



Application for amendment to a works approval

Division 3, Part V *Environmental Protection Act 1986*

Works approval number	W6072/2017/1
Works approval holder	Thunderbird Operations Pty Ltd
ACN	611 351 743
File number	DER2017/001386
Premises	Thunderbird Mineral Sands Project Great Northern Hwy WATERBANK WA 6725 Legal description – Mining Lease M04/459
Date of report	8 May 2020
Decision	Amendment granted

Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing works approval issued under the EP Act for a prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment is limited to extending the duration of the existing approval. No other changes to the existing approval have been made.

Purpose and scope of assessment

The works approval holder has applied to extend the duration of the works approval, to align with the duration of the main project approval (W6088/2017/1).

Background

The works approval holder proposes to construct and operate a large scale heavy mineral sands mine on the Dampier Peninsula, around 75 km southwest of Derby and 90 km northeast of Broome.

The project was formally assessed in 2017 by the Environmental Protection Authority (EPA) at the level of Public Environmental Review (EPA Report 1606) and approved by the Minister for Environment in August 2018 (Ministerial Statement 1080).

The proposed project includes mining of heavy mineral sands above and below the water table, dewatering within the Broome Sandstone aquifer, on-site mineral processing and transport of mineral products to the ports of Broome and Derby.

This works approval (W6072/2017/1) was issued in September 2017, prior to the EPA's determination of the project, for preliminary works relating to the mining and processing of up to 370,000 tonnes of material over an estimated 12 week period from two test pits, for further geotechnical testing. However due to changes in market conditions the project has not yet commenced, and the approval is set to expire on 6 September 2020. The works approval holder advises the project is still planned to commence, however the timing is currently uncertain, and therefore requests an extension to the duration of the approval.

Decision

The delegated officer has determined that extending the duration of the works approval is administrative in nature which does not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in the original approval remain unchanged.

The duration of the works approval has therefore been extended from 6 September 2020 to 22 August 2024, to align with the duration of the main project approval (W6088/2017/1).

In amending the works approval, the delegated officer has also:

- updated the format and appearance of the works approval;
- revised condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The decision report for the original works approval will remain on the DWER website for future reference and will act as a record of DWER's decision making.

Consultation

The works approval holder was provided with drafts of the revised works approval and this report on 5 May 2020 and waived the consultation period with no additional comments.

Conclusion

Based on this assessment, it has been determined that a works approval amendment will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Summary of amendments

The below table provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised works approval as part of the amendment process.

Condition no.	Proposed amendments
Cover page	Restructured to clearly indicate what prescribed activities have been risk assessed.
Duration	Extended to 22/08/2024.
Explanatory notes	Deleted, consistent with current DWER template. This guidance is now available in DWER's Guide to Licensing (June 2019).
Interpretation	Updated based on recent legal advice, consistent with current DWER template.
History	Added to works approval, consistent with current DWER template.
Condition 5 - Emissions	Deleted, consistent with current DWER template. This condition is considered to unnecessarily duplicate the legislation.
Condition 7	Removed as considered redundant.
Definitions	Definitions updated: 'CEO'.
	Definitions removed: 'approved policy', 'department request', 'DWER', 'environmental harm', 'implementation agreement or decision', 'inspector', 'material environmental harm', 'pollution', 'serious environmental harm', 'unreasonable emission', 'waste', 'works' – conditions which contained these references have been removed, consistent with current DWER template, as part of this amendment.
	Definitions added: 'environmental compliance report'.
Premises maps	Updated to more recent aerial photo.
Schedule 2: Works	Removed as considered redundant.

Tim Gentle
MANAGER, RESOURCE INDUSTRIES
REGULATORY SERVICES

An officer delegated by the CEO under section 20 of the EP Act