Government of Western Australia
Department of Water and Environmental Regulation

Amendment Report

Application for Licence Amendment

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

Licence Number	L9412/2023/1
Licence Holder	MinRes Marine Pty Ltd
ACN	638 643 919
File Number	DER2023/000632
Premises	Ashburton Infrastructure Transhipping Facility 36km northwest of Onslow within Port of Ashburton Boundary Legal description – As defined by the coordinates in Schedule 2 of the Revised Licence.
Date of Report	09 September 2024
Decision	Revised licence granted

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

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1. Decision summary

Licence L9412/2023/1 is held by MinRes Marine Pty Ltd (Licence Holder) for the Ashburton Infrastructure Transhipping Facility (the Premises), located at approximately 36 km north-west of Onslow.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, Revised Licence L9412/2023/1 has been granted.

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 26 June 2024, the Licence Holder submitted an application to the department to amend Licence L9412/2023/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Request to remove the specifications to operating conditions on the licence that says 'Maximum of two anchorage locations utilised at any one time for loading activities'.
- Administrative update to the legal description of premises location. Original licence was granted in State Waters. The Pilbara Ports Authority boundary has since been gazetted and therefore, the prescribed premises is now situated wholly inside the boundary of Port of Ashburton.

Proposed changes to operations

The previous version of the Marine Operations Environmental Management and Monitoring Plan (MOEMMP) Revision 7 (Report number R210169) (as required under condition B2-2 of Ministerial Statement (MS) 1204), included requirements that no more than two Transhipping Vessels (TSV) were to unload to one anchored Ocean Going Vessel (OGV) at any one time, and that only two of the five anchorage points were to be used at any one time for loading activities.

This requirement was conditioned within L9412/2023/1 to align with the requirements of the MOEMMP.

As part of this amendment the Licence Holder is requesting to remove this restriction, noting that the intent is for flexibility to allow more than two OGVs to be loaded at any one time. Recent modelling experience with the actual loading of the OGVs has indicated that this condition does not provide the required flexibility for loading during variable sea conditions, and therefore is seeking the flexibility to load simultaneously from all five offshore anchorage locations, resulting in safe and more efficient loading methods.

The Licence Holder has advised that there will be no change to risk to marine fauna from noise or light emissions. It is noted that these emissions and receptors were considered under MS 1204 and therefore were not considered within the original licence assessment. This was considered by Part IV of the EP Act as detailed further in section 2.3.

Due to limited capacity of the port-side facility and loading rates of TSVs, the daily unloading rates restricts the throughput at 160,000 tonnes per day and will only allow an unloading of a

maximum of 8 TSVs in any 24-hour period, which is no change to the previously approved and assessed activities and throughput rates.

The Licence Holder has advised that when in full operations, there will be 5 TSVs, each holding up to 20,000 tonnes each. Cycle times for a vessel movement and loading OGVs would not allow more than 4 TSVs to be unloading at any give time. Therefore, the number of TSVs and TSV movements will not change from previously assessed activities.

Updated legal description for premises location

The original licence was granted within "State Water" prior to the extension of the Pilbara Ports Authority (PPA) Port of Ashburton boundary. The new PPA boundary came into effect on 18 March 2024 to encompass the prescribed premises boundary.

The Licence Holder has provided a letter of consent from PPA, and confirmation that the re-gazettal process to extend the Port of Ashburton to facilitate the establishment of transhipment anchorages within port waters is in the process; by way of this letter PPA provided its consent for the Licence Holder

2.3 Part IV of the EP Act

Subsequent to the approval of the activities under MS1204, the Licence Holder has revised the MOEMMP (to Revision 8) to capture the changes as proposed as part of this licence amendment application. In accordance with conditions of MS1204, the Licence Holder provided this revision, and required explanation to the CEO for review.

Advice provided from the department's Environmental Protection Authority Services (EPAS) team has indicated that the proposed minor amendment to the MOEMMP is acceptable.

As noted in the previous assessment for licence, impacts to marine fauna from this proposal have been considered within the assessment for MS 1204 and therefore have not been considered under this assessment.

2.4 *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act)

The Licence Holder is required to implement the MOEMMP as part of their approval under EPBC Act. Similar to that provided to the CEO, a revised version of the MOEMMP has been submitted to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) in accordance with their EPBC approval (2021/9064).

DCCEEW has advised that the revised plan is currently under review in the context of the EPBC Approval. The delegated officer notes that it is the responsibility of the Licence Holder to ensure they comply with any requirements of the EPBC approval.

3. Risk assessment

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

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

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

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

Table 1: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls
Noise	Unloading of ore between TSV and OGV	Air / windborne pathway	• 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; and • Incident reporting system will be maintained to assist in managing environmental incidents such as excessive noise emission. *Noting: noise impacts to marine fauna are considered and conditioned under the MS 1204*
Dust	Unloading of ore between TSV and OGV from: movement of ore on elevating outbound conveyor; and movement of ore from TSV discharge boom via hatches to OGV.	Air / windborne pathway	• 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; • 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 utlised while loading ore into TSV; and • Conditions of the Ministerial Statement 1204 require surface sediment sampling.
Ore spillage		Direct discharge / spill	• 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; and • Ashburton Transshipment Cyclone Response plan will be designed to align and comply with the Port of Ashburton cyclone response plant.

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	• 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; and • 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).

Emission	Sources	Potential pathways	Proposed controls
Hydrocarbon spills from vessels	Vessels (TSVs and OGVs)	Direct discharge / spill	• 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; and • 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	• Total discharge of treated wastewater will not exceed 20m^3/day in aggregated; • No discharge of untreated sewage; • Onboard sewage treatment plant to be IMO certified to meet the operational requirements referred to in regulation 9.1.1 of MARPOL Annex IV; • 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); and • 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.

3.1.2 Receptors

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

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

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

Human receptors	**Distance from prescribed activity**
PEIO Project Transshipment Facility	3 km south-southwest
Town of Onslow	35 km southeast of premises
Thevenard Island (temporary tourist accommodation)	10 km southeast of the premises
Distance of activities to human receptors are sufficient to inform that project activity impacts are not foreseeable. ***Human receptors are not considered to be impacted during operations and therefore not further considered in the risk assessment.***	
Environmental receptors	**Distance from prescribed activity**
Thevenard Island Nature Reserve – Environmentally sensitive area	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	MS 1204 defines the levels of ecological protection associated with marine waters within the premises: Moderate Ecological Protection Area (MEPA): 1km area radius around each of the anchorage points High Ecological Protection Area (HEPA): remaining waters outside the MEPA.(and within proposed prescribed premises).
Marine fauna	A number of marine fauna listed under the *Environmental Protection Biodiversity Conservation Act* or *Biodiversity Conservation Act* have been recorded to occur within or surrounding the project area: • marine turtles listed as vulnerable or endangered (Flatback, Hawksbill, Green, Loggerhead, Leatherback); • whales listed as vulnerable or endangered (Blue, Humpback, Southern Right); • fish species listed as vulnerable (Whale shark, Green Sawfish, Dward Sawfish); and other migratory species (mantra ray/dolphin species).
Benthic communities	Predominantly bare substrate (sand/silt) mixed with sand supporting filter feeders and areas of low profile reef supporting coral within prescribed premises. Anchorage areas are not within low profile reef areas (which are located on the shore-side edge of the proposed prescribed premises).

3.2 Risk ratings

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

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

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

The Revised Licence L9412/2023/1 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. category 58 unloading activities between Transhipping Vessels to Ocean Going Vessels.

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

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

Risk Event					**Risk rating[1]** **C = consequence** **L = likelihood**	**Licence Holder's controls sufficient?**	**Conditions[2] of licence**	**Justification for additional regulatory controls**
Source/Activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Licence Holder's controls**				
Operation								
Bulk loading of ore from TSV to OGV	Noise	**Pathway:** Air / windborne pathway **Impact:** to health and amenity	None nearby – Nearest is tourist accommodation 10 km away.	N/A – No credible pathway for risk				
	Dust	**Pathway:** Air / windborne pathway **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.	See section 3.1.1	**C =** Moderate **L =** Unlikely **Medium Risk**	Y	*Existing conditions* Condition 1 [Table 1]: operational requirements	The delegated officer has considered that there is no change to the risk as a result of the requested modification under this amendment considering the assessed number of loading activities between TSV and OGV has not changed. The delegated officer considers that removing this condition and allowing more than two OGV to be loaded at one time will not increase or change the risk rating of this activity and all existing proposed controls and licence conditions will remain sufficient in managing the identified risk events. The risk rating has not changed, and no additional controls are required.
	Ore spillage	**Pathway:** Direct discharge / spill **Impact:** to marine water quality		See section 3.1.1	**C =** Moderate **L =** Unlikely **Medium Risk**	Y	*Existing conditions* Condition 1 [Table 1]: operational requirements Condition 3: unloading measures	
	Ore contaminated stormwater / wash water runoff during and/or following loading activities			See section 3.1.1	**C =** Moderate **L =** Unlikely **Medium Risk**	Y	*Existing conditions* Condition 1 [Table 1]: operational requirements	
	Hydrocarbon spills from vessel			See section 3.1.1	**C =** Moderate **L =** Unlikely **Medium Risk**	Y	*Existing conditions* Condition 1 [Table 1]: operational requirements Condition 2: preventing spills	
Operation of onboard sewage treatment plant	Untreated / treated sewage	**Pathway:** Direct discharge **Impact:** to marine water quality.		See section 3.1.1	**C =** Minor **L =** Rare **Low Risk**	Y	N/A	

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

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

4. Consultation

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

Table 4: Consultation

Consultation method	Comments received	Department response
Department of Climate Change, Energy, the Environment and Water (DCCEEW) advised of proposal on 16 July 2024.	DCCEEW advised on 30 August 2024 that they are still in the process of reviewing the plan in the context of the EPBC approval.	Noted. The department notes that it is the Licence Holder's responsibility to have obtained all necessary approvals under other legislation.
Licence Holder was provided with draft amendment on 29 August 2024.	Licence Holder provided a response on 6 September 2024 with no comments and requesting to waive the consultation period.	Noted.

5. Conclusion

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

5.1 Summary of amendments

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

Table 5: Summary of licence amendments

Condition no.	Proposed amendments
Front page	Update to premises details description
Condition 1, Table 1	Removal of item (d) that specifies that "maximum of two anchorage locations utilised at any one time for loading activities".
Figure 1	Updated Figure 1 to show the new location of prescribed premises within Port of Ashburton Boundary.

6. References

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

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Amendment to licence	☒	Current licence number:	L9412/2023/1		
		Relevant works approval number:		N/A	☒
Date application received		26 June 2024			
Applicant and Premises details					
Applicant name/s (full legal name/s)		MinRes Marine Pty Ltd (638 643 919)			
Premises name		Ashburton Infrastructure Project Transshipping Facility			
Premises location		36 km northwest of Onslow GPS coordinates in Licence remain the same. Update location to within gazetted Port of Ashburton boundary.			
Local Government Authority		Shire of Ashburton			
Application documents					
HPCM file reference number:		DER2023/000632~2			
Key application documents (additional to application form):		• Cover letter to explain scope of amendment application; • Follow up email to confirm activities (DWERDT972324)			
Scope of application/assessment					
Summary of proposed activities or changes to existing operations.		Refer to section 2.2 of Amendment Report.			

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

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 58: bulk material loading or unloading	40 million tonnes per annual period 160,000 tonnes per day	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 ☐ No ☒	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes ☒ No ☐	Ministerial statement No: 1204 EPA Report No: 1733
Has the proposal been referred and/or assessed under the EPBC Act?	Yes ☒ No ☐	Reference No: 2021/9064
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes ☒ No ☐	Other evidence ☒ Letter of consent from PPA.
Has the applicant obtained all relevant planning approvals?	Yes ☐ No ☐ N/A ☒	

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 ☒	
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes ☐ No ☒	
Is the Premises subject to any other Acts or subsidiary regulations.	Yes ☒ No ☐	*Environmental Protection and Biodiversity Conservation Act 1999* *MARPOL* *Port Authorities Act 1999*
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 ☒	