



Application for Licence Amendment

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

Licence Number	L9221/2019/1
Licence Holder	Fortescue Ltd
ACN	002 594 872
File Number	DER2019/000542
Premises	<p>Eliwana Iron Ore Mine</p> <p>Tenements M47/1509, and part of tenements M47/1522, M47/1523, M47/1524, M47/1525, M47/1526, M47/1537 and M47/1601</p> <p>HAMERSLEY RANGE WA 6716</p> <p>As defined by the Premises maps attached to the Revised Licence</p>
Date of Report	05 February 2024
Decision	Revised licence granted

A/MANAGER, RESOURCE INDUSTRIES

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

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1. Decision summary

Licence L9221/2019/1 is held by Fortescue Ltd (Licence Holder) for the Eliwana Iron Ore Mine (the Premises), located at Mining Tenements M47/1509, and part of tenements M47/1522, M47/1523, M47/1524, M47/1525, M47/1526 M47/1537 and M47/1601, HAMERSLEY RANGE, WA 6716.

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 L9221/2019/1 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 Amendment summary

On 15 September 2023, the Licence Holder submitted an application to the department to amend Licence L9221/2019/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Include category 77 for the construction and operation of the Eliwana mobile concrete batching plant (CBP) and operation of the Flying Fish CBP.
- Addition of mining tenement M47/1601, to the prescribed premises boundary.
- Update to Schedule 1, Figure 1 to depict the approved Apollo and shooting star MAR borefield. Please refer section 2.3.

This amendment is limited only to changes to Category 77. The Licence Holder has not requested any changes to the existing Licence relating to Category 5, 6, 12, 52, 54, 57, 62, 63, 64 and 73.

Table 1 below outlines the proposed changes to the existing Licence.

Table 1: Proposed design or throughput capacity changes

Category	Current design or throughput capacity	Proposed design or throughput capacity	Description of proposed amendment
77	0 tonnes per annum	18,000 tonnes per annum	Operation of the Eliwana and Flying Fish CBP's

2.2.1 Category 77 activities

The Licence Holder is proposing to construct, install, and operate the Eliwana CBP under this licence amendment. The Eliwana CBP will be located within an existing designated CBP location within mining tenement M47/1524.

Construction requirements associated with the construction of the proposed Eliwana CBP have been added under this licence amendment.

The Licence Holder has already constructed and operates the Flying Fish CBP. The Flying

Fish CBP did not originally trigger Category 77 under Schedule 1 of the *Environmental Protection Regulations 1987* as the concrete was only used for the construction of the Flying Fish Project, which is within the Eliwana Iron Ore Mine prescribed premises boundary.

As the Flying Fish CBP has already been installed no construction requirements for this CBP will be added under this licence amendment.

The Licence Holder has requested that Category 77 be added to the licence to allow concrete produced by the Eliwana CBP and the Flying Fish CBP to be used for Stage 4 of Fortescue's Pilbara Transmission Project (PEC4) Project; Eliwana and Flying Fish Backbone Distribution Network; other Projects (as required); and locations outside the prescribed premises boundary.

A combined total of up to 18,000 tonnes of concrete per annum will be produced by the two CBP's.

Refer to section 3 for the risk assessment associated with this activity.

2.2.2 Other amendments

The Licence Holder has requested that Schedule 1, Figure 1 of the Licence L9221/2019/1 be updated to depict the entire mining tenement M47/1601, as this tenement is located within the Eliwana prescribed premises boundary.

The Licence Holder has also requested that Schedule 1, Figure 1 of the Licence L9221/2019/1 be updated to show the approved Apollo MAR borefield.

During this amendment, the department has also included the Apollo and Shooting Star MAR borefields as authorised discharge points under condition 4.

2.3 Part IV of the EP Act

2.3.1 Background

On 7 July 2017, the Licence Holder referred the proposed development and operation of the Eliwana Iron Ore Mine and associated infrastructure (the proposal) to the Environmental Protection Authority (EPA). The EPA conducted an Environmental Impact Assessment on the proposal resulting in the EPA's report 1641, dated June 2019. On 14 August 2019, the Minister for Environment approved the proposal subject to the implementation of conditions and procedures as detailed in Ministerial Statement No: 1109 (MS 1109).

2.3.2 MS 1109

Conditions of MS 1109 which are relevant to the assessment of this Licence amendment are summarised below.

- Condition 7 relating to Flora and Vegetation and avoiding both direct and indirect impacts to native flora and vegetation.
- Condition 9 relating to Inland Waters in particular avoiding or minimising direct and indirect impacts on:
 - Surface water regimes and surface water quality inside and within 10 km of the Premises.
 - Groundwater regimes and groundwater quality inside and within 10 km of the Premises.
 - Water flows and water quality within Duck Creek.
 - Permanent and semi-permanent pools inside and within 10 km of the Premises.
- Condition 10 relating to Terrestrial Fauna.

- Condition 11 relating to Subterranean Fauna.
- Condition 12 relating to Avoidance of Significant Heritage Sites.

MS 1109 also authorises the disposal of up to 4 GL/a of surplus water to be discharged to the environment through a combination of surface discharge and controlled aquifer reinjection.

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 2 below. Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 2: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Dust	Vehicle movements Eliwana CBP set up (mobilisation, positioning, and installation of plant and equipment)	Air/windborne	<ul style="list-style-type: none"> • Each of the aggregate storage bins/bays will be fitted with a spray water system. • The spray system for each bin/bay will consist of multiple sprinklers, which are positioned in each bay to ensure coverage across the entire storage area.
Operation			
Dust	Operation of the Eliwana CBP and Flying Fish CBP	Air/windborne	<ul style="list-style-type: none"> • Each of the aggregate storage bins/bays fitted with a spray water system. • The spray system for each bin/bay consists of multiple sprinklers, which are positioned in each bay to ensure coverage across the entire storage area. • Intermittent wetting of the stockpiles. • Dust management measures outlined in the Dust management plan (IO-PL-EN-0001)

Emission	Sources	Potential pathways	Proposed controls
Construction			
			implemented during the operation.
Sediment laden stormwater / contaminated wash water		Discharges to land	<ul style="list-style-type: none"> • CBP's located away from major surface water bodies. • Diversion structures (bunds or channels) installed • Stormwater drainage, washdown water and spillages within the CBP's work areas collected at designated collection points. • Contaminated water captured and retained on-site in pits and tanks and reused. • The sediment laden stormwater/contaminated wash water reused on-site for multiple uses, including in the batching process. • Wedge pit and wash out pit regularly emptied and visual inspections undertaken to ensure that there are no overflows. • Water and sediment collected from the wedge pit disposed to the wash out facility. • Material in the wash out pit removed, re-used, recycled or appropriately disposed. • Clean (rain) water stored separately and used in the batching process. • Surface water runoff managed in accordance with the Inland Waters Management Plan (751EW-0000-PL-EN-0005) • Chemicals and Hydrocarbons utilised managed under the Chemical and Hydrocarbon Management Plan (100-PL-EN-0011) to ensure that the storage, handling, transportation, and disposal of chemicals for the proposed CBP's are managed to minimise environmental impact.

Emission	Sources	Potential pathways	Proposed controls
Construction			
			<ul style="list-style-type: none"> Any chemical or hydrocarbon spills that arise from the CBP's managed in accordance with the Chemical and Hydrocarbon Storage Procedure (100-PR-EN-1064).

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.

The nearest offsite human receptor is the town of Tom Price which is a minimum of 71 km from the Flying Fish CBP and minimum of 102 km from the Eliwana CBP.

Table 3 below provides a summary of potential 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 3: Sensitive environmental receptors and distance from prescribed activity

Environmental receptors	Distance from prescribed activity
Specified Ecosystems	
Environmentally Sensitive Areas ESA 10171	~ 24 km northeast of the proposed Flying Fish CBP
Threatened/priority fauna	
Northern Quoll (<i>Dasyurus hallucatus</i>) – Endangered	Habitat identified within premises boundary Recorded in vicinity (within 5km) of premises boundary Screened out – Terrestrial Fauna regulated by condition 10 of MS 1109 (refer to section 2.3.2)
Ghost bat (<i>Macrodermia gigas</i>) – Vulnerable	
Pilbara Leaf-Nosed Bat (<i>Rhynonictis aurentia</i>) – Vulnerable	
Pilbara Olive Python (<i>Liasis olivaceus barroni</i>) – Vulnerable	
Western Pebble-Mound Mouse (<i>Pseudomys chapmani</i>) – Priority 4	
Western Pebble-Mound Mouse (<i>Pseudomys chapmani</i>) – Priority 4	
Lined soil crevice skink (<i>Notoscincus butleri</i>)	
Nankeen kestrel (<i>Falco cenchroides</i>)	

Grey falcon (<i>Falco hypoleucos</i>) - Vulnerable	
Peregrine falcon (<i>Falco peregrinus</i>)	
Priority flora	
<i>Indigofera</i> sp.Bungaroo Creek – Priority 3	Recorded in vicinity (within 5 km) of premises boundary Screened out – Flora and Vegetation flora regulated by condition 7 of MS 1109 (refer to section 2.3.2)
<i>Goodenia nuda</i> – Priority 4	
<i>Rhynchosia bungarensis</i> – Priority 4	
Surface waters	
Millstream Water Reserve P2 PDWSA	37 km northeast of the Flying Fish CBP Screened out due to distance.
Pinarra creek	Approximately 3.5 km southwest of the Flying Fish CBP. Screened out - Inland Waters regulated by condition 9 of MS 1109 (refer to section 2.3.2)
Groundwater	
Groundwater	Screened out – Inland Waters (including groundwater regimes and groundwater quality vegetation); and Subterranean Fauna regulated by conditions 9 and 11 of MS 1109 (refer to section 2.3.2)
Heritage Sites	
Several sites within premises	Within and in the vicinity of premises boundary. Screened out – Avoidance or Significant Heritage Sites regulated by condition 12 of MS 1109 (refer to section 2.3.2).
Soils	
Acid Sulfate soils	Approximately 35 km west of the Eliwana CBP. Screened out due to distance.

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 incomplete 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 4.

The Revised Licence L9221/2019/1 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises.

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

Table 4: Risk assessment of potential emissions and discharges from the Premises during construction and 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				
Construction								
Vehicle movements Eliwana CBP set up (mobilisation, positioning, and installation of plant and equipment)	Dust	Air/windborne pathway causing impacts to amenity Smothering of vegetation impacting photosynthesis	Vegetation	Refer to Section 3.1	C = Slight L = Possible Low risk	Y	Condition 1 – Construction requirements	N/A
Operation								
Operation of the Eliwana CBP and Flying Fish CBP	Dust	Air/windborne pathway causing impacts to amenity Smothering of vegetation impacting photosynthesis	Vegetation	Refer to Section 3.1	C = Slight L = Possible Low risk	Y	Condition 3 – Operational requirements	N/A
	Sediment laden stormwater / contaminated wash water	Discharges to land causing contamination of soils and vegetation due to the presence of hydrocarbons and chemicals in stormwater Increased sedimentation of drainage channels Contamination of surface water bodies	Soil and vegetation Surface Water (Pinnara Creek - Approximately 3.5 km southwest of the Flying Fish CBP)	Refer to Section 3.1	C = Slight L = Possible Low risk	Y	Condition 1 – Construction requirements Condition 3 – Operational requirements	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.

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IR-T15 Amendment report template v3.0 (May 2021)

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5: Consultation

Consultation method	Comments received	Department response
Licence Holder was provided with draft amendment on 08 January 2024.	The Licence Holder provided comments on 01 February 2024, refer to Appendix 1.	Refer to Appendix 1.

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 6 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 6: Summary of licence amendments

Condition no.	Proposed amendments
Premises details	Included M47/1601
Prescribed premises category description	Included Category 77 with a design capacity of 18,000 tonnes per annum.
Condition 1, Table 1	Construction requirements for the Eliwana CBP included.
Condition 2	Included to allow the Eliwana CBP to be operated following submission of a compliance document.
Condition 3, Table 2	Updated to include operational requirements for the Eliwana CBP and Flying Fish CBP.
Condition 4, Table 3	Updated to include the Apollo and Shooting Star MAR borefields for the disposal of surplus mine dewater (associated with Category 6).
Conditions 9 and 10	Included for compliance reporting for the infrastructure and equipment constructed under condition 1.
Definitions	Definitions table updated as required.
Schedule 1: Maps Figure 1	'Prescribed Premises' map updated with new map as provided by Licence Holder.
Schedule 1: Maps Figure 11	'Locations of Concrete Batching Plants' map included as a new map as provided by Licence Holder.

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.
4. FMG Fortescue, Application, Licence Amendment, *Eliwana Iron Ore Mine Licence L9221/2019/1 (EW-0000-AE-EN-0002 Rev0)*, 15/09/2023
5. Government of Western Australia, Environmental Protection Authority, *Ministerial Statement 1109, Eliwana Iron Ore Mine Project*, date of approval 14 August 2019.

Appendix 1: Summary of Licence Holder's comments on risk assessment and draft conditions

Condition	Summary of Licence Holder's comment	Department's response
Condition 1, Table 1	The Licence Holder requested to include the word "if required" at the end of the Ground Granulated Blast-Furnace Slag silo.	The department has made the requested change.
Condition 1, Table 1 for the wedge pit and wash out pit	The Licence Holder responded to the clarifications regarding the wedge pit and wash out pit that sent by the department on 8 January 2024.	The department considered the comments and updated the condition as required.
Condition 3, Table 2	The Licence Holder requested to delete the word "for treatment" in the following condition. "All stormwater drainage, washdown water and spillages within the CBP's work areas collected to designated collection points and sedimentation traps for treatment prior to re-use or release to the surrounding environment".	The department has updated this condition as requested.
Condition 4, Table 3	The Licence Holder responded for the clarifications regarding the Apollo MAR and Shooting Star MAR Borefield Map. The Licence Holder confirmed that the updated Figure 1 map depicts both the Apollo MAR and Shooting Star MAR borefields and no additional changes are required.	No changes required.
Condition 9	The Licence Holder requested a minor amendment to delete the 28 calendar days and include the 30 calendar days in the following condition.	The department has made the requested change.

Condition	Summary of Licence Holder's comment	Department's response
	<p>The licence holder must within 28 30 calendar days of all items of infrastructure or equipment required by condition 1 being constructed and/or installed:</p> <p>(a) undertake an audit of their compliance with the requirements of condition 1; and</p> <p>(b) prepare and submit to the CEO an Environmental Compliance Report on that compliance.</p>	
Condition 10	<p>The Licence Holder requested a minor change to the wording to replace the word 'and' with 'or' under condition 10 (b).</p> <p>10 (b) as constructed plans and or a detailed site plan for each item of infrastructure or component of infrastructure specified in condition 1;</p>	The department has made the requested change.
Figure 11	The Licence Holder requests that the licence is updated to shown the revised Figure 11, previously submitted.	The department has made the requested change.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY			
Application type			
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L9221/2019/1
		Relevant works approval number:	W6664/2022/1 (WWTP) Date of expiry: 12/04/2026 W6779/2023/1 – N/A Date of expiry: 1/06/2028
Date application received		15/09/2023	
Applicant and Premises details			
Applicant name/s (full legal name/s)		Fortescue Metals Group Ltd, ACN 002 594 872	
Premises name		Eliwana Iron Ore Mine	
Premises location		Mining Act tenements M47/1509, M47/1522, M47/1523, M47/1524, M47/1525, M47/1526, M47/1537 and M47/1601	
Local Government Authority		Shire of Ashburton	
Application documents			
HPCM file reference number:		DER2019/000542	
Key application documents (additional to application form):		Application Form, Licence Amendment Supporting document, maps (Project Location, sitting and location, tenure information, Prescribed premises boundary and site layout, Vegetation communities, Conservation significant fauna habitat and Land systems)	
Scope of application/assessment			
Summary of proposed activities or changes to existing operations.		<p>Fortescue seeks to expand its current operations at the Mine by amending the Part V Licence L9221/2019/1 under s59 of the EP Act by proposing the following:</p> <ul style="list-style-type: none"> • Minor amendment to the Eliwana Iron Ore Mine for the addition of mining tenement M47/1601, entirely situated within the Eliwana prescribed premises boundary. • Minor amendment to Schedule 1, Figure 1 map to show the (missing) approved Apollo MAR borefield and; • Addition of a new prescribed premises Category 77, for the construction and operation of the Eliwana mobile concrete batching plant (CBP). 	

Category number/s (activities that cause the premises to become prescribed premises)**Table 1: Prescribed premises categories**

Prescribed premises category and description	Approved or proposed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 5: Processing or beneficiation of metallic or non-metallic ore	35,000,000 tonnes per annum.	No changes
Category 6: Mine dewatering	Volume as specified under Ministerial Statement 1109	No changes
Category 12: Screening etc. of material	1,000,000 tonnes per annum	No changes
Category 52: Electric power generation	30.4 MW in aggregate	No changes
Category 54: Sewage facility	350 m ³ per day	No changes
Category 57: Used tyre storage (general)	5000 tyres	No changes
Category 62 – Solid waste depot	6,000 tonnes per annum	No changes
Category 63: Class I inert landfill site	7,000 tonnes per annum	No changes
Category 64 – Class II or III putrescible landfill site	10,000 tonnes per annum	No changes
Category 73: Bulk storage of chemicals etc.	6,500 m ³ in aggregate	No changes
Category 77: Concrete batching or cement products manufacturing	18,000 tonnes per annum	New category to be added to the licence L9221/2019/1

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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Ministerial statement No: 1109 Assessment Number: 2129
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	EPBC 2017/8024
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Mining Act tenements M47/1509, M47/1522, M47/1523, M47/1524, M47/1525, M47/1526, M47/1537 and M47/1601. Held by FMG Pilbara Pty Ltd, a fully

		owned subsidiary of parent company Fortescue Metals Group Ltd.
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	N/A – proposed activities are within the development envelope approved under MS 1109.
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	A valid licence / permit applies. GWL202596.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Name: Pilbara Surface water area Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Regional office: North-West
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Mining Act 1978 EP Act subsidiary regulations Aboriginal Heritage Act
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A

Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Not shown in Geocortex.