



Application for Works Approval Amendment

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

Works Approval Number	W6329/2019/1
Works Approval Holder	Mid West Ports Authority
File Number	DER2019/000629
Premises	Port of Geraldton 298 Marine Terrace GERALDTON WA 6530 Legal description – Part of Lot 503 on Plan 57801 (as defined by the coordinates in Schedule 1)
Date of Report	25 September 2020
Decision	Revised works approval granted

Lauren Fox

A/MANAGER – RESOURCE INDUSTRIES

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

1. Decision summary

Works Approval W6329/2019/1 is held by Mid West Port Authority (works approval holder) for the Port of Geraldton (premises), located at part of Lot 503 (Plan 57801), Geraldton WA 6530.

This works approval amendment does not result in changes to emissions and discharges previously assessed in the decision report for W6329/2019/1. The source-pathway-receptor linkage remains the same, and therefore no additional risk assessment is required.

As a result of this assessment, revised works approval W6329/2019/1 has been granted.

The revised works approval issued as a result of this amendment consolidates and supersedes the existing works approval previously granted in relation to the premises. The revised works approval has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

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 August 2020 the works approval holder submitted an application to the department to amend works approval W6329/2019/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The works approval holder sought an amendment to extend time limited operations to allow for additional shipments of mineral sand concentrate (MSC).

The current works approval W6329/2019/1 authorised two shipments of MSC totalling a maximum of 10 500 tonnes per shipment. The two shipments occurred in June and August 2020. Shipment notifications and compliance documentation as required by the conditions set out in W6329/2019/1 have been received by the department and fulfilled accordingly.

The works approval holder seeks authorisation to undertake an additional three shipments with a maximum of 10 500 tonnes of MSC per shipment to avoid disruption of exports until a licence amendment application to allow ongoing MSC exports has been submitted and assessed by the department. No changes of the emission or discharge characteristics are proposed in the application.

Table 1 below outlines the proposed changes to the existing works approval.

Table 1 Proposed throughput capacity changes

Category	Current throughput capacity	Proposed throughput capacity	Description of proposed amendment
58	2 shipments, each of not more than 10 500 tonnes of mineral sand concentrate	5 shipments in total, each of not more than 10 500 tonnes of mineral sands concentrate	Additional shipments of mineral sand concentrate authorised to allow ongoing exports until licence amendment application has been submitted and assessed

3. Consultation

Table 2 provides a summary of the consultation undertaken by the department.

Table 2: Consultation

Consultation method	Comments received	Department response
Works approval was provided with draft amendment on (17/09/20)	<p><u>Condition 5</u></p> <p>Request to remove the need to submit a compliance report after the 5th shipment, as one has been provided after the 2nd shipment showing compliance and controls being sufficient.</p> <p>Request to provide monitoring data as summary report after completion of time limited operations instead.</p>	Agreed, the report requirements have been changed to include a summary of monitoring data and measures taken if performance has not met expectations.
	<p><u>Condition 6</u></p> <p>Minor typographical error.</p>	Minor typographical error has been rectified.

4. Conclusion

Based on the assessment in this amendment report, the Delegated Officer has determined that a revised works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1 Summary of amendments

Table 3 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the revised works approval as part of the amendment process.

Table 3: Summary of works approval amendments

Condition no.	Proposed amendments
Former conditions 1 and 2	Removed from works approval.
1	New condition included to authorise five shipments of MSC in total. Replaces former condition 1.
2	Time limited operation requirements (unchanged) combined under re-numbered condition 2 for better readability (combined former conditions 3-6)
Former conditions 3 to 6	Removed from works approval – consolidated as re-numbered condition 2 as outlined above.
3 and 4	Re-numbered to conditions 3 and 4 from previous numbers 7 and 8.
5	Amendment of reporting requirements to reflect 5 shipments – this condition replaces the previous condition 9.
Former condition 9	Removed from works approval as condition has been complied with and therefore no longer required.
6 to 10	Re-numbered from previous condition numbers 10 to 13

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:		None <input type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input checked="" type="checkbox"/>	Current works approval number:	W6329/2019/1	
Amendment to licence	<input type="checkbox"/>	Current licence number:		
		Relevant works approval number:	N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:		None <input type="checkbox"/>
Date application received	28/08/2020			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Mid West Ports Authority			
Premises name	Geraldton Port			
Premises location	Part of Lot 503 on Deposited Plan 57801; Volume LR3157 Folio: 232			
Local Government Authority	City of Greater Geraldton			
Application documents				
HPCM file reference number:	DER2019/000629			
Key application documents (additional to application form):	Works approval amendment application form Environmental Compliance Report for W6329/2019/1			
Scope of application/assessment				

Summary of proposed activities or changes to existing operations.	<p><u>Context</u></p> <ul style="list-style-type: none"> W6329/2019/1 currently only allowing 2 shipments as part of commissioning- results in gap of shipments until licence amendment has been submitted and assessed Initial 2 shipments have been completed & compliance documentation has been submitted as part of this amendment application <p><u>Works approval amendment</u></p> <ul style="list-style-type: none"> Amendment to include time limited operations (TLO) for shipments through Geraldton Port for 180 days
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Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 58- Bulk material loading or unloading	2 shipments, each of not more than 10 500 tonnes of mineral sands concentrate	Proposed – max of 5 shipments each of not more than 10 500 tonnes of mineral sands concentrate

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"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Geraldton Port Enhancement (2002) Ministerial statement No: 600 EPA Report No: 1050</p> <p>Proposed Geraldton Port Expansion (1989) Ministerial statement No:87 EPA Report No: 411</p> <p>Geraldton Port Expansion (1994) Ministerial statement No:367 EPA Report No: 752</p>	
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:	
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:	

Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why?	
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"/>	N/A	
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
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"/>	Port Authorities Act 1999 (WA); Port Authorities Regulations 2001 (WA)	Port
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 type="checkbox"/> No <input type="checkbox"/>		