



Licence Number	L4474/1976/14
Licence Holder	Fremantle Port Authority
ABN	78 187 229 472
Registered business address	1 Cliff Street FREMANTLE, WA, 6160
File Number	DEC1712/5 and DEC1712/1
Duration	07/04/2012 to 06/04/2032
Amendment date	31/10/2019
Date of issue	07/04/2012
Prescribed Premises	Category 58: Bulk material loading or unloading: premises - on which clinker, coal, ore, ore concentrate or any other bulk granular material (other than salt) is loaded onto or unloaded from vessels by an open materials loading system. Category 58A: Bulk material loading or unloading: premises on which salt is loaded onto or unloaded from vessels by an open materials loading system.
Premises	Kiwanana Bulk Jetty Port Road, KWINANA BEACH, WA, 6167 CITY OF KWINANA Legal description - Lot 4552 on Plan 220690, and Portion of Lot 497 on Plan 35196 As defined Schedule 1

This Licence is granted to the Licence Holder, subject to the following conditions, as amended on 31 October 2019, by:

Tim Gentle
Manager – Resource Industries
REGULATORY SERVICES

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

Definitions and interpretation

Definitions

In this **Licence**, the following terms have the following meanings:

‘Anniversary Date’ means the anniversary of the date of grant of this Licence.

‘Approved policy’ has the same meaning given to the term in the EP Act.

‘Compliance Report’ means a report in the format specified by the CEO from time to time.

‘Annual Period’ means the 12 month period commencing from **1 August each year**.

‘CEO’ means Chief Executive Officer.

‘CEO’ for the purposes of notification means:

Chief Executive Officer
Department Administering the Environmental Protection Act 1986
Locked Bag 10
JOONDALUP DC WA 6027
Telephone: (08) 6367 7000
Facsimile: (08) 6367 7001
Email: info@dwer.wa.gov.au

‘CEO Request’ means a request made by the CEO to the Licensee in writing, sent to the Licensee’s address for notifications, as described at the front of this Licence, in relation to:

- (a) information, records or reports in relation to specific matters in connection with this Licence including in relation to compliance with any Conditions and the calculation of fees (whether or not a breach of condition or the EP Act is suspected); or
- (b) reporting, records or administrative matters:
 - (i) which apply to all Licences granted under the EP Act; or
 - (ii) which apply to specified categories of Licences within which this Licence falls.

‘Condition’ means a condition to which this Licence is subject under s 62 of the EP Act.

‘Clean fill’ as defined by *the Landfill Waste Classification and Waste Definitions 1996 (as amended April 2018)*;

‘DEM’ the dust extinction moisture which is the moisture content expressed as a percentage of the product at which the Dust Number is 10 derived from the Australian Standard AS4156.6- 2000: *Coal preparation, Part 6: Determination of Dust/moisture Relationship for Coal*, or alternative approved standard as approved by the CEO.

‘Discharge’ has the same meaning given to that term under the EP Act.

‘DWER’ means Department of Water and Environmental Regulation.

‘Emission’ has the same meaning given to that term under the EP Act.

‘Environmental harm’ has the same meaning given to that term under the EP Act.

‘EP Act’ means the *Environmental Protection Act 1986 (WA)*.

‘EP Regulations’ means the *Environmental Protection Regulations 1987 (WA)*.

‘General Description’ means the description of activities and operations carried out on the Premises as set out in Schedule 2 of this Licence.

‘Implementation agreement or decision’ has the same meaning given to that term under the EP Act.

‘Licence’ refers to this document, which evidences the grant of Licence by the CEO under s 57 of the EP Act, subject to the Conditions.

‘Licensee’ refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence.

‘Licence Holder’ means Fremantle Port Authority.

‘Material environmental harm’ has the same meaning given to that term under the EP Act.

‘Mtpa’ means million tonnes per annum.

‘NATA’ means the National Association of Testing Authorities, Australia

‘Pollution’ has the same meaning given to that term under the EP Act.

‘Premises’ refers to the Premises to which this Licence applies, as specified at the front of this Licence and as shown on the map/plan in Schedule 1 to this Licence.

‘Prescribed standard’ has the same meaning given to that term under the EP Act.

‘Serious environmental’ harm has the same meaning given to that term under the EP Act.

‘Trial’ means a test period during which the Licence Holder loads or unloads a new bulk granular material, not currently specified in Schedule 2 of the Existing Licence, at the Premises, in accordance with Conditions 12 to 17.

‘Unreasonable emission’ has the same meaning given to that term under the EP Act.

‘Waste’ has the same meaning given to that term under the EP Act.

Interpretation

In this **Licence**:

- (a) the words ‘including’, ‘includes’ and ‘include’ will be read as if followed by the words ‘without limitation’;
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a **Condition**, each row in a table constitutes a separate **Condition**; and

- (a) any reference to an Australian or other standard, guideline or code of practice in this **Licence** means the version of the standard, guideline or code of practice in force at the time of granting of this **Licence** and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the **Licence**..

Amendment History

Table 1 provides the amendment history for L4474/1976/14

Table 1: Licence amendments

Instrument	Issued	Amendment
L4474/1976/14	26 July 2016	Licence review
L4474/1976/14	8 June 2018	Amendment Notice 1: An amendment was applied for to include the export of 624,000 tpa of silica sands as well as the increase in tonnages of cement clinker imports, phosphate imports, potash imports and urea imports. It also included the installation and operation of two bulk material hoppers on KBB3 Berth.
L4474/1976/14	16 January 2019	Amendment Notice 2: The licence was amended via a DWER initiated amendment to include Trial conditions to the Existing Licence
L4474/1976/14	16 September 2019	Licence amendment: The Licence was amended to increase the imports of potash and soya bean meal. Amendment Notices 1 and 2 have also been amalgamated into the Licence during this amendment.
L4474/1976/14	DATE	DWER initiated amendment to correct administrative error of page sizing in Schedule 1

Conditions

Environmental Compliance

1. The **Licensee** must comply with the **EP Act** and all regulations prescribed under the **EP Act** applicable to the **Premises**, including:
 - (a) the duties of an occupier under s 61;
 - (b) the duty to notify the **CEO** of **Discharges** of waste under s 72; and
 - (c) not causing, or doing anything that is likely to cause, an offence under the **EP Act**,

except where the **Licensee** does something in accordance with a **Condition** which expressly states that a defence under s 74A of the **EP Act** may be available.

Infrastructure and equipment

2. The **Licensee** must ensure that the infrastructure and equipment specified in column 1 of Table 6 in Schedule 3, are maintained and operated in accordance with the requirements specified in column 2 of Table 6 in Schedule 3.
3. The **Licensee** must ensure that the infrastructure and equipment in Schedule 3 are maintained in good working order.

Cockburn Sound Monitoring and Reporting

4. The **Licensee** must monitor the parameters specified in column 1 from the locations specified in column 2 in Table 2. Monitoring results to be reported for the period specified in column 3 and in accordance with the methods specified in columns 4 and 5 in the Table 2.

Table 2: Cockburn Sound Monitoring Table

Column 1	Column 2	Column 3	Column 4	Column 5
Parameter	Location	Period	Sample	Method
Water Quality: Physicochemical: Surface temp; salinity, pH, Dissolved Oxygen (DO) Carbon, Nutrients and Total Suspended Solids (TSS): Total Nitrogen, Nitrate (NO ₃), Ammonium (NH ₄), total phosphorus and ortho Phosphorus, dissolved organic carbon (DOC),	KBJ1, KBJ2 and KBJ3 as per the monitoring locations on Marine Monitoring map in Schedule 4	Annually: Sample on a single occasion annually in January / February / March Report by 30 th September	Probe logging of physico- chemical parameters. Grab samples for balance of analytes. Single sample for nutrients from surface of water and seabed. Single sample for biological response and	Physicochemical profiles to be obtained using a multi-parameter probe across depth of the entire water column. As required, water quality samples are to be collected from the surface (0.5m below sea level) and the bottom (0.5m above seabed). The samples are to be processed and measured at a NATA

Column 1	Column 2	Column 3	Column 4	Column 5
Parameter	Location	Period	Sample	Method
Total Suspended Solids (TSS) Biological Response: chlorophyll-a, chlorophyll-b, chlorophyll-c and phaeophytin; Organics: Total Petroleum Hydrocarbon (TPH) and BTEX (incl. benzene, toluene, ethylbenzene and xylenes)			organics from surface of water.	accredited laboratory(s).
Mussels Arsenic, cadmium, chromium, copper, lead, mercury, selenium and zinc	From wharf pylons or sentinel mussels	Annually: Sample on a single occasion annually in January / February / March Report by 30 th September	Single grab harvesting of mussels or using sentinel mussels.	To be collected from the nearest available surface (wharf pylons) or sentinel mussel cage. Immediately after sampling, stored on ice and dispatched to NATA accredited laboratory(s) for processing and analysis.
Sediment Quality for metals Arsenic, cadmium, chromium, copper, lead, mercury, selenium and zinc	KBJ1, KBJ2 and KBJ3 as per the monitoring location map on the Marine Monitoring map in Schedule 4	Annually: Sample on a single occasion annually in January / February / March Report by 30 th September	Annual grab sample	As per section 6.4 of the <i>Manual of Standard Operating Procedures for Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria (2003-2004)</i>

5. The **Licensee** must provide a report to the **CEO** specifying the data from the monitoring undertaken in **Condition 4** at the frequency specified in Schedule 4.

Emissions

6. The **Licensee** must not cause any **Emissions** from the **Premises** except for Specified Emissions and General Emissions described in column 1, subject to the exclusions, limitations or requirements specified in column 2, of the Table 3.

If the **Licensee** proves that it has acted in accordance with this **Condition**, it may be a defence under s 74A of the **EP Act** to proceedings for offences under the **EP Act** (including offences under section 56).

Table 3: Emission table

Column 1	Column 2
Emission Type	Exclusions/Limitations/Requirements
Specified Emissions	
Dust Management	Subject to compliance with: <ul style="list-style-type: none"> rows 1 to 4 of the table in Schedule 3; and Conditions 2 and 3.
Spill Management	Subject to compliance with: <ul style="list-style-type: none"> Rows 5 to 9 of the table in Schedule 3; and Conditions 2 to 5.
Discharge washwater and stormwater from the Premises	Subject to: <ul style="list-style-type: none"> compliance with row 10 of the table in Schedule 3; and Conditions 2 to 5.
General Emissions (excluding Specified Emissions)	
Emissions which: <ul style="list-style-type: none"> arise from the activities on the Premises through matters set out in, or incidental to the matters set out in, the General Description in Schedule 2; 	Emissions excluded from General Emissions are: <ul style="list-style-type: none"> Unreasonable emissions; or Emissions that result in, or are likely to result in, Pollution, Material environmental harm or Serious environmental harm; or Discharges of Waste in circumstances likely to cause Pollution; or Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or Emissions or Discharges which do not comply with an Approved policy; or Emissions or Discharges which do not comply with Prescribed standard; or Emissions or Discharges which do not comply with the conditions in an implementation agreement or decision; or Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials Discharged under the Environmental Protection (Unauthorised Discharges) Regulations 2004.

Information

7. The **Licensee** must maintain accurate records including information, reports and data in relation to the calculation of fees payable in respect of this Licence.
8. If an emission the type referred under Condition 6 occurs on the Premises, then the Licensee must:
 - (a) investigate why the Emission occurred;

- (b) take all reasonable steps to prevent the Emission occurring again;
 - (c) record the details of the investigation and all steps taken; and
 - (d) provide a copy of the record to the CEO within 21 days of the date Licensee became aware Emission occurred.
- 9.** The Licensee must record the number and details of any complaints received by the Licensee relating to the Premises, and any action taken by the Licensee in response to the complaint. Details of complaints must include:
- (a) an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licensee in response to the complaints.
- 10.** The Licensee must submit to the CEO by no later than 30 September each year, a Compliance Report indicating the extent to which the Licensee has complied with the Conditions in this Licence for the preceding Annual Period.
- 11.** The Licensee must comply with a CEO Request, within 7 days from the date of the CEO Request or such other period specified in the CEO Request.

Trial Conditions

Notification of a Trial

- 12.** The Licence Holder must notify the CEO of a Trial and such notification (which the CEO will make publicly available) must:
- (a) be in writing;
 - (b) be made 30 calendar days or more prior to that Trial commencing;
 - (c) include details of the extent of the Trial, including:
 - (i) the duration and frequency of any loading or unloading activities;
 - (ii) method for materials storage and handling including any changes to infrastructure and equipment used at the Premises; and
 - (iii) all controls to be implemented for the management of emissions and discharges;
 - (d) include details of the nature of bulk granular material, including:
 - (i) all public health and ecosystem hazards;
 - (ii) the chemical and geochemical composition;
 - (iii) particle size distribution of bulk granular material including inhalable and respirable fractions;
 - (iv) the representative DEM level, where determination of DEM is possible for that material; and
 - (v) leachate testing conducted on materials that may present a toxicological or ecotoxicological risk;
 - (e) include an analysis of risks to the environment, public health and amenity from potential discharges, dust, odour and noise emissions associated with the Trial;
 - (f) include a monitoring plan that includes, but is not limited to:
 - (i) the indicator parameter/s to be monitored;
 - (ii) monitoring locations, equipment used and proximity to sensitive

- receptors;
- (iii) monitoring frequencies;
- (iv) monitoring averaging periods; and
- (v) any meteorological monitoring to be undertaken; and
- (g) only when a CEO notification to cease a Trial has been issued in accordance with Condition 13, and in the event that the Licence Holder is submitting a Trial amendment notification, then the Licence Holder must:
 - (i) resubmit the requirements of Conditions 12(a) – (f);
 - (ii) address the issues that resulted in the notification to cease the Trial on the initial (or any subsequent) Trial for the same product; and
 - (iii) include a new Trial end date calculated 12 months from the commencement of the first shipment of the ceased Trial, not including time elapsed between the CEO notification to cease that Trial and the Trial amendment notification.

CEO notification to cease a Trial (prior to commencement or during)

- 13.** The Licence Holder must cease a Trial in the manner and at the time, when:
- (a) the CEO forms the view, acting reasonably:
 - (i) that following an assessment of the information provided as part of Condition 12, it is determined that the proposed Trial will result in unacceptable impact on public health, amenity or the environment; or
 - (ii) that following a review of any data received in accordance with Condition 16, it is determined that the Trial is having an unacceptable impact on public health, amenity or the environment; or
 - (iii) that the Trial being undertaken is different in any manner from that described in the notification provided by the Licence Holder through Condition 12, when that difference is resulting in, or is likely to result in, an unacceptable impact on public health, amenity or the environment; and
 - (b) the CEO has provided written notice to cease the Trial (which the CEO will make publicly available) to the Licence Holder specifying the grounds for the CEO's views.

Nothing in this Condition prevents the Licence Holder subsequently submitting an amendment in relation to the Trial. Any Trial amendment proposed by the Licence Holder must follow the notification requirements as per Condition 12(g).

Trial Restrictions

- 14.** The Trial must cease:
- (a) 12 months from the date of the commencement of the first shipment; or
 - (b) immediately after the shipment where the cumulative throughput amounts exceed 1,000,000 tonnes, or
 - (c) immediately upon receipt of a CEO notification to cease a Trial in accordance with Condition 13,

whichever occurs first.

A Trial may only recommence upon notification of a Trial amendment, in accordance with Condition 13.

- 15.** The Licence Holder must not Trial the bulk handling of materials that:
- (a) Contain asbestos in concentrations equal to or greater than 0.01% w/w for non-friable asbestos or 0.01% w/w for fibrous asbestos;
 - (b) Contain respirable silica equal to or greater than 1% w/w;
 - (c) Exceed the radiation transport limit of 10 Bq/g for Uranium-238 and Thorium-232 combined;
 - (d) Exceed Rubidium-87 concentrations of 30 Bq/g; or
 - (e) Are a waste or waste-derived byproduct (except Clean fill).

Reporting

- 16.** The Licence Holder must submit a report to the CEO which includes the results of monitoring required by condition 12(f), and includes:
- (a) the 15-minute averaged, raw data in tabulated format;
 - (b) a graphical representation of the monitoring results for each Trial shipment with a comparison against 30-minute averaged meteorological (wind speed and direction) monitoring data;
 - (c) Moisture Content data averaged over each Trial shipment and showing a comparison against the representative DEM level, where the DEM level can be determined; and
 - (d) a summary of the effectiveness of the controls implemented for the management of emissions and discharges.

within 30 days of the completion of the first Trial shipment; at four, seven and 10 months from the first Trial shipment; and a final closeout report within 30 days following the cessation of the Trial.

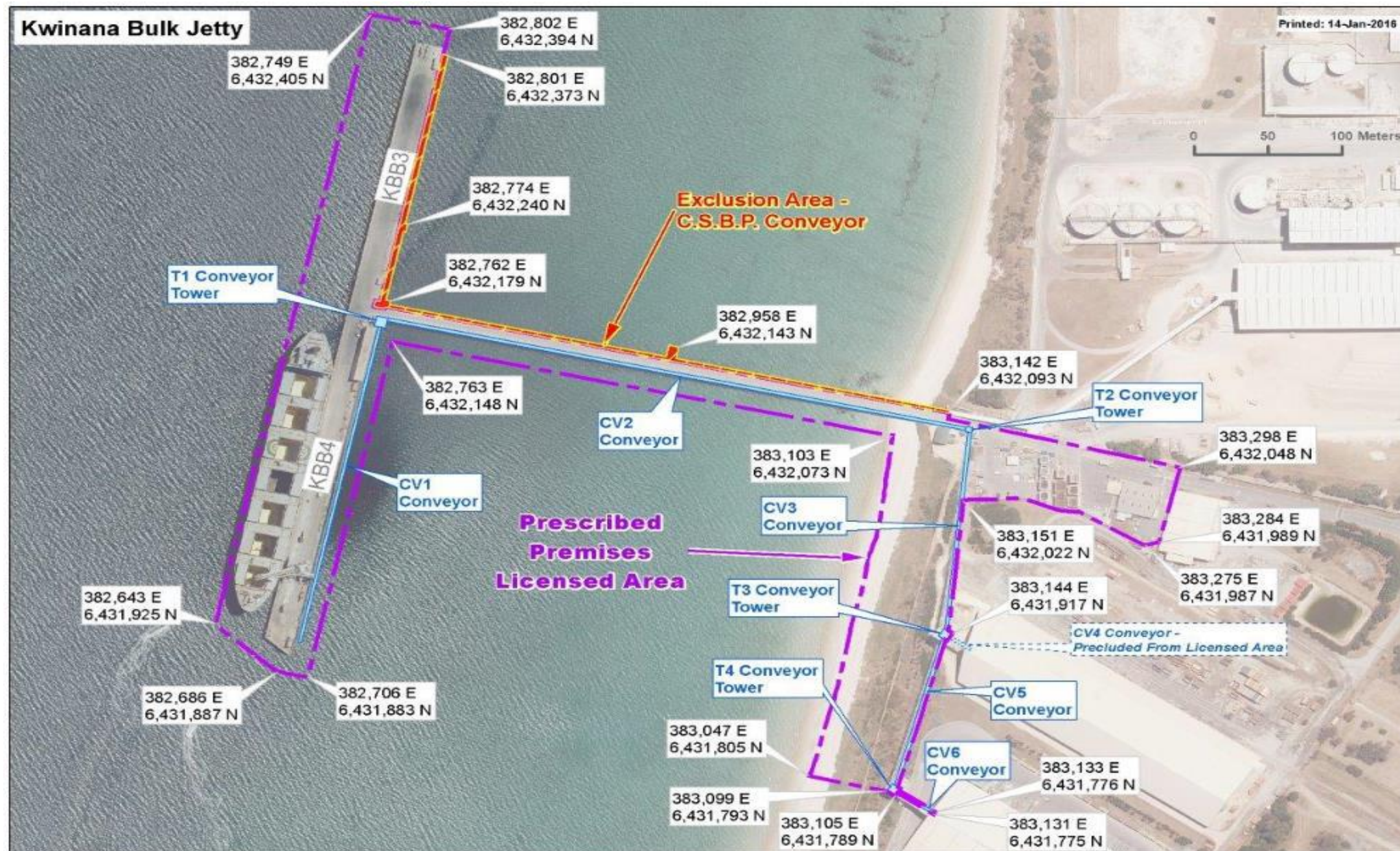
Ongoing shipments

- 17.** In the event that approval for the ongoing shipments of the Trial material is sought, the Licence Holder must provide an application for Licence amendment, along with a report fulfilling the requirements of Condition 16, at least three months prior to the completion of the Trial period.

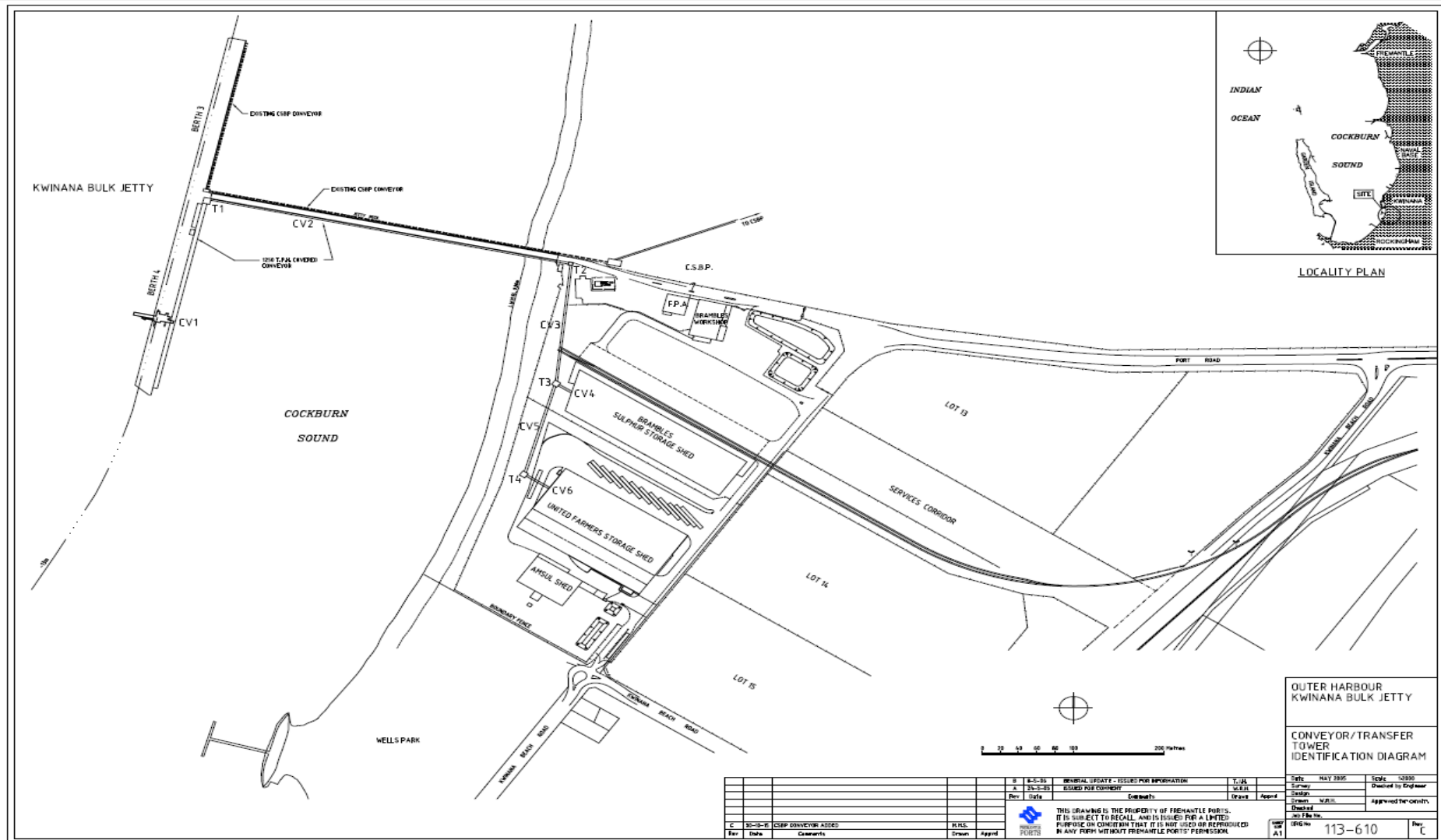
Schedule 1: Maps

Premises map

The Premises are shown in the map below. The purple line depicts the boundary to the Premises.



Conveyor/Transfer Tower Identification Plan



Schedule 2: General Description

At the time of assessment, the following activities and operations were considered in the determination of the risk and related conditions for the Premises.

The Licensee is carrying out activities at the Premises which fall within the meaning of Prescribed Premises under the EP Act. The Premises constitutes a Category 58 Premises on which bulk granular material (other than salt) is loaded onto or unloaded from vessels by an open materials loading system and Category 58A on which salt is loaded onto or unloaded from vessels by an open materials loading system.

Infrastructure and equipment

KBJ infrastructure, as it relates to Category 58 and Category 58A activities, is detailed in Table 4 with reference to the Premises Map and the Conveyor/Transfer Tower Identification Plan.

The Primary Activities are listed in Table 4:

Table 4: Infrastructure and equipment

#	Infrastructure	Plan reference
1	A single jetty and Berth 3 (KBB3) and Berth 4 (KBB4).	Premises map: KBB3 and KBB4
2	A conveyor system (southern conveyor) originating at Berth 4, split into five sections continuing to the onshore part of the prescribed Premises.	Conveyor/Transfer Tower Identification Plan: CV1, CV2, CV3, CV5 and CV6
3	Transfer towers on the southern conveyor system.	Conveyor/Transfer Tower Identification Plan: T1, T2, T3 and T4
4	A self-contained fully enclosed auger-type continuous unloader (Siwertell unloader).	Not labelled on Site Plan
5	Hopper(s) that receives material from ship grabs.	Not shown on Site Plan
6	Stormwater Drainage and Storage Tank on KBB3 and KBB4	Premises map: KBB3 and KBB4

Site layout

The infrastructure and equipment are set out on the Premises in accordance with the site layout specified on the plans in Schedule 1.

Operating Arrangements

The Licensee is responsible for all operations and facilities onsite at KBJ including all material handling systems excluding the infrastructure and equipment identified in Schedule 1: Maps.

Bulk Materials loaded and unloaded

The conveyor system delivers bulk product from KBB4 to offsite sheds. Bulk material is also transferred from vessels via a grab to a hopper prior to loading onto trucks positioned below the hopper on KBB3 and KBB4.

Bulk products currently handled through KBJ include ammonium sulfate, cement clinker, granulated slag, gypsum, phosphates, potash, silica sands, soya bean meal, sulfur and urea.

The **Licensee** operates ship unloading/loading and materials loading system for the following materials:

Table 5: Bulk materials volumes assessed

Commodity	Volume (per annual period)
Ammonium sulfate	20,900 tonnes (imported)
Cement clinker	650,300 tonnes (imported)
Granulated slag	300,600 tonnes (imported)
Gypsum	40,000 tonnes (imported)
Phosphates	600,000 tonnes (imported)
Potash	400,000 tonnes (imported)
Silica sands	624,000 tonnes (exported)
Soya bean meal	150,000 tonnes (imported)
Sulfur	600,000 tonnes (imported)
Urea	440,000 tonnes (imported)
Total volume handled (aggregate of all bulk materials including Trial products)	3,485,800 tonnes

Schedule 3: Infrastructure and Equipment

Table 6: Infrastructure and equipment controls table

	Column 1	Column 2
	Infrastructure/Equipment	Requirements
Dust Management		
1.	A self-contained fully enclosed auger-type continuous unloader (Siwertell) onto CV1 conveyor	<p>Vertical screw conveyor system which transfers material from ships hold either:</p> <ul style="list-style-type: none"> • directly onto the conveyor belt system; or • underneath through bellows (chutes) to trucks. <p>Dust extraction system at the gantry conveyor must be on, operating and not full or blocked when unloading suitable dusty products (excl. sulfur).</p> <p>For the unloading of sulfur, water sprays must be used to minimise dust generation.</p>
2.	Mobile Shiploader (silica sands)	Side guards on the ground hopper and conveyor in place during truck unloading for the purpose of reducing the exposure of product to wind.
3.	Cement clinker hopper	<p>Dust extraction unit/s operating at all times when the grab bucket releases cement clinker into the hopper.</p> <p>Fitted with a loading chute to minimise exposure to wind when loading trucks.</p>
4.	Bulk material hoppers	Dust extraction unit operating at all times when the grab bucket releases bulk granular material into the hopper.
Spill Management		
5.	Ship grab and hoppers (Deflector plates) Berths 3 and 4	<p>Deflector plates are to be designed and maintained to deflect spills from the grabs to deck of the jetty.</p> <p>Deflector plates are to be in place along the length of loading/unloading area when loading or unloading of vessels using the grabs.</p> <p>Following the spill of bulk granular material, built up material on the berth's edge is removed as soon as practicable.</p>

	Column 1	Column 2
	Infrastructure/Equipment	Requirements
6.	Conveyor system (CV1, CV2, CV3, CV5, CV6)	<p>Bulk granular material must not spill, or cause to be spilt, into the marine environment.</p> <p>Enclosed conveyor system designed with:</p> <ul style="list-style-type: none"> • steel clad walls and roof (excluding CV1 which has no roof); and • an under floor spill tray which is either sloped to direct spills and washwater to collection point via a gutter or contained to prevent spills entering the environment.
7.	Transfer Stations (T1, T2, T3, T4)	Enclosed transfer stations with fiberglass clad walls and roof and concrete flooring.
8.	Mobile ship loader	Conveyor transfer points do not overhang the berth's edge.
9.	Specified Action KBB3 and KBB4 and Jetty Neck.	Following the completion of loading or unloading activities involving the use of ship grabs and/or hoppers the berth used and jetty neck is cleaned to remove any spilt or accumulated material.
Washwater and stormwater management		
10.	Stormwater containment infrastructure for KBB3 and KBB4	<p>Vessels and their holds, deck and equipment must not be washed into marine waters.</p> <p>Collect and contain stormwater contaminated with product and washwater that collects on the deck of the wharf, so that it does not enter marine waters. Berths banded and sealed to contain all product contaminated stormwater/wastewater and prevent any material spilt entering the marine environment.</p> <p>Product contaminated stormwater/wastewater directed to drains located on the berths.</p> <p>Product contaminated stormwater/wastewater either held in holding tank or pumped into truck for disposal.</p>

Schedule 4: Monitoring

Monitoring locations

KBJ1, KBJ2 and KBJ3 on the Marine Monitoring map attached.

Monitoring Reports

The monitoring reports must contain:

- the sampling or measurement date;
- the raw monitoring data for the sampling event in tabulated form with reference to the applicable EQC;
- time series graphical plots of the data if EQC are exceeded;
- meteorological and/or met ocean data for the day(s) of sampling;
- activities being undertaken on KBJ 24 hours prior to and at the time of sampling/measurement.

Cockburn Sound reporting frequency

Annually by the last day of September in any year.

Marine Monitoring location Map

