



Application to transfer a works approval

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

Works Approval Number	W6442/2020/1
Applicant	Fenix Shine Pty Ltd
ACN	668 900 061
File Number	DER2020/000431
Premises	Shine Iron Ore Project Crushing and Screening Plant Part of mining tenements M59/406 and M59/421 YALGOO WA 6635 As defined by the coordinates in Schedule 2 of the works approval
Date of Report	23 August 2023
Decision	Works approval transfer granted

**A/SENIOR ENVIRONMENTAL OFFICER, INDUSTRY REGULATION
REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

The Delegated Officer has determined to transfer Works Approval W6442/2020/1 to Fenix Shine Pty Ltd.

The decision report for the existing works approval 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 works approval, 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

Works Approval W6442/2020/1 is currently held by Mount Gibson Mining Limited (Works Approval holder) for the Shine Iron Ore Project Crushing and Screening Plant (the Premises), located part of mining tenements M59/406 and M59/421 (as shown in Figure 1 of works approval W6442/2020/1).

On 1 August 2023, Fenix Shine Pty Ltd submitted an application to transfer Works Approval W6442/2020/1 from Mount Gibson Mining Limited.

The Premises relates to Category 5: Processing or beneficiation of metallic or non-metallic ore. The assessed production capacity under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which are defined in Works Approval W6442/2020/1.

3. Assessment

3.1 Incident Complaints Management System search

Searches within the department's 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 works approval 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 works approval 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 works approval 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 and M59/421, 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 works approval W6442/2020/1 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 works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
Cover page	Works approval holder changed from Mount Gibson Mining Limited to Fenix Shine Pty Ltd.
	Typographical amendment from “Shire” to “Shine”
	Amendment to the DWER file number
	Registered business address and ACN updated to new works approval holder business address
	Works approval history table added.