



Application for Licence

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

Licence Number	L4698/1967/13
Applicant	Holcim (Australia) Pty Ltd
ACN	099 732 297
File Number	DER2011/007370-1
Premises	Bunbury Quarry Jules Road GELORUP WA 6230 Legal description Lot 2644 on Plan 248973 and Lot 348 on Plan 248930
Date of Report	20 September 2021
Proposed Decision	Licence granted

Neville Welsh
SENIOR INDUSTRY REGULATION OFFICER

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

1. Application summary

On 30 June 2021, Holcim (Australia) Pty Ltd (Licence Holder) applied to renew licence L4698/1967/12 as it is due to expire on 30 September 2021. The Premises is located at Lot 2644 and Lot 348, Jules Road, Gelorup approximately 8 km from of the Bunbury city centre in the Shire of Capel. The licence relates to prescribed premises categories as described below in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	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.	500,000 tonnes per annum

The Licence Holder operates a fixed crushing and screening plant located within the Bunbury Quarry. In pit operations involve the drilling and blasting hard rock to extract basalt rock which is crushed and screened to produce aggregate used in residential and commercial construction.

Statutory approvals issued by the Shire of Capel (Planning consent and Extractive Industry Licence (EIL)) to extract basalt from the Premises are due to expire concurrently on 31 August 2022. Given this, licence L4698/1967/13 will be extended for 5 years only which is in accordance with the Department's *Guidance Statement: Licence Duration August 2016*.

The crushing and screening plant and associated infrastructure which relate to the prescribed activity include:

- fixed primary, secondary and tertiary crushers;
- fixed and mobile screens;
- material stockpiles,
- fuel storage area;
- washdown bay;
- reticulation equipment for dust suppression;
- sediment settlement sump;
- water holding dams, and
- bunding.

The key emissions associated with the operation of the crushing and screening plant relate to noise, wastewater and dust in which control measures have previously been assessed to mitigate these emissions. The EP Regulations does not govern activities relating to extraction of basalt, backfilling and rehabilitation of land therefore they have not been considered by DWER.

The Licence Holder has requested a proposed change to conditions 2.8.1 and 3.10.1 with regards to referencing the number of blast sites to be monitored in the footnote.

2. Regulatory framework

The department 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's *Work Instruction: Regulatory Services, COVID-19 licensing position* June 2021.

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

3. Complaints and Incident History

There has been one complaint identified at the Premises by the Department during the last five years which related to a limit exceedance for a blasting event that has been investigated and addressed by DWER and the Licence Holder. This incident was considered by the Delegated Officer to have minor impact to the public and the environment.

4. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L4698/1967/13 without conducting any additional assessment or risk assessment.

The replacement licence will be issued for 5 years with an expiry date of 30 September 2026. This is consistent with the *Guidance Statement: Licence Duration 2016* as statutory approvals (planning consent and EIL) are required for the continued operation of the Bunbury Quarry following the 31 August 2022 from the Shire of Capel.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- include all infrastructure into condition 1, *Table 1: infrastructure and equipment requirements*;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the renewed licence.

Conditions 2.8.1 and 3.10.1 (of L4698/1967/12) include a footnote below Tables 2.8.1 and 3.10.1 referring to a 'minimum of two locations, and at least the longest dimensions of the foundations of a building or structure away from such a building or structure'. The Licence Holder has requested the footnote is reworded to 'Two (2) locations, and at least the longest dimensions of the foundations of a building or structure away from such a building or structure'. Therefore, footnotes for Tables 2 and 5 of the revised licence have been updated. No further risk assessment is necessary as it does not change the environmental obligation of the Licence Holder.

As a result of this decision, a renewed Licence L4698/1967/13 has been granted subject to conditions set out in the attached licence and summarised below.

4.1 Summary of administrative changes

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 summarizes the transfer of all appropriate conditions from the expiring licence into the revised licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Summary of changes from Expiring Licence to Revised Licence

Expiring licence conditions (L4698/1967/12)	Condition summary	Revised licence conditions (L4698/1967/13)	Conversion notes
N/A – Cover page	Licence version updated. Issue and expiry dates updated.	Expiry date: 30/09/2026	Revised to current licensing format.
1.1.11.1.2	Interpretation and definitions	N/A	Redundant conditions. Revised to current licensing format
1.1.3	Australian of other standard	Table 7: Definitions	Redundant condition. Revised to current licensing format
1.2.1	General condition	N/A	Redundant condition - deleted from licence.
1.2.2	Pollution control and monitoring equipment	N/A	Redundant condition - deleted from licence.
1.2.3	Dangerous goods	N/A	Redundant condition - deleted from licence.
1.2.4	Recovery and removal of spills	N/A	Redundant condition - deleted from licence. Adequately covered by EP (Unauthorised Discharges) Regulations 2004.
1.2.5	Stormwater control	Condition 3	Revised to current licensing format.
1.3	Premises operation	Condition 1	Revised to current licensing format.
2.1.1 and 5.2.2	Record and investigate exceedance of limit/target	Condition 6	Revised to current licensing format.
2.2 – 2.4	Point source emissions to air, surface and ground water	N/A	Redundant condition - deleted from licence.
2.5	Emissions to land	N/A	Redundant condition - deleted from licence.
2.6.1 – 2.6.2	Fugitive emissions	Condition 2	Revised to current generic dust condition.
2.7	Odour	N/A	Redundant condition - deleted from licence.
2.8.1	Noise/Vibration	Condition 4	Revised to current licensing format. Footnote * reworded as per Licence Holders request in application.
3.1.1	Monitoring	Condition 8 Condition 9	Revised to current licensing format.
3.1.2 – 3.1.3	Monitoring equipment and calibration	Condition 10	Redundant condition - deleted from licence.
3.2 – 3.4	Point source	N/A	Redundant condition - deleted

Expiring licence conditions (L4698/1967/12)	Condition summary	Revised licence conditions (L4698/1967/13)	Conversion notes
	emissions to air, surface and ground water monitoring		from licence.
3.5.1	Ambient surface water quality monitoring including limits	Condition 5 Condition 7	Table 3 refers to surface water emission limits Table 4 refers to monitoring of surface water quality
3.6 – 3.9	Other monitoring	N/A	Redundant condition - deleted from licence.
3.10.1	Noise/vibration monitoring	Condition 4 and 11	Table 2 refers to noise emission limit Table 5 refers to monitoring of noise and vibration emissions. Footnote * reworded as per Licence Holders request in application.
4.0	Improvements	N/A	Redundant condition - deleted from licence.
5.1.1	Records	Condition 15 Condition 16	Revised to current licensing format.
5.1.2	Personnel aware of conditions	N/A	Redundant condition - deleted from licence.
5.1.3	AACR	Condition 13	Revised to current licensing format. Forms accessed at www.dwer.wa.gov.au
5.1.4	Complaints	Condition 12	Revised to current licensing format.
5.2.1	Reporting Annual Environmental Repot (AER)	Condition 14	Revised to current licensing format.
5.3 .1	Notification	N/A	Redundant condition. Deleted from licence as it duplicates reporting requirement already required under Section 72 of the EP Act (duty to notify CEO of discharges of waste)
Schedule 1: Maps	Premises map	Schedule 1: Maps	New naming convention. Maps updated to include Figure 1.
Schedule 2: Reporting & notifications	AACR/ N1/ LR1 forms	N/A	Redundant attachments. Deleted from licence.

5. Consultation

In accordance with section 54 of the Environmental Protection Act 1986 (EP Act), the Shire of Capel, were invited to comment on the licence renewal application.

In a letter received by DWER on 24 August 2021, the Shire indicated that renewal of licence is consistent with the existing Development Application approval and Extractive Industry Licence approved on 29 August 2012 for a timeframe of 10 years (expires 31 August 2022).

Given this, and the extended assessment timeframes for applications relating to Development Approval, the Shire encourages the proponent to apply to renew these prior to expiry of the current approvals.

The draft replacement licence and this decision report were provided to the licence holder on 16 September 2021 for comment. The licence holder comments along with DWER's response have been summarized in Appendix 1.

6. Decision

The Delegated Officer has determined the risks to human health and the environment from the activities on the Premises, and as previously assessed by the Department have not materially changed. The Delegated Officer has determined to grant the renewed licence L4698/1967/13 without conducting any additional risk assessment.

Appendix 1: Summary of licence holder's comments on draft licence and decision report

The licence holder was provided with the Draft Licence and Draft Decision Report on 16 September 2021 for review and comment. The licence holder responded via email on 25 August 2021. The following comments were received on the Draft Licence.

Condition/Table	Summary of Licence Holder comment	DWER response
Premises details on front page of licence	Licence holder has confirmed legal description is correct as per application.	DWER has corrected legal description as previous licence had incorrect plan number.
Condition 1	Table 1 in Condition 1 refers to earthen bunds as noise barriers. This is a new requirement for this licence.	DWER has removed reference to the earthen bunds as noise barriers. Table 1 has been updated to include the operational requirement for the crusher and screening plant to be located on quarry pit floor as noise attenuation is primarily achieved from the quarry pit walls.
Condition 4 and 11	<p>There are actually four blast monitoring sites where only two sites are monitored when blasting is undertaken on each lot. When blasting is undertaken at;</p> <ul style="list-style-type: none"> - Lot 2644 blast monitoring is undertaken at sites #1 and #2; and - Lot 348 blast monitoring is undertaken at #3 and #4. <p>Can you please include these sites into the licence.</p>	DWER has updated Table 2 and Table 5 in accordance with licence holders comment.