



Licence Number L6593/1995/8

Licence Holder Kemerton Silica Sand Pty Ltd
ACN 067 603 552

File Number: DER2014/000467

Premises Kemerton Silica Sand Mine
Rhodes Road
WOKALUP WA 6221
Legal description –
Lot 250 on Plan 405458

Date of Amendment Tuesday, 3 July 2018

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act and follows.



Tim Gentle

Manager Licensing (Resource Industries)

Regulatory Services (Environment)

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

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
CEO	Chief Executive Officer CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
Delegated Officer	an officer under section 20 of the EP Act
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority (WA)
EP Act	<i>Environmental Protection Act 1986</i> (WA)
Existing Licence	the Licence issued under Part V, Division 3 of the EP Act and in force prior to this Notice
ha	hectare
Licence Holder	as specified at the front of this Notice
MS	Ministerial Statement
Notice	refers to this document
Prescribed Premises	has the same meaning given to that term under the EP Act
Premises	refers to the premises to which this Notice applies, as specified at the front of this Notice
State	Government of Western Australia

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Existing Licence issued under the EP Act for a Prescribed Premises as set out below. This Notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited to an amendment to the Prescribed Premises boundary. No other changes to the Existing Licence have been made.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*

Amendment description

This notice is the result of a written request by the Licence Holder to update the licence to reflect an amendment to the Prescribed Premises boundary following the transfer of land previously held by the Licence Holder to the State.

Background

The Premises is a silica sand dredging mine located approximately 35 km north-east of Bunbury and north of the Kemerton Industrial Park buffer zone. It was established in 1995 over 1,620 hectares (ha) of freehold land which includes regionally significant vegetation complexes and high wetland flora and fauna values.

The original proposal to mine was assessed by the Environmental Protection Authority (EPA Report 741) with the then Minister for Environment issuing a statement that the proposal can be implemented in October 1994 (Ministerial Statement 366). Key environmental conditions included the requirement for the vesting of six lakes covered by the former *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* to the State. The initial life-of-mine was estimated at 10 years.

In November 2005, the Licence Holder obtained authorisation under Ministerial Statement 703 (MS 703) to transfer the ownership of approximately 17 ha of land that contains the 'Muchea Limestone Communities' Threatened Ecological Community to the State, for the mining of two new parcels of land totalling approximately 13 ha (EPA Report 1183). In December 2012, the Licence Holder obtained authorisation for a further expansion of the mining area (283 ha) under Ministerial Statement 916, in return for transferring ownership of the remaining undisturbed KSS-owned land (845 ha) to the State for a conservation purpose (EPA Report 1425). The expansion has extended the life-of-mine by an estimated 50 years (based on current extraction rates).

Following protracted legal negotiations surrounding the land transfer process, the authorised timeframes for commencing the proposals has been extended– MS 703 was extended in 2013 through the issue of Ministerial Statement 920 (EPA Report 1454), and again in 2015 through the issue of Ministerial Statement 998 (EPA Report 1534). The land transfer was finalised in November 2017, with land titles released for the two new lots – Lot 251 which comprises the transferred land from KSS to the State as unallocated crown land (without a designated conservation purpose), and Lot 250 which comprises the remainder as KSS-owned mineable land.

Decision

The Delegated Officer has determined to amend the Prescribed Premises boundary consistent with the newly created Lot 250, as the Licence Holder no longer has legal access to the land that now constitutes Lot 251.

Amendment history

Table 2 provides the amendment history for L6593/1995/8.

Table 2: Licence amendments

Instrument	Issued	Amendment
L6593/1995/8	16/02/2017	Amendment Notice 1 – extend expiry date by 12 months.
L6593/1995/8	09/02/2018	Amendment Notice 2 – extend expiry date by 12 months.
L6593/1995/8	03/07/2018	Amendment Notice 3 – amend Premises boundary following land transfer required by MS916 (this Notice).

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 29 June 2018, and noted the proposed premises boundary did not match the cadastral boundary for the newly created Lot 250.

DWER response:

Although the mine access road forms part of Lot 250 (and is the Licence Holder's property), it is unrelated to the mining activities on the Premises and has therefore been excluded from the prescribed premises boundary.

Amendment

1. The "Premises address" on the covering page of the Existing Licence is amended by the deletion of the text shown in strikethrough below and insertion of the red text shown in underline below:

Kemerton Silica Sands Mine
Rhodes Road
WOKALUP WA 6221

Being ~~Lot 32 on Diagram 63554 and Lot 501 on Diagram 75018~~ Lot 250 on Plan 405458, as depicted in Schedule 1.

2. The "Premises map" in Schedule 1 of the Existing Licence is replaced by the map in Schedule 1 of this Notice.

Appendix 1: Key documents

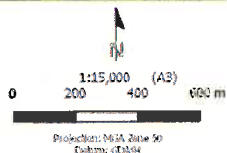
	Document title	In text ref	Availability
1	Licence L6593/1995/8 – Kemerton Silica Sand Mine	L6593/1995/8	accessed at www.dwer.wa.gov.au
2	EPA Report 741 – Kemerton Silica Sand mining proposal. Published 29 July 1994	EPA Report 741	accessed at www.epa.wa.gov.au
3	Ministerial Statement 366	MS 366	
4	EPA Report 1183 – Kemerton Silica Sand Mining Proposal, additional mining areas and transfer of land for conservation. Published 27 June 2005	EPA Report 1183	
5	Ministerial Statement 703	MS 703	
6	EPA Report 1425 – Extension of Kemerton Silica Sand Dredge Mining. Published 9 January 2012	EPA Report 1425	
7	Ministerial Statement 916	MS 916	
8	EPA Report 1454 – Kemerton Silica Sand Mining – inquiry under s46. Published 19 November 2012	EPA Report 1454	

9	Ministerial Statement 920	MS 920	
10	EPA Report 1534 – Kemerton Silica Sand Mining Proposal, additional mining areas and transfer of land for conservation. Published 22 December 2014	EPA Report 1534	
11	Ministerial Statement 988	MS 988	
12	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER, 2015a	accessed at www.dwer.wa.gov.au
13	DER, February 2017. <i>Guidance Statement: Risk Assessment</i> . Department of Environment Regulation, Perth.	DER, 2017a	
14	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER, 2017b	

Schedule 1: Maps

Premises map

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



KEMERTON SILICA SAND MINE

Premises map



Government of Western Australia
Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation does not guarantee that this map is without error of any kind and disclaims all liability for any errors, loss or other consequences which may arise from relying on any information depicted.