



Government of Western Australia
Department of Environment Regulation

Your ref: L8452/2010/2
Our ref: DEC9143
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Mr Greg Murray
Moore Sands Resources Pty Ltd
PO Box 1040
GUILDERTON WA 6041

Dear Sir

ENVIRONMENTAL PROTECTION ACT 1986 – AMENDMENT TO LICENCE L8452/2010/2

**Moore River Sands
GABBADAH WA 6041
Being Lot M801 on Plan 3109 as depicted in Schedule 1**

Further to my letter dated 18 July 2013, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 6467 5329 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely,

Ruth Dowd
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

15 August 2013

PPMS_TL0571v2.0



Licence

Environmental Protection Act 1986, Part V

Licensee: Moore Sands Resources Pty Ltd

Licence: L8452/2010/2

Registered office: Lot 801
Guilderton Road
GABBADAH WA 6041

ACN: 117 087 215

Premises address: Moore River Sands
Guilderton Road
GABBADAH WA 6041
Being Lot M801 on Plan 3109 as depicted in Schedule 1.

Issue date: Thursday, 26 May 2011

Commencement date: Tuesday, 5 July 2011

Expiry date: Monday, 4 July 2016

Amendment date: Friday, 16 August 2013

Prescribed Premises Category

Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Premises production or design capacity
12	Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	50 000 tonnes or more per year	50 000 tonnes per annual period.

Conditions of Licence

Subject to the conditions of licence set out in the attached pages.

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.

Who we are

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 protect and conserve the State's environment on behalf of the people of Western Australia.

Our industry licensing role

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 monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement 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 should 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 the Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

Moore Sands Resources Pty Ltd operates a screening plant at the Moore River Sands premises in Guilderton. The premise is located approximately 4km from the Guilderton town-site, on land that has been cleared and used for agricultural purposes for approximately 100 years. The Murray family own and operate the small-scale sand excavation business. The water table is estimated to be 150m deep in the area of operations and Moore River is located approximately 1km away.

Dust is controlled on-site by the use of a water truck. Diesel fuel is stored on-site and is contained within a bunded area. Past non-compliances relate to the acceptance of inert and greenwaste above threshold amounts. Environmental Field Notices have been issued in the past – the last one in 2004 to cease accepting waste until licensed to do so.

The crushing and screening of less than 50,000 tonnes per year was originally permitted under licence L7854/2003/1. However, L7854/2003/1 has since expired due to non-payment of fees has been replaced by L8452/2010/1.

This licence is the result of an amendment sought by DER to convert the existing licence to a new format REFIRE licence.

The licences and works approvals issued for the Premises since 01/01/2003 are:

Instrument log		
Instrument	Issued	Description
L7854/2003/1	30/06/2003	New licence
L8452/2010/1	30/04/2010	New licence
L8452/2010/2	26/05/2011	Licence amendment

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 In the Licence, unless the contrary intention appears:

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

"annual period" means the period from 1 January until 31 December in that year;

"Code of Practice for the Storage and handling of dangerous goods" means the Storage and handling of dangerous goods, Code of Practice, Department of Mines and Petroleum, Government of Western Australia;

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

"Director" means

Regional Leader, Industry Regulation, Swan Region
Department of Environment Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550
Email: Booragoon2@der.wa.gov.au;

"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;

"fugitive emissions" means all emissions not arising from point sources identified in Sections 2.2, 2.3, 2.4 and 2.5;

"Licence" means this licence numbered L8452/2010/2 and issued under the *Environmental Protection Act 1986*;

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

"placard quantity" has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

"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;

"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 current version of that standard.

1.1.4 Any reference to a Guideline or Code of Practice in the Licence means the current version of the Guideline or Code of Practice.

1.2 General conditions

1.2.1 Nothing in this Licence shall be taken to authorise any emission that is not mentioned in this 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 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 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.¹

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, and/or target in this section.

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 on 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

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

4 Improvements

There are no specified conditions relating to improvements 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 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 this Licence and has access at all times to this Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of this 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 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 Director at the Contact Address an Annual Environmental Report within 31 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.

Table 5.2.1: Annual Environmental Report

Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the annual period and any action taken.	None specified
5.1.3	Compliance	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 Director at the Contact Address and in accordance with the notification requirements of the table.

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

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

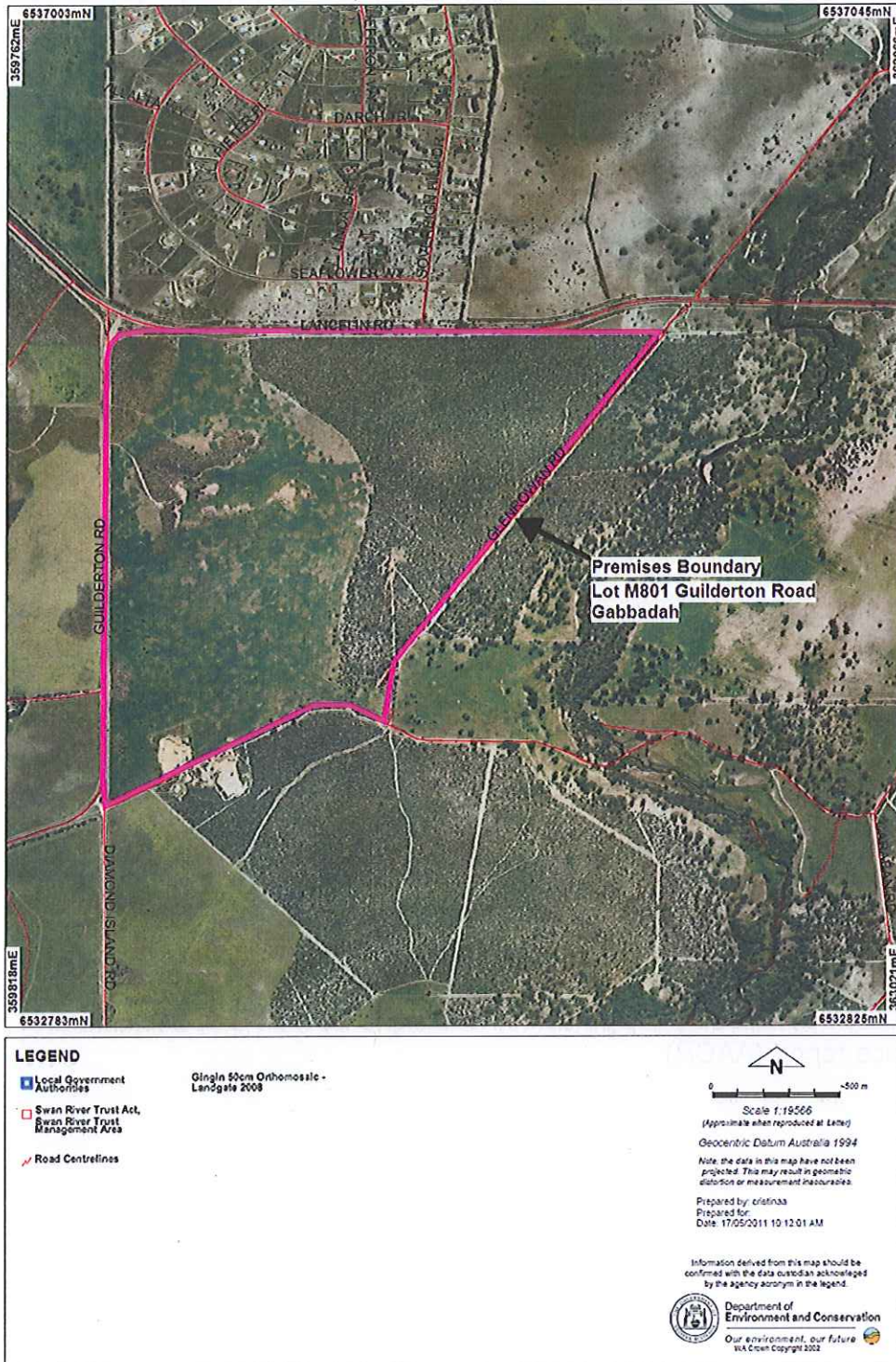
Note 2: Forms are in Schedule 2.



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 this licence. They can be requested in an electronic format.

Licence: L8452/2010/2 Licensee: Moore Sands Resources Pty Ltd
Form: AACR Period :
Name: Annual audit compliance report

Annual audit compliance report

Section A: Statement of compliance with licence conditions

Were all conditions of licence complied with within the annual period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then 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

a) Licence condition not complied with?	
b) Date(s) b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes, and <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 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	

Please use a separate page for each licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR must only be signed by a person(s) with legal authority to sign it as defined 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 AACR must be signed and certified:
an individual	<input type="checkbox"/>	by the individual licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or
	<input type="checkbox"/>	by two directors of the Licensee; or
	<input type="checkbox"/>	by a director and a company secretary of the Licensee, or
	<input type="checkbox"/>	if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/>	by the CEO of the Licensee; or
	<input type="checkbox"/>	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 AACR is correct and not false or misleading in a material particular.

Signature:

Name: (printed)

Position:

Date:

Signature:

Name: (printed)

Position:

Date:

Seal (if signing under seal)



Licence: L8452/2010/2
Form: N1

Licensee: Moore Sands 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	L8452/2010/2
Name of operator	Moore Sands Resources Pty Ltd
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
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	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
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 - to be submitted as soon as practicable

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 Moore sands Resources Pty Ltd	
Date	