



## Application for licence

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

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|-----------------------|--|
| <b>Licence Number</b> | L8873/2015/2   |
| <b>Applicant</b>      | Yilgarn Iron Pty Ltd   |
| <b>ACN</b>            | 626 035 078  |
| <b>File number</b>    | DER2014/003224-1   |
| <b>Premises</b>       | Mt Jackson Operations<br>Part of mining tenements: M77/993, M77/994, M77/996,<br>M77/997, M77/1248 and L77/216<br>Mount Jackson, WA 6426<br>As defined by the coordinates in Schedule 1 of the licence |
| <b>Date of report</b> | 29 February 2024   |
| <b>Decision</b>       | Licence granted  |

**A/MANAGER, RESOURCES INDUSTRIES  
REGULATORY SERVICES**

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

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## 1. Decision summary

Licence L8873/2015/1 is held by Cliffs Asia Pacific Iron Ore Pty Ltd (licence holder). This decision report documents the renewal of the licence and transfer to Yilgarn Iron Pty Ltd (the applicant). The renewed licence L8873/2015/2 has been amended to the contemporary licence template format, resulting in the revision or removal of some redundant conditions.

## 2. Scope of assessment

### 2.1 Application summary and overview of premises

The premises relates to the categories and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) defined on the licence. The infrastructure and equipment relating to the premises category and any associated activities are outlined on the licence and are in line with *Guideline: Risk Assessments* (DWER 2020).

The prescribed premises is located approximately 110 km north of Southern Cross in the Yilgarn region. Mining operations at the premises ceased in May 2021 and have not yet recommenced. As such, no dewatering (with a discharge) or landfilling activities occurred under Licence L8873/2015/1 during the 2022 reporting period, and neither dewatering nor landfilling are anticipated to occur in the upcoming reporting period. The landfill is currently closed and has large windrows around it to prevent access by people and feral animals, and to manage windblown waste.

On 31 November 2023, Yilgarn Iron Pty Ltd (a wholly owned subsidiary of Mineral Resources Limited) submitted an application to renew licence L8873/2015/1 which is due to expire on 1 March 2024. In addition, the applicant requested the following amendments:

- Reduce the prescribed premises boundary to more accurately reflect the location of activities regulated under Part V of the *Environmental Protection Act 1986* (EP Act) at the premises; and
- Rephrase the frequency of dewatering pipeline inspections outlined in condition 1.3.3 of the licence from 'Daily' to 'Daily when pipeline is operational', given that the premises is in care and maintenance.

No changes to existing, approved prescribed premises categories, throughput, infrastructure, wastes, emissions or discharge points are being proposed as part of this application.

In amending the licence, the Delegated Officer has included the following amendments in the scope of this assessment:

- Transfer of the licence to Yilgarn Iron Pty Ltd. An application to transfer the licence was submitted by Yilgarn Iron Pty Ltd in 2018, however despite the application being accepted by DWER and payment acknowledged, the amended licence was not granted;
- Updated the format and appearance of the licence;
- Consolidated, revised or removed redundant conditions and revised condition numbers for numerical consistency; and
- Corrected clerical mistakes and unintentional errors.

### 2.2 Regulatory framework

In completing this decision report, DWER has considered and given due regard to its regulatory framework and relevant policy documents, available at <https://dwer.wa.gov.au/regulatory-documents>.

## 3. Assessment

### 3.1 Licence transfer

The assessment of a transfer applications requires the determination of whether the new occupier meets the department's fitness and competency requirements. The applicant must provide documentary evidence of the date they became the occupier of the premises.

#### 3.1.1 Legal occupancy

The following documents were submitted as evidence that Yilgarn Iron Pty Ltd are the rightful occupier of the premises:

- An Asset Sale Agreement between the licence holder and Mineral Resources Ltd; and
- An Assets Transfer Deed between Mineral Resource Ltd and Yilgarn Iron Pty Ltd where Yilgarn Iron Pty Ltd has the '*sole and exclusive possession*' of the mining tenements referred to on the premises location description of licence L8873/2015/1.

#### 3.1.2 Legal entity status

Yilgarn Iron Pty Ltd is a registered company with a valid and current entry on the Australian & Investments Commission register (ASIC), ACN 626 035 078 and is therefore a legal entity.

#### 3.1.3 Fitness and competency

The applicant advises it has not been convicted or paid a penalty of an offence under the provision of the EP Act or its subsidiary legislation or similar environmental protection legislation in Australia.

The department maintains an Incident Compliance Management System (ICMS) database for all reported incidents and compliance matters. There have been four incidences of non-compliances recorded in ICMS against the applicant since 2021, three of which have been closed out and assessed as having no or low impact and one matter is still under investigation. None of these recorded incidents have occurred at the Mt Jackson Operations.

### 3.2 Proposed amendments

As the nature of the proposed amendments do not alter the fundamental risk associated with the prescribed activities, nor do they alter the nature of the emissions already adequately controlled through the existing instrument, a risk assessment has not been undertaken.

The Delegated Officer has determined to accept the proposed amendment to the prescribed premises boundary and to amend the frequency description for dewatering pipeline inspections (see summary of amendments, Table 2).

## 4. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

**Table 1: Details of consultation**

| Consultation method   | Comments received          | Delegated Officer's response |
|---|----------------------------|------------------------------|
| The Shire of Yilgarn was advised of the application on 30 November 2023 | No comments were received. | N/A                          |

| Consultation method  | Comments received  | Delegated Officer's response  |
|--|--|---|
| The application was advertised to the public on 30 November 2023       | No submissions were received.  | N/A   |
| The applicant was provided with the draft documents on 11 January 2024 | <p>The applicant responded on 29 January 2024 and advised that:</p> <ul style="list-style-type: none"> <li>- The registered business address on the licence should be: 20 Walters Drive, Osborne Park, WA 6017.</li> <li>- Condition 1, Table 1 should specify that the condition does not apply during care and maintenance periods. The applicant proposes the wording 'when in use' is added to condition 1 of the licence.</li> <li>- The remainder of the 21-day consultation period can be waved.</li> </ul> | <ul style="list-style-type: none"> <li>- The proposed registered address did not correspond to the ASIC Current Company Extract. A new certificate was obtained and the address updated as requested.</li> <li>- The aim of condition 1, Table 1 is to minimise any risk of harm to sensitive receptors associated with the dewatering activities. It is implied that during care and maintenance the condition does not apply as there is no identified emission. However, for the avoidance of doubt the wording 'when in use' was added to condition 1.</li> <li>- Renewed and amended instrument to be granted after the provision of the outstanding document with the waving of the consultation period noted.</li> </ul> |

## 5. Conclusion

Based on the assessment in this decision report, the Delegated Officer has determined that the application to renew and amend licence L8873/2015/2 will be granted with a 20-year duration in accordance with *DWER Guidance Statement – Licence Duration* (DWER 2016), subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

### 5.1 Summary of amendments

Table 2 summarises the changes made to the licence as a result of the proposed renewal and amendments.

**Table 2: Summary of licence amendments**

| Existing condition number | Revised condition number | Amendment description   | Rationale                                    |
|---------------------------|--------------------------|---|--|
| -                         | -                        | <p>Conversion of licence to the current version of the department's licence template.</p> <p>Updated condition and table numbering throughout the licence. Amended grammatical errors and unnecessary capitalisation.</p> <p>Updated header and footer.</p> | Amended in accordance with current standard. |

| Existing condition number  | Revised condition number   | Amendment description   | Rationale   |
|--|--|---|---|
| Cover page   | -  | Updated licence issue numbering, licence holder name, ACN, registered business address, DWER file number, duration.<br><br>Inserted 'part of' in accordance with the premises boundary reduction. | Amended to reflect current licence holder details.  |
| 1.3.2<br>1.3.5<br>1.3.6<br>1.3.7<br>1.3.8<br>1.3.9<br>2.5.1<br>2.5.2<br>2.5.3<br>2.6.2<br>3.1.1<br>3.1.2<br>3.1.3<br>3.6.1 | 2<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>18 | Numbering updated   | N/A   |
| 1.1 -1.3   | -  | Conditions removed  | No longer relevant  |
| 1.3.1  | 1  | Condition reworded under the subheading 'Infrastructure and equipment'.<br><br>Table 1 added, including 'Infrastructure location' not previously referred to.                                     | Requirements rephrased in accordance with current standard with the additional reference to the dewatering pipeline use.<br><br>The changes reflect the operational requirements of the site infrastructure and equipment. Infrastructure location outlines the specific location within the prescribed premises. |
| 1.3.3  | 3  | Added 'when pipeline is operational' to table under the heading 'frequency of inspection'.  | Amended due to premises being under care and maintenance  |
| -  | -  | Added subheading: Landfill waste management   | Subdivision made in accordance with current standard to provide better guidance through the different parts of the prescribed   |

| Existing condition number | Revised condition number | Amendment description   | Rationale   |
|---------------------------|--------------------------|---|---|
|                           |                          |   | premises licence  |
| 1.3.4                     | 4                        | Condition reworded  | Rephrased in accordance with current standard   |
| 2.1.1, 2.2-2.4            | -                        | Conditions removed  | Conditions are redundant  |
| 2.6.1                     | -                        | Condition removed   | Condition is redundant  |
| 2.7-2.8                   | -                        | Conditions removed  | Conditions are redundant  |
| 3.2-3.4                   | -                        | Conditions removed  | Conditions are redundant  |
| 3.5.1                     | 17                       | Note 2 removed  | Note is redundant   |
| 3.7-3.9                   | -                        | Conditions removed  | The conditions are redundant  |
| 4                         | -                        | Condition and title removed   | Condition and title are redundant and not in accordance with the current standard                 |
| -                         | 19                       | Inserted condition 19   | Standard reporting requirement for all current licences   |
| 5.1.1                     | 20                       | Rephrased and condition replaced  | Standard reporting requirement for all current licences   |
| 5.1.2                     | -                        | Condition removed   | Condition is redundant  |
| 5.1.3                     | 22                       | Condition replaced  | Standard reporting requirement for all current licences   |
| 5.1.4                     | 21                       | Condition replaced  | Standard reporting requirement for all current licences   |
| 5.2.1                     | 23                       | Condition amended for the Annual Environmental Report to be a biennial submission after 28 February 2024 submission | Condition amended in accordance with <i>Notice of Amendment of Licence Reporting Requirements</i> |
| Table 5.2.1               | Table 11                 | Monitoring parameters amended to 'emissions' and 'waste outputs'  | Amended to better reflect parameters referenced on the tables                                     |
| 5.2.1                     | -                        | Removed Note 1 below Table 5.2.1  | The note is redundant as the superseded form has been removed from the licence                    |
| 5.3.1                     | -                        | Condition removed   | Condition is redundant. Already incorporated on previous reporting conditions                     |

| Existing condition number | Revised condition number | Amendment description  | Rationale  |
|---------------------------|--------------------------|--|--|
| -                         | -                        | Definitions Table added  | Standard requirement for all current licences.   |
| Schedule 1                | Schedule 1               | 'Premises Map' replaces 'Maps'<br>Reworded and updated figure description. | Amended for a more accurate description of the premises boundary and the emission points.                        |
| Schedule 2                | Schedule 2               | N1 Notification Form replaced with premises boundary coordinates           | N1 Form can now be found on the department's website.<br>Coordinates reflect the reduced extent of the premises. |

## References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. DER 2016, *Guidance Statement: Licence Duration*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.