



Application for Licence

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

Licence Number	L9376/2023/1
Applicant	Onslow Infracore Pty Ltd
ACN	612 668 201
File number	DER2023/000047
Premises	Ashburton Infrastructure Project – Haul Road Within mining tenements L08/202, L08/205, L08/206, L08/210, L08/211, L08/212, L08/214, L08/215, L08/216, L08/219, L08/231, L08/232, L08/253 L08/199 As defined by the map and coordinates in Schedule 1 of the licence
Date of report	17 July 2023
Decision	Licence granted

MANAGER, PROCESS INDUSTRIES

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 construction and operation of the premises. As a result of this assessment, licence L9376/2023/1 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

On 20 January 2023, Onslow Infracore 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 seek a licence relating to the mobilisation and operation of mobile crushing and screening equipment to support the construction of the Ashburton Infrastructure Project haul road.

The premises relates to Category 12 (Screening etc. of material) activities and the assessed production capacity under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which are defined in licence L9376/2023/1. 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 below and in licence L9376/2023/1.

Noting that the mobilisation of equipment to the site involves limited construction works, the works have been authorised through a licence rather than a works approval.

2.3 Overview of premises

The applicant is developing the Ashburton Infrastructure Project which consists of the construction of a fully sealed private haul road, approximately 125km in length, from the applicant's Bungaroo South Mine to the Port of Ashburton. The proposal also includes the construction of bulk handling and storage facilities at the port, nearshore berth facility and five offshore anchorage point to support the export of iron ore.

To support construction of the haul road, mobile crushing and screening equipment will be assembled and operated at multiple locations along the haul road development envelope. It is expected that the mobile plant will be required for the initial phase of the bulk earthworks for the haul road construction which is estimated to take 6-9 months. Mobile plant is expected to operate 24 hours a day, 7 days a week at a rate of approximately 500 tonnes per hour. The plant is a self-contained modular style plant, capable of various configurations. The typical main components of the plant consist of:

- A temporary loading ramp;
- A mobile cone crusher;
- A mobile horizontal screener;
- A mounted mobile tracked conveyor; and
- Associated plant and equipment (e.g. front-end loader, etc.).

The general layout of the plant is shown in Figure 1.

A single mobile plant is expected to operate during the construction period however should a higher production rate be required (i.e. greater than 500 tph), a second plant may be mobilised and used in tandem. No more than 4.5 million tonnes of material will be processed per annum.

Mobile plant will be operated within target borrow areas and relocated from time to time across 24 locations to support construction of the haul road. Operation at each location will be short-term; typically for two months at each location.

Operational areas have been identified using the following criteria:

- Does not occur within any river/creek channels;
- Does not occur within the 1km buffer of Mesa or Breakaway habitat types;
- Does not occur within 5 km of a residential area;
- Does not occur within 1.5 km of a pastoral station homestead;
- Does not occur within 150 m of any Threatened Ecological Communities (TECs);
- Does not occur within 500 m Public Drinking Water Source Areas, and
- Does not occur within 1 km of any Surface Water Management Areas.

Indicative locations of areas that the mobile plant will operate are presented in the figures below which are based on current borrow targets.

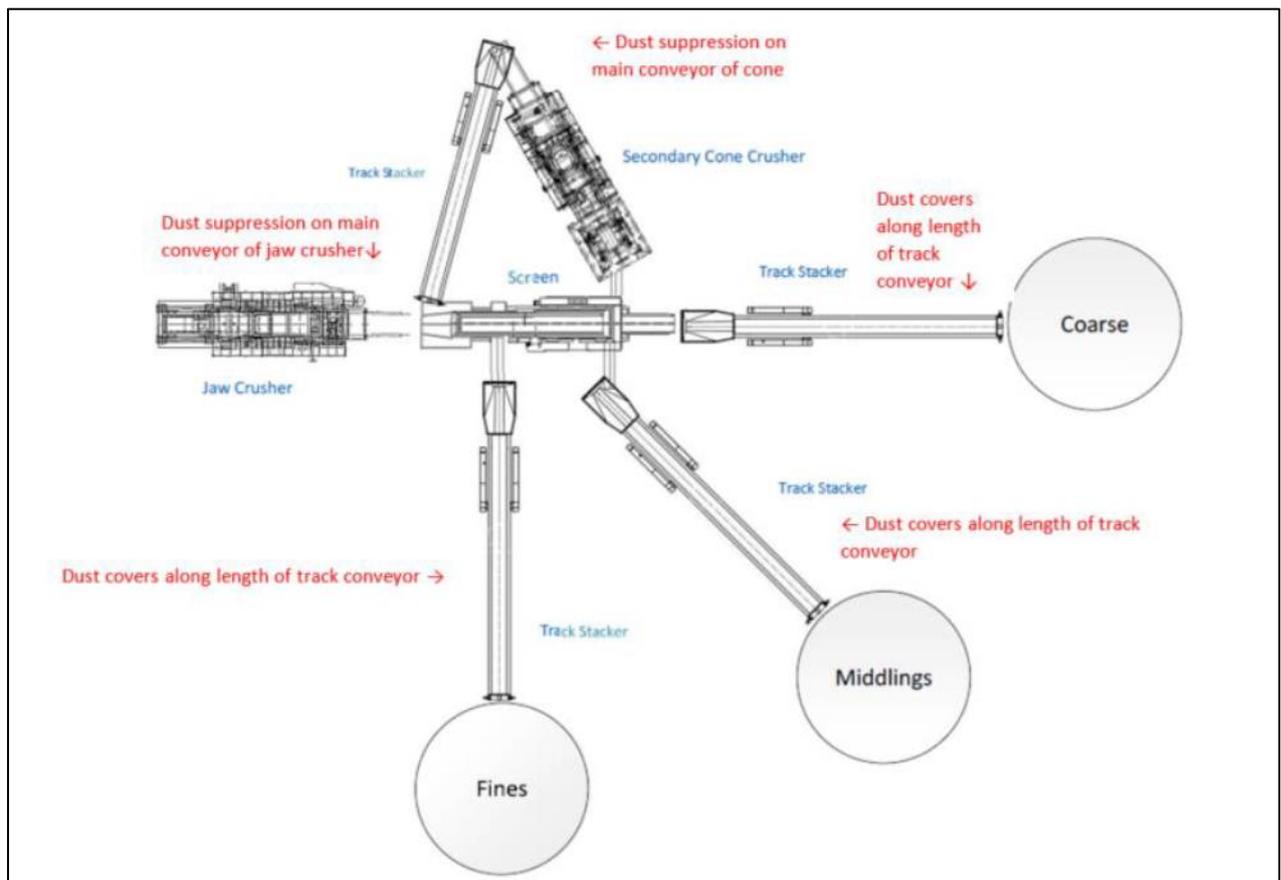


Figure 1. General layout of crushing and screening plant.

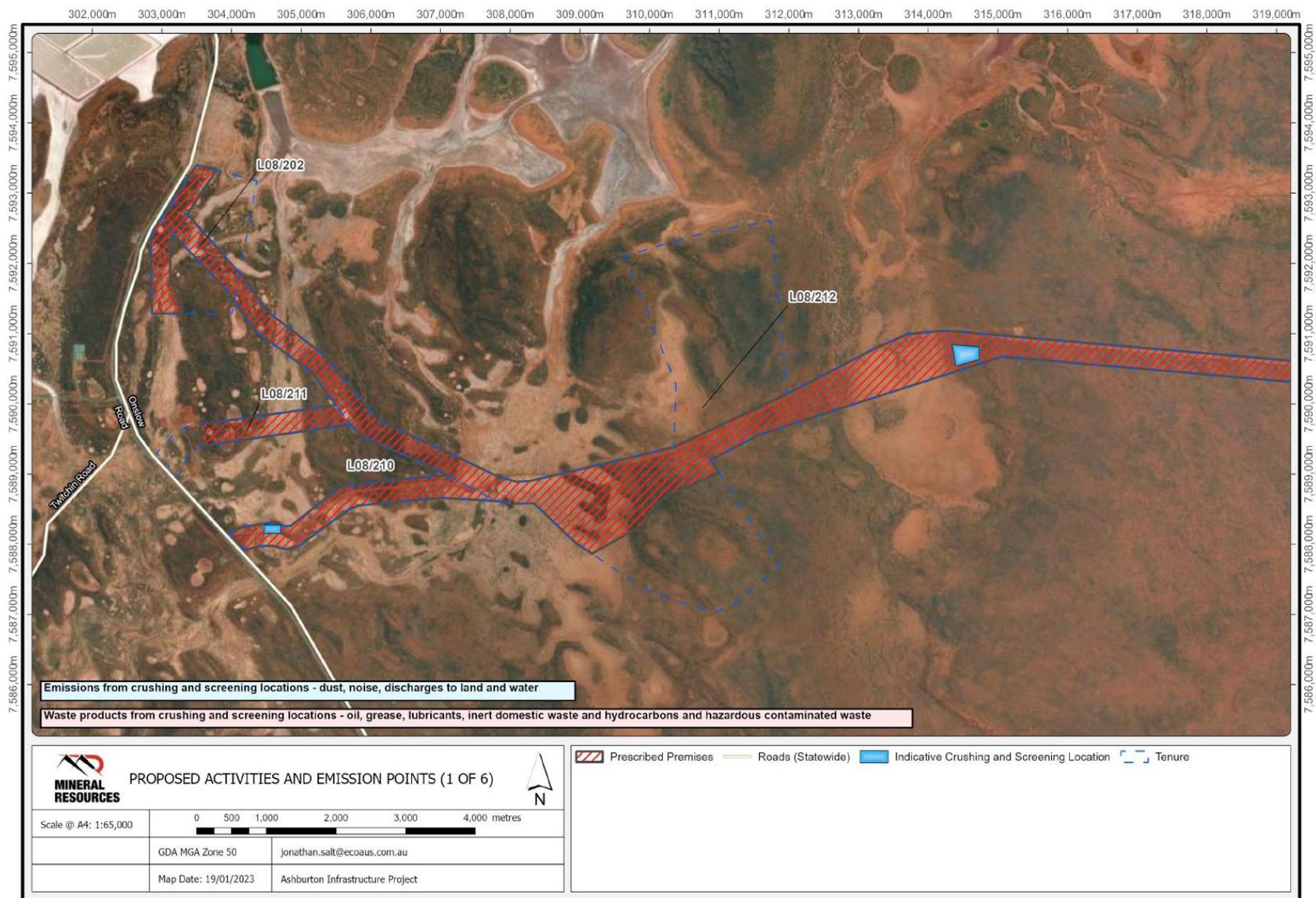


Figure 2: Indicative location of screening operations within the premises boundary (Map 1 of 6).

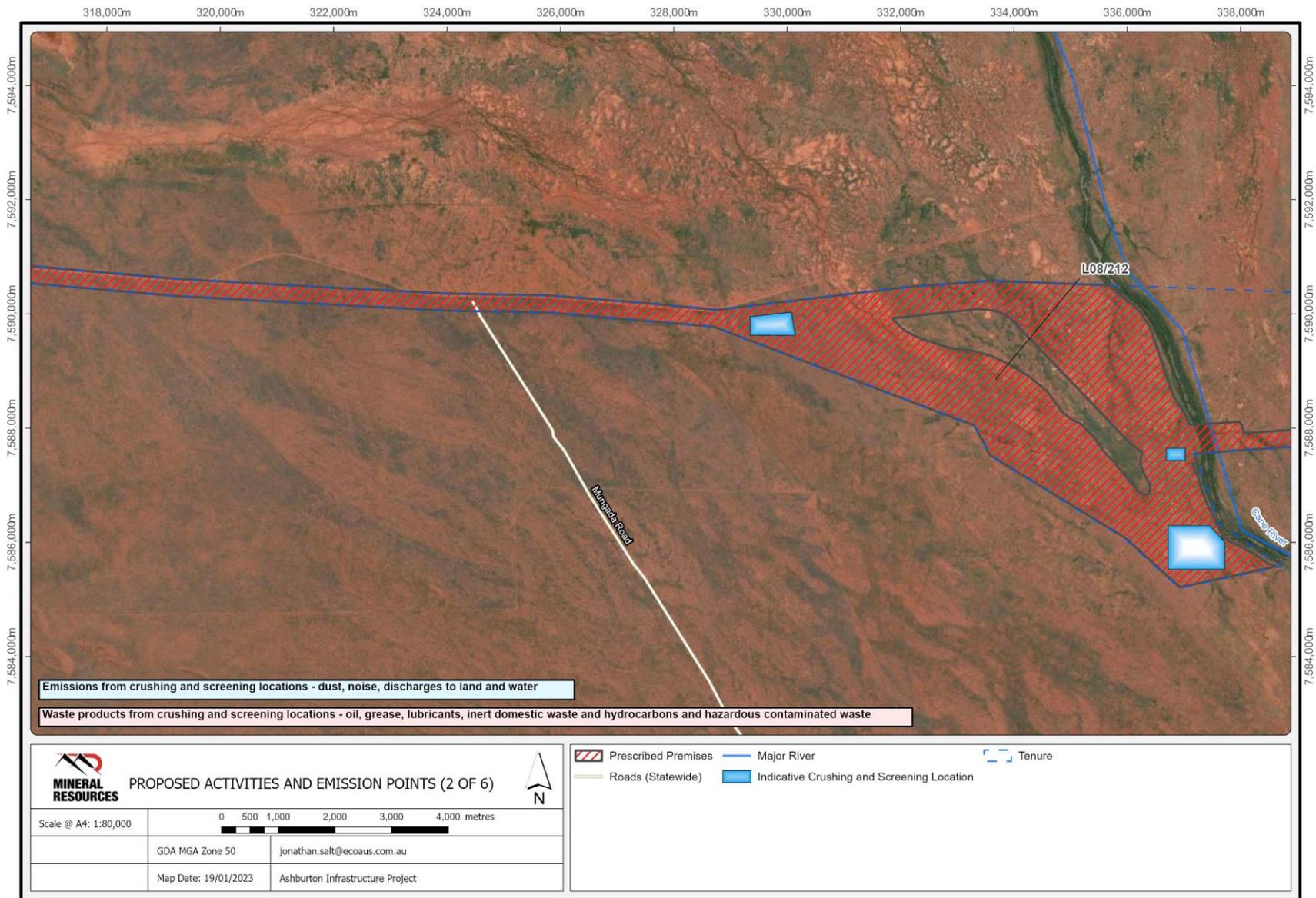


Figure 3: Indicative location of screening operations within the premises boundary (Map 2 of 6).

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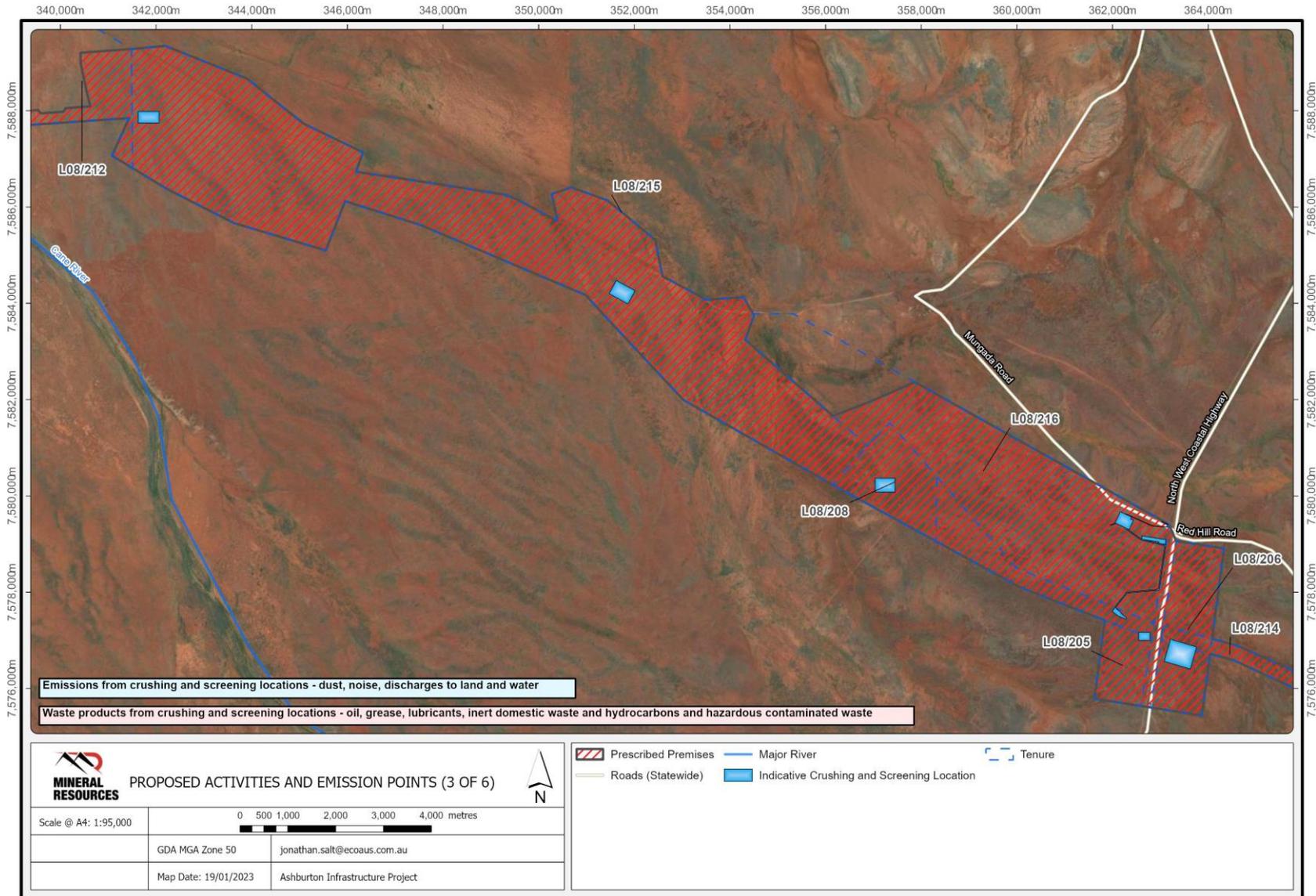


Figure 4: Indicative location of screening operations within the premises boundary (Map 3 of 6).

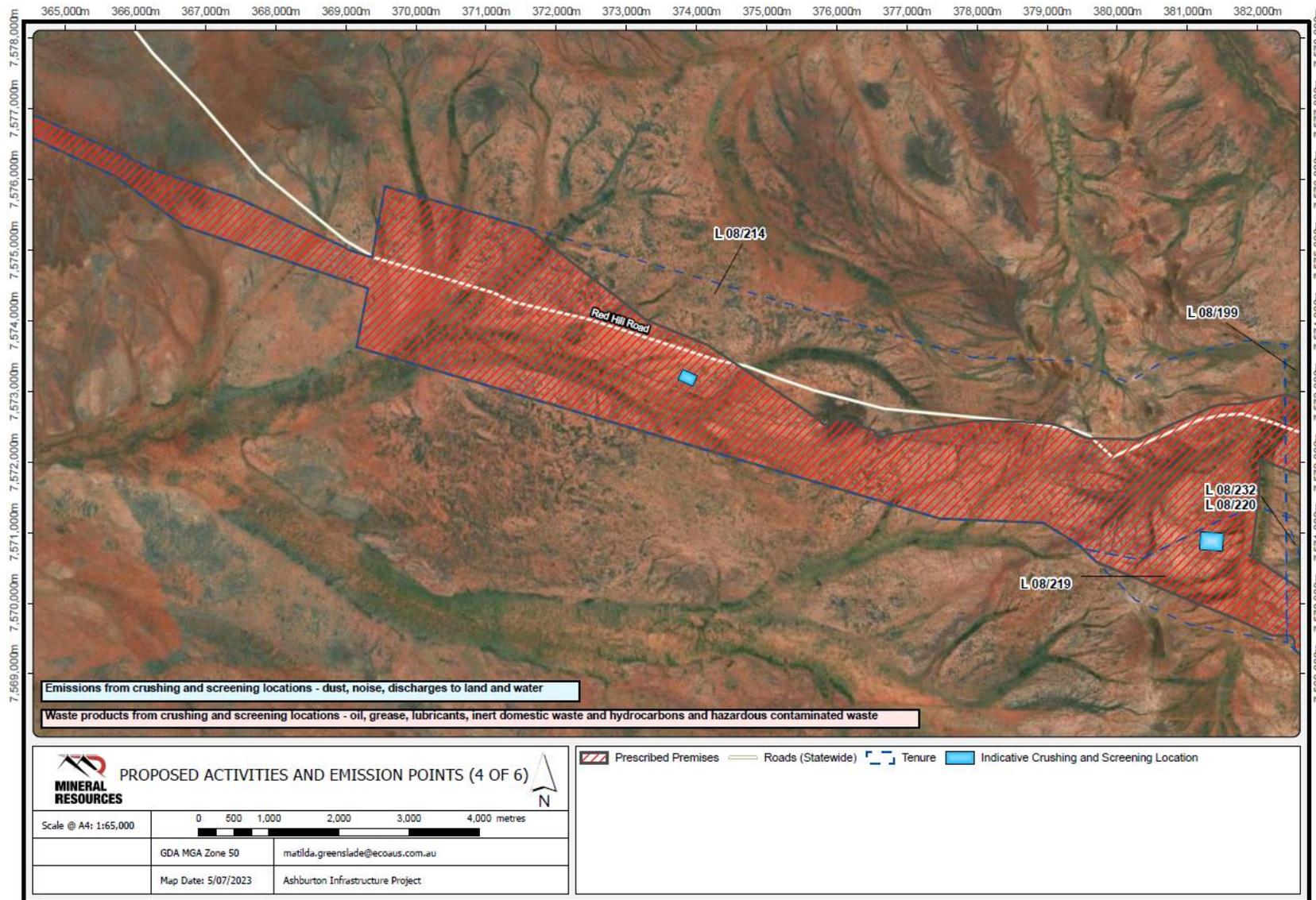


Figure 5: Indicative location of screening operations within the premises boundary (Map 4 of 6).

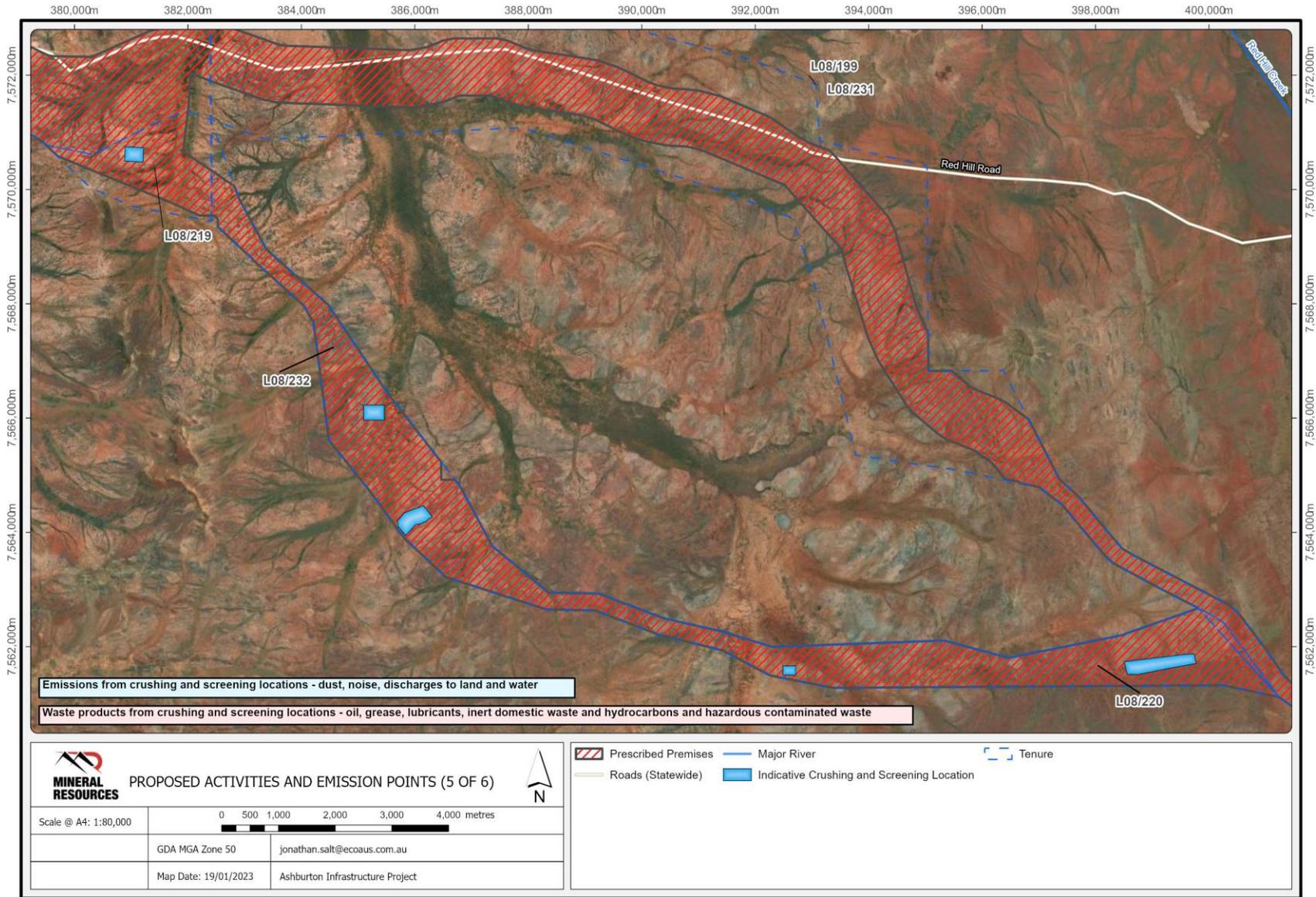


Figure 6: Indicative location of screening operations within the premises boundary (Map 5 of 6).

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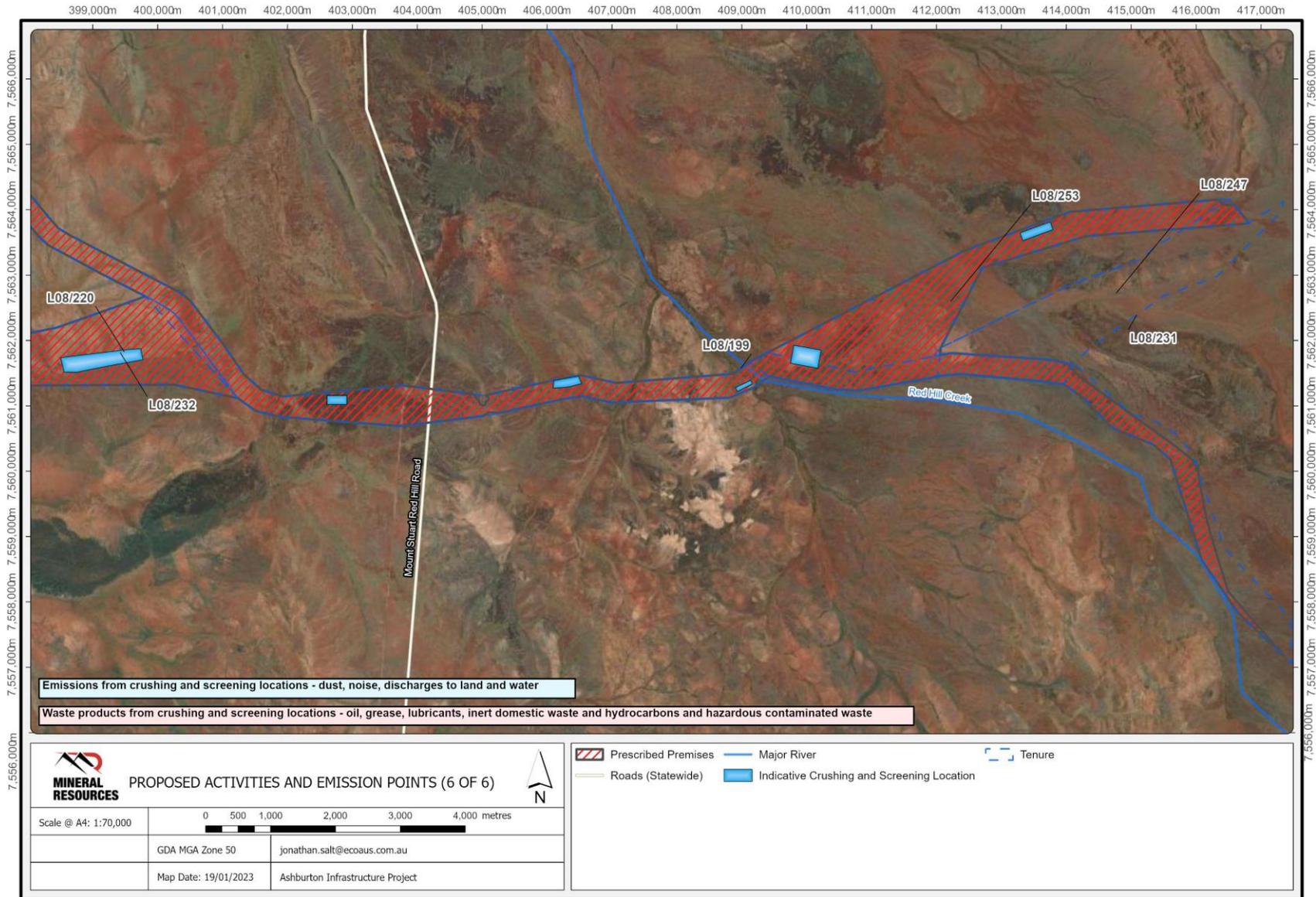


Figure 7: Indicative location of screening operations within the premises boundary (Map 6 of 6).

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2.4 Exclusions

The following matters are outside of the scope of this assessment and have not been considered within the technical risk assessment detailed in this report:

- Vehicle movements on public roads;
- Extraction of material from the ground (borrow pits) and emissions (e.g. dust and noise) associated with these extraction activities is managed under the *Mining Act 1975*;
- Clearing is authorised under Part IV of the EP Act;
- Concrete batching associated with the development of the haul road is not included in this assessment. *Category 77: Concrete batching and cement products manufacturing* does not apply where batched concrete is used on the premises; and
- Abstraction of groundwater for use on the premises is regulated under the *Rights in Water Irrigation Act 1914*.

The licence is related to the prescribed activities specified on the licence approval only and does not offer the defence to offence provisions in the EP Act (see s.74, 74A and 74B) relating to emissions or environmental impacts arising from non-prescribed activities, including those listed above.

As the application is related to a proposal that has been referred to the Environmental Protection Authority (EPA) under section 38 of the EP Act, in accordance with section 54(4) of the EP Act the delegated officer must not make a decision on the application that is contrary to, or otherwise in accordance with, an implementation agreement or decision.

2.5 *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

The proposal was referred under the EPBC Act and determined to be a controlled action and, following assessment via Public Environmental Review, approved on 12 December 2022 (2021/9064) subject to conditions. Similar conditions to those issued under Part IV of the EP Act apply relating to the protection of mesa and breakaway habitat and northern quoll populations.

2.6 Part IV of the EP Act

The Ashburton Infrastructure Project was referred to the EPA in October 2021 under section 38 of the EP Act. The EPA determined to assess the proposal on Referral Information with a two-week public consultation period.

EPA Report 1733 was released February 2023 with recommended conditions. Following an appeal, Ministerial Statement 1204 (MS1204) was published on 3 July 2023.

The following environmental factors were assessed by the EPA (those relevant to the construction of the haul road are in bold):

- Benthic communities and habitat;
- Marine environmental quality;
- Marine fauna;
- **Flora and vegetation;**
- **Terrestrial fauna;**
- **Greenhouse gas emissions;** and

- **Social surroundings.**

Impacts of noise on conservation significant fauna was assessed under Part IV of the EP Act (EPA Report 1733) and conditions applied to ensure that the population of northern quoll remains viable. Operational controls have also been applied to activities that occur within 1km buffer surrounding key fauna habitat (i.e. mesa and breakaway habitat) including:

- restricting the hours of construction to daytime hours;
- ensuring a fauna spotter is present during construction activities; and
- stop work requirements if northern quolls are sighted in the work area.

The EPA's assessment of noise also considered the potential impacts to human receptors. Noise modelling provided considered emissions from construction and operation and concluded that noise levels would achieve the assigned noise levels determined in the Environmental Protection (Noise) Regulations 1997. Noting these findings, the EPA concluded that noise would meet the EPA objective for social surroundings regarding noise and that no further assessment or consideration of mitigation measures was required.

Key findings: In accordance with section 54(4) of the EP Act and the Department's Guidance Statement: Setting Conditions, conditions of the works approval will not be contrary to or unnecessarily duplicate requirements of the Ministerial Statement.

Based on conditions applied through MS1204, the Delegated Officer has determined not to unnecessarily duplicate the requirements of MS1204, or reassess the following Environmental Factors already assessed through EPA Assessment 1733:

- Greenhouse gas emissions;
- Terrestrial fauna as it relates to noise, light and vibration;
- Flora and vegetation; and
- Social surroundings as it relates to cultural heritage.

Conditions of MS1204 provide some limitations regarding the location of the proposed mobile plant through the authorisation of habitat disturbance/clearing. MS1204 authorises the disturbance of no more than 1,564 ha of native vegetation within a 16,209 ha development envelope. This includes limiting disturbance of significant fauna habitat such as creek lines and stony hill/slopes habitat to specified limits. MS1204 also requires that activities to not adversely impact any mesa or breakaway habitat to ensure protection of this critical habitat for conservation significant fauna. Disturbance of habitat to undertake Category 12 activities is required to comply with these requirements.

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
Operation (including mobilisation of equipment to site)			
Screening, crushing, unloading, loading and storage of material Vehicle movements	Dust	Air / windborne pathway	<p>A water cart will be available during installation/mobilisation of the mobile plant to manage dust.</p> <p>Jaw & cone crusher conveyors will be fitted with hose and spray bars.</p> <p>The cone crusher will be fitted with dust suppression sprays (hoses and spray bars) at the cone inlet and outlet.</p> <p>Horizontal screen transfer conveyor is fully skirted.</p> <p>The horizontal screener will be fitted with hoses and spray bars for managing dust.</p> <p>Mounted mobile track conveyor will include dust covers running along the conveyor and a head chute with a rubber sock.</p> <p>Feed material will be conditioned by water cart prior to being fed into screens as required.</p> <p>Water cart with 50kL capacity will operate; dampening work areas.</p> <p>Drop heights on stockpile will be minimised.</p> <p>Speed limit of 60km/hr set for vehicles around work site areas.</p> <p>Long term work planning will occur taking into consideration long (monthly) weather forecasts.</p> <p>An assessment of dust generation risk will occur prior to each work shift (and throughout the day) considering nature of activities & weather conditions.</p> <p>Visual dust monitoring will occur and additional water will be applied to the source areas (or alternative treatments applied if required).</p> <p>Dust monitoring will occur in accordance with the Terrestrial Environmental Management Plan.</p> <p>Siting as specified in section 2.3.</p>
	Noise	Air / windborne pathway	<p>Machinery will be fitted with mufflers and regularly serviced to reduce noise emissions.</p> <p>Noise attenuating equipment will be used where practicable to minimise noise emissions.</p> <p>Siting as specified in section 2.3.</p> <p>Conditions of MS1204 apply relating to impacts fauna associated with mesa and breakaway habitat including vehicle speed limits, limited hours of operation, fauna monitoring and stop work requirements.</p>
	Sediment laden stormwater	Overland runoff	<p>Earthen diversion bunds will be constructed around operational areas and mobile equipment work areas to prevent ingress of stormwater and direct "clean" surface water away from process areas and into natural drainage channels.</p> <p>Uncontaminated surface water will be contained within work areas through the use of drainage controls and sumps/basins.</p>

Emission	Sources	Potential pathways	Proposed controls
			<p>Diversion bunds will be inspected regularly.</p> <p>Temporary earthen sediment collection points will be installed for capturing and retaining stormwater to allow settlement of sediments. The collection points retain stormwater within the confines of the borrow pit and have been designed to retain 1 hour of a 1-year rainfall event (during peak wet seasons) to allow adequate retention time (10 minutes) for 80% sediment settlement.</p> <p>Crushing and screening activities are expected to be required for a 6–9 month period which will be predominantly outside of the wet season.</p> <p>Siting as specified in section 2.3.</p>
Refuelling of diesel generators / maintenance of mobile equipment	Hydrocarbon spillage	Direct discharge / overland runoff	<p>Refuelling will occur within bunded refuelling areas designed and operated to capture spills or overflow associated with the refuelling process.</p> <p>Hazardous waste including hydrocarbons will be collected and stored in suitable containers in a segregated and bunded hazardous waste area.</p> <p>All personnel will be inducted in the appropriate storage and disposal of hydrocarbons and use of spill kits.</p> <p>Soil contaminated with hydrocarbons will be removed and taken offsite by a controlled waste contractor for disposal at an appropriately licensed facility.</p> <p>Mobile plant and vehicles will be inspected regularly for spills/leaks.</p> <p>Spill kits will be located at operational areas.</p> <p>Siting as specified in section 2.3.</p>

3.1.2 Receptors

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

Table 2 and Figures 1 and 2 below provide a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental Siting* (DWER 2020)).

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

Human receptors	Distance from prescribed activity
Peedamulla Campground	1.3km north of premises boundary (~3km north of nearest plant operating area).
Wheatstone Accommodation Village	5km west of boundary (>5km to nearest operating area)
Red Hill Station homestead	8km north of premises boundary & nearest plant operating area.
Minderoo Station homestead	~20km south of western edge of premises boundary

Heritage	Distance from prescribed activity
Native Title	Part of the premises is located within the Kuruma Marthudunera Part B determined Native Title area, which is represented by the Robe River Kuruma Aboriginal Corporation.
Indigenous Land Use Agreements	Part of the premises is located within the KM & YM Indigenous Land Use Agreement 2018 (W12 01 9/001). The Robe River Kuruma Aboriginal Corporation and Wirrawandi Aboriginal Corporation are both signatories to this Agreement.
Aboriginal cultural heritage sites	<p>11 heritage sites/lodged sites are situated within the prescribed premises. The distance from proposed screening plant areas to heritage sites ranges from less than 100m (RRK/ASA1-AS-22-002 ID 39708) to a few kilometres.</p> <p>The Lower Cane River has high cultural significance for local Traditional Owners due to its location to the Cane River Lore Ground (Registered Site 11405 – Cane River). The Lore Ground is located ~2km from the nearest operating area (<100m from the premises boundary).</p>
Other heritage sites	The premises boundary crosses over the De Grey – Mullewa Stock Route No. 9701 at the eastern end. One of the locations proposed for the operation of crushing and screening operations is situated within the area listed under the State Register of Heritage Places. The premises boundary crosses over the stock route between wells 44 and 45, and is over 5km from either well.
Environmental receptors	Distance from prescribed activity
Cane River Water Reserve (Priority 1 Public Drinking Water Source Area)	1,600m from nearest proposed plant operating area (600m north of premises boundary at its closest point)
Cane River Conservation Park	Nearest operating area is ~1km from the Park boundary (<100m between premises boundary and Park boundary at nearest point)
Threatened/Priority Ecological Communities (TECs/PECs)	Tanpool Land System (Priority 1 PEC) situated north of the premises in the area directly west of North West Coastal Highway. Situated ~ 3km from nearest operating area (650m from the premises boundary at its nearest point).
Priority Flora	<p>No threatened flora were recorded within the premises however seven priority flora were recorded:</p> <ul style="list-style-type: none"> • <i>Euphorbia inappendiculata</i> var. <i>inappendiculata</i> (Priority 2); • <i>Abutilon</i> sp. Onslow (F. Smith s.n. 10/9/61) (Priority 3); • <i>Eremophila forrestii</i> subsp. <i>viridis</i> (Priority 3); • <i>Indigofera rivularis</i> (Priority 3); • <i>Owenia acidula</i> (Priority 3); • <i>Solanum</i> sp. Red Hill (S. van Leeuwen et al. PBS 5415) (Priority 3); and • <i>Goodenia nuda</i> (Priority 4). <p>Some instances of <i>Indigofera</i> sp. Bungaroo Creek (S. van Leeuwen 4301) (Priority 3) and <i>Goodenia nuda</i> (Priority 4) were recorded within 750m of three of the plant operating areas.</p>

Threatened / Priority Fauna	<p>The following threatened/priority fauna occur within the premises boundary:</p> <ol style="list-style-type: none"> 1. Northern quoll (<i>Dasyurus hallucatus</i>) - Endangered under the <i>Biodiversity Conservation Act 2016</i> (BC Act) and EPBC Act 2. Ghost Bat (<i>Macroderma gigas</i>) - Vulnerable under BC Act and EPBC Act 3. Pilbara Leaf-nosed Bat (<i>Rhinonictis aurantia</i> (Pilbara form)) - Vulnerable under BC Act and EPBC Act 4. Pilbara olive python (<i>Liasis olivaceus barroni</i>) - Vulnerable under BC Act and EPBC Act 5. Western pebble-mound mouse (<i>Pseudomys chapmani</i>) - Priority 4 6. Short-tailed mouse (<i>Leggadina lakedownensis</i>) - Priority 4 7. Long-tailed dunnart (<i>Sminthopsis longicaudata</i>) - Priority 4 <p>Mesa and breakaway habitat, drainage lines/river/creeks and stony hills/slopes were identified as having the highest value to terrestrial fauna. Mesa and breakaway habitat is especially important for Northern quoll, ghost bat, Pilbara lead-nosed bat and Pilbara olive python. Locations of mesa/breakaway habitat is shown in Figure 10).</p>
Surface water systems	<p>Proposed plant operating area close proximity (<250m) to edge of Cane River & Red Hill Creek (Figure 3 and Figure 7).</p> <p>Other unnamed, ephemeral drainage lines/creeks intersect, or are within close proximity to, proposed plant operating areas.</p>

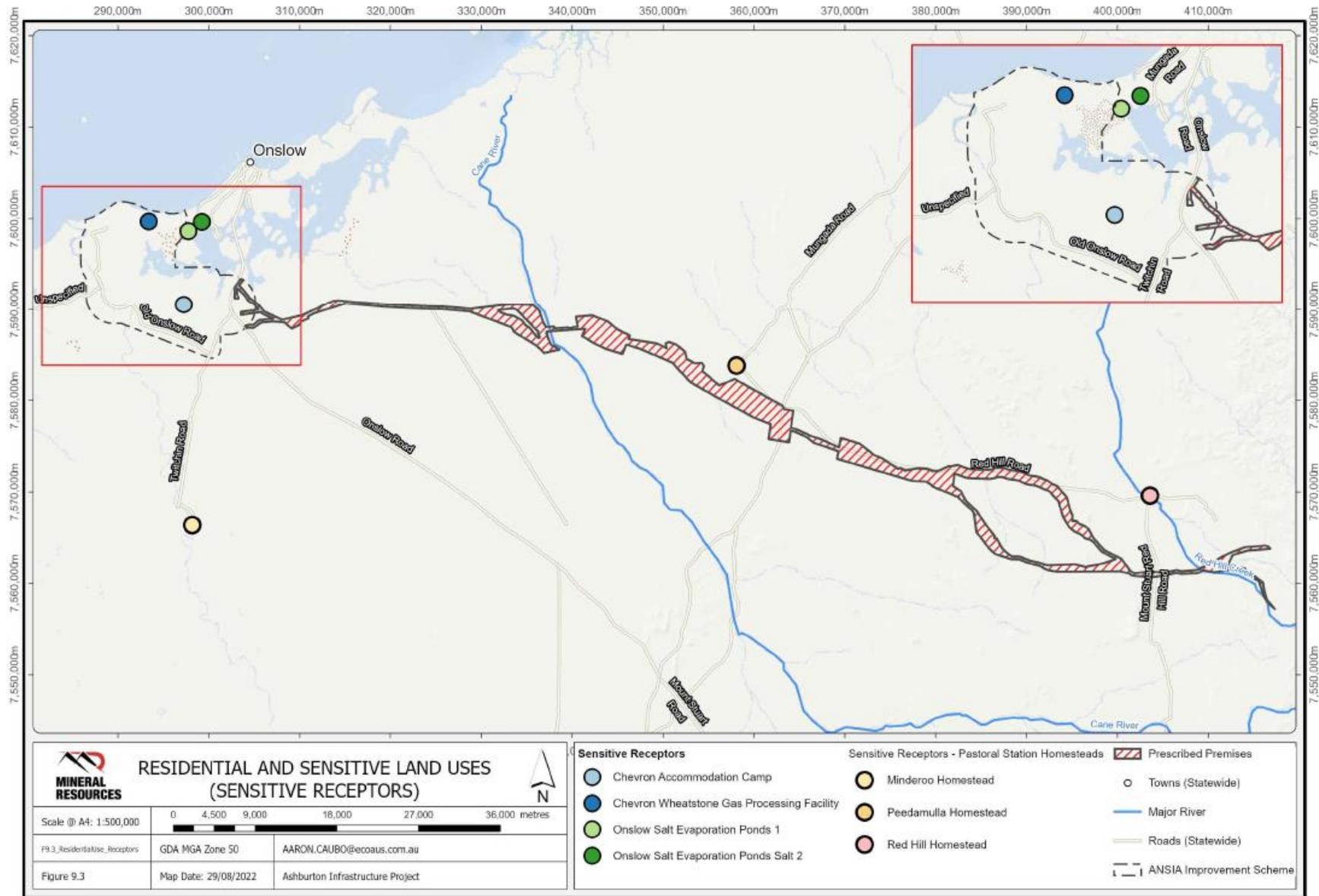


Figure 8: Location of human receptors in relation to the prescribed premises boundary

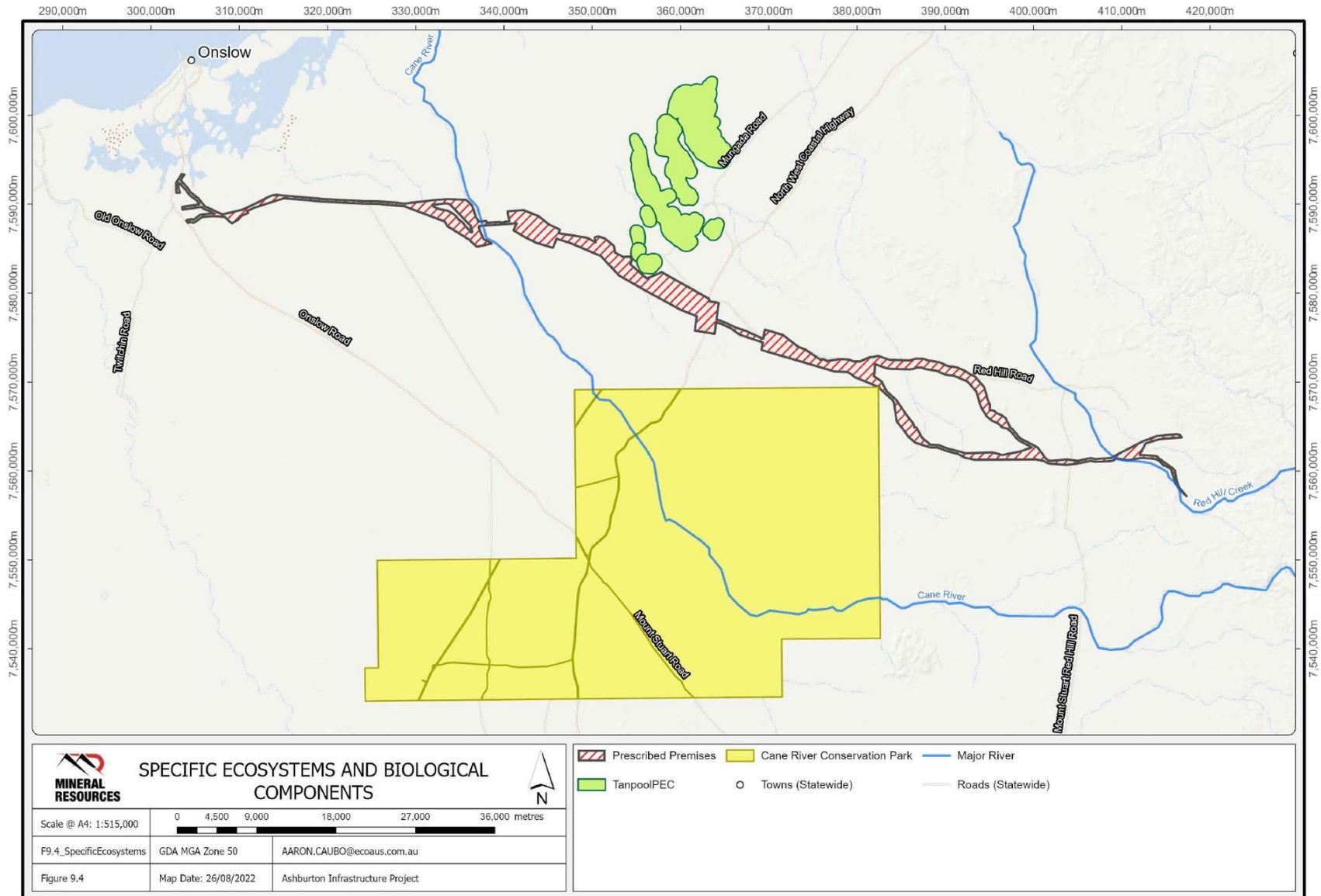


Figure 9: Location of Tanpool Land System PEC, Cane River, Red Hill Creek and Cane River Conservation Park in relation to the prescribed premises.

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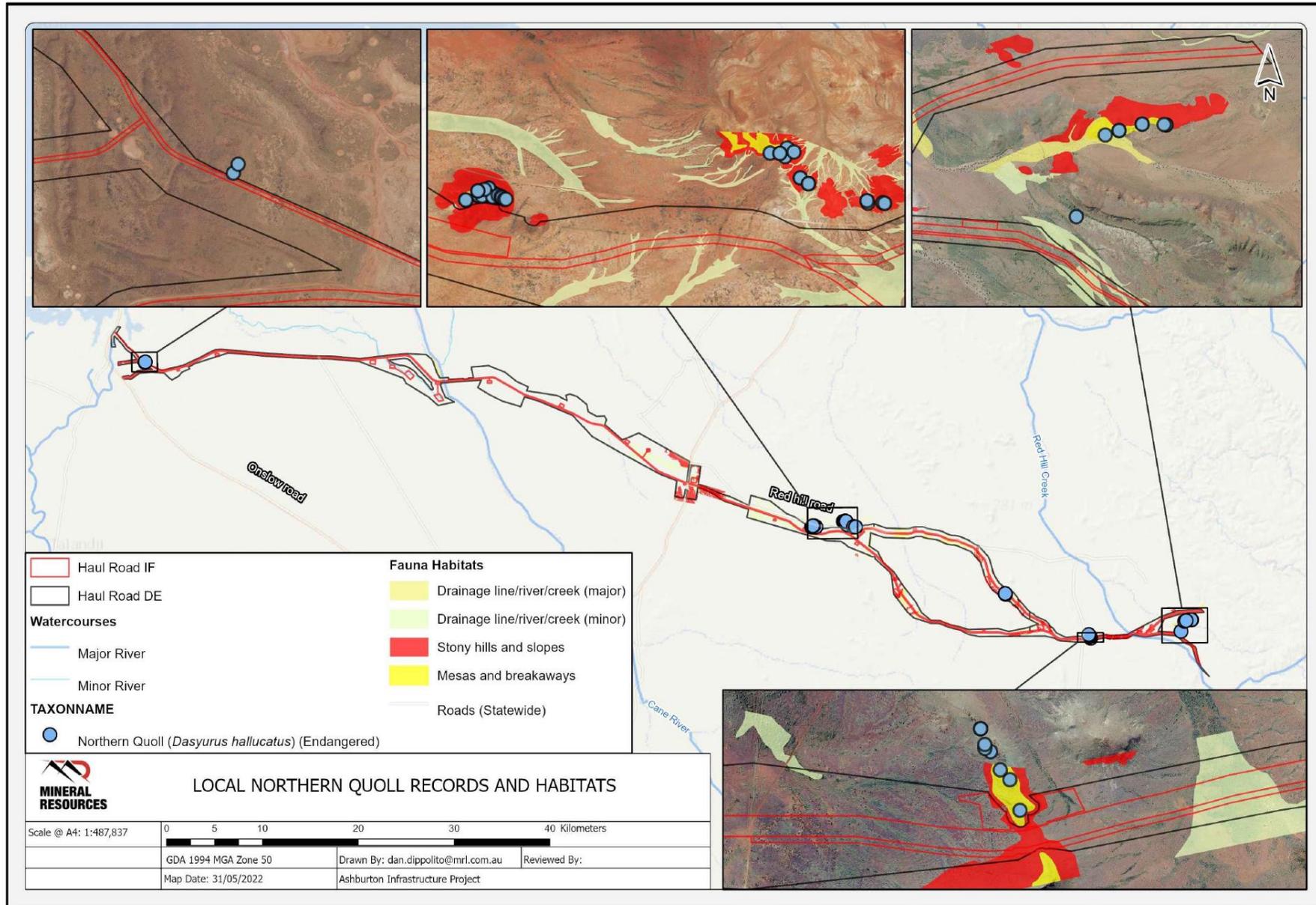


Figure 10: Location of northern quoll recordings and associated habitat types.

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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 L9376/2023/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. Category 12 (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 1: Risk assessment of potential emissions and discharges from the premises during operation (including mobilisation to site and installation)

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Comment / Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation (including mobilisation to site and installation)								
Screening, crushing, unloading, loading and storage of material Vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Nearest residence Peedamulla Campground 3km from operating area (1.3km from premises boundary) PEC (Tampool Land System) 600m from premises boundary.	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Condition 1	The EPA's assessment concluded that, with the proponent's mitigation measures applied, dust emissions were unlikely to have such a significant impact on flora and vegetation to warrant specific conditions under Part IV of the EP Act. In undertaken its assessment of dust emissions the Delegated Officer notes that screening activities will occur at discrete locations within the haul road development envelope for a short period (i.e. a few months) at each location. Noting the above conclusions of the EPA, the temporary nature of operations, and controls proposed by the Applicant (including specific siting requirements), the Delegated Officer has determined that risks associated with dust emissions are medium. Applicant controls relating to dust suppression have been imposed on the Licence.

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Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Comment / Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Noise		Nearest residence Peedamulla Campground 3km from operating area (1.3km from premises boundary)	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	N/A	Noting that the plant is restricted to operating within the premises boundary, the Delegated Officer considers that there is sufficient separation between sensitive receptors such that the risk of impact from noise will be sufficiently low. It is noted that the nearest residential receptor is Peedamulla Campground which is located 1.3km outside of the premises boundary and 3km from the nearest proposed operational area. The temporary nature of operations (generally a few months at each discrete location) also lowers the likely risk of impact. The Delegated Officer also notes conclusions of EPA report 1733 which indicates that noise emissions at sensitive receptor locations (including residential receptors and the Aboriginal Lore Ground) would achieve the assigned levels of the Environmental Protection (Noise) Regulations.
			Conservation significant fauna located in mesa & breakaway habitat (nearest <100m from proposed screening location)	N/A	N/A	N/A	N/A	The Delegated Officer considers that impacts to conservation significant fauna from noise are managed under Part IV of the EP Act. The Delegated Officer notes that operational restrictions apply if operating within a 1km buffer of mesa or breakaway habitat including speed limits and limiting hours of operation to daylight hours.
	Light	Air / windborne pathway causing impacts to health and amenity	Nearest residence Peedamulla Campground 3km from operating area (1.3km from premises boundary)	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	N/A	The Delegated Officer considers there will be sufficient separation between sensitive receptors such that the risk of impact will be sufficiently low. It is noted that the nearest residential receptor is Peedamulla Campground which is located 1.3km outside of the premises boundary.
			Terrestrial fauna including conservation significant fauna	N/A	N/A	N/A	N/A	The Delegated Officer considers that impacts to conservation significant fauna from light are managed under Part IV of the EP Act.

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Comment / Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Cane River/Red Hill Creek and other ephemeral drainage lines	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Condition 1	Applicant controls relating to stormwater management and siting limitations have been proposed on the Licence to provide sufficient buffer to sensitive receptors and appropriately manage risks. This includes a minimum separation distance of 100m from any river/creek channel to minimise risks to local surface water quality. To ensure that sedimentation basins are sized appropriately to limit potential for sediment laden water discharge from the premises, sizing of sedimentation basins has been specified on the licence. The Delegated Officer also notes that crushing and screening works are expected to be conducted outside of the wet season limiting the potential for stormwater impacts.
Refueling of diesel generators / maintenance of mobile equipment	Hydrocarbon spills		Groundwater Heritage sites (<100m to nearest site).		Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Condition 1

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	Comments received	Department response
Application advertised on the department's website on 1 March 2023	No comments received.	N/A
Local Government Authority advised of proposal on 1 March 2023	No comments received.	N/A
Department of Mines, Industry Regulation and Safety (DMIRS)	Refer to Appendix 1.	
Department of Planning, Lands and Heritage (DPLH)		
Red Hill Station		
Robe River Kuruma (RRK) Aboriginal Corporation		
Ashburton Aboriginal Corporation (Ashmulla Pastoral Co.)		
Wirrawandi Aboriginal Corporation	No comment provided.	N/A
Applicant was provided with draft documents on 14 July 2023	Applicant responded to draft documents on 14 July 2023 with no comments and waived the remainder of the comment period.	Noted.

5. Decision

The Delegated Officer has determined that the proposal to operate mobile crushing and screening equipment at the premises to support the construction of the Ashburton Infrastructure Project haul road does not post an unacceptable risk to the environment. In making this determination, the Delegated Officer has considered the following:

- the short term duration of work at each location, i.e. that the mobile plant will be located at multiple locations across the premises temporarily (e.g. for approximately two months);
- that the overall timeframe for construction of the haul road is limited to approximately 18months, although notes that this may be extended depending on construction delays;
- the Applicant controls to be applied per Table 1;
- the distance to human receptors;
- conclusions of the assessment undertaken under Part IV of the EP Act and conditions applied under MS1204, in particular, conditions relating to the disturbance of vegetation, significant fauna and cultural heritage.

Although the Applicant has provided indicative locations of areas to be used for operation of the mobile plant, the Delegated Officer notes that these locations are potentially subject to change.

To account for this uncertainty, the Delegated Officer has imposed separation requirements on the Licence to ensure that appropriate buffers in place to mitigate potential impacts to sensitive receptors that occur on the premises. The Applicant is also required to comply with conditions of MS1204 relating to the disturbance of significant fauna habitat.

6. 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. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. Environmental Protection Authority (EPA) 2023, *Ashburton Infrastructure Project Onslow Infracore Pty Ltd, EPA Report 1733*, Perth, WA.
5. Mineral Resources (2022) *Ashburton Infrastructure Project Terrestrial Environmental Management Plan (A0000WPP-EN-PLN-0003)*, Perth, WA

Appendix 1: Summary of stakeholder comments on application

Stakeholder	Summary of stakeholder comments	Department's response
DMIRS	Mining Proposal and tenure pending.	The Delegated Officer notes that following this initial advice, and as of 5 July 2023, tenure for the tenements associated with this proposal has been granted. The Delegated Officer also notes that Mining Proposal Reg ID 113454 was granted 7 July 2023.
DPLH	<p>DPLH confirmed that a Section 18 Notice had been submitted under the <i>Aboriginal Heritage Act 1972</i> (AHA) for a portion of the application area for the 'construction of a haul road'. The Application includes the following lodged/registered heritage sites:</p> <ul style="list-style-type: none"> • Place ID 39707 (RRK/ASA1-AS-22-001) • Place ID 39708(RRK/ASA1-AS-22-002) • Place ID 39711 (RRK21_012) • Site ID 39214 (RRK21_013) • Place ID 39709(RRK/ASA1-AS-22-003) • Place ID 39710(RRK/ASA1-AS-22-004) • Place ID 39712 (RRK-KB-2201) <p>Cultural Heritage Management Plans are being developed with each relevant Traditional Owner group.</p> <p>DPLH also noted that the haul road proposal area also intersects with the following Aboriginal sites/lodged sites which are not subject of the Section 18 Notice and require approval under the AHA should they be disturbed as part of the proposed works:</p> <ul style="list-style-type: none"> • Place ID 33127 (BA78-11-013) • Place ID 33122 (BA78-11-007) • Place ID 33124 (BA78-11-009) • Place ID 29200 (Toolunga Creek Heritage Site 4) <p>It was noted that relevant stakeholders requiring consultation in relation to heritage matters include Robe River Kuruma Aboriginal Corporation and Wirrawandi Aboriginal Corporation. DPLH also noted that the Applicant should also familiarise themselves with the new <i>Aboriginal Cultural Heritage Act 2021</i>, coming into effect 1 July 2023.</p>	<p>DWER notes that some listed heritage sites are the subject of a Section 18 Notice but that others required approval should they be disturbed as part of the proposal. The Delegated Officer notes that it is the responsibility of the Applicant to ensure they have obtained all necessary approvals before commencing activities as part of this proposal.</p> <p>The Delegated Officer also notes that MS1204 requires the Applicant to not undertake any ground disturbing activities that may result in any impact to Aboriginal cultural heritage until the CEO has confirmed in writing that the relevant Environmental Management Plans required under MS1204 are acceptable.</p> <p>Comment was sought from recommended parties for consideration in the assessment of this Licence (see below).</p>
RRK	<p>No objections to the proposed screening activities were raised.</p> <p>RRK noted concerns regarding the haul road project have been raised with</p>	The Delegated Officer notes the comments regarding the development of the Cultural Heritage Management Plan, and the ongoing

Stakeholder	Summary of stakeholder comments	Department's response
	<p>the Applicant. Of particular concern was heritage and environmental impacts associated with taking/usage of water. RRK highlighted the cultural significance of local waterway. It was noted that a Cultural Heritage Management Plan would be developed in consultation with the Applicant to ensure that cultural heritage impacts were appropriately mitigated.</p>	<p>consultation with the Applicant. The Delegated Officer also notes the requirements within MS1204 regarding the development of an environmental management plan, in consultation with the Robe River Kuruma Aboriginal Corporation.</p> <p>Impacts to waterways from screening activities have been considered in section 3. Key risks are impacts from sediment laden stormwater and spills of environmentally hazardous materials. The Delegated Officer determined that the Applicant controls are sufficient to mitigate potential risks however to ensure appropriate protection of waterways, have imposed separation distances on the Licence ensuring that activities do not occur within 100m of any river or creek channel.</p>
<p>Ashburton Aboriginal Corporation (AAC)</p>	<p>Advised that AAC have no interests in Peedamulla Station. No objections to the proposed screening activities were raised.</p>	<p>Noted.</p>
<p>Red Hill Station</p>	<p>No work must commence until relevant mining tenure has been granted.</p>	<p>The Delegated Officer notes that as of 5 July 2023, tenure for the tenements associated with this proposal has been granted. The Delegated Officer also notes that Mining Proposal Reg ID 113454 was granted 7 July 2023.</p>
	<p>Concern was raised regarding the introduction of weeds suggesting that stringent conditions should be applied regarding the prevention and management of weeds on the pastoral station.</p>	<p>The Delegated Officer notes that impacts associated with the introduction of weeds from the Ashburton Infrastructure Project have been assessed under Part IV of the EP Act (refer to EPA Report 1733) and that conditions have been applied under MS1204 relating to the management of weeds.</p> <p>The scope of this assessment under Part V of the EP Act is limited to risks associated with emissions and discharges resulting from the prescribed activities as identified in Section 3.2.</p>
	<p>Dust must be controlled during operations to ensure that dust is not deposited on surrounding vegetation and does not impact pastoral personnel, operations and livestock in any way.</p>	<p>The department's assessment of risks associated with dust are document in section 3.</p> <p>The applicant has proposed a number of controls as outlined in Table 1 for mitigating emissions of dust including, but not limited to, water sprays on material transfer points and sprays/covers on conveyors. Furthermore, screening equipment is expected to operate at discrete locations along the haul road development envelope for short periods</p>

Stakeholder	Summary of stakeholder comments	Department's response
		<p>at each location (approximately 2 months).</p> <p>The nearest residential premises (Peedamulla Campground) is located approximately 1.3km from the premises boundary (approx. 3 km from the nearest proposed plant operating area) which is considered sufficient separation by the Delegated Officer to mitigate the risk of dust impacting residential premises.</p> <p>Delegated Officer notes the conclusions of the EPA's assessment under Part IV of the EP Act that with the applicant's mitigation measures applied, dust emissions were unlikely to have such a significant impact on flora and vegetation to warrant specific conditions, and therefore considers that impacts of dust on vegetation are low.</p> <p>Noting the applicant controls, the temporary nature of the work at each location, and distance to sensitive receptors, the Delegated Officer considers that the risk of dust emissions impacting sensitive receptors, including pastoral personnel and livestock that may temporarily transect the premises, is low.</p>
	<p>The activity must not expose livestock to any materials, contaminants, emissions or any other biosecurity risk or activity that may cause them harm. Livestock should be excluded from the area where the activity will occur.</p>	<p>If not managed appropriately, wastewater and hazardous materials can impact waterways with secondary impacts to fauna and livestock utilising those waterways.</p> <p>The department's assessment of risks associated with contaminated stormwater and hydrocarbons is document in section 3.</p> <p>The Applicant has proposed a number of controls reducing the risk of contamination as outlined in Table 1. The Delegated Officer determined that controls proposed by the Applicant are suitable for reducing the risk of contamination. Siting requirements have been imposed on the Licence to ensure that suitable separation is maintained between waterways to further reduce the risk of impact.</p> <p>The scope of the assessment under Part V of the EP Act (i.e. this licence) is limited to risks associated with emissions and discharges resulting from the prescribed activities as identified in Section 3.2 Other biosecurity risks, such as weeds and disease, are managed under Part IV of the EP Act and by other agencies such as the Department of Primary Industries and Regional Development (DPIRD).</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 checked="" type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" 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 / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
		Date Report received: N/A	
Date application received	20 January 2023		
Applicant and Premises details			
Applicant name/s (full legal name/s)	Onslow Infracore Pty Ltd		
Premises name	Ashburton Infrastructure Project – Haul Road		
Premises location	Tenements:		
	L08/202	L08/214	L08/232
	L08/205	L08/215	L08/247
	L08/206	L08/216	L08/253
	L08/210	L08/219	L08/199
	L08/211	L08/220	
	L00/212	L08/231	
Local Government Authority	Shire of Ashburton		
Application documents			
HPCM file reference number:	DER2023/000047		
Key application documents (additional to application form):	Application Form and Supporting Document (Redacted version included) Terrestrial Environmental Management Plan (TEMP) Flora and vegetation assessment Vertebrate Fauna and Short-Range Endemic Invertebrate Fauna Assessment		
Scope of application/assessment			
Summary of proposed activities or changes to existing operations.	<p>Licence:</p> <p>Construction and operation of mobile crushing and screening equipment to support construction of the Ashburton Infrastructure Project Haul Road. Maximum design capacity (and throughput) is 4.5 million tonnes per year. Plant comprises of:</p> <ul style="list-style-type: none"> • A temporary loading ramp; • Mobile cone crusher; • Mobile horizontal screener; • Mounted mobile tracked conveyor and • associated plant and equipment including diesel generation, water cart, etc. <p>The plant will operate for approximately 18 months.</p>		

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 12: Screening, etc. of material	4.5mtpa	N/A

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 checked="" type="checkbox"/> No <input type="checkbox"/> Under assessment – ARI (Assessment No 2320)	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input checked="" type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Ministerial statement No: MS1204 EPA Report No: 1733
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Reference No: 2021/9064 Controlled Action – Assessed by Public Environmental Report EPBC approval obtained 12 December 2022
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Mining tenements pending	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Mining tenure pending	Approval: Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	CPS No: Assessed under Part IV. Decision pending
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
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"/>	Application reference No: Licence/permit No: GWL048709
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"/> No planned discharge	Name: Pilbara Groundwater Area and Pilbara Surface Water Area Type: Groundwater Area / Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

		Regional office:
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Nearest 600m from premises boundary (Cane River Water Reserve)	Name: N/A Priority: 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, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Mining Act 1978</i> – Mining Proposal is under assessment (Reg ID 113454)
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A