



Department initiated Amendment

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

Licence Number	L9388/2023/1
Licence Holder	Onslow Port Services Pty Ltd
ACN	657 345 385
DWER File Number	DER2022/000713 / APP-0027019
Premises	Port of Onslow, Beadon Creek Part of Lot 561 Beadon Creek ONSLOW WA 6710 Legal description – Part of Reserve 30711, being a part of Lot 561 Deposited Plan 174170. As defined by the premises map attached to the issued licence
Date of Report	31 March 2025
Decision	Revised licence granted

Grace Heydon

MANAGER WASTE INDUSTRIES

Officer delegated under section 20 of the Environmental Protection Act 1986

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1. Decision summary

On 19 December 2024, the Minister for Environment; Climate Action (the Minister) made a determination on a third-party appeal (Appeal number 41 of 2023) against the grant of a Licence dated 15 September 2023 for the Port of Onslow, Beadon Creek facility processing scrap metal and waste from decommissioned offshore oil and gas infrastructure.

The Minister received an appeal from the Shire of Ashburton (appellant) objecting to the conditions within the Licence. Broadly, the key concerns from the appellant were for the Licence to include additional controls, monitoring and reporting requirements in relation to the following matters:

- Management of noise emissions from the premises;
- Potential for contaminated stormwater to impact nearby sensitive receptors, particularly Beadon Creek;
- Management and storage of waste materials in preventing odour emissions, windblown waste, pests and vermin;
- Transparency and reporting of records to the Shire of Ashburton.

In making the determination the Minister allowed in part the appeals to the extent that the Licence be amended as follows:

- The inclusion of conditioning to clearly specify the premises must comply with the prescribed standard (r.7) of the Environmental Protection (Noise) Regulations 1997 (Noise Regulations) through the implementation of an effective noise monitoring plan;
- Conditions added to ensure the bunded containment infrastructure is maintained fit for purpose across multiple waste processing projects which includes annual assessments of the infrastructure and the sampling of potentially contaminated wastewater;
- Implementation of a detailed waste acceptance plan that defines waste types, potential contaminants and how the presence of contaminants will be verified and managed;
- More specifications on the management of waste which include the containment and securing of waste during strong wind and cyclone events, cleaning of subsea infrastructure and handling of biofouled waste and management of stagnant water to prevent mosquito breeding; and
- Notification conditions for fire incidents and submission of the licence holder's noise management plan to include the Shire of Ashburton.

Changes have been made to align Licence conditions with the Minister's determination in accordance with Section 110 of the *Environmental Protection Act 1986* (EP Act). These changes are summarised in Table 2.

As this amendment will give effect to an appeal decision, no further risk assessment to justify these changes is required/provided within this Amendment Report.

2. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

Table 1: Consultation

Consultation method	Comments received	Department response
Licence Holder was provided with draft amendment on 7 February 2025	Refer to Appendix 1.	Refer to Appendix 1.

3. Conclusion

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

3.1 Summary of amendments

Table 2 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 2: Summary of Licence amendments

Condition no.	Proposed amendments
1 - Table 1	<p>Addition of numbering and lettering.</p> <p>Condition amended to refer to the 'temporary storage containment bund' as the 'bunded containment area'. Terminology for this area has been amended throughout the licence for consistency. Condition also updated to include an operational requirement in containing potentially contaminated runoff.</p> <p>New condition added to require all wastewater and sludge from the bunded containment area be sampled and classified, including for NORM's mercury and hydrocarbons before being removed from the premises for appropriate disposal.</p> <p>New condition added to require potentially contaminated soil materials from the bunded containment area be collected and stored in an enclosed and impermeable container prior to any rainfall even forecast >10mm.</p> <p>New condition added to require an annual assessment on the bunded containment areas liner and containment capacity and repair works where required.</p>

Condition no.	Proposed amendments
3, 4, 5 and 6	<p>Updating noise monitoring plan and reporting conditions to:</p> <ul style="list-style-type: none"> • Include reference to r.7 of the Noise Regulations and detail on how the licence holder will ensure compliance with the prescribed standard; • Require detail on how the licence holder will meet the methodology and equipment requirements specified in the Noise Regulations; • Include quarterly noise monitoring reporting to DWER where Category 47 operations are undertaken; • Include requirement for the licence holder to maintain and implement the noise monitoring plan to ensure operations are compliant with the r.7 of the Noise Regulations. • Require submission of the noise monitoring plan to the Shire of Ashburton. <p>Noise monitoring plan submission date has been amended to 4 April 2025 to ensure compliance with submission date can be achieved.</p>
8 and 9	<p>A new condition requiring the licence holder to develop (or update), implement and submit to DWER a waste acceptance plan that defines the accepted waste types as per Table 2, potential contaminants, contaminant screening methods, trigger levels and management controls for elevated contaminant levels.</p> <p>Inclusion of a condition to ensure hazardous waste contaminated with NORM's, mercury, BTEX, asbestos and lead based paints are not accepted until the waste acceptance plan has been submitted to DWER and DWER has provided written confirmation that the proposed controls are sufficient in effectively managing these waste contaminants.</p>
10 – Table 2 (previously 8)	<p>Addition of numbering.</p> <p>Reference to the licence holders Dangerous Goods Management Plan and Radiation Management Plan both defined in the Definitions Table (Table 6).</p>
11 – Table 3 (previously 9)	<p>Addition of numbering and lettering.</p> <p>Condition updated to ensure waste processing only occurs within the bunded containment area.</p> <p>Condition updated to include the requirement for putrescible wastes to be stored in enclosed bins or containers.</p> <p>Additional requirements for handling time and cleaning of biofouled subsea infrastructure and the storage of putrescible wastes in enclosed bins or containers.</p>
15	<p>A new condition requiring waste including litter and debris to be contained.</p>
16	<p>A new condition requiring waste including scrap metal to be secured and immobilised for strong wind and cyclone events.</p>

Condition no.	Proposed amendments
20	A new condition requiring pooled water on the premises is removed within 72 hours to prevent mosquito breeding.
21	A new condition specifying operations to achieve the prescribed standard for noise emissions as per r.7 in the Noise Regulations.
22 – Table 4 (previously 16)	Requirement to include the monitoring of wastewater and sludge removed from the bunded containment area.
23 and 24	<p>A new condition requiring a waste manifest be maintained that records the types and volumes of waste on the premises at any time.</p> <p>Waste manifest to be made available to the CEO and/or Shire of Ashburton when requested to support emergency response activities.</p>
25 (previously 17)	Requirement to include the Shire of Ashburton in notifications of fire incidents and discharge of fire wash water.
30 – Table 5 (previously 22)	<p>Environmental Reporting conditions updated to include:</p> <ul style="list-style-type: none"> • Wastewater and sludge sampling results, disposal volumes and disposal facilities this waste has been transported to. • Reporting on the annual bunded containment area liner integrity assessment and any required repairs completed. • Quarterly reports on any actions taken and improvements required to control noise emissions. • Sampling results and categorisation of any soil material removed from the premises for disposal.
Table 6	New and updated definitions to accompany the new and updated conditions in the licence.
Schedule 1, Figure 2	Addition of new figure to clearly delineate the bunded containment area.
Schedule 2	<p>Removal of reference to the bunded containment area sump being plumbed into the wash bay water treatment facility. Condition 1, Table 1, (c) requires wastewater and sludge to be sampled and classified before removal to an appropriately licensed disposal facility.</p> <p>Minimum installation requirements for the HDPE liner have been added as per standard requirements in WQPN 26.</p> <p>For containment of rainwater and wastewater in the bunded containment area, reference to a one in six-month average recurrence interval has been updated to a 1 in 100 year annual exceedance probability 24-hour rainfall event.</p>

Appendix 1: Summary of licence holder's comments on draft amendment

Condition	Summary of licence holder's comment	Department's response
Condition 9	Although this condition is agreed, can DWER please provide an indicative timeframe for the written approval in (b) to be provided by the CEO.	The Department's target timeframe for processing submissions is 60 business days, however, providing the submission meets all the requirements of the applicable conditions, the processing timeframe is expected to be significantly less.
Condition 11, Table 3, 7	Request for slight adjustment to accommodate transport times to and opening hours of approved facilities.	The Delegated Officer has accepted the licence holder's proposed change to the wording of the condition as there is no change to the intent of the licence condition for the purposes of controlling emissions and discharges.
Condition 21	Requested changes to the wording of the condition for clarity.	The Delegated Officer has accepted the licence holder's proposed change to the wording of the condition as there is no change to the intent of the licence condition for the purposes of controlling emissions and discharges.
Condition 24 and new condition 25 requested	The licence holder has requested changes to wording and the splitting of waste record notifications for DWER and the Shire into two separate conditions.	<p>The Delegated Officer has partially accepted the licence holder's requested changes by:</p> <ul style="list-style-type: none"> Modifying condition 24 to require waste record for current waste materials on the site to be provided to the Shire during emergencies. Addition of reference to condition 23 in records keeping condition 28 to better clarify that the waste manifest is to be provided to the CEO as required as per condition 29.

Condition	Summary of licence holder's comment	Department's response
Table 6: Definitions	<p>The licence holder has requested addition of the following definitions:</p> <p><u>Immediately</u> - means as soon as is reasonably practicable.</p> <p><u>Waste manifest</u> – means a log of the movement of waste on and off the premises throughout the reporting period.</p> <p><u>Waste record</u> - A record of the current waste at the premises.</p>	<p>The Delegated Officer has partially accepted the licence holder's requested additions whilst considering the Ministers determination and what is reasonably expected given the intent of the applicable condition:</p> <p><u>Immediately</u> - For the purposes of notifications, within 24 hours of the licence holder becoming aware of the applicable pollution event.</p> <p><u>Waste manifest</u> - A current record of all waste material types and volumes stored at and removed from the premises throughout the annual period.</p> <p><u>Waste record</u> - A current record of all waste material types and volumes stored at the premises.</p>
Schedule 1	An updated site diagram provided that includes the extend of the bunded area.	Site diagram has been added as Figure 2.