



Application for Licence Amendment

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

Licence Number	L6367/1973/8
Licence Holder	Cambridge Gulf Limited
ACN	123 039 181
File Number	2012/000240-2
Premises	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 Deposited Plan 208779, Lot 1737 on Deposited Plan 216431 and Lot 451 on Deposited Plan 77631 WYNDHAM WA 6740
Date of Report	5 October 2022
Decision	Revised licence granted

**A/MANAGER, RESOURCE INDUSTRIES
REGULATORY SERVICES**

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

Table of Contents

1. Decision summary	1
2. Scope of assessment	1
2.1 Regulatory framework	1
2.2 Amendment summary	1
2.2.1 Removal of category 55 and its associated conditions	2
2.2.2 Removal of previous condition 1.3.2(a)	2
3. Consultation	3
4. Conclusion	3
4.1 Summary of amendments	3
References	6
Table 1: Premises category design or throughput capacity changes	2
Table 2: Consultation	3
Table 3: Summary of licence amendments	3

1. Decision summary

The Delegated Officer has determined to make amendments to Licence L6367/1973/8. The amendments are administrative in nature therefore they do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

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 Amendment summary

Licence L6367/1973/8 is held by Cambridge Gulf Limited (Licence Holder) for the Port of Wyndham (the Premises), located approximately 3 km north-west of the town of Wyndham.

The Premises relates to the category and the assessed production/design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L6367/1973/8.

On 21 April 2022, the Licence Holder submitted an application (CGL 2022a) to the department to amend Licence L6367/1973/8 under section 59B of the EP Act.

The following amendments were being sought:

- Removal of category 55 for the livestock saleyard or holding pen and associated conditions.
- Removal of previous licence condition 1.3.2(a); and
- An increase in the quantity, and a change in the type of concentrate handled through the premises under category 58.

The department determined that a works approval application rather than an amendment to L6367/1973/8, would be required for the request for the new concentrate (silver-lead-zinc) proposed to be handled through the premises.

The Licence Holder advised on the 1 July 2022 (CGL 2022b) that they wished to continue with the amendment for the removal of category 55 (livestock saleyard or holding pen) only.

This amendment is limited to the following:

- Removal of category 55 and its associated conditions (refer to section 2.2.1); and
- Removal of previous condition 1.3.2(a) (refer to section 2.2.2).

During this amendment the following changes have also been made to the Licence:

- Updated the format and appearance of the Licence;
- Deleted the redundant Annual Audit Compliance Report (AACR) form set out in Schedule 2 of the existing licence;
- Revised licence condition's numbers, and

- Removed any redundant conditions which do not meet the requirements for conditions in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

2.2.1 Removal of category 55 and its associated conditions

The Licence Holder has advised that the cattle yards were removed, cleaned and decommissioned in 2021 and that there are currently remnants of steel stockpiled from the cattle loading ramps which will be removed in 2022 for recycling. Cattle will still be exported from the Port, but this will be via the Tri-nation Yards 30 km out of Kununurra or direct from station to ship.

This amendment is limited only to changes to category 55. There are no changes to the design capacity for category 58 as shown in Table 1.

Table 1: Premises category design or throughput capacity changes

Category	Current design capacity	Proposed design capacity	Description of proposed amendment
58	Not more than 5,000 tonnes per day	No change	N/A
55	80,000 animals per year	0 animals per year	Category removed under this amendment

Refer to Table 2 which defines the conditions associated with category 55 that have been removed.

2.2.2 Removal of previous condition 1.3.2(a)

Previous condition 1.3.2 states:

The Licensee shall take measures to prevent the discharge of granular material into any waters during loading or unloading operations. These measures are to include but not be restricted to:

- (a) *use of metal skirting between the vessel and the wharf; and*
- (b) *use of manual, vacuum or vehicular sweepers to clean the berth following each loading or unloading operation.*

The Licence Holder has stated that the requirement for (a) was added to the licence when skip bins were used to load concentrate. These skip bins were landed onto the concentrate in the cargo hold (to free two of the four holding points) to allow the bin to be emptied. Using this method, skip bins returning from the hold could potentially have concentrate attached to their external surfaces. Skirting was therefore required to ensure that this concentrate did not drop into the water when the empty skip bin was lowered from the vessel onto the trailer.

This method of loading has been superseded, with an upgrade to half height containers and a rotator system which allows the containers to be emptied above the cargo without contacting any material in the cargo hold. The Licence Holder therefore requests that this licence condition be removed.

The department has removed the requirement for (a) from this condition.

3. Consultation

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

Table 2: Consultation

Consultation method	Comments received	Department response
Licence Holder was provided with draft amendment on 2 September 2022	<p>Licence Holder provided a response to questions within the draft amendment on 27 September 2022.</p> <p>1. Premises details:</p> <ul style="list-style-type: none"> Lot 2 on Deposited Plan 18875 should be retained. It is a freehold lot adjacent to the Port and contains the nickel shed. Wyndham Townsite Lot 1232 has been renamed Lot 451 in the Kimberley Ports Authority Lease. Lot 451 should be included in the Premises details. <p>2. Table 4 sampling unit should be retained as mg/kg as the samples taken are mud samples not liquid.</p>	<p>The department has retained Lot 2 on Deposited Plan 18875 in Premises details.</p> <p>The department has removed Wyndham Townsite Lot 1232 and replaced this with Lot 451 on Deposited Plan 77631 in Premises details.</p> <p>The unit of mg/kg has been retained.</p>

4. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended licence 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 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised licence as part of the amendment process.

Table 3: Summary of licence amendments

Existing condition	Condition summary	Revised licence condition	Proposed amendment
N/A	Registered office	Registered business address	Updated under this amendment.
N/A	Premises address	Premises details	Reference to Wyndham Townsite Lot 1232 has been removed and replaced with Lot 451 on Deposited Plan 77631. This is consistent with the Wyndham Port Lease.
N/A	Prescribed Premises Category table	N/A	Category 55 has been deleted.

Existing condition	Condition summary	Revised licence condition	Proposed amendment
N/A	Contents	N/A	Deleted in line with current licensing format.
N/A	Introduction	N/A	Deleted in line with current licensing format.
N/A	Licence history	Licence history	Updated in line with current licensing format.
1.1.1 – 1.1.4	Interpretation	Interpretation	Previous conditions 1.1.1-1.1.4 have been deleted and revised to current licensing format.
N/A	Definitions	Definitions, Table 7	Definitions have been updated (as applicable) and moved to the back of the licence, in line with current licensing format.
1.2.1	General conditions	N/A	Deleted, redundant condition.
1.2.2	Pollution control and monitoring equipment	N/A	Deleted, redundant condition.
1.2.3	Storage of environmentally hazardous materials	N/A	Deleted, redundant condition. Adequately regulated by the <i>Dangerous Goods Safety Act 2004</i> .
1.2.4	Recovery and removal of spills	N/A	Deleted, redundant condition. Adequately covered by <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> .
1.2.5	Prevention of contamination and containment of contaminated stormwater	1	Retained, administrative changes only.
N/A	Production or design capacity limits	2	Inclusion of condition 2 to define premises category limits for the licence.
1.3.1	Granular material – loading or unloading	3	Retained, administrative changes only.
1.3.2	Granular material – prevention measures	4	Retained in part. Part (a) of this condition has been deleted. Refer to section 2.2.2.
1.3.3, 1.3.4 and 1.3.5	Wheel wash	8	Previous conditions 1.3.3 to 1.3.5 are now covered by condition 8 for infrastructure and equipment requirements.
1.3.6	Loading method	5	Retained, administrative changes only.
1.3.7	Treatment of wash water	6	Retained, administrative changes only.

Existing condition	Condition summary	Revised licence condition	Proposed amendment
1.3.8	Liquid waste discharge	7	Retained, administrative changes only.
1.3.9 to 1.3.11	Dip and dipping area	N/A	Deleted, as associated with category 55 which has been removed from the licence.
1.3.12 to 1.3.15	Excrement	N/A	
1.3.16	Dead cattle disposal	N/A	
N/A	Infrastructure and equipment requirements	8	Inclusion of this condition for infrastructure and equipment requirements. Previous conditions 1.3.3 to 1.3.5 now covered under this condition.
2.1.1	Investigation of limit exceedance	N/A	Deleted, there are no limits specified in this section.
2.2 – 2.5	Emissions	N/A	Deleted, redundant conditions.
2.6.1	Dust emissions	9	Retained, administrative changes only.
2.7.1	Odour emissions	N/A	Deleted, as associated with category 55 which has been removed from the licence.
2.8	Noise	N/A	Deleted, redundant condition.
3.1.1	General monitoring	10	Retained, administrative changes only.
3.2 – 3.5	Monitoring	N/A	Deleted, redundant conditions.
3.6	Monitoring of inputs and outputs	11	Retained for the output of nickel-copper-cobalt concentrate. Requirements for cattle inputs and outputs have been deleted as associated with category 55 which has been removed from this licence.
3.7	Process monitoring	N/A	Deleted, redundant condition.
3.8.1	Ambient monitoring	12	Retained, administrative changes only.
3.9	Meteorological monitoring	N/A	Deleted, redundant condition.
4.1.1 – 4.1.2	Improvement program	N/A	Deleted, as associated with category 55 which has been removed from the licence.
5.1.1 and 5.1.2	Records	N/A	Deleted in line with current licensing format.
5.1.3	AACR	14	Previous condition 5.1.3 has been removed and is now covered by

Existing condition	Condition summary	Revised licence condition	Proposed amendment
			condition 14 for the AACR reporting in line with current licensing format.
5.1.4 and 5.1.5	Complaints	13	Previous conditions 5.1.4 and 5.1.5 have been removed and are now covered by condition 13 in line with current licensing format.
5.2.1	Annual Environmental Report (AER)	15	Previous condition 5.2.1 has been removed and is now covered by condition 15 for AER reporting requirements.
5.2.2		16	Retained, administrative changes only.
5.3.1	Notification	17	Retained, administrative changes only.
N/A	Books	18	Inclusion of conditions 18 and 19 in line with current licensing format.
N/A		19	
Schedule 2	AACR form	14	Redundant attachment. Deleted from licence.
	Form N1 Notification	Schedule 2 – N1 form	Form updated.
	LR1 form	N/A	Removed. The reporting format for how this information is to be provided in the AER is not specified.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Cambridge Gulf Limited (CGL) 2022a, *Application for Amendment to License L6367/1973/8 Port of Wyndham*, dated 21 April 2022 (DWERDT593579).
3. CGL 2022b, RE: NOTIFICATION: APPLICATION FOR AN AMENDMENT TO LICENCE L6367/1973/8 – WORKS APPROVAL AND FURTHER INFORMATION REQUIRED, received 1 July 2022 (A2110885).