



Licence Number	L4412/1987/8
Licence Holder	BHP Billiton Iron Ore Pty Ltd
ACN	008 700 981
Registered business address	Level 1, City Square Brookfield Place 125 - 137 St Georges Terrace PERTH WA 6000
File Number	DER2014/001168-1
Duration	12/11/2015 to 16/11/2035
Date of amendment	2/04/2020
Prescribed Premises	Category 5: Processing of ore Category 63: Class 1 inert landfill site As defined in Schedule 2
Premises	Nimingarra Mining Operations Legal description - Part mining leases ML251SA and ML263SA MARBLE BAR WA 6760 As defined in Schedule 1

This Licence is granted to the Licence Holder, subject to the following conditions, on 2 April 2020, by:

Alana Kidd

Manager, Resource Industries

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

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Introduction

This Introduction is not part of the Licence conditions.

DWER's industry licensing role

The Department of Water and Environmental Regulation (DWER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DWER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DWER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DWER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DWER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within the Licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link: <http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

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.

Amendment April 2020

The CEO initiated an amendment to the type and style of the licence during February 2020 and has issued a revised licence incorporating all of the recent amendment notices. The obligations of the Licensee have not changed in making this amendment. During the consolidation of amendment notice/s; DWER has not undertaken any additional risk assessment of the Premises.

The CEO has:

- incorporated the amendment notices #1, issued 10 October 2018 as listed below in the instrument log table;
- updated that style and appearance of the Licence;
- deleted the redundant AACR form set out in schedule 1 and directed the Licence Holder to obtain the form from the Department's website; and
- corrected clerical mistakes and unintentional errors.

The licences and works approvals issued for the Premises 2000 are:

Instrument log		
Instrument	Issued	Description
L4412/1987/1	13/10/2000	Licence
L4412/1987/2	13/11/2001	Licence renewal
L4412/1987/3	15/11/2002	Licence renewal
L4412/1987/4	17/11/2003	Licence renewal
L4412/1987/5	15/11/2004	Licence renewal
L4412/1987/6	12/09/2007	Licence renewal
L4412/1987/7	11/11/2010	Licence renewal
L4412/1987/8	12/11/2015	Licence renewal and update to new template licence and categories 6 and 64 were removed from this Licence
L4412/1987/8	10/10/2018	Amendment Notice 1: category 63 was added in the licence to allow for the disposal of up to 7,000 tonnes of redundant infrastructure (inert waste) in the vicinity of the Nimingarra Mine, over a period of three years.
L4412/1987/8	2/04/2020	The CEO initiated an amendment to amalgamate amendment notice 1 with no additional risk assessment.

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION

1 Licence conditions

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

‘**AACR**’ means Annual Audit Compliance Report’ in a format approved by the CEO as presented by the Licensee or as specified by the CEO from time to time and published on the Department’s website;

‘**ACN**’ means Australian Company Number;

‘**Act**’ means the *Environmental Protection Act 1986*;

‘**AER**’ means Annual Environment Report

‘**Annual Period**’ means a 12 month period commencing from 1 July until 30 June in the following year;

‘**asbestos**’ means the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysolite, crocidolite, tremolite and any mixture containing two or more of those;

‘**asbestos fibres**’ has the meaning defined in the Guidelines for Assessment, Remediation and Management of Asbestos Contaminated Soils, Western Australia (Department of Health, 2009);

‘**CEO**’ means Chief Executive Officer of the Department of Water and Environmental Regulation;

‘**CEO**’ for the purposes of notification means:

Chief Executive Officer
Department Administering the *Environmental Protection Act 1986*
Locked Bag 10
JOONDALUP DC WA 6027
Telephone: (08) 6367 7000
Facsimile: (08) 6367 7001
Email: info@dwer.wa.gov.au

‘**Clean Fill**’ has the meaning defined in Landfill Definitions;

‘**controlled waste**’ has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

‘**Inert Waste Type 1**’ has the meaning defined in Landfill Definitions;

‘**Inert Waste Type 2**’ has the meaning defined in Landfill Definitions;

‘**Landfill Definitions**’ means the document titled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer of the Department of Environment as amended from time to time;

‘Licence’ means this Licence numbered L4412/1987/8 and issued under the Act;

‘Licence Holder’ means BHP Billiton Iron Ore Pty Ltd;

‘mtp’ means million tonnes per annum;

‘Premises’ means refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report;

‘Schedule 1’ means Schedule 1 of this Licence unless otherwise stated;

‘Schedule 2’ means Schedule 2 of this Licence unless otherwise stated;

‘Schedule 3’ means Schedule 3 of this Licence unless otherwise stated; and

‘Special Waste Type 1’ has the meaning defined in the Landfill Definitions;

‘usual working day’ means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.2 General conditions

- 1.2.1 The Licence Holder shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
- 1.2.2 The Licence Holder shall:
- implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
 - treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.¹

Note1: *The Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.

1.3 Premises operation

- 1.3.1 The Licence Holder must carry out the Authorised Activities within the Premises in accordance with the requirements set out in Table 1.3.1.

Table 1.3.1 Authorised Activities	
Authorised activity	Process limits
Category 5	Processing of material at the premises shall not exceed 5,000,000 tonnes per annual period.
Category 63	Up to 7,000 tonnes per annum of waste accepted for burial at the landfill.

- 1.3.2 The Licence Holder must only accept waste onto the inert landfill, shown on the map in Schedule 1, if:
- it is of a type listed in Table 1.3.2;
 - the quantity accepted is below any quantity limit listed in Table 1.3.2; and
 - it meets any specification listed in Table 1.3.2.

Table 1.3.2 Waste Acceptance		
Waste type	Quantity limit	Specification ¹
Inert Waste Type 1	7,000 tonnes/year	None specified
Inert Waste Type 2		Tyres, rubber and plastic only
Type 1 Special Waste		Waste which includes asbestos and asbestos cement products.

Note 1: Additional requirements for the acceptance of controlled waste (including asbestos and tyres) are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

- 1.3.3 The Licence Holder must ensure that where waste does not meet the waste acceptance criteria set out in condition 1.3.2 it is removed from the Premises, where that is not possible, stored in a segregated storage area or container and removed to an appropriately authorised facility as soon as practicable.
- 1.3.4 The Licence Holder must ensure that wastes accepted onto the inert landfill are only subjected to the process(es) set out in Table 1.3.3 and in accordance with any process limits described in that Table.

Table 1.3.3 Waste processing		
Waste type (s)	Process	Process limit ^{1, 2}
All	Disposal of waste by landfilling	Shall only take place within the areas shown in Schedule 1. No waste shall be temporarily stored or landfilled within 35 metres from the boundary of the premises. The separation distance between the base of the landfill and the highest groundwater level shall not be less than 2m.
Clean Fill	Receipt, handling and disposal by landfilling	None specified
Inert Waste Type 1		
Inert Waste Type 2 – Tyres ¹	Receipt, handling, storage prior to disposal by landfilling	To be stored in piles of up to 100 units with a 6m separation distance between piles.
Special Waste Type 1	Receipt, handling and disposal by landfilling	Shall only be disposed of into the area shown in Schedule 1. Not to be deposited within 2 metres of the final tipping surface of the landfill. No works shall be carried out on the landfill that could lead to a release of asbestos fibres.

Note 1: Requirements for landfilling tyres are set out in Part 6 of the *Environmental Protection Regulations 1987*.

Note 2: Additional requirements for the acceptance and landfilling of controlled waste (including asbestos and tyres) are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

- 1.3.5 The Licence Holder must manage the landfilling activities to ensure:
- waste is levelled and compacted as soon as practicable after it is discharged;
 - waste is placed and compacted to ensure all faces are stable and capable of retaining rehabilitation material; and
 - restoration of a cell or phase takes place within 6 months after disposal in that cell or phase has been completed.
- 1.3.6 The Licence Holder must ensure that cover is applied and maintained on landfilled wastes in accordance with Table 1.3.4 and that sufficient stockpiles of cover are maintained on site at all times.

Table 1.3.4 Cover requirements ¹			
Waste type	Material	Depth	Timescales
Inert Waste Type 1 and Inert Waste Type 2 ¹	Clean fill	-	As soon as practicable and not later than weekly

Note 1: Additional requirements for the covering of tyres are set out in Part 6 of the *Environmental Protection Regulations 1987*.

- 1.3.7 The Licence Holder shall ensure that wind-blown waste is contained within the boundary of the Premises and that wind-blown waste is returned to the tipping area on at least a monthly basis.
- 1.3.8 The Licence Holder shall undertake the monitoring in Table 1.4.1 according to the specifications in that table.

Table 1.4.1: Monitoring of inputs and outputs				
Input/output	Parameter	Units	Averaging period	Frequency
Waste Inputs	Inert Waste Type 1 Inert Waste Type 2 Cleanfill	tonnes	N/A	Annual records of total waste arriving at the inert landfill depicted in Schedule 1

2 Information

2.1 Records

2.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 2.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.

2.1.2 The Licence Holder shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

2.1.3 The Licence Holder shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.

2.1.4 The Licence Holder shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

2.2 Reporting

2.2.1 The Licence Holder shall submit to the CEO an Annual Environmental Report by 1 October each year. The report shall contain the information listed in Table 2.2.1 in the format or form specified in that table.

Table 2.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
1.3.1	Actual throughput for the annual period	None specified
1.4.1	Inputs and outputs of waste at the premises	None specified
2.1.3	Compliance	Annual Audit Compliance Report (AACR)
2.1.4	Complaints summary	None specified

2.3 Notification

2.3.1 The Licence Holder shall ensure that the parameters listed in Table 3.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 3.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
1.3.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1
-	Recommencement of normal operations	At least 60 calendar days prior to the recommencement of operations	None specified

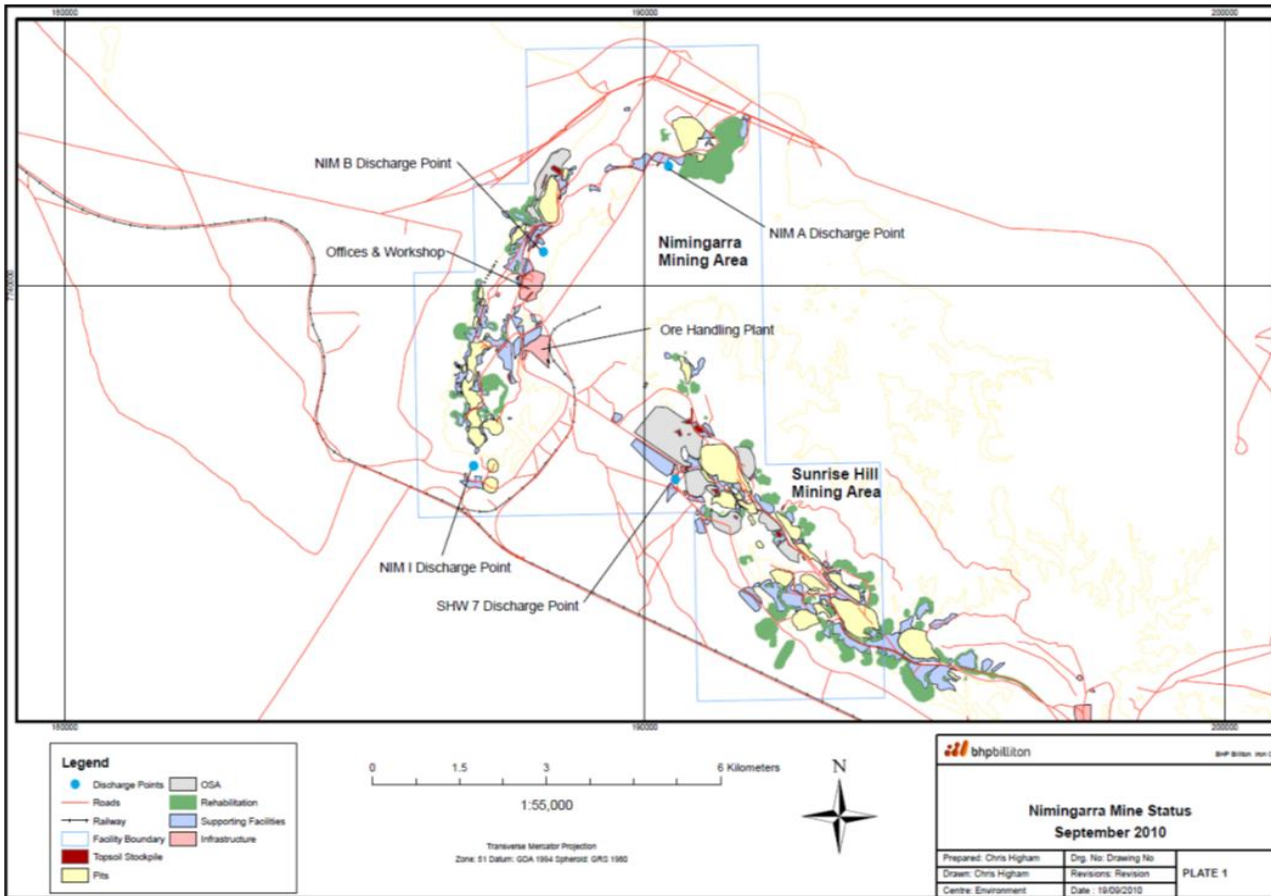
Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act

Note 2: Forms are in Schedule 3

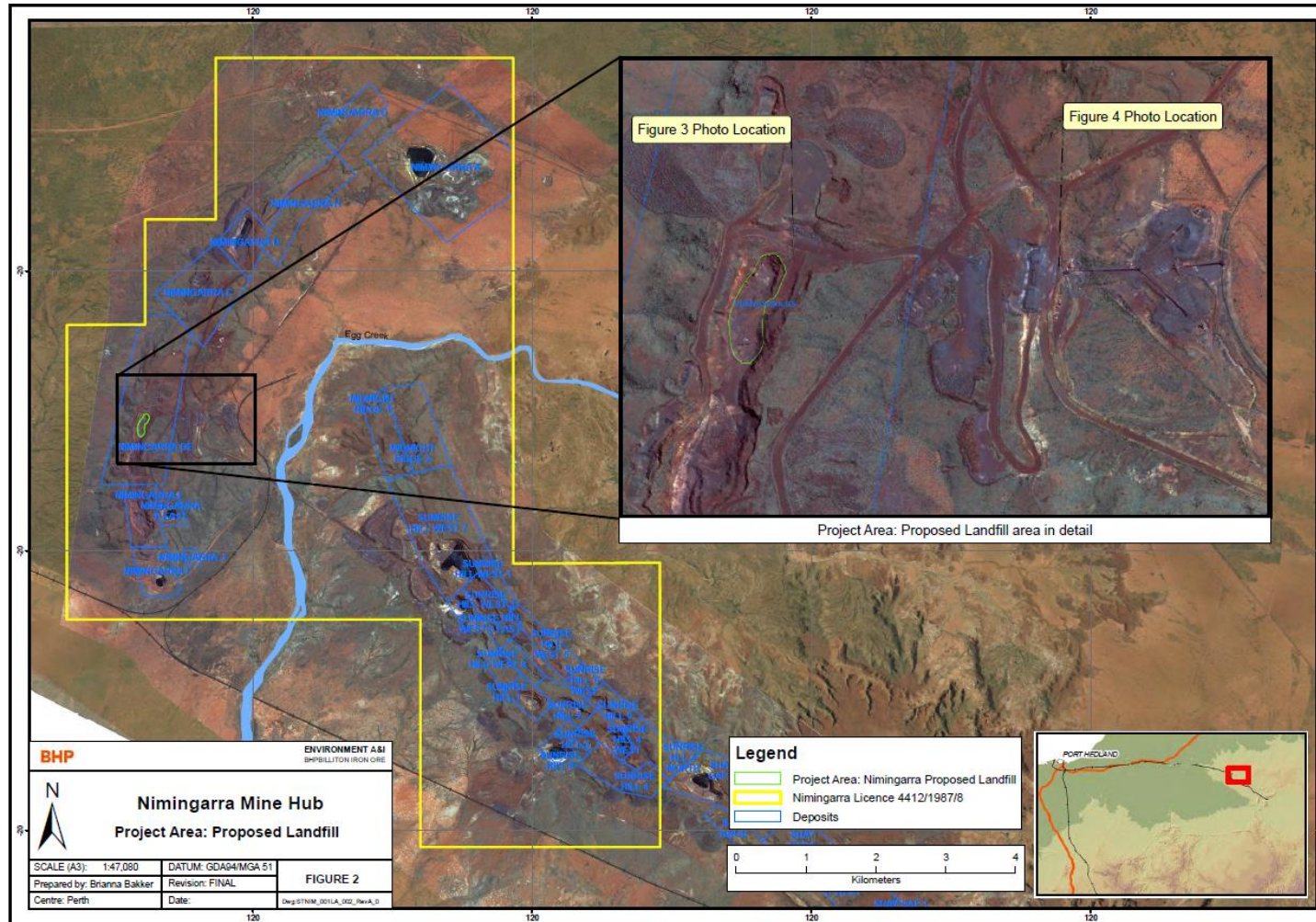
Schedule 1: Maps

Premises map

The Premises are shown in the map below.



Map showing location of the inert landfill



Prescribed Premises Bounday Coordinates for the inert landfill:

ID	EASTING	NORTHING
0	187951.452	7744058.471
1	191953.973	7744130.808
2	192084.555	7736923.948
3	194057.511	7736970.196
4	194131.941	7732918.101
5	190910.987	7732859.325
6	190851.659	7736100.611
7	186096.674	7736013.911
8	186019.532	7740216.86
9	187070.188	7740237.691
10	187042.764	7741738.628
11	187993.352	7741757.003

Schedule 2: Prescribed Premises Category

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
5	Processing or beneficiation of metallic or non-metallic ore: premises on which – (a) Metallic or non-metallic ore is crushed, ground, milled or otherwise processed; (b) Tailings from metallic or non-metallic ore are reprocessed; or Tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam.	50, 000 tonnes or more per year	5,000,000 tonnes or more per year
63	Class I inert landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	500 tonnes or more per year	7,000 tonnes per year

Schedule 3: Notification & Form/s

Licence: L4412/1987/8 Licence Holder: BHP Billiton Iron Ore Pty Ltd
Form: N1 Date of breach:

Notification of detection of the breach of a limit.

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of BHP Billiton Iron Ore Pty Ltd	
Date	