

Environmental Protection Act 1986

***Environmental Protection (Wagerup Alumina Refinery
Noise Emissions) Approval 2012***

***as amended under regulation 17 Environmental Protection
(Wagerup Alumina Refinery Noise Emissions)***

Amendment Approval 2013*

***and as amended under regulation 18E Environmental Protection
(Wagerup Alumina Refinery Noise Emissions)***

Amendment Approval 2014**

Approval of the Minister under the *Environmental Protection (Noise) Regulations 1997* regulation 17(7).

1. Citation

This approval is the *Environmental Protection (Wagerup Alumina Refinery Noise Emissions) Approval 2012*.

2. Terms used

In this approval —

Alcoa means Alcoa of Australia Limited (ACN 004 879 298);

building has the meaning given in regulation 8(1);

LA 1 approved level means an approved level which, measured as a LA Slow value, is not to be exceeded for more than 1% of any period of 3 hours;

LA 10 approved level means an approved level which, measured as a LA Slow value, is not to be exceeded for more than 10% of any period of 3 hours;

LA max assigned level has the meaning given in regulation 8(1);

LA Slow has the meaning given in regulation 2(1);

location 1 means any place at or adjacent to the north-eastern corner of Lot 16 on Plan 202652, near the intersection of Willowdale Road and South Western Highway, Wagerup;

location 2 means any place at or adjacent to the south-eastern corner of Lot 145 on Plan 232779, near the intersection of Bancell Road and South Western Highway, Wagerup;

location 3 means any place at or adjacent to the western boundary of Lot 1 on Diagram 51826, near South Western Highway, Wagerup;

location 4 means any place at or adjacent to the south-western corner of Lot 500 on Plan 22014, near the water treatment plant on Boundary Road, Wagerup;

location 5 means any place at or adjacent to the south-eastern corner of Lot 2606 on Plan 249779, near Boundary Road, Wagerup;

location 6 means any place at or adjacent to the north-western corner of the intersection of Millar Street and Aitken Street, Wagerup;

location 7 means any place at or adjacent to the intersection of Chapter Road and Aitken Street, Wagerup;

location 8 means any place at or adjacent to the south-western corner of Lot 102 on Diagram 85596, near Waterous Road, Wagerup;

MGA94 coordinates means *Map Grid of Australia 1994 (MGA94) coordinates in Zone 50 of the Universal Transverse Mercator Grid System based on the Geocentric Datum of Australia**;

noise-affected land means land on which there are noise-sensitive premises that receive, at any noise-sensitive location on the premises, noise emitted from the Wagerup Alumina Refinery at a level that is likely to exceed the standard prescribed under regulation 7(1)(a) in respect of noise received at a noise-sensitive location;

noise-sensitive location means a location on noise-sensitive premises that is within 15 metres of a building directly associated with a noise-sensitive use;

noise monitoring programme means *the programme described in clause 8**;

noise-sensitive premises has the meaning given in regulation 2(1);

regulation means a regulation of the *Environmental Protection (Noise) Regulations 1997*;

start day means the day on which notice of *the Environmental Protection (Wagerup Alumina Refinery Noise Emissions) Amendment Approval 2013** is published in the *Gazette*;

Wagerup Alumina Refinery means the alumina refinery operated by Alcoa and located at Lot 700 on Plan 59305 and Lot 205 on Plan 34250, Wagerup.

[*Clause 2 amended in *Gazette* 10 December 2013 p. 5823-4]

3. Approval to exceed noise levels

Approval is granted to Alcoa to allow the level of noise emitted from the Wagerup Alumina Refinery to exceed the standard (other than the LA max assigned level) prescribed under regulation 7(1)(a) in respect of noise received at a noise-sensitive location, if the level of noise emitted from the Wagerup Alumina Refinery when received at a location set out in column 1 of the Table at the time set out in column 2 of the Table does not exceed the LA 10 approved level set out in column 3 or the LA 1 approved level set out in column 4 of the Table in relation to the location and the time.

Table

Location	Time of day	L_{A 10} Approved level (dB)	L_{A 1} Approved level (dB)
Location 1	0700 to 1900 hours Monday to Saturday	49	59
	0900 to 1900 hours Sunday and public	47	54
	1900 to 2200 hours all days	47	52
	2200 hours on any day to 0700 hours Monday to	47	59
Location 2	0700 to 1900 hours Monday to Saturday	46	55
	0900 to 1900 hours Sunday and public	46	50
	1900 to 2200 hours all days	46	50
	2200 hours on any day to 0700 hours Monday to	46	48
Location 3	0700 to 1900 hours Monday to Saturday	45	55
	0900 to 1900 hours Sunday and public	45	50
	1900 to 2200 hours all days	45	50
	2200 hours on any day to 0700 hours Monday to	45	47
Location 4	0700 to 1900 hours Monday to Saturday	45	55
	0900 to 1900 hours Sunday and public	41	50
	1900 to 2200 hours all days	41	50
	2200 hours on any day to 0700 hours Monday to	41	45

Location	Time of day	L_A 10 Approved level (dB)	L_A 1 Approved level (dB)
Location 5	0700 to 1900 hours Monday to Saturday	45	55
	0900 to 1900 hours Sunday and public	41	50
	1900 to 2200 hours all days	41	50
	2200 hours on any day to 0700 hours Monday to	41	45
Location 6	0700 to 1900 hours Monday to Saturday	45	55
	0900 to 1900 hours Sunday and public	40	50
	1900 to 2200 hours all days	40	50
	2200 hours on any day to 0700 hours Monday to	37	45
Location 7	0700 to 1900 hours Monday to Saturday	45	55
	0900 to 1900 hours Sunday and public	40	50
	1900 to 2200 hours all days	40	50
	2200 hours on any day to 0700 hours Monday to	37	45
Location 8	0700 to 1900 hours Monday to Saturday	45	55
	0900 to 1900 hours Sunday and public	40	50
	1900 to 2200 hours all days	40	50
	2200 hours on any day to 0700 hours Monday to	36	45

4. Duration of approval

- (1) This approval has effect for 2 years from the start day or for a longer period that applies under subclause (2).
- (2) If Alcoa applies for a further approval under regulation 17 in relation to the Wagerup Alumina Refinery within the first 18 months in which this approval has effect, this approval continues to operate until the Minister grants, or refuses to grant, the further approval.

5. Condition of approval

It is a condition of the grant of this approval that Alcoa comply with the provisions in *clauses 6 to 11*.*.

[*Clause 5 amended in Gazette 10 December 2013 p. 5824]

6. Noise amelioration plan

- (1) Alcoa must submit to the *CEO** within 3 months of the start day a noise amelioration plan in respect of noise-affected land.
- (2) The noise amelioration plan must contain the following —
 - (a) an acoustic amelioration programme setting out procedures for the provision by Alcoa of noise insulation for buildings, on noise-affected land, that are directly associated with a noise-sensitive use;
 - (b) a land management plan setting out the procedures for the purchase by Alcoa of noise-affected land;
 - (c) any other matter that the *CEO** may require.
 - (d) at any time after receiving a noise amelioration plan from Alcoa, the *CEO** may, by notice in writing, request Alcoa to provide a revised noise amelioration plan that addresses the matters specified in the notice
 - (e) A revised noise amelioration plan requested under subclause (3) must be provided within 14 days of the request or within such longer period as the *CEO** specifies in the written notice.

[*Clause 6 amended in Gazette 10 December 2013 p. 5824]

7. Noise consultant to be appointed*

- (1) Alcoa must appoint a noise consultant within 3 months of the start day.

-
- (2) *A person appointed by Alcoa as a noise consultant must be a person who —*
- (a) *has the qualifications and skills necessary to competently undertake, and report on, the noise monitoring programme; and*
 - (b) *is a member of a professional body or association the objects of which are to promote and advance the practice of acoustics in Australia; and*
 - (c) *is not a related body corporate or a subsidiary (as those terms are defined in the Corporations Act 2001 (Commonwealth) section 9) of Alcoa; and*
 - (d) *is not an employee of —*
 - (i) *Alcoa; or*
 - (ii) *any such related body corporate or subsidiary.*
- (3) *If a noise consultant appointed under this clause ceases undertaking the noise monitoring programme, for whatever reason, then Alcoa is to appoint another noise consultant as soon as is practicable, but in any event within 3 months of that cessation.*
- (4) *Alcoa must inform the CEO, by notice in writing, within 2 months of the appointment of a noise consultant of the name and qualifications of the noise consultant.*

[*Clause 7 inserted in Gazette 10 December 2013 p. 5824-5]

8. Noise monitoring programme to be undertaken*

- (1) *Alcoa must ensure that a noise consultant appointed under clause 7 undertakes a noise monitoring programme that has the following objectives —*
- (a) *to provide a comparison of the noise emitted from the Wagerup Alumina Refinery between —*
 - (i) *the period during which this approval has effect; and*
 - (ii) *2001, or if sufficient relevant data is not available for 2001, the year next after 2001 for which sufficient relevant data is available;*
 - (b) *to measure compliance with clause 3.*
- (2) *Monitoring of the noise emitted from the Wagerup Alumina Refinery required for subclause (1)(a)(i) must —*
- (a) *commence within 3 months of the start day; and*
 - (b) *be continuous, apart from any breaks referred to in subclause (3), for as long as this approval has effect; and*

-
- (c) *comprise the taking of noise measurements, using equipment that does not require the constant presence of an operator, at, or near, the points fixed by —*
- (i) *MGA94 coordinates 398164 East and 6359322 North**;* and
 - (ii) *MGA94 coordinates 398202 East and 6356379 North**;*
- and*
- (d) *be carried out in a way that correspond as closely as possible to the way that the monitoring that produced the data referred to in subclause (1)(a)(ii) was carried out, including —*
- (i) *the use of the same statistical noise parameters as were used to produce that data; and*
 - (ii) *the use of the same values over the same time periods and duration as were used to produce that data; and*
 - (iii) *measuring noise emissions in the same way that noise emissions were measured to produce that data.*
- (3) *Breaks in the continuous monitoring referred to in subclause (2)(b) must be of the shortest possible duration and due only to —*
- (a) *normal maintenance of the monitoring equipment; or*
 - (b) *unavoidable and unforeseeable failure of, or damage to, the monitoring equipment.*
- (4) *Monitoring of the noise emitted from the Wagerup Alumina Refinery required for subclause (1)(b) must —*
- (a) *take place on —*
 - (i) *at least 3 occasions between 1 May and 30 September 2014; and*
 - (ii) *at least 3 occasions between 1 May and 1 July 2015;**and*
 - (b) *be carried out —*
 - (i) *at each of the 8 locations listed in clause 3; and*
 - (ii) *between 2200 hours on any day to 0700 hours the next day.*

*[*Clause 8 inserted in Gazette 10 December 2013 p. 5825-6;*

*** Clause 8 amended in Gazette 14 November 2014 p.4275]*

9. Report on noise monitoring*

- (1) *Alcoa must submit to the CEO a report prepared by a noise consultant appointed under clause 7 on the noise monitoring programme.*

-
- (2) *The report is to be submitted within 21 months of the start day.*
 - (3) *In respect of the monitoring required for clause 8(1)(a) the report must —*
 - (a) *summarise at least the last 8 months of noise emissions data collected under the noise monitoring programme during the period that this approval has effect; and*
 - (b) *compare —*
 - (i) *that data; and*
 - (ii) *relevant and available noise emissions data collected for the Wagerup Alumina Refinery in 2001 or, if sufficient relevant data is not available for 2001, data for the year next after 2001 for which sufficient relevant data is available;*
 - (c) *if the data used for comparison under paragraph (b)(ii) was not collected in 2001, explain why the data used for the comparison was chosen.*
 - (4) *In respect of the monitoring required for clause 8(1)(b) the report must —*
 - (a) *set out the data collected under clause 8(4); and*
 - (b) *use that data to describe the extent to which Alcoa has complied, or failed to comply, with clause 3; and*
 - (c) *if there has been any failure to comply with clause 3, describe the failure and provide an explanation as to why the failure occurred.*
 - (5) *The report must also —*
 - (a) *provide details of —*
 - (i) *the procedures used to measure noise emissions under the noise monitoring programme; and*
 - (ii) *the measurements resulting from those procedures;**and*
 - (b) *be organised and written in a manner and form that is likely to be easily understood by a person who does not have any special understanding of, or training in, acoustics, noise control or related areas.*

*[*Clause 9 inserted in Gazette 10 December 2013 p. 5826-7]*

10. Reports on land management*

- (1) *Alcoa must submit to the CEO within 3 months of the start day a report containing the information referred to in subclause (3) in respect of each of the 5 years immediately before the start day.*
- (2) *Alcoa must submit to the CEO within 21 months of the start day a report —*

-
- (a) *containing the information referred to in subclause (3) in respect of each year (or part of a year) for the period commencing on the start day and ending as close to 21 months after the start day as is possible; and*
- (b) *containing an independent audit report of Alcoa's compliance with the land management plan referred to in clause 6(2)(b).*
- (3) *The reports to be submitted to the CEO under subclauses (1) and (2) must each contain the following information —*
- (a) *how many written offers to purchase noise affected-land have been made by Alcoa; and*
- (b) *how many purchases of noise affected-land have been made by Alcoa.*
- (4) *The independent audit referred to in subclause (2)(b) must be conducted by a person appointed by Alcoa who —*
- (a) *has the qualifications and skills necessary to competently carry out the independent audit; and*
- (b) *is a registered company auditor under the Corporations Act 2001 (Commonwealth) section 9 or a member of any of the following bodies —*
- (i) *CPA Australia (ACN 008 392 452);*
- (ii) *the Association of Taxation and Management Accountants (ACN 002 876 208);*
- (iii) *The Institute of Chartered Accountants in Australia (ARBN 084 642 571);*
- (iv) *the Institute of Public Accountants (ACN 004 130 643);*
- (v) *the National Tax & Accountants' Association Limited (ACN 057 551 854);*
- and*
- (c) *is not a related body corporate or a subsidiary (as those terms are defined in the Corporations Act 2001 (Commonwealth) section 9) of Alcoa; and*
- (d) *is not an employee of—*
- (i) *Alcoa; or*
- (ii) *any such related body corporate or subsidiary.*

[*Clause 10 inserted in Gazette 10 December 2013 p. 5827-8]

11. Reports to be publicly available*

- (1) *Alcoa must ensure that each report submitted to the CEO under clause 9(1) or 10(1) or (2) is, within one month of being so submitted, made publicly available —*
- (a) *at Alcoa's Western Australian head office and at the offices of Alcoa at the Wagerup Alumina Refinery; and*
 - (b) *on a website maintained by Alcoa.*
- (2) *When a report is made publicly available under subclause (1), Alcoa must ensure that notice is given of the report's availability by publishing notice —*
- (a) *in 2 issues of a newspaper circulating throughout the State; and*
 - (b) *in 2 issues of any local or regional newspaper circulating in the vicinity of the Wagerup Alumina Refinery.*

[*Clause 11 inserted in Gazette 10 December 2013 p. 5829]

BILL MARMION, Minister for Environment.

Amendments approved by A. Jacob, Minister for Environment on 10 December 2013* and 14 November 2014**.

Copyright Notice

Copyright in the material presented on this website is owned by the State of Western Australia. It is reproduced here with the permission of the State Law Publisher, but does not purport to be the official or authorised version.

You may download, store in cache, display, print, and otherwise reproduce, the whole or any part of this material in unaltered form only (retaining this notice) for your personal, non-commercial use, or non-commercial use within your organisation.

You may not reproduce or communicate the whole or any substantial part of this material for commercial purposes without the express written permission of the State of Western Australia, which must be sought from the State Law Publisher Western Australia.

You may not create links to this website except with the prior written permission of the Department of Environment Regulation.

Apart from the uses permitted above and any other use permitted under the *Copyright Act 1968*, all other rights are reserved. No licence to reproduce, communicate or otherwise use this material other than as expressly stated above is to be implied by the availability of this material on this website.

Disclaimer

The materials presented on the Department of Environment web site are provided by the State Law Publisher as a service to the community. The information provided is made available in good faith and is derived from sources believed to be reliable and accurate at the time of release on the Internet. However, the information is provided solely on the basis that readers will be responsible for making their own assessment of the matters contained or discussed herein and readers are advised to verify all relevant representations, statements, information and advice.

Changes in circumstances after a document is placed on the Internet may impact on the accuracy of information. Additionally, materials may be maliciously vandalised. No assurance is given as to the accuracy of any representation, statement, information or advice contained after the publication on the Internet.

Material on the Department of Environment web site includes links to external Internet sites. These external information sources are outside the Department of Environment's control. It is the responsibility of the Internet user to make their own decisions about the accuracy, currency, reliability and correctness of information found.

Neither the Department of Environment, the State Law Publisher nor the State of Western Australia nor any employee or agent of the Department of Environment, the State Law Publisher or of the State shall be responsible or liable for any loss, damage or injury (including death) however caused (whether caused by any negligent or other unlawful act or omission of, by or on the part of the Department of Environment, the State Law Publisher, the State, or any agent or employee of the Department of Environment, the State Law Publisher or the State) arising from the use of or reliance on any information, data or advice (including incomplete, out of date, wrong, inaccurate or misleading information, data or advice) expressed or implied in, or coming from, the Department of Environment's web site, by any person whatsoever.