

Captain Vic Justice  
Chief Executive Officer  
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Our Ref 13-350766  
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Dear Captain Justice

**NOTICE UNDER SECTION 39A(3)  
*Environmental Protection Act 1986***

**PROPOSAL:** Various Commercial Purposes Developments  
**LOCATION:** Lot 616, Lot 1221 and Port Drive road reserve  
**LOCALITY:** Shire of Broome  
**PROPOSER:** Broome Port Authority  
**DECISION:** Not Assessed – Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the Authority for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the EPA provides the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 3 February 2014. Information on the appeals process is available through the Office of the Appeals Convenor's website, [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au), or by telephoning 6467 5190.

Yours sincerely



Anthony Sutton  
Director  
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20 January 2014

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**PUBLIC ADVICE UNDER SECTION 39A(7)  
ENVIRONMENTAL PROTECTION ACT 1986**

**Summary**

The Broome Port Authority (BrPA) proposes to clear approximately 24.55 hectares (ha) of native vegetation within Lot 616, Lot 1221 and Port Drive road reserve, Broome, in order to establish a wash-down facility, supply bases to support exploration of the Browse Basin (drilling fluid facility) and ancillary small businesses.

The Environmental Protection Authority (EPA) notes that 6 public comments were received on this proposal. All opposed the proposal and called for the proposal to be formally assessed by the EPA under the *Environmental Protection Act 1986* (EP Act).

The majority of environmental comments related to concerns about the proposed Drilling Fluids Facility on a portion of Port Drive road reserve and the potential for stormwater runoff from the facility into Roebuck Bay. Other concerns raised in the comments included:

- waste management from operations;
- heritage management;
- coastal processes (sea level rise); and
- clearing of native vegetation.

The EPA has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Environmental Impact Assessment Administrative Procedures 2012*. In making its decision on whether to assess the proposal, the EPA considered the values of the environment, the extent of the likely impacts, policies, guidelines, procedures and standards against which a proposal can be assessed, and the presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment (see Section 7 Significance Test Administrative Procedures).

As a result, the EPA considers that this proposal is unlikely to have a significant effect on the environment. The EPA considers that the potential impacts associated with the proposal can be further evaluated, regulated and mitigated by the Department of Environmental Regulation (DER), the Shire of Broome and the Kimberley Joint Development Assessment Panel to meet the EPA's objectives for the environmental factors identified for the proposal. This is further discussed below.

**1. Environmental Factors**

The EPA identified the following preliminary environmental factors for the proposal:

- a) Inland Waters Environmental Quality; and
- b) Flora and Vegetation.

There were no factors that were determined to be key environmental factors that would require assessment under Part IV of the EP Act. The EPA considers that based on the

information provided by the proponent, it does not warrant formal assessment under the EP Act as the proposal is unlikely to have a significant effect on the environment.

## **2. Advice and Recommendations regarding Environmental Issues.**

In considering the potential impacts to **inland waters environmental quality and flora and vegetation** the EPA considers the main potential impacts are:

- the potential for storm water runoff from development associated with the proposal into the environment, potentially impacting on native vegetation and the environmental quality of Roebuck Bay; and
- the clearing of vegetation, including a small area of a Priority Ecological Community (PEC).

### **Inland waters environmental quality**

The EPA notes that the Shire of Broome and the Kimberley Joint Development Assessment Panel has received an application for planning approval for a proposed drilling fluid facility on a portion of the area to be cleared, known as the Port Drive Road Reserve. The facility will be used to batch, store and transfer synthetic and water based drilling fluids. The ongoing operation of this facility could have indirect environmental impacts on groundwater quality and Roebuck Bay, particularly during large rainfall events.

The EPA expects that best practice drainage and containment measures are implemented to ensure that the environmental objective for inland waters environmental quality is achieved. The Department of Water (DoW) has advised that the following Water Quality Protection Notes (WQPN) provides guidance on the best management practices that are relevant to the proposal:

- General and heavy industry near sensitive water resources [WQPN 20];
- Chemical blending facilities [WQPN 7];
- Tanks for ground level chemical storage [WQPN 61]; and
- Contaminant spills: emergency response [WQPN 10].

The EPA notes that the applicant for the development:

- has commenced consultation with the DER to obtain a works approval and licence which is required under Part V of the *Environmental Protection Act 1986* (EP Act) to allow for the construction and operation of a proposed drilling fluids facility; and
- is obtaining planning approval from the Kimberley Joint Development Assessment Panel (KJDAP). which would include conditions on the preparation and implementation an adequate stormwater drainage system.

Accordingly, the DER and the KJDAP have statutory decision making processes which can require the implementation of adequate drainage and stormwater management measures (consistent with DoW's advice) to ensure there is no direct discharge to the environment and that the environmental quality of groundwater and Roebuck Bay are maintained. Therefore, the potential impacts associated with the proposal can be

further evaluated, regulated and mitigated by the DER, and the Kimberley Joint Development Assessment Panel to meet the EPA's objective for the environmental factor of inland waters environmental quality.

Based on the above, the EPA considers that the proposal is not likely to have a significant impact on the environmental factor of inland waters environmental quality.

### **Flora and Vegetation**

Only a small proportion of the known area of the mapped PEC known as *Relict dune system dominated by extensive stands of Mangarr* may be directly impacted by the proposal. The Department of Parks and Wildlife (DPaW) has advised that it is likely that this community is more extensive than currently mapped. A clearing permit has been issued by DER for the clearing of native vegetation associated with the proposal, and hence the EPA considers that the impacts of the proposal on flora and vegetation can be dealt with under with under Part V (Division 2) of the EP Act.

The EPA expects the relevant decision-making authorities to consider and implement this advice through the approvals process.