



Application for Works Approval

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

Works Approval Number	W6674/2022/1
Works Approval Holders	Peter William Ruland, Peter Charles Hassell, Peter Charles Hassell & Lisa Diana Hassell
File number	DWER2022/000149
Premises	Dodgy Downs Part of Lot 151 on Deposited Plan 49854 653 Monjebup Road, MONJEBUP WA 6338. As defined by the coordinates within Schedule 2 of the Works Approval
Date of report	19 September 2022
Decision	Works Approval Granted

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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 W6674/2022/1 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 1 April 2022 Peter William Ruland, Peter Charles Hassell, Peter Charles Hassell & Lisa Diana Hassell, trading under the name DV Farming Co, (the applicant) submitted an application for a works approval under section 54 of the *Environmental Protection Act 1986* (EP Act). The application is to establish a crushing and screening plant on Lot 151 (No. 653) on Plan 49854 Monjebup Road, within the shire of Gnowangerup, located 16 km northwest of the Boxwood Hill town centre.

The applicant proposes to crush and screen up to 12,500 tonnes of gravel material per year, depending upon industry demand, from a 4.75-hectare (ha) area across five stages. It is expected that the premises will operate for a period of 10-20 years depending on demand. The gravel material will be sourced by removing between 150-200 millimeters of topsoil to allow the gravel resource to be excavated to a maximum depth of the base of the rock breakaway. Unprocessed raw material will be fed into the crushing and screening plant, and then stockpiled prior to being loaded into trucks. Portable crushing and screening equipment will be utilized with the crushing of large gravel “boulders” only occurring when required.

Within the proposed stages, rock material no greater than 1 ha in size will be exposed/operated at any given time. Each area will be rehabilitated before the next stage of extraction commences. Extracted material will be stockpiled within the stage/pit area adjacent to the pit, for use as demand requires. The applicant estimates that the maximum amount of time gravel will be stockpiled is 6-12 months.

The number of haulage trucks will likely be 4-5 movements per day depending on industry need. Operational hours will be restricted between 7:00am and 5:00pm Monday to Friday and Saturday 8am to 1pm when demand requires. Public Holidays will be excluded.

The premises relates to Category 70: Screening at the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which is defined in works approval W6674/2022/1. 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 works approval W6674/2022/1.

Clearing permit CPS 9260/1, to clear 5 hectares of native vegetation at the Premises was applied for on 30 April 2021. This is still under assessment.

The applicant will be required to apply for a registration or a licence for the ongoing operations of the crushing and screening plant after the time limited operations period of this works approval finishes.

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
Construction			
Dust	Equipment and infrastructure placement and associated vehicle movement	Air / windborne pathway	<ul style="list-style-type: none"> All plant movements are to be carried out between 7:00am and 5:00pm Mondays to Fridays, and 8:30am to 1:00pm on Saturday; Vehicle speeds reduced to 40 km/hr on unsealed surfaces on site
Noise and vibration			
Time Limited Operations			
Dust	Crushing and screening of material, unloading and loading of processed material, vehicle movements associated with handling of processed materials, lift-off from stockpiles and/or stored product.	Air / windborne pathway	<ul style="list-style-type: none"> All crushing and screening to occur within the designated boundary of the crushing and screening extents; Stockpiles of extracted material are to be located in pit areas and along the edge of pits to assist in noise and dust reduction to the properties and will be no greater than a height of 3m; Stockpiles to be configured to accommodate easy access for watering/dust minimisation; Operations will be managed to minimise work in windy conditions to minimise dust emissions. Works will only occur in low velocity winds (i.e. operations to cease if visible dust seen leaving the property); Visually monitor emissions of dust from the works, if dust is visible, water trucks will be utilised to suppress dust and / or operations are to cease temporarily;

Emission	Sources	Potential pathways	Proposed controls
			<ul style="list-style-type: none"> • Works to cease temporarily if visible dust is seen leaving the site when there are strong winds (in excess of 25km/hr) and dust suppression measures (i.e. water application to area) implemented; • Trucks will be fully covered by tarpins when fully loaded, prior to leaving extraction area; • Vehicle travel speeds will be restricted to 40km/hr on unsealed surfaces on site; • Education to employees and sub-contractors to raise awareness of dust management issues; and • Dust complaint register in place to record any issues from neighbours. A contractor sign at the front gate will be erected clearly showing DV Farming Co contact details.
Noise		Air / windborne pathway	<ul style="list-style-type: none"> • All plant movements, extraction, crushing and screening operations will be carried out between 7:00am and 5:00pm Mondays to Fridays, and 8:30am to 1:00pm on Saturday (in high demand times). No operations will take place on Sundays or public holidays; • Crushing and screening plant to be located within the extraction pit. • Actual operational times will vary as a result of product demand, i.e., if demand is low then the facility will not be operational. • Mounding of topsoil along the edge of the pits to act as noise bunds to further reduce noise at nearby properties, mounding will be parallel to the excavated pit and maintained regularly for any defects; • Replacing standard “beeping” reversing alarms with a mixed frequency alarm (which does not carry as far) will be considered to further reduce noise issues; • Regular inspections of all plant and machines on site to ensure all are working and functioning correctly, without excess noise; • Regular inspections of road trains and trucks used for carting to ensure all muffler and exhaust systems are functional, specific to noise attenuation; • Education to contractors and subcontractors to raise awareness of noise management issues; • Noise complaint register in place to record any issues from neighbors. A contractor sign at the front gate to be erected clearly showing

Emission	Sources	Potential pathways	Proposed controls
			<p>contact details; and</p> <ul style="list-style-type: none"> Any noise related complaints will be recorded by the site manager and acted on immediately and resolved within 24 hours.
Unintentional contamination of stormwater	Sediment runoff from stockpiles or cleared areas	Seepage to soil and groundwater	<ul style="list-style-type: none"> The site will be graded along contours to ensure that all stormwater, wash-down and spillage water run-off is either directed to a low point within the prescribed premises, or a collection and settling basin from where it can be recycled for dust suppression purposes; Perimeter bunding will be installed if required to minimise stormwater entering the site; Runoff from stockpiles diverted to low point within the prescribed premises; Contouring of pit edges to contain surface water; Encourage point source infiltration across the existing rural areas (future stages) and in rehabilitated areas; and Ensure all surface water is contained and treated on site.
Hydrocarbons	Leaks or spillages of hydrocarbons or chemicals	Seepage to soil and groundwater	<ul style="list-style-type: none"> No hydrocarbons, chemical, fuels, coolants etc. will be stored onsite. A mobile service vehicle which is appropriately equipped with spill kits, will service the fleet used at the screening operations. If major servicing of these machineries is required, they will be removed from site; Should a spill occur onsite all necessary precautions to ensure hydrocarbons or other liquids enter the environment and any contaminated soil will be removed and disposed at a landfill authorised to accept the wastes; and Spill Management procedure for minor and large spills in place.

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 Figures 1-2 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
Rural Residential Premises	<p>One residential property located outside of Lot 151, approximately 1.4 km South- East of the Prescribed Premises boundary.</p> <p>A residential property is located within Lot 151 approximately 750m from the plant. This property is owned and seasonally occupied by the works approval holders and therefore has not been considered as a sensitive receptor.</p>
Environmental receptors	Distance from prescribed activity
Threatened and/or Priority flora	<p><i>Kunzea newbeyi</i> (P1) is located within the proposed prescribed premises boundary and surroundings.</p> <p>Located via survey undertaken by Bio Diverse Solutions in November 2021, where 213 individuals were found in the proposed Prescribed Premises boundary.</p> <p>The survey also noted that two priority species <i>Thysanotus gageoides</i> (P3) and <i>Rinzia longifolia</i> (P3) were potentially in the clearing site.</p> <p>The following conservation significant flora species have been identified within a surrounding 3km radius include:</p> <ul style="list-style-type: none"> • <i>Acacia keigheryi</i> P3 • <i>Acacia trulliformis</i> P4 • <i>Acrotriche dura</i> P4 • <i>Allocasuarina tortiramula</i> – Threatened • <i>Banksia parva</i> P4 • <i>Eucalyptus vesiculosa</i> P4 • <i>Melaluca ordinifolia</i> P2 • <i>Rinzia longifolia</i> P3 • <i>Styphelia blepharolepis</i> P4 • <i>Tetratheca pilata</i> P1 • <i>Thysanotus gageoides</i> P3
Protected Ecological Community (PEC)	<p>A mapped occurrence of a Protected Ecological Community (Proteaceae Dominated Kwongan Shrubland) occurs within the boundary and directly adjacent to the Prescribed premises. This PEC is listed as 'endangered' at a federal level under the <i>Commonwealth Environment Protection and Biodiversity Conservation Act</i> 1999 and 'Priority 3' at a state level.</p> <p>The applicant wishes to clear 5 ha of a 29 ha area listed as a PEC. This is currently being assessed by the Department (Clearing permit COS 9260/1).</p>

	<p>Department of Primary Industries and Regional development approved a “Request to vary agreement to Reserve” in February 2021 in order to extract raw materials form the land.</p>
<p>Conservation significant fauna species</p>	<p>According to the Department of Biodiversity, Conservation and Attractions database, the following records of conservation significant fauna species have been identified within 3kms of the Prescribed Premises Boundaries:</p> <ul style="list-style-type: none"> • <i>Notamacropus Irma</i> (Western brush wallaby) – closest located 700ms from extraction site P4 • <i>Macropus eugenii derbianus</i> (Tammar) P4 – closest located 900m southeast of the Prescribed Premises Boundary and surrounds. • <i>Leipoa ocellata</i> (Malleefowl). – closest located 1.2kms form extraction site
<p>Surface waterbodies</p>	<p>The prescribed premises is located 700m east of the Monjebup creek, which flows into part of the Pallinup River. The Premises does not intersect this surface water body.</p> <p>Nearest ephemeral drainage line is approximately 180m downhill to the west of the prescribed Premises boundary with drainage lines flowing downhill to the creek.</p>

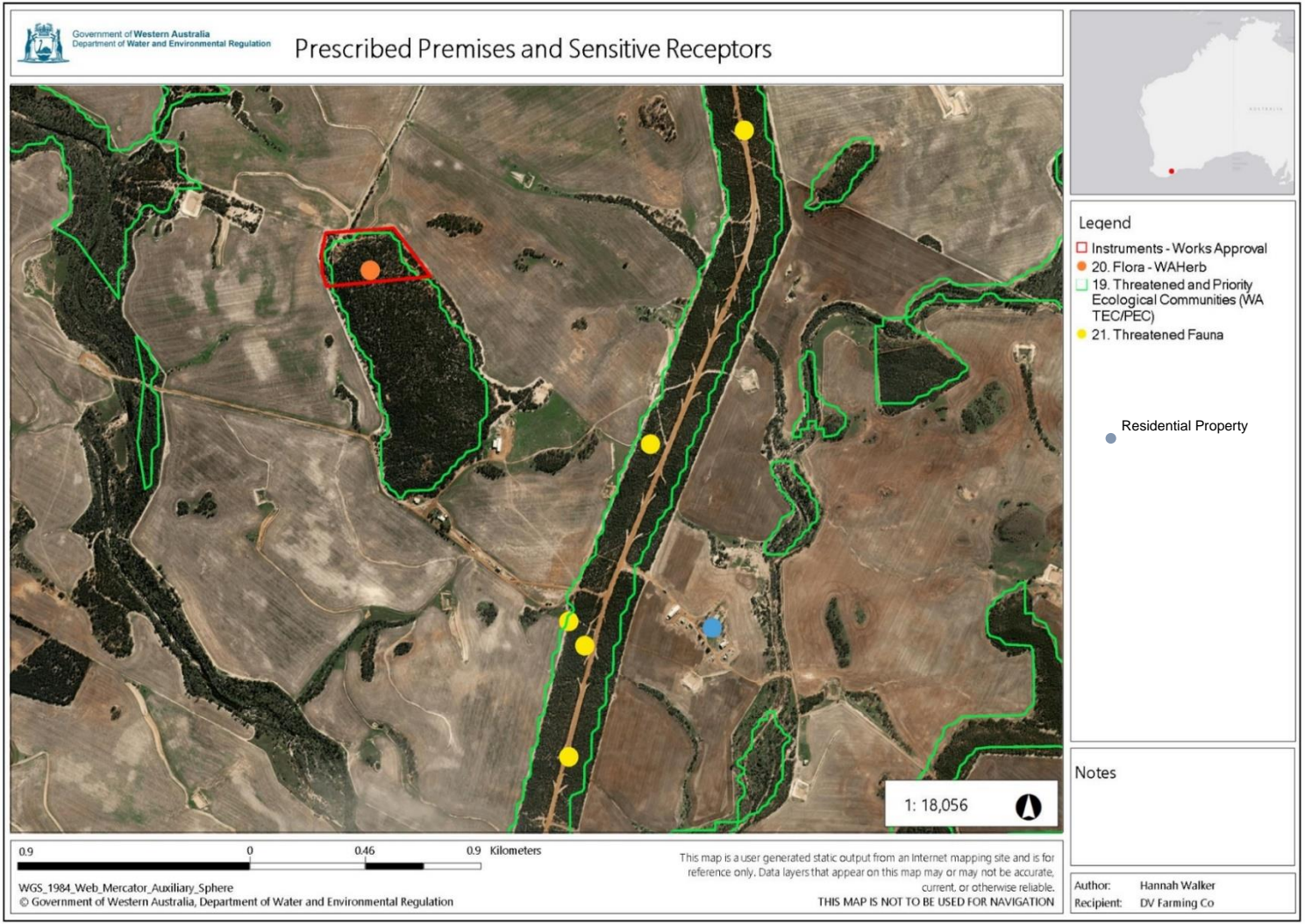


Figure 1: Distance to sensitive receptors

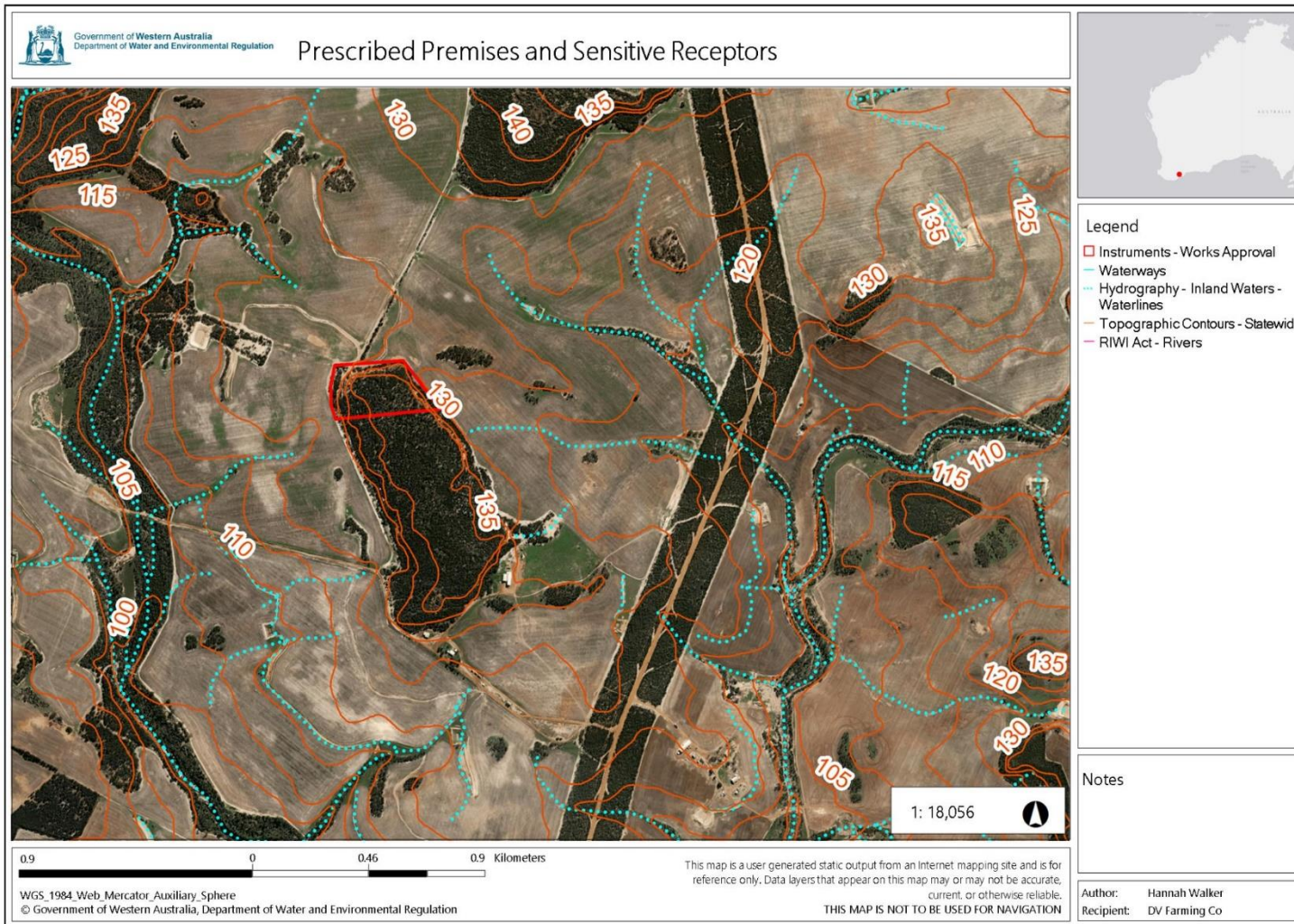


Figure 2: Distance to sensitive receptors – Contours and waterlines

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 W6674/2022/1 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 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 / registration application.

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

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Construction								
Placement of screener and associated equipment including vehicle movements (reversing beepers)	Dust	Air/windborne pathway causing impacts to native vegetation	Protected Ecological Community adjacent to Prescribed Premises	Refer to section 3.1	C= Slight L = Unlikely Low Risk	Y	N/A.	N/A.
	Noise	Air/windborne pathway causing impacts to health and amenity of closest human receptors	Rural residence located ~1.4 km SE of the crushing and screening plant.					
Operation								
Operation of mobile crushing and screening plant including: <ul style="list-style-type: none"> • Unloading, loading, and stockpiling of material • Vehicle movements on unsealed surfaces • Lift-off from stockpiles and/or stored product 	Dust	Air / windborne pathway causing impacts to public health and amenity	Rural residence located ~1.4 km SE of the crushing and screening plant.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	Condition 6 – equipment requirements Condition 7 – visible dust prevention	The works approval holders' controls have been conditioned within the works approval. No additional regulatory controls are required.
		Air/windborne pathway potentially causing impacts to adjacent PEC due to the smothering of vegetation.	Threatened flora located surrounding the Prescribed Premises Boundary (<i>Kunzea newbeyi</i>) Protected Ecological community is mapped within Prescribed Premises boundary.	Refer to Section 3.1	C = Minor L =unlikely Medium Risk	Y		
	Noise	Air/windborne pathway causing impacts to health and amenity of conservation significant fauna.	Rural residence located ~1.4 km SE of the crushing and screening plant.	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 1 – infrastructure requirements Condition 6 – operational requirements Condition 8 – operational times	The works approval holders' controls will be conditioned within the works approval. No additional regulatory controls are required.
	Sediment laden stormwater	Overland runoff potentially causing ecosystem	Waterway 700m from prescribed premises boundary	Refer to Section 3.1	C= Minor	Y	Condition 6 – operational requirements	The works approval holders' controls will be conditioned within the works approval.

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of works approval	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
		disturbance or impacting surface water quality			L= Unlikely Medium Risk			No additional regulatory controls are required.
Hydrocarbon spills or leaks from vehicle and equipment use, refueling or maintained activities.	Spills/ leaks of hydrocarbons	Seepage into ground causing Soil contamination Overland runoff during rainfall events potentially causing ecosystem disturbance	Protected Ecological community is mapped within the Prescribed premises boundary. Threatened flora located surrounding the Prescribed Premises Boundary (Kunzea newbeyi)	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 6 – operational requirements	The works approval holders' controls will be conditioned within the works approval. No additional regulatory controls are required.

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

4. Consultation

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

Table 4: Consultation

Consultation method	Comments received	Department response
Local Government Authority – Shire of Gnowangerup responded on 1 June 2022	Please be advised: <ul style="list-style-type: none">- The proposal is consistent with the use of this rural zoned land for an extractive industry.- The Shire has issued development approval for the proposed activity to occur.	Noted.
Department of Biodiversity, Conservation and Attractions (DBCA) Responded on 27 July 2022	DBCA has undertaken a review of the relevant documentation and noting the capacity for Department of Water and Environmental Regulation (DWER) to apply appropriate regulatory measures for environmental management of the prescribed premises under Part V of the Environmental Protection Act 1986, DBCA has no comments on the application.	Noted.
Draft provided to applicant on 29 August 2022	Applicant is satisfied and no changes requested.	Accepted

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		
Application type		
Works approval	<input checked="" type="checkbox"/>	
Date application received	1-April-2022	
Applicant and Premises details		
Applicant name/s (full legal name/s)	Peter William Ruland, Peter Charles Hassell, Peter Charles Hassell & Lisa Diana Hassell as trustees for Hassell Family Trust.	
Premises name	Dodgy Downs	
Premises location	Lot 151 Deposited Plan 49854 (Monjebup Road), Monjebup	
Local Government Authority	Shire of Gnowangerup	
Application documents		
HPCM file reference number:	DER2022/000149	
Key application documents (additional to application form):	Supporting documents DWERDT586036 Bio Diverse Solutions 2022. DV Farming Co – Lot 151 Monjebup Road, Monjebup WA 6338 – Works Approval Application Supporting Document Application form	
Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	The Applicants are proposing to establish and operate a mobile crushing and screening plant for extraction of gravel material using a staged approach across an area of 4.76ha. The extraction will occur in four stages across the site. four stages No construction or commissioning will be required for the crushing and screening plant. Once the machinery is brought to site and set up, the plant will be operational.	
Category number/s (activities that cause the premises to become prescribed premises)		
Table 1: Prescribed premises categories		
Prescribed premises category and description	Assessed production or design capacity	
Category 70 Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	12,500 tonnes/year	
Legislative context and other approvals		
Has the applicant referred, or do they intend to refer, their proposal to the EPA	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: N/A Managed under Part V <input type="checkbox"/>

under Part IV of the EP Act as a significant proposal?		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: N/A 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: N/A
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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The Shire of Gnowangerup have received an application for development approval which is currently under assessment.
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: 9260/1 The Applicants have applied to clear 4.75ha of native vegetation which is currently being assessed by NVR under CPS 9260/1. The Clearing Permit Application was accepted by NVR on 30/04/2022, under assessment.
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"/>	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 Type: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

<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: 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"/></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>N/A</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>N/A</p>
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</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>N/A</p>