



## Application for Works Approval

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

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<b>Works Approval Number</b>	W6755/2022/1
<b>Applicant</b>	Peel Resource Recovery Pty Ltd
<b>ACN</b>	149 428 697
<b>File number</b>	DER2022/000595
<b>Premises</b>	Spring Gully Road Southampton, WA 6253 Legal description Part of Lot 816 on Deposited Plan 101298 As defined by the premises maps attached to the works approval
<b>Date of report</b>	06 February 2023
<b>Decision</b>	Works approval granted

**A/MANAGER, RESOURCE INDUSTRIES  
REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

# Table of Contents

<b>1. Decision summary</b>	<b>5</b>
<b>2. Scope of assessment</b>	<b>5</b>
2.1 Regulatory framework	5
2.2 Application summary and overview of premises	5
<b>3. Risk assessment</b>	<b>5</b>
3.1 Source-pathways and receptors	5
3.1.1 Emissions and controls	5
3.1.2 Receptors	7
3.2 Risk ratings	12
<b>4. Consultation</b>	<b>15</b>
<b>5. Conclusion</b>	<b>15</b>
<b>References</b>	<b>15</b>
<b>Appendix 1: Summary of comments from application consultation</b>	<b>16</b>
<b>Appendix 2: Summary of applicant’s comments on risk assessment and draft conditions</b>	<b>17</b>
<b>Appendix 3: Application validation summary</b>	<b>18</b>
Table 1: Proposed applicant controls	6
Table 2: Sensitive human and environmental receptors and distance from prescribed activity	7
Table 3: Risk assessment of potential emissions and discharges from the premises during construction	13
Table 4: Consultation	15
Figure 1: Distance to sensitive receptors	7

## 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 W6755/2022/1 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 31 October 2022, Peel Resource Recovery 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 construct and operate (under time limited operations) a crushing and screening plant at the premises to process material from the excavation of laterite duricrust and gravel. The premises is approximately 5 km north-east of the town of Greenbushes.

The premises relates to the category 70 and assessed production capacity throughput of 30,000 tonnes/year under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in works approval W6755/2022/1. 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 W6755/2022/1.

## 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 operation which has 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	Installation of machinery, vehicles movement and site preparation	Air / windborne pathway	<ol style="list-style-type: none"> <li>1. Water cart will be used for dust suppression during the construction/ installation phase;</li> <li>2. The premises will be wetted down prior to the commencement of processing;</li> <li>3. Chosen location for crushing and screening activities are located within tree belts, to allow dust to settle (Figure 1).</li> </ol>
Noise	Installation of machinery, vehicles movement and site preparation	Air / windborne pathway	<ol style="list-style-type: none"> <li>1. Machine reverse alarms with lower frequency output units will be used;</li> <li>2. Crushing and screening plant will be located 500 m from the closest sensitive receptor;</li> <li>3. Perimeter bunding of 2 meters height will be constructed as the overburden became available (Figure 4).</li> </ol>
<b>Operation</b>			
Dust	Crushing of material, vehicle movements, lift-off from stockpiles and/or stored product, earthworks etc.	Air/ windborne pathway	<ol style="list-style-type: none"> <li>1. Stockpiles will be positioned to provide buffers as per Figure 4;</li> <li>2. The premises will be wetted down prior to the commencement of processing;</li> <li>3. Loads will be dampened prior to loading/unloading if are dry;</li> <li>4. Water cart and mobile misting machine will be available on premises at all times;</li> <li>5. A 30km per hour speed limit will always apply to trucks on internal roads.</li> </ol>
Noise	Crushing and screening of material, vehicle movements	Air / windborne pathway	<ol style="list-style-type: none"> <li>1. The noise generated from the premises will comply with the <i>Environmental Protection (Noise) Regulations 1997</i>;</li> <li>2. Stockpiles will be positioned to provide buffers as per Figure 4;</li> <li>3. Machine reverse alarms with lower frequency output units will be use;</li> <li>4. Crushing and screening plant operation is to be restricted to the hours between 8:00 am and 5:00 pm Monday to Friday and at no time on Saturday, Sundays or public holidays</li> </ol>
Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance	Threatened flora	Small sumps/dams will be constructed as necessary up slope in combination with the contour drains to provide additional water and sediment trapping retention (Figure 3 and 4).
Spills / leaks of hydrocarbons	Hydrocarbon spills or leaks from vehicle and equipment use, refuelling or maintenance activities	Overland runoff during high rainfall events. Leaching through soil profile to groundwater	<ol style="list-style-type: none"> <li>1. No fuel is to be stored on site;</li> <li>2. The loader will be refuelled outside of premises or on site from a mobile tank or tanker</li> </ol>

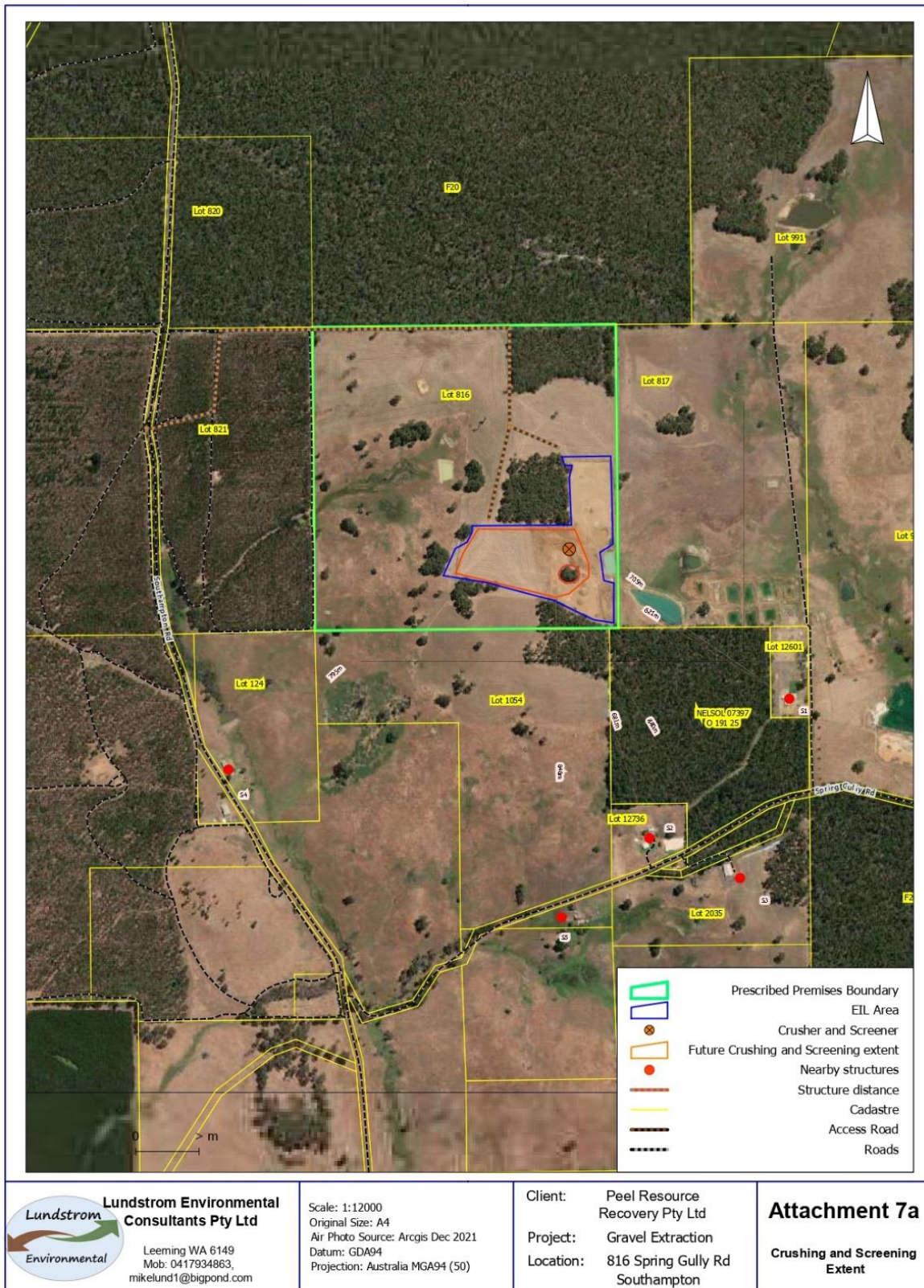
### 3.1.2 Receptors

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
One residential receptor	Within 500 m south-east from premises boundary (Figure 1, S1).
One residential receptor	578 m south-east from premises boundary (Figure 1, S1)
Non-residential receptors	Other structures in Figure 1: S3, S4 (land holder) and S5 are owned by private company.
Environmental receptors	Distance from prescribed activity
Threatened and/or priority flora: -Black Cockatoo habitat, large trees on-site -Eucalyptus marginata Department of Biodiversity, Conservation and Attractions (DBCA) List 6: <b>Conservation Code Priority 4</b>	Within premises. There will be not native vegetation clearing.
DBCA Legislated Tenure: Greenbushes State Forest	North of proposed premises 530 m from proposed premises activities (Figure 2)
DBCA Legislated Tenure: Timber Reserve	South of proposed premises 160 m from proposed premises activities (Figure 2)
Groundwater	Depth groundwater is 6 meters below ground level (mbgl) approximately

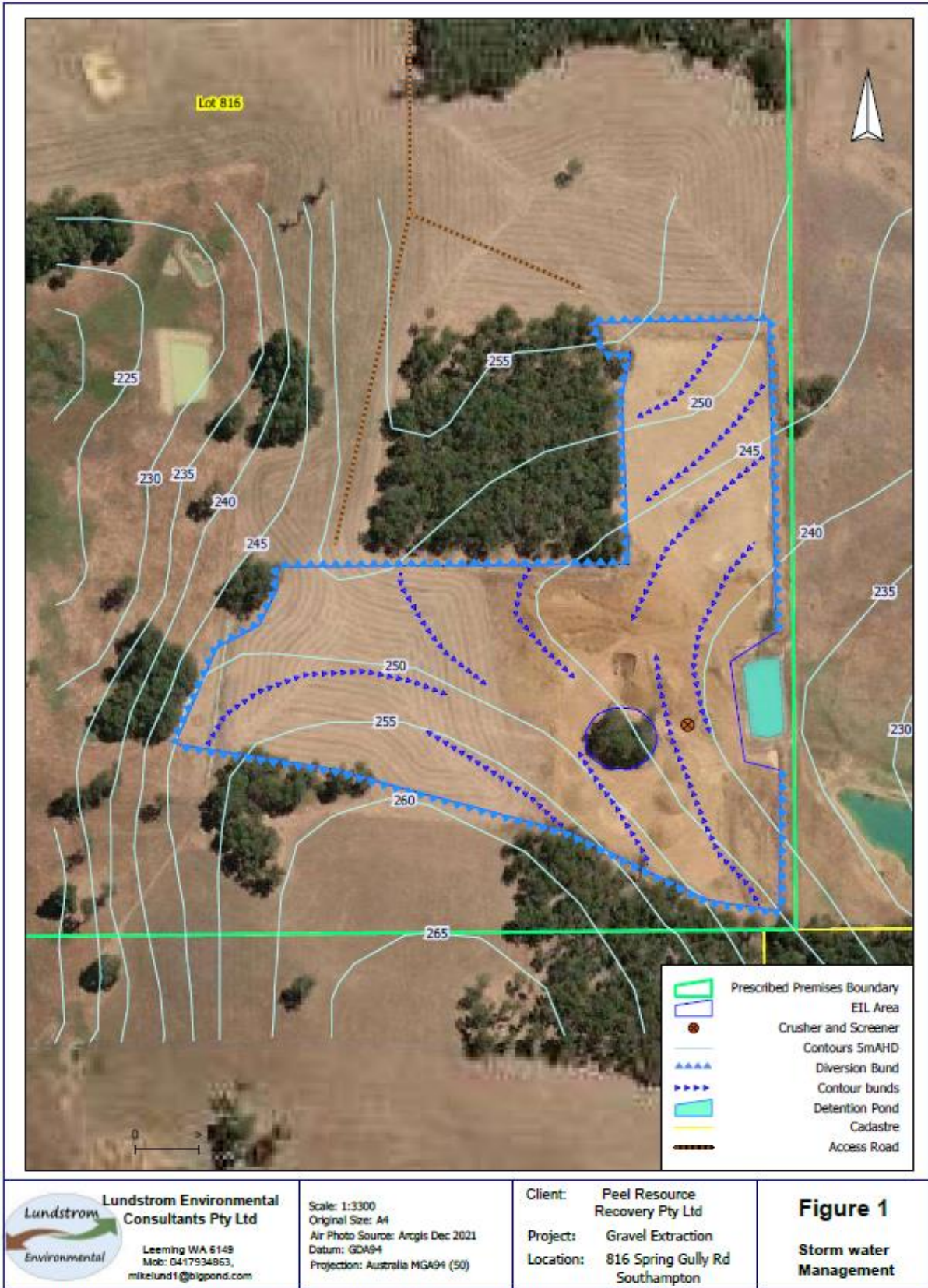


**Figure 1: Premises siting.**



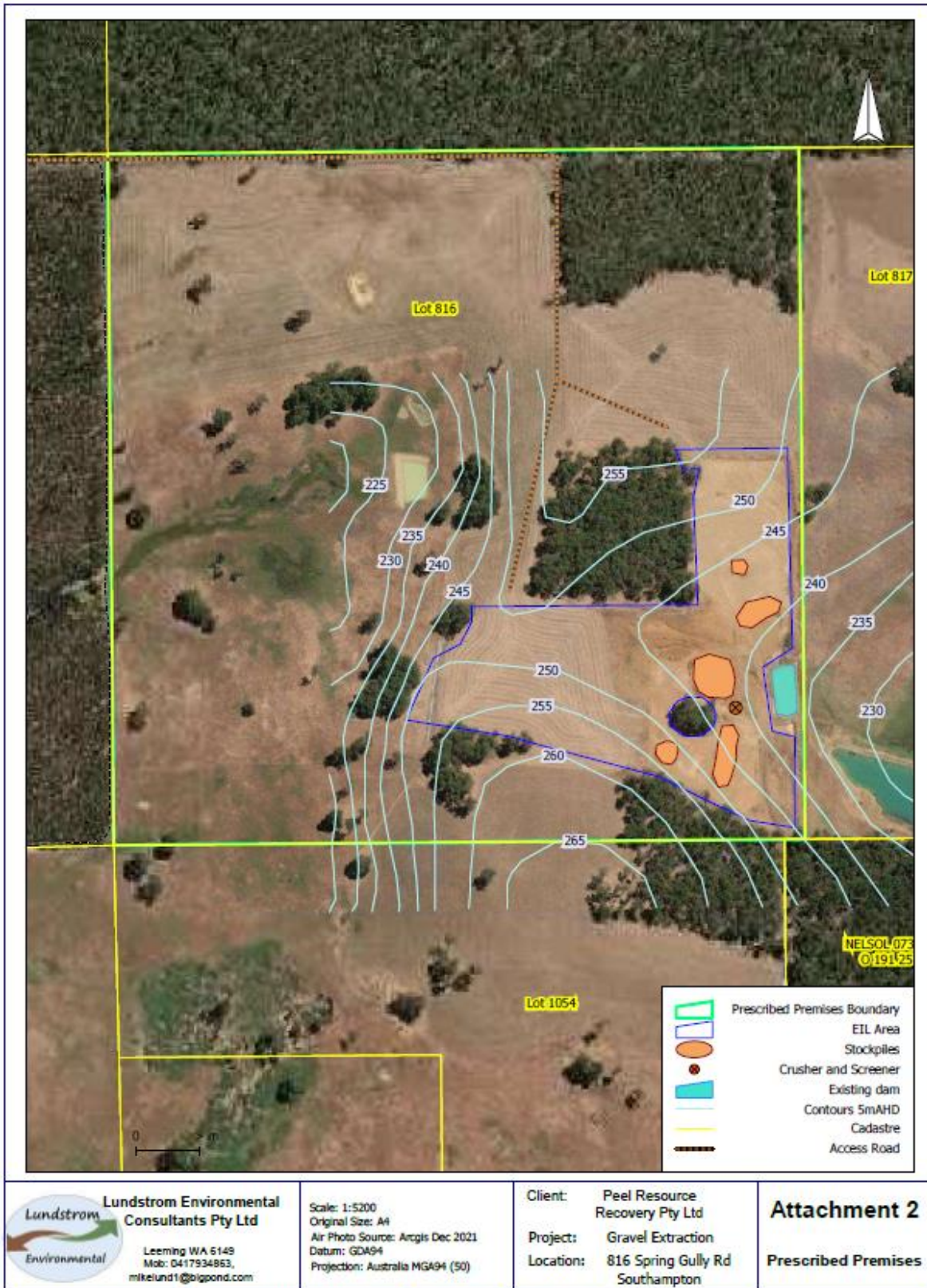
**Figure 2: Environmental receptors**

The DBCA Legislated tenure is in green patterned. The premises boundary in yellow and the mobile screening and crushing plant area is in pink.



**Figure 3: Strom water Management**





Z:\Other Clients and Projects\Peel Resources\Spring Gully Rd Lot 816 and South Hampton Rd 821\Drawings\Attachment 2.map 10/27/2

**Figure 4: Premises plan**

## 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 2.

Works approval W6755/2022/1 that accompanies this decision report authorises construction and time-limited operations. The conditions in the issued works approval, as outlined in Table 2 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 operation of the premises i.e. extractive activities. A risk assessment for the operational phase has been included in this decision report, however licence conditions will not be finalised until the department assesses the licence application.

**Table 2: Risk assessment of potential emissions and discharges from the premises during construction**

Risk events					Risk rating <sup>1</sup> C = consequence L = likelihood	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				
<b>Construction</b>								
Placement of screen and associated equipment including vehicle movements (reversing beepers) and crushing and screening mobile plant.	Dust	Air / windborne pathway causing impacts to health and amenity	Residences 500m East from premises boundary	Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	N/A	N/A
	Noise			Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	N/A	N/A
<b>Operation (including time-limited-operations operations)</b>								
Screening, crushing, unloading, loading and storage of material Vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Residences 500m East from premises boundary	Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	Condition 1 Condition 6: Operational requirements	Applicant's controls will be conditioned within the works approval (i.e. water cart on site, wetting down of stockpiles etc)
	Noise	Air / windborne pathway causing impacts to health and amenity	Residences between 500m – 1000m East from premises boundary	Refer to Section 3.1	C = Minor L = Possible <b>Medium Risk</b>	N	- Conditions 6 and 7: Operational requirements <b><u>-Conditions 8, 9, 10, 11 and 12: Noise monitoring conditions</u></b>	No noise emission assessment or modelling has been provided to confirm whether noise emissions from operations will meet assigned noise levels outline within the <i>Environmental Protection (Noise) Regulations 1997</i> at the closest noise sensitive receptors (500m to the east of the premises).  Due to proximity to nearest receptors it is possible that assigned noise levels could be exceeded. As a result, a requirement to undertake a noise assessment (which

Works Approval: W6755/2022/1

Risk events					Risk rating <sup>1</sup> C = consequence L = likelihood	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				
								includes monitoring) during TLO has been conditioned within the works approval to ensure noise levels during operation do not present an unacceptable risk to nearby receptors.  In addition, the applicant must ensure that operating times for crushing and screening plant occur between 8:00 am and 5:00 pm Monday to Friday and at no time on Saturday, Sundays or public holidays which is in line with the requirements of the Shire of Donnybrook Balingup's Extractive Industry Licence.
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance	Threatened flora	Refer to Section 3.1	C = Slight L = Unlikely <b>Low Risk</b>	Y	N/A	The applicant's controls have been conditioned within the works approval.

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

**Table 3: Consultation**

Consultation method	Comments received	Department response
Local Government Authority advised of proposal by email on 24 November 2022	Shire of Donnybrook Balingup answered on 14 December 2022 requesting clarification about the proposed production capacity of the premises	Refer to Appendix 1
Residents within 500 m from the premises were advised of proposal by post on 24 November 2022	Resident replied on 9 December 2022 with concerns about road condition	Refer to Appendix 1
Application advertised on the department's website on 28 November 2022	None received	N/A
Applicant was provided with draft of the Works Approval and Decision Report on 2 February 2023	Refer to Appendix 2	Refer to Appendix 2

## 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 Agency (EPA) 2005, *Guidance for the Assessment of Environmental Factors*.

## Appendix 1: Summary of comments from application consultation

Condition	Summary of applicant's comment	Department's response
Production capacity	<p><i>Shire of Donnybrook Balingup:</i> The approved management plan specified a maximum of 30,000 tonnes to be extracted annually but the Works Approval Application states a maximum of 100,000 tonnes per year. The shire wants to clarify the amount to be extracted to ensure consistency with the Shire approvals issued.</p>	<p>The applicant has confirmed that the expected throughput of the plant will be 30,000 tonnes per year.</p>
Road condition	<p><i>Resident:</i> Concern about the negative impact of the premises activities on the local infrastructure and community safety.</p> <p>The concern relates to the Spring Gully Road East from the Shires boundary to Ashcroft Road. The works should not start until the road is upgraded. There is a narrow section of road which need to be upgraded, as is not enough space for vehicles to pass the trucks.</p>	<p>Road safety is outside the scope of assessment under Part V of the EP Act for determining an application for a crushing and screening operation.</p> <p>It is recommended the Shire of Donnybrook Balingup and/or the Department of Transport is contacted regarding this matter.</p>

## Appendix 2: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
Legal description	Premise details: Part of Lot 816 on Deposited Plan 101298 only	Updated accordingly in Works Approval and Decision Report
Production capacity	Prescribed premises category description, Assessed production design capacity to be 30, 000 tonnes/year	Updated accordingly in Works Approval and Decision Report. Additionally, the prescribed premises category was changed from category 12 to 70.
Schedule 1, Figure 1	Updated premises map provided	Map updated in the Works Approval and decision Report

## Appendix 3: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
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	31/10/2022			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Peel Resource Recovery Pty Ltd			
Premises name				
Premises location	Spring Gully Road Southampton, WA 6253 <b>The Proposed Excavation:</b> A part of Lot 816 on Deposited Plan 101298; Volume 1138, Folio 850 <b>The Proposed transport route:</b> A part of Lot 821 on Deposited Plan 101301; Volume 2862, Folio 782			
Local Government Authority	Shire of Donnybrook-Balingup			
Application documents				
HPCM file reference number:	DER2022/000595			
Key application documents (additional to application form):	-Certificate of Title x2 (p. 29) -Current Company Extract (p. 31) -Letter granting permission to Peel Resources Recovery Pty Ltd to use the properties (p. 34) -Map premises boundary, crusher and screener location (p. 35) -Proposed activities summary (p. 36)			



	-Extractive Industry Licence for Lots 816 and 821 (p.42) -Excavation and Rehabilitation Management Plan, application for renewal of gravel excavation (p. 47)	
<b>Scope of application/assessment</b>		
Summary of proposed activities or changes to existing operations.	a) Crushing and screening of material, Length of activities 2 years estimated, 4 stages b) Extraction of duricrust and gravel	
<b>Category number/s (activities that cause the premises to become prescribed premises)</b>		
<b>Table 1: Prescribed premises categories</b>		
<b>Prescribed premises category and description</b>	<b>Proposed production or design capacity</b>	
Category 12: Screening etc. of material	Proposed – 100,000 tonnes/year.	
<b>Legislative context and other approvals</b>		
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:  Lot 816 owner is City World Pty Ltd (MJ Crombie and PA Crombie) Lot 821 owner is MJ Crombie and PA Crombie
Has the applicant obtained all relevant planning approvals?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: Extractive Industry Licence Expiry date: 24/Jul/2038 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 type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A No clearing is proposed.

Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type: Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Regional office:
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <a href="#">WQPN 25</a> )? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input 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 checked="" type="checkbox"/> No <input type="checkbox"/>	-Environmental Protection (Noise) Regulations 1997 -Mines Safety and Inspection Act 1994. -Aboriginal Heritage Act 1972
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A