



Licence Number	L7089/1997/1
Licence Holder	Fitonia Pty Ltd
ACN	008 914 494
File Number:	2011/004309
Premises	TJ Depiazzi & Sons Composting Facility Legal description – Lot 4577 on Plan 205851 DARDANUP WA 6236
Date of Report	Final
Proposed Decision	Grant

1. Definitions and interpretation

Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Fitonia Pty Ltd
m ³	cubic metres
Minister	the Minister responsible for the EP Act and associated regulations
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

2. Amendment Description

The following guidance statements have informed the assessment and decision outlined in this Amendment Report:

- *Guidance Statement: Regulatory principles (July 2015)*
- *Guidance Statement: Setting conditions (October 2015)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Licence duration (August 2016)*
- *Guidance Statement: Environmental Standards (September 2016)*
- *Guidance Statement: Environmental Siting (November 2016)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guideline: Decision Making (June 2019)*
- *Guideline: Industry Regulation Guide to Licensing (June 2019)*

2.1 Purpose and scope of assessment

The Licence Holder lodged an application on 14 May 2019 to amend the existing licence L7089/1997/11 for the addition of Category 70 screening activities.

As a result of works authorised under the existing licence for Category 67A composting activities 30,000 tonnes of gravel were excavated and remain on the Premises. The Licence Holder would like to crush and screen the gravel over 2-4 weeks and stockpile it onsite, for the purposes of sale at a later date. No changes are proposed to the current Category 67A activities. Table 2 below outlines the proposed additional category for inclusion on the Licence.

Table 2: Classification of Premises and assessed design capacity

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
67A	Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils	1 000 tonnes or more per year	120 000 tonnes per annual period
70	Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	More than 5 000 but less than 50 000 tonnes per year	30 000 tonnes per year

3. Other approvals

The Licence Holder received approval to conduct screening activities from the Shire of Dardanup on 14 June 2019.

The location within the Premises has been selected as it is currently cleared, with the exception of a number of mature trees. These trees will be retained on site, and avoided during all crushing, screening and stockpiling activities. Due to this, the Licence Holder has determined they will not require a clearing permit under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

4. Amendment history

Table 3 provides the amendment history for L7089/1997/11.

Table 3: Licence amendments

Instrument	Issued	Amendment
L7089/1997/4	06/10/2000	Licence reissue
L7089/1997/5	06/10/2001	Licence reissue
L7089/1997/6	09/10/2002	Licence reissue
L7089/1997/7	06/10/2003	Licence reissue
L7089/1997/8	06/10/2004	Licence reissue
L7089/1997/9	06/10/2008	Licence reissue
L7089/1997/10	06/10/2011	Licence reissue
L7089/1997/11	06/10/2014	Licence reissue and conversion to REFIRE format
L7089/1997/11	29/04/2016	Notice of Amendment of Licence Expiry Dates: expiry date extended to 05/10/2025
L7089/1997/11	19/12/2019	Amendment Notice 1 to add Category 70 screening activities and conversion to current licence format

5. Location and receptors

Table 4 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 4: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
Residential Premises	1050 m east of crushing location

Table 5 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 5: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
State forest	Adjacent to the eastern boundary of the Premises
Threatened and Priority Flora	Critically endangered <i>Synaphea</i> sp. recorded at Fairbridge Farm located 1100 m north east of the Premises Priority 1 <i>Gastrolobium</i> sp. recorded at Yoongarillup located 605 m east of the Premises
Threatened Fauna	Critically endangered <i>Pseudocheirus occidentalis</i> (western ringtail possum) recorded at a location 1100 m north of the Premises

Meteorology

Wind direction and strength

Prevailing wind patterns can provide a direct pathway for transmission of dust by air, so the prevailing wind patterns that may carry these emissions to sensitive receptors have been considered. The closest Bureau of Meteorology (BoM) weather station which records wind frequency data is Bunbury Airport (BoM site 009965). Prevailing winds during January are variably on average from the east, south east and south in the mornings, and swing to the west in the afternoons (Figure 1). Prevailing winds during July mornings are on average calm up to 12% of the time with easterly and north easterly wind speeds increasing up to 20 km/hr throughout the morning, and prevailing from the north, north west and west in the afternoons. (Figure 2). This pathway has been considered in the risk assessment table in Section 6.

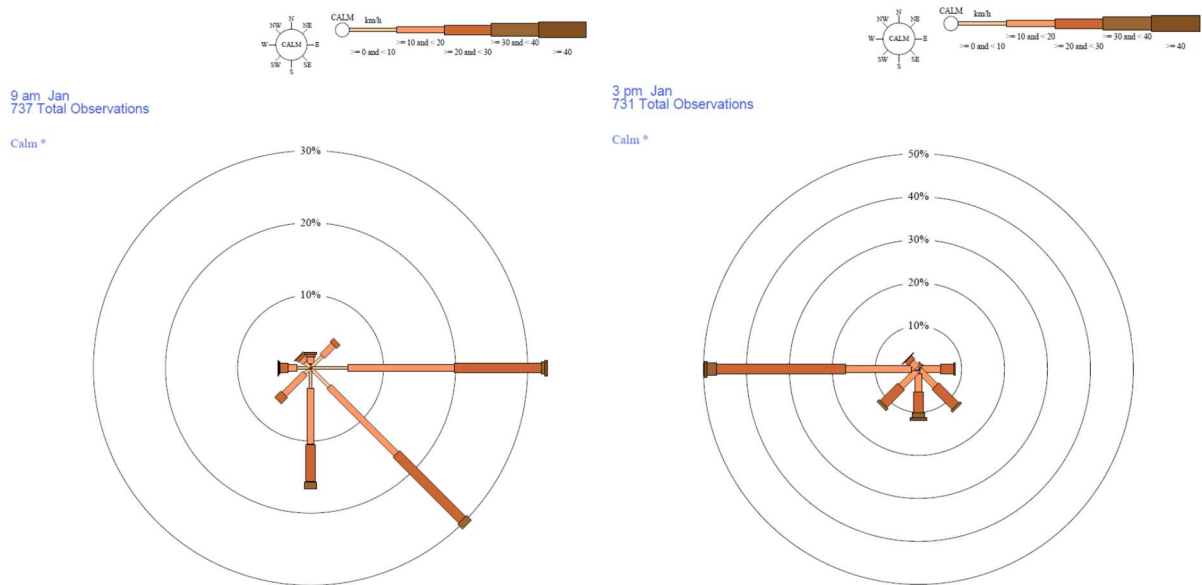


Figure 1: January wind roses for 9am and 3pm at Bunbury Airport (BoM site 009965).

Source: Bureau of Meteorology website www.bom.wa.gov.au

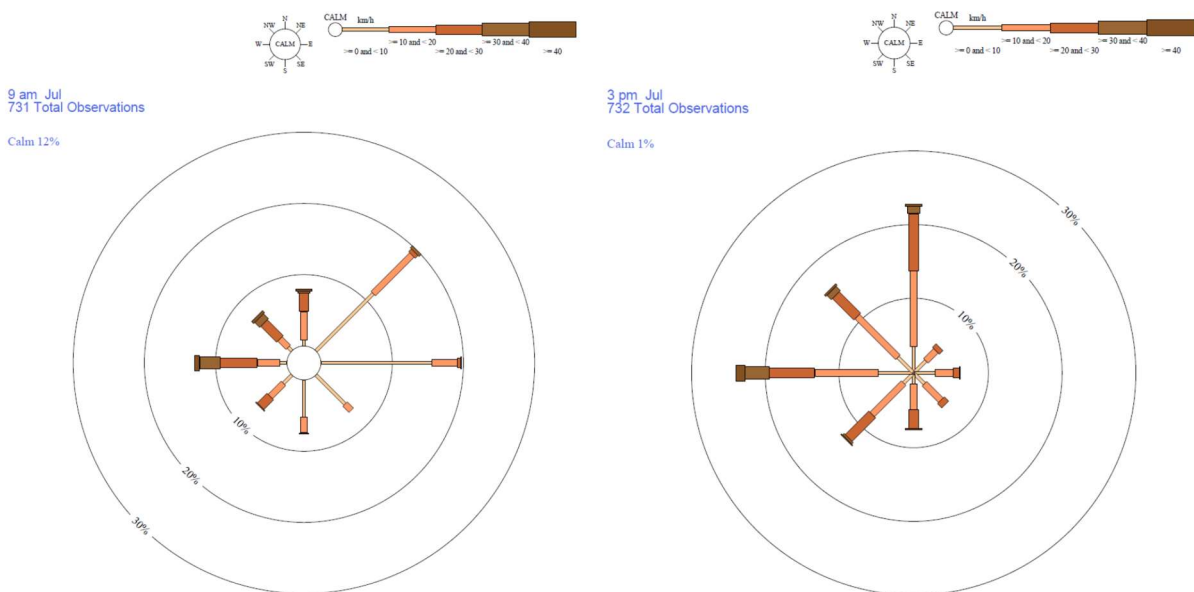


Figure 2: July wind roses for 9am and 3pm at Bunbury Airport (BoM site 009965).

Source: Bureau of Meteorology website www.bom.wa.gov.au

6. Risk assessment

Tables 6 and 7 below describe the Risk Events associated with the amendment consistent with the Guidance Statement: Risk Assessments. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

Table 6: Risk assessment for proposed amendments during construction

Risk Event						Risk rating ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities	Potential emissions	Potential pathway	Potential receptors	Potential adverse impacts	Applicant controls			
Screening	Construction and mobilisation of screening equipment	Noise	Air / wind dispersion	Residential premises 1050 m east	Amenity impacts	Locating the mobile plant onto site will be achieved with the use of vehicles and trucks in one day, resulting in minimal noise and dust emissions;	Given the separation distance is over 1 km, and the siting of mobile plant and excavation works are of short duration, dust and noise emissions will not significantly impact upon the amenity of residents or threatened fauna.	N/A
	Construction of stormwater infrastructure	Dust		Threatened fauna (noise only)	Impact to fauna habitat (noise only)	Water spray cart to minimise dust lift off during excavation works for construction of the stormwater catchment basin.		N/A

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Department's Guidance Statement: Risk Assessments (February 2017)

Table 7: Risk assessment for proposed amendments during operation

Risk Event						Risk Rating	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities	Potential emissions	Potential pathway	Potential receptors	Potential adverse impacts	Applicant controls			
Screening	Operation of screening equipment	Noise	Air / wind dispersion	Residential premises 1050 m east Threatened fauna (noise only)	Amenity impacts	<p>Activities are estimated to take 2 to 4 weeks to complete;</p> <p>Operating 07:00 and 17:30 on weekdays and 07:00 and 12:00 on Saturdays only;</p> <p>Stockpiles will be used for noise buffering.</p> <p>Minor consequence Unlikely likelihood Medium Risk</p>	<p>Given the short duration of the screening activities and the separation distance of over 1 km with state forest acting as a noise buffer, the Delegated Officer considers noise emissions will not significantly impact upon the amenity of residents or threatened fauna.</p> <p>If any noise impacts arise, management under the <i>Environmental Protection (Noise) Regulations 1997</i> will be adequate.</p> <p>The Delegated Officer will apply conditions consistent with applicant's proposed controls to ensure emissions are minimised.</p>	<p>Conditions will be applied to the Licence to restrict operating hours from 07:00 to 17:30 on weekdays and 07:00 and 12:00 on Saturdays only.</p>

		Dust				<p>Screening equipment is fitted with a water spray device to prevent dust generation during crushing of product;</p> <p>Water spray cart to prevent dust lift off from stockpiles and roads.</p>	<p>Minor consequence</p> <p>Unlikely likelihood</p> <p>Medium Risk</p>	<p>Given these management controls, the Delegated Officer considers dust emissions are not likely to leave the Premises and combined with the short duration of the screening activities and the separation distance of over 1km will not significantly impact upon the amenity of residents.</p> <p>The Delegated Officer will apply conditions consistent with applicant's proposed controls to ensure emissions are minimised.</p>	<p>Conditions will be applied to the Licence to ensure the Applicant's controls are utilised to manage dust at the Premises.</p>
	Stormwater Infrastructure	Contaminated stormwater	Overland flow	State forest adjacent to the Premises	Soil contamination inhibiting vegetation survival and growth and fauna habitat	<p>During a flood event up to the 10% AEP a total of 611 m³ of runoff will be generated across the 1.6 ha processing area. The absorptive nature of the subsurface will ensure majority of rainfall will infiltrate, leaving approximately 30% as rainfall runoff. The Applicant will construct a stormwater catchment basin to retain 205 m³ sufficient to contain the generated contaminated stormwater and grade the processing area to direct runoff to the basin</p>	<p>Minor consequence</p> <p>Unlikely likelihood</p> <p>Medium Risk</p>	<p>Given these management controls, the Delegated Officer considers contaminated stormwater emissions will be sufficiently retained within the Premises so will not significantly impact upon the adjacent State forest.</p> <p>The Delegated Officer will apply conditions consistent with applicant's proposed controls to ensure emissions are minimised.</p>	<p>Conditions will be applied to the Licence to ensure the Applicant's controls are utilised to manage contaminated stormwater at the Premises and additional conditions to maintain the basin volume capacity, so it does not overtop.</p>

7. Conditions

The Delegated Officer considers that regulatory controls are appropriate to manage construction work and emissions of dust, noise and contaminated stormwater generated at the Premises. These conditions include:

- Infrastructure requirements;
- Waste acceptance requirements;
- Processing requirements;
- Containment infrastructure maintenance;
- Noise management;
- Dust management;
- Monitoring requirements; and
- Record keeping requirements

Table 8 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 8: Licence amendments

Proposed licence condition	Proposed amendments
Condition 1 Table 2	Addition of infrastructure works and requirements for Category 70 screening activities.
Condition 2	Addition of departure restrictions for infrastructure works for Category 70 screening activities.
Condition 4 Table 4	Addition of the waste type, quantity limit and specification for Category 70 screening activities.
Condition 5 Table 5	Alteration of processing of materials for waste type for existing wastes. Addition of processing of materials for Category 70 screening activities for waste type, process and process requirements.
Condition 6 Table 6	Alteration of reference to previous table in Material to specify green waste and organic waste as intended. Addition of containment area / infrastructure, material and infrastructure requirements for Category 70 screening activities.
Condition 11	Addition of operational hours to manage noise emissions.
Condition 12	Addition of dust management requirements for stockpiles
Condition 13	Addition of stop-work conditions where dust management is insufficient.
Condition 14 Table 7	Addition of monitoring requirements for Category 70 screening activities.
Condition 20 Table 8	Addition of monitoring reporting requirements for Category 70 screening activities.
Schedule 2 Table 10	Addition of the assessed production or design capacity for Category 70 screening activities.

As part of the re-formatting of the licence, a licence conversion map is provided in Table 9 to show the translation of conditions from the current licence to the proposed draft licence.

Table 9: Licence conversion map for new licence format

Existing licence condition	Condition Summary	Proposed licence condition	Conversion notes
N/A	Expiry Date: 05 October 2019	Expiry Date: 05 October 2025	In accordance with the Notice of Amendment of Licence Expiry Dates (29/04/2016)
N/A	Prescribed Premises Category table	N/A	Revised to current licensing format. Moved to Schedule 2: Primary Activities Table 10
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A Interpretation section, Definitions and Table 1	Redundant condition. Revised to current licensing format.
1.2.1	Emissions	Condition 1 and Table 2	Redundant condition. Revised to current licensing format.
1.2.2	Pollution control and monitoring equipment	N/A	Redundant condition. Adequately covered by alternative existing conditions. Deleted from licence.
1.2.3	Storage of environmentally hazardous materials	N/A	Redundant condition. Adequately regulated by the <i>Dangerous Goods Safety Act 2004</i> . Deleted from licence.
1.2.4	Recovery and removal of spills	N/A	Redundant condition. Adequately covered by <i>EP (Unauthorised Discharges) Regulations 2004</i> . Deleted from licence.
1.2.5	Prevention of contamination and containment of contaminated stormwater	N/A	Redundant condition. Adequately covered by alternative existing conditions and proposed new conditions. Deleted from licence.

Existing licence condition	Condition Summary	Proposed licence condition	Conversion notes
1.3.1 Table 1.3.1	Waste acceptance	Condition 2 Table 3	Revised to current licensing format.
1.3.2 Table 1.3.2	Processing of materials	Condition 3 Table 4	Revised to current licensing format.
1.3.3 Table 1.3.3	Containment infrastructure	Condition 4 Table 5	Revised to current licensing format.
1.3.4	Burning of greenwaste	Condition 5	New numbering
1.3.5	Fires	Condition 6	New numbering
1.3.6	Stormwater	Condition 7	New numbering
1.3.7	Retention pond water recirculated over greenwaste and compost	Condition 8	New numbering
2.1.1	Record and investigate exceedances of limits or targets	N/A	Redundant condition. Deleted from licence.
2.6.1	Dust emissions	N/A	Redundant condition. Adequately covered by s.49 of the <i>EP Act 1986</i> and proposed new conditions. Deleted from licence.
2.7.1	Odour emissions	N/A	Redundant condition. Adequately covered by s.49 of the <i>EP Act 1986</i> . Deleted from licence.
5.1.1	Records	Condition 15	New numbering and update to wording format
5.1.2	Person in charge	Condition 17	New numbering
5.1.3	Annual Audit Compliance Report	Condition 19	New numbering and update to wording format
5.1.4	Complaints system	Condition 16	New numbering and update to wording format
5.2.1 Table 5.2.1	Annual Environmental Report	Condition 20 Table 8	New numbering and update to wording format
5.3.1	Notification	Condition 21 Table 9	New numbering
Schedule 1: Maps	Premises map	Schedule 1: Maps	No change
Schedule 2	Annual Audit Compliance Report	N/A	Redundant attachment. Deleted from Licence

Existing licence condition	Condition Summary	Proposed licence condition	Conversion notes
Reporting & notifications	Form N1 Notification		Forms accessed at www.dwer.wa.gov.au

8. Consultation

Table 10: Summary of consultation

Method	Comments received	DWER response
Applicant referred draft documents 18/11/2019	No comments received	N/A

9. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a licence amendment will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Tracey Hassell
A/MANAGER, WASTE INDUSTRIES
REGULATORY SERVICES

An officer delegated by the CEO under section 20 of the EP Act

Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Licence L7089 – Fitonia Pty Ltd	L4432/1989/14	accessed at www.der.wa.gov.au
2.	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
3.	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
4.	DER, May 2016. <i>Guidance Statement: Publication of Annual Audit Compliance Reports</i> . Department of Environment Regulation, Perth.	DER 2016a	
5.	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016b	
6.	DER, September 2016. <i>Guidance Statement: Environmental Standards</i> . Department of Environment Regulation, Perth.	DER 2016c	
7.	DER, November 2016. <i>Guidance Statement: Environmental Siting</i> . Department of Environment Regulation, Perth.	DER 2016d	
8.	DER, February 2017. <i>Guidance Statement: Land Use Planning</i> . Department of Environment Regulation, Perth.	DER 2017a	
9.	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017b	
10.	DWER, June 2019. <i>Guideline: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019a	
11.	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019b	