



Application to renew a licence

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

Licence Number	L7975/2004/5
Licence Holder	Boral Resources (WA) Ltd
ACN	008 686 904
File Number	DER2013/000894-1~2
Premises	Boral Quarries – Tabba Tabba Legal description - Mining lease M45/1284, L45/197 and G45/344 as defined by the premises map in Schedule 1 of the Licence.
Date of Report	11 October 2024
Decision	To grant a licence

Neville Welsh
SENIOR INDUSTRY LICENSING OFFICER, RESOURCE INDUSTRIES
INDUSTRY REGULATION (STATE-WIDE DELIVERY)
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 amend and renew licence L7975/2004/4 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 amending and renewing the licence the Delegated Officer has determined to

- update the format and appearance of the licence;
- remove redundant conditions related to amendments to remove prescribed premises Category 35 and Category 61A from the licence;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- transfer all remaining relevant regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L7975/2004/5 subject to conditions set out in the attached licence.

2. Scope of assessment from the

2.1 Application summary

On 6 May 2024 Boral Resources (WA) Ltd (licence holder) applied to renew licence L7975/2004/4, as the licence is due to expire on 19 October 2024. The licence was granted to the licence holder for the premises located at Mining Lease M45/23, M45/25, M45/98 and G45/257 on the Great Northern Highway east of Port Hedland known as the Tabba Tabba hard rock quarry (Premises).

The application to renew the licence included the following requested amendments:

1. A change to the prescribed premises boundary to align with the current mining tenement boundaries and site activities as per approved Mining Proposal (Reg ID:85255); and
2. The removal of Category 35: asphalt manufacturing and associated Category 61A Solid Waste Facility.

The renewed licence relates to the prescribed premises category 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	Not more than 1, 200,000 tonnes per annual period

Boral Resources (WA) have been licensed to operate the Tabba Tabba hard rock quarry since October 2004. The current and proposed operations at the Premises are for the crushing and screening of material only.

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 2022.

The Delegated Officer considers that the proposed changes to the premises boundary does not change or impact the risk assessment applied to the licence compared to the most recent amendment issued in November 2020. In addition, the requested removal from the licence of asphalt manufacturing (Category 35) and the receipt and processing of Reclaimed Asphalt Pavement (RAP) under Category 61A, are considered to reduce the risk of emissions and discharges from the Premises.

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 [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au/government/publications/dwer-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 in the last 5 years regarding this licence.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises. All mining tenements are due to expire before the renewed licence expires, requiring DEMIRS approval for any tenement extension. The earliest expiry date is for tenement L45/197 expiring in November 2030. It remains the responsibility of the licence holder to maintain legal access and occupancy to the land to which this licence relates.

4.3 Categories of the licence

In line with the licence holder's requested amendments to remove Categories 35 and 61A from the licence, the remaining applied for prescribed category, and its corresponding maximum production capacity for the renewed licence, is consistent with the existing Category 12: Screening of material which was assessed under the previous licence.

4.4 Previous relevant decision reports

As the renewal of this licence is deemed an administrative licence renewal with amendments applied and no additional risk assessment has been conducted. The delegated officer notes that for the purposes of transparency and ease of access, the previous decision reports for licence amendments granted 15 September 2016 and 19 November 2020 will remain published.

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 a licence. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm because of emissions and/or discharges from the Premises.

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 / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
1-Table 1	Infrastructure table	Number retained	Modified to remove asphalt plant/s in-line with removal of Category 35 activity. Map reference for screening plant location updated.
2	Remove & relocate infrastructure	Number retained	Direct transfer of condition.
3 - Table 2 and 4 - Table 3	Waste acceptance (RAP)	N/A	Removed as per amendment to remove Category 61A.
5 -Table 4 and 6 -Table 5	Emissions & discharges	N/A	Removed as per amendment to remove Category 35.
7	Dust emissions	3	Direct transfer of condition.
8 – Table 6, 9 &10	Emissions/discharge monitoring	N/A	Removed as per amendment to remove Category 35.
11	Reporting – complaints	4	Direct transfer of condition.
12	Reporting – AACR	7	Current format with annual submission deadline specified.
13 & 14	Records/Books	5 & 6	Updated to correct condition cross reference and remove redundant data required.
Definitions – Table 7		Table 2	Definitions removed: AS/NZS 4323.1, Ciber iNova 2000, EP regulations, Processed RAP, RAP, TEREX E-100P, USEPA.
Schedule 1	Premises map	Updated	Revised premises map with new boundary / mining tenements updated & showing location of screening plant.

6. Consultation

The Delegated Officer undertook the consultation for the application to amend and 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 27 June 2024.	Submissions closed on 18 July 2024 with no submissions received.	N/A
Application referred to Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) on 13 June 2024.	DEMIRS replied on 2 July 2024: <ul style="list-style-type: none"> Confirming updated tenements following amalgamation of M45/23, M45/25, M45/98 & G45/257 into M45/1284 & addition of new tenements (L45/197 & G45/344) – Mining Proposal Mining Lease Application (MPMLA) approved 19 August 2022 (Reg ID 85255); and, Noted the ID 85255 MPMLA approval included current / proposed works related to Categories 35 and 61A. Proponent reminded that deviations outside of their MPMLA approval may require new DEMIRS approval. 	Delegated Officer notes: <ul style="list-style-type: none"> Tenement changes & DEMIRS approval applicable to premises boundary change; and legal Premises description. Responsibility of licence holder to consider new MPMLA approval after the removal of Categories 35 & 61A from this licence renewal.
Licence holder was provided with draft documents on 31 July 2024 with comments due by 23 August 2024.	Reviewed drafts with email reply confirming no comments on 31 July 2024	N/A