

Amendment Report

Application for Licence Amendment

Part V Division 3 of the Environmental Protection Act 1986

Licence Number	L7712/2001/8
Licence Holder	Doral Mineral Sands Pty Ltd
ACN	096 342 451
File Number	DER2015/000766-1
Premises	Picton Mineral Separation Plant
	Lot 6, 500 and 501 Harris Road
	PICTON WA 6229
	Legal description –
	Lot 6 on Diagram 61381, Lot 500 on Diagram 75572 and Lot 501 on Diagram 75572
	Certificate of Title Volume 1837 Folio 366, 368 and 369
	As defined by the Premises maps and coordinates in Schedule 1 and Schedule 2 of the Revised Licence
Date of Report	30 April 2021
Proposed Decision	Revised licence granted

A/MANAGER WASTE INDUSTRIES REGULATORY SERVICES

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

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1. Decision summary

Licence L7712/2001/8 is held by Doral Mineral Sands Pty Ltd (Licence Holder) for the Picton Mineral Separation Plant (the Premises), located at Lot 6, 500 and 501 Harris Road, Picton.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, Revised Licence L7712/2001/8 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, 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 Application summary

On 19 January 2021, the Licence Holder submitted an application to the department to amend Licence L7712/2001/8 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

 Removal of one ambient dust monitoring point (AQ1) from the western boundary of the premises.

The Licence Holder is seeking to remove the monitoring point as a recently installed storage shed prevents the location from meeting the separation distance requirements of *Australian Standard 3580.1.1 Guide to siting air monitoring equipment* (AS 3580.1.1). The Licence Holder considers that the height of the shed and location of the boundary prevent the monitor from being located with a 120° clear view and at the required separation distance from the building. An alternate location has not been proposed.

To implement the amendment the following changes are required in the licence:

- Condition 3.8.1 (Table 3.8.1) will require amendment to remove the AQ1 monitoring point; and
- The map of emission and monitoring points in Schedule 1 will require updating.

2.3 Part IV of the EP Act

The premises was formerly listed as a *Key Characteristic* of the Mineral Sands Mine, Dardanup proposal, authorised through Ministerial Statement 484 (MS 484). The premises was described as the processing location for dry separation for the proposal. MS 484 did not contain any conditions relating specifically to the premises or for the monitoring and management of dust emissions.

A change to proposal under s45C of the EP Act was approved on 19 January 2004 which removed reference to the premises from the *Key Characteristics Table* of MS 484.

2.4 Consolidation of Licence

As part of this amendment package the department has consolidated the licence by incorporating changes made under the Amendment Notices as summarised in Table 1.

Table 1: Licences consolidated in this amendment

Instrument	Issued	Summary of approval
L7712/2001/8	05/09/2014	Renewed licence granted
L7712/2001/8	29/04/2016	Notice of Amendment of Licence Expiry Dates
L7712/2001/8	02/02/2018	Amendment Notice 1 to include plant upgrade works completed under W5412/2013/1

The obligations of the Licence Holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence;
- deleted the redundant AACR form set out in Schedule 2 of the previous licence and advised the Licence Holder to obtain the form from the department's website;
- revised licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this Revised Licence are detailed in Section 5.1. Previously issued Amendment Notices will remain on the department's website for future reference and will act as a record of the department's decision making.

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 *Guidance Statement: Risk Assessments* (DER 2017).

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 operation which have been considered in this Amendment Report are detailed in Table 2 below. Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 2: Licence Holder controls

Emission	Sources	Potential pathways	Existing controls
Dust	Unloading, loading and storage of heavy mineral concentrate Vehicle movements	Air/windborne pathway	Damp storage of mineral concentrates; Weekly street sweeping of premises; Baghouse filter; Existing air emission limits and monitoring; and Management actions for air quality exceedances.

3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 3 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 (*Guidance Statement: Environmental Siting* (DER 2016)).

Table 3: Sensitive	human	and	environmental	receptors	and	distance	from	prescribed
activity								

Human receptors	Distance from prescribed activity
Nearest sensitive receptor to the premises	Approximately 360 m southeast of operational areas and 240 m southeast of the premises boundary.
Nearest sensitive receptor relevant to the amendment	Approximately 550 m northwest of the premises boundary.
Nearest industrial receptor	Approximately 10 m west of the premises boundary.
Environmental receptors	Distance from prescribed activity
East Picton Main Drain	Approximately 15 m southwest of the operational areas and dividing the premises into two land areas. Drains to the Ferguson River approximately 100m south of the premises.
	Unlikely to be relevant based on emission type and location of proposed change (western boundary).
Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region	Approximately 100 m south of operational areas and 15 m south of the premises boundary.
	Unlikely to be relevant based on emission type and location of proposed change (western boundary).



Figure 1: Human and environmental receptors surrounding the premises

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for those emission sources which are proposed to change 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 Licence Holder has proposed or existing 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 Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

The Revised Licence L7712/2001/8 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. processing, storage and handling of heavy mineral concentrate (Category 8 activities).

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Risk Event					Risk rating ¹	Licence Holder's		Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls	C = consequence L = likelihood	controls sufficient?	Conditions ² of licence	
Operation								
Unloading, loading and storage of heavy mineral concentrate Vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity	Nearest relevant sensitive receptor (550m northwest) Nearest industrial premises (10m west)	Refer to Section 3.1.1	C = Moderate L = Possible Medium Risk	Y	N/A Existing conditions of licence modified to implement amendment.	N/A

Table 4. Risk assessment of potential emissions and discharges from the Premises during operation

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Guidance Statement: Risk Assessments (DER 2017).

Note 2: Proposed Licence Holder's controls are depicted by standard text. Bold and underline text depicts additional regulatory controls imposed by department.

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5: Consultation

Consultation method	Comments received	Department response		
Local Government Authority advised of proposal (10 February 2021)	The City of Bunbury replied on 11 March 2021 stating that they had no comments from an environmental perspective and confirmed that they don't have any community complaints arising from the operation of the facility on record.	The information provided by the LGA has been considered in the assessment.		
	It was advised that development approval was issued for a 2,260 m ² storage shed at Lot 6 Harris Road under the Greater Bunbury Region Scheme and Local Planning Scheme No.8 on 9 November 2020.			
	A copy of the decision notice was attached for reference.			
Department of Mines, Industry Regulation and Safety (DMIRS) advised of proposal (10 February 2021)	DMIRS replied on 18 February 2021 stating that as the amendment relates to dust monitoring at a plant not located on <i>Mining Act 1978</i> tenure, they have no comments to provide.	N/A		
Department of Health (DoH) advised of proposal (10 February 2021)	DoH replied on 8 March 2021 stating that the current submission does not provide information about which DoH can draw conclusions about public health impacts at the closest sensitive receptor. The particulate matter parameters in the licence are not ones that can be used to readily assess health risk.	The Delegated Officer has sought information from the City of Bunbury regarding any community complaints received in relation to the premises. The response from the LGA is discussed above		
	The applicant reports that average dust concentration (2005 – 2020) at AQ1 of 63.5 μ g/m ³ (max 184.5 μ g/m ³). The dust concentration data suggest the potential for amenity impacts as DoH considers 90 μ g/m ³ (24hr) a measure of amenity impact.	and details that no complaints have been received. The Delegated Officer has sought internal technical advice from the department's Air Quality Branch. The advice notes the following:		
	DoH is not aware of any community complaints or public health issues arising from the operations of the facility, however recommends that DWER contact the Local Government EHO to complete their assessment.	 AQ1 can be removed in the short term, as the monitoring data from this location is considered to have limited value. 		
	Whilst DoH welcomes the improved storage of mineral sands product within an enclosed shed, DoH is unable to determine the risk to public health from dust emissions from the site, including to the west of the site, and therefore cannot assess the importance of retaining	 The dust monitoring program and licence conditions dealing with air monitoring should be reviewed in the future to ensure they remain current 		

Consultation method	Comments received	Department response
	compliance monitoring at the western perimeter (AQ1) of the facility. In addition, the site is subject to regular radiation monitoring from 34 radiation monitoring stations at the perimeter of the facility. DWER should formally consult Radiological Council relating to radiation health matters arising from this application.	and achieve their intended objectives. The Delegated Officer has sought comments from the Radiological Council and these are contained below.
Radiological Council advised of proposal (10 February 2021)	Radiological Council replied on 16 March 2021 stating that the premises is regulated through an approved Radiation Management Plan under the <i>Radiation Safety Act 1975</i> and is also regulated for radiation as a mining operation by the State Mining Engineer within the DMIRS under the <i>Mines Safety and Inspection Act</i> <i>1994.</i> The most recent version of the proponent's radiation management plan (4 January 2021) addresses ambient dust monitoring but indicates three locations, inclusive of the location in question at the western boundary. The removal of this location from the monitoring plan may be appropriate as the most sensitive receptor has been identified as being towards the south west of the site and one of the two remaining monitoring locations is situated at the south east boundary. However, this would need to be proposed by the proponent to the Radiological Council and State Mining Engineer as an amendment to the Radiation Management Plan.	The information provided has been considered in the assessment. The Delegated Officer notes that the Radiation Management Plan will require updating as a result of this amendment. It is the responsibility of the Licence Holder to ensure that the premises complies with approval requirements under other legislation.
Licence Holder was provided with draft amendment on (13 April 2021)	 Table 1: Biofilter Dam and Drop out Sump: The biofilter dam flows through to the Drop out Sump before discharging through W1. As this is not a containment facility, Doral consider that freeboard capacity may not be required. Water will discharge as stormwater collection occurs. Weekly inspections are considered sufficient to assess integrity. Table 3: Biofilter dam or Drop out sump is appropriate wording for the facilities dealing with stormwater treatment. Should the comments above be accepted, Doral would like to waive the 21 day consultation period to allow for the issue of the amended licence as soon as possible. 	The Operational requirements listed in Table 1 have been reviewed in consideration of the comments. The requirement for a daily inspection of the biofilter dam and drop-out sump is considered to be a misinterpretation when converting and consolidating the previous licence and amendments. The Delegated Officer has removed the daily inspection requirement from the biofilter dam and drop-out sump. Emission and discharge point names have been updated in consideration of the provided stormwater infrastructure information.

5. Conclusion

The Delegated Officer has reviewed advice received regarding dust monitoring at the premises and notes the following:

- Due to there being no history of dust complaints for the premises and the data collected from this monitoring location not being directly relevant for monitoring potential impacts to the nearest sensitive receptors, the western monitoring location (AQ1) can be removed from the licence.
- The Radiological Council has advised that the Licence Holder's Radiation Management Plan will require updating as a result of this amendment. It is the responsibility of the Licence Holder to ensure that the premises complies with requirements under other legislation.

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

The Department intends to undertake a review of the premises licence at a later date. The review will be specific to ambient air monitoring and emission limits within the licence and aim to improve and modernise the monitoring approach in-line with current guidance, methods and equipment. When it is determined that the review is to commence, the Department will:

- advise the Licence Holder of the review and seek comments; and
- advise direct interest stakeholders and seek comments.

5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Condition no.	Proposed amendments
6 (former Condition 3.8.1 and Table 3.8.1)	Removal of AQ1 from the monitoring locations listed in Table 5.
7 (former Condition 3.8.3 and Table 3.8.3)	Removal of AQ1 from the monitoring locations listed in Table 6.
12 (former Condition 3.8.3 and Table 3.8.3)	Removal of AQ1 from the monitoring locations listed in Table 9.
Schedule 1 Figure 2	Replacement with an updated figure.

Table 6: Summary of licence amendments

Table 7 provides a summary of the licence conditions consolidated and converted in this amendment and will act as a record of implemented changes. Conditions that were already removed through Amendment Notice 1 have not been listed. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Existing condition	Condition summary	Revised licence condition	Conversion notes			
N/A	Expiry Date: 04 September 2019	Expiry Date: 04 September 2034	In accordance with the Notice of Amendment of Licence Expiry Dates (29/04/2016)			
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation	Redundant condition. Revised to current licensing format.			
1.1.3	Australian or other standard	section and Definitions section				
1.1.4	Reference to code of practice					
1.3.1 Table 1.3.1	Containment infrastructure and process water requirements	Condition 1 Table 1	The containment infrastructure table was revised to the current licensing format of an infrastructure and equipment table. Additional infrastructure areas and monitoring equipment were included in the table.			
		Condition 3 Table 2	The process water requirements were placed within a separate waste processing condition and table in line with the current licensing format.			
1.3.3 Table 1.3.2	Inspection requirements	Condition 1 Table 1	Listed as an operational requirement for the process water ponds within Table 1.			
		Condition 2	Corrective actions listed as a standalone condition and linked to inspections through Table 1.			
		Condition 19	The inspection records requirement was incorporated into the current licensing format.			
1.3.5	Mechanisms to divert stormwater from specific areas of infrastructure	Condition 1 Table 1	Listed as operational requirements for the relevant infrastructure within Table 1.			
2.1.1	Record and investigate exceedances of limits or targets	Condition 9	Revised to current wording and linked specifically to Table 4 and 5.			
2.2.1 Table 2.2.1	Emission points to air	Condition 4 Table 3	Revised to current licensing format and combined into single point source emissions table.			

Existing condition	Condition summary	Revised licence condition	Conversion notes	
2.2.2 Table 2.2.2	Point source air emission limits	Condition 5 Table 4	Revised to current licensing format and combined into single point source emission limits table.	
2.3.1 Table 2.3.1	Emission points to water	Condition 4 Table 3	Revised to current licensing format and combined into single point source emissions table.	
2.3.2 Table 2.3.3	Point source water emission limits	Condition 5 Table 4	Revised to current licensing format and combined into single point source emission limits table.	
3.1.1	Standards relating to monitoring	N/A	Deleted from licence as a redundant condition. The relevant sampling and analysis methods are now listed within each table requiring monitoring.	
3.1.2	Time intervals for monitoring	Condition 14	Revised to current licensing format.	
3.1.3	Process monitoring	Condition 10	Revised to current licensing format.	
3.1.4	Calibration of monitoring equipment	Condition 15	Revised to current licensing format with reference to the specific monitoring conditions it applies to.	
3.1.5	Report to the CEO where calibration of monitoring equipment is unable to be done	Condition 18 Table 10	Included as a requirement for the Annual Environmental Report.	
3.2.1 Table 3.2.1	Monitoring of point source emissions to air	Condition 11 Table 8	Revised to current licensing format and combined into single point source emissions monitoring table.	
3.2.2	Air emissions monitoring method requirements	Condition 11 Table 8	Analysis methods incorporated into format of point source emissions monitoring table.	
3.2.3	NATA accreditation for sampling and analysis	Condition 13	Revised to current licensing format.	
3.3.1 Table 3.3.1	Monitoring of point source emissions to water	Condition 11 Table 8	Revised to current licensing format and combined into single point source emissions monitoring table.	
3.4.1 Table 3.4.1	Process monitoring	Condition 10	Revised to current licensing format	
3.8.1 Table 3.8.1	Monitoring of ambient air quality	Condition 12 Table 9	Revised to current licensing format and combined into single ambient environment monitoring table.	
3.8.2	Siting method for air monitoring equipment	Condition 1 Table 1	Included as an operational requirement for the air monitoring equipment.	
Table 3.8.2	Groundwater monitoring	Condition 12 Table 9	Revised to current licensing format and combined into single ambient environment monitoring table.	

Existing condition	Condition summary	Revised licence condition	Conversion notes
3.8.3 Table 3.8.3	Management actions for ambient	Condition 7 Table 6	Management actions and trigger revised to current licensing format.
air quality exceedances		Condition 8	Exemption from compliance with limit listed as standalone condition and linked to Table 5 and 6.
5.1.1	Records	Condition 19	Revised to current licensing format.
5.1.3	Annual Audit Compliance Report submission	Condition 17	Revised to current licensing format.
5.1.4	Complaints management	Condition 16	Revised to current licensing format.
5.2.1	Annual Environmental Report	Condition 18 Table 10	Revised to current licensing format and reporting requirements.
5.2.2	Annual Environmental Report requirements	Table 10	Revised to current licensing format and listed as requirements within Table 10.
5.3.1 Table 5.3.1	Notification requirements	N/A	Deleted from licence as a redundant condition.
Schedule 1: Maps	Premises map	Schedule 1: Maps	Revised to current licensing format and map updated
		Schedule 2: Premises boundary	Inclusion of boundary coordinates in line with current licensing format.
Schedule 2 Reporting & notifications	Annual Audit Compliance Report Form N1 Notification	N/A	Redundant attachment. Deleted from Licence Forms accessed at <u>www.dwer.wa.gov.au</u>

References

- 1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
- 2. DER 2016, Guidance Statement: Environmental Siting, Perth, Western Australia.
- 3. DER 2017, Guidance Statement: Risk Assessments, Perth, Western Australia.

Appendix 1: Application validation summary

Application type						
	\boxtimes	Current licence number:	L7712/2001/7			
Amendment to licence		Relevant works approval number:			N/A	\boxtimes
Date application received		19 January 2021				
Applicant and Premises details						
Applicant name/s (full legal name/s	;)	Doral Mineral San	ds Pty Lt	d		
Premises name		Picton Mineral Se	paration I	Plant		
Premises location	Lot 6 on Diagram 61381, Lot 500 and Lot 501 on Diagram 75572					
Local Government Authority		City of Bunbury				
Application documents						
HPCM file reference number:	DER2015/000766-1~1					
Key application documents (addition to application form):	Attachments to application form: - Proposed activities - Monitoring locations					
Scope of application/assessmen	t					
Summary of proposed activities or changes to existing operations.		 Removal of a fixed position dust monitoring station from the premises' western boundary. Newly installed infrastructure prevents the current location from meeting the separation distance requirements of AS 3580.1.1. An alternate location has not been proposed due to the space restriction on the western boundary. Changes required in the instrument: Condition 3.8.1 – Table 3.8.1 will require amendment to remove the AQ1 monitoring point. The monitoring point location map in Schedule 1 will require updating. 				
Category number/s (activities that	at ca	use the premises t	o becom	e prescrib	ed prem	ises)
Table 1: Prescribed premises cat	tegor	ies				
Prescribed premises category and description	As	ssessed production or esign capacity		production	on or	es to the design nents only)
Category 8: Mineral sands mining or processing	350 per	0,000 tonnes per annual riod		No chang	e propos	ed

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?	Yes 🗆	No 🖂	Referral decision No: Managed under Part V Assessed under Part IV
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes 🗆	No 🖂	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes 🗆	No 🛛	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes ⊠	No 🗆	Certificate of title ⊠ General lease □ Expiry: Mining lease / tenement □ Expiry: Other evidence □ Expiry:
Has the applicant obtained all relevant planning approvals?	Yes □	No 🗆 N/A 🖂	Approval: Expiry date: If N/A explain why? Not relevant to the amendment.
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes □	No 🖂	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes 🗆	No 🖂	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes □	No 🖂	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes 🗆	No 🖂	Name:BunburyGroundwaterAreaType:ProclaimedGroundwaterAreaHas Regulatory Services (Water)been consulted?Yes□No□N/ARegional office:South West

Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes □ No ⊠	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes □ No □ N/A ⊠
Is the Premises subject to any other Acts or subsidiary regulations (e.g. Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx)	Yes 🛛 No 🗆	Radiation Safety Act 1975
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes □ No ⊠	
Is the Premises subject to any EPP requirements?	Yes □ No ⊠	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes ⊠ No □	Elevated levels of radiation have been recorded in periodic monitoring at two locations at the perimeter of the site.
		Only Lot 6 and 500.
		Classification: possibly contaminated – investigation required (PC–IR)
		Date of classification: 16/08/2016