

Environmental Protection Authority

Environmental Protection Act 1986

Section 45C and 45D

NOTICE OF DECISION TO CONSENT TO AMEND AN APPROVED PROPOSAL AND IMPLEMENTATION CONDITIONS WITHOUT INQUIRY UNDER SECTION 45C, INCLUDING CONSOLIDATION OF APPROVED PROPOSALS UNDER SECTION 45D(1)(B) OF THE *ENVIRONMENTAL PROTECTION ACT 1986*

PERSON TO WHOM THIS NOTICE IS GIVEN

Pilbara Ports Authority

PROPOSAL TO WHICH THIS NOTICE RELATES

Dredging at Nelson Point, BHP Billiton RGP6 Project, Port Hedland
Lumsden Point General Cargo Facility

MINISTERIAL STATEMENT and ANY APPROVED CHANGES

Ministerial Statement 812, issued 4 November 2009

Ministerial Statement 967, issued 12 May 2014

DECISION

Pursuant to s. 45C(1)(c) and s. 45D(1)(b) of the *Environmental Protection Act 1986* (EP Act), the Deputy Chair acting as delegate for the Minister for Environment gives approval to the following amendments of the approved proposals and conditions:

- Consolidate the approved proposals to form the Lumsden Point General Cargo Facility proposal; and amend the approved proposals to change the combined development envelope and increase the area of dredging.
- Remove redundant conditions from MS 812 and MS 967.
- Consolidate, amend and contemporise retained implementation conditions of MS 812 and MS 967 to align with current approach.

A summary of the evaluation of changes to the conditions of MS 812 and MS 967 is attached.

The amended proposal content document and figures are also attached.

SUMMARY OF REASONS

- The proposed expansion of the berthing pocket is in an area of intertidal mudflats directly adjacent to existing infrastructure and approved proposals. Previous surveys did not identify any critical benthic habitats within the expansion area. The proposed increase in seabed disturbance is small in extent, will not result in a significant change in the extent or nature of the

impacts of the previously approved proposals. Subject to the amended conditions, which will set disturbance limits to mangroves, and ensure no adverse impacts to mangrove communities outside the development envelope, the amended and consolidated proposal is not expected to have a significant effect on Benthic Communities and Habitats.

- Dredge spoil from the new additional area will continue to be placed within the approved dredged material management area(s). Given the implementation of the amended and consolidated proposal would be of substantially the same character as the previously approved proposals, implementation conditions to ensure environmental objectives and outcomes are achieved in previous ministerial statements have been retained and updated.
- Removal of the condition related to dust monitoring is not expected to result in a significant effect on Social Surroundings. This is because dust monitoring is being undertaken in the Wedgefield area by the Department of Water and Environmental Regulation (DWER) as part of the Port Hedland Air Quality Monitoring Network; and exceedances are investigated by DWER to determine the source and response. The proponent is being required to implement appropriate dust control measures to ensure that Dredge Material Management Areas are not significantly contributing to the Port Hedland air guideline value at the Wedgefield monitoring site.
- There are no new environmental factors likely to be significantly affected as a result of the amendments.
- The effects of the amendments on their own, the effect of the amendments in the context of the existing approved proposals, cumulative impacts, and holistic impacts have been considered.
- The benefit of the combined Ministerial Statements is to provide for the rationalisation of implementation conditions and reporting requirements for the overall proposal.
- The amended and consolidated proposal will be substantially the same character as the existing approved proposals.

Other Advice:

Any new future proposal on the approved dredge material management areas that is likely, if implemented, to have a significant effect on the environment will need to be referred to the EPA for a decision of whether assessment is required.

EFFECT OF THIS NOTICE:

1. The proposal as amended and consolidated in accordance with this notice is taken to be able to be implemented under s. 45 of the EP Act.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.

A handwritten signature in black ink, appearing to read 'Lee McIntosh', with a stylized, cursive script.

Ms Lee McIntosh
Delegate of the Environmental Protection Authority
DEPUTY CHAIR

12 August 2024

**APP-0025216_2024-07-19_Attachment 1- Proposal Content Document –
Lumsden Point General Cargo Facility**