



Application for Licence Amendment

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

Licence Number	L8550/2011/1
Licence Holder	B & J Catalano Pty Ltd
ACN	008961975
File Number	2011/003087
Premises	Martin Road Gravel Quarry Martin Road MORNINGTON WA 6221 Legal description – Being Lot 202 on Plan 63120 and part of Lot 104 on Diagram 85224
Date of Report	8 October 2021
Decision	Revised licence granted

A/Manager, Resource Industries

REGULATORY SERVICES

An officer delegated by the CEO under section 20 of the EP Act

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1. Decision summary

Licence L8550/1994/9 is held by B & J Catalano Pty Ltd (Licence Holder) for the Martin Road Gravel Quarry (the Premises), located at Lot 202 on Plan 63120 and part of Lot 104 on Diagram 85224.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the construction and operation of the Premises. As a result of this assessment, Revised Licence L8550/1994/9 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://www.der.wa.gov.au>.

2.2 Amendment summary

On 19 March 2021, the Licence Holder submitted an application to the department to amend Licence L8550/1994/9 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Construction and management of four additional stormwater detention ponds, one for each stage of material extraction.

2.3 Consolidation of Instruments

As part of this amendment package the department has consolidated the licence by incorporating changes made under the Amendment Notices as summarised in Table 1.

Table 1: Instruments consolidated in this amendment

Instrument	Issued	Summary of approval
L8550	14/07/2011	Licence granted
L8550	26/04/2016	Notice of Amendment of Licence Expiry Dates
L8550	19/06/2019	Amendment Notice 1 to update the premises boundary

The obligations of the Licence Holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence;
- deleted the redundant AACR form set out in schedule 1 of the previous licence and advise the Licensee to obtain the form from the department's website;

- revised licence condition’s numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this Revised Licence are detailed in Section 5.1. Previously issued Amendment Notices will remain on the department’s website for future reference and will act as a record of the department’s decision making.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guidance Statement: Risk Assessments* (DER 2017).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during construction and operation of the proposed stormwater retention ponds, which have been considered in this Amendment Report are detailed in Table 2 below. Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 2: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls
Dust	Vehicle movements, general construction, lift-off from stockpiles and/or stored product, earthworks etc.	Air/windborne pathway	Water trucks on high traffic areas; and Sprinklers on stockpiles when required.
Noise	Vehicle movements, general construction	Air/windborne pathway	All onsite machinery fitted with appropriate mufflers; and Construction activities will be between “day-time” hours (7am to 7pm, Mon – Sat).
Stormwater retention	Sediment-laden stormwater from exposed soils	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Construction of stormwater retention ponds 1, 2, 4 and 5; and Operation of stormwater retention ponds 1 – 5.

3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder’s from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

Table 3 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guidance Statement: Environmental Siting* (DER 2016)).

Table 3: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Town of Harvey	Approximately 7.5 km north of the premises boundary
Closest residential receptor	Approximately 1.8 km east of the premises boundary
Environmental receptors	Distance from prescribed activity
Harvey River tributary	Within the western section of Lot 202

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

The Revised Licence L8550/2011/1 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. crushing and screening activities.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 4: Risk assessment of potential emissions and discharges from the Premises during construction and operation

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Construction								
Construction of stormwater retention ponds 1, 2, 4 and 5	Dust	Air/windborne pathway causing impacts to health and amenity	Nearest sensitive receptor – resident 1.8 km east of the premises boundary	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 1 authorises construction of the new stormwater retention ponds and Condition 2 requires submission of a construction compliance report.	N/A
	Noise			Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	N/A The provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> apply to construction and operation of the Premises	N/A
Operation								
Operation of stormwater retention ponds 1 – 5	Dust	Air/windborne pathway causing impacts to health and amenity	Nearest sensitive receptor – resident 1.8 km east of the premises boundary	Refer to Section 3.1	C = Slight L = Rare Low Risk	Y	Condition 3 outlines dust controls that must be maintained and during crushing and screening activities. Condition 5 requires prevention of visible dust generated by crushing, screening and stockpiling activities from crossing premises boundary.	N/A
	Sediment-laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Harvey River tributary within western boundary of Lot 202 (Harvey River)	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 3 requires maintaining and operating the detention dams 1 – 5. Daily inspection of detention dams is required to identify any erosion of dam integrity. Repairs to erosion of dams	N/A

Licence: L8550/2011/1

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
			approximately 500 metres west of Lot 202)				to be undertaken within 24 hours of identification. Condition 4 requires separation of uncontaminated / contaminated stormwater.	

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5: Consultation

Consultation method	Comments received	Department response
Shire of Harvey advised of proposal 8/06/2021	N/A	N/A
Licence Holder was provided with draft amendment on 17/08/2021	N/A	N/A

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. Table 7 provides a summary of the conditions from previous amendment notices that have been consolidated into the Revised Licence. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 6: Summary of licence amendments

Condition no.	Proposed amendments
Condition 1	Inclusion of standard condition to allow for construction of proposed stormwater detention ponds.
Condition 2	Inclusion of standard condition requiring Licence Holder to submit compliance on infrastructure constructed in Condition 1.
Condition 3	Inclusion of standard condition to identify critical infrastructure authorised to operate on the premises.
Conditions 4 and 5	Standard emission control conditions carried over from previous version of the licence
Conditions 6, 7, 8 and 9	Standard records and reporting conditions

Table 7: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
N/A	Expiry Date: 13 July 2016	Expiry Date: 13 July 2034	In accordance with the Notice of Amendment of Licence Expiry Dates (29/04/2016)

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.1.1 1.1.2	Interpretation and definitions	Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A	Redundant condition. Revised to current licensing format.
1.2.1	General	N/A	Redundant condition. Revised to current licensing format.
1.2.2	Pollution control and monitoring equipment	N/A	Redundant condition. Adequately covered by alternative existing conditions. Deleted from licence.
1.2.3	Storage of environmentally hazardous materials	N/A	Redundant condition. Adequately regulated by the Dangerous Goods Safety Act 2004. Deleted from licence.
1.2.4	Recovery and removal of spills	N/A	Redundant condition. Adequately covered by EP (Unauthorised Discharges) Regulations 2004. Deleted from licence.
1.2.5	Prevention of contamination and containment of contaminated stormwater	Condition 5	N/A
2.1.1	Record and investigate exceedances of limits or targets	N/A	Redundant condition. Deleted from licence.
2.6.1	Dust emissions	N/A	Redundant condition. Adequately covered by s.49 of the EP Act 1986. Deleted from licence.
2.6.2	Dust emissions	N/A	Redundant condition. Adequately covered by s.49 of the EP Act 1986. Deleted from licence.
2.6.3	Dust emissions	Condition 4	N/A
5.1.1	Records	Condition 9	New numbering and update to wording format
5.1.2	Records	N/A	Redundant condition. Deleted from licence.
5.1.3	Annual Audit Compliance Report	Condition 7	New numbering and update to wording format
5.1.4	Complaints management	Condition 6	New numbering and update to wording format
5.2.1	Reporting	N/A	Redundant condition. Deleted from licence.

Existing condition	Condition summary	Revised licence condition	Conversion notes
5.3.1	Notification	N/A	Redundant condition. Deleted from licence.
Schedule 1: Maps	Premises map	Schedule 1: Maps	New naming convention, updated map
Schedule 2 Reporting & notifications	Annual Audit Compliance Report Form N1 Notification	N/A	Redundant attachment. Deleted from Licence Forms accessed at www.dwer.wa.gov.au

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY						
Application type						
Works approval	<input type="checkbox"/>					
Licence	<input type="checkbox"/>	Relevant works approval number:		None	<input type="checkbox"/>	
		Has the works approval been complied with?			Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?			Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?			Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:				
Renewal	<input type="checkbox"/>	Current licence number:				
Amendment to works approval	<input type="checkbox"/>	Current works approval number:				
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L8550/2011/1			
		Relevant works approval number:		N/A	<input type="checkbox"/>	
Registration	<input type="checkbox"/>	Current works approval number:		None	<input type="checkbox"/>	
Date application received		19/3/2021				
Applicant and Premises details						
Applicant name/s (full legal name/s)		B & J Catalano Pty Ltd				
Premises name		Martin Road Quarry				
Premises location		Lot 202 on Plan 63120 Part of Lot 104 on Diagram 85224				
Local Government Authority		Shire of Harvey				
Application documents						
HPCM file reference number:		2011/003087				
Key application documents (additional to application form):		Figure 2 water management Figure 2				
Scope of application/assessment						

Summary of proposed activities or changes to existing operations.	Licence amendment Staged construction of stormwater basins and diversion bunds	
Category number/s (activities that cause the premises to become prescribed premises)		
Table 1: Prescribed premises categories		
Prescribed premises category and description	Assessed production or design capacity	
Category 12: Screening etc. of material	Assessed – 110,000 tonnes per annual period	
Legislative context and other approvals		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	EIL pending with Shire
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.

<p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office: Swan Avon / Mid-West Gascoyne / Kwinana Peel / North West / South West / Goldfields / South Coast</p>
<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>If Yes include details here.</p>
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>If Yes include details of which EPP(s) here.</p>
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>If Yes, include details here, e.g. Site is subject to SO₂ requirements of Kwinana EPP.</p>
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>If Yes include details here. Classification: N/A / possibly Date of classification: N/A</p>
<p>Direct interest stakeholders</p>		
<p>Shire of Harvey</p>	<p>Letter to be sent Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	