



Department initiated Amendment

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

Licence Number	L8654/2012/1
Licence Holder	Mineral Resources Limited
ACN	118 549 910
File Number	DER2015/001584-1
Premises	Phil's Creek Project Mining Tenement M47/1359, M47/1421 and Miscellaneous Licence L47/336 NEWMAN WA 6753
Date of Report	11 August 2020
Decision	Revised licence granted

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Alana Kidd
Manager, Resource Industries
INDUSTRY REGULATION

An officer delegated by the CEO under section 20 of the EP Act

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1. Decision summary

The Delegated Officer has determined to make amendments to Licence L8654/2012/1 (Licence) following notification from the Licence Holder on 10 July 2020, that operations are to recommence at the Premises following a period of care and maintenance. The amendments are administrative in nature and 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 assessment 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, DWER has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://www.der.wa.gov.au>.

2.2 Amendment summary

The Licence is held by Mineral Resources Limited for the Phil's Creek Project (Premises) located at Mining Tenements M47/1359 and M47/1421, and Miscellaneous Licence L47/336, Newman.

The Premises relates to the categories and the assessed production/design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in the Licence.

The Licence was last amended in 2015 when the Licence Holder at the time notified DWER that the Premises would be placed into a period of care and maintenance. As a result, the Licence was amended by reducing the throughput for category 5 from 5.8 million tonnes per annum (tpa) to 50,000 tpa. The throughput for categories 85 and 89 remained unchanged.

On 10 July 2020, the Licence Holder notified DWER that crushing and screening operations at the Premises were to recommence with an approximate throughput of 1,000,000 tpa. The Licence Holder advised that a crushing and screening plant (plant), with a maximum capacity of 2,400,000 tpa, will be installed at the existing plant site to replace the previous plant that was removed during the care and maintenance period. The replacement plant will be 'like for like' however at approximately half the capacity of the previous plant.

The Licence Holder also requested the Licence expiry date of 1 September 2021 be extended for a further two years.

This amendment to the Licence also includes the removal of redundant conditions in accordance with DWER's *Operational Procedure IR-OP-02 Redundant Conditions (May 2016)*.

3. Consultation

The Licence Holder was provided with the draft Amendment Report and Licence on 7 August 2020. The Licence Holder provided to DWER on 10 August 2020, comments on the draft Amendment Report and draft Amended Licence requesting the Licence throughput be

updated to the plant capacity of 2.4 mtpa, and the comment period be waived.

4. 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.

4.1 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 Amended Licence as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
Licence page	Extend the Licence expiry date by an additional two years.
Licence page	Increase the production capacity from 50,000 tpa up to 2,400,000 tpa. The plant capacity is 2,400,000 tpa which has been applied to the Licence. This throughput capacity is substantially less than the original approval of 5,800,000 tpa.
Definitions	Updated address for correspondence to the CEO.
	Removed 'Schedule 2' as no longer applicable.
1.15	Removed. Not valid, enforceable or risk based.
1.2.1	Removed. This condition is not enforceable as it is not sufficiently clear or certain.
1.2.2	Removed. This condition is not valid as it inconsistently regulates activities below prescribed category thresholds.
1.2.3	Removed. This condition is not enforceable as it is not sufficiently clear or certain.
Previous 4.1.2	Removed. This condition is not enforceable as the requirements for compliance are not clear.
Schedule 2	Removed. Licence Holder no longer required to use the Annual Audit Compliance Report proforma.

References

1. Department of Water and Environmental Regulation (June 2019), *Guidance Statement: Industry Regulation Guide to Licensing*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (May 2016), *Operational Procedure IR-OP-02 Redundant Conditions*, Perth, Western Australia.
3. Timothy Berryman. (Mineral Resources Limited). Letter to Department of Water and Environmental Regulation, 10 July 2020. Intention to recommence operations.
4. Timothy Berryman. Mineral Resources Limited. Email to Department of Water and Environmental Regulation, 10 August 2020. Request to increase throughput and waiver comment period.