



## Application for Works Approval Amendment

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

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<b>Works Approval Number</b>	W6852/2023/1
<b>Works Approval Holder</b>	Kimberley Ports Authority
<b>ACN</b>	56 780 427 150
<b>File Number</b>	DER2023/000549~4
<b>Premises</b>	Port of Broome Port Drive, BROOME WA 6725  Legal description – Location 409 on Miscellaneous Plan 221193 Lots 616 and 956 on Deposited Plan 240107 Lot 621 on Deposited Plan 70861 Lots 650 and 651 on Deposited Plan 415214 Lot 698 on Deposited Plan 209491 Lot 848 on Deposited Plan 174017  As defined by the Premises maps attached to the Revised Works Approval
<b>Date of Report</b>	3 May 2024
<b>Decision</b>	Revised works approval granted

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## 1. Decision summary

Works Approval W6852/2023/1 is held by Kimberley Ports Authority (Works Approval Holder) for the Broome Port (the Premises), located at Location 409 on Miscellaneous Plan 221193, Lots 616 and 956 on Deposited Plan 240107, Lot 621 on Deposited Plan 70861, Lots 650 and 651 on Deposited Plan 415214, Lot 698 on Deposited Plan 209491, and Lot 848 on Deposited Plan 174017.

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 Works Approval W6852/2023/1 has been granted.

The Revised Works Approval issued as a result of this amendment consolidates and supersedes the existing Works Approval previously granted in relation to the Premises. The decision report for the existing works approval will remain on the department's website for future reference and will act as a record of the department's decision making.

## 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 Application summary

On 3 April 2024, the Works Approval Holder submitted an application to the department to amend Works Approval W6852/2023/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Operation of an additional laydown area (Laydown Area 3) for the temporary storage of mineral sand rotating containers to support Category 58 loading and unloading activities at the premises, given it has been identified that Laydown Area 2 is subsiding and therefore not fit for the storage of rotainers.

The proposed Laydown Area 3 is closer to an on-site residential dwelling than the previously assessed Laydown Areas 1 and 2. The proposed laydown area has already been cleared under clearing permit application CPS 7451/1. The area is under construction and will be bitumenised prior to use.

No changes are proposed to the existing throughput capacities assessed for categories on the existing works approval W6852/2023/1.

## 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 Amendment Report are detailed in Table 1 below. Table 1 also details the proposed control measures the Works Approval Holder has proposed to assist in controlling these emissions, where necessary.

**Table 1 Works Approval Holder controls**

Emission	Sources	Potential pathways	Proposed controls
Dust	Potential noise and fugitive dust originating from offloading and reloading the containers off of and onto trucks within the laydown areas.	Air/windborne pathway	Laydown Area Control: <ul style="list-style-type: none"> <li>All roads leading to laydown areas are bitumen.</li> <li>Laydown area 3 will be bitumenised before use.</li> <li>Container checking regime at mine and laydown.</li> </ul>
Noise		Air/windborne pathway	No controls proposed The Delegated Officer notes that an Environmental Noise Assessment is required during time-limited operations under works approval W6852/2023/1 to validate whether noise emissions will meet the Noise Regulations and inform the risk assessment for any future licence application.
Product Laden Stormwater		Stormwater from laydown area entering the marine environment	<ul style="list-style-type: none"> <li>Laydown area 3 has an existing drainage swale.</li> <li>Environmental Monitoring (marine water and sediments)</li> <li>Procedures for product handling to avoid spillages</li> <li>Regular housekeeping to remove spillages</li> <li>Sealed hardstand</li> <li>Emergency management procedures, including prompt cleanup of spills and disposal</li> </ul>

### 3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the Delegated Officer has excluded employees, visitors and contractors of the Works Approval 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
<p>Residents (two dwellings located within the premises)</p> <p>During the assessment the applicant confirmed they are finalising a deed of lease surrender and house purchase for the residential dwelling closest to Laydown Area 3 (the dwelling to the north in Figure 1). The current occupant will be provided with an option to stay on under a caretaken agreement for a short period of time and has no objections to this application.</p> <p>The Delegated Officer considers that the potential noise emissions from the new laydown area will not be higher than emissions previously assessed for the resident to the south, given the new laydown area will be further from that dwelling than the previously assessed Laydown Area 2.</p> <p>These receptors have therefore been screened out of the assessment.</p>	<p>Nearest dwelling is about 20 m east of the new laydown area (see Figure 1)</p>
Environmental receptors	Distance from prescribed activity
<p>Marine environment (the Indian Ocean)</p>	<p>Approximately 90m east of the new laydown area</p>
<p>Groundwater</p>	<p>At approximately 10m below ground level</p>

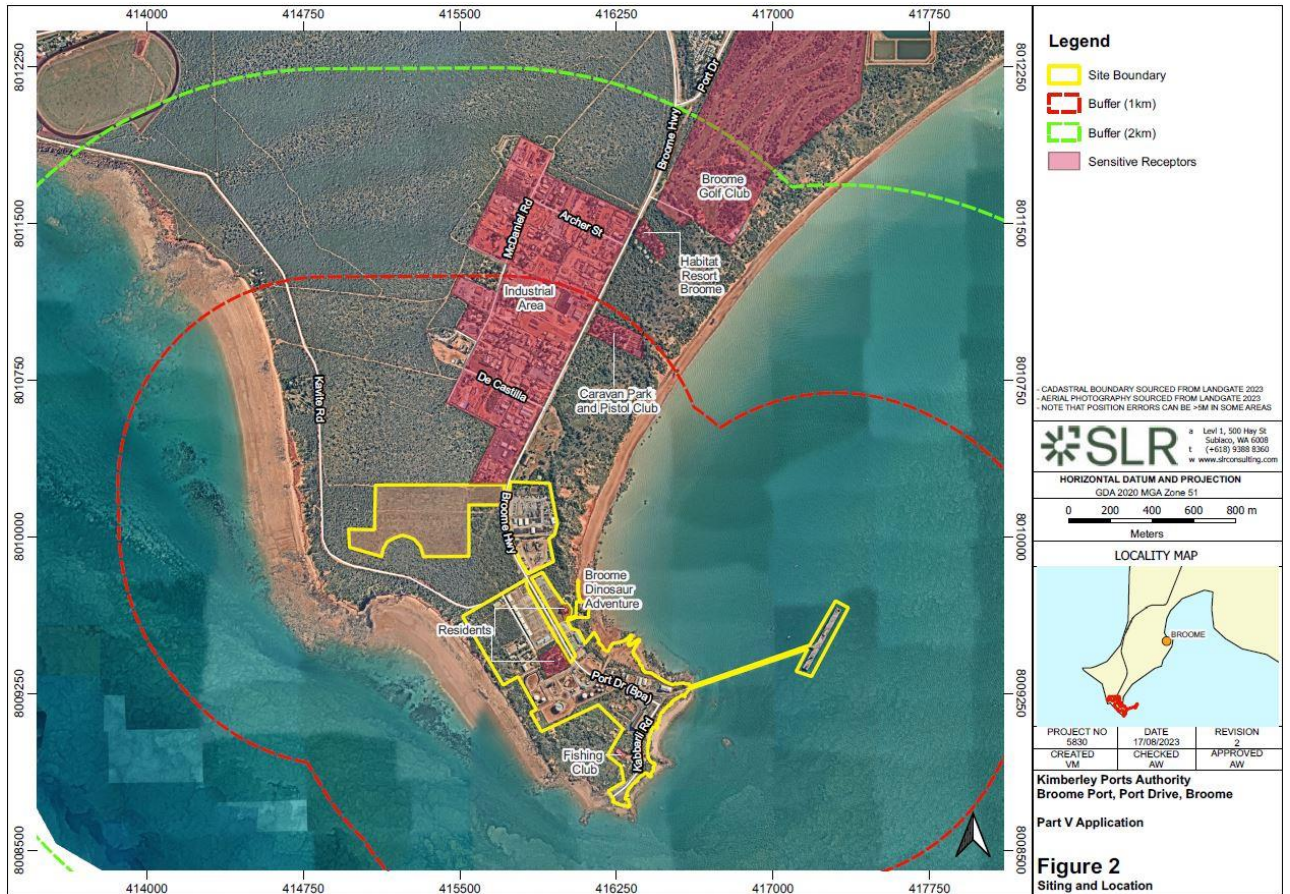


Figure 1: Distance to sensitive receptors (note: residents have been screened from this assessment)

## 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 in-complete they have not been considered further in the risk assessment.

Where the Works Approval 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 Works Approval Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the Works Approval 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 Works Approval W6852/2023/1 that accompanies this Amendment Report authorises construction and time-limited operations. The conditions in the Revised Works Approval have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

A licence is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the ongoing operation of the Premises i.e. bulk material loading or unloading activities. A risk assessment for the operational phase has been included in this Amendment Report, however licence conditions will not be finalised until the department assesses the licence application.

**Table 3 Risk assessment of potential emissions and discharges from the Premises during operation**

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Works Approval Holder's controls sufficient?	Conditions of works approval	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Works Approval Holder's controls				
<b>Operation (including time-limited-operations operations)</b>								
Potential fugitive dust originating from offloading and reloading the containers off of and onto trucks within the laydown areas.	Dust	Air / windborne pathway causing impacts to health and amenity	Marine Environment approximately 90m east of the new laydown area boundary	Refer to Section 5.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	N/A	The DO is satisfied that the relocation of the laydown yard does not increase any risks associated with fugitive dust, therefore no new regulatory controls are proposed and existing conditions are considered sufficient.
	Product laden stormwater	Stormwater from laydown area entering the marine environment	Marine Environment approximately 90m east of the new laydown area boundary	Refer to Section 5.1	C = Minor L = Possible <b>Medium Risk</b>	Y	Existing Condition 12	The risk rating has not changed from the original works approval. The DO is satisfied that the addition of the laydown yard does not increase any risks, therefore no new regulatory controls are proposed. Existing conditions are sufficient.

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



## 4. Consultation

The works approval holder was provided a copy of the draft report and instrument for comment on 3 May 2024 and confirmed on the same day that they had no comment and wished to waive the remaining comment period.

## 5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Works Approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

### 5.1 Summary of amendments

Table 4 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Works Approval as part of the amendment process.

**Table 4 Summary of works approval amendments**

Condition no.	Proposed amendments
Schedule 1 Figure 1	The addition of a new Laydown Area 3 on Figure 1.

## 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.