



| | |
|--------------------------|---|
| Licence Number | L8550/2011/1 |
| Licence Holder | B. & J. Catalano Pty Ltd |
| ACN | 008 961 975 |
| File Number: | 2011/003087-1 |
| Premises | Martin Road Gravel Quarry MORNINGTON WA 6221 Being Lot 202 on Plan 63120 and Part of Lot 104 on Diagram 85224, as depicted in Schedule 1 |
| Date of Amendment | 19/06/2019 |

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Tim Gentle

**MANAGER – RESOURCE INDUSTRIES
REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA).

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

| Term | Definition |
|------------------|--|
| Amendment Notice | means an amendment granted under s.59 of the EP Act in accordance with the procedure set out in s.59B of the EP Act. |
| EP Act | means the Environmental Protection Act 1986 (WA). |
| Licence | refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions. |
| Licence Holder | refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence. |
| Premises | refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence. |

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This Notice is limited only to an amendment to the prescribed premises boundary. The following guidance statements have informed the decision made on this amendment:

- Guidance Statement: Regulatory Principles (July 2015)
- Guidance Statement: Land Use Planning (February 2017)
- Guidance Statement: Decision Making (February 2017)

This notice is limited only to the amendment of the Prescribed Premises boundary map and Premises address.

Amendment description

B. & J. Catalano Pty Ltd (the Licence Holder) operate a Category 12 screening etc. of material at Lot 202 Martin Road gravel quarry (the Premises). The existing Premises operates under licence number L8550/2011/1 allowing for the crushing and screening of up to 110,000 tonnes of gravel material per annum.

An application to amend the licence was received by the Department of Water and Environmental Regulation (DWER) on 22 June 2018. The Licence Holder applied to amend the licence to expand the Prescribed Premises boundary to incorporate Part of Lot 104 on Diagram 85224, Martin Road, Mornington as depicted in the Schedule 1 "Premises map" plus adjust the Premises address.

There will be no additional infrastructure constructed, or any changes to the primary activities at the Premises as a result of this amendment.

The machinery used on site will be the same as that outlined in L8550/2011/1 being:

- a Parker 42x30 primary jaw crusher;
- a Finlay 693 screening plant;
- a Striker 25 radial stacker;
- a trailer mounted diesel generator;
- a CAT 980 front end loader;
- a D9 dozer bulldozer;
- Standard 14 tonnes rigid truck; and
- Single 24 tonnes semi-loader truck.

The likely emissions associated with this operation are nuisance noise, fugitive dust and contaminated stormwater.

During the consultation process it was determined that approval from the Shire of Harvey was required and the Licence Holder provided evidence of Development Approval dated 9 March 2018 (REF No: P150/17 / 17/33009) and Extractive Industry Licence (EIL) (REF No: 18/10643) dated 19 June 2018.

A review of the existing Licence was completed to ensure consistency and minimal duplication with the conditions of the shires Development Approval and EIL.

Amendment history

Table 2 provides the amendment history for L8550/2011/1.

Table 2: Licence amendments

| Instrument | Issued | Amendment |
|--------------|------------|--|
| L8550/2011/1 | 14/07/2011 | New Licence |
| L8550/2011/1 | 18/07/2013 | Licence format changed to Refire format |
| L8550/2011/1 | 29/04/2016 | Licence amended to increase expiry date to 13 April 2034. |
| L8550/2011/1 | 21/06/2019 | Amendment Notice 1: DER initiated amendment to correct Prescribed Premises boundary and Premises address. |

Decision

The operations and infrastructure proposed for Lot 104 were assessed for sensitive receptors and environmental receptors which are all great than 1,200 metres from the primary activity being the same distance per the initial assessment for the Premises completed in 2011.

The DWER therefore considered the overall risk of the emissions upon the receptors and determined the proposed amendment of the Premises boundary will not alter the emission risk profile and therefore approves the Licence amendment.

The amended licence will include;

- Amending definitions for CEO, CEO notification and Premises address to include Lot 104; and,
- Replacing schedule 1 Map of the Premises,

Changes to the Licence have been made in accordance with DWER administrative changes including the name, logo and contacts for the Department and redefining terms in the licence.

The Delegated Officer has determined the risk remains unchanged following the changes to the Premises boundary whilst the Category 12 Screening etc. of material design capacity remain unchanged at 110,000 tonnes per year.

Consultation

The Shire of Harvey referred the Development Approval to DWER on 10 November 2017, comments were provided on 9 January 2018 (A1591791) advising that crushing and screening activities may be prescribed activities under the EP Act dependent upon the rate meeting or exceeding the specified design capacity of the category. Also advised that Lot 104 is not within the premises boundary of L8550/2011/1 and the Licence Holder should apply to amend this licence.

A clearing permit (CPS 7754/1) was granted by DWER on 8 August 2018 authorising the clearing of 2.3 hectares of native vegetation on Lot 104 Martin Road. Clearing permit number CPS 5985/1 remains current approving the clearing of 8.4 hectares of native vegetation on Lot 202 Martin Road, Mornington. Both permits expire on 31 March 2030.

The Licence Holder has since liaised with the Shire of Harvey and obtained a Development Approval on 9 March 2018 (DWERDT52645) and a copy provided to DWER by the Shire including the supporting documentation. Consistencies between the conditions stipulated in the Development Approval and DWER Licence (L8550/2011/1) were considered and it was decided not to include duplicate conditions between both the Shire and DWER approval. The Shire's Development Approval conditions relevant to this operation are;

- "f. A detailed Water Management Plan submitted and approved by DWER and should contain monitoring and management measures to address;

excavation depth, water table depth, no dewatering of groundwater, no standing water in excavation, storage of hydrocarbons, on-site refuelling, no major mechanical repairs, no stormwater leaving the extraction area, all stormwater managed on-site;

- k. Approval is for 5 years expiring on 9 March 2023 and new approval obtained before recommencing or continuing operations;
- n. Material stockpiles to be kept at maximum height of 5 m to avoid visual impact/or material wind drift;
- o. Operating hours restricted to 7:00am to 5:00pm Monday to Friday and 7:00am to 12:00 noon Saturday;
- p. Proposed clearing of native vegetation is prohibited unless authorised by a clearing permit;
- u. Annual Audit of Compliance report of the Development Approval and Extractive Industry Licence conditions submitted to the shire prior to annual renewal of the licence;
- v. Implement the approved Dust Management Plan to satisfaction of Shire;
- x. Implement the approved Water Management Plan to satisfaction of Shire;
- y. The activities such as crushing and screening may be prescribed and require authorisation under Part V of the EP Act".

The Extractive Industry Licence was issued by the Shire of Harvey under delegation on 19 June 2018 including the above conditions plus an extra condition requiring the implementation of the Environmental Management Plan (EMP) with an expiry date of 22 May 2023.

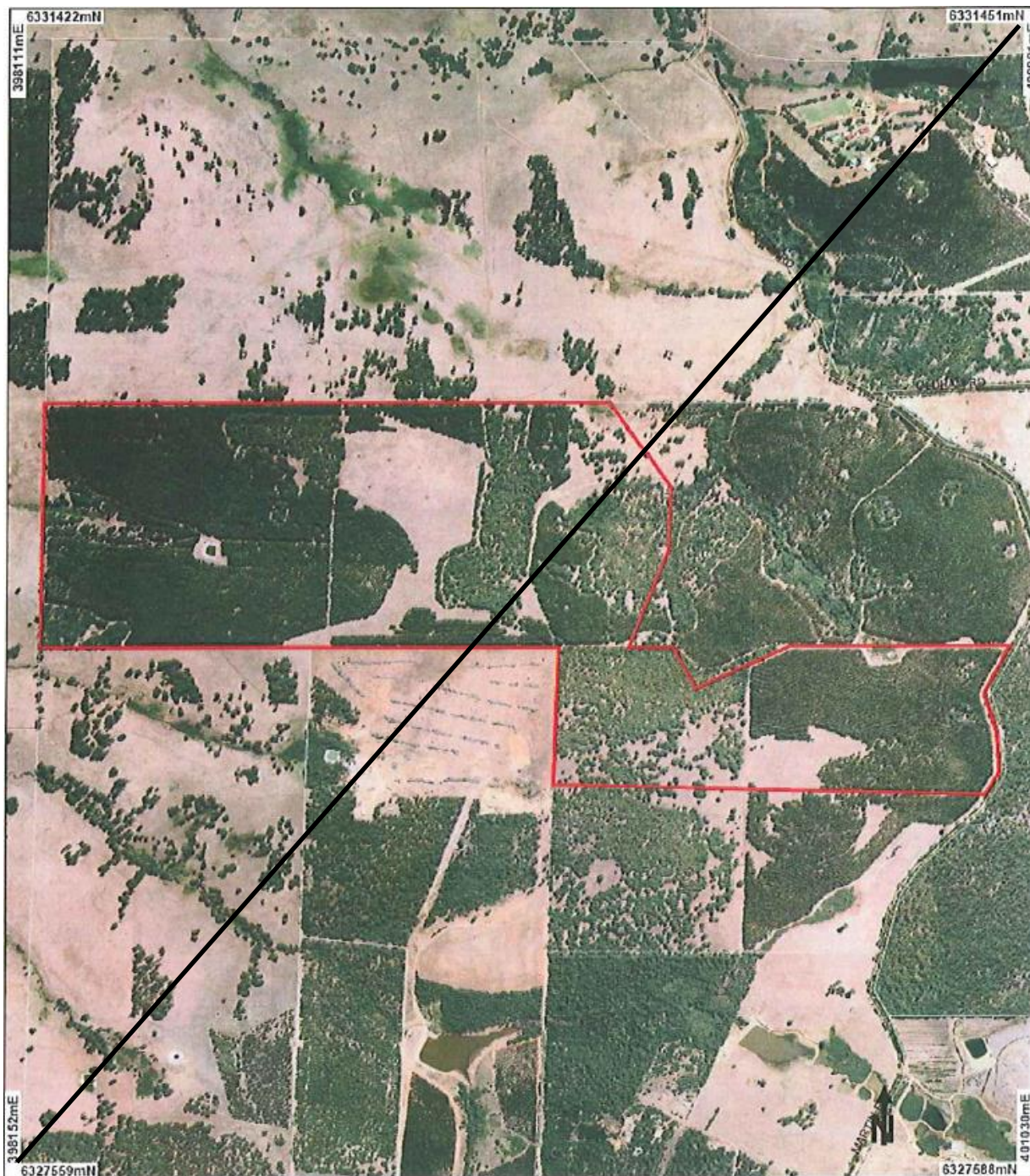
Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 24 May 2019. The Licence Holder has not provided comments within the 21 day period therefore the licence amendment was granted.

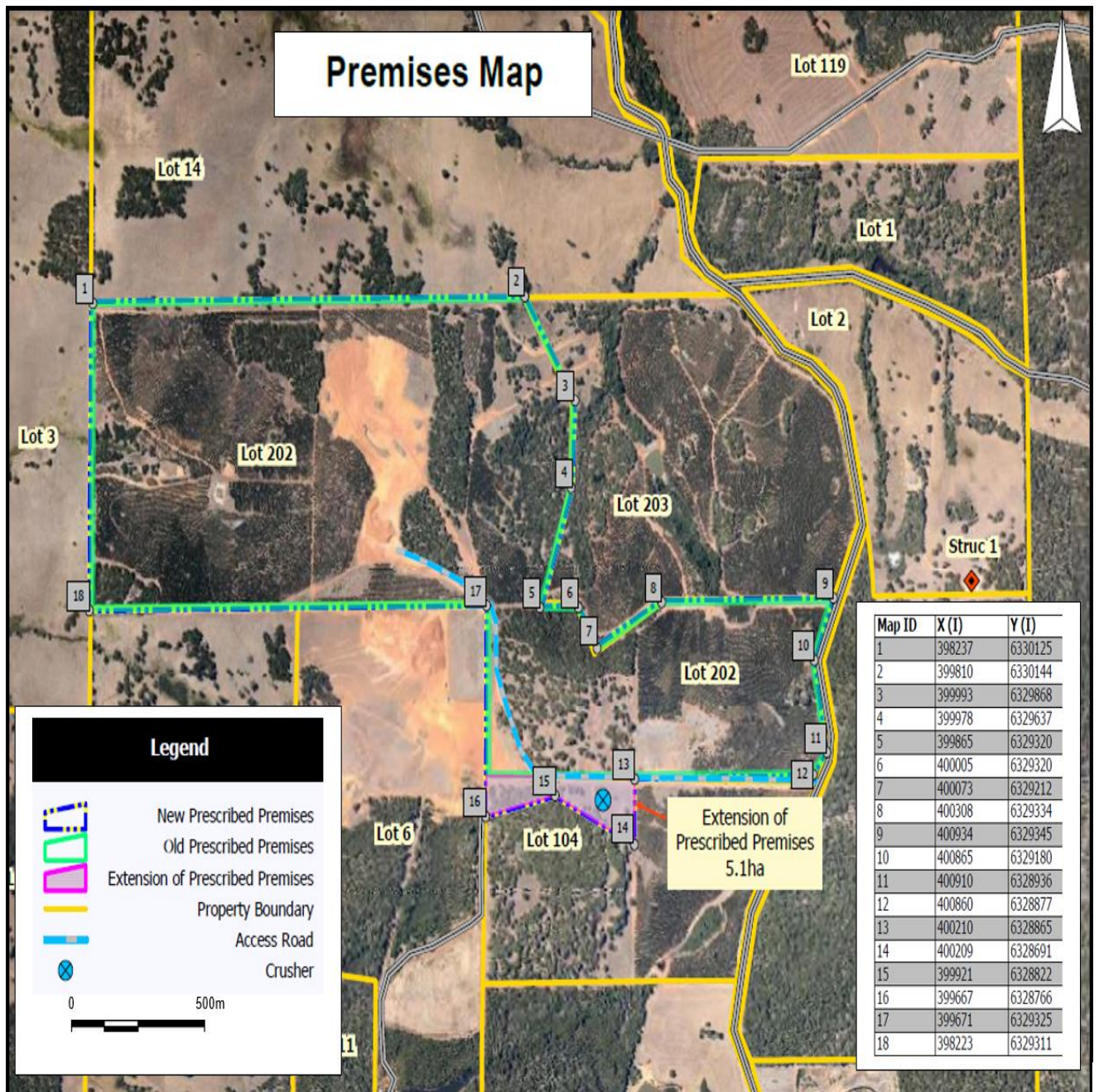
Amendment

1. The Licence Premises address is amended by the insertion of the bold text shown in underline:
 - CEO means; Chief Executive Officer.
 - CEO for the purposes of notification means:
Director General
Department Administering the *Environmental Protection Act 1986*
Locked Bag 33 Cloisters Square
PERTH WA 6850
info@dwer.wa.gov.au
 - Premises Address is: Lot 202 on Plan 63120 and **Part of Lot 104 on Diagram 85224**, as depicted in Schedule 1

2. The Licence is amended by the deletion of the Premises map in schedule 1 as shown by the black strikethrough below:



3. The Licence is amended by the insertion of the Premises map in Schedule 1 as shown below:



Appendix 1: Key documents

| | Document title | In text ref | Availability |
|---|---|---------------------|--|
| 1 | Licence L8550/2011/1 – 202 Martin Road amendment application dated 18 June 2018 | Application | DWER record A1693153 |
| 2 | Licence amendment application supporting information dated 18 June 2018 | Supporting Document | DWER record A1760115 |
| 3 | Licence L8550/2011/1 Martin Road gravel quarry Refire licence issued 18 July 2013 | L8550/2011/1 | DWER record A652774 |
| 4 | DWER response to Shire of Harvey request for advice about Extractive Industry Application for Lot 202 and Lot 104 Martin Road Brunswick dated 9 January 2018 | A1591791 | DWER record A1591791 |
| 5 | Development Approval letter to Catalano regarding Proposed Extractive Industry Lot 104 and Lot 202 Martin Road Brubnswick dated 9 March 2018. | DWERDT52645 | DWER record DWERDT52645 |
| 6 | Guidance Statement: <i>Regulatory Principles</i> by DER dated July 2015 Guidance Statement: <i>Land Use Planning</i> by DER dated February 2017 Guidance Statement: <i>Decision Making</i> by DER dated February 2017 | Guidance | accessed at www.dwer.wa.gov.au |
| 7 | ENVIRONMENTAL MANAGEMENT PLAN (EMP) for Lot 104 on Diagram 85224 and Lot 202 on Plan 63120, Martin Road, MORNINGTON prepared for B & J Catalano Pty Ltd | EMP | DWER record WRD331309-02 |
| 8 | Catalano & Sons Extractive Industry Licence issued by the Shire of Harvey on 19 June 2018 | EIL | DWER record A1771926 |