



Application to renew a licence

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

Licence Number	L7356/1999/10
Licence Holder	Hanson Construction Materials Pty Ltd
ACN	009 679 734
File Number	DER2016/000140-1~1
Premises	Creighton Road Sand Quarry Creighton Road and Lennards Road LENNARD BROOK WA 6503 Legal description Part of Lot M1448 on Diagram 6142 and part of Lot M1899 on Diagram 10521. As defined by the Premises map and coordinates attached to the issued licence
Date of Report	3 January 2023
Decision	To grant a licence

Senior Environmental Officer, Industry Regulation
An officer delegated by the CEO 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 L7356/1999/9 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*. In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- revise (i.e. reduce) the premises boundary area;
- transfer all existing regulatory controls and conditions to the new licence;
- revise licence conditions;
- remove redundant conditions;
- incorporate licence amendment/s issued prior to the replacement licence;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements).

As a result of the above, the Delegated Officer decided to grant Licence L7356/1999/10, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 31 October 2022 Hanson Construction Materials Pty Ltd (licence holder) applied to renew licence L7356/1999/9 as the licence is due to expire on 3 January 2023. The licence was granted to the licence holder for the premises located at Creighton Road and Lennards Road, Lennard Brook, Western Australia (Premises). The Premises are known as Creighton Road Sand Quarry.

The licence relates to the prescribed premises category 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 otherwise separated.	200,000 tonnes per annum

The quarry is located within Lots 505, M1448 and M1899, Lennard Brook. Operations at the quarry involve the extraction of up to 200,000 tonnes per year of coarse-grained quartz sand. A mobile screening unit is used to dry screen the extracted sand. The screened product is stockpiled on site prior to dispatch. Screening of sand was previously licensed within Lots 505, M1448, M1899 and Lot 446 as detailed in the preceding licence.

The licence holder has advised that screening of sand (including stockpiling of screened sand) is to be undertaken only within Lots M1448 and M1899. Lot 505 has therefore been removed from the Premises boundary.

Lot 446 is used only for the purpose of a road. There are no extractive or processing activities within this lot. Therefore Lot 446 has been removed from the Premises boundary.

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: Industry Regulation, Licensing position – COVID 19 response, October 2022*.

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. There have been no enforcement actions taken against the occupier regarding the licence.

4.2 Legal occupancy

The Department has verified that the licence holder has legal occupancy of 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.

4.4 Planning approval and Extractive Industry Licence

The Shire of Gingin advised on 16 November 2022 that the associated Planning Consent expires on 3 January 2023 and that renewal of the Planning Consent and Extractive Industry Licences is required. In addition, that the Shire is in the process of renewing the Extractive Industry Licence.

On 23 November 2022, the licence holder advised that a Development Application will be submitted to the Shire of Gingin by the end of November 2022.

4.5 Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The licence holder has advised the Premises has been assessed under the EPBC Act. Approval EPBC 2010/5620 was issued on 5 April 2013 and expires on 31 December 2032. The approval was transferred to the licence holder on 8 June 2016. The approved proposed action is for the clearing of native vegetation and extraction of white silica sands within a site on Lot M1899 Lennard Road, Lennard Brook, which is within the prescribed premises boundary.

4.6 Environmental Protection Act 1986 – Clearing Permit

The licence holder has advised it holds clearing permits 2860/7 and 2701/5 issued under the *Environmental Protection Act 1986*.

Permit CPS 2701/5 is for the period 7 February 2013 to 7 February 2033. The permit authorises clearing for the purpose of sand extraction within a portion of Lot M1899 Lennard Brook .

Permit CPS 2860/7 is for the period 6 January 2012 to 6 January 2042. The permit authorises clearing within a portion of Lot M1448 Lennard Brook.

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 summarises 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 / Schedule	New condition / table (if relevant)	Description and rationale
Premises details		<p>Premises address updated to include “Lennards Road”, Lennard Brook in accordance with property street address for Lot M1899 on Diagram 10521.</p> <p>The Premises legal description has been updated to only include the areas where the prescribed activity occurs (screening). As such a significant area that was previously part of the Premises has now been excluded and only two areas that will be used for the operation of the screening plant are now included as the Premises.</p>
Condition 1.1.1	Not applicable	Condition removed and addressed in Interpretation section of the new licence template
Condition 1.1.2	Not applicable	<p>Condition removed as defined terms are detailed within the definitions section of the new licence.</p> <p>Definitions have been updated in accordance with the current licence template (where applicable).</p> <p>Redundant terms and definitions have been removed.</p>
Condition 1.2.1	Condition 1	Revised condition wording in accordance with current standards.
Condition 2.1.1	Condition 5	Condition revised in accordance with current standards.
Condition 2.1.2	Condition 3	Condition revised in accordance with current standards and licence amendment notice (dated 16 May 2022).
Condition 2.1.3	Condition 2	Condition revised in accordance with current standards
Condition 2.2.1	Not applicable	Condition removed in accordance with licence amendment notice dated 16 May 2022 - an Annual Environmental Report is not required to be submitted.
Schedule 1: Maps Premises map	Schedule 1: Maps Premises map	Corresponding with the change to the premises details outlined above, a revised premises boundary map has been inserted to remove Lot 505 and 446 and to define the areas within the lot boundaries where the prescribed premises activity is authorised to occur.

Current condition / Schedule	New condition / table (if relevant)	Description and rationale
Not applicable	Schedule 2: Premises boundary Tables 2 and 3: premises boundary coordinates	Premises boundary coordinates tables 2 and 3 included to define the areas within the lot boundaries where the prescribed premises activity is authorised to occur.

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
Application advertised on the department's website on 14 November 2022	No submissions received.	Noted.
Shire of Gingin advised of application on 10 November 2022.	Comments received 16 November 2022 are noted below. <i>The Shire has no objection and is currently in the process of renewing the applicants Extractive Industry License.</i> <i>The licence holder's Planning Consent expires 3 January 2023 and they will need to renew both Planning and Extractive Industry licenses.</i>	Noted.
Applicant was provided with draft documents on 29 November 2022	Comments received on 7 December 2022: Updated premises boundary map and premises boundary coordinates submitted. No other comments on the draft documents.	Noted. Submitted premises boundary map and boundary coordinates inserted into the licence document as detailed in Table 2 above.