



Application for Licence

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

Licence Number	L9389/2023/1
Applicant	Myalup Pty Ltd
ACN	009 142 438
File number	DWER2023/000276
Premises	Rose Farms WA 6616 Forrest Highway MYALUP WA 6220 Part Lot 3 and Lot 4 on Diagram 30278 As defined by the Premises map attached to the issued licence
Date of report	1 September 2023
Decision	Licence granted

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

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

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9389/2023/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary and overview of premises

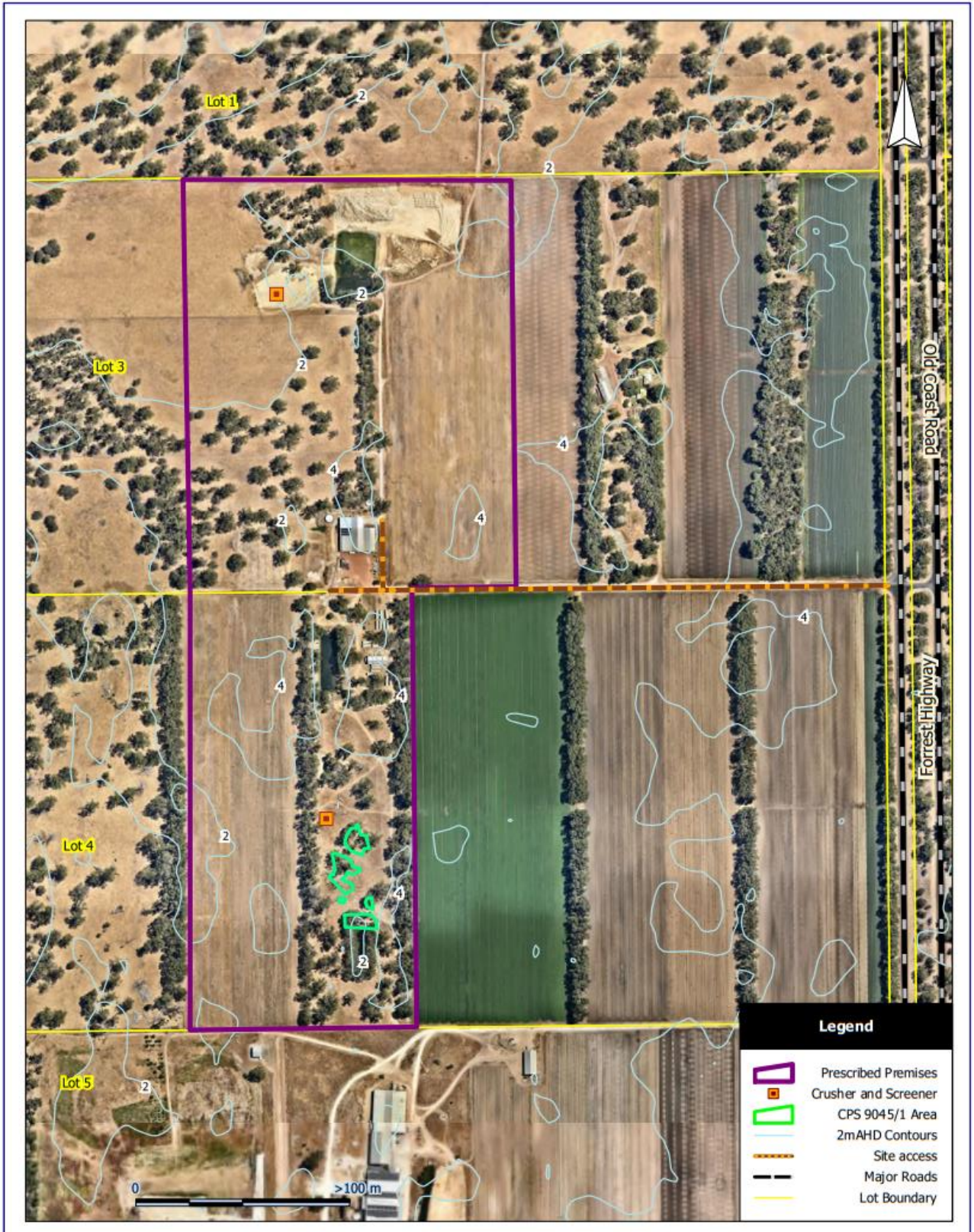
On 19 April 2023, Myalup Pty Ltd (the applicant) submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to undertake ongoing crushing and screening of limestone, extracted at Rose Farm WA (the premises), originally constructed under works approval W6474/2020/1. The premises is on Forrest Highway approximately 3 km northwest of Myalup (see Figure 1).

The applicant proposes to process 170,000 tonnes per year by stripping 0.5 metres (m) of topsoil from a 13-hectare paddock and crushing and screening via a mobile plant. Between 1 - 1.2 m of limestone¹ will be extracted and crushed and screened to be used for road base. Extraction and processing of limestone is proposed predominately during winter to prevent dust and to provide adequate moisture content in crushed stockpiled material.

The premises relates to the category and assessed production / design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9389/2023/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9389/2023/1.

¹ Once all the limestone has been extracted, the applicant states the paddock will be rehabilitated with topsoil and remnants of limestone for the purpose of growing crops.




 <p>Lundstrom Environmental Consultants Pty Ltd Leeming WA 6149 Mob: 04 179 34 883 admin@lundstrom-environmental.com.au</p>	<p>Scale: 1:7300 Original Size: A4 Air Photo Source: Nearmap Feb 2022 Datum: GDA94 Projection: Australia MGA94 (50)</p>	<p>Client: Myalup Pty Ltd Project: Limestone Extraction Location: Lot 3 & 4, Forrest Highway Myalup</p>	<p>Figure 1: Site Layout</p>
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Figure 1: Prescribed premises boundary and site layout

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 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
Operation			
Dust	Crushing and screening of excavated material Vehicle movements Lift-off from stockpiles and/or stored product	Air/windborne pathway	<ul style="list-style-type: none"> • Separation distance from receptors. Closest receptor 800 m from Category 12 activity. • Water cart for wetting down of all high traffic and haulage areas on a routine basis. • Onsite vehicle speed limited to 20 km/hr. • Established vegetation belts. • Dampening of material during loading and unloading as necessary. • Suspension of activities during high winds until such time as adequate wetting down has occurred or conditions have changed. • Minimisation of stockpile heights to a maximum of 10 metres above surrounding ground level. • Vegetation encouraged to regenerate over topsoil stockpiles, and • Covering of loads removed from the premises.
Noise	Crushing and screening of material Vehicle movements	Air/windborne pathway	<ul style="list-style-type: none"> • Separation distance from receptors. Closest receptor 800 m from Category 12 activity. • Established vegetation belts. • Formation of noise bunds around plant and extraction areas.

Emission	Sources	Potential pathways	Proposed controls
			<ul style="list-style-type: none"> Crusher/screener only to be operated between “day-time” hours (Mon – Sat, 7am to 7pm), and Scheduled equipment and vehicle maintenance and servicing.
Sediment-laden runoff	Stockpiling of excavated and screened material	Overland runoff	<ul style="list-style-type: none"> Separation distance from receptors. Closest receptor 800 m from Category 12 activity. Maintain equipment to manufacturers specifications. Refueling truck equipped with suitably stocked spill response equipment and drip tray. Keep suitably stocked spill response equipment close to where spills may occur. Ensure all staff are trained to use the spill response equipment. Contain and clean-up spills as soon as they occur.
Hydrocarbons (hydraulic oil or diesel) and chemicals	Source: <ul style="list-style-type: none"> operation of vehicles, trucks and mobile equipment Activities: <ul style="list-style-type: none"> refueling of plant and equipment damage to equipment causing leaks 	Infiltration to groundwater via soil Overland flow	<ul style="list-style-type: none"> No controls proposed by the applicant.

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant’s employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

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

Receptors have been assigned “receptor IDs” in Table 2 and Figure 2.

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

Receptor ID	Human receptors	Distance from prescribed activity
H0	Applicant's residence, Old Coast Road, Myalup	About 500 m south of the prescribed activity areas (Applicant's residence - not included in risk assessment)
H1	Homestead, Old Coast Road, Myalup	About 770 m east of premises boundary
H2	Homestead, Old Coast Road, Myalup	About 880 m east of premises boundary
H3	The Crooked Carrot Cafe, Forrest Highway and Rigg Road, Myalup	About 950 m southeast of premises boundary
H4	Homestead, Rigg Road, Myalup	About 1.1 km southeast of premises boundary
H5	Rural residential dwellings, Kookaburra Close, Myalup	About 1.6 km east of premises boundary
H6	Old Coast Road Brewery, 1238 West Break Road, Myalup	About 2 km east of premises boundary
H7	Lake Preston Aboriginal Heritage Place	Approximately 500 m west of premises boundary
Receptor ID	Environmental receptors	Distance from prescribed activity
E1	Ramsar Wetland (Peel-Yalgorup System) within Yalgorup National Park – Lake Preston	Approximately 500 m west of premises boundary
E2	Threatened Ecological Communities (Tuart woodlands) – vegetation community also provides potential roosting and nesting habitat for black cockatoos	Within premises boundary (cockatoos recorded in remnant vegetation along old Coast Road)
E3	Geomorphic Wetlands – Swan Coastal Plains	Within premises boundary, to the west of the prescribed activity.
-	Southwest Coastal Groundwater Area	Beneath premises (surface expression in extraction dams)

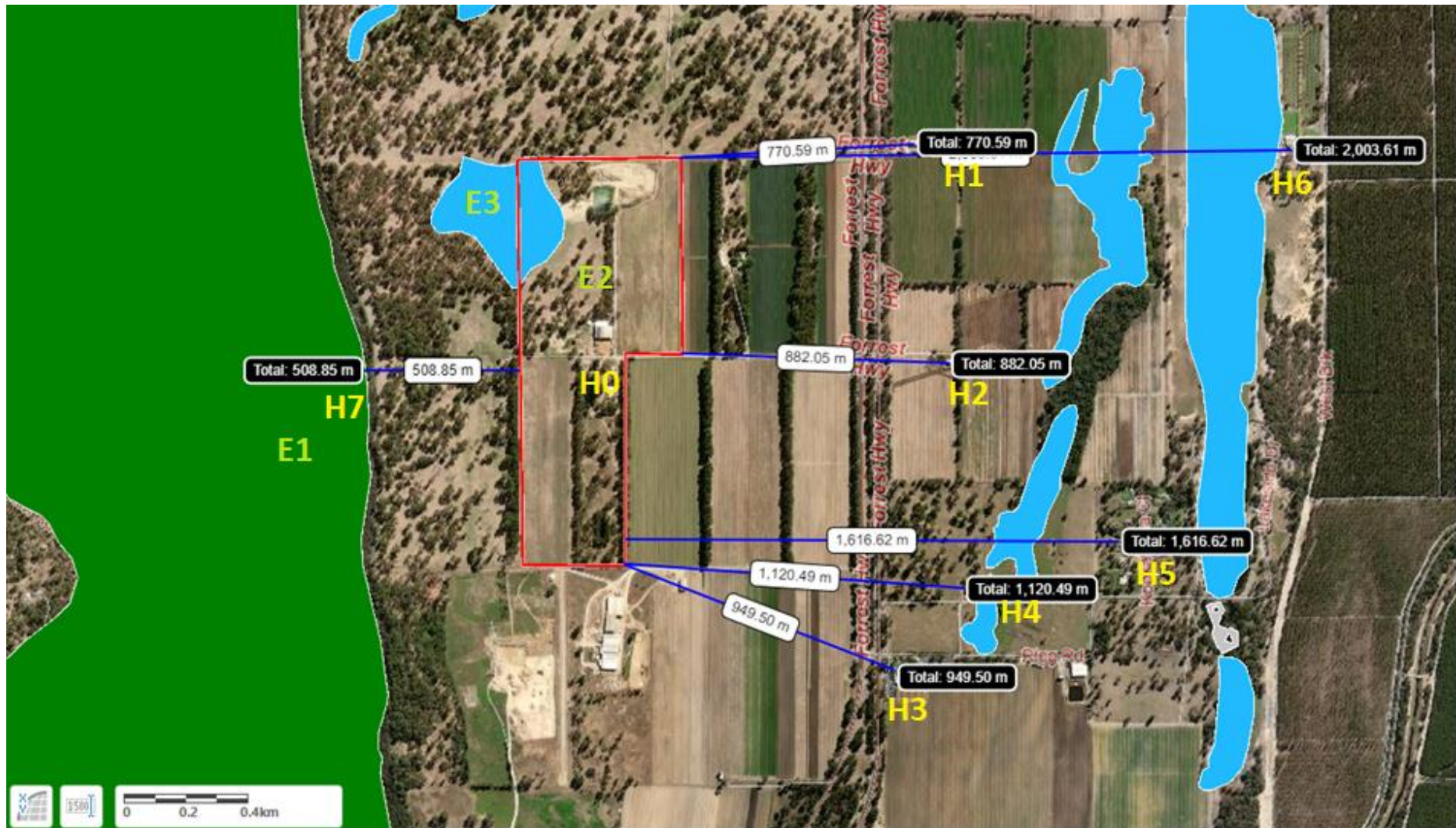


Figure 2: Distance to sensitive receptors

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and considers 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 L9389/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e., crushing and screening of limestone 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 ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Processing of excavated material Vehicle movements Lift-off from stockpiles and/or stored product Crushing and screening of material Vehicle movements Stockpiling of excavated and screened material	Dust	Air/windborne pathway causing impacts to health and amenity	Homesteads and rural residences	Refer to Section 3.1	C = Minor L = Unlikely Medium Risk	Y	Condition 1, condition 2 Condition in licence to halt operations during strong wind events.	The Delegated Officer has included conditions related to halting operations during strong wind events and keeping stockpile heights to a minimum to reduce the change of dust generation.
	Noise	Air/windborne pathway causing impacts to health and amenity	Homesteads and rural residences	Refer to Section 3.1	C = Minor L = Possible Medium Risk	Y	Condition 1, condition 3 Use of broad band reversing alarms.	To reduce the emissions to nearby sensitive receptors, topsoil mounds are to be placed to the east and southeast edge of pits to act as noise bunds. The Delegated Officer has also conditioned the use of broad band reversing alarms on all vehicles and mobile equipment. The Delegated Officer notes that the premises is in proximity to other extractive activities and Forrest Highway and properties to the east are predominately used for farming, which may generate their own noise emissions.
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Remnant vegetation and Lake Preston	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 1, condition 4 Condition to keep stockpiled material within stormwater drainage areas.	The Delegated Officer has included conditions that ensure the stockpile of material is kept within the stormwater drainage and retention area to capture any sediment laden runoff and prevent it from entering remnant vegetation.
	Hydrocarbons (e.g., hydraulic oil or diesel) and chemicals	Infiltration to groundwater via soil Impacts to groundwater quality.	Remnant vegetation and Lake Preston	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	Condition 1, Condition 4 Conditions requiring the use of drip trays, spill	The Delegated Officer considers there is a potential for hydrocarbon spills and leaks to infiltrate into groundwater via the soil. With a Ramsar wetland 500 m to the west of the prescribed premises

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
							response kits, and adequate training of staff.	boundary, the Delegated Officer has added conditions to the licence related to management of hydrocarbon spills, availability of spill kits and adequate training of staff in spill response.

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

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 15 May 2023 – 5 June 2023.	Two comments received. Refer to Appendix 1	Refer to Appendix 1
A direct interest stakeholder was notified 20 July 2023	No comment received	N/A
Local Government Authority (Shire of Harvey) advised of proposal on 12 May 2023.	No comment received	N/A
The applicant was provided with draft documents on 7 August 2023.	Comment to draft documents received 24 August 2023. Applicant has confirmed maximum height of stockpiles will be 10 m above relative ground level. Applicant has also noted that polymer binder will not be used to stabilise stockpiles.	The Delegated Officer has noted the applicant comments to the draft and has made the suggested changes in the final instrument.

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. Myalup Pty Ltd 2023, *Application form: Myalup Pty Ltd – Rose Farm WA licence application*, Myalup, Western Australia
2. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Summary of stakeholder comments on licence application

Summary of applicant's comment	Department's response
<p>Several stakeholder comments relate to the application form from the applicant. Comments are that the application form was generally lacking relevant information and was not of sufficient detail for the department to assess.</p> <ul style="list-style-type: none"> • Comment that the applicant does not provide detail on infrastructure and equipment and does not provide information on emissions and discharges. • Stakeholder believes the maps included in the application form were poor quality and lack adequate detail as to the location of sensitive receptors and layout of the prescribed premises. • Comment that it is not clear whether the application has been earmarked for EPBC Referral / comment that this application should be considered a Significant Proposal under Part IV of the EP Act. 	<p>The department has assessed the application for a licence using supporting information supplied with works approval W6474/2020/1 and the Environmental Commissioning Report for W6474.</p> <p>Additional maps were supplied by the applicant, and the Licencing Officer created maps to identify the location of sensitive receptors.</p> <p>The department is not aware of any EPBC referral of Part IV assessment for this application but believes environmental risk can be managed under Part V licensing.</p>
<p>Several stakeholder comments relate to prescribed premises location, and distance to sensitive receptors.</p> <ul style="list-style-type: none"> • Stakeholder notes the prescribed premises is in proximity to a significant (Ramsar) wetland. The stakeholder believes the applicant should produce an Environmental Management Plan. • Stakeholder identifies surrounding land as agricultural in nature and believes food production and storage may be affected by potential emissions. 	<p>Considering sensitive receptors in proximity to the prescribed premises, emissions of dust, sediment laden stormwater and hydrocarbon spills / leaks have been assessed in the licence application, and conditions have been included in the licence.</p>
<p>Stakeholder notes inconsistency between the application for a licence under Part V of the EP Act and clearing permit CPS 9045/1 (previously granted by the department). Stakeholder believes the granting of clearing permit CPS 9045/1 relied on environmental values supplied by the applicant and should have involved rigorous assessment by the department of Tuart woodlands in the area.</p>	<p>The application for licence L9389/2023/1 under Part V does not include a request for clearing of native vegetation, and no assessment on clearing was conducted as part of this licence application.</p> <p>CPS 9045/1 was granted on 22 December 2020 for a period of two years (15 January 2021 to 15 January 2023). Under CPS 9045/1 the permit holder was allowed to clear 0.37 hectares of native vegetation. The department is aware the clearing took place, and the clearing permit is now expired.</p>
<p>Stakeholder believe additional information should be sought from the applicant and the application be re-released for public comment.</p>	<p>The department has identified nearby sensitive receptors and has assessed expected emissions and discharges in</p>

Summary of applicant's comment	Department's response
	<p>accordance with the department's published regulatory framework.</p> <p>Operational conditions related to managing emissions and discharges during crushing and screening activities have been included in the issued licence, this includes additional regulatory conditions that the Delegated Officer feels are appropriate to manage emissions and discharges.</p>

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Licence	☒	Relevant works approval number:	W6474/2021/1 (expired 29/01/2023)	None	<input type="checkbox"/>
		Has the works approval been complied with?		Yes <input checked="" 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 checked="" type="checkbox"/>	
		Environmental Compliance Report submitted?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
		Date Report received: 8 September 2022			
Date application received		19 April 2023			
Applicant and Premises details					
Applicant name/s (full legal name/s)		Myalup Pty Ltd			
Premises name		Rose Farm WA			
Premises location		6616 Forrest Highway MYALUP WA 6220 Part Lot 3 and Lot 4 on Diagram 30278			
Local Government Authority		Shire of Harvey			
Application documents					
HPCM file reference number:		DER2023/000276			
Key application documents (additional to application form):		Aerial photos of premises Certificate of title			
Scope of application/assessment					
Summary of proposed activities or changes to existing operations.		Licence application for the operation of Category 12 crushing and screening plant			
Category number/s (activities that cause the premises to become prescribed premises)					
Table 1: Prescribed premises categories					
Prescribed premises category and description		Proposed production or design capacity			
Category 12: Screening etc. of material		170,000 tonnes per year (as per works approval W6474/2021/1)			
Legislative context and other approvals					
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Ministerial statement No: EPA Report No:	

Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	Approval: Expiry date: If N/A explain why? No evidence of Shire of Harvey approval, letter to LGA will include a request to confirm.
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: 9045/1 No additional 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 checked="" type="checkbox"/> No <input type="checkbox"/>	Licence/permit No: GWL 101312(9)
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: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? 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 type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

<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 An application from the Shire of Harvey in relation to the proposed activity was previously referred to the Contaminated Sites (CS) branch. CS had no objection to the proposed development and advised that no acid sulfate soil or contamination conditions are required.</p>
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