



Decision Document

Environmental Protection Act 1986, Part V

Proponent: Cambridge Gulf Limited

Licence: L6367/1973/8

Registered office: Shop 18 Kununurra Shopping Centre
Konkerberry Drive
KUNUNURRA WA 6743

ACN: 123 039 181

Premises address: Port of Wyndham
Lot 2 on Deposited Plan 18875
Those parts of Reserve 24041, Port of Wyndham, comprising Lot 600 and Lot 654 on Deposited Plan 207828, Lot 719 and Lot 1272 on Deposited Plan 172093, Lot 896 on Plan 208779, Lot 1302 on Plan 173335, Lot 1737 on Plan 216431 and Wyndham Townsite Lot 1232, WYNDHAM WA 6740, as depicted in Schedule 1.

Issue date: Friday, 15 August 2014

Commencement date: Sunday, 24 August 2014

Expiry date: Friday, 23 August 2019

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by: Sarah Greenwood
Licensing Officer

Decision Document authorised by: Alana Kidd
Manager Licensing



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



2 Administrative summary

Administrative details									
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence Renewal <input checked="" type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>								
Activities that cause the premises to become prescribed premises	<table border="1"> <thead> <tr> <th>Category number(s)</th> <th>Assessed design capacity</th> </tr> </thead> <tbody> <tr> <td>58</td> <td>Not more than 5 000 tonnes per day</td> </tr> <tr> <td>55</td> <td>80 000 animals per annual period</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Category number(s)	Assessed design capacity	58	Not more than 5 000 tonnes per day	55	80 000 animals per annual period		
	Category number(s)	Assessed design capacity							
	58	Not more than 5 000 tonnes per day							
55	80 000 animals per annual period								
Application verified	Date: 10 March 2013								
Application fee paid	Date: 19 June 2014								
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>								
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>								
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
Commercial-in-confidence claim outcome									
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	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"/>								
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Ministerial statement No: EPA Report No:								
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input type="checkbox"/>								
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
If Yes include details of which EPP(s) here.									
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
If Yes, include details here, eg Site is subject to SO ₂ requirements of Kwinana EPP.									



3 Executive summary of proposal and assessment

The Port of Wyndham was established to service the East Kimberley cattle industry pioneered by the Durack family and others. It was gazetted as a Port in 1886, with vessels berthing at a jetty at Anton's Landing. In 1917, a new timber jetty was built on the site of the current jetty to service the newly opened meat works. This jetty was positioned to make use of a natural deep water basin to allow for larger, deep draft ships. In the early 1970's the current steel and concrete jetty was built to replace the original timber structure and the unique horseshoe shape was completed allowing the more efficient movement of cargo on and off the jetty. Up until the 1980's, frozen meat was exported from Wyndham to overseas markets. Since the closure of the meat works in 1986, live cattle exports have become a major trade for the Port.

Wyndham Port is the only deep-water port between Broome and Darwin. Exports include live cattle, nickel and produce from the Ord River irrigation area. Imports include diesel, ammonium nitrate for the mining industry Australia wide and general cargo.

Approximately 10% of Australia's live cattle exports go through Wyndham Port. The cattle are sourced from the many cattle stations in the East Kimberley and are exported mainly to Indonesia, Malaysia and the Philippines with some shipments to the Persian Gulf. It is anticipated there will be a significant increase in the number of cattle exported through the Port in the near future, which is the most geographically favoured of the three cattle exporting ports in the North West of Australia.

Infrastructure associated with the livestock saleyards have been in existence at the Port of Wyndham for over 50 years. There is no construction involved in the operation of the yards, therefore a Works Approval is not required.

This Licence is the successor to Licence L6367/1973/7 for the Port of Wyndham operated by Cambridge Gulf Limited and continues to authorise category 58 bulk material loading or unloading activities at the Port. As part of this new licence, DER has not reassessed the acceptability or impacts of emissions and discharges from the Premises, or re-visited any existing emission control levels. As such, this Decision Document will acknowledge the existing conditions of licence L6367/1973/7 applicable to category 58 activities and will only provide assessment on the conditions required to manage issues arising from the addition of category 55 livestock saleyards. The licensee advised metal coating activities are no longer performed on the premises, therefore DER has taken this opportunity to delete category 81 from the licence, and to convert the existing licence to the REFIRE format.

SC
OSC
NSC
NSC

licences. Previous licence conditions 2(b), 2(c), 5(a), 7(c), 11(a) have been incorporated into these standard conditions.

NSC L1.3.1 – 1.3.8 are pre-existing from the original Licence and manage activities related to Category 58 bulk material loading or unloading. DER has not reassessed the acceptability or impacts of emissions and discharges for Category 58 activities. Previous licence conditions 1, 2(a), 5(b), 5(c), 5(d), 7(a), 10(a), 10(b), 12 are now incorporated into these NSC.

Previous licence conditions 8, 9 and 11(b) manage activities related to Category 81 metal coating. The Licensee has advised these activities no longer occur at the Premises, so they have been deleted off the REFIRE licence.

Operation

Emission Description

Emission: During the dry season, from approximately 1 April to 30 November annually, there is a low chance of stormwater being received at the Premises. During the wet season, approximately 1 December to 31 March annually, there is a very high chance for large volumes of stormwater to be received at the Premises, and on a frequent basis. This stormwater could potentially become contaminated with dip chemicals, cattle excrement and deceased cattle. There

of the
*Environmental
Protection Act 1986*

Application
supporting
documentation

Existing licence
conditions
(L6367/1973/7)

Bureau of
Meteorology (2004)
Monthly rainfall
data for Wyndham

constructed by best practice to ensure the base of the dip, dip exit and dipping area are impervious, and that the dipping area is adequately graded to collect chemical runoff from the cattle, however the dip is not totally sealed to prevent rainwater entering but the licensee has advised there will be no dipping of cattle during rain events as this negates the effects of the dip chemical and severely reduces the potential to kill parasites and it is an offense to export cattle with external parasites. When not operating the dip there is a by-pass valve that stops stormwater entering the dip. Wastewater collection pond is located at the Premises to store contaminated and potentially contaminated stormwater. The Licensee does not intend on discharging this water to the environment, however it is not known what the pond is lined with, what the storage capacity is, if it can maintain a freeboard, or if it indeed receives all stormwater from the cattle stockyard areas. Deceased cattle were previously disposed of at the local crocodile farm, however the farm closed down on 16 June 2014.

Risk Assessment

Consequence: Moderate

Likelihood: Almost Certain

Risk Rating: High

Addition of NSC L1.3.12 for the collection of excrement during the dry season, 1 April to 30 November annually.
Addition of NSC L1.3.13 for the collection of excrement during the wet season, 1 December to 31 March annually.
Addition of NSC L1.3.14 and 1.3.15 for the storage and disposal of excrement.
Addition of NSC L1.3.16 for the disposal of deceased cattle at a landfill.

Residual Risk

Consequence: Moderate

Likelihood: Almost Certain

Risk Rating: High

The regulatory controls do not reduce the residual risk of contaminated and potentially contaminated stormwater being discharged into the environment.

Residual risks include:

- The dipping area has an open roof and open sides that have the potential to allow stormwater to enter the dipping area, and be drained into the dip.
- The Licensee does not know if the wastewater collection pond:
 - (a) has an impervious lining;
 - (b) is capable of holding the volume of stormwater equivalent to that generated in a 1 in 100 year average recurrence interval (ARI) 72 hour rain event;
 - (c) maintains a minimum of 300mm freeboard at all times; and

	<ul style="list-style-type: none"> There is no hardstand area for the purpose of stockpiling excrement. <p>In order to reduce these residual risks further, improvement conditions IR1, IR2, IR3, and IR4 have been added to the licence.</p> <p>DER anticipates that completion of the improvement conditions will alter the residual risk assessment to:</p> <p><u>Residual Risk</u> <i>Consequence: Moderate</i> <i>Likelihood: Possible</i> <i>Risk Rating: Moderate</i></p>	
OSC	<p>Operation</p> <p>Descriptive limits have been set through OSC L2.6.1 and L2.7.1 of the licence, therefore OSC L2.1.1 regarding recording and investigation of exceedances of limits or targets has been included.</p>	N/A
N/A	<p>Operation</p> <p>There will be no point source emissions to air including monitoring associated with operational activities at the Port of Wyndham or the cattle stockyards. No specified conditions relating to point source emissions to air or the monitoring of these emissions are required to be added to the Licence.</p>	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
				Application supporting documentation
Point source emissions to surface water including monitoring	L2.3 L3.3	N/A	Operation There will be no point source emissions to surface water including monitoring associated with operational activities at the Port of Wyndham or the cattle stockyards. No specified conditions relating to point source emissions to surface water or the monitoring of these emissions are required to be added to the Licence.	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> Application supporting documentation
Point source emissions to groundwater including monitoring	L2.4 L3.4	N/A	Operation There will be no point source emissions to groundwater including monitoring associated with operational activities at the Port of Wyndham or the cattle stockyards. No specified conditions relating to point source emissions to groundwater or the monitoring of these emissions are required to be added to the Licence.	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> Application supporting documentation
Emissions to land including monitoring	L2.5 L3.5	N/A	Previous licence condition 10(c) regulated sampling from the Discharge Sump. The old concentrate storage shed used a wheel wash bay located outside the shed to wash nickel-copper-cobalt concentrate from the wheels of transport	<i>Environmental Protection (Unauthorised</i>

	<p>the water recycled within the shed system for dust control on the stockpiles. Potentially contaminated stormwater will not be emitted from the new storage shed. As this condition related only to the old storage shed, as of November 2012 it no longer applies. DER has taken this opportunity to remove previous condition 10(c) from the licence.</p> <p>Operation There will be no point source emissions to land including monitoring associated with operational activities at the Port of Wyndham or the cattle stockyards. No specified conditions relating to point source emissions to land or the monitoring of these emissions are required to be added to the Licence.</p>	Existing licence conditions (L6367/1973/7)
OSC	<p>Operation Previous licence condition 4 has been converted to OSC L2.6.1. Condition L2.6.1 outlines the requirement for the Licensee to ensure that no visible dust generated by activities on the Premises crosses the boundary of the Premises.</p> <p>Previous licence condition 6 regulated dust generated from within the old nickel-copper-cobalt concentrate storage shed where DER considered the age of the facilities required strict conditions to manage fugitive dust emissions. This shed was decommissioned in November 2012. A new storage shed has been constructed on the Premises by Savannah Nickel Mine which is a fully enclosed shed system where dust will not be emitted. As this condition related</p>	<p>Application supporting documentation</p> <p>Existing licence conditions (L6367/1973/7)</p>



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>only to the old storage shed DER has taken this opportunity to remove previous condition 6 from the licence.</p> <p>Previous licence condition 7(b) regulated dust generated from loading of nickel-copper-cobalt within a ship's hold. During the process of converting the licence to REFIRE format it was realised that previous condition 7(b) does not provide any additional management to fugitive dust emissions. Previous condition 7(a), now converted to NSC1.3.6, provides adequate management for fugitive dust emissions during all activities involving loading of nickel-copper-cobalt at the Premises. Combined with OSC 2.6.1 discussed above, both conditions will adequately manage fugitive dust emissions at the Premises. As such, DER has taken this opportunity to remove previous licence condition 7(b) from the licence.</p>	
Odour	L2.7.1	OSC	<p>Operation</p> <p><u>Emission Description</u> <i>Emission:</i> Odour released by excrement generated by cattle at the stockyards, and any deceased cattle at the stockyards. <i>Impact:</i> Potential impacts to the health, welfare, convenience, comfort or amenity of people not on the Premises. <i>Controls:</i> Stockyard operations are intermittent and Port is 1km from the nearest sensitive receptor</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	Application supporting documentation

	<p>L1.3.16 to manage deceased cattle which will mitigate the production of odours.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	
N/A	<p>Operation Noise emissions will be generated by vehicle and machinery movements, conveyor equipment and ships during bulk material loading and unloading activities at the Port of Wyndham, and by cattle at the stockyards. These noise emissions are expected to be localised to the immediate area. The Licensee has a statutory responsibility to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. No specified conditions relating to noise are required to be added to the Licence.</p>	<p><i>Environmental Protection (Noise) Regulations 1997</i></p> <p>Application supporting documentation</p>
OSC	<p>Operation Monitoring is required for ambient environmental quality and inputs and outputs, therefore optional standard conditions have been included under general monitoring to ensure these monitoring programs are performed to a national standard. Previous licence conditions 10(d), 10(e) and 13(b) required all samples to be collected in accordance with relevant parts of AS 5667 and</p>	<p>Existing licence conditions (L6367/1973/7)</p>

	<p>as follows:</p> <ul style="list-style-type: none"> • Category 58: Bulk material loading or unloading; Not more than 5 000 tonnes per day; and • Category 55: Livestock saleyard or holding pen; 80 000 animals per year. <p>To ensure the Licensee does not exceed these limits, and does not breach the licence, accurate records are required. Non Standard Condition L3.6.1 has been added to the licence to ensure accurate records are maintained for all inputs and outputs at the Premises.</p>	<p>documentation</p> <p>Existing licence conditions (L6367/1973/7)</p>
N/A	<p>Operation</p> <p>There is no process monitoring required for operational activities at the Port of Wyndham. No specified conditions relating to process monitoring are required to be added to the Licence.</p>	N/A
NSC	<p>Operation</p> <p>Ambient environmental quality monitoring occurs at the Premises to ensure management of the Premises is not having an impact on the environment.</p> <p>The old nickel-copper-cobalt concentrate storage shed was a source of fugitive dust emissions and the wheel wash bay a source of potentially contaminated stormwater. Both had the potential to discharge nickel-copper-cobalt contaminants to the environment. To determine background levels of the</p>	<p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p> <p>Application supporting</p>

recycled internally for dust control on the stockpiles. Dust and potentially contaminated stormwater will not be emitted from the new storage shed, which reduces the risk of emissions to the environment.

wyndham Port,
East Kimberley
2013.

Continuation of ambient environmental quality monitoring will ensure continued collection of background levels of contaminants. Therefore previous licence condition 13(a) has been retained on the licence and converted to NSC L3.8.1.

Existing licence
conditions
(L6367/1973/7)

With the construction of the new concentrate storage shed comes the need to ensure background monitoring occurs at this new location. Therefore two additional monitoring locations have been added to condition L3.8.1 for Shed North (N) and Shed South (S). The Licensee has already commenced a sampling program at these two sites.

NSC L3.8.1 requires the sampling and testing of a number of parameters. The Licensee has received advice from the NATA accredited laboratory that the two parameters being tested for, Total Dissolved Solids and Total Suspended Solids, are results only obtained from a water sample. As the Licensee is required to sample sediment, the laboratory has advised the correct parameter to be tested from a sediment sample is Total Soluble Salt. As such, DER has amended NSC L3.8.1 to delete two parameters of Total Dissolved Solids and Total Suspended Solids, and replace them with Total Soluble Salt.

	<p>Port of Wyndham. No specified conditions relating to meteorological monitoring are required to be added to the Licence.</p>	
OSC	<p>Operation</p> <p>During the wet season, there is a very high chance for large volumes of stormwater to be received at the Premises, and on a frequent basis. This stormwater could potentially become contaminated with dip chemicals and cattle excrement. There is the potential for this contaminated stormwater to be emitted to the environment. As discussed in the section above for General Conditions, the regulatory control from the application of non-standard general conditions L1.3.9 – 1.3.15 do not adequately reduce the residual risk of contaminated and potentially contaminated stormwater being generated at the Premises.</p> <p>In order to further reduce these residual risks, improvement conditions 4.1.1 and 4.1.2 have been added to the licence. These improvement conditions include:</p> <ul style="list-style-type: none"> • IR1: ensuring the wastewater collection pond: <ul style="list-style-type: none"> (a) has an impervious lining; (b) is capable of holding the volume of stormwater equivalent to that generated in a 1 in 100 year average recurrence interval (ARI) 72 hour rain event; (c) maintains a minimum of 300mm freeboard at all times; and 	<p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i></p> <p>Application supporting documentation</p>

to that generated in a 1 in 100 year average recurrence interval (ARI)
72 hour rain event; and

- (c) a minimum of 300mm freeboard at all times;
- IR3: ensure stormwater is diverted away from the access road at the cattle loading and unloading ramp; and
- IR4: ensuring a hard stand area is constructed for the purpose of stockpiling excrement that:
 - (a) has an impervious base;
 - (b) prevents water from rain, sprinklers or surface drainage from accessing the excrement; and
 - (c) ensures run-off from the stockpile is directed to the wastewater collection pond.

A completion date of 21 November 2014 has been imposed on these improvement conditions, being three months, to ensure the completion of the improvements prior to the commencement of the wet season on approximately 1 December 2014.

Completion of the improvements prior to the wet season commencing on approximately 1 December 2014 will ensure infrastructure and management practices are in place to adequately manage the large volumes of stormwater likely to be received at the Premises, and the frequency with which this occurs, during the wet season. This quantity of stormwater potentially becoming

	<p>collect excrement within 72 hours of cattle vacating the yards.</p> <p>After completion of the improvement conditions, the licence will need to be amended to incorporate the new structures and regulate management of these structures.</p>	
<p>SC NSC SC OSC</p>	<p>Operation L5.1.1 – 5.1.4 are standard conditions on REFIRE licenses relating to record keeping requirements.</p> <p>Previous licence condition 15 has been converted to SC L5.1.3 to require the submission of an annual audit compliance report.</p> <p>Previous licence condition 3(a) has been converted to SC L5.1.4. Condition L5.1.4 outlines the requirement for the Licensee to implement a complaints management system at the Premises.</p> <p>Previous licence condition 3(b) has been converted to NSC L5.1.5. Condition L5.1.5 outlines the requirement for the register of complaints to be retained at the Premises and made available to an inspector upon request.</p>	<p>Existing licence conditions (L6367/1973/7)</p>

OSC L5.3.1 requires the Licensee to notify DER should any incident or malfunction occur on the premises that have the potential to cause pollution, or should an exceedance of any limit occur.

comment.	history of why some conditions were on the licence, explanation of construction for new concentrate storage shed. Explanation of new sampling program for Lead and Silver.	conditions no longer required, add new monitoring conditions for new sites, amend parameters to be measured.
received from	Advised that stockyards will be operating throughout the year including the wet season	Licence conditions re-drafted to manage added risks of operating throughout the year including the wet season.
West	No comments received.	N/A
draft	Comments received 12/08/2014 and 14/08/14.	Comments considered and appropriate changes made to licence.



6. Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High