



## Application for Licence Transfer

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

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<b>Licence Number</b>	L8176/2007/2
<b>Licence Holder</b>	WA Limestone Contracting Pty Ltd
<b>ACN</b>	604 937 715
<b>File Number</b>	DER2015/001870-1~3
<b>Premises</b>	Baldivis Sand Quarry 1340 Stakehill Road BALDIVIS WA 6171  Legal description –  M70/1046 and M70/1241  As defined by the Premises map attached to the Revised Licence
<b>Date of Report</b>	19 August 2024
<b>Decision</b>	Revised licence granted

MANAGER, RESOURCE INDUSTRIES  
INDUSTRY REGULATION (STATEWIDE DELIVERY)  
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 L8176/2007/2 to WA Limestone Contracting Pty Ltd. As activities, emissions and receptors remain unchanged, the transfer is deemed administrative in nature and does not require a further risk assessment.

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.

The revised licence issued following this transfer consolidates and supersedes the existing licence.

## 2. Scope of assessment

### 2.1 Regulatory framework

In making this decision, 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 Application summary

Licence L8176/2007/2 is held by Holcim (Australia) Pty Ltd for the Baldivis Sand Quarry (the Premises), located at 1340 Stakehill Road, Baldivis since 2011.

The Premises relates to category 12 and the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L8176/2007/2.

On 7 May 2024, WA Limestone Contracting Pty Ltd (the applicant) submitted an application to the department to transfer Licence L8176/2007/2 under section 59B of the *Environmental Protection Act 1986* (EP Act). The transfer application is limited to changing:

- The licence holder's name from Holcim (Australia) Pty Ltd to WA Limestone Contracting Pty Ltd;
- The Australian Company Number (ACN) from 099 732 297 to 604 937 715; and
- The occupier's registered company address from 799 Pacific Highway Chatswood NSW 2067 to 401 Spearwood Avenue, Bibra Lake WA 6163.

#### 2.2.1 Consolidation of licence

As part of this transfer the department has also consolidated the licence by incorporating changes made under the following amendment notices:

- A Notice of Amendment was issued on 29/04/2016 to amend the expiry date of the licence to 3/03/2029;
- Amendment Notice 1 was issued on 22/07/2019 to amend the boundary of the premises and change the dust monitoring requirements; and
- A Notice of Amendment was issued on 16/05/2022 to change the reporting requirements in the licence.

The obligations of the licence holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the premises related to previous amendment notices. In consolidating the licence, the delegated officer has also:

- Revised licence conditions numbers, removed any redundant conditions and realigned condition numbers for numerical consistency;

- Updated the licence format; and
- Corrected any clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this revised licence are detailed in section 4.1. The previously issued amendment notices will remain on the department's website for future reference and will act as a record of the department's decision-making process.

### 2.2.2 Correction of an administrative error

It has been noted that the existing licence that has been published on the department's website has the licence number listed as version 3 i.e. L8173/2007/3. The department's records indicate that the correct version number should be version 2 i.e. L8173/2007/2. In 2015, a renewal application for this licence was submitted to the department which was processed as an amendment to extend the expiry date of the licence instead of a formal renewal process. The department's databases reflect that an amendment was granted on 25/02/2016. Only a renewal process changes the version number of a licence and therefore as an amendment was processed instead the version number should have remained as version 2. However, the granted licence was mistakenly published as version 3. To correct this mistake the version number has been changed back to version 2 as part of this transfer process. This brings the licence number back in line with the department's records as being the correct version number.

## 3. Consultation

The Licence Holder was provided with the draft Amendment Report on 7/08/2024. On 19/08/2024 the Licence Holder waived the comment period.

## 4. Decision

WA Limestone Contracting Pty Ltd has provided to the department evidence that they are now the legal occupier of the premises. Documents provided include a lease agreement between Holcim (Australia) Pty Ltd (holders of the mining tenement) and WA Limestone Contracting Pty Ltd. The department is satisfied that they are now the legal occupiers of the premises.

The Delegated officer has determined to transfer licence L8176/2007/2 to WA Limestone Pty Ltd on the grounds it is a current legal entity with legal access to the premises.

### 4.1 Summary of amendments

Table 1 below provides a summary of the amendments (as a result of the consolidation of licence conditions) made to the existing licence and will act as a record of implemented changes.

**Table 1: Summary of licence amendments**

Condition no.	Amendments
Cover page	Change of Licence Holder Change of Registered Office Change of ACN Cover page updated to new format Version number corrected to be version 2
Duration	Changed to 3/03/2029 as granted in Notice of amendment issued on

Condition no.	Amendments
	29/04/2016.
Introduction	Deleted as not consistent with new licence template. This guidance is available in the department's Guideline: Industry Regulation Guide to Licensing (June 2019).
Condition 1.1.1 Condition 1.1.2	These conditions have been replaced by the new Interpretation section and definitions in Table 4.
Condition 1.1.3	Condition has been deleted as it's a redundant condition. Revised to current licensing format.
Condition 1.1.4	Condition has been deleted as it's a redundant condition. Revised to current licensing format.
Licence History	Updated with transfer noted.
Condition 1.2.1 (now Condition 1)	Replaced by Condition 1. Minor changes to condition wording however intent of condition remains the same.
Condition 2.1.1	Redundant condition. Deleted from licence.
Condition 2.2.1 (now Condition 2)	Revised to current licensing format in condition 3 – Included change from 50 µg/m <sup>3</sup> to 90 µg/m <sup>3</sup> to reflect Amendment Notice 1 issued 22/07/2019.
Condition 2.2.2 (now Condition 3)	Replaced by Condition 3. No change to wording.
Condition 2.2.3 (now condition 4)	Replaced by Condition 4. No change to wording.
Condition 3.1.1	New numbering in condition 5
Condition 3.1.2	New numbering in condition 6
Condition 3.1.3	New numbering in condition 7
Condition 3.1.4	New numbering in condition 8
Condition 3.2.1	New numbering in condition 9 and Table 4.
Condition 3.2.2	New numbering in condition 10 and Table 5 – removed monitoring point "AQ1" to reflect Amendment Notice 1 issued 22/07/2019.
Condition 4.1.1	New numbering and update to current wording format in conditions 14 and 15. Intent of conditions remain the same
Condition 4.1.2	New numbering and update to current wording format in condition 12. Intent of condition remains the same.
Condition 4.1.3	New numbering and update to current wording format in condition

Condition no.	Amendments
	11. Intent of conditions remain the same.
Condition 4.2.1	Renumbered to condition 13. Wording updated to reflect changes made through the Notice of amendment issued on 16/05/2022.
Condition 4.3.1	Redundant condition. Deleted from licence. Obligations under section 72 of the EP Act remain the same.
Definitions	Definitions updated: 'Act', 'CEO', 'Licence', 'Licensee' and 'Premises'.
	Definitions removed: 'Schedule 1 and, 'Schedule 2.
	Definitions added: 'ACN', 'Annual Audit Compliance Report (AACR)', 'books', 'EP Regulations', 'prescribed premises'
Schedule 1: Maps	Map updated with premises map from Amendment Notice 1 issued 22/07/2019.
Schedule 2: Reporting and Notification Forms	Redundant attachment. Deleted from Licence Forms accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>