



# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee:**           **Hanson Construction Materials Pty Ltd**

**Licence:**           **L7356/1999/9**

**Registered office:**   Level 10, 35 Clarence Street  
SYDNEY NSW 2000

**ACN:**                   009 679 734

**Premises address:**   Creighton Road Sand Quarry  
Creighton Road  
LENNARD BROOK WA 6503  
Being Lot 505 on Diagram 63040, Lot M1448 on Diagram 6142, part of Lot 446 on Plan 231044 and part of Lot M1899 on Diagram 10521, as depicted in Schedule 1.

**Issue date:**           Thursday, 10 March 2016

**Commencement date:** Monday, 14 March 2016

**Expiry date:**           Monday, 31 December 2018

**Prescribed premises category**  
Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
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 otherwise separated.	50,000 tonnes or more per year	200,000 tonnes per annual period

**Conditions**

This Licence is subject to the conditions set out in the attached pages.

Date signed: 17 November 2016

.....  
Tim Gentle  
Manager – Licensing (Resource Industries)  
Officer delegated under section 20  
of the *Environmental Protection Act 1986*



## Contents

Licence	1
Contents	2
Introduction	2
Licence conditions	4
1 General	4
2 Information	5
Schedule 1: Maps	6

## Introduction

This Introduction is not part of the Licence conditions.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitor and audit compliance with works approvals and licence conditions, takes 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 within the Licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee 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. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.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 must 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 premises is a small-to-medium scale, coarse sand quarry located near Gingin, approximately 90 km north of Perth. It has been active since 1985, supplying sand for the roof tiling and concrete products industries.

Operations at the quarry involve the extraction of up to 200,000 tonnes per year of coarse grained quartz sand, which is dry screened using a mobile screening unit and stockpiled on site, prior to dispatch. The estimated quarry reserve is in the order of 5 – 8 years at current extraction rates. The principle emissions from operations are noise and fugitive dust, and the potential for contamination of stormwater.

This Licence is the successor to licence L7356/1999/8. It is also being transferred to Hanson Construction Materials Pty Ltd, who acquired the Rocla Quarry Products business in January 2016, and amendments include the addition of Lot M1899 for future screening operations.

The licences and works approvals issued for the Premises since 2003 are:

<b>Instrument log</b>		
<b>Instrument</b>	<b>Issued</b>	<b>Description</b>
L7356/5	31/03/2003	Licence re-issued.
L7356/6	27/01/2004	Licence re-issued.
L7356/7	14/03/2005	Licence re-issued.
L7356/8	03/03/2006	Licence re-issued. Issued for 5 years.
L7356/1999/7	17/02/2011	Licence re-issued. Issued for 5 years.
L7356/1999/8	22/08/2013	Licence amendment, conversion to REFIRE licence format.
L7356/1999/9	10/03/2016	Licence re-issued and transferred to Hanson Construction Materials Pty Ltd. Issued for approx. 3 years to align with planning consent. Premises boundary expanded to include Lot M1899.
L7356/1999/9	17/11/2016	Licence amendment to require a minimum separation distance to noise sensitive premises.

**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**



## 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 For the purposes of this Licence, unless the contrary intention appears:

**'Act'** means the *Environmental Protection Act 1986*;

**'Anniversary Date'** means 17 October of each year;

**'Annual Audit Compliance Report'** means a report in a format approved by the CEO as presented by the Licensee or as specified by the CEO from time to time and published on the Department's website;

**'Annual Period'** means a 12 month period commencing from 1 July until 30 June in the following year;

**'CEO'** means Chief Executive Officer of the Department of Environment Regulation;

**'CEO'** for the purposes of notification means;

Chief Executive Officer  
Department Div.3 Pt.V EP Act  
Locked Bag 33 Cloisters Square  
PERTH WA 6850  
[info@der.wa.gov.au](mailto:info@der.wa.gov.au)

**'Department'** means the department established under s.35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Division 3 Part V of the Act;

**'Licence'** means this Licence numbered L7356/1999/9 and issued under the Act;

**'Licensee'** means the person or organisation named as Licensee on page 1 of the Licence;

**'Noise Sensitive Premises'** means a building, or part of a building, that is used for residential or accommodation purposes, or a purpose set out in Schedule 1 Part C item 3 of the *Environmental Protection (Noise) Regulations 1997*;

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

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated.



**1.2 Premises operation**

1.2.1 The Licensee shall maintain a minimum separation distance of 1,000 metres from a Noise Sensitive Premise(s) to any mobile or fixed sand screening plant on the Premises, whilst undertaking sand screening operations.

**2 Information**

**2.1 Records**

2.1.1 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 2.1.1(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 the condition of the land or waters.

2.1.2 The Licensee must submit to the CEO by 1 September in each year, an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the Conditions in this Licence, for the Annual Period.

2.1.3 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

**2.2 Reporting**

2.2.1 The Licensee must submit to the CEO by 1 September in each year, an Annual Environmental Report containing the information listed in Table 3.2.1 in the format or form specified in that table.

<b>Table 3.2.1: Annual Environmental Report</b>		
<b>Condition or table</b>	<b>Parameter</b>	<b>Format or form<sup>1</sup></b>
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the annual period and any action taken	None specified
3.1.2	Compliance	AACR
3.1.3	Complaints summary	None specified
-	Total amount of material screened (tonnes) during the annual period	

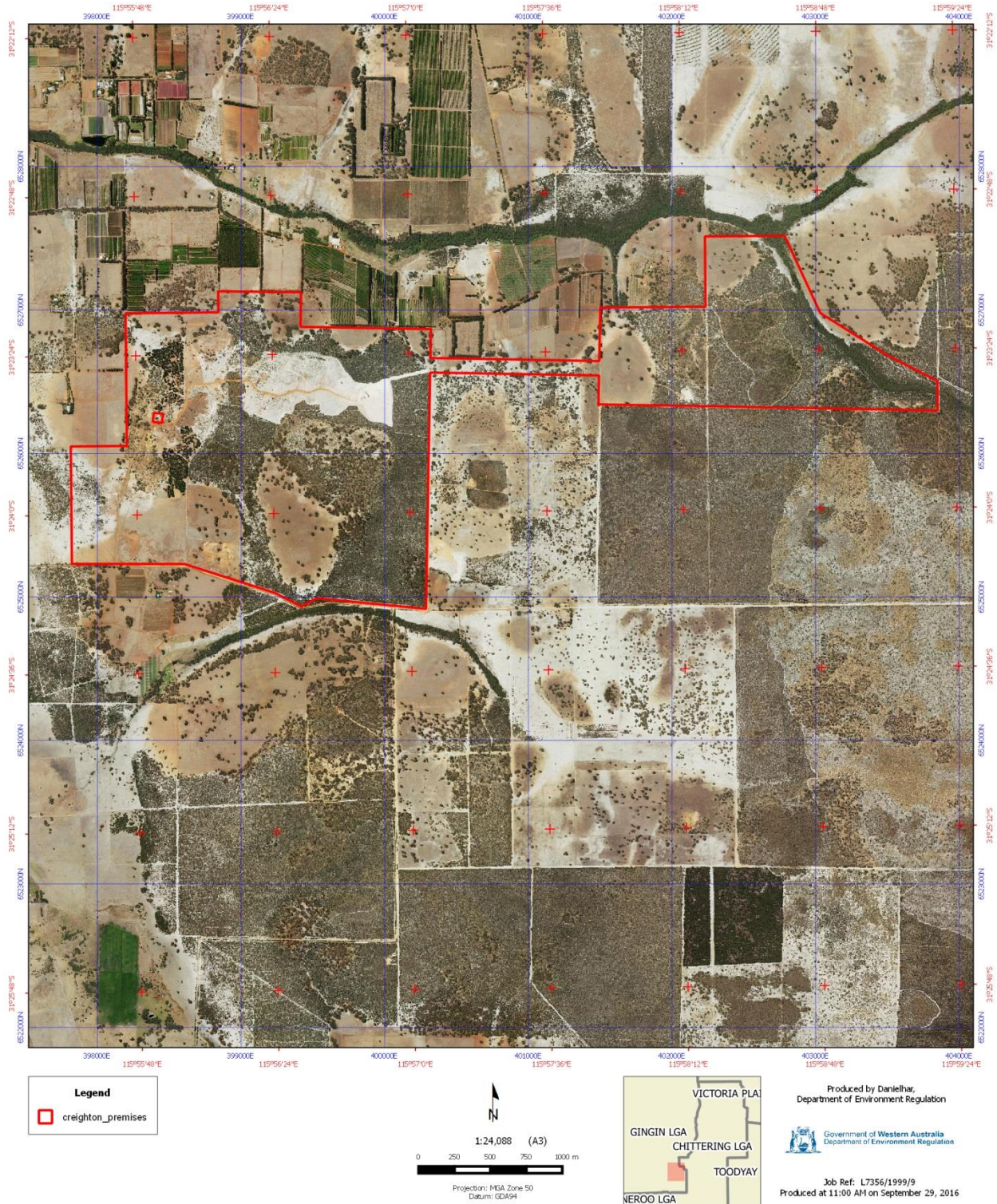




# Schedule 1: Maps

## Premises map

The Premises is shown in the map below. The red line depicts the Premises boundary.





# Decision Document

## *Environmental Protection Act 1986, Part V*

---

**Licensee:** **Hanson Construction Materials Pty Ltd**

**Licence:** **L7356/1999/9**

---

**Registered office:** Level 1, 821 Pacific Highway  
CHATSWOOD NSW 2067

**ACN:** 000 032 191

**Premises address:** Creighton Road Sand Quarry  
Creighton Road  
LENNARD BROOK WA 6503  
Being Lot 505 on Diagram 63040, Lot M1448 on Diagram 6142, part of Lot 446 on Plan 231044 and part of Lot M1899 on Diagram 10521

**Issue date:** Thursday, 10 March 2016

**Commencement date:** Monday, 14 March 2016

**Expiry date:** Monday, 31 December 2018

### **Decision**

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations and that the Licence and its conditions will ensure that an appropriate level of environmental protection is provided.

Decision Document prepared by:

Daniel Hartnup  
Licensing Officer

Decision Document authorised by:

Tim Gentle  
Delegated Officer





## Contents

Decision Document	1
Contents	2
1 Purpose of this Document	2
2 Administrative summary	2
3 Executive summary of proposal and assessment	3
4 Decision table	4
5 Advertisement and consultation table	9
6 Risk Assessment	9

## 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

## 2 Administrative summary

Administrative details			
Application type	Works Approval	<input type="checkbox"/>	
	New Licence	<input type="checkbox"/>	
	Licence amendment	<input checked="" type="checkbox"/>	
	Works Approval amendment	<input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	<b>Category number(s)</b>	<b>Assessed design capacity</b>	
	12: Screening, etc. of material	200,000 tonnes per annual period	
Application verified	Date: 27/01/2016		
Application fee paid	Date: 08/02/2016		
Works Approval has been complied with	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Compliance Certificate received	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Commercial-in-confidence claim	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	





### 3 Executive summary of proposal and assessment

This report sets out DER's assessment and decision making in relation to licence L7356/1999/8 under Division 3, Part V of the *Environmental Protection Act 1986* for the Creighton Rd Sand Quarry.

#### **Background**

Hanson Construction Materials Pty Ltd (Hanson) operates a sand quarry in the locality of Lennard Brook, Shire of Gingin, approximately 90 km north of Perth. Hanson acquired the quarry from the Rocla Quarry Products business in January 2016. Rocla has been quarrying sand from this site since 1985.

#### **Prescribed activities**

A mobile screening unit is used to dry screen sand product that has been extracted from the ground. Product is stockpiled on site, prior to dispatch. The estimated quarry reserve is in the order of 5 – 8 years at current extraction rates (nominal extraction rate of 410 tonnes per day, up to 200,000 tpa).

#### **Siting and location**

The quarry is located on Lots 505, M1448 and M1899, which covers 332 ha in a rural area mainly used for farming. The land covers a prominent vegetated hill and the site operations are not readily visible from public areas. The premises boundary was amended in April 2016 to include Lot M1899 as an extension to the Creighton Rd operation. Sand is currently being quarried on Lot M1899 and transferred to Lot M1448 for screening. The expansion to include Lot M1899 on the licence permits the on-site screening of sand on Lot M1899. The premises expansion brings the sand screening operation closer to the nearest receptors, located approx. 1 km north-west of the proposed screening location.

#### **Public health and environmental risks**

The key public health and environmental risks that may result from the quarry include:

- emissions to air (noise and dust emissions); and
- emissions to surface water (offsite discharge of contaminated stormwater).

#### **Proposed controls**

The risk of fugitive dust and noise emissions impacting on nearby receptors is low if adequate separation from the screening operations is maintained. To this end, the proponent has committed to maintaining the screening plant at least 1,000 metres from the nearest residences.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, DEC's Policy Statement - Limits and targets for prescribed premises (2006), and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

<b>DECISION TABLE</b>			
<b>Licence section</b>	<b>Condition number</b>	<b>Justification (including risk description &amp; decision methodology where relevant)</b>	<b>Reference documents</b>
<b>General conditions / Premises operation</b>	L – no conditions	<p><b>Normal operation</b> There are no specified general conditions for normal operating conditions.</p> <p><b>Abnormal operation</b> <u>Emission Description</u> <i>Emission:</i> Contamination of stormwater with hydrocarbons from operational areas during screening activities. <i>Impact:</i> The discharge of contaminated stormwater into the environment can result in a reduction of fresh groundwater quality and surface water quality. <i>Controls:</i> Stormwater falling within operational areas will be contained within the operational area, and given the porous nature of the soil, will likely immediately infiltrate.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor. <i>Likelihood:</i> Rare. <i>Risk Rating:</i> Low.</p> <p><u>Regulatory Controls</u> No conditions required on the licence. The risk of stormwater runoff from operational areas is low to nil.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor. <i>Likelihood:</i> Rare. <i>Risk Rating:</i> Low.</p>	
<b>Emissions general</b>	L2.1.1	Descriptive limits have been set through conditions of the licence, therefore L2.1.1 has been included to require recording and investigation of limit exceedances.	



DECISION TABLE			
Licence section	Condition number	Justification (including risk description & decision methodology where relevant)	Reference documents
Point source emissions to air including monitoring	L – no conditions	There are no point source emissions to air expected or authorised during operation of the quarry. No specified conditions relating to point source emissions to air or the monitoring of these emissions are required on the licence.	
Point source emissions to surface water including monitoring	L – no conditions	There are no point source emissions to surface water expected or authorised during operation of the quarry. No specified conditions relating to point source emissions to surface water or the monitoring of these emissions are required on the licence.	
Point source emissions to groundwater including monitoring	L – no conditions	There are no point source emissions to groundwater expected or authorised during operation of the quarry. No specified conditions relating to point source emissions to groundwater or the monitoring of these emissions are required on the licence.	
Emissions to land including monitoring	L – no conditions	There are no emissions to land expected or authorised during operation of the quarry. No specified conditions relating to emissions to land or the monitoring of these emissions are required on the licence.	
Fugitive emissions	L2.2.1	<p><b>Normal &amp; abnormal operation</b></p> <p><u>Emission Description</u>  <i>Emission:</i> Fugitive dust at unknown concentration, generated during sand screening operations.  <i>Impact:</i> Dust emissions can be harmful to human health and the environment. Elevated levels of total suspended particulates (TSP) can impact ambient environmental quality resulting in amenity impacts and can smother vegetation. PM<sub>10</sub> or PM<sub>2.5</sub> can be drawn deep into the lungs causing human health impacts. The chemical and physical properties of the particles, the size of the particles and the duration of exposure are all factors which may affect human health. There are 2 receptors located north of the proposed Lennard Rd pit, which may be impacted during screening operations.  <i>Controls:</i> Screening coarse sands, which contains a low percentage of fine grained particles and hence generates minimal fugitive dust emissions. The proponent has committed to locate screening plant &gt;1,000 m from the closest neighbouring dwellings.</p> <p><u>Risk Assessment</u></p>	Works Approval Application, Lot M1899 Lennard Rd, Gingin (RPS, June 2015)



DECISION TABLE			
Licence section	Condition number	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><i>Consequence:</i> Minor. <i>Likelihood:</i> Unlikely. <i>Risk Rating:</i> Moderate.</p> <p><u>Regulatory Controls</u> The proponent's commitment to maintain a minimum 1,000 m separation distance between any screening operation and the closest neighbouring dwellings has been conditioned in the licence to address the risk of any impacts from fugitive dust emissions.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor. <i>Likelihood:</i> Unlikely. <i>Risk Rating:</i> Moderate.</p>	
Noise emissions	L2.2.1	<p><b>Normal &amp; abnormal operation</b></p> <p><u>Emission Description</u> <i>Emission:</i> Noise from the screening plant and associated mobile machinery (front end loaders, etc.) <i>Impact:</i> Noise emissions can cause nuisance and a reduced quality of life and health for human populations, particularly when the source is located near sensitive receptors. Noise can affect the psychological status of human population nearby in terms of emotional stress, anger and physical symptoms. Frequency, intensity, duration, meteorological conditions and distance to receptors are all factors which may affect the impact of noise emissions on sensitive receptors. Noise modelling for the proposed Lennard Rd operation indicates that full compliance with the Noise Regulations can be achieved at all times. <i>Controls:</i> Minimising screening operations to a campaign basis. As part of this amendment application, the proponent has committed to maintaining a minimum separation distance of 1,000 m between any screening operation and the closest neighbouring dwellings.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Insignificant. <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low.</p> <p><u>Regulatory Controls</u> The previous licence required six monthly monitoring of operational noise levels to</p>	<p><i>Environmental Protection (Noise) Regulations 1997 (Noise Regulations)</i></p>





DECISION TABLE			
Licence section	Condition number	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p>demonstrate compliance with the Noise Regulations and to provide assurance of the protection of nearby receptors. This was due to there being no restriction in the location of the screening unit, and the absence of noise data.</p> <p>The proponent has since committed to maintaining a minimum separation distance of 1,000 m between the sand screening operation and nearby receptors. As a general guideline DER considers that a separation distance of at least 1,000 m is appropriate between sensitive land uses and premises on which screening activities are undertaken.</p> <p>If a minimum separation distance of 1,000 m is maintained, DER consider the risk of impacts from noise emissions on nearby receptors will be negligible, and that noise monitoring is not warranted. It is noted that the proponent's noise modelling indicates that the requirements of the Noise Regulations will be met under all conditions. A control has therefore been imposed on the licence to require a minimum separation of 1,000 m, to supersede the existing monitoring requirements.</p> <p>In addition, the proponent has a legislative requirement to comply with the Noise Regulations at all times.</p> <p><u>Residual Risk</u>  <i>Consequence:</i> Insignificant.  <i>Likelihood:</i> Unlikely.  <i>Risk Rating:</i> Low.</p>	
<b>Monitoring general</b>	L – no conditions	General monitoring conditions have been removed from the licence, as all monitoring requirements have been removed.	
<b>Monitoring of inputs and outputs</b>	L – no conditions	Monitoring of inputs and outputs is not required to adequately manage emissions during screening operations. No specified conditions relating to process monitoring are required to be added to the licence.	
<b>Process monitoring</b>	L – no conditions	Process monitoring is not required to adequately manage emissions during screening operations. No specified conditions relating to process monitoring are required to be added to the licence.	
<b>Ambient environmental quality monitoring</b>	L – no conditions	In consideration of a minimum separation distance being imposed on the licence, the risk of impacts on nearby receptors from fugitive dust and noise emissions has been determined to be low and no longer warrants monitoring requirements. As such, previous requirements for noise and dust monitoring have been removed from the licence.	



<b>DECISION TABLE</b>			
<b>Licence section</b>	<b>Condition number</b>	<b>Justification (including risk description &amp; decision methodology where relevant)</b>	<b>Reference documents</b>
<b>Meteorological monitoring</b>	L – no conditions	Monitoring of meteorological conditions is not required.	
<b>Improvements</b>	L – no conditions	No improvements are required.	
<b>Information</b>	L3.1.1 – L3..3 L3.2.1	A summary of the monthly amount of raw material mined (tonnes) has been added to Table 5.2.1 to demonstrate compliance with the licensed throughput of the premises.	
<b>Licence duration</b>	N/A	The licence duration aligns with the expiry of the relevant planning consent issued by the Shire of Gingin.	



## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
18/10/2016	Proponent sent a copy of draft instrument	Nil.	N/A.

## 6 Risk Assessment

*Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management*

**Table 1: Emissions Risk Matrix**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High