



Application for Licence Amendment

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

Licence Number	L7426/2000/8
Licence Holder	RAC Tourism Assets Pty Ltd
ACN	168 253 085
File Number	2011/003272-3
Premises	Monkey Mia Dolphin Resort Monkey Mia Road SHARK BAY 6537 Legal description – Being Lot 556 on Plan 404665; portion of Lot 555 on Plan 404665 (15 metre wide parallel easement for the rising main); portion of Lot 300 on Plan 51888 (15 metre wide parallel easement for the rising main); portion of Lot 130 on Plan 54332 (15 metre wide parallel easement for the rising main); and portion of Lot 130 on Plan 54332 (macerator pit) as depicted in Schedule 1.

Date of Report 08/11/2023

Decision Revised licence granted

Thomas Kaethner

SENIOR LICENSING OFFICER, INDUSTRY REGULATION

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

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1. Decision summary

Licence L7426/2000/8 is held by RAC Tourism Assets Pty Ltd (licence holder) for the Monkey Mia Dolphin Resort (the premises), located at Monkey Mia Road, Shark Bay.

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 operation of the premises. As a result of this assessment, revised licence L7426/2000/8 has been granted.

The revised licence issued as a result of this amendment consolidates and supersedes the existing licence previously granted in relation to the premises. The revised licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

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

On 26 May 2023, the licence holder submitted an application to the department to amend licence L7426/2000/8 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendment being sought is to remove the discharge limit for reverse osmosis (RO) brine water into the infiltration swales. The design capacity of the RO plant is 500 kL/day (0.1825 GL/year) which falls below the threshold for a Category 85B: Water desalination plant.

2.3 Part IV of the EP Act

The premises is currently subject to two Ministerial Statements (MS 709 and MS 1067) under Part IV of the EP Act. In regulating the premises under Part V, Division 3 of the EP Act, DWER will seek to avoid duplication of requirements imposed under Part IV. Pursuant to section 59B(7) of the EP Act, DWER will also not amend a Part V licence that is contrary to, or otherwise than in accordance with, an implementation agreement or decision.

The proposed licence amendment does not propose to alter or duplicate requirements covered under these existing Statements.

2.4 Consolidation of Licence

As part of this amendment package the department has consolidated the licence by:

- Updating the format and appearance of the licence; and
- revised licence condition numbers and removed any redundant conditions and realigned condition numbers for numerical consistency.

The obligations of the licence holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the premises related to previous amendment notices.

The full consolidation of licence conditions as they relate to this revised licence are detailed in Section 5.1.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a risk event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls.

The key emissions and associated actual or likely pathway during premises operation which have been considered in this amendment report are detailed in Table 1 below. Table 1 also details the proposed control measures the licence holder has proposed to assist in controlling these emissions, where necessary.

Table 1: Licence holder controls

Emission	Sources	Potential pathways	Proposed controls
Saline water	Discharge of RO brines into the infiltration swales	Seepage through soil to groundwater	Low volumes of RO brines discharged (below threshold for Category 85B)

3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the delegated officer has excluded employees, visitors and contractors of the licence holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER 2020)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Recreational users of Monkey Mia Reserve	Approximately 900 m northwest of the prescribed activity
Environmental receptors	Distance from prescribed activity
Important Wetland – Shark Bay East	Approximately 700 m northeast and 750 m north of the prescribed activity.
DBCA Legislated Water - Shark Bay Marine Park	Approximately 700 m northeast and 750 m north of the prescribed activity.
DBCA Legislated Land – Monkey Mia Reserve	Immediately surrounding the premises.

RIWI Act Groundwater Areas – Gascoyne Groundwater Area	Premises within Gascoyne Groundwater Area.
Underlying groundwater	Approximately 25 m below the premises.

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the licence holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the licence holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the licence holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

The revised licence L7426/2000/8 that accompanies this amendment report authorises emissions associated with the operation of the premises.

The conditions in the revised licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3. Risk assessment of potential emissions and discharges from the premises during operation

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence holder's controls				
Discharge of RO brines into the infiltration swales	Saline water	Seepage through soil to groundwater impacting water quality	Underlying groundwater 25 m bgl Shark Bay Marine Park 700 m north-east and 750 m north of activity	Refer to Section 3.1	C = Major L = Unlikely Medium Risk	N	<u>Condition 12 & 19</u>	<p>The discharge of RO brine on the premises occurs in the same infiltration swales as treated waste water. As the discharge of RO brines into the infiltration swale may impact the capacity and capability of the infiltration swales to operate effectively for the intended purpose (infiltration of treated waste water), the delegated officer considers the discharge of RO brine into the infiltration swales as an associated activity to Category 54.</p> <p>The licence holder requested the maximum discharge limit for RO brines be removed. The delegated officer deems it appropriate to maintain a discharge limit on the licence and has added amended the discharge limit in line with the design capacity of the RO plant (500 m³ per day).</p> <p>Given the proximity to high-value receptors, condition 19 has been added to monitor total dissolved solid concentrations in the RO brine discharge.</p>

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

Note 2: Proposed licence holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Licence holder was provided with draft amendment on 12 October 2023	The licence holder provided an email response on 6 November 2023 with no comments	N/A

5. Conclusion

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

5.1 Summary of amendments

Table 5 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 5: Summary of licence amendments

Condition no.	Proposed amendments
12	Maximum discharge limit of brine water into the infiltration swale increased to 500 m ³ per day.
19	Included quarterly monitoring of total dissolved solids (TDS) in RO brine water.
Figures 1, 2 & 4	Updated to current imagery
Figure 3	Removed redundant figure

Table 6: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.2.1	Operation and maintenance of equipment	Condition 7	Updated numbering
1.2.2	Spills	Condition 13	Updated numbering

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.2.3 1.2.4 1.2.5 1.2.6 1.2.7	Specified works	Conditions 1, 2, 3,4 & 5	Updated numbering. Revised to current licensing format.
1.3.1	Investigate exceedances	N/A	Redundant condition.
1.3.2 Table 1.3.1	Waste acceptance	Condition 10 Table 3	Updated numbering. Revised to current licensing format.
1.3.3	Waste that does not meet acceptance criteria	Condition 11	Updated numbering. Revised to current wording.
1.3.4 Table 1.3.2	Waste processing	Condition 12 Table 4	Updated numbering. Revised to current licensing format and wording.
1.3.5 Table 1.3.3	Infrastructure	Condition 6 Table 2	Updated numbering. Revised to current licensing format and wording.
1.3.6	Waste water ponds and infiltration swales	Condition 8	Updated numbering
1.3.7	Security	Condition 9	Updated numbering
2.1.1	Emissions	N/A	Redundant condition
2.2.1 Table 2.2.1	Emission to land	Condition 14 Table 5	Updated numbering. Revised to current licensing format wording.
2.2.2 Table 2.2.2	Emission and discharge limits	Condition 15 Table 6	Updated numbering. Revised to current licensing format wording.
3.1.1	Australian Standards	Condition 16	Updated numbering
3.1.2	Equipment calibration	Condition 17	Updated numbering
3.1.3	Calibration discrepancies	Condition 18	Updated numbering
3.2.1 Table 3.2.1	Monitoring emissions to land	Condition 19 Table 7	Updated numbering. Revised to current licensing format and wording.
3.3.1 Table 3.3.1	Monitoring of inputs and outputs	Condition 20 Table 8	Updated numbering. Revised to current licensing format and wording.
3.4.1 Table 3.4.1	Monitoring of ambient groundwater quality at WWTP	Condition 21 Table 9	Updated numbering. Revised to current licensing format and wording.
3.4.2 Table 3.4.2	Monitoring of ambient groundwater quality at Monkey Mia Resort	Condition 22 Table 10	Updated numbering. Revised to current licensing format and wording.

Existing condition	Condition summary	Revised licence condition	Conversion notes
3.4.3	Repeat sampling of exceedances	Condition 23	Updated numbering
3.4.4 Table 3.4.3	Contingency measures	Condition 24 Table 11	Updated numbering. Revised to current licensing format.
3.4.5	Weekly sampling	Condition 25	Updated numbering
4.1.1	Records	Condition 28 & 29	Updated numbering. Revised to current licensing format and wording.
4.1.2	Annual Audit Compliance Report	Condition 27	Updated numbering. Revised to current licensing format and wording.
4.1.3	Complaints	Condition 26	Updated numbering. Revised to current licensing format and wording.
4.2.1 Table 4.2.1	Annual Environment Report	Condition 30 Table 12	Updated numbering. Revised to current licensing format and wording.
4.2.2	Annual Environment Report requirements	Condition 31	Updated numbering
4.2.3 Table 4.2.2	Non-annual reporting requirements	Condition 32 Table 13	Updated numbering
4.3.1 Table 4.3.1	Notification requirements	Condition 33 Table 14	Removed redundant N1 form. Updated numbering. Revised to current licensing format and wording.
Schedule 2 Notification form	Form N1 Notification	N/A	Redundant attachment. Deleted from Licence Forms accessed at www.dwer.wa.gov.au

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)			
Application type			
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L7426/2000/8
		Relevant works approval number:	N/A <input checked="" type="checkbox"/>
Date application received	26 May 2023		
Applicant and Premises details			
Applicant name/s (full legal name/s)	RAC Tourism Assets Pty Ltd		
Premises name	Monkey Mia Dolphin Resort		
Premises location	Monkey Mia Resort		
Local Government Authority	Shire of Shark Bay		
Application documents			
HPCM file reference number:	2011/003272-3~1		
Key application documents (additional to application form):	Supporting documents Licence fee amendment calculator		
Scope of application/assessment			
Summary of proposed activities or changes to existing operations.	Removal of the maximum discharge limit for brine waste to reflect actual Desalination Plant flows. Desalination Plant design capacity is less than 0.50 GL/year (Category 85B threshold).		
Category number/s (activities that cause the premises to become prescribed premises)			
Table 1: Prescribed premises categories			
Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)	
N/A	35 m ³ per day	Less than 0.50 GL/Year	
Legislative context and other approvals			
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Ministerial statement No: MS 709 and MS 1067	
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: N/A	
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Existing licence premises with continued occupancy	

Has the applicant obtained all relevant planning approvals?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Existing licence premises with continued occupancy
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Name: Gascoyne Groundwater Area Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office: Mid-West Gascoyne
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004</i>)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A