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Our Ref: A534419  
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20 September 2017

Australian Marine Parks Management Planning Comments  
Department of the Environment and Energy  
Reply Paid 787  
CANBERRA ACT 2601

**By e-mail: ([managementplanning.marine@environment.gov.au](mailto:managementplanning.marine@environment.gov.au))**

Dear Sir/Madam

**COMMENTS ON THE DRAFT NORTH–WEST COMMONWEALTH MARINE RESERVES NETWORK MANAGEMENT PLAN (2017)**

Thank you for your invitation to comment on the Draft North-West Commonwealth Marine Reserves (CMR) Network Management Plan 2017 (the draft Plan).

This letter constitutes a submission from PPA on the draft Plan, especially in relation to the Dampier Marine Park (DMP) and implications for PPA's operations at the Port of Dampier and proposed Anketell Port development.

PPA notes that the importance of port activities has been expressly recognised in respect of the DMP, and it is noted (Page 102 of the draft Plan) that such activities, amongst others, "contribute to the wellbeing of regional communities and the prosperity of the nation". This is an important aspect and is warranted recognition for PPA's current and future ports in the region, which are located in proximity to the DMP.

PPA acknowledges and supports the zoning of the DMP to allow for a Multiple Use Zone (IUCN VI) in the eastern section of the Park. PPA also notes and supports commercial shipping activities (detailed in Table 4.3) within the Multiple Use Zone (IUCN VI) and the ability to transit vessels through all zones within the DMP. Given the existing and approved future port developments within this region of the Pilbara, this flexible approach and consideration of balanced use would seem an appropriate outcome. PPA supports this approach whilst recognising the draft Plan limits the ability for anchoring of commercial vessels within the adjacent National Park Zone (IUCN II) and the Habitat Protection Zone (IUCN IV).

PPA also acknowledges and supports the amended eastern boundary of the National Park Zone (IUCN II), which is presented in the latest iteration of the draft Plan. The westward shift of this boundary allows for adequate buffers between the existing approved spoil ground

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associated with the proposed Anketell Port development and the National Park Zone (IUCN II).

PPA believes that any research or monitoring implemented as a condition of a statutory approval issued under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or the *Environment Protection (Sea Dumping) Act 1981* (C'wth) (Sea Dumping Act), or approved management plans under these approvals, should be exempt from the need to seek separate authorisation from the Director of National Parks. Such authorisation is currently prescribed under Section 4.2.11 (Table 4.12) of the draft Plan. These activities have already been considered and approved by the Department of the Environment and Energy, and so this additional requirement for authorisation would create unnecessary administrative burden. PPA therefore requests that the draft Plan be amended to include these exemptions.

PPA also requests that the maintenance of structures along the shipping channels (e.g. navigational aids) be exempted from specific authorisation from the Director of National Parks. The potential environmental risks associated with this activity are negligible. Furthermore, in approving the siting and installation of *existing* structures, the environmental risks associated with maintaining these structures have already been assessed. PPA accepts that where construction of *new* structures are to occur (e.g. installing new moorings and undertaking excavations), specific authorisation from the Director of National Parks may be required (except where construction has already been approved under a Commonwealth environmental approvals process e.g. Sea Dumping Permit). PPA therefore requests that the draft Plan be amended to include these exemptions.

In previous submissions, PPA raised concerns around the processes and implications associated with Class Approvals and Permits. Section 4.4.2 indicates that Class Approvals would be issued to authorise a *specified person or class of persons* allowing for specified activities to occur. Table 4.11 indicates that activities such as (a) *Mooring, Excavations and Maintenance*, and (b) *Disposal of dredged material* are to be authorised in accordance with a Permit, Class Approval or commercial licence or lease issued by the Director.

PPA would seek clarity around this point on the basis that in order to dredge (load material) and dispose of dredged material at sea (within an assessed and approved area), PPA or any other proponent would be required to obtain a Commonwealth Sea Dumping Permit under the Sea Dumping Act, and potentially also obtain approval under the EPBC Act. PPA would consider that as part of the assessment under these two legislative instruments, the Director of National Parks would be consulted, and that a separate Class Approval (or any other licence/lease) would not be required. However, in reading 4.2.10.4(c) it would appear that even when an activity has been assessed and authorised under either (or both) the Sea Dumping Act and the EPBC Act, proponents will be required to obtain a Class Approval. The current wording indicates "*activities that have been authorised by a permit under the Environment Protection (Sea Dumping) Act 1981 may be conducted in accordance with the condition of the permit and a class approval issued under section 4.4.2 (Class Approvals)*". This would indicate that as well as the Sea Dumping Permit, proponents would be required to have a Class Approval issued.

PPA would strongly suggest that this process would add an unnecessary approval layer to the process. As it stands, proponents are currently required to submit an application under the Sea Dumping Act and also the EPBC Act, often re-requiring duplicate information to be provided (as two applications). As these processes do not run in parallel, there is concern that a third tier of approval (Class Approval), likely to require the same information, will result in further delay to the assessment and approval process. PPA would strongly encourage the consideration of a single assessment process in this case. This matter could be clarified by noting the fact that if an approval is held under the Sea Dumping Act and/or EPBC Act, then no further class approval, license or lease would be required.

In making this submission, PPA acknowledges that the Western Australian Department of Premier and Cabinet will also be providing a State Government response to this proposal.

PPA remains committed to the ongoing engagement with the Commonwealth on this matter. If there are any questions regarding PPA's submission, please do not hesitate to contact me directly ([dan.pedersen@pilbaraports.com.au](mailto:dan.pedersen@pilbaraports.com.au), 0429 045 535).

Yours sincerely



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**Acting Director Environment and Heritage**

