



Government of Western Australia  
Department of Environment Regulation

Your ref: L8177/2007/2  
Our ref: DEC3745  
Enquiries: Christine Pustkuchen  
Phone: 6467 5329  
Fax: 6467 5561  
Email: christine.pustkuchen@der.wa.gov.au

Rob McDonald  
C/- Downer Infrastructure West  
PO Box 145  
MADDINGTON WA 6989

Dear Mr McDonald

**ENVIRONMENTAL PROTECTION ACT 1986 – AMENDMENT TO LICENCE L8177/2007/2**

**Premises name: Narngulu Asphalt Plant**  
**Premises location: Lot 131 Goulds Road, NARNGULU WA 6532**

Further to my letters dated 30 April 2013 and 17 July 2013 please find enclosed your amended *Environmental Protection Act 1986* licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 6467 5329 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

Yours sincerely,

Ruth Dowd  
Officer delegated under Section 20  
of the *Environmental Protection Act 1986*

25 July 2013

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# Licence

## *Environmental Protection Act 1986, Part V*

**Licensee: Downer Edi Works Pty Ltd**

**Licence: L8177/2007/2**

**Registered Office:** Downer Edi Works Pty Ltd  
39 Delhi Road  
NORTH RYDE NSW 2113

**ACN:** 008 709 608

**Premises Address:** Narngulu Asphalt Plant  
Lot 131 Goulds Road  
NARNGULU WA 6532  
As depicted in Schedule 1.

**Issue Date:** Friday 05 October 2012

**Commencement Date:** Monday 08 October 2012

**Expiry Date:** Saturday, 7 October 2017

**Amendment Date:** Friday, 12 July 2013

**Prescribed Premises Category**  
Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Premises production or design capacity
35	Asphalt manufacturing - premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at a place or premises other than those premises.	Not applicable	30,000 tonnes per annum

### Conditions of Licence

Subject to the conditions of the licence set out in the attached pages.

Officer delegated under Section 20  
of the *Environmental Protection Act 1986*



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## Introduction

This Introduction is not part of the Licence conditions.

### Who we are

The Department of Environment Regulation (DER) is a Government Department in the portfolio of the Minister for the Environment. Our purpose is to protect and conserve the State's environment on behalf of the people of Western Australia.

### Our industry licensing role

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. We also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

### Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. These can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- Environmental Protection (Controlled Waste) Regulations 2004 - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- Environmental Protection (Noise) Regulations 1997 – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.





You should comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply. Additional guidance on pollution prevention can be found in the Department of Water's Water Quality Protection Guidelines and Codes of Practice accessed through:

<http://www.water.wa.gov.au/Managing+water/Water+quality/Water+quality+protection+guidelines/default.aspx>

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

#### **Licence Fees**

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

#### **Ministerial conditions**

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for the Environment. You are required to comply with any conditions imposed by the Minister.

#### **Premises description and Licence summary**

The Premises was established in 2007 to replace the Geraldton Asphalt Plant and is located within the Narngulu Industrial Precinct, 3.5km south east of the Geraldton townsite. The closest residence is 1.5km to the east of the Premises.

There are no wetlands, water courses or environmentally sensitive areas on or adjacent to the Premises. The site has a history of industrial use and is completely bitumen-sealed, draining to a large capacity stormwater sump.

Asphalt is manufactured via a hot mix process where a mixture of aggregates, sand, filler and bitumen is blended and used hot. This process occurs in batches where an enclosed conveyor feeds aggregate from a cold feed unit into a sealed, insulated and clad rotary dryer. In the dryer aggregate is heated to 180°C and is transferred via bucket elevators to the top of the overhead mixing tower (also known as a pug mill). The remainder of the process occurs within the tower, which is fully insulated and enclosed.

All bins, silos, mixers, conveyors and other transfer storage plants within the tower operate under negative pressure to minimise dust and odour emissions.

At the top of the tower the aggregate is screened and distributed into individual hot storage bins according to size. Aggregates are directed to a weigh hopper where hot bitumen and filler are added. The mixture is transferred via an enclosed conveyor to heated storage vessels for discharge to transport vehicles.

Exhaust gases from the process are directed to a reverse-air type bag filter (enclosed in a bag house) and then released through a 19m high stack. All potential waste products from the process (such as bag house dust, unused asphalt, waste bitumen etc) are recycled in the process.

This licence is the result of an amendment sought by DER to convert the existing licence to a new format REFIRE licence.

The licences and works approvals issued for the Premises since 8/10/2007 are:



Instrument log		
Instrument	Issued	Description
L8177/2007/1	8/10/2007	New licence
L8177/2007/2	8/10/2012	Reissue
L8177/2007/2	29/7/2013	Amendment to REFIRE format

#### Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

#### END OF INTRODUCTION



## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 In the Licence, unless the contrary intention appears:

“the Act” means the *Environmental Protection Act 1986*;

“annual” means the inclusive period from 1 January to 31 December in the following year;

“Code of Practice for the Storage and handling of dangerous goods” means the Storage and handling of dangerous goods, Code of Practice, Department of Mines and Petroleum, Government of Western Australia;

“Contact Address” for the purpose of correspondence and advice means:

Regional Leader, Industry Regulation – Midwest Region  
Department of Environment Regulation  
PO Box 72  
GERALDTON WA 6167  
Telephone: (08) 9921 5955  
Facsimile: (08) 9964 0948;

“dangerous goods” has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;

“Director” means Director, Environmental Regulation Division of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under Section 20 of the *Environmental Protection Act 1986*;

“environmentally hazardous material” means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm;

“fugitive emissions” means all emissions not arising from point sources

“Licence” means this Licence numbered L8177/2007/2 and issued under the *Environmental Protection Act 1986*;

“Licensee” means the person or organisation named as Licensee on page 1 of the Licence;

“placard quantity” has the meaning defined in the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007;





**"Premises"** means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

**"waste"** has the meaning defined in the *Environmental Protection Act 1986*;

- 1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the current version of that standard.

## **1.2 General conditions**

- 1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:
- (a) pollution;
  - (b) unreasonable emission;
  - (c) discharge of waste in circumstances likely to cause pollution; or
  - (d) being contrary to any written law.
- 1.2.2 The Licensee shall maintain all pollution control and monitoring equipment to the manufacturer's specification or any internal management system.
- 1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall only store substances that are classed as dangerous goods below placard quantities or environmentally hazardous materials not classified as dangerous goods if they are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.
- 1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

### **Stormwater control**

- 1.2.5 The Licensee shall ensure that uncontaminated stormwater is kept separate from contaminated or potentially contaminated stormwater. Where stormwater has come into contact with a possible source of contamination, it should be treated as contaminated.

## **1.3 Premises operation**

- 1.3.1 The Licensee shall ensure that alarms are incorporated within the process to sound when there is a baghouse failure.
- 1.3.2 The Licensee shall ensure that:
- (a) the baghouse is operational prior to start up of the drier and operated continuously whilst the drier is operating;
  - (b) the baghouse filters are regularly inspected; and
  - (c) when detected, blocked, frayed or leaking, baghouse filters are immediately replaced.





## 2 Emissions

### 2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.

### 2.2 Point source emissions to air

- 2.2.1 The Licensee is permitted, subject to conditions in the Licence, to emit waste to the atmosphere from the emission points listed in Table 2.2.1.

Table 2.2.1: Emission points to air			
Emission point reference	Emission Point	Emission point height (m)	Source, including any abatement
A1	Stack receiving gases from baghouse.	At least 12 m above ground level or, the height of any building at a distance of less than 1.5 times the stack height from the stack, plus three metres, whichever is greatest.	Drum drier via baghouse.

### 2.3-2.4 Point source emissions to surface water and groundwater

There are no specified conditions relating to point source emissions to surface water or groundwater in this section.

### 2.5 Emissions to land

There are no specified conditions relating to emissions land in this section.

### 2.6 Fugitive emissions

- 2.6.1 Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.
- 2.6.2 The Licensee shall ensure that no visible dust generated by the activities of the Premises crosses the boundary of the Premises.

### 2.7 Odour

- 2.7.1 The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.

### 2.8 Noise

There are no specified conditions relating to noise in this section.



### 3 Monitoring

There are no specified conditions relating to monitoring in this section.

### 4 Improvements

There are no specified improvement conditions in this section.

### 5 Information

#### 5.1 Records

5.1.1 All information and records required by the Licence shall:

- (a) be legible;
- (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
- (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
- (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
  - (i) off-site environmental effects; or
  - (ii) matters which affect the condition of the land or groundwater.

5.1.2 The Licensee shall ensure that:

- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
- (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.

5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous year.

5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

#### 5.2 Reporting

5.2.1 The Licensee shall submit to the Director at the Contact Address an annual environmental report within 90 calendar days after of the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.



Table 5.2.1: Annual environmental report		
Condition or table (if relevant)	Parameter	Format or form <sup>1</sup>
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the year and any action taken	None specified
5.1.3	Compliance	AACR
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

### 5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director at the Contact Address and in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement <sup>1</sup>	Format or form <sup>2</sup>
2.1.1	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	Part A: As soon as practicable but no later than 5PM of the next usual working day.  Part B: As soon as practicable	N1

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

Note 2: Forms are in Schedule 2



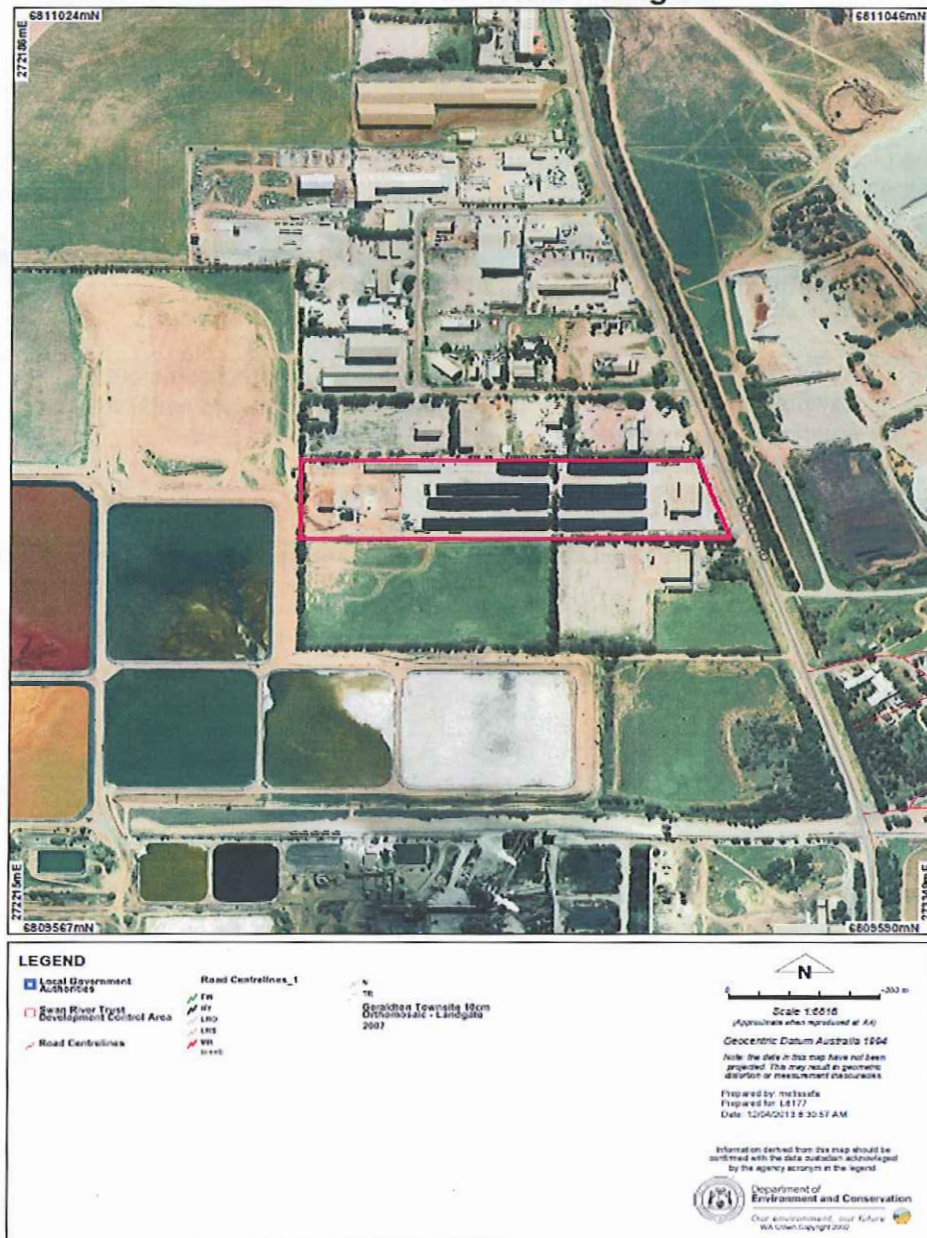


## Schedule 1: Maps

### Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.

Lot 131 Goulds Road Narngulu





## Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

Copies of the original monitoring reports must also be submitted.

Licence: L8177/2007/2  
Form: AACR  
Name: Annual audit compliance report

Licensee: Downer EDi Works Pty Ltd  
Period :

### Annual audit compliance report

#### Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the reporting period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this annual audit compliance report (AACR).

Initial:



**Section B: Details of non-compliance with Licence condition**

a) Licence condition not complied with?	
b) Date(s) b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes, and  <input type="checkbox"/> Reported to DER verbally    Date  <input type="checkbox"/> Reported to DER in writing    Date	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialised by the person(s) who signs Section C of this AACR

Initial:





### Section C: Signature and certification

This AACR may only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is		The AACR must be signed and certified:
an individual	<input type="checkbox"/>	by the individual Licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or
	<input type="checkbox"/>	by two directors of the Licensee; or
	<input type="checkbox"/>	by a director and a company secretary of the Licensee, or
	<input type="checkbox"/>	if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/>	by the principal executive officer of the Licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/>	by the CEO of the Licensee; or
	<input type="checkbox"/>	by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: (printed) \_\_\_\_\_ Name: (printed) \_\_\_\_\_

Position: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Seal (if signing under seal).



Licence: L8177/2007/2  
Form: N1

Licensee: Downer EDi Works Pty Ltd  
Date of breach:

**Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.**

These pages outline the information that the operator must provide.  
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

**Part A**

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
To be notified as soon as practicable and no later than 5PM of the next working day	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
To be notified as soon as practicable and no later than 5PM of the next working day	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident	







### Part B - to be submitted as soon as practicable

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any unauthorised emissions from the installation in the preceding 24 months.	

Name*	
Post	
Signature on behalf of Downer EDi Works Pty Ltd	
Date	