



Licence Number	L4476/1984/12
Licence Holder	Fremantle Port Authority
ABN	78 187 229 472
File Number:	DEC4825/3
Premises	Kwinana Bulk Terminal 1 Riseley Road Kwinana Beach WA 6165 Legal description – Lot 452 on Plan 220690 and Part of Lot 11 on Plan 39572
Date of Amendment	13/08/2019

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Tim Gentle

Manager, Resource Industries

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

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
Amendment Notice	refers to this document
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Fremantle Port Authority

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Land Use Planning* (February 2017)
- *Guidance Statement: Decision Making* (February 2017)
- *Guidance Statement: Risk Assessment* (February 2017)
- *Guidance Statement: Environmental Siting* (November 2016)

Amendment description

Fremantle Port Authority (Licence Holder) has applied to amend Licence L4476/1984/12 at the Kwinana Bulk Terminal (KBT) facility. The amendment is to change the prescribed premises boundary and include additional key infrastructure to the licence.

Prescribed Premises Boundary

The prescribed premises boundary will be amended to include approximately 16 ha of land comprising of Lot A within Lot 251 and Lot C within Lot 250 on Deposited Plan 415974. The acquisition of Lots A and C includes the EC04 conveyor system and will allow the Licence Holder to handle the export of silica sand from the KBT facility via a trial notification through DWER. The trial notification will be applied for under condition 1 of the current Licence. The revised premises map is shown in diagram 1 below.

Fremantle Port Authority are the Registered Proprietor of both Lot A within Lot 251 and Lot C within Lot 250 on Deposited Plan 415974.



Diagram 1: Proposed premises boundary

Infrastructure Changes

The Licence Holder proposes to include two mobile conveyor systems and accompanying hoppers to the Licence. The ground hoppers will be fed by front end loaders operating on the stockpile pad. This equipment will service the EC04 conveyor in the proposed silica sands loadout trial. An example of the type of mobile conveyor is shown in diagram 2 below.

The EC04 export conveyor connects to JC01 jetty conveyor (via T1 transfer tower) then to AL04 ship loader. EC04 was previously used to export pig iron through the Kwinana Bulk Terminal.



Diagram 2: Mobile conveyor example

Amendment history

Table 2 provides the amendment history for L4476/1984/12.

Table 2: Licence amendments

Instrument	Issued	Amendment
L4476/1984/6	10/10/2000	New version of Licence issued
L4476/1984/7	10/10/2001	New version of Licence issued
L4476/1984/8	13/11/2002	New version of Licence issued
L4476/1984/9	11/10/2003	New version of Licence issued
L4476/1984/10	10/10/2004	New version of Licence issued
L4476/1984/11	10/10/2007	New version of Licence issued
L4476/1984/12	10/10/2012	New version of Licence issued
L4476/1984/12	29/07/2016	Licence amended to new format
L4476/1984/12	26/02/2019	Licence amended to include trial notification conditions.
L4476/1984/12	15/08/2019	Amendment to change premises boundary and include various infrastructure.

Decision

The proposed changes in this amendment will not alter the type or volume of emissions from the premises under normal operational conditions. Conditions currently on the Licence capture all operational emissions relating to the changes to the infrastructure and the premises boundary as detailed in this amendment.

Additional changes in this amendment include an administrative correction of licence numbers.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 6 August 2019. Comments received from the Licence Holder have been considered by the Delegated Officer as shown in Appendix 2.

Amendment

1. The following conditions are amended by the deletion of the condition number only, shown in strikethrough below and the insertion of the red text shown in bold below:
 - ~~4~~ **2** 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 3, 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 2(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.

- ~~2~~ **3** The Licence Holder must cease a Trial in the manner and at the time, when:
- (h) the CEO forms the view, acting reasonably:
 - (i) that following an assessment of the information provided as part of Condition 2, 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 6, 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 2, when that difference is resulting in, or is likely to result in, an unacceptable impact on public health, amenity or the environment; and
 - (i) 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 2(g).

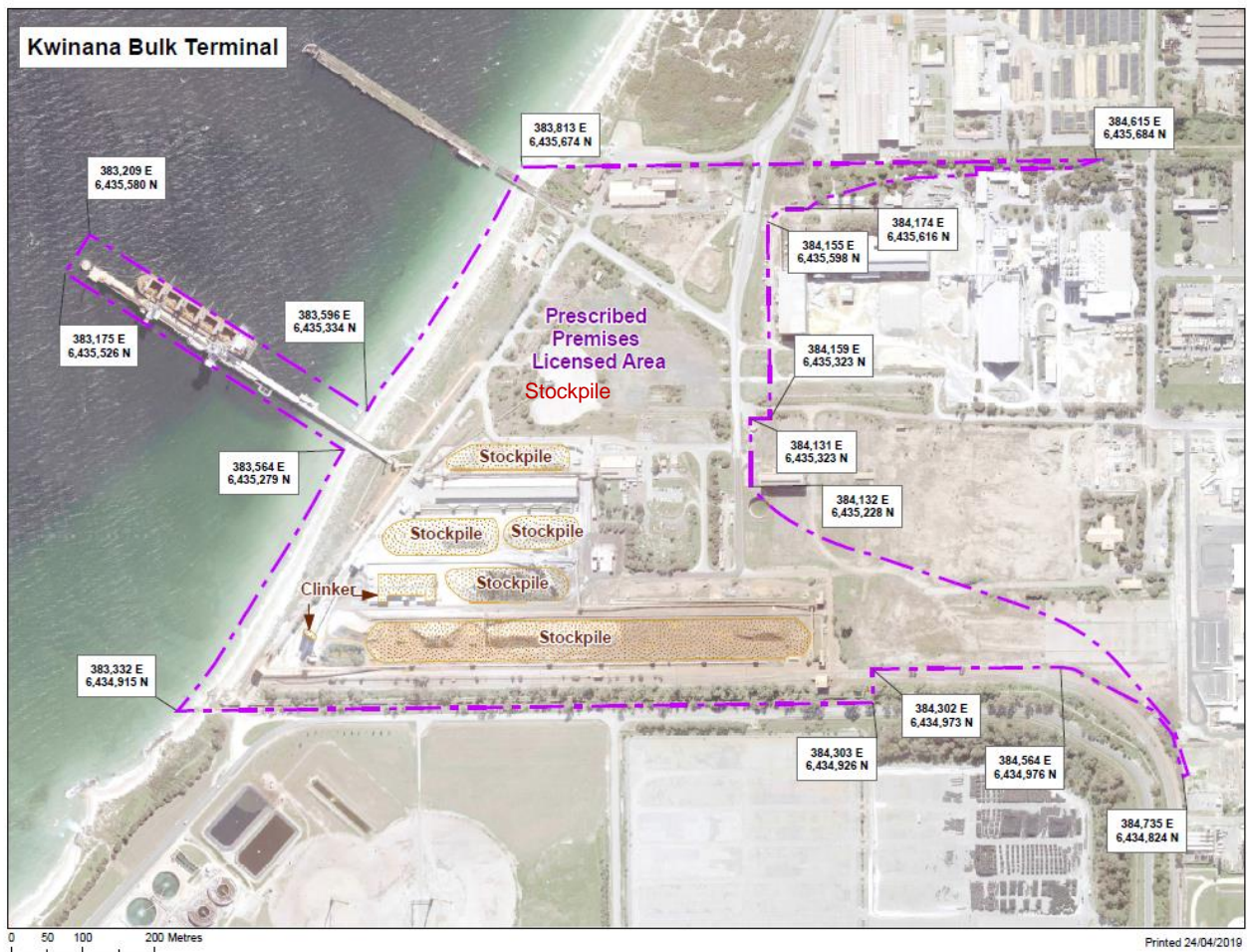
- ~~3~~ **4** The Trial must cease:
- (a) 12 months from the date of the commencement of the first shipment; or
 - (b) immediately after the shipment where the cumulative throughput amounts exceed 1,000,000 tonnes; or
 - (c) immediately upon receipt of a CEO notification to cease a Trial in accordance with Condition 3,

whichever occurs first.

A Trial may only recommence upon notification of a Trial amendment, in accordance with Condition 2(g).

- ~~4~~ **5** 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).

2. The Licence is amended by the deletion of the map in Schedule 1: Maps titled “Premises map” and by the insertion of the map shown below:



3. Table 6 of the Licence is amended by the insertion of the red text shown in bold below:

	Infrastructure	Plan reference
1.	Import storage shed	Building Identification Plan
2.	Export storage shed	Building Identification Plan
3.	Clinker (bulk material) storage silos	Premises Map
4.	Rail Tippler facilities – narrow and standard gauge	Building Identification Plan
5.	Single jetty (KBB2 or No.2 Jetty)	Building Identification Plan
6.	Loader with a loading rate of up to 2,000 tonnes per hour (t/h)	Conveyor Identification Plan
7.	Grab unloader with a discharge rate of 700 – 800 t/h with baghouse	Conveyor Identification Plan
8.	Hopper systems	Building Identification Plan Conveyor Identification Plan: EC05 (Hoppers H1 to H7) and EC04 Hopper(s).
9.	Conveyor systems for imports from the transfer point on KBB2 to the land based stockpiling or storage facilities.	Conveyor Identification Plan: T1, IC01, T2 and IC11 (to Bulk Storage Silos); or

		T1, IC01, T2, IC02 and IC03 (to import sheds or stockpiles)
10.	Conveyor system for exports from rail tippler facilities to KBB2.	Conveyor Identification Plan: RC01, RC02 (to stockpiles) EC05 and EC06 (to KBB2 conveyor) JC01, JC03 and JC04 conveyors
11.	Conveyor system for exports from truck receivals to KBB2	Conveyor Identification Plan: EC03 (to AL04 shiploader), EC04 and two mobile conveyors used to feed EC04
12.	Stockpile storage areas	Premises Map
13.	Stormwater Infiltration Basins	Building Identification Plan

4. Table 8 of the Licence is amended by the insertion of the red text shown in bold below:

	Column 1	Column 2
	Infrastructure	Requirements
Dust Management		
1	Wind shields and sprinklers where located on conveyors RC01, RC02 (material stockpiles) EC03, EC04 , EC05 and EC06 (to KBB2 conveyor) JC01 identified on the Conveyor Identification Plan in Schedule 1. Wind shields on IC01 and IC11.	To contain dust or suppress dust generation on the conveyor and conveyor belt transfer points. Ensure conveyor sprinklers are operating whenever visible dust is generated from use (except when conveying cement clinkers).
2	Shielded rail tippler system 327 with water sprays identified on the Building Identification Plan in Schedule 1.	Sprinkler system designed and maintained to suppress dust generation. Ensure tippler sprinklers are operating whenever visible dust is observed during train unloading.
3	Dust extraction unit on T1 and T2 transfer stations and bulk material silo, and loader/unloader AL05 identified on the Conveyor Identification Plan in Schedule 1.	All dust collectors must be on, operating and not full or blocked. AL05 must ensure baffles for AL05 are in place during dusty cargo operations.
4	Sprinklers on southern side of stockpiles identified on the KBT Premises Map in Schedule 1.	Sprinklers to provide majority of stockpile coverage for dust suppression. Sprinklers to be turned on at first signs of visible dust lift-off and operated until material is sufficiently conditioned to prevent dust lift off.
5	Truck mounted water cannon on areas not covered by sprinkler system.	Water truck with cannon utilised at first signs of visible dust lift-off not suppressed by the fixed sprinkler system to augment sprinkler systems.
6	Import and Export Storage sheds 325 and 326 identified on the Building Identification Plan in Schedule 1.	Ensure Import Storage Shed is loaded through the roof one door at a time, keeping other roof doors closed. Ensure Export Storage shed only has one door open at a time.
Spill Management		

7	Hoppers adjacent top EC05 conveyor.	Loading into hoppers which are designed to prevent spillage.
8	Spill plate on loader/unloader AL05.	Spill plate to capture ship to shore cargo grab spillage.
9	Chute on IC03 stacker identified on the Conveyor Identification Plan in Schedule 1.	Chute to be in place during unloading.
Wash water and Storm-water management		
10	Area 'A', 'C' and 'D' Stormwater Infiltration Basins identified on the Conveyor Identification Plan in Schedule 1.	All site stormwater to drain to three unlined infiltration basins. No stormwater drained directly to Cockburn Sound.

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L4476/1984/12 – Kwinana Bulk Terminal	L4476/1984/12	accessed at www.dwer.wa.gov.au
2	Email, 3 May 2019. <i>Application for Licence Amendment – Fremantle Ports – Kwinana Bulk Terminal L4476/2984/12 – Prescribed Premises Boundary Amendment.</i>	Application	DWER records – A1786036
3	DER, July 2015. <i>Guidance Statement: Regulatory Principles.</i> Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
4	DER, November 2016. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	DER 2016b	
5	DER, November 2016. <i>Guidance Statement: Decision Making.</i> Department of Environment Regulation, Perth.	DER 2016c	

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 6 August 2019 for review and comment. The Licence Holder responded on 9 August 2019. The following comments were received on the draft Amendment Notice.

Condition	Summary of Licence Holder comment	DWER response
Conditions 1-4 (Conditions 2-5)	Fremantle Ports notes the administrative correction of licence conditions from existing condition numbers 1-4 to new condition numbers 2-5.	Noted
Schedule 1: Premises Map	Fremantle Ports notes the change of the Premises Map to display the new premises boundary and the new stockpile area.	Noted
Schedule 2: Table 6, row 11	Fremantle Ports notes the addition of EC04 to the conveyor system for exports from truck receivals to KBB2. In addition, Fremantle Ports requests that 'Note: two mobile conveyors will be used to feed EC04 conveyor' is added to the Plan reference column.	Included wording to reflect two mobile conveyors
Schedule 2: table 6, row 8	Fremantle Ports requests the addition of the EC04 hopper to 'Hopper systems' in Table 6. Fremantle Ports suggests that the Plan reference be changed from 'Building Identification Plan' to 'Conveyor Identification Plan: EC05 (Hoppers H1 to H7) and EC04 Hopper'.	Included wording to reflect Conveyor Identification Plan
Schedule 3: Table 8, row 1 (Dust Management)	Fremantle Ports notes the addition of EC04 to the list of conveyors noted in Column 1. Fremantle Ports would like to note that wind shields and sprinklers are not fitted to EC04.	Noted
Infrastructure changes - page 4, first paragraph	This section notes that the EC04 conveyor is currently not operational. FPA would like to clarify that the EC04 conveyor is in good working order however the hopper attached to the EC04 conveyor is currently not operational. A long-term engineering solution to repair the existing hopper to good working order is proposed while using the temporary mobile conveyors. FPA requests that the EC04 hopper is included in Table 6.	Noted
Amendment History - page 5, first paragraph	This section incorrectly refers to L4476/1983/12 rather than L4476/1984/12.	Changed

Condition	Summary of Licence Holder comment	DWER response
Amendment History - Table 2	<p>The table incorrectly notes that the Licence was amended to the new format in 26 February 2019. FPA notes that the Licence was amended to the new format on 29 July 2016. In addition, the Licence was subsequently amended on 26 February 2019 to include the addition of trial notification conditions. The table notes the history of the Licence since 10/10/2000 however Fremantle Ports has held the licence for KBT since 7 February 2002, with the first licence issued in 1984.</p>	Noted. Changes made