



Works Approval Number	W6093/2017/1
Works Approval Holder	B. & J. Catalano Pty Ltd
ACN	008 961 975
Registered business address	'Amd House' Unit 1 28-30 Wellington Street BUNBURY WA 6230
File Number	DER2017/001565
Duration	12/03/2018 to 11/03/2020
Date of issue	12/03/2018
Prescribed Premises	Category 12 – Screening etc. of material
Premises	Gale Road Quarry Lot 2682, 2683 and 2684 Gale Road KALLOORUP WA 6280 Part of Lot 2682 on Deposited Plan 203057 Certificate of Title Volume 1907 Folio 635 Part of Lot 2683 on Deposited Plan 203057 Certificate of Title Volume 1907 Folio 634 Part of Lot 2684 on Deposited Plan 203057 Certificate of Title Volume 205 Folio 86A As defined by the coordinates in Schedule 1

This Works Approval is granted to the Works Approval Holder, subject to the following conditions, on 12 March 2018, by:

Date signed: 12 March 2018

Tim Gentle

Manager Licensing (Resources Industries)

Regulatory Services (Environment)

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

Explanatory notes

These explanatory notes do not form part of this Works Approval.

Defined terms

Definition of terms used in this Works Approval can be found at the start of this Works Approval. Terms which are defined have the first letter of each word capitalised throughout this Works Approval.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986* (WA) (EP Act). The Department also monitors and audits compliance with licences and works approvals, takes enforcement action and develops and implements licensing and industry regulation policy.

Works Approval

Section 52 of the EP Act provides that an occupier of any premises commits an offence if any work is undertaken on, or in relation to, the premises which causes the premises to become, or to become capable of being, Prescribed Premises, except in accordance with a works approval.

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered or permitted to be altered from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987* (WA) (EP Regulations).

This Works Approval does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to, the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Works Approval Holder to ensure that any action or activity referred to in this Works Approval is permitted by, and is carried out in compliance with, statutory requirements.

The Works Approval Holder must comply with the Works Approval. Contravening a Works Approval Condition is an offence under s.55 of the EP Act.

Responsibilities of Works Approval Holder

Separate to the requirements of this Works Approval, general obligations of Works Approval Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Works Approval Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under s.61; and

- restrictions on making certain changes to Prescribed Premises unless the changes are in accordance with a Works Approval, Licence, closure notice or environmental protection notice (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Works Approval Holder has a duty to report to the Department all Discharges of Waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Works Approval Holder commits an offence if Emissions are caused, or altered, from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a closure notice or an environmental protection notice.

Defences to certain offences may be available to a Works Approval Holder and these are set out in the EP Act. Section 74A(b)(iii) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Works Approval Holder can prove that an Emission or Discharge occurred in accordance with a Works Approval.

This Works Approval specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The specified and general Emissions and Discharges from the Works authorised through this Works Approval are authorised to be conducted in accordance with the Conditions of this Works Approval.

Amendment of Works Approval

The Works Approval Holder can apply to amend the Conditions of this Works Approval under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Works Approval at any time on the initiative

of the CEO without an application being made.

[Duration of Works Approval](#)

The Works Approval will remain in force for the duration set out on the first page of this Works Approval or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

[Suspension or revocation](#)

The CEO may suspend or revoke this Works Approval in accordance with s.59A of the EP Act.

Definitions and interpretation

Definitions

In this Works Approval, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
Books	has the same meaning given to that term under the EP Act.
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
Condition	means a condition to which this Works Approval is subject under s.62 of the EP Act.
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Works Approval Holder in writing and sent to the Works Approval's address for notifications, as described at the front of this Works Approval, in relation to: (a) compliance with the EP Act or this Works Approval; (b) the Books or other sources of information maintained in accordance with this Works Approval; or (c) the Books or other sources of information relating to Emissions from the Premises.
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation
Emission	has the same meaning given to that term under the EP Act.
Environmental Harm	has the same meaning given to that term under the EP Act.
EP Act	means the <i>Environmental Protection Act 1986</i> (WA).
EP Regulations	means the <i>Environmental Protection Regulations 1987</i> (WA).
Implementation Agreement or Decision	has the same meaning given to that term under the EP Act.

Term	Definition
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Works Approval applies, as specified at the front of this Works Approval and as shown on the map in Schedule 1 to this Works Approval.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Reportable Event	means an exceedance above the target limit specified in Column 4 of Table 6, in Schedule 3.
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.
Works	refers to the Works described in Schedule 2, at the locations shown in Schedule 1 of this Works Approval to be carried out at the Premises, subject to the Conditions.
Works Approval	refers to this document, which evidences the grant of the works approval by the CEO under s.54 of the EP Act, subject to the Conditions.
Works Approval Holder	refers to the occupier of the Premises being the person to whom this Works Approval has been granted, as specified at the front of this Works Approval.

Interpretation

In this Works Approval:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Works Approval means the version of the standard, guideline or code of practice in force at the time of granting of this Works Approval and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Works Approval; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Infrastructure and equipment

1. The Works Approval Holder must install and undertake the Works for the infrastructure and equipment:
 - (a) specified in Column 1;
 - (b) to the requirements specified in Column 2; and
 - (c) at the location specified in Column 3 of Table 2 below.
2. The Works Approval Holder must not depart from the requirements specified in Column 2 of Table 2 except:
 - (a) where such departure does not increase risks to public health, public amenity or the environment; and
 - (b) all other Conditions in this Works Approval are still satisfied.
3. Subject to Condition 2, within 30 days of the completion of the Works specified in Column 1 of Table 2, the Works Approval Holder must provide to the CEO a compliance document with photographs confirming each item of infrastructure or component of infrastructure specified in Column 1 of Table 2 below has been constructed with no material defects and to the requirements specified in Column 2.
4. Where a departure from the requirements specified in Column 2 of Table 2 occurs and is of a type allowed by Condition 2, the Works Approval Holder must provide to the CEO a description of, and explanation for, the departure along with the certification required by Condition 2(b).

Table 2: Infrastructure and equipment requirements table

Column 1	Column 2	Column 3
Infrastructure/ Equipment	Requirements (design and construction)	Site plan reference
Crushing and Screening circuit	Consisting of a Parker 4230 Crusher and Finlay Screen 693 and Striker 25m Stacker or equivalent	At the location labelled 'Crusher sites' as shown in the Premises map in Schedule 1
Vehicles	D9 Bulldozer and Front End Loaders to be installed with croakers instead of reversing alarms	N/A

Emissions

5. The Works Approval Holder must not cause any Emissions from the Works authorised through this Works Approval except for specified Emissions and general Emissions described in Column 1 of Table 3, subject to the exclusions, limitations or requirements specified in Column 2, of Table 3.

Table 3: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Nil	Nil
General Emissions (excluding Specified Emissions)	
Emissions which arise from undertaking the Works set out in Schedule 2.	<p>Emissions excluded from General Emissions are:</p> <ul style="list-style-type: none"> • Unreasonable Emissions; or • Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or • Discharges of Waste in circumstances likely to cause Pollution; or • Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or • Emissions or Discharges which do not comply with an Approved Policy; or • Emissions or Discharges which do not comply with prescribed standard; or • Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or • Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.

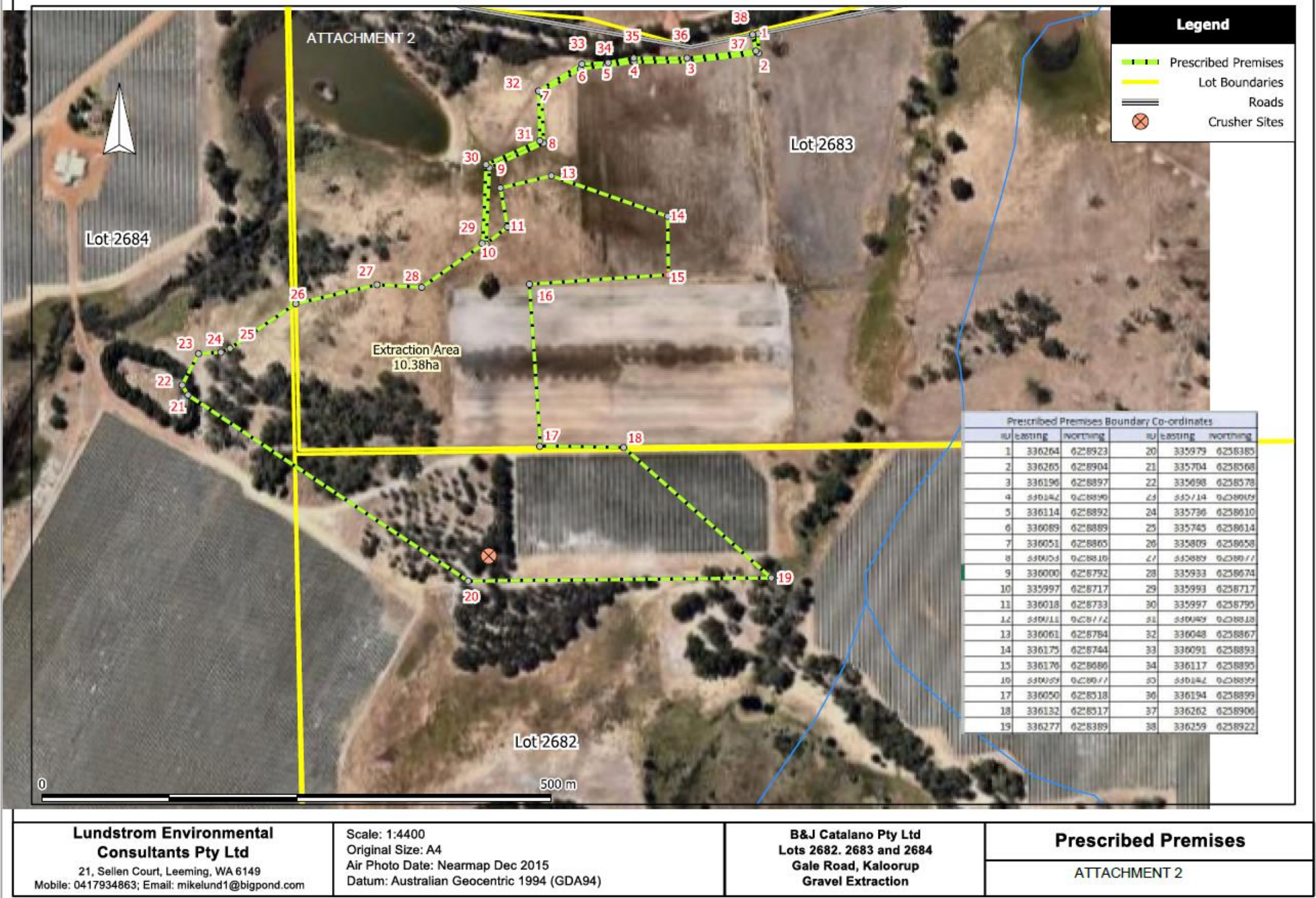
Record-keeping

6. The Works Approval Holder must maintain accurate Books including information, reports and data in relation to the Works and the Books must:
 - (a) be legible;
 - (b) if amended, be amended in such a ways that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) be retained for at least 3 years from the date the Books were made;
 - (d) be available to be produced to an Inspector or the CEO.
7. The Works Approval Holder must comply with a Department Request within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Schedule 1: Maps

Premises map

The Premises are shown in the map below.



Premises boundary

The Premises boundary is defined by the coordinates in Table 4.

Table 4: Premises boundary coordinates

Prescribed Premises Boundary Co-ordinates					
ID	Easting	Northing	ID	Easting	Northing
1	336264	6258923	20	335979	6258385
2	336265	6258904	21	335704	6258568
3	336196	6258897	22	335698	6258578
4	336142	6258896	23	335714	6258609
5	336114	6258892	24	335736	6258610
6	336089	6258889	25	335745	6258614
7	336051	6258865	26	335809	6258658
8	336053	6258816	27	335889	6258677
9	336000	6258792	28	335933	6258674
10	335997	6258717	29	335993	6258717
11	336018	6258733	30	335997	6258795
12	336011	6258772	31	336049	6258818
13	336061	6258784	32	336048	6258867
14	336175	6258744	33	336091	6258893
15	336176	6258686	34	336117	6258895
16	336039	6258677	35	336142	6258899
17	336050	6258518	36	336194	6258899
18	336132	6258517	37	336262	6258906
19	336277	6258389	38	336259	6258922

Schedule 2: Works

At the time of assessment, Emissions and Discharges from the Works listed in Table 5 were considered in the determination of the risk and related Conditions for the Works Approval.

Table 5: Authorised Works

Works	Specifications/Drawings
Installation and setup of crushing and screening circuit	<ul style="list-style-type: none">• Consisting of a Parker 4230 Crusher, Finlay Screen 693 and Striker 25m Stacker or equivalent.• Located at the 'Crusher Sites' as indicated in the Premises Map in Schedule 1

Site layout

The infrastructure and equipment are set out on the Premises in accordance with the site layout specified on the Premises map in Schedule 1.



Concurrent application for Works Approval and Licence

Division 3, Part V *Environmental Protection Act 1986*

Works Approval Number	W6093/2017/1
Applicant	B. & J. Catalano Pty Ltd
ACN	008 961 975
File Number	DER2017/001565
Premises	<p>Gale Road Quarry</p> <p>Lot 2682, 2683 and 2684 Gale Road KALLOORUP WA 6280</p> <p>Part of Lot 2682 on Deposited Plan 203057 Certificate of Title Volume 1907 Folio 635 Part of Lot 2683 on Deposited Plan 203057 Certificate of Title Volume 1907 Folio 634 Part of Lot 2684 on Deposited Plan 203057 Certificate of Title Volume 205 Folio 86A As defined by the coordinates in Schedule 1 of the Works Approval</p>
Date of Report	12 March 2018
Status of Report	Final

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1. Definitions of terms and acronyms

In this Decision Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Applicant	B. & J. Catalano
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
Decision Report	refers to this document.
Delegated Officer	an officer under section 20 of the EP Act.
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
m ³	cubic metres
Minister	the Minister responsible for the EP Act and associated regulations
NEPM	National Environmental Protection Measure
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997</i> (WA)
Occupier	has the same meaning given to that term under the EP Act.
PM	Particulate Matter
PM ₁₀	used to describe particulate matter that is smaller than 10 microns (µm) in diameter
Prescribed Premises	has the same meaning given to that term under the EP Act.

Term	Definition
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Risk Event	As described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

2. Purpose and scope of assessment

An Application for a works approval and licence (Application) was received from B & J Catalano Pty Ltd (Applicant) for a crushing and screening circuit on part of Lots 2682, 2683 and 2684 Gale Road, Koorup (the Premises).

This Decision Report presents an assessment of potential environmental and public health risks from emissions and discharges from the construction and operation of the Premises. As a result of this assessment, a Works Approval has been granted (Issued Works Approval) (Attachment 1).

2.1 Application details

The Application was received on 1 September 2017 from the Applicant for Prescribed Premises Category 12 to construct and operate a crushing and screening circuit.

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Document/information description	Date received
Application form and associated attachments	1 September 2017

3. Background

The Applicant is proposing to extract gravel from an area of 10.38ha, resulting in the extraction of approximately 73,000 cubic metres (131,000 tonnes) of material in total over a period of five years, dependant on demand. The crushing and screening circuit has a design capacity of 300 tonnes/hour.

The Applicant has been granted approval from the landowners to make applications for all the necessary licences and permits to access and clear native vegetation and extract gravel on the Premises.

Table 3 lists the Prescribed Premises Categories that have been applied for.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	Approved Premises production or design capacity or throughput
Category 12	Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	123,000 tonnes per year

4. Overview of Premises

4.1 Operational aspects

The Application states that working hours within the pit area, including crushing and transportation of materials will be restricted to the hours between:

- 07:00 to 17:00 Mondays to Fridays;
- 07:00 and 13:00 Saturdays for rehabilitation works only; and
- at no time on Sundays or public holidays.

Once all raw materials have been stockpiled, a crushing/screening unit will be deployed for a period of approximately six to eight weeks per year. At the end of this period, all material will be processed and ready for use. Trucks, as required, will enter and cart material out of the site over the remainder of the five year licence period.

4.2 Infrastructure

The Premises infrastructure as it relates to Category 12 activities are detailed in Table 4 and with reference to the Site Plan (Figure 1 below and attached in the Issued Works Approval).

Table 4 lists infrastructure associated with each Prescribed Premises Category.

Table 4: Premises Category 12 infrastructure

Infrastructure		Site Plan Reference
1.	Parker 4230 Crusher	Crusher Sites
2.	Finlay Screen 693	
3.	Striker 25m Stacker	
4.	D9 Bulldozer	N/A – Mobile equipment
5.	Cat 980 Front End Loader (FEL)	
6.	Cat 950 FEL	
7.	Standard Rigid Truck (14 tonnes)	
8.	Single Semi-loader (24 tonnes)	
9.	Water cart (12,000L capacity with spray bar and hose)	

4.3 Exclusions to the Premises

The extractive operations at the Premises are outside the scope of regulation under Prescribed Premises Category 12 and are managed under the City of Busselton Development Approval.

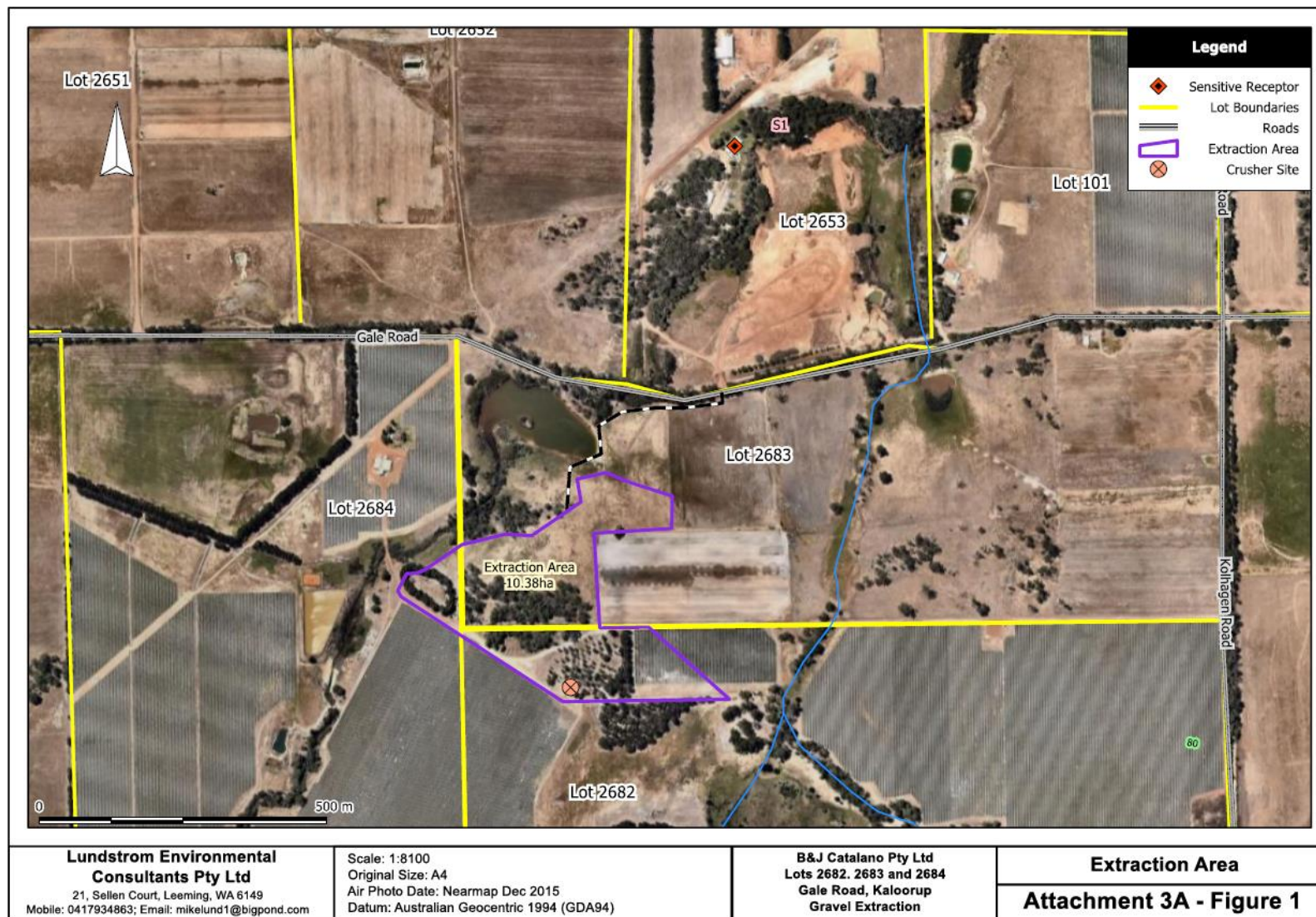


Figure 1. Site Plan

5. Legislative context

5.1 Contaminated sites

Lots 2682, 2683 and 2684 on Deposited Plan 203057 are not listed on DWER's contaminated sites database.

5.2 Other relevant approvals

5.2.1 Planning approvals

The City of Busselton granted development approval for Extractive Industry (Gravel) on 26 October 2016 (Development Approval). Key conditions of the Development Approval relevant to this assessment include:

- General condition 1 - *"The development approval is permitted to operate for five years from the date of this notice or until 72,100 cubic metres volume (123,000 tonnes) of material has been extracted, whichever is sooner. The site shall be rehabilitated in accordance with an approved Rehabilitation Plan by the expiry date of this development approval"*
- On-going condition 6.1 – *"The development approval shall be limited to: the extraction of gravel from the site; screening of material; crushing; associated drainage works; and rehabilitation works"*
- On-going condition 6.2 - *"Notwithstanding Condition 6.1 above, working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between: 7.00am and 5.00pm Mondays to Fridays; 7.00am and 1.00pm Saturdays for rehabilitation works only; and at no time on Sundays or public holidays."*

In addition to the above conditions, the Development Approval includes the following advice to applicant:

- *"No storage of hydrocarbons, fuel, coolants or lubricants on site;*
- *"On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean up equipment"; and*
- *"No major repairs or maintenance to take place on site".*

5.3 Part V of the EP Act

5.3.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations.

The guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

5.3.2 Works approval and licence history

There are no previous works approvals or licences for the Premises.

5.3.3 Clearing

Clearing Permit CPS 7184/1 has been issued to B & J Catalano Pty Ltd which authorises the clearing of not more than 1.8 hectares of native vegetation from Lots 2683 and 2682 on Deposited Plan 203057. The clearing of native vegetation is authorised until 24 June 2022.

6. Consultation

The Application was advertised in the West Australian newspaper and on the DWER website on 6 November 2017. The Application was also referred to the City of Busselton and the landowners on 8 November 2017.

The City of Busselton advised on 16 November 2017 that the City has granted Development Approval for the extraction of gravel at the site and the proposal is consistent with Local Planning Scheme No.21.

No further comments were received.

7. Location and siting

7.1 Siting context

The Premises is located within a portion of Lots 2682, 2683 and 2684 Gale Road in Kaloorup within the City of Busselton. The land and the surrounding area are zoned for agricultural use. The crushing and screening activities proposed in the Application will be located in the south-west of the proposed extraction area.

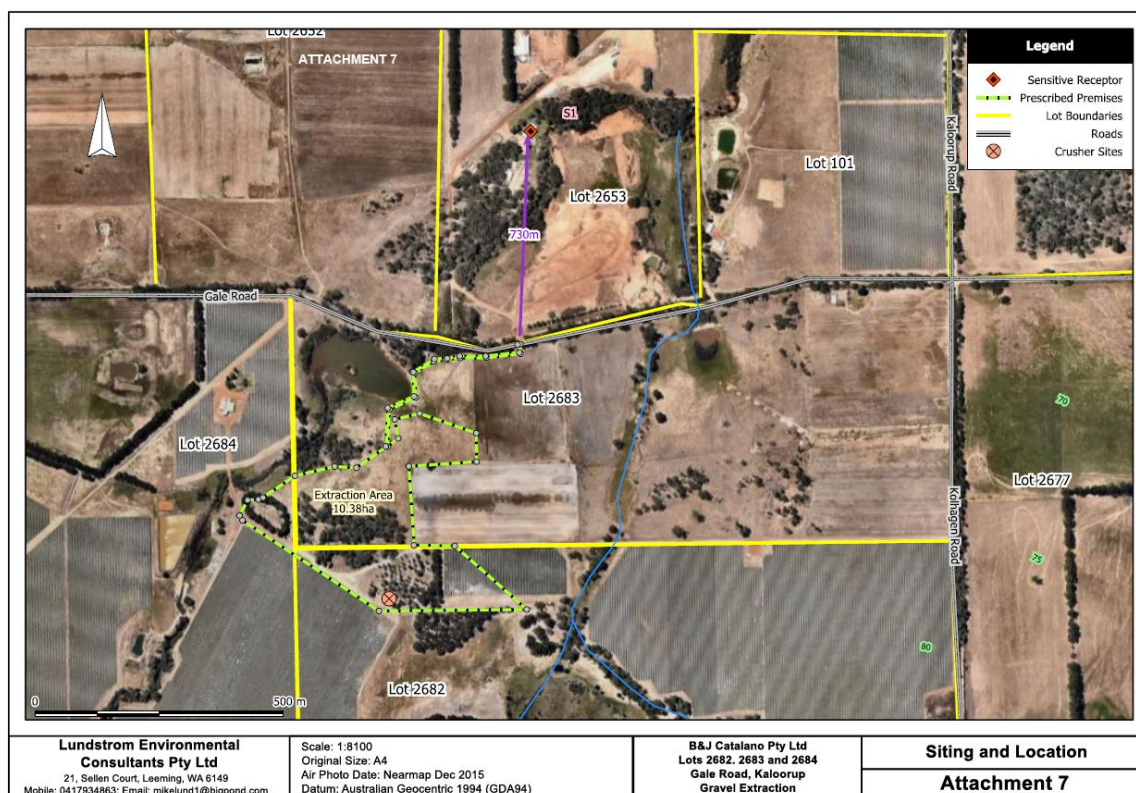


Figure 2. Premises location

7.2 Residential and sensitive Premises

The distances to residential and sensitive receptors are detailed in Table 5.

Table 5: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Residential Premises (Agricultural zoning)	<p>730m north-west of the Premises (approximately 960m from the crushing and screening activities)</p> <p>The Applicant has advised that this residence is located within the Leeuwin Civil gravel extraction operations.</p> <p>An additional receptor is located approximately 500m north-west of the Premises however the landowner also owns part of the land on which the Premises is situated and has provided signed authorisation to the Applicant to clear vegetation and extract gravel on their properties. As such, the Delegated Officer does not consider this property to be a receptor for the purposes of this assessment.</p>

7.3 Specified ecosystems

Specified ecosystems are areas of high conservation value and special significance that may be impacted as a result of activities at or Emissions and Discharges from the Premises. The distances to specified ecosystems are shown in Table 6. Table 6 also identifies the distances to other relevant ecosystem values which do not fit the definition of a specified ecosystem.

The table has also been modified to align with the *Guidance Statement: Environmental Siting*.

Table 6: Environmental values

Specified ecosystems	Distance from the Premises
Ramsar Sites in Western Australia	None within 2km of the Premises
Important wetlands – Western Australia	None within 2km of the Premises
Geomorphic Wetlands	None within 2km of the Premises
Significant Stream	Oronstone Gully located approximately 450m west to north-west of the crushing and screening activities
Department of Biodiversity, Conservation and Attractions Managed Lands and Waters	<p>Blackwood State Forest located approximately 380m south and south-east of the crushing and screening activities</p> <p>Nature Reserve approximately 1,500m north-west of the crushing and screening activities</p>
Bush Forever: Regional open space or proposed regional open space	None within 2km of the Premises
Regional Parks	None within 2km of the Premises
Threatened Ecological Communities and Priority Ecological Communities	<p>Approximately 700m south-east of the crushing and screening activities (Plant community)</p> <p>Approximately 900m south to south-west of the crushing and screening activities (Plant community)</p>

Biological component	Distance from the Premises
Threatened/Priority Flora	<p>Priority 3 flora located approximately 1,000m north-west of the crushing and screening activities</p> <p>Threatened and Priority 3 flora located approximately 1,100m south-east of the crushing and screening activities</p> <p>Priority 1 and Priority 3 threatened flora located approximately 1,300m south to south-west of the crushing and screening activities</p>
Threatened/Priority Fauna	None within 2km of the Premises

7.4 Groundwater and water sources

The distances to groundwater and water sources are shown in Table 7.

Table 7: Groundwater and water sources

Groundwater and water sources	Distance from Premises	Environmental value
Public drinking water source areas	None within 2km of the Premises	N/A
Major watercourses/waterbodies	None within 2km of the Premises	N/A

7.5 Soil type

The Premises is located on the Swan Coastal Plain with soils expected to consist of ironstone gravels.

A small part of the north of the Premises is identified as being at moderate to low risk of acid sulfate soils.

7.6 Other site characteristics

The Application notes that the terrain at the site is flat and that natural bunds will be created from the excavations.

7.7 Meteorology

The area is characterised by cool, wet winters and warm dry summer. Rainfall occurs generally between the months of May through August with the highest temperatures experienced from December through to February.

Specific weather information for the Koorup area is not available.

8. Risk assessment

8.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Tables 8 and 9.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Tables 8 and 9 below.

Table 8. Identification of emissions, pathway and receptors during construction

Risk Events					Continue to detailed risk assessment	Reasoning
Sources/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Construction, mobilisation and positioning of crushing and screening infrastructure	Mobilisation and installation of crushing and screening circuit including associated vehicle movements on unsealed access roads	Dust	Air / wind dispersion	Health and amenity impacts	No	The Delegated Officer considers the risk of fugitive dust emissions during installation of the crushing and screening circuit to be acceptable given the small footprint and short-term nature of the works. General provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> are applicable.
		Threatened plant community located 700m south-east of the crushing and screening activities		Suppression of photosynthetic and respiratory functions		
	Noise	Residential premises located 730m north-west of the Premises, approximately 960m from the crushing and screening activities		Amenity impacts	No	The Delegated Officer considers the risk of noise emissions during installation of the crushing and screening circuit to be acceptable given the small footprint and short-term nature of the works. The provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> are applicable.

Table 9: Identification of emissions, pathway and receptors during operation

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts		
Crushing and screening circuit	Operation of crushing and screening equipment and associated activities	Dust	Residential premises located 730m north-west of the Premises, approximately 960m from the crushing and screening activities	Air / wind dispersion	Health and amenity impacts	Yes	See section 8.4
			Threatened plant community located 700m south-east of the crushing and screening activities		Suppression of photosynthetic and respiratory functions	Yes	See section 8.4
		Noise	Residential premises located 730m north-west of the Premises, approximately 960m from the crushing and screening activities		Amenity impacts	Yes	See section 8.5
	Fuel storage and refuelling	Hydrocarbon (fuel) spillage	Surface water bodies and groundwater	Direct discharge to land	Contamination of surface water or groundwater	No	No fuel will be stored on the Premises. Refuelling will be by mobile vehicle with spill clean-up equipment available. General provisions of the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> are applicable.
Material storage/ stockpiling	Stockpiling of materials	Dust	Residential premises located 730m north-west of the Premises, approximately 960m from the crushing and screening activities	Air / wind dispersion	Health and amenity impacts	Yes	See section 8.4
			Threatened plant community located 700m south-east of the crushing and screening activities		Suppression of photosynthetic and respiratory functions	Yes	See section 8.4
		Stormwater runoff from stockpiles	Significant stream located 450m west to north-west of the crushing and screening activities	Land/ waters	Impacts on surface water quality and ecosystem health	No	Given the relatively flat topography of the area and distance to the nearest surface water body, the Delegated Officer considers it unlikely that a pathway to surface water exists at the Premises.

8.2 Consequence and likelihood of risk events

A risk rating will be determined for risk events in accordance with the risk rating matrix set out in Table 10 below.

Table 10: Risk rating matrix

Likelihood	Consequence				
	Slight	Minor	Moderate	Major	Severe
Almost certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Medium	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 11 below.

Table 11: Risk criteria table

Likelihood		Consequence		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		The following criteria has been used to determine the consequences of a Risk Event occurring:		
			Environment	Public health* and amenity (such as air and water quality, noise, and odour)
Almost Certain	The risk event is expected to occur in most circumstances	Severe	<ul style="list-style-type: none"> onsite impacts: catastrophic offsite impacts local scale: high level or above offsite impacts wider scale: mid-level or above Mid to long-term or permanent impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are significantly exceeded 	<ul style="list-style-type: none"> Loss of life Adverse health effects: high level or ongoing medical treatment Specific Consequence Criteria (for public health) are significantly exceeded Local scale impacts: permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	<ul style="list-style-type: none"> onsite impacts: high level offsite impacts local scale: mid-level offsite impacts wider scale: low level Short-term impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are exceeded 	<ul style="list-style-type: none"> Adverse health effects: mid-level or frequent medical treatment Specific Consequence Criteria (for public health) are exceeded Local scale impacts: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	<ul style="list-style-type: none"> onsite impacts: mid-level offsite impacts local scale: low level offsite impacts wider scale: minimal Specific Consequence Criteria (for environment) are at risk of not being met 	<ul style="list-style-type: none"> Adverse health effects: low level or occasional medical treatment Specific Consequence Criteria (for public health) are at risk of not being met Local scale impacts: mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	<ul style="list-style-type: none"> onsite impacts: low level offsite impacts local scale: minimal offsite impacts wider scale: not detectable Specific Consequence Criteria (for environment) likely to be met 	<ul style="list-style-type: none"> Specific Consequence Criteria (for public health) are likely to be met Local scale impacts: low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	<ul style="list-style-type: none"> onsite impact: minimal Specific Consequence Criteria (for environment) met 	<ul style="list-style-type: none"> Local scale: minimal to amenity Specific Consequence Criteria (for public health) met

[^] Determination of areas of high conservation value or special significance should be informed by the *Guidance Statement: Environmental Siting*.

* In applying public health criteria, DWER may have regard to the Department of Health's *Health Risk Assessment (Scoping) Guidelines*.

"onsite" means within the Prescribed Premises boundary.

8.3 Acceptability and treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk treatment table 16 below:

Table 12: Risk treatment table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled.	Risk Event is acceptable and will generally not be subject to regulatory controls.

8.4 Risk Assessment – Dust (operation)

8.4.1 Description of dust emissions

Dust from vehicle movements on unsealed access roads, material handling, crushing and screening and stockpiling of materials being released into the air causing health and amenity impacts on people outside of the Premises and potential impacts to threatened and priority flora surrounding the Premises.

8.4.2 Identification and general characterisation of emission

PM and coarse particles may be generated due to truck and vehicle movement on unsealed access roads, the acceptance, handling and processing of materials and from dust lift off in the stockpiling of materials. Dust may also be generated from vehicle movements associated with the Premises.

8.4.3 Description of potential adverse impact from the emission

Potential impacts from dust and particulate emissions include degradation of local air quality and nuisance impacts on residential receptors located approximately 730 metres north-west of the crushing and screening activities.

Deposition of dust on rare and threatened flora located 700 metres from the crushing and screening activities. Dust deposition may suppress photosynthetic and respiratory functions of flora, potentially resulting in negative impacts to vegetation health.

8.4.4 Criteria for assessment

The *Australian National Environmental Protection Council* has developed national ambient air quality standards as per National Environmental Protection Measures (NEPM) for ambient air quality.

The NEPM air quality criteria applicable to air quality within residential areas is a goal for PM₁₀ of 50µg/m³ over one day averaging period with the maximum allowable exceedance of not more than 5 days a year.

8.4.5 Applicant controls

The Applicant has proposed the use of a water cart to dampen unsealed surfaces/roads to prevent dust lift-off.

The Applicant has proposed that raw gravel product will be conditioned with water prior to entering the crusher to minimise dust during crushing. Once stacked, the material will be conditioned using a water sprinkler placed on top of the stockpile to minimise dust lift off.

8.4.6 Consequence

Health and amenity impacts

Based on the surrounding land uses and the number of sensitive receptors in the near vicinity; the Delegated Officer has determined that if dust emissions occur during operation, the impact of dust on health and amenity will be low level amenity impacts on a local scale. Therefore, the Delegated Officer considers the consequence of dust impacts to be **minor**.

Vegetation impacts

Taking into consideration the number and conservation status of sensitive flora in the vicinity of the Premises, the Delegated Officer has determined that the impact of dust on threatened and priority vegetation during operation will be low level offsite impacts on a local scale. Therefore, the Delegated Officer considers the consequence of dust impacts to be **moderate**.

8.4.7 Likelihood of Risk Event

Health and amenity impacts

The Delegated Officer has determined that based on the distance to the nearest sensitive receptor and the Applicant's proposed controls, the likelihood of dust emissions impacting health and amenity of nearby receptors will probably not occur in most circumstances. Therefore, the Delegated Officer considers the likelihood to be **unlikely**.

Vegetation impacts

The Delegated Officer has determined that based on the distance to sensitive flora and the Applicant's proposed controls, the likelihood of dust emissions impacting threatened and priority flora during operation will probably not occur in most circumstances. Therefore, the Delegated Officer considers the likelihood to be **unlikely**.

8.4.8 Overall rating of dust

Health and amenity impacts

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 10) and determined that the overall rating for the risk of dust emissions impacting health and amenity during operation is **medium**.

Vegetation impacts

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 10) and determined that the overall rating for the risk of dust emissions impacting threatened and priority vegetation during operation is **medium**.

8.5 Risk Assessment – Noise (operation)

8.5.1 Description of noise emissions

Noise emissions from the operation of the crushing and screening circuit causing adverse amenity impacts outside the Premises.

8.5.2 Identification and general characterisation of emission

Noise will be generated from normal operations onsite including noise from the crushing and screening and handling of materials as well as noise emitted from vehicle movements.

The Application states that working hours within the pit area, including crushing and transportation of materials shall be restricted to the hours between 07:00 and 17:00 Monday to Fridays, 07:00 to 13:00 Saturdays for rehabilitation works only and at no time on Sundays or public holidays.

8.5.3 Description of potential adverse impact from the emission

Noise impacts may result in reduced wellbeing, amenity and comfort of sensitive noise receptors (closest receptor is 730m from the Premises).

8.5.4 Criteria for assessment

The current applicable criteria for noise emission levels are detailed in the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

8.5.5 Applicant controls

The Application states that croakers will be installed on the D9 dozer and front end loaders instead of reversing alarms.

The Application also states that all equipment will be maintained to the Noise Regulation standards.

The Development Approval limits the operation of the crushing and screening circuit to the hours between 07:00 to 17:00 hours Mondays to Fridays. The crushing and screening equipment will not operate on Saturday's, Sunday's or public holidays.

8.5.6 Consequence

Taking into consideration controls proposed by the Applicant and conditions imposed in the Development Approval, the operational activities are expected to be managed to comply with the assigned levels prescribed in the Noise Regulations. However, there may be minimal impacts to amenity on a local scale. Therefore, the Delegated Officer considers the consequence of noise emissions during operation to be **slight**.

8.5.7 Likelihood of Risk Event

Based upon the hours of operation and the distance of the crushing and screening plant from the nearest receptor, the Delegated Officer has determined that noise impacts will probably not occur in most circumstances. Therefore, the Delegated Officer considers the likelihood of noise emissions impacting amenity during operation to be **unlikely**.

8.5.8 Overall rating of noise

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 10) and determined that the overall rating for the risk of noise during operation is **low**.

8.6 Summary of acceptability and treatment of Risk Events

A summary of the risk assessment and the acceptability or unacceptability of the risk events set out above, with the appropriate treatment and control, are set out in Table 13 below. Controls are described further in section 9.

Table 13: Risk assessment summary

	Description of Risk Event			Applicant controls	Risk rating	Acceptability with controls (conditions on instrument)
	Emission	Source	Pathway/ Receptor (Impact)			
1.	Fugitive dust (operation)	Material stockpiles, crushing and screening activities and associated vehicle movements	Air/wind to sensitive receptor causing health and amenity impacts from inhalation of dust	Water cart on unsealed surfaces/ roads and use of dust suppression sprinklers on crushing and screening circuit	Minor consequence Unlikely likelihood Medium Risk	Acceptable subject to Applicant controls conditioned.
			Suppression of photosynthetic and respiratory function of vegetation		Moderate consequence Unlikely likelihood Medium Risk	Acceptable subject to Applicant controls conditioned.
2.	Noise (operation)	Crushing and screening equipment and associated vehicle movements	Air/wind to sensitive receptor causing amenity impacts	Use of croakers on dozer and front end loaders and maintenance of infrastructure in accordance with the Noise Regulations	Slight consequence Unlikely likelihood Low risk	Acceptable subject to the Applicant's proposed controls and the Noise Regulations.

9. Regulatory controls

A summary of regulatory controls determined to be appropriate for the Risk Event is set out in Table 19. The risks are set out in the assessment in section 10 and the controls are detailed in this section. DWER will determine controls having regard to the adequacy of controls proposed by the Applicant. The conditions of the Works Approval and Licence will be set to give effect to the determined regulatory controls.

Table 14: Summary of regulatory controls to be applied

		Controls (references are to sections below, setting out details of controls)		
		9.1.1 Infrastructure and equipment (Works Approval)	9.2.1 Throughput restrictions	9.2.2 Infrastructure and equipment
Risk Items (see risk analysis in section 8)	1. Fugitive dust (operations)	•	•	•
	2. Noise (operations)	Acceptable subject to the <i>Environmental Protection (Noise) Regulations 1987</i> .		

9.1 Works Approval controls

9.1.1 Infrastructure and equipment

The Applicant will be required to install/construct the following infrastructure to specified requirements at specified locations:

- Parker 4230 Crusher and Finlay Screen 693 and Striker 25m Stacker or equivalent

Note: Infrastructure requirements have been derived from the Application.

9.2 Licence controls

9.2.1 Throughput restrictions

The Applicant will be limited to a total annual volume limitation of throughput of up to 123,000 tonnes per annum.

Grounds: The likelihood of dust and noise emissions is related to the throughput at the Premises. The throughput quantity of 131,000 tonnes per annum has been requested by the Applicant, which is inconsistent with the quantity of material approved for extraction by the City of Busselton in the Development Approval for the Premises. In accordance with the *Guidance Statement: Land Use Planning*, it is considered appropriate that the throughput be limited to that authorised under the Development Approval.

9.2.2 Infrastructure and equipment

The Applicant will be required to maintain the following equipment to control dust emissions at the Premises:

- Crushing and screening circuit – series of sprinklers capable of suppressing dust generated during the operation of the crushing and screening equipment
- Water cart – to maintain all unsealed surfaces in a damp state at all times to prevent dust lift off

Note: Infrastructure controls have been derived from the Application.

10. Determination of Conditions

10.1 Works Approval conditions

The conditions in the issued Works Approval in Attachment 1 have been determined in accordance with the *Guidance Statement: Setting Conditions*.

Table 15 provides a summary of the conditions to be applied to this Works Approval.

Table 15: Summary of conditions to be applied to the Works Approval

Condition Ref	Grounds
Infrastructure and Equipment 1, 2, 3 and 4	These conditions are valid, risk-based and contain appropriate controls.
Emissions 5	This condition is valid, risk-based and consistent with the EP Act.
Information 6 and 7	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

DWER notes that it may review the appropriateness and adequacy of controls at any time and that, following a review, DWER may initiate amendments to the works approval under the EP Act.

10.2 Licence conditions

The following controls (Table 16) will be imposed as conditions on the proposed Licence to manage the risk of emissions during operations on the Premises. It should be noted that these controls are not final and will be subject to compliance with conditions of the Issued Works Approval and may change if additional information becomes available to further inform the risk assessment (as per the *Guidance Statement: Risk Assessment*)

Table 16: Summary of conditions to be applied to the Licence

Condition Ref	Grounds
Emissions 1	This condition is valid, risk-based and consistent with the EP Act.
Throughput restrictions 2	These conditions are valid, risk-based and contain appropriate controls.
Infrastructure and equipment 3	
Information and Reporting 4, 5, 6, 7 and 8	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

11. Applicant's comments

The Applicant was provided with the draft Decision Report and draft Issued Works Approval on 21 February 2018. Comments and additional information were provided on 22 February 2018 and have been summarised in Appendix 2.

12. Conclusion

This assessment of the risks of activities on the Premises has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report (summarised in Appendix 1).

Based on this assessment, it has been determined that the Issued Works Approval will be granted subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Tim Gentle
Manager Licensing (Resource Industries)
Regulatory Services (Environment)

Delegated Officer
under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Application Form and associated attachments	Application	DWER records (A1516422)
2.	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	<i>Guidance Statement: Regulatory Principles</i>	accessed at www.dwer.wa.gov.au
3.	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	<i>Guidance Statement: Setting Conditions</i>	
4.	DER, November 2016. <i>Guidance Statement: Environmental Siting</i> . Department of Environment Regulation, Perth.	<i>Guidance Statement: Environmental Siting</i>	
5.	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	<i>Guidance Statement: Risks Assessments</i>	
6.	DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	<i>Guidance Statement: Decision Making</i>	
7.	DER, February 2017. <i>Guidance Statement: Land Use Planning</i> . Department of Environment Regulation, Perth.	<i>Guidance Statement: Land Use Planning</i>	

Appendix 2: Summary of Applicant's comments on risk assessment and draft conditions

Reference	Summary of Applicant comment	DWER response
Works Approval and Decision Report – Category 12 throughput	DWER requested confirmation of throughput. The Applicant advised that 123,000 tonnes/year is correct as stated in the Development Approval.	Licence throughput will be limited to 123,000 tonnes per annual period consistent with the Planning Approval.
Decision Report – Section 4.2, Table 4	DWER requested further details of the water cart. The Applicant advised that a 12,000L water cart will be used with a spray bar and hose.	The table has been revised to include these specifications.
Decision Report – Section 7.2, Table 5	DWER requested further information on the status of the property located 730m north-west of the Premises, specifically whether this was a caretaker's residence. The Applicant advised that they are unaware of the status of this residence. However they assumed that it is an office for the Works depot located on the Leeuwin Civil site.	Noted. The residence remains a potential sensitive receptor for the purposes of this Assessment.
Works Approval – Registered business address	DWER requested confirmation of the registered address. The Applicant confirmed the registered address was correct.	No changes required.
Works Approval – Table 2: Infrastructure and equipment requirements table	The Applicant noted that <i>“the crushing and screening circuit will not have a dust suppression circuit installed on it, as it has been found that the utilisation of a spray bar on the crusher circuit causes the conveyor belts to slip off, posing a safety issue. Instead, the raw gravel product is conditioned with water prior to entering the crusher, to minimise dust during crushing. Once stacked, the material is once again conditioned using a water sprinkler placed on top of the stockpile to minimise dust lift”</i> .	Noted. The assessment has been revised taking into consideration the revised Applicant controls for dust. Conditions in the Works Approval have been revised accordingly.
Works Approval – Schedule 1: Maps	DWER requested boundary co-ordinates be provided in a legible format. The Applicant provided a table of co-ordinates.	Table of co-ordinates has been included Schedule 1 of the Works Approval.

Attachment 1: Issued Works Approval W6093/2017/1
