



Department initiated Amendment

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

Works Approval Number	W6852/2023/1
Works Approval Holder	Kimberley Ports Authority
File Number	DER2023/000549
Premises	Port of Broome 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 BROOME WA 6725 As defined by the coordinates in Schedule 2
Date of Report	4 September 2024
Decision	Revised works approval granted

Table of Contents

1. Decision summary	3
2. Scope of assessment	3
2.1 Regulatory framework	3
2.2 Amendment summary	3
3. Consultation	3
4. Decision	3
5. Conclusion	4
References	4

1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6852/2023/1. 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).

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 amending Works Approval W6852/2023/1, 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

Works Approval W6852/2023/1 is held by Kimberley Ports Authority (Works Approval Holder) for the Port of Broome (the Premises). The Premises relates to the category and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Works Approval W6852/2023/1.

On 28 August 2024, the department initiated an amendment to Works Approval W6852/2023/1 to extend time-limited operations (TLO) by 180 days. The extension is necessary to provide the Department sufficient time to complete the assessment of a licence application submitted by the works approval holder on 27 June 2024, with the original TLO period set to expire on 7 September (having commenced 11 March 2024). Additional assessment time is required to seek and consider technical advice relating to the assessment.

3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 4 September 2024. On 3 September 2024 the Works Approval Holder waived the comment period.

4. Decision

The Delegated Officer has determined that extending the time-limited operations period is appropriate, as it will ensure the continued lawful operation of the works approval infrastructure while providing sufficient time for the department to consider expert advice in finalising the licence assessment. In determining to amend the works approval time limited operations condition, the following matters were considered by the Delegated Officer:

- The works approval holder has submitted Environmental Compliance Reports demonstrating infrastructure has been constructed in accordance with the works approval; and
- An extension to the duration of time limited operations will not change the risk profile of the premises, or change the risks posed by emissions from the premises.

The Delegated Officer has therefore amended works approval W6852/2023/1 in accordance with section 59(1) of the EP Act by extending the authorised TLO period from 180 days to 360 days.

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Water and Environmental Regulation (DWER) 2019, *Guideline: Industry Regulation Guide to Licensing*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Risk Assessments*, Perth, Western Australia.