



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: L8319
Our ref: DEC10138
Enquiries: Boral Resources (WA) Ltd
Phone: 9182 2033
Fax: 9144 1118
Email: Teresa.Wilkie@dec.wa.gov.au

Manager
Boral Resources (WA) Ltd
PO Box 268
Belmont WA 6984

Dear Sir/Madam

ENVIRONMENTAL PROTECTION ACT 1986 – AMENDMENT TO LICENCE

Licence: L8319

Premises: Poondano Quarry

Further to my letter dated 11 February 2013, please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 9182 2033 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely

Ruth Dowd
Sector Manager – Industry Regulation Licensing Branch
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

22 March 2013

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Licence

Environmental Protection Act 1986, Part V

Licensee: Boral Resources (WA) Ltd

Licence: L8319/2009/1

Registered office: 50 Bridge St
Sydney NSW 2000

ACN: 008 686 904

Premises address: Poondano Quarry
Strelley, Port Hedland WA 6721
Being Tenement M45/103 as depicted in Schedule 1.

Issue date: Thursday 21 May 2009

Commencement date: Monday 25 May 2009

Expiry date: Wednesday 24 May 2017

Prescribed Premises Category
Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	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 separated.	More than 50 000 tonnes per year	100 000 tonnes per year

Conditions of Licence

Subject to the conditions of the licence set out in the attached pages.

Ruth Dowd
Officer delegated under Section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

Who we are

The Department of Environment and Conservation (DEC) 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

DEC 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/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. These 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 should comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply. Additional guidance on pollution prevention can be found in the Department of Water's Water Quality Protection Guidelines and Codes of Practice accessed through:

<http://www.water.wa.gov.au/Managing+water/Water+quality/Water+quality+protection+guidelines/default.aspx>

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 the Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

Poondano Quarry is located on mining lease M45/103, approximately 40 km from Port Hedland within the Strelley Pastoral Lease. The mining lease is 100% owned and registered in the name of Boral Contracting Pty Ltd which is part of Boral Resources (WA) Pty Ltd. Boral is a basic raw materials and construction material supplier. Tabba Tabba Creek lies approximately 1 km west of the quarry site. The creek is normally dry and only flows after cyclonic or storm rains.

The quarry is a hard rock quarry from which hard rock aggregate of various grades is produced, predominantly for the use in the manufacture of concrete and asphalt. There are two operational elements, firstly the quarry pit itself from which hard rock is drilled, blasted then extracted and secondly the processing infrastructure which crushes, sorts and stockpiles aggregate for transport from the site. The crushing plant and product stockpile conveyers are fitted with water dust suppression spray at all transfer point. There is no waste material generated from the process.

The licence is the result of an amendment sought by DEC to convert the existing licence to a new format REFIRE licence. The amendment does not alter any emissions or discharges from the premises.

The licences and works approvals issued for the Premises are:

Instrument log		
Instrument	Issued	Description
L8319/2008/1	21/05/2009	New application
L8319/2008/1	22/03/2013	Licence amendment – conversion to new format

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 In the Licence, unless the contrary intention appears:

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

“**annual**” means the inclusive period from 1 July until 30 June 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, Dept of Mines and Petroleum, Government of Western Australia;

“**Contact Address**” for the purpose of correspondence and advice means:

Regional Leader, Pilbara Region
Department of Environment and Conservation
PO Box 835
KARRATHA WA 6714
Telephone: (08) 9182 2000
Facsimile: (08) 9144 1118;

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

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

“**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;

“**fugitive emissions**” means all emissions not arising from point sources;

“**Licence**” means this licence numbered L8319/2009/1 and issued under the *Environmental Protection Act 1986*;

“**Licensee**” means the person or organisation named as Licensee 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;



- 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 the Licence shall be taken to authorise any emission that is not mentioned in the 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 Licensee shall maintain all pollution control and monitoring equipment to the manufacturer's specification or any internal management system.
- 1.2.3 The Licensee, 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 Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

Stormwater control

- 1.2.5 The Licensee shall ensure that uncontaminated stormwater is kept separate from contaminated or potentially contaminated stormwater. Where stormwater has come into contact with a possible source of contamination, it should be treated as contaminated.

1.3 Premises operation

There are no specified conditions relating to Premises operation in this section.

2 Emissions

2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any limit and/or target in this section.

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in these sections.

2.5 Emissions to land

There are no specified conditions relating to emissions to land in this section.



2.6 Fugitive emissions

- 2.6.1 The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.
- 2.6.2 The Licensee shall ensure that no visible dust generated by the activities of the Premises crosses the boundary of the Premises.

2.7 Odour

There are no specified conditions relating to odour in this section.

2.8 Noise

There are no specified conditions relating to noise in this section.

3 Monitoring

There are no specified conditions relating to monitoring in this section.

4 Improvements

There are no specified conditions relating to improvements in this section.

5 Information

5.1 Records

- 5.1.1 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 5.1.1(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.
- 5.1.2 The Licensee 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.
- 5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous year from 1 July to 30 June that year.



5.1.4 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.

5.2 Reporting

5.2.1 The Licensee shall submit to the Director at the Contact Address an annual environmental report on 30 July each year. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Condition or table (if relevant)	Parameter	Format or form ¹
-	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
5.1.3	Compliance	AACR
5.1.4	Complaints summary	None specified
-	Measures taken to suppress dust	
-	Measures taken to minimise noise	

Note 1: Forms are in Schedule 2

5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director at the Contact Address and in accordance with the notification requirements of the table.

Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
-	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. Part B: As soon as practicable	N1
2.1.1	Breach of any limit specified in the Licence		

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

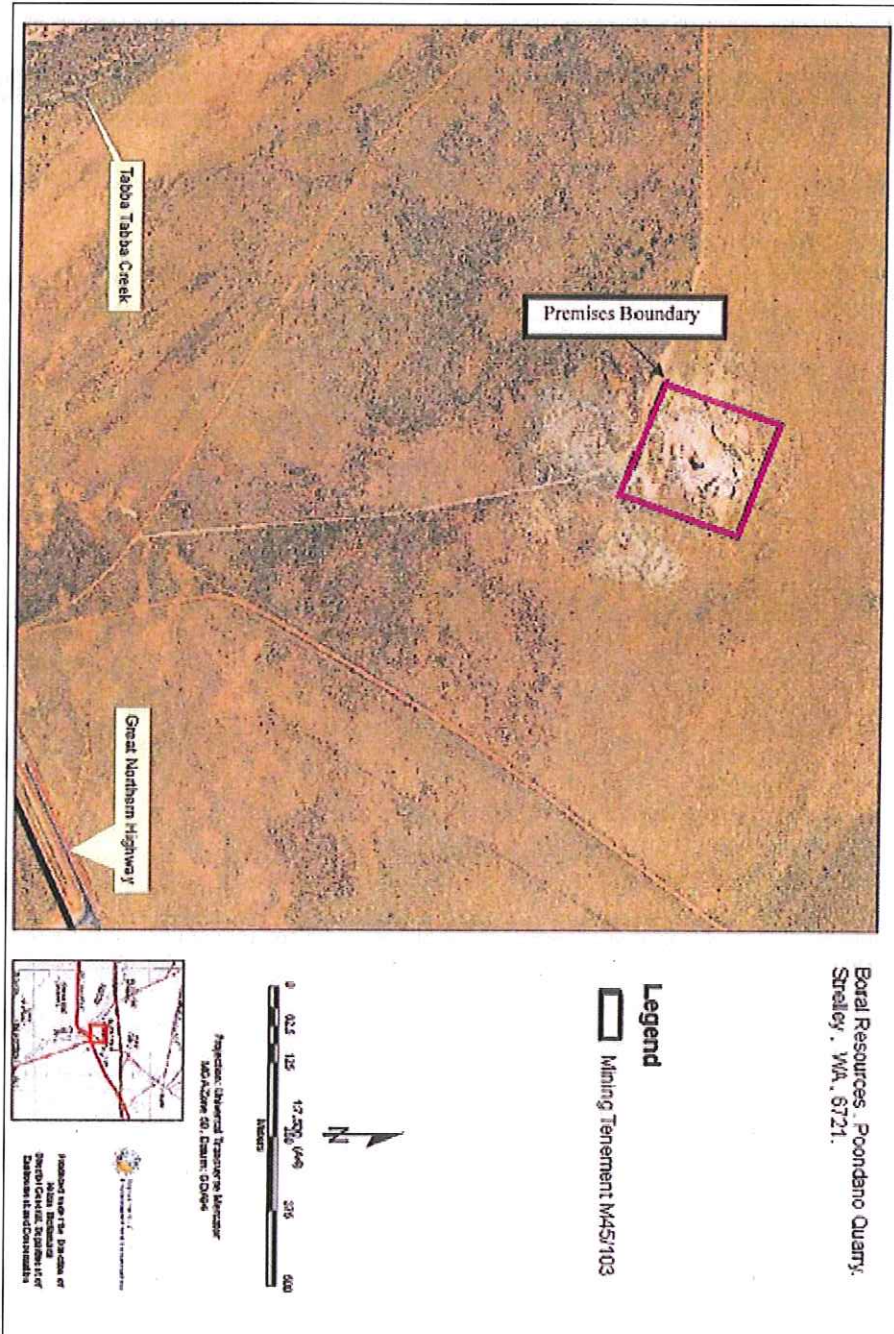
Note 2: Forms are in Schedule 2.



Schedule 1: Maps

Premises map

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





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by this licence. They can be requested in an electronic format.

Copies of the original monitoring reports must also be submitted.

Licence: L8319/2009/1 Licensee: Boral Resources (WA) Ltd
Form: AACR Period :
Name: Annual audit compliance report

Annual audit compliance report

Section A: Statement of compliance with licence conditions

Were all conditions of licence complied with within the reporting period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this annual audit compliance report (AACR).

Initial:



Section B: Details of non-compliance with licence condition

a) Licence condition not complied with?	
b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DEC?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DEC verbally Date <input type="checkbox"/> Reported to DEC in writing Date	<input type="checkbox"/> No
d) Has DEC taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR may only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is	The AACR must be signed and certified:
an individual	<input type="checkbox"/> by the individual licence holder, or <input type="checkbox"/> by a person approved in writing by the Chief Executive Officer (CEO) of DEC to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/> by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or <input type="checkbox"/> by two directors of the Licensee; or <input type="checkbox"/> by a director and a company secretary of the Licensee, or <input type="checkbox"/> if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or <input type="checkbox"/> by the principal executive officer of the Licensee; or <input type="checkbox"/> by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DEC.
A public authority (other than a local government)	<input type="checkbox"/> by the principal executive officer of the Licensee; or <input type="checkbox"/> by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DEC.
a local government	<input type="checkbox"/> by the CEO of the Licensee; or <input type="checkbox"/> by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature:

Signature:

Name: (printed)

Name: (printed)

Position:

Position:

Date:

Date:

Seal (if signing under seal)



Licence: L8319/2009/1
Form: N1

Licensee: Boral Resources (WA) 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	L8319/2009/1
Name of operator	Boral Resources (WA) Ltd
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
To be notified as soon as practicable and no later than 5PM of the next working day	
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	
To be notified as soon as practicable and no later than 5PM of the next working day	
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	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B - to be submitted as soon as practicable

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 unauthorised emissions from the installation in the preceding 24 months.	

Name	
Post	
Signature on behalf of Boral Resources (WA) Ltd	
Date	