



## Application for Works Approval

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

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<b>Works Approval Number</b>	W6657/2022/1
<b>Applicant</b>	Carbone Bros Pty Ltd
<b>ACN</b>	008 702 369
<b>File number</b>	DER2021/000742
<b>Premises</b>	Crushing and Screening Plant – Carbone Bros Myalup Lot 29 on Deposited Plan 13951 Tredrea Place MYALUP WA 6220  As defined by the premises maps attached to the issued works approval
<b>Date of report</b>	6 July 2022
<b>Decision</b>	Works approval granted

Samara Rogers  
A/MANAGER, RESOURCE INDUSTRIES  
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 W6657/2022/1 has been granted. A Registration will be required to operate the premises.

## 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 22 December 2021, the applicant (Carbone Bros Pty Ltd) 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 the installation of a crushing and screening plant at the premises. The premises is located within the Shire of Harvey, approximately 2km south-west from the town of Myalup, Western Australia.

The applicant is planning to carry out the extraction of limestone from an area of approximately 2.5 hectares (ha) over a period of 7 years. A mobile crushing and screening plant will be used for approximately eight weeks per year (operating between 7am and 5pm Monday to Friday) to prepare the excavated material for haulage off site. Crushed materials will be stockpiled alongside the mobile plant and loaded onto trucks by a front-end loader.

Crushing and screening activities on site will trigger Category 70 under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) as the proposed throughput is expected to be 32,000 tonnes per annual period. 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 W6657/2022/1.

The excavation of limestone on site is outside the scope of this works approval as this activity is not regulated under the EP Act. Excavation activities are regulated by the Shire of Harvey via an Extractive Industry Licence (EIL). An EIL was granted to the applicant on 28 February 2022.

The works approval authorises the construction of the premises. A registration or a licence will be required to operate the 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 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
<b>Construction and Operation</b>			
Dust	Crushing of material, vehicle movements, lift-off from stockpiles and/or stored product, earthworks etc.	Air / windborne pathway	<ul style="list-style-type: none"> <li>▪ Developmental approval and EIL require the applicant to have and to implement a Dust Management Plan.</li> <li>▪ Stockpiles are limited to 5m height,</li> <li>▪ Water cart will be on site during periods when material is being moved or crushing is being conducted.</li> <li>▪ Loads will be dampened prior to loading/unloading if necessary</li> <li>▪ If there is high winds and conditions are dusty operations will stop until such time as adequate wetting down has occurred or conditions have changed.</li> <li>▪ Stockpiles will be located where lift-off from the prevailing wind is minimised. If necessary, stockpiles will be treated with sprays or polymer binders.</li> <li>▪ A 20km per hour speed limit apply to trucks on these internal roads</li> <li>▪ A notice will be erected at the front gate that provides emergency contact details for the Operations Manager. A complaints system will be put in place, and these will be recorded by the Operations Manager and acted on promptly.</li> </ul>
Noise	Crushing and screening of material	Air / windborne pathway	<ul style="list-style-type: none"> <li>▪ Crusher/screener only to be operated between “day-time” hours (7am to 5pm, Mon – Sat) – this is a condition of the EIL.</li> <li>▪ Crushing and screening plant will be surrounded by raw material and product stockpiles which may provide some buffering of noise emissions. Stockpile height is restricted to 5m on the EIL.</li> <li>▪ A notice will be erected at the front gate that provides emergency contact details for the Operations Manager. A complaints system will be put in place, and these will be recorded by the Operations Manager and acted on promptly.</li> </ul>

Emission	Sources	Potential pathways	Proposed controls
Sediment laden stormwater	Material stockpiles	Overland runoff	<ul style="list-style-type: none"> <li>Crushing and screening plant area will be located &gt;200 m from the multipurpose wetland on the western boundary of the lot.</li> <li>Limestone soils are highly permeable, and the site is relatively flat (low slopes &lt;1% within the premises).</li> </ul>
Hydrocarbons	Leaks and spills from mobile plant, refueling activities	Soils, seepage to groundwater	<ul style="list-style-type: none"> <li>No storage of hydrocarbons on-site and no major vehicle machinery repairs or maintenance will take place during operations.</li> <li>Refueling will take place on the premises. All refueling trucks will be fitted with automatic snap-off nozzles to prevent overfilling and spillage.</li> <li>If a spill occurs the Hydrocarbon Spill Management Plan will be implemented which requires all spills to be cleaned up immediately with soil being dug up and disposed of at a licensed facility.</li> </ul>

### 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 human and environmental receptors and distance from prescribed activity**

Human receptors	Distance from prescribed activity
Closest residential receptor	Approximately 1050 m south-east from crushing and screening plant location. ~900 m from premises boundary.
Residential receptors	Approximately 1.3 – 1.7 km south-east of premises boundary.
Myalup township	Approximately 2 km north-west of the premises. Not considered a sensitive receptor due to distance.
Water Corporation desalination plant	Approximately 700m south of the crushing and screening plant.

Environmental receptors	Distance from prescribed activity
Groundwater	<p>Premises is within the southwest coastal groundwater Area (RIWI Act 1914 – Designated Groundwater Area). Depth to groundwater is approximately 2 meters below ground level with a Total dissolved solids of ~1500mg/L.</p> <p>Impacts from excavation activities on groundwater are managed by the EIL. A condition of the EIL is that the operations is managed in accordance with a water management plan.</p>
Multiple use wetland area	Approximately 260m to the west of the crushing and screening plant.
Conservation significant wetland (Green Growth Wetlands Commitments)	Approximately 800m north of the crushing and screening plant (not considered a receptor).
Threatened Ecological Community - Tuart ( <i>Eucalyptus gomphocephala</i> ) woodlands (Priority 3)	<p>Tuart trees exist within Lot 29. Excavation area excludes the tuart trees present on site and is separated from these trees by a 30 m buffer.</p> <p>Crushing and screening plant located approximately 100 – 150m from tuart tree woodland present on site.</p>

## 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 W6657/2022/1 that accompanies this decision report authorises construction and time-limited operations. 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 registration or a licence is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the operation of the premises i.e. Crushing and Screening Activities. A risk assessment for the operational phase has been included in this decision report.

**Table 3: Risk assessment of potential emissions and discharges from the premises during construction and operation**

Risk events					Risk rating <sup>1</sup>	Applicant controls sufficient?	Conditions <sup>2</sup> of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
<b>Construction</b>								
Placement of crusher and screening plant and associated equipment including vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Closest residential receptor ~1km from plant.	Refer to Section 3.1.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	None required due to low risk.	N/A.
	Noise		Threatened flora community (closest 100m-150m north-east of plant).	Refer to Section 3.1.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	None required due to low risk.	N/A.
<b>Operation (including time-limited-operations operations)</b>								
Screening, crushing, unloading, loading and storage of material  Vehicle movements within the premises.	Dust	Air / windborne pathway causing impacts to health and amenity / impacts to ecosystem health	Closest residential receptor ~1km from plant.  Threatened flora community (closest 100m-150m north-east of plant).  Wetland area ~260m to the west of the crushing and screening plant	Refer to Section 3.1.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 1: construction requirements Condition 6: Operational requirements Condition 7: throughput limit Condition 10: Complaints register	Due to the short-term operating hours (8 weeks of the year) and the applicant's proposed controls, dust emissions from the crushing and screening plant are unlikely to impact sensitive environmental receptors nearby or the closest residential receptor located more than 1km from the plant.  The EIL requires a dust management plan to be implemented to the satisfaction of the shire.  The applicant's controls will be conditioned within the works approval as per DWER's <i>Guideline: Risk Assessments</i> .
	Noise	Air / windborne pathway causing impacts to health and amenity	Closest residential receptor ~1km from plant.	Refer to Section 3.1.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 1: construction requirements Condition 6: Operational	Crusher and screening plant will be operated between "day-time" hours (7am to 5pm, Mon – Sat) for up to 8 weeks of the year. No noise sensitive receptors are located within 1km of the plant.

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Risk events					Risk rating <sup>1</sup> C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
							requirements Condition 7: throughput limit Condition 10: Complaints register	Due to the campaign (8 weeks a year) nature of the operations and the distance to the closest residential receptor it is not expected that noise emissions will have an impact on the off-site environment.  The works approval holder is required to comply with the assigned noise levels within the <i>Environmental Protection (Noise) Regulations 1997 (WA)</i> .
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Wetland area ~260m to the west of the crushing and screening plant.  Threatened flora community (closest 100m-150m north-east of plant).	Refer to Section 3.1.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 1: Construction requirements Condition 6: Operational requirements	The crushing and screening plant and associated stockpiles are proposed to be present onsite for 8 weeks of the year.  The applicant's proposed controls and the high permeability of the local soil and low slope of the premises makes it unlikely that the wetland area to the west of the premises will be impacted by this emission.  The applicant's proposed location of the crushing and screening plant will be conditioned within the works approval (in accordance with DWER's Guideline: <i>Risk Assessments</i> ) to ensure that the plant and stockpiles are located at least 100m away from surface water.
	Hydrocarbons	Direct discharge to land causing contamination of soils / groundwater	Localised soils and groundwater (2mbgl).	Refer to Section 3.1.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	None required due to low risk.	N/A.  <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> apply.

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. **Additional regulatory controls** depicts additional regulatory controls imposed by department.

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IR-T13 Decision report template (short) v3.0 (May 2021)

## 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 4/4/2022.	None received.	N/A.
Local Government Authority advised of proposal on 28/3/2022.	Response received 30/03/2022. The Shire has no objections to this works approval as it is consistent with the Development Approval and Extractive Industry Licence issued for the site.	Noted.
Applicant was provided with draft documents on 16/06/2022.	Applicant responded on 29/06/2022 stating they had no comments and to waive the remainder of the comment period.	Noted.

## 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.

A registration or a licence will be required to continue operation of the premises after the time limited operations phase authorised under the works approval ceases.

## 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 2: Application validation summary

SECTION 1: APPLICATION SUMMARY						
<b>Application type</b>						
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 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	23 December 2021					
<b>Applicant and Premises details</b>						
Applicant name/s (full legal name/s)	Carbone Bros Pty Ltd					
Premises name	Carbone Bros Myalup					
Premises location	Lot 29 on plan 13951, Tredrea Place, Myalup					
Local Government Authority	Shire of Harvey					
<b>Application documents</b>						
HPCM file reference number:	DER2021/000742					
Key application documents (additional to application form):	Supporting information has affixed to the application form as attachments					
<b>Scope of application/assessment</b>						
Summary of proposed activities or changes to existing operations.	<p><i>Works approval</i></p> <p>Construction and installation of Crushing and screening plant. Maximum production rate of 32,000 tonnes per year. Plant to be operated 8 weeks of the year.</p>					

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

**Table 1: Prescribed premises categories**

Prescribed premises category and description	Proposed production capacity	Proposed changes to the production or design capacity (amendments only)
<b>Category 70:</b> Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized, or separated	32,000 tonnes/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: N/A 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: N/A EPA Report No: N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: <a href="#">Permit not required</a>
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> 29/P13951 General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: Development approval Expiry date:25/03/2025 <a href="#">Extractive industry licence has also been obtained.</a>
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A <a href="#">No clearing is proposed for crushing and screening plant area.</a> <a href="#">Clearing permit is required for excavation area.</a>
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"/>	Application reference No: N/A Licence/permit No: N/A
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A <a href="#">Licence / permit not required.</a>

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"/>	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
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <a href="#">WQPN 25</a> )? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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> )	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Classification: N/A Date of classification: N/A