



## Application for Licence Amendment

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

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<b>Licence Number</b>	L5646/1994/10
<b>Licence Holder</b>	Iluka Eneabba Pty Ltd
<b>ACN</b>	654 432 541
<b>File Number</b>	DER2016/000799-1~4
<b>Premises</b>	Eneabba Mineral Sands Mine Brand Hwy ENEABBA WA 6518  Being part of mining tenements AM70/267 and M70/879 As defined by the coordinates in Schedule 1 of the Revised Licence
<b>Date of Report</b>	12 April 2023
<b>Decision</b>	Revised licence granted

**MANAGER, PROCESS INDUSTRIES  
REGULATORY SERVICES**

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

## Table of Contents

<b>1. Decision summary</b>	<b>3</b>
<b>2. Scope of assessment</b>	<b>3</b>
2.1 Regulatory framework	3
2.2 Application summary	3
<b>3. Assessment</b>	<b>4</b>
<b>4. Consultation</b>	<b>4</b>
<b>5. Conclusion</b>	<b>4</b>
5.1 Summary of amendments	4
<b>References</b>	<b>7</b>

# 1. Decision summary

The Delegated Officer has determined to transfer licence L5646/1994/10 from the existing licence holder (Iluka Resources Limited) to Iluka Eneabba Pty Ltd (the applicant). The Delegated Officer has also determined to make amendments to the licence that are administrative in nature therefore they do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This amendment report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The decision report for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

## 2. Scope of assessment

### 2.1 Regulatory framework

In amending the licence, 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

Iluka Resources Limited currently holds licence L5646/1994/10 for the operation of Eneabba Mineral Sands Mine (the premises), located on Brand Highway, Eneabba as part of mining tenements AM70/267 and M70/879.

On 14 December 2022, Iluka Eneabba Pty Ltd submitted an application to the department to transfer licence L5646/1994/10 under section 64 of the EP Act. Details including the licence holder name, ACN and registered address will be transferred to the amended licence.

The premises relates to the Category 8: Mineral sands mining or processing and Category 63 Class I inert landfill site and assessed design capacity under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which are defined in the licence. 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 L5646/1994/10.

#### Boundary Changes

The applicant is undergoing a corporate re-organisation as a result of a Loan Agreement with Export Finance Australia. As a consequence of the restructure, Iluka Eneabba Ltd will be the holder of ML 267SA (State Agreement), M70/879 (Mining Act) and M70/821 (Mining Act); and Iluka Rare Earths Ltd will hold a sublease over part of ML 267SA and M70/821. The applicant has applied for the premises boundary of L5646/1994/10 to exclude the sublease area. This will exclude some of the operations that are on the existing licence which the applicant has applied for a new licence to authorise (L9369/2023/1).

As part of the boundary changes, locations for surface and groundwater monitoring no longer fall within this premises. As such, these conditions have been removed from the licence and this monitoring is conducted as authorised by L9369/2023/1.

The area within the boundary of L5646/1994/10 is currently subject to rehabilitation and no mining or processing of mineral sands occurs on the premises however, there are unmined ore bodies available and the potential for mining in the future. Therefore, the applicant proposes to retain authorisation for Category 8 activities on the licence. No new construction or operations are proposed for this licence and any changes are administrative only in nature.

## Eneabba Phase 1

In September 2020 the licence was amended to include operation of Eneabba Phase 1 (EP1) of the Eneabba Mineral Sands (Monazite) Recovery Project (EMRP) for a mineral sands recovery plant constructed under works approval W6251/2019/1. The EMRP enables the re-processing of tailings material stored within the Eneabba Monazite Pit (EMP) for the purpose of producing mineral sands concentrate suitable for export.

The current application is intended to amend the licence to remove EP1 conditions as these are to be authorised under the new licence L9369/2023/1, as the EMRP infrastructure will now fall within this boundary (sublease area).

### **3. Assessment**

The assessment of transfer applications requires the determination of whether the new occupier meets the Department's fitness and competency requirements. Further, the applicant must provide documentary evidence of the date they became occupier of the premises.

#### Legal entity and occupancy status

The applicant is a registered company with a valid and current entry on the Australian Securities & Investments Commission register (ACN 654 432 541) and is therefore a legal entity. The applicant will be the holder of ML 267SA (State Agreement), M70/879 (Mining Act) and M70/821 (Mining Act).

#### Fitness and competency

The applicant advises it has not been convicted or paid a penalty for an offence under a provision of the EP Act or its subsidiary legislation or similar environmental protection legislation in Australia.

### **4. Consultation**

The licence holder was provided with the draft amendment report on 16 February 2023. A response was received from the licence holder on 9 March 2023 in relation to outstanding matters and no further comments were made.

### **5. Conclusion**

Based on the assessment in this amendment report, the Delegated Officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

#### **5.1 Summary of amendments**

Table 1 below 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 licence as part of the amendment process.

**Table 1: Summary of licence amendments**

<b>Condition</b>	<b>Proposed amendments</b>
Cover page	Change of 'Licence Holder', 'ACN and 'Premises details'.
Interpretation	Updated based on departmental legal advice.
History	Updated to include this amendment.

Condition	Proposed amendments
Condition related to premises operations	Removed as now authorised under licence L9369/2023/1.
Containment infrastructure table and associated condition	
Condition related to containment infrastructure maintenance and operation	
Infrastructure and equipment requirements table and associated condition	
Inspection of infrastructure requirements table and associated condition	
Authorised waste types table	Removal of 'Monazite Concentrate' and associated limit and specification from this table as this is no longer considered a waste product and is to undergo re-processing.
Waste processing requirements table	Removal of reference to 'Yellow Dam', the '250 Dam' and the 'East Nursery Dam' as they are now authorised under licence L9369/2023/1.  Removal of 'Monazite Concentrate' from this table as this is no longer considered a waste product and is to undergo re-processing.
Waste cover requirements table	Removal of 'Monazite Concentrate' from this table as this is no longer considered a waste product and is to undergo re-processing.
Materials processing requirements table and associated condition	Removed as now authorised under licence L9369/2023/1, no processing currently occurring on premises.
Dust controls table	Removal of some Actions/Requirements for dust controls as no mining or processing currently occurring on premises.
Condition relating to surface water and groundwater sampling requirements	Removed as all surface water and groundwater sampling is now authorised under licence L9369/2023/1.
Condition relating to monthly, quarterly and annual monitoring	Removed as quarterly and annual monitoring no longer applies to the licence, moved requirement for monthly monitoring to Note 3 of ambient air quality monitoring table.
Process monitoring table and associated condition	Removed as now authorised under licence L9369/2023/1, no processing currently occurring on premises.
Groundwater monitoring table and associated condition	Removed as all groundwater sampling is now authorised under licence L9369/2023/1.

Condition	Proposed amendments
Definitions	Definitions removed: 'acid sulfate soils management plan', 'AS/NZS 5667.1', 'AS/NZS 5667.6', 'AS/NZS 5667.11', 'ASS', 'EMP', 'EMRP', 'EP1', 'HDPE', 'monazite concentrate', 'MSP', 'MSRP', 'NATA', 'NATA accredited', 'quarterly', 'SSC Mids', 'spot sample', 'SWL', 'tph', 'TSF', 'TSP', 'µS/cm'.
Premises maps	Updated to reflect revised premises boundary, monitoring and operations.
Schedule 2	Added to indicate new boundary coordinates.

## References

DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.