



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL IN OBJECTION TO AMENDMENT OF LICENCE L8492/2010/2 REDGATE HOLDINGS PTY LTD, REDGATE ROAD, REDGATE

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 former Department of Environment Regulation's (now Department of Water and Environmental Regulation) 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:	Lyndon and Christine Rowe
Licence Holder:	Redgate Holdings Pty Ltd
Proposal description:	Amendment of licence for the Redgate Lime Quarry
Minister's Decision:	The Minister allowed the appeal in part
Date of Decision:	12 October 2017

REASONS FOR MINISTER'S DECISION

Pursuant to section 106(1)(b) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the former Department of Environment Regulation (DER) (now Department of Water and Environmental Regulation (DWER)) on the matters raised in the appeal. The Minister was advised that the Office of the Appeals Convenor discussed the appeal with the appellants, and had also discussed the issues raised in the appeal with the licence holder and visited the premises.

After considering the appeal, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeal.

In summary, the appeal raised concerns in respect to fugitive dust emissions from the premises, most particularly in relation to the adequacy of air quality monitoring requirements specified in the amended licence. The Minister noted that the appellants sought for conditions relating to monitoring of fugitive dust to be modified to include a second dust monitor to be located on the northern boundary of the premises, and preferably that a third dust monitor be required and located on the eastern boundary of the premises, and for the location of dust monitors to be determined by DWER.

The Minister was advised that the licence amendment was initiated to improve dust management in response to complaints from neighbouring residents, and that dust management conditions were altered substantially from those of the previous licence.

The Minister noted that during the assessment, the former DER acknowledged there were some inaccuracies with respect to its understanding of the quarry operation, and that some of its conclusions on dust emissions were not justified. The Minister was advised that the initial risk assessment for fugitive dust emissions did not take into account a number of the licence holder's existing dust management measures, and incorrectly assumed that the quarry had expanded operations. Consequently, the former DER revised its risk assessment and applied regulatory controls which are proportionate to the level of risk that the quarry poses to public health and the environment.

In this regard, Condition 2 of the amended licence requires the licence holder to undertake a range of measures to control and manage the risks and potential impacts from fugitive dust emissions, including the use of water carts and sprays and ceasing quarry operations where dust management measures have not prevented dust lift off. The Minister also noted that Condition 3.1 (Dust monitoring) requires the licence holder to undertake continuous dust monitoring at the premises' western boundary near the closest residence during November to April each year, which must include an automated system to alert the quarry supervisor should trigger levels be exceeded so that appropriate action can be taken to avoid further exceedances.

In relation to the appellants' concerns that an additional dust monitor should be required on the northern boundary, the Minister was advised that on the available information, the inclusion of a monitoring requirement on the northern boundary of the premises was not justified.

In addition, the Minister noted that the amended licence requires the licence holder to implement a complaints management system, notify DWER in the event of any pollution incident, and maintain particular records and provide reports to DWER in relation to environmental performance. This will enable DWER to monitor the licence holder's compliance with the requirements of the licence. It is the Minister's expectation that DWER will respond to any failure by the licence holder to abide by the licence conditions in accordance with the requirements of the Act.

After considering all of the information presented with respect to the appeal, the Minister was of the view that dust emissions can be appropriately managed and regulated through the specifications of the licence. The Minister however allowed the appeal to the extent that Condition 3.1.1 (Dust monitoring) be amended to include a reference to the relevant Australian Standard for the siting of monitoring equipment in the manner recommended by the Appeals Convenor. DWER will give effect to these changes in accordance with section 110 of the Act.

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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