



## Application for Licence

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

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<b>Licence Number</b>	L9296/2021/1
<b>Applicant</b>	letto Farms Pty Ltd
<b>ACN</b>	008 833 716
<b>File number</b>	DER2021/000331
<b>Premises</b>	letto Farms Pty Ltd  Legal description Lot 1498 on Deposited Plan 112301, Myalup (Certificate of Title Volume 2055 Folio 185) Lot 1504 on Deposited Plan 112303, Myalup (Certificate of Title Volume 1841 Folio 630) As defined by the premises maps attached to the issued licence
<b>Date of report</b>	25 February 2022
<b>Decision</b>	Licence granted

**/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 operation of the Premises. As a result of this assessment, licence L9296/2021/1 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 May 2021, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The Premises have been undertaking limestone and sand extraction activities since approximately 2009 for the purpose of road construction projects throughout the Southwest of Western Australia (Ietto Farms Pty Ltd, 2021, Ietto Farms Pty Ltd, 2021a (EIL)). The application is to seek a licence relating to the screening of quarried limestone material at the Premises. The Premises is approximately 18.5 km southwest of Yarloop.

The premises relates to the Category 70 and assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9296/2021/1. 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 licence L9296/2021/1.

### 2.3 Description of proposed activities

#### 2.3.1 Staged operation

The Applicant is proposing to extract up to 36,000 tonnes per annum of limestone and sand material using a staged approach across three excavation areas (Pit A, Pit B and Pit C) located across the Premises (Figure 1). Pit A, which comprises of an area of approximately 20.8 hectares (ha) located in the northwest portion of Lot 1504 on Deposited Plan 112303, Myalup, has been under excavation for a number of years. An area of 4 ha has been excavated from Pit A, with approximately 13.45 ha remaining for future excavation activities. Pits B and C comprise of an area of approximately 6.9 ha and 2.6 ha respectively and are yet to be excavated. Excavation activities will commence in Pits B and C following the decommissioning of Pit A and will be dependent on market demand. The life of the quarry is expected to be approximately 10 years, based on the rate of extraction to date.

#### 2.3.2 Site operations process

##### Site preparation

The clearing of native vegetation will be required for future extraction activities within Pits A, B and C. As discussed under section 2.4.3, a clearing permit will be required to remove the native vegetation prior to extraction activities commencing. Cleared vegetation is proposed to be stockpiled in windrows at an appropriate location on the Premises for future processing. The top 300mm of topsoil will be removed from the active extraction area and stockpiled following the clearing of native vegetation. Stockpiles are to be constructed with a batter of 1:3 to reduce the

risk of erosion of the stockpile during the winter months.

### Operational activities

The extraction of limestone and sand material in the three excavation areas will be undertaken in 2 ha sections, with rehabilitation following the completion of two sections of excavation activities. The mobile crushing and screening plant sits at the base of pit floor and follows the area of open pit. The pit area changes as the new working face is expanded. The mobile crushing and screening plant removes debris and rock from excavated material to produce a clean product. Screened material is stored on the pit floor adjacent to the mobile crushing and screening plant. Limited stockpiling will occur at the Premises as material is excavated when required. A bucket loader will be used to load the trucks for transportation of material off-site to projects as needed. Areas that have been fully excavated are backfilled followed by site rehabilitation. Final batters are to be no greater than 1:6. The Premises are proposed to be in operation from 7am to 5:00pm, Monday to Friday, and Saturday's 7am to 12pm.

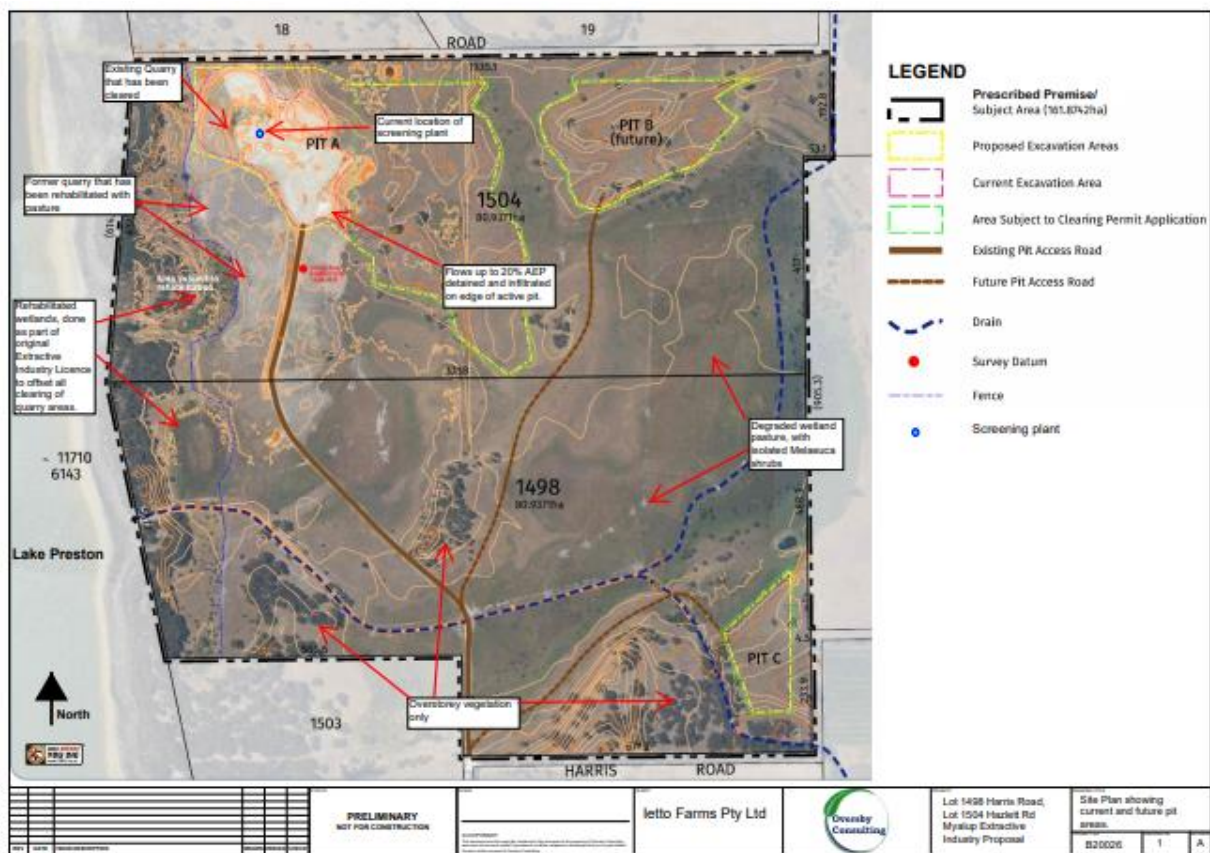


Figure 1: Site plan illustrating current and future pit areas at the Premises

## 2.4 Part IV of the EP Act

The Shire of Harvey (the Shire) referred the proposal to the Environmental Protection Authority (EPA) on 6 April 2021 for determination under section 38 of the EP Act due to concerns of environmental impacts identified during the assessment of the Development Approval and Extractive Industry Licence (EIL) applications. On 22 September 2021, the EPA made a determination that the proposal does not warrant a formal assessment under Part IV of the EP Act as the environmental impacts of the proposal are considered to not be significant due to the small scale and short duration of the operation.

## 2.5 Legislative context and other approvals

### 2.5.1 Development Approval

The Premises is situated in an area zoned as 'General Farming' as defined by the Shire of Harvey's (the Shire) District Planning Scheme No.1. The Applicant was granted Development Approval (DA) on 6 March 2009 for the purpose of limestone extraction which has since expired on 6 March 2014. An application for DA was submitted to the Shire on 11 December 2020 by the Applicant to allow extractive industry activities to continue. The Shire advised DWER on 14 June 2021 that they are in receipt of an application for the DA and an assessment of the application identified concerns of potential environmental impacts (Shire of Harvey, 2021). The Shire referred the proposal to the EPA for assessment under section 38 of the EP Act and placed the applications on hold until a determination was made by the EPA as noted above. The Applicant was issued Development Approval for the purpose of extractive industry (sand and limestone) by the Shire on 9 November 2021 that is valid for a five year duration.

### 2.5.2 Extractive Industry Licence

A EIL for limestone extraction was issued to the Applicant in 2009 and has since expired on 16 June 2014. The Applicant submitted a new application to the Shire on 24 November 2020 for the proposed extraction activities. The current EIL application states that the volume of material to be excavated at the Premises is approximately 400,000 m<sup>3</sup>. As noted above under Section 2.4.1, the Shire had concern in relation to the potential environmental impacts associated to the activity and placed the EIL application on hold until a decision on the proposal was made by the EPA (Shire of Harvey, 2021). The Applicant is required to satisfy a number of conditions on the recently issued DA prior to an EIL being issued. It is the Applicant's responsibility to ensure an EIL is obtained prior to commencing the proposed extraction activities.

### 2.4.3 EP Act – Native Vegetation Clearing Permit

The Applicant was granted a clearing permit (CPS 3034/1) on 6 August 2009 under section 51E of the EP Act to clear 3.5 hectares and 175 native trees for the purpose of extractive industry. The clearing permit has since expired on 6 September 2015. The Applicant has applied to clear 23 hectares of native vegetation in the areas depicted by the green line as shown above in Figure 1. The clearing permit is currently under assessment by the Native Vegetation Regulation Branch of DWER. It is the Applicant's responsibility to ensure a clearing permit is obtained from NVR prior to undertaking excavation activities.

### 2.4.4 Environment Protection and Biodiversity Conservation Act 1999 approval

The proposal was referred to the former Department of Environment, Water, Heritage and Arts (DEWHA) (EPBC Act Referral 2009/5200) to determine whether the development of a sand and limestone extraction site is a proposed action under the EPBC Act. On 26 May 2010, a decision was made by DEWHA that the proposed action is not a controlled action provided it is undertaken in the manner set out in the decision. The approval outlined a set of conditions that required the Applicant to avoid significant impacts on wetlands of international importance and listed threatened species and communities. This EPBC Act approval expired in December 2020.

The Department of Agriculture, Water and the Environment (DAWE) advised the Shire of Harvey on 22 April 2021 that as the EPBC Act approval has expired, the activities conducted at the site are not currently covered by a decision under the EPBC Act. DAWE advised that they are attempting to make contact with the landowner recommending that they refer their activities for assessment under the EPBC Act given the potential impact of the activities on the sensitive nature of the local environment (Shire of Harvey, 2021). It is recommended that the Applicant contact the DAWE to determine if referral of the proposal to DAWE is required.

### 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
<b>Operation</b>			
Dust	Crushing and screening of material.	Air/windborne pathway	<ul style="list-style-type: none"> <li>• 15kL water truck maintained on site to reduce dust emissions during quarry operations;</li> <li>• Screening and quarrying of material to be undertaken only on days when windspeed is calm to moderate;</li> <li>• All quarrying related activities to cease if visual dust is observed leaving the site;</li> <li>• If complaints regarding dust emissions are received, the Licence Holder is required to complete a Dust Complaint Form and rectify the complaint within 7 days;</li> <li>• Dust sampling to be undertaken near the site and at locations away from the site to ensure nearest receptors are not being impacted by dust emissions;</li> <li>• Maintain shade-cloth/dust fencing in an operational condition surrounding dust prone areas of the Premises; and</li> <li>• Monitor wind and weather forecasts and cease non-essential extraction operations during excessively windy conditions.</li> </ul>



Emission	Sources	Potential pathways	Proposed controls
	<p>Unloading, loading and stockpiling of material during processing of material.</p>		<ul style="list-style-type: none"> <li>• All sand excavation by the loader will occur perpendicular to the active face and work up the face to reduce fugitive dust;</li> <li>• Stockpiles of material to be retained on the pit floor;</li> <li>• Stockpiles are not to exceed 5m in height;</li> <li>• No sand stockpiling is to occur on site. All extracted sand is to be loaded directly onto the trucks for transportation; and</li> <li>• Stockpiles to be wet down if high winds likely to occur.</li> </ul>
	<p>Vehicle movements on unsealed surfaces.</p>		<ul style="list-style-type: none"> <li>• Truck loads to be covered prior to leaving the site;</li> <li>• Wet down truck loads prior to transportation of material; and</li> <li>• Adhere to site speed limits and ensure site staff stay on designated haulage routes and roads.</li> </ul>
<p>Noise</p>	<p>Crushing and screening of material.</p> <p>Unloading, loading and stockpiling of material during processing of material.</p> <p>Vehicle movements on unsealed surfaces.</p>	<p>Air/windborne pathway</p>	<ul style="list-style-type: none"> <li>• Operations to be restricted to day-time hours 7am to 5pm from Monday to Friday and Saturday's 7am to 12pm;</li> <li>• Excavation and heavy haulage equipment to be fitted and maintained with mufflers;</li> <li>• Noisy activities occurring from the operation to be scheduled at times of least impact;</li> <li>• Vehicles are not to be left idling near noise sensitive areas; and</li> <li>• Noise barriers will be utilised if and when required.</li> </ul>
<p>Sediment laden stormwater</p>	<p>Crushing and screening of material.</p> <p>Stockpiling of material.</p>	<p>Overland runoff during high rainfall events</p> <p>Seepage to soil and groundwater</p>	<ul style="list-style-type: none"> <li>• A small cut off drain approximately 300mm deep to be constructed perpendicular to the overland flow path in locations on site where stormwater flows are not naturally diverted away from the pit areas;</li> <li>• Construction of a 400mm long x 500mm high bunded perimeter swale per four-hectare area on the side of each extraction pit where stormwater flows in order to capture stormwater/sediment runoff coming off the excavation pits and direct flow through the straw bale filters</li> </ul>

Emission	Sources	Potential pathways	Proposed controls
			<p>prior to discharge;</p> <ul style="list-style-type: none"> <li>• 9 x straw bale filters to be installed on either end of the bunding located at each extraction pit;</li> <li>• 7/9/30 ring lock mesh supporting silt fence line (or equivalent) with plain wire to be constructed around the straw bale filters located at each extraction pit;</li> <li>• All swales, bunding and positioning of straw bales for stormwater runoff management to be constructed prior to stripping of topsoil to ensure adequate containment and treatment of runoff;</li> <li>• The bund storage has been designed to hold a 1 in 5, 72 hour rainfall event during site operations;</li> <li>• The stormwater infrastructure has been designed to hold and infiltrate the 1 in 10 year event while allowing a flow of 0.005m<sup>3</sup>/s in the 1 in 100 (1%AEP) for each area of excavation. Stormwater will be dispersed across the paddock with flow eventually entering the constructed onsite drain;</li> <li>• Topsoil to be excavated only until 0.5m above the maximum end of the end-of-winter water table to minimise potential contamination of disturbance of flow towards wetland systems;</li> <li>• Regular inspection and maintenance of drainage management infrastructure shall be undertaken to ensure its integrity; and</li> <li>• Extra straw bales are to be set up where required (adjacent to vehicle turn-around areas etc).</li> </ul>
Spills / leaks of hydrocarbons	Hydrocarbon spills or leaks from vehicle and equipment use, refuelling or maintenance activities.	Overland run-off causing infiltration to soil and transport through groundwater causing groundwater and surface water contamination.	<ul style="list-style-type: none"> <li>• Only minor fuelling will be undertaken on site from standard utility tray refueling equipment (less than 200L);</li> <li>• No fuel or chemicals are to be stored on site;</li> <li>• Machinery for operations to be regularly serviced and maintained to reduce the likelihood of fuel/oil leaks; and</li> <li>• No washing down of vehicles or machinery to occur on site;</li> </ul> <p>The Applicant has standardized policies in place in accordance with the APH Contractors <i>Environmental Procedure</i></p>



Emission	Sources	Potential pathways	Proposed controls
			<p><i>Pollution (Oil/Carbon Spills) Emergency Response document</i> including the following controls related to the proposal:</p> <ul style="list-style-type: none"> <li>• Spills of hydrocarbons to be cleaned up in accordance with AS1940 <i>Storage and Handling of Flammable and Combustible Liquids (2004)</i>;</li> <li>• Safe handling techniques during refueling to be implemented to prevent fuel spillage;</li> <li>• Fuel spillages via pump, funnel or syphon use to be cleaned up immediately by absorbent materials or sand;</li> <li>• Spill kits will be retained on site in the event there is a hydrocarbon spill;</li> <li>• All used spill kit materials to be disposed of in accordance with the <i>Environmental Protection (Controlled Waste) Regulations</i>; and</li> <li>• Spills of fuel to be reported to the site supervisor and the incidents to be recorded.</li> </ul>

### 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.

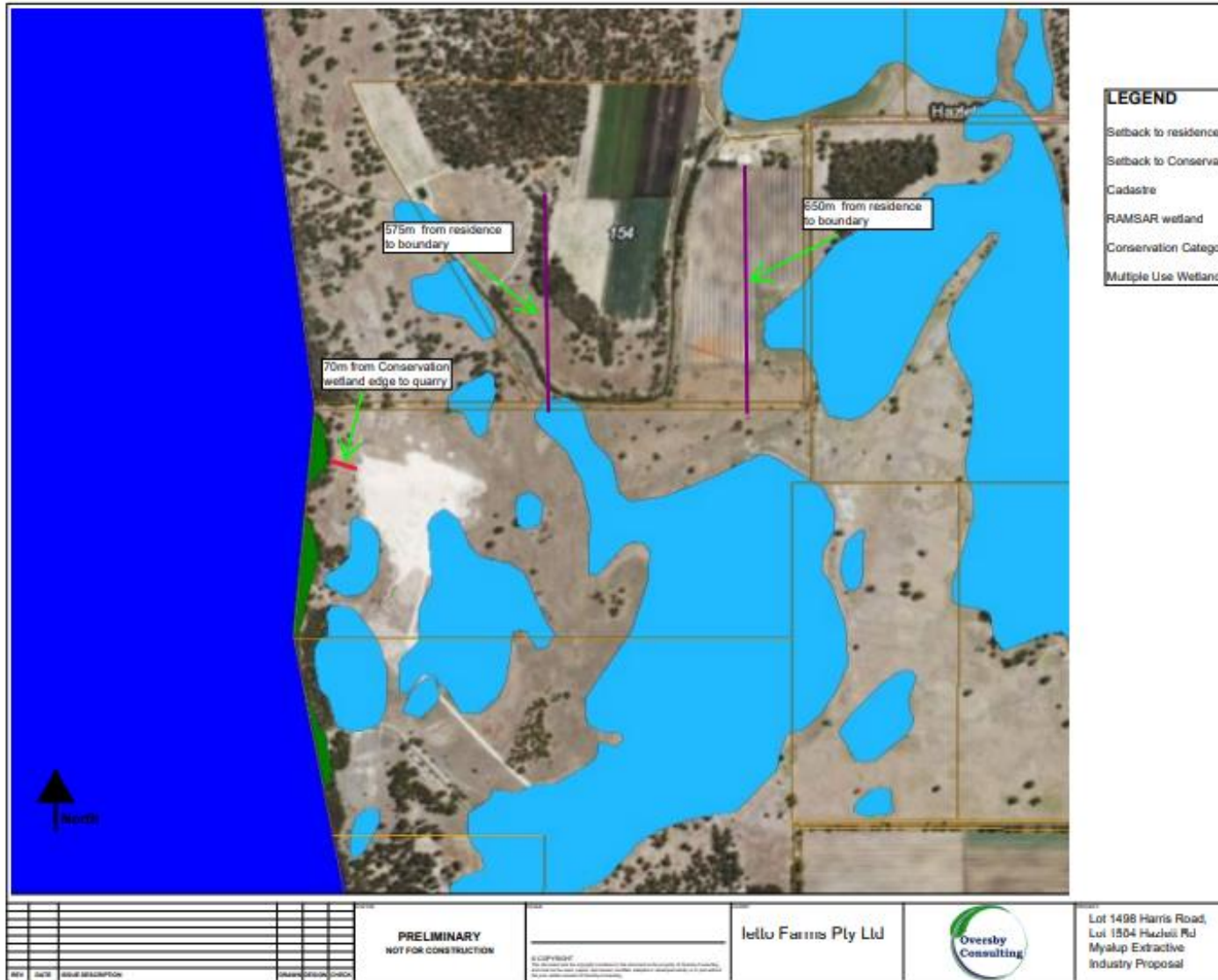
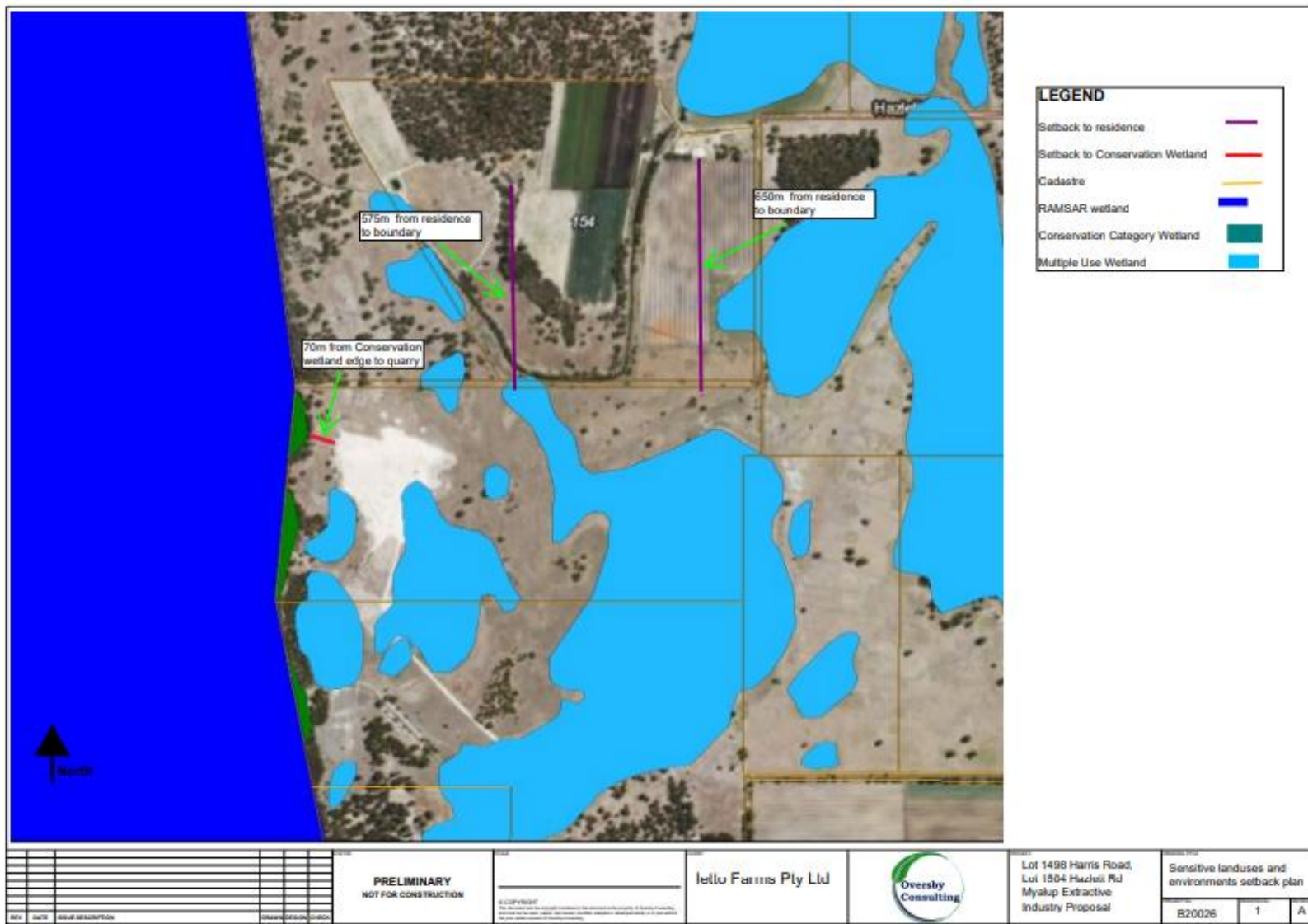


Figure 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental Siting (DWER 2020)*).

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

Human receptors	Distance from activity / prescribed premises
Residences to the north of quarry	<p>Nearest property is approximately 610m from extraction area labelled as Pit A and within 775m from the current location of the screening plant as depicted on the site plan.</p> <p>Next closest property is approximately 690m from extraction area labelled as Pit B and 1.18km from the current location of the screening plant as depicted on the site plan.</p>
Environmental receptors	Distance from activity / prescribed premises
Lake Preston (Conservation Category Wetland)	Extraction area labelled Pit A and current location of

and Peel-Yalgorup RAMSAR Wetland System)	screening plant shown on the site plan are located approximately 365m and 200m from Lake Preston respectively.
Multiple-use Wetlands	Four mapped occurrences of a multiple-use wetland intersect the three areas proposed for excavation. Pit A intersects a mapped occurrence of a multiple-use wetland and is located approximately 178m from the current location of the screening plant. Upon review of aerial imagery and review of supporting documentation, the subject land has been impacted by parkland clearing and grazing.
Major Drainage Lines	Two historical excavated drains enter from the south of Lot 1498 and east of Lot 1504. These drains converge and flow westward into Lake Preston only during times of high rainfall events (Oversby Consulting Pty Ltd). Pit C is located approximately 48m from the drainage line that enters from the south of Lot 1498.
Threatened Ecological Community (TEC)	Pit C is located directly adjacent to a mapped occurrence of the 'Tuart ( <i>Eucalyptus gomphocephala</i> ) woodlands and forests of the Swan Coastal Plain' TEC which is listed as 'Critically Endangered' under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
Conservation significant fauna species	According to the Department of Biodiversity, Conservation and Attractions (DBCA) database, a confirmed record of the threatened fauna species south-western brush-tailed phascogale ( <i>Phascogale tapoatafa wambenger</i> ) is located approximately 1.2kms south west of Pit C.
Groundwater	<p>The proposed Prescribed Premises boundary intersects the Southwest Coastal Groundwater Area under the <i>Rights in Water and Irrigation Act 1914</i>.</p> <p>The groundwater table is very high at the Premises and hydraulically connected to Lake Preston. According to data the Applicant has obtained from groundwater monitoring bores located at the Premises, groundwater levels range from -0.28m AHD to 2m AHD. The DA issued by the Shire of Harvey requires that a 0.5m separation level to the highest groundwater level to be maintained for the life of the operation.</p> <p>Groundwater salinity is mapped as fresh at 500 to 1000 total dissolved solids (TDS).</p>



**Figure 2: Locations of the nearest sensitive receptors in the vicinity of the Premises**

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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 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 L9296/2021/1 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 events					Risk rating <sup>1</sup> C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls	
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls					
<b>Operation</b>									
Operation of the screening plant	Dust	Air/windborne pathway causing impacts to health and amenity of closest human receptors.	Residences located 610 metres from Pit A and 690 metres from Pit B.	Refer to Section 3.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 4 (Table 2): Infrastructure and equipment requirements  Condition 6: Dust management	Dust emissions are expected to be generated from the operation of the crushing and screening plant, vehicle movements, stockpiling and loading/unloading of material.  The Delegated Officer considers the applicants controls, which are conditioned in the issued Licence, are sufficient to mitigate any potential impacts on residences from dust during the crushing and screening operation. No additional regulatory controls are required.	
Vehicle movements on unsealed surfaces		Air/windborne pathway potentially causing impacts to adjacent remnant vegetation and a TEC due to the smothering of vegetation.	Native Vegetation Federally listed TEC known as 'Tuart ( <i>Eucalyptus gomphocephala</i> ) woodlands and forests of the Swan Coastal Plain' located directly adjacent to Pit C.		Remnant native vegetation  Threatened fauna species south-western brush-tailed phascogale recorded 1.2kms from Pit C.		C = Moderate L = Unlikely <b>Medium Risk</b>	Condition 4 (Table 2): Infrastructure and equipment requirements  <b>Condition 5: Dust management</b>  Condition 6: Dust management	Dust emissions during site operations may result in onsite and offsite impacts to the degradation of remnant native vegetation that may be representative of the Tuart Woodlands TEC, threatened conservation significant fauna that may utilise the area within and adjacent to the Premises.  As summarised in the Applicant's controls under Section 3.1, the applicant will be retaining stockpiles on the floor of the excavation pit, covering vehicle loads during transportation and using a water cart to suppress dust from stockpiles and in operational areas. The Delegated Officer considers that the Applicant's dust mitigation controls are likely to be sufficient for mitigating impacts to the nearby receptors.  Noting that remnant vegetation that may be representative of a TEC is located adjacent to the Prescribed Premises boundary, and has the potential to be impacted by dust emissions, an additional regulatory control has been included on the Licence that requires the Licence Holder to ensure no dust emissions from the proposed
Unloading, loading and stockpiling of sand and limestone material									



Risk events					Risk rating <sup>1</sup> C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
								activities cross the boundary of the Premises.
		Air/windborne pathway potentially causing impacts to Lake Preston	Lake Preston (Conservation Category Wetland and Peel-Yalgorup RAMSAR Wetland System) located 365 metres from Pit A.		C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 4 (Table 2): Infrastructure and equipment requirements <b>Condition 5: Dust management</b> Condition 6: Dust management	Noting the close proximity of the conservation category, RAMSAR wetland (Lake Preston), an additional regulatory control has been included on the Licence that requires the Licence Holder to ensure no dust emissions from the proposed activities cross the boundary of the Premises. The Delegated Officer considers the Applicant's proposed dust mitigation controls and the additional regulatory control for dust management will adequately manage the risk of dust that may occur from site operations.
	Noise	Air/windborne pathway causing impacts to health and amenity of closest highly sensitive noise areas (residence 610m from quarrying activities).	Residences located 610 metres from Pit A and 690 metres from Pit B.	Refer to Section 3.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	N/A	The Delegated Officer considers that as the operations are to take place on the pit floor and are restricted to day-time hours in accordance with the Shire of Harvey's Development Approval, it is unlikely that residential receptors will be impacted by noise emissions as a result of the proposed activities. No additional regulatory controls are required.  The provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> are also applicable.
	Sediment laden stormwater	Overland runoff during high rainfall events may cause ecosystem disturbance to surface water bodies (Lake Preston) if not properly contained.  Direct discharge to land	Lake Preston (Conservation Category Wetland and Peel-Yalgorup RAMSAR Wetland System) located 365 metres from Pit A.  Drainage lines run across the subject land, with the closest drainage line being adjacent to Pit C.	Refer to Section 3.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	<b>Condition 1 (Table 1): Design and Construction requirements</b> <b>Conditions 2 and 3: Submission of Environmental Compliance Report (ECR) following construction of stormwater management infrastructure</b>  Condition 4 (Table 2): Infrastructure and equipment requirements	Noting the close proximity of the crushing and screening operation to the closest surface water body, there is a risk of sedimentation runoff from the excavation areas to this water body, particularly Pit A, during a large rainfall event. The Delegated Officer considers however, this risk will be significantly reduced by the Applicant's primary stormwater management control which includes the construction of a bunded perimeter swale around each of the excavation pits where stormwater flows to direct surface water and mobile sedimentation to a straw bale infiltration system prior to discharge.  The Delegated Officer has taken into account the flat topography of the site and considers the stormwater management infrastructure proposed by the Applicant to be sufficient in managing

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Risk events					Risk rating <sup>1</sup> C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
			Federally listed TEC known as 'Tuart ( <i>Eucalyptus gomphocephala</i> ) woodlands and forests of the Swan Coastal Plain' located directly adjacent to Pit C.					sedimentation/stormwater runoff from the operational areas to nearby receptors (Lake Preston and TEC occurrences). These controls will be conditioned on the Licence as a construction requirement as well as the requirement to submit an ECR on completion of construction.
Spillage, leakage and seepage of hydrocarbons and chemicals used and stored onsite	Spills / leaks of hydrocarbons	Seepage through the soil profile to groundwater may result in the contamination of soils and the deterioration of groundwater quality. Soil contamination may inhibit the growth and survival of remnant native vegetation located adjacent to quarrying activities and in turn result in degradation or death of TEC vegetation. Overland runoff during rainfall events potentially causing ecosystem disturbance and impacting surface water quality.	Lake Preston (Conservation Category Wetland and Peel-Yalgorup RAMSAR Wetland System) located 365 metres from Pit A. Remnant Native Vegetation Federally listed TEC known as 'Tuart ( <i>Eucalyptus gomphocephala</i> ) woodlands and forests of the Swan Coastal Plain' located directly adjacent to Pit C.	Refer to Section 3.1	C = Slight L = Possible <b>Low Risk</b>	Y	N/A	Noting that only minor refueling will be undertaken on site, and that there is no storage of hydrocarbons/chemicals on site, the Delegated Officer has determined that the risk of hydrocarbon contamination to receptors is low. The Applicant has standardized policies in place in accordance with the <i>APH Contractors Environmental Procedure Pollution (Oil/Carbon Spills) Emergency Response document</i> which is considered adequate in managing the risk of hydrocarbon spills or leaks.

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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IR-T13 Decision report template (short) v3.0 (May 2021)

## 4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

**Table 4: Consultation**

Consultation method	Comments received	Department response
<p><i>Application advertised on the department's website on 14 June 2021</i></p>	<p><i>One public submission was received on 5 July regarding the licence application. The main issues raised were:</i></p> <ul style="list-style-type: none"> <li>• <i>The proposal triggered referral to the former Department of Environment, Water, Heritage and Arts (DEWHA) in 2009 to determine whether the development of a sand and limestone extraction site is a proposed action under the EPBC Act. A decision was made on 26 May 2010 which clearly refused undertaking any mining in the area referred to as Area 3 of Map 1 under the EPBC Act assessment;</i></li> <li>• <i>There is no current clearing permit covering the area;</i></li> <li>• <i>Tuart woodlands are listed as critically endangered under the EPBC Act;</i></li> <li>• <i>The native vegetation that may be impacted by the proposal requires an assessment to be undertaken to determine whether the extraction area has potential for Black Cockatoo or WRP activity prior to any clearing being permitted or any extraction activities; and</i></li> <li>• <i>The Murdoch Black Cockatoo Research team have tracked Carnaby's breeding in this area. A Parks and Wildlife Service Officer recommended an inspection of Tuart trees to determine whether they contained hollows that are of a suitable size for breeding for Carnaby's black cockatoo to ensure adequate protection of the species.</i></li> </ul>	<p><i>The Delegated Officer notes the following in response to the matters raised in the public submission:</i></p> <ul style="list-style-type: none"> <li>• <i>The Prescribed Premises boundary does not include the area referred to as Area 3 of Map 1 under the EPBC Act assessment (area of remnant native vegetation adjacent to Pit C - refer to Figure 1 of this report);</i></li> <li>• <i>As outlined under Section 2.4.3 of this report, the Applicant submitted an application for a clearing permit which is currently being assessed by NVR (Clearing Permit CPS 9126/1);</i></li> <li>• <i>The assessment of the clearing permit application will assess the potential impacts of clearing to habitat for conservation significant fauna. The assessment of licence application has determined that the impacts of potential dust emissions and sediment laden stormwater to remnant native vegetation that may be representative of a TEC has been addressed by the Applicant's proposed controls which have been conditioned on the Licence. Additional regulatory controls have been included where required to ensure any potential risk of impact from the operations to nearby receptors is mitigated.</i></li> </ul>
<p><i>Local Government Authority advised of proposal on 14 June</i></p>	<p><i>The Shire of Harvey (the Shire) replied on 14 June 2021 and 10 August 2021 advising the following:</i></p>	<p><i>Noted. The Shire provided a copy of the issued DA to DWER on 9 November 2021 for the purpose of</i></p>

2021.	<ul style="list-style-type: none"> <li>• The Shire is in receipt of the DA and EIL applications.</li> <li>• The Shire has assessed the applications and has concerns regarding potential environmental impacts, therefore a determination on the applications has not yet been made as they have been referred to the EPA pursuant to section 38 of the EP Act;</li> <li>• The Commonwealth DAWE is also considering the proposal as a potential controlled action under the EPBC Act. DAWE requested the Shire email the details through as a proposal of concern and advised on 22 April 2021 that the EPBC Act approval expired in December 2020, therefore the activities are not covered by a decision under the EPBC Act. DAWE advised the Shire they intend to write to the landowner recommending they refer the activities for assessment under the EPBC Act. As of 6 July 2021, DAWE were attempting to make contact with the proponent; and</li> <li>• Noting the sites proximity to Lake Preston (RAMSAR wetland), there is the potential for dust and noise emissions impacts;</li> </ul>	<p>extractive industry. The Applicant is required to satisfy a number of conditions on the DA prior to the issuing of an EIL. The Applicant is to ensure that the EIL is obtained prior to commencing the proposed activities.</p> <p>It is recommended that the Applicant liaise with DAWE to determine whether the proposed activities require assessment under the EPBC Act.</p>
Applicant was provided with draft documents on 16 November 2021.	Comments from Applicant received on 7 February 2022. Comments are summarised in Appendix 1.	Refer to Appendix 1.

## 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.

## References

1. APH Contractors 2021, *Dust Management Plan to support the Extractive Industry Licence Application for Lot 1498 on Deposited Plan 112301 (Harris Road) & Lot 1504 on Deposited Plan 112303, Myalup – Shire of Harvey*, prepared for Ietto Farms Pty Ltd, dated May 2021, DWER Ref: A2011079.
2. Department of Environment, Water, Heritage and Arts (DEWHA) 2010, *Shire of Harvey/Western Australia/Development of Limestone and Sand Extraction Sites on Lots 1498 and 1504, and Upgrade of Finn and Harris Roads – Reference Number 2009/520*, Notification of Referral Decision – not controlled action if undertaken in a particular manner – dated 26 May 2020, DWER Reference: A2062770.
3. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
4. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
5. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
6. Harley Dykstra 2020, *Development Application/Works and Excavation Program – Lots 1498 and 1504 Finn Road, Myalup*, prepared for Ietto Farms Pty Ltd, dated 27 November 2020, DWER Reference: DWERDT412305.
7. Harley Dykstra 2020a, *Dust Management Plan – Lots 1498 and 1504 Finn Road, Myalup*, prepared for Ietto Farms Pty Ltd, dated 27 November 2020, DWER Reference: DWERDT412305.
8. Ietto Farms Pty Ltd 2021, Applicant's response to request for further information dated 12 April 2021, DWER Reference: A2011081.
9. Ietto Farms Pty Ltd 2022, Applicant's response to draft licence documentation dated 07 February 2022, DWER Reference: DWERDT560868.
10. Oversby Consulting 2020, *Lot 1498 Harris Road and Lot 1504 Hazlett Road, Myalup: Extractive Industry Licence Renewal – Drainage Management Plan*, prepared for Ietto Farms Pty Ltd, dated 2 December 2020, DWER Reference: DWERDT412305.
11. Oversby Consulting 2022, *Lot 1498 Harris Road and Lot 1504 Hazlett Road, Myalup: Extractive Industry Licence Renewal – Drainage Management Plan*, prepared for Ietto Farms Pty Ltd, dated 1 February 2022, DWER Reference A2085271.
12. Shire of Harvey 2021, *Proposed Extractive Industry (Sand and Limestone) – EX/002 – Lots 1498 and 1504 Finn and Harris Roads, Myalup – Notice of Determination on application for Development Approval*, dated 9 November 2021, DWER Reference: A2062769.

## Appendix 1: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
<b>Licence</b>		
<p>Condition 1 (Table 1) of the Licence: Design and construction requirements for stormwater management:</p> <p>DWER requested that the Applicant clarify how the swales will be managing surface water flow and whether the swale is being used for energy dissipation of the water flow or to direct surface water to flow towards the straw bales.</p> <p>Further clarification was also sought from the Applicant on the surface water management infrastructure at the site including what is meant by 400mm long swales per 4ha area.</p> <p>DWER requested the Applicant advise where the onsite drain will be constructed.</p>	<p>The Applicant provided an updated Drainage Management Plan that provides further clarification on how water is captured and detained by the perimeter swale and the surface water management infrastructure at the site (Oversby Consulting, 2022).</p> <p>Page 3 and Drawings 2, 3 and 4 of the updated Drainage Management Plan detail the overall surface water management across the site and surface water infrastructure layout to capture stormwater runoff and siltation. Surface water flows across the site to the bunded perimeter swale which detains flows, settles sediment and captures all water coming off of the pit and directs flow through the straw bale filters. Following filtration through the bunded perimeter swale and straw bale filter system, surface water flows from each pit are then dispersed across the flat paddocks to the existing farm drain across the site. If it is considered to be more effective for surface water management, the swale may be connected to a shallow basin above the groundwater to allow for more localised capture and infiltration of stormwater.</p> <p>Each perimeter swale that will be constructed on the side of the excavation pit where surface water will be discharged is approximately 400m in length per stage which are approximately 4ha in size. This will allow multiple stages to use the swale as they brought online. A line of straw bales is to be installed at the end of the swales where water will flow outwards. Star pickets will be used to secure the straw bales to the ground. Fencing will be constructed around the straw bales to prevent cattle accessing the bales and discharge areas.</p> <p>The Applicant confirmed that there will be no new drain construction on site. The existing farm drain on site will be used to capture surface water flows from each excavation pit after passing through the perimeter swale and straw bale filter.</p>	<p>The Stormwater Management Infrastructure Design and Construction requirement specified in Condition 1 (Table 1) has been updated to reflect the additional information provided by the Applicant. Specifically, the number of straw bale filters has been updated in accordance with the straw bale filter section as detailed in the updated Stormwater Management Infrastructure cross-section (Figure 4 of Schedule 2). An additional Design and Construction requirement to install fencing around the straw bale filters located at each excavation pit on site has been included under Condition 1 (Table 1) of the Licence.</p> <p>The Design and Construction requirement relating to the construction of an onsite drain has been removed from Condition 1 (Table 1) of the Licence to reflect the information provided by the Applicant accordingly.</p>
Figure 1 of Schedule 1:	The Applicant provided a final site plan (Drawing 1) as requested that	Noted and replaced Figure 1 under Schedule 1 in the Licence



Condition	Summary of applicant's comment	Department's response
<p>Premises Map</p> <p>DWER requested the Applicant provide a final site plan detailing the proposed excavation areas and location of the crushing and screening plant as the initial plan provided stated that it is 'not for construction'.</p>	<p>shows the current location of the crushing and screening plant and the proposed excavation areas. The Applicant noted on the plan that the location of the crushing and screening plant follows the open area of excavation which will generally be within the central portion of the area being excavated.</p>	<p>with the final plan (Drawing 1) provided by the Applicant.</p>
<p>Figure 2 of Schedule 1: Stormwater Infrastructure Map</p> <p>DWER requested the Applicant provide a final surface water management plan that details the swale and bund locations for the operation as the original plan provided was marked as 'not for construction'.</p>	<p>The Applicant provided a final surface water management plan (Drawing 2) as requested.</p>	<p>Noted and replaced Figure 2 under Schedule 1 in the Licence with the final plan (Drawing 2) provided by the Applicant.</p>
<p>Figure 3 of Schedule 2: Stormwater Management Infrastructure Layout</p> <p>DWER requested the Applicant provide a final design drawing that will be used for the construction of the stormwater management infrastructure.</p>	<p>The Applicant provided a final design drawing (Drawing 3) that will be used for the construction of stormwater management infrastructure.</p>	<p>Noted and replaced Figure 3 under Schedule 1 in the Licence with the final plan (Drawing 3) provided by the Applicant.</p>
<p>Figure 4 of Schedule 2: Stormwater Management Infrastructure cross-section</p> <p>DWER requested the Applicant provide a final cross-section that will be used for the construction of</p>	<p>The Applicant provided a final cross-section drawing (Drawing 4) that will be used for the construction of stormwater management infrastructure.</p>	<p>Noted and replaced Figure 4 under Schedule 1 in the Licence with the final plan (Drawing 4) provided by the Applicant.</p>

Licence: L9296/2021/1

Condition	Summary of applicant's comment	Department's response
the stormwater management infrastructure.		
<b>Decision Report</b>		
<p>Section 2.3.2: Site Operations Process</p> <p>DWER advised the Applicant that the Application Form stated that the mobile plant is for screening only and does not crush the material. However, this information is conflicting to what is stated in the supporting document for the Development Approval application prepared by Harley Dykstra Pty Ltd which advises crushing and screening will be undertaken on site. DWER requested the Applicant confirm as to whether the proposed activity will involve crushing of material at the Premises.</p>	<p>The Applicant confirmed that there is a crushing and screening plant on site and provided further details on the type of plant that will be used (Mobile 1110 HD mobile impact crusher feeding a Finlay screener onto 2 x radial impact stackers). The Applicant also advised the output for the plant is approximately 150 to 200 tonnes per hour.</p>	<p>Noted and updated Section 2.3.2 of the Decision Report with the additional information accordingly.</p> <p>In addition, Condition 4 (Table 2) of the Licence has been updated with the type of machinery associated to the mobile equipment as advised by the Applicant.</p>
<p>Section 3.1.1 (Table 1) of the Decision Report</p> <p>DWER requested clarification from the Applicant on what is meant by the 400mm long swales per 4ha area (as requested under Condition 1 (Table 1)) of the Licence.</p>	<p>Refer to Applicant's comments outlined above under Condition 1 (Table 1) of the Licence: Design and construction requirements for stormwater management.</p>	<p>Noted and updated Section 3.1.1 (Table 1) of the Decision Report to reflect the additional information and clarification provided by the Applicant in relation to surface water management infrastructure.</p> <p>The wording for the risk event for sediment laden stormwater as detailed under Table 3 of the Decision Report has also been updated following the Applicant's clarification on the surface water management infrastructure at the site.</p>

## Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input checked="" 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		24 May 2021		
Applicant and Premises details				
Applicant name/s (full legal name/s)		Ietto Farms Pty Ltd		
Premises name		Ietto Farms Pty Ltd		
Premises location		Lot 1498 on Deposited Plan 112301 (Harris Road), Myalup and Lot 1504 on Deposited Plan 112303, Myalup		
Local Government Authority		Shire of Harvey		
Application documents				
HPCM file reference number:		DER2021/000331		
Key application documents (additional to application form):		Supporting documents (DWERDCT456096) including: <ul style="list-style-type: none"> <li>• Responses to initial comments Prescribed Premise for Lot 1498 Harris Road and Lot 1504 Hazlett Road, Myalup;</li> <li>• APH Contractors 2021 'Dust Management Plan – to</li> </ul>		

	<p>support the Extractive Industry Licence Application for Lot 1498 on Deposited Plan 112301 (Harris Road) &amp; Lot 1504 on Deposited Plan 112303, Myalup (Shire of Harvey), dated May 2021;</p> <ul style="list-style-type: none"> <li>• Application form</li> <li>• Combined figures to support Prescribed Premise registration V2; and</li> <li>• Site Plan – model minimised.</li> </ul>	
<b>Scope of application/assessment</b>		
Summary of proposed activities or changes to existing operations.	The applicant has applied for a Category 70 Licence to authorise the operation of a screening plant for the processing of sand and limestone material.	
<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>	<b>Proposed changes to the production or design capacity (amendments only)</b>
Category 70: Screening, etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated	50,000 tonnes per annum (estimated/actual throughput)	<i>Is there a proposed change to the previously assessed production or design capacity?</i>
<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 checked="" type="checkbox"/> No <input type="checkbox"/>	Referral decision No: CMS 17978 – Referred by Shire of Harvey on 6 April 2021. Decision made not to assess under Part IV. Managed under Part V <input checked="" 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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	DA and EIL under assessment by the Shire of Harvey.
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 9126/1 – application currently under assessment.  Native Vegetation Regulation are currently assessing an application to clear 23 hectares of native vegetation for the purpose of extractive industry.
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: Licence/permit No:
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:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Name: South West Coastal Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <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"/>	Name: N/A Priority: 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 checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i> )	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Local Government Act 1995</i> – Shire of Harvey Extractive Industries Local Law 2017 – Extractive Industry Licence required for the proposal.
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A

<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>Classification: N/A Date of classification: N/A</p>
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