Decision Report

Application for Licence

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

Licence Number	L9388/2023/4/1
Applicant	Onslow Port Services Pty ltd
ACN	657 345 385
File number	DER2022/000713
Premises	Port of Onslow, Beadon Creek Lot 13 Beadon Creek ONSLOW WA 6710 Legal description Part of Reserve 30711, being a part of Lot 561 Deposited Plan 174170. As defined by the premises maps attached to the issued licence
Date of report	15/09/2023
Proposed Decision	Licence granted

Steve Checker

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Steve Checker
MANAGER WASTE INDUSTRIES
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Table of Contents

1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9388/2023/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 Application summary and overview of premises

On 21 December 2022, Onslow Port Services Pty Ltd (OPS, the applicant) submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to the storage and handling of solid wastes and scrap metal (including those contaminated with naturally occurring radioactive material (NORM)) collected from offshore facilities at the Port of Onslow, Beadon Creek (POBC, the premises). The premises is approximately 1 km east of the Onslow township.

The premises relates to the categories and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9388/2023/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9388/2023/1.

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 decision report are detailed in Table 1 below. Table 1also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dust	Liftoff from unsealed trafficable pavement. Tracking of dust from unsealed road sections.	Air / windborne pathway.	• Ensuring all operational surfaces are compacted and regularly maintained (sweeping and repairs to damage areas).
Noise	Unloading, loading, handling, cutting and storage of material. Vehicle movements (reversing beacons).	Air / windborne pathway.	• Limit metal cutting operations to daytime hours Monday to Saturday. • Limit nightworks. • Utilising ship cranes during night operations. • Locating night and weekend operations at the far east and south of the facility. • "*The requirement for an Out of Hours Noise Plan is being considered and will be prepared in accordance with the Environmental Protection (Noise) Regulations 1997 to support operations, if required.*"
Odour	Items fouled with marine growth.	Air / windborne pathway.	• Physical separation from receptors. • Specific work methodologies developed for materials containing marine growth to minimise unnecessary time at the facility.

Emission	Sources	Potential pathways	Proposed controls
Contaminated stormwater	Unloading, loading, handling, cutting and storage of material. Vehicle movements.	Direct discharge to Beadon creek via stormwater drains.	• A bunded laydown area will be constructed to contain any potentially contaminated runoff from the stockpiling and/or sorting/processing of waste materials accepted onsite. The laydown areas will be installed such that all water is contained and diverted to the existing wash bay for treatment and disposal. • Collected oil water mixtures will be pumped out by a third-party for offsite disposal at a licensed facility. • The dangerous goods management plan prepared for the premises details general requirements for documentation, packaging, labelling, and placarding in accordance with the dangerous goods codes for discharge to land transport. Dangerous goods are to be removed from site within five days. The marine port and terminal are not a storage site for dangerous goods or cargoes. • All waste materials will be stored in an appropriate manner to avoid any environmental contamination. Where appropriate, materials are tied down in preparation of cyclones and other weather events occurring while the waste is at the premises. • All food refuse and food packaging to be placed in 240 l capacity garbage bins provided by OPS (to be disposed of by deep burial). Overfilled bins will not be accepted at OPS.
Contaminated wash-down waters	Washing of vehicles and freight in accordance with quarantine requirements.	Overland flow and discharge via stormwater drains.	• Purpose-built washdown bay with sediment trap and oil/water separator. • Sediment and washings collected by controlled waste contractor (controlled waste carrier) for offsite disposal. • Wash bay filtration system includes a collection sump linking into a coalescing plate oil water separator which then feeds into a 5,000 l sediment tank followed by a 5,000 l wastewater tank. • The wastewater tank is equipped with a floating cut-off switch and alarm to ensure the tank is not filled over its capacity.
Sediment-laden stormwater runoff	Runoff from unsealed trafficable pavement and tracked dust from unsealed road sections.	Direct discharge to Beadon creek via stormwater drains.	• No controls in place.

Emission	Sources	Potential pathways	Proposed controls
Minor hydrocarbon spills	Unloading, loading, handling, cutting and storage of material. Vehicle movements.	Absorption into hardstand and direct discharge to Beadon creek via stormwater drains.	• The sealed berth deck prevents contaminants leaching into the groundwater and migrating to the marine environment, thus reducing the risk of soil, groundwater, and marine environmental impacts. • Collected oil water mixtures from temporary bunding will be pumped out by a controlled waste carrier for offsite disposal at a licensed facility. • The facility has an existing hardstand area constructed on a compacted graded basecourse to 98% modified maximum dry density (MMDD) and compacted sub-grade to 94% MMDD, with overland stormwater runoff designed to be directed to inlets into the onsite drainage system concrete bunds. • Spill kits available onsite to cleanup any spills. • Temporary bunding arrangements to contain the bulk hydrocarbon products. For highly flammable products, DFES will more than likely use AFFF to cover the product to reduce the risk of fire. Once the scene has been made safe the product would be recovered.
Smoke	Uncontrolled/accidental fire.	Air / windborne pathway.	• OPS and POBC will establish basic fire suppression with fire hose reels, dry powder fire extinguishers located throughout the port area to respond to minor incident scenarios quickly.
Fire debris and washwater containing PFAS	Firefighting activities.	Direct discharge to Beadon creek via stormwater drains.	• Where Aqueous Film Forming Foam (AFFF) is used in landside firefighting response all reasonable and practicable efforts shall be made to contain the foam and prevent the runoff entering Beadon Creek. There are strict assessment criteria to be considered before using firefighting foams within port environment (approval of the Harbour Master must be sought prior to using firefighting foam within the port). • Firefighting wash waters from the bunded laydown area will be captured and diverted to the wash bay sump for treatment and disposal. All fire water from the remainder of the main deck will be diverted through the existing stormwater system discharging to Beadon Creek.

Radiation (Alpha, beta, and gamma in the form of dust, liquid, and solid contamination)	Receipt and handling of NORM waste and NORM material, Decommissioned offshore material (Production line, spools, valves, etc) (SCO[1] and LSA[2]) and NORM contaminated equipment (SCO).	Air/windborne pathway causing impacts to health (Inhalation of airborne Dust containing long-lived alpha-emitting radionuclides). Direct sediment runoff via stormwater drains and accumulation or dispersal through estuarine and marine environs (gamma radiation from naturally occurring radionuclides in material that may exist onsite).	• Premises will operate under an approved radiation management plan (primary regulation of Radiological matters is under the *Radiation Safety Act 1975* administered by the Radiological Council of Western Australia). • NORM will be contained within packages (containers), such that the risk of a release of NORM is mitigated. The packages (containers) are designed and engineered for the specific purpose of containing contaminated materials, including hydrocarbons. UN rated drums will be used by the owner of the waste. • All SCO items will be sealed to contain NORM scale to prevent the NORM from migrating to the environment of personal contamination. • All NORM material will be labelled and sealed drums or inside shipping containers (if not inside secured shed). • Each drum will be double lined (drum liner and secondary waste bag sealed inside). • Drums will have a drum lid and secured by a nut and bolt system. • Containers not to be opened or the material removed from the containers (unless necessary for sampling). • Use of appropriately rated forklifts and cranes to lift and move heavy containers, along with appropriately trained and certified operators. • The packages (containers) will be stored in a demarcated area. • Visual inspection on a quarterly basis for leaks/conditions of the packages (containers) and area. • Packages (containers) will be placed in a safe location to allow for forklift and truck movements for loading/un-loading. No packages will be stored directly on the ground (they will either be in shipping containers or, in the case of tubulars, on piping racks). • NORM packages (containers) stored in fenced and locked areas which require access according to security protocols including key control. The yard remains securely locked when un-attended. • The Radiation store and NORM handling areas is designed so that any Loss of Containment (LoC) of the material will not result in a release to the environment. As liquids are intended to be stored and/or handled this includes sealed floors, bunds, and blind drains/sumps to retain control over any LoC. • All material in the laydown area shall adhere to the POBC cyclone management plan. • In the event of a cyclone, all stored material is to be managed and stored properly in a manner that ensures that no unintentional spills or contamination occurs. All structures are to be cyclone

Emission	Sources	Potential pathways	Proposed controls
			rated and adequate anchoring is required. All SCOs and NORM drums, and storage containers will be secured and sealed to prevent movement and loss of containment. • The Radiation Store and designated areas are designed and located such that it minimises the potential for exposures to members of the public and non-radiation workers. Depending on the size of the designated area, divisions with adequate signage should be implemented to ensure that equipment and material can be located and accounted for easily. Assigned numerical 10x10 m bays, demarked with soft barricading within the designated area will be in place. • Drums or material that contain liquid will be stored on plastic, bunded pallets.

Note 1: SCO = Surface Contaminated Objects

Note 2: LSA = low specific activity (scale/sludge)

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors 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 and Figure 1 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

Receptor ID	Human receptors	Distance from prescribed activity
H1	Thalanyji native title area.	Premises situated within native title area.
H2	Discovery Parks – Onslow.	Approximately 40 m east of premises boundary.
H3	Onslow Boat Ramp users.	Approximately 70 m south of premises boundary.
H4	Onslow light industrial/commercial area (Beadon Creek Road).	Approximately 200 m southwest of premises boundary.
H5	Onslow Shore Base (Coate's Onslow and TAMS).	Approximately 200 m south of premises boundary.
H6	Beadon Creek Mouth and beach users.	Approximately 300 m north of premises boundary.
H7	Bindi Bindi Onslow Town Reserve.	Approximately 930 m west of premises boundary.
H8	Onslow residential area (Kempton Avenue).	Approximately 1 km southwest of premises boundary.
	Environmental receptors	**Distance from prescribed activity**
E1	Beadon Creek and mangroves. (Recorded habitat for *Chelonia mynas, Crocadylus porosus, Numenius madagascariensis, Numenius phaeops, Pandion cristatus, Sterna hirundo Limosa lapponnica, Arctitis hypoleucos, Charadrius leschenaultia, Hirundo rustica, Hydroprogyne caspia, Thalasseus bergii, Tringa nebularia).*	Immediately east of premises boundary.
E2	Beadon Bay foreshore vegetation.	Approximately 30 m east of premises boundary.

E3	Beadon Bay. (Recorded habitat for C*alidris tenuirostris, Hydroprogne caspa, Numenius madagascariensis, Thalasseus bergii, Dugong dugon, Caretta caretta, Sousa sahulensis, Megaptera novaeangliae, Chelonia mynas).*	Approximately 430 m north of premises boundary.

Figure 1: Distance to sensitive receptors

3.2 Risk ratings

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

Where the applicant 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 applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9388/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e., storage and handling of solid wastes and scrap metal.

The conditions in the issued licence, as outlined in Table 3 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 events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of licence	Justification for additional regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
Operation								
Unloading, loading, handling, cutting and storage of waste material Vehicle movements	Noise	Air/windborne pathway causing impacts to health and amenity.	Discovery Parks – Onslow	Refer to Section 3.1	C = Moderate L = Likely **High Risk**	No	**Conditions 3, 4, 5 and 6.**	Refer to section 3.3.2. Proximity of premises to sensitive receptors and history of noise issues reported by the Shire of Ashburton to DWER is justification for noise validation requirement.
	Dust	Air/windborne pathway causing impacts to health and amenity.	Discovery Parks – Onslow	Refer to Section 3.1	C = Slight L = Unlikely **Low Risk**	Yes	Conditions 13 and 14.	n/a
	Minor Hydrocarbon spills	Direct runoff potentially causing ecosystem disturbance or impacting marine water quality.	Beadon Creek and Beadon Bay nearshore environs	Refer to Section 3.1	C = Slight L = Possible **Low Risk**	Yes	Conditions 1, 7, 8, 9, 10, 11 and 15.	n/a
	Contaminated stormwater and wash-down waters	Direct runoff potentially causing ecosystem disturbance or impacting marine	Beadon creek and Beadon Bay nearshore environs	Refer to Section 3.1	C = Moderate L = Possible **Medium Risk**	Yes	Condition 15.	n/a

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of licence	Justification for additional regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
		water quality.						
	Sediment-laden stormwater	Direct runoff potentially causing ecosystem disturbance or impacting marine water quality.	Beadon creek and Beadon Bay nearshore environs	Refer to Section 3.1	C = Slight L = Almost certain **Medium Risk**	Yes	Condition 15.	n/a
Receipt and handling of NORM[3] waste and NORM material, Decommissioned offshore material (Production line, spools, valves, etc.) (SCO[4] and LSA[5]) and NORM contaminated equipment (SCO[4]).	Radiation (Alpha, beta, and gamma in the form of dust, liquid, and solid contamination).	Air/windborne pathway causing impacts to health (Inhalation of airborne Dust containing long-lived alpha-emitting radionuclides).	Discovery Parks – Onslow Boat ramp users Beadon Creek and Beadon Bay nearshore environs	Refer to Section 3.1	C = Minor L = Unlikely **Medium Risk**	Yes	Conditions 1, 7, 8, 9, 10, 11 15, 16 and 22.	Primary regulation of Radiological matters is under the Radiation Safety Act 1975 administered by the Radiological Council of Western Australia (Radiological Council). Premises will operate under an approved radiation management plan. DWER will regulate NORM waste in a manner consistent with general hazardous wastes and will defer to the Radiological Council on radiological matters.
		Direct runoff and accumulation or dispersal through estuarine and marine environs (gamma radiation from naturally occurring radionuclides in material that may exist onsite).			C = Minor L = Unlikely **Medium Risk**			
Receipt of putrescible waste and biofouled waste storage.	Odour	Air/windborne pathway causing impacts to health and amenity.	Discovery Parks – Onslow	Refer to Section 3.1	C = Slight L = Unlikely **Low Risk**	Yes	Condition 12.	n/a
Uncontrolled waste fire.	Fire debris and washwater	Direct runoff potentially causing ecosystem	Beadon creek and Beadon Bay nearshore	Refer to Section 3.1	C = Moderate L = Possible	Yes	Condition 1 and 15.	n/a

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of licence	Justification for additional regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
		disturbance or impacting marine water quality.	environs		**Medium Risk**			
	Smoke	Air/windborne pathway causing impacts to health and amenity.	Discovery Parks – Onslow	Refer to Section 3.1	C = Moderate L = Possible **Medium Risk**	Yes	Conditions 17 and 22.	n/a

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

Note 2: Proposed applicant controls are depicted by standard text. <u>Bold and underline text</u> depicts additional regulatory controls imposed by department.

Note 3: NORM = naturally occurring radioactive material

Note 4: SCO = surface contaminated objects

Note 5: LSA = low specific activity (scale/sludge)

3.3 Detailed risk assessment for naturally occurring radioactive material.

3.3.1 Naturally occurring radioactive material

Naturally occurring radioactive materials (NORM) is a term used for any material that contains the radioactive elements uranium, thorium and potassium and their decay products that occurs naturally in the environment. NORM waste, NORM impacted materials, decommissioned offshore material and NORM contaminated equipment are all potential emissions sources for alpha, beta, and gamma radiation in the form of dust, liquid, and solid contamination.

The primary regulation of radiological hazards in Western Australia is the responsibility of the Radiological Council of Western Australia (Radiological Council) under the *Radiation Safety Act 1975* and subsidiary legislation. DWER will defer to the Radiological Council on radiological matters.

A Radiation Management Plan has been prepared for the premises in accordance with the *Radiation Safety Act 1975* and *Radiation Safety (General) Regulations 1983. The* Radiation Management Plan outlines:

- Potential exposure pathways and dosage limits of radiation in accordance with dose limits given in the Australian Radiation Protection and Nuclear Safety Agency National Directory for Radiation Protection, Radiation Protection Series No. 6;
- Minimum training requirements for site personnel; and
- Design features and controls of containment for the operation of the site in which radiological hazard exposure will potentially arise during transport, storage, loading/offloading, handling, and movement of NORM.

The Radiation Management Plan is subject to regular revision, and review by the statutory authority (Radiological Council of Western Australia) and endorsed by the registrant and nominated Radiation Safety Officer.

The radiological hazards associated with the operation of the site will potentially arise from exposure to the NORM during transport, handling, and storage within the designated areas and the loading/offloading and movement of the NORM or radioactive material packages (containers) for transport.

The premises and is not accessible to public and there are no expected exposure risks nearby public areas. The closest human receptors are the Onslow Discovery Park and the Onslow boat ramp, both of which are greater than 30 metres from the premises boundary (security fence). Ina accordance with the Radiation Management Plan, boundary radiation monitoring will be performed every three months, and results recorded to ensure-that the exposure levels on the premises boundary remain below the dose limits above background. As a rule, twice background will be used to trigger further investigations.

NORM will be contained within packages (containers), such that the risk of a release of NORM is mitigated. The packages (containers) are designed and engineered for the specific purpose of containing contaminated materials, including hydrocarbons. UN rated drums will be used by the owner of the waste. Each drum will be double lined, with drum liner and secondary waste bag sealed inside. Drums will have a drum lid and secured by a nut and bolt system.

The radiation store and NORM handling areas is designed so that any loss of containment of the material will not result in a release to the environment. As liquids are intended to be stored and/or handled this includes sealed floors, bunds, and blind drains/sumps to retain control over any loss of containment. The radiation store and designated areas are designed and located such that it minimises the potential for exposures to members of the public and non-radiation workers.

In the event of a cyclone or severe storm, all stored material is to be managed and stored properly in a manner that ensure that no unintentional spills or contamination occurs. All structures are to be cyclone rated and adequate anchoring is required. All drums and storage containers will be secured and sealed to prevent movement and loss of containment.

A full list of the applicant controls proposed to mitigate the potential impacts of NORMs are set out in Table.

3.3.2 Noise

The premises is situated approximately 40 metres to the east of the Onslow Discovery Park, which provides short- and long-term tourist accommodation. This sensitive receptor has the potential to be significantly impacted by noise generated at the premises; particularly noise generated outside of business hours.

The proposed unloading and processing of bulk scrap metal on a campaign basis; has the potential to generate significant noise during both the construction and active waste acceptance and processing stages. The general operations and movement of freight through the port is not regulated by DWER and has the potential to generate similar levels of noise.

The controls the applicant has proposed to minimise potential noise impacts include limiting operations to daytime hours Monday to Saturday where possible, limiting nightworks and use of ship's cranes for movement of materials, and undertaking night and weekend operations at the far east and south of the facility.

The applicant did not provide detailed noise modelling or acoustic assessment as part of the application package, and it is uncertain if noise generated by current freight movements in combination with the proposed waste handling activities will be compliant with the requirements of the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The Port's operations, including those regulated under licence, must comply with the relevant assigned levels and other requirements of the Noise Regulations at all times.

During the consultation process, the Shire of Ashburton advised the Department that it has received noise complaints in relation to the Port's activities. However, detail was not provided on the specific activities this noise may be attributed to (e.g., truck movement versus freight handling), and which receptors have been impacted.

In the absence of detailed noise modelling, the Delegated Officer will require that the applicant engage a consultant to undertake an investigation of the nature and extent of noise emissions generated by the activities at the premises and assess these emissions in accordance with the methodology set out in the Noise Regulations to determine compliance against the relevant assigned levels for sensitive receptors.

If it is identified that noise emissions do not comply with the relevant assigned levels, the applicant will be required to prepare a plan to mitigate the impacts of noise emissions and ensure noise associated with the licensed activities will no longer lead to any contravention of the Noise Regulations.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department. DWER sent the Stakeholders outlined in Table 4 correspondence on 5 May 2023 inviting comment on the Application by 31 May 2023.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 20 August 2021.	None received	N/A
Application emailed to Local Government Authority (Shire of Ashburton) on 04/05/2023.	The Shire of Ashburton submitted a formal response on 09/06/2023. In its formal response, the Shire advised that the Subject Land (premises) is reserved under the Shire's Local Planning Scheme No. 7 (LPS 7) for 'Other Public Purposes, Port Facilities, and in accordance with clause 3.2.1 of LPS 7, a person must not undertake development or change the use of a reserve without first obtaining development approval. The Shire went on to state that the proposed activities at the premises constitute development and a change in land use under LPS 7 as detailed below: • The existing operations at the Port best fit the land use definition of 'Industry – general', • The uses under the Proposal best fit the land use definition of 'Industry – noxious' under LPS 7, • 'Industry – noxious' is defined by LPS 7 as *'an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Regulations 1987.*' The proposal is for the Facility to be a Prescribed Premises, Category 47 and 62, and • Consequently, development approval is required under LPS 7 to change the land use to that of 'Industry – noxious'. The Shire advised that until such time as they have received and considered an application for development approval, the Shire strongly objects to the application for a licence to use the Subject Land for a solid waste depot and scrap metal recovery facility.	The Department has advised the applicant of the Shire's advice and requested that the applicant provide evidence that the Shire of Ashburton has issued the necessary Development Approval (DA) or the applicant provides evidence that DA is not required. Regarding the matter of dust and noise complaints, a condition requiring the completion of a noise validation included on licence along with conditions requiring

	In its submission, the Shire also raised concerns surrounding the premises proximity to sensitive land uses, being only 40 m to the Onslow Discovery Park which provides short- and long-term tourist accommodation. Of particular concern is the close proximity of proposed metal cutting activities to the accommodation and the potential for noise emissions and impacts on lodgers. Further, the Shire has advised DWER that it does not support the 'Operational Environmental Management Plan' provided within Appendix B of the 'Works Approval Supporting Information' document, April 2023 and strongly recommends that DWER does not consider the document as part of this Licence Application for the following reasons: • Figure 1 (page 9) of this document indicates a private haul road linking the Subject Land to a future 'Industrial Support Land 2' area, which has no basis or approval, • The 'Industrial Support Land 2' land is managed by the Shire and there is no longer any lease with Onslow Port Services (OPS) or Onslow Marine Services Base (OMSB) to use this land, and • The Shire has clearly expressed to OPS / OMSB that it does not support a private haul road to the Port of Onslow that will facilitate any handling of bulk materials. The Shire has also advised DWER of potential inconsistency between the proposed activities at the premises and the Department of Transport (DoT) led 'Onslow Community Boating Precinct' . DoT prepared the Beadon Creek Boat Harbour Land Use Framework (Framework) in August 2014 to guide land use and development within 5 identified precincts. The Subject Land is located within Precinct 1. The preferred land uses for Precinct 1 (as described on page 21 of the Framework) do not include any noxious and industrial land uses such as those now proposed. The Shire contends then that the proposed activities at the premises are therefore contrary to the broader intentions of the Beadon Creek Boat Harbour as documented by the DoT and should be rejected. DWER was also verbally advised by the Shire that it has received multiple noise and dust complaints in relation to port operations and associated activities.	dust suppression actions.
Application emailed to the Department of Transport (DoT) on 04/05/2023	DoT submitted a response to DWER on 10/5/2023. *"In November 2022, Legal Counsel for Onslow Marine Support Base Pty Ltd advised the Department of Transport it was seeking to apply for a prescribed premises licence under the Environmental Protection Act 1986 and the Environmental Protection Regulations 1987.* *The Department of Transport, on behalf of the Minister for Transport had no objections.* *I have attached a copy of correspondence sent to DWER at that time giving formal consent"*	Noted. Copy of landowner letter of authority for prescribed premises application submitted as part of supporting document package.
Application emailed to the Department	DMIRS submitted a response to DWER on 31/5/2023.	Noted.

of Mines, Industry Regulation and Safety (DMIRS) the on 04/05/2023.	*The application and supporting documentation for the site has been reviewed. Based on this, the department has no objection to the proposal by Onslow Port Services Pty Ltd, provided that the quantity of dangerous goods on site is kept within the limit set in the current dangerous goods storage licence.*	
Application emailed to the Radiological Council on 04/05/2023.	None Received.	Noted.
Application emailed and formal letter posted to Discovery Parks – Onslow on 04/05/2023 (follow up phone call and email 26/6/2023).	None received.	N/A
Application emailed and formal letter posted to Buurabalayji Thalanyji Aboriginal Corporation BTAC (Native title holders) on	BTAC submitted a response to DWER on 16/5/2023. *Onslow Port Services' application for a new licence for a scrap metal facility and solid waste depot (L9388/2023/1) at Beadon Creek, Onslow, is within the Thalanyji native title determination area.* *Buurabalayji Thalanyji Aboriginal Corporation (BTAC) is the Registered Native Title Body Corporate for the Thalanyji people who hold determined rights and interests in Thalanyji country (WAD 6113/1998).* ***S.57(2)(b)(i) Environmental Protection Act 1986 – Direct Interest*** *As the determined native title holder for the Onslow area and surrounds, BTAC and Thalanyji people have a direct interest in the area the subject of Onslow Port Services' application in relation to environmental and cultural heritage matters.*	Noted. Applicant to note.

04/05/2023.	***Cultural concern*** *As custodians for the subject land, BTAC has not yet been consulted in relation to the application. Thalanyji people have not undertaken a heritage survey with the applicant, nor provided advice about heritage values in the subject area.* *The Supporting Document to the application appears to make a number of assumptions about cultural heritage values in the subject area based on the State's Register of Aboriginal Sites and Aboriginal Heritage Inquiry System, without being properly informed by cultural heritage knowledge-holders for the area.* *The absence of registered Aboriginal Sites in the area has translated to an assumption by the applicant that 'no specific controls are required' in respect to Thalanyji's cultural heritage and places of cultural importance (see eg p.24 in the supporting documentation).* *Thalanyji people view our environment, especially river systems, as alive and embodying the actions of ancestral beings. Environmental features such as river systems are therefore often also sites or places of cultural significance.* *The recently published Pilbara Water Research Situational Analysis (PWRSA), https://www.bhp.com/-/media/project/bhp1ip/bhp-com-en/documents/sustainability/environment/water/230315_waio_wrsa.pdf reiterated the widely recognised cultural significance of waterways. This is substantiated by earlier specific work published in 2004 by the former Waters and Rivers Commission of WA, titled "We used to Get our Water Free - Identification and Protection of Aboriginal Cultural Values of the Pilbara Region", which outlines:* *Aboriginal people in the Pilbara region of Western Australia have strongly articulated cultural beliefs about water sources in their country based on their traditional religion. This religion, or cultural belief system, stems from the Dreaming when it is believed that the landscape and all geographical features within it, including surface water and groundwater sources as well as all species of flora and fauna, were formed by Dreamtime beings or Dreamings. All of these features are important to Aboriginal people in a variety of cultural, social, and economic ways.* *Notwithstanding that the subject land and parts of surrounding areas have been previously disturbed, Beadon Creek and Onslow townsite are of cultural significance to Thalanyji people.* *BTAC recommends that the applicant engage more meaningfully in future to assist ensure that Thalanyji's cultural heritage values are properly reflected in assessments, management plans and supporting documents."*	
Applicant was provided with draft documents on 28/06/2023	Request that scrap metal processing includes hot works. Updated Dangerous Good Management Plan	Noted. The Delegated Officer considers that how works are consistent with the range of activities currently undertaken by the port with well-established

		controls and do not represent an unacceptable risk. Restriction on hot works removed.
	Legal and planning advice provided in support of Port's position that planning approval is not required.	The applicant provided further planning and legal advice relating to their position that planning approval is not required. DWER sought clarification on the matter from DPLH who advised that the matter was a 'grey area'. The Delegated Officer holds that DWER has adequately considered and relayed to the applicant the Shire's position that planning approval is required and has attempted to promote a resolution to the issue. The Delegated Officer recognises that, as noted in the Department's *Guide to Licencing*, Planning and Environmental Approvals are separate processes and that there are limitations to the extent that a planning matter can hold up decision

		making under the EP Act. . The Delegated Officer has therefore elected to grant the licence under the caveat that it is the responsibility of the Licence Holder to ensure all other relevant approvals are in place prior to commencing activities authorised under this Licence.

5. Conclusion

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

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.
4. Radiation Professionals Australia 2022, *Radiation Management Plan Onslow Marine Support Base – Port of Onslow Beadon Creek.*

Appendix 2: Application validation summary

<table>
<tr><th colspan="6">SECTION 1: APPLICATION SUMMARY</th></tr>
<tr><td colspan="6">Application type</td></tr>
<tr><td rowspan="5">Licence</td><td rowspan="5">☒</td><td>Relevant works approval number:</td><td></td><td>None</td><td>☒</td></tr>
<tr><td colspan="3">Has the works approval been complied with?</td><td colspan="2">Yes ☐ No ☒</td></tr>
<tr><td colspan="3">Has time limited operations under the works approval demonstrated acceptable operations?</td><td colspan="2">Yes ☐ No ☐ N/A ☒</td></tr>
<tr><td colspan="3">Environmental Compliance Report / Critical Containment Infrastructure Report submitted?</td><td colspan="2">Yes ☐ No ☒</td></tr>
<tr><td colspan="5">Date Report received: N/A</td></tr>
<tr><td colspan="2">Date application received</td><td colspan="4">21/12/2022 & RFI received 06/04/2023</td></tr>
<tr><td colspan="6">Applicant and Premises details</td></tr>
<tr><td colspan="2">Applicant name/s (full legal name/s)</td><td colspan="4">Onslow Port Services Pty Ltd (OPS)</td></tr>
<tr><td colspan="2">Premises name</td><td colspan="4">Port of Onslow, Beadon Creek (POBC)</td></tr>
<tr><td colspan="2">Premises location</td><td colspan="4">Lot 13 Beadon Creek, Onslow</td></tr>
<tr><td colspan="2">Local Government Authority</td><td colspan="4">Shire of Ashburton</td></tr>
<tr><td colspan="6">Application documents</td></tr>
<tr><td colspan="2">HPCM file reference number:</td><td colspan="4">DER2018/001042-8~63</td></tr>
<tr><td colspan="2">Key application documents (additional to application form):</td><td colspan="4">Application form
Supporting document package</td></tr>
<tr><td colspan="6">Scope of application/assessment</td></tr>
<tr><td colspan="2">Summary of proposed activities or changes to existing operations.</td><td colspan="4">Licence
Receipt and storage of solid waste (Cat 62) and scrap metals (Cat 47), including some processing of waste, including but not limited to unspooling, cutting, and bundling flexibles (containing steel and plastic) however the processing of such waste is expected to remain below the threshold limit for Category 61A, so this has not been included. Containerised liquid waste is received at the facility, but not at a quantity that meets the threshold criteria of 100 tpa so Category 61 has not been included.
There is a potential for items with Naturally Occurring Radioactive Material (NORM) contamination to be encountered. Any NORM waste will be securely and safely stored while awaiting disposition by the owner of the waste.</td></tr>
</table>

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	**Proposed production or design capacity**	~~**Proposed changes to the production or design capacity (amendments only)**~~
Category 47: Scrap metal recovery: premises (other than premises within category 45) on which metal scrap is fragmented or melted, including premises on which lead acid batteries are reprocessed	10,000 tpa	
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	3,500 tpa	

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 ☐ No ☒	Referral decision No: Managed under Part V ☒ Assessed under Part IV ☐
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes ☐ No ☒	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes ☐ No ☒	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes ☒ No ☐	Certificate of title ☐ General lease ☐ Expiry: Mining lease / tenement ☐ Expiry: Other evidence ☒ Expiry: OPS is the occupier of the land through legal agreement but is not an owner or leaseholder. Licence granted under an Operator Agreement.
Has the applicant obtained all relevant planning approvals?	Yes ☐ No ☐ N/A ☒	Approval: Expiry date: If N/A explain why? Authority to act granted by DoT from 13/12/2022 until otherwise withdrawn

Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes ☐ No ☒	No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes ☐ No ☒	No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes ☐ No ☒	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 ☐ No ☒	Name: N/A Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes ☐ No ☐ N/A ☒ Regional office: Northwest
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes ☐ No ☒	Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes ☐ No ☐ N/A ☒
Is the Premises subject to any other Acts or subsidiary regulations (e.g. *Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx*)	Yes ☒ No ☐	Dangerous Goods Licence in place
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes ☐ No ☒	
Is the Premises subject to any EPP requirements?	Yes ☐ No ☒	

Is the Premises a known or suspected contaminated site under the *Contaminated Sites Act 2003*?	Yes ☒ No ☐	Classification: Awaiting Classification Date of classification: N/A 15223 - Former WAPET Landing, Lot 561 Beadon Creek Road (excluding IODP Area), Onslow WA 6701. Form 1.