



Application to renew a licence

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

Licence Number	L7672/2001/6
Licence Holder	Hanson Construction Materials Pty Ltd
ACN	009 679 734
File Number	DEC9107/1
Premises	Mt Barker Quarry Pellew Road Mount Barker WA 6324 Legal description - Part of Lots 948, 949 & 950 & Lot 2097 on Deposited Plan 4694
Date of Report	29/09/2023
Decision	To grant a licence

SENIOR INDUSTRY REGULATION OFFICER
REGULATORY SERVICES
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 L7672/2001/5 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;
- incorporate Amendment Notice 1 issued 21 June 2019;
- 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;
- correct clerical mistakes and unintentional errors; 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 L7672/2001/6, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 13 June 2023, Hanson Construction Materials Pty Ltd (licence holder) applied to renew licence L7672/2001/5, as the licence is due to expire on 30 September 2023. The licence was granted to the licence holder for the premises located at Part of Lots 948, 949 & 950 on Deposited Plan 4694, Mount Barker.

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.	190,000 tonnes per year

The premises mines granite and gneiss rock to provide road and railway making construction materials as well as supply the local market. The coarser hard rock products are used for armour stone and railway track base, with the smaller crushed products being used for concrete aggregate, road base and bitumen. The fine product (quarry dust) is used locally as a mineral supplement on farming properties.

The quarry operates an onsite crusher plant and material conveyors and infrastructure such as a site office, workshop, washdown area, truck load area and concrete batching plant and associated machinery including a front-end loader and excavator.

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 six incidents or complaints identified at the Premises by the department in the last five years mainly relating to non-compliance of licence conditions with no enforcement action taken against the occupier.

4.2 Legal occupancy

The licence holder has demonstrated 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

The licence holder has informed the department that it has planning approval for the activities on the Premises, refer to Section 6 – Consultation.

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 1 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 1: Licence conditions changes, description and rationale

Current condition / table	Summary of condition	New condition / table (if relevant)	Description and rationale
1.1.1 – 1.2.3	Interpretation, Definitions, General Conditions, & Premises operation	N/A	Redundant conditions removed as no longer relevant. Definitions revised to current licensing format.
1.2.4	Hazardous materials	1	Revised to current licensing format.
1.2.5	Stormwater control	2	Revised to current licensing

Current condition / table	Summary of condition	New condition / table (if relevant)	Description and rationale
			format.
2.1.1	Record & investigate exceedance of limit/target	5	Revised to current licensing format.
2.2 – 2.5	Emissions to air, surface water, groundwater, and land	N/A	Redundant conditions removed as no longer relevant.
2.6.1	Fugitive emissions	N/A	Condition 2.6.1 has been removed as it duplicates S49 of the <i>Environmental Protection Act 1986</i> .
2.6.2		3	Transfer of existing conditions
2.7	Odour	N/A	Redundant condition removed as no longer relevant.
2.8.1	Noise/vibration emission limits	4	Transfer of existing condition.
3.1.1 – 3.1.2	General monitoring	6 & 7	Transfer of existing condition.
3.2 – 3.9	Monitoring	N/A	Redundant condition removed as no longer relevant.
3.10.1	Noise/vibration emissions monitoring	8	Transfer of existing condition.
4.0	Improvements	N/A	Redundant condition removed as no longer relevant.
5.1.1	Records	11 & 12	Revised to current licensing format.
5.1.2	Person in charge	N/A	Redundant condition removed as no longer relevant.
5.1.3	Annual Audit Compliance Report (AACR)	10	Revised to current licensing format.
5.1.4	Complaints	9	Revised to current licensing format.
5.2.1	Environmental reporting requirements	13	Revised to current licensing format.
5.3	Notification requirements		Breach of limit, calibration report has been revised to current licensing format (condition 5). Failure or malfunction of pollution control equipment has been removed as it duplicates reporting requirement under Section 72 of the EPA Act (duty to notify CEO of discharged of waste).
Schedule 1: Maps	Premises map	Schedule 1: maps	Updated premises map – includes Lot 2097 as screening activities are undertaken on this Lot.
Schedule 2: Notification and	AACR & NI	N/A	Removed redundant Notification Form N1. N1 form is redundant -

Current condition / table	Summary of condition	New condition / table (if relevant)	Description and rationale
Forms			AACR required under condition 10.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 2.

Table 2: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 20 July 2023.	No submission received by the closing date.	N/A
Local Government Authority advised of application on 19 July 2023.	The Shire of Plantagenet replied on 27 July 2023 advising that an increasing number of dust and noise complaints had been received by the Shire in the past. However, DWER has no records of these complaints.	The Delegated Officer ensured the Department has provided public information and advised how community complaints can be registered including the 1300 phone number and, the DWER website address for the Pollution Hot Line. The Shire has no objection to the licence being renewed.
Applicant was provided with draft documents on 6 September 2023.	<p>The licence holder replied on 21 September 2023 and provided the requested premises boundary map and Letter of Authority to undertake blast monitoring beyond the premises boundary. However, it was noted that the updated premises map included Lot 947 which is subject to works approval W6663/2022/1. The licence may be amended to include this Lot upon completion of works and demonstration of compliance with the works approval.</p> <p>It was also noted that the blast monitoring site was located in a different location on the updated map. This has been discussed with the licence holder and it will remain in the location as authorised and shown in Schedule 1: Maps of previous licence L7672/2001/5.</p>	<p>The Delegated Officer was advised of the works approval (W6663/2022/1) requirements for the construction of a concrete batching or cement products manufacturing operation at the premises.</p> <p>The outcomes explained by the Applicant are accepted and the licence renewal proceeded on these terms.</p>