



Concurrent application for Works Approval and Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L9103/2017/1
Applicant	P.M.R. Quarries Pty Ltd
ACN	008 866 448
File Number	DER2017/001842
Premises	Wattle Ave East Limestone Quarry 311 Wattle Avenue East NOWERGUP WA 6032 Legal description – Part of Mining Lease M70/143
Date of Report	9 January 2019
Status of Report	Final

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1. Definitions of terms and acronyms

In this Decision Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Applicant	refers to the applicant, as specified at the front of this Decision Report
Application	refers to the documents and information submitted by the Applicant to support the works approval
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
Clearing Regulations	<i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)</i>
Decision Report	refers to this document
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act
DBCA	Department of Biodiversity, Conservation and Attractions
DMIRS	Department of Mines, Industry Regulation and Safety
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
mbgl	metres below ground level
Mining Act	<i>Mining Act 1978 (WA)</i>
MS	Ministerial Statement
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Primary Activities	as defined in Schedule 2 of the Works Approval
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
RIWI Act	<i>Rights in Water and Irrigation Act 1914 (WA)</i>
tpa	tonnes per annum

2. Purpose and scope of assessment

P.M.R. Quarries Pty Ltd trading as WA Limestone (the Applicant), proposes to extract, crush and screen limestone products from an existing quarry site located at Nowergup. A concurrent application for works approval and licence was submitted by the Applicant under Division 3, Part V of the EP Act on 17 October 2017.

This Decision Report sets out DWER's assessment of environmental risks arising from emissions and discharges that will be generated by the Prescribed Activities conducted at the Premises.

3. Background

The Wattle Ave East Limestone Quarry (Premises) is an existing limestone quarry situated on mining tenement within the City of Wanneroo, northern Perth suburbs. The Applicant has entered into an agreement with the lease holder, Adelaide Brighton Cement Ltd, to extract and process limestone products from the current cleared areas within M70/143.

Approvals under Division 3, Part V of the EP Act have not been sought or granted for previous activities conducted at the site by Adelaide Brighton. However, the current Application by WA Limestone will now cause the Premises to become Prescribed Premises under the category of screening, etc. of material, as described in Table 2.

Table 2: Prescribed Premises Categories

Classification of Premises	Description	Premises throughput (as per Application)
Category 12	Screening, etc. of material: premises (other than premises within category 5 of 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, size or separated.	800,000 tonnes per annual period

4. Overview of Premises

4.1 Infrastructure

The infrastructure, as it related to Category 12 activities, is detailed in Table 3 and with reference to the Site Plan.

Table 3: Wattle Ave infrastructure

Infrastructure	
Prescribed Activity Category 12	
Up to 800,000 tonnes of raw material (limestone) will be extracted, crushed and screened into various sizes and stockpiled on the Premises	
1	Caterpillar 980 and 988 wheel front-end loaders
2	Caterpillar D10 or D11 bulldozer
3	Parker mobile jaw crusher
4	Product and waste stockpiles
5	Water tankers for dust suppression
Other activities	
1	Extractive operations (ripping, blading) using bulldozers
2	Loading of stockpiled material into haul trucks (and subsequent truck movements)

4.2 Operational aspects

The Applicant proposes to progressively relocate the crushing and screening plant from its nearby quarry (Flynn Drive Quarry, Neerabup), as the reserves on this property are nearing exhaustion.

The sand and limestone resource will be extracted at a nominal rate of 400,000 tonnes per annum (tpa), initiated by market demands (maximum 800,000 tpa). Typical operating hours at the site will be 6:30 AM to 5:00 PM Monday to Saturday (excluding public holidays).

4.2.1 Pit design and excavation

The quarry site consists of two pits – a southern pit used for cutting natural dimension stone, with excess stone taken from site as limestone rubble, and a northern pit that was previously used for cutting natural dimension stone and is now a source of limestone rubble.

The pit excavations will remove the sand and limestone resource until it bottoms on sand or until other factors determine the final land surface. The resource is likely to be extracted to depths of 30 metres below ground level (mbgl), which is approximately 60 m above the natural water table. The batter slopes will then gently rise up the existing natural land surface outside the excavation area at slopes of 1:2 – 1:4 vertical to horizontal and the floor will daylight out to the lower elevations such as to the east.

4.2.2 Processing excavated material

The limestone resource will be crushed on the pit floor (5 – 15 m below natural ground level), near the active face to reduce internal vehicle movements, using mobile crushing and screening plant that moves across the floor as the excavation proceeds.

A mobile crushing plant will be used to prepare limestone rubble for raw feed, for taking off-site for use in the manufacture of reconstituted limestone blocks, and for the manufacture of road base. The crushing plant consists of a mobile crusher together with screens and stackers to sort the products into various sizes, with the units linked by conveyors.

Sand will not routinely be screened, however when required this will be conducted on the pit floor.

5. Legislative context

5.1 Part IV of the EP Act

Ministerial approval was issued to Swan Portland Cement Ltd (purchased by Adelaide Brighton Cement) in 1992 (MS 267) and 1994 (MS 364), respectively, for a proposed limestone quarry and quicklime plant on land adjacent to the Premises. The plant was never constructed and the approvals have since lapsed.

5.2 Part V of the EP Act

5.2.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations. The guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015);*
- *Guidance Statement: Setting Conditions (October 2015);*
- *Guidance Statement: Licence Duration (August 2016);*
- *Guidance Statement: Environmental Siting (November 2016);*
- *Guidance Statement: Decision Making (February 2017);* and
- *Guidance Statement: Risk Assessment (February 2017).*

5.2.2 Clearing of native vegetation

Under the EP Act, native vegetation can only be cleared with a clearing permit unless exempt. The Department of Mines, Industry Regulation and Safety (DMIRS) has delegated authority under s. 20 of the EP Act to administer the clearing provisions under the *Environmental Protection (Clearing of Native Vegetation) Regulation 2004* (Clearing Regulations) for mining activities regulated under the *Mining Act 1978* (Mining Act).

The initial clearing of M70/143 was undertaken prior to ratification of the Clearing Regulations. Clearing to facilitate expansion of the quarry may be required in the future.

5.3 Other relevant approvals

5.3.1 Planning approvals

The City of Wanneroo has advised that development approval for 'limestone extraction industry and block cutting' was approved on 8 April 1997. Any modifications to the approved plan will require further development approval.

5.3.2 Mining Act 1978

The Premises is located on mining lease M70/143 which is held by Adelaide Brighton Cement Ltd and sub-leased to the Applicant. The former-Department of Mines and Petroleum approved two Mining Proposals on this tenement, in 1993 (Registration ID: 70738) and 1996 (Reg ID: 15567) with respect to operation of a limestone and block cutting quarry. A mine closure plan was also approved in 2015.

DMIRS regulates all aspects of the existing approvals covered under the Mining Act, including rehabilitation and closure. DMIRS also administer the *Mines Safety and Inspection Act 1994*, with respect to the standards of occupational safety and health. The Resources Safety Division administers occupational health (OSH) legislation for mining operations, and safety legislation and the licensing regime for dangerous goods, including regulation of the State's major hazard facilities.

5.3.3 Rights in Water and Irrigation Act 1914 (WA)

The Premises is located in the Nowergup sub-area of the Gnangara Groundwater Area. This sub-area is fully allocated or over allocated when considering the Superficial, Leederville and Yarragadee aquifer systems, which reflects the high groundwater demand in the area and associated competition for the available resources (DoW, 2009).

Groundwater abstraction in gazetted areas is regulated by DWER under section 5C of the RIWI Act. A License to Take Water has previously been issued from the superficial aquifer (1,500 kL/yr) to provide a source of water for dust suppression. The licence is currently subject to a letter of undertaking to grant the licence following a transfer application to the Applicant.

In addition, the Applicant holds a section 5C licence at its nearby quarry in Neerabup, which it may also use to bring water to the Premises, if required.

6. Consultation

The Application was referred to several public authorities that were considered to have a direct interest in the subject matter of the Application. A summary of responses is provided in Table 4.

Table 4: Direct interest stakeholder submissions and DWER consideration

Comment	DWER consideration
Department of Mines, Industry Regulation and Safety	
<p>M70/143 is a granted live tenement that expires in October 2027. There are currently 2 approved mining proposals on this tenement, with a mine closure plan approved in 2015.</p> <p>A number of issues were raised during the most recent inspection at the site, relating to dust control and suppression from loading and transport facilities.</p>	Noted.
Department of Biodiversity, Conservation and Attractions	
The proposed activities present a low risk of adverse impacts on surrounding State Forest values.	Noted.
City of Wanneroo	
<p>The subject land is zoned 'Rural Resource', which is a permissible land use under the provisions of the City of Wanneroo District Planning Scheme No.2. A limestone crushing and screening facility is considered to fall under the 'Extractive Industry' land use and is a 'Discretionary' use, which requires Council approval.</p> <p>A development application for limestone extraction industry and block cutting was approved by Council on 8 April 1997. Any modifications to the approved plan will require further development approval.</p>	Noted.

7. Location and siting

7.1 Siting context

The Premises is located on the northern Swan Coastal Plain, approximately 34 km north of Perth.

The mine lease area is bounded to the east by the Gnangara–Moore River State Forest, which is comprised mainly of pine plantation. Surrounding land uses in the immediate vicinity to the north, south and west are predominantly industrial, including other basic raw material quarries and the small scale manufacture of quicklime, and a number of composting/biosolids processing facilities. The Barbagallo motorsport circuit is immediately south-east of the Premises.

7.2 Residential and sensitive Premises

There is adequate separation between the Premises and residential/sensitive receptors, which are predominantly concentrated in the Gibbs Road area, approximately 2.5 km to the west. The nearest sensitive receptors in other ownership occur approximately 1.8 km west of both the north and south pits.

Key finding: Receptors to the north, south and east of the Premises are located on industrial and/or commercial tenure, and are not considered 'noise sensitive' for the purposes of this risk assessment.

7.3 Specified ecosystems

Specified ecosystems are areas of high conservation value and special significance that may be impacted as a result of activities at or Emissions and Discharges from the Premises. The distances to specified ecosystems are shown in Table 5, which has been modified to align with the *Guidance Statement: Environmental Siting*.

Table 5: Environmental values

Specified ecosystems	Distance from the Premises
Geomorphic wetlands – Swan Coastal Plain	Camel Swamp (Resource Enhancement) is located approx. 1 km N Neerabup Lake (Resource Enhancement) is located approx. 2 km SW Lake Pinjar (Conservation Category) is located approx. 2.5 km E
DBCA-managed Lands and Waters	The Gngangara-Moore River State Forest abuts the eastern boundary of the mine lease
Threatened Ecological Communities (TECs) and Priority Ecological Communities (PECs)	The southern section of the Premises contains a mapped occurrence of the <i>Banksia attenuata</i> woodland TEC (SCP20a), which is also a component of the Banksia woodlands of the Swan Coastal Plain EPBC listed TEC
Biological component	Distance from the Premises
Threatened/Priority Flora	The gazetted Declared Rare species <i>Eucalyptus argutifolia</i> occurs within the mine lease area. Mining has not occurred in known areas. Several other priority flora species are known to occur within the mine lease area

7.4 Groundwater and water sources

The distances to groundwater and water sources are shown in Table 6.

Table 6: Groundwater and water sources

Groundwater and water sources	Distance from the Premises
Public drinking water source areas (PDWSA)	Priority 2 PDWSA – Gngangara Underground Water Pollution Control Area is located approx. 1.5 km east of the Premises
Surface water catchments	The Premises is within the Swan/Avon surface water catchment
Major watercourses and waterbodies	There are no major watercourses or water bodies in close proximity to the Premises. Surface drainage is limited due to the porosity and permeability of the limestone
Groundwater	Depth to groundwater is estimated to be approximately 35 m below ground level in the vicinity of the active pits

8. Risk assessment

8.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

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. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Table 8.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Table 7 and Table 8 below.

Table 7. Identification of emissions, pathway and receptors during construction

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts			
Mobilisation, positioning of infrastructure and other pre-screening works	Clearing of native vegetation, topsoil stripping	Noise, fugitive dust	Residential premises >1.8 km from Premises boundary	Air / wind dispersion	Amenity impacts/ human health impacts	No	The Application indicates that clearing is not required, as existing cleared areas will be excavated. Clearing may be required in the future. The clearing of native vegetation is regulated by DMIRS.
	Mobilisation of screening unit					No	The risk of noise and fugitive dust emissions during mobilisation of the screening plant is considered to be low, given adequate separation to sensitive receptors (+1.8 km) and the short-term nature of the works.

Table 8: Identification of emissions, pathway and receptors during operation

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts			
Category 12: Screening, etc. of material: premises on which material excavated from the ground is screened, washed, crushed, ground, milled, sized or separated	Excavation of raw material and development of material stockpiles	Noise, fugitive dust	Residential premises >1.8 km from Premises boundary	Air / wind dispersion	Amenity impacts/ human health impacts	No	Regulated under Mining Act approvals.
		Oxidation of Acid Sulfate Soils from physical disturbance of ASS material	Groundwater.	Leaching from in-situ material	Groundwater contamination (acidification)	No	ASS has not been further risk assessed given the geological setting of the quarry comprises acid neutralising limestone.
	Loading stockpiled raw material onto the screen, screening and crushing operations	Noise	Residential premises >1.8 km from Premises boundary	Air / wind dispersion	Amenity impacts/ human health impacts	No	Noise impacting on off-site receptors has not been further risk assessed due to adequate separation to sensitive receptors (+1.8 km) and the campaign nature of the operation. Any noise impacts that may arise can be regulated under the provisions of the Noise Regulations.
		Fugitive dust				No	Fugitive dust causing off-site impacts has not been further risk assessed due to adequate separation to sensitive receptors (+1.8 km). Any dust impacts that may occur can be regulated under the provisions of Section 49 of the EP Act.
	Product stockpiles	Fugitive dust lift-off from product stockpiles	Residential premises >1.8 km from Premises boundary	Vegetation adjacent to the screening plant	Soil contamination, suppression of photosynthetic and respiratory functions	No	Dust loading on vegetation from screening operations has not been further risk assessed due to the location of the screen (in-pit), and dust control methods to be employed during active screening campaigns.
			Vegetation adjacent to stockpiles			Amenity impacts/ human health impacts	No
	Stormwater management	Contaminated stormwater	Surface waters, vegetation adjacent to the screening plant	Direct discharge	Contamination of surface water quality	No	The risk of surface water runoff is considered to be low, due to the porosity and permeability of the limestone pit floor.
						Soil contamination, etc. (see above)	No

8.2 Consequence and Likelihood of Risk Events

A risk rating will be determined for risk events in accordance with the Risk Rating Matrix set out in Table 9 below.

Table 9: Risk Rating Matrix

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

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 10 below.

Table 10: Risk Criteria Table

Likelihood		Consequence		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		The following criteria has been used to determine the consequences of a Risk Event occurring:		
			Environment	Public health* and amenity (such as air and water quality, noise, and odour)
Almost Certain	The risk event is expected to occur in most circumstances	Severe	<ul style="list-style-type: none"> onsite impacts: catastrophic offsite impacts local scale: high level or above offsite impacts wider scale: mid-level or above Mid to long-term or permanent impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are significantly exceeded 	<ul style="list-style-type: none"> Loss of life Adverse health effects: high level or ongoing medical treatment Specific Consequence Criteria (for public health) are significantly exceeded Local scale impacts: permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	<ul style="list-style-type: none"> onsite impacts: high level offsite impacts local scale: mid-level offsite impacts wider scale: low level Short-term impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are exceeded 	<ul style="list-style-type: none"> Adverse health effects: mid-level or frequent medical treatment Specific Consequence Criteria (for public health) are exceeded Local scale impacts: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	<ul style="list-style-type: none"> onsite impacts: mid-level offsite impacts local scale: low level offsite impacts wider scale: minimal Specific Consequence Criteria (for environment) are at risk of not being met 	<ul style="list-style-type: none"> Adverse health effects: low level or occasional medical treatment Specific Consequence Criteria (for public health) are at risk of not being met Local scale impacts: mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	<ul style="list-style-type: none"> onsite impacts: low level offsite impacts local scale: minimal offsite impacts wider scale: not detectable Specific Consequence Criteria (for environment) likely to be met 	<ul style="list-style-type: none"> Specific Consequence Criteria (for public health) are likely to be met Local scale impacts: low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	<ul style="list-style-type: none"> onsite impact: minimal Specific Consequence Criteria (for environment) met 	<ul style="list-style-type: none"> Local scale: minimal to amenity Specific Consequence Criteria (for public health) met

[^] Determination of areas of high conservation value or special significance should be informed by the *Guidance Statement: Environmental Siting*.

* In applying public health criteria, DWER may have regard to the Department of Health's, *Health Risk Assessment (Scoping) Guidelines* "on-site" means within the prescribed premises boundary.

8.3 Acceptability and Treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk Treatment Table 11 below:

Table 11: Risk Treatment Table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled	Risk Event is acceptable and will generally not be subject to regulatory controls.

8.4 Risk Assessment

DWER has assessed potential emissions pathways and receptors for all possible Risk Events (Tables 7 & 8), and considers potential impacts will be limited due to there being adequate separation to nearby receptors and the general locality comprising a number of similar active quarry operations.

DWER therefore considers the risks associated with the proposed screening activity to be Low, and that minor emissions such as noise, fugitive dust and contaminated stormwater can be regulated by subsidiary legislation and/or the general provisions of the EP Act.

9. Determination of conditions

9.1.1 Licence conditions

The following controls (Table 12) will be imposed as conditions on the proposed Licence to manage the risk of emissions during operations on the Premises. It should be noted that these controls are not final and will be subject to compliance with conditions of the Issued Works Approval and may change if additional information becomes available to further inform the risk assessment (as per *Guidance Statement: Risk Assessments*).

Table 12: Summary of conditions to be applied on the proposed Licence

Condition Reference	Grounds
Emissions Condition 1	This condition is valid, risk-based and consistent with the EP Act.
Infrastructure and Equipment Condition 2	This condition is valid, risk-based and contains appropriate controls to minimise fugitive dust levels.
Information and reporting Conditions 3, 4, 5 and 6	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

10. Applicant's comments

The Applicant was provided with the draft Decision Report on 11 January 2018. Compliance and commissioning conditions were subsequently changed to allow for a commissioning period, prior to issue of the Licence.

11. Conclusion

This assessment of the risks of activities on the Premises has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report (summarised in Appendix 1).

Based on this assessment, it has been determined that the Issued Licence will be granted subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Tim Gentle

Manager Licensing – Resource Industries

Delegated Officer

under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	In text ref	Availability	
1.	Wattle Ave East Quarry – M70/143, Wattle Ave East, Nowergup – Works Approval and Licence Application.	Application	DWER records (A1449925)	
2.	W6102/2017/1 Wattle Ave Works Approval	W6102/2017/1	accessed at www.dwer.wa.gov.au	
3.	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au	
4.	DER, October 2015. <i>Guidance Statement: Setting Conditions</i> . Department of Environment Regulation, Perth.	DER 2015b		
5.	DER, November 2016. <i>Guidance Statement: Environmental Siting</i> . Department of Environment Regulation, Perth.	DER 2016		
6.	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017a		
7.	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2017b		
8.	DMP, October 2015. <i>Mining Act Guidelines – Basic Provisions</i> . Department of Mines and Petroleum, Perth.	DMP 2015		accessed at www.dmp.wa.gov.au
9.	DoW, November 2009. <i>Gnangara Groundwater Areas Allocation Plan</i> . Department of Water, Perth.	DoW 2009		accessed at www.water.wa.gov.au

Attachment 1: Issued Licence L9103
