



Application for Licence

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

Licence Number	L9433/2024/1
Applicant	Beachborough Pty Ltd
ACN	101366483
File number	DER2024/000126
Premises	Ludlow Limestone 130 Ludlow Park Rd, Wonnerup WA 6280 Part of Lot 3 on Plan 3280 Part of Lot 237 on Plan 250375 As defined by the coordinates in Schedule 1 of the works approval
Date of report	28 October 2024
Decision	Works approval granted

**MANAGER, RESOURCE INDUSTRIES
INDUSTRY REGULATION (STATEWIDE DELIVERY)**

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9433/2024/1 has been granted for 15 months.

2. Scope of assessment

2.1 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>.

2.2 Application summary and overview of premises

On 13 December 2023, Beachborough Pty Ltd (the applicant) applied to DWER for a licence under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application relates to the operation of a crushing and screening plant for up to 35,000 tonnes per year of limestone and sand at Ludlow Limestone (the premises). The premises is located at 130 Ludlow Park Rd, Wonnerup; specifically, Part of Lot 3 on Plan 3280 and Lot 237 on Plan 250375. The premises is approximately 10.6 km south-west of Capel and 10.9 km north-east of Busselton.

These activities meets the production capacity requirements for category 70: 'screening etc. of material' defined by Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations). 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 L9433/2024/1.

2.2.1 Crushing and screening activities

The premises is an established site that quarries for limestone and sand product. The premises has been undertaking limestone extraction activities and the processing of this material since July 2020 under works approval W6387/2020/1. This expired on 16 February 2023. It is surrounded by land used for pastoral and horticultural purposes.

Existing equipment on-site include a mobile crushing and screening plant (crushing plant) and mobile machinery and vehicles (other mobile machinery), i.e., dump trucks, excavators and a dozer.

Tamala Limestone, consisting of limestone and sand (raw products), is extracted by mechanical excavation from the pit area defined by cells 20 m wide to a maximum of 1.25 m above the Australian Height Datum (m AHD). The raw products are stockpiled on a hardstand and crushed and screened at 200-300 m³ per day. This rate is determined by properties of that material, such as moisture content or hardness, and is limited by the crushing plant's capacity of 450 m³ per day. Stockpiling of material also allows wet material to dry prior to crushing. The product material is also stockpiled in the stockpile area ready for export.

The works approval and this licence regulate the material processing activity (i.e., crushing and screening of material) and does not regulate the extraction activity as it is regulated under the Development Approval granted by the City of Busselton (see section 3.1.1).

The applicant claims that as per the manufacturers operating manual, the crushing plant operates at 85 dB or less when a person is 12 m away. The other mobile machinery have broad band reversing alarms fitted and serviced in the form of 'squawkers'; replacing tonal reversing

beepers. A noise assessment was referred to DWER's Noise Branch where it was confirmed the noise produced from the premises was acceptable to nearby sensitive premises. The assessment noted that at wind speeds greater than 4 m/s (14.4 km per hour), sound propagation may be further enhanced, however background noise from the wind itself and from local vegetation is likely to be elevated and dominate the ambient noise levels.

The applicant claims surface water is not applicable to the site due to the high porosity of the limestone and sand with a thin sandy profile at the Premises absorbs surface water during normal rainfall events. Rainfall drains directly through the surficial sediments to the water table.

DWER expects hydrocarbons spills to be small (less than 1000 m³) as bulk fuel storage is not authorised. The applicant is to refer to the Environmental Protection (Unauthorised Discharges) Regulations 2004 for spills of this nature.

3. Other relevant approvals

3.1 Planning approval

On 12 June 2018, the City of Busselton (the City) issued a modified Development Approval DA16/0699.01 for the Extractive Industry and Crushing Facility (limestone) at the premises. Under the development approval, the extraction activity is approved to operate for five years from the decision date of the development approval (12 June 2018) or until 220,000 (m³) of limestone has been extracted. DWER notes that the 5 years has passed, however, the applicant has confirmed that approximately 160,000 m³, at an approximate rate of 2,750 m³ per month of material, has been extracted to date. Therefore, the applicant still has approval to extract a further 60,000 cubic m under their current development approval from the City (this has been confirmed by a City representative). The applicant expects extraction to be completed in January 2026 based on current market demand of 33,000 m³ per annum. The applicant has stated that crushing and screening of stockpiled materials may continue for as many as 50 working days after the final banked material has been extracted. Approximately 20,000 cubic m of material is also stockpiled for processing at the premises currently.

The applicant submitted a new development approval application (DA23/0190) to the City in 2023 for additional volume of limestone extraction to a depth of 0.049 m AHD and rehabilitating the site to a depth of 1.299 m AHD. This application was refused by the City.

Correspondence with the City has indicated that on Lot 3, where extraction and crushing and screening activities both occur, there have been complaints, investigations, directions notices and prosecutions relating to the site since the first development approval was issued in 2014. On 1 October 2020, the applicant submitted a survey dated 24 September 2020 to the City, as required by condition 5.17 of DA16/0699.01. The survey appeared to show excavation below 1.25 m AHD and water present in parts of the excavation area. Below are the two allegations and complaints, where it has resulted in prosecutions by the City:

- On 11 November 2020, due to the information contained in the survey submitted, the City attended Lot 3 with a licensed surveyor to conduct a survey over a portion of Lot 3 that was under extraction. The survey showed what appeared to be large pockets of water in the pit floor. The majority of the northern portion of the extraction area was below 1.0 m AHD, with a significant portion of that area (under 1.0 m AHD) under water. On 12 March 2021, the applicant pleaded guilty in the Magistrates Court to breaching condition 5.8 of DA16/0699.01 and was fined \$15,000.
- On 26 November 2021 the City re-visited the premises with a surveyor to conduct a survey over a portion of Lot 3 that was under extraction. In the north-western portion of the extraction area, the survey showed what appeared to be pockets of water in the pit floor, with the AHD levels in those areas showing readings of between -0.03 m AHD to 0.45 m AHD. The applicant was charged with breaching condition 5.8 of DA16/0699.01.

On 16 November 2023 the applicant was fined \$60,000. An appeal has been lodged against this prosecution.

3.2 Part V of the EP Act

3.2.1 Recent Works approval

On 14 July 2020, works approval W6387/2020/1, was issued by the department for category 70: Screening etc. of material for up to 35,000 tonnes per annum at the Premises. Works approval W6387/2020/1 required the submission of two reporting documents: an Environmental Compliance Report for construction compliance and a noise assessment during time limited operations. These reports were provided on 22 October 2024 and 26 March 2024 respectively. The noise assessment concluded that noise emissions comply with the daytime assigned noise levels outlined in the *Environmental Protection (Noise) Regulations 1997*, at the nearest sensitive receptors. Works approval W6387/2020/1 expired on 16 February 2023.

3.2.2 Compliance inspections and compliance history

The applicant failed to submit compliance documentation as required by works approval W6387/2020/1. These documents were noise monitoring results and compliance documentation for time limited operations approved under the works approval. The applicant claimed they had sought a noise consultant out a year prior and had raised concerns to DWER regarding distinguishing between mining and farming noise and did not receive an outcome. The department has since resolved the issue, advising the applicant to submit the required documents. As required, the noise monitoring report were received on 26 March 2024.

On 23 October 2023, the City of Busselton informed DWER of the dumping of demolition waste onto the premises. The City expressed concern of concrete reinforcement and potential asbestos causing contamination to the adjacent Wonnerup Conservation wetlands. The department is currently investigating the allegations and have contacted relevant parties for comment. Licence L9433/2024/1 does not authorise landfilling activities at the premises. Such activities must be applied for to undergo a risk assessment.

3.3 Rights in Water and Irrigation Act

On 1 February 2021, a licence to take water (GWL62779(8)), was issued to the applicant by the department for 240,000kL for use in horticulture and road construction purposes. Dust suppression is not an authorised use of this water. An application to amend the groundwater licence GWL62779(8) to include dust suppression activities for mining purposes, was submitted to DWER on 26 June 2024.

4. 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.

4.1 Source-pathways and receptors

4.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this decision report are detailed in Table 1 below. Table 1 also details

the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dust	Crushing of material, vehicle movements, lift off from stockpiles and/or stored product, earthworks etc.	Air/windborne	<p>Preventative Measures</p> <ul style="list-style-type: none"> • Programming work so that large sections of bare areas are not exposed at any one time, less than 2 hectares to be open / un-rehabilitated; • Use of water carts, sprinkler systems on stockpiles; • Limiting traffic to haul roads/definition of trafficable areas; • All trucks will be tarped (covered) when leaving the site laden; • Use of hydro seeding to stabilize areas that would otherwise be left bare for extended periods of time and pose a dust hazard; • Maintaining machinery in accordance with manufacturers specifications so that emissions would comply with the State Environment Protection Policy (The Air Environment); • Replacing old machinery when no longer operating efficiently; • Keeping dust suppression equipment on line for when it is needed; • Assessing whether dust-generating activities should be stopped in circumstances where preventative measures are not controlling the problem i.e. during periods of high wind speeds; <p>Measurement</p> <ul style="list-style-type: none"> • Dust Measurement is to be by observation of the site manager and by comment from affected residents. Review of enquiry/complaint register to assess whether target has been met; <p>Controls</p> <ul style="list-style-type: none"> • Use Water Cart or other means to keep tracks and work areas free of dust. • Ceasing operation during particularly windy periods; • Supervisors and key staff including

Emission	Sources	Potential pathways	Proposed controls
			<p>operators shall assess the risks associated with the pollution hazard, and take the necessary action from control measures above. Where a different type of pollution occurs, the Construction Manager shall be notified and new control measures developed, and passed onto the employees by Environmental Instructions through the toolbox meetings;</p> <ul style="list-style-type: none"> • All employees are encouraged to notify supervisors of incidents, or practices that cause pollution of any kind, to allow them to be adequately controlled; <p>Contingency arrangements:</p> <ul style="list-style-type: none"> • Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust suppression; • All areas of disturbed land should be stabilised to ensure that the disturbed area exposed at any time is kept to a practical minimum; <p>Monitoring requirements:</p> <ul style="list-style-type: none"> • Complaints management system in place (complaints recorded and acted on promptly); and • Notice to be erected at the site, providing contact details of the person to be contacted and works.
Noise			<ul style="list-style-type: none"> • Restriction of noise generating activities to 7 am - 5 pm Monday to Friday (excluding public holidays) and 7 am - 1 pm on Saturdays for rehabilitation works only (no extraction or crushing activities); • Internal traffic routes to be optimised to reduce vehicle reversing requirements to minimise noise associated with reversing alarms; • Regular maintenance of plant and machinery (logbooks and service records to be kept); • Identified noisy equipment to be removed or use discontinued until repaired or replaced with quieter alternatives, such as mufflers on exhausts; • Broad-band reversing, i.e., squawkers, fitted and serviced on mobile machinery

Emission	Sources	Potential pathways	Proposed controls
			and vehicles; <ul style="list-style-type: none"> • If wind conditions increase noise travel in the direction of the nearest residences, cease noise generating activities until weather conditions improve will be considered; • Education of employees and contractors through site inductions to raise awareness of noise management measures; • A noise complaint system will be put into place. Contact details for the site manager will be at the gate. Any complaints relating to noise will be recorded and action taken to resolve the issue.
Sediment laden stormwater	Stockpiles of feed and product materials	Overland runoff	<ul style="list-style-type: none"> • No controls proposed
Hydrocarbon spills and leaks	Hydraulic failure of crushing plant or other vehicles.	Seepage through the soil	<ul style="list-style-type: none"> • No hydrocarbons are stored on site and vehicles and equipment are refuelled by a tanker which visits the premises (sourced from a phone call on 17 September 2024). • Prevent any runoff into storm water drains - use the containment booms, located in the spill prevention kits, to confine small spillages (up to 200L). • Spills that cause or potentially threaten material harm must be notified to the relevant authorities • Clean up method will be dictated by the quantity spilled • Cleaning equipment (mops, squeegees etc.) for directing liquid spills into the bund or holding pits • Spill response kits for absorbing minor spills • Ensure that the spill area has been appropriately cleaned and is no longer a hazard.

4.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant’s employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2, Figure 1 and 2 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 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Residents	<p>Annual climate summary statistics indicate:</p> <ul style="list-style-type: none"> • 9 am prevailing wind direction is west; and • 3 pm prevailing wind direction is south-east. <p>All dwellings with the exception of Lot 9 on Diagram 51508 (north of premises) are within the annual 9 am prevailing wind direction (west of premises).</p> <p>Lot 23 on Diagram 85801</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.2 km west <p>Lot 22 on Diagram 85801</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.3 km west <p>Lot 20 on Plan 18664</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.4 km west <p>Lot 30 on Plan 3881</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.4 km west <p>Lot 35 on Plan 401181</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.6 km west <p>Lot 107 on Plan 407525</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.6 km west <p>Lot 106 on Plan 407525</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.7 km west <p>Lot 105 on Plan 407525</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.8 km west <p>Lot 34 on Plan 401181</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.4 km northwest <p>Lot 100 on Plan 63417</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.5 km northwest <p>Lot 101 on Plan 63417</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.5 km northwest <p>Lot 9 on Diagram 51508</p> <ul style="list-style-type: none"> • Residential dwelling: ~1.8 km north
Environmental receptors	Distance from prescribed activity
<p>RAMSAR wetland:</p> <ul style="list-style-type: none"> • Vasse-Wonnerup System (Wonnerup Estuary) 	<p>Wonnerup Estuary is 350 and 480 m west of the stockpile areas related to crushing and screening and directly adjacent to western Premises boundary. The Ludlow River catchment, located to the north and east, discharges into the Wonnerup Estuary prior to the estuary water entering the Geographe Bay.</p> <p>Tidal waters from the ocean flow in reverse and are managed by flood gates installed in the 1900's. The Wonnerup Estuary water level can therefore be below 0</p>

	m AHD during the summer and autumn months when the Ludlow River is not flowing.
Surface water lines	<p>No natural drainage flows through the premises although the Ludlow River channel passes through the north of Lot 3 prior to entering the estuary. This is 1.2 km north of the premises and crushing and screening activities. The high porosity of the surface lithologies of the proposed extractive industry site (limestone and sand) and a thin sandy soil profile, results in non-existent surface runoff during normal rainfall events. Rainfall (or excess irrigation) drains directly through the surficial sediments to the water table.</p> <p>Ruled out due to distance.</p>
<p>CALM Act 1984, parks and wildlife (DBCA) managed lands and waters:</p> <ul style="list-style-type: none"> • Ludlow State Forrest • Tuart Forrest National Park 	<p>Ludlow State Forrest is 180 m southeast from crushing and screening activities and immediately abuts the southeast premises boundary.</p> <p>Tuart Forrest National Park is 650 m south from screening and crushing operations and 130 m from southern site boundary.</p>
<p>Threatened ecological communities (TEC) (priority 3):</p> <ul style="list-style-type: none"> • Banskia dominated woodlands • Tuart Woodlands • Subtropical and temperate coastal saltmarsh 	<p>Three TECs are identified as either within or immediately surrounding the premises boundary as follows:</p> <ul style="list-style-type: none"> • Banskia dominated woodlands – endangered woodland located within, and immediately to the north, east and south of the Premises. • Tuart Woodlands – critically endangered woodlands located immediately to the north, east and south of the Premises. • Subtropical and temperate coastal saltmarsh – vulnerable marsh are located immediately to the west of the premises around the fringes of the Wonnerup Estuary.
<p>Environmentally Sensitive Areas (ESA) – clearing regulations</p>	<p>ESAs have clearing regulations associated with them. The premises is situated among three ESAs, with a further 2 immediately adjacent to the premises boundary (north, west and south).</p>
<p>Swan breeding areas (as advised by DBCA)</p>	<p>Adjacent to the site.</p>



Figure 1: Distance to sensitive human receptors

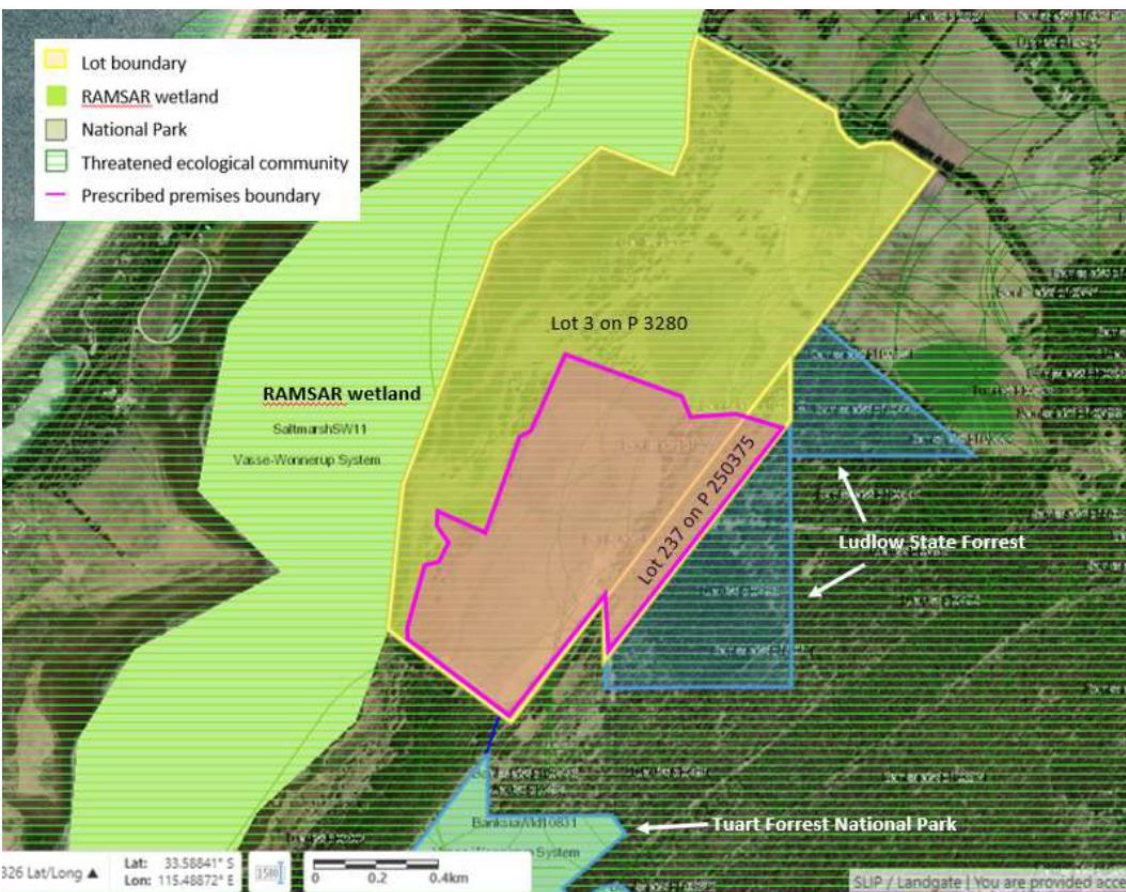


Figure 2: Distance to sensitive environmental receptors

4.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 4.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 4.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9433/2024/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. crushing and screening activities.

The conditions in the issued licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3: Risk assessment of potential emissions and discharges from the premises during operation

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls /comments
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Screening activities Crushing activities Unloading, loading and storage of material Vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Residents (nearest residential lot is 570 m west of premises boundary, within prevailing wind direction, however residential house is 1.2km from the premises).	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Conditions 1 - 4	The applicant's proposed controls are expected to be sufficient at mitigating dust emissions and will be included on the licence as regulatory controls. It is noted that the applicant's licence to take water (under the RIWI Act) does not allow the applicant to take water for dust suppression purposes, however it is noted that an amendment application has been made seeking approval for use of this water for dust suppression. In the interim the applicant has stated that they 'will utilise standpipe water purchased from Busselton Water in the event dust suppression is required'. One of the applicant's key proposed controls is the management of dust emissions with water by having a water cart on site. This has been conditioned within the licence to ensure a water cart is available at all times to manage dust emissions.
		Air/windborne pathway causing impacts to ecological health from dust deposition	TEC, fauna and environmentally sensitive areas on-site and adjacent to the site (RAMSAR wetlands and national parks (CALM Act 1984)).		C = Moderate L = Unlikely Medium Risk	Y	Conditions 1 - 4	Advice received for the premises works approval assessment from the Department of Biodiversity, Conservation and Attractions (DBCA) indicated there is no understorey for sensitive TECs and dust impacts are therefore considered to be minimal. It additionally mentions that current City of Busselton planning approval controls are sufficient for management of sensitive flora and fauna associated with the site, therefore no additional regulatory requirements for flora and fauna management will be included on the licence.

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls /comments
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Noise	Air/windborne pathway causing impacts to amenity of closest human receptors	Residents (nearest residential lot is 570 m west of premises boundary, within prevailing wind direction, however residential house is 1.2km from the premises).	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Conditions 1 and 5	<p>The applicant proposed operating hours have been conditioned within the licence.</p> <p>The works approval required a noise assessment to be carried out during time limited operations authorised under the works approval. The noise assessment has been carried out by Lloyd George Acoustic and consisted of the placement of four noise data loggers around the existing operations and using the data to determine if compliance with the assigned noise levels specified in the <i>Environmental Protection (Noise) Regulations 1997</i> is being achieved at the nearest noise sensitive receptors (1.2 km away).</p> <p>The noise assessment concluded that compliance with the assigned levels is being achieved during operations. The noise assessment was reviewed by the department's technical experts, and it was determined that the noise assessment was carried out appropriately and that the outcomes of the assessment can be relied upon.</p> <p>As a result of this assessment, it has been determined that no additional regulatory controls are required to be placed on the licence to manage noise emissions.</p>
	Sediment laden stormwater	Overland runoff causing impacts to onsite flora, surface water and threatened fauna from the increase of suspended solids into the environment.	TEC, fauna and environmentally sensitive areas on-site and adjacent to the site (RAMSAR wetlands and national parks (CALM Act 1984)).	N/A	C = Slight L = Unlikely Low Risk	N/A	Condition 1	Overland run-off is unlikely due to permeable local geology, whereby surface water will directly infiltrate through surface sediments to the shallow aquifer.

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls /comments
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Hydrocarbon spills / leaks	Seepage through soil and overland runoff	TEC, fauna and environmentally sensitive areas on-site and adjacent to the site (RAMSAR wetlands and national parks (CALM Act 1984)).	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	N/A	No hydrocarbons are stored on site and vehicles and equipment are refuelled by a tanker which visits the premises. Additional regulatory controls are not required. <i>The Environmental Protection (Unauthorised Discharges) Regulations 2004 apply.</i>

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

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

5. Consultation

Table 4 provides a summary of external consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 16 May 2024	None received.	N/A
City of Busselton advised of proposal on 24 April 2024	<p>On 17 July 2024, the City commented with the following:</p> <p>"Yes, the applicant is correct, the wording in the condition 1 of the development approval refers to 'or', as a result the approval is still valid until the amount of material has been extracted.</p> <p>The new development approval application (DA23/0190) sought approval for a further 5-year period to extract limestone to a depth of 0.049m AHD and rehabilitation of the site (to 1.299m AHD). The location of the proposed extraction area is mostly within an area of land that was previously approved for extraction under DA16/0699.01. Essentially, the application was to be able to dig to a greater depth. This application was refused by the City.</p> <p>The review of the decision to the tribunal was on a 'deemed refusal', the City did not determine the application within 90 days.</p> <p>The City also highlighted two prosecutions relevant to conditions 5.8 and 5.9 of the Development Approval addressed in section 3.1 of this Decision Report and confirmed that these are not related to noise or dust from the premises.</p>	DWER acknowledges the Development Approval is still valid and the prosecutions were not in relation to noise, dust, or other potential emissions on-site.
Community consultation, letters sent to 8 residential stakeholders associated with surrounding lots on date 17 May 2024	No submissions received.	N/A
Applicant was provided with draft documents on 18 September 2024	On 25 October 2024 the applicant replied stating that they have no major objections to the draft licence conditions. However, they stated that dust screens will not be used as a dust suppression measure given the set back from boundary fencing to crushing and screening operations and the vegetation	<p>Decision report and licence updated to remove reference of dust screens as a control and include provided Premises figure.</p> <p>Dust screens have been determined not to be</p>

	<p>buffer which acts in the same manner as measures such as shade cloth</p> <p>The primary dust suppression control will be via the use of a water cart which will be supplied using town water from standpipe.</p> <p>An updated figure of the premises was provided highlighting the location of the crushing and screening activities.</p>	<p>required as other dust controls are conditioned on the licence.</p>
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6. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

As outlined in section 3 of this report the applicant only has approval from the City of Busselton to extract an additional 60,000 m³ of limestone at the premises. The applicant has indicated that it will likely take until January 2026 to complete this and that processing of material through the crushing and screening plant may take a further 50 working days. The department recognises the importance of land use planning in the context of the delivery of appropriate public health and environmental outcomes and will have regard to the processes and views of other authorities in its decision-making process. The Department may also consider the duration of any planning approval when determining the duration of a licence to be granted (in accordance with the *Guidance Statement: Licence Duration*).

Consequently, the delegated officer has determined to grant the licence for a period of approximately 15 months only (expiry date set for 31 June 2026). This will allow the applicant to continue to process the final 60,000 m³ of material approved for extraction under the current development approval issued by the City of Busselton. The applicant may seek an amendment to the licence from DWER to extend its duration if and when it receives additional approval to continue extraction activities at the premises from the City of Busselton.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. Environmental Protection Authority (EPA) 2005, *Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses*, No. 3.
5. John Anthony Forrest 2023, *Licence (L9433/2024/1) application form and supporting documentation*, Perth, Western Australia.
6. John Anthony Forrest 2019, *Works Approval (W6387/2020/1) application form and supporting documentation*, Perth, Western Australia.