



Application for Licence

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

Licence Number	L6798/1993/12
Applicant	T T Sand Pty Ltd
ACN	064 072 322
File Number	DER2015/000288-1
Premises	Mindijup Silica Sand Mine 570 Mindijup Road PALMDALE WA 6330 Being Mining Tenement M70/793 Legal description - Lot 5 on Diagram 62329 Certificate of Title Volume 1629 Folio 660 As defined by the premises map in Schedule 1 of the Licence
Date of Report	8 April 2021
Decision	Licence granted

Tracey Hassell

**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

The Delegated Officer has determined to renew the Licence for the Mindijup Silica Sand Mine, operated by TT Sand Pty Ltd (Licence L6798/1993/12). This Licence renewal is administrative only, to provide a new Licence expiry date and correct any administrative errors. Therefore, a risk assessment of the emissions and discharges associated with the Premises has not been undertaken.

This Decision Report documents the department's decision, and any updates made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The Decision Report for the previous Licence (L6798/1993/11) will remain on the department's website for future reference, and will act as a record of the department's decision making process.

2. Scope of assessment

2.1 Assessment framework

In completing the assessment documented in this Decision 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>.

The scope of this renewal is also influenced by Industry Regulation's internal work instruction *Covid-19 Licensing Position*, which specifies that where practicable renewals should be administrative only and constitute no further environmental assessment. Noting this, the renewal is to provide a new Licence period only, and to address any administrative errors on the Licence.

2.2 Licence renewal application summary

On 19 January 2021, T Sand Pty Ltd (Applicant) submitted to the department, an application to renew Licence L6798/1993/11 for the Mindijup Silica Sand Mine (the Premises).

As a part of this administrative renewal, the applicant has requested a change to the annual reporting period from 1 December – 30 November to 1 January – 31 December. The Delegated Officer considers this request acceptable as this change is administrative in nature and will not alter the risk profile of the Premises.

No changes to the Premises operations or activities are proposed as part of this Licence renewal application. The Department has aligned the expiry date of the new licence to the expiry of the Applicant's current mining lease for the Premises, being 8 June 2035.

3. Background

Mindijup Sand Mine is a silica sand mine located 40 km north-east of Albany. The mine was established in 1995 and is currently registered with the Department of Mines, Industry Regulation and Safety under mining tenement M70/793. The Premises is licensed under Category 5 – Processing or beneficiation of metallic or non-metallic ore to process up to 250,000 tonnes per annual period.

4. Other approvals

The Applicant has provided the following information relating to other approvals as outlined in Table 1.

Table 1: Relevant approvals

Legislation	Number	Approval
<i>Mining Act 1978</i>	M70/793	Mining Tenement issued by the Department of Mines, Industry Regulation and Safety on 9 June 1993.
<i>Environmental Protection Act 1986</i>	5511/2	Clearing Permit issued by the Department of Mines, Industry Regulation and Safety on 23 May 2013.
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	2012/6472	Clearing permit issued by the Department of Agriculture, Water and the Environment on 27 May 2013.

5. Licence history

Table 2 provides the Licence history for the Premises.

Table 2: Licence history

Date	Reference number	Summary of changes
25/01/1996	L6534/1	First licence issued by EPA.
06/03/1997	L6798/1	Licence issued by DEP.
17/06/1998	L6798/2	Licence reissued.
09/03/1999	L6798/3	Licence reissued.
18/04/2000	L6798/4	Licence reissued.
12/04/2001	L6798/5	Licence reissued.
16/04/2002	L6798/6	Licence reissued for 2 years.
29/04/2004	L6798/7	Licence reissued.
05/04/2005	L6798/8	Licence reissued.
01/10/2009	L6798/1993/9	Amendment to remove category 12, adjust annual reporting dates, addition of AACR condition and removal of ambient water quality monitoring conditions.
01/04/2010	L6798/1993/10	Licence reissued.
19/03/2015	L6798/1993/11	Licence reissued for 5 years. Converted to new format.
08/04/2021	L6798/1993/12	Licence renewal

5. Consultation

Table 3 provides a summary of the consultation undertaken by the department.

Table 3: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website (04/03/2021)	No comments received.	N/A
Local Government Authority advised of proposal (05/03/2021)	The Coordinator Planning Services responded on 09/03/2021 and has advised that the subject site is zoned Priority Agriculture under the City's Local Planning Scheme No.1 and has confirmed development approval P93100 for Mineral Sands Exploration issued on 04/07/1993 currently applies to the site. It is also noted that the City does not have any records on file of complaints received relating to the facilities operations. (DWERDT425293)	Noted.
Department of Mines, Industry Regulation and Safety (DMIRS) advised of proposal (05/03/2021)	No comments received.	N/A
Applicant was provided with draft documents on 01/04/2021	Written correspondence received on 01/04/2021 advising there are no comments and a request to waive the 21-day comment period. (DWERDT434969)	Renewed instrument to be granted.

6. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that the application to renew licence L6798/1993/12 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

6.1 Summary of amendments

Table 4 provides a summary of administrative updates made to the Licence and will act as a record of implemented changes.

Table 4: Administrative changes to conditions in this Licence renewal

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions in Table 3	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A Interpretation section	Redundant condition. Revised to current licensing format.
1.1.4	Guideline or code of practice	N/A	Redundant condition. Revised to current licensing format.
1.2.1	General condition - emissions	N/A	Previous Licence Condition 1.2.1 has been removed from the licence as it was not consistent with DWER (DER's) <i>Guidance Statement: Setting Conditions</i> as it relates to general advice rather than explanatory statement and not a valid or enforceable condition. The Delegated Officer considers that impacts from emissions can be sufficiently regulated under section 49 of the <i>Environmental Protection Act 1986</i> (is an offence to cause pollution and unreasonable emissions).
1.2.2	General condition – Equipment maintenance	N/A	Previous Licence Condition 1.2.2, relating to the maintenance of pollution control and monitoring equipment, has been removed as it was not consistent with DWER (DER's) <i>Guidance Statement: Setting Conditions</i> in that the condition was not enforceable as the specific equipment or internal management system endorsed was not clearly designated.
1.2.3	General condition – environmentally hazardous materials	N/A	Previous Licence Condition 1.2.3, relating to the storage of environmentally hazardous material in accordance with the code of practice for the storage and handling of dangerous goods has been removed as it related to a code of practice which is not administered by DWER. The storage of dangerous goods is regulated by the Department of Mines Industry Regulation and Safety.

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.2.4	General condition - Recovery and removal of spills	N/A	Redundant condition removed from licence. The Delegated Officer considers that spills can be sufficiently regulated under the <i>EP (Unauthorised Discharges) Regulations 2004</i> .
2.1.1	General condition - Record and investigate exceedances of limits or targets	N/A	Redundant condition. Deleted from Licence.
2.6.1	Management of dust emissions	Condition 1	New numbering.
2.6.2	Prevention of dust across premises boundary	Condition 2	New numbering.
5.1.1	Record-keeping	Condition 3	Updated to new format.
N/A	Records	Condition 4	New standard administrative condition added to specify record-keeping.
5.1.2	Person in charge	Condition 5	New numbering.
5.1.3	Annual Audit Compliance Report	Condition 6	New numbering
5.1.4	Complaints management	Condition 7	Updated to new format.
5.2.1 Table 5.2.1	Annual Environmental Report	Condition 8 Table 1	New numbering.
5.3.1 Table 5.3.1	Notification requirements	Condition 9 Table 2	New numbering.
Schedule 1: Maps	Premises Map	Figure 1	Aerial map has been updated.
Schedule 2: Reporting & Notification forms	Annual Audit Compliance Form N1 Form	N1 Form	AACR proforma has been removed from the Licence. Licence Holder advised to obtain this updated form from the Department's website.

References

1. Department of Environment Regulation (DER) July 2015. *Guidance Statement: Regulatory principles*. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
2. Department of Environment Regulation (DER), August 2016. *Guidance Statement: Licence duration*. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
3. Department of Environment Regulation (DER), February 2017. *Guidance Statement: Risk Assessments*. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
4. Department of Water and Environmental Regulation (DWER), June 2019. *Guideline: Decision Making*. Department of Water and Environmental Regulation, Perth. Accessed at www.dwer.wa.gov.au
5. Department of Water and Environmental Regulation (DWER), June 2019. *Guideline: Industry Regulation Guide to Licensing*. Department of Water and Environmental Regulation, Perth. Accessed at www.dwer.wa.gov.au

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)	
Application type	
Renewal	<input checked="" type="checkbox"/> Current licence number: L6798/1993/11
Date application received	19 January 2021
Applicant and Premises details	
Applicant name/s (full legal name/s)	T Sand Pty Ltd
Premises name	Mindijup Silica Sand Mine
Premises location	570 Mindijup Road PALMDALE WA 6330 Lot 5 on Plan 62329 Being Mining Tenement M70/793
Local Government Authority	PALMDALE WA 6330
Application documents	
HPCM file reference number:	DER2015/000288-1
Key application documents (additional to application form):	Certificate of Title ASIC Company Statement ASIC Certificate of Registration on Change of Name Location Map Siting and Location Map
Scope of application/assessment	
Summary of proposed activities or changes to existing operations.	Licence Renewal No proposed changes to approved activities.
Category number/s (activities that cause the premises to become prescribed premises)	
Table 1: Prescribed premises categories	
Prescribed premises category and description	Assessed production or design capacity
Category 5: Processing or beneficiation of metallic or nonmetallic ore: premises on which — (a) metallic or non-metallic ore is crushed, ground, milled or otherwise processed; or (b) tailings from metallic or non-metallic ore are reprocessed; or (c) tailings or residue from metallic or nonmetallic ore are discharged into a containment cell or dam.	250,000 tonnes per annual period

Legislative context and other approvals		
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: 5511/2 (State) 2012/6472 (Commonwealth) Clearing already approved.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: 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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office: Swan Avon / Mid-West Gascoyne / Kwinana Peel / North West / South West / Goldfields / South Coast

<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i>, <i>Environmental Protection (Controlled Waste) Regulations 2004</i>, <i>State Agreement Act xxxx</i>)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Classification: N/A Date of classification: N/A</p>