



Application for Works Approval

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

Works Approval Number	W6655/2022/1
Applicant	MLG Oz Limited
ACN	102 642 366
File number	DER2022/000034
Premises	Jonah Bore Project Mining tenement M36/657 LEONORA WA 6438 As defined by the Premises map attached to the issued works approval
Date of report	27 June 2022
Decision	Works approval granted

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SENIOR ENVIRONMENTAL OFFICER, RESOURCE INDUSTRIES
REGULATORY SERVICES
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Table of Contents

1. Decision summary	1
2. Scope of assessment	1
2.1 Regulatory framework	1
2.2 Application summary and overview of premises	1
3. Risk assessment	2
3.1 Source-pathways and receptors	2
3.1.1 Emissions and controls	2
3.1.2 Receptors	3
3.2 Risk ratings	5
4. Consultation	8
5. Conclusion	8
References	8
Appendix 2: Application validation summary	9
Table 1: Proposed applicant controls	2
Table 2: Sensitive environmental receptors and distance from prescribed activity	4
Table 3: Risk assessment of potential emissions and discharges from the premises during construction and operation	6
Table 4: Consultation	8
Figure 1: Map of the prescribed premises boundary	1

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 W6655/2022/1 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 21st of January 2022, 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 to undertake construction works relating to a mobile screening plant for sand and gravel at the premises (Figure 1). The premises is approximately 23 km west of Leinster.

The premises relates to the Category 70 and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in works approval W6655/2022/1. The infrastructure 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 W6655/2022/1.

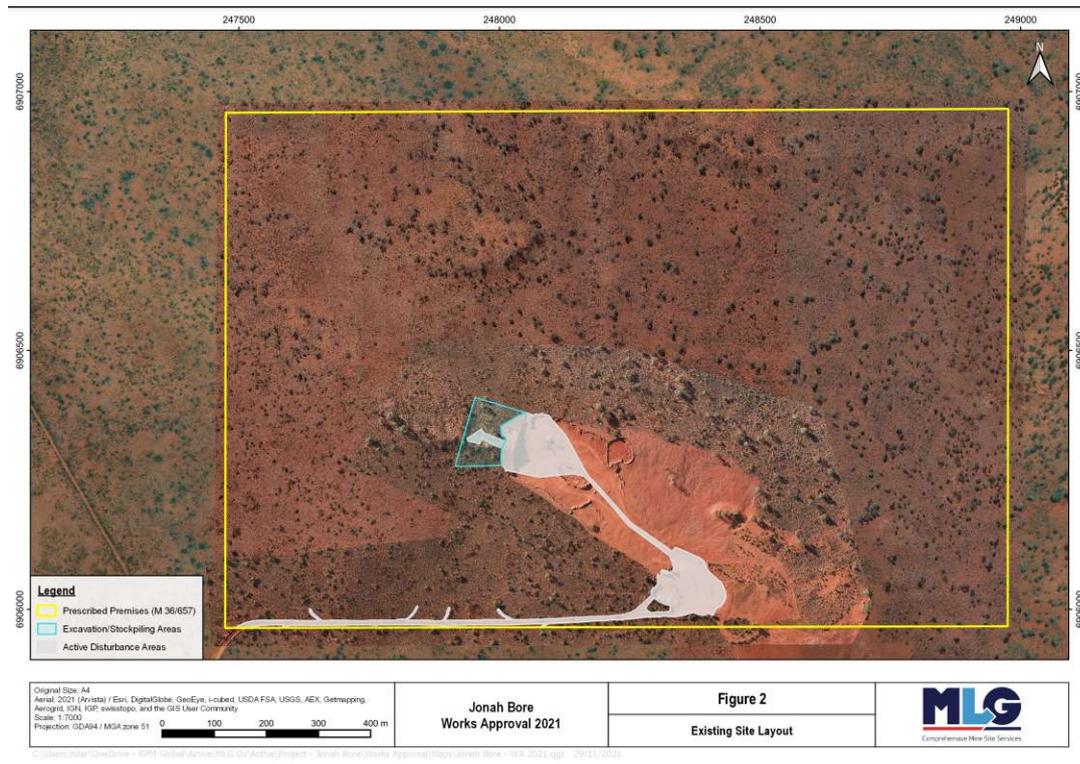


Figure 1. Map of the prescribed premises boundary

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 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Dust	Placement of screening equipment and movement of vehicles	Air / windborne pathway	<ul style="list-style-type: none"> Dust suppression measure will be implemented, as necessary Vehicles will travel at low speeds within the tenement areas to protect fauna, reduce dust and noise All vehicles and machinery will be regularly maintained to ensure they are operating optimally and not producing excess noise or emissions
Noise			<ul style="list-style-type: none"> All vehicles and machinery will be regularly maintained to ensure they are operating optimally and not producing excess noise or emissions Vehicles will travel at low speeds within the tenement areas to protect fauna, reduce dust and noise
Operation			
Dust	Screening, handling and stockpiling of materials, vehicle movements	Air / windborne pathway	<ul style="list-style-type: none"> Screening activities will not be undertaken during periods of strong wind Dust suppression measure will be implemented, as necessary Vehicles will travel at low speeds within the tenement areas to protect fauna, reduce dust and noise All vehicles and machinery will be regularly maintained to ensure they are

Emission	Sources	Potential pathways	Proposed controls
			operating optimally and not producing excess noise or emissions
Noise			<ul style="list-style-type: none"> All vehicles and machinery will be regularly maintained to ensure they are operating optimally and not producing excess noise or emissions Screening activities will not be undertaken during periods of strong wind Vehicles will travel at low speeds within the tenement areas to protect fauna, reduce dust and noise
Sediment laden stormwater		Overland runoff potentially causing ecosystem disturbance	Applicant has not proposed controls
Spills, leakage and seepage of hydrocarbon contaminants	Fuel transfer, accidents, breakdowns or malfunctions from surface mobile equipment and vehicles	Spillage to soil, surrounding vegetation	<ul style="list-style-type: none"> No hydrocarbons are stored onsite, fuel for mobile plant is provided by fuel cart Regular inspection (start and end of shift) of operating equipment will be undertaken to identify if any leaks are occurring Transfer of diesel to occur at designated transfer points with spill protection and containment available Use of drip trays in the event that a leak is detected. If a drip tray cannot adequately contain a minor leak, operation of the machinery will cease until it can be repaired All vehicles and other equipment will be regularly maintained and will be stocked with appropriate spill kit equipment Any contaminated material (e.g. hydrocarbon contamination soil) will be removed and disposed of at licensed facilities

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 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 2: Sensitive environmental receptors and distance from prescribed activity

Environmental receptors	Distance from prescribed activity
Priority fauna	<p>Brush-tailed Mulgara (P4)</p> <p>Striated Grasswren (P4)</p> <p><i>Note: DWER's GIS system did not identify any threatened fauna within or near the premises.</i></p> <p><i>Western Wildlife undertook a fauna survey in 2021. They concluded that based on the vegetation habitats of the study area (including within the premises boundary) is likely to provide habitat for two priority 4 species being Dasyercus blythi (Brush-tailed Mulgara) and Amytornis striatus striatus (Striated Grasswren), however are unlikely to be of importance to any Threatened species (Western Wildlife, 2021).</i></p>
Native vegetation/flora	Within premises boundary

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 Table 3.

Works approval W6655/2022/1 that accompanies this decision report authorises construction. The conditions in the issued works approval, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

A licence or registration is required following the time limited operational phase to authorise emissions associated with the ongoing operation of the premises i.e. screening of material activities. A risk assessment for the operational phase has been included in this Decision Report for reference. If the applicant chooses to apply for a licence for operations (rather than a registration) any licence conditions will be finalised on assessment of the licence application.

Table 3: Risk assessment of potential emissions and discharges from the premises during construction 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								
Placement of screening equipment and movement of vehicles	Dust	Pathway: Air / windborne dispersion Impact: Health of priority fauna and smothering of adjacent vegetation to primary activity	Priority fauna Native vegetation/flora	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 1	N/A
	Noise							
Operation (including time limited operations)								
Operation of the screening plant Unloading, loading and stockpiling of material Vehicle movements on unsealed surfaces	Dust	Pathway: Air / windborne dispersion Impact: Health of priority fauna and smothering of adjacent vegetation	Priority fauna Native vegetation/flora	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	N/A	N/A
	Noise							
Operation of the screening plant Stockpiling of the material	Sediment laden stormwater	Pathway: Overland runoff Impact: Ecosystem disturbance			C = Slight L = Possible Low Risk			
Fuel transfer accidents, breakdowns or malfunctions from surface	Spills, leakage and seepage of hydrocarbon contaminants	Pathway: Spillage to soil and surface water runoff Impact:	Native vegetation/flora		C = Minor L = Rare Low Risk			

Works Approval: W6655/2022/1

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				
mobile equipment and vehicles		Contamination of surrounding vegetation						

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 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 2 May 2022.	No comments received	N/A
Department of Planning, Lands and Heritage advised of application on 29 April 2022.	No comments received	N/A
Tjiwarl (Aboriginal Corporation) RNTBC advised of application on 29 April 2022.	No comments received	N/A
Applicant was provided with draft documents on 1 June 2022.	No comments received	N/A

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. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)		
Application type		
Works approval	<input checked="" type="checkbox"/>	
Date application received	21/01/22	
Applicant and premises details		
Applicant name/s (full legal name/s)	MLG Oz Limited	
Premises name	Jonah Bore Project	
Premises location	M36/657	
Local Government Authority	Shire of Leonora	
Application documents		
HPCM file reference number:	DWERDT553240	
Key application documents (additional to application form):	Supporting document: Jonah Bore Project, Works Approval Prescribed Premises Category: 70 (Crushing and Screening) Prepared by MLG Oz Limited Version 1.0, 21 January 2022 Final	
Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	Construction and operation of a mobile screening plant for sand and gravel.	
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 70: Screening etc. of material	More than 5 000 but less than 50 000 tonnes per year	N/A
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"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input 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"/>	Ministerial statement No: EPA Report No:

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

<p>Has the proposal been referred and/or assessed under the EPBC Act?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Reference No:</p>
<p>Has the applicant demonstrated occupancy (proof of occupier status)?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input checked="" type="checkbox"/> Expiry: 10/07/27 Other evidence <input type="checkbox"/> Expiry:</p>
<p>Has the applicant obtained all relevant planning approvals?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>	<p>Approval: Expiry date: If N/A explain why?</p>
<p>Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>CPS No: N/A The applicant is claiming an exemption under the regulations. <i>"The proposed clearing of 1.0 ha of native vegetation will be undertaken in accordance with Item 20 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 which allows 10 ha of clearing per tenement per financial year where an approval under the Mining Act 1978 has been granted, so long as the area is not in an Environmentally Sensitive Area."</i></p>
<p>Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Application reference No: N/A Licence/permit No: N/A</p>
<p>Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Application reference No: Licence/permit No: Licence / permit not required.</p>

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

<p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Type: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: N/A</p>
<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<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 checked="" type="checkbox"/> No <input 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>	<p>Classification: N/A Date of classification: N/A</p>