



Licence Number	L6930/1986/12
Licence Holder	Boral Resources (WA) Ltd
ACN	008 686 904
File Number:	DER2017/001645~1
Premises	Boral Toodyay Hard Rock Quarry TOODYAY WA 6566 Legal description Lot 111 on Deposited Plan 410101, Cobbler Pool Road, TOODYAY WA 6566 as depicted in schedule 1
Date of Report	31 March 2020
Decision	Grant Licence Amendment

1. Definitions and interpretation

Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 JOONDALUP DC WA 6919 info@dwer.wa.gov.au
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Boral Resources (WA) Ltd
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

2. Amendment Description

This report is issued under section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence L6930/1986/12 issued under the EP Act for a category 12 prescribed premises.

The following guidance statements have informed the assessment and decision outlined in this Amendment Report.

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*

2.1. Purpose and scope of assessment

The Boral Resources (WA) Ltd (Boral) Toodyay operation has held a licence since 1986 but since 2013 the site has not operated for greater than 6 weeks at a time.

The Toodyay Hard Rock quarry licence (L6930/1986/12) expire on 16 July 2028. On 21 February 2020, the Licence Holder made application to amend licence conditions 3 and 4 to ensure compliance with monitoring requirements following a 'compliance inspection' conducted at the Premises on 11 October 2019 as described in DWER correspondence dated 18 February 2020 (A1868952).

Table 2 below outlines the Prescribed Premises approved production and design capacity of the current licence which will not change.

Table 2: Prescribed Premises approved production or design capacity

Category	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 separated.	50 000 tonnes or more per year	500,000 tonnes per year

2.2. Consolidation of Licence

As part of this amendment, the licence incorporated changes made under the following Amendment Notices:

- *Amendment Notice 1, granted 27 October 2017 – extend the expiry date of the Licence by three months to expire on 29 January 2018.*

The obligations of the Licence Holder have not changed by consolidating this licence. DWER has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices and the amendment requested in application dated 21 February 2020.

In consolidating the licence, the CEO has:

- updated the Premises legal description to include the deposited plan number;

- amend table 4 ‘stormwater discharge monitoring table’ column 6 frequency to monthly when discharging;
- amend condition 4 (a) to allow for monthly monitoring to be undertaken at least 15 days apart and when water is discharging through the discharge point;

3. Amendment history

Table 4 provides the amendment history for L6930/1986/12

Table 3: Licence amendments

Instrument	Issued	Amendment
L6930/1986/12	30/10/2011	Licence renewal
L6930/1986/12	05/09/2013	Licence amendment into new REFIRE format
L6930/1986/12	27/10/2017	Licence amended to extend expiry date by 3 months to 29 January 2018
L6930/1986/12	25/01/2019	Licence renewal to expire on 6 August 2028
L6930/1986/12	31/03/2020	Licence amendment to legal premises description and amend monitoring frequency to occur when stormwater is discharging.

4. Consultation

The Licence Holder was provided with the draft Decision Report and draft Licence on 27 March 2020 for review and comment. The Licence Holder responded on 30 March 2020 with the following comments on the draft Decision Report and Licence as shown in Table 4 below. The comments period was waived by the Licence Holder.

Table 4: Summary of consultation

Condition	Comments received	DWER response
Annual period definition and Conditions 9 & 10	Boral requested to revert the definition of “annual period” to mean from 1 July to 30 June with a report date of 31 August for conditions 9 & 10.	DWER agrees and has amended the definition of “annual period” and adjusted condition 9 and 10 of licence to align with request. This report is amended accordingly.

5. Conclusion

Based on this Decision Report, the Delegated Officer has determined that the licence be granted, commensurate with the amendments proposed in section 2.2 of this report.

The proposed amendment to the Licence does not require a detailed risk assessment.

This amendment does not propose any alteration to the production, design capacity, prescribed activity or discharge locations approved under the existing Licence. The amendment will not extend the expiry date of the Licence.

The amendment of Licence L6930/1986/12 is granted.

Tim Gentle
MANAGER, RESOURCE INDUSTRIES
REGULATORY SERVICES

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

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L6930/1986/12 – Toodyay Hard Rock quarry	L6930/1986/12	accessed at www.dwer.wa.gov.au
2	Amendment Notice 1 – L6930/1986/12 – Toodyay Hard Rock quarry	Amendment Notice 1	accessed at www.dwer.wa.gov.au
3	Licence application – Boral Resources (WA) Ltd – Toodyay Hard Rock quarry dated 21 February 2020	Application	DWER record A1870251
4	L6930 Boral Quarries inspection cover letter and inspection report	compliance inspection	DWER record A1868952
5	Email from Boral dated 30 March 2020 in response to draft Decision Report and Licence	Boral request	DWER record A1880236
6	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
7	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
8	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016a	
9	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017b	
10	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2017c	