



Application to Renew a Licence

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

Licence Number	L8831/2014/2
Applicant	B. & J. Catalano Pty Ltd
ACN	008 961 975
File number	DER2014/001608-1~3
Premises	Myalup Limestone Quarry 4 Ludlow Road MYALUP WA 6220 Legal Description: Parts of Lot 2, 4 and 5 on Plan 15419 As defined by the Premises map in Schedule 1
Date of report	14/06/2024
Proposed Decision	Revised Licence Granted

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Officer delegated under section 20 of the Environmental Protection Act 1986

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1. Decision summary

Licence L8831/2014/1 is held by B. & J. Catalano Pty Ltd (Licence Holder) for the Myalup Limestone Quarry (the Premises), located at 4 Ludlow Road, Myalup, Western Australia (Lots 2, 4 and 5 on Plan 15419).

The Delegated Officer determined to process the application to renew licence L8831/2014/2 as an administrative renewal, given a comprehensive risk assessment is currently being undertaken for a separate amendment application to increase Category 12 production capacity to 500,000 tonnes per year.

As a result, the Delegated Officer has determined to grant the renewed Licence L8831/2014/2 with a revised expiry date of 15 June 2025 to allow sufficient time to undertake assessment of the amendment mentioned above, subject to existing conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 14 February 2024, B. & J. Catalano Pty Ltd (licence holder) applied to renew licence L8802/2013/1, as the licence is due to expire on 16 June 2024. In addition, the licence holder applied to increase production capacity to 500,000 tonnes per year and update maps. However, given the existing licence expiry date, the Department decided to process the renewal as an administrative renewal (this assessment) to allow sufficient time to undertake assessment of the proposed throughput increase (assessed under a separate amendment application submitted on 27 February 2024) for which the department will undertake a comprehensive risk assessment and review the adequacy of existing licence controls.

The Delegated Officer notes that Category 12 operations were recently risk assessed as part of licence amendment granted on 26 October 2022.

2.2 Overview of premises

The Myalup quarry is a limestone quarry located near Myalup, approximately 40 km north of Bunbury and approximately 8.7 km southwest of Preston Beach. The quarry has been active since the early 1990s, supplying agricultural lime and road base to local industry, although the Licence Holder has only been operating the quarry since 2009.

The process involves limestone preparation, processing and land restoration/rehabilitation (LEC, 2024). Topsoil is scraped off the surface of the limestone caprock and pushed up into small stockpiles for later use in rehabilitation. These stockpiles are positioned to provide buffers for dust and noise. The limestone is ripped and bladed to a central dump area by bulldozer. The limestone is lifted into the crusher by a loader (LEC, 2024).

3. Regulatory framework

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 renewing a licence

4.1 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.2 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence, and which was previously assessed.

4.3 Other approvals

The Licence Holder holds a current planning consent and Extractive Industry Licence (EIL), granted by the Shire of Harvey to undertake extractive works at the premises (Table 1). The EIL's for the premises includes the implementation of a Dust Management Plan, Noise Management Plan and Water Management Plan, approved by the Shire of Harvey.

A renewal of one year would be consistent with validity of current Development Approval for Lots 4 & 5. Extractive industries licence (EIL) for Lot 2 expires on 20 January 2026.

Table 1: Other Approvals

Approval Time	Approval ID	Cadastral Lot	Expiry Date
Developmental Approval	Vol. 1909	Lot 2 on Plan 15419 Lot 4 on Plan 15419	28 January 2025
	Vol. 1884	Lot 4 on Plan 15419 Lot 5 on Plan 15419	29 June 2025
Extractive Industry Licence	A000177/EX/006	Lot 2 on Plan 15419 Lot 4 on Plan 15419	20 January 2026
	A000177/EX/005	Lot 4 on Plan 15419 Lot 5 on Plan 15419	13 October 2026

5. Consultation

Table provides a summary of the consultation undertaken by the department.

Table 2: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 03 April 2024	No comments received	N/A
Local Government Authority - Shire of	No comments received	N/A

<p>Harvey (SoH) advised of proposal via email dated 03 April 2024</p>		
<p>Conservation Council WA (CCWA) commented on the renewal via email on 23 April 2024</p>	<p>The CCWA submitted the following three comments to the department.</p>	
	<p>1. The Proposal will impact a Ramsar wetland.</p> <p>The CCWA submits that the Proposal be further assessed for its impacts to a Ramsar wetland system (Peel-Yalgorup system) due to the proximity of activities, the cumulative impacts from the expanding sand/limestone industries in the area, and the rehabilitation strategy.</p>	<p>This assessment is administrative in scope. A comprehensive risk assessment will be undertaken via a separate licence amendment application for project expansion, further extension of time to operate and relevant map updates. Therefore, impacts to receptors, including the wetland system, from discharge and emission from the premises, will be assessed through the separate amendment application.</p> <p>The Department will seek direct comment from CCWA during the consultation phase of this amendment assessment.</p> <p>The assessment of impacts from prescribed premises can consider cumulative impacts where there is a likelihood of significant impacts on identified environmental values from more than one prescribed activity. However, cumulative impacts beyond the scope of Part V are regulated and assessed under Part IV of the EP Act where a proposal is referred to the Environmental Protection Authority (EPA).</p> <p>The rehabilitation strategy is a consideration for the SoH's Development Approval and is not assessed under the DWER's regulatory framework.</p>
	<p>2. Some conditions of the EPBC approval may not have been met.</p>	<p>Approvals under the <i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i> are managed by the Department of Climate Change, Energy, the Environment and Water (DCCEEW). The DCCEEW can be contacted directly via environment.compliance@dcceew.gov.au.</p> <p>The department may consult DCCEEW as part of assessment of the separate amendment application.</p>
<p>3. The requirement for any additional unauthorised land clearing should be investigated.</p> <p>The CCWA identifies two areas where the extraction areas intrude into vegetated areas.</p>	<p>No clearing of native vegetation is proposed under the scope of the renewal and amendment application submitted. An assessment of the competency and compliance history of the operator will be undertaken as part of the amendment application assessment.</p> <p>Any suspected unlawful clearing of native vegetation, can be reported using the online form - https://www.wa.gov.au/service/environment/environment-information-services/unlawful-clearing-of-native-vegetation or call our Pollution Watch hotline on 1300784782.</p>	
<p>Community consultation, emails and letters sent to residential</p>	<p>No comments received</p>	<p>N/A</p>

stakeholders associated with surrounding residential lots dated 03 April 2024		
Licence Holder was provided with draft documents on 13 May 2024	The applicant responded to the department on 13 May 2024 and requested to issue the licence as per the draft licence.	N/A

6. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the application to renew licence L8831/2014/2 will be granted with an extended expiry date of one year, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Lundstrom Environmental Consultants Pty Ltd (LEC) 2024, *Licence Amendment Supporting Documentation, Attachment 3B: Proposed Activities*, Perth, Western Australia.