



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF LICENCE L8967/2016/1 ROY HILL PORT BULK HANDLING FACILITY AND SCREENING PLANT, BOODARIE

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(1)(c) of the *Environmental Protection Act 1986* in objection to the conditions of a licence. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Roy Hill Infrastructure Pty Ltd
Proponent:	Roy Hill Infrastructure Pty Ltd
Proposal description:	Licence to operate a Port Bulk Handling and Screening Facility, approximately 277 km south of Port Hedland
Minister's Decision:	The Minister allowed the appeal in part
Date of Decision:	25 January 2017

REASONS FOR MINISTER'S DECISION

Pursuant to section 106(1)(b) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from DER on the matters raised in the appeal. The Minister was advised that the Office of the Appeals Convenor discussed the appeal with the appellant, and sought further advice from DER on supporting information provided.

After considering the appeal, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeal.

In summary, the Minister understood the appeal raised concerns in respect to the conditions of the licence, specifically the requirement for the daily use of a street sweeper during ship loading, as set out in Table 6 of Condition 5 and Item 7 of Table 6, in Schedule 3. The Minister understood the appellant considered this requirement excessive, and that there are alternative, more appropriate types of equipment to control spill risks during ship loading.

The Minister noted that DER accepted that the incident observed during a site inspection in July 2016 occurred during a maintenance shutdown period, rather than ship loading, and that steps have since been taken to prevent a recurrence. DER also advised that, based on the information provided, the use of a street sweeper or equivalent equipment may be more appropriate during maintenance shutdowns rather than ship loading.

Regardless, the Minister noted that DER still considered it necessary to ensure regular clean-up of accumulated material in order to minimise the risk of spills to the marine environment. DER therefore recommended that the wording of item 7 of Table 6 in Schedule 3 of the licence be amended to ensure that controls are implemented, while allowing for greater flexibility.

The Minister understood that DER also recommended the inclusion of a new condition on the licence requiring the maintenance of accurate and auditable records in relation to the actions required under the amended condition.

After considering all of the information presented with respect to the appeal, noting concerns about the requirements of the condition being excessive, and taking into consideration advice from DER, the Minister allowed the appeal to the extent that item 7 of Table 6 in Schedule 3 of licence L8967/2016/1 be amended in accordance with DER's advice.

The precise wording of any amended condition will be a matter for DER to consider in giving effect to the Minister's decision under section 110 of the Act.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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