



# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** **BHP Billiton Iron Ore Pty Ltd**

**Licence:** **L4412/1987/8**

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**Registered office:** Level 1, City Square Brookfield Place  
125 - 137 St Georges Terrace  
PERTH WA 6000

**ACN:** 008 700 981

**Premises address:** Nimingarra Mining Operations  
Part mining leases ML251SA and ML263SA  
MARBLE BAR WA 6760

**Issue date:** Thursday, 12 November 2015

**Commencement date:** Tuesday, 17 November 2015

**Expiry date:** Friday, 16 November 2035

### **Decision**

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue a licence. DER considers that in reaching this decision, it has taken into account all relevant considerations and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by: Haley Brunel  
Licensing Officer

Decision Document authorised by: Alana Kidd  
Manager Licensing – (Resource Industries)



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## 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

## 2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input checked="" type="checkbox"/> Licence amendment <input type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	<b>Category number(s)</b>	<b>Assessed design capacity</b>
	5	5,000,000 tonnes per annual period
Application verified	Date: 5 October 2015	
Application fee paid	Date: 13 October 2015	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome	N/A	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No:
		Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Ministerial statement No:



		EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, include details here, eg Site is subject to SO <sub>2</sub> requirements of Kwinana EPP.		

### 3 Executive summary of proposal and assessment

The Nimingarra Iron Ore Mine (Nimingarra) is located approximately 209 kilometres east-southeast of Port Hedland in the Pilbara region of Western Australia. Nimingarra has its own ore crushing and train loading facilities where ore is crushed and screened on site and transported from the mine to Port Hedland via rail. Previously, dewatering has been required to allow mining below the table. Other facilities at the premises include administration and workshop facilities, ablution facilities, inert landfill and landfarm.

The premises has been in care and maintenance since 2006-2007 and no operations have been undertaken since this time.

DER conducted a compliance inspection of the premises in April 2014 during which it was confirmed that the landfill has been closed, covered and revegetated and dewatering infrastructure, including flow metres removed.

This Licence is the successor to licence L4412/1987/7. At the time of this renewal, the Licence is being updated to the latest licence template version 2.9. Conditions relating to the monitoring of dewatering discharge and landfill management have not been included in this Licence as these activities have ceased. Accordingly, categories 6 and 64 have not been added to this Licence. Future works or proposals relevant to these activities may require approval from DER.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

<b>DECISION TABLE</b>			
<b>Works Approval / Licence section</b>	<b>Condition number W = Works Approval L = Licence</b>	<b>Justification (including risk description &amp; decision methodology where relevant)</b>	<b>Reference documents</b>
<b>General conditions</b>	L1.2.1 and L1.2.2	Conditions 1.2.1 and 1.2.2 have been included on the Licence and specify measures relating to the response to spills of environmentally hazardous materials, stormwater management and treated contaminated or potentially contaminated stormwater prior to discharge.	General provisions of the <i>Environmental Protection Act 1986</i> .
<b>Premises operation</b>	L1.3.1	Condition 1.3.1 has been included on the Licence, restricting the processing limit for category 5, whilst the site is in care and maintenance.	N/A
<b>Emissions general</b>	N/A	General emission conditions have not been included in the Licence as there are no specified emission points included in the Licence, while the site is in care and maintenance.	General provisions of the <i>Environmental Protection Act 1986</i> .  <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> .
<b>Point source emissions to air including</b>	N/A	There are no significant air emissions associated with the site, as operations have been suspended and the site is in care and maintenance.	General provisions of the <i>Environmental</i>



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<b>monitoring</b>		No specified conditions relating to air emissions or the monitoring of such emissions have been included in the Licence.	<i>Protection Act 1986.</i>
<b>Point source emissions to surface water including monitoring</b>	N/A	<p>There are no point source emissions to water associated with the site, as operations have been suspended and the site is in care and maintenance.</p> <p>In the event that operations recommence and the discharge of excess mine dewatering water to creeks and/or drainage lines is required, further approvals will need to be obtained from DER.</p> <p>No specified conditions relating to surface water emissions or the monitoring of such emissions have been included in the Licence.</p>	<p>General provisions of the <i>Environmental Protection Act 1986.</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004.</i></p>
<b>Point source emissions to groundwater including monitoring</b>	N/A	<p>There are no emissions to groundwater associated with the operation of the Nimingarra mine.</p> <p>No specified conditions relating to emissions to groundwater or the monitoring of such emissions have been included in the Licence.</p>	General provisions of the <i>Environmental Protection Act 1986.</i>
<b>Emissions to land including monitoring</b>	N/A	<p>There are no emissions to land associated with the site, as operations have been suspended and the site is in care and maintenance.</p> <p>No specified conditions relating to emissions to land or the monitoring of such emissions have been included in the Licence.</p>	<p>General provisions of the <i>Environmental Protection Act 1986.</i></p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations</i></p>



DECISION TABLE			
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			2004.
<b>Fugitive emissions</b>	N/A	<p>Minor fugitive dust emissions may occur from open areas and as a result of the movement of vehicles on site.</p> <p><u>Emission Description</u>  <i>Emission:</i> Dust emissions from open areas, vehicle movements and site maintenance during care and maintenance.  <i>Impact:</i> Deposition of dust on vegetation, impacts to amenity of surrounding land users  <i>Controls:</i> During care and maintenance, there is limited movement of vehicles on site. No ore processing activities are currently being undertaken, further reducing the likelihood of dust emissions from the premises. There are no sensitive receptors close by that would be impacted by dust emissions generated during care and maintenance.</p> <p><u>Risk Assessment</u>  <i>Consequence:</i> Insignificant  <i>Likelihood:</i> Rare  <i>Risk Rating:</i> Low</p> <p><u>Regulatory Controls</u>            General provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> apply. No conditions relating to dust management are considered necessary during care and maintenance. Fugitive dust emissions will be reassessed when operations recommence.</p> <p><u>Residual Risk</u>  <i>Consequence:</i> Insignificant  <i>Likelihood:</i> Rare  <i>Risk Rating:</i> Low</p>	



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<b>Odour</b>	N/A	Odour emissions are not associated with the operation of the Nimingarra mine.  No specified conditions relating to odour emissions have been included in the Licence.	
<b>Noise</b>	N/A	There are no significant noise emissions associated with the site, as operations have been suspended and the site is in care and maintenance.  No specified conditions relating to noise have been included in the Licence.	<i>Environmental Protection (Noise) Regulations 1997</i>
<b>Monitoring general</b>	N/A	There are no monitoring requirements specified in the Licence as the site is currently in care and maintenance.	N/A
<b>Monitoring of inputs and outputs</b>	N/A	There are no input or output monitoring requirements included in the Licence as the site is currently in care and maintenance.	N/A
<b>Process monitoring</b>	N/A	There are no process monitoring requirements included in the Licence as the site is currently in care and maintenance	N/A
<b>Ambient quality monitoring</b>	N/A	Mine dewatering activities at the site have been suspended and the discharge of excess groundwater to creeks and/or drainage lines has ceased. Should the Licensee recommence mine dewatering activities, ambient monitoring of surface water may need to be implemented to determine if the discharge of excess groundwater is impacting on the receiving environment. The requirement to implement such monitoring will be evaluated in any future applications to recommence mine dewatering and discharge at Nimingarra.	N/A
<b>Meteorological monitoring</b>	N/A	Meteorological monitoring is not required at the Nimingarra mine.	N/A
<b>Improvements</b>	N/A	No improvement conditions have been included in the Licence.	N/A



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<b>Information</b>	L2.1.1 to 2.3.1	Conditions 2.1 and 2.2, relating to records and reporting requirements, have been included in the Licence. Under condition 2.3.1 the proponent is required to notify DER 60 days prior to the recommencement of operations at Nimingarra. This timeframe should allow sufficient opportunity to have the relevant statutory approvals in place prior to the recommencement of operations.	N/A
<b>Licence Duration</b>	N/A	In accordance with the Guidance Statement 'Licence Duration (DER, May 2015) L4412/1987/8 has been issued for a period of 20 years.	N/A





## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
19/10/2015	Application advertised in West Australian (or other relevant newspaper)		
22/10/2015	Proponent sent a copy of draft instrument	<p><b>Prescribed premises category (page 1)</b> Increase the approved Category 5 production capacity from 50,000 to 5,000,000 tonnes per annual period.</p> <p>Reinstate Categories 6 and 64 on the Licence.</p> <p><b>Condition 1.1.2</b> Update the definition of 'annual period' to align with the reporting period for other BHPBIO operating Licences.</p>	<p>Change implemented. The prescribed premises production capacity has been increased to 5,000,000 tonnes per annum.</p> <p>Change not implemented. Categories 6 and 64 have been removed from the Licence as the dewatering discharge infrastructure has been removed from site and mine dewatering and landfilling activities have ceased. Under section 53 of the Act approval from DER will be required prior to any future works associated with mine dewatering and landfilling being undertaken on site. Under <i>Guidance Statement Licensing and works approvals process</i> (DER, Sept 2015), future works can be assessed via the licence amendment process.</p> <p>Change implemented.</p>



Date	Event	Comments received/Notes	How comments were taken into consideration
		<b>Condition 1.3.1</b> Increase process limit for Category 5 from 50,000 to 5,000,000 tonnes per annual period.	Change implemented.



## 6 Risk Assessment

*Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management*

**Table 1: Emissions Risk Matrix**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High