



Section 73A  
*Environmental Protection Act 1986.*

## **PREVENTION NOTICE**

Reference No: 202308

### **Persons to whom this Prevention Notice is issued:**

**Polevine Pty Ltd ACN 100 165 795**

PO Box 458

WEST PERTH WA 6872

### **Premises to which this notice relates (*the Premises*):**

The Premises, the subject of this section 73A *Environmental Protection Act 1986 (the Act)* Prevention Notice (*Notice*), is situated on:

Portion of Lot 60 (No. 394) Robertson Road CARDUP, as depicted in the Indicative Plan (Appendix 2).

### **Reasons for which this Notice is issued:**

This Notice is given because I reasonably suspect on the following grounds that waste, in the form of contaminated stormwater, has been discharged from the *Premises* otherwise than in accordance with a works approval, licence or requirement contained in a closure notice or an environmental protection notice and that a condition of *pollution* in the form of noise, dust and contaminated stormwater emissions is likely to arise or has arisen:

- a) Evidence has been gathered indicating that stormwater, that appears to be contaminated by cement materials, along with cement truck washdown water, is being discharged into an unlined basin on the *Premises* and is flowing from the *Premises* into the surrounding environment. The surrounding residential area is not connected to scheme water and residents rely on groundwater and rainwater for potable and non-potable purposes.
- b) On 6 July 2023, Inspectors from the Department of Water and Environmental Regulation (DWER) conducted an inspection of the *Premises*, observing cement product manufacturing within the *Premises* and in particular the operation of newly constructed stressing beds situated within the western portion of the operational area. The operation of the stressing beds was observed by *Inspectors* to be emitting significant noise and vibration, causing physiological health impacts to the *Inspectors*.
- c) On 6 July 2023, an *Inspector* attended an area approximately 300 metres south of the western stressing bed of the *Premises* at the intersection of Robertson Road and Norman Road, observing significant vibration and noise of sufficient levels, likely to cause impacts to the health and amenity of occupants of adjacent *noise sensitive premises*.

- d) Evidence has been gathered to support that dust and noise emissions caused by *concrete product manufacturing* activities undertaken within the *Premises*, are impacting the health and amenity of adjacent *noise sensitive premises*.
- e) Photographs and video received by DWER, provides evidence that activities within the *Premises* are creating high amounts of dust and that dust is likely to be leaving the *Premises* boundary and impacting on the health and amenity of adjacent *noise sensitive premises*.
- f) On 4 August 2023 a noise measurement was obtained at a *noise sensitive premises* adjacent to the *Premises* by DWER. This measurement was in excess of assigned noise levels under Regulation 8 of the *Environmental Protection (Noise) Regulations 1997* for *Noise sensitive premises: highly sensitive area*.
- g) On 10 August 2023 DWER received a letter from Robyn Glindemann, Principal and Director of Lantegy Legal acting for Polevine Pty Ltd, stating that Polevine Pty Ltd '*is the occupier of the Premises and carries on the activities on the Premises, using the "PERMAcast" business name*'.

I am satisfied that:

Polevine Pty Ltd is the company that has constructed and operated infrastructure, machinery, vehicles and cranes within the premises and are the appropriate person/s to give this Notice.

### **Requirements of this Notice:**

Terms used in this Notice have the meaning defined in Appendix 1 to this Notice.

The following requirements upon the person to whom the Notice is given are considered appropriate to achieve the following results:

- A. In accordance with section 73A(2)(a) of the Act, to deal with waste (contaminated stormwater and contaminated vehicle wash water) which has been or is being discharged (Requirement 1).
- B. In accordance with section 73A(2)(b) of the Act, to prevent the condition of *pollution*, in the form of noise, dust and contaminated stormwater emissions from arising or control or abate that condition if it arises (Requirements 2 – 4 inclusive).

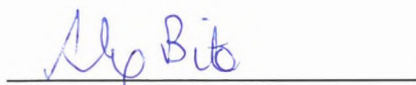
### **Requirements**

1. Within six months of receiving this Notice, the person to whom this Notice is given must ensure that the wastewater and stormwater collection drainage basin situated in the south-western corner of the *Premises*:
  - 1.1. Is lined to achieve a permeability of less than  $1 \times 10^{-9}$  metres per second or equivalent, and
  - 1.2. Is designed to contain leachate and stormwater produced as a result of a 1:100-year storm event, and
  - 1.3. Maintains an operational freeboard of no less than 500mm with a wet freeboard (overflow spillway outlet) at 300 mm, and
  - 1.4. Has a separation distance of at least two (2) metres shall be maintained between the maximum groundwater table elevation and the base of the drainage basin, and
  - 1.5. Provide the CEO a report certified by a *suitably qualified engineer* confirming that the drainage basin meets the above requirements.

2. The persons to whom this Notice is given must not operate, or cause, or allow to be operated, any infrastructure, machinery, vehicle or crane within the *Premises* for the purpose of *cement product manufacturing* in a manner that causes, or is likely to cause, any of the following emissions:
  - 2.1. Visible dust that is likely to leave the boundary of the *Premises*;
  - 2.2. Noise exceeding assigned levels at any adjacent *noise sensitive premises*, as determined in accordance with regulation 8 the *Environmental Protection (Noise) Regulations 1997* for *Noise sensitive premises: highly sensitive area*.
3. The person to whom this Notice is given must not operate or cause, or allow to be operated, any infrastructure, machinery, vehicle or crane within the *Premises* directly involved in the cement manufacturing process between the hours of 6:00pm and 7:00am, except for:
  - 3.1. Transportation of completed concrete products from the *Premises* in a direct route via Robinson Road and Norman Road to South Western Highway.
4. The person to whom this Notice is given must not undertake any of the following activities within the *Restricted Area* of the *Premises*, as depicted in the Indicative Plan at Appendix 2 of this Notice:
  - 4.1. Compaction of concrete within stressing beds using vibrators, and
  - 4.2. Steam curing of concrete within stressing beds,unless:
  - 4.2.1. The person to whom this Notice is given, provides written evidence to an *Inspector* that suitable emissions control measures have been implemented to prevent the condition of pollution from arising, and
  - 4.2.2. An *Inspector* authorises in writing that requirement 4.2.1 has been complied with and the *Restricted Area* no longer applies.

### Duration

This Notice subsists until it is cancelled by written notice from an *Inspector*.



**Alex Bite**

**Inspector and Authorised Person**

Under section 87(1) and 88 of the *Environmental Protection Act 1986*

23 August 2023

## Appendix 1: Definitions

In this Notice, unless the contrary intention appears –

**‘the Act’** means the *Environmental Protection Act 1986* (WA).

**‘Authorised person’** means a person or member of a class of persons appointed under section 87(1) of the *Environmental Protection Act 1986*

**‘Cement product manufacturing’** as defined under regulation 2 of the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* - means the manufacturing of products in which cement or concrete is the principal ingredient.

**‘Days’** means all days including weekends and public holidays.

**‘the Department’** means Department of Water and Environmental Regulation.

**‘Inspector’** means a person appointed to be an inspector under section 88 of the *Environmental Protection Act 1986*

**‘Inspector’** for the purposes of correspondence means;

Senior Manager – Investigations Branch

Department of Water and Environmental Regulation

Locked Bag 10

JOONDALUP DC WA 6919

Telephone: (08) 6364 7000

Fax: (08) 6364 7001

Email: [compliance@dwer.wa.gov.au](mailto:compliance@dwer.wa.gov.au)

**‘noise sensitive premises’** as defined by the *Environmental Protection (Noise) Regulations 1997* (Schedule 1 Part C).

**‘pollution’** as defined by section 3A(1) of the *Environmental Protection Act 1986*.

**‘the Premises’** refers to the Premises to which this Notice applies, as specified at the front of this Notice and depicted in the Indicative Plan (Appendix 2), and includes the portion of Lot 60 (No. 394) Robertson Road CARDUP (apart from the area subject of works approval W6658/2022/1 for concrete batching operated by WA Premix, Ransberg Pty Ltd) bounded by a line joining the GDA2020/MGA Zone 50 coordinates set out consecutively in the tables below:

### POLEVINE PREMISES

Easting (M)	Northing (M)	Point
405546	6430472	1
406137	6430470	2
406083	6430248	3
405491	6430253	4

then directly to the point of commencement.

**'Restricted Area'** refers to the area within the *Premises* to which this Notice relates as depicted in the Indicative Plan (Appendix 2), and includes the portion of the *Premises* bounded by a line joining the GDA2020/MGA Zone 50 coordinates set out consecutively in the tables below:

RESTRICTED AREA		
Easting (M)	Northing (M)	Point
405549	6430468	1
405827	6430466	2
405830	6430291	3
405753	6430291	4
405754	6430255	5
405499	6430258	6
then directly to the point of commencement.		

**'suitably qualified engineer'** means a person holds a Bachelor of Engineering recognised by the Institute of Engineers and has a minimum of five years of experience working in a supervisory area of their engineering expertise which must include surface water drainage management.



## Appendix 2: Indicative Plan



The Department of Water and Environmental Regulation does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which arises on any information depicted.



**Polevine Pty Ltd**  
**Lot 60 (No. 394) Robertson Rd**  
**CARDUP**

**Prevention Notice**  
**Premises & Restricted Area**  
**Boundary**

### INDICATIVE PLAN

Reference Number ICMS 70294

Produced by Senior Investigator  
 Stuart Barter Investigation Branch  
 on 18 August 2023

0 100 200 300 m

#### LEGEND

- Lot 60 Boundary
- Polevine Pty Ltd Premises
- Restricted Area
- Premix Premises Boundary

Near Map Image 29 April 2023

Roads (LGATE\_012) - SLIP

**Important Information:**

A PERSON WHO IS BOUND BY THIS PREVENTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Note that under section 118 of the Act that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

Section 103 of the Act provides that:

- a person who is aggrieved by a requirement contained in this Notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this Notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.