



Approval

**Bunbury Port Berth 14A Expansion and Coal Storage and Loading Facility, WA
 (EPBC 2014/7200)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Lanco Resources Australia Pty Ltd
proponent's ACN (if applicable)	ACN: 147 835 452
proposed action	To construct and operate a coal handling and export facility at Berth 14A within the Inner Harbour of Bunbury Port, in Koombana Bay, near the Bunbury township approximately 175 kilometres south of Perth [See EPBC Act referral 2014/7200].

Approval

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve
Listed migratory species (sections 20 & 20A)	Approve
Commonwealth marine areas (sections 23 & 24A)	Approve

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 May 2021.

Decision-maker

name and position Bruce Edwards
 Assistant Secretary
 Assessments (WA, SA, NT) and Air Branch

signature

date of decision 17 May 2016

Conditions attached to the approval

1. Within ten (10) days after the **commencement of the action**, the **person taking the action** must advise the **Department** in writing of the actual date of the **commencement of the action**.
2. For the better protection of the **Humpback Whale, Blue Whale, Southern Right Whale** and the **Commonwealth marine area**, the **person taking the action** must comply with the **Sea Dumping Permit** granted for the **proposed action**.
3. For the better protection of the **Humpback Whale, Blue Whale, Southern Right Whale**, a **marine mammal observer** must be on duty during **marine based** pile driving or rock fracturing (blasting) operations. No **marine based** pile driving or rock fracturing (blasting) operations are to commence if any **Humpback Whale, Blue Whale, Southern Right Whale** are observed in Koombana Bay, WA. In the event **any Humpback Whale, Blue Whale, Southern Right Whale** is sighted within Koombana Bay, WA after commencement, **marine based** pile driving and/or rock fracturing (blasting) operations must shut down until the **Humpback Whale, Blue Whale, Southern Right Whale** is observed to leave Koombana Bay, WA or until 20 minutes after the **Humpback Whale, Blue Whale, Southern Right Whale** was last observed within Koombana Bay, WA.
4. The **person taking the action** must ensure that no more than 1,900,000 cubic metres of material derived from **capital dredging** is placed within the **dredge placement ground**.
5. The **person taking the action** must notify the **Department** in writing as soon as practicable and within no more than seven (7) business days of any variation, modification, suspension, reinstatement, extension, revocation, invalidity and/or similar change to the **Sea Dumping Permit**, or part thereof.
6. The **person taking the action** must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
7. Within three months of every 12 month anniversary of the **commencement of the action**, the **person taking the action** must publish a report on their website addressing compliance with each of the conditions of this approval. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published.
8. If, at any time after five years from the date of this approval, the **person taking the action** has not **commenced the action**, then the **person taking the action** must not **commence the action** without the written agreement of the **Minister**.

Definitions

Capital dredging: means dredging for navigation, to enlarge or deepen existing channel and port areas or to create new ones.

Commencement of the action/commenced the action: means undertaking **capital dredging**, construction of any infrastructure, excluding fences and signage and clearing of vegetation associated with the **proposed action**.

Commonwealth marine area: is any part of the sea, including the waters, seabed, and airspace, within Australia's exclusive economic zone and/or over the continental shelf of Australia, that is not State or Northern Territory waters. The **Commonwealth marine area** stretches from 3 to 200 nautical miles from the coast.

Department: means the Australian Government Department or any other agency administering the **EPBC Act** from time to time.

Dredge placement ground: means the dredge spoil disposal area bound by the following co-ordinates (WGS84).

Latitude	Longitude
33.225372 ⁰ S	115.580123 ⁰ E
33.225372 ⁰ S	115.601844 ⁰ E
33.230792 ⁰ S	115.601844 ⁰ E
33.230792 ⁰ S	115.580123 ⁰ E

EPBC Act: is the *Environment Protection and Biodiversity Conservation Act 1999*.

Humpback Whale: means *Megaptera novaeangliae*, which is currently listed as vulnerable under the **EPBC Act**.

Koombana Bay, WA: means the areas of Koombana Bay, Bunbury Port Inner Harbour and Bunbury Outer Harbour shown at Attachment A.

Marine based means any pile driving or rock fracturing conducted below the highest astronomical tide level as part of construction activities for the Proposal within the Bunbury Port Inner Harbour.

Marine mammal observer: means a suitably trained person who has demonstrated experience in marine fauna observation, distance estimation and reporting and who must not have any other duties while engaging in visual observations for whales.

Minister: means the Minister administering the **EPBC Act** and includes a delegate of the Minister.

Person taking the action: is the person to whom the approval is granted, or to whom the approval is transferred under section 145B of the **EPBC Act**.

Proposed action to construct and operate a coal handling and export facility at Berth 14A within the Inner Harbour of Bunbury Port, in Koombana Bay, Western Australia (WA).

Blue Whale: means *Balaenoptera Musculus*, which is currently listed as endangered under the **EPBC Act**.

Sea Dumping Act: means the *Environment Protection (Sea Dumping) Act 1981* which is the Commonwealth legislation that regulates the dumping, and loading for the purposes of dumping, of wastes and other matter at sea.

Sea Dumping Permit: means the permit (SD 2013/2482) for the disposal of capital dredged material under the **Sea Dumping Act**.

Southern Right Whale: means *Eubalaena australis*, which is currently listed as endangered under the **EPBC Act**.



Humpback Whale, Blue Whale, Southern Right Whale exclusion zone for piling and/or rock fracturing (blasting), which includes Koombana Bay, Bunbury Port Inner Harbour and Bunbury Outer Harbour.