

Granite Extraction, Lot 2036 Bird Road, Torbay

A. D. Contractors Pty Ltd

**Report and recommendations
of the Environmental Protection Authority**

**Environmental Protection Authority
Perth, Western Australia
Report 1313
February 2009**

Environmental Impact Assessment Process Timelines

Date	Progress stages	Time (weeks)
9/9/2008	Referral received	
22/10/2008	Letter to proponent, indicating possible PUEA	6
1/12/2008	Level of Assessment set	5
2/2/2009	EPA report to the Minister for the Environment	9

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Assessment No. 1762

Summary and recommendations

This report provides the Environmental Protection Authority's (EPA's) advice and recommendations to the Minister for the Environment on the proposal to extract granite at Lot 2036 Bird Road, Torbay, City of Albany by A. D. Contractors Pty Ltd.

Section 44 of the *Environmental Protection Act 1986* (EP Act) requires the EPA to report to the Minister for the Environment on the outcome of its assessment of a proposal. The report must set out:

- The key environmental factors identified in the course of the assessment; and
- The EPA's recommendations as to whether or not the proposal may be implemented, and, if the EPA recommends that implementation be allowed, the conditions and procedures to which implementation should be subject.

The EPA may include in the report any other advice and recommendations as it sees fit.

Key environmental factors

The EPA decided that the following key environmental factors relevant to the proposal required detailed evaluation in the report:

- (a) Airblast levels due to blasting; and
- (b) Operating noise levels.

Conclusion

The proposal does not meet the EPA's objective to protect the amenity of nearby residents from noise impacts resulting from activities associated with the proposal by ensuring the noise levels meet statutory requirements and acceptable standards. Likewise, it is not consistent with the EPA's objective of Guidance Statement 3 (EPA 2005) to ensure adequate separation between industrial and sensitive land uses to avoid or minimise the potential for land use conflict.

As a consequence, the EPA considers the proposal by A. D. Contractors Pty Ltd to extract granite at Lot 2036 Bird Road, Torbay, City of Albany is environmentally unacceptable.

Recommendations

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister notes that the proposal being assessed is for the extraction of granite at Lot 2036 Bird Road, Torbay, City of Albany;
2. That the Minister considers the report on the key environmental factors as set out in Section 3 of this report;
3. That the Minister notes that the EPA has concluded that the proposal cannot be managed to meet the EPA's objective in relation to:
 - (a) Airblast levels due to blasting; and
 - (b) Operating noise levels.
4. That the Minister notes that the EPA has not included in this Bulletin conditions and procedures to which the proposal should be subject, if implemented, because the EPA holds the view that the proposal should not be implemented.

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1. References

1. Introduction

This report provides the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for the Environment on the key environmental factors for the proposal by A. D. Contractors Pty Ltd, to extract granite at Lot 2036 Bird Road, Torbay, City of Albany.

Further details of the proposal are presented in Section 2 of this Report.

The proposal was referred to the EPA on 9 September 2008 and the level of assessment was advertised as Proposal is Unlikely to be Environmentally Acceptable (PUEA) on 1 December 2008. This level of assessment was set because it could not be demonstrated that the proposal would be able to be managed to meet the EPA's objective to protect the amenity of nearby residents from noise impacts resulting from activities associated with the proposal by ensuring the noise levels meet statutory requirements and acceptable standards. The proposal is also not consistent with the EPA's objective of Guidance Statement 3 (EPA 2005) to ensure adequate separation between industrial and sensitive land uses to avoid or minimise the potential for land use conflict. A Statement of Reasons was issued at the time the level of assessment was published.

No appeals were received on the level of assessment.

Section 44 of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment on the key environmental factors for the proposal and on the conditions and procedures to which the proposal should be subject, if implemented. In addition, the EPA may make recommendations as it sees fit.

Accordingly, Section 3 discusses key environmental factors for the proposal and Section 4 presents the EPA's conclusions and recommendations. References are listed in Appendix 1.

2. The proposal

The proposal is to quarry for granite on Lot 2036 Bird Road, Torbay in the City of Albany (Figure 1 and Figure 2). Lot 2036 is approximately 64.7 hectares. The final quarry area is estimated at five hectares and is situated approximately 70 metres from the entrance to the property at Bird Road. The quarry would be approximately four metres deep. Quarrying would be "on demand" and therefore the duration of the proposal is undefined.

Blasting would be required with further reduction in size of granite blocks by an excavator with rock breaker. Blocks would be sorted and stockpiled. The excavator and/or a loader would be used to load semi-tipper six-wheeled trucks for transport of the granite from site. Operational hours would be 7am to 6 pm Mondays to Fridays.

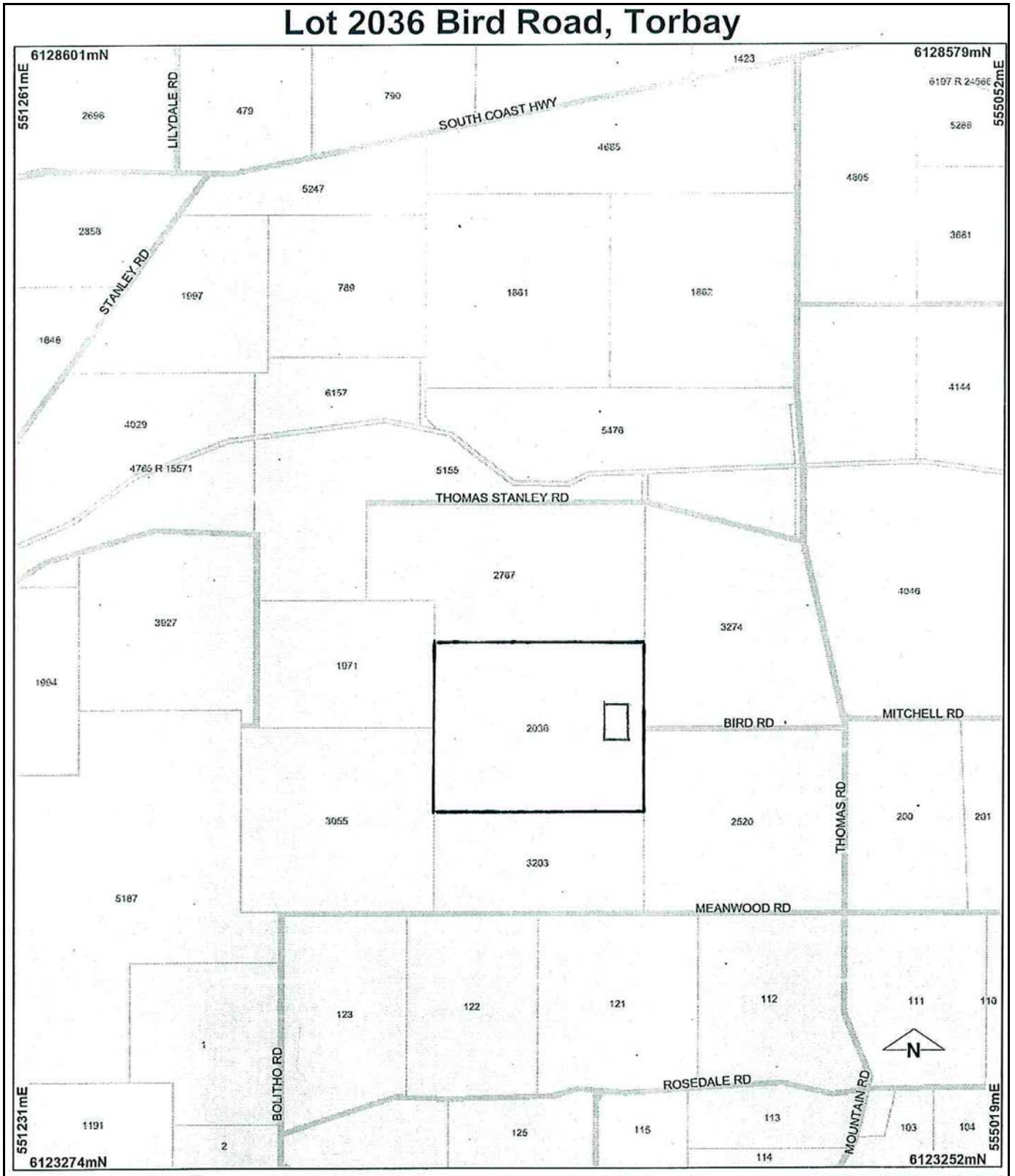


Figure 1: Site location



Figure 2: Proposal site

3. Key environmental factors

The EPA considers that this proposal is clearly in contravention of established and applicable environmental standards or procedures, namely airblast and noise level limits set out in the *Environmental Protection (Noise) Regulations 1997*.

It is the EPA's opinion that the following key environmental factors for the proposal require detailed evaluation in this report:

- (a) Airblast levels due to blasting; and
- (b) Operating noise levels.

The key environmental factors are discussed in Sections 3.1 and 3.2 of this report.

Other environmental factors, some of which may be key environmental factors, have not been considered further as it has not been demonstrated that the proposal is able to be managed to meet statutory requirements for airblast levels and noise. These factors include dust, surface and groundwater impacts and public safety. The proposal does not meet the separation distance recommended in the EPA's Guidance Statement 3, *Separation Distances between Industrial and Sensitive Land Uses*, (EPA, 2005) which is based on noise, dust and risk impacts.

3.1 Airblast levels

Description

The proposed quarry area is located approximately 70 metres from the boundary of the nearest property owned by another landowner. Additional lots under other ownership also adjoin the proposal site.

Regulation 11(3) of the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) limits the maximum airblast level received at any other premises to 125 dB $L_{\text{Linear peak}}$ between 0700 hours and 1800 hours on Monday to Saturday. Regulation 11(4) further limits this daytime airblast level to 120 dB $L_{\text{Linear peak}}$ for 9 in any 10 consecutive blasts. The proponent undertook a trial blast, with reduced charge, which returned a reading of 130.3 dB $L_{\text{Linear peak}}$ at 475 metres from the blast site.

Assessment

The EPA's environmental objective for this factor is to protect the amenity of nearby residents from noise impacts resulting from activities associated with the proposal by ensuring the noise levels meet statutory requirements and acceptable standards.

The EPA notes that the trial blast did not comply with the Noise Regulations at the distance of 475 metres and therefore would not have complied at the nearest boundary which is only 70 metres away.

The EPA notes that the proponent subsequently suggested an explanation of why the trial blast was louder than expected. However, the proponent has failed to recognise that the airblast level limits apply at the boundary of the nearest premises. The

proponent has not provided evidence that compliance with the Noise Regulations could be achieved at the nearest boundary approximately 70 metres away from the proposed quarry site.

The proponent's consultant made four recommendations to reduce the noise impact from blasting. Advice received from the Department of Environment and Conservation is that these recommendations, if implemented, might reduce the noise impact on the neighbours, but there is no evidence that these recommendations are able to make the proposed project achieve compliance with the Noise Regulations. Furthermore, the EPA notes that there is no commitment from the proponent that any of the four recommendations would be adopted.

The EPA concludes that the proponent has failed to demonstrate that the proposal would be able to be managed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The EPA considers that the proposal could not be practically operated to comply with the *Environmental Protection (Noise) Regulations 1997*. Accordingly, it is the EPA's opinion that the proposal cannot be managed to meet the EPA's environmental objective.

3.2 Operating noise levels

Description

The proposal does not include crushing and screening of rock on site. However, it does include an excavator with rock breaking capacity to break, sort and stockpile rocks. It also includes heavy trucks to transport the rocks and possibly a loader to load them. Under the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) a daytime L_{A10} assigned level of 60 dB would apply to the nearest property boundary which is approximately 70 metres away from the proposed extraction area. The nearest noise sensitive building is approximately 500 metres away where a daytime L_{A10} assigned level of 45dB (plus influencing factor) would apply.

Assessment

The EPA's environmental objective for this factor is to protect the amenity of nearby residents from noise impacts resulting from activities associated with the proposal by ensuring the noise levels meet statutory requirements and acceptable standards.

The EPA notes that the proponent has not provided any information on expected operating noise levels. All the equipment proposed for use can potentially generate high noise levels and it is unlikely that the proposal in its current form would meet the assigned noise levels at neighbouring properties. No evidence has been presented by the proponent that the assigned noise levels at the nearest neighbours' properties would be met.

Accordingly, the EPA concludes that the proponent has not demonstrated that the proposal could be managed to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997* and consequently it is the EPA's opinion that the proposal has not met the EPA's environmental objective.

4. Conclusions and Recommendations

The proposal does not meet the EPA's objective to protect the amenity of nearby residents from noise impacts resulting from activities associated with the proposal by ensuring the noise levels meet statutory requirements and acceptable standards. Likewise, it is not consistent with the EPA's objective of Guidance Statement 3 (EPA 2005) to ensure adequate separation between industrial and sensitive land uses to avoid or minimise the potential for land use conflict.

As a consequence, the EPA considers the proposal by A. D. Contractors Pty Ltd to extract granite at Lot 2036 Bird Road, Torbay, City of Albany is environmentally unacceptable.

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister notes that the proposal being assessed is for the extraction of granite at Lot 2036 Bird Road, Torbay, City of Albany;
2. That the Minister considers the report on the key environmental factors as set out in Section 3 of this report;
3. That the Minister notes that the EPA has concluded that the proposal cannot be managed to meet the EPA's objective in relation to:
 - (a) Airblast levels due to blasting; and
 - (b) Operating noise levels.
4. That the Minister notes that the EPA has not included in this Bulletin conditions and procedures to which the proposal should be subject, if implemented, because the EPA holds the view that the proposal should not be implemented.

Appendix 1

References

Environmental Protection Act 1986, Western Australia, July 2008

Noise Regulations, *Environmental Protection (Noise) Regulations 1997*, Western Australia, November 2003

EPA 2005, *Guidance Statement 3, Separation Distances between Industrial and Sensitive Land Uses*, Environmental Protection Authority, June 2005