



Application for Licence Amendment

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

Licence Number	L8831/2014/2
Licence Holder	B. & J. Catalano Pty Ltd
ACN	008 961 975
File Number	DER2014/001608-1~4
Premises	Myalup Limestone Quarry 4 Ludlow Road MYALUP WA 6230 Legal description – Parts of Lot 2, 4 and 5 on Deposited Plan 15419 As defined by the premises map in Schedule 1 of the licence
Date of Report	28 January 2025
Decision	Revised licence granted

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1. Decision summary

Existing 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, WA 6220.

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 operation of the Premises. As a result of this assessment, amended licence L8831/2014/2 has been granted.

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://dwer.wa.gov.au/regulatory-documents>.

2.2 Amendment summary and overview of the premises

On 27 February 2024, the Licence Holder submitted an application to the department to amend Licence L8831/2014/2 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Increase the approved screening and crushing throughput capacity from 200,000 tonnes per year to 500,000 tonnes per year

This amendment is limited only to changes to Category 12 activities from the existing licence.

Table 1 below outlines the proposed changes to the existing licence.

Table 1: Proposed throughput capacity changes

Category	Current throughput capacity	Proposed throughput capacity	Description of proposed amendment
12	200,000 tonnes per year	500,000 tonnes per year	Increase the approved throughput capacity from 200,000 tonnes per year to 500,000 tonnes per year.

The Premises is a limestone quarry located near Myalup, about 40 km north of Bunbury. 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 proposed annual throughput from this amendment is the maximum expected in any given year. The increase will account for the demand of the Bunbury Outer Ring Road (BORR) project (LEC, 2024). Once the demand for these projects has subsided, the annual throughput will expect to return to prior levels (up to 200,000 tonnes per year).

2.2.1 Increased crushing and screening throughput

The proposed activities include an increased annual limestone crushing and screening throughput to 500,000 tonnes per year. Topsoil will be scraped from the surface of the limestone caprock and stored in small stockpiles for later use in rehabilitation. These stockpiles will be strategically positioned to act as dust and noise buffers (LEC, 2024). The bulldozer will rip and blade the limestone to a central dump area. A loader will lift limestone into the crusher.

Self-contained diesel generators will drive electric primary and secondary crushers that reduce limestone into smaller pieces. This material will subsequently be processed through a screening plant, where it will grade into various sized products. These products will heap as stockpiles.

Road trucks will transfer the limestone product from the stockpiles off-site. After the ripping process is finished, topsoil and overburden will scatter out across the surface. After raking the rehabilitated area to remove any remaining rocks, pasture grass seed or native vegetation will be planted, as required (LEC, 2024).

Figure 1 depicts six new locations for future crushers and screeners. These new locations are further away from the sensitive receptor in the Figure 1. On 30 March 2024, the licence holder has responded to the department's further information request, stating that the two crushers and two screeners shown in Figure 1 would provide the 500,000 tonnes of annual throughput that was suggested. There will only be two crushers and screeners operating on the premises at once.

2.3 Exclusions to the premises

This assessment relates to the operation of crushing and screening plant at the premises only. The extraction of material from quarry pits and the impacts from that activity are not assessed under this report. The subsequent renovation/rehabilitation are also excluded from the assessment. Extraction activities require approval under the *Planning and Development Act 2005* and are regulated by the Shire of Harvey. The Delegated Officer notes that Planning Approval and Extractive Industry Licences for Lots 2, 4 and 5 Ludlow Road were issued by the Shire of Harvey (Table 2).

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 2). The extraction area and timeframe are regulated by the Shire of Harvey under planning consent and an EIL. The EIL's for the premises specifies the implementation of a Dust Management Plan, Noise Management Plan, Water Management Plan, Weed Management Plan and Rehabilitation Management and Monitoring Plan approved by the Shire of Harvey.

The premises is also subject to approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Approval EPBC 2019/8388 (see Table 2) is made under sections 130(1) and 133(1) of the EPBC Act and includes conditions relating to the protection of Carnaby's Black Cockatoo, shorebirds and Ramsar Wetlands for activities on Lot 4 and 5 of the premises.

Table 2: Other Approvals

Approval	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	13 October 2026

		Lot 5 on Plan 15419	
EPBC	EPBC 2019/8388	Lot 4 on Plan 15419 Lot 5 on Plan 15419	31 December 2052

4. Environmental Protection (Noise) Regulations

The most critical sensitive receptor to potential noise is considered to be the holiday cottage located around 360 m west of the pit, which is held by the landowner. Whether the landowner and the licence holder engaged into a private agreement is not considered by the Delegated Officer to be relevant in this case as the residence is within the authorised premises boundary. Thus, it would be considered that the holiday cottage, and the limestone pit are on the same 'premises', so that the assigned noise levels would not apply. For this reason, the cottage is not included in the risk assessment for this amendment.

The next nearest sensitive residential receptors are about 1.5 km - 2 km to the west of the pits, therefore the Delegated Officer does not consider daily noise impacts (Monday-Saturday, 7am - 5pm) are possible at such a distance. If operations take place outside of the usual hours (for example, during Sunday), a further assessment will be required. It is worth noting that the 60 dB L_{A10} noise limit is also valid at the Peel-Yalgorup National Park boundary, which encompasses Lake Preston and its foreshore. This does not appear to have been considered when operations are conducted in Lot 2. The crusher is expected to be around 380 m from the boundary of the National Park, which could be an issue depending on the applicants controls mitigating impacts.

Recommendation:

The licence holder is aware of its obligations to comply with the *Environmental Protection (Noise) Regulations 1997* and the general provisions of the EP Act during operations.

5. 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 *Guideline: Risk assessments* (DWER 2020).

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.

5.1 Source-pathways and receptors

5.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 3 below. Table 3 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 3: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls (LEC, 2024)
Noise	<p>Crushing, screening and stockpiling of material</p> <p>Unloading, loading and storage of material</p> <p>Trucks, other vehicles movements and machine operations (including reversing alarms) within the premises boundary</p>	Air / windborne pathway	<ul style="list-style-type: none"> • Reversing croakers installed instead of reversing alarms. • Quietest equipment available is used and maintained to meet the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. • Stockpiles will be strategically located to attenuate the noise. • Employees and contractors working on site will be provided with information on how to minimise dust emissions. • A notice has been erected at the front gate that provides emergency contact details for the Operations Manager. • A complaints system will be put in place, and these will be recorded by the Operations Manager and acted on promptly. <p>Control by another decision making authority:</p> <ul style="list-style-type: none"> • The Shire of Harvey has a condition in the Extracive Industry Licence for the Premises for operating hours as follows. <ul style="list-style-type: none"> ○ Monday to Friday 7am-5pm ○ Saturday 7am - 12 noon ○ No activities on Sunday or public holidays.
Dust		Air / windborne pathway	<ul style="list-style-type: none"> • Water cart is on site during periods when material is being moved or crushing is being conducted The water cart will be employed to damp down areas of concern if dust occurs during these periods. • If necessary, loads will be dampened prior to loading/unloading. • If dust can be seen to be carried outside the site, the source of dust will be identified, and measures implemented to prevent or minimise further dust emissions. • During high winds and dusty conditions, operations will be stopped until such time as adequate wetting down has occurred, or conditions have changed. • Stockpiles will be located where lift-off from the prevailing wind is minimised. If necessary, stockpiles are treated with sprays or polymer binders. • Handling of materials will be kept to a minimum. • Internal roads will be surfaced with gravel. • A 30 kmh speed limit will apply to trucks on these internal roads at all times.

Emission	Sources	Potential pathways	Proposed controls (LEC, 2024)
			<ul style="list-style-type: none"> Truck loads will be covered for preventing dust generation in transit. Employees and contractors working on site will be provided with information on how to minimise dust emissions. A notice has been erected at the front gate that provides emergency contact details for the Operations Manager. A complaints system will be put in place, and these will be recorded by the Operations Manager and acted on promptly.
Stormwater contaminated with sediment	Stormwater runoff from stockpiles during high rainfall events	Overland run-off, direct discharge or infiltration through soils	<ul style="list-style-type: none"> In choosing herbicides, preference will be given to substances that strongly adsorb to soil and have low potential to leach into groundwater.
			<p>Control by another decision making authority:</p> <ul style="list-style-type: none"> The Shire of Harvey has a condition in the Extracive Industry Licence that the proposed extraction depth is a maximum of 6m AHD, no groundwater will be intercepted, and no groundwater will be exposed by this development.
Surface water contaminated with hydrocarbons	Machinery malfunction Refueling vehicles of and equipment	Overland run-off, direct discharge or infiltration through soils	<ul style="list-style-type: none"> No fuel or lubricant storage will occur on the site. No major servicing to occur on the site. Refueling will take place using a mobile refueling vehicle which is equipped with a “snap-on snap-off, fast-fill and auto shut-off” facility. B. & J. Catalano have a Safety Practice document for Hydrocarbon Spill Response outlining their procedures for controlling, recovering, treating and reporting hydrocarbon spills and this will be implemented in the unlikely event of a spill occurring.

5.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), 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 4 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 (*Guideline: Environmental siting* (DWER 2020)).

Table 4: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Residential Premises 1	About 450 m west of current crushing and screening facility in Lot 4 and 800 m southwest of crushing and screening facility in Lot 2.

Farmhouse	<p>About 1.3 km east-southeast of current crushing and screening facility in Lot 4 and 1.6 km southwest of crushing and screening facility in Lot 2.</p> <p>The operator of the feedlot is also the landowner of the prescribed premises and the residential dwelling.</p>
Environmental receptors	Distance from prescribed activity
Lake Preston (an Environmentally Sensitive Area) – RAMSAR Wetlands - Part of the Peel-Yalgorup System	<p>The Premises boundary is within 100m of the boundary of the Lake Preston ESA.</p> <p>The nearest crusher is about 480 m east of the Lake Preston ESA. Refer Figure 1 of this report.</p>
TEC's - Tuart (<i>Eucalyptus gomphocephala</i>) Woodlands and forests of the Swan Coastal Plain	<p>Within the premises boundary.</p> <p>This TEC is listed as Critically Endangered under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>It has been assessed by Department of Climate Change, Energy, the Environment and Water (DCCEEW) under the EPBC Act for Lot 4 and 5. Refer Section 3 of this report.</p>
Carnaby's black cockatoo (<i>Zanda latirostris</i>)	<p>Within and around the premises boundary, including the area of the screening and crushing activities.</p> <p>It has been assessed by DCCEEW under the EPBC Act for Lot 4 and 5. Refer Section 3 of this report.</p>
Red-necked stint - Lake Preston - Migratory Shorebirds	<p>Confirmed sighting has been made at about 465 m west of the screening and crushing activities. This bird is, however, migratory and presence is not permanently within this distance.</p>
Bird species	<p>Confirmed recording has been made at about 646 m west of the screening and crushing activities.</p> <p>This species recorded as <u>specialy protected migratory species</u>. This bird is, however, migratory and presence is not permanently within this distance.</p>
Bird species	<p>Confirmed recording has been made at about 773 m west of the screening and crushing activities.</p> <p>This species recorded as <u>specialy protected migratory species</u>. This bird is, however, migratory and presence is not permanently within this distance.</p>
Invertebrate species in lake Preston	<p>Confirmed recording has been made at about 1.14 km northwest of the western boundary of screening and crushing activities. This species recorded as <u>Threatened-Vulnerable species</u>.</p>

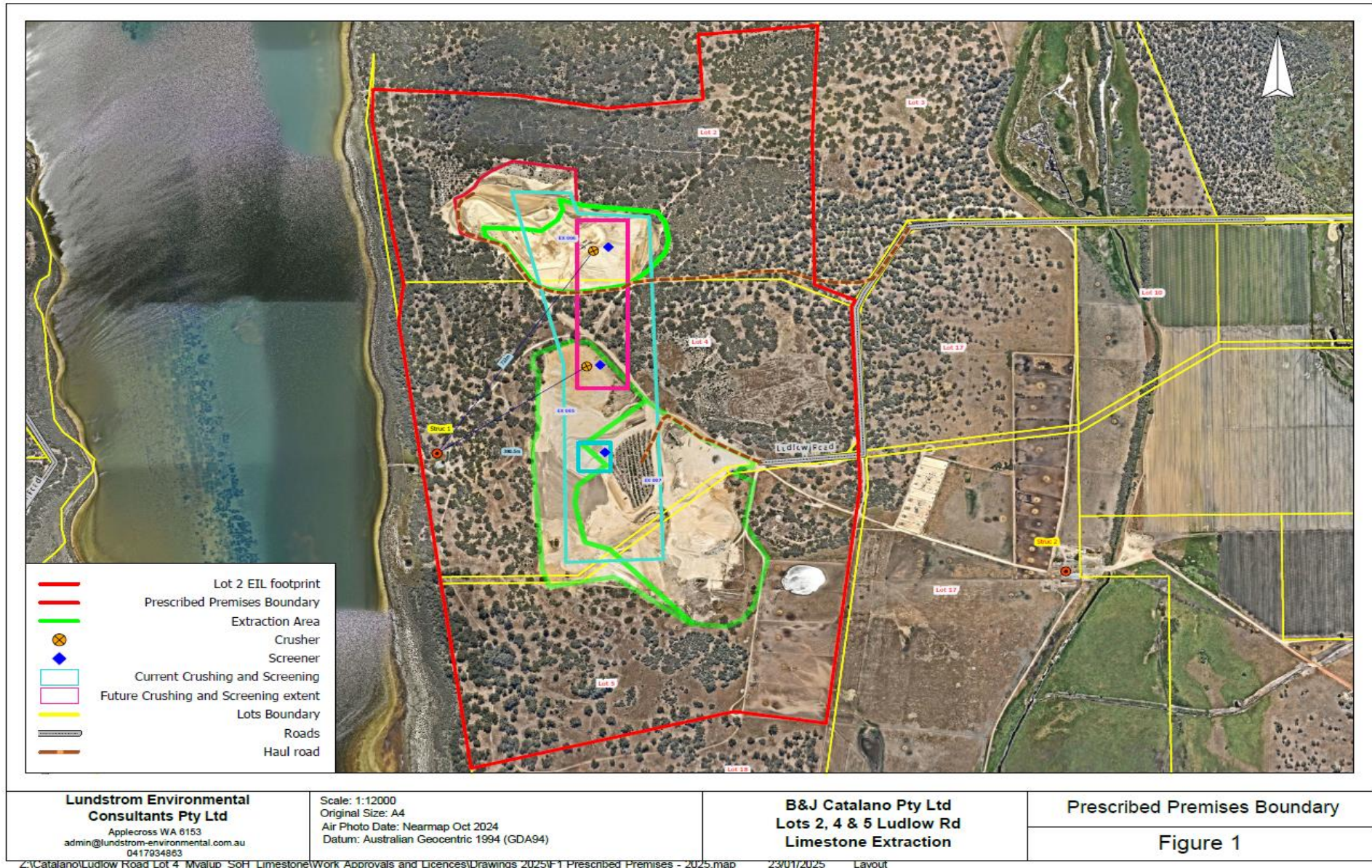


Figure 1: Distance to sensitive receptors

5.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 5.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 5.1), 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 5.

The Revised Licence L8831/2014/2 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. category 12: Screening, etc. of material activities.

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

Table 5. Risk assessment of potential emissions and discharges from the Premises 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				
Operation (Category 12: Screening, etc. of material)								
Crushing, screening, loading and stockpiling of material at an increased throughput of up to 500,000 tonnes per year	Noise	Air / windborne pathway causing impacts to human health, wildlife health and amenity	Residential dwellings	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	N	Condition 1: Infrastructure operational requirements Condition 3: Noise emissions requirement (Operational hours) Condition 2: Total annual production capacity	The Delegated Officer has determined operation times will be restricted to between 0700 and 1700 Monday to Friday (as opposed to the proposed 0630 to 1800) and between 0700 and 1200 on Saturdays (excluding Sundays and public holidays), in line with the <i>Environmental Protection (Noise) Regulations 1997</i> . The risk of noise emissions from crushing and screening operations causing amenity impacts is deemed to be medium in consideration of the distance to receptors. The proponent has a legislative requirement to always comply with the assigned noise levels as set in the Noise Regulations. Infrastructure requirements and hours of authorised operations are outlined in the Condition 1 and 3 in the licence respectively. These controls are deemed suitable to attenuate any potential noise emission from the crushing and screening operation. The delegated officer determined that the effects on fauna are expected to be limited, particularly when compared to existing noise impacts at the premises, with species that may be impacted having already relocated away from noise sources due to the existing operation. Under EPBC approval, the applicant must rehabilitate vegetation, including cockatoo habitat, following the site's closure.
			Red-necked stint - Lake Preston - Migratory Shorebirds Hooded Plover					
Trucks, other vehicles movements and machine operations (including reversing alarms)	Dust	Air / windborne pathway causing impacts to human and wildlife health, dust deposition onto vegetation causing deteriorated health, and decline in surface water quality.	Residential dwellings	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	N	Condition 1: Infrastructure operational requirements (200 m buffer and water cart operation) Condition 2: Total annual production capacity Condition 6: Dust suppression condition for all products to be removed Condition 9: Monitoring of ambient air quality	The Delegated Officer considers the applicants controls, which are authorised in conditions of the licence are sufficient to mitigate any potential impacts from dust emissions during the crushing and screening operation. Monitoring of ambient air quality (dust levels) is required to provide assurance over the effectiveness of site dust management and demonstrate performance against the limit set at the boundary. The table 2 of the licence L8831/2014/2 depicts the 4.0 g/m ² /month target for the total solids and total insoluble matter. Continuous monitoring using dust deposition gauges at either end of the quarry during the summer (drier) months will provide data to validate assessment predictions. From February 2022, there are four department records regarding the exceedance of air quality target and all self-reported by the licence holder. No complaints from third parties. Refer section 5.3 of this report for further justification. Condition 1 outlines the infrastructure and controls authorised for operation under the licence at the appropriate locations to mitigate dust emissions during operation of crushing and screening plant do not impact on nearby receptors. The Delegated Officer has determined to set new controls to mitigate potential impacts of dust on the identified receptors, including a 200 m exclusion buffer from the lake Preston to the category 12 activities in condition 1 and a total annual production limit of 500,000 tonnes. No crushing and screening activities are to take place within this buffer to mitigate potential impacts of dust on the identified receptors.
			Lake Preston - RAMSAR Wetlands Surface water creek					
			TEC's - Tuart (<i>Eucalyptus gomphocephala</i>) Woodlands	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	N		
			Carnaby's Black Cockatoo Red-necked stint - Lake Preston - Migratory Shorebirds Carter's freshwater mussel Hooded Plover					
Stormwater runoff from stockpiles during high rainfall events	Stormwater contaminated with sediment	Overland run-off and infiltration through soils causing degradation of surface water, vegetation and groundwater quality.	TEC's - Tuart (<i>Eucalyptus gomphocephala</i>) Woodlands Lake Preston - RAMSAR Wetlands	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 1: Infrastructure operational requirements General provisions of the <i>Environmental Protection (Unauthorised</i>	The Delegated Officer is satisfied the applicant controls are sufficient to prevent spilled or leaked fuel and contaminated or sediment-laden stormwater from entering the environment. No additional regulatory controls are required, considering that the proposed crushing and screening operation will be located in a disturbed area. The Delegated Officer considers the licence holder proposed controls, general provisions of the EP Act and <i>Unauthorised Discharge Regulations</i> are

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				
Machinery malfunction Refueling of vehicles and equipment	Hydrocarbons	Overland run-off and infiltration through soils causing degradation of vegetation health and groundwater quality	Surrounding native vegetation	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	<i>Discharges) 2004</i> will apply	sufficient to mitigate the risk of contamination.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

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

5.3 Dust Monitoring

The existing licence covers dust monitoring gauges as AQ1 through AQ4 that covering four main directions. According to the Bunbury weather station's average monthly wind speed and direction data, morning winds are often easterly to south easterly, while afternoon winds are primarily westerly to south westerly (LEC, 2024). Dust from on-site extraction operations is unlikely to build up in the southern monitoring gauge because northerly winds are extremely rare (LEC, 2024).

Although the locations of the dust gauges were altered in late 2022, the northern (AQ3), eastern (AQ2), and southern (AQ4) dust deposition gauges continue to occasionally surpass the trigger value.

After considering few exceedances recorded in past few years, the Delegated Officer has conditioned the additional regulatory control that include,

- Additional dust monitoring gauge between lake Preston shoreline and Lot 2 activities (AQ5) as part of the monitoring program to ensure that impacts from dust emissions to receptors are appropriately captured and to ensure that the management actions are efficient in controlling impacts to receptors;
- proactive dust management strategies; and
- additional specific management actions if dust events occur.

6. Consultation

Table 6 provides a summary of the consultation undertaken by the department.

Table 6: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 28 May 2024.	Refer to Appendix 1: Summary of Issues Raised in Public Submissions.	Refer to Appendix 1: Summary of Issues Raised in Public Submissions.
Local Government Authority – Shire of Harvey (SoH) advised of proposal 24 May 2024.	None received	N/A
Advice was sought from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 5 July 2024.	<p>DCCEEW provided the following comments on 12 September 2024:</p> <p>Lot 2 is adjacent to a Ramsar Wetland and appears to have some vegetation. It is the obligation of the proponent to determine whether their proposed activity would have a significant impact on matters of national environmental significance as covered by the EPBC Act. Proponents who believe their planned activities would have no significant influence on Matters of National Environmental Significance (MNES) are not required to submit it to the DCCEEW, but some may do so for legal assurance. It is an offence under the act to conduct an action</p>	<p>Comments noted.</p> <p>The department further clarified the comments and 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.</p> <p>Refer to Table 4: Risk assessment for further information.</p>

	<p>that is likely to have a major impact without consent.</p> <p>DCCEEW also noted that they are unable to comment on some of the allegations of non-compliance conditions under the EPBC approval 2019-8388 made in the submissions.</p> <p>DCCEEW is aware that the EPBC approval only for lot 4 and 5.</p> <p>On 25 October 2024, DCCEEW has responded to the department with the following comment.</p> <p>It is the responsibility of the person putting forward the action to refer their proposal for evaluation and approval if it is anticipated to have a substantial influence on a nationally protected topic, even though DCCEEW is not currently aware of a fresh referral for this project.</p> <p>The EPBC Act is one of the laws that the DCCEEW keeps an eye on for compliance. The DCCEEW has a variety of compliance options at its disposal in the case of non-compliance, and our published Compliance Policy describes how we handle non-compliance. In accordance with this policy, the DCCEEW refrains from commenting on issues that might be the focus of open investigations.</p> <p>All claims of non-compliance are taken seriously by the DCCEEW. Any non-compliance can be reported to the compliance team on 1800 110 395 or by email at environment.compliance@dcceew.gov.au.</p>	
<p>Advice was sought from the Department of Biodiversity, Conservation and Attractions (DBCA) on 09 August 2024.</p>	<p>DBCA provided the following comments on 27 August 2024:</p> <p>DBCA expects dust emissions from the designated premises to be suitably controlled and monitored regarding the potential impacts on the environmental values of Peel-Yalgorup National Park. The DBCA observes that the current licence L8831/2014/2 has conditions regarding the dust emissions and that condition is generally suitable for the licence amendment.</p> <p>The vegetation on Lots 2, 4, and 5 is mapped as Tuart (<i>Eucalyptus gomphocephala</i>) Woodlands and Forests of the Swan Coastal Plain ecological community (Priority 3 Ecological Community), according to the application. As previously mentioned, in</p>	<p>Comments noted.</p> <p>Any suspected unlawful behaviour can be reported using the email environmentwatch@dwer.wa.gov.au or call the Environmental Watch hotline on 1300 784 782.</p> <p>Refer to Table 4: Risk assessment for further information.</p>

	<p>order to control damages on the Priority 3 Ecological Community, a dust management plan might be necessary.</p> <p>The DBCA reports that various fauna species identified as threatened under the <i>Biodiversity Conservation Act 2016</i> (BC Act) have been found in close proximity to the premises. The proponent should be informed that direct or indirect impacts on vulnerable fauna individuals, including those caused by noise, may be considered taking and/or disturbing threatened fauna under Section 40 of the BC Act.</p> <p>Furthermore, the DBCA stated that activities from the prescribed premises do have an impact on threatened fauna, Ministerial Authorisation under the BC Act may be required.</p>	
Community consultation, letters sent to residents in surrounding lots on 24 May 2024	None received	N/A
Licence Holder was provided with draft amendment on 2 December 2024 and licence holder provided the comments on 23 January 2025.	The department requested the revised figures for figures 1, 2 and 3 in the licence through the draft amendment package. The licence holder submitted the revised maps as requested.	The department updated the maps in the licence and the amendment report.
	The licence holder confirmed the number of crushers and screeners at any one time on the premises.	The department updated the amendment report accordingly.
	The licence holder confirmed the farmhouse is located 1.3 km east-southeast of the current crushing location.	The department updated the amendment report accordingly.
	The licence holder requested to delete the residential premises 2 and 3 from Table 4 of the decision report as they were not sensitive receptors requiring consideration. The distance and position of these premises to the prescribed means they are unlikely to be impacted by the operation of the crushing and screening operations.	The department confirmed the rationale given and deleted accordingly.

7. 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.

7.1 Summary of amendments

Table 7 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the

amendment process.

Table 7: Summary of licence amendments

Condition no.	Proposed amendments
Cover page	Increased the assessed production capacity from 200,000 tonnes per annum to 500,000 tonnes per annum.
Licence History	Updated to include this amendment.
Condition 1, table 1	Included the new condition to exclusion zone as within 200 m from the Peel-Yalgorup Ramsar wetland system.
Condition 1, table 1	Included the new condition to wetting down dust generation areas.
Condition 2	Included the new condition for production capacity controls to ensure the total annual production of material does not exceed 500,000 tonnes per annum.
Condition 6	Included the new condition to wetting down dust generation areas.
Condition 9, table 2	Added the new dust monitoring gauge location as AQ5.

References

1. Lundstrom Environmental Consultants Pty Ltd (LEC) 2024, *Attachment 3B: Proposed Activities*, Perth, Western Australia.
2. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Summary of Issues Raised in Public Submissions and Department Response

Submitter	Key Issue	Summary of Submission Points	Department's response
Submitter 1	1. The Proposal will impact a Ramsar wetland (Lake Preston)	<p>The proposal is perilously near Lake Preston's 200 m barrier. It looks like Lot 2 is already using the buffer.</p> <p>Careful consideration is needed to determine the overall effects of growing sand and limestone mining throughout the Ramsar wetland system. The mining operations cause residual effects to vegetation and wildlife habitat, fragmenting wildlife corridors to the wetlands, some excavations in the area are dangerously close to groundwater levels, and the removal of sand and limestone eliminates its protective function in maintaining water quality for the wetlands.</p> <p>The data inaccuracies found in the Department of Water and Environmental Regulations (DWER) groundwater level evaluations are also noted by the submitter. The submitter believes that a review of groundwater monitoring, including data validity and procedure, is necessary in light of the limitations in the data and the inability to use the data to establish important groundwater parameters. It is necessary to do a current assessment of the possible effects on groundwater and the Ramsar system. Because groundwater flows through the site in a westerly direction towards Lake Preston, this is regarded as critical.</p>	<p>The Delegated Officer has determined to set a 200 m exclusion buffer at Lot 2, to complement the existing buffer set in the EPBC Act approval for Lots 4 and 5. No crushing and screening activities are to take place within this buffer to mitigate potential impacts of dust on the identified receptors.</p> <p>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> <p>Impacts to groundwater levels from extractive industries, and fragmentation of wildlife corridors are not regulated under Part V of the EP Act, which focuses on protecting environmental values from emissions and discharges from prescribed premises.</p>
	2. Some conditions of the EPBC approval may not have been met and require a compliance review	<p>Within six months of the start, the 10.6 ha of offsite offset revegetation for black cockatoos was supposed to begin. Rather, as part of its compliance reporting, the Proponent produced images (dated February 2024) that depict a site completely devoid of any trace of revegetation.</p> <p>In addition, it was intended that continuous inspections would be conducted to ascertain whether the completion criteria had been satisfied or, in the event that they hadn't, to enforce corrective measures. While the submitter acknowledges that dry circumstances may have influenced the success rates of vegetation rehabilitation for this offset, the situation of the site, likely years after the start of excavation operations, suggests that no rehabilitation ever took place. The submitter inquires whether the proponent was ever assessed for compliance with this condition.</p>	<p>As stated above, the Delegated Officer has determined to set a 200 m exclusion buffer at Lot 2, to complement the existing buffer set in the EPBC Act approval for Lots 4 and 5. No crushing and screening activities are to take place within this buffer to mitigate potential impacts of dust on the identified receptors.</p> <p>Vegetation off-sets at the premises are regulated by DCCEE under the EPBC Act. Please refer row 3, Table 6.</p>

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		<p>This requirement must be completed in order for Carnaby's Cockatoo (CC) offsets to be met and for CC's short-term foraging protections from offsets to be guaranteed.</p> <p>In addition to restating submission ground (1), the submitter emphasises that the Proposal must stay outside of the 200 m buffers around the Ramsar wetland system. For Lots 4 and 5, the Proposal is dangerously <u>close</u> to the 200m buffer and looks to be <u>within</u> the buffer for Lot 2.</p>	
	<p>3. Dust impacts to the sensitive receptors</p>	<p>In addition to citing the separation distance requirement, the proponent recognises a sensitive land use that is located 360 m from the proposal.</p> <p>If the premises are still zoned for sensitive uses, the fact that the proponent owns the sensitive premises has no bearing on the risk assessment. The Proponent's ownership of the premises should not exclude its consideration as a sensitive premise, or the application of protective air quality conditions.</p> <p>The Proponent alludes to the lack of dust guidelines in WA, instead relying on Victorian EPA regulation. The idea to use only visual inspections for dust also needs to be reviewed. To achieve compliance with the National Environmental Protection Measures (NEPM), the submitter suggests that air quality monitoring should be implemented.</p>	<p>The Delegated Officer has considered the separation distance to sensitive receptors along with the proposed controls described in section 3.1.1 of the supporting document and is satisfied there are sufficient management controls to limit dust emissions from the crushing and screening operations. The Delegated Officer has included the proposed controls as licence conditions.</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.</p>
	<p>4. Operational hours</p>	<p>The submitter highlights a discrepancy between the DWER application and the Shire of Harvey development approval for allowable operating hours and excavation heights above maximum groundwater levels</p>	<p>On 30 March 2024, the licence holder responded that the operating hours stated in Attachment 3B in the DWER amendment application were a typo and the operating hours are restricted to 7.00am — 5.00pm, Monday to Friday, and 7.00am — 12.00 noon on Saturday (excluding public holidays).</p>
	<p>5. The requirement for any additional unauthorised land clearing should be investigated</p>	<p>This proposal specifically declares that no native vegetation will be removed. However, the submitter identifies two places where extraction activities intrude on vegetated regions. The Proposal area's boundaries must be thoroughly reviewed for any extra land clearing or impact on vegetation at the premises' boundary.</p> <p>The area for future crushing and screening includes vegetation between the lots.</p>	<p>There are two clearing permits currently active for the licence holder as follows.</p> <ul style="list-style-type: none"> • CPS 8628/1 – Expires 1 May 2031 • CPS 8057/1 – Expires 28 May 2030 <p>Permit CPS 8628/1 (Figure 3), the applicant has an authorisation to clear native vegetation on the lot 2 and 4 region and the clearing permit CPS 3405/1 (Figure 2), that was expired and permitted to clear the Lots 4 and 5. Therefore, the department is aware of the clearing and please</p>

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			<p>note that the clearing is covered by either the current permit or the historical permit.</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 the Environmental Watch hotline on 1300 784 782.</p>
Submitter 2	1. The Proposal will impact a Ramsar wetland (Lake Preston)	<p>The location and growth of the site could have a substantial influence on Lake Preston's ecologically sensitive ecosystem, Ramsar values, Tuart woodlands and related Groundwater Dependent Ecosystems (GDE's).</p> <p>The submitter suggests that the requirements of the environmental assessment must compel the proponent to provide a dense buffer of natural vegetation along the western edge of the site where Lake Preston meets the site. A 100 m vegetated buffer must include mature indigenous seedlings that are suited for black cockatoo foraging, as well as wetlands vegetation made up of reeds, sedges, and grasses to help improve the water quality of Lake Preston, provide nesting locations for water birds, and serve as foraging areas for migrating waders.</p>	<p>The Delegated Officer has determined to set a 200 m exclusion buffer for Lot 2 in line with the existing buffer for Lots 4 and 5 set under EPBC Act approval. No crushing and screening activities are to take place within this buffer to mitigate potential impacts of dust on the identified receptors.</p> <p>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> <p>Any suspected unlawful behaviour can be reported using the email environmentwatch@dwer.wa.gov.au or call the Environmental Watch hotline on 1300 784 782.</p> <p>Establishment of buffers and vegetation clearing limits are not regulated under Part V of the EP Act.</p>

Plan 3405/1



Figure 2: The area permitted under CPS 3405/1 to clear the native vegetation

CPS 8628/1 Map

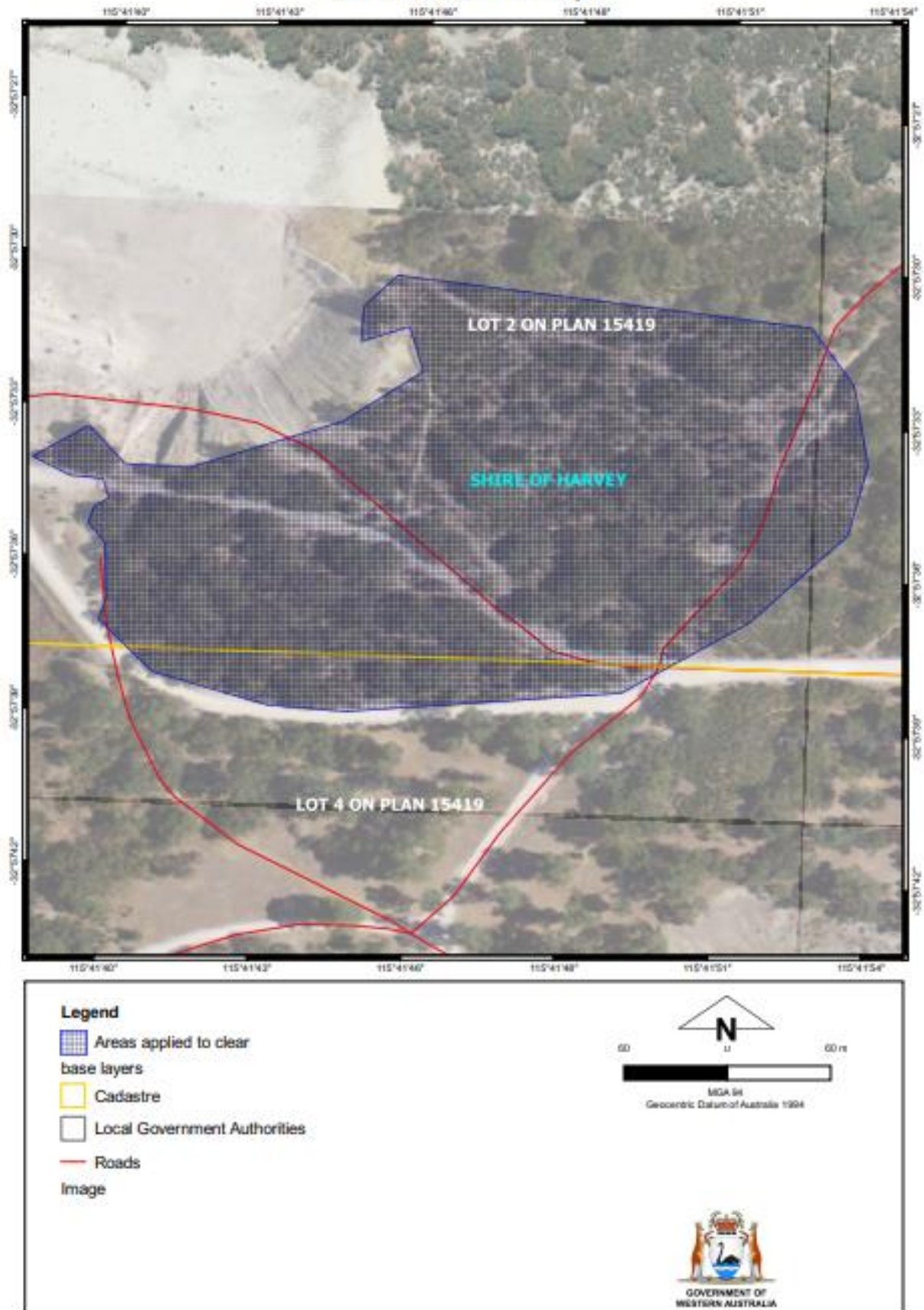


Figure 3: The area permitted under CPS 8628/1 to clear the native vegetation