



Environmental Protection Act 1986

Hon Reece Whitby MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST AMENDMENT OF LICENCE L9113/2018/1 SHENTON RIDGE HARD ROCK QUARRY, LOT 501 COALFIELDS ROAD, ROELANDS

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(b) of the *Environmental Protection Act 1986* in objection to the amendment of the above licence. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Dr Jorg Krone
Licence holder:	B & J Catalano Pty Ltd
Proposal description:	Crushing and screening activities associated with a quarry
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	12 April 2022

REASONS FOR MINISTER'S DECISION

An appeal was received from Dr Jorg Krone objecting to the amendment of the licence issued by the Department of Water and Environmental Regulation (DWER) in relation to the above premises.

The amended licence authorises an increase in the production capacity, extension of the licence duration to September 2033, extension of the materials stockpile area, construction of a bund and changes to the management of stormwater.

The appeal related to the increase in production capacity from 100,000 to 350,000 tonnes per annum (tpa), which the appellant considered was inconsistent with the State Administrative Tribunal (SAT) final order relevant to the site. The appellant sought for the production capacity to remain at 100,000 tpa.

Decision

After considering the information available, including advice from the Shire of Harvey, DWER's response to the appeal and the Appeals Convenor's report, the Minister agreed with the Appeals Convenor that DWER was not constrained by planning approvals in making its

decision to amend the licence under the *Environmental Protection Act 1986* (the Act). However, the Minister noted that DWER consulted with the Shire of Harvey in relation to the licence amendment, and the Shire advised that the SAT decision does not constrain the production capacity to 100,000 tpa. It follows that the Minister dismissed the appeal.

Production capacity

The licence amendment increased the production capacity limit from 100,000 tpa to 350,000 tpa. The Minister understood that the appellant objected to the increase on the basis it is inconsistent with the SAT final order, which the appellant considers protects the land and wellbeing of the neighbours and their properties.

DWER advised that there are no provisions under Part V Division 3 of the Act that constrain its decision-making for licences such that they must wait for or align with planning and development approvals.

In any event, the Minister noted that both DWER and the Appeals Convenor consulted with the Shire of Harvey on the licence amendment, and the Shire advised that the increase in production was consistent with the SAT Approval.

Noting the Shire's advice that changes to the stockpile area will require an application to amend the approved site plan, the licence holder will need to consider its obligations accordingly. The decision of DWER to approve an expansion of the premises boundary does not remove any requirements for the licence holder to obtain other required approvals.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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