



Application to renew a licence

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

Licence Number	L8564/2011/3
Licence Holder	Exmouth Quarries and Concrete Pty Ltd
ACN	608 914 183
File Number	2011/005102-1
Premises	Exmouth Quarries and Concrete Mining Lease M8/62 and M8/46 Murat Road EXMOUTH WA 6707 As depicted in Schedule 1 of the licence
Date of Report	19/02/2024
Decision	To grant a licence

**SENIOR ENVIRONMENTAL OFFICER
REGULATORY SERVICES**

An 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 L8564/2011/2 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence the Delegated Officer has determined to:

- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- include site infrastructure into condition 1, *Table 1: infrastructure and equipment requirements*;
- correct clerical mistakes and unintentional errors; and
- transfer all other existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8564/2011/3 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 19/12/2023 Exmouth Quarries and Concrete Pty Ltd (licence holder) applied to renew licence L8564/2011/2, as the licence is due to expire on 19/2/2024. The licence was granted to the licence holder for the premises located at Mining Lease M8/62 and M8/46 Murat Road, Exmouth.

The licence relates to prescribed premises categories as described 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 70: Premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	Approved for 8,000 tonnes per year

The licence holder operates a crushing and screening plant at mining leases M8/62 and M8/46 in Exmouth. The quarry operates to supply sized rock and fines to specific customer requirements for aggregates used in concrete production and requirements for road aggregates.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2022.

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 <https://dwer.wa.gov.au/regulatory-documents>.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

The department's Compliance and Enforcement Section are assessing and enforcing all non-compliance and issues identified at the Premises.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Categories of the licence

The maximum production capacity applied for of 50 000 tonnes per annum for the requested category is not consistent with the maximum production capacity under the current licence which was previously assessed.

In a licence renewal letter sent 5 April 2023 to the licence holder, the department explained what constituted an administrative licence renewal and what did not. As the renewal application was only received on 19 December 2023, the Delegated Officer implemented the administrative licence renewal process for licence L8564/2011/3 due to time constraints. The administrative licence renewal process is where the changes applied for are administrative only and do not require an environmental risk assessment.

The Delegated Officer has therefore decided to grant licence L8564/2011/3 with the category and maximum production of 8,000 tonnes per year consistent with L8564/2011/2 and which was previously assessed.

4.4 Planning approval

The licence holder has informed the department that it is exempt from planning approval because their activity is authorised by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS).

5. 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 as a result of the emissions and/or discharges from the premises in question.

Table 2 provides a summary of the changes from the expiring licence to the new licence including changes made to licence conditions where required and the rationale for these changes.

Table 2: Licence condition changes, description and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
1, 2 ,5 and 11	N/A	Conditions removed - redundant and no longer relevant.
N/A	Condition1 / Table 1 – infrastructure table	Existing infrastructure (taken from application form) now included in a standard infrastructure and equipment table. Noted the operational requirements had been previously described and considered in a Environmental Assessment Report.
3(a) and 3(b)	3	Updated wording applied to renewed licence.

Current condition / table	New condition / table (if relevant)	Description and rationale
6	2	Minor update to wording applied to renewed licence.
7	6 & 7	Current template books conditions applied to renewed licence.
8	5	Updated to be consistent with current DWER licence template.
9(a) and 9(b)	4(a) and 4(b)	Applied current template wording whilst retaining added complaints reporting detail transferred to renewed licence.
10	N/A	Removed Annual Environment Reporting requirements to be consistent with the 'Guidance Notice of amendment in accordance with sections 59(2), 59(1)(a) and 59(1)(b) of the Environmental Protection Act' 1986 published 13 May 2022.
Schedule 1		Removed redundant Notification Form N1, to be consistent with current licence format.
Schedule 2	Schedule 1 Figure 1	Premises boundary map transferred to renewed licence.
	Schedule 1 Figures 2 and 3	Included site layout and infrastructure location and location of silt traps as provided with the application.
Definitions	Table 2	Definitions removed: environmentally hazardous material and waste. All others transferred.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 5/1/2024	None received	N/A
Department of Mines, Energy, Industry Regulation and Safety (DEMIRS) advised of the application 22/12/2023	DEMIRS replied on 19/1/2024 advising that a Mining Proposal (Reg ID 101713- submitted by Exmouth Quarries & Concrete Pty Ltd) is currently under assessment awaiting a response from the applicant. The application relates to M08/494.	The Delegated Officer notes that this proposal applies to a mining lease outside of the premises.
Applicant was provided with draft documents on 24 January 2024.	The licence holder reviewed the documents and did not provide comment on the licence conditions. The licence holder noted however, that an increase of tonnages of rock quarried is not reliant on the current proposal with DEMIRS as Exmouth Quarries & Concrete Pty Ltd also has M08/06 SL3H/034 from which further rock is obtained.	N/A