



## Application to transfer a licence

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

---

<b>Licence Number</b>	L9313/2021/1
<b>Applicant</b>	Fenix Shine Pty Ltd
<b>ACN</b>	668 900 061
<b>File Number</b>	DER2021/000539
<b>Premises</b>	Shire Iron Ore Project  Part of mining tenements M59/406, M59/421 and M59/731 YALGOO WA 6635 As defined by the coordinates in Schedule 1
<b>Date of Report</b>	23 August 2023
<b>Decision</b>	Licence transfer granted

**A/SENIOR ENVIRONMENTAL OFFICER, INDUSTRY REGULATION  
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 Transfer summary	3
<b>3. Assessment</b>	<b>3</b>
3.1 Incident Complaints Management System search	3
3.2 Legal occupancy	3
<b>4. Conclusion</b>	<b>4</b>
4.1 Summary of amendments	4

DRAFT

## 1. Decision summary

The Delegated Officer has determined to transfer Licence L9313/2021/1 to Fenix Shine Pty Ltd.

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 Transfer summary

Licence L9313/2021/1 is currently held by Mount Gibson Mining Limited (Licence holder) for the Shine Iron Ore Project (the Premises), located part of mining tenements M59/406, M59/421 and M59/731 (as shown in Figure 1 of licence L9313/2021/1).

On 1 August 2023, Fenix Shine Pty Ltd submitted an application to transfer Licence L9313/2021/1 from Mount Gibson Mining Limited.

The Premises relates to Category 5: Processing or beneficiation of metallic or non-metallic ore and Category 89 Putrescible landfill site. The assessed production capacity under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which are defined in Licence L9313/2021/1.

## 3. Assessment

### 3.1 Incident Complaints Management System search

Searches within the Departments internal incident complaints manager system (ICMS) was completed in order to identify if any: infringement notices, closure notices, investigation reports, complaints, non-compliance and etc that the company and/or company directors hold under their name.

Searches within the database did not provide any results that would hinder the Delegated Officer's decision to transfer the licence from Mount Gibson Mining Limited to Fenix Shine Pty Ltd.

### 3.2 Legal occupancy

As part of this assessment a review of the legal occupancy of the applicant was carried out to determine if a transfer of licence may occur. A review of the compliance history of any current licenses or works approvals held by the company was also undertaken.

It has been determined that:

- Fenix Shine Pty Ltd is a registered and valid company and is therefore a legal entity that can hold a licence under Part V of the EP Act.
- There are no significant compliance matters relating to Fenix Shine Pty Ltd or its directors, that would prevent the issue of this transfer.
- Fenix Shine Pty Ltd has provided evidence that they are the current landholder of the premises (Part of mining tenements M59/406, M59/421 and M59/731, Yalgoo WA 6635). Evidence was provided in the form of a Deed of Assignment and Assumption between Fenix Shine Pty Ltd, DC Mines Pty Ltd and Mount Gibson Mining Limited, signed on 20

July 2023.

## 4. Conclusion

Based on the assessment in this transfer report, the Delegated Officer has determined that Fenix Shine Pty Ltd is a legal entity and a fit competent operator. The Delegated Officer will therefore transfer licence L9313/2021/1 to Fenix Shine Pty Ltd.

### 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
Cover page	Licence holder changed from Mount Gibson Mining Limited to Fenix Shine Pty Ltd.
	Registered business address and ACN changed to the new licence holders place of business
	Licence history table updated.