



## Application for Licence Amendment

### Part V Division 3 of the *Environmental Protection Act 1986*

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<b>Licence Number</b>	L5099/1974/14
<b>Licence Holder</b>	Southern Ports Authority
<b>File Number</b>	DER2016/000420
<b>Premises</b>	Port of Esperance The Esplanade and Bower Avenue ESPERANCE WA 6450  Legal description – Part of Crown Reserve 28207 Certificate of Title Volume 3127 Folio 354  As defined by the Premises maps attached to the Revised Licence
<b>Date of Report</b>	2 November 2023
<b>Decision</b>	Revised licence granted

Melissa Chamberlain  
**A/MANAGER, RESOURCE INDUSTRIES  
REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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## 1. Decision summary

Licence L5099/1947/14 is held by Southern Ports Authority (Licence Holder) for the Port of Esperance (the Premises), located on the corner of The Esplanade and Bower Avenue, on Part of Crown Reserve 28207 and Certificate of Title Volume 3127 Folio 354, Esperance.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, Revised Licence L5099/1974/14 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 2.2 Application summary

On 28 March 2023, the Licence Holder submitted an application to the department to amend Licence L5099/1974/14 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- increase in throughput for assessed volumes of imported fertiliser;
- removal of Site 5 dust monitoring location;
- several administrative corrections throughout the licence;
- changes to Table 2: “Works required for Premises” to reflect what has been constructed;
- other changes to the instrument initiated by the department through this amendment.

These are discussed in further detail in the sections below.

This amendment is limited only to Category 58 activities and administrative changes to the existing Licence. No changes to the aspects of the existing Licence conditions relating to Category 58A and 82 have been requested by the Licence Holder. There are no proposed changes to the premises production or design capacities on the existing Licence.

#### 2.2.2 Increase to fertiliser throughput

While the Licence Holder has indicated that there will be no changes to the daily maximum throughput of 100,000 tonnes/day for Category 58 on the licence, they are requesting to increase the assessed throughput from the current 200,000 tonnes per annum (tpa) to 500,000 tpa.

This request follows an exceedance in fertiliser import throughput during the 2021 - 2022 reporting period of 208,000 tpa. The Licence Holder also advised that in 2022, the amount of fertiliser imported was 230,000 tpa. Communications with import clients have indicated that growth estimates of fertiliser imports will likely reach 500,000 tpa in the next 5 years. The fertiliser is imported via Berth 2 and handled in an open circuit. It is unloaded from the ships by

grab buckets and offloaded directly into mobile truck hoppers for either transfer offsite or loaded in Shed 6 for storage by trucks and front-end loaders.

This is further risk assessed in section 3 of this amendment report.

### 2.2.3 Removal of Site 5 Dust monitoring location

This dust monitor site is located at the Shire Offices approximately 1 km north of the prescribed premises boundary. This location was installed in early 2009 following significant emissions of nickel from the premises during the 2007 - 2008 period. It was installed to define a measure of nickel that is representative of average community exposure. Since this time the nickel values have remained predominantly below the limits of the detection at the site. Dust monitors Site 1 - 4 are located offsite with Site 5 being considered a true background monitor. There are currently 2 monitors at this location, a Beta Attenuation Monitor (BAM) and High Volume Air Sampler Monitor (HVAS).

This is further risk assessed in section 3 of this amendment report.

### 2.2.4 Updating licence construction requirements

#### Gravel roadways

The Licence Holder has requested to remove the construction requirements for item 1 in Table 2 "Gravel Roadways" as the construction has been completed.

#### DWER outcome

The compliance documents were provided in Attachment 8 of the supporting documents of this application. The department has assessed the documents against the requirements of Table 2. Photographs showed the sealed roadways that replaced the gravel roadway along Berth 3. Noting that the compliance documents have been signed by a suitably qualified professional as required by condition 10. The Delegated Officer has determined the information provided is sufficient and has agreed to remove this requirement.

#### StormDMT

The original completion date for the StormDMT on the licence was for it to be completed by 31 December 2019. The Licence Holder provided correspondence to the department on 16 August 2021 to advise that due to funding issues, the construction of the StormDMT had been delayed. On 27 October 2022, it was advised that continued funding issues have further delayed the process however some construction has begun. The Licence Holder advised on 7 July 2023 that the StormDMT has been constructed and is under commissioning.

#### DWER outcome

The department was provided compliance documents on 11 October 2023 and has determined that the StormDMT first flush and filter have been constructed as per the requirements in Table 2 and will remove this from the licence conditions. *As a result of this system being constructed and existing licence conditions, Hume Interceptor 3 has been decommissioned. The two monitoring points associated with the StormDMT are located (1) the input at the First Flush Tank (FFT) and the existing (2) Hume Interceptor 4 (H4). The Licence Holder has advised that filtered water will be discharged through H4.*

### 2.2.5 Proposed corrections

The Licence Holder has requested some administrative changes for site operations to be accurately reflected in the licence. The following amendments have been requested and are presented with DWER outcomes in Table 1. Proposed amendments are administrative in nature and are therefore addressed below.

**Table 1: Proposed corrections**

Proposed correction	Licence Holder justification	DWER outcome
Table: “ <i>Ambient air quality monitoring</i> ”  This table number was a duplication and therefore, correction to right number.	Administrative error.	Table number to be changed.
Condition 27  Row 6 of Table 6 & Schedule 5  Remove as the requirements have been fulfilled	Full trace metal dust composition was conducted and the results / data or this monitoring submitted as part of the 2019-2020 annual compliance report.	This monitoring information has been received and this requirement will therefore be removed.
Section – “ <i>Boat Building and maintenance</i> ”.  Proposed correction to remove this section	The Licence Holder advised that this is an error, and there is no maintenance of tugboats by the Licence Holder.	As this section is not conditioned within the Licence and the removal has no regulatory implications, the Delegated Officer has agreed to the removal to ensure the licence is reflective of the operations on the premises.

Following the draft consultation with the Licence Holder, additional administrative changes were requested. These are listed in Appendix 2: Summary of Licence Holder’s comments on risk assessment and draft conditions, along with the department’s response.

### 2.2.6 DWER initiated amendments

Other proposed changes to the instrument initiated by the department through this amendment will include:

- Changes to the trial notification conditions to include handling method; and
- Minor administrative changes to reflect updated licence template.

## 3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

### 3.1 Source-pathways and receptors

#### 3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 2 below.

Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

**Table 2: Licence Holder controls**

Emission	Sources	Potential pathways	Proposed controls
Noise	Importing of fertiliser off ships and unloading into trucks	Air / windborne pathway	N/A.  Noting: Noise emissions are assessed and regulated under the <i>Environmental Protection (Port of Esperance Operations Noise Emissions) Approval 2009</i> and a renewal has been applied for.
Dust			<i>Existing licence conditions / infrastructure:</i> <ul style="list-style-type: none"> <li>Four BAM and HVAS monitoring stations with dust limits (and a reportable event of limit exceedance of PM<sub>10</sub>)</li> </ul> Noting: Shed 6 (where fertiliser is stored) is next to Berth 2 (where fertiliser is imported) and therefore the distance required between these two source points is close by, reducing the possibility of dust lift off during transport.
Spilt fertiliser		Direct discharge to marine environment	<ul style="list-style-type: none"> <li>Spill tray between vessel and berth;</li> <li>Sealed grab and no overfilling;</li> <li>Spill trays on hoppers;</li> <li>Fertiliser clean-up checklist;</li> <li>StormDMT filter;</li> </ul> <i>Existing licence conditions:</i> <ul style="list-style-type: none"> <li>Monthly stormwater and wash water monitoring of nutrients.</li> <li>Spilt material on Berth 2 must be recovered within 72 hours and must be vacuumed or swept to recover any spilt material during unloading</li> </ul>
Contaminated stormwater	From Berth 2 – importing location for fertiliser	Stormwater contaminated from spilt fertiliser on Berth 2	<i>Existing licence conditions / infrastructure:</i> <ul style="list-style-type: none"> <li>Storm and wash water captured from Berth 2 directed to FFT and Storm DMT system or two stormwater tanks located on eastern side of Berth 2;</li> <li>Vacuum trucks and road sweepers are used to remove material from sealed surfaces on the berths;</li> </ul>

### 3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder’s from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 3 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER 2020)).

**Table 3: Sensitive human and environmental receptors and distance from prescribed activity**

<b>Human receptors</b>	<b>Distance from prescribed activity</b>
Town of Esperance – several residential receptors	Several residencies located directly adjacent to the prescribed premises.
<b>Environmental receptors</b>	<b>Distance from prescribed activity</b>
Threatened Ecological Communities	Proteaceae Dominated Kwongan Shrubland – Endangered Located directly south-west from the prescribed premises boundary.
Esperance Harbour	Directly adjacent to the prescribed premises.

## 3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

The Revised Licence L5099/1947/14 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. activities associated with Category 58.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).



**Table 4. Risk assessment of potential emissions and discharges from the Premises during operation**

Risk Event					Risk rating <sup>1</sup>	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls	C = consequence L = likelihood			
<b>Operation</b>								
Increase volumes of imported fertiliser	Noise	<b>Pathway:</b> air / windborne pathway <b>Impact:</b> health and amenity impacts to residence of Esperance	Town of Esperance	N/A	C = Minor L = Unlikely <b>Low Risk</b>	N/A	N/A	The Delegated Officer notes that Noise emissions are assessed and regulated under the <i>Environmental Protection (Port of Esperance Operations Noise Emissions) Approval 2009</i> . To reduce regulatory duplication, noise emissions will be omitted from this Part V assessment.
	Contaminated water	<b>Pathway:</b> stormwater/wash water contaminated by fertiliser <b>Impact:</b> contamination of marine environment by nutrification	Marine environment surrounding Berth 2	See Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Condition 33: flushing wash water and sediment from Hume Interceptors Condition 35: water quality monitoring	There are existing conditions requiring water quality monitoring of potentially contaminated stormwater prior to the discharge into the marine environment.  When comparing annual fertiliser import amounts and levels of monitored nutrient measures at Sump 3 and 4 which are located adjacent to Berth 2, it appeared that there was no clear correlation between the measured contamination and the throughput of fertiliser for that reporting year (see Figure 1 and 2 in Appendix 2 - SPA, 2023) It does not appear that fertiliser throughput had a significant impact to the stormwater quality.  It is noted that the operation of the new StormDMT system for stormwater and wash water from Berth 2 will have improved filtering of contaminated water prior to environmental discharge, compared to the previous operations.  Due to these reasons, the Delegated Officer has determined that no additional regulatory controls are required.
	Spilt product	<b>Pathway:</b> direct discharge to environment from spills at berth or from spillages in the harbour <b>Impact:</b> contamination of marine environment by nutrification		See Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Table 12, Row 4: Vacuum or sweep any spills on Berth during loading / unloading. Table 12, Row 6: Use of spill plates Table 12, Row 11: Fertiliser to only unloaded, stockpiled and re-loaded within the storage Shed 6. Table 12, Row 15: Sweeper truck to remove material from sealed surfaces at Berths	The Delegated Officer has determined that current licence conditions are sufficient in mitigating the risk of discharge into the marine environment following the increase of throughput for fertiliser imports. It is noted that in previously reported spills at Berth 2, the spill plates have deflected the majority of the spill onto the Berth which was cleaned up.
				See Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Condition 29: Dust monitoring Condition 30: Dust limit exceedance report	The Delegated Officer has noted that although this amendment seeks an increase of fertiliser imports, the daily throughput at the port has not changed. Existing licence conditions will remain for dust monitoring and limit exceedance actions. The current licence conditions have been considered sufficient in monitoring and mitigating the risks of dust to nearby receptors.
Removal of dust monitor  Noting: removal of dust monitor does not <u>change</u> the risk of dust emission but does reduce ability for data to represent the 'average community exposure' and therefore, dust emissions will be assessed for this change.	Dust	<b>Pathway:</b> air / windborne <b>Impact:</b> health and amenity impact to residences of Esperance	Town of Esperance	N/A	N/A	N/A	N/A	As noted previously in this document, Site 5 location was established following increasing dust emission levels from the premises, specifically concerning levels of nickel. SPA have stated that since this time, they have improved their handling methods to reduce dust, and this has resulted in a reported reduction in measured emissions.  Technical advice was sought from the department's air quality branch to determine if there are any issues with the removal of this site, including both the HVAS and BAM monitor. Based on long term monitoring data that show low levels of ambient nickel, it was advised that Site 5 is currently not necessary, however it was recommended that site and associated infrastructure is retained for future use (should there be an increase in throughput of nickel products through the port. Additionally, comments from stakeholders (see Section 4) indicated no objection with the removal of this monitoring site.  Due to the above, the Delegated Officer has agreed to remove the requirements for monitoring at Site 5 dust monitors (both HVAS and BAM), however it is noted that Site 5 may be put back online in the future if there are increases to the emissions at the premises or changes to imported/exported materials.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Underline text** depicts additional regulatory controls imposed by department.

## 4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

**Table 5: Consultation**

Consultation method	Comments received	Department response
Department of Health (DoH) advised of proposal on 18 May 2023.	DoH provided a response on 6 June 2023, with following comments: <ol style="list-style-type: none"> <li>DoH has no objections to the removal of Site 5 dust monitors; and</li> <li>Proponent's risk assessment in this application refers to a previous DWER risk assessment from 2018 of dust emissions from fertiliser. DoH is unclear whether this assessment was conducted based on tonnage or handling methods and recommends further assessment is required.</li> </ol>	<ol style="list-style-type: none"> <li>Noted.</li> <li>Regardless of proponent's risk assessment or previous department risk assessments, the department will conduct a risk-based assessment for the increased throughput of fertiliser imports.</li> </ol>
Local Esperance Awareness Forum (LEAF) advised of proposal on 18 May 2023.	None received.	N/A.
Local Government Authority – Shire of Esperance advised of proposal on 18 May 2023.	Shire of Esperance provided comments on 26 May 2023 advising no objections with the proposed licence amendment.	Noted.
Relevant stakeholders from within local community advised of proposal on 18 May 2023.	None received.	N/A.
Licence Holder was provided with draft amendment on the 8 and 15 August 2023.	Refer to Appendix 2	Refer to Appendix 2

## 5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

### 5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

**Table 6 Summary of licence amendments**

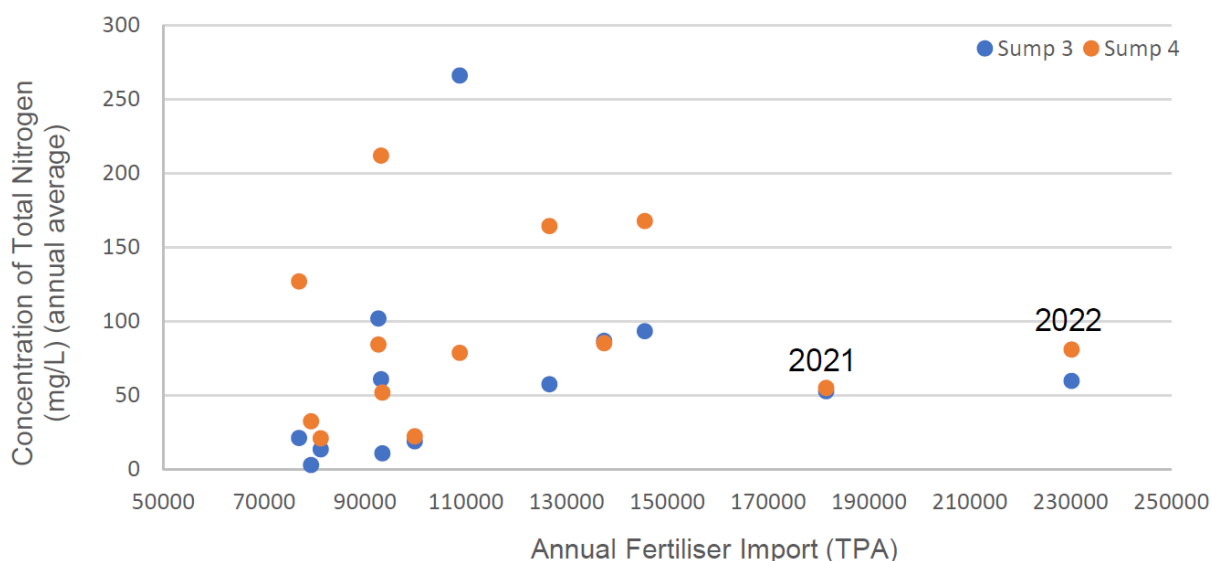
Condition no.	Proposed amendments
Cover page	New amendment date and moved the prescribed premises category description table from Schedule 2 to cover page.
Explanatory notes	Deleted to reflect updated licence template.
Licence History	Included licence history.
Interpretation	Moved to front of licence and minor changes to reflect updated licence template.
Conditions 4 – 38	Changes to condition numbering due to addition / removal of conditions (4-37)
Referencing	Changes to condition and table number referencing within document to reflect condition changes and to fix clerical errors.
Throughout licence	Removal of references to Hume Interceptor 3 (H3) as it has been decommissioned and is no longer in use as part of the stormwater infrastructure upgrade at Berth 2.
2b)	Addition of "Commencement Date"
2c)	Updated Trial notification condition to include handling method.
3	Updated Trial notification condition.
4	Updated Trial notification condition.
6e)	Updated Trial notification condition.
8	Updated Trial notification condition.
9	Updated Trial notification condition to include handling method.
Old Condition 8 Table 2, Row 1 & Row 2	Removal of Row 1 as the item "Gravel roadways" and Row 2 "StormDMT" have both been assessed as constructed in compliance with Table 2.
Old Condition 9	Removed as per above.
Old Condition 10	Removed as per above.
Condition 29	Wording changed to reflect the now constructed StormDMT.
Condition 32, Table 6, Row 2	Updates to the monitoring locations due to constructed infrastructure and changes to stormwater management at Berth 2.
Condition 32, Table 6, Row 6	Removed as this monitoring was conducted after the previous amendment was granted. Monitoring results were provided in the 2019-2020 AER.
Definitions	Revised to current licensing format and addition of new definitions and removal of redundant definitions.
Premises Map	Added a Figure caption for existing image and updated subsequent Figure numbering.
Table 9, Row 3	Updated plan references to be accurate with updated figures.
Table 10, Row 2	Updated annual assessed amount of fertiliser throughput from 200,000 to 500,000 tonnes

"Boat building and maintenance"	Removal of this section referring to <u>Boat building and maintenance</u> .
Table 11, Row 4	Changes to correctly reflect current wash water and stormwater infrastructure.
Table 11, Row 11	Changes to correctly reflect premises operations of spodumene storage and referencing to conditions.
Table 11, Row 17	Removed water track for the operational use of wetting down unsealed roads as remaining roadway on Berth 3 have since been sealed.
Figure 2	Updated Figure to show the current air quality monitoring locations.
Figure 3	Updated Figure to show the current stormwater monitoring locations
Schedule 5	Removed as monitoring has been conducted.

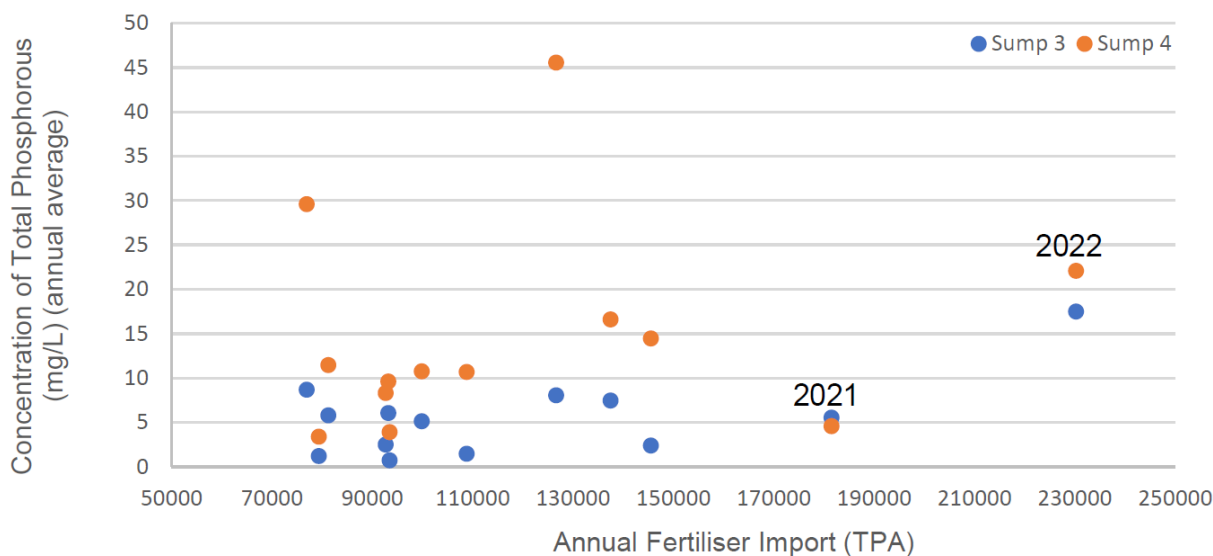
## References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. Southern Ports Authority (SPA) 2023, *L5099/1974/14 Licence Amendment Application: Attachment 3B - Risk Assessment of proposed increase in Assessed Volumes of fertiliser imports*, Western Australia.

## Appendix 1: Annual fertiliser import and nutrient monitoring



**Figure 1: Annual fertiliser import volumes and the detected Total Nitrogen for the corresponding year (SPA, 2023).**



**Figure 2: Annual fertiliser import volumes and the detected Total Phosphorus for the corresponding year (SPA, 2023).**

## Appendix 2: Summary of Licence Holder's comments on risk assessment and draft conditions

Draft Condition	Summary of Licence Holder's comment	Department's response
Old Condition 10 – Table 2, Row 2	Request to delete July 2023 and insert September 2023 for StormDMT construction completion timeframe.	Compliance with construction conditions for StormDMT have been demonstrated with compliance documents provided to the department 11 October 2023. Therefore, department will remove existing conditions 10, 11 and 12 and Table 2 that all refer to construction requirements. Following condition / table numbers and referencing have been updated to reflect this change.
Old Condition 12 <b>(New Condition 11)</b>	Change reference to correct Table: <i>Bulk granular material handling processes and amounts assessed</i> .	Department accepts this change, noting since construction compliance conditions have been removed, old Table 11 is now the new Table 10.
Old Condition 13 <b>(New Condition 12)</b>	Licence Holder has queried why reference to the AS4156.6-2000 is not included in the iron ore section but it is mentioned in the copper / nickel and spodumene section? It is also referenced in Definitions in Table 9, row 20, under DEM.	Department notes this difference in wording for the two conditions. However the definition of "DEM" which is required in both conditions, requires the output to be derived from the Australian Standard AS 4156.6-2000 so they are considered to be equivalent conditions. No changes will be made at this time as these conditions are out of scope for this amendment, however changes may be considered in future amendments.
Old Condition 17 <b>(New Condition 16)</b>	Changes reference in text from Condition 16 to 18 as it refers to moisture.	Department accepts this change, noting that since the construction compliance conditions have been removed, old condition 18 is now 15.
Old Condition 30(b) <b>(New Condition 29b)</b>	<ol style="list-style-type: none"> <li>1. remove reference to sump 2 (for the emptying prior to and following a copper vessel) due to new surface water drainage on Berth 2 that will direct all stormwater to the new StormDMT system;</li> <li>2. remove reference to sump 3 (Hume Interceptor 2) as this has been decommissioned; and</li> <li>3. clarification as to where sump 4 (Hume Interceptor 4) will still require emptying in this situation, as now all storm water will be directed through the Storm DMT filter prior to going through sump 4.</li> </ol>	<ol style="list-style-type: none"> <li>1. Department notes the changes to the stormwater infrastructure including complete construction of the StormDMT system; however, this condition relates to copper shipment, which is outside the scope of this application. This change should be sought out through a subsequent amendment where the Licence Holder can demonstrate and provide evidence that all contaminated stormwater associated with copper spills should be assessed.</li> <li>2. Department accepts this change.</li> <li>3. Department notes that this condition was originally put on the licence as an operating condition following the construction of the StormDMT. The Licence Holder will need to demonstrate through a subsequent amendment, that sump 4 will no longer need to be emptied prior and following copper shipments due to the operation and correct function of the StormDMT to remove particulate.</li> </ol>

Draft Condition	Summary of Licence Holder's comment	Department's response
Old Condition 31(a) <b>(New Condition 30a)</b>	This condition is related to the above. Request to remove this condition regarding maintaining a log of the emptying of sump (Hume interceptors) 2 – 4.	Department accepts this change in part. Reference to sumps (Hume interceptors) 3 will be removed due to decommissioning of sump 3. Sump 2 and 4 will remain in this condition as described above.
Old Condition 35 - Table 7, Column 1, Row 2 <b>New Condition 32 – Table 6, Column 1, Row 2</b>	Delete text in this cell and replace with "Hume Interceptor First Flush Tank (FFT) and H4 depicted in Figure 4.	Department accepts this change. Noting that construction conditions (conditions 10,11,12) have been removed following submission of compliance documents.
Old Condition 35 Table 7, Column 4, Row 2 <b>New Condition 32 – Table 6, Column 4, Row 2</b>	Delete text in this cell and replace with "FFT and H4 monthly". Noting that H3 has been decommissioned and all water directed to FFT, StormDMT and out through H4 to ocean.	
<b>Definitions Table</b>	Request removal of "Clean fill" definition as this has been removed from condition 6(e).	
Old Table 10 – Row 2 <b>New Table 9 - Row 2</b>	Request to remove H3 from the infrastructure table as it has been decommissioned.	
Old Table 10 – Row 23 <b>New Table 9 – Row 23</b>	Request to remove reference to Berth 3 road staged sealing as this has been completed.	
Old Table 12 – Column 3, Row 4 <b>New Table 11 – Column 3, Row 4</b>	Request to remove reference to H3 and change condition referencing to correct numbers.	
Old Table 12 – Column 3, Row 11 <b>New Table 11 - Column 3, Row 11</b>	Request changes to accurately reflect spodumene stored in Shed 4 and correct condition referencing for Shed 5 sprinkler system.	
Old Table 12 – Column 3, Row 16 <b>New Table 11 - Column 3, Row 16</b>	Request to remove "Water Truck" as this item in the table refers to unsealed roads along Berth 3 which have now been bituminised.	Department accepts this change, noting that the water truck is still reflected in the licence under Table 10: Infrastructure and equipment.



Draft Condition	Summary of Licence Holder's comment	Department's response
Schedule 4, Figure 2	Requests to remove Site 5 and Licence Holder will send amended Figure.	Department accepts this change.
Schedule 4, Figure 3	Licence Holder will provide updated Figure with removed H3 (as it has been decommissioned) and add FFT sample point, noting that H4 is downstream of the StormDMT as is considered the sample point for "treated stormwater".	
Schedule 4, Figure 4	Licence Holder suggests this Figure is unnecessary as requested sampling points can be shown in Figure 3.	
Draft Amendment Report	<p>Licence Holder requested changes / comments:</p> <ol style="list-style-type: none"> <li>1. Section 2.2.2 – removal of "bulka bag" as fertiliser only unloaded by grabs using ships gear;</li> <li>2. Section 2.2.2 – Fertiliser is loaded into Shed 6 not 5;</li> <li>3. Section 3.1.1 Table 2, Row 4 – Delete Hume interceptor and insert FFT and StormDMT;</li> <li>4. Section 3.1.2 – Licence Holder noted that they have "No occupation or control of unloading activities and the Terminal Operators are the external stevedores for this activity.</li> </ol>	Department has accepted the requested changes and has noted the Licence Holder's comments regarding Section 3.1.2.
	<ol style="list-style-type: none"> <li>5. Section 3.1.1 Table 2, Row 4 – Requested to change to "<i>Contaminated water in FFT and stormwater tanks will be taken to Shire of Esperance liquid waste facility as controlled waste</i>".</li> </ol>	Department has noted that the intent of this item was previously duplicated in the proposed controls relating to the surface water / stormwater infrastructure installed at Berth 2 and therefore has removed this item.

## Appendix 3: Application validation summary

SECTION 1: APPLICATION SUMMARY			
<b>Application type</b>			
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L5099/1974/14
Date application received	28 March 2023		
<b>Applicant and Premises details</b>			
Applicant name/s (full legal name/s)	Southern Ports Authority, Port of Esperance (ABN 30 044 341 250)		
Premises name	Port of Esperance		
Premises location	Part of Crown Reserve 28207, Volume 3127, folio 354 Corner of Bower Avenue and The Esplanade, Esperance, WA 6450		
Local Government Authority	Shire of Esperance		
<b>Application documents</b>			
HPCM file reference number:	DER2016/000420-1(-5)		
Key application documents (additional to application form):	Supporting documents: <ul style="list-style-type: none"> <li>• Attach 3B – <i>Risk assessment of proposed increase in Assessed Volumes of fertilizer imports;</i></li> <li>• Attach 2 – <i>Stormwater Treatment with StormDMT Technology (Concept Design) – Basis of Design;</i></li> <li>• Attach 8 – Proof of Roadways along Berth 3 are now complete</li> </ul>		
<b>Scope of application/assessment</b>			
Summary of proposed activities or changes to existing operations.	<p><u>Scope of the application:</u></p> <ol style="list-style-type: none"> <li>Changes to Table 2: "Works required for Premises":           <ul style="list-style-type: none"> <li>• Item 2 "Construction of the StormDMT" – requesting to extend the completion date from 1 December 2019 to July 2023; and</li> <li>• Item 1 "Gravel roadways" – requesting to remove this item as it has been constructed and compliance documents provided in Attachment 8.</li> </ul> </li> <li>Increase of "assessed volumes of imported fertiliser" from 200,000 tpa to 500,000 tpa.           <ul style="list-style-type: none"> <li>• LH indicated no changes to <u>daily</u> maximum throughput of 100,000 t/day current approved on licence.</li> <li>• Fertiliser is imported via Berth 2 – controls to prevent contaminated water emissions include:               <ul style="list-style-type: none"> <li>○ Spill tray between vessel and berth; sealed grab; no overfilling of grab; spill trays on hoppers; fertiliser clean-up checklist; and StormDMT (when constructed).</li> </ul> </li> <li>• There is stormwater monitoring baseline on nutrient reported in annual report to DWER.</li> </ul> </li> <li>Removal of Dust monitoring "Site 5" – located at the Shire Officers (about 1km north of prescribed premises boundary):           <ul style="list-style-type: none"> <li>• LH reasoning = dust monitor was installed in early 2009 following sig emissions of nickel from the Port during 2007-08 → purpose was to define a measure of nickel that is representative of 'average' community exposure;</li> <li>• Since then, nickel values are predominantly below limits of detection at the site;</li> </ul> </li> <li>Fixing administrative errors throughout the Licence – referencing of conditions, and table numbering.           <ul style="list-style-type: none"> <li>• Refer to application form for suggested changes;</li> <li>• Consider updating licence to current formatting standards;</li> <li>• Annual Environmental Quality Report – submitted to DWER.</li> </ul> </li> </ol>		

**Category number/s (activities that cause the premises to become prescribed premises)**

**Table 1: Prescribed premises categories**

Prescribed premises category and description	Proposed / Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 58: bulk material loading or unloading	Maximum production / design capacity 100,000 tonnes per day	No changes to 100,000 tonnes per day assessed limit for this Category.  Increased assessed volumes of fertilizer import from 200,000 to 500,000 tpa.
Category 58a: bulk material loading or unloading	<b>Not related to this amendment.</b>	<b>N/A.</b>
Category 82: boat building and maintenance: premises on which –  (a) Vessels are commercially built or maintained; and (b) Organotin compounds are not use or removed from vessels	<b>Not related to this amendment.</b>	<b>N/A.</b>

**Legislative context and other approvals**

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Noting Premises holds a Ministerial Statement 681 – Upgrading of marine facilities Increase in iron ore export through the port to 8 million tonnes per annum
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Licence / permit not required.

Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: Esperance Groundwater Area Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: South Coast
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <a href="#">WQPN 25</a> )? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> <i>Note: Esperance Water Reserve PDWSA (P2) located 1.5km west from the prescribed premises boundary</i>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i> )	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Contaminated Sites Act 2003</i> <i>Landfill Waste Classification and Waste Definitions 1996 (as amended 2019)</i>
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Classification: possibly contaminated – investigation required (PC–IR) Date of classification: 7 April 2016 Object ID: 30250 CSS ID: 58918 CSS Site ID: 2877