



## Application to transfer a licence

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

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<b>Licence Number</b>	L8452/2010/2
<b>Licence Holder</b>	Dugite Earthmoving Pty Ltd
<b>ACN</b>	660378361
<b>File Number</b>	DER2016/000279-1~2
<b>Premises</b>	Moore River Sands Guilderton Road GABBADAH WA 6041  Legal description – Lot M801 on Plan 3109 as depicted in Schedule 1 of the Licence
<b>Date of Report</b>	22 June 2023
<b>Decision</b>	Licence Transfer

A/Manager, Resource Industries  
REGULATORY SERVICES  
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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## 1. Decision summary

The Delegated Officer has determined to transfer Licence L8452/2010/2 to Dugite Earthmoving Pty Ltd.

The decision report for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

## 2. Scope of assessment

### 2.1 Regulatory framework

In amending the licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 2.2 Transfer summary

Licence L8452/2010/2 is currently held by Moore Sands Resources Pty Ltd (Licence holder) for the Moore River Sands crushing and screening plant (the Premises), located at Lot M801 on Plan 3109 as depicted in Schedule 1.

The Premises relates to category 12. The assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L8452/2010/2.

This amendment is limited to a transfer of Licence L8452/2010/2 from Moore Sand Resources Pty Ltd to Dugite Earthmoving Pty Ltd.

In transferring the licence, the department has also:

- updated the format and appearance of the Licence;
- deleted the redundant Annual Audit Compliance Report (AACR) form set out in schedule 2 of the previous licence and advise the licence holder to obtain the form from the department's website; and
- revised licence condition's numbers and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- amalgamated the two notice of amendments, issued on 29 April 2016 and 16 May 2022 respectively, into the licence.

These changes are detailed in Section 4.1. Previously issued Decision Reports will remain on the department's website for future reference and will act as a record of the department's decision making.

## 3. Assessment

As part of this assessment a review of the legal occupancy of the applicant was carried out to determine if a transfer of licence may occur. A review of the compliance history of any current licenses held by the company was also undertaken.

It has been determined that:

- Dugite Earthmoving Pty Ltd is a registered and valid company and is therefore a legal entity that can hold a licence under Part V of the EP Act.
- Dugite Earthmoving Pty Ltd has provided evidence that they are the current landholder of the premises (Lot M801 on Plan 3109). Evidence was provided in the form of an extraction agreement between Dugite Earthmoving Pty Ltd (landholder) and Moore

Sand Resources (landowner). The agreement is for Dugite Earthmoving to operate the site to extract, remove and sell materials (sand and limestone) from “Stage 1” and “Stage 2” sections of the site presented in Attachment 1.

- There are no significant compliance matters relating to Dugite Earthmoving Pty Ltd or its directors, that would prevent the issue of this transfer.

## 4. Conclusion

Based on the assessment in this transfer report, the Delegated Officer has determined that Dugite Earthmoving Pty Ltd is a legal entity and a fit competent operator. The Delegated Officer will therefore transfer licence L8452/2010/2 to Dugite Earthmoving Pty Ltd.

### 4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised licence as part of the transfer process.

**Table 1: Summary of licence amendments**

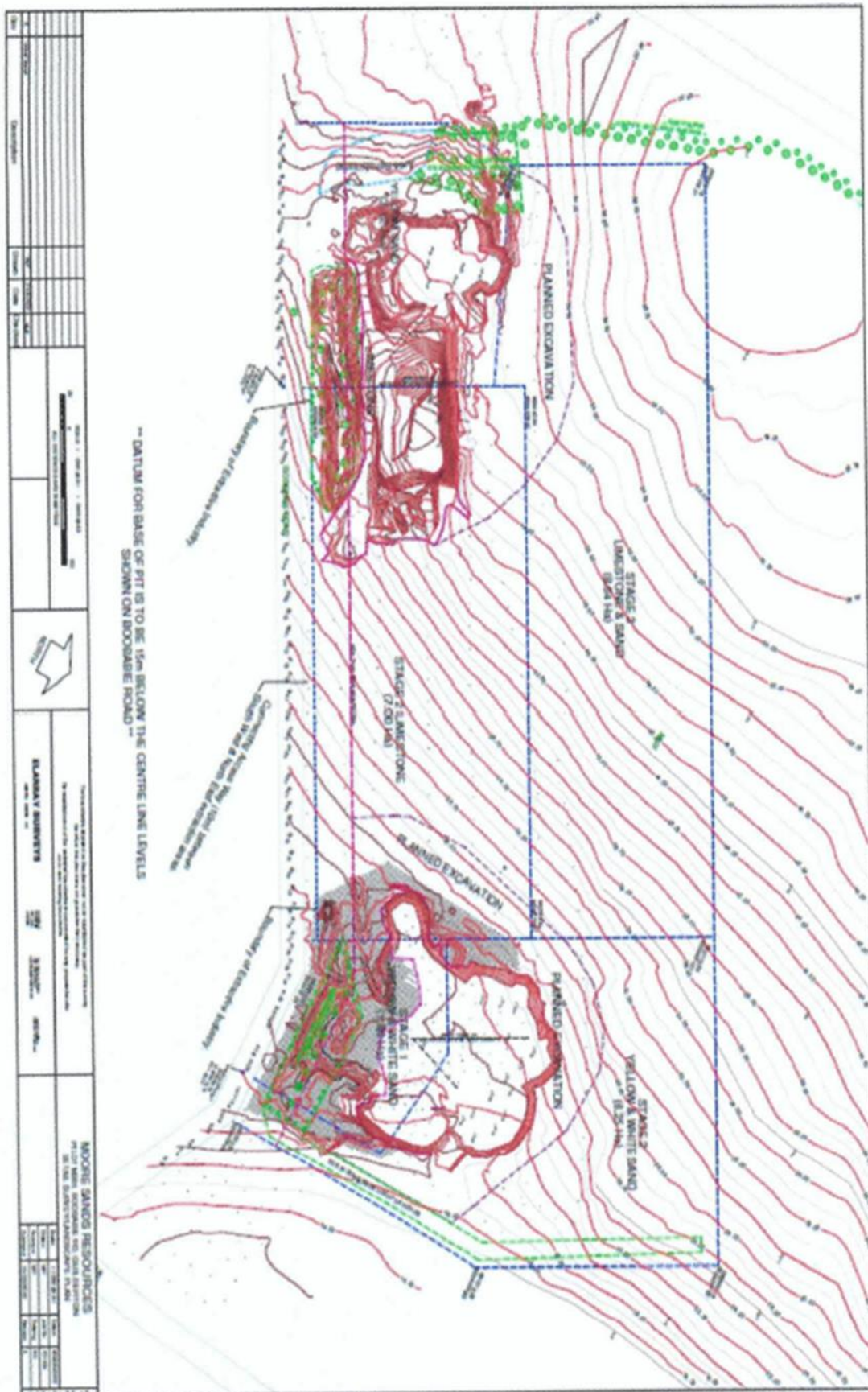
Existing condition	Condition summary	Revised licence condition	Notes
N/A	ACN and Licence Holder Name	N/A	Details change to new Occupier details
N/A	Prescribed Premises Category table	N/A	Revised to current licensing format.
N/A	Expiry date	Expiry changes to 04/07/2034	Expiry date has been updated as per notice of amendment and schedule of licences with amended expiry dates that was issued on 29 April 2016
1.1.1 1.1.2	Interpretation and definitions	Interpretation section, Definitions section (Table 1)	Redundant conditions. Revised to current licensing format. New Interpretation section added and Definitions moved to new section with a new table 1.
1.1.3	Australian or other standard	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.2.1	General Emissions	N/A	Redundant condition and has been deleted.
1.2.2	Pollution control and monitoring equipment	Condition 1	Condition retained on licence.
1.2.3	Storage of environmentally hazardous materials	N/A	Redundant condition. Adequately regulated by the Dangerous Goods Safety Act 2004. Deleted from licence.

Existing condition	Condition summary	Revised licence condition	Notes
1.2.4	Recovery and removal of spills	N/A	Redundant condition. Adequately covered by EP (Unauthorised Discharges) Regulations 2004. Deleted from licence.
1.2.5	Prevention of contamination and containment of contaminated stormwater	Condition 2	Condition retained on licence.
2.1.1	Record and investigate exceedances of limits or targets	N/A	Redundant condition. Deleted from licence.
2.6.1	Fugitive emissions	Condition 3	Condition retained on licence
2.6.2	Fugitive emissions	Condition 4	Condition retained on licence. Minor wording changes to clarify meaning of condition. Intent of condition has not changed.
5.1.1	Records	Condition 5 and 6	New numbering and update to wording format. Intent of conditions remains the same
5.1.2	Persons left in charge	N/A	Redundant condition. Deleted from licence.
5.1.3	AACR	Condition 7	Condition retained on licence. Wording has been revised to current licensing format.
5.1.4	Complaints	Condition 8	Condition retained on licence. Wording has been revised to current licensing format.
5.2.1	Annual Environmental Report	N/A	The requirement for an annual report has been removed due to the notice of amendment and schedule of licences with amended reporting conditions that was issued on 16 May 2022
5.3.1	Notifications	N/A	Redundant condition. Deleted from licence. The requirement to notify the department of any incident which has caused, is causing or may cause pollution is adequately covered by s72 of the <i>Environmental Protection Act 1987</i>
Schedule 1: Maps	Premises map	Schedule 1: Maps	New naming convention, no change to map
Schedule 2 Reporting & notifications	Annual Audit Compliance Report Form N1 Notification	N/A	Redundant attachments. Deleted from Licence  Forms accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>

## References

1. Department of Water and Environmental Regulation (DWER) Notice of amendment and schedule of licences with amended reporting condition, 16 May 2022
2. Department of Water and Environmental Regulation (DWER) Notice of amendment and schedule of licences with amended expiry dates, 29 April 2016

# Attachment 1



ATTACHMENT 1 - SITE PLAN