Government of Western Australia
Department of Water and Environmental Regulation

Decision Report

Application for Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L9154/ 2018/ 1
Applicant	Drilline Pty Ltd
ACN	065 688 164
File Number	CEO656/18
Premises	Warrawanda Creek Sand Project Mining tenement M52/1063 NEWMAN WA
Date of Report	31 August 2018
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
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
AS 4156.6 – 2000	Australian Standard AS 4156.6 – 2000: Determination of Dust/moisture Relationship for Coal.
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CS Act	*Contaminated Sites Act 2003* (WA)
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 *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the *Public Sector Management Act 1994* and is responsible for the administration of the *Environmental Protection Act 1986* along with other legislation.
EPA	Environmental Protection Authority
EP Act	*Environmental Protection Act 1986* (WA)
EP Regulations	*Environmental Protection Regulations 1987* (WA)
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Cth)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of, and during this Review
Licence Holder	Drilline Pty Ltd

m^3	cubic metres
Minister	the Minister responsible for the EP Act and associated regulations
MS	Ministerial Statement
mtpa	million tonnes per annum
NEPM	National Environmental Protection Measure
Noise Regulations	*Environmental Protection (Noise) Regulations 1997* (WA)
Occupier	has the same meaning given to that term under the EP Act.
PM	Particulate Matter
PM_{10}	used to describe particulate matter that is smaller than 10 microns (µm) in diameter
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 Revised Licence
Review	this Licence review
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act following the finalisation of this Review.
Risk Event	As described in *Guidance Statement: Risk Assessment*
UDR	*Environmental Protection (Unauthorised Discharges) Regulations 2004* (WA)
µg/m^3	micrograms per cubic metre
µg/L	micrograms per litre

2. Purpose and scope of assessment

An Application for a Licence (Application) was received from Drilline Pty Ltd (Applicant) for a mobile screening plant to screen riverbed material sourced from Warrawanda Creek, located approximately 21km southeast of Newman within mining tenement M52/1063 (the Premises).

This Decision Report presents an assessment of potential environmental and public health risks from emissions and discharges from the operation of the Premises. As a result of this assessment, a Licence has been granted (Issued Licence) (Attachment 1).

2.1 Application details

The Application was received on 19 June 2018 from the Applicant for Prescribed Premises Category 12 to operate a mobile screening plant at Warrawanda Creek, mining tenement M52/1063.

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Document/information description	Date received
Application form and associated attachments	19 June 2018

3. Background

The Applicant has entered into an agreement with the holder of tenement M52/1063 (Redstone Minerals Pty Ltd) and has been given the rights to conduct a mining and screening operation on M52/1063 for the purpose of producing construction material products sized between 4.75mm to 20mm.

The Applicant is proposing to screen riverbed material sourced from the Warrawanda creek using a Terex Finlay 683 Supertrak mobile screening plant. No crushing of material is required and no water is used in the screening process. A maximum of 100,000 tonnes per annum of product is expected to be produced. Mining and screening will occur on a campaign basis with all equipment removed from site between campaigns.

Table 3 lists the prescribed premises categories that have been applied for.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	*Approved Premises production or design capacity or throughput*
Category 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.	100 000 tonnes per year

4. Overview of Premises

4.1 Operational aspects

The Application states that the operating period for the project is expected to be for the life of the mining lease which expires in 2035 or as renewed for 21 years. The sand resource is unlimited as it is replenished with each river flow. Operational hours are between 6am and 6pm.

The Terex Finlay 683 Supertrak mobile screening plant (screening plant) has a design capacity of 256,000 tonnes per annum. It is expected that a maximum of 100,000 tonnes of material will be screened each annual period. Sand mining is undertaken in the riverbed to depths of 0.5m and carted to the run of mine (ROM) working area for screening. Material is screened and stored in stockpiles prior to being loaded onto trucks for distribution offsite.

The 2-5 personnel required to operate the site are accommodated within the nearby roadhouse or the town of Newman. Power is supplied by a diesel generator - Genset 10-15kva.

4.2 Infrastructure

The Warrawanda Creek sand project infrastructure, as it relates to Category 12 activities, is detailed in Table 4 and with reference to the Site Plans shown below in Figures 1 and 2 (and attached in the Issued Licence).

Table 4 lists infrastructure associated with each prescribed premises category.

Table 4: Warrawanda creek sand project Category 12 infrastructure

	Infrastructure	Site Plan Reference
1	Terex Finlay 683 Screening plant	Screening plant
2	Run of Mine working area	ROM working area
3	Windrow or bund around work area with low point spoon drains	Approved working area 5.66ha
4	36t excavator	N/A - mobile equipment
5	30t Moxy semi-articulated dump truck	
6	35t wheel loader	
7	4WD ute or service truck	
8	Single tipper or a road train double or triple trailer combinations	
9	Water cart	

4.3 Exclusions to the Premises

The sand mining activities in the creek bed located within the Premises are outside the scope of regulation under Prescribed Premises Category 12 and are managed under Department of Mines, Industry Regulation and Safety (DMIRS) approval – MP-MCP 40266 and MP-MCP 71196.

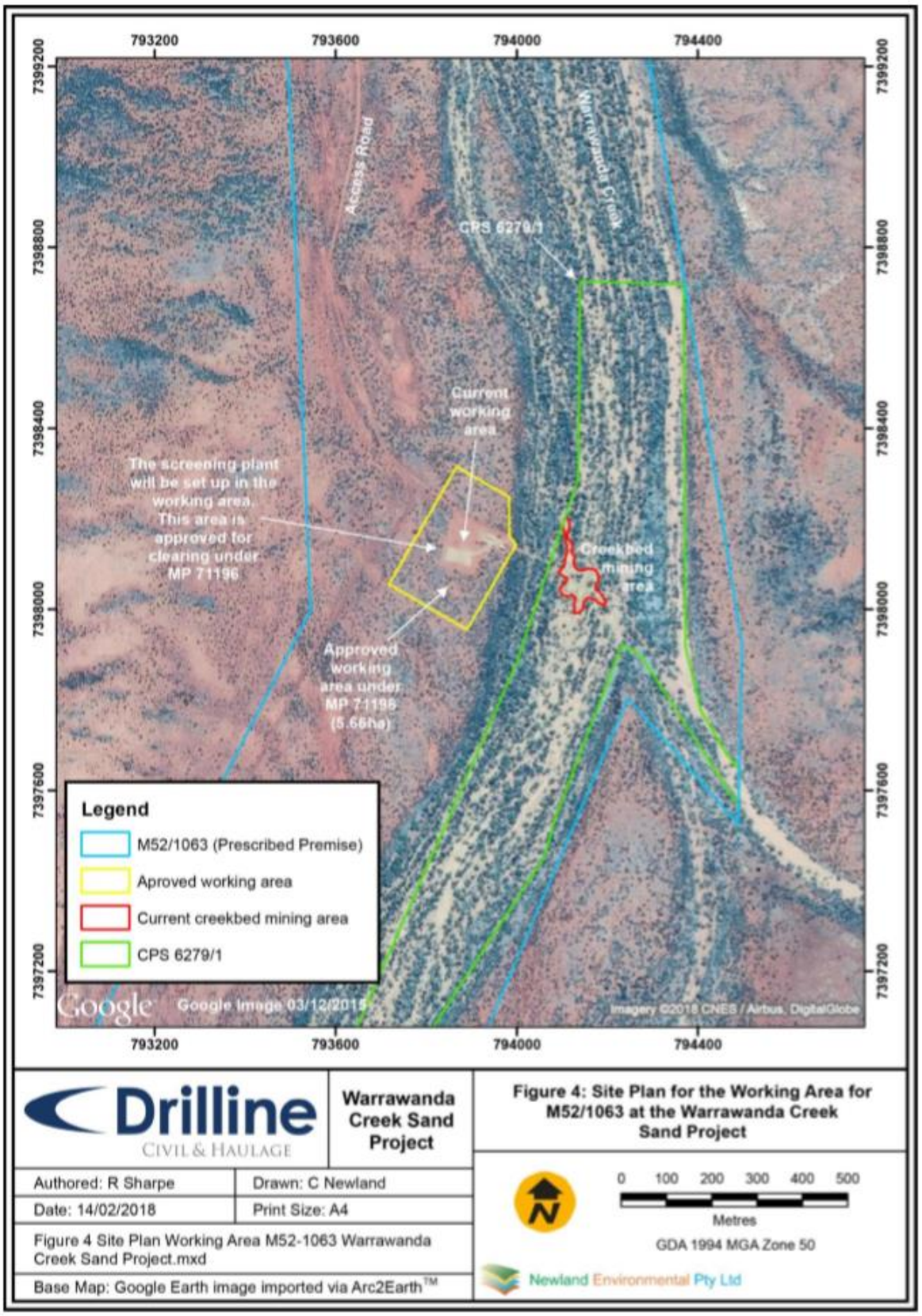

Figure 1: Location of the Warrawanda Creek Sand Project Prescribed Premises.

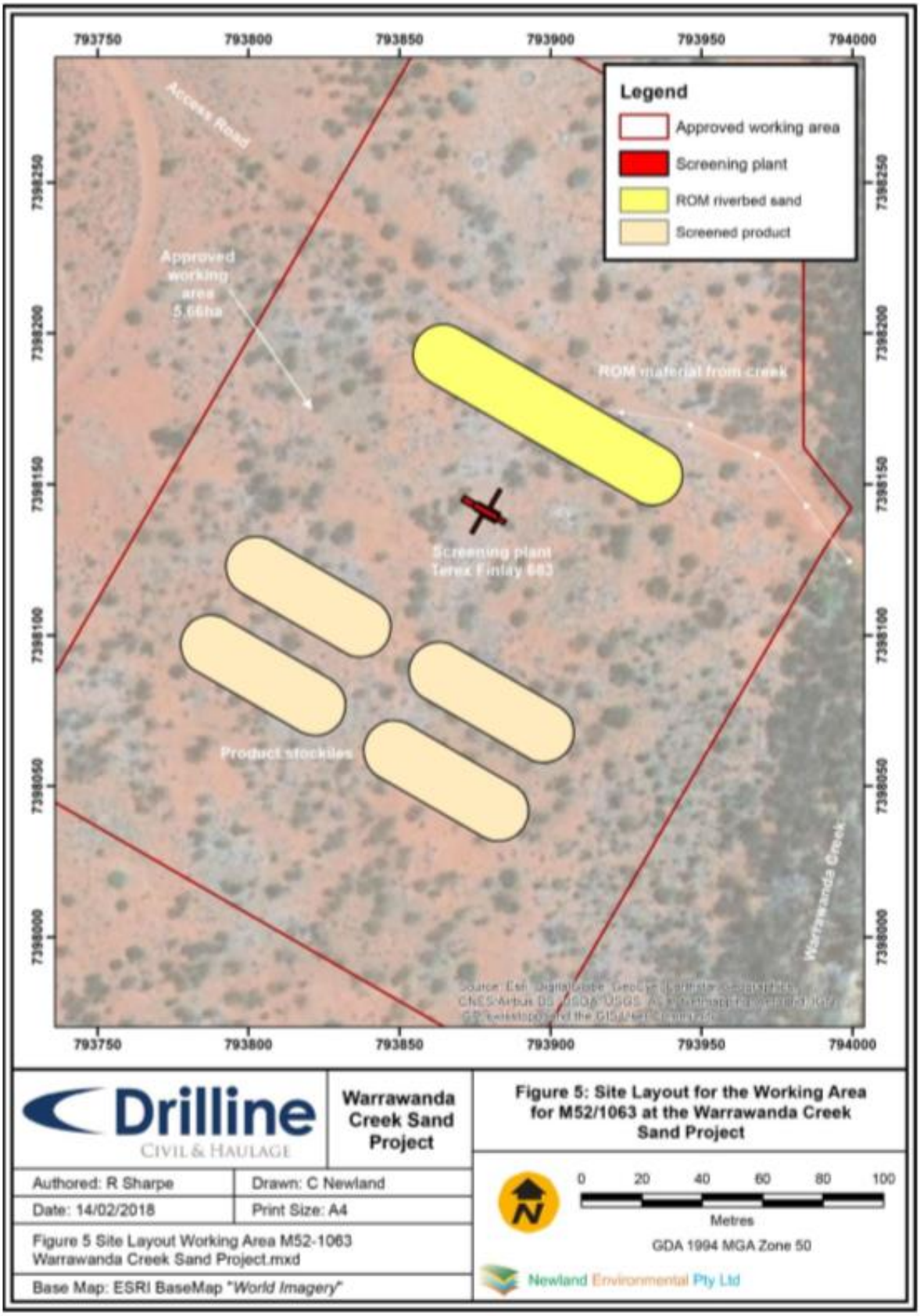

Figure 2: Layout of infrastructure for the Warrawanda Creek Sand Project

5. Legislative context

Table 5 summarises approvals relevant to the assessment.

Table 5: Relevant approvals and tenure

Legislation	Number	Approval
Mining Act 1978	MP- MCP 40266 (issued 23/10/2014) MP – MCP 71196 (issued 17/01/2018)	Mining Proposals and Mine Closure Plans managed by DIMIRS.

5.1 Part IV of the EP Act

The proposal was not referred to the Environmental Protection Authority as it was not deemed to be a 'significant proposal' by the applicant.

5.1 Contaminated sites

M52/1063 is not listed on DWER's contaminated sites database.

5.2 Other relevant approvals

5.2.1 Planning approvals

The Applicant has submitted a letter, from the Shire of Meekatharra, as part of this Application which indicates that planning approval is not required as the Premises is outside of the Newman town site boundary. The Application was referred to the Shire of Meekatharra on 9 April 2018. No comments have been received.

5.3 Part V of the EP Act

5.3.1 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: Setting Conditions (October 2015)

Guidance Statement: Land Use Planning (February 2017)

Guidance Statement: Risk Assessments (February 2017)

Guidance Statement: Environmental Siting (November 2016)

The applicable regulations include:

Environmental Protection (Noise) Regulations 1997

Environmental Protection (Unauthorised Discharges) Regulations 2004

5.3.2 Works approval and licence history

On the 5 March 2018 the Applicant applied for a works approval for a Category 12 screening plant at mining lease M52/1063 (the same activity and location as this application). On the 31 May 2018 the Applicant informed DWER via email that the screening plant had already been set up onsite and had been commissioned (Newland, May 2018a). The matter was referred to DWER's compliance branch. Investigation and a compliance outcome is still pending at the

time of issuing this Licence. The Applicant was advised that a works approval cannot be issued retrospectively and as a result the application was withdrawn on 19 June 2018 (Newland, May 2018b).

5.3.3 Clearing

The work area where the screening plant is located is approximately 5.66ha in total. An exception applies for a clearing permit under the 10ha allowance approved for under Mining Proposal 71196. No clearing permit is required.

6. Consultation

The licence Application was advertised in the West Australian newspaper and on the DWER website on 30 July 2018. The original works approval application for the proposal was referred to the Shire of Meekatharra on 9 April 2018. No comments have been received.

7. Location and siting

7.1 Siting context

The Premises is located within Ethel Creek Station on mining tenement M52/1063 which is positioned approximately 21 km southeast of the town of Newman and approximately 9.5km southeast of the Capricorn Roadhouse on Great Northern Hwy. The work area is located next to Warrawanda Creek which is an ephemeral system that only flows in the event of extreme rainfall. The general locality near the proposed Premises has historically been used for quarrying, with Holcim (Australia) Pty Ltd holding the neighbouring tenement for quarrying and Category 12 activities, and pastoralism. Figure 3 depicts the location of the Premises in relation to sensitive receptors.

7.2 Residential and sensitive Premises

The distances to residential and sensitive receptors are detailed in Table 6.

Table 6: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Capricorn Roadhouse on Great Northern Hwy	9km to the west- northwest of the proposed Premises
Town of Newman	18km to the northwest of the proposed Premises
Sylvania station homestead	20km east of the proposed Premises

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 7. Table 7 also identifies the distances to other relevant ecosystem values which do not fit the definition of a specified ecosystem.

The table has also been modified to align with the *Guidance Statement: Environmental Siting.*

Table 7: Environmental values

Specified ecosystems	Distance from the Premises
Ramsar Sites in Western Australia	None within 2 km of the Premises
Geomorphic Wetlands	None within 2 km of the Premises
Parks and Wildlife Managed Lands and Waters	None within 2 km of the Premises
Threatened Ecological Communities and Priority Ecological Communities	Ethel Gorge aquifer stygobiont Threatened Ecological Community edge of 5km buffer is approximately 7km to the north-west of Premises boundary.
Biological component	**Distance from the Premises**
Threatened/Priority Flora	None within a 5 km radius
Threatened/Priority Fauna	None within a 5 km radius

7.4 Groundwater and water sources

The distances to groundwater and water sources are shown in Table 8.

Table 8: Groundwater and water sources

Groundwater and water sources	Distance from Premises	Environmental value
Public drinking water source areas	Newman Public Drinking Water Source Area is 10km North of Premises.	Water is used for potable and industrial use.
Major watercourses/waterbodies	Sections of Warrawanda Creek is located within the Premises boundary. Adjacent to work area.	Warrawanda Creek is a large ephemeral tributary of the Fortescue River, which only flows during extreme rainfall events. The creek flows into Ophthalmia Dam, 13km to the north of Premises. This dam provides water to the aquifers for Newman's water supply. The Applicant has stated that the sand mining activities will not interrupt or block the creek.
Groundwater	One WIN bore located within 1km of Premises (based on available GIS dataset –WIN Groundwater Sites).	Water is used for potable and industrial use.

7.5 Meteorology

The area is characterized by a semi-arid climate, influence by summer rainfall events and a prolonged winter dry season. The average annual rainfall in the area is 327.7mm with 74% falling between December and April. Temperatures are hot to very hot in the summer months from November to March with the mean maximum temperature being 32ºC. Weather data is

from the Bureau of Meteorology (BOM) for the Newman Aero Station no 7176 located approximately 11km to the northeast of the proposed Premises.

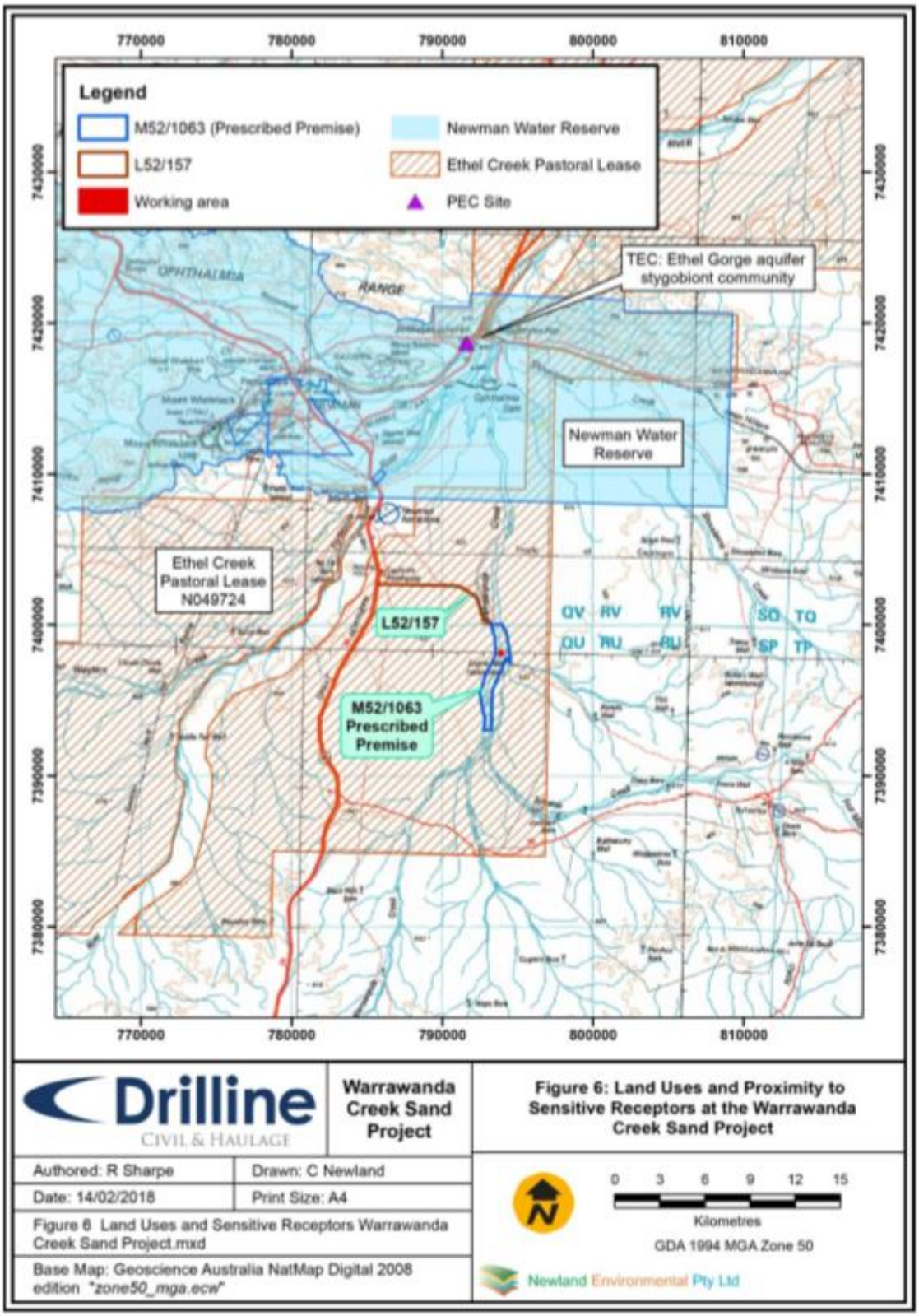

Figure 3: Location of the Premises in relation to sensitive receptors.

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.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Tables 9 below.

Table 6: 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		
Screening plant	Operation of the screening plant, and associated activities	Dust	Closest sensitive receptor is the Capricorn Roadhouse approximately 9km away to west- northwest of the proposed Premises.	Air / wind dispersion	Health and amenity impacts	No	To manage dust impacts, the applicant has committed to the following controls within their application: • have a water cart onsite at all times to water access roads and stockpiles as needed; • fit barriers including dust covers and skirts to all processing equipment (as is practical); • operations on site will be managed during strong winds to prevent significant generation of dust; • traffic management plan will be implemented that includes vehicle speed limitations to minimise dust generation; and • haul trucks transporting material offsite
			No specified ecosystems or Threatened/Priority flora/fauna in close proximity (none within 2km of Premises)		Suppression of photosynthetic and respiratory functions		

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
							will have loads fully covered. The Delegated Officer has considered the operator controls, distance to receptors and campaign nature of the project to be adequate to manage dust emissions. The general provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* are also applicable.
		Noise	Closest sensitive receptor is the Capricorn Roadhouse approximately 9km away to west- northwest of the proposed Premises.		Amenity impacts	No	The distance to residential receptors is considered to be too great for noise impacts from construction to occur. The Delegated Officer considers the risk of impact from noise emissions during installation of the screening plant to be acceptable given the distance to sensitive receptors The provisions of the *Environmental Protection (Noise) Regulations 1997* are also applicable.
	Fuel storage and refuelling	Hydrocarbon spills	Surface water - sections of Warrawanda Creek are located within the Premises boundary, adjacent to work area.	Direct discharge to land	Contamination of surface water	No	No fuel will be stored on the Premises. Refuelling will be by mobile vehicle with spill clean-up equipment available. General provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* are applicable

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		**Potential emissions**	**Potential receptors**	**Potential pathway**	**Potential adverse impacts**		
Material storage and stockpiling	Stockpiling of raw material and products	Dust	Closest sensitive receptor is the Capricorn Roadhouse approximately 9km away to west- northwest of the proposed Premises.	Air / wind dispersion	Health and amenity impacts	No	The applicant will have a water cart onsite at all times to manage dust from stockpiles and loading and unloading. Raw materials and products are 'washed' as they originate from the creek and therefore the Applicant expects there to be minimal fines to produce dust. Haul trucks are used to transport material offsite. Loads will be fully covered to ensure no dust emissions or spillage occurs during transport. The Delegated Officer has considered the operator controls, distance to receptors and campaign nature of the project to be adequate to manage dust emissions from stockpiling and material loading etc. The general provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* are also applicable.
		Contaminated stormwater runoff from stockpiles	Surface water - sections of Warrawanda Creek are located within the Premises boundary, adjacent to work area	Land / waters	Impacts on surface water quality and ecosystem health.	No	Raw materials and products are 'washed' as they originate from the creek and therefore the Applicant expects there to be minimal fines to contaminate stormwater runoff. The Applicant has stated within the application that a windrow has been constructed around the work area which directs any stormwater to spoon drains and contain stormwater on site. The area where the project is located has a high evaporation rate and therefore it is expected that collected stormwater will be disposed of via evaporation. The Delegated Officer has considered the operator controls, distance to receptors and campaign nature of the project to be adequate to manage contaminated stormwater emissions from stockpiling of

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
							material. The general provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* are also applicable.

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 10 below.

Table 7: 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 11 below.

Table 8: 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	• **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	• 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	• **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	• **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	• **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	• **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	• **onsite impacts**: low level • **offsite impacts local scale**: minimal • **offsite impacts wider scale**: not detectable • Specific Consequence Criteria (for environment) likely to be met	• 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	• **onsite impact**: minimal • Specific Consequence Criteria (for environment) met	• **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.*

"onsite" 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 12 below:

Table 9: 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 Determination of Licence conditions

The conditions in the Issued Licence in Attachment 1 have been determined in accordance with DWER's *Guidance Statement: Setting Conditions*.

The Delegated Officer notes that operation of the category12 screening operations proposed by the Applicant have the potential to generate the emissions outlined in Table 9. These emissions have been assessed and it has been determined that they present negligible risk to the environment.

DWER's *Guidance Statement: Licence Duration* has been applied and the Issued licence will expire in 17 years from date of issue (with the current mining lease approval).

Table 13 provides a summary of the conditions to be applied to this licence.

Table 10: Summary of conditions to be applied

Condition Ref	Grounds
Emissions 1	This condition is valid, risk-based and consistent with the EP Act.
Infrastructure and equipment 2	This condition is valid, risk-based and consistent with the EP Act.
Record Keeping 3, 4, 5 and 6	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

DWER notes that it may review the appropriateness and adequacy of controls at any time and that, following a review, DWER may initiate amendments under the EP Act.

9. Applicant's comments

The Applicant was provided with the draft Decision Report and draft issued Licence on 30 August 2018. The Applicant advised they had no comments on the draft documents.

10. 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.

Alana Kidd
MANAGER (Resource Industries)
Delegated Officer
under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Drilline Pty Ltd, Licence Application form,19 June 2018	Application	DWER records (A1694104)
2.	Drilline Pty Ltd, Supporting information for Licence to Operate, 19 June 2018.	Application	DWER records (A1694107)
3.	W6137/2018/1 – Warrawanda Creek Sand Project – construction completed without works approval, 5/6/2018.	Newland, May 2018a	DWER records (A1685574)
4.	W6137/2018/1 – Warrawanda creek sand project – withdrawal of WA application.	Newland, May 2018b	DWER records (A1685574)
5.	DER, July 2015. *Guidance Statement: Regulatory principles.* Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au	
6.	DER, October 2015. *Guidance Statement: Setting conditions.* Department of Environment Regulation, Perth.		
7.	DER, August 2016. *Guidance Statement: Licence duration.* Department of Environment Regulation, Perth.		
8.	DER, November 2016. *Guidance Statement: Risk Assessments*. Department of Environment Regulation, Perth.		
9.	DER, November 2016. *Guidance Statement: Decision Making*. Department of Environment Regulation, Perth.		

Attachment 1: Issued Licence L9154/20181