



## Application to renew a licence

### Part V Division 3 of the *Environmental Protection Act 1986*

---

|                       |  |
|-----------------------|--|
| <b>Licence Number</b> | L8997/2016/2   |
| <b>Licence Holder</b> | Don Ashby  |
| <b>File Number</b>    | DER2016/001520-1   |
| <b>Premises</b>       | 186 Paganoni Road<br>KARNUP WA 6176<br>Legal description -<br>Lot 11 on Plan 35288 Paganoni Road<br>KARNUP WA 6176 |
| <b>Date of Report</b> | 09 June 2022   |
| <b>Decision</b>       | To grant a licence   |

**Senior Industry Regulation Officer  
Industry Regulation**

*An officer delegated by the CEO under section 20 of the EP Act*

## 1. Application summary

On 11 August 2021, Don Ashby (Licence Holder) applied to renew licence L8997/2016/1 as the existing licence is due to expire on 26 July 2022. The Premises are located on Lot 11 Paganoni Road, Karnup. The licence relates to the prescribed premises category described in Table 1.

**Table 1: Premises category description and production capacity**

| Prescribed premises category description<br>(Schedule 1, <i>Environmental Protection Regulations 1987</i> )  | Assessed production capacity    |
|--|---------------------------------|
| Category 12 – Screening etc of material: premises (other than premises within 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled sized or separated. | 50 000 tonnes per annual period |

The Licence Holder operates a sand screening operation which includes the extraction and screening of sand at the premises. Sand is excavated using a front loader and screened using a mobile sand screener. Screened product is then stockpiled and/or loaded onto trucks for distribution off site. The nearest sensitive receptors are located approximately 300 meters to the west and east of the Premises in a semi-rural housing estate.

## 2. Regulatory framework

The Delegated Officer has determined to undertake an administrative renewal of the licence and has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position*, October 2021.

In replacing the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

## 3. Complaints and incident history

There is a record of a complaint identified at the Premises within the last year in the department's Incidents and Complaints Management System (ICMS) which was referred to the City of Rockingham. No further information has been provided by the City with regards to this complaint.

## 4. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L8997/2016/2 without conducting any additional assessment or risk assessment. The existing prescribed premises category has not been reviewed as part of this renewal.

The department sought comment from the City of Rockingham on the application to renew the licence in accordance with the Guideline: Industry Regulation Guide to Licensing. The City of Rockingham provided a response on 22 April 2022 and 18 May 2022 which is summarised in Table 2 below. The licence is issued for a period of twenty years and aligned to the annual licence fee anniversary date as outlined in Table 2 under 'Consultation'.

In renewing the licence, the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant definitions and conditions and update definitions as required;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- transfer all relevant existing regulatory controls and conditions to the renewed licence;

- and
  - applied the 'Notice of Amendment of Licence Reporting Requirements – Schedule 1' dated 16 May 2022 to remove Annual Environmental Requirement (AER) reporting.

As a result of this decision, Licence L8997/2016/2 has been granted subject to conditions set out in the attached licence and summarised below.

## 4.1 Summary of changes to the licence

Section 62 of the EP Act provides general power to impose conditions on licences. All licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table 2 summarises the transfer of all appropriate conditions from the expiring licence into the new licence.

**Table 2: Licence conditions description and rationale**

| Licence condition number | Summary - previous licence condition | Conversion notes   | New licence condition number |
|--------------------------|--------------------------------------|--|------------------------------|
| 1.1.1                    | Interpretation                       | Revised to current licensing format.   | N/A                          |
| 1.1.2                    | Definitions                          | Revised to current licensing format and further updated as per 'Notice of Amendment of Licence Reporting Requirements – Schedule 1' dated 16 May 2022. | Table 3                      |
| 2.1.1                    | Exceedance of limit                  | Transfer existing condition.   | 1                            |
| 2.2.1                    | Fugitive emissions                   | Transfer existing condition.   | 2                            |
| 3.1.1                    | Records                              | Revised to current licensing format.   | 5 and 6                      |
| 3.1.2                    | Compliance Report                    | Revised to current licensing format and further updated as per 'Notice of Amendment of Licence Reporting Requirements – Schedule 1' dated 16 May 2022. | 4                            |
| 3.1.3                    | Complaints                           | Revised to current licensing format.   | 3                            |
| 3.2.1                    | Annual Environmental Report (AER)    | Condition deleted as per 'Notice of Amendment of Licence Reporting Requirements – Schedule 1' dated 16 May 2022.                                       | N/A                          |
| N/A                      | Schedule 1 – Premises Map            | Revised to current licensing format and updated map showing premises boundary and infrastructure location.   | Schedule 1 – Figure 1        |

## 5. Consultation

Table 1 provides a summary of the consultation undertaken by the Delegated Officer.

**Table 1: Consultation**

| Consultation method  | Comments received   | Delegated response | Officer's |
|--|---|--------------------|-----------|
| The City of Rockingham was provided with the application to renew licence L8997/2016/1 on 12 April 2022.   | The City of Rockingham confirms that the operations are consistent with the <i>City of Rockingham Town Planning Scheme no.2</i> and the relevant planning approvals have already been obtained by the applicant. The City raises no objections against a replacement license being issued.  | N/A                |           |
| Further clarification was sought from the City of Rockingham on 11 May 2022 specifically relating to the Extractive Industry for the premises which is due to expire in June 2022. | The Extractive Industries License Local Law 2000 was repealed in 2019 because the requirement for mine operators to obtain an Extractive Industries License was viewed as unnecessary duplication of the planning approval process. As such the expiration date for the Extractive Industries License at Lot 11 Paganoni Road is no longer relevant to the approvals process. | N/A                |           |
| Applicant was provided with draft documents on 19 May 2022.  | No comments received.   | N/A                |           |

## 6. Conclusion

Based on the assessment in this Decision Report the Delegated Officer has determined to grant Licence L8997/2016/2. The licence is subject to conditions commensurate with the determined controls as well as conditions necessary for administration and annual reporting requirements.