



Application for Licence

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

Licence Number	L9267/2020/1
Applicant	Mario Michelle Giacci
File Number	DER2019/000654
Premises	Gwindinup Sand and Gravel Pits Lot 287 South Western Highway and Lot 393, 79 Lowrie Road. Gwindinup WA 6237 Part of Lot 287 on Deposited Plan 100056 (Certificate of Title Volume 1245, Folio 936) and Lot 393 on Deposited Plan 159607 (Certificate of Title Volume 1215, Folio 880)
Date of Report	4 February 2021
Decision	Licence 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 operation of Gwindinup Sand and Gravel Pits (the Premises). As a result of this assessment, Licence L9267 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 26/10/2020, Mario Michelle Giacci (the Applicant) submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to crushing and screening of gravel at the Premises. The Premises is approximately 20 km north-east of the Town of Capel.

The Premises relates to the category and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L9267/2020/1. 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 Licence L9267/2020/1.

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 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 limiting these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Dust	Crushing of material, vehicle movements, lift-off from stockpiles and/or stored product, earthworks etc.	Air/windborne pathway	<p>Limiting excavation activities during high wind conditions, restricted vehicle speeds on unsealed surfaces, maximum 4m stockpile heights, use of water cart on unsealed surfaces as necessary.</p> <p>Crushing and screening plants to be fitted with water sprayers, with portable sprinklers/hoses to be utilised in the event of water spray malfunction.</p> <p>Site traffic to be limited to a maximum speed of 40 km/hour.</p> <p>Additional dust control measures such as mulching, hydro seeding or use of chemical crusting agents may be used in the event that fugitive dust emissions cannot be controlled through other controls.</p>
Noise	Crushing and screening of material	Air/windborne pathway	Limited hours of operation (7:00am to 6:00pm Mon-Fri, no operations on weekends or public holidays), site traffic limited to 40 km/hour and construction of 4m high earthen noise bund.
Contaminated stormwater	Excess stormwater runoff	Surface water tributaries	<p>A Stormwater Management Plan has been developed to divert clean water around the working area and contain water from the extraction area up to a 1 in 10 year rainfall event.</p> <p>Several diversion drains and retention ponds have been constructed as a requirement to the Applicant's Extractive Industry Licence issued by the Shire of Capel.</p>

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.

The properties immediately to the west and south of Lot 393 Lowrie Road are owned and managed by Cable Sands (WA) Pty Ltd, and form part of a larger sand mining operation to the southwest of the Premises boundary. The vegetated lots to the south and north and of Lot 287 South Western Highway (Lots 478, 477 and 31) are reserved for Public Purpose and Regional Open Space under the Shire of Capel Town Planning and Greater Bunbury Region schemes. The vegetation to the west and north east of Lot 393 comprises Banksia Woodlands of the Swan Coastal Plain, a nationally-protected ecological community.

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 (HR) and environmental (ER) receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
HR1 - Lot 7 on Deposited Plan 130054 - 2 Dempster Street, GWINDINUP WA	Approximately 230m northeast of premises boundary
HR2 - Lot 9 on Deposited Plan 130054 – 10 Dempster Street, GWINDINUP WA	Approximately 360m northeast of premises boundary
HR3 - Lot 26 on Deposited Plan 143766 – 7 Dempster Street, GWINDINUP WA	Approximately 428m northeast of premises boundary
HR4 - Lot 100 on Deposited Plan 4466 – 1 Dempster Street, GWINDINUP WA	Approximately 476m northeast of premises boundary
Environmental receptors	Distance from prescribed activity
Capel River	Approximately 850 m north west of the premises boundary
Localised groundwater	4.65 metres from the surface of the land at the lowest point of the Premises, the north west boundary
ER1 - Remnant vegetation within Lot 287	Adjacent to the eastern premises boundary within Lot 287
ER2 - Banksia Woodlands of the Swan Coastal Plain (Lot 458, Lot 447 and Lot 101 Lowrie Road)	Approximately 40m north of premises boundary
ER3 - R2307 (Lot 477) – public purpose	Directly adjacent to the northern boundary of Lot 287
ER4 - R2500 (Lot 31) – regional open space	Directly adjacent to the northern boundary of Lot 287
ER5 - R18237 (Lot 478) – public purpose	Directly adjacent to southeast boundary of Lots 287 and 393

Stormwater runoff from excavating, crushing and screening operations have the potential to cause erosion on exposed land and cause sediment to become mobile. This mobile sediment has the capacity to negatively impact on downstream receptors.

Servicing of equipment will be undertaken off-site and refueling is via a mobile service vehicle carrying appropriate spill prevention and clean up equipment.

The Applicant has developed a Stormwater Management Plan (SMP) for the site that models the potential runoff and sediment flow during Peak Flow events based on a 1% AEP event for spillway design and drain capacity using the empirical rational method for the cleared catchment and using the Regional Flood Frequency Estimation (RFFE) model of the current edition of Australian Rainfall and Runoff (MBS, 2019).

The SMP was required by conditions imposed on the Applicant by the Shire of Capel as part of the associated Extractive Industry Licence (EIL).

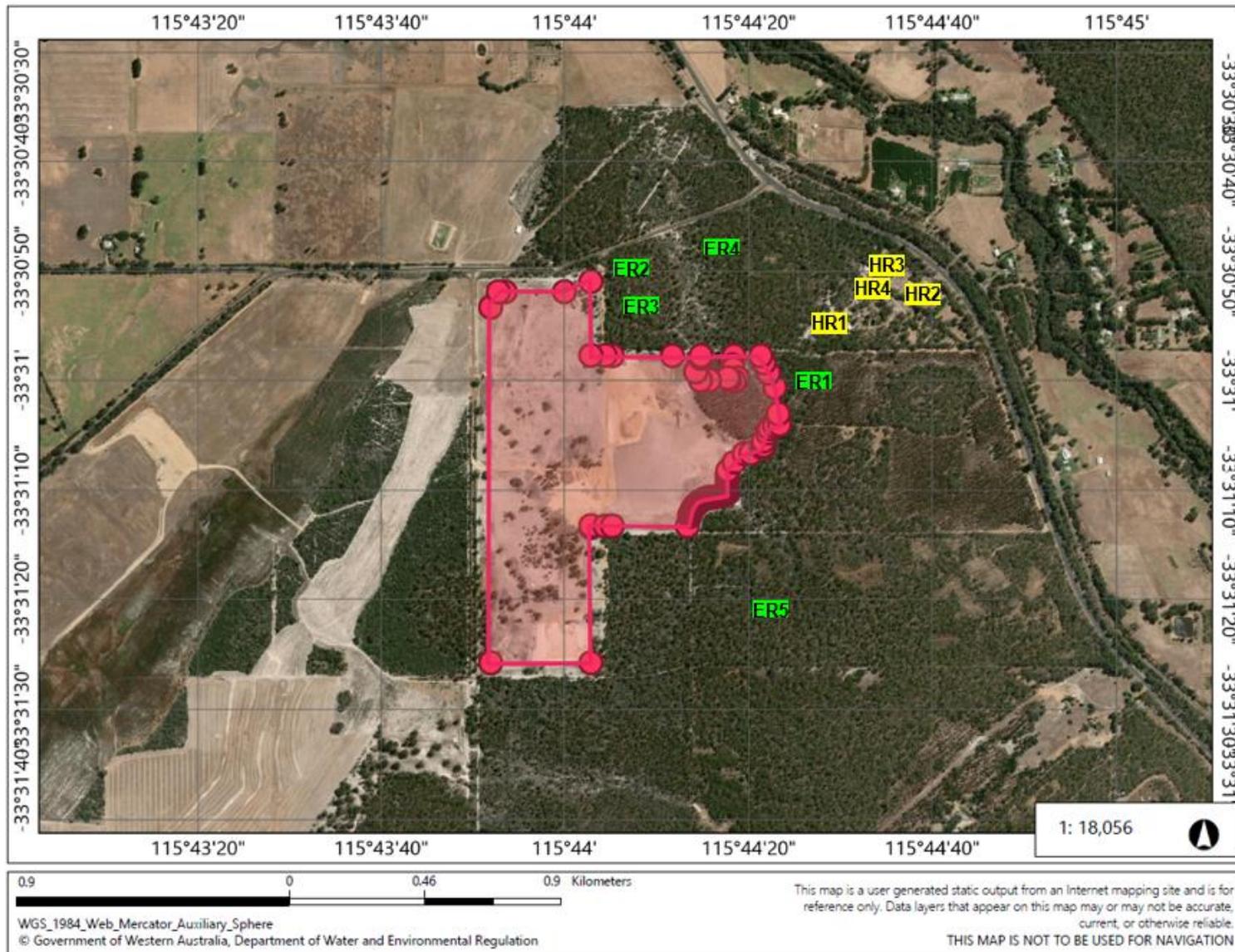


Figure 1: Proximity of human and environmental receptors to premises boundary

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IR-T13 Decision Report Template (short) v2.0 (July 2020)

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 licence as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9267/2020/1 that accompanies this Decision Report, authorises emissions associated with the operation of the Premises i.e. crushing and screening activities.

The conditions in the issued Licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

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

Risk Event					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Continue to detailed risk assessment?	Reasoning
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Screening, crushing, unloading, loading and storage of material, vehicle movements.	Dust	Air/windborne pathway causing impacts to health and amenity	See Table 2 for distance to receptors	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Y	No	The controls proposed by the applicant are sufficient to mitigate potential impacts from dust emissions associated with screening activities. Applicant controls will be conditioned on issued licence.
	Noise	Air/windborne pathway causing impacts to health and amenity	See Table 2 for distance to receptors	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Y	No	The limited hours of operation, restrictions to vehicle speed and the installation of temporary noise bunds are considered sufficient controls to mitigate the impact of onsite noise emissions. Applicant controls will be conditioned on issued licence. Applicant must comply with the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> .
	Sediment-laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	See Table 2 for distance to receptors	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	No	The Applicant has developed a Stormwater Management Plan (SMP) as a requirement under the Extractive Industry Licence issued by the Shire of Capel. Conditions in the licence include containment infrastructure constructed as part of the SMP.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

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 (26/10/2020)	None received	N/A
Local Government Authority (Shire of Capel) advised of proposal 9/11/2020	A reply was received on 11/11/2020 by Mark Tulleken - Engineering Technical Officer for the Shire of Capel. No objection to the licence was noted.	N/A
Applicant was provided with draft documents on 21/12/2020	None received	N/A

5. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements. The licence expiry date of 25 September 2024 has been determined to align with the Extractive Industry Licence issued by the Shire of Capel.

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.
4. Martinick Bosch Sell Pty Ltd (MBS), STORMWATER MANAGEMENT PLAN LOT 393 LOWRIE ROAD AND LOT 287 SOUTH WESTERN HIGHWAY GWINDINUP (REV 4), October 2019.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:	W6359	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 submitted? A1933288		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date Report received: 14/9/2020				
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		5/10/2020		
Applicant and Premises details				
Applicant name/s (full legal name/s)		Mario Michele Giacci		
Premises name		Giacci Gwindinup		
Premises location		Lot 287: Lot 287 South Western Highway, Gwindinup Lot 393: 79 Lowrie Road, Gwindinup		
Local Government Authority		Shire of Capel		
Application documents				
HPCM file reference number:		DER2019/000654		
Key application documents (additional to application form):		N/A		
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.		<u>Licence</u> Operation of crusher + screen		

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 12: <i>Screening etc. of material</i>	120,000 tonnes per annual period of gravel.

Legislative context and other approvals

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: 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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	CPS No: CPS 7171
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"/>	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"/>	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"/>	
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <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"/>	
Direct interest stakeholders		
<i>Shire of Capel</i>	Letter to be sent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>