review Document](#), where relevant and appropriate.

Based on advice from Mid West Ports Authority about indicative timeframe for submission, please provide your response by 28 February 2025, or advise if an extension to this date is required.

Your response should be submitted via Environment Online by uploading a revised Environmental Review Document in RFI-0000544. Please quote the case number APP-0025634 on any correspondence outside Environment Online. The EPA will not proceed with its assessment of the proposal until you have provided the requested information, and it is considered to be adequate, or if you advise the EPA that the further information is not available and/or cannot be obtained

Yours sincerely

A handwritten signature in black ink, appearing to read "Darren Walsh".

**Darren Walsh**  
CHAIR

14 October 2024

Att. Attachment 1 – Required additional information  
Attachment 2 – Statutory decision-making processes

## Attachment 1: Environmental information required

Item	Requirement
1. Proposed investigations and studies to inform assessment	<p>In the Environmental Referral Supporting Information (ERSI) and in subsequent communications with the Department of Water and Environmental Regulation (DWER), the Mid West Ports Authority (MWPA) noted a number of technical investigations and studies that were in the process of being finalised to complete the assessment of the proposal's impacts and develop environmental outcomes.</p> <p>The EPA's environmental factor guidelines summarise the type of information that may be required by the EPA for assessment. Investigations and studies required to inform the environmental review document is to be conducted in accordance with the requirements of the most recent relevant EPA environmental factor guidelines and technical guidance. Relevant recovery plans, conservation advice, and/or threat abatement plans must be followed. Any instances where published guidance is not followed must be justified.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Provide final technical investigations and studies that have been completed in accordance with relevant published guidance and advice.</li> <li>• Append final investigation and study reports to the revised ERSI with cross referencing in the appropriate sections. If any information is to remain confidential, provide a justification for the confidentiality and, provide a redacted version suitable for publishing.</li> <li>• Append any additional expert or technical advice relied on to inform the assessment.</li> </ul>
2. Cumulative impacts	<p>Cumulative environmental impacts are the successive, incremental and interactive impacts on the environment of a proposal with one or more past, present and reasonably foreseeable future activities. Refer to the EPA's <a href="#">Procedures Manual</a> for further information on reasonably foreseeable future activities.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Undertake a cumulative impact assessment (CIA) of the proposal for each preliminary key environmental factor.</li> </ul>
3. Environmental outcomes	<p>The EPA's ability to consider whether its environmental factor objectives are met is improved when it is provided with information about proposed environmental outcomes, rather than just being provided with measures to minimise or manage impacts. The EPA's preference is therefore for outcome-based conditions where practical as they can provide clarity, transparency, and flexibility (see <a href="#">Interim guidance - environmental outcomes and outcome-based conditions</a>).</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• For the preliminary key environmental factors relevant to this proposal, develop and propose environmental outcomes that are considered achievable during construction and operation of the proposal.</li> </ul>

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	<ul style="list-style-type: none"> <li>If environmental outcomes are not practical for an environmental value, provide a justification as to why not, and propose an environmental objective and how the objective will be achieved, monitored and substantiated.</li> </ul>
4. Environmental Management Plans (EMPs)	<p>The conditions and commitments of MS 600 require the preparation and implementation of environmental management plans (EMPs), or specify the measures required to monitor, minimise, or manage the impacts of the original implemented proposal.</p> <p>The s.40AA application notes that the proposal will be controlled through the implementation of several objective-based management plans in MS 600.</p> <p>EMPs should be prepared (or revised) and implemented to monitor and substantiate whether environmental outcomes (see item 3) are being achieved, as opposed to outlining mitigation measures by way of management actions to meet an environmental objective.</p> <p><b>Actions:</b></p> <ul style="list-style-type: none"> <li>Discuss whether (and propose where relevant) an outcome-based condition setting arrangement can replace the objective-based management plans in MS 600.</li> </ul>
5. Targeted consultation with relevant stakeholders and groups	Please provide information which shows evidence of MWPA's targeted consultation with relevant stakeholders and groups and outcomes of the consultation (eg. Has the proposal or management measures changed in response to consultation?).
6. Marine Environmental Monitoring and Management Plan (MEMMP)	<p>It is noted that MWPA has developed a draft MEMMP to define the Environmental Quality Management Framework and associated Environmental Values, Environmental Quality Objectives and Levels of Ecological Protection. Several components of this document require amendment in relation to monitoring locations, monitoring parameters, the sampling and analytical methodology, and appropriateness of the reference sites.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>Submit a revised MEMMP which addresses DWER's comments communicated to MWPA on 21 June 2024 and is consistent with the <i>Technical Guidance – Protecting the Quality of WA's Marine Environment</i>.</li> </ul>
7. Surveys, IBSA and IMSA packages	Please note that any additional biological survey work requires an accompanying Index of Biodiversity Surveys for Assessments (IBSA) and the Index of Marine Surveys for Assessment (IMSA) data packages. For instructions on preparing IBSA and IMSA data packages please see <a href="#">Instructions for preparing IBSA data packages</a> and <a href="#">Instructions for preparing IMSA data packages</a> .
8. Other decision-	In making its decision, the EPA can take account of other statutory decision-making processes that can mitigate the potential impacts of the proposal on the environment (s44(2AA) EP Act).

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making processes	<p><b>Action:</b></p> <p>Provide further information on whether other decision-making processes under the other Acts, subsidiary legislation and policies will mitigate the impacts to the environment as set out in the table provided as Attachment 2. Please note that the environmental impacts set out in Attachment 2 provide examples and is not a comprehensive list. Please include other environmental impacts that may be mitigated under other decision-making processes. The EPA Service may use this completed table as the basis for its own inquiries and consultation with other decision-making authorities.</p> <p>See <a href="#">Interim guidance - taking decision making processes into account in EIA</a> for further guidance.</p>

**Attachment 2: Statutory decision-making processes for Geraldton Port Maximisation Project**

Environmental impact	How is the impact regulated by other decision-making process(es)?	Limit(s) of the decision-making process(es) to regulate the impact eg time limits, excluded operations	Likely environmental outcome of decision-making process(es), and consistency with EPA objective	Conditions and enforcement	Stakeholder engagement and review process required by decision-making process(es) in decision-making process(es)
<p><i>Guidance notes – (Please delete this row in your response to EPA Services)</i></p>	<p><i>DMA to include brief summary of process, or refer to already agreed summary document</i></p>	<p><i>DMA to note any specific limits which affect is regulation of this impact</i></p>	<p><i>EPAS to include the EPA’s objective for the factor Outcomes are the state of the environment at a point in time during implementation or after a proposal has been implemented</i></p>	<p><i>DMA to include likely conditions for the specific proposal DMA to include summary of enforcement and review process, or refer to already agreed summary document</i></p>	<p><i>DMA to include summary of enforcement and review process, or refer to already agreed summary document</i></p>
<p><i>Example row – Please delete in your response to EPA Services. Air Quality (emissions of dust and volatile organic compounds from new plant)</i></p>	<p><i>Regulated under Part V, Division 3 of the EP Act.</i></p>	<p><i>Emissions from new plant can be regulated Emissions from existing mine cannot be regulated as they are not directly related to prescribed premises categories in the Environmental Protection</i></p>	<p><i>VOCs will meet NEPM standards and human health criteria advised by Department of Health for nearby sensitive receptors, consistent with the objective under Part V of the EP Act to prevent pollution and environmental harm. This will be consistent with EPA objective to maintain air quality and minimise emissions so that</i></p>	<p><i>Part V Division 3 of the EP Act conditions will put limits and targets on VOCs from the premises. Stack monitoring and monitoring at sensitive receptors will be required to be done and reported on under conditions.  Part V compliance monitoring performed</i></p>	<p><i>The assessment of Part V EP Act licences has a 21-day public advertisement and public comment period. Section 102 of the EP Act provides the opportunity for any person to appeal conditions of an approval.</i></p>

		<i>Regulations 1987 for Part V.</i>	<i>environmental values are protected. Dust emissions will not be regulated by Part V</i>	<i>under DWER procedures</i>	
<b>(Note below are examples of potential impacts)</b>					
<b>Benthic communities and habitats</b> (impacts from dredging)			To protect benthic communities and habitats so that biological diversity and ecological integrity are maintained.		
<b>Marine environmental quality</b> (impacts from oil and chemical spills, and accidental discharge of waste)			To maintain the quality of water, sediment and biota so that environmental values are protected.		
<b>Coastal processes</b> (impacts from construction of permanent structure)			To maintain the geophysical processes that shape coastal morphology so that the environmental values of the coast are protected.		

<b>Marine fauna</b> (impacts from introduced marine organisms)			To protect marine fauna so that biological diversity and ecological integrity are maintained.		
Please list other matters on environmental impacts, cumulative or holistic impacts relating to the proposal					