



Application to renew a licence

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

Licence Number	L9267/2020/2
Licence Holder	Mario Michelle Giacci
File Number	DER2020/000475~1
Premises	<p>Gwindinup Sand and Gravel Pits Lot 287 South Western Highway and Lot 393, 79 Lowrie Road GWINDINUP WA 6237</p> <p>Legal description Part of Lot 287 on Deposited Plan 100056 (Certificate of Title Volume 1245, Folio 936) and Lot 393 on Deposited Plan 159607 (Certificate of Title Volume 1215, Folio 880)</p> <p>As defined by the Premises map and coordinates attached to the issued licence.</p>
Date of Report	26/09/2024
Decision	To grant a licence

SENIOR INDUSTRY LICENSING OFFICER
INDUSTRY REGULATION
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 L9267/2020/1 without conducting any additional risk assessment.

The Delegated Officer decided to grant Licence L9267/2020/2 subject to conditions set out in the attached licence.

The Delegated Officer has considered the status of local government Development Approvals and Extractive Industry Licence, along with the estimated 10-year duration of operations and decided to renew the licence with a 10-year duration. This is consistent with the Department *Guidance Statement on Licence Duration*, August 2016.

In renewing the licence the Delegated Officer has determined to:

- Transfer all existing regulatory controls and conditions to the new licence;
- Revise licence conditions with administrative changes only.

The licence holder must ensure it has all relevant development and planning approvals issued by the Shire of Capel for any infrastructure and operations at the Premises remain current for the duration of this licence.

The licence holder is advised that any proposed changes to infrastructure/operations in the licence amendment application submitted to Department on 24 June 2024 is pending an approval because the proposed application is still subjected to further assessment at this time.

2. Scope of assessment

2.1 Application summary

On the 24 June 2024 Mr Mario Michelle Giacci (licence holder) applied to renew licence L9267/2020/1 as the licence is due to expire on 25 September 2024. The licence relates to the premises located at Lot 287 and Lot 393, 79 Lowrie Road, South Western Highway, Gwindinup (Premises).

The relevant prescribed premises category is 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: 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.	120,000 tonnes of gravel per year.

The premises is known as the Gwindinup Sand and Gravel Pits and involves the extraction of material from the site and crushing/screening of this material. Mobile crushing and screening equipment includes an impact crusher, screener and stacker. This equipment is used to crush and screen gravel. Additional infrastructure/equipment at the premises is detailed on the licence.

In addition to the licence renewal application, an application to amend the licence has been submitted on 24 June 2024 by the licence holder. This Decision Report does not risk assess the proposed amendments to the licence. The amendment application will be risk assessed and determined separately to the licence renewal application.

3. Regulatory framework

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 **Error! Hyperlink reference not valid.**

The Department of Water and Environmental Regulation's *Work Instruction: Industry Regulation, Licensing position – COVID 19 response (October 2022)* guides the processes under which this licence is assessed. This Work Instruction has been reviewed and expanded to address licenses that expire beyond 30 June 2023.

The Delegated Officer has not conducted a full review nor risk assessment of emissions and discharges from the Premises and has determined that an administrative licence renewal can be processed. The previous decision report and risk assessment for the licence that was endorsed on 4 February 2021 (reference A2247431), will be published on the DWER website, along with this decision report.

4. Considerations for issuing a new licence

4.1 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises by providing records of certificate or titles for Lot 287 & Lot 393.

4.2 Prescribed premises details

The Delegated Officer has determined that the licence renewal application does not include any changes to the previously assessed location of the premises, prescribed premises category, production/design capacity and prescribed premises activities.

4.3 Development approval / Extractive Industry Licence

The licence holder submitted copies of extractive industry licenses (EILs) for lots 393 and 287 granted by the Shire of Capel. The Delegated Officer noted that the EIL is due to expire on 25 September 2024, which corresponds with the Departments preceding licence expiry date.

Furthermore, the licence holder provided evidence of the development approval (DA) for Lot 393 Lowrie Road, Gwindinup, will expire on 30 March 2027. The licence holder also advised that two applications to renew the DA and EIL have been submitted in March 2024 to the Shire of Capel. These renewals include proposed expansion of the project area, changes to operational hours, truck movements and batter slopes. The Delegated Officer understands that these additional DA/EIL applications are under assessment with the Shire of Capel.

The Delegated Officer sought comment from the Shire of Capel regarding the status of March 2024, DA and EIL applications. No comment was received from the Shire.

The Delegated Officer has given due regard to the status of DA's/EIL's relevant to the renewal of licence L9267/2020/1 and based on the amendment application requiring a detailed assessment plus the previous risk assessment, then a 10-year licence renewal duration is proposed.

4.4 Compliance and enforcement actions

There have been two incidents/complaints identified at the Premises by the Department since the licence was first issued in February 2021. These incidents were investigated and resolved without enforcement action being taken.

5. Consultation

The Delegated Officer completed consultation for the licence renewal as noted in Table 1.

Table 2: Consultation

Consultation method	Summary of comments received	Delegated Officer's response
Application advertised on the Department's website on 31 July 2024.	No comments received.	Noted.
Shire of Capel advised of the application on 31 July 2024.	No comments received.	Noted. Refer to comments in Section 4.3 of this report.
Applicant was provided with draft decision report and licence on 19 August 2024.	<p>On 23 August 2024, the applicant's representative advised they have no comments regarding the draft decision report and licence. In addition, that an update on the progress of the DA/EIL applications was provided.</p> <p>Further information received on 4 September 2024 included:</p> <ul style="list-style-type: none"> • Copy of DA and EIL for Lot 393 Lowrie Road Gwindinup that expires on 29 March 2027. • Statement that additional DA's have been applied for in relation to Lots 393 and Lot 287. 	The Delegated Officer noted the applicant's comments and responded in section 4.3 of this report.

6. 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 resulting from emissions and/or discharges from this Premises.

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 / schedule	New condition / schedule	Description and rationale
Condition 1	Condition 1	No changes.
Condition 2	Condition 2	
Condition 3	Condition 5	Minor change to condition wording.
Condition 4	Condition 3	Updated condition number only.
Condition 5	Condition 4	
Definitions list	Definitions list	Added "emission" and "discharge" to defined terms list in accordance with current licence template.
Schedule 1 – premises map	Schedule 1 – premises map	No changes
Schedule 2 – premises boundary	Schedule 2 – premises boundary	No changes