



Ass # 705

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State # 293

WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**ESTABLISHMENT OF AN INDUSTRIAL PARK AT MEENAAR
18 KM EAST OF NORTHAM (705)**

**THE INDUSTRIAL LANDS DEVELOPMENT AUTHORITY
THE DEPARTMENT OF STATE DEVELOPMENT**

This proposal may be implemented subject to the following conditions:

1 Proponent Commitments

The proponent has made a number of environmental management commitments in order to protect the environment: some of these are the responsibility of the proponent; others the responsibility of future occupiers of the separate industrial sites and are presented as Draft Environmental Criteria for Establishment of Industries at Industrial Park, Meenaar (See condition 3-1).

- 1-1 In implementing the proposal, the proponent shall fulfil certain commitments (which are not inconsistent with the conditions or procedures contained in this statement) made in the Consultative Environmental Review and in response to issues raised following public submissions. These commitments are extracted from Appendix 1 of Environmental Protection Authority Bulletin 645. (A copy is attached as Appendix A).

2 Implementation

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 2-1 Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

3 Subsequent Proposals

Draft criteria for establishment of industry at the industrial park are based on commitments provided by the proponent. These will not be the only requirements for industry to be located within the park, however, they should be used as a minimum standard.

- 3-1 The proponent shall ensure that leases or transfers of land to occupiers/purchasers within the industrial park are only made if the development proposed on that land can be shown to meet the Draft Environmental Criteria for Establishment of Industries at Industrial Park, Meenaar as amended from time to time by the Environmental Protection Authority (A copy is attached as Appendix B).

Published on

30 NOV 1992

- 3-2 The proponent shall refer to the Environmental Protection Authority all proposals for development within the industrial park.

4 Establishment of Management Committee

An Industrial Park Management Committee with appropriate Terms of Reference should be established.

- 4-1 Within six months of any approval of this proposal under the provisions of the Environmental Protection Act, the proponent shall establish the Meenaar Industrial Park Management Committee with membership and Terms of Reference which meet the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

The Terms of Reference shall include, but not necessarily be limited to the following:

- 1 management of issues such as
 - buffer zones,
 - environmental monitoring, and
 - community consultation;
- 2 ensuring that industrial development remains compatible with community goals and objectives;
- 3 formulation of policy for the Industrial Park;
- 4 implementation of the Industrial Park Concept Plan;
- 5 provision of direction to the Working Committees; and
- 6 provision of advice to the State Government.

5 Proponent

These conditions legally apply to the nominated proponent.

- 5-1 No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

6 Time Limit on Approval

The environmental approval for the proposal is limited.

- 6-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced. Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority.)

7 Compliance Auditing

In order to ensure that environmental conditions and commitments are met, an audit system is required.

- 7-1 The proponent shall prepare periodic "Progress and Compliance Reports", to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority.

Procedure

The Environmental Protection Authority is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.

If the Environmental Protection Authority, other government agency or proponent is in dispute concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

The land area of this proposal is as defined in the letter from the Minister for State Development to the Minister for the Environment dated 16 October 1992 and reflected in the draft Amendment No 15 of District Planning Scheme No 2 of the Town Planning Scheme of the Shire of Northam. (Copies of the letter, the draft Amendment, and Scheme and Amendment Maps are attached as Appendix C).

Note: The proponent's original commitments are presented either as commitments forming part of this proposal (Appendix A) or as draft criteria for future industrial development in the Meenaar Industrial Park (Appendix B).

Jim McGinty, MLA
MINISTER FOR THE ENVIRONMENT

30 NOV 1992

PROPONENT'S COMMITMENTS

ESTABLISHMENT OF AN INDUSTRIAL PARK AT MEENAAR, 18 KM EAST OF NORTHAM (705)

THE INDUSTRIAL LANDS DEVELOPMENT AUTHORITY

THE DEPARTMENT OF STATE DEVELOPMENT

The proponent has made the following environmental commitments:

1 General

The Park will be developed according to all relevant Government statutes and agency requirements, and to the satisfaction of the Environmental Protection Authority.

2 Buffer Zone

The proponent will reasonably resolve environmental and social issues if they arise within a buffer zone of 2km from the boundary of the industrial land in the estate, to the satisfaction of the Minister for the Environment.

3 Waste Disposal

The proponent will initiate a study incorporating the Avon Community Development Foundation and local shires to locate a suitable industrial waste site as soon as environmental approval for the Meenaar site has been received from the Minister for the Environment.

4 Risks and Hazards

A model of the cumulative risk levels associated with the Industrial Park will be generated to ensure that the individual risk levels are maintained within the guidelines established by the Environmental Protection Authority in Bulletin 611.

APPENDIX B

DRAFT ENVIRONMENTAL CRITERIA FOR ESTABLISHMENT OF INDUSTRIES AT INDUSTRIAL PARK, MEENAAR, 18 KM EAST OF NORTHAM (OCTOBER 1992)

NOTE: These draft environmental criteria are to be met to the requirements of the Environmental Protection Authority, and are subject to modification. Additional matters such as odour and oxides of nitrogen (NO_x) may need to be addressed in later versions.

1 General

Any development in the Meenaar Industrial Park shall be carried out according to all relevant Government statutes and agency requirements, and shall be referred to the Environmental Protection Authority at the earliest opportunity.

2 Solid and Liquid Waste Management

- 2-1 Wastewater treatment and disposal systems within the Industrial Park shall be appropriately designed and installed.
- 2-2 Prior to construction of such wastewater treatment facilities, each industry shall supply details of location and design to the Meenaar Industrial Park Management Committee and obtain necessary statutory approvals for these prior to commencing construction.
- 2-3 In the event of leakage from any wastewater treatment ponds causing an unacceptable environmental impact, immediate action shall be taken to stop the leakage so that the environmental impact is rectified.
- 2-4 Solid waste shall be disposed of in a satisfactory manner.
- 2-5 Solids remaining in evaporation ponds shall only be disposed of by approved methods.

3 Noise Limits

All operations should be conducted so that noise emissions do not unreasonably impact on the surroundings.

3-1 Noise emissions from any project shall not exceed:

- 40 dB L_{A10}, 1 hour slow and 50 dB L_{A max} slow between 2200 hours and 0700 hours on any day when measured on any noise-sensitive premises;
- 45 dB L_{A10}, 1 hour slow and 55 dB L_{A max} slow between 1900 hours and 2200 hours on any day, and between 0700 hours and 1900 hours on Sundays and gazetted public holidays, when measured on any noise-sensitive premises;
- 50 dB L_{A10}, 1 hour slow and 70 dB L_{A max} slow between 0700 hours and 1900 hours on Monday to Saturday inclusive, when measured on any noise-sensitive premises; and
- 65 dB L_A slow when measured at or near the boundary of premises that are not noise-sensitive premises (other industries);

where such emissions would result in the noise level present at the affected premises exceeding the ambient noise level present at any time by more than 5 dB L_A slow.

- 3-2 Noise emissions from those activities which are of concern to occupiers of noise-sensitive premises shall not exhibit tones, amplitude and frequency modulation, and impulsiveness of a nature which increases the intrusiveness of the noise.
- 3-3 Noise surveys and assessments shall be conducted in consultation with the Environmental Protection Authority.

The following definitions apply to these criteria.

"ambient noise" means the generally non-intrusive noise which is always present due to such sources as motor vehicles operating on roads (other than those adjacent to the premises where the noise environment is being assessed), general industrial, commercial and other activities where individual noise sources such as fans, machinery, refrigeration and air-conditioning plant and vehicles cannot be identified, and natural noise sources such as wind-induced vegetation noise, but not the noise caused by the allegedly offending source or sources;

"dB LA10, 1 hour slow " means the A weighted noise level exceeded for 10% of the time, determined over a time period of one hour with a sound level meter set to measure in slow dynamic response mode, and

"noise-sensitive premises" means any land or building that is used as a residence, guest house, hotel, motel, caravan park, school, church, hospital, or as an office or consulting rooms, where such office or consulting rooms are not located in an industrial area.

4 Atmospheric Emissions

- 4-1 Sulphur Dioxide
1-hour average sulphur dioxide levels at the boundary of the Industrial Park shall be less than 350 micrograms per cubic metre for almost all of the time (99.9%) and shall never exceed 700 micrograms per cubic metre.
- 4-2 Dust
Concentration of airborne dust contributed by any premises within the Industrial Park shall not exceed the acute impact level of 1,000 micrograms per cubic metre (ug/m³) averaged over 15 minutes at the boundary of the premises. For the longer term, at residences an annual mean of 90 micrograms per cubic metre, measured over 24 hour periods, shall not be exceeded.
- 4-3 Other, eg. Odour and Oxides of Nitrogen (NO_x)
To be determined as required.

5 Risks and Hazards

- 5-1 The Industrial Park should comply with the requirements and approach to be adopted for evaluation of risks and hazards as detailed in Environmental Protection Authority Bulletin 611 (Criteria for the Assessment of Risk from Industry, EPA Guidelines, 1992). These requirements include the principle of "avoiding avoidable risk" and include the following criteria for individual fatality risk levels:
- (1) A risk level in residential zones of one in a million per year or less, is so small as to be acceptable to the Environmental Protection Authority.
 - (2) A risk level in "sensitive developments", such as hospitals, schools, child care facilities and aged care housing developments of between one half and one in a million per year is so small as to be acceptable to the Environmental Protection Authority.

- (3) Risk levels from industrial facilities should not exceed a target of fifty in a million per year at the site boundary for each individual industry, and the cumulative risk level imposed upon an industry should not exceed a target of one hundred in a million per year; and
 - (4) A risk level for any non-industrial activity located in buffer zones between industrial facilities and residential zones of ten in a million per year or lower, is so small as to be acceptable to the Environmental Protection Authority.
- 5-2 Each intending occupier who would be engaged in hazardous activities in the Industrial Park shall participate in the preparation of a model of cumulative risk levels which should be generated to ensure that the above criteria are met.
- 6 Decommissioning**
The satisfactory decommissioning of any project, removal of plant and installations and rehabilitation of the site and its environs is the responsibility of each future proponent.
- 6-1 At least six months prior to decommissioning of any project, a decommissioning and rehabilitation plan shall be prepared and subsequently implemented.

APPENDIX C

ESTABLISHMENT OF AN INDUSTRIAL PARK AT
MEENAAR, 18 KM EAST OF NORTHAM (705)

THE INDUSTRIAL LANDS DEVELOPMENT AUTHORITY

THE DEPARTMENT OF STATE DEVELOPMENT

The following letter dated 16 October 1992 and documents define the land area of the proposal:

Deputy Premier
Minister for State Development;
Goldfields



28th floor, Capita Centre,
197 St Georges Terrace
Perth Western Australia 6000
Telephone: (09) 222 8788
Fax: (09) 222 8799

Your Ref: 11914
Our Ref: 15972

15 OCT 1992

Hon. Bob Pearce, MLA
MINISTER FOR THE ENVIRONMENT

16 OCT 1992

MEENAAR INDUSTRIAL PARK - NORTHAM

Further to your advice of 30 September 1992 and my earlier minute, of 7 September 1992, and following discussions with the Environmental Protection Authority, it has been agreed that the extent of the industrial park will for the present be confined to the land currently the subject of an offer to purchase.

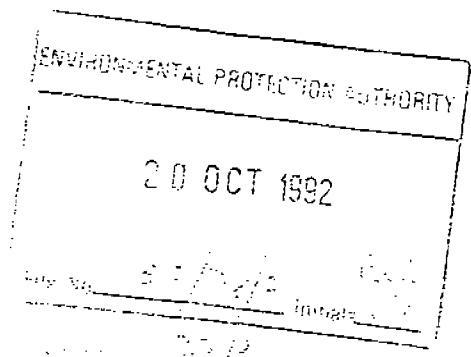
The details of this land have since been contained in the application for amendment to the Town Planning Scheme of the Shire of Northam, being amendment No.15 of District Planning Scheme No.2. A copy of this, describing the land proposed to be rezoned, is attached for your information. This application has been made by the Northam Shire Council in parallel with the environmental assessment so as to expedite the approval process.

You are also advised that this information has been provided to the neighbouring landholders and was considered and approved at a full council meeting of the Shire of Northam.

I am advised that the Ashton Rare Earths Joint Venturers are meeting on Tuesday, 20 October. Resolution of appeals on both the Mt Weld Project and the Meenaar Industrial Park by that date, and subsequent issue of your statement under the E.P. Act before that date would be appreciated.

IAN TAYLOR, MLA

Att



60828

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED)

SHIRE OF NORTHAM

DISTRICT PLANNING SCHEME NO. 2

AMENDMENT NO. 15

The Northam Shire Council under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended) hereby amends the above Town Planning Scheme by:

1. excising part of lot 2 of Avon locations 7005 and 8707, and part of Avon locations 8446, 8706, 9343, 9344, 9345, 10200, 12785 and 12786 from the Rural 5 zone and including them in the Industrial zone, and excising part of lot 2 of Avon locations 7005 and 8707, and part of Avon locations 5240, 8446, 8706, 9343, 9344, 9345, 10200, 12785 and 12786 from the Rural 5 zone and including them in the Parks and Recreation reservation as depicted on the attached Amendment Map, and the Scheme Map is hereby amended accordingly.

TOWN PLANNING AND DEVELOPMENT ACT, 1928 (AS AMENDED)
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

SHIRE OF NORTHAM
DISTRICT PLANNING SCHEME NO. 2
AMENDMENT NO. 15

Resolved that the Council, in pursuance of Section 7 of the Town Planning and Development Act, 1928 (as amended), amend the above Town Planning Scheme by

1. rezoning part of lot 2 of Avon locations 7005 and 8707, and part of Avon locations 8446, 8706, 9343, 9344, 9345, 10200, 12785 and 12786 from Rural 5 to Industrial.
2. rezoning Part of lot 2 of Avon locations 7005 and 8707, and Part of Avon locations 5240, 8446, 8706, 9343, 9344, 9345, 10200, 12785 and 12786 from Rural 5 zone to Parks and Recreation Reservation.

Dated this _____ day of _____ 19 _____

SHIRE CLERK



AMENDMENT MAP

RESERVES



PARKS AND RECREATION

ZONES



RESIDENTIAL

SHIRE OF NORTHAM
TOWN PLANNING SCHEME NO.2
AMENDMENT NO.15



SCALE 1:40000