



## Application for Licence

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

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<b>Licence Number</b>	L9260/2020/1
<b>Applicant</b>	J & P Corporation Pty Ltd
<b>ACN</b>	009 298 248
<b>File Number</b>	DER2020/000364
<b>Premises</b>	Yuna Yard Temple Road, Picton East  Legal description - Lot 10 on Deposited Plan 70159 As defined by the coordinates in Schedule 2 of the Licence
<b>Date of Report</b>	18 August 2022
<b>Decision</b>	Licence granted

**Melissa Chamberlain**  
**A/MANAGER WASTE 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 operation of the Premises. As a result of this assessment, Licence L9260/2020/1 has been granted.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this Decision Report, the department 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 24 August 2020, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence to temporarily store and crush construction and demolition waste using a mobile crushing plant at the Premises. The Premises is approximately 5 km east of Bunbury.

The Premises relates to the categories and assessed production/design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L9260/2020/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guidance Statement: Risk Assessments* (DER 2017) are outlined in Licence L9260/2020/1.

## 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 *Guidance Statement: Risk Assessments* (DER 2017).

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 operation which have been considered in this Decision Report are detailed in Table 1 below. Table 1 also details the proposed 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>Operation</b>			
Dust	Crushing of material, vehicle movements, lift-off from stockpiles and/or stored product, earthworks etc.	Air/windborne pathway	<p>Ensuring the dust suppression system on the plant equipment is maintained and in good working order prior to operation.</p> <p>Maintain a water tanker on site during the times of operation, particularly during the summer months, to keep access roads and processing area damp.</p> <p>All vehicles and trucks driving along the access road to the prescribed premises will operate at speeds of less than 10km/h.</p> <p>Keep movement of other plant equipment in and around the prescribed premises to a minimum when operation of the mobile crushing plant is required.</p> <p>Maintain constant visual monitoring of potential dust during operation and act accordingly.</p> <p>Operation will cease during times of high winds.</p> <p>Personnel will be trained in identifying trigger conditions of a potential dust event and when occurring, to action this dust management strategy.</p> <p>A dust complaint system will be implemented. Any complaints relating to dust will be recorded by the Site Manager and acted on promptly.</p>
Noise	Crushing and screening of material		<p>Operation of the mobile crushing plant will only be within the hours, 8am to 4pm, Monday to Friday, not including public holidays.</p> <p>Materials will be loaded into the crusher at the lowest possible height.</p> <p>Operation will cease during times of high winds, to avoid noise levels increasing during these conditions.</p> <p>All vehicles and trucks driving along the access road to the prescribed premises will operate at speeds of less than 10km/h.</p>

Emission	Sources	Potential pathways	Proposed controls
			A noise complaint system will be implemented. Any complaints relating to noise will be recorded by the Site Manager and acted on promptly.

### 3.1.2 Receptors

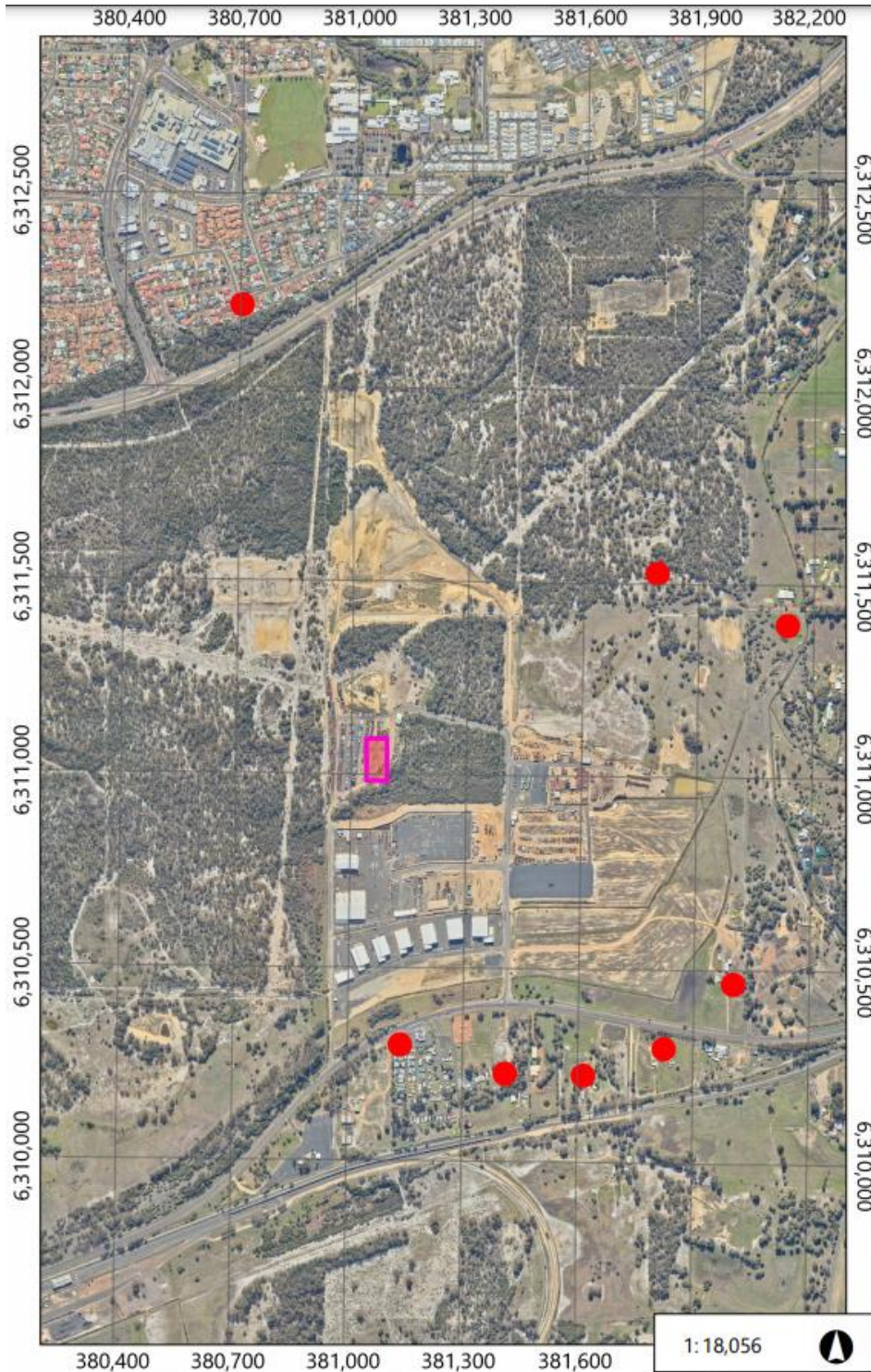
In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the applicant's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

**Table 2 and**

**Figure** 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 (*Guidance Statement: Environmental Siting* (DER 2016)).

**Table 2: Sensitive human and environmental receptors and distance from prescribed activity**

<b>Human receptors</b>	<b>Distance from prescribed activity</b>
Waterloo Village Caravan Park	≈ 700 m south of the Premises
Residential Premises – 36 Taverner Road, Picton East (rural small holding)	≈ 830 m north-east of the Premises
Residential Premises – Lot 8 on Diagram 57557 (rural small holding)	≈ 850 m south-east of the Premises
Residential Premises – 14707 South Western Highway, Picton East (rural small holding)	≈ 950 m south-east of the Premises
Residential Premises – Lot 38 on Deposited Plan 232800 (rural small holding)	≈ 1.02 km south-east of the Premises
Residential Premises – 24 Taverner Road, Waterloo (rural small holding)	≈ 1.08 km north-east of the Premises
Residential Premises – Lot 12 on Plan 60055	≈ 1.1 km south-east of the Premises
Residential Premises (Subdivision of Eaton)	≈ 1.2 km north-west of the Premises
<b>Environmental receptors</b>	<b>Distance from prescribed activity</b>
Threatened Ecological Community/Priority Ecological Community – Banksia Dominated Woodlands of the Swan Coastal Plain	Adjacent to the Premises on three sides.
Bunbury Groundwater Area – proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>	The Premises is located within this proclaimed area
Hydrographic Catchments – Basins – Collie River	The premises is located within this hydrographic catchment.
Threatened Fauna	Adjacent vegetation to the proposed prescribed activity contains suitable habitat for the Western Ringtail Possum.
Underlying Groundwater	Approximately -13mAHD Multiple abstraction bores located approximately 1km east of the Premises



**Figure 1: Receptor Map - The pink highlighted area indicates the mobile crushing processing area. The red circles indicate potential sensitive human receptors.**

## 3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) 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 licence 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.

Licence L9260/2020/1 that accompanies this Decision Report authorises emissions associated with the operation of the Premises i.e. the proposed crushing and storage of building material.

The conditions in the issued Licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).



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

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
<b>Operation</b>								
Crushing activities Unloading, loading and storage of material Vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity of human receptors listed in Table 2.  Air/windborne pathway causing impacts to adjacent environmental receptors listed in Table 2	Human and environmental receptors listed in Table 2.	Refer to Table 1.	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 1,12, 13, 15	Conditions formalising applicants proposed controls included in the licence.
	Noise	Air/windborne pathway causing impacts to health and amenity of human receptors listed in Table 2			C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 1	Conditions formalising applicants proposed controls included in the licence.  Premises operations are also subject to the <i>Environmental Protection (Noise) Regulations 1997</i> .
	Asbestos fibres from non-conforming waste types.			No controls proposed.	C = Severe L = Unlikely <b>High Risk</b>	N	<b><u>Condition 2, 3, 4, 5, 6, 7, 8, 9, 10, 11</u></b>	The applicant has not proposed any controls to mitigate asbestos emissions. Conditions have been added to the licence in accordance with DWER asbestos guidelines.

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Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Potentially contaminated storm water	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality.	Environmental receptors listed in Table 2.	No controls proposed.	C = Minor L = Possible <b>Medium Risk</b>	N	<b><u>Condition 14</u></b>	The applicant has not proposed any controls to mitigate the release of potentially contaminated storm and wash water from entering the environment. A condition has been added to the licence to control discharges of storm water.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

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 (17/09/2020)	None received	N/A
Local Government Authority advised of proposal (17/09/2020)	Initial correspondence received from the Shire of Dardanup advised that it did not support the application as the applicant did not have development approval for the proposed activities.  Subsequent correspondence received from the Shire confirmed that a development approval application had been submitted and that a scheme amendment is underway.	The Delegated Officer notes the Shire's advice that the scheme amendment is being processed and has decided to issue the Licence. The Licence Holder will be advised of its responsibility to obtain all relevant local government approvals prior to commencing the proposed activities at the premises.
Applicant was provided with draft documents on 13/10/2020	Applicant has confirmed that J & P Corporation will be submitting a development application to the Shire of Dardanup.  Applicant had no comments regarding the draft, except for requesting that surplus concrete be excluded from the requirement to separate into 3 piles.	DWER will continue to defer a decision on this application until the Shire of Dardanup has issued planning approval.  DWER notes applicant request and considers that this is captured by the conditions.

## 5. 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.

## References

1. DER July 2015. *Guidance Statement: Regulatory principles*. Department of Environment Regulation, Perth. Accessed at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)
2. DER, October 2015. *Guidance Statement: Setting conditions*. Department of Environment Regulation, Perth. Accessed at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)
3. DER, August 2016. *Guidance Statement: Licence duration*. Department of Environment Regulation, Perth. Accessed at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

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IR-T13 Decision Report Template (short) v2.0 (July 2020)

4. DER, November 2016. *Guidance Statement: Environmental Siting*, Perth, Western Australia. Accessed at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)
5. DER, February 2017. *Guidance Statement: Risk Assessments*. Department of Environment Regulation, Perth. Accessed at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)
6. DWER, June 2019. *Guideline: Decision Making*. Department of Water and Environmental Regulation, Perth. Accessed at [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)
7. DWER, June 2019. *Guideline: Industry Regulation Guide to Licensing*. Department of Water and

## Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input checked="" 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	24 August 2020			
Applicant and Premises details				
Applicant name/s (full legal name/s)	J & P Corporation Pty Ltd			
Premises name	Yuna Yard			
Premises location	Lot 10 on Deposited Plan 70159 Temple Road Picton East WA 6229			
Local Government Authority	Shire of Dardanup			
Application documents				
HPCM file reference number:	DER2018/001042-3~88			
Key application documents (additional to application form):	Attachment 1A – Certificate of Title (A1927749) Attachment 1B – ASIC Annual Company Statement (A1927750) Attachment 1C – Authorisation Letter (A1927751) Attachment 2 – Prescribed Premises Boundary Map (A1927753) Attachment 3B – Proposed Activities (A1927754) Attachment 6A – Management Plan (A1927756) Attachment 7 – Siting and Location Map (A1927757) Attachment 9 – Proposed Licence Fee (A1927758) Email confirmation to include Category 62 (DWERDT330917) Updated premises site map (DWERDT348230)			

Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	<i>Licence application for a Category 13: Crushing of building material and Category 62: Solid waste depot.</i> <i>Operation of a mobile crushing plant.</i>	
<b>Category number/s (activities that cause the premises to become prescribed premises)</b>		
<b>Table 1: Prescribed premises categories</b>		
Prescribed premises category and description	Proposed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 13: Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	3,000 tonnes per annual period	
Category 62: Solid waste depot: premises on which waste is stored or sorted, pending final disposal or re-use.	3,000 tonnes per annual period	
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:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
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"/> (A1927749) 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 type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: <u>To be confirmed by Shire</u> Expiry date: If N/A explain why?
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 No clearing is proposed.
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 No clearing is proposed.

<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>
<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: Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input 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: P1 / P2 / P3 / 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 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 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>	<p>Classification: N/A Date of classification: N/A</p>