



## Application for Works Approval

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

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**Works Approval Number** W6583/2021/1

**Applicant** APH Contractors Pty Ltd

**ACN** 126 953 919

**File number** DER2021/000437

**Premises** APH Contractors Pty Ltd (ACN 126 953 919)  
Lots 202 and 333 on Deposited Plan 111125, Gwindinup  
Certificate of Title Volume 1079 Folio 39  
Certificate of Title Volume 1079 Folio 40

**Date of report** 25 October 2022

**Decision** Works approval granted

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**Alana Kidd**

**Manager, Resource 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 construction and operation of the premises. As a result of this assessment, Works Approval W6583/2021/1 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 2 August 2021, the applicant submitted an application for a works approval to the department under section 54 of the *Environmental Protection Act 1986* (EP Act).

While the application submitted was for prescribed premises category 12 (screening etc. of material over 50,000 tonnes/year), the supporting documentation indicated that the proposal is to undertake construction works relating to screening of gravel up to 20,000 tonnes/year at the premises. As the premises will not be operating above 50,000 tonnes/year, the Delegated Officer has determined that prescribed premises category 70 (screening etc. over 5,000 tonnes but less than 50,000 tonnes/year) is more applicable. The premises is approximately 3.6 km southeast of Boyanup.

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 W6583/2021/1. 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 Works Approval W6583/2021/1.

## 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 *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 construction and 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
<b>Construction</b>			
Dust	The installation and placement of crushing and screening equipment and associated infrastructure, vehicle movements, earthworks etc.	Air / windborne pathway	Implementation of a dust management plan which contains the following controls for dust suppression: <ul style="list-style-type: none"> <li>• A 15kL water cart will be on site during all periods when earth is being moved. If and when dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern.</li> <li>• A polymer based spray-on soil stabilizer will be applied to topsoil and overburden stockpiles if they do not stabilize by crusting and grass regrowth.</li> </ul>
Noise	The installation and placement of crushing and screening equipment and associated infrastructure, vehicle movements (including reversing alarms), earthworks etc.	Air / windborne pathway	<ul style="list-style-type: none"> <li>• Late model equipment with reduced noise level outputs will be utilized</li> <li>• Only broad-band reversing warning devices (croakers) will be utilised.</li> <li>• A complaints register will be implemented, with any complaints being formally recorded.</li> <li>• The signage on the gate will include the contact telephone number of the site supervisor to allow for quick reaction to any complaints that may arise.</li> </ul>
<b>Operation</b>			
Dust	Crushing and screening of material, unloading and loading of processed material, vehicle movements associated with handling of processed materials (including reversing alarms associated with noise), dust lift-off from stockpiles and/or stored product.	Air / windborne pathway	Implementation of a dust management plan which contains the following controls for dust suppression: <ul style="list-style-type: none"> <li>• A 15kL water cart will be on site during all periods when earth is being moved or crushing is being conducted. If and when dust is caused to occur during these periods, the water cart will be employed to damp down the areas of concern. During crushing, a spray bar is employed at all times.</li> <li>• If the wind is blowing strongly in the direction of the closest residences and conditions are dusty, then operations will be stopped until such time as adequate wetting down has occurred.</li> <li>• Crushing and stockpiling activities will be located in topographic low points with raw and processed stockpiles arranged such that windbreaks are created to further shield sensitive receptors from fugitive dust.</li> <li>• Traffic speed will be restricted to 30km on site, reducing dust lift-off from trucks.</li> <li>• Truck loads will always be covered so that no dust is generated in transit.</li> </ul>

Emission	Sources	Potential pathways	Proposed controls
			<ul style="list-style-type: none"> <li>• Employees and contractors working on site will be provided with information on how to minimise dust emissions.</li> <li>• A complaints system will be put in place and these will be recorded by the Quarry Manager and acted on promptly.</li> </ul>
Noise			<ul style="list-style-type: none"> <li>• Hours of operation will be restricted to between 7am and 5pm on weekdays.</li> <li>• During mining, topsoil will be pushed up in bunds along the edges of the pit and these will serve to attenuate the noise.</li> <li>• During crushing and screening, gravel stockpiles will be placed around the plant and this will act as an additional buffer</li> <li>• The crushed material will be stockpiled in a manner that will maximise the buffering of noise that might occur from the loading of trucks after mining operations have ceased</li> <li>• A complaints register will to be used, with all complaints being formally recorded</li> </ul>
Sediment laden stormwater		Overland runoff/flow	<ul style="list-style-type: none"> <li>• No unmanaged surface water runoff from the excavation area, produced by the 2-hour 10% annual exceedance probability (AEP) storm, will be allowed to flow into adjacent properties.</li> <li>• Detention ponds of an average 2 m deep will be constructed.</li> <li>• Contour bunds will be created to ensure all runoff is diverted into the ponds as well as to trap silt effectively in times of high surface runoff.</li> <li>• Topsoil and overburden stockpiles will be used to control stormwater runoff.</li> </ul>
Hydrocarbon spills and/or contaminated storm water	Refueling activities	Direct discharge/over land flow	<ul style="list-style-type: none"> <li>• No fuel or lubricant will be stored onsite</li> <li>• Re-fueling will take place using a mobile refuelling vehicle which is equipped with a “snap-on snap-off, fast-fill and auto shut-off” facility.</li> <li>• The plant will be refueled each morning, leaving the vehicles almost empty overnight.</li> <li>• No major servicing, which could lead to fuel and oil spills, will take place on site.</li> <li>• A Fuel Spill kit will be available on site at all times.</li> </ul>

### 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**

<b>Human receptors</b>	<b>Distance from prescribed activity</b>
Residential Premises (closest individual dwelling)	1.01 km south-west of premises boundary (lot 333)
<b>Environmental receptors</b>	<b>Distance from prescribed activity</b>
Minor Tributary to the Preston River	830m south-west of premises boundary (lot 333)
<i>Phascogale tapoatafa wambenger</i> –threatened fauna	490m north of the premise boundary
RIWI Act groundwater proclamation area (Bunbury Groundwater Area)	Underlying premises – groundwater considered fresh (<500 mg/L TDS) to marginal (500 – 1000 mg/L TDS)



Figure 1: Distance to human 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 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 W6583/2021/1 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 or registration 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. crushing and screening of material 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 (The applicant has the option to submit either a licence or registration application for the operation of the Premises).



**Table 3: Risk assessment of potential emissions and discharges from the premises during construction and time limited operations**

Risk events					Risk rating <sup>1</sup>	Applicant controls sufficient?	Conditions <sup>2</sup> of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
<b>Construction</b>								
Placement of screener, crusher and associated equipment including vehicle movements (reversing beepers)	Dust	Air/windborne pathway causing impacts to health and amenity	Residences ~1km from premises;	Refer to Section 3.1	C = Minor L = Rare <b>Low Risk</b>	Y	Condition 1	N/A
Construction of stormwater channels and detention ponds	Noise	Air/windborne pathway causing impacts to amenity	Residences ~1km from premises;	Refer to Section 3.1	C = Minor L = Rare <b>Low Risk</b>	Y	Condition 1	
<b>Operation</b>								
Screening, crushing, unloading, loading and storage of material  Vehicle movements	Dust	Air / windborne pathway causing impacts to surface water quality	Surface water (tributaries ~830m from premises);	Refer to Section 3.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 4 Condition 5	N/A
		Air / windborne pathway causing impacts to health and amenity	Residences ~1km from premises;					

Risk events					Risk rating <sup>1</sup>	Applicant controls sufficient?	Conditions <sup>2</sup> of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
	Noise	Air / windborne pathway causing impacts to breeding and feeding patterns	Threatened fauna ~490m from premises	Refer to Section 3.1	C = Minor L = Rare <b>Low Risk</b>	Y	Condition 4 Condition 5	N/A
		Air / windborne pathway causing impacts to health and amenity	Residences ~1km from premises;					
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water and groundwater quality	Surface water (Preston River tributary) intersecting premises boundary	Refer to Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Condition 1	N/A
	Hydrocarbons		Groundwater Leederville aquifer water table level is 100 m below the surface	Refer to Section 3.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	N/A	N/A

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

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 on 4 October 2021	None received	N/A
Local Government Authority advised of proposal on 1 October 2021.	None received	Development Approval and Extractive Industry Licence (EIL) were granted on 15 March 2022.
Department of Planning, Lands and Heritage on 1 October 2021.	None received	N/A
Applicant was provided with draft documents on 2 December 2021	No comments were received	<p>The applicant provided a copy of the development approval and EIL on 8 September 2022. Details on groundwater were provided to the department on 2 December 2021. The applicant requested that the Works Approval be granted for the areas where no native vegetation exists as the clearing permit had not been approved.</p> <p>The applicant is advised that a clearing permit is required prior to any activities occurring in the areas where native vegetation is present.</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) 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 2: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
<b>Application type</b>				
Works approval	<input checked="" type="checkbox"/>			
Licence	<input 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				
<b>Applicant and premises details</b>				
Applicant name/s (full legal name/s)		APH Contractors Pty Ltd		
Premises name		APH Contractors Pty Ltd (ACN 126 953 919)		
Premises location		Lots 202 and 333 on Deposited Plan 111125 Nybo Road, Gwindinup		
Local Government Authority		Shire of Capel		
<b>Application documents</b>				
HPCM file reference number:		DWERDT485482		
Key application documents (additional to application form):		Dust Management Plan		
<b>Scope of application/assessment</b>				
Summary of proposed activities or changes to existing operations.		<p>Placement of crushing and screening equipment; construction of 3 detention ponds.</p> <p>Operation of crusher and screener – including stockpiling of excavated and processed material.</p>		

## SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

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	20,000 tonnes/yr	N/A

### 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 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 type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval of DA is pending the works approval licence and a detailed stormwater management plan for lot 202 renewal application.  Approval of DA is pending the bond payment by the client for new application on lot 333. Once the bond is paid, EIL will be issued within a month.  Development Approval from Shire of Capel IPA12204 was granted on 15 March 2022, and is valid for five years
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CPS No: 9059/1  Clearing completed on Lot 202 under CPS 6200/1.  Application to clear 0.185 ha on Lot 333 with DWER for assessment (CPS 9059/1).

**SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)**

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
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: N/A Licence/permit No: N/A
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
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Name: N/A
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