



Application for Works Approval

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

Works Approval Number	W6812/2023/1
Applicant	BHP Iron Ore Pty Ltd
ACN	008 700 981
File number	DER2023/000349~1
Premises	Yeerabiddy Mobile Screening Plant Part of Miscellaneous Licences L47/92 and L47/95 As defined by the premises maps attached to the issued works approval in Schedule 1 and by the coordinates in Schedule 2.
Date of report	3 August 2023
Decision	Works approval granted

A/MANAGER, RESOURCES INDUSTRIES

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

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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 construction and operation of the premises. As a result of this assessment, works approval W6812/2023/1 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 24 May 2023, BHP Iron Ore Pty Ltd (the applicant) submitted an application for a works approval to the department under section 54 of the *Environmental Protection Act 1986* (EP Act).

The purpose of the application is to allow BHP Iron Ore Pty Ltd to undertake construction works and time limited operations of a mobile crushing and screening plant so track maintenance works at Yeerabiddy can be undertaken where a specific particle size requirement is needed for general fill material. Approximately 45,000 tonnes of material will be required, and it is estimated that the plant will be operational for approximately five months. The premises is approximately 21.5km east of BHP Packsaddle Camp and the boundary of the prescribed premises is presented within Schedule 1 and Schedule 2 of the works approval W6812/2023/1.

The premises relates to the category and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in works approval W6812/2023/1. 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 works approval W6812/2023/1.

Clearing will be conducted under the Native Vegetation Clearing Permit (NVCP) CPS 7009/3 (Rail Strategic NVCP). The works will be within the boundary of BHP's Commonwealth Strategic Environmental Assessment (SEA).

2.3 Project timing

The applicant intends to operate the mobile crushing and screening plant during the limit time operation phase of the works approval which will be active for 180 days. It is understood by the department that the applicant expects the works to take approximately 5 months (150 calendar days) to obtain enough material to undertake railway maintenance. If the works are expected to exceed the time limited operations of 180 days, the applicant will be required to apply for a licence or registration to continue operating the mobile crushing and screening plant.

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 construction and time limited operation which have been considered in this decision report are detailed in Table 1. 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
Construction			
Dust	Construction of the mobile crushing and screening plant	Air / wind dispersion	Dust will be managed via the use of a dedicated 15kL water cart.
Noise			Works will be adjacent to active rail operations. The activity will be in a remote location and restricted to daylight hours.
Operation			
Dust	Operation of the mobile crushing and screening plant	Air / wind dispersion	Dust from roads and stockpiles will be managed via the use of a dedicated 15kL water cart.
Noise			Works will occur adjacent to active rail operations. The activity will be in a remote location and restricted to daylight hours.
Sediment laden water		Surface water runoff	Windrows will be installed around the facility to prevent the stormwater entry and runoff water from exiting from the facility. In addition, the existing rail infrastructure will act as a barrier to reduce the risk of water entering the local watercourse.
Hydrocarbon spills and leaks		Direct discharge to land	No controls proposed by applicant

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 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 (*Guideline: Environmental Siting* (DWER 2020)).

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

Human receptors	Distance from prescribed activity
Hope Downs 4 Accommodation Camp	<p>The Hope Downs 4 Accommodation Camp is located over 20km in a south-southwest direction for the prescribed premises.</p> <p>This receptor has been screened out from the risk assessment due to the distance from the premises.</p>
Marillana Homestead	<p>Marillana Homestead is located over 40km northeast from the prescribed premises.</p> <p>This receptor has been screened out from the risk assessment due to the distance from the premises.</p>
Environmental receptors	Distance from prescribed activity
Off-site Native Flora	<p>Native flora is adjacent to the east, south and west of the proposed prescribed premises.</p>
Threatened and Priority Fauna	<p>One Vulnerable fauna species is located 3.9kms south-east from the proposed Premises (<i>Macroderma gigas</i> (Ghost Bat)).</p> <p>The applicant has also identified that an active Ghost bat cave has been identified 850m north-east of the proposed Prescribed Premise.</p>
Threatened Ecological Community (TEC)	<p>The Weeli Wolli Spring is located approximately 4.6km south-east and is classified as a Priority 1 Ecological Community by the Department of Biodiversity, Conservation and Attractions (EPA, 2018).</p> <p>Due to the spatial distance from the proposed Prescribed Premise and the receptor the TEC will not be considered as a receptor for this assessment.</p>
Non-perennial water course	<p>Occurs approximately 370m south of the site.</p>

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account 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 works approval 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.

Works approval W6812/2023/1 that accompanies this decision report authorises construction and time-limited operations. The conditions in the issued works approval, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

A licence or registration is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the ongoing operation of the premises i.e. Screening activities.

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

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Construction								
Movement of machinery / vehicles, earthworks and placement of infrastructure	Noise	<p>Potential Pathway:</p> <ul style="list-style-type: none"> Noise generated via activity being transported offsite with aid by wind to the receptor. <p>Potential Impacts:</p> <ul style="list-style-type: none"> Disruption to fauna dwellings causing vacation of habitat. 	Threatened and Priority Fauna: Active Ghost bat cave identified 850m north-east from site.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Yes	N/A	N/A
	Dust	<p>Potential Pathway:</p> <ul style="list-style-type: none"> Significant dust generated via activity being transported offsite with aid by wind to the receptor. <p>Potential Impacts:</p> <ul style="list-style-type: none"> Dust emissions deposited off-site on a receptor can lead to impacts to ecosystem health. 	Native vegetation	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Yes	N/A	N/A
Operation (including time-limited operations)								
<ul style="list-style-type: none"> Screening, crushing, unloading, loading and storage of material, and Vehicle movements 	Noise	<p>Potential Pathway:</p> <ul style="list-style-type: none"> Noise generated via activity being transported offsite with aid by wind to the receptor. <p>Potential Impacts:</p> <ul style="list-style-type: none"> Potential impact to fauna roosting behaviour 	Threatened and Priority Fauna: Active Ghost bat cave identified 850m north-east from site	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Yes	N/A	<p>The departments risk assessment identified the source-pathway-receptor linkages as medium risk.</p> <p>There may be some minor noise during operation of the mobile crushing and screening plant and associated movement of raw and processed material. Given the location of the screening plant which is located adjacent to active rail operations, the short term operating period (5 months) and the transitory nature of Ghost bats in the immediate area it is unlikely that a significant impact will occur from noise emissions.</p> <p>Advice from DBCA also supports this conclusion: <i>'DBCA noted that it appears that the proposed activities have some potential to impact ghost bats within the nearby cave. However, DBCA considers that the proposed activities and its duration, including potential impacts from noise and dust, are unlikely to result in a significant risk or impact on nearby ghost bats.'</i></p>

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
								Potential impacts to Ghost bats have also been addressed as part of a Validation Notice for the broader rail maintenance program. Therefore, it has been determined that no additional regulatory controls are required to manage this risk event.
	Dust	Potential Pathway: <ul style="list-style-type: none"> Dust generated via activity being transported offsite with aid by wind to the receptor. Potential Impacts: <ul style="list-style-type: none"> Dust emissions deposited off-site on a receptor can lead to an impact. 	Native vegetation	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Yes	Condition 6	N/A
<ul style="list-style-type: none"> Excess water used for dust control during all onsite activity including stockpile dust management, and large rainfalls creating stormwater 	Sediment laden water runoff	Potential Pathway: <ul style="list-style-type: none"> Sediment transported offsite via excess water runoff. Potential Impacts: <ul style="list-style-type: none"> Disruption of waterway and drainage lines due to the addition of extra sediment potentially diverting or blocking water bodies. Degradation of adjacent and nearby native vegetation via smothering. 	A non-perennial water body is located approximately 370m south-east of the site Adjacent native vegetation	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Yes	Condition 6	N/A
<ul style="list-style-type: none"> Hydrocarbon spills / leaks from plant and/or spills while refuelling 	Hydrocarbons	Potential Pathway: <ul style="list-style-type: none"> Direct discharge to land Potential impacts: <ul style="list-style-type: none"> Contamination of soil and/or damage to native vegetation 	Localised soil Adjacent native vegetation	N/A	C = Slight L = Possible Low Risk	No	<u>Condition 7</u>	Hydrocarbon spills and leaks were not identified within the works approval holder's application. Condition 7 provides a requirement for the works approval holder to immediately clean up any spills or leaks. General provisions of the <i>Environmental Protection Act 1986</i> also apply.

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.

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 19 June 2023	None received	N/A
Local Government Authority advised of proposal on 14 June 2023	None received	N/A
Department of Planning Lands and Heritage (DPLH) advised of proposal on 14 June 2023	DPLH responded to the Departments request for advice on 31 July 2023. DPLH noted that the project development area does not intersect with any known Aboriginal Cultural Heritage. DPLH also mentioned that the project area is within the Banjima People's Native Title Determination area and the proponent holds a registered Comprehensive Agreement ILUA (Prescribed Body Corporate) with Banjima.	Noted and considered in assessment.
Department of Biodiversity Conservation and Attractions (DBCA) were advised with the intent to request for advice regarding the ghost bat cave on 14 June 2023.	DBCA responded to the Departments request for advice on 30 June 2023. DBCA noted that it appears that the proposed activities have some potential to impact ghost bats within the nearby cave. However, DBCA considers that the proposed activities and its duration, including potential impacts from noise and dust, are unlikely to result in a significant risk or impact on nearby ghost bats.	Noted and considered in assessment.
Native Title Holder advised of proposal on 14 June 2023	None received	N/A
Applicant was provided with draft documents on 31 July 2023	The applicant reviewed the draft documents and responded to the Department on 3 August 2023 – No comments were made and the applicant has waived the remainder of the 21-day comment period.	Noted.

5. Conclusion

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

References

1. BHP (2023a), Rail Operations – Yeerabiddy Mobile Crushing and Screening Plant. Application for a Works Approval Supporting Documentation (Including Information relating to Attachments 1 to 11).
2. BHP (2023b), Ghost Bat Research Plan Year Five Results.
3. BHP (2023c), BHP Pilbara Strategic Assessment, Validation Notice Mooka Rail Works *Draft for comment*, 19 April 2023.
4. DCCEEW (2023), Recommendation Report: Findings in response to the Five year review of BHP Billiton Iron Ore’s Pilbara strategic assessment program, Department of Climate Change, Energy, the Environment and Water, Canberra, April 2023. CC BY 4.0.
5. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
6. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
7. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
8. DWER (2023), Works approval number W6812/2023/1.
9. EPA (2018), Evaluation program report: Evaluating the environmental condition of Weeli Wolli Creek., February 2018.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY						
Application type						
Works approval	<input checked="" type="checkbox"/>					
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:		None	<input type="checkbox"/>	
		Has the works approval been complied with?			Yes	<input type="checkbox"/>
		Has time limited operations under the works approval demonstrated acceptable operations?			Yes	<input type="checkbox"/>
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?			Yes	<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 type="checkbox"/>	Current licence number:				
		Relevant works approval number:		N/A	<input type="checkbox"/>	
Registration	<input type="checkbox"/>	Current works approval number:		None	<input type="checkbox"/>	
Date application received		24 May 2023				
Applicant and Premises details						
Applicant name/s (full legal name/s)		BHP Iron Ore Pty Ltd				
Premises name		N/A Applicant Proposed Name: "Yeerabiddy Mobile Screening Plant"				
Premises location		Miscellaneous Licences L47/92 and L47/95				
Local Government Authority		Shire of East Pilbara				
Application documents						
HPCM file reference number:		DER2018/001042-9~33				
Key application documents (additional to application form):		<ul style="list-style-type: none"> Application for a Works Approval including supporting documentation (Including Information relating to Attachments 1 to 11). 				

Scope of application/assessment

<p>Summary of proposed activities.</p>	<p>Overview</p> <p>BHP Iron Ore Pty Ltd (BHP) intend to conduct track maintenance works at Yeerabiddy. To complete the scope of works BHP requires fill material which is planned to be source from borrow pits. BHP estimates that they will need to produce approximately 45,000 tonnes of refined material for the project.</p> <p>Construction</p> <p>In order to achieve this BHP intend to construct the mobile crushing and screening plant on the western side of the MAC/Yandi Rail Spur.</p> <p>Construction will involve:</p> <ul style="list-style-type: none"> • A pad for the plant • Windrows around the facility <p>Commissioning</p> <p>Commissioning will not be required as the plant is fully mobile and once in location can simply be turned on.</p> <p>Operation</p> <p>The mobile crushing and screening plant has a maximum design capacity of approximately 100,000 tonnes per annum. BHP intends to operate the plant for approximately five months to achieve the required amount of material for the scope of works.</p>
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Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Proposed production or design capacity	N/A
Category 70: Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	50,000 tonnes per year.	N/A

Legislative context and other approvals

<p>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?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Referral decision No: N/A Managed under Part V <input checked="" type="checkbox"/> Assessed under Part IV <input type="checkbox"/></p>
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<p>Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Ministerial statement No: N/A EPA Report No: N/A</p>
<p>Has the proposal been referred and/or assessed under the EPBC Act?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Reference No: N/A BHP's Commonwealth Strategic Environmental Assessment applies to this area. In 2017, BHP gained environmental approval for its iron ore mining, associated infrastructure development and closure activities in the Pilbara for 100 years. This approval was granted by the commonwealth minister for the environment under Part 10 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) (DCCEEW, 2023).</p>
<p>Has the applicant demonstrated occupancy (proof of occupier status)?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input checked="" type="checkbox"/> Expiry: L 47/92, Exp: 18/12/2023 L 47/95, Exp: 23/08/2043 Other evidence <input type="checkbox"/> Expiry:</p>
<p>Has the applicant obtained all relevant planning approvals?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>	<p>Approval: N/A Expiry date: N/A Small scale project and occurs near BHP rail line on BHP tenements.</p>
<p>Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>CPS No: 7009/3 Clearing Permit 7009/3 provides L 47/92 and L47/95 as a property that can be cleared and clearing can take place for the purpose of: "Railway construction, maintenance and associated activities." The clearing permit was granted from the EPA under section 51E of the EPA 1986.</p>

		Clearing will be completed via mechanical means during November 2023
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 type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A The site is located in the Pilbara Surface Water Area.
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: N/A Type: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office:
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</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • <i>EPA (Unauthorized discharges) Regulations 2004</i> • <i>Environmental Protection (Noise) Regulations 1997</i> • <i>Mining Act 1978</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> • <i>Aboriginal Cultural Heritage</i>

		<i>Act 2022</i> <ul style="list-style-type: none"> • <i>State Agreement Act: Iron Ore (Moundt Goldsworthy) Agreement Act 1964</i>
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 type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A