



Application for Works Approval Amendment

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

Works Approval Number	W6893/2024/1
Works Approval Holder	Mid West Ports Authority
File Number	APP-0028009
Premises	<p>Geraldton Port – Lease 11 Truck Unloader</p> <p>298 Marine Terrace GERALDTON WA 6530</p> <p>Legal description –</p> <p>Part of Lot 503 on Deposited Plan 57801</p> <p>As defined by the coordinates in Schedule 2 of the revised works approval.</p>
Date of Report	15 April 2025
Decision	Revised works approval granted

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

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1. Decision summary

Works approval W6893/2024/1 is held by Mid West Ports Authority (works approval holder) for the Geraldton Port – Lease 11 Truck Unloader (the premises), located at 298 Marine Terrace, GERALDTON, Western Australia 6530.

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 construction of the premises. As a result of this assessment, revised works approval W6893/2024/1 has been granted.

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 13 March 2025, the works approval holder submitted an application to the department to amend works approval W6893/2024/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Authorisation to undertake construction activities on Sunday and public holidays between the hours of 07:00 and 19:00, and possibly construction activities at night.
- Modification of wording used to describe sheet piling methodology in Table 2 of existing works approval W6893/2024/1.

This amendment is limited to only changes to construction activities and the associated emissions and discharges relating to Category 58 and 58A activities. No changes to the assessed throughput or operational aspects for Category 58 and 58A activities have been requested by the works approval holder.

2.2.1 Out of hours construction activities

Existing works approval W6893/2024/1 restricts construction activities at the premises to Monday to Saturday, between the hours of 07:00 and 19:00¹. The timing of this restriction aligns with regulation 13(2) of the Environmental Protection (Noise) Regulations 1997 (Noise Regulations), which allows construction noise emissions emitted by the works approval holder to be exempt from assigned noise levels specified in the Noise Regulations, subject to several requirements.

In accordance with regulation 13(3) of the Noise Regulations, construction noise emissions emitted outside of these hours (i.e., on Sundays, public holidays, and night-time) will require a noise management plan (NMP) be prepared and approved by the Chief Executive Officer² (CEO).

¹ Except for construction dewatering activities, for the purposes of maintaining dry subsurface conditions.

² Within the context of the Noise Regulations, the CEO of the department has delegated power and duties in relation to NMPs under regulation 13 to any person holding or acting as a CEO under the *Local Government Act 1995* or any employees of the local government under the *Local Government Act 1995* who is appointed as an authorised person under section 87 of the *Environmental Protection Act 1986*.

As part of this amendment, the works approval holder seeks to undertake construction works on Sundays and potentially public holidays. Furthermore, the works approval holder may also undertake construction works during night-time hours (i.e. after 17:00), subject to operational requirements and constraints at the wider port facility. For the proposed activities, the department is of the opinion that these out-of-hours construction noise emissions may be better managed under the local government authority (City of Greater Geraldton).

On 5 February 2025, the City of Greater Geraldton approved the works approval holder's NMP, subject to the following conditions:

- that the noise monitoring specified within the NMP must be undertaken, and any unexpected and/or major exceedances (i.e., beyond the expected levels) are to be reported to the City of Greater Geraldton within two working days of the exceedance.
- that loud works (e.g. sheet piling) must be avoided on Sundays, and when it is undertaken due to operational requirements, it must take place after 09:00, with the times chosen reflective of consultation with the most affected properties, as laid out within the NMP.
- that any noise complaints received from residents are to be responded to within 24 hours and the details of the complaint and the resolution be forwarded to the City of Greater Geraldton within two working days of the complaint, as specified within the NMP.

In addition, the works approval holder has committed to following relevant procedures and requirements set out by the City of Greater Geraldton when undertaking out-of-hours construction activities.

As the relevant local government authority has approved the NMP, construction noise emissions will no longer be regulated under works approval W6893/2024/1. Existing condition 4 has been removed from revised works approval W6893/2024/1. No updated risk assessment has been undertaken.

Nevertheless, the department may decide to regulate construction noise under the works approval in the future, if it is determined that additional regulatory controls are required.

2.2.2 Sheet piling methodology

The works approval holder requested the wording be modified in Table 2 of existing works approval W6893/2024/1, such that the 'extent of soil excavation below the water table must be *retained*³ using sheet piling methodology prior to commencement of dewatering'. The works approval holder noted that the modification was proposed to more accurately reflect construction conditions and terminology, and does not change the proposed construction activities.

The existing requirement specified that soil excavation must be *fully enclosed* using sheet piling methodology, which was based on information provided on groundwater dewatering modelling during the assessment of works approval W6893/2024/1. As the works approval holder has confirmed that the dewatering activity (and sheet piling) to be undertaken will still reflect the conditions used to undertake groundwater modelling, the department considers this change to be acceptable, with no updated risk assessment required.

³ Existing requirement specifies that the soil excavation must be *fully enclosed*.

3. Consultation

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

Table 1: Consultation

Consultation method	Comments received	Department response
Works Approval Holder was provided with a draft amendment on 14 April 2025.	Works Approval Holder responded on 14 April 2025 with no comments, requesting the remainder of the consultation period be waived.	None.

4. Conclusion

Based on the assessment in this amendment report, the delegated officer has determined that a revised works approval W6893/2024/1 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1 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 works approval as part of the amendment process.

Table 2: Summary of works approval amendments

Condition no.	Proposed amendments
---	Updated formatting of cover page.
Condition 2	Updated Table 2 to modify wording for dewatering of groundwater, such that the extent of soil excavation below the water table must be <i>retained</i> (rather than <i>fully enclosed</i>) using sheet piling methodology prior to commencement of dewatering.
---	Removed existing condition 4 (construction hours restriction), as construction noise emissions will not be regulated under revised works approval W6893/2024/1.