



# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:** Urban Resources Pty Ltd

**Licence:** L8868/2014/1

**Registered office:** Unit 4, 127 Melville Parade  
COMO WA 6152

**ACN:** 121 043 034

**Premises address:** Maralla Road Sand Mine  
Part of Lot 5892 Maralla Road  
BULLSBROOK WA 6084  
Being the whole of Mining Tenement M70/326

**Issue date:** Thursday, 21 May 2015

**Commencement date:** Monday, 25 May 2015

**Expiry date:** Sunday, 24 May 2020

**Prescribed premises category**

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
05	Processing or beneficiation of metallic or non-metallic ore: premises on which – (a) Metallic or non-metallic ore is crushed, ground, milled or otherwise processed; (b) Tailings from metallic or non-metallic ore are reprocessed; or (c) Tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam.	50 000 tonnes or more per year	150,000 tonnes per annual period

**Conditions**

This Licence is subject to the conditions set out in the attached pages.

Date signed: 21 May 2015

.....  
Officer delegated under section 20  
of the *Environmental Protection Act 1986*



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## Introduction

This Introduction is not part of the Licence conditions.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

### Licence requirements

This Licence is issued under Part V of the Act. Conditions contained within the Licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the Licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link: <http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You must comply with your Licence. Non-compliance with your Licence is an offence and strict penalties exist for those who do not comply.



Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

**Licence fees**

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non-payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

**Ministerial conditions**

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

**Premises description and Licence summary**

Urban Resources Pty Ltd (Urban) proposed Maralla Road sand mine is located on Mining Tenement M70/326, part of Lot 5892, Maralla Road, Bullbrook. Brajkovich Holdings and Stefanelli Nominees privately own the land with a sand mining lease granted to Urban. The tenement lies within the City of Swan, approximately 1.5 km north of the newest subdivision in Ellenbrook.

Mined material (sand) will be dry screened via a mobile screening plant which will move around the mining area in stages. This mobile screening unit incorporates three way split scalping, screening and stockpiling. Vegetation is separated from sand (≤ 1 mm) with waste material returned to the pit floor for rehabilitation activities.

The tenement is located on the highly permeable sands of the Bassendean Dune systems, which have very high infiltration rates with minimal to no surface runoff observed. Areas of wetland communities and lower depressions between the dune systems can exhibit some pooling of surface water, however, other than areas of high or permanent groundwater intrusion, only temporary ponding is experienced. One conservation category listed wetland (dampland) mapped as part of the Geomorphic Wetlands of the Swan Coastal Plain dataset occurs within the north east portion of the tenement.

The majority of the tenement is declared as an Environmentally Sensitive Area (ESA). ESAs are areas where vegetation usually has high conservation values and exemptions under the clearing regulations do not apply. The clearing of native vegetation has been previously assessed and approved as part of the original *Environmental Protection Act 1986 - Part IV* process in 1988. Rehabilitation of the premises will be subject to a Mine Closure Plan approved by the Department of Mines and Petroleum.

The nearest high density residential area (Ellenbrook) is located approximately 1.5km to the south of the site, with two semi-rural residents approximately 850 m to the north and east of the operations. The key potential emissions associated with the operation of the site are noise, dust and contaminated stormwater. The relatively basic nature of the operations proposed as well as the management commitments made by Urban Resources result in the potential environmental risk of the operations being assessed as low.

Works Approval W5694/2014/1 was issued on 4 September 2014 for the construction of the Urban site. This Licence is for the operation of a new facility established under works approval W5694/2014/1.

Instrument log		
Instrument	Issued	Description
W5694/2014/1	4/09/2014	New Works Approval application
L8868/2014/1	21/05/2015	New Licence

**Severance**

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

**END OF INTRODUCTION**



## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

**'Act'** means the *Environmental Protection Act 1986*;

**'annual period'** means the inclusive period from 1 July until 30 June in the following year;

**'CEO'** means Chief Executive Officer of the Department of Environment Regulation;

**'CEO'** for the purpose of correspondence means;

Manager Licensing (Resource Sector)  
Department of Environment Regulation  
Locked Bag 33  
CLOISTERS SQUARE WA 6850  
Telephone: (08) 9333 7510  
Facsimile: (08) 9333 7550  
Email: industry.regulation@der.wa.gov.au;

**'code of practice for the storage and handling of dangerous goods'** means document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time;

**'controlled waste'** has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

**'dangerous goods'** has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

**'environmentally hazardous material'** means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

**'fugitive emissions'** means all emissions not arising from point sources;

**'Licence'** means this Licence numbered L8868/2014/1 and issued under the Act;

**'Licensee'** means the person or organisation named as Licensee on page 1 of the Licence;

**'Premises'** means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated; and

**'Schedule 2'** means Schedule 2 of this Licence unless otherwise stated.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.



- 1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

## 1.2 General conditions

- 1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

- 1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

- 1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the code of practice for the storage and handling of dangerous goods.

- 1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

- 1.2.5 The Licensee shall:

- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
- (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.<sup>1</sup>

Note1: The *Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.

## 1.3 Premises operation

There are no specified conditions relating to Premises operation in this section.



## **2 Emissions**

### **2.1 General**

2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit or target specified in any part of section 2 of this Licence.

### **2.2-2.4 Point source emissions to air, surface water and groundwater**

There are no specified conditions relating to point source emissions to air, surface water or groundwater in these sections.

### **2.5 Emissions to land**

There are no specified conditions relating to emissions to land in this section.

### **2.6 Fugitive emissions**

2.6.1 The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.

2.6.2 The Licensee shall ensure that no visible dust generated by the activities of the Premises crosses the boundary of the Premises.

### **2.7 Odour**

There are no specified conditions relating to odour in this section.

### **2.8 Noise**

There are no specified conditions relating to noise in this section.



### 3 Monitoring

#### 3.1 General monitoring

There are no specified conditions relating to monitoring in this section.

#### 3.2-3.5 Monitoring of point source emissions to air, surface water, ground water and land

There are no specified conditions relating to monitoring of point source emissions to air, surface water, ground water or land in this section.

#### 3.6 Monitoring of inputs and outputs

3.6.1 The Licensee shall undertake the monitoring in Table 3.6.1 according to the specifications in that table.

<b>Table 3.6.1: Monitoring of inputs and outputs</b>		
<b>Output</b>	<b>Units</b>	<b>Frequency</b>
Final product transported offsite	Tonnes	Monthly

#### 3.7 Process monitoring

There are no specified conditions relating to process monitoring in this section.

#### 3.8 Ambient environmental quality monitoring

There are no specified conditions relating to ambient environmental quality monitoring in this section.

#### 3.9 Meteorological monitoring

There are no specified conditions relating to meteorological monitoring in this section.



## 4 Improvements

There are no specified improvement conditions in this section.

## 5 Information

### 5.1 Records

5.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
  - (i) off-site environmental effects; or
  - (ii) matters which affect the condition of the land or waters.

5.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.

5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

### 5.2 Reporting

5.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

<b>Table 5.2.1: Annual Environmental Report</b>		
<b>Condition or table (if relevant)</b>	<b>Parameter</b>	<b>Format or form<sup>1</sup></b>
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2





### 5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

<b>Table 5.3.1: Notification requirements</b>			
<b>Condition or table (if relevant)</b>	<b>Parameter</b>	<b>Notification requirement<sup>1</sup></b>	<b>Format or form<sup>2</sup></b>
2.1.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5pm of the next usual working day.  Part B: As soon as practicable	N1
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution		

Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act

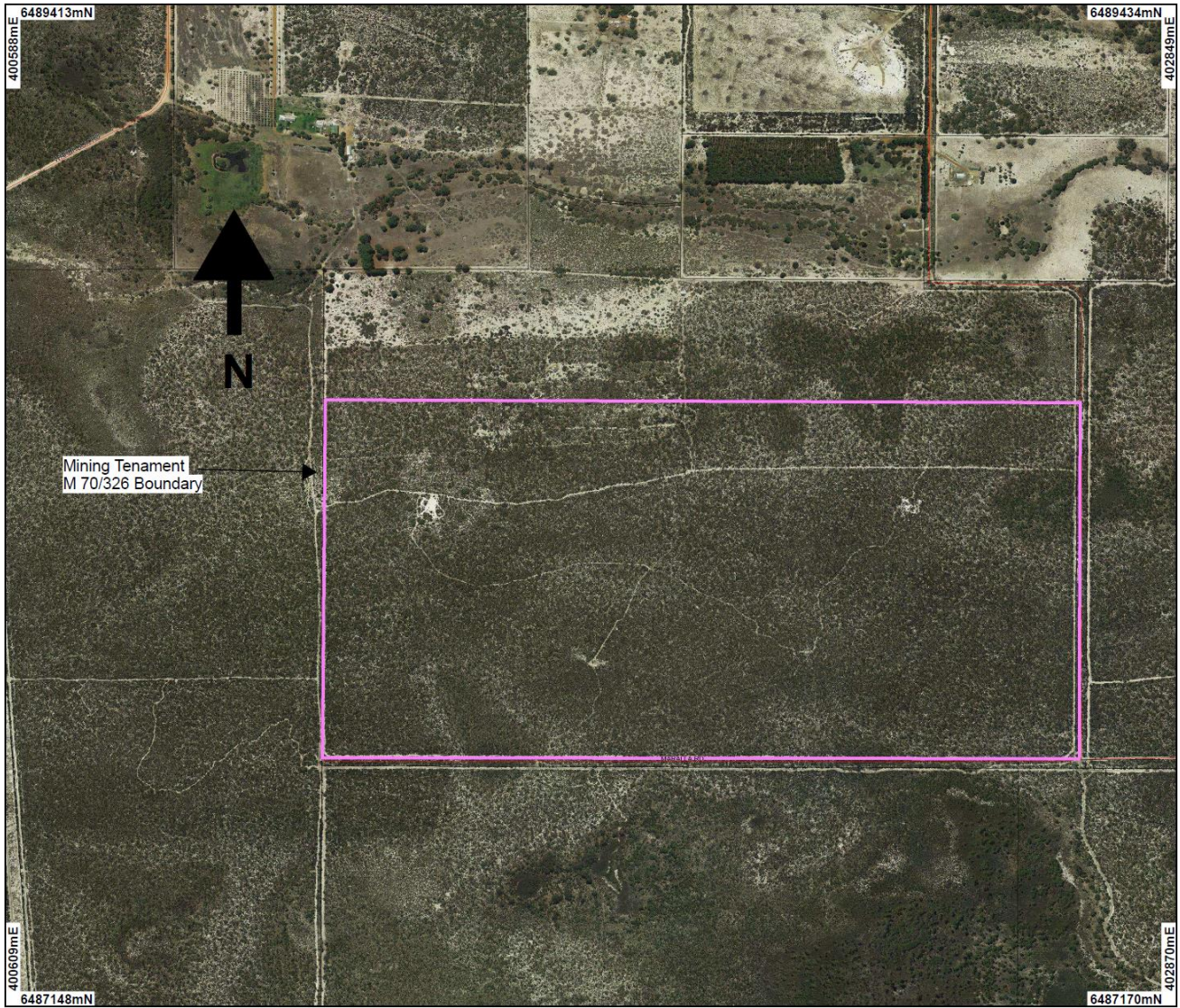
Note 2: Forms are in Schedule 2



## Schedule 1: Maps

### Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.





## Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

### ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

#### SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

#### STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes  Please proceed to Section C

No  Please proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:





## SECTION B

### DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes	<input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____
<input type="checkbox"/> No	
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the non compliance, and what was the environmental impact:	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram):	
g) Cause of non compliance:	
h) Action taken, or that will be taken to mitigate any adverse effects of the non compliance:	
i) Action taken or that will be taken to prevent recurrence of the non compliance:	

Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



## SECTION C

### SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

SEAL (if signing under seal)



Licence: L8868/2014/1  
Form: N1

Licensee: Urban Resources Pty Ltd  
Date of breach:

**Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.**

These pages outline the information that the operator must provide.  
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

**Part A**

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

<b>Notification requirements for the breach of a limit</b>	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

<b>Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution</b>	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	



## Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Urban Resources Pty Ltd	
Date	



# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** Urban Resources Pty Ltd

**Licence:** L8868/2014/1

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**Registered office:** Unit 4, 127 Melville Parade  
COMO WA 6152

**ACN:** 121 043 034

**Premises address:** Maralla Road Sand Mine  
Part of Lot 5892 Maralla Road  
BULLSBROOK WA 6084  
Being the whole of Mining Tenement M70/326

**Issue date:** Thursday, 21 May 2015

**Commencement date:** Monday, 25 May 2015

**Expiry date:** Sunday, 24 May 2020

### **Decision**

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue a Licence. DER considers that in reaching this decision, it has taken into account all relevant considerations and legal requirements and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by:

Jamie Piotrowski  
Licensing Officer

Decision Document authorised by:

Danielle Eyre  
Manager Licensing – Resource Industries





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## 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application for a works approval or licence, and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

### **Works approval and licence conditions**

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

#### **Standard conditions (SC)**

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

#### **Optional standard conditions (OSC)**

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

#### **Non-standard conditions (NSC)**

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



## 2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/>	New Licence <input checked="" type="checkbox"/>
	Licence amendment <input type="checkbox"/>	Works Approval amendment <input type="checkbox"/>
Activities that cause the premises to become prescribed premises	<b>Category number(s)</b>	<b>Assessed design capacity</b>
	5	150 000 tonnes per annual period
Application verified	Date: 16 December 2014	
Application fee paid	Date: 31 December 2014	
Works Approval has been complied with	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
Compliance Certificate received	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/> N/A <input type="checkbox"/>
Commercial-in-confidence claim	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Referral decision No:	
	Managed under Part V <input type="checkbox"/>	
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Assessed under Part IV <input checked="" type="checkbox"/>	
	Ministerial statement No: 024	
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	EPA Report No: 318	
	Department of Water consulted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<p>If Yes include details of which EPP(s) here. <i>Environmental Protection (Gnangara Mound Crown Land) Policy 1992</i>. The level and quality of groundwater, native vegetation and wetlands are protected in this area</p>		
<p>Is the Premises subject to any EPP requirements? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Environmental quality objectives to be met as per Schedule 1 of the Policy. No contaminants to be discharged into the area. Mining shall only be undertaken in accordance with authorisation under the Act or any written law. Groundwater shall only be abstracted in accordance with authorisation under the Act or any written law.</p>		



### 3 Executive summary of proposal and assessment

Urban Resources Pty Ltd (Urban) proposed Maralla Road sand mine is located on Mining Tenement M70/326, part of Lot 5892, Maralla Road, Bullbrook. Brajkovich Holdings and Stefanelli Nominees privately own the land with a sand mining lease granted to Urban. The tenement lies within the City of Swan, approximately 1.5 km north of the newest subdivision in Ellenbrook.

The process will involve cleaning and sizing the sand to various grades via mobile dry screening (150,000 tonnes per annum).

Mined material (sand) will be dry screened via a mobile screening plant which will move around the mining area in stages. This mobile screening unit incorporates three way split scalping, screening and stockpiling. Vegetation is separated from sand ( $\leq 1$  mm) with waste material returned to the pit floor for rehabilitation activities. The company are planning to add a wet screen beneficiation plant to the operations in the future.

Water for the operation will be tankered onsite as needed.

The topography of the site ranges from 50 – 70 m Australian Height Datum (AHD) - in the middle of the tenement is a small hill with a ridge line of approximately 70 m AHD, which falls to approximately 50 m AHD at the northern and southern boundaries of the tenement.

The tenement is located on the highly permeable sands of the Bassendean Dune systems, which have very high infiltration rates with minimal to no surface runoff observed. Areas of wetland communities and lower depressions between the dune systems can exhibit some pooling of surface water, however, other than areas of high or permanent groundwater intrusion, only temporary ponding is experienced. One conservation category listed wetland (dampland) mapped as part of the Geomorphic Wetlands of the Swan Coastal Plain dataset occurs within the north east portion of the tenement.

The proposal is to mine silica sand material to within 2 m of the historical maximum water level that has been recorded by the Department of Water (DoW) and referenced as part of the Perth Groundwater Atlas. The operation proposes to have a minimum 2.75 m separation depth between excavation and highest anticipated groundwater level for 2007.

The majority of the tenement is declared as an Environmentally Sensitive Area (ESA). ESA's are areas where vegetation usually has high conservation values and exemptions under the clearing regulations do not apply. The clearing of native vegetation has been previously assessed and approved as part of the original *Environmental Protection Act 1986 - Part IV* process in 1988. Rehabilitation of the premises will be subject to a Mine Closure Plan approved by the Department of Mines and Petroleum.

The nearest high density residential area (Ellenbrook) is located approximately 1.5km to the south of the site, with two semi-rural residents approximately 550-600 m to the north of the northern extent of the ord to be mined.

The key potential emissions associated with the operation of the proposal are noise, dust and contaminated stormwater. The relatively basic nature of the operations proposed as well as the management commitments made by Urban Resources result in the potential environmental risk of the operations (as detailed in the Decision Table below) being assessed as low.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE				
Works Approval/Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
General conditions	L 1.2.5	OSC	<p><b>Operation</b></p> <p><u>Emission description</u>  <i>Emission:</i> Potential spillage of hydrocarbons associated with refuelling of equipment (emergency situation).  <i>Impact:</i> Potential contamination of surrounding land and soil with impacts to ecosystems from hydrocarbons.  <i>Controls:</i> No bulk storage of liquid hydrocarbons or other hazardous substances will occur on site. Fuel will be delivered to site daily via a self-contained re-fuelling truck. On-site refuelling of vehicles and machinery will be undertaken within a site compound complex and will be carried out over a constructed hardstand area.</p> <p><u>Risk Assessment</u>            Consequence: Moderate            Likelihood: Unlikely            Risk Rating: Moderate</p> <p><u>Regulatory controls</u>            Standard conditions will be included in the licence to ensure that hazardous materials are stored in accordance with the appropriate Code of Practice so that any spills and contaminated stormwater are managed appropriately. OSC 1.2.5 will be included in the operating licence to require the appropriate management of stormwater on the site.</p>	General provisions of the <i>Environmental Protection Act 1986</i> .



DECISION TABLE				
Works Approval/ Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p><u>Residual Risk</u>  <i>Consequence:</i> Minor  <i>Likelihood:</i> Unlikely  <i>Risk Rating:</i> Moderate</p>	
<b>Emissions general</b>	L2.1.1	OSC	Descriptive limits will be set through the licence relating to dust emissions, and therefore OSC regarding recording and investigation of exceedances of limits or targets has been included.	N/A
<b>Point source emissions to air including monitoring</b>	L2.2 and L3.2	N/A	<p><b>Operation</b>            There are not expected to be any point source emissions to air from the premises under normal operating conditions.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i>.</p> <p>Application supporting documentation.</p>
<b>Point source emissions to surface water including monitoring</b>	L2.3 and L3.3	N/A	<p><b>Operation</b>            There are not expected to be any point source emissions to surface water from the premises under normal operating conditions.            There is a Conservation Category Wetland (CCW) category – “dampland” located in the north-eastern portion of the site. This area (including a 50m buffer) has been excluded from the construction and operational areas of the proposal.</p> <p>No specific conditions relating to surface water emissions or the monitoring of the same are required for inclusion.</p>	<p>Application supporting documentation.</p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations, 2004.</i></p>
<b>Point source emissions to groundwater including monitoring</b>	L2.4 and L3.4	N/A	<p><b>Operation</b>            There are not expected to be any point source emissions to groundwater from the premises under normal operating conditions.            Water quality is not expected to be impacted by operations and direct point source emissions to groundwater are not expected. Water quality monitoring of groundwater will be required under Department of Water approvals, but does not form part of this assessment. The prescribed operations will maintain a minimum separation of 2.75 m above the highest groundwater table level.</p>	<p>Application supporting documentation.</p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations, 2004.</i></p>



DECISION TABLE				
Works Approval/ Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
<b>Emissions to land including monitoring</b>	L2.5 and L3.5	N/A	<p><b>Operation</b></p> <p>There are not expected to be any point source emissions to land from the premises under normal operating conditions.</p> <p>Extraction and processing of product using the dry screening method will not produce any emissions that require discharging.</p>	<p>Application supporting documentation</p> <p><i>Environmental Protection (Unauthorised Discharges) Regulations, 2004.</i></p>
<b>Fugitive emissions</b>	L2.6.1-2.6.2	OSC	<p><b>Operation</b></p> <p><u>Emission Description</u></p> <p><i>Emission:</i> Potential dust from topsoil stripping, sand excavation, vehicle movements, screening and drying operations, and stockpiling and loading.</p> <p><i>Impact:</i> Reduced local air quality that could impact amenity and human health, potential impacts on surrounding vegetation.</p> <p><i>Controls:</i> Mitigated by the separation distance (approximately 550 m) to the nearest sensitive receptors. A dust management plan has been developed as part of the mining proposal with measures to include wetting down of dust generating areas, monitoring of operations, minimising cleared areas, rehabilitation of disturbed areas as soon as practicable after mining, not operating during strong/adverse wind conditions, restricting speed limits on site, trucks covering loads, management of stockpile heights and slopes to reduce wind pickup and the recording, investigation and follow-up actions associated with any complaints. Additionally, dust management measures in the processing area will include enclosure of sand transfer points with dust extraction and filters to be installed where appropriate.</p> <p><u>Risk Assessment</u></p> <p><i>Consequence:</i> Minor</p> <p><i>Likelihood:</i> Possible</p> <p><i>Risk Rating:</i> Moderate</p>	<p><i>Environmental Protection (Unauthorised Discharges) Regulations, 2004.</i></p> <p><i>Maralla Road Dust Management Plan – Urban Resources Pty Ltd 2015</i></p> <p>Application supporting documentation</p>



DECISION TABLE				
Works Approval/ Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p><u>Regulatory Controls</u> Both OSC 2.6.1 and 2.6.2 dust conditions will apply to the licence. It should be noted that the effectiveness of the dust management plan is dependent on water being tankered onto site as needed.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Moderate</p>	
<b>Odour</b>	L2.7	N/A	<p><b>Operation</b> There are not expected to be any odour emissions under normal operating conditions and as such, specific conditions relating to odour have not been included in the licence.</p>	N/A
<b>Noise</b>	L2.8	N/A	<p><b>Operation</b></p> <p><u>Emission Description</u> <i>Emission:</i> Noise from screening plant and beneficiation operations, backup diesel generator (when operational) and vehicle movements. No crushing or blasting will be undertaken on site. <i>Impact:</i> Unacceptable noise emissions affecting health and wellbeing of people at nearest sensitive receptors. Excessive noise may also cause disturbance to fauna inhabiting nearby areas. <i>Controls:</i> Potential noise impacts will be partially mitigated by separation distance (approximately 550 m) to the nearest residence – in line with EPA Guidance Statement 3 (Extractive industry/screening – 500 m buffer). Equipment will utilise appropriate silencing mechanisms and will be properly maintained at all times. Reversing safety alarms will be monitored and operated at the lowest audible setting to reduce potential impacts.</p> <p><u>Risk Assessment</u> <i>Likelihood:</i> Possible <i>Consequence:</i> Insignificant</p>	<p><i>Environmental Protection (Noise) Regulations, 1997.</i></p> <p>EPA Guidance Statement No. 3 - Separation Distances Between Industrial and Sensitive Land Uses, 2004.</p> <p>Acoustic Assessment for Maralla Road - HSA</p> <p>Application supporting documentation</p>





DECISION TABLE				
Works Approval/ Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p><i>Risk rating: Low</i></p> <p><u>Regulatory Controls</u> Specific conditions to regulate noise emissions are not considered necessary as the premises is subject to the <i>Environmental Protection (Noise) Regulations 1997</i>. A complaints register and a complaints management procedure will be incorporated as a condition of the operating licence. An acoustic assessment has been undertaken and maximum noise levels are modelled to be within the levels allowed in the Noise Regulations.</p> <p><u>Residual Risk</u> <i>Likelihood: Possible</i> <i>Consequence: Insignificant</i> <i>Risk rating: Low</i></p>	
<b>Monitoring general</b>	W3 L3	N/A	No general monitoring conditions are required in the works approval or licence. Routine monitoring of groundwater levels - to be reported to the Department of Water – form part of the requirements of Ministerial Statement 024 and fall outside of the scope of this assessment process.	N/A
<b>Monitoring of inputs and outputs</b>	W3 L3.6.1	N/A OSC	<p><b>Construction</b> No specified conditions relating to monitoring of input and outputs are required on the works approval.</p> <p><b>Operation</b> Monitoring of inputs and outputs will be included as an OSC to enable the assessment of volumes of material processed against licence limits and categories permitted.</p>	N/A
<b>Process monitoring</b>	N/A	N/A	No specific conditions relating to process monitoring are required to be added to the works approval or licence.	N/A
<b>Ambient quality monitoring</b>	N/A	N/A	No specific conditions relating to ambient environmental quality monitoring are required to be included in the works approval or licence.	N/A





<b>DECISION TABLE</b>				
<b>Works Approval/ Licence section</b>	<b>Condition number W = Works Approval L= Licence</b>	<b>OSC or NSC</b>	<b>Justification (including risk description &amp; decision methodology where relevant)</b>	<b>Reference documents</b>
<b>Meteorological monitoring</b>	W3 and L3	N/A	No specific conditions relating to meteorological monitoring have been included in the works approval or licence. It should be noted that reporting of current weather conditions, in the case of a complaint being received, will be required as part of the licence conditions.	N/A
<b>Improvements</b>	L4	N/A	No specific conditions relating to improvements are included in the works approval or licence.	N/A
<b>Information</b>	L5.1 – L5.4	N/A	The standard conditions relating to provision of a compliance document have been included in the works approval.  Standard conditions relating to the management of records and complaints, notification requirements, the submission of an annual audit compliance report and annual environmental report will be included in the licence.	N/A
<b>Licence Duration</b>	N/A	N/A	The proposed life of the mine is 10-12 years, with an operating licence being required for the entire period. The licence will be issued for 5 years initially.	N/A



## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
5/01/2015	Application advertised in West Australian (or other relevant newspaper)	Three submissions received – See Appendix A	See Appendix A
06/05/2015	Proponent sent a copy of draft instrument	No comments were received.	n/a



## 6 Risk Assessment

*Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management*

**Table 1: Emissions Risk Matrix**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High



## Appendix A

### Submission/s

Three submissions were received by DER after the application was advertised. The submissions refer to the impacts that the operations are currently having on the submitter and the possible impacts that the granting of the licence will have in the future. These impacts are predominantly relating to noise, dust and groundwater impacts. The submitters also challenge the accuracy of the original Works Approval Decision Document.

#### Submitter 1

1. The submission states that the volume of truck movements through the site exceeds the operating conditions and occurs outside the operating condition's time limits. DER notes that the operating conditions in question are part of the Extraction Industry Licence (EIL) issued by the City of Swan and not part of DER's jurisdiction.
2. The submitter is concerned about the impacts dust may have on the drinking water source at their premises. L2.6.2 states that the licensee shall ensure visible dust from operations do not cross the premises boundary. Any generation of dust from activities outside the premises boundary from activities such as truck movements are not regulated by the DER.
3. The submitter is concerned about noise impacting on their lifestyle. The licensee will need to comply with the noise levels set in the Environmental Protection (Noise) Regulations 1997. An acoustic assessment on the activities was conducted by Herring Storer Acoustics in April 2015 and showed that the noise levels at the nearest sensitive premises would be compliant, even under a "worst case" scenario.

#### Submitter 2

1. The submission states that Urban Resources is under investigation by other statutory bodies in respect to their activities at the site. An issued licence under Part V of the EP Act does not allow the licensee to act outside the conditions of another licence or Act. DER does not consider the outcomes of unrelated investigations undertaken by other statutory authorities in assessing the emissions and discharges from the premises.
2. The submission states that Urban Resources does not have a licence to take water from DoW. Water will be used onsite for dust suppression and therefore is possibly needed to comply with licence conditions; however the company is not limited to water from a DoW licence and has confirmed they will be sourcing water from an offsite supplier.
3. The submission states that Urban Resources has breached its operating conditions over a number of years, citing operating times and daily truck movements. These matters are not part of the Part V licence and are dealt with through the local LGA, the City of Swan.
4. The submitter is concerned that the groundwater data is not up to date and thinks that the 2007 reading for maximum groundwater levels could be incorrect. The City of Swan deals with the depth of the extraction in the EIL. The works approval includes a condition that references the current groundwater level and compliance will be assessed against current data.
5. The submitter is concerned that the application for licence is for 500,000 tonnes/year. The application for licence is for a dry screen plant at 150,000 tonnes/year.
6. The submitter points out that the original Decision Document states that the nearest sensitive receptor is 1070 m from the premises boundary, neglecting a number of closer, rural premises. The submitter states that the nearest sensitive premises is 220 m to the north of



the site. The site is 220 m to the north of the cadastral boundary, but the licence premises boundary is actually the boundary for mining tenement M70/326, making the nearest sensitive premises approximately 500 m to the north. The Decision Document has been updated to reflect this.

7. The submitter is concerned about the clearing of native vegetation. This is not part of the Part V review process and in this case, has been dealt with via Ministerial Statement 024 (as noted by the submitter).

### Submitter 3

1. The submitter has asked DER to refuse the application for 270,000 tonnes/year, without adequate justification. This application is to operate a category 12 licence for a maximum throughput of 150,000 tonnes/year, as allowed by the extractive industry licence issued by the City of Swan.