



Application to transfer a works approval

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

Works approval number	W6641/2022/1
Works approval holder	Iluka Rare Earths Pty Ltd
ACN	654 487 662
Registered business address	Level 17, 240 St Georges Terrace PERTH WA 6000
DWER file number	DER2022/000035~1
Premises	Eneabba Mineral Sands Mine Part of Mining Lease M267SA ENEABBA WA 6518 As defined by the premises maps attached to the issued works approval
Date of report	14 February 2023
Decision	Works approval granted

MANAGER, PROCESS INDUSTRIES REGULATORY SERVICES

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

Table of Contents

1. Decision summary	3
2. Scope of assessment	3
2.1 Regulatory framework	3
2.2 Application summary and overview of premises	3
3. Assessment	3
4. Decision	3
5. Conclusion	4
5.1 Summary of amendments	4
 Table 1: Summary of licence amendments	 4

1. Decision summary

The Delegated Officer has determined to transfer works approval W6641/2022/1 from the existing licence holder (Iluka Resources Limited) to Iluka Rare Earths Pty Ltd (the applicant).

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

Iluka Resources Limited currently holds works approval W6641/2022/1 for the operation of Eneabba Mineral Sands Mine (the premises), located in Eneabba as Part of Mining Lease M267SA.

On 14 December 2022, Iluka Rare Earths Pty Ltd submitted an application to the department to transfer works approval W6641/2022/1 under section 64 of the EP Act. The application is limited to transferring the works approval holder details, including the works approval holder name, ACN and registered address.

Boundary Changes

The applicant is undergoing a corporate re-organisation as a result of a Loan Agreement with Export Finance Australia. As a consequence of the restructure, Iluka Eneabba Ltd will be the holder of ML 267SA (State Agreement), M70/879 (Mining Act) and M70/821 (Mining Act); and Iluka Rare Earths Ltd will hold a sublease over part of ML 262SA and M70/821 which will cover the infrastructure authorised for construction and time limited operations under W6641/2022/1. The applicant has applied for the premises boundary of W6641/2022/1 to align with the boundary of the land subject to the sublease. No new construction or operations are proposed for this works approval and any changes are administrative only in nature.

3. Assessment

The assessment of transfer applications requires the determination of whether the new occupier meets the Department's fitness and competency requirements. Further, the applicant must provide documentary evidence of the date they became occupier of the premises.

Legal entity and occupancy status

The applicant is a registered company with a valid and current entry on the Australian Securities & Investments Commission register (ACN 654 487 662) and is therefore a legal entity. The applicant holds a sublease over part of ML 262SA and M70/821.

Fitness and competency

The applicant advises it has not been convicted or paid a penalty for an offence under a provision of the EP Act or its subsidiary legislation or similar environmental protection legislation in Australia.

4. Decision

The Delegated Officer has determined to transfer works approval W6641/2022/1 to Iluka Rare Earths Pty Ltd on the grounds it is a current legal entity with legal access to the premises and

has no known convictions.

5. Conclusion

Based on the assessment in this transfer report, the Delegated Officer determined to transfer the works approval to Iluka Rare Earths Pty Ltd.

5.1 Summary of amendments

Table 1 below provides a summary of the amendments incorporated into the transferred licence and will act as a record of implemented changes.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
Cover page	Change of 'Licence Holder', 'ACN and 'Registered business address' Updated format to current licence template
Licence history	Updated to capture licence history since June 2022.
Schedule 1: Maps, Figure 1	Updated to new map provided in the application.
Schedule 1: Maps, Figure 4	Updated to new map provided in the application.
Schedule 2: Boundary coordinates	Updated to revised boundary coordinates provided in the application.