



Licence number	L9236/2020/1
Licence holder	P.M.R. Quarries Pty Ltd
ACN	008 866 448
Registered business address	41 Spearwood Avenue, Bibra Lake, WA 6163
DWER file number	DER2016/000821-1
Duration	22 May 2020 to 21 May 2032
Date of issue	22 May 2020
Premises details	Old Coast Road Quarry Herron, WA 6211 Part of Lot 5 on Plan 2711 (as depicted in Schedule 1)

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production / design capacity
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.	50,000 tonnes or more per year

This Licence is granted to the Licence holder, subject to the attached conditions, on 22 May 2020, by:

Lauren Fox

**A/MANAGER – RESOURCE INDUSTRIES
REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Licence history

Date	Reference number	Summary of changes
10/05/2012	W5084/2011/1	Works Approval
29/11/2013	L8643/2012/1	Licence granted (expired 20/06/18)
22/05/2020	L9236/2020/1	New licence (this instrument)

Interpretation

In this licence:

- (a) the words ‘including’, ‘includes’ and ‘include’ in conditions mean “including but not limited to”, and similar, as appropriate;
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a condition, each row in a table constitutes a separate condition;
- (d) any reference to an Australian or other standard, guideline, or code of practice in this licence:
 - (i) if dated, refers to that particular version; and
 - (ii) if not dated, refers to the latest version and therefore may be subject to change over time;
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act; and
- (f) unless specified otherwise, all definitions are in accordance with the EP Act.

NOTE: This licence requires specific conditions to be met but does not provide any implied authorisation for other emissions, discharges, or activities not specified in this licence.

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Introduction

This Introduction is not part of the Licence conditions.

Who we are

The Department of Water and Environmental Regulation (DWER) is a government department in the portfolio of the Minister for the Environment. Our purpose is to protect and conserve the state's environment on behalf of the people of Western Australia.

Our industry licensing role

DWER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. We also monitor and audit compliance with works approvals and Licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

Licence requirements

This Licence is issued under Part V of the Act. Conditions contained with the Licence relate to the prevention, reduction or control of emissions and discharges and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licence Holder the intention is not to replicate them in the Licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. These can be accessed through the State Law Publisher website using the following link: <https://www.legislation.wa.gov.au/legislation/statutes.nsf/default.html>.

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- Environmental Protection (Controlled Waste) Regulations 2004 - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- Environmental Protection (Noise) Regulations 1997 – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You should comply with your Licence. Non-compliance with your Licence is an offence and strict penalties exist for those who do not comply. Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, Licence, closure notice or environmental protection notice.

Licence Fees

If you have a Licence that is issued for more than one year, you are required to pay an annual Licence fee prior to the anniversary date of issue of your Licence. Non payment of annual Licence fees will result in your Licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new Licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

The Old Coast Road Quarry is located on the eastern side of Old Coast Road, approximately 1.2 km west of the Harvey Estuary, 600m from Lake Clifton and 780m east of the Critically Endangered Lake Clifton Thrombolites. P.M.R. Quarries Pty Ltd (PMR) will extract limestone from an area covering 33.59 hectares which includes an existing limestone quarry operated from 1981 to 2004. The remainder of the site has historically been used for agricultural purposes. Groundwater quality at the water table is regarded as 'fresh' with a salinity range of 500 to 1,500 mg/L total dissolved solids.

PMR intends to operate a mobile jaw crusher at the Old Coast Road Quarry to crush and screen limestone to produce various sized aggregates. The crusher has a design capacity of 150 tonnes per hour where campaign crushing and screening will be carried out depending on market demands. The premises has been assessed at a design capacity of not more than 50,000 tonnes per year. There will be 225m separation from the extent of extraction activities to the nearest residential dwelling west of the site and 125m buffer to the closest residential boundary of Lot 11 and 175m to the next closest residential boundary east of the site. The main issues associated with the screening activities are noise and dust emissions.

The Licence is for the operation of a facility established under works approval W5084/2011/1, issued on 10 May 2012. The Licence will be issued to align with City of Mandurah Development approval, granted on 27 November 2018, which was granted for a total period of 20 years, pending four consecutive five year periods from the date of issue. Where yearly audits conducted by City of Mandurah are found to be satisfactory, the following 5 year period shall thereupon be approved. This Licence will be issued until 2032. DWER may initiate a review of the regulatory controls at any time during this period.

This Licence requires PMR to undertake noise emissions monitoring of all equipment and machinery on site on commencement of operations. Further noise monitoring is to be conducted either annually or each time the crushing plant is relocated (see condition 3.3) in order to demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid. **END OF INTRODUCTION**

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Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the Environmental Protection Act 1986 apply unless the contrary intention appears.

1.1.2 In the Licence, unless the contrary intention appears:

“AACR” means Annual Audit Compliance Report, a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO from time to time and published on the Department’s website and a copy of the AACR form is accessible from the DWER website

“the Act” means the *Environmental Protection Act 1986*;

“annual” means the period from 2 December until 1 December in the following year;

“code of practice for the storage and handling of dangerous goods” means the Storage and handling of dangerous goods, code of practice, Department of Mines, Industry Regulation and Safety, Government of Western Australia, as amended from time to time;

“CEO” means Chief Executive Officer of the Department of Water and Environmental Regulation;

“contact address” for the purpose of correspondence and advice means:

Chief Executive Officer
Department Administering the *Environmental Protection Act 1986*
Locked Bag 10
JOONDALUP DC WA 6027
Telephone: (08) 6367 7000
Facsimile: (08) 6367 7001
Email: info@dwer.wa.gov.au;

“controlled waste” has the definition in Regulation 2 of the *Environmental Protection (Controlled Waste) Regulations 2004*;

“dangerous goods” has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

“DMIRS” mean Department of Mines, Industry Regulation and Safety;

“Director” means Director, Industry Regulation Division of the Department of Water and Environmental Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

“DWER” means Department of Water and Environmental Regulation;

“environmentally hazardous material” means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines, Industry Regulation and Safety;

“fugitive emissions” means all emissions not arising from point sources identified in Section 2.2.

“**Licence**” means this Licence numbered L9236/2020/1 and issued under the *Environmental Protection Act 1986*;

“**Licence Holder**” means the person or organisation named as Licence Holder on page 1 of the Licence;

“**placard quantity**” has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

“**Premises**” means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

“**waste**” has the meaning defined in the *Environmental Protection Act 1986*;

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the current version of that standard.

1.2 General conditions

1.2.1 Nothing in this Licence shall be taken to authorise any emission that is not mentioned in this Licence, where the emission amounts to:

- a) pollution;
- b) unreasonable emission;
- c) discharge of waste in circumstances likely to cause pollution; or
- d) being contrary to any written law.

1.2.2 The Licence Holder shall operate and maintain all pollution control and monitoring equipment to the manufacturer’s specification or any internal management system.

1.2.3 The Licence Holder, except where storage is prescribed in section 1.3, shall only store substances that are classed as dangerous goods below placard quantities or environmentally hazardous materials not classified as dangerous goods if they are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.

1.2.4 The Licence Holder shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The Licence Holder must maintain the following separation distances from the operational boundary of activities (as distinct to prescribed premises boundaries, see Schedule 1C) :

- a) A minimum 80m separation distance to Old Coast Road;
- b) a minimum 175m separation distance to the boundary of lots to the east and 125m to the boundary of Lot 11; and
- c) a minimum separation distance of 225m to the to the nearest dwelling within Lot 11.

Storm water control

1.2.6 The Licence Holder shall ensure that uncontaminated storm water is kept separate from contaminated or potentially contaminated storm water. Where storm water has come into contact with a possible source of contamination it should be treated as contaminated.

2 Emissions

2.1 General

- 2.1.1 The Licence Holder shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.

2.2 Fugitive emissions

- 2.2.1 The Licence Holder shall ensure that no visible dust generated by the crushing and screening activities of the Premises crosses the boundary of Lot 5, Old Coast Road, Herron, as depicted in Schedule 1: Maps.
- 2.2.2 The Licence Holder must manage dust generation at all times during premises operation by:
- (a) wetting down unsealed roads and exposed areas;
 - (b) wetting down stockpiles and dust generating operational areas;
 - (c) stockpiling only on the floor of the pit; and
 - (d) limiting all vehicle traffic within operational areas and along Haul Road to speeds of less than 40km/hr.
- 2.2.3 The Licence Holder must manage dust generation at the premises by ensuring that all loads for transport outside of the pit are covered.

2.3 Noise

- 2.3.1 The Licence Holder must ensure that operations at the premises only occur between the hours of 07:00 to 19:00, and on the days of Monday through to Saturday, excluding public holidays. No crushing operations are permitted on Saturdays.

3 Monitoring

3.1 General monitoring

- 3.1.1 The Licence Holder shall undertake monitoring of noise emissions from all equipment and machinery during site operations to demonstrate that compliance with the *Environmental Protection (Noise) Regulations 1997* has been achieved. Monitoring is to be conducted as follows:
- a) undertaken no more than month after commencement of operations at the premises;
 - b) each time the crushing plant is relocated;
 - c) undertaken during normal operations; and
 - d) at the lot boundary of the closest residential dwelling to the site's operational boundaries.
- 3.1.2 A report prepared pursuant to condition 3.1.1 is to include:
- a) a description of the methods used for monitoring and/or modelling of noise emissions from the premises;
 - b) details and the results of the investigation undertaken;
 - c) details and results of the assessment of the noise emissions from the premises, against the relevant assigned levels in the *Environmental Protection (Noise) Regulations 1997* for the closest and/or most impacted noise sensitive residence;
 - d) an assessment of noise levels against the most recent previous noise assessment;

- e) details of additional noise mitigation measures and a timeline for implementation of these additional controls if a non-compliance is identified, provided to the CEO within 14 calendar days of the non-compliance being identified; and
- f) the first noise assessment must be submitted 28 calendar days after completion. Subsequent noise assessments must also be submitted within 28 calendar days of the assessment being completed.

4 Information

4.1 Records

4.1.1 All information and records required by the Licence shall:

- a) be legible;
- b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- c) except for records listed in 4.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent Licence; and
- d) for those following records, be retained until the expiry of the Licence and any subsequent Licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect condition of the land or groundwater.

4.1.2 The Licence Holder shall ensure that:

- a) any person left in charge of the Premises is aware of the conditions of this Licence and has access at all times to this Licence or copies thereof; and
- b) any person who performs tasks on the Premises is informed of all of the conditions of this Licence that relate to the tasks which that person is performing.

4.1.3 The Licence Holder shall complete an Annual Audit Compliance Report indicating the extent to which the Licence Holder has complied with the conditions of the Licence, and any previous Licence issued under Part V of the Act for the Premises for the annual period.

4.1.4 The Licence Holder shall implement a complaints management system that records the following:

- a) the date and time, where relevant, of each complaint made and received;
 - (i) the means (telephone, email or mail) by which the complaint was made;
 - (ii) any personal details of the complainant that were provided or, if no details were provided, a note to that effect;
 - (iii) the nature of the complaint;
 - (iv) the steps or actions taken in, and the timing of, the response to each complaint, including any follow-up contact with the complainant; and
 - (v) if no actions or steps were taken in relation to the complaint/enquiry, the reason(s) why no actions or steps were taken;
- b) respond as soon as possible, and in any event within three working days, to any complaint received; and

- c) the complaints' log to be submitted to the Director as part of the annual reporting requirements, as required by condition 4.2.1 of this Licence.

4.2.1 The Licence Holder shall submit to the Director at the Contact Address an annual environmental report within 28 calendar days after the end of the annual period (30 June). The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table

Table 4.2.1: Annual environmental report		
Condition or table (if relevant)	Parameter	Format or form¹
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the year and any action taken	None specified
4.1.3	Compliance Annual Audit Compliance Report (AACR)	A template of the compliance reporting form is accessible on Department's website.
4.1.4	Complaints summary	None specified
3.1.1 and 3.1.2	Noise monitoring summary.	None specified

Note 1: Forms are in Schedule 2

4.3 Notification

4.3.1 The Licence Holder shall submit to the Director at the Contact Address an annual environmental report within 28 calendar days after the end of the annual period (30 June). The report shall contain the information listed in Table 4.3.1 in the format or form specified in that table.

Table 4.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
-	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	Part A: As soon as practicable but no later than 5PM of the next usual working day.	N1
2.1.1	Breach of any limit specified in the Licence	Part B: As soon as practicable	

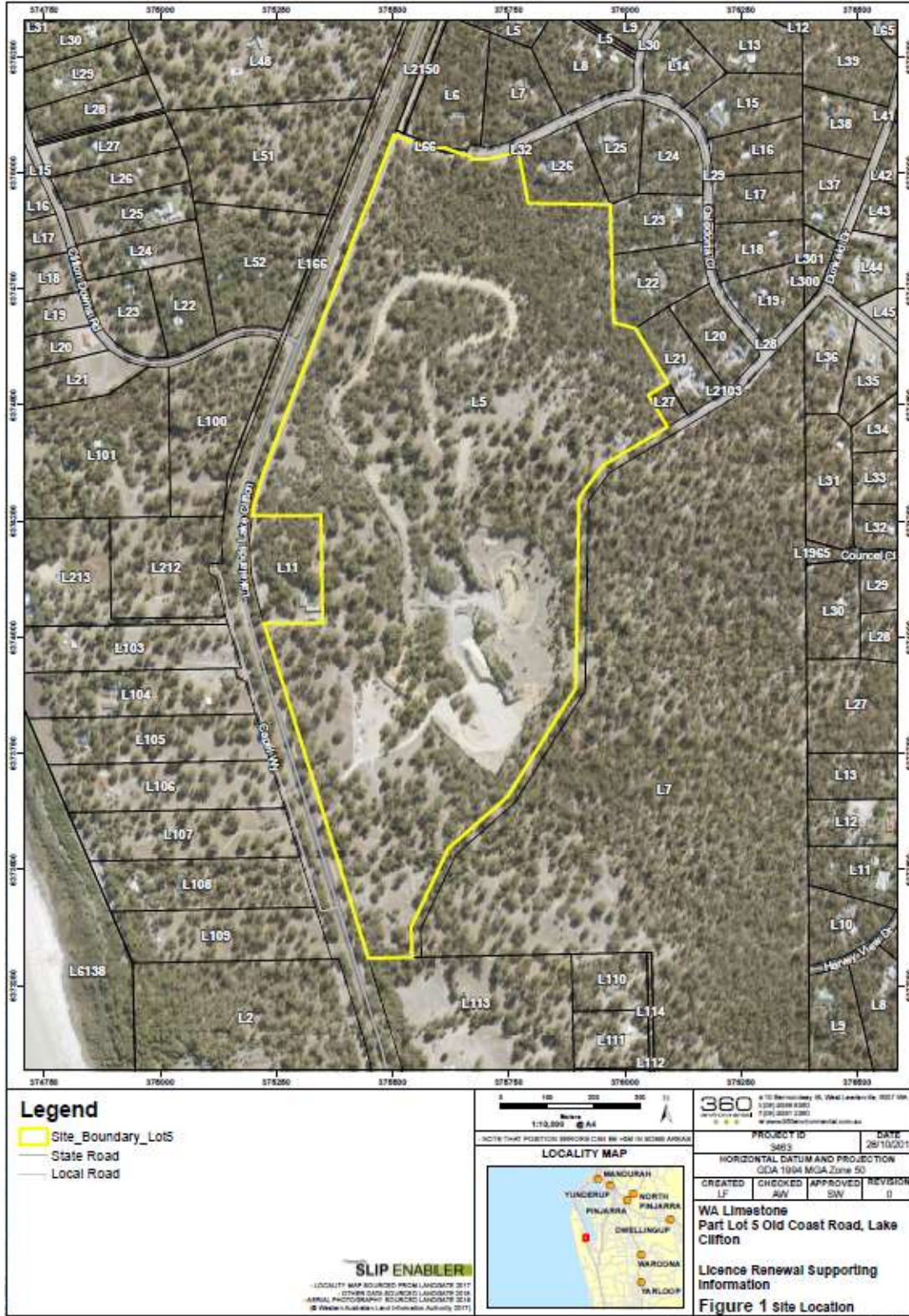
Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

Note 2: Forms are in Schedule 2.

Schedule 1: Maps

1A Premises Map

Yellow Line showing extent of Lot 5 on Plan 12441 Old Coast Road Herron WA 6211

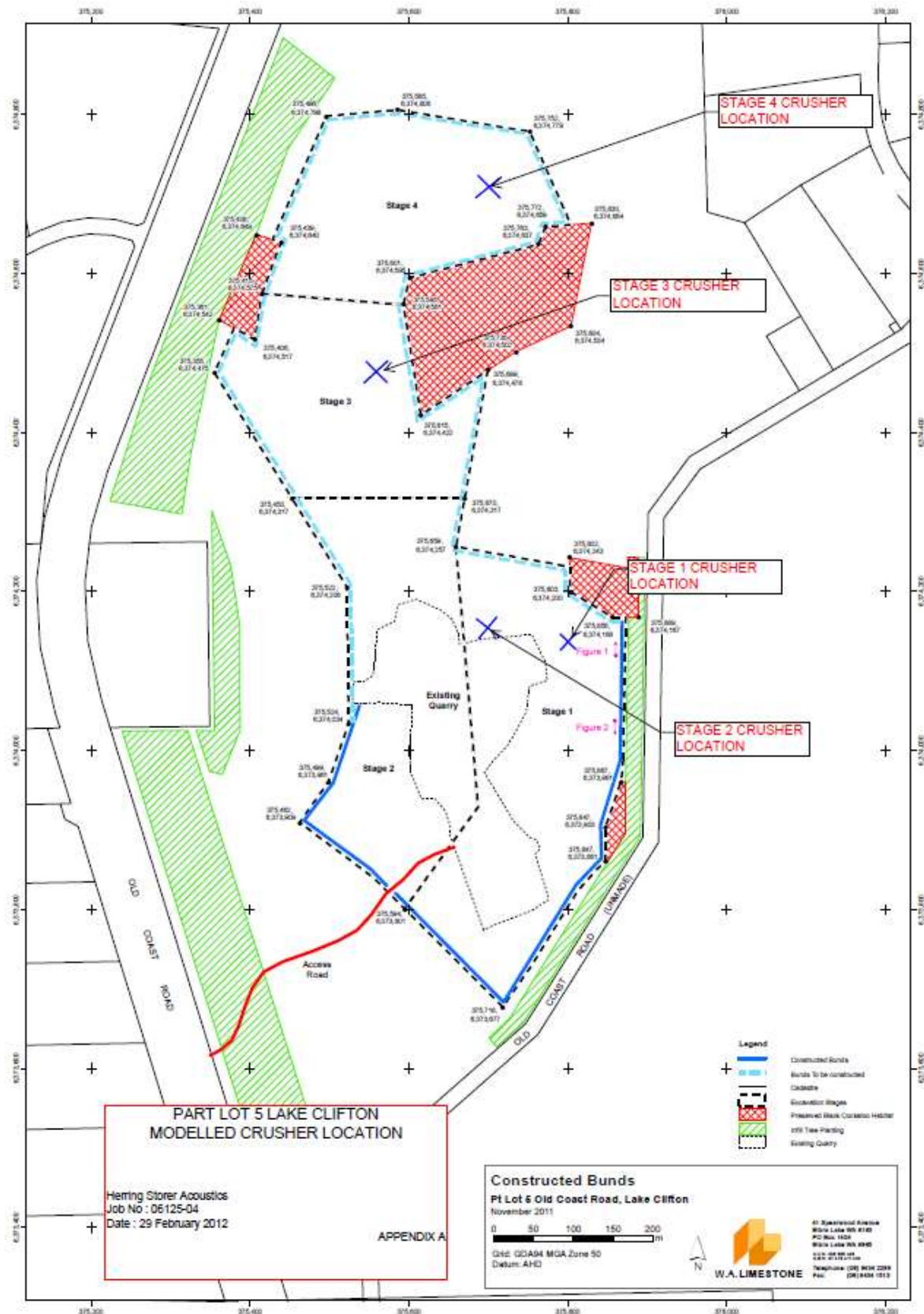


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IR-T06 Licence template (v5.0) (September 2019)



1B Crusher/screener location and stages of excavation



Schedule 2: Notification & form

Licence: L8643/2012/1
Form: N1

Licence Holder: P.M.R. Quarries Pty Ltd
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	

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Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	

Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of P.M.R. Quarries Pty Ltd	
Date	