



Application for Licence

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

Licence Number	L9412/2023/1
Applicant	MinRes Marine Pty Ltd
ACN	638 643 919
File number	DER2023/000632
Premises	Ashburton Infrastructure Transshipping Facility 36km northwest of Onslow within State Waters As defined by the coordinates in Schedule 2 in the Licence.
Date of report	20 December 2023
Decision	Licence granted

**MANAGER, PROCESS INDUSTRIES
REGULATORY SERVICES**

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during operation of the premises. As a result of this assessment, licence L9412/2023/1 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 22 September 2023, 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 unloading of ore between a Transshipping Vessel (TSV) to an Ocean Going Vessel (OGV) within the premises. The premises is approximately 36 km north-west of Onslow.

The premises relates to the category and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9412/2023/1. 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 L9412/2023/1.

Anchorage locations (proposed prescribed premises) are currently located in State Waters, as defined under Commonwealth legislation, *Coastal Waters (State Power) Act 1989* and the *Seas and Submerged Land Act 1973*. The OGV will anchor within the designated anchorage areas which are defined as being an area within a 1km radius of five coordinates in the proposed prescribed premises.

The Pilbara Ports Authority (PPA) have operational control over the Port of Ashburton under the *Ports Authorities Act 1999 (WA)*. The department has been advised that PPA are working with Department of Transport (DoT) Maritime division to redefine the Port boundary to encompass the proposed prescribed premises of the five anchorage areas which are currently within State Waters. PPA expect that the revised port limits boundary (which will encompass the prescribed premises) will be officially declared under the *Ports Authorities Act 1999* in early 2024. PPA have provided consent for the applicant to occupy and operate this offshore anchorage for the proposed activities.

The granting of the licence is anticipated to occur prior to the finalisation of the PPA boundary and therefore will occur in State Water. It is advised that the applicant apply to amend the licence to reflect the premises within the revised Port of Ashburton boundary once finalised.

DoT are the designated Hazard Management Agency for marine oil pollution and marine transport emergencies, and is responsible for ensuring effective prevention, preparedness, response and recovery to these hazards within the State, however they do not have the legislative powers to approve, reject or conditionalise marine commercial shipping operations in state waters in Western Australia. DoT reiterated that all requirements of international conventions that Australia has signed would need to be observed, specifically those requirements of the MARPOL Convention.

2.2.1 Operations

Unloading operations will occur 24 hours a day, 7 days a week, dependent on weather conditions. The proposed volume of the TSV cargo hopped hold capacity is 20,000 tonnes (t). It is expected that there will be two round voyages per day per TSV barge with a maximum of 8 shiploads per day equating to a maximum rate of 160,000 t per day throughput. Rate of unloading will be approximately 6,000 t per hour with the average transfer time taking approximately 5 hours. The proposed duration of this project is a minimum of 30 years.

The annual operational throughput capacity is 40 Mt per annum (mtpa). The applicant has advised that there will be no more than two TSVs unloading to one anchored OGV at any one time, and that only two of the five anchorage points will be used at any one time for loading activities.

Ore will be transported in an enclosed cargo hold on the TSV which will have a dust extraction system installed to create negative pressure and prevent dust escaping. As per the portside works approval (W6713/2022/1) there is a requirement for the product to arrive at the port at dust extinction moisture (DEM) level and will be maintained this way.

The tunnel conveyor and outbound athwartship conveyor are located within the enclosed cargo hold on the TSV. The ore is then transported out of the hold via an elevating outbound conveyor which is partially located within the hold. The section outside of the hold area will be equipped with a weather shield / dust hood along its entirety. The transfer chute between the outbound conveyor and the discharge boom will be enclosed. The telescopic discharge boom will maintain drop heights into the OGV hatch between 2 - 6 m.

In addition to the unloading of ore activities between the TSV and OGV at the anchorage locations, there are supporting activities, some of which have been considered in the risk assessment and conditioned in the licence. The department acknowledges that emissions and discharges from some of these activities are regulated under separate approvals (discussed in section 3 of this report) and that it is the responsibility of the applicant to ensure compliance with other relevant legislation.

Other infrastructure and activities undertaken to support the unloading of ore include:

- Sewage treatment plant and discharge of treated sewage into the marine environment;
 - Each sewage treatment plant (located on TSVs and tugs) will have a capacity of less than 2m³/day. The total discharge of treated wastewater will not trigger a Category 85 under Schedule 1, Part 2 of the EP Regulations by not exceeding 20m³/day throughput;
 - The Evac CSWE 30 series treatment plant consists of three tanks: a two-stage biological oxidation tank, and one clean water tank. This plant meets the rules and regulations described in MARPOL 73/78 and is certified to meet the International Maritime Organisation (IMO) Marine Environmental Protection Committee (MEPC); and
 - The applicant has confirmed that the discharge of treated sewage will operate in a way that is compliance with the MARPOL Convention Annex V – Prevention of Pollution by Sewage from Ships;
- Wash down of the work area on the TSV barges to occur twice monthly using only sea water:
 - Each wash down is expected to discharge a total of 5m³ with an approximate flow rate of 4 L/minute;
 - Wash down is to take place predominantly at the anchorage locations and will continue as the TSVs start to move away from this location enroute to the navigation channel so the discharge does not accumulate at one location; and
 - The applicant has advised that the discharge of washdown water will occur in accordance with the MARPOL Annex V – Prevention of Pollution by Garbage from

Ships;

- Fuel and oil storage:
 - Several types of oil (marine diesel and gas oil, lube oil and hydraulic oil) to be stored and used on the TSVs. They will be stored in a self-contained compartment below the main deck. It is estimated that approximately 120m³ of marine diesel oil is required for each TSV;
 - The applicant has advised that the total fuel storage within the premises will remain below the Schedule 1 EP Regulations production or design capacity for Category 73: bulk storage of chemicals. The applicant has advised that all relevant licences will be obtained for fuel storage and operated in accordance with Port requirements;
- Power supply and generators:
 - Each TSV barge will have an installed power generation capacity of up to 5.02 kilowatts (kW) consisting of four 1,255 kilowatts (kW) containerised gensets; and
- Other auxiliary Infrastructure.

2.2.2 Material characterisation

The iron ore product will be derived from the Kens Bore deposit at the West Pilbara Iron Ore Project. The mineralogy and the total heavy metal results from this deposit are shown in Table 1 and Table 2 respectively.

Table 1: Expected mineral composition of the product.

Mineral Phase	Concentration (w/w%)
Goethite	40 – 50
Hematite	40 – 50
Quartz	10 – 20
Respirable crystalline silica	0.23
Kaolinite	5 – 10

Table 2: Trace heavy metals in product

Metal	Concentration (ppm)
Manganese	200 – 500
Zirconium	100 – 200
Barium, vanadium, copper, tin, arsenic, chromium, strontium, tungsten, nickel, zinc, lead	25 – 100
Rubidium, thorium, uranium	<5

The iron ore fines will be tested at the product sample stations at the Landside Materials Handling facility to ensure they are being received at or above the relevant DEM level. Commissioning and time-limited operations conditions on W6713/2022/1 require the ore product getting loaded into the TSVs via out-load conveyor to be periodically tested to ensure grade control by redirecting samples to the product sample station.

2.3 Exclusions

Environmental risks associated with the loading of the TSV at the Landside area are excluded from this assessment as this has been assessed previously under works approval W6713/2022/1.

3. Legislative context and other approvals

3.1 Part IV of the EP Act

The Ashburton Infrastructure Project proposal was referred by Onslow Infracore Pty Ltd to the Environmental Protection Authority (EPA) under section 38 of the EP Act and assessed (Assessment No: 2320) at the level of Public Environment Report (PER), with EPA report number 1733 published on 16 February 2022 (EPA, 2023). The Ministerial Statement (MS) 1204 was published on 3 July 2023 (OAC, 2023).

The MS authorised the disturbance of four spatially separate development envelope areas being:

- Haul Road development envelope (Part V aspects assessed under L9376/2023/1);
- Landside development envelope (Part V aspects assessed under W6713/2022/1);
- Nearshore development envelope; and
- Offshore development envelope (this assessment).

Table 3 discusses key environmental factors that were considered during the Part IV relevant to this assessment and conditioned through the MS 1204.

Table 3: EP Act Part IV assessment

Key environmental factor	Summary of Part IV assessment related to this proposal.
Benthic Communities Habitat	<p>Conditions require that the implementation of the proposal has no adverse impact to benthic communities and habitats beyond the zone of moderate impact.</p> <p>The proposed premises is outside of the specified zone of moderate impact.</p>
Marine Environmental Quality	<p>The conditions require that the implementation of the proposal achieves the following outcomes:</p> <ul style="list-style-type: none"> • no adverse impacts on the environmental values of Ecosystem Health, Fishing and Aquaculture, Recreation and Aesthetics, Industrial Water Supply, Cultural and Spiritual • achieves the levels of ecological protection (Low, Moderate and High) in the areas specified. <p>The applicant is required to implement the Marine Operations Environmental Management and Monitoring Plan (MOEMMP) which requires surface sediment sampling at 10 locations around the 5 anchorage points and reporting exceedances to the CEO of DWER, of Environmental Quality Standards which are based upon prior assessments of Marine Environmental Quality samples and data collected from designated sampling locations.</p> <p>Sampling is to be undertaken annually for a 3-year period and if no impacts in quality are detected, the frequency would increase to 5 yearly. If an exceedance is identified, sampling is to be conducted annually until there is no exceedance. Additionally, there will be implementation of contingency managements involving inspections of all equipment and vessels, review of cargo handling parameters, modifications to loading facilities to increase environmental performance (inclusion of barriers, sumps, collection points, dust suppression etc.), revision of anchorage positions and ensuring quality of cargo are meeting handling process requirements (moisture levels).</p>

<p>Marine fauna</p>	<p>The conditions require that the implementation of the proposal achieves the following outcomes:</p> <ul style="list-style-type: none"> • minimise the risk of behavioural changes, health impacts, physical injury or mortality from underwater noise emissions from construction or operations to significant marine fauna (including temporary or permanent hearing loss) through an Underwater Noise Management Protocol; • minimise the risk of adult marine turtle and marine turtle hatchling misorientation, disorientation and associated increases in mortality rate, and to adult marine turtle nesting utilisation, at Ashburton Island, Direction Island, Thevenard Island and Bessieres Island; and • minimise the risk that the proposal increases the cumulative adverse impacts on regional populations of adult marine turtle and marine turtle hatchling misorientation, disorientation and associated increases in mortality rate. The Artificial Light Impact Assessment and Management Plan will be updated to satisfy the above requirements to manage impacts to turtle populations from light pollution related to the proposal.
<p>Greenhouse Gas Emissions</p>	<p>Conditions require that the proposal (which includes the onshore, nearshore and offshore development envelopes):</p> <ul style="list-style-type: none"> • to take measures to ensure that net GHG emissions do not exceed levels listed in condition B7-1; and • develop and submit to the CEO, a Greenhouse Gas Emissions Environmental Management Plan within six months of commencing ground disturbing activities.

3.2 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

This proposal was referred under the EPBC Act and determined to be a controlled action (EPBC 2021/9064) pursuant to section 75 of the EPBC Act. The action assessed involved the haul road and development of land and marine facilities to service ore mining and export development. The controlling provisions are section 18 & 18A (listed threatened species and communities) and sections 20 & 20A (listed migratory species). The decision to approve the action passed on 12 December 2022.

3.3 MARPOL

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution to the marine environment by ships from operation or accidental causes. The MARPOL Convention was adopted at the International Maritime Organisation (IMO) in 1973. The 1978 Protocol, which was adopted because of multiple tanker accidents in 1976-1977, was absorbed into the parent Convention and the combined instrument entered into force 1983. The six Annexes include the technical requirements of MARPOL for the controls on operational discharges.

The applicant has advised that MARPOL Conventions will be complied with, and specifically the following Annexes which are applicable to the potential emissions and discharges associated with this activity:

- Annex I – Regulations for the Prevention of Pollution by Oil;
- Annex IV – Prevention of Pollution by Sewage from Ships;
- Annex V – Prevention of Pollution by Garbage from Ships;
- Annex VI – Prevention of Air Pollution from Ships.

The department notes that it is applicants responsibilities to ensure that all requirements of the

international conventions, specifically MARPOL Convention are adhered to.

3.4 Ports Authorities Act 1999

The PPA have operational control over the Port of Ashburton under the *Ports Authorities Act 1999 (WA)*. PPA is governed by a board of directors as per the Port Authorities Act and is appointed by the Minister of Planning and Infrastructure.

Once the PPA boundary is finalised to encompass the prescribed premises, the applicant is required to comply with additional PPA requirements for operations, separate to conditions under Part V of EP Act.

PPA requirements also involve compliance with the Port of Ashburton Cyclone Response Plan. The applicant has advised that their operational Cyclone Incident Weather Management Plan has been designed to align with PPA requirements and describes the circumstances at which transshipment operations will cease and necessary cyclone avoidance will occur.

4. 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.

4.1 Source-pathways and receptors

4.1.1 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 4 below. Table 4 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 4: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Noise	Unloading of ore between TSV and OGV	Air / windborne pathway	<ul style="list-style-type: none"> Project vessels will be maintained in accordance with their maintenance system; Most of product movement is within enclosed cargo hold (on TSV); Operation will be in accordance with PPA requirements and MOEMMP; Incident reporting system will be maintained to assist in managing environmental incidents such as excessive noise emission. <p><i>Noting: noise impacts to marine fauna are considered and conditioned under the MS 1204.</i></p>
Dust	Unloading of ore between TSV and	Air / windborne pathway	<ul style="list-style-type: none"> TSV have completely enclosed cargo holds to minimise dust. Dust extraction system installed (assessed under W6713/2022/1) on cargo hold to create negative pressure and prevent dust escaping.

Emission	Sources	Potential pathways	Proposed controls
	OGV from: movement of ore on elevating outbound conveyor; and movement of ore from TSV discharge boom via hatches to OGV.		<ul style="list-style-type: none"> • Tunnel conveyor and outbound athwartship conveyor are within the enclosed cargo hold of the TSV. • Portion of the elevating outbound conveyor not within the cargo hold is equipped with a weather shield / dust hood along its entirety. • Transfer chute transferring ore from outbound conveyor to discharge boom conveyor is enclosed. • Telescopic discharge boom is capable of slewing/luffing to maintain drop heights to the hatch of 2-6 m • Iron ore will be maintained at or above dust extinction moisture (DEM) level. • Dust suppression sprays utilised while loading ore into TSV. • Conditions of the Ministerial Statement 1204 require surface sediment sampling.
Ore spillage		Direct discharge / spill	<ul style="list-style-type: none"> • Above dust controls will also assist with minimising spillage of ore (specifically for enclosed transfer points / conveyors). • Implement PPA Port of Ashburton procedures for material handling; • Ashburton Transshipment Cyclone Response plan will be designed to align and comply with the Port of Ashburton cyclone response plan.

Emission	Sources	Potential pathways	Proposed controls
Ore contaminated surface water run off	Wash water from the TSV containing iron ore product	Contaminated washdown water discharge into the marine environment	<ul style="list-style-type: none"> • Outbound conveyor fitted with weather shield/dust hood and transfer chute enclosed to minimise product spillage - Spillage controls will reduce amount of ore product on main deck that will be discharged during washdown activities; • Ore residue from washdown of tunnel conveyors for cleaning will be contained in sludge tanks onboard the TSV. • Discharge to the marine environment from washdown of the TSV deck will be in accordance with MARPOL Annexes (Annex V – Garbage Discharges) which allows the discharge to the sea provided that the ship is enroute and the discharge occurs as far as practicable from the nearest land, but not less than 12 nautical miles from the nearest land. Exceptions (Regulation 6 of Annex V) include if the disposal of garbage from a ship necessary for the purpose of securing the safety of a ship or those on board or saving life at sea; • Discharge to occur in accordance with PPA requirements. PPA (2022) Handbook states that the washdown of cargo residues from the deck of a ship within Port is permitted in the following exceptional circumstances: where residues cause a serious safety hazard to personnel if spillages are not cleaned from deck area, adjacent walkways and working areas; • Washdown activities to only take place at the offshore anchorage area and when the TSVs are enroute back to navigation channel in a manner that reduces concentrated disposal of washdown water. • Marine environmental quality to be maintained as per conditions of MS – involving sediment sampling in accordance with MOEMMP. • No chemical or cleaning agents used for washdown – only seawater; • Washdown limited to twice per month for each TSV; • Iron ore fines are classified as ‘Specific target organ systemic toxicity (repeated exposure): Category 2, and therefore not considered as Harmful to the Marine Environment (HME).
Hydrocarbon spills from vessels	Vessels (TSVs and OGVs)	Direct discharge / spill	<ul style="list-style-type: none"> • TSV refuelling activities will not take place at the offshore anchorage area; • Regular vessel cargo infrastructure maintenance and inspections; • An incident reporting system will be maintained to assist in managing environmental incidents such as spills; • Vessel subject to management processes in accordance with MARPOL and PPA requirements; • Onboard Shipboard Oil Pollution Emergency Plan; • Applicant will follow operational management practices regulated by PPA and response measures inline with the PPA’s Port of Ashburton Marine Pollution Contingency Plan, including compliance with the Port of Ashburton Port Handbook (PPA, 2022).
Un/treated Sewage discharge	TSVs sewage treatment facility	Direct discharge / spill	<ul style="list-style-type: none"> • Total discharge of treated wastewater will not exceed 20m³/day in aggregated; • No discharge of untreated sewage; • Onboard sewage treatment plant to be IMO certified to meet the

Emission	Sources	Potential pathways	Proposed controls
			<p>operational requirements referred to in regulation 9.1.1 of MARPOL Annex IV;</p> <ul style="list-style-type: none"> • Sewage treatment activities will be compliant with Annex IV of MARPOL as identified through obtaining a Certificate of Compliance with MARPOL 73/78 Annex (Sewage Pollution Prevention Certificate); • MARPOL 73/78 Annex IV permits discharge of treated wastewater to the marine environment provided the vessel is no less than 3 nautical miles from the nearest land and is discharged whilst the vessel is proceeding en route at a speed not less than 4 knots.

4.1.2 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 5 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 5: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Industrial premises (similar transshipment facility)	3 km southwest of the premises
Tourist accommodation	10 km southeast of the premises
Town of Onslow	36 km southeast of the premises.
Environmental receptors	Distance from prescribed activity
Thevenard Island Nature Reserve	10 km southeast of the premises. The island is known as important for migratory seabirds, dugongs, turtles (nesting) and other marine life.
Marine water quality	<p>MS 1204 defines the levels of ecological protection associated with marine waters within the premises.</p> <p>Moderate Ecological Protection Area (MEPA): 1km area radius around each of the anchorage points</p> <p>High Ecological Protection Area (HEPA): remaining waters outside the MEP (and within proposed prescribed premises).</p>
Marine fauna	<p>A number of marine fauna listed under the <i>Environmental Protection Biodiversity Conservation Act</i> or <i>Biodiversity Conservation Act</i> have been recorded to occur within or surrounding the project area:</p> <ul style="list-style-type: none"> • marine turtles listed as vulnerable or endangered (Flatback, Hawksbill, Green, Loggerhead, Leatherback) • whales listed as vulnerable or endangered (Blue, Humpback, Southern Right)

	<ul style="list-style-type: none"> • fish species listed as vulnerable (Whale shark, Green Sawfish, Dwarf Sawfish); and • other migratory species (manta ray/dolphin species).
Benthic communities	Predominantly bare substrate (sand/silt) mixed with sand supporting filter feeders and areas of low-profile reef supporting community of filter feeders, coral and macroalgae within proposed prescribed premises. Anchorage areas are not within low profile reef areas (which are located on the shore-side edge of proposed prescribed premises).

4.2 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 4.1. 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 4.1), 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 6.

Licence L9412/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. Category 58 activities.

The conditions in the issued licence, as outlined in Table 6 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 6: Risk assessment of potential emissions and discharges from the premises during operation

Risk events				Risk rating ¹	Applicant controls sufficient ?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	C = consequence L = likelihood			
Bulk loading of ore from TSV to OGV	Dust	Air / windborne pathway causing impacts to health and amenity and marine water quality	None nearby – Nearest is tourist accommodation 10km away. Marine waters within anchorage afforded a Moderate level of environmental protection and waters directly around afforded a High level of environmental protection.	C = Moderate L = Unlikely Medium Risk	Y	Condition 1, Table 1 – operational requirements	The design controls the applicant has proposed are generally considered adequate and will be conditioned within the licence. Requirements under MS1204 include surface sediment sampling within the prescribed premises area that will indicate if there are any impacts to the marine environment as a result of unloading activities. MS1204 also requires the applicant to mitigate marine and benthic environmental impacts and implement measures within the Marine Operations Environmental Management and Monitoring Plan. Under MS1204 and requirements of the MOEMMP, the applicant will need to action contingency measures in the case any impacts are detected. The applicant has advised that they will also comply with PPA Port of Ashburton procedures for material handling and cyclone response plan. The Delegated Officer has determined that no additional regulatory controls are required.
	Noise	Air / windborne pathway causing impacts to health and amenity	None nearby – Nearest is tourist accommodation 10km away.	N/A – No credible pathway for risk. The premises is still required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> .			
	Ore spillage	Direct discharge / spill causing impact to marine water quality.	Marine waters within anchorage afforded a Moderate level of environmental protection and waters directly around afforded a High level of environmental protection.	C = Moderate L = Unlikely Medium Risk	N	Condition 1, Table 1 – operational requirements Condition 3: unloading measures	The Delegated Officer notes that the applicant’s proposed controls to implement a cyclone action management plan align with PPA requirements and will reduce risks of ore spillage due to adverse weather conditions, such as those associated with cyclones. In addition, the Delegated Officer considers that the applicants proposed controls regarding covered infrastructure and the commitment to take all possible measures to minimise ore spillage will assist to reduce ore spillages. Notwithstanding this, the Delegated Officers considers the risk of ore spillage during adverse weather conditions (other than during cyclone events) requires additional control. As an additional regulatory control, the Delegated Officer has determined that unloading operations are to be restricted/cease during weather conditions where strong wind conditions exist, to reduce the risk of ore spillage.
	Ore contaminated stormwater/ washwater runoff during and/or following loading activities			C = Moderate L = Unlikely Medium Risk	Y	Condition 1, Table 1 – operational requirements	The controls in place to reduce dust and spillage are likely to minimise the ore product spills on the TSV deck and any contamination of washdown water as a result of spills. The applicant has proposed that no chemicals will be used in the washdown, only seawater. MARPOL Annex V allows the discharge to sea provided that the ship is enroute and the discharges occur as far as practicable from the nearest land, but not less than 12 nautical miles from the nearest land (apart from exemptions under Regulation 6 of MARPOL Annex V). In the case that any wash down for the purpose of cleaning any conveyors occur, this discharge will be contained in sludge tanks and not released into the marine environment. The applicants requirements to comply with MARPOL are considered sufficient in mitigating the risk to marine waters. The Delegated Officer also notes that surface sediment sampling (as per the conditions of the MS) will monitor impacts to the marine environment from these activities. Once the PPA boundary is finalised, the applicant will have additional obligations to comply with PPA requirements under the <i>Ports Authorities Act 1999</i> .
	Hydrocarbon spills from vessels			C = Moderate L = Unlikely Medium Risk	N	Condition 1, Table 1 – operational requirements Condition 2	The applicant has advised that refuelling activities will not take place at the offshore anchorages and that cargo infrastructure will be subject to regular maintenance and inspections. The applicant is required to comply with MARPOL Convention Annex 1 – Regulations for the Prevention of Pollution by Oil. Section 72(1) of the EP Act will still be enforced where in the case a spill is deemed to have caused or is likely to cause pollution, material environmental harm or serious environmental harm, the applicant must notify the CEO of DWER. Once the PPA boundary is finalised, the applicant will be contractually obligated to comply with PPA requirements under the <i>Ports Authorities Act 1999</i> , which involve standard operational management practices regulated by PPA, and response measures within PPA’s Port of Ashburton Marine Pollution Contingency Plan, including compliance with the PPA Port of Ashburton Port Handbook. In line with the intent of other requirements, the Delegated Officer has additionally conditioned that the applicant should take all practicable measures to reduce the risk of hydrocarbon spills to the marine environment.
Operation of onboard sewage treatment plant	Untreated / treated sewage	Direct discharge causing impact to marine water quality.	Marine waters within anchorage afforded a Moderate level of environmental protection and waters directly around afforded a High level of environmental protection.	C = Minor L = Rare Low Risk	Y	N/A	The applicant is required to comply with MARPOL Annex IV regarding disposal of treated sewage. This involves an IMO certified onboard sewage treatment plant and the disposal of sewage to be in accordance with MARPOL 73/78 that requires obtaining a Certificate of Compliance (Sewage Pollution Prevention Certificate) that permits the discharge of treated wastewater in accordance with MARPOL. The Delegated Officer has determined that the risk of treated sewage discharge will be adequately controlled under the requirements of the MARPOL Convention. Additionally, the proposed discharge volume (to not exceed 20m ³ /day) will not trigger a category under Schedule 1 of the EP Regulations and therefore does not require licensing and approvals under Part V of the EP Act.

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. **Bold and underline text** depicts additional regulatory controls imposed by department.

5. Consultation

Table 7 provides a summary of the consultation undertaken by the department.

Table 7: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 17 November 2023.	None received.	N/A.
Local Government Authority Shire of Ashburton advised of proposal on 17 November 2023.	<p>Shire of Ashburton provided the following comments on 8 December 2023:</p> <ol style="list-style-type: none"> 1. Recommends referral and consultation of proposal to be undertaken with any community fishing groups within the Onslow Area; 2. A comprehensive Environmental Emission Management Plan should be submitted for review, consultation and approval; 3. Dust emission should be kept to a minimum at all stages of the transport and transfer of any materials. <p>In addition to the above comments, the LGA raised concerns regarding current dust emissions from activities at Lot 300 Back Beach Road relating to the construction of the Onslow Township Village as a workers accommodation facility (including the receipt of dust complaints). The Shire has expressed concerns about the level of dust once the hauling of iron ore begins and whether the proponent will take necessary management steps to be dust free as they have stipulated to the community.</p>	<ol style="list-style-type: none"> 1. The department notes that this application was advertised on the DWER website, and no submissions were made during this time. The department also notes that impacts to the environmental value of fishing and aquaculture was assessed through EPA assessment report 1733 and conditioned under MS 1204. The Marine Operations Environmental Management and Monitoring Plan specifies environmental quality objectives of maintaining ecosystem health and that the water quality is safe for primary contact recreation will ensure that seafood is maintained at a quality safe for human consumption, and the water quality is safe for secondary contact recreation such as fishing and boating. To avoid regulatory duplication, aspects relating to fishing and aquaculture have not been directly assessed in the licence assessment process, however it is noted that controls applied through the licence will regulate the primary emissions and discharges associated with the proposal that are relevant for the marine environment. 2. During the assessment under Part IV of the EP Act, several management plans relating to emissions and impacts as a result of the proposal were provided for assessment and review. These include but are not limited to: <i>Artificial Light Management Plan; Marine Construction Environmental Management Plan; and Marine Operational Environmental Monitoring and Management Plan</i>. All management plans are available for public access at https://www.epa.wa.gov.au/proposals/ashburton-infrastructure-project. The assessment for this licence application considered the existing regulatory requirements within MS 1204, along with the relevant emissions and discharges regulated under Part V of the EP Act. To avoid regulatory duplication, the licence assessment only considered those risks not regulated elsewhere. 3. Dust emissions from the unloading of ore material at the offshore anchorage locations were assessed under the scope of this application. Dust emissions from portside activities associated with the broader Ashburton

		<p>Infrastructure Project have been assessed under the works approval W6713/2022/1. Compliance with the requirements of the works approval will be assessed by the department as construction of that facility progresses. The ongoing risk of dust emissions from ongoing portside operations will be assessed under a subsequent licence application.</p> <p>The department acknowledges the concerns raised by the Shire, specifically regarding ongoing operations and dust emissions from ore loading activities noting that approvals under Part V of the EP Act only regulate emissions from activities listed under Schedule 1 of the EP Regulations. The general provisions of the EP Act and subsidiary Regulations, such as the Environmental Protection (Unauthorised Discharges) Regulations 2004 also apply to prescribed premises and activities that occur on other premises.</p> <p>Complaints regarding dust emissions can be submitted to the department via Pollution Watch.</p>
<p>Pilbara Port Authority (PPA) advised of proposal on 17 November 2023.</p>	<p>PPA provided the following comments on 1 December 2023:</p> <ul style="list-style-type: none"> • PPA confirmation of consent for the applicant to occupy and operate an offshore anchorage for transshipping activities within Port water; and • PPA expects the revised port limits boundary (to include the prescribed premises) to be officially declared under the <i>Ports Authorities Act 1999</i> in early 2024. 	<p>Noted.</p>
<p>Department of Transport (DoT) advised of proposal on 17 November 2023.</p>	<p>DoT provided the following comments on 21 November 2023:</p> <ul style="list-style-type: none"> • DoT does not have legislative powers to approve, reject or conditionalise marine operations within WA State Waters and therefore DoT cannot advise on what, if any, requirements should be applied for this application; and • DoT would expect that all requirement of international conventions that Australia has signed would be observed, specifically those requirements of the MARPOL Convention as they should apply to the size, type and flag of the vessel involved in these ship-to-ship transshipment operations. 	<p>Noted.</p>
<p>Applicant was provided with draft documents on 14 December 2023</p>	<p>Applicant provided comments on 20 December 2023. Refer to Appendix 1</p>	<p>Refer to Appendix 1</p>

6. 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.

7. 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. Environmental Protection Authority (EPA) 2023, *Ashburton Infrastructure Project Onslow Infracore Pty Ltd Report 1733*. Accessed at https://www.epa.wa.gov.au/sites/default/files/EPA_Report/EPA%20Report%201733%20-%20Ashburton%20Infrastructure%20Project%20-%20assessment%20report.pdf
5. International Maritime Organisation, *International Convention for the Prevention of Pollution from Ships (MARPOL)*. Accessed at [https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)
6. Office of the Appeals Conveyer (OAC) 2023, *Statement No. 1204 – Ashburton Infrastructure Project*. Accessed at <https://www.epa.wa.gov.au/sites/default/files/1MINSTAT/1733%20Statement%201204%20for%20publishing%20-%20Ashburton%20Infrastructure%20Project.pdf>
7. Pilbara Ports Authority (PPA) 2022, *Port of Ashburton Port Handbook*, [port-of-ashburton-port-handbook \(pilbaraports.com.au\)](http://port-of-ashburton-port-handbook.pilbaraports.com.au).

Appendix 1: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
Response to requested information (in draft package): Condition 1, Table 1	Applicant confirmed that " <i>under normal circumstances vessels will be loaded in sequence, from time to time two may be berthed alongside the OGV (weather permitting)</i> ".	Updated to reflect this proposed operation.
Response to requested information (in draft package): Schedule 3	Applicant provided coordinate locations for anchorage points in Longitude /Latitude dms coordinate system.	Coordinates have been updated.
Table 1: c) (new point d)	The Applicant seeks to amend from: "Maximum of two anchorage locations utilised at any one time" to "Maximum of two anchorage locations utilised at any one time <i>for loading</i> ".	The department accepts this change.
Table 1: k) (new point l)	The Applicant seeks to amend from: "Washdown water from cleaning the tunnel conveyors will be contained in sludge tanks and not discharged into the environment" to "Washdown water from cleaning the tunnel conveyors will be contained in sludge tanks and not discharged into the <i>marine</i> environment">	The department accepts this change.
N/A – Decision Report Section 2.2.1 Operations	The Applicant wishes to clarify that only two of the anchorage points will be used at any one time for loading activities.	The department notes this clarification and has edited wording to read the following: "The applicant has advised that there will be no more than two TSVs unloading to one anchored OGV at any one time, and that only two of the five anchorage points will be used at any one time <i>for loading activities</i> ".
N/A – Decision Report Section 4.1.1 Table 4: Proposed applicant controls	The Applicant would like to have noted that Regulation 6 of Annex V of MARPOL Convention include exceptional circumstances at which washdown discharge can occur within 12 nautical miles of the nearest land. The PPA (2022) Handbook states that discharge of wash water from deck is permitted under (MARPOL Annex V Regulation 6) where residues cause a serious safety hazard to personnel if spillages are not cleaned from deck area, adjacent walkways and working areas.	The department has noted the Regulation 6 exemptions and have made reference to it and the PPA (2022) Handbook in the document.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY		
Application type		
Licence	<input checked="" type="checkbox"/>	
Date application received	22 September 2023	
Applicant and Premises details		
Applicant name/s (full legal name/s)	MinRes Marine Pty Ltd	
Premises name	Ashburton Infrastructure Project Transshipping Facility	
Premises location	GPS Coordinates provided. Located within Port of Ashburton. Note: Boundary of Port to be redefined to encompass premises boundary.	
Local Government Authority	Shire of Ashburton	
Application documents		
HPCM file reference number:	DWERDT839192 / DWERDT839199	
Key application documents (additional to application form):	Safety data sheet Marine Operations Environmental Management & Monitoring Plan (Rev 7). Light impact assessment & management plan. Marine/fauna surveys. Water quality desktop review.	
Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	New licence for the transshipper unloading/anchorage area which involves unloading of ore from transshipper vessels (TSV) into ocean going vessels (OGV) within a designated anchorage area. Related to works approval W6713 for the port landside facilities.	
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 58 – Bulk material loading or unloading	40mtpa	N/A
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"/> Existing MS 1204	
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: 1204 EPA Report No: 1733
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reference No: 2021/9064

Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> . State Waters with Port of Ashburton - Letter of authority from PPA	Other evidence <input checked="" type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
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"/>	CPS No: No clearing.
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"/>	N/A
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"/>	N/A
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any other Acts or subsidiary regulations?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Port Authorities Act 1999
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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