



Application for Works Approval

Part V Division 3 of the *Environmental Protection Act 1986*

| | |
|------------------------------|---|
| Works Approval Number | W6629/2021/1 |
| Applicant | B. & J. Catalano Pty Ltd |
| ACN | 008 961 975 |
| File number | DER2021/000566 |
| Premises | Runnymede Road WELLESLEY WA 6233 Legal description - Part of Lot 4 on Plan 5888 Part of Lot 7 on Diagram 40591 As defined by the coordinates in Schedule 2 of the Works Approval |
| Date of report | 19 April 2022 |
| Proposed Decision | Works approval granted |

Marko Pسالich
A/MANAGER WASTE
REGULATORY SERVICES

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the construction and operation of the premises. As a result of this assessment, works approval W6629/2021/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary and overview of premises

On 30 September 2021 B. & J. Catalano Pty Ltd (the applicant) submitted an application for a works approval to the department under section 54 of the *Environmental Protection Act 1986* (EP Act). The application is for the construction and time limited operation of Category 12 screening activities at the premises. The premises is approximately 21 km north of Bunbury.

The applicant is proposing to install a Terex Finlay screen and associated ancillary equipment in order to screen up to 230 000 tonnes of sand per year. Additional volumes of sand will also be extracted from the premise but do not require screening due to the nature of the material. A weighbridge is located at the entrance to the premises within Lot 4. The premises will operate from 7:00 am to 6:00 pm Monday to Friday, and 7:00 am to 12:00 pm Saturdays.

The applicant holds three clearing permits for the premises. Stages 1 to 3 within Lot 7 are already cleared in accordance with CPS 5480/1 and 3989/1, and stage 4A is approved for clearing under CPS 8916/1. Stage 4B has not yet received approval to clear. Stages 1 to 4 within Lot 4 are already cleared in accordance with CPS1509/1, and stages 5 and 6 are subject to a current application to clear CPS 8479/1.

The applicant modified the requested premises boundary for this Works Approval application from the original application, to subsequently correspond with those areas within Lot 4 and Lot 7 that have already obtained clearing approval.

The applicant holds Extractive Industry Licenses for Lot 4 granted by the Shire of Harvey on 29 October 2018 and Lot 7 granted on 19 July 2021. Extractive operations will include removal and storage of topsoil, excavating, screening and stockpiling of sand, and rehabilitation of the extraction area.

The applicant obtained development approval from the Shire of Harvey on 9 December 2021 for the construction of the screening plant within Lot 7, valid for two years. The approval was subject to conditions, including:

- The product stockpiles shall be kept to a maximum height of 5m to avoid visual impact and/or material wind drift; and
- Operating hours are restricted to 7.00a.m. to 5.00p.m., Monday to Friday and 7.00a.m. to 12.00 noon on Saturday. No activities to occur on Sunday or Public Holidays.

There is a bore licensed for groundwater extraction GWL 165046 and a bore for the purposes of monitoring located within Lot 4.

Processing water from the wet screen will be discharged into a recycling circuit of three settling tanks and two sedimentation ponds, and then reused in the wet screen process.

The premises relates to the category and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in works

approval W6629/2021/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in works approval W6629/2021/1.

Table 1: Prescribed Premises category and capacity

| Prescribed Premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>) | Assessed production capacity |
|---|---------------------------------|
| 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. | 230 000 tonnes or more per year |



Figure 1: Map of the boundary of the prescribed premises

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk Assessments* (DWER 2020).

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.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises construction and operation which have been considered in this decision report are detailed in Table 2 below. Table 2 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 2: Proposed applicant controls

| Emission | Sources | Potential pathways | Proposed controls |
|---------------------|---|---|---|
| Construction | | | |
| Dust | <p>Installation of screening and sand-wash equipment including vehicle movements (reversing beepers)</p> <p>Construction of settling tanks and sediment ponds</p> | Air/windborne pathway causing impacts to health and amenity | <ul style="list-style-type: none"> • Implementation of a dust management plan • A 15 kL water cart will be on site during all periods when earth is being moved. When dust occurs, the water cart will be employed to damp down areas of concern. • If fugitive dust can be seen crossing the premises boundary, the source of the dust will be identified and measures implemented to prevent or minimise further dust emissions. • If there are high winds and conditions are dusty, then operations will cease until adequate wetting down has occurred or conditions have changed. • Internal roads to be surfaced with limestone. • 20 km/hr speed limit will apply to trucks on internal roads. • Training to be provided to employees and contractors. • A notice will be erected at the front gate that provides emergency contact details for the Quarry Manager. • A complaints system will be in place and any complaints will be recorded by the Quarry Manager and acted on promptly. |
| Noise | <p>Installation of screening and sand-wash equipment including vehicle movements (reversing beepers)</p> <p>Construction of settling tanks and sediment ponds</p> | Air/windborne pathway causing impacts to health and amenity | <ul style="list-style-type: none"> • Topsoil will be pushed up in bunds along the edges of the pit. • Late model equipment will be utilised with reduced noise level outputs, including broad-band reversing alarm. • Operations will be restricted to 7am to 6pm Monday to Friday and 7am to 12pm Saturdays. • A complaints register is in place with all complaints being formally recorded. Signage on the gate includes a contact number for the Quarry Manager to allow for quick response to any complaints that might arise. |
| Operation | | | |
| Dust | Handling, screening, stockpiling of material and vehicle | Air/windborne pathway causing impacts to health and | <ul style="list-style-type: none"> • Implementation of a dust management plan • A 15 kL water cart will be on site during all periods when earth is being moved or screening is being conducted. When dust |

| Emission | Sources | Potential pathways | Proposed controls |
|----------|--|---|---|
| | movements | amenity | <p>occurs, the water cart will be employed to damp down areas of concern. During dry-screening, a spray-bar will be employed when required.</p> <ul style="list-style-type: none"> • A combination of wetting down and surfactant application will be used on stockpiles (especially fines stockpiles) if dust issues are encountered, preventing fine dust from becoming airborne. • Fines will only be stockpiled temporarily and will be a maximum of 2 m high. • If fugitive dust can be seen crossing the premises boundary, the source of the dust will be identified and measures implemented to prevent or minimise further dust emissions. • If there are high winds and conditions are dusty, then operations will cease until adequate wetting down has occurred or conditions have changed. • Handling of materials to be kept to a minimum. • Internal roads to be surfaced with limestone. • 20 km/hr speed limit will apply to trucks on internal roads. • Truck loads to be covered during transit. • Training to be provided to employees and contractors. • A notice will be erected at the front gate that provides emergency contact details for the Quarry Manager. • A complaints system will be in place and any complaints will be recorded by the Quarry Manager and acted on promptly. |
| Noise | Handling, screening, stockpiling of material and vehicle movements | Air/windborne pathway causing impacts to health and amenity | <ul style="list-style-type: none"> • Topsoil will be pushed up in bunds along the edges of the pit. • Sand will be stockpiled in a manner that will maximize the buffering of noise that might occur from the loading of trucks. • Late model equipment will be utilised with reduced noise level outputs, including broadband reversing alarm. • Operations will be restricted to 7am to 6pm Monday to Friday and 7am to 12pm Saturdays. • A complaints register is in place with all complaints being formally recorded. Signage on the gate includes a contact number for the |

| Emission | Sources | Potential pathways | Proposed controls |
|---|----------------------|--|---|
| | | | Quarry Manager to allow for quick response to any complaints that might arise. |
| Process water (containing a high fine sediment load and added flocculant) | Wash screening plant | Overland runoff causing impacts to surface water quality | <ul style="list-style-type: none"> Process water to be discharged into a recycling circuit comprising of 3 settling tanks and 2 sediment ponds. The ponds will be lined with PVC or HDPE geomembranes. The sludge from the tanks will be discharged into cement pits, excess water will then be removed and recycled back into circuit and remaining sludge will be stockpiled for re-use. |
| Sediment laden stormwater | Dry screening plant | Overland runoff causing impacts to surface water quality | <ul style="list-style-type: none"> The existing pits and final land surface will be internally draining. |

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 3 and Figure 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (Guideline: Environmental Siting (DWER 2020)).

Table 3: Sensitive human and environmental receptors and distance from prescribed activity

| Human receptors | Distance from prescribed activity |
|---|---|
| Residential premises | <ul style="list-style-type: none"> Residence 1 – 900 m north-west of prescribed activity Residence 2 – 1 km north of prescribed activity Residence 3 – 1.1 km north-east of prescribed activity |
| Environmental receptors | Distance from prescribed activity |
| Threatened Ecological Community (TEC) | Banksia dominated woodlands of the swan coastal plain are located adjacent to the premises boundary to the east, within the cadastral lot. |
| Wetlands | <ul style="list-style-type: none"> Myalup swamp – approximately 400 m west of prescribed activity and 95 m west of prescribed premise boundary Unnamed damplands – approximately 1.7 km east of prescribed activity |
| <i>Rights in Water and Irrigation Act 1914</i> – Perth Groundwater Area | <p>Within the South West Coastal groundwater area</p> <p>Depth to groundwater is approximately 6.5 to 10 m AHD</p> |

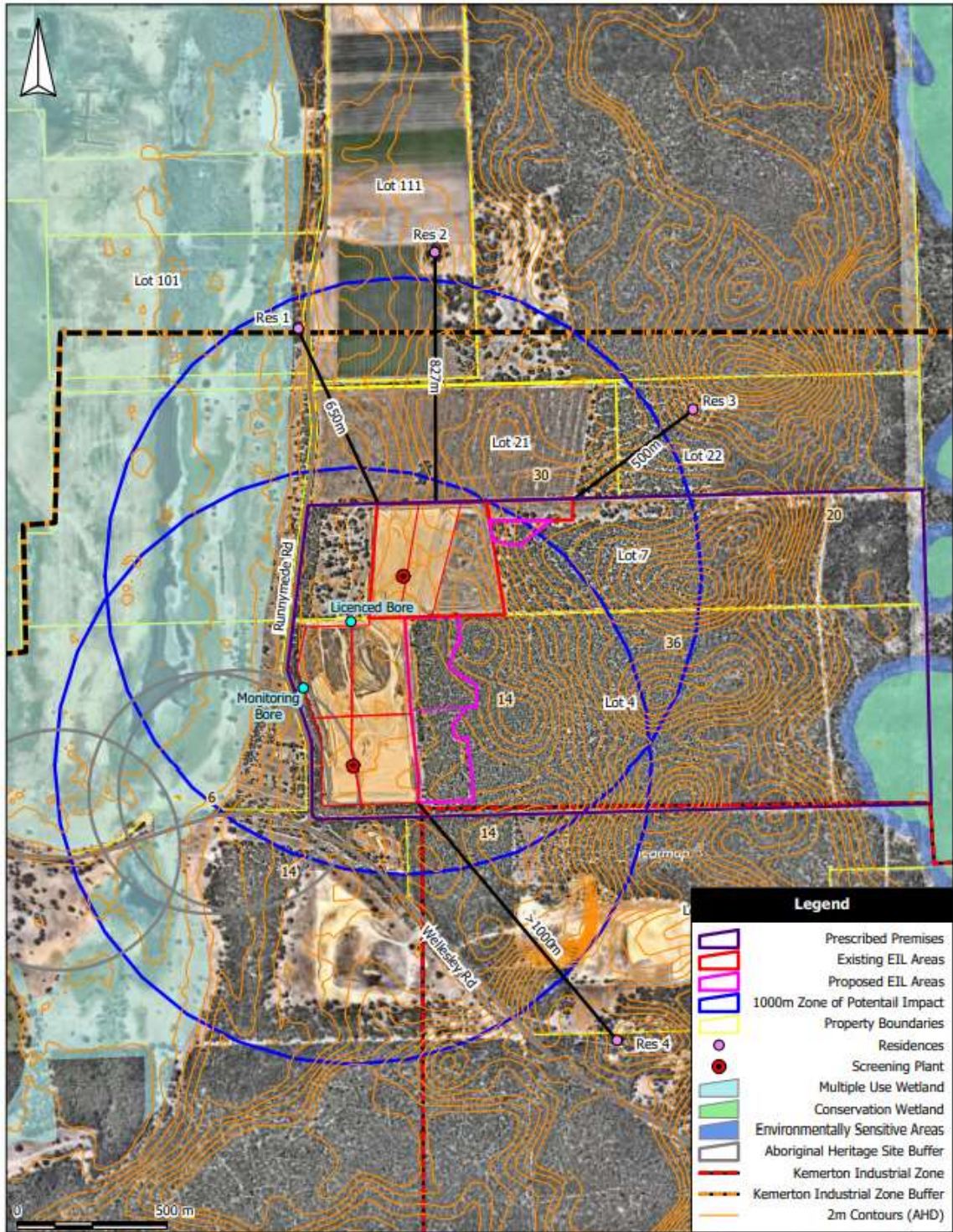


Figure 2: Distance to sensitive receptors

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in **Error! Not a valid bookmark self-reference..**

Works approval W6629/2021/1 that accompanies this decision report authorises construction and time-limited operations. The conditions in the issued works approval, as outlined in **Error! Not a valid bookmark self-reference.** have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

A licence is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the ongoing operation of the premises i.e. screening activities. A risk assessment for the operational phase has been included in this decision report, however licence conditions will not be finalised until the department assesses the licence application.

Table 4: Risk assessment of potential emissions and discharges from the premises during construction, commissioning and operation

| Risk events | | | | | Risk rating ¹ C = consequence L = likelihood | Applicant controls sufficient? | Conditions ² of works approval | Justification for additional regulatory controls |
|---|--------------------|---|-----------------------------------|------------------------|---|--------------------------------|---|--|
| Sources / activities | Potential emission | Potential pathways and impact | Receptors | Applicant controls | | | | |
| Construction | | | | | | | | |
| Installation of screening and sand-wash equipment including vehicle movements (reversing beepers) | Dust | Air / windborne pathway causing impacts to health and amenity | Neighbouring residential premises | Refer to Section 3.1.1 | C = Slight L = Possible Low Risk | Yes | N/A | N/A |
| Construction of settling tanks and sediment ponds | Noise | | | Refer to Section 3.1.1 | C = Slight L = Unlikely Low Risk | Yes | N/A | N/A |

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| Risk events | | | | | Risk rating ¹ C = consequence L = likelihood | Applicant controls sufficient? | Conditions ² of works approval | Justification for additional regulatory controls |
|---|--------------------|--|-----------------------------------|------------------------|---|--------------------------------|---|---|
| Sources / activities | Potential emission | Potential pathways and impact | Receptors | Applicant controls | | | | |
| Commissioning and Operation (including time-limited-operations operations) | | | | | | | | |
| Handling, wet and dry screening, stockpiling of material Vehicle movements | Dust | Air / windborne pathway causing impacts to vegetation and fauna health | Threatened Ecological Communities | Refer to Section 3.1.1 | C = Slight L = Possible Low Risk | Yes | Conditions 1, 7 | N/A |
| | Noise | Air / windborne pathway causing impacts to health and amenity | Neighbouring residential premises | Refer to Section 3.1.1 | C = Slight L = Unlikely Low Risk | No | <u>Condition 6</u> | The applicant has renewed the Extractive Industries Licence with the Shire of Harvey, which includes altered operating hours 0600 to 1800 Monday to Friday and between 0700 and 1200 on Saturday. The Applicant advised there will be no screening activities occurring prior to 0700. The Delegated Officer has included condition 6 to ensure machinery and vehicles associated with screening activities and stockpiling only occur between the hours of 0700 to 1800 Monday to Friday and between 0700 and 1200 on Saturday. Operations are not permitted on Sundays. |

| Risk events | | | | | Risk rating ¹ C = consequence L = likelihood | Applicant controls sufficient? | Conditions ² of works approval | Justification for additional regulatory controls |
|----------------------|---------------------------|--|---|------------------------|---|--------------------------------|---|--|
| Sources / activities | Potential emission | Potential pathways and impact | Receptors | Applicant controls | | | | |
| | Sediment laden stormwater | Overland runoff potentially causing ecosystem disturbance or impacting surface water quality | Neighbouring wetlands Threatened Ecological Communities Groundwater | Refer to Section 3.1.1 | C = Minor L = Unlikely Medium Risk | Yes | Conditions 1, 7 | N/A |

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

Note 2: Proposed applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5: Consultation

| Consultation method | Comments received | Department response |
|---|-------------------|---------------------|
| Application advertised on the department's website (16/03/2022) and in the West Australian (21/03/2022) | Nil | N/A |
| Shire of Harvey advised of proposal (15/03/2022) | Nil | N/A |
| Applicant was provided with draft documents (08/04/2022) | See Appendix 1 | See Appendix 1 |

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Summary of applicant's comments on risk assessment and draft conditions

| Condition | Summary of applicant's comment | Department's response |
|-------------|--|--|
| N/A | Query on the correct Registered Business Address | Clarification given on which address is required |
| Condition 6 | <p>There has been a change of approved operating times as per Shire of Harvey approvals attached, 0600 to 1800 Monday to Friday and between 0700 and 1200 on Saturday.</p> <p>Applicant advised there will be no screening activities occurring prior to 0700.</p> | <p>The Delegated Officer has amended condition 6 to ensure machinery and vehicles associated with screening activities and stockpiling only occur between the hours of 0700 to 1800 Monday to Friday and between 0700 and 1200 on Saturday. Operations are not permitted on Sundays.</p> |

Appendix 2: Application validation summary

| SECTION 1: APPLICATION SUMMARY | | | | | |
|---|---|--|---|------|--------------------------|
| Application type | | | | | |
| Works approval | <input checked="" type="checkbox"/> | | | | |
| Licence | <input type="checkbox"/> | Relevant works approval number: | | None | <input type="checkbox"/> |
| | | Has the works approval been complied with? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| | | Has time limited operations under the works approval demonstrated acceptable operations? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | | |
| | | Environmental Compliance Report / Critical Containment Infrastructure Report submitted? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| | | Date Report received: | | | |
| Renewal | <input type="checkbox"/> | Current licence number: | | | |
| Amendment to works approval | <input type="checkbox"/> | Current works approval number: | | | |
| Amendment to licence | <input type="checkbox"/> | Current licence number: | | | |
| | | Relevant works approval number: | | N/A | <input type="checkbox"/> |
| Registration | <input type="checkbox"/> | Current works approval number: | | None | <input type="checkbox"/> |
| Date application received | 30 September 2021 | | | | |
| Applicant and Premises details | | | | | |
| Applicant name/s (full legal name/s) | B&J Catalano Pty Ltd | | | | |
| Premises name | Nil | | | | |
| Premises location | Lot 7 on Diagram 40591 Lot 4 on Plan 5888 Runnymede Road, Wellesley | | | | |
| Local Government Authority | Shire of Harvey | | | | |
| Application documents | | | | | |
| HPCM file reference number: | DER2021/000566 | | | | |
| Key application documents (additional to application form): | Attachment 3B Proposed Activities Extractive Industry Licence (2017, 2018 & 2021) Licence to take Water EPBC Act approval Shire of Harvey Development Approval (2017, 2017 & 2020) Permit to Clear Native Vegetation | | | | |
| Scope of application/assessment | | | | | |
| Summary of proposed activities or changes to existing operations. | Works approval Construction of screening plant | | | | |

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

| Prescribed premises category and description | Proposed production or design capacity | Proposed changes to the production or design capacity (amendments only) |
|---|--|---|
| 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. | 230 000 tonnes per year | |

Legislative context and other approvals

| | | | |
|--|---|---|--|
| Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| Does the applicant hold any existing Part IV Ministerial Statements relevant to the application? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| Has the proposal been referred and/or assessed under the EPBC Act? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Reference No: 2011/5996 | |
| Has the applicant demonstrated occupancy (proof of occupier status)? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Certificate of title | |
| Has the applicant obtained all relevant planning approvals? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> | Wash screen plant requires planning consent | |
| Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | CPS 5480/1 Expires 12 April 2023 CPS 8916/1 recently granted (not provided) CPS 8479/1 in application stage, this portion is not included in the Works Approval application | |
| Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Licence No: GWL165046(2) | |
| Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |
| Is the Premises situated in a Public Drinking Water Source Area (PDWSA)? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | | |

| | | | |
|--|--|--|--|
| <p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | | |
| <p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | | |
| <p>Is the Premises subject to any EPP requirements?</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | | |
| <p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | | |