



## Application to renew a licence

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

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<b>Licence Number</b>	L8867/2014/2
<b>Licence Holder</b>	A.D. Contractors Pty Ltd
<b>ACN</b>	008 738 467
<b>File Number</b>	DER2014/002195-1
<b>Premises</b>	Howell Road Gravel Supply 48465 South Coast Highway MARBELUP WA 6330 Legal description - Lot 640 on Deposited Plan 302070 Certificate of Title Volume 1332 Folio 765 As defined by the Premises map
<b>Date of Report</b>	29/02/2024
<b>Decision</b>	To grant a licence

Neville Welsh  
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 L8667/2014/2 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;
- Include the outcomes from the Notice of Amendment dated 16 May 2022;
- 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 L8667/2014/2, subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 6 July 2023, A.D. Contractors Pty Ltd (licence holder) applied to renew licence L8867/2014/1, as the licence is due to expire on 1 March 2024. The licence was granted to the licence holder for the premises located at Lot 640 South Coast Highway, Marbelup (Premises).

The licence relates to prescribed premises categories as described in Table 1.

**Table 1: Premises category description and production design capacity**

<b>Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)</b>	<b>Production / design capacity</b>
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.	50,000 tonnes per annum
Category 13: Crushing of building material: premises on which waste building material or demolition material (for example, bricks, stones or concrete) is crushed or cleaned	5,000 tonnes per annum
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use	5,000 tonnes per annum

The premises is located about 12 kilometres west of Albany and is used primarily for gravel extraction, screening and separation. In addition, small volumes of building material (concrete and brick rubble) are crushed and screened. Scrap metal and building rubble material is stored on site prior to recycling.

### 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.

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 occupier in the last 5 years regarding the licence.

#### 4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

#### 4.3 Categories of the licence

For categories 13 and 62, the corresponding maximum production capacities for the renewal of the licence are consistent with these categories for which the licence holder currently holds a licence and which was previously assessed.

With regards to category 12, the current approved production capacity is 100,000 tonnes per annum as stated on licence L8867/2014/1. However, the licence holder has nominated a reduced production capacity of 50,000 tonnes per annual period in the application form. Historical annual fees have been paid at the capacity range of less than 50,000 tonnes per annum, supported by annual reports demonstrating actual production well below 50,000 tonnes per annum for the last 5 years. Given this, the production capacity will be amended to 50,000 tonnes per annum for licence L8867/2014/2 without any additional risk assessment.

#### 4.4 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises.

The licence holder currently holds an Extractive Industry Licence (EIL) issued by the City of Albany on 19 June 2023 with a term of licence of 1 year only (expiry date of 30 June 2024). Given the expiry of the EIL is imminent, it is the responsibility of the licence holder to seek the necessary approvals from the City to continue operations at the premises beyond the date of expiry.

### 5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach licence conditions. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm resulting from 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 current condition	New condition / table (if relevant)	Description and rationale
1.2.1 – 1.2.3	Interpretation General Conditions	N/A	Redundant conditions removed as no longer relevant.
	Definitions	Table 6	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 format.
1.3.1	Record & investigate exceedance of limit/target	11	Revised to current licensing format.
1.3.2 – 1.3.10	Premises operation	3 – 10 & 12	Transfer of existing conditions.
2.1.1	Record & investigate exceedance of limit/target	11	Revised to current licensing format.
2.2 – 2.4	Point source emissions to air, surface water and groundwater	N/A	Redundant conditions removed as no longer relevant.
2.5	Emissions to land	N/A	Redundant conditions removed as no longer relevant.
2.6.1	Fugitive emissions - Dust	N/A	Redundant conditions removed as no longer relevant.
2.6.2		13	Revised to current licensing format.
2.7	Odour	N/A	Redundant conditions removed as no longer relevant.
2.8	Noise	N/A	Redundant conditions removed as no longer relevant.
3.1 – 3.5	General monitoring, Monitoring of point source emissions to air, surface water and groundwater and land	N/A	Redundant conditions removed as no longer relevant.
3.6.1	Monitoring of inputs and outputs	14	Transfer of existing condition.
3.7 – 3.9	Monitoring –	N/A	Redundant conditions

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
	Process, ambient environmental, and meteorological quality		removed as no longer relevant.
4.1	Improvement program	15	Transfer of existing condition to licence renewal. Licence holder is required to apply to amend licence L8867/2014/2 to consider the removal of this outdated condition. Application form is available from the DWER website.
5.1.1	Records	17 & 18	Revised to current licensing format.
5.1.2	Person in charge	N/A	Redundant conditions removed as no longer relevant.
5.1.3	Annual Audit Compliance Report (AACR)	16	Revised to current licensing format.
5.1.4	Complaints	15	Revised to current licensing format.
5.2.1	Annual environmental report	N/A	Condition removed as AER no longer required to be submitted by licence holder in accordance with <i>Notice of amendment of licence reporting requirements</i> ; 13 May 2022.
5.3.1	Notification	N/A	Breach of any limit notification requirement is covered by condition 11. 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). Form N1 form is redundant and has been removed.
Schedule 1: Maps	Premises map	Schedule 1: Maps	Transfer of existing premises map.
Schedule 2: Reporting & notification forms	AACR & N1 form	N/A	Redundant conditions removed as no longer relevant.

## 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 12 December 2023.	No submissions were received after the advertising had closed on 3 January 2024	Noted
Local Government Authority advised of application on 30 November 2023.	The City of Albany responded on 11 January 2024 advising that the applicant has obtained all necessary permits and approvals associated with the gravel extraction operation.	Noted
Licence holder was provided with draft documents on 16 January 2024.	Licence holder responded on 17 January 2024 advising they have no comment and then waived the remaining consult period and have the licence issued as soon as possible.	Noted