

LEGISLATIVE COUNCIL
Question on notice

Tuesday, 24 May 2011

3974. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

I refer the proposal to construct a barge loading facility at Mowbowra Creek (Proposal) by Exmouth Limestone Pty Ltd (formerly Whitecrest Enterprises Pty Ltd) (Proponent), and ask -

- (1) Can the Minister advise when the Proposal was assessed by the Environmental Protection Authority (EPA)?
 - (2) Did the Proponent approach the EPA in about 2007, about extending the barge loading facility by amendment?
 - (3) If yes to (2), what was the EPA's response?
 - (4) Did the EPA decide on 20 August 2007, that the extension to the barge loading facility would be assessed at the level of Public Environmental Review (PER), as a separate proposal?
 - (5) Did the proponent appeal the EPA's decision to set the level of assessment for the extension to the barge loading facility at the level of PER?
 - (6) If yes to (5), on what grounds?
 - (7) What happened to that appeal?
 - (8) Can the Minister advise if the EPA subsequently terminated the assessment of the extension to the barge loading facility under section 40A of the Environmental Protection Authority Act 1986?
 - (9) If yes to (8), why?
 - (10) Subsequent to this, have the original proponents or any other party put forward a proposal to again construct/use a barge loading facility?
 - (11) If yes to (10), does the new proposal differ substantially from the way in which the facility was originally proposed to be used or constructed in 1997?
 - (12) If yes to (10 and/or 11), will or should it be necessary for the new proposal to be referred to the EPA?
 - (13) If yes to (10, 11, and/or 12), will the proposal be required to be referred to the EPBC?
-

Answer

- (1) The EPA Report 871 was published in November 1997. Ministerial Statement 465 granting approval for the proposal was issued in January 1998.
- (2)-(3) Yes. The EPA was of the view that the proposed expansion constituted significant additional impacts over and above those considered in the original assessment.
- (4) Yes
- (5)-(6) Yes. The proponent appealed on the ground that the proposed extension did not constitute significant impacts over and above those considered in the original assessment.
- (7) The proponent requested that the appeal be put on hold.
- (8)-(9) The EPA wrote to the proponent on 4 October 2010 to determine whether the proponent wished to proceed or to withdraw the proposal. No response was received and the EPA therefore terminated the assessment on 2 November 2010 in accordance with section 40A of the *Environmental Protection Act 1986*. The appeal was closed on 3 November 2010.
- (10) No new referral in relation to this matter has been submitted to the EPA pursuant to section 38 of the *Environmental Protection Act 1986* as of the 7 June 2011.
- (11)-(13) Not applicable

mi