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Published on: 8 February 2019

Statement No. 1089

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46
OF THE *ENVIRONMENTAL PROTECTION ACT 1986*)**

**KEYSBROOK MINERAL SANDS MINE
SHIRE OF SERPENTINE JARRAHDALE AND SHIRE OF MURRAY**

Proposal: To develop a mineral sands mine near the Keysbrook township. The proposal involves the excavation and processing of a low-grade heavy mineral sands deposit. The proposal is described further in Schedule 1 of Statement 810.

Proponent: MZI Resources Ltd
Australian Company Number 077 221 722

Proponent Address: Level 2, 100 Royal Street
EAST PERTH WA 6004

Assessment Number: 2110

Report of the Environmental Protection Authority: 1627

Previous Assessment Numbers: 1580, 2020

Previous Report Numbers: 1269, 1528

Preceding Statements Relating to this Proposal: 810, 984

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 810 (as amended by Ministerial Statement 984) be changed as specified in this Statement.

Condition 14 of Ministerial Statement 810 is deleted and replaced with:

14 Noise Management

Interim Period

14-1A During the period up to twelve (12) months from the date of this Statement, the proponent shall manage the proposal as follows:

- (1) Unless otherwise agreed in writing between the proponent and the owner and any occupier of noise sensitive premises:
 - (a) the proposal must comply with the Noise Regulations at any building associated with a noise sensitive use at any noise sensitive premises; and
 - (b) outside the hours 0700 to 1900 Monday to Saturday, Sunday, or on public holidays, no mining activity is to be undertaken within 1,500 metres of any building associated with a noise sensitive use at any noise sensitive premises.
- (2) The requirement in condition 14-1A(1) does not apply in respect of noise sensitive premises that are not being used for a noise sensitive purpose.

Separation Distances

14-1 After the period up to twelve (12) months from the date of this Statement, the proponent shall manage the proposal as follows, unless varied by condition 14-2 or 14-3:

- (1) no Mineral Processing Activity is to be undertaken at any time within two (2) kilometres of a highly sensitive area;
- (2) during the Day and Evening periods, no Mining Operations are undertaken within two (2) kilometres of a highly sensitive area; and
- (3) during the Night period, no Mining Operations are undertaken within three point three (3.3) kilometres of a highly sensitive area.

Amenity Agreements

14-2 The requirements in condition 14-1 do not apply in respect of a particular highly sensitive area if:

- (1) the proponent and the landowner and occupier of that highly sensitive area have agreed otherwise in writing; and
- (2) notwithstanding any agreement referred to in condition 14-2(1):

- (a) Noise Emission levels received Indoors during the Evening period do not exceed 30 dB L_{A10} + Influencing factor (Tonal adjustment is applicable).
- (b) Noise Emission levels received Indoors during the Night period do not exceed 25 dB L_{A10} + Influencing factor (Tonal adjustment is applicable).
- (c) The proponent shall ensure that highly sensitive areas have appropriate acoustic attenuation to demonstrate that Noise Emission levels received Indoors as defined in conditions 14-2(2)(a) and 14-2(2)(b) can be met at all times.
- (d) The proponent shall assume worst case conditions for modelling and attenuation, to be verified by an Independent acoustic expert, and reported in accordance with condition 14-9.

Noise Management and Monitoring Plan

14-3 The requirements in condition 14-1 may be varied or substituted if:

- (1) the proponent prepares and submits a Noise Management and Monitoring Plan (NMMP) to the CEO, in accordance with condition 14-4, which demonstrates that reduced distances will achieve compliance with the Noise Regulations;
- (2) the CEO approves in writing the NMMP for the purpose of varying condition 14-1; and
- (3) the proponent implements the provisions of the approved NMMP.

14-4 The NMMP submitted under condition 14-3(1) must include:

- (1) a calibrated noise model that assumes worst case meteorological conditions for noise propagation and tonal characteristics at all times, that is validated by an independent acoustic expert;
- (2) noise monitoring to include noise levels at a location or locations representative of the highly sensitive area closest to the area for which varied distances to those defined in condition 14-1 are proposed to apply;
- (3) details of management measures, including but not limited to, any actions undertaken to reduce noise emissions from the proposal, monitoring, and reporting;
- (4) community consultation that has been undertaken, including any agreement on implementation of noise mitigation measures with residents; and

- (5) the procedure and data reporting to demonstrate compliance in the event of a community complaint regarding operational noise, or at the request of the CEO.
- 14-5 The proponent shall review and revise the NMMP as and when directed by the CEO.
- 14-6 Any approved NMMP shall be made available to the public in a manner approved by the CEO.
- 14-7 Any changes to management measures, including actions, monitoring and reporting in the NMMP must be approved by the CEO in writing, including any scheduled movements of the Wet Concentrator Plant and Mine Field Unit elements of the proposal.

Noise Monitoring and Reporting

- 14-8 The proponent shall monitor noise and submit annual noise reports to the CEO from the issue of this Statement that shall be submitted as part of the proponent's compliance assessment reporting process, conditioned under 4-6 of Statement 810.
- 14-9 The report referred to in condition 14-8 shall address operations, noise management, and noise emissions for each time period (Day, Evening, and Night) for the purpose of demonstrating compliance with condition 14-1A and 14-1, 14-2 and 14-3 (as applicable) and shall include the following:
 - (1) a description of the equipment and methods used for monitoring and modelling of operational noise emissions, to a level of detail that would enable them to be independently reproduced by an acoustic expert;
 - (2) an assessment prepared by an independent acoustic expert which demonstrates to a reasonable and practical extent (or otherwise satisfactorily to the CEO) the level of compliance with applicable noise levels at all nearby noise sensitive premises; and
 - (3) a description of the noise management measures employed during the period.
- 14-10 In the event of a potential breach of these conditions, the proponent shall investigate the incident(s) and report the exceedance in writing to the CEO within two (2) business days of the breach being identified.

[signed on 8 February 2019]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Abbreviations and definitions

Acronym or abbreviations	Definition or term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or its delegate.
Day period	Monday to Saturday between the hours of 0700 to 1900 Australian Western Standard Time.
dB	decibels
Evening period	Monday to Saturday between the hours of 1900 to 2200 Australian Western Standard Time; and Sundays and public holidays between the hours of 0900 and 2200 Australian Western Standard Time.
Highly sensitive area	Has the same meaning as defined by regulation 8(1) of the <i>Environmental Protection (Noise) Regulations 1997</i> .
Independent acoustic expert	A person qualified and experienced in the area of environmental noise assessment and who by their qualifications and experience is eligible to hold membership of the Association of Australasian Acoustical Consultants. The acoustic expert must be without conflict of interest or any business or financial relationship with the proponent or its associates other than being recompensed for professional services rendered to the proponent.
Indoors	Locations which reasonably represent human occupation of an enclosed space within a highly sensitive area as defined in regulation 8 of the <i>Environmental Protection (Noise) Regulations 1997</i> , with all windows and doors in their closed position.
Influencing factor	Determined under Schedule 3 of the <i>Environmental Protection (Noise) Regulations 1997</i> .
L _{A10}	Has the same meaning as defined by regulation 8(1) of the <i>Environmental Protection (Noise) Regulations 1997</i> .
Mineral Processing Activity	Use of equipment in the processing of minerals, which includes: <ul style="list-style-type: none"> • loading of ore to the Mine Field Unit; • operation of the Mine Field Unit; • associated motors delivering ore from the Mine Field Unit to the Wet Concentrator Plant and movement of tailings and water between the Wet Concentrator Plant and mine void; • operation of the Wet Concentrator Plant; and • fixed equipment associated with the Wet Concentrator Plant (cyclones and thickener).
Mining Operations	Use of equipment in the extraction and haulage of earth bearing minerals, including: <ul style="list-style-type: none"> • the removal of overburden by mechanical or other means and the stacking, deposit, and storage of any substance considered to contain any mineral; • field pumps, including production bores with surface mounted motors/pumps; • the use of mobile mining fleet (graders, bulldozers, excavators and haul trucks within the disturbance footprint); and • any works associated with rehabilitation of land disturbed in the extraction and processing of the mineral resource, except land disturbed prior to 31 December 2019.

Acronym or abbreviations	Definition or term
Night Period	Monday to Saturday between the hours of 2200 to 0700 Australian Western Standard Time; and Sundays and public holidays until 0900 Australian Western Standard Time.
Noise Emissions	Noise emitted from premises occupied by the Keysbrook Mineral Sands Mine.
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997.</i>
Noise sensitive premises	Has the same meaning as defined by regulation 2(1) of the <i>Environmental Protection (Noise) Regulations 1997.</i>
Noise sensitive purpose	Has the same meaning as defined by regulation 2(1) of the <i>Environmental Protection (Noise) Regulations 1997.</i>
Tonal adjustment	Determined under regulation 9 of the <i>Environmental Protection (Noise) Regulations 1997.</i>