



Application to amend licence

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

Licence number	L6951/1997/13
Applicant	Pilbara Iron Pty Ltd
ACN	107 216 535
DWER file number	DER2013/001113-1~1
Premises	Dampier Port Operations Lease Number L3116/3469, L3116/3807, L3116/3471, L3116/5503, L3116/5552 and L3116/4596 BURRUP WA 6714
Date of report	6 May 2020
Status of Report	FINAL

1. Definitions

Key terms relevant to this decision report and their associated definitions are listed in Table 1.

Table 1: Definitions

Term	Definition
applicant	Pilbara Iron Pty Ltd
category / categories	Categories of prescribed premises as set out in Schedule 1 of the EP Regulations.
decision report	refers to this document.
Delegated Officer	An officer delegated under section 20 of the EP Act.
department	The department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
emission	has the same meaning given to that term under the EP Act.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
existing licence	The licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of, and during this review
licence holder	Pilbara Iron Pty Ltd
prescribed premises	This has the same meaning given to that term under the EP Act.
premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report

2. Overview of premises

2.1 Classification of Premises

Table 2: Classification of premises and assessed design capacity

Category	Description	Assessed production or design capacity or throughput
Category 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; ore (c) Tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam	160,000,000 tonnes per annual period
Category 58	Bulk material loading or unloading: premises on which clinker, coal, ore, ore concentrate or any other bulk granular material is loaded onto or unloaded from vessels by an open materials loading system	160,000,000 tonnes per annual period
Category 61A	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land	1,300 tonnes per annual period
Category 73	Bulk storage of chemicals, etc: premises on which acids, alkalis or chemicals that – (a) Contain at least one carbon to carbon bond; and (b) Are liquie at STP (standard temperature and pressure), are stored	107,000 cubic metres in aggregate

2.2 Description of proposed activity

Pilbara Iron Pty Ltd (Pilbara Iron) has applied for an amendment to extend licence L6951/1997/13 for the Dampier Port Operations.

Pilbara Iron was issued licence L6951/1997/13 under the *Environmental Protection Act 1986* on 21 May 2015 for the Dampier Port Operations. Dampier Port Operations include East Intercourse Island and Parker Point iron ore loading operations and are located in Dampier in the Pilbara Region of Western Australia. The key environmental emissions associated with the Dampier Port Operations include dust emissions from iron ore ship loading and wastewater management due to the coastal location and potential for iron ore to gain access to the marine environment.

As there will be no change in activities relating to the current licence, the risk rating has not changed and therefore a re-assessment of risk at this time is not deemed necessary.

3. Consolidation of licence

As part of this amendment package DWER has consolidated the licence by incorporating changes made under the following Amendment Notices:

- Amendment Notice 1, granted 17 June 2016 – Removal of dust and noise conditions that are duplicated on Ministerial Statement 770.

The obligations of the licence holder have not changed in consolidating the licence. DWER has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices.

In consolidating the licence, the CEO has:

- Updated the format and appearance of the licence;
- Deleted the redundant AACR form set out in schedule 1 of the previous licence and advise the licence holder to obtain the form from the Department’s website;
- Revised licence condition’s numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- Corrected clerical mistakes and unintentional errors.

Previously issued Amendment Notices will remain on the DWER website for future reference and will act as a record of DWER’s decision making.

4. Legislative context and other approvals

The legislative framework for this assessment is the *Environmental Protection Act 1986* (EP Act) and *Environmental Protection Regulations 1987* (EP Regulations).

Relevant guidance documents are outlined in **Error! Reference source not found.**

Approvals relevant to the premises are outlined in Table 2 below.

Table 2: Relevant approvals to the premises

Legislation	Number	Approval
Part IV of the <i>Environmental Protection Act 1986</i>	Ministerial Statement 770	Allowed the increase the throughput of iron ore to 145 million tonnes per annum (Mtpa) at Dampier Port operations. The capacity of Parker Point operations is to be increased to 100 Mtpa by utilisation of existing equipment, and an increase in rail transport and shipping movements. There was no increase in the capacity of the East Intercourse Island operations (currently 45 Mtpa).

5. Consultation

Method	Comments received	DWER response
Applicant referred draft documents (01/05/2020)	Condition 5 The licence holder requests “immediately recover” be replaced with “as soon as practicable”. As soon as practicable allows time for the assessment of health and safety risks prior to the commencement of clean-up efforts and ensures accessibility to the work area.	Updated as requested.

	<p>Condition 22</p> <p>The licence holder requests condition 22, part c be updated to:</p> <p>(c) six monthly monitoring is undertaken at least 4 months apart.</p> <p>The licence holder requests this period be broadened to “4 months” to consider operational and personnel matters such as:</p> <ul style="list-style-type: none"> • safe access following rainfall or mining activities which can see areas inaccessible for periods of time, and • statutory leave entitlements, typically one month duration. 	Updated as requested.
	<p>Condition 24</p> <p>The licence holder requests Condition 24 be updated to remove reference to the 120 day reference and be replaced with “30 April each year after....”</p> <p>The licence holder notes the “120 day” reference would result in alternate reporting dates during leap years and requests this text be amended or replaced with “30 April each year after....”</p>	Updated as requested.
	<p>Condition 25</p> <p>The licence holder requests Condition 25, part b be updated as per the requested change in Condition 24.</p> <p>The licence holder notes the “120 day” reference would result in alternate reporting dates during leap years and requests this text be amended or replaced with “30 April each year after....”</p>	Updated as requested.

6. Conclusion

The Delegated Officer has determined that the application to amend the licence expiry date for a period of seven years will be granted on the condition that activities and emissions as stated in the current licence will remain unchanged.

DWER's *DER, August 2016. Guidance Statement: Licence duration. Department of Environment Regulation, Perth (Guidance Statement: Licence duration)* states the following:

In determining the licence duration of a licence granted under Part V, Division 3 of the EP Act, the CEO or his/her delegate will have regard to providing the maximum appropriate licence term, up to 20 years, taking account of:

1. *the duration of other statutory approvals, such as planning approvals;*
2. *the level of risk of harm to public health and the environment posed by the premises;*
3. *whether the licenced premises has been subject to recent environmental assessment;*
4. *matters relevant to the efficient operation of the licensing regime; and*
5. *any other matter the CEO considers relevant.*

The Dampier Port Operations Lease Numbers, with expiry dates are shown below:

- N104744 (L3116/3469), expiry date 31/12/2027;
- N104718 (L3116/3807), expiry date 31/12/2028;
- N104745 (L3116/3471), expiry date 31/12/2027;
- N104343 (L3116/5503), expiry date 31/12/2027;
- N104327 (L3116/5552), expiry date 31/12/2028; and
- N104346 (L3116/4596), expiry date 22/12/2035.

A seven year extension to the expiry date is within the dates listed for other statutory approvals (as per number 1 of the *Guidance Statement: Licence duration*).

Although the maximum licence term can be up to 20 years, as this prescribed premises has planning approvals that expire 31 December 2027, the expiry date can be set as 26 May 2027.

6.1 Summary of amendments

Table 3: Licence amendments

Condition No.	Proposed amendments
Duration	Updated from 27/05/2015 - 26/05/2020 to 27/05/2020 - 26/05/2027
Liquid Chemical Storage condition 9	Removed and replaced with updated conditions
Reporting conditions 27 and 28	Removed and replaced with updated conditions
Definitions	Definitions have been updated as per transition to the licence template and to be consistent with the licence conditions
Schedule 1 Maps	Figures 1 – 4 have been updated

ALANA KIDD
MANAGER, RESOURCE INDUSTRIES

Officer delegated under section 20 of the Environmental Protection Act 1986

Appendix 1: Key documents

Document title	Availability
Email titled "Application to extend expiry of licence - L6951/1997" dated 26/02/2020 10:30am and authored by Rio Tinto	DWER records (DWERDT257741)
L6951/1997/13 Dampier Port Operations	L6951/1997/13 Dampier Port Operations
Amendment Notice 1	
DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	
DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	
DWER, June 2019 <i>Guideline: Decision Making</i> Department of Water and Environmental Regulation	
Email titled "Dampier Ports Part V licence - L6951/1997/13- Notice of Proposed Amendment to Licence" dated 01/05/2020 10:10am and authored by Rio Tinto	DWER records (A1890011)