



Application for Licence

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

Licence Number	L8831/2014/3
Applicant	B. & J. Catalano Pty Ltd
ACN	008 961 975
File number	APP-0028036
Premises	<p>Myalup Limestone Quarry 4 Ludlow Road MYALUP WA 6220</p> <p>Legal description – Parts of Lot 2, 4 and 5 on Plan 15419 As defined by the Premises map in Schedule 1.</p>
Date of report	17 September 2025
Decision	Licence granted

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1. Decision summary

Licence L8831/2014/2 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 the licence as an administrative renewal, as there have been no significant changes at the premises and the existing risk profile remains unchanged. As a result of this assessment, licence L8831/2014/3 has been granted.

2. Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

3. Scope of Assessment

3.1 Application summary

On 19 March 2025, the licence holder submitted an application for a licence renewal for the licence L8831/2014/2 to the department under section 57 of the *Environmental Protection Act 1986* (EP Act), as the licence was due to expire on 16 June 2025.

On 11 June 2025, the department initiated an amendment to Licence L8831/2014/2 to allow sufficient time to undertake this renewal assessment. The amendment was limited to extending licence expiry date until 16 September 2025. The Department has determined to process this renewal as an administrative renewal, as the risk profile of the premises has not changed.

3.2 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 premises relates to the category 12 and assessed production / design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L8831/2014/3. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L8831/2014/3.

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 (500,000 tonnes per annum).

4.3 Other approvals

4.3.1 Extractive Industry Licence

The Licence Holder holds an 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.

Table 1: Extractive Industry Licences Details

Approval	Approval ID	Cadastral Lot	Issue date	Expiry Date
Extractive Industry Licence	A000177/EX/006	Lot 2 on Plan 15419 Lot 4 on Plan 15419	22 January 2021	20 January 2026
	A000177/EX/005	Lot 4 on Plan 15419 Lot 5 on Plan 15419	13 October 2021	13 October 2026

4.3.2 Clearing Permits

There are two clearing permits currently active for the Licence Holder as follows.

- CPS 8628/1 – Expires 1 May 2031
- CPS 8057/1 – Expires 28 May 2030

Permit CPS 8628/1 (Figure 3) authorises the applicant to clear native vegetation on lot 2 and 4, and permit CPS 8057/1 permits clearing on lots 4 and 5. A historical permit, CPS 3405/1, has expired but permitted clearing on Lots 4 and 5 also. Therefore, clearing has been authorised by either the current permit or the historical permit.

4.3.3 Developmental Approvals

Since the developmental approvals for lots 2, 4, and 5 had expired, the license holder submitted a new application with the Shire of Harvey. It is the proponent's obligation to obtain the necessary local government permissions to continue the activities on the premises as holding an authorisation from the department does not exempt a proponent from the requirement to obtain such approvals.

5. Consultation

Table 2 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 30 May 2025.	A member of the community submitted comments to the department expressing concern for the impacts to fauna, groundwater and surface water with details as the measures required in approvals under the EPABC Act	The delegated officer notes that the much of the comment covered aspects of the activities on the premises not within the scope of regulation by Pt V, Division 3 of the EP Act. It is also noted that a thorough environmental assessment was made at the time of the previous amendment of licence L8831/2014/2 and

		<p>controls identified as requiring conditioning were duly conditioned in that licence and will remain within the renewed licence L8831/2014/3</p> <p>Specific compliance concerns that have been raised within this comment have been addressed below.</p>
	<p>1. Fugitive dust management is not being monitored.</p>	<p>The Delegated Officer considered the separation distance to sensitive receptors along with the proposed controls described in the amendment report issued on 28 January 2025 and is satisfied there are sufficient management controls to limit dust emissions from the crushing and screening operations. The controls were added as conditions on the licence.</p> <p>Monitoring of ambient air is required by licence conditions 7, 8 and 9. It is the obligation of the proponent to continue the monitoring as per the licence L8831/2014/3. These conditions require the collection of samples using relevant Australian Standards and the sample to be submitted to a laboratory with the relevant accreditation.</p> <p>Excavation associated with extraction of raw material is not regulated under the EP Act and EP Regulations and is covered by the Local Government Authority (Shire of Harvey) extractive industry licence. It is the obligation of the proponent to get the relevant approvals from the relevant government agencies to continue the process in the future.</p> <p>Lake Preston to the west of the operation, is unlikely to be impacted by the dust generated by Category 12 activities on Lot 2, 4 and 5, as the strongest winds in the area are westerly, blowing towards the Category 12 activities and away from the Preston Lake (LEC, 2025).</p> <p>No impact to the threatened ecological community of Tuart (<i>Eucalyptus gomphocephala</i>) woodlands and forests of the Swan Coastal Plain that are located within and around the premises boundary, was noted during site visits (LEC, 2025).</p> <p>No dust complaints have been received relating to the prescribed premises.</p>

	<p>2. Revegetation has not been undertaken – to commence within 12 months of operations.</p> <p>3. Some conditions of the EPBC approval may not have been met and require a compliance review.</p>	<p>The revegetation and compliance required by the premises under the EPBC Act was discussed in the amendment report attached to the previous amendment of the licence on 28 January 2025.</p> <p>The Department of Climate Change, Energy, the Environment and Water (DCCEEW) provided comments on 12 September 2024 and 25 October 2024 for the comprehensive risk assessment for the previous amendment of this licence.</p> <ul style="list-style-type: none"> • DCCEEW verified that the licence holder can submit any suspected non-compliance issues with EPBC approvals directly to DCCEEW, rather than DWER passing them on. • It is the obligation of the proponent to determine whether their proposed activity would have a significant impact on matters of national environmental significance.
	<p>4. Licensing inconsistencies – Category 12 Licence conditions must be updated increased volume of 500,000 tonnes/yr.</p>	<p>Licence L8831/2014/2 was already updated to the increased volume of 500,000 tonnes per annum (cover page and condition 2). This throughput is to be continued</p>
Local Government Authority (Shire of Harvey) advised of proposal on 30 May 2025.	None received	N/A
Conservation Council Western Australia (CCWA) advised of proposal on 30 May 2025.	None received	N/A
Community consultation, letters sent to residents in surrounding lots on 30 May 2025.	None received	N/A
Applicant was provided with draft documents on	No comments received but waived off the remaining comment period.	N/A

6. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the application to renew licence L8831/2014/3 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

Lundstrom Environmental Consultants Pty Ltd (LEC) 2025, Licence Renewal Supporting Documentation, Attachment 3B: Proposed Activities, Perth, Western Australia.