



Application for Licence

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

Licence Number	L9378/2023/1
Applicant	MLG Oz Limited
ACN	102 642 366
File number	DER2018/001042
Premises	King of the Hill Mine Part of mining tenement M37/429 Shire of Leonora WA 6438 As defined by the coordinates in Schedule 2 of the licence
Date of report	24 May 2023
Decision	Licence granted

MANAGER, RESOURCE INDUSTRIES

Officer delegated under section 20 of the Environmental Protection Act 1986

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9378/2023/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 Application summary and overview of premises

On 12 January 2023, MLG Oz Limited (the applicant) applied for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is for a Category 12 (Screening etc. of material) licence at the King of the Hill Mine, approximately 25 km east of Leonora in the North-eastern Goldfields of Western Australia. The premises is operated by MLG Oz Limited on tenure owned by Greenstone Resources (WA) Pty Ltd (Greenstone). The licence involves a reduction in the production capacity from 786,240 tonnes per annum in the works approval to 250,000 tonnes per annum.

The premises and associated screening activities were previously part of a larger project formally known as the Tarmoola Project, included in Licence L8345/2009/3 held by Greenstone. On 16 August 2022, licence L8345/2009/3 was amended to remove category 12 activities. The licence held by Greenstone is now for categories 6, 54 and 89 only. and the screening activities removed from L8345/2009/3 are now being undertaken by the applicant and authorised by this licence (L9378/2023/1).

On 24 August 2022, the department issued works approval W6692/2022/1 for Category 12 to the applicant. The applicant has demonstrated compliance of condition 1, 2 and 3 of the works approval in the compliance report submitted on 13 December 2022. The applicant has been operating under Time Limited Operations (TLO) approved under the works approval.

The premises relates to category 12 and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9378/2023/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9378/2023/1.

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 *Guideline: Risk Assessments* (DWER 2020).

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 operation which have been considered in this decision report are detailed in Table 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dust	Screening and transporting of sand and gravel materials; truck movements along unsealed roads, stockpiles of material waiting to be processed.	Air/windborne dispersion	<ul style="list-style-type: none"> Screening and crushing plant is fitted with dust suppression (water sprays) at all transfer points. Screening activities will not be undertaken during periods of strong wind. Dust suppression measures will be implemented, as necessary. Vehicles will travel at low speeds within the tenement areas to protect fauna, reduce dust and noise.
Noise	Screening activities from engine associated with the screening plant; surface mobile equipment and vehicles (including reversing alarms)	Air/windborne pathway	<ul style="list-style-type: none"> All vehicles and machinery will be regularly maintained to ensure they are operating optimally and not producing excess noise or emissions. Screening activities will not be undertaken during periods of strong wind. Vehicles will travel at low speeds within the tenement areas to protect fauna, reduce dust and noise. Exhaust and silencing systems have been installed and are functioning to manufacturer's standard.
Hydrocarbons	Accidents, breakdowns or malfunctions from surface mobile equipment and vehicles	Spillage and seepage to surface water and groundwater	<ul style="list-style-type: none"> Regular inspection (start and end of shift) of operating equipment will be undertaken to identify if any leaks are occurring.
			<ul style="list-style-type: none"> Use of drip trays if a leak is detected. If a drip tray cannot adequately contain a minor leak, operation of the

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			<p>machinery will cease until it can be repaired.</p> <ul style="list-style-type: none"> All vehicles and other equipment will be regularly maintained and will be stocked with appropriate spill kit equipment. Any contaminated material (e.g., hydrocarbon contamination soil) will be removed and disposed of at licensed facilities.
Sediment laden stormwater	Screening plant operation, waste rock	Overland runoff	No applicant controls

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

Table 2 and Figure 1 below provides a summary of potential human and environmental receptors that may be impacted because of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental Siting* (DWER 2020)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Aboriginal heritage: Tarmoola Hills <ul style="list-style-type: none"> Place ID: 21828 Type: Mythological 	1km north of the proposed operations
Aboriginal site: Wonder North Swamp 2 <ul style="list-style-type: none"> Place ID: 22444 Type: Natural feature, water source 	1.4 km north-west of the proposed operations
Aboriginal heritage: Wanangari Pool <ul style="list-style-type: none"> Place ID: 22420 Type: Camp, hunting place, natural feature, water source 	1.4 km south of the proposed operations
Aboriginal site: Lake Raeside/Sullivan Creek <ul style="list-style-type: none"> Place ID: 1741 Type: Mythological 	2.8 km west of the proposed operations
Environmental receptors	Distance from prescribed activity
Groundwater	Monitoring bores around TSF 4 A and TSF B east of the premises indicate the groundwater to be between 4 -12 mbgl in 2021. The average of groundwater TDS is 6800 (mg/L), indicating brackish water quality, and pH 8

Surface water	<p>The area of the proposed activities is in the catchment of 'unnamed southern creek b' with an area of 9 ha</p> <p>Geocortex¹ displays two minor surface water lines within 200 m of the proposed activities.</p>
Priority 1 flora: <i>Stenanthemum patens</i>	Within 2.5 km of premises

¹ The Department's mapping software

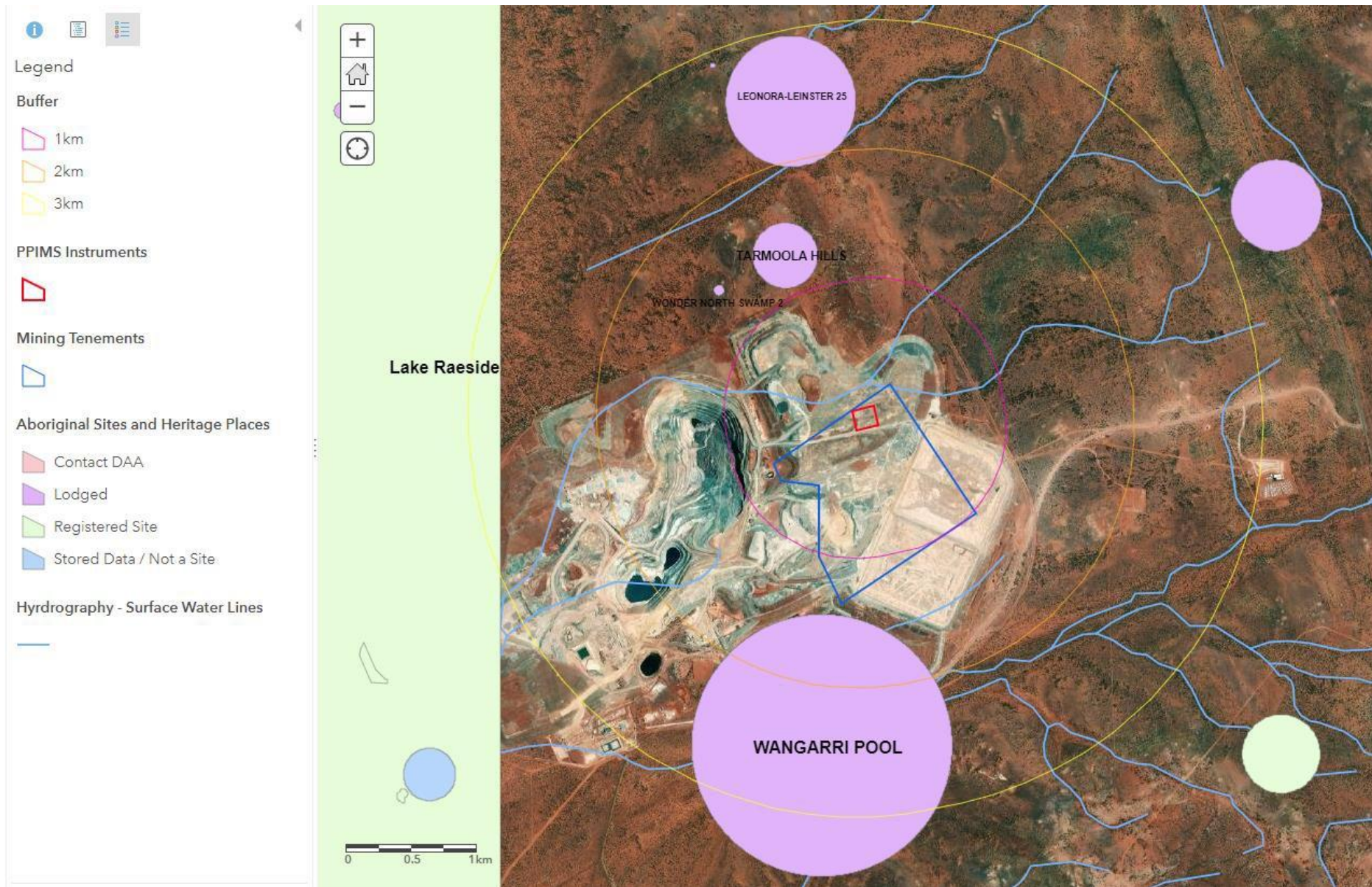


Figure 1: Distance to sensitive receptors

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IR-T13 Decision report template (short) v3.0 (May 2021)

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and considers potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9378/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. Category 12: Crushing and screening activities.

The conditions in the issued licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3: Risk assessment of potential emissions and discharges from the premises during operation

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
<ul style="list-style-type: none"> Screening/crushing and transporting of sand and gravel materials. Truck movements along unsealed roads Stockpiles of unprocessed and processed material 	Dust	Air / windborne pathway causing impacts to health and amenity of human receptors, as well as particulate drop out onto surface waters and vegetation causing potential detriment to water and vegetation quality/health..	<p>Nearby native vegetation health/<i>Stenanthemum patens</i>.</p> <p>Surface water</p>	Refer to Section 3.1	<p>C = Minor L = Possible Medium Risk</p>	Yes	Condition 1	N/A
<ul style="list-style-type: none"> Screening/crushing actives including engines associated with the screening plant Surface mobile equipment and vehicles 	Noise	Air/windborne pathway from the crushing pad causing reduced noise quality - causing impacts to health and amenity	Tarmoola Hills, Wonder North Swamp 2, Wanangari Pool, Lake Raeside/Sullivan Creek	Refer to Section 3.1	<p>C = Slight L = Unlikely Low Risk</p>	Yes	Condition 1	N/A
<ul style="list-style-type: none"> Accidents, breakdowns or malfunctions from surface mobile equipment and vehicles Waste rock 	Contaminated runoff (hydrocarbons and sediment)	Overland runoff potentially impacting surface water and groundwater quality and vegetation health.	<p>Surface water</p> <p>Groundwater</p> <p>Native vegetation/<i>Stenanthemum patens</i>.</p>	Refer to Section 3.1	<p>C = Minor L = Unlikely Low Risk</p>	No	<p>Condition 1</p> <p><u>Condition 2</u></p>	No applicant controls proposed for stormwater management. Condition 2 has been added to provide sufficient control is undertake during operations to prevent stormwater becoming contaminated.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

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

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4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 21/03/2023	None received	N/A
Local Government Authority Shire of Leonora advised of proposal on 21/03/2023	None received	N/A
Department of Mines, Industry Regulation and Safety (DMIRS) advised of proposal 21/03/2023	Comment received 28/03/2023. DMIRS has approved the mining proposal for crushing and screening at King of the Hills Mine.	Comment noted
Department of Planning, Lands and Heritage (DPLH) advised of proposal on 21/03/2023	Comment received 11/04/2023. DPLH confirmed the proposed infrastructure does not intersect with any known Aboriginal sites or heritage places, therefore approval under the <i>Aboriginal Heritage Act 1972</i> is not required. DPLH confirmed the application area falls within the Darlot Native Title Area with the Watarra Aboriginal Corporation Trustee Body Corporate.	Comment noted
Watarra Aboriginal Corporation (Registered Native Title Body Corporate) advised of proposal on 21/03/2023	None received	N/A
Applicant was provided with draft documents on 28/04/2023	None received DWER followed up with applicant 22/05/2023 however no response was received.	Licence granted without applicant comments being provided.

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
2. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. GHD Group Pty Ltd (GHD) 2020, *King of the Hills Gold Project Surface Water Management Plan*, Perth Western Australia
5. MLG Oz Limited 2023, *King of the Hill Crushing and Screening License Application Supporting Document*, Perth Western Australia
6. MLG Oz Limited 2023, *Licence Application Form – MLG Oz – King of the Hill Crushing*, Perth, Western Australia
7. RED 5 Limited 2021, *Annual Environmental Report – 2021 Greenstone Resources (King of the Hill) AER and AACR*, West Perth Western Australia. DWER reference number: DWERDT506818

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY						
Application type						
Licence	☒	Relevant works approval number:	W6692/2022/1	None	<input type="checkbox"/>	
		Has the works approval been complied with? (A2152995 DWER Compliant Letter sent)	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>			
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>			
		Environmental Compliance Report submitted? DWERDT699616	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
		Date Report received: 13 December 2022				
Date application received	12 January 2023					
Applicant and Premises details						
Applicant name/s (full legal name/s)	MLG Oz Limited					
Premises name	King of the Hill Mine					
Premises location	M37/429					
Local Government Authority	Shire of Leonora					
Application documents						
HPCM file reference number:	DER2022/000018					
Key application documents (additional to application form):	<p>All supplied in the REF: DWERDT710811</p> <ul style="list-style-type: none"> • License Fee Calculator • Occupier Status • ASIC Company Information • Premises Map • Siting and Location • Licence Application Supporting Document 					
Scope of application/assessment						
Summary of proposed activities or changes to existing operations.	<p><u>New Licence:</u></p> <p>Works Approval (W6692/2022/1) allowed for crushing and screening unit to be moved to current position within the Prescribed Premise boundary and has been operating under the Time Limited Operation (TLO) conditions as set out in the Works Approval.</p> <p>Operations conducted on site will be crushing and screening via mobile plant. Waste rock is sourced from a closed Waste Rock Dump at the King of the Hills Gold Project mine and hauled to MLG's crusher pad via existing site haulage roads, where the material is crushed and screened into appropriate material for sale.</p> <p>Licence application requests for the operation of the plant to be transferred to a licence held by MLG for the life of the Project.</p>					

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 12 - Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	Assessed 786,240 tonnes per annum (works approval)	Proposed (Licence): 250,000 tonnes per annum in application
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 checked="" 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: N/A EPA Report No: N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: N/A
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 checked="" type="checkbox"/> Expiry: - M37/76 expire 20/05/2028 - M37/410 expires 23/22/2035 - M37/429 expires 22/02/2036 Other evidence <input type="checkbox"/> Expiry:
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? Premises is part of mining tenement – exempt from planning approval under <i>the Mining Act 1978</i> .
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 No clearing is proposed.

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 No clearing is proposed.
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: N/A Licence/permit No: GWL6377, GWL204011 and GWL204012
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: Goldfields Groundwater Area Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Regional office: Goldfields
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: P1 / P2 / P3 / 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, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • Mining Act 1978 • Environmental Protection (Noise) Regulations 1997 • Rights in Water and Irrigation Act 1914
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 type="checkbox"/>	CSS site ID: 3649 Classification: Possibly contaminated - investigation required Date of classification: 6 Sep 2016