



Application to transfer a licence

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

Licence Number	L9277/2021/1
Applicant	Pilgangoora Operations Pty Ltd
ACN	616 560 395
File Number	DER2011/009664
Premises	Pilgangoora Village Wastewater Treatment Plant Legal description – Approximately 100 kilometres south of Port Hedland within the area bounded by 677460E, 7662967S; 677642E, 7662838S; 677748E, 7662672S; 678000E, 7662672S; 678001E, 7662152S; 677499E, 7662156S; 677497E, 7662674S; 677450E, 7662758S; 677370E, 7662817S (GDA 2020 Zone 50) MARBLE BAR WA 6760
Date of Report	02/08/2022
Decision	Revised licence granted

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REGULATORY SERVICES

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

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1. Decision summary

The Delegated Officer has determined to transfer licence L8610/2011/1 from the existing licence holder (Altura Lithium Operations Pty Ltd) to Pilgangoora Operations Pty Ltd (the applicant). This amendment is administrative in nature therefore does not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

2. Scope of assessment

2.1 Regulatory framework

In amending the licence, the Department of Water and Environmental Regulation (DWER, 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 Application summary

The licence holder currently holds licence L8610/2011/1 for the operation of the Pilgangoora Village Wastewater Treatment Plant (the premises), located Approximately 100 kilometres south of Port Hedland within the area bounded by 677460E, 7662967S; 677642E, 7662838S; 677748E, 7662672S; 678000E, 7662672S; 678001E, 7662152S; 677499E, 7662156S; 677497E, 7662674S; 677450E, 7662758S; 677370E, 7662817S (GDA 2020 Zone 50) Marble Bar WA 6760.

On 25 May 2022, the applicant submitted an application to the department to transfer licence L8610/2011/1 under section 59B of the EP Act. The application is limited only to amending the licence holder details, including the licence holder name, ACN and registered address. In addition to the transfer, DWER intends to amend licence L8610/2011/1 to incorporate all previously granted amendment notices. DWER has also updated the licence to resolve any clerical errors, miscalculations, or misdescriptions identified, as listed under section 59(1)(e) of the EP Act.

3. Assessment

The assessment of the licence transfer application is limited to a review of land ownership details and the fitness of the applicant to operate the premises to determine if a licence transfer may occur.

Legal entity status

The applicant is a registered company with a valid and current entry on the Australian Securities & Investments Commission register (ACN 616 560 395) and is therefore a legal entity.

Fitness and competency

On the 4 March 2022 an associated company received a penalty notice from the NSW EPA for a breach of section 64 of the EP Act in relation to a failure to comply with the requirements to continually monitor for PM10 at 4 licensed air monitoring points.

The licence required the licence holder to undertake continuous air monitoring during mining operations. The NSW EPA stated that while dust deposition monitoring was conducted appropriately at the site, the need for continual air monitoring should not be ignored. The EPA was advised that power supply issues were responsible for the failure to continuously monitor dust. The NSW EPA noted that the licence holder had committed to improve its continuous air quality monitoring network by the end of the previous financial year, however the works were not completed. The Delegated Officer has considered the above penalty notice in the assessment of this transfer application.

4. Decision

The Delegated Officer has determined that the transfer of the licence does not alter the risk profile of the premises. Following review of the legal entity status and fitness and competency of the applicant, the Delegated Officer determined to transfer the licence to Pilgangoora Operations Pty Ltd on the grounds it is a current legal entity with legal access to the premises. The Delegated Officer notes that compliance with Pilgangoora Operations Pty Ltd's licence will be in line with the department's Compliance and Enforcement Policy. The Compliance and Enforcement Policy details the department's approach to ensure compliance with the legislation it administers, and responding to breaches of the law to deter and punish offenders and rehabilitate damage caused to the environment.

5. Consultation

The applicant was provided with the draft licence and amendment report on 21 July 2022.

On 26 July 2022 the applicant waived the comment period.

6. Conclusion

Based on the assessment in this amendment report, the Delegated Officer determined to transfer the licence to Pilgangoora Operations Pty Ltd. The premises shall continue to operate in accordance with the original licence conditions and regulatory requirements.

6.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments incorporated into the transferred licence and will act as a record of implemented changes.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
Cover page	Change of Licence Holder, ACN, Registered business address and Premises details.
Introduction	Deletion of introduction section in line with current licence template.
Licence History Table	Updated to include amendment notices and licence transfers.
Definitions	Updated as required
Condition 4.1.3	Updated AACR reporting requirements in line with the Amendment Notice issued on 16 May 2022.
Condition 4.3.1	Updated AER reporting requirements in line with the Amendment Notice issued on 16 May 2022.
Schedule 2: Reporting and Notification Form	Updated form