



## Application to replace expiring licence

### Division 3, Part V *Environmental Protection Act 1986*

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<b>Licence number</b>	L9175/2018/2
<b>Licence holder</b>	BHP Billiton Iron Ore Pty Ltd
<b>ABN</b>	008 700 981
<b>File number</b>	DER2018/001481
<b>Premises</b>	MAC – Yandi Rail Spur Inert Landfill Miscellaneous Licence L47/95 NEWMAN WA 6753 As defined by the coordinates in Schedule 2 in licence
<b>Date of report</b>	15/12/2021
<b>Status of report</b>	Final

## 1. Decision summary

This decision report documents the Delegated Officer's decision to grant licence L9175/2018/2 to BHP Billiton Iron Ore Pty Ltd (licence holder) for the MAC – Yandi Rail Spur Inert Landfill on Miscellaneous Licence L47/95 NEWMAN WA 6753 (the premises).

In determining to grant this licence, the Delegated Officer noted that no changes to the activities undertaken, or the volumes of material produced, at the premises have occurred. The Delegated Officer has not undertaken a detailed review and risk assessment of emissions and discharges from the premises. The format of the licence has been updated, consistent with the current licence format.

## 2. Scope of assessment

### 2.1 Application summary and overview of the Premises

The licence holder has applied to replace its expiring licence L9175/2018/1, issued under Part V Division 3 of the *Environmental Protection Act 1986* due to expire on 21 December 2021.

The premises is located approximately 90 kilometres (km) north-west of Newman. The land use of the surrounding area is mining operations and exploration activities. The closest sensitive receptor is the Mulla Mulla and Packsaddle Villages which are located more than 20 km from the premises.

The licence relates to:

- (i) Category 63 – Class I inert landfill site

### 2.2 Regulatory framework

In replacing the licence, 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>.

## 3. Consultation

The draft replacement licence and this decision report were provided to the licence holder on 29 November 2021 for comment. The licence holder's comments, along with DWER's response, have been summarised in Appendix 1.

## 4. Decision

The Delegated Officer has granted licence L9175/2018/2 with administrative changes only and without conducting any additional risk assessment. In determining to grant this licence the Delegated Officer notes that no changes to the activities undertaken at the premises have occurred. Therefore, the Delegated Officer determined the risks to public health and the environment from activities at the premises, and previously assessed by the Department, have not materially changed and are deemed acceptable. The format of the licence and conditions have been updated to be consistent with the current DWER licence format. The updates are administrative in nature and do not alter the risk profile of the premises.

The replacement licence has been issued for a period of 20 years. The Department proposes to conduct a review of the licence before the next expiry to ensure the risks to public health and the environment from activities on the premises have not materially changed.

In replacing the expiring license, the Delegated Officer has also determined to:

- update the format and appearance of the licence;
- remove redundant conditions and include additional conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence condition numbers and realign condition numbers for numerical consistency; and,

- transfer all existing regulatory controls and conditions to the replacement licence.

## Summary of changes

The below table provides a summary of changes to the previous licence and will act as a record of implemented changes. All changes have been incorporated into the replacement licence.

Condition / table	Description
Cover page	Licence version updated. Issue and expiry dates updated.
Introduction	Previous 'explanatory notes' section removed to be consistent with current DWER licence template. This guidance is now available in DWER's <i>Guide to Licensing</i> (June 2019).
Definitions	Definitions updated to be consistent with current DWER licence template: Annual Audit Compliance Report', 'CEO' and 'Primary Activities'
	Definitions removed: 'Amendment Notice'
Previous Table 2	Removed authorised emissions table 2
Records and reporting	Updated, consistent with current DWER template.
-	Removed Schedule 2. Added primary activities to front of the licence to be consistent with current DWER licence template.

### SENIOR INDUSTRY REGULATION OFFICER

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

## Appendix 1: Summary of licence holder's comments on draft licence and decision report

Method	Comments received	DWER response
Licence holder emailed comments on draft licence and draft decision documents on 13/12/2021	<ul style="list-style-type: none"><li>• Condition 2: Remove clean fill from Table 3. The removal is consistent with other BHP licences (e.g. Eastern Ridge, MAC and Yandi)</li><li>• Condition 7b: Reinstate the 01 October date, rather than 93 day timeframe.</li></ul>	<ul style="list-style-type: none"><li>• DWER removed the requirement relating to clean fill from Table 3.</li><li>• DWER changed the date of Condition 7b from 93 days to 1 October.</li></ul>