



## Department initiated Amendment

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

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|-----------------------|--|
| <b>Licence Number</b> | L8659/2012/2   |
| <b>Licence Holder</b> | CITIC Pacific Mining Management Pty Ltd  |
| <b>ACN</b>            | 119578371  |
| <b>File Number</b>    | DER2015/000677-1   |
| <b>Premises</b>       | <p>Sino Iron Project Transhipment Facility</p> <p>Within the following coordinates:<br/>Point 1: 116° 4' 59.88" E, 20° 39' 50.39" S<br/>Point 2: 116° 15' 0.00" E, 20° 35' 52.55" S<br/>Point 3: 116° 15' 0.00" E, 20° 45' 0.00" S<br/>Point 4: 116° 14' 0.00" E, 20° 45' 0.00" S<br/>Point 5: 116° 14' 0.00" E, 20° 45' 41.37" S<br/>Point 6: 116° 9' 31.34" E, 20° 47' 44.48" S<br/>Point 7: 116° 9' 32.93" E, 20° 42' 56.89" S<br/>Point 8: 116° 5' 34.95" E, 20° 44' 30.00" S<br/>Point 9: 116° 4' 59.88" E, 20° 42' 59.76" S</p> <p>MARDIE WA 6714</p> <p>as depicted in Schedule 1</p> |
| <b>Date of Report</b> | 21 September 2020  |
| <b>Decision</b>       | Revised licence granted  |

**SUZY ROWORTH  
SENIOR LICENSING OFFICER  
REGULATORY SERVICES**

*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 L8659/2012/2. The amendments 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://www.der.wa.gov.au>.

### 2.2 Amendment summary

Licence L8659/2012/2 is held by Citic Pacific Mining Management Pty Ltd (Licence Holder) for the Sino Iron Project Transshipment Facility (the Premises), located within the following coordinates:

Point 1: 116° 4' 59.88" E, 20° 39' 50.39" S  
Point 2: 116° 15' 0.00" E, 20° 35' 52.55" S  
Point 3: 116° 15' 0.00" E, 20° 45' 0.00" S  
Point 4: 116° 14' 0.00" E, 20° 45' 0.00" S  
Point 5: 116° 14' 0.00" E, 20° 45' 41.37" S  
Point 6: 116° 9' 31.34" E, 20° 47' 44.48" S  
Point 7: 116° 9' 32.93" E, 20° 42' 56.89" S  
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MARDIE WA 6714

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 existing Licence L8659/2012/2.

On 17 June 2020, the department initiated an amendment to Licence L8659/2012/2. The amendment is limited to correcting an administrative error in Amendment Notice 1 regarding the licence expiry date (now updated from 25 November 2025 to 25 November 2024), amalgamate the conditions from Amendment Notice 1 (see section below) and conversion of the licence to the new template format.

### 2.3 Amalgamation of Licence L8659/2012/2

Licence L8659/2012/2 was amended on 31 March 2017 to authorise direct discharges to the marine environment from the cleaning of ore concentrate barges used in the loading of ocean-going cargo vessels. Six conditions (1.3.5 - 1.3.10 inclusive) were added as part of the amendment (see Table 1 below). This amalgamation includes these conditions in L8659/2012/2.

### **3. Consultation**

The Licence Holder was provided with the draft Amendment Report on 05 August 2020. Comments received from the Licence Holder on 25 August 2020 have been considered by the Delegated Officer as detailed in Appendix 1.

### **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 Revised licence as part of the amendment process.

**Table 1: Summary of licence amendments**

| Condition no.                            | Proposed amendments  | Justification   |
|--|--|---|
| Duration                                 | Expiry date modified from 25/11/2025 to 25/11/2024   | Amendment to correct an administrative error in Amendment Notice 1 regarding the expiry date. |
| Premises description and Licence summary | Licence Holder proposed the following alternate wording (see Appendix 1)   | The definition of transshipment facility was revised in November 2015.                        |
| 1.1.2                                    | Revised definition of transshipment facility (see Appendix 1)  | MAGDRAGON I was removed from service during the 2016-17 annual period.                        |
| 1.3.5                                    | <p>The Licence Holder must:</p> <ul style="list-style-type: none"> <li>(a) remove loose ore concentrate from the barges prior to the wash water phase of the barge cleaning operations; and</li> <li>(b) ensure that any matter recovered by vacuum trucks is returned to the ship's hold or otherwise collected and returned to the Port Facility.</li> </ul> | Conditions amalgamated from Amendment Notice 1 (31 March 2017).                               |
| 1.3.6                                    | The Licence Holder must only wash down the deck area, adjacent walkways and working areas of the barges and not the ore concentrate storage areas.   |   |
| 1.3.7                                    | The Licence Holder must only carry out the wash water phase of the barge cleaning operations at the twelve outer anchorage locations of the Transshipment Facility.  |   |
| 1.3.8                                    | The Licence Holder must not perform wash water barge cleaning operations at the same anchorage point on consecutive occasions.   |   |
| 1.3.9                                    | The Licence Holder is permitted to carry out wash water barge cleaning operations on a maximum of one barge per week.  |   |

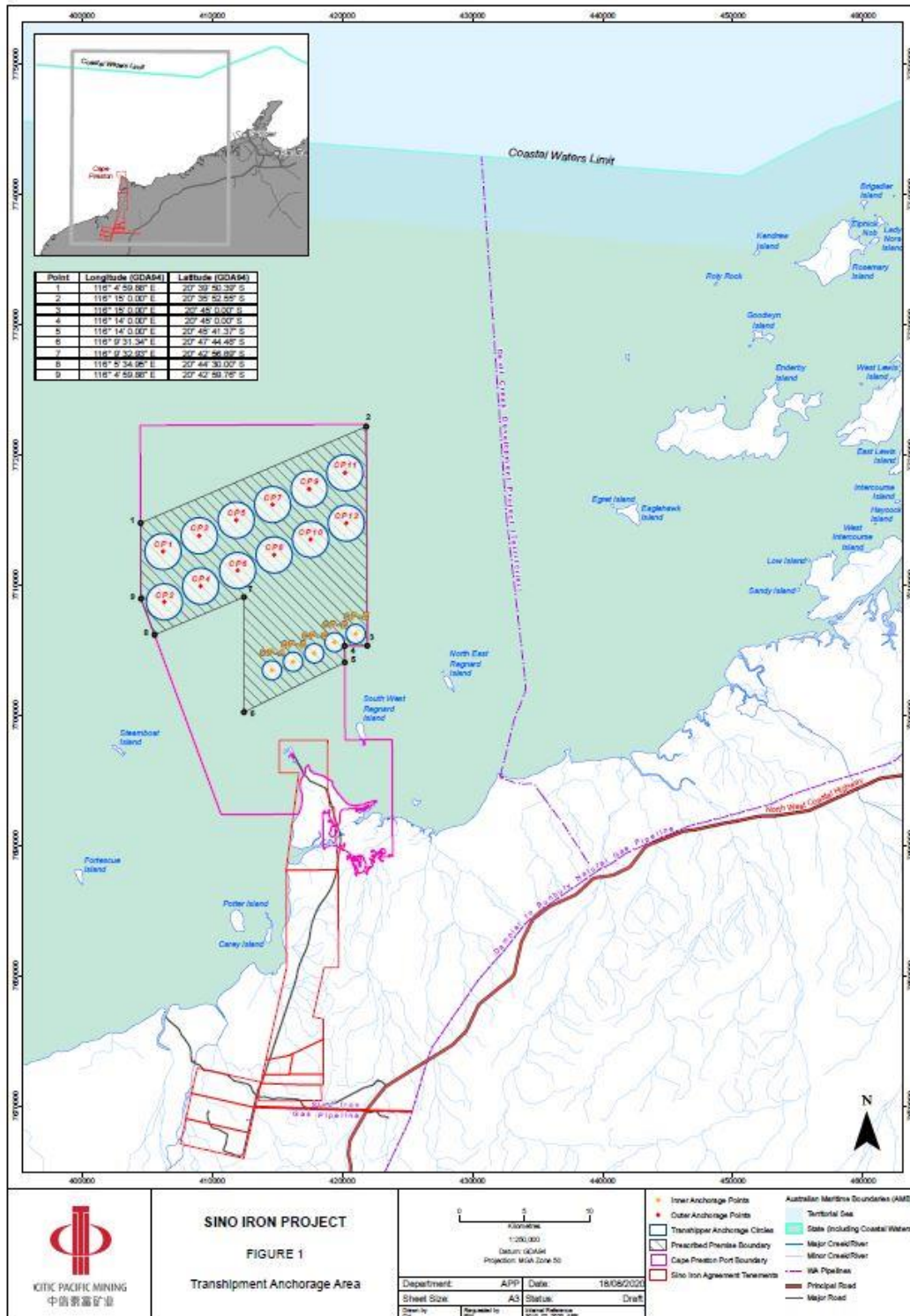
| Condition no. | Proposed amendments   | Justification  |
|---------------|---|--|
| 1.3.10        | The Licence Holder is authorised to only use seawater that is free of detergents and other additives in the washing down of ore concentrate barges.   |  |
| 2.1.1         | The licence holder must maintain accurate and auditable books that include the following records, information, reports, and data required by this licence:<br><ul style="list-style-type: none"> <li>(a) the calculation of fees payable in respect of this licence; and</li> <li>(b) complaints received under condition 2.1.3 of this licence.</li> </ul>   | Replaced with updated Conditions Library conditions. |
| 2.1.2         | The books specified under condition 2.1.1 must:<br><ul style="list-style-type: none"> <li>(a) be legible;</li> <li>(b) if amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;</li> <li>(c) be retained by the licence holder for the duration of the licence; and</li> <li>(d) be available to be produced to an inspector or the CEO as required.</li> </ul> | Replaced with updated Conditions Library conditions. |
| 2.1.3         | Removed   | Condition redundant.                                 |
| 2.1.4         | The licence holder must:<br><ul style="list-style-type: none"> <li>(a) undertake an audit of their compliance with the conditions of this licence during the preceding annual period; and</li> <li>(b) prepare and submit to the CEO by no later than 120 days after the end of that annual period an Annual Audit Compliance Report in the approved form.</li> </ul>   | Replaced with updated Conditions Library conditions. |
| 2.1.5         | The licence holder must record the following information in relation to complaints received by the licence holder (whether received directly from a complainant or forwarded to them by the Department of another party) about any alleged emissions from the premises:   | Replaced with updated Conditions Library conditions. |

| Condition no. | Proposed amendments  | Justification   |
|---------------|--|---|
|               | <ul style="list-style-type: none"> <li>(a) the name and contact details of the complainant, (if provided);</li> <li>(b) the time and date of the complaint;</li> <li>(c) the complete details of the complaint and any other concerns or other issues raised; and</li> <li>(d) the complete details and dates of any action taken by the licence holder to investigate or respond to any complaint.</li> </ul> |   |
| 2.2.1         | <p>The licence holder must submit to the CEO by no later than 120 days after the end of each annual period, an Annual Environmental Report for that annual period for the conditions listed in Table 2.2.1, and which provides information in accordance with the corresponding requirements set out in Table 2.2.1.</p> <p>Note 1 in Table 2.2.1 removed as Schedule 2 has been removed.</p>                  | Replaced with updated Conditions Library conditions.  |
| Schedule 1    | New premises boundary  | New boundary reflects current anchorage configuration. The 9 latitude and longitude points of the premises boundary have not changed. |
| Schedule 2    | AACR form removed  | Replaced with updated Conditions Library conditions, which refers to Annual Audit Compliance Report in the approved form.             |
| -             | Conversion of licence to new template format   | Licence format has been updated since L8659/2012/2 was granted.   |

# Schedule 1: Maps

## Premises map

The Premises is shown in the map below. The pink lined area depicts the Premises boundary.





## Appendix 1: Summary of Licence Holder's comments on draft amendment

| Condition                                       | Summary of Licence Holder's comment   | Department's response   |
|---|---|---|
| <p>Premises description and Licence summary</p> | <p><b>Proposed alternate wording</b></p> <p>The Transhipment Facility operates within the Cape Preston Port Boundary, approximately 20km offshore within State Waters as defined under Commonwealth legislation, <i>Coastal Waters (State Power) Act 1989</i> and the <i>Seas and Submerged Lands Act 1973</i>. Magnetite concentrate produced from the Sino Iron Project is loaded from barges by the Transhipment Facility to an Ocean Going Vessel (OGV) within a designated area of the Cape Preston Port Authority Area</p> <p><b>Justification</b></p> <p>The definition of transhipment facility was revised in L8659/2012/2 (12 November 2015):</p> <p>'Transhipment Facility' means the transhipper vessel MAGDRAGON I and MAGDRAGON II (or similar/comparable transhipper vessels including transhipper shuttle vessels) and concentrate barges</p> <p><b>Proposed alternate wording</b></p> <p>The Transhipment Anchorage Area (TAA) designated for mooring and loading is approximately 16 hectares (ha) in area. The anchorage locations are managed/overseen by the Department of Transport (WA) Harbour Master and documented within Commonwealth Nautical Chart AU68- Approaches to Cape Preston. The exact mooring is selected by the OGV, the transhipment facility then navigates to the OGV to load product and the OGV transports the product overseas</p> <p><b>Justification</b></p> <p>Suggest premises description regarding the inner and outer anchorages be revised to document the role of the Department of Transport Harbour Master and cross reference Commonwealth Nautical Chart AU68- Approaches to Cape Preston. There are currently 12 transhipment facility outer anchorage locations and 5 transhipment facility inner anchorage locations all wholly contained within the premises boundary</p> | <p>Premises description and Licence summary updated to reflect request.</p> |

| Condition               | Summary of Licence Holder's comment   | Department's response   |
|-------------------------|---|---|
| Schedule 1 Premises Map | Premises Map has been updated to reflect the current anchorage configuration  | Updated Premises Map included in L8659/2012/2   |
| 1.1.2                   | <p><b>Proposed alternate wording</b></p> <p>For the purpose of this Licence, unless the contrary intention appears:</p> <p><b>'Transhipment Facility'</b> means the transhipper vessel MAGDRAGON II and/or similar/comparable transhipper vessels (including transhipper shuttle vessels) and concentrate barges</p> <p><b>Justification</b></p> <p>MAGDRAGON I was removed from service during the 2016-17 annual period. Since this time, the Transhipment Facility has consisted of MAGDRAGON II supplemented by transhipper shuttle vessel(s)</p> <p><b>Proposed alternate wording</b></p> <p>Omit Schedule 2 definition</p> <p><b>Justification</b></p> <p>The omission of the AACR proforma means there is no requirement for Schedule 2.</p> <p>Similarly Table 2.2.1 Note 1 (forms are in Schedule 2) can also be omitted</p> | <p>Definition of Transhipment Facility has been revised</p> <p>Schedule 2 definition has been removed as the AACR form is now available on the DWER website (<a href="https://www.der.wa.gov.au/images/documents/our-work/licences-and-works-approvals/aacr/L8410-2009-2.pdf">https://www.der.wa.gov.au/images/documents/our-work/licences-and-works-approvals/aacr/L8410-2009-2.pdf</a>)</p> <p>Note 1 has been removed as per above</p> |
| 1.3.9                   | <p><b>Proposed alternate wording</b></p> <p>The licence holder is permitted to carry out wash water barge cleaning operations not exceeding an average of one barge per week</p> <p><b>Justification</b></p> <p>We are occasionally faced with the situation where we would like to clean more than one barge in a seven day period, in order to utilise specialist resources which have been mobilised to the remote operation at Cape Preston, An example is the Surveyor from the Ship Classification Society who we fly to site to perform periodic structural inspections of the barges</p> <p>The barges need to be clean to perform the inspection and it is not feasible to fly the Surveyor to site multiple times to perform each relatively brief inspection</p>   | <p>This is not an administrative change and is likely to require risk assessment, therefore not updated as part of this amendment.</p>  |

| Condition                    | Summary of Licence Holder's comment   | Department's response  |
|------------------------------|---|--|
|                              | <p>We have a similar situation when we mobilise specialist marine welding crews to site to perform maintenance on the barges. The barges need to be clean to work on and it is difficult to secure the labour to mobilise to site for multiple visits</p> <p>The revised wording still meets the original intent of the condition by allowing two barges to be cleaned prior to the inspection/repair works and then not wash any barges during the following week</p>  |  |
| 2.1.1                        | <p><b>Proposed alternate wording</b></p> <p>The licence holder must maintain accurate and auditable books that include the following records, information, reports, and data required by this licence:</p> <ul style="list-style-type: none"> <li>(a) The calculation of fees payable in respect of this licence; and</li> <li>(b) Complaints received under condition 2.1.4 of this licence.</li> </ul> <p><b>Justification</b></p> <p>Assumed administrative error as current wording of 2.1.1(b) refers to conditions 2.1.3 (reporting) instead of condition 2.1.4 (complaints)</p>    | <p>Condition 2.1.1 has been replaced with updated Conditions Library conditions</p> <p>Condition 2.1.1(b) has been revised 'complaints received under condition 2.1.4' to correct administrative error</p> |
| 2.1.3, 2.2.1 and Table 2.2.1 | <p><b>Proposed alternate wording</b></p> <p>N/A</p> <p><b>Justification</b></p> <p>Condition 2.1.3 requires the licence holder to prepare and submit an Annual Audit Compliance Report in the approved form. However, following the omission of the AACR proforma from Schedule 2 and reference in Table 2.2.1, the licence no longer defines the AACR approved form.</p> <p>It is understood the AACR approved form will be the version available on the DWER website. It is suggested a definition for AACR (cross referencing the DWER website) be included within condition 1.1.2</p> | <p>Definitions added in for 'approved form' and 'condition' as per DWER's Register of Defined Terms</p> <p>Note 1 in Table 2.2.1 (Forms are in Schedule 2) has been removed</p>                            |