



Application for Licence

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

Licence Number	L9409/2023/1
Applicant	Fortescue Ltd
ACN	002 594 872
File number	DER2023/000535
Premises	Hamersley Rail Mobile Crushing and Screening Facility Lease L1SA MARBLE BAR WA 6760
Date of report	11 December 2023
Decision	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

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, Licence L9409/2023/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 Application summary and overview of premises

On 11 August 2023, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to Category 12: crushing and screening activities at the premises. The premises is approximately 130 km southwest of Marble Bar.

The premises relates to the category and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9409/2023/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9409/2023/1.

The applicant currently holds Works Approval W6264/2019/1. This licence application is to transfer the infrastructure installed / constructed under W6264/2019/1 to licence L9409/2023/1.

The applicant has stated that they may require further crushing and screening campaigns for projects with the vicinity of the rail and premises and due the transient nature of the infrastructure, has requested approval to submit a notification to the department following the reinstalment of the infrastructure.

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 decision report are detailed in Table 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dust	Crushing and screening of material Unloading, loading and storage of material Vehicle movements on unsealed roads	Air/windborne pathway	Water truck to spray down roads and stockpiles, available at all times for purposes of dust suppression when any earth and materials moving, crushing, screening, or cartage activities are occurring. Vehicle speeds limited to less than 20km/hour. Mobile Crushing and Screening Facility fitted with water sprays.
Sediment laden stormwater		Overland runoff	Stormwater windrows maintained so that that any stormwater, washdown and spillage water runoff from the Mobile Crushing and Screening Facility working areas is directed to a collection and settling sump. Maintained so that stormwater is directed away from work areas. Collection and settling sump are maintained with capacity to store washdown and spillage water runoff from the Mobile Crushing and Screening Facility working areas.
Hydrocarbon spills	Spills from refueling, faulty vehicles and equipment	Seepage	Mobile re-fuelling, no fuel is stored on site. Service trucks equipped with spill kits.

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2, Figures 1 and 2 below provides a summary of potential human and 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 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from activity / prescribed premises
<p><u>State Roads</u> Great Northern Highway</p>	<p>200m east of the stockpile storage area, 350 m east of processing area</p>
<p><u>Aboriginal Sites</u> White Springs 26 (artefacts / Scatter) White Springs 25 (artefacts/scatter, quarry) Bea Bea Granites (artefacts, scatter, grinding patches, grooves) KAR10-RAIL 024 (artefacts/scatter, engraving, grinding patches/grooves) Fairwicks Well 01 (artefacts, scatter, grinding patches, grooves) Flatman Ridge (engraving) KAR10-RAIL-033 (artefacts /scatter) KAR10-RAIL 049 (artefacts /scatter, engraving, grinding patches / grooves)</p>	<p>Within 1km of premises boundary shown in Figure 3: White Springs 26 (ID: 7674) - 40m White Springs (MRD) 25 (ID: 7675) - 270m Bea Bea Granites (ID: 7553) - 470m KAR10-RAIL-024 (ID: 31821) – 530m Fairwicks Well 01 (ID: 7799) - 775m Flatman Ridge (ID: 7643) - 920m KAR10-RAIL-033 (ID: 29530) – 950m KAR_049-SITE 1 (ID: 31826) – 970m</p>
Environmental receptors	Distance from activity / prescribed premises
<p><u>Threatened Fauna</u> Northern Quoll (<i>Dasyurus hallucatus</i>)</p>	<p>Recorded sighting 100 m west of the premises (DWER, 2019)</p>
<p><u>Surface Water</u></p> <ul style="list-style-type: none"> • Unnamed creek (feeds into Beabea Creek) • Beabea creek • Yule River 	<p>Unnamed creeks – within premises boundary Beabea creek - 3.5 km north of the premises (down-hydraulic gradient) Yule River – 42 km north of the premises (down-hydraulic gradient) The location of surface water in Figure 1 and Figure 2</p>
<p><u>Groundwater</u></p>	<p>Applicant estimated the groundwater is 4 – 6 meters below ground level. Indicative flow is in a northerly direction from the premises (DWER, 2019). Distance to groundwater does not impose risk due the nature of activities and will not be assessed further.</p>

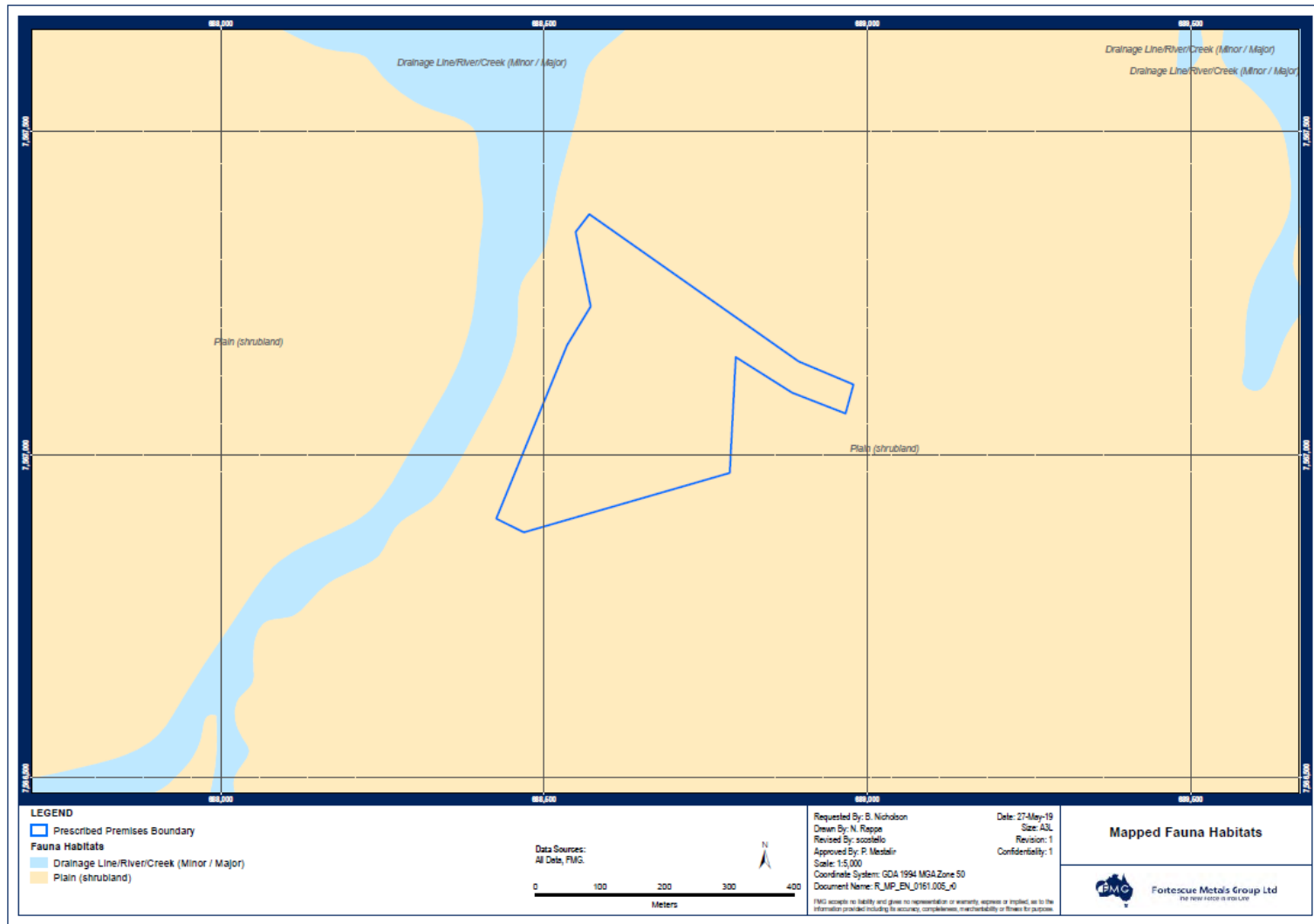


Figure 1: Drainage Line/River Creek (Minor/Major) (Source: FRM, 2023)

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IR-T13 Decision report template (short) v3.0 (May 2021)

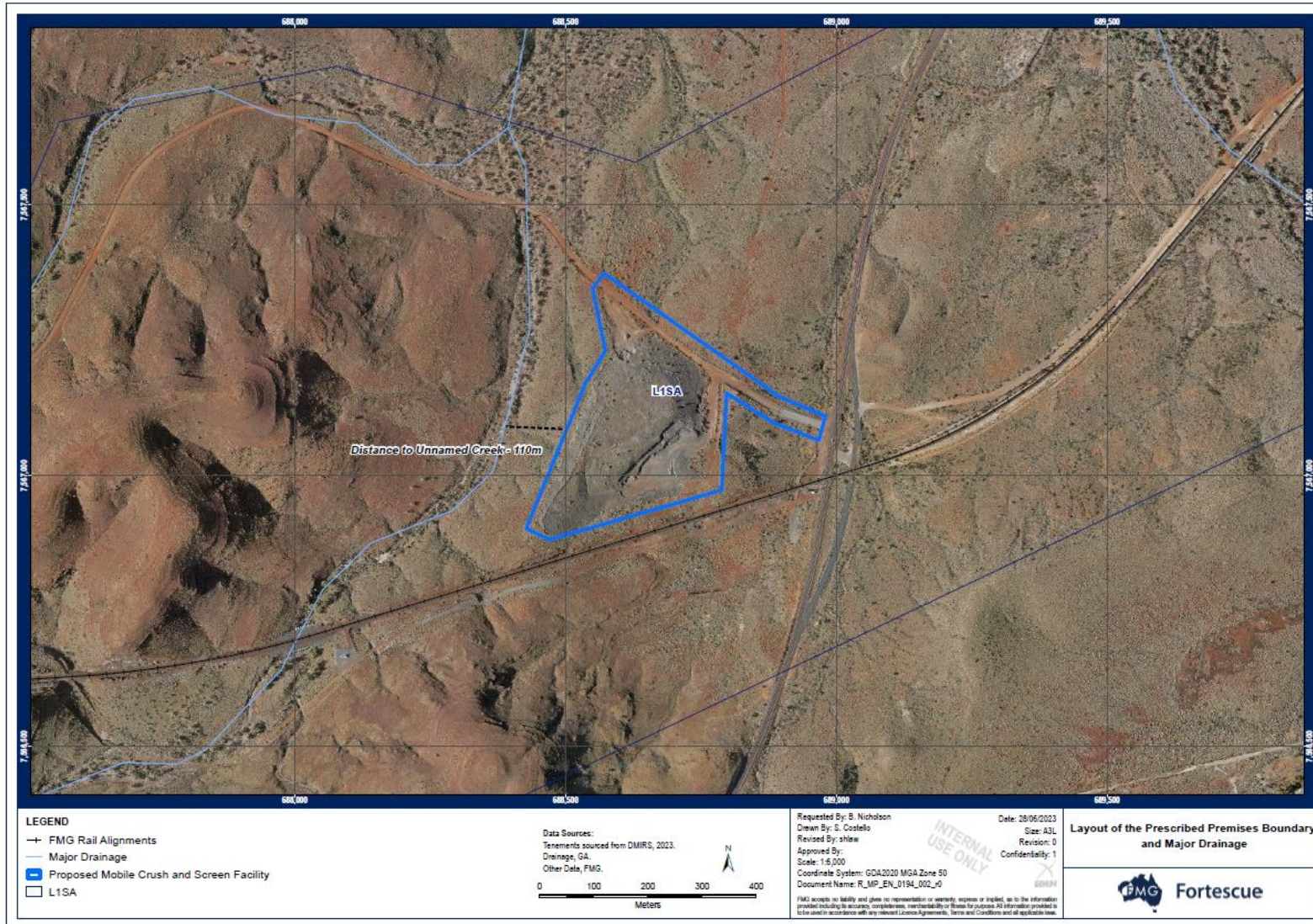


Figure 2: Premises boundary and major drainage (Source: FRM, 2023)

Licence: L9409/2023/1

IR-T13 Decision report template (short) v3.0 (May 2021)

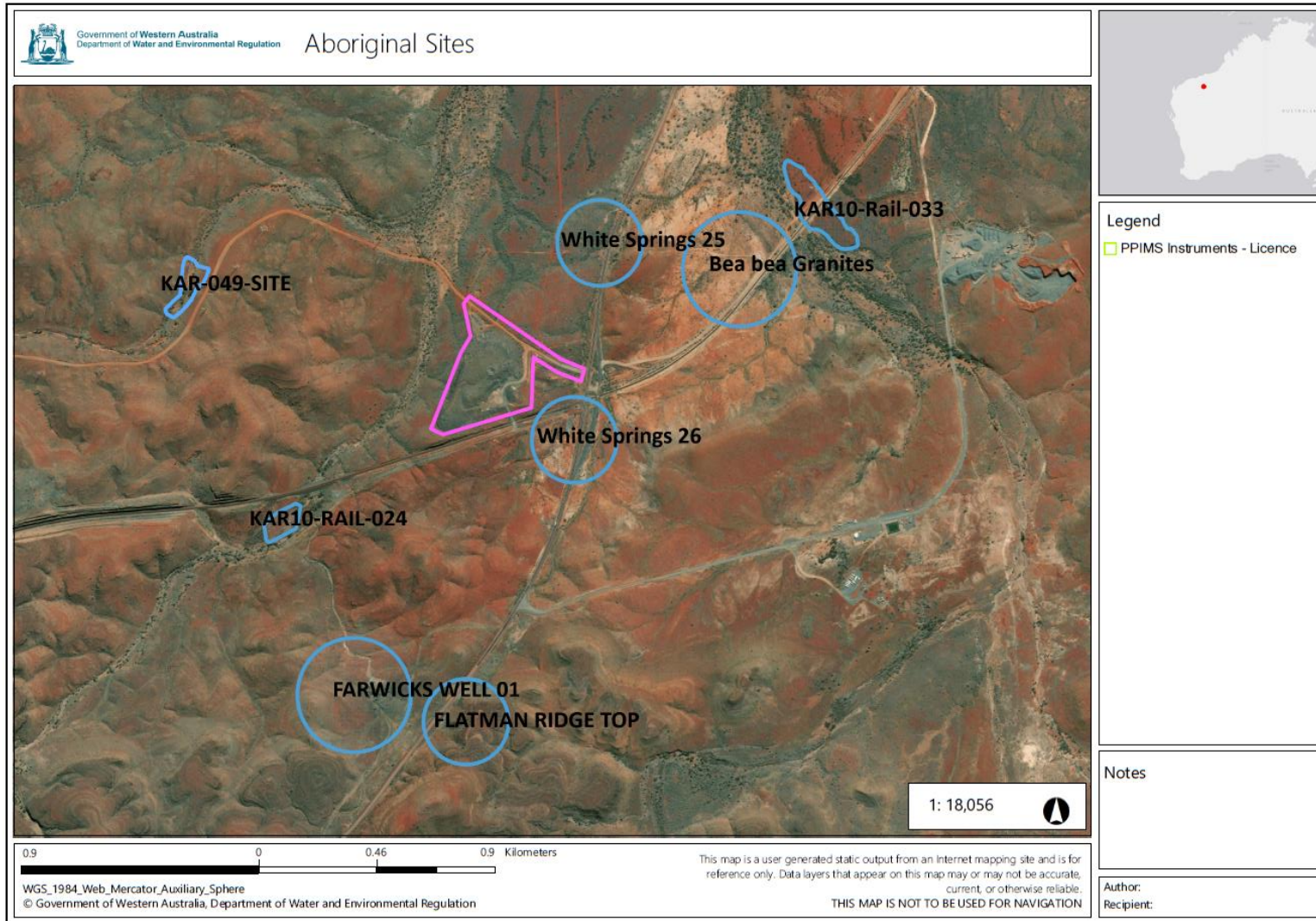


Figure 3: Aboriginal Sites

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3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant 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 applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9409/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. crushing and screening activities.

The conditions in the issued licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3: Risk assessment of potential emissions and discharges from the premises operation

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Crushing and screening of material Unloading, loading and storage of material	Dust	Air/windborne pathway causing reduced vision for drivers in Highway Air/windborne pathway causing impacts to health and amenity	Traffic using Great Northern Highway (200m)	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Y	Condition 1 – Operational requirements for the Mobile Crushing and Screening Facility and water carts/sprays Condition 2 – Specific action regarding ceasing activity when dust lift-off is impacting the Great Northern Highway	NA
Vehicle movements on unsealed roads	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Unnamed Creek (within premises and 130m)	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Y	Condition 1 – Operational requirements relating to stormwater management	NA
Spills from refueling, faulty vehicles and equipment.	Hydrocarbon Spills	Seepage to surface and groundwater below, impacts to flora and fauna, and contaminate soils	Soil Habitat Northern Quoll (100m)	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	General provisions of the EP Act and <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> apply	NA

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

Note 2: Proposed applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Department of Planning, Lands and Heritage advised of proposal on 14 September 2023	<p>Department of Planning, Lands and Heritage responded on 24 November 2023 –</p> <p>In reviewing the spatial data against the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, we can confirm the project area does not intersect with the actual boundaries of any Aboriginal heritage Places or Registered Sites. Therefore, based on the current information held by DPLH, no approvals under the Aboriginal Heritage Act 1972 are required. We also note the area has been previously surveyed.</p> <p>We have no further comments to provide on the application.</p>	Noted
Kariyarra Aboriginal Corporation RNTBC advised of proposal on 14 September 2023	No comment received	NA
Main Roads advised of proposal on 14 September 2023	No comment received	NA
Town of Port Hedland advised of proposal on 14 September 2023	<p>The Town of Port Hedland responded on 5 October 2023 stating -</p> <p><i>Local Planning Scheme No. 7 (LPS7)</i></p> <p>Under LPS7, which was gazetted in 2020, the subject site is zoned 'Rural'</p> <p><i>Local Planning Strategy (2021)</i></p> <p>The Town's Local Planning Strategy identifies a 200m 'Visual Protection Area' either side of Great Northern Highway. Works approval W6264/2019/1 is located within the visual protection area, however it is noted that the stockpile storage area is positioned approximately 200m to the west of Great Northern Highway and indicative crushing and screening plant locations are approximately 350m to the west of Great Northern Highway.</p> <p><i>Dust and Sediment Management</i></p> <p>The Town of Port Hedland previously advised the following concern regarding the initial application:</p>	<p>The department notes the Town of Port Hedland's concerns / comments.</p> <p>Refer to Table 3 for the risk assessment of dust emissions and sediment laden stormwater associated with the crushing and screening mobile plant.</p>

Consultation method	Comments received	Department response
	<ul style="list-style-type: none"> • Capacity to contain dust on site given the proximity to Great Northern Highway and the volume of material to be crushed; and • Concerns that fuel and sediment could wash into the creek. <p>It is noted that the original application has been assessed under DWER's risk assessment framework and conditions applied in accordance with risk.</p> <p><i>Advice</i> The Town has not objection to the proposed Category 12 – Crushing and Screening Plant licence (L9409/2023/1).</p>	
Applicant was provided with draft documents on 22 November 2023	The applicant responded on 05 December 2023 Refer to Appendix 1	Refer to Appendix 1

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2019, *W6264/2019/1 Decision Report*, Published on 9 December 2019
3. DWER 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia
5. Fortescue Metals Pty Ltd (FRM)(2023), *Application for and supporting documents* (REF: DWERDT820457)

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

Condition	Summary of applicant's comment	Department's response
Condition 1, Table 1	<p>"Fortescue requests for the minor rephrasing of the wording in the condition to provide operational flexibility as the current wording 'at all times' is impractical and offers additional operational challenges in the unlikely event that water carts/sprays are not operating.</p> <p>Therefore, Fortescue requests to rephrase the wording in the condition to provide operational and practical flexibility while still achieving the intended outcomes of this condition".</p>	Updated as requested
Condition 2, Table 2	<p>"Fortescue requests for the minor rephrasing of the wording in the condition to prevent any subjective misinterpretation, as the current wording is ambiguous and can lead to potential non-compliances.</p> <p>Minor visible dust emissions may be emitted from the crushing and screening activities.</p> <p>Therefore, the wording on the condition should be rephrased to manage visible dust lift-off if there is a risk of impact to the Great Northern Highway."</p>	Updated as requested
Condition 4	<p>"Fortescue requests for the minor amendment of the timeframe to submit the Annual Audit Compliance Report by 1 April yearly, and to submit the Annual Audit Compliance Report no later than 90 days after the end of the annual period.</p> <p>The requested minor amendments will provide operational flexibility and align with the reporting requirements of other Fortescue Ltd licences while still achieving the intended outcomes of this condition."</p>	Updated as requested
Figure 2	<p>"Fortescue has updated Figure 2 in the licence to clearly show the indicative crushing and screening plant locations by making the map clearer, legible and fit for purpose.</p> <p>In order to align with the Project requirements, Fortescue has removed the indicative materials stockpiles locations to provide operational flexibility to ensure that materials stockpiles can be located anywhere within the prescribed premises boundary."</p>	<p>Updated as requested</p> <p>The applicant to note that the Town of Port Hedland's Local Planning Strategy identifies a 200m 'Visual Protection Area' either side of Great Northern Highway (refer to Table 4)</p>

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)					
Application type					
Licence	☒	Relevant works approval number:	W6264/2019/1	None	<input type="checkbox"/>
		Has the works approval been complied with?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations? Operating under TLO until Licence is granted – No TLO report received.		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		Date Report received: 15 July 2023			
Date application received		11/08/2023			
Applicant and premises details					
Applicant name/s (full legal name/s)		Fortescue Metals Group Ltd (ACN 002 594 872)			
Premises name		Hamersley Rail Mobile Crushing and Screening Facility			
Premises location		Lease L1SA, MARBLE BAR WA 6760 Polygon Vertex Easting (mE) Northing (mN) <ol style="list-style-type: none"> 1. 688979 7567108 2. 688966 7567063 3. 688884 7567095 4. 688796 7567150 5. 688787 7566971 6. 688469 7566879 7. 688426 7566900 8. 688536 7567168 9. 688572 7567228 10. 688549 7567344 11. 688570 7567371 12. 688894 7567143 			
Local Government Authority		Town of Port Hedland			
Application documents					
HPCM file reference number:		DER2023/000535			
Key application documents (additional to application form):		1C: Authorisation to act as a representative of occupier. 2: Premises map <ul style="list-style-type: none"> - Figure 1 Regional Location - Figure 2 Prescribed Premises Boundary - Figure 3 Indicative Setup 			
Scope of application/assessment					
Summary of proposed activities or changes to existing operations.		New Licence application for Category 12: Crushing and screening activities up to 1,500,000 tpa. Current Works Approval W6264/2019/1. Expires 08/12/24			

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)								
	<p><u>ECR</u></p> <p>ECR submitted 15 July 2023 was deemed partially compliant with condition 4 (construction/installation of Mobile Tracked Cone Crusher) and sent out 7 August 2023.</p> <p>The ECR noted changes to water truck capacity from 40kL to 14kL. The risk of dust emission is to be managed by more frequent filling of a smaller truck – no further action was required.</p>							
<p>Category number/s (activities that cause the premises to become prescribed premises)</p> <p>Table 1: Prescribed premises categories</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="background-color: #cccccc;">Prescribed premises category and description</th> <th style="background-color: #cccccc;">Assessed production or design capacity</th> <th></th> </tr> </thead> <tbody> <tr> <td>Category 12: Screening, etc. of Material</td> <td>1,500,000 tpa</td> <td></td> </tr> </tbody> </table>			Prescribed premises category and description	Assessed production or design capacity		Category 12: Screening, etc. of Material	1,500,000 tpa	
Prescribed premises category and description	Assessed production or design capacity							
Category 12: Screening, etc. of Material	1,500,000 tpa							
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"/>	Referral decision No: Managed under Part V <input checked="" type="checkbox"/> Assessed under Part IV <input type="checkbox"/>						
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:						
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:						
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	General lease <input checked="" type="checkbox"/> L1SA Expiry: 2056						
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why? Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004						
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"/>	CPS No: N/A No clearing is proposed.						
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"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.						
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"/>	Application reference No: Licence/permit No: 024755						

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)		
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: Pilbara Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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"/>	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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"/>	Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997 Environmental Protection (Unauthorised Discharges) Regulations 2004 Dangerous Goods Safety Act 2004 Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A