



Application to renew a licence

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

Licence Number	L4741/1982/13
Licence Holder	Holcim (Australia) Pty Ltd
ACN	009 732 297
File Number	DER2013/000921-1~1
Premises	Nickol Bay Quarry Tenements M47/333, M47/255, M47/309, M47/331, M47/353, M47/26, M47/306, G47/23, G47/47, G47/48, G47/171, L47/91 and part G47/42 excluding within: E473264 N7713601: E473329 N7713536: E473371 N7713554: E473489 N7713516: E473400 N7713677: E473479 N7713533: E473622 N7713484: E473613 N7713476. DAMPIER WA 6713 As depicted in Licence Schedule 1 and Schedule 2
Date of Report	28/09/2022
Decision	To grant a licence

Neville Welsh
Senior Industry Regulation Officer
Officer delegated under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L4741/1982/13 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*, however, the licence is issued for a period of 10 years based on the projected operating period for the project. In renewing the licence the Delegated Officer has determined:

- 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);
- include all existing infrastructure into condition 1, Table 1: infrastructure and equipment requirements of the licence; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L4741/1982/13, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 1 July 2022 Holcim (Australia) Pty Ltd (licence holder) applied to renew licence L4741/1982/12, as the licence is due to expire on 30 September 2022. The licence was granted to the licence holder for the premises located at M47/333, M47/255, M47/309, M47/331, M47/353, M47/26, M47/306, G47/23, G47/47, G47/48, G47/171, L47/91 and part G47/42 (premises) Dampier WA.

The licence relates to prescribed premises categories as described 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	2 500 000 tonnes per annual period

The main activities occurring on the premises include supplying granite products to the Pilbara region for road, rail and infrastructure projects. The primary uses of hard rock mined from the quarry are aggregate for concrete use in residential, commercial and major project construction. The quarry also supplies rock for the purposes of road (base course) and rail (ballast) construction, armour rock and drainage aggregate.

3. Regulatory framework

The Delegated Officer 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 granting 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>.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There have been no incidents or complaints identified at the premises by the department in the last five years. There have been no enforcement actions taken against the licence holder in the last 5 years.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the premises. Some of the mining tenements for the premises are due to expire before the renewed licence expires. The Department of Mines, Industry Regulation and Safety (DMIRS), however, agrees that there is scope for any tenement extensions for the premises.

4.3 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 summarizes the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions changes, description, and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
General conditions 1.2.1 – 1.2.4	N/A	Removed as no longer relevant
Previous condition 1.2.5	2	Stormwater condition under emissions and discharges
Previous table 2.5.1, conditions 2.6.1 and 2.6.2	Condition 1 & Table 1 – infrastructure table	Risk assessed existing infrastructure was included in Table 1. No new infrastructure was included.
Previous conditions 2.1.1 – 2.2.4	N/A	removed as no longer relevant
Table 2.5.2	Condition 3 & Table 2	Direct replacement
2.7 and 2.8	N/A	Removed as no longer relevant
3.1.1 – 3.1.2	Condition 4 and 5 respectively	Direct replacement
3.1.3 - 3.1.4	N/A	Removed as there is no monitoring equipment requiring calibration
3.2 – 3.4	N/A	Removed as no longer relevant

Current condition / table	New condition / table (if relevant)	Description and rationale
Table 3.5.1	Table 3	Direct replacement
5.1.1 – 5.1.2	7 and 8	Direct replacement
5.1.3 and 5.1.4	9, 10, 11 and 12	Updated, consistent with current departmental template.
5.2.1	13 – Table 4	Direct replacement
5.3.1 & Schedule 2	N/A	Removed, consistent with current departmental template
Definitions	Table 5	Definitions removed: Code of Practice for the Storage and handling of dangerous goods, controlled waste, Director, environmentally hazardous material, Schedule 2, screening and usual working day. Definitions added: ‘,AACR,books, Department, discharge, emission, EP Act, EP Regulations, licence holder,, prescribed premises. Definitions updated consistent with current DWER licence template: CEO, licence, fugitive emissions, and premises.
	Schedule 2 – Table 6	Premises boundary coordinates included in new Schedule 2 of licence.
Forms		Removed Notification Form N1, to be consistent with current licence format.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

Table 3: Consultation

Consultation method	Comments received	Delegated Officer’s response
<i>Application advertised on the department’s website on 01/09/2022</i>	<i>No comment received</i>	NA
<i>Local Government Authority advised of application on 31/08/2022</i>	<i>The City raised no concerns regarding the proposed renewal of the licence</i>	NA
<i>Department of Mines, Industry Regulation and Safety (DMIRS) advised of the application 22/07/2022</i>	<i>DMIRS replied on 1 August 2022 advising that there is scope for tenement extensions for Holcim’s Nickol Bay operation.</i>	<i>Based on DMIRS advice the department has granted the licence renewal.</i>
<i>Applicant was provided with draft documents on 31/08/2022</i>	<i>The department received an email on 21/09/2022 from the licence holder stating they had no comments and waived the remaining consultation period.</i>	NA