

Decision Report

Application for Works Approval

Part V Division 3 of the Environmental Protection Act 1986

Works Approval Number W6784/2023/1 Applicant B & J Catalano Pty Ltd ACN 008 961 975 File number DER2023/000069 **Premises** Burnett Road, Yarawindah WA 6509 Part of Lot 32 on Deposited Plan 419500 As defined by the premises maps attached to the issued works approval Date of report 16/08/2023 Decision Works approval granted

A/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 W6784/2023/1 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 24 January 2023, B&J Catalano Pty Ltd (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 relating to prescribed premises category 12 (screening, etc of materials) at the premises. The premises is about 13 km east of the rural township of Mogumber and about 100 km north of Perth.

The premises relates to the category 12 and assessed production capacity under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which are defined in works approval W6784/2023/1. 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 W6784/2023/1.

The proposal involves gravel extraction from a 38 ha area, to occur in seven equal stages. Up to 250,000 tonnes of gravel will be crushed and screened per year, with the lifespan of the pit to be up to 18 years. The property is situated within a farm in the wheatbelt region. The surrounding land comprises cleared agricultural land and pockets of remnant vegetation. No vegetation clearing is proposed to support the works.

The applicant holds an Extractive Industry Licence for Lot 32 on Deposited Plan 419500 granted on 30 November 2022 by the Shire of Victoria Plains. Extractive operations will include removal of storage of topsoil, excavating, screening and stockpiling of sand and rehabilitation of the extraction area. It is valid for five years.

The applicant also obtained development approval from the Shire of Victoria Plains on 30 November 2022. Conditions relate mostly to transportation and road use and is valid for two years.

Gravel extraction will occur in approximately seven equal stages. Topsoil and overburden will be removed from the extraction area over the seven stages with only the areas targeted for immediate extraction being opened. Topsoil and over-burden will be stockpiled separately along the edges of the extraction area, with stockpiles being no higher than 2 m. Stripped topsoil from each stage will be placed in windrows along the edges of the working area to serve as noise, stormwater and visual barriers. Extraction activities will result in the lowering of the ground level by approximately 2 m.

Once all the raw material has been stockpiled, a crusher, screener and stacker unit will be deployed for a period of approximately eight to ten weeks per year. At the end of this period, all material will be processed and ready for use. Trucks, as required, will enter and cart material from the site.

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 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.

Emission	Sources	Potential pathways	Proposed controls
Constructior	1		
Dust	Installation of mobile crushing and screening plant Site establishment works Construction of water detention ponds Vehicle movement.	Air / windborne pathway	 Implementation of a dust management plan. Controls listed in the plan include the following: At least a 15kL water cart will be located on site during periods when material is being moved or crushed. If high winds and conditions are dusty, operations will cease until such time as adequate wetting down has occurred or conditions have changed. A 20 kmph speed limit will be imposed on internal roads. Employee and contractor education around dust management. Visual monitoring will be undertaken to confirm dust management measures are effectively maintaining dust emissions at acceptable levels.

Table 1: Proposed applicant controls

Noise	Installation of mobile crushing and screening plant Site establishment works Construction of water detention ponds Vehicle movement (including reversing alarms).	Air / windborne pathway	The crushing and screening plant in each extraction stage will be positioned such that the product stockpiles will provide noise attenuation and be situated as far as practical from noise sensitive premises.
Operation (in	ncluding Time Limited (Operations)	
Dust	Operation of mobile screening plant Crushed material stockpiles	Air / windborne pathway	 Implementation of a dust management plan. Controls listed in the plan include: Water cart will be located on site during periods when material is being moved or crushed. Loads will be dampened prior to loading/unloading If high winds and conditions are dusty, operations will cease until such time as adequate wetting down has occurred or conditions have changed. Stockpiles to be located where lift- off from prevailing wind is minimised. If necessary, stockpiles will be sprayed or treated with polymer binders. A 20 kmph speed limit will be imposed on internal roads. Truck loads will be covered. Employee and contractor education around dust management. Visual monitoring will be undertaken to confirm dust management measures are effectively maintain dust emissions at acceptable levels.

Noise	Operation of mobile screening plant	Air / windborne pathway	 Hours of operations to be restricted between 6:30am and 6pm on weekdays, excluding public holidays and between 6am and 12pm on Saturdays.
			 Late model equipment will be utilised with reduced noise level outputs
			• The crushing and screening plant in each extraction stage will be positioned such that the product stockpiles will provide noise attenuation and be situated as far as practical from noise sensitive premises.
			 Machine reverse alarms will be lower frequency output units
Discharge of contaminants	Hydrocarbon storage, spills and leaks from plant	Spills/leaks of hydrocarbons	 No fuel or lubricant storage will occur on site.
to land (e.g. hydrocarbon			• No major servicing to occur on site.
spills)			 B&J Catalano have a safety practice document for Hydrocarbon Spill Response which outlines procedures for employees in the event of any hydrocarbon spills. This includes:
			 Action required when a spill is identified (isolate spill, identify spill, identify hazards etc)
			 Techniques to restrict the extent of the contamination
			 Techniques to collect spilled hydrocarbon
			 Techniques to treat soils contaminated by hydrocarbon
			 Reporting requirements in regard to hydrocarbon spills

Sediment laden stormwater	Stormwater runoff from stockpiles during high	Overland runoff	 Implementation of a water management plan which includes the following controls:
	rainfall events		 Nine surface water management areas (sub-catchments) have been defined around the extraction areas. These area largely follow the extraction stage boundaries.
			 Stormwater detention ponds and contour bunds will have capacity to hold at least a 2hr 10% Annual Exceedance Probability (AEP) storm event.
			• Runoff from areas outside the defined sub-catchments will be diverted using diversion (cut-off) bunds. Diversion bunds will be used in addition to contour bunds to prevent runoff entering into mined areas and to help direct surface water flow towards detention ponds.
			 As each extraction stage is opened, stormwater detention ponds will be excavated below the workings (but within the extraction area) with the capacity to hold at least the 2hr 10% AEP storm event. Each sub-catchment will have one pond each.

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 because of activities upon or emission and discharges from the prescribed premises (Guideline: Environmental Siting (DWER 2020)).

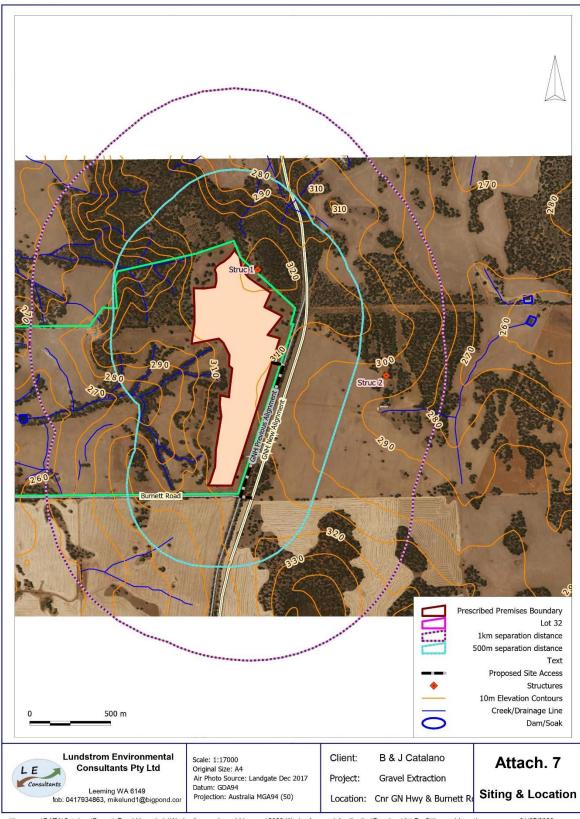
Table 2: Sensitive human and environmental receptors and distance from prescribed
activity

Human receptors	Distance from prescribed activity
Closest residential receptor	 Structure 2 located 730 m to the east of the premises boundary - unoccupied old dongas
	 Structure 3 located 1,250 m to the west of the premises boundary (unknown if occupied)
	Note Structure 1 is a derelict building

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Environmental receptors	Distance from prescribed activity
Surface water	 Yarawindah Brook 2.8 km west of premises Moore River 5.4 km north Drainage lines about 300 m west of the premises appear to discharge into Yarawindah Brook
Threatened fauna – Carnaby Cockatoo	Located within confirmed breeding area.
Threatened and/or priority flora – priority 3 and 4 flora	Within 375 m of the premises



\Vecserver\DATA\Catalano\Burnett Road Yarawinda\Works Approvals and Licences\2023 Works Approval Application\Drawings\Att 7 - Siting and Location.map 31/07/2023

Figure 1: Distance to sensitive receptors

Note: Structure 1 is a derelict building

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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 W6784/2023/1 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. 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 application.

Risk events					Risk rating ¹			Justification for additional regulatory controls	
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood	sufficient			
Construction	Construction								
Placement of crushing and screening plant and associated equipment including vehicle	Dust	Air / windborne pathway causing impacts to health and	Structures 2 and 3 located 730m to the east and 1,200 m to	Refer to Section 3.1	C = Slight L = Possible Low Risk	Y	Condition 1 – Infrastructure construction requirements	The Delegated Officer considers the proposed controls by the applicant to be sufficient to manage dust emissions from impacting nearby human and environmental receptors. Additional regulatory controls are not required.	
movements (reversing beepers). Construction of diversion bunds and detention ponds.	Noise	amenity	the southwest of the boundary respectively Priority 3 and 4 flora, located within 375m Premises located within confirmed threatened fauna breeding site	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Condition 1 – Infrastructure construction requirements	The Delegated Officer considers the proposed controls by the application to be sufficient to manage noise emissions impacting on nearby human and environmental receptors. Minimal noise impacts are expected, due to the short- term construction phase. Additional regulatory controls are not required.	
Operation (includ	ing time-limit	ed-operations op	erations)						
Operation of crushing and screening plant Stockpiling of material	Dust	Air / windborne pathway causing impacts to health and amenity	Structures 2 and 3 located 730m to the east and 1 200 m to the southwest of the	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Ν	<u>Condition 1 –</u> <u>Crushing and</u> <u>screening plant</u> <u>to be located at</u> <u>least 50 m from</u> <u>nearest tree</u> <u>and premises</u> <u>boundary</u>	It has been identified the premises is located within a potential Carnaby Cockatoo breeding area. While the premises is mostly cleared of vegetation, some trees remain which may be used by black cockatoos for breeding purposes. To ensure dust doesn't impact on the cockatoos, and in the absence of a cockatoo habitat survey, the Delegated Officer has determined that a buffer of 50 m is required between location of crushing and screening plant	

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

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			boundary respectively Priority 3 and 4 flora, located within 375m Premises located within confirmed threatened fauna breeding site (Carnaby Cockatoo)				Condition 7 – dust operational management controls Condition 8 – processing limit during TLO	and individual trees, as well as the premises boundary. Given the distance to human receptors and the short period of time per year where crushing and screening will be undertaken (up to four weeks), no additional regulatory controls, other than the 50 m buffer, are required.
	Noise	Air / windborne pathway causing impacts to health and amenity	Structures 2 and 3 located 730m to the east and 1,200 m to the southwest of the boundary respectively	Refer to Section 3.1	C = Moderate L = Possible Medium Risk	Ν	Condition 1 – Infrastructure construction requirements <u>Condition 6 – restricted</u> <u>crushing and</u> <u>screening</u> <u>operating</u> <u>times</u> <u>Conditions 9</u> <u>and 10 – Cockatoo</u> <u>habitat</u> <u>assessment</u> <u>during TLO</u>	The Delegated Officer has determined operation times will be restricted to between 0700 and 1800 Monday to Friday (as opposed to the proposed 0630 to 1800) and between 0700 and 1200 on Saturdays, in line with the <i>Environmental Protection Noise Regulations 1987</i> . To ensure the risk of noise from the crusher impacting cockatoos is reduced to an acceptable level doesn't, a buffer of 50 m is required between location of crusher and individual trees, as well as the premises boundary. In addition, as per recommended advice from the Department of Biodiversity, Conservation and Attractions (DBCA), during TLO the applicant will be required to conduct a black cockatoo habitat assessment of remnant vegetation within a 50 m radius of the proposed operations to determine the use of the site by black cockatoos. The outcome of this assessment may determine whether a buffer is required for ongoing operations.
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Yarawindah Brook 2.8 km west of premises	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 7 – Infrastructure operational requirements	The Delegated Officer is satisfied the applicant controls are sufficient to prevent contaminated stormwater from entering the environment. No additional regulatory controls are required.

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.

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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
Application advertised on the department's website on 27 March 2023	No comments received	N/A
Local Government Authority advised of proposal on 22 March 2023	No comments received	N/A
Nearby residential receptor	No comments received	N/A
Department of Biodiversity, Conservation and Attractions	 Comments received: Confirmed cockatoo hollows recorded within close proximity to proposed site Potential for black cockatoo breeding habitat to be present within remnant vegetation adjacent to and within proposed prescribed premises boundary. Recommend a black cockatoo habitat assessment of remnant vegetation within a minimum of 50m radius of operations be conducted. Where avoidance of threatened fauna is not possible, the applicant should be advised that Ministerial Authorisation provided under delegation by DBCA to 'take or disturb' specially protected species under Section 40 of the BC Act is required. Detention ponds are likely to be used by black cockatoos should they hold water at any time. It is therefore recommended that appropriate mitigation measures should be considered, including but not limited to, mitigation of bird strikes, and the appropriate containment and management 	Comments taken into consideration in risk assessment and works approval is conditioned accordingly.

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	potential contaminants on site.	
Applicant was provided with draft documents on 31 June 2023.	 Notified that Structure 2 located 730m to the east of the premises boundary was inspected and informed they were old unoccupied dongas. Given this, there are no noise-sensitive premises within 1km of the extraction boundary. Request to remove noise monitoring conditions during TLO and Conditions relating to noise assessment reporting. Provided all outstanding information requested 	Comments considered and agreed for noise monitoring related conditions to be removed from the works approval.

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.
- 4. Environmental Protection Authority (EPA) 2005, *Guideline for the Assessment of Environmental Factors, Separation Distances between Industrial Sensitive Land Uses No. 3,* Perth Western Australia

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Works approval	\boxtimes				
		Relevant works approval number:	WTBA	Non e	\boxtimes
		Has the works approval been complied with?		Yes 🗆 No 🗆	
Licence		Has time limited operations under the works approval demonstrated acceptable operations?		Yes □ No □ N/A □	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes □ No □	
		Date Report received:			
Renewal		Current licence number:			
Amendment to works approval		Current works approval number:			
Amendment to licence		Current licence number:			
		Relevant works approval number:		N/A	
Registration		Current works approval number:		Non e	
Date application received		23 Jan 2023			
Applicant and Premises details	s				
Applicant name/s (full legal name	e/s)	B&J Catalano Pty Ltd			
Premises name		N/A			
Premises location		Part of Lot 32 on Deposited Plan 419500			
Local Government Authority		Shire of Victoria Plains			
Application documents					
HPCM file reference number:		DER2023/000069			
Key application documents (additional to application form):		Attachment 1A - Certificate of Title Attachment 5 - Development Approval Attachment 6A - Emissions and Discharges: Dust Management Plan Attachment 7 - Siting and Location			

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		Attachment 8 - Additional Management Plan	Information: Water	
Scope of application/assessment	t			
Summary of proposed activities or changes to existing operations.		Works approval Installation of crushing and screening equipment. Construction of stormwater retention ponds.		
Category number/s (activities tha Table 1: Prescribed premises cat			ome prescribed premises)	
Prescribed premises category Pro		posed production or ign capacity	Proposed changes to the production or design capacity (amendments or	
Category 12:	90,0	000 tonnes per year	N/A	
Screening etc. of material				
Legislative context and other app	orova	als		
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 □ No ⊠	Referral decision No: Managed under Part V Assessed under Part IV	
Does the applicant hold any existin Part IV Ministerial Statements relevant to the application?	ng	Yes 🗆 No 🛛	Ministerial statement No: EPA Report No:	
Has the proposal been referred and/or assessed under the EPBC Act?		Yes □ No ⊠	Reference No:	
Has the applicant demonstrated occupancy (proof of occupier status)?		Yes ⊠ No □	Certificate of title General lease Mining lease / tenement Expiry: Other evidence Expiry:	
Has the applicant obtained all relevant planning approvals?		Yes 🛛 No 🗆 N/A 🗆	Approval: Expiry date: If N/A explain why?	
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?		Yes 🗆 No 🖂	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 🗆 No 🛛	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 🗆 No 🛛	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 □ No ⊠	Name: N/A	
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes □ No ⊠	Name: N/A Priority: N/A Are the proposed activit landuse compatible with PDWSA (refer to <u>WQPN 25</u>)? Yes No N/A	ies/ the
Is the Premises subject to any other Acts or subsidiary regulations (e.g. Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx)	Yes 🗆 No 🗆		
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes □ No ⊠		
Is the Premises subject to any EPP requirements?	Yes □ No ⊠		

Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes □ No ⊠	Classification: N/A Date of classification: N/A	
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