

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Limestone Quarry Lot 1794 Finn Rd, Myalup

Proposal location: Approximately 20 km north-west of the Harvey town centre

CMS number: APP-0025390

Date referral received: 02-06-2024 **Date more information received:** 10-09-2024

Referrer: Third-party individual **Proponent:** GM Giacci Family Trust

Potential significant effects:

There are potential impacts on: inland waters and terrestrial environmental quality, including Lake Preston; social surroundings from noise and dust; flora and vegetation and terrestrial fauna.

Public comment on referral information:

Do not assess:	0
Assess: a) Referral information	0
b) Environmental review - no public review	0
c) Public environmental review	3
<i>Total submissions:</i>	3

Decision: s. 38G(1) – Not Assess

Summary of reasons pursuant to s. 38G(1)(c)

The EPA has decided not to assess the proposal because:

- The EPA considers that the likely environmental effects of the proposal can be mitigated by statutory decision-making processes to achieve consistency with the EPA's factor objectives.
- The EPA's decision has been made on the basis of the proponent implementing the proposal in accordance with the Extractive Industries Licence A002307/EX/001. Changes to expected implementation content and/or management which are likely to result in significant environmental effects have not been considered as part of the decision for this proposal and may result in a new referral being required for that different proposal.
- The proposal avoids potential impacts to groundwater and Lake Preston, a component of the Peel-Yalgorup System, through mining at least 5 m above the water table and no groundwater abstraction.
- The proposal requires no clearing of native vegetation and potential indirect impacts to adjacent remnant native vegetation on the road verge will be mitigated.
- Dust and noise emissions from the project are unlikely to impact social surroundings and air quality due to the distance of the proposal from sensitive receptors and mitigation through statutory decision-making processes.
- The EPA considered cumulative impacts of the proposal with other basic raw material extraction operations within 2 kilometres of the proposal. It considers the small scale of the proposal, distance to sensitive receptors and regulation under other decision-making processes means the proposal is unlikely to contribute to cumulative impacts which undermine achievement of EPA objectives.

- The EPA does not consider that the proposal impacts will combine or interact in a holistic way which requires assessment by the EPA.

Public advice

The EPA publishes the following public advice for the benefit of other decision-making authorities to ensure that their statutory decision-making processes achieve and assure environmental outcomes consistent with the EPA's environmental factor objectives:

- The proposal is subject to an extractive industry development approval under the *Planning and Development Act 2005* (PD Act) and an extractive industry licence under the *Extractive Industries Local Law 2017*. The EPA considers that some of the potential impacts and management measures can be dealt with through the Shire of Harvey statutory decision-making processes and provide the following recommendations:
 - Ensure compliance with the extractive industry licence conditions, including restriction of the maximum depth of extraction and separation distances to groundwater.
 - Ensure compliance with establishment of a demarcation barrier 10m from the outer canopies of trees.
 - Implement the Works and Excavation Plan, Dieback Management Plan, Weed Management Plan, Dust and Water Management Plans and Rehabilitation Plan.
- The works approval and licensing process under Part V Division 3 of the EP Act process can manage potential impacts and the following advice is provided for consideration:
 - Management of stormwater will maintain the quality of soils, groundwater and surface water to protect native vegetation, wetlands, fauna and other water users from adverse impacts
 - Minimisation and management of the project's dust and noise emissions will ensure no unreasonable interference with the health, welfare, convenience and comfort of surrounding residents.

Material information considered by the EPA in this decision

The EPA has considered the following material information in making its decision:

- Referral (2/06/2024)
- Referral supporting documentation (06/2005 - 02/06/2024)
- Information from two agencies about their statutory decision-making processes
- Supporting documentation for the works approval application and extractive industries licence.
- Extractive industries licence for Lot 1794 Finn Road, Myalup (09/04/2024)
- EP Act s 3, s 4 and Part IV, Admin Procedures, EPA factor and technical guidance

Appeals: There are no rights of appeal under the EP Act in respect of this decision.



Darren Walsh

CHAIR

Delegate of the Environmental Protection Authority

Date: 29 January 2025