



Section 65
Environmental Protection Act 1986.

ENVIRONMENTAL PROTECTION NOTICE

Reference No: 202313

PERSON TO WHOM THIS NOTICE IS GIVEN:

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 the Environmental Protection 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 the CEO suspects on reasonable grounds that there is likely to be an emission from the Premises that is likely to cause pollution.

The nature of the suspected pollution being the emission of noise, dust and contaminated stormwater emissions, into the environment at levels likely to result in the alteration of the environment to its detriment or degradation, or the detriment of an environmental value:

- 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 on the Premises at the intersection of Robertson Road and Norman Road, observing significant vibration and noise at 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 cement or concrete product manufacturing activities undertaken within the Premises, are impacting the health and amenity at 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 found to be in excess of assigned noise levels prescribed under Regulation 8 of the Environmental Protection (Noise) Regulations 1997 for Noise sensitive premises: *highly sensitive area*.

I am satisfied that because:

Polevine Pty Ltd is the company that has constructed and operated infrastructure, machinery, vehicles and cranes within the premises, that it is 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. To prevent, control or abate waste (contaminated stormwater and contaminated vehicle wash water) which is likely to be discharged (Requirement 1).
- B. To prevent, control or abate the condition of pollution, in the form of noise, dust and contaminated stormwater emissions that are likely to arise (Requirements 2-5).

REQUIREMENTS

- 1. The person to whom this Notice is given must ensure that all wastewater and stormwater within the *Premises* is captured and treated, to remove all cement contaminates prior to discharge into the *environment* by:
 - 1.1. Constructing a drainage system capable of directing all wastewater and stormwater within the *Premises*, including the shared driveway from Robertson Road adjacent to the northern boundary of the Premises, to:
 - 1.1.1. A collection drainage basin within the *Premises*, or

- 1.1.2. For all wastewater and stormwater generated on the northern side of the shared driveway from Robertson Road adjacent to the northern boundary of the Premises, with the written consent of Jetstar Enterprises Pty Ltd (ACN 098 804 436), to a collection drainage basin within the Permapole premises as defined under DWER Licence Number L5982/1994/11, and
 - 1.2. Construct a series of silt traps or other suitable treatment infrastructure across the drainage system constructed under requirement 1.1 of this Notice, to ensure that all cement sediment and contaminates are prevented from being *discharged* into the *environment*, and
 - 1.3. Ensure that all silt traps or other suitable treatment infrastructure across the drainage system are maintained to ensure ongoing efficacy for the intended use as specified in requirement 1.2 of this Notice, and
 - 1.4. Ensure that all infrastructure within the *Premises*, including product storage and laydown areas, areas of vehicular and machinery movement, including the shared driveway from Robertson Road adjacent to the northern boundary Premises, and concrete washdown areas, are sealed to ensure the capture of cement sediment and other contaminates within the premises, and
 - 1.5. Complete all works associated with complying with requirements 1.1, 1.2, 1.3, and 1.4 of this Notice, by 4:00pm Friday 5 January 2024.
2. Other than testing carried out in accordance with requirement 5 of this Notice, 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 the 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* for the purpose of *concrete product manufacturing*, 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 from the Premises to Norman Road and South Western Highway.
 4. Other than testing carried out in accordance with requirement 5 of this Notice, 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 the *CEO* that suitable emissions control measures have been implemented to prevent the condition of pollution from arising, and
 - 4.2.2. The *CEO* authorises in writing that requirement 4.2.1 has been complied with and the *Restricted Area* no longer applies.
5. This notice allows for a testing of implemented noise emission control measures within the *Premises* within the following parameters:
- 5.1. Prior to 5 January 2024, Polevine Pty Ltd may conduct testing between 8:00am and 5:00pm on a date or dates specified in writing by the *CEO*.
 - 5.2. All tests are to consist of:
 - 5.2.1. the manufacture of a maximum of two concrete products within stressing bed 4, identified in 'Image 2' under Appendix 2 of this Notice as 'SB4', reference number 10, and
 - 5.2.2. Operation of the steam boiler for stressing bed 4 for a maximum of 30 minutes.
 - 5.3. The concrete product/s to be manufactured during the test are to be to the maximum size, shape, weight and constituents, as products that:
 - 5.3.1. are intended to be manufactured on the *Premises*, and
 - 5.3.2. require the stressing bed to be used to the greatest intended capacity.
6. The person to whom this Notice is given must obtain and keep the following records:
- 6.1. A description of the process and methodology to undertake the manufacture of each concrete product during testing periods under requirement 5 of this Notice, and
 - 6.2. A description of the size, shape, weight and constituents of each concrete product manufactured during testing periods, and
 - 6.3. A description of the emission control modifications to the *Premises* that are subject of testing under requirement 5 of this Notice, and
 - 6.4. Time stamped video(s) capturing Stressing Bed 4 (SB4) and the testing process in its entirety, to record any emissions (including noise, dust and wastewater) caused as a result of testing under requirement 5 of this Notice, and

- 6.5. Overall and spectral noise level data logged at least every one second for the duration of testing under requirement 5, including a minimum period of 5 minutes before and after the test, and
 - 6.6. Audio data synchronised to the logged data required in requirement 6.5 recorded for the duration of testing under requirement 5, including a minimum period of 5 minutes before and after the test, and
 - 6.7. A report presenting the data recorded under requirement 6.5 and analysis of the data recorded under requirements 6.5 and 6.6 in accordance with regulation 9 of the *Environmental Protection (Noise) Regulations 1997*.
7. For the purposes of requirements 6.5 to 6.7:
- 7.1. The data must be obtained by an *Acoustic Consultant*, and
 - 7.2. The data must be recorded concurrently at the locations labelled N1 and N2 shown in Figure 3-3 of Lloyd George Acoustics, report reference 22107633-03 dated 9 October 2023, and
 - 7.3. All equipment used shall comply with Schedule 4 of the *Environmental Protection (Noise) Regulations 1997*.
8. Records identified within requirement 6 of this Notice are to be provided to the Department within 10 days of a test occurring.
9. This Notice does not provide authorisation or approval to undertake concrete or cement manufacturing activities within the *Premises* outside of the testing parameters specified under requirement 5 of this Notice.

OTHER REQUIREMENTS

9. Subject to section 65(4) of the Act, the CEO may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.

Ruth Dowd
Executive Director – Compliance and Enforcement
Department of Water and Environmental Regulation

for the Chief Executive Officer under Delegation No. 143 dated 7 June 2019

14 November 2023

Appendix 1: Definitions

In this Notice, unless the contrary intention appears –

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

‘Acoustic Consultant’ means a person who is a member of the Australian Acoustical Society at the grade of ‘Member’ or ‘Fellow’ and engaged by a person bound by this Notice.

‘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.

‘Discharge, discharged’ includes in relation to discharge from premises, includes a reference to discharge onto or into land, water, the atmosphere or living things on, in, under, above or part of the premises.

‘environment’ in accordance with section 3 and section 3A of the *Environmental Protection Act 1986*, means living things, their physical, biological and social surroundings, and interactions between all of these;

‘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

‘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

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

Environmental Protection Notice
Premises & Restricted Area
Boundary



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.

Image 1

INDICATIVE PLAN

Reference Number ICMS 70294

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

LEGEND

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

Near Map Image 29 April 2023

Roads (LGATE_012) - SLIP



Image 2

IMPORTANT INFORMATION:

A PERSON WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION 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 *Environmental Protection Act 1986* 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.

Under section 103 of the *Environmental Protection Act 1986*:

- 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.