



Application for licence

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

Licence number	L9231/2019/1
Applicant	Cowara Contractors Pty Ltd
ACN	115 007 228
DWER file number	DER2019/000668
Premises	Cowara Contractors Lot 1062 Ablett Road COWARAMUP WA
Date of report	19 May 2020
Decision	Grant

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1. Definitions

Key terms relevant to this decision report and their associated definitions are listed in Table 1.

Table 1: Definitions

Term	Definition
Applicant	Cowara Contractors Pty Ltd
Category / categories	Categories of prescribed premises as set out in Schedule 1 of the EP Regulations.
Decision Report	refers to this document.
Delegated Officer	An officer delegated under section 20 of the EP Act.
Department	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>
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Occupier	has the same meaning given to that term under the EP Act.
Prescribed premises	This 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
Risk Event	As described in <i>Guidance Statement: Risk Assessments</i>

2. Premises and description of proposed activities

Cowara contractors Pty Ltd (The Applicant) has applied for a licence for a category 13 and category 62 prescribed premise at Lot 1062 Ablett Road, Cowaramup. The Applicant is applying to undertake storing and crushing building waste at the Premises for the purposes of reuse in building and landscaping projects. The Applicant intends on selling crushed material and stored material at the Premises.

Table 2: Category and assessed design capacity

Category	Description	Assessed production or design capacity or throughput
Category 13	Crushing of Building Materials	22,000 tpa
Category 62	Solid Waste Depot	26,000 tpa

The Applicant currently operate their business from Lot 1062 Ablett Road accepting and stockpiling excess construction materials. These materials include concrete pipe, kerbing, slabs, bricks, tiles and rocks. This material is crushed and screened on site to produce a road base product which is sold to local Shires, earthmoving companies, builders, and farmers. The Applicant also accepts bulk loads of white sand, yellow sand, grit sand and ag lime for their own use as an earthmoving company and to sell to the public for landscaping. The activities have not previously been licenced.

This site has been in operation for several years and no dust or noise related complaints have been received by DWER. The Applicant proposes to continue to conduct activities from 7am to 5pm Monday to Friday. Incoming materials are inspected and must have a docket detailing their origin, materials, and estimated weight and volume. A detailed explanation of each of the three zones and what activities occur can be found in Table 3.

Once unloaded delivery documents are checked again and the load is inspected manually by staff. The bulk material is taken to Zone 2 as per the Figure 1: Site Layout Plan and stockpiled for transfer to development sites upon request. Material can be used immediately or remain in the stockpile for several weeks.

Table 3: Processing and stockpile areas

Zone	Name	Description
Zone 1	Landscape Supplies	Zone 1 is only for retail customers taking trailer loads of mulch or crushed road base or soil conditioners. There is separate entry exit for these customers as per Site Plan and an internal turnaround to maintain separation. This area is for stockpile of supplies such as mulch, gravel and sands for sale.
Zone 2	Bulk Materials Stockpiles	Bulk material will have a stockpile area to the west with the eastern side used for trucks to drive in and back up to unload. Zone 2 is only used as temporary stockpiling of bulk materials such as lime sand, yellow sand etc. It is brought to site from various locations such as Ellensbrook sand pit, the Shire's Boranup pit or other local sources.

Zone	Name	Description
Zone 3	Construction Material and Process area	Construction material zone will have a stockpile area for trucks to unload and a processing hub to crush this material. Product will be stockpiled in the Bulk material zone. Construction waste is only accepted in Zone 3.

The Applicant has proposed a list of infrastructures relating to the above activities. This infrastructure is detailed in the table below.

Table 4: Proposed infrastructure and equipment

Ref	Infrastructure or Equipment	Sound Power Level (dB)	Site Layout Plan reference (Figure 1)
1	329 D2L Caterpillar 30 tonne hydraulic excavator	104 dB	All zones.
2	Water cart	n/a	All zones.
3	966 Caterpillar Wheeled Loader	108 dB	All zones.
4	Screener	n/a	Zone 3
5	Crusher	n/a	Zone 3

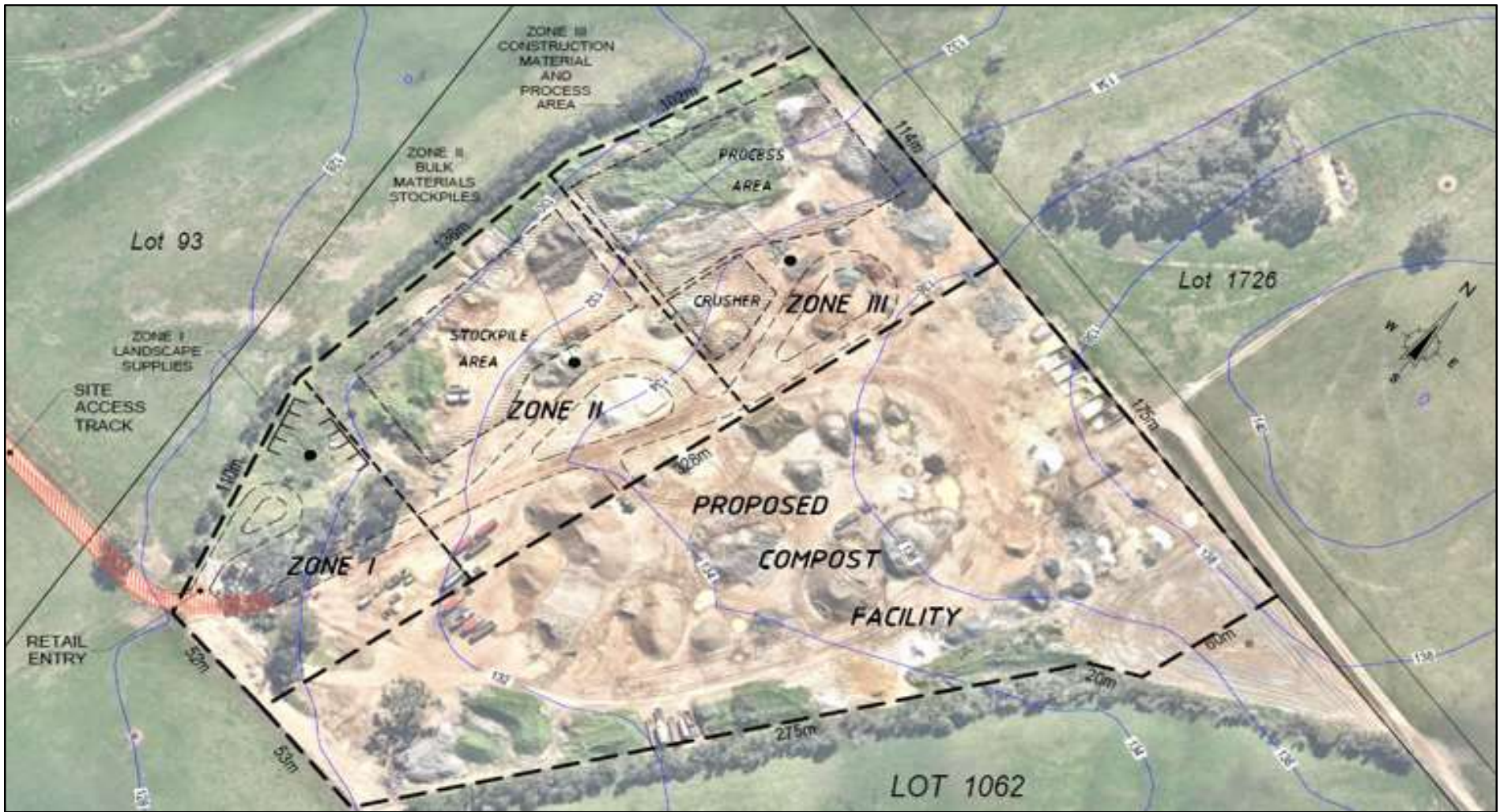


Figure 1: Site Layout Plan

Note: The proposed compost facility is not within scope of assessment. Assessed under separate works approval.

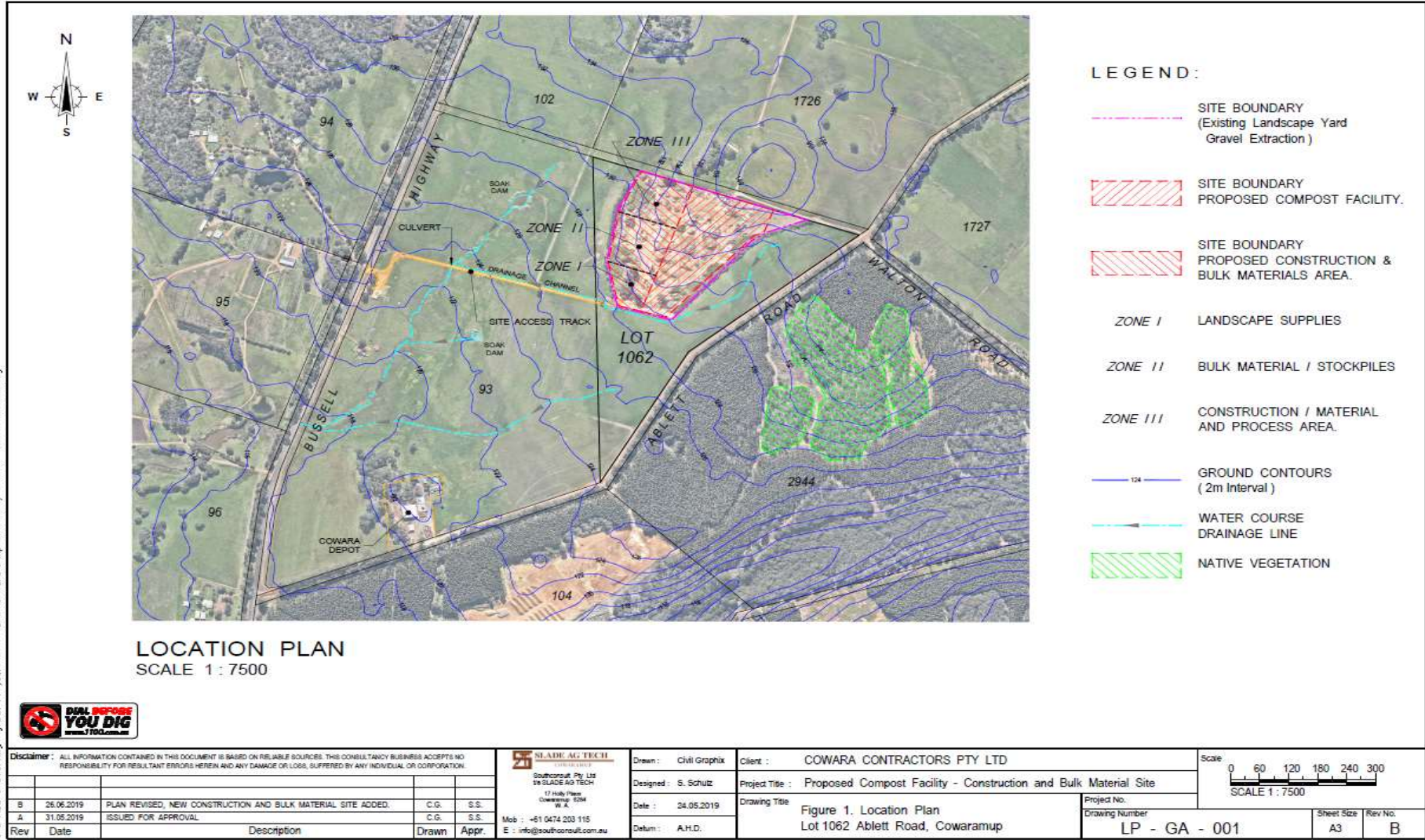


Figure 2: Context Map

2.1 Legislative context and other approvals

The Applicant has provided evidence that they are the landowner and have given approval for Sandtracks Consulting to apply for the works approval on their behalf. A summary of relevant legislation can be found in Table 5 below.

The Shire is currently assessing the development approval application for a Compost Facility, as well as a crushing and solid waste depot separately. The Applicant holds an extractive Industry Licence from the Shire which was approved in 2008 and does not intend to extract gravel onsite in the future.

Table 5: Relevant Legislation

Legislation	Number	Approval
<i>Environmental Protection Act 1986</i>	n/a	A Licence under Part V will be required once the works approval process has been completed.
<i>Planning and Development Act 2005</i>	DA752-2018	The Applicant has applied for development approval from the Shire. This is currently under assessment with the Shire.
<i>Planning and Development Act 2005</i>	P27187	<i>Extractive Industry – Gravel Pit approved 2008</i>

3. Emission Sources, Pathways, and Receptors

This section will cover emission sources, pathways, and receptors of the prescribed premises. 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.

3.1 Emissions

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 noise, asbestos and potentially contaminated stormwater from activities including equipment placement, use and vehicle movements, screening/crushing, and stockpiling of materials during operation.

The Applicant has proposed measures to assist in controlling these emissions, where necessary. The information in Table 7 has been considered when undertaking the risk assessment.

3.2 Pathways

Risk events will be identified where an identified actual or likely pathway is identified in line with the DWER risk assessment guidance statement (DWER 2017b). This section will identify pathways associated with operation of the premises. Where pathways are actual or likely, they will be included in the risk assessment under Section 5.

As dust, noise and asbestos are considered potential emissions, the prevailing wind direction has been considered as a potential pathway for these emissions. Using information available on the Bureau of Meteorology's website, the closest available weather station for climate data is Witchcliffe (No. 009746).

Based on the climate data for Witchcliffe station (December 1999 to November 2019), the prevailing wind direction in summer months is south easterlies in the morning and southerly in

the afternoon. In winter months it is predominately northerlies in the morning and north-westerly winds. This suggests there may be an emission pathway to the south and south-easterly direction in winter months. In summer months there may be an emission pathway to the receptors north and north-west.

As contaminated stormwater is considered a potential emission to surface water, hydrology has been considered as a potential pathway.

The proposed premises is located at the top of a small sub-catchment of the Margaret River catchment. The topography of the area indicates that surface water in the immediate vicinity of the proposed activities flows in a south westerly direction before ultimately draining to the south into Margaret River.

There are three minor, non-perennial watercourses located within 1.1 kms of the premises. One is located to the north of the premises and given that surface water flows in a south westerly direction it has not been considered a pathway for stormwater contamination. The closest minor, non-perennial watercourse is located approximately 370 m south west of the premises and the third watercourse is approximately 700 m south east. Both watercourses drain in a southerly direction towards Margaret River.

Only the watercourse located south west of the premises is down gradient of the premises. For contaminated stormwater from the premises to enter this watercourse, and ultimately into Margaret River, it would have to travel 370 m over cleared land, and then travel a further 7.5 km south via the stream into Margaret River.

3.3 Receptors

Figure 3 and Table 6 provides a summary of human and environmental receptors in proximity to the premises and the risk assessment considers these receptors in the context of emissions and potential pathways.

Table 6: Distance to Receptors

Receptor	Distance from Boundary
Human receptors	
Nearest Residential receptor bearing west	Approximately 850 m
Nearest Residential receptor bearing north	Approximately 1800 m
Nearest Residential receptor bearing east	Approximately 800 m
Nearest Residential receptor bearing south	Approximately 750 m
Commercial and viticulture premises (winery) bearing south-west	Approximately 1600 m
Cowaramup Town Centre bearing north	1900 m
Environmental Receptors	
Busselton-Capel Proclaimed Groundwater Area – <i>Rights in Water and Irrigation Act 1914</i> (64.5% of water within this area is used for irrigated pasture and 23.5% is for general agriculture. The surficial and Leederville aquifers are connected to surface water in this subarea which is protected for current and future users.	within premises boundary
Native Vegetation bearing south-east –Matiske vegetation complex is C2 described as an open forest of <i>Eucalyptus marginata</i> , <i>Corymbia calophylla</i> and <i>Banksia grandis</i> .	Approximately 250 m
Cape to Cape Proclaimed Surface water area bearing north – Rights in Water and Irrigation Act 1914. This area is proclaimed for the purposes of regulating the taking of water from watercourses and wetlands for current and future users.	Approximately 430 m
Margaret River Tributary, minor – non-perennial bearing south west – no stream gauging data is available for the watercourse	Approximately 370 m
Margaret River Tributary, minor – non-perennial bearing south east – no stream gauging data is available for the watercourse	Approximately 700 m

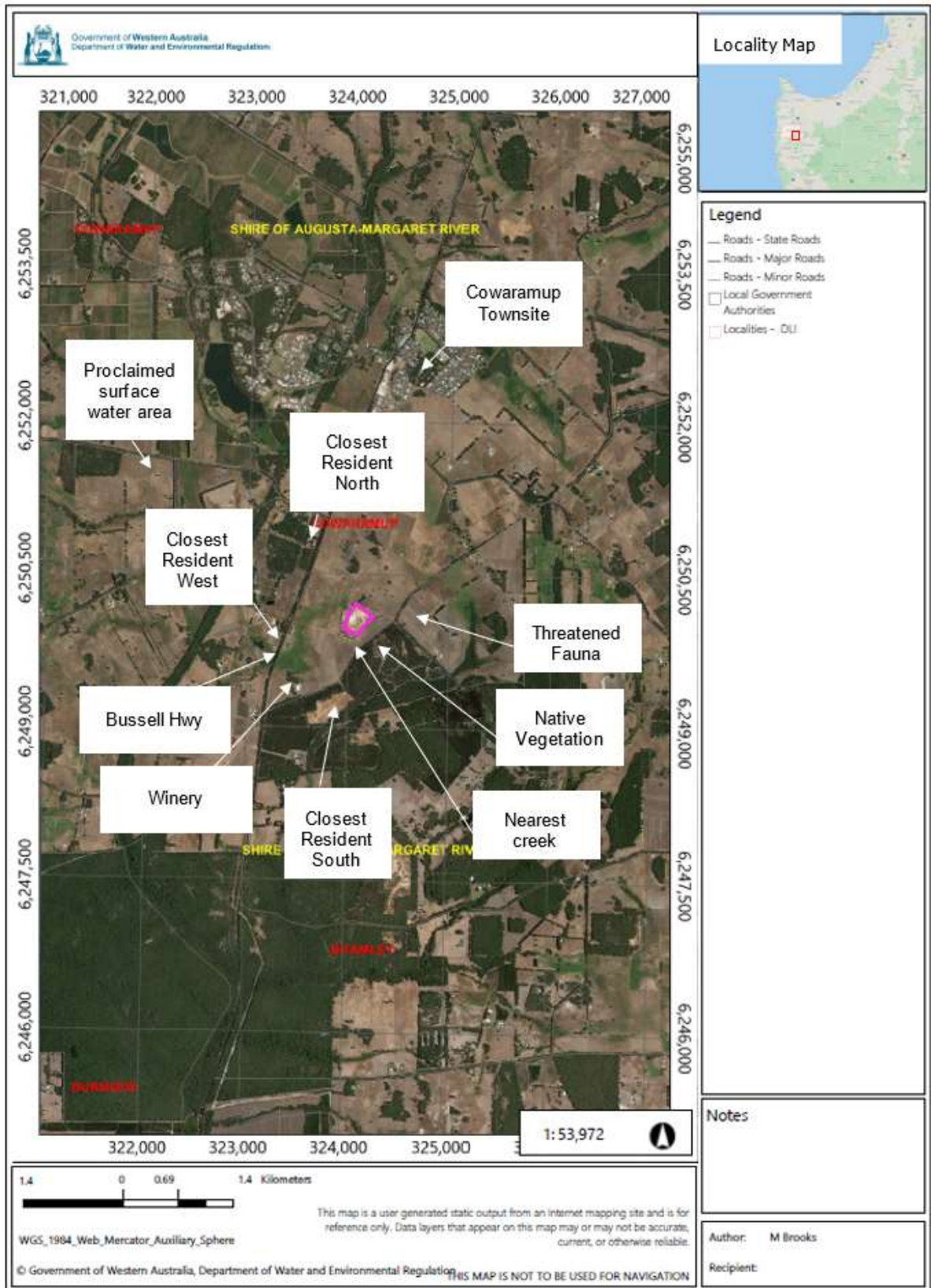


Figure 3: Distance to Receptors

4. Applicant controls

The Applicant has proposed the following controls as part of the application in Table 7 below. A number of these controls were provided to the Department when more information was formally requested regarding a works approval for the compost facility on site.

Table 7: Summary of emissions and applicant controls

Source	Emission (as identified above)	Proposed controls
Crushing of material, vehicle movements, lift-off from stockpiles and/or stored product, earthworks etc.	Dust	<ul style="list-style-type: none"> • Watering down of all unsealed trafficable areas as required; • Watering down of dust generating areas and dusty materials and maintaining a water cart on site for this purpose, or covering dusty materials; • Activities with a high potential for dust generation will be stopped during weather conditions that are likely to contribute to an increase in dust; • All complaints will be recorded and investigated; • Limiting vehicle speeds to less than 40 km/hr and prohibiting traffic in non-active areas; • Maintaining stockpile heights at less than 5 m; and • All trucks entering and leaving will be covered.
Crushing and screening of material	Noise	<ul style="list-style-type: none"> • Record and investigate all complaints; • Limit hours of operation to 7am to 5pm Monday to Friday and Saturday morning between 7am and 12pm. • Comply with the Environmental Protection (Noise) Regulations (EP Noise Regulations); and • Regularly service vehicles.
	Asbestos	<ul style="list-style-type: none"> • Ensure no asbestos or asbestos containing material is accepted on site; • Contaminated loads wetted down and reloaded onto suppliers' truck; and • Demolition waste not accepted onto premises.
Crushing and screening of material and Storage of construction waste, fill, and other landscape supplies.	Potentially contaminated stormwater	<p>Although the applicant has not specified proposed stormwater controls in the application, the following controls have been deemed relevant by DWER:</p> <ul style="list-style-type: none"> • waste acceptance and contaminated loads controls listed within Table 7 above (this Table); and • Cowara works approval (W6328/2019/1) – channel drain along southern boundary connected to storage pond. The location and size of this channel is likely to capture potentially contaminated stormwater thereby trapping and reducing sediment loads to closest non-perennial stream receptor (370 m south west of Premises)

5. Risk assessment

The identification of the sources, pathways and receptors to determine Risk Events are set out in Table 8 below, consistent with the *Guidance Statement: Risk Assessments*. Risk ratings have been assessed for each key emission source and consider potential source-pathway-receptor linkages. The mitigation measures / controls proposed by the Applicant have been considered in determining the risk rating. Emissions during operation have been assessed for relevant receptors.

The conditions in the issued Licence have been determined in accordance with the *Guidance Statement: Setting Conditions* (DER 2015b) (Appendix 1: Key documents)

5.1 Risk assessment

Table 8: Risk Assessment Operation

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Crushing activities Unloading, loading and storage of material Vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity of closest human receptors approximately 800 m east and 850m west from the premises respectively.	See Table 7	Minor	Unlikely	Low	The Applicant's proposed dust mitigation controls are likely to be sufficient at mitigating dust emissions.	Conditions formalising applicants proposed controls included in the licence.
		Air/windborne pathway causing impacts to surface water quality on the minor non-perennial tributary (located 370 m south west from premises boundary).		Moderate	Unlikely	Medium		
		Air/windborne pathway causing impacts to native vegetation located approximately 250 m south-east from the premises		Moderate	Unlikely			

		boundary.						
Crushing activities Unloading, loading and storage of material	Noise	Air/windborne pathway causing impacts to health and amenity of closest human receptors approximately 800 m east and 850m west from the premises respectively.	See Table 7	Moderate	Possible	Medium	The noise emissions during proposed operational time of 7am to 5pm Monday to Friday are likely to comply with the general provisions of the Environmental Protection (Noise) Regulations (EP Noise Regulations)	Conditions formalising applicants proposed controls included in the licence.
		Air/windborne pathway causing impacts to potential habitat in native vegetation 250 m south-east						
Vehicle movements	Asbestos	Air/windborne pathway causing impacts to health and amenity of closest human receptors approximately 800 m east and 850m west from the premises respectively.	See Table 7	Severe	Rare	High	The Applicant's proposed asbestos mitigation controls are insufficient at mitigating asbestos emissions.	Conditions formalising applicants proposed controls included in the licence and conditions regarding compliance with <i>DWER asbestos guideline</i>
Crushing activities Unloading, loading and	Potentially contaminated stormwater	Overland flow, to land impacting soil quality.	See Table 7	Minor	Unlikely	Low	For contaminated stormwater from the premises to enter this watercourse, and ultimately into Margaret River, it	No conditions

storage of material		Overland flow, to surface water Features impacting surface water quality - Margaret River Tributary, minor – non-perennial approx. 370 m south west	See Table 7			<p>would have to travel 370 m over clearer land, and then travel a further 7.5 km south via the stream into Margaret River. Likely contaminants are considered to be sediment from inert waste stockpiles.</p> <p>The proposed waste acceptance controls, inert nature of stored materials, and the channel drain to be constructed under W6328/2019/1, it is unlikely that contaminated storm water would impact the receptors.</p>	
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Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Department's Guidance Statement: Risk Assessments (February 2017)

6. Consultation

Table 9: Consultation Summary

Method	Comments received	DWER response
Application advertised on DWER website 3 February 2020	None received	N/A
Local Government Authority advised of proposal 7 February 2020.	The Shire of Augusta- Margaret River replied on 12 February 2020 stating that Main Roads had concerns over current access to the site, and that this matter was yet to be resolved.	Noting that the concern regarding access is unlikely to impact on site infrastructure and the risk associated with emissions from activities on the Premises, the Delegated Officer will proceed with granting this licence. Please note it is the responsibility of the applicant to ensure all other relevant legislative requirements including planning approval are acquired prior to operation.
Applicant referred draft documents (23 April 2020)	The Applicant would like to extend the operating hours to include Saturday morning.	The addition of Saturday morning (after 0700) to the operating hours of the Premises is likely to comply with the general provisions of the Environmental Protection (Noise) Regulations (EP Noise Regulations). The Applicant is required to comply with the general provisions of the EP Noise Regulations. The Delegated Officer has amended the hours of operation to include Saturday morning 0700 to 1200.

7. Conclusion

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

Tracey Hassell
A/Manager Waste Industries
INDUSTRY REGULATION

An officer delegated by the CEO under section 20 of the EP Act

Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Licence Application Cowara Contractors	n/a	DWER records (A1861688)
2.	Works Approval Application Cowara Contractors	n/a	DWER records (DWERDT13896)
3.	DER, July 2015. <i>Guidance Statement: Regulatory principles.</i> Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
4.	DER, October 2015. <i>Guidance Statement: Setting conditions.</i> Department of Environment Regulation, Perth.	DER 2015b	
5.	DER, May 2016. <i>Guidance Statement: Publication of Annual Audit Compliance Reports.</i> Department of Environment Regulation, Perth.	DER 2016a	
6.	DER, August 2016. <i>Guidance Statement: Licence duration.</i> Department of Environment Regulation, Perth.	DER 2016b	
7.	DER, September 2016. <i>Guidance Statement: Environmental Standards.</i> Department of Environment Regulation, Perth.	DER 2016c	
8.	DER, November 2016. <i>Guidance Statement: Environmental Siting.</i> Department of Environment Regulation, Perth.	DER 2016d	
9.	DER, February 2017. <i>Guidance Statement: Land Use Planning.</i> Department of Environment Regulation, Perth.	DER 2017a	
10.	DER, February 2017. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	DER 2017b	
11.	DWER, June 2019. <i>Guideline: Decision Making.</i> Department of Water and Environmental Regulation, Perth.	DWER 2019a	
12.	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing.</i> Department of Water and Environmental Regulation, Perth.	DWER 2019b	
13.	DER, 2012. <i>Guideline for managing asbestos at construction and demolition waste recycling facilities.</i> Department of Water and Environmental Regulation, Perth.	DWER Asbestos Guideline	