



Application for Licence Amendment

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

Licence Number	L8788/2013/1
Licence Holder	Atlas Iron Pty Ltd
ACN	110 396 168
File Number	DER2013/003893
Premises	Mt Webber DSO Project Part of M45/1209-I and L45/280 NULLAGINE WA 6758
Date of Report	10 July 2020
Proposed Decision	Revised licence granted

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

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1. Decision summary

Licence L8788/2013/1 is held by Atlas Iron Pty Ltd (Licence Holder) for the Mt Webber Direct Shipping Ore (DSO) Project (the Premises) located on Part of Mining Tenement M45/1209-I and L45/280, Nullagine WA 6758.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the construction and operation of the Premises. As a result of this assessment, Revised Licence L8788/2013/1 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, 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

On 6 May 2020, the Licence Holder applied to the department to amend Licence L8788/2013/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act).

This amendment is limited to an expansion in area of the existing Category 89 putrescible landfill site. No changes to the aspects of the existing Licence relating to Categories 5, 52 and 54 have been requested by the Licence Holder.

Table 1 below provides the proposed changes to the existing Licence.

Table 1: Proposed changes

Category	Current design capacity	Proposed design capacity	Description of proposed amendment
89	500 tonnes per annual period	N/A	The Licence Holder proposes to extend the landfill site approximately 500 m to the west, increasing the total area by approximately 0.605 ha

2.3 Consolidation of Licence

As part of this amendment package, the department has consolidated the existing Licence by incorporating changes made under the Amendment Notices as summarised in Table 2.

Table 2: Licences consolidated in this amendment

Instrument	Issued	Summary of approval
L8788/2013/1	30/03/2017	Amendment Notice 1 to increase assessed production capacity of Category 5 (processing or beneficiation of metallic or non-metallic ore) from 7,000,000 tpa to 9,000,000 tpa
	01/11/2017	Amendment Notice 2 for administrative changes and to update the Premises boundary
	15/05/2018	Amendment Notice 3 to establish a new tyre disposal area in the Ibanez Stage 4 backfill waste rock landform and to update the Premises boundary

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

In consolidating the licence, the department has:

- updated the format and appearance of the Licence;
- deleted the redundant Annual Audit Compliance (AACR) form set out in Schedule 1 of the previous Licence and advised the Licence Holder to obtain the form from the department's website;
- revised licence condition numbers, removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this Revised Licence are detailed in Section 5.1. Previously issued Amendment Notices will remain on the department's website for future reference and will act as a record of the department's decision making.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guidance Statement: Risk Assessments* (DER 2017).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises construction and operation of the expanded landfill which have been considered in this Decision Report are detailed in Table 3 below. Table 3 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 3: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Dust	Digging of trenches and stockpiling of soil and subsoil, vehicle movements, lift-off from stockpiles	Air/windborne pathway	Watercart will be used during construction to minimise dust.
Noise	Excavation of material, vehicle movements	Air/windborne pathway	Noise will be controlled in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Operation			
Dust	Handling of material, deposition of waste, vehicle movements, lift-off from stockpiles	Air/windborne pathway	Watercart will be used during operation to minimise dust.
Noise	Handling of material, vehicle movements	Air/windborne pathway	Noise will be controlled in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Odour	Landfill trenches – putrescible wastes	Air/windborne pathway	The waste will be covered as soon as practical after deposition or at least monthly to ensure waste is completely covered and that no waste is exposed.
Leachate and contaminated stormwater	Rainfall and surface water runoff from surrounding areas entering landfill area	Overland flow Infiltration through landfill	An earthen bund will be constructed around the perimeter of the landfill to prevent stormwater runoff entering or leaving the landfill and around each trench to prevent rainfall runoff entering the landfill. The landfill is more than 2 m above groundwater level, which is nominally 20 m below ground level.

3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

Table 4 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guidance Statement: Environmental Siting* [DER 2016]).

Table 4: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Pilaga Station Homestead	15 km northwest of the Premises boundary.
Environmental receptors	Distance from prescribed activity
Threatened Fauna (several species)	Identified approximately 1 km north of the Premises boundary.
<i>Rights in Water and Irrigation Act 1914</i> (RIWI Act) Pilbara Groundwater Area	Premises is located within the proclaimed area.
Groundwater	Ground water is approximately 20 meters below ground level (mbgl) and is considered fresh to saline. Groundwater is used on site as potable water after treatment (reverse osmosis).
RIWI Act Pilbara Surface Water Area	Premises is located within the proclaimed area.
Minor non perennial water courses	Within the Premises boundary.
Shaw River	Located 2 km west of the Premises boundary.

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case, the need for additional controls will be documented and justified in Table 5.

The Revised Licence L8788/2013/1 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. expansion of the landfill area.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 5: Risk assessment of potential emissions and discharges from the Premises during construction and operation

Risk Event					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Construction								
Construction of fence and landfill trenches	Dust	Air/windborne pathway causing impacts to health and amenity	Pilaga Station Homestead 15 km NW	Refer to Section 3.1	C = Slight L = Rare Low Risk	Y	N/A	N/A
	Noise	Air/windborne pathway causing impacts to amenity	Pilaga Station Homestead 15 km NW	Refer to Section 3.1	C = Slight L = Rare Low Risk	Y	N/A	N/A
Operation								
Deposition of waste into landfill and covering of waste with clean fill	Dust / litter	Air/windborne pathway causing impacts to health and amenity	Pilaga Station Homestead 15 km NW	Refer to Section 3.1	C = Slight L = Rare Low Risk	Y	Existing Licence conditions apply: Condition 1.2.6: Management of landfill activities Condition 1.2.7: Waste cover requirements Condition 1.2.9: Control of windblown waste	N/A
	Noise	Air/windborne pathway causing impacts to health and amenity	Pilaga Station Homestead 15 km NW	Refer to Section 3.1	C = Slight L = Rare Low Risk	Y	N/A <i>The Environmental Protection (Noise) Regulations 1997 apply</i>	N/A
	Odour	Air/windborne pathway causing impacts to amenity	Pilaga Station Homestead 15 km NW	Refer to Section 3.1	C = Slight L = Rare Low Risk	Y	Existing Licence conditions apply: Condition 1.2.6: Management of landfill activities Condition 1.2.7: Waste cover requirements	N/A

Risk Event					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Leachate	Infiltration through landfill leading to contamination of groundwater	Groundwater	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Existing Licence conditions apply: Condition 1.2.3: Waste processing (Table 1.2.2 - separation distance to groundwater must not be less than 2 m) Condition 1.3.7: Waste cover requirements	N/A
	Contaminated surface water	Overland flow into surface water causing contamination	Surface water	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	N/A	N/A

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 6 provides a summary of the consultation undertaken by the department.

Table 6: Consultation

Consultation method	Comments received	Department response
Licence Holder was provided with draft amendment on 8/07/2020	<i>No comments received</i>	N/A

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised 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 7 and Table 8 provide a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 7: Summary of licence amendments

Condition no.	Proposed amendments
Schedule 1	Inclusion of map showing the location and extent of the putrescible landfill.

Table 8: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
-	Licence Holder name	N/A	Licence Holder name updated from Atlas Iron Limited to Atlas Iron Pty Ltd
-	Prescribed premises categories	N/A	Assessed production/design capacity of Category 5 increased to 9,000,000 tonnes per annual period
-	Prescribed premises description	N/A	Description of prescribed premises updated
1.1.2	Interpretation and definitions	N/A	Revised to reflect departmental and administrative changes. Defined terms updated throughout Licence.
1.1.5	Emissions not mentioned in the Licence are unauthorised	N/A	Redundant condition. Revised to current licensing format. Deleted from Licence.

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.2.1	Pollution control and monitoring equipment	N/A	Redundant condition. Adequately covered by alternative existing conditions. Deleted from Licence.
1.2.2	Recovery and removal of spills	N/A	Redundant condition. Adequately covered by <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> . Deleted from Licence.
1.2.3	Prevention of contamination and containment of contaminated stormwater	N/A	Redundant condition. Adequately covered by alternative existing conditions. Deleted from licence.
1.3.1 to 1.3.9	Premises operations	1.2.1 to 1.2.9	Conditions renumbered.
1.3.2 (Table 1.3.2)	Waste processing	1.2.3 (Table 1.2.2)	Waste process requirements updated to include the Ibanez 4 tyre disposal area.
1.3.10	Tyre disposal area construction requirements	N/A	Construction complete. Operation of tyre disposal area adequately covered by alternative existing conditions. Deleted from licence.
4.1.2	Knowledge of licence conditions	N/A	Redundant condition. Deleted from licence.
4.1.3 to 4.1.5	Records	4.1.2 to 4.1.4	Conditions renumbered.
4.3.1	Notification	N/A	Construction compliance requirements for the completed Ibanez 4 tyre disposal area removed.
Schedule 1: Maps	Premises map	N/A	Premises map updated and Premises boundary coordinates added.
Schedule 2: Forms & Notification	Annual Audit Compliance Report	N/A	Redundant attachment. Deleted from Licence. Forms accessed at www.dwer.wa.gov.au .

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
3. Department of Environment Regulation (DER) 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:		None <input type="checkbox"/>
		Has the works approval been complied with?		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Has time limited operations under the works approval demonstrated acceptable operations?		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes <input type="checkbox"/> No <input type="checkbox"/>
		Date Report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L8788/2013/1	
		Relevant works approval number:		N/A <input checked="" type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:		None <input type="checkbox"/>
Date application received		06/05/2020		
Applicant and Premises details				
Applicant name/s (full legal name/s)		Atlas Iron Pty Ltd		
Premises name		Mt Webber Mine Site		
Premises location		Mt Webber DSO Project M45/1209-I, L45/280 <i>Land Administration Act 1997</i> Section 91 License Area (LIC00200/2013_A3227408) NULLAGINE WA 6758		
Local Government Authority		Shire of East Pilbara		
Application documents				
HPCM file reference number:		2013/003893		
Key application documents (additional to application form):		Figure 1 – Mt Webber Landfill Extension		

Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	Extension of existing Category 89 landfill (0.968 ha) by 50 m to the southwest adding an additional 0.605 ha	
Category number/s (activities that cause the premises to become prescribed premises)		
Table 1: Prescribed premises categories		
Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 5: Processing or beneficiation of metallic or non-metallic ore:	9,000,000 tonnes per annual period	N/A
Category 54 Sewage Facility:	119 cubic meters per day	N/A
Category 89 Putrescible landfill	500 tonnes per annual period	No Change – increase in area only
Legislative context and other approvals		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reference No: EPBC2012/6611
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input checked="" type="checkbox"/> Expiry: Existing Licence
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why? Not required

Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A Exempt under Regulation 5 (Item 20) of Environmental Protection (Clearing of Native Vegetation) Regulations 2004
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Application reference No: Licence/permit No: GWL 17240(4)
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Name: Pilbara Type: Pilbara Proclaimed Groundwater Management Area/ Pilbara Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Regional office: Mid-West Gascoyne
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Environmental Protection (Rural Landfill) Regulations 2002
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A

Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A
Direct interest stakeholders		
Shire of East Pilbara	Letter to be sent Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Department of Mines, Industry Regulation and Safety (DMIRS) Clearing authorised under Reg 5 Item 20 of <i>Environmental Protection (Clearing of Native vegetation) Regulations</i>	Letter to be sent Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	