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Statement No. 1232

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED**  
***(Environmental Protection Act 1986)***

LIMESTONE QUARRY, LOT 4 BINNINGUP ROAD, BINNINGUP

**Proposal:** The proposal is to construct and operate a limestone quarry located approximately one kilometre north-west of Binningup.

**Proponent:** The GM Giacci Family Trust t/a  
MGM Bulk Pty Ltd  
Australian Company Number 34 165 448 920

**Proponent address:** 26 Stirling Street, BUNBURY WA 6230

**Assessment number:** 2300

**Report of the Environmental Protection Authority:** 1758

**Introduction:** Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal entitled Limestone Quarry, Lot 4 Binningup Road, Binningup described in the 'Proposal Content Document' submitted on 24 January 2024, may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

**Conditions and procedures**

**Part A: Proposal extent**

**Part B: Environmental outcomes, prescriptions and objectives**

**Part C: Environmental management plans and monitoring**

**Part D: Compliance and other conditions**

## PART A: PROPOSAL EXTENT

### A1 Limitations and Extent of Proposal

A1-1 The proponent must ensure that the proposal is implemented in such a manner that the following limitations or maximum extents are not exceeded:

Proposal element	Location	Maximum extent
Physical elements		
Development envelope	Figure 1	Disturbance of up to 26 hectares within the development envelope. No clearing of native vegetation.
Operational elements		
Production capacity	Up to 80,000 tonnes per year.	
Quarry and associated infrastructure	Quarry operations and infrastructure including loader, mobile crusher plant and mobile screening plants.	
Active excavation	No more than 4 hectares at any time.	
Hours of operation	07:00 – 18:00 Monday to Friday (excluding public holidays) 07:00 – 12:00 Saturdays.	
Timing elements		
Mine life	Up to 5 years.	

## **PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES**

### **B1 Noise**

B1-1 The proponent must ensure the implementation of the proposal achieves the following environmental outcomes :

- (1) establish bunding of at least four (4) metres in height around the crushing and screening plant; and
- (2) comply with the assigned noise levels in the **Noise regulations** within fifteen (15) metres of any **noise sensitive premises** within one kilometre from the development envelope; or
- (3) comply with the assigned noise levels in the **Noise regulations** at any **noise sensitive premises** within one kilometre from the development envelope where the proponent and the owner and any occupier of that premises has written agreement to do so.

B1-2 The proponent must review and update the **Noise Management Plan** that demonstrates how the achievement of the environmental outcome in condition B1-1 will be monitored, substantiated and satisfies the requirements of conditions C4 and submit it to the **CEO**.

### **B2 Air Quality**

B2-1 The proponent must ensure the implementation of the proposal achieves the following environmental outcome:

- (1) ensure dust emissions from activities undertaken in implementing the proposal do not exceed the following levels at any residential premises within one kilometre from the development envelope:
  - (a) forty-six (46) micrograms per cubic metre of particulate matter smaller than ten (10) microns over a twenty-four (24) hour average at **ambient conditions**.
  - (b) Less than five (5) percent total limestone concentration in any six-month period determined through on-site sampling.

B2-2 The proponent must review and update the **Dust Management Plan** that demonstrates how the achievement of the environmental objective in condition B2-1 will be monitored, substantiated and satisfies the requirements of conditions C4 and submit it to the **CEO**.

## **PART C – ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING**

### **C1 Environmental Management Plans: Conditions Related to Commencement of Implementation of the Proposal**

C1-1 The proponent must not undertake:

- (1) **ground disturbing activities** until the **CEO** has confirmed in writing that the environmental management plans required by conditions B1-2 and B2-2, meets the requirements of that condition and condition C4;

### **C2 Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication**

C2-1 Upon being required to implement an environmental management plan under Part B, or after receiving notice in writing from the **CEO** under condition C1-1 that the environmental management plans required in Part B satisfies the relevant requirements, the proponent must:

- (1) implement the most recent version of the **confirmed** environmental management plans; and
- (2) continue to implement the **confirmed** environmental management plans referred to in condition C2-1(1), other than for any period which the **CEO** confirms by notice in writing that it has been demonstrated that the relevant requirements for the environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.

C2-2 The proponent:

- (1) may review and revise a **confirmed** environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan;
- (2) must review and revise a **confirmed** environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO**; and
- (3) must revise and submit to the **CEO** the **confirmed** Environmental Management Plan if there is a material risk that the outcomes or objectives it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.

- C2-3 Despite condition C2-1, but subject to conditions C2-4 and C2-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-4 If the proponent is to implement minor revisions to an environmental management plan under condition C2-3, the proponent must provide the **CEO** with the following at least twenty (20) business days before it implements the revisions:
- (1) the revised environmental management plan clearly showing the minor revisions;
  - (2) an explanation of and justification for the minor revisions; and
  - (3) an explanation of why the minor revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-5 The proponent must cease to implement any revisions which the **CEO** notifies the proponent (at any time) in writing may not be implemented.
- C2-6 **Confirmed** environmental management plans, and any revised environmental management plans under condition C2-4(1), must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

### **C3 Conditions Related to Monitoring**

- C3-1 The proponent must undertake monitoring capable of:
- (1) substantiating whether the proposal limitations and extents in Part A are exceeded; and
  - (2) **detecting** and substantiating whether the environmental outcomes identified in Part B are achieved (excluding any environmental outcomes in Part B where an environmental management plan is expressly required to monitor achievement of that outcome).
- C3-2 The proponent must submit as part of the Compliance Assessment Report required by condition D2, a compliance monitoring report that:
- (1) outlines the monitoring that was undertaken during the implementation of the proposal;

- (2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded;
- (3) for any environmental outcomes to which condition C3-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** whether the environmental outcomes in Part B are met;
- (4) outlines the results of the monitoring;
- (5) reports whether the proposal limitations and extents in Part A were exceeded and (for any environmental outcomes to which condition C3-1 (2) applies) whether the environmental outcomes in Part B were achieved, based on analysis of the results of the monitoring; and
- (6) reports any actions taken by the proponent to remediate any potential non-compliance.

#### **C4 Environmental Management Plans: Conditions Relating to Monitoring and Adaptive Management for Outcomes Based Conditions**

C4-1 The environmental management plans required under condition B1-2 and condition B2-2 must contain provisions which enable the substantiation of whether the relevant outcomes of those conditions are met, and must include:

- (1) **threshold criteria** that provide a limit beyond which the environmental outcomes are not achieved;
- (2) **trigger criteria** that will provide an early warning that the environmental outcomes are not likely to be met;
- (3) monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to measure **threshold criteria** and **trigger criteria**. Include methodology for determining alternate monitoring sites as a contingency if proposed sites are not suitable in the future;
- (4) baseline data;
- (5) data collection and analysis methodologies;
- (6) adaptive management methodology;
- (7) **contingency measures** which will be implemented if **threshold criteria** or **trigger criteria** are not met; and
- (8) reporting requirements.

C4-2 The environmental management plans required under conditions B1-2 and B2-2 are also required to include:

- (1) Real time monitoring at the nearest sensitive receptor.
- (2) Staging of the extraction which considers potential residential developments constructed during the **operational** phase of the proposal.
- (3) **Contingency measures** including, but not limited to a reduction or cessation of activities when the **trigger criteria** included in condition C4-1(3) are exceeded.
- (4) A schedule for review and revision that implements real time monitoring at **occupation** of any residences at Lot 9005 Lakes Parade, Binningup within one kilometre from the development envelope during the **operational** phase of the proposal.

C4-3 Without limiting condition C3-1, failure to achieve an environmental outcome, or the exceedance of a **threshold criteria**, regardless of whether threshold **contingency measures** have been or are being implemented, represents a non-compliance with these conditions.

## **PART D – COMPLIANCE, TIME LIMITS, AUDITS AND OTHER CONDITIONS**

### **D1 Non-compliance Reporting**

**D1-1** If the proponent becomes aware of a potential non-compliance, the proponent must:

- (1) report this to the **CEO** within seven (7) days;
- (2) implement **contingency measures**;
- (3) investigate the cause;
- (4) investigate environmental impacts;
- (5) advise rectification measures to be implemented;
- (6) advise any other measures to be implemented to ensure no further impact;
- (7) advise timeframe in which contingency, rectification and other measure have and/or will be implemented; and
- (8) provide a report to the **CEO** within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions D1-1(1) to D1-1(6) above.

**D1-2** Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the **contingency measures**, rectification or other measures in condition D1-1 above have been or are being implemented.

### **D2 Compliance Reporting**

**D2-1** The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

**D2-2** Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent reports must be submitted annually from that date.

**D2-3** Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

**D2-4** Each annual Compliance Assessment Report must:



- (1) state whether each condition of this Statement has been complied with, including:
  - (a) exceedance of any proposal limits and extents;
  - (b) achievement of environmental outcomes;
  - (c) achievement of environmental objectives;
  - (d) requirements to implement the content of environmental management plans;
  - (e) monitoring requirements;
  - (f) implement **contingency measures**;
  - (g) requirements to implement adaptive management; and
  - (h) reporting requirements;
- (2) include the results of any monitoring (inclusive of any raw data) that has been required under Part C in order to demonstrate that the limits in Part A, and any outcomes or any objectives are being met;
- (3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;
- (4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
- (5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation; and
- (6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the **CEO** has confirmed by notice in writing satisfies the relevant requirements of Part C and Part D.

D2-5 The proponent must prepare a Compliance Assessment Plan which is submitted to the **CEO** at least six (6) months prior to the first Compliance Assessment Report required by condition D2-2, or prior to implementation of the proposal, whichever is sooner.

D2-6 The Compliance Assessment Plan must include:

- (1) what, when and how information will be collected and recorded to assess compliance;
- (2) the methods which will be used to assess compliance;

- (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;
- (4) the retention of compliance assessments;
- (5) the table of contents of Compliance Assessment Reports, including audit tables; and
- (6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

### **D3 Contact Details**

D3-1 The proponent must notify the **CEO** of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

### **D4 Time Limit for Proposal Implementation**

D4-1 The proposal must be substantially commenced within one (1) year from the date of this Statement.

D4-2 The proponent must provide to the **CEO** documentary evidence demonstrating that they have complied with condition D4-1 no later than fourteen (14) days after the expiration of period specified in condition D4-1.

D4-3 If the proposal has not been substantially commenced within the period specified in condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period.

### **D5 Public Availability of Data**

D5-1 Subject to condition D5-2, within a reasonable time period approved by the **CEO** upon the issue of this Statement and for the remainder of the life of the proposal, the proponent must make publicly available, in a manner approved by the **CEO**, all validated environmental data collected before and after the date of this Statement relevant to the proposal (including sampling design, sampling methodologies, monitoring and other empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

D5-2 If:

- (1) any data referred to in condition D5-1 contains trade secrets; or

- (2) any data referred to in condition D5-1 contains particulars of confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

the proponent may submit a request for approval from the **CEO** to not make this data publicly available and the **CEO** may agree to such a request if the **CEO** is satisfied that the data meets the above criteria.

- D5-3 In making such a request the proponent must provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

## **D6 Independent Audit**

- D6-1 The proponent must arrange for an independent audit of compliance with the conditions of this statement, including achievement of the environmental outcomes and/or the environmental objectives and/ or environmental performance with the conditions of this statement, as and when directed by the **CEO**.

- D6-2 The independent audit must be carried out by a person with appropriate qualifications who is nominated or approved by the **CEO** to undertake the audit under condition D6-1.

- D6-3 The proponent must submit the independent audit report with the Compliance Assessment Report required by condition D2, or at any time as and when directed in writing by the **CEO**. The audit report is to be supported by credible evidence to substantiate its findings.

- D6-4 The independent audit report required by condition D6-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the **CEO**.

[signed on 20 November 2024]

Hon Reece Whitby MLA  
**MINISTER FOR ENVIRONMENT; CLIMATE ACTION**

<b>Key decision-making authorities consulted under section 45(2):</b>
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Minister for Water
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**Table 1: Abbreviations and definitions**

Acronym or abbreviation	Definition or term
<b>Adverse impact</b>	Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in environmental value. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal.
<b>Ambient conditions</b>	25 degrees Celsius, 101.325 kilopascals.
<b>Detecting</b>	The smallest statistically discernible effect size that can be achieved with a monitoring strategy designed to achieve a statistical power value of at least 0.8 or an alternative value as determined by the <b>CEO</b> .
<b>CEO</b>	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or the <b>CEO's</b> delegate.
<b>Confirmed</b>	<p>In relation to a plan required to be made and submitted to the <b>CEO</b>, means, at the relevant time, the plan that the <b>CEO</b> confirmed, by notice in writing, meets the requirements of the relevant condition.</p> <p>In relation to a plan required to be implemented without the need to be first submitted to the <b>CEO</b>, means that plan until it is revised, and then means, at the relevant time, the plan that the <b>CEO</b> confirmed, by notice in writing, meets the requirements of the relevant condition.</p>
<b>Contingency measures</b>	Planned actions for implementation if it is identified that an environmental outcome, environmental objective, threshold criteria or <b>management target</b> are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance or <b>adverse impacts</b> to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, management target and to ensure that the environmental outcome and/or objective can be met.
<b>Dust Management Plan</b>	<i>Lot 4 Binningup Road, Binningup Dust Monitoring and Management Plan November 2020</i>
<b>Ground disturbing activities</b>	Any activity or activities undertaken in the implementation of the proposal, including any clearing, civil works or construction.
<b>Management action</b>	The identified actions implemented with the intent of to achieving the environmental objective.

<b>Management target</b>	A type of indicator to evaluate whether an environmental objective is being achieved.
<b>Noise Management Plan</b>	<i>Lot 4 Binningup Road, Binningup Noise Management Plan October 2020</i>
<b>Noise regulations</b>	<i>Environmental Protection (Noise) Regulations 1997</i>
<b>Noise sensitive premises</b>	Has the same meaning as defined by regulation 2(1) of the <i>Environmental Protection (Noise) Regulations 1997</i> .
<b>Occupation/ Occupier/</b>	Used as a residence by property owner or tenant.
<b>Operational</b>	Phase by which material is actively extracted from within the development envelope.
<b>Trigger criteria</b>	Indicators that have been selected for monitoring to provide a warning that, if exceeded, the environmental outcome may not be achieved. They are intended to forewarn of the approach of the threshold criteria and trigger response actions.
<b>Threshold criteria</b>	The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met.

### Figures (attached)

Figure 1 Limestone quarry, Lot 4 Binningup Road, Binningup (This figure/map is a representation of the co-ordinates referenced in Schedule 1)



**Figure 1 Limestone quarry, Lot 4 Binningup Road, Binningup development envelope**

## Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 2020 (GDA20).

Spatial data depicting the figures are held by the Department of Water and Environmental regulation. Record no. DWERDT359994.