



Amendment Notice 1

Works Approval Number W5654/2014/1

Works Approval Holder BC Pilbara Iron Ore Pty Ltd

ACN 107 492 517

File Number: DER2014/000854

Premises Cape Preston East – Iron Ore Export Facility
MARDIE, WA 6714
Map coordinates as depicted in Schedule 1 Maps

Date of Amendment 12 July 2017

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environment Regulation (DWER) has amended the above Works Approval in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Date signed: 12 July 2017

Caron Goodbourn

Manager Licensing – Industry Regulation

Regulatory Services (Environment)

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

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Works Approval W5654/2014/1 issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited only to an amendment for works approval expiry date as depicted on the first page of the works approval. Works Approval Holder also requested a change to the commencement date of the works approval, but this date along with the issue date cannot be changed as the works approval has already taken effect.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Setting Conditions* (October 2015)
- *Guidance Statement: Licence Duration* (August 2016)
- *Guidance Statement: Decision Making* (November 2016)
- *Guidance Statement: Risk Assessment* (November 2016)

Amendment description

On 14 June 2017, the Works Approval Holder submitted a works approval amendment application (the Application). The Application relates to amendment to the works approval commencement date and expiry date for Cape Preston East – Iron Ore Export Facility for construction of two mobile crushing plants.

The works approval W5654/2014/1 was issued 7 August 2014 with a commencement date 11 August 2014 and expiry date 10 August 2017. The Applicant indicated that the construction of the plant is not due to commence before the current expiry date of works approval. The Applicant requested the commencement date to change to 11 December 2017 and the expiry date to be 10 December 2020.

Amendment history

Table 2 provides the amendment history for W5654/2014/1.

Table 1: Works approval amendments

| Instrument | Issued | Amendment |
|--------------|------------------|---|
| W5654/2014/1 | 7 August 2014 | New Works approval was issued |
| W5654/2014/1 | 12 November 2015 | Administrative changes to occupier status and updated premises boundary |
| W5654/2014/1 | 12 July 2017 | Amendment Notice 1 – to amend expiry date of works approval. |

Decision

The Delegated Officer has granted the amendment to the expiry date as sought by the Works Approval Holder. The Delegated Officer has not granted the amendment to the works approval commencement date as this is the date that the works approval took effect and cannot be changed retrospectively. The commencement date is not the date that the Works Approval Holder commenced works, but is the date that the works approval took effect.

In determining to amend the works approval expiry date, the Delegated Officer did not impose additional regulatory controls on the works approval W5654/2014/1.

The decision not to impose any additional regulatory controls is consistent with the *Guidance Statement: Regulatory Principles* on the basis that there are no expected changes to the risk profile of emissions and original works approval application.

The Delegated Officer noted the Works Approval Holder was not proposing to carry out any actions that fall within sections 53(1)(a) to (e) or section 53(2)(a) to (b) of the EP Act in order to achieve the proposed changes to the expiry date of works approval.

Works Approval Holder's comments

The Works Approval Holder was provided with the draft Amendment Notice on 12 July 2017. Comments received from the Works Approval Holder have been considered by the Delegated Officer as shown in Appendix 2.

Amendment

1. The Works Approval expiry date is amended from the date below:

Expiry date: *Thursday, 10 August 2017*

To the new expiry date below:

Expiry date: *Thursday, 10 December 2020*

Appendix 1: Key documents

| | Document title | In text ref | Availability |
|---|---|-----------------|--|
| 1 | Works Approval W5654/2014/1 | W5654/2014/1 | accessed at www.dwer.wa.gov.au |
| 2 | Works Approval amendment application and supporting documents | The application | DWER records (A1450739) |
| 3 | DER, July 2015. <i>Guidance Statement: Regulatory Principles</i> . Department of Environment Regulation, Perth. | | accessed at www.dwer.wa.gov.au |
| 4 | DER, October 2015. <i>Guidance Statement: Setting Conditions</i> . Department of Environment Regulation, Perth. | | |
| 5 | DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth. | | |
| 6 | DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth. | | |

Appendix 2: Summary of Licence Holder comments

The Works Approval Holder was provided with the draft Amendment Notice on 12 July 2017 for review and comment. The Works Approval Holder responded on 12 July 2017 and no comments were submitted on the draft Amendment Notice.