



Application for Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L9181/2018/1
Applicant	Swan Waste Solutions Pty Ltd
ACN	169 223 778
File Number	DER2015/001686
Premises	Swan Waste Solutions Gravel Pit Lot 203 on Plan 46016 Wandena Road MUCHEA WA 6501
Date of Report	12 June 2019

1. Definitions

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

Term	Definition
ACN	Australian Company Number
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.
Emission	has the same meaning given to that term under the EP Act.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Licence Holder	Swan Waste Solutions Pty Ltd
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Occupier	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Prescribed Premises	has the same meaning given to that term under the EP Act.
Risk Event	As described in <i>Guidance Statement: Risk Assessment</i>

2. Overview of premises

2.1 Classification of premises

Classification of Premises	Description	Approved Premises production or design capacity or throughput
Category 70	Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	25,000 tpa

2.2 Description of proposed activity

Swan Waste Solutions Pty Ltd (the Applicant) proposes to extract laterite gravel from a pit at the Premises and screen the gravel to a size suitable for road gravel. The final gravel product will meet the Main Roads WA *Specification 501 Pavements – 04/10110-04*. The gravel pit is estimated to hold a total of 125,000 m³ of gravel and will be excavated over a period of approximately 5 years.

The Applicant has also indicated that the gravel pit area is to be cleared of native vegetation. An assessment of this clearing application has also been undertaken as part of this licence assessment (Appendix 2).

The Premises and adjoining Lot 202 are also subject to a works approval (W5912/2015/1) held by the Applicant, permitting the construction of a crushing and solid waste facility and authorises crushing to be undertaken to construct noise bunds. These works are separate from the gravel pit operations and predominately occur within Lot 202.

Licence L9181/2018/1 is granted for the operation of the gravel pit on Lot 203 and does not authorise ongoing operations in relation the activities (prescribed premises categories 13 – crushing and 61A – solid waste facility) occurring on Lot 202. Upon completion of the works under W5912/2015/1, Lot 202 and these other activities may be incorporated onto the licence through an amendment.

The infrastructure and equipment are outlined in the table below and the site layout is shown in Figure 1.

Ref	Infrastructure and Equipment	Site Layout Plan Reference (Figure 1)
	Prescribed Activity (Category 70)	
1	Jaw crusher with a capacity fitted with inbuilt water sprayers	Screening plant
2	Screening plant fitted with inbuilt water sprayers	
3	Front end loader (Caterpillar 972G or similar)	N/A – mobile equipment
4	Water Truck with a capacity of 15,000 litres or more	
5	Screening bund constructed of top soil, overburden and oversize material.	Screening bund

Figure 1: Site Layout Plan

Image provided as part of licence supporting documentation



3. Planning Approval

The Shire of Chittering issued Development Approval on the 29 May 2019 to use the lot for the purpose of 'Extractive Industry (Gravel)'. The Approval is valid for 10 years, and therefore in accordance with the Department's *Guidance Statement: Licence Duration (August 2016)* the licence will also be limited to a 10 year period.

4. Occupancy

The Applicant has provided evidence from the landowner (Swan Industrial Developments Pty Ltd) to confirm that they have occupational control of Lot 203 for the purposes of excavating gravel. The Applicant has indicated that the access agreement is perpetual with no expiry.

5. Clearing Approval

DWER has assessed the request for a clearing permit as part of the licence application. The clearing of not more than 2.4 hectares of native vegetation has been authorised and the detailed assessment is included in Appendix 2.

To allow for the appeals process outlined by section 101A of the EP Act, the licence will not commence, and therefore the clearing will not be permitted, until 30 days from the date of issue.

6. Emission sources, pathways and receptors

6.1 Emissions

The potential for emissions to impact on sensitive receptors has been assessed in accordance with the Department's Risk Framework. The key emissions considered in this report are **dust, and noise** from activities during operation of the Premises, including vehicle movements, excavation, loading, unloading and storage of materials. The Applicant has proposed

measures to assist in controlling these emissions, where necessary. The control measures have been considered when undertaking the risk assessment detailed in Section 7.

6.2 Receptors

Risk is assessed as a combination of emission sources, the proximity and sensitivity of receptors to those emission sources and any pathways that can allow the emission to reach and potentially harm the receptor. Figure 2 and the table below provides a summary of human and environmental receptors in proximity to the premises and the risk assessment in Section 7 considers these receptors in the context of emissions and potential pathways.

Receptor	Distance from Prescribed Premises
Human receptors	
Residential House	85 metres west of Premises Boundary
Residential House	340 metres east of Premises Boundary

The Applicant has provided correspondence from the landowner located 85 metres west of the Premises Boundary, advising that they support rehabilitation activity being undertaken at the Premises.

6.3 Pathways

As dust and noise are considered potential emissions, the prevailing wind direction has been considered. Using information available on the Bureau of Meteorology's website, the closest available weather station for climate data is Pearce RAAF (No. 009053). Based on the climate data for this station, the prevailing wind direction is morning easterlies, and afternoon south-westerlies.

7. Risk Assessment

Risk ratings have been assessed for each key emission source and take into account potential source-pathway-receptor linkages. The mitigation measures / controls proposed by the Applicant have been considered in determining the risk rating.

7.1 Risk assessment – operation

Risk Event				Consequence rating*	Likelihood rating*	Risk*	Reasoning	Regulatory controls
Source/Activities	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Excavation activities Screening activities Unloading, loading and storage of material Vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity of closest human receptors (residents 85 and 340 metres from the Premises boundary)	Wetting down of unsealed roads and exposed areas with a water truck. Sprayers on the screening plant. All site traffic limited to 40km/hr Progressive rehabilitation of completed areas Stopping activities during strong winds Reducing dumping heights below 5m	Slight	Possible	Low	The proposed controls are expected to be sufficient at mitigating dust emissions.	Controls generally consistent with the applicants proposed controls to maintain risk rating.
	Noise		Bund constructed to the west. Limited operating hours. Regular maintenance of machinery				The proposed controls are expected to be sufficient at mitigating noise emissions	

*Consequence ratings, likelihood ratings and risk descriptions are detailed in the Department's Guidance Statement: Risk Assessments (February 2017)

8. Consultation

Method	Comments received	DWER response
Application advertised on DWER website 13/12/18	No comments received	N/A
Direct interest stakeholders notified	Shire of Chittering responded with no objections.	N/A
Applicant notified of draft 1/03/2019	Applicant provided details as outlined in draft report	Additional details incorporated into the document.

9. 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).

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 approval under the EP Act.

Tracey Hassell
A/MANAGER WASTE INDUSTRIES
REGULATORY SERVICES
Delegated Officer under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

Document title	Availability
Application form and supporting documentation	DWER records (A1733186, A1738373, A1740150)
DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au
DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	
DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	
DER, February 2017 <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	
DER, February 2017. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	

Appendix 2: Clearing Permit 8279



1. Application details

1.1. Permit application details

Permit application No.: 8279/1
Permit type: Works Approval / Licence Assessment

1.2. Applicant details

Applicant's name: Swan Waste Solutions

1.3. Property details

Property: Lot 203 on Plan 46016, Muchea
Local Government Authority: Chittering, Shire of
Localities: Muchea

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
2.4	-	Mechanical Removal	Waste disposal/management

1.5. Site Information

Clearing Description The application is to clear 2.4 hectares of native vegetation within Lot 203 on Plan 46016, Muchea, for the purpose of upgrading the existing gravel extraction site (Figure 1).

Vegetation Description The application area is mapped as the Reagan complex, which is described as ranging from low open woodland of *Banksia* species and *Eucalyptus tottiana* (Pricklybark) to closed heath depending on the depth of soil (Hedde et al., 1980).

A site inspection of the application area undertaken by the Department of Water and Environmental Regulation (DWER) recorded the vegetation as scattered *Eucalyptus wandoo* over a completely degraded understorey of introduced species (DWER, 2019). A majority of the application area contains no native vegetation.

Vegetation Condition Vegetation condition within this assessment has been assessed using the vegetation condition scale developed by Keighery (1994). All references to vegetation condition throughout this assessment therefore, reference this scale.

DWER (2019) determined the application area to be in a completely degraded condition, described as:

- Completely degraded - The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Comment The local area is defined as a 10 kilometre radius measured from the perimeter of the application area.



Figure 1: Area applied to clear.

2. Avoidance and minimisation

No avoidance and minimisation measures have been proposed.

3. Assessment of application against clearing principles

The vegetation within the application area is defined within section 2 as scattered *Eucalyptus wandoo* over a completely degraded understorey of introduced species (DWER, 2019). A majority of the application area contains no native vegetation.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The local area surrounding the application area retains 36.9 per cent native vegetation and the mapped beard vegetation association retains 33.8 per cent native vegetation (Government of Western Australia, 2018). The vegetation within the application area does not form part of an ecological linkage within the local area and adjoins areas with historical disturbance. Given this, the completely degraded condition of the vegetation and as the local area and vegetation association retain above the 30 per cent threshold, the vegetation within the application area is not likely to be classified as a significant remnant within an extensively cleared landscape.

Given the completely degraded condition, lack of understorey species, lack of linkage value and adjoining disturbance, the vegetation within the application area is not likely to contain threatened or priority flora, a priority ecological community or a threatened ecological community.

The site inspection of the application area did not record any potential breeding habitat for black cockatoos (DWER, 2019). Black cockatoo foraging habitat was determined to be minimal due to the scattered completely degraded condition of the vegetation and small size of the application area (DWER, 2019). Given this, the lack of linkage value, lack of understorey and as a majority of the application area does not contain native vegetation, the proposed clearing is not likely to contain significant fauna habitat.

No watercourses or wetlands are mapped within the application area. The DWER (2019) site inspection confirmed that no riparian vegetation or watercourses are present within the application area. Given this, the relatively small clearing area proposed and completely degraded condition of the vegetation; the proposed clearing is not likely to deteriorate ground water or surface water quality, cause or exacerbate land degradation or exacerbate the intensity of flooding. The closest conservation reserve is located 2.2 kilometres from the application area, across a cleared landscape, and is therefore not likely to be impacted by the proposed clearing.

Given the above, the proposed clearing is not likely to be at variance to any of the clearing Principles.

4. Recommendation

Recommendation

An assessment of the environmental impacts of the proposed clearing has been undertaken in accordance with DWER's Regulatory Principles, taking into consideration the clearing principles contained in Schedule 5 of the EP Act. Section 62(1) of the EP Act provides for conditions to be placed on a works approval to prevent, control, abate or mitigate pollution or environmental harm. Recommended conditions are as follows:

1. Clearing authorised

The works approval holder shall not clear more than 2.4 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8279/1.



Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

20 February 2019

5. References



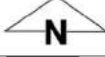

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity Conservation and Attractions (DWER) (2019) Site Inspection Report for clearing assessment CPS 8279/1. Site inspection undertaken 6 February 2019. DWER ref: A1765984.
- Government of Western Australia (2018) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Parks and Wildlife, Perth.
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

GIS datasets

- Conservation estate
- DPIRD Land degradation risk categories
- Pre-European vegetation
- Threatened and Priority ecological communities
- Threatened and Priority flora
- Vegetation extent
- WA Herbarium

Plan 8279/1



<p>Legend</p> <hr/> <ul style="list-style-type: none">  Imagery  Cadastral Flattened - 5K  Clearing Instruments Activities 	<div style="text-align: center;">   1:2,079 (Approximate when reproduced at A4) GDA 94 (Lat/Long) Geocentric Datum of Australia 1994 _____ Date 20/02/2019 Mathew Gannaway Officer with delegated authority under Section 20 of the Environmental Protection Act 1986  GOVERNMENT OF WESTERN AUSTRALIA WA Crown Copyright 2019 </div>
---	--