



Application for Works Approval

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

Works Approval Number	W6548/2021/1
Applicant	Mario Michele Giacci
File Number	DER2021/000226
Premises	Springhill Road Sand Quarry 10 Springhill Road PARKFIELD WA 6233 Legal description Part of Lot 2 on Deposited Plan 36635 As defined by the Premises map in Schedule 1 of the Works Approval
Date of Report	9 July 2021
Decision	Works approval granted

Terrel MacGregor
A/SENIOR ENVIRONMENTAL OFFICER
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 W6548/2021/1 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 20 April 2021, the applicant 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 and time limited operations relating to screening activities (screening of sand) at the premises. The premises is approximately 2.5 km south-east of the Town of Binningup.

The applicant proposes to extract approximately 227,476 m³ of available sand resource from a 10.7 ha operational area within the premises in three equal stages or approximately 3.55 ha each. Extracted sand will then be screened and stockpiled on the premises prior to removal from site. It is anticipated that 70,000 tonnes of sand per annum will be screened at the premises, with excavation and screening activities progressing from north to south across the operational area.

The Premises relates to the category and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Works Approval W6548/2021/1. 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 Works Approval W6548/2021/1.

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 construction and 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
Construction			
Dust	Placement of screening equipment and movement of vehicles	Air/windborne	Access roads will be watered down using a water cart when required.
Noise			Speed restrictions will be in place.
Operation			
Dust	Screening of material, lift-off from stockpiles	Air/windborne	Water sprays will be utilised on the screening plant when required. Stockpiles, access roads and immediate extraction areas will be watered down using a water cart when required. Stockpile size will be limited to the anticipated cubic volume per vehicle movement for cartage on the following operational day. When visual dust emissions are observed water sprays and wetting down of operational areas will occur.
Noise	Operation of screening equipment and movement of vehicles		Screening activities will only occur on 6 weeks out of every annual period. Topsoil stripping will only occur on 3 weeks out of every annual period. Stockpiles will be placed to form a noise buffer between the operational area of the premises and the nearest residences. Operations will only occur between 7am and 6pm Monday – Friday and 7am – 12pm Saturday. Speed restrictions will be in place. All vehicles and plant equipment will be maintained.
Sediment laden stormwater	Interaction of stormwater with operational areas of the Premises	Overland runoff	All stormwater will be directed to and retained within previously mined areas of the premises for infiltration to land.
Potentially contaminated stormwater	Spills of environmentally hazardous material	Infiltration to groundwater	Hydrocarbons will not be stored on site. Bunds will be in place to contain potential spills when mobile refueling of plant equipment is occurring. Spill kits will be available across the operational area of the premises.

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

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

Human receptors	Distance from prescribed activity
Residential Premises	570m north-east of the Premises (resident 1) 1290m north-east of the Premises (resident 3) 1290m north-west of the Premises (resident 4) 915m south-west of the (resident 2)
Town of Binningup	2.5 km north-west of the Premises
Environmental receptors	Distance from prescribed activity
Threatened fauna	Located within 1000m of the Premises boundary: <ul style="list-style-type: none"> • <i>Calyptorhynchus latirostris</i> – Carnaby's cockatoo • <i>Hydromys chrysogaster</i> – water rat
Surface water bodies	Mialla lagoon located 1090m north east of the premises boundary
Proclaimed groundwater area	Premises located within the South West Coastal Groundwater Area Groundwater ranges between 2.34 m AHD and 1.62 AHD across the premises.
Geomorphic Wetlands – Swan Coastal Plain	Estuary-Peripheral wetlands located 750m west of Premises
Threatened Ecological Communities	Premises mapped within the buffer zones of Tuart (<i>Eucalyptus gomphocephala</i>) woodlands of the Swan Coastal Plain



Figure 1: Premises siting

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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 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 W6548/2021/1 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 licence is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the ongoing operation of the Premises i.e. screening activities. A risk assessment for the operational phase has been included in this Decision Report, however licence conditions will not be finalised until the department assesses the licence application.

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

Risk Event					Risk rating ¹	Applicant controls sufficient ?	Conditions ² of works approval	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
Construction								
Placement of screening equipment and movement of vehicles	Dust	Air/windborne pathway causing impacts to health and amenity	Surrounding residences	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Emission will be regulated under the general provisions of the EP Act	N/A
	Noise			Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Emission will be regulated under the <i>Environmental Protection (Noise) Regulations 1997</i>	N/A
Operation (including time-limited-operations)								
Screening handling and stockpiling of material, vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity	Surrounding residences	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Y	Conditions 1, 6, 7, 9 and 12	The appropriateness of the time-limited operation requirements will be reviewed when making a decision on the licence application for operation of the premises.
	Noise			Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Conditions 1, 6, 7 and 12	
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance	Groundwater underlying the Premises	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 8	N/A
	Potentially contaminated stormwater	Infiltration to groundwater potentially causing impact to groundwater quality	Estuary-Peripheral wetlands 750m west of the Premises	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 8	N/A

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.

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4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
<p>Application advertised on the department's website 4 June 2021</p>	<p>One public submission received on 25 June 2021</p>	
	<p>The Works approval application fails to address Lot 2 cumulative impacts from Coast Pastoral Co's previous applications and land uses. Coast Pastoral Co previous Development Application, for Sand Extraction and processing, same 10.7 ha area on Lot 2.</p>	<ul style="list-style-type: none"> • The assessment of the application considers the potential emissions and discharges from the prescribed activity (screening of sand) as outlined in Table 3. • Previous applications for development approvals (including for sand extraction) made to the local government authority and previous land uses are not considered as part of the assessment. • The extraction of sand is not assessed under Part V of the EP Act. This activity is considered by the local government authority. • Visibility issues are not considered as part of the assessment and are considered by the local government authority. • The works outlined in the application do not involve the clearing of native vegetation.
	<p>The Works approval application is incomplete to enable thorough Environmental Impact assessment from Emissions - Dust, Noise, Visibility and likelihood to impact Western Ringtail Possum (WRP) and Black Cockatoo habitat.</p> <p>The submission noted comments on the following sections of the application form Part 5, 6, 7 and 10.</p>	<p>The impacts of emissions of dust and noise resulting from screening operations have been considered in this works approval assessment (refer to Table 3).</p> <p>The Delegated Officer has concluded that the impact of these emissions can be mitigated through the controls proposed by the applicant. The appropriateness of these controls will also be reviewed by the department when a licence application is submitted for operations.</p>

	<p>Part 5: Biodiversity surveys and Part 10: Sensitive land uses</p> <p>Under the current EPBC Act the remaining woodland has conservation values due to identified WRP activity and potential Black Cockatoo habitat with the presence of food trees both on Lot 2 and adjoining Forrest Highway Reserve – Tuart Woodland adjoining Lot 2 Remnant vegetation should have been identified in the Works approval application.</p> <p>The submission referred to the location of flora and fauna.</p>	<p>The works outlined in the application do not involve the clearing of native vegetation and previous clearing applications or clearing undertaken is not considered as part of the assessment.</p> <p>A biodiversity field survey for the premises was not submitted to support the application. The premises is a portion of cleared land.</p> <p>Remnant vegetation has been considered in this assessment (TEC – as outlined in Table 2).</p> <p>The Delegated Officer has determined that there is minimal risk to this receptor due to the controls in place during premises operations.</p>
	<p>Part 6: Meeting with DWER and Part 7: referral/assessment under Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)</p> <p>Given the location to Forrest Reserve, and Lot 2 vegetation this is significant proposal. Why no DWER consultation?</p>	<p>This application does not meet the criteria of a 'significant proposal' as outlined by the Environmental Protection Authority and hence has not been referred or assessed under Part IV of the EP Act.</p> <p>Scoping meetings are optional, and an applicant may request one with the department prior to the submission of an application. The applicant did not request a scoping meeting.</p>
<p>Shire of Harvey advised of proposal</p> <p>4 June 2021</p>	None received	N/A
<p>Correspondence sent to four residents being resident 1, 2, 3 and 4 advising of proposal</p> <p>8 June 2021</p>		
<p>Applicant was provided with draft documents</p> <p>2 July 2021</p>	<p>Comments received 5 July 2021</p> <p>The premises name of Springhill Road Sand Quarry is suitable.</p> <p>The Extractive Industry Licence was issued by the Shire of Harvey on 2 June 2021.</p>	<p>The Delegated Officer notes that relevant Shire approval has been obtained by the Licence Holder.</p> <p>The Premises name will also be retained for the works approval.</p>

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.

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)		
Application type		
Works approval	<input checked="" type="checkbox"/>	
Date application received	20 April 2021	
Applicant and Premises details		
Applicant name/s (full legal name/s)	Mario Michele Giacci	
Premises name	Springhill Road Sand Quarry	
Premises location	Lot 2, Number 10 Springhill Road, Parkfield 6233	
Local Government Authority	Shire of Harvey	
Application documents		
HPCM file reference number:	DER2018/001042-5	
Key application documents (additional to application form):	Certificate of title Extraction agreement Lot 2 Springhill Road Application Area Lot 2 Springhill Road works approval application v1 reduced (supporting information)	
Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	Screening of sand from a 10.7 ha area within Lot 2 Springhill Road.	
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 12: Screening etc. of material	70,000 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 checked="" 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 checked="" type="checkbox"/> Extraction agreement contract with land owner
Has the applicant obtained all relevant planning approvals?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Extractive Industry Licence issued by the Shire of Harvey on 2 June 2021.
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.
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: Licence / permit not required.
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"/>
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 WQPN 25)? 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"/>	
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"/>	Classification: N/A Date of classification: N/A
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