



## Application for Works Approval Amendment

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

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<b>Works Approval Number</b>	W6676/2022/1
<b>Works Approval Holder</b>	B & J Catalano Pty Ltd
<b>ACN</b>	008 961 975
<b>File Number</b>	DER2022/000075
<b>Premises</b>	B & J Catalano Pty Ltd Eatha Road CHITTERING WA 6084  Legal description - Part of Lot 42 on Deposited Plan 410794 Certificate of Title Volume 2929 Folio 44 As defined by the premises maps attached to the issued works approval
<b>Date of Report</b>	13 December 2022
<b>Decision</b>	Revised works approval granted

**A/MANAGER, RESOURCE INDUSTRIES  
REGULATORY SERVICES**

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

# 1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6676/2022/1. The amendments are administrative in nature therefore they do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The Revised Works Approval issued as a result of this amendment consolidates and supersedes the existing Works Approval previously granted in relation to the Premises.

## 2. Scope of assessment

### 2.1 Regulatory framework

In amending the works approval, 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 and Decision summary

Works Approval W6676/2022/1 is held by B & J Catalano Pty Ltd (Works Approval Holder) for the Premises located at part of Lot 42 on Deposited Plan 410794, Chittering.

The Premises relates to the Category 12 and the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Works Approval W6676/2022/1.

On 7 September 2022 an appeal was lodged with the Minister for Environment by the Works Approval Holder objecting to the conditions imposed on Works Approval W6676/2022/1. The appeal is in relation to the ambiguity of the wording of condition 7 regarding which stage of operation should noise verification monitoring be undertaken. The Works approval holder indicated that they believe that based on risk noise verification monitoring should only be required for stage 9 of operations and not for stage 10.

Upon further investigation into the intent behind condition 7 it has been determined that the condition wording is unclear, and that noise verification monitoring should only apply to stage 9 operations based on risk to noise sensitive receptors. To address the appeal by the Works Approval Holder and to rectify this issue it has been determined that a DWER initiated amendment will be undertaken to modify the wording of condition 7 to have noise verification monitoring only required for stage 9 operations.

The risk rating for noise emissions for stage 9 was identified as being 'medium' due to the distance to sensitive receptors (closest residential property is approximately 509m southeast of stage 9 operations) which justifies the need for noise verification monitoring to be undertaken during time limited operations phase in order to confirm noise emissions will comply with the assigned levels within the *Environmental Protection (Noise) Regulations 1997*.

It has been determined that the risk rating for the Stage 10 operations area is considered to be lower due to the greater distance to noise sensitive receptors (no residential properties within 1000m of the operating area). It is also noted that the Works Approval Holder has proposed a campaign basis operation and is expecting to only undertake 1 week of screening activities a year within the stage 10 operating area. This further lowers the risk of noise emissions impacting sensitive receptors.

Based on the above information the risk of impact from noise emissions on nearby receptors for stage 10 is considered low and therefore noise verification monitoring is not required during time limited operation of Stage 10. DWER has modified the wording of condition 7 of W6676/2022/1 to apply to the Stage 9 operating area only.

### 3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 30 November 2022. The Works Approval Holder notified the Department on 1 December 2022 that they wish to waive the consultation period with no further comments made.

### 4. Conclusion

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

#### 4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised works approval as part of the amendment process.

**Table 1: Summary of works approval amendments**

Condition no.	Proposed amendments
Works Approval History table	Updated Table to include this works approval amendment.
Condition 7	Updated the wording of Condition 7(a) to specify that the Works Approval Holder must undertake noise verification monitoring from the stage 9 operating area only
Definitions	Definitions added: 'Stage 9 operating area'