



Application for Licence

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

Licence Number	L9346/2022/1
Applicant	NCJ Adamson Earthmoving Pty Ltd
ACN	655 374 502
File number	DER2022/000407
Premises	401 Twenty Four Road KARRIDALE WA 6286 Part of Lot 12 on Deposited Plan 97728 Certificate of Title Volume 2186 Folio 574 As defined by the premises maps attached to the issued licence.
Date of report	09/12/2022
Decision	Licence granted

A/MANAGER, RESOURCE INDUSTRIES

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 L9346/2022/1 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 16 August 2022 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 relating to screening etc. of material at the premises. The premises is approximately 3.5 km east of Karridale.

The proposal involves the screening of approximately 20,000 tonnes per annum of sand. The screening unit will be located on the pit floor during times when extraction is occurring. All screening equipment and infrastructure at the premises is fully portable to facilitate movement throughout the premises as required for staged quarrying operations.

The premises relates to the category 70 and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L9346/2022/1. 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 licence L9346/2022/1.

2.3 Exclusions to the premises

The purpose of a licence is to allow the department to assess the potential emissions and discharges during operation of the premises. Note that any licence issued under Part V of the EP Act will only regulate emissions associated with the screening operation (such as dust, noise and contaminated stormwater). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site. Emissions from the extractive activities will not be assessed or regulated under this licence.

The extractive activities and associated emissions and discharges within the defined prescribed premises boundary shown in Schedule 1 of L9346/2022/1 is regulated by the Shire of Augusta Margaret River via an extractive industry licence which was granted on 12 January 2022. The extractive Industry licence is valid for 10 years from the date of approval.

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 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
Operation			
Dust	Operation of mobile screening plant	Air/windborne pathway	<ul style="list-style-type: none"> • Stockpiles will be limited to the anticipated cubic volume/vehicle movement for cartage on the following operating day. • Water cart onsite at all times. • Stockpiles configured to accommodate easy access for watering/dust minimisation if required. • Water cart will be used for dust suppression on screening plant when required. • Stockpiles watered and stabilised as required. • Visual monitoring of dust undertaken daily. When dust emissions are observed dust suppression using water cart will be implemented immediately.
Noise	Operation of mobile screening plant	Air/windborne pathway	<ul style="list-style-type: none"> • All noise emissions to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> at all times. • Proposed operation are Monday to Friday from 7 am to 5:30 pm and Saturday 7 am to 1 pm, excluding public holidays. • Screening undertaken in designated areas with the greatest natural protection from winds. • Excavation and processing undertaken on the floor of the pit. • Use machinery and equipment with minimal noise output levels. • Ensure all machinery is regularly serviced as per the equipment's maintenance schedule. • Use flashing lights/broadband alarms instead of tonal reversing alarms on excavators/loaders. • 3 m high earth bund maintained to the north of the screening equipment.

Emission	Sources	Potential pathways	Proposed controls
Sediment Laden Stormwater	Stormwater runoff from stockpiles during high rainfall events	Overland runoff	<ul style="list-style-type: none"> Bunding of the process excavation area to ensure that stormwater is contained with the excavation footprint Screening plant will be located on an elevated pad with bunding around it. New pad to be constructed for each screen move.
Hydrocarbons	Operation and refuelling of facilities	Spills	<ul style="list-style-type: none"> Ensure adequate containment and bunding is in place to contain any spills that may occur during refuelling. Spill kits containing appropriate equipment for control, containment and clean-up of hydrocarbon and chemical spills available in appropriate locations onsite and maintained. No vehicles or machinery are to be serviced or cleaned within the premises.

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 and Figure 1 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
390 Twenty Four Road	295 m
467 Twenty Four Road	300 m
412 Brockman Highway	520 m
59 Capewell Road	580 m
335 Twenty Four Road	745 m
Environmental receptors	Distance from prescribed activity
Geomorphic wetland – Augusta to Walpole	Geomorphic Wetland 1 – 130 m north east of prescribed premises boundary. Geomorphic Wetland 2 - located 130 m south of prescribed premises boundary.
Groundwater	The site is located within the Cape to Cape South sub-area of the Proclaimed Blackwood Groundwater Management Area (DoW 2009). Separation from the superficial aquifer is expected to range from 1 m to 5.5 m from base of excavation floor.
Native Vegetation	Remnant vegetation adjacent to prescribed premises.

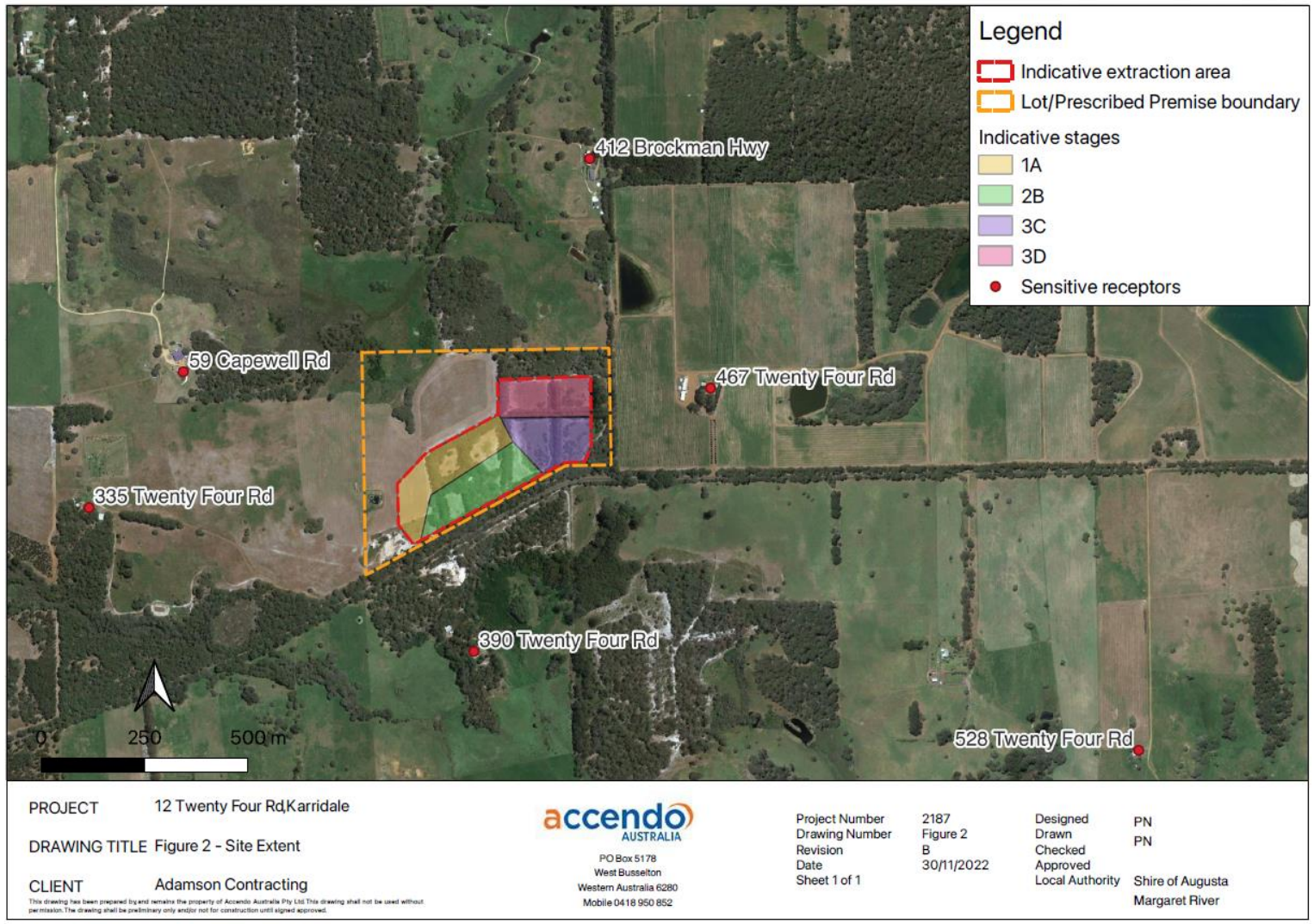


Figure 1: Distance to sensitive receptors

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 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 L9346/2022/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. category 70 activities.

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 events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
Operation								
Operation of screening plant Stockpiling of material	Dust	Air / windborne pathway causing impacts to health and amenity	Residences 295 – 1,000 m from the premises	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Yes	Applicant controls related to prescribed premises activities conditioned as: Condition 1	N/A
	Noise	Air / windborne pathway causing impacts to health and amenity	Residences 295 – 1,000 m from the premises	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	No	Applicant controls related to screening of material are conditioned as: Condition 1 Regulatory proposed conditions are: <u>Conditions 2,3 4, 5 and reporting condition 6</u>	Refer section 3.3
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	ESA – Geomorphic wetlands, less than 150 m from the proposed activity. One ESA within the premises boundary	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Yes	Applicant controls related to prescribed premises activities conditioned as: Condition 1	N/A
Refuelling of mobile equipment and storage of fuel	Hydrocarbons	Direct discharge to land causing soil contamination	Localised soils Groundwater	Refer Section 3.1	C = Slight L = Possible Low Risk	Yes	No conditions imposed. Other regulatory controls apply such as the general provisions of the EP Act and <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i> .	N/A

3.3 Detailed risk assessment for Noise emissions

An application for a works approval was submitted by the applicant on 30 March 2022. Prior to DWER's assessment of this works approval, the site infrastructure was constructed and limited screening was undertaken. As a result of the construction activities being undertaken ahead of the assessment of the works approval, it was recommended by the Delegated Officer in August 2022 that the works approval be withdrawn, as assessment of compliance with the works approval was no longer relevant. The site was referred to DWER's Compliance and Enforcement division for investigation.

Generally, time limited operations (TLO) under a works approval provide the department with the opportunity to assess operational compliance of a premises. The Environmental Noise Assessment which was included in the application for licence did not include an assessment of ambient noise. Due to numerous close residential receptors, and withdrawal of the works approval limiting assessment through TLO, there is an outstanding requirement for the applicant to demonstrate that the screening operation can be managed to comply with assigned noise levels as measured at neighbouring residences in consideration of ambient noise.

A specified action has been conditioned to address this data gap in the Licence application (condition 2). Reporting requirements are provided as conditions 3 and 4.

If the applicant can demonstrate that operations (inclusive of consideration of ambient noise) comply with the *Environment Protection (Noise) Regulations 1997* operations can continue to under this Licence.

If the ambient noise assessment indicates that noise emissions do not comply with the relevant assigned level in the *Environmental Protection (Noise) Regulations 1997*, the applicant will be required to prepare a plan to ensure premises activities comply with the *Environmental Protection (Noise) Regulations 1997* (condition 5).

Based on the timeframes associated with the inclusion of conditions 2 the department has included condition 6 which requires the applicant to report to the department once operations commence. This will enable timeframes for the submission of the noise verification monitoring to be determined.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department relating to the Licence Application.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 5 October 2022.	No comments received outside of consultation letters.	N/A
Consultation letter 1 - Augusta Community Development Association (ADCA) (4 October 2022)	<p><i>ADCA 26 October – Letter attachment</i></p> <p>Neighbours have notified ADCA that screening activities had previously taken place and were excessively noisy.</p> <p>Review of noise report suggests that assumptions have been made during noise modelling regarding the depth</p>	<p>Noise modelling for construction phase showed that noise from overburden removal would exceed the assigned noise levels at some neighbouring residences.</p> <p>Noise modelling for the extraction process is from the existing pit floor, six metres below natural ground level.</p>

Consultation method	Comments received	Department response
	<p>of plant during use, which may have resulted in non-conservative but regulation-compliant results.</p> <p>There may be value in conditioning the requirement for plant to operate at required depth or provide other noise controls.</p> <p>It would be appreciated if DWER would verify the required noise levels are being achieved, particularly given the Augusta Margaret River shire approval for 10 year operation.</p>	<p>Given the site setting in a rural area, daytime ambient noise can be very low. The proposed operation may significantly increase noise levels, regardless of whether compliance with assigned noise levels is achieved or not.</p> <p>A condition has been placed on the licence requiring ambient noise modelling.</p>
<p>Consultation letter 2 – Direct interest stakeholder (4 October 2022)</p>	<p>Prior to withdrawal of Works Approval, previous operations resulted in noise in certain conditions.</p> <p>The respondent has concerns that sands bunds have had minimal effect in reducing the noise and possible dust because of the topography of our land in relation of the position of sand site. The screening plant is visible from property and beeping is audible at certain times.</p>	<p>A condition has been placed on the licence requiring ambient noise modelling.</p>
<p>Consultation letters 3, 4,5,6,7 and 8. (Direct interest stakeholders)</p>	<p>No response received</p>	<p>It is noted that several stakeholders provided submissions during the works approval assessment, and these concerns are generally consistent with the issues raised in in ADCA's 26 October response.</p>
<p>Local Government Authority advised of proposal on 4 October 2022.</p>	<p>No response received.</p>	<p>N/A</p>
<p>Applicant was provided with draft documents on 30 November 2022</p>	<p>Applicant responded on 01 December 2022 and waived the remaining comment period.</p> <p>Refer to Appendix 1</p>	<p>Refer to Appendix 1</p>

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. 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 1: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
1.	Applicant confirmed that screening plant would be located on elevated pad with pad to be bunded. Drainage swales installed in active cells with water diverted to stormwater retention sumps.	Table 1 updated to include additional controls.
Schedule 1: Maps	Applicant provided updated map with prescribed premises boundary.	Updated map included as Schedule 1.
Schedule 2: Premises boundary	Applicant provided coordinates for premises boundary.	Coordinates added to Schedule 2.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Works approval	<input type="checkbox"/>				
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:	WA Withdrawn	None	<input checked="" type="checkbox"/>
		Has the works approval been complied with?		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
		Has time limited operations under the works approval demonstrated acceptable operations?		Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		Date Report received:			
Date application received	16/08/2022				
Applicant and Premises details					
Applicant name/s (full legal name/s)	NCJ Adamson Earthmoving Pty Ltd				
Premises name					
Premises location	Lot 12 (HSE 401) on Plan 977728				
Local Government Authority	Shire of Augusta Margaret River				
Application documents					
HPCM file reference number:	DER2022/000407				
Key application documents (additional to application form):	ASIC Certificate Shape file for site Certificate of Title Works Approval Supporting Documentation Site Plan from Shire DA Letter of permission to act Environmental noise assessment Further ASIC company details				
Scope of application/assessment					
Summary of proposed activities or changes to existing operations.	Licence Application is for the operation of a screening plant for the extraction of sand. A previous Works Approval application was received by DWER on 30/03/2022 and withdrawn by applicant on 16/8/222.				

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	Maximum – 50,000 tonnes per annum Estimated – 20,000 tonnes per annum	NA

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"/> 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: Planning Approval/Consent No – P221333 from the local Shire Expiry date: 12 January 2032
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
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: Licence/permit No:
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: Licence/permit No: Premises is located within Proclaimed Surface Water and Groundwater Area. However, applicant does not intend to abstract water. They propose to cart water from their truck depot. Therefore, no licence to take water from the

		premises is required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Name: Lower Blackwood River Surface Water Area; Blackwood Groundwater Area Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office: Swan Avon / Mid-West Gascoyne / Kwinana Peel / North West / South West / Goldfields / South Coast
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)? 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 checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Local Government Act 1995</i> <i>Environmental Protection (Noise) Regulations 1997</i> <i>Environmental Protection (Environmentally Sensitive Areas) Notice 2005</i> <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A