



Licence Number	L9095/2017/1
Licence Holder	Meteor Stone Pty Ltd
ACN	623 253 770
Registered business address	14 Furniss Road LANDSDALE WA 6065
File Number:	DER2017/001521
Premises	Meteor Stone Lot 1 Military Road, Wilbinga WA 6041 Legal description - Lot 1 on Diagram 44256 Certificate of Title Volume 1408 Folio 3929 As defined by the coordinates in Schedule 1
Date of Amendment	13 November 2018

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act) as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Tim Gentle
MANAGER LICENSING – RESOURCES INDUSTRIES

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

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Notice	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Works Approval Holder in writing and sent to the Works Approval's address for notifications, as described at the front of this Works Approval, in relation to: (a) compliance with the EP Act or this Works Approval; (b) the Books or other sources of information maintained in accordance with this Works Approval; or (c) the Books or other sources of information relating to Emissions from the Premises.
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i> (WA)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Meteor Stone Pty Ltd
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997</i> (WA)

Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
TDS	Total Dissolved Solids

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is to an amendment for Category 12, Category 77 and change in Licence Holder.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

Amendment description

On 19 February 2018, the Department received an application to transfer Licence L9095/2017/1 from Civex Group to Meteor Stone. Meteor Stone provided a copy of the Deed of Assignment of Lease for Lot 1 on Diagram 44256 Military Road Wilbinga, transferring the lease from Civex Group Pty Ltd to Meteor Stone Pty Ltd with the Department of Water and Environmental Regulation approval.

During the amendment process, it was noted that Conditions 7, 8, 9 and 10 of the Licence required proof of acoustic bund, an extension of generator wall and an acoustic test conducted on site during operation hours. On 26 April Meteor Stone submitted a proof of the acoustic barriers and an acoustic report. A second acoustic report prepared and was submitted to DWER on 30 August 2018.

DWER also identified that Priority 1 Public Drinking Water Supply underlying the site could be at risk if hydrocarbons and chemicals are not properly managed on site.

Table 2 below outlines the proposed changes to the Licence.

Table 2: Proposed changes

Category	Condition	Current Specified	Description of proposed amendment
12	7	The Licence Holder must extend the generator north wall up to the level of the generator roof by 31 March 2018.	Remove conditions based on compliance notification letter dated 21 March 2018
12	8	The Licence Holder must construct the acoustic bund identified in Condition 4, Table 4, Row 3, by 31 March 2018.	Remove conditions based on compliance notification letter dated 21 March 2018
12	9	The Licence Holder must retain the services of a person competent in the environmental noise assessment whose qualifications and experience that qualifies them for membership of the Australian Acoustical Consultants (Consultant) to undertake noise validation monitoring to determine whether the operation of all machinery and infrastructure on the Premises meet the assigned noise levels at nearby residential receptors once construction works specified in Condition 7 and 8 are completed.	Remove conditions based on Wilbinga Quarry Operations – Environmental Noise Validation Report (Environmental Site Services 2018b) and further correspondence from Stoneridge WA dated 22 August 2018
12	10	The Licence Holder must submit to the CEO by 30 April 2018, a report prepared by the Consultant setting out the Consultant's activities and demonstrating compliance with Condition 9.	Remove conditions based on Wilbinga Quarry Operations – Environmental Noise Validation Report (Environmental Site Services 2018b) and further correspondence from Stoneridge WA dated 22 August 2018
77	3 – Table 3	77: Concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises.	Remove Category based on correspondence between Meteor Stone and DWER dated 30 August 2018.

Site history

The Premises is located on Lot 1 on Diagram 44256 and is owned by Department of Water and Environmental Regulation (DWER) (previously known as Department of Water and The Waters and Rivers Commission).

In 2016 it was identified through compliance and enforcement inspections that the occupier (Cultural Limestone) was already operating a screening and recycling business on the Premises and therefore not established in accordance with section 54 of the EP Act. The inspection also noted that clearing of native vegetation was observed – it appeared the quarry had removed vegetation to extend the quarry (~2ha) without a clearing permit and the location may contain Declared Rare Flora.

On 1 April 2017, Civex Group Pty Ltd, trading as Civex Group took over site operations. In September 2017, Civex submitted a Licence application with DWER for Categories 12, 13 and 62. During the application assessment, the Department has received advice from the Shire of

Gingin that the Planning approval has been granted for an Extractive Industry and Rural Industry but not for a solid waste depot. According to the Shire of Gingin Categories 13 and 62 would be considered a 'Landfill Site' as per the definition in the Shire's Local Planning Scheme No. 9. A Landfill Site is a use that is not permitted within the whole Shire. Therefore, the Licence L9095/2017/1 was issued for category 12 and 77.

Other approvals

The Licence Holder has provided the following information relating to other approvals as outlined in Table 3.

Table 3: Relevant approvals

Legislation	Number	Approval
Extractive Industry Licence Shire of Gingin	Extractive Industry Licence – Lot 1 Military Road, Wilbinga Bay, Licence #1 5	Excavation of limestone
Part V, Division 2 of the <i>Environmental Protection Act 1986</i>	CPS 7497/1	<u>Under assessment – retrospective clearing. Application submitted on 27 February 2017</u>
Legislation	Number	Approval
Rights in Water and Irrigation Act 1914	GWL 157954(5)	Taking water for: <ul style="list-style-type: none"> • Dust suppression firefighting purposes • Household purposes • Irrigation of 0.1ha • Processing purposes • Rehabilitation purposes

Amendment history

Table 4 provides the amendment history for L9095/2017/1

Table 4: Licence amendment

Instrument	Issued	Amendment
L9095/2017/1	13/11/2018	Amendment Notice 1 to transfer Licence to Meteor Stone and remove Category 77

Location and receptors

Table 5 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 5: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
Residence 1	(North) Wedgetail Rd - 200m from Premises boundary
Residence 2	(North East) Wedgetail - Rd 430m from Premises boundary

Table 6 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 6: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises	Environmental value
Public drinking water source areas	Within the premises boundary	<p>Priority 1 Public Drinking Water Source Area (Gnangara Mound).</p> <p>P1 areas are defined and managed to ensure there is no degradation of the quality of the drinking water source with the objective of risk avoidance.</p> <p>Depth to groundwater encountered at approximately 22m – 30m .Groundwater quality ranges from 500mg/L to 10,00mg/L TDS.</p>

Risk assessment

Table 7 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

Table 7: Risk assessment for the operation

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/ Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts					
Cat 12	Bulk storage of chemicals	Breach/failure of containment	Soils and groundwater	Direct discharge	Soil and groundwater contaminated with chemicals	Moderate	Possible	Medium	The site underlying geology comprises of sand and Limestone (porous material) and is located on Priority 1 Public Drinking Water Supply. Due to the lack of hard stand on most of the site, infiltration of contaminants into the subsoil is inevitable.

Risk of chemical storage tank leakage causing groundwater contamination

Unplanned spills or leaks to land may occur as a result of accident, emergency or malfunction (abnormal operating conditions) associated with chemicals storage infrastructure used on the Premises to support crushing and screening operations. Chemicals accidentally spilled or discharged to ground can infiltrate through the soil profile and potentially have an impact on groundwater quality.

A Preliminary Site Investigation (MDW Environmental Services, 2014) was carried out on site to meet the requirements of the *Contaminated Site Act 2003*. The report has indicated a number of potential threats to human health and the environment through both direct and indirect exposure. These threats include hydrocarbon contamination of the groundwater below the site. The site contains above-ground fuel storage tanks with the potential for hydrocarbon spillage on site. The same report stated that hydrocarbon staining was found in front of the diesel storage tank.

In August 2018 the proponent submitted an inventory of the chemicals stored on site. Diesel comprises the biggest volume stored on the premises (10,000L). The areas surrounding the chemical storage facility and the diesel storage tank are not properly lined or have a spill recovery system to prevent infiltration of contaminated drainage to the underlying groundwater (Figures 1 and 2).



Figure 1: Diesel storage tank facility.



Figure 2: Diesel storage facility for generators.

The site is located on the Priority 1 Public Drinking Water Source Area (Gnangara Mound). The geology on site is comprised of sand and sandstone, classified as porous material, allowing water to soak in quickly, greatly reducing surface runoff. Depth to groundwater has been identified as approximately 27mbgl with actual depths varying between 19-31mbgl. Groundwater quality salinity ranges from 500mg/L to 10,00mg/L.

Consequence of Risk Event

Based on the volumes of chemicals stored on site, the Delegated Officer has determined that the environmental impact of contaminated drainage discharges to groundwater to be **Moderate**.

Likelihood of Risk Event

Based upon the infrastructure of the bulk storage chemicals, the likelihood of environmental impact from chemical spills to be **Possible**.

Overall rating of hydrocarbon leaks and spills Risk Event

Based on the consequence and likelihood ratings described above for the Risk Criteria (Table 7), the overall rating for the risk of chemicals leaks and spills during operation is **Medium**.

Decision

The Delegated Officer notes that the Priority 1 Public Drinking Water Source Area (Gnangara Mound) quality is at risk if contaminated drainage is to reach the underlying groundwater. Such risk was not considered in the original Licence risk assessment.

Licence Holder controls for the storage of bulk chemicals are conditioned on the Licence to ensure that groundwater quality will not be affected by the operations on site.

Improvement Conditions

Licence Holder is required to improve storage of chemicals on site to prevent groundwater contamination. Improvement condition included in this amendment requires the Licence Holder to:

- Bulk storage of chemicals in separate concrete bunded areas in accordance with Australian Standard 1940 or as double skinned tanks without bunding; and
- Located tank refueling points over an apron to provide containment of any spilled fuel for the site.

These improvements should be implemented not later than 3 months after the date of issue of the amendment.

Amendment to transfer Licence

Approval is granted to transfer Licence L9095/2017/1 from Civex Group to Meteor Stone Pty Ltd.

Amendment to expiry date

The Licence expiry date has been altered to 31 October 2027 to reflect the Lease agreement duration.

Removal of conditions

The conditions of installing the required walls and bunds have been satisfactorily met. (Meteor Stone 2018a).

On 30 August 2018, Meteor Stone sent a letter to DWER stating that after a review of the operations, Meteor Stone decided to stop production of reconstituted blocks. Therefore, the Finlay Block Layer will no longer be operational (Meteor Stone 2018b). The 2017 Herring Storer Acoustics (HSA) report demonstrated that the Finlay Block Layer contributed significantly to the tonal noise, as well as to the possible noise non-compliance under the 'worst case' wind conditions. Without the operation of the Finlay Block Layer, together with the implementation of the walls, bunds and the acoustic insulated roof, the noise emissions from the quarry operation will be able to comply with the daytime assigned noise level at the nearby noise sensitive premises.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on [DRAFT]. Comments received from the Licence Holder have been considered by the Delegated Officer as shown in Appendix 2.

Amendment

1. Duration of the Licence is amended by the deletion of the text shown in strikethrough below and the insertion of the red text shown in underline below:
Duration 13/12/2017 to ~~12/12/2033~~ 31/10/2027
2. The Licence is amended by the deletion of the following Conditions 7 to 10:
~~7. The Licence Holder must extend the generator north wall up to the level of the generator roof by 31 March 2018.~~
~~8. The Licence Holder must construct the acoustic bund identified in Condition 4, Table 4, Row 3, by 31 March 2018.~~

~~9. The Licence Holder must retain the services of a person competent in the environmental noise assessment whose qualifications and experience that qualifies them for membership of the Australian Acoustical Consultants (Consultant) to undertake noise validation monitoring to determine whether the operation of all machinery and infrastructure on the Premises meet the assigned noise levels at nearby residential receptors once construction works specified in Condition 7 and 8 are completed.~~

~~10. The Licence Holder must submit to the CEO by 30 April 2018, a report prepared by the Consultant setting out the Consultant's activities and demonstrating compliance with Condition 9.~~

3. The Licence is amended by the deletion of the text shown in strikethrough and the insertion of the bold text shown in underline below:

~~14.~~ **7** The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:

4. The Licence is amended by the deletion of the text shown in strikethrough and the insertion of the bold text shown in underline below:

~~12.~~ **8** The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:

5. The Licence is amended by the deletion of the text shown in strikethrough and the insertion of the bold text shown in underline below:

~~13.~~ **9** The Licence Holder must submit to the CEO, no later than 31 January each year, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.

~~14.~~ **10** The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

6. The Licence is amended by the insertion of the following Improvement Condition 11 in red text shown in underline below:

Improvements

11. The Licence Holder shall complete the improvements in Table 5 by the date of completion in Table 5.

Table 5: Improvement program		
Improvement Reference	Improvement	Date of Completion
<u>IR1</u>	<u>Bulk Fuel Storage: Diesel stored in separate concrete bunded areas in accordance with Australian Standard 1940 or as double skinned tanks without bunding. Pipework constructed with steel and will all be above ground. Pipework shall be protected from</u>	<u>3 months from amendment date</u>

	<u>accidental vehicle contact where necessary using bollards and/or earthen bunds.</u>	
<u>IR2</u>	<u>Tank refuelling points shall be located over an apron to provide containment of any spilled fuel. The collection points will be evacuated as necessary.</u>	<u>3 months from amendment date</u>

7. The Licence is amended by the replacement of Schedule 1 site map – Attachment 2 below:
Attachment 2



1. Crushing Plant 2. Workshop 3. Bundled fuel storage 4. Office 5. Car park 6. Cement batching plant 7. Generator
8. Concrete production pad 9. Block laydown 10. Sand resource 11. Limestone crushed products 12. Entry road
13. Exit road 14. Limestone resource 15. Equipment /plant storage. 16. Precast panel display

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L9095/2017/1 – Lot 1 Military Road WILBINGA WA 6041	L9095/2017/1	accessed at www.dwer.wa.gov.au
2	MDW Environmental Services (2017) <i>Preliminary Site Investigation Report – Lot 1 Military Road, Wilbinga</i> , September 2014	MDW Environmental Services, 2014	DWER records (A1523563)
3	Meteor Stone –Compliance Report letter, 21 March 2018	Meteor Stone 2018a	DWER records (A1640095)
4	Environmental Site Services (2018) <i>Meteor Stone Pty Ltd - Wilbinga Quarry Operations - Environmental Noise Validation Report</i> , 6 April 2018	ESS 2018a	DWER records (A1663225)
5	Meteor Stone - Dangerous Goods Manifest, 10 August 2018		DWER records (A1713268)
6	Environmental Site Services (2018) <i>Meteor Stone Pty Ltd - Wilbinga Quarry Operations - Environmental Noise Validation Report</i> , 28 August 2018	ESS 2018b	DWER records (A1715523)
7	Meteor Stone - Response letter to request for further information, 30 August 2018	Meteor Stone 2018b	DWER records (A1715523)
8	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.		accessed at www.dwer.wa.gov.au
9	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.		
10	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.		
	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.		
	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.		

Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 5 November 2018 for review and comment. The Licence Holder responded on 8 November 2018 waiving the remaining comment period. No comments were submitted on the draft Amendment Notice