



Licence Number	L9231/2019/1
Licence Holder	Cowara Contractors Pty Ltd
ACN	115 007 228
Registered business address	Suite 3 - 46 Albert Road BUSSELTON WA 6280
File Number	DER2019/000668
Duration	19 May 2020 to 18 May 2030
Date of issue	19 May 2020
Prescribed Premises	Category 13: crushing of building material Category 62: solid waste depot
Premises	Cowara Contractors Lot 1062 Ablett Road COWARAMUP WA

This Licence is granted to the Licence Holder, subject to the following conditions, on 19 May 2020, by:

Tracey Hassell

A/MANAGER, WASTE INDUSTRIES

Officer delegated under Section 20 of the Environmental Protection Act 1986

Explanatory notes

These explanatory notes do not form part of this Licence.

Defined terms

Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986 (WA)* (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

Licence

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987 (WA)* (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

Responsibilities of a Licence Holder

Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- restrictions on making certain changes to Prescribed Premises unless the changes are in accordance with a works approval, Licence, closure notice or environmental protection notice (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been Conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

Amendment of licence

The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the CEO without an application being made.

Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

Duration of Licence

The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

Fees

The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect.

Definitions

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

Table 1: Definitions

Term	Definition
ACM	Asbestos Containing Material
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 January until 31 December.
Asbestos	means the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite and any mixture containing 2 or more of those.
Asbestos containing material	has the meaning defined in the Guidelines for Assessment, Remediation and Management of Asbestos Contaminated Sites, Western Australia, (DOH, 2009).
Books	has the same meaning given to that term under the EP Act.
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 10 Joondalup DC JOONDALUP WA 6919 info@dwer.wa.gov.au
Classified load	means the classification of waste loads during acceptance and post acceptance based on the risk of waste material containing asbestos or ACM and through visual inspection. Classification of waste loads shall be undertaken in accordance with the provisions outlined in Section 3.3 and 3.4 DER Asbestos Guidelines.
Clean Fill	Raw excavated natural material such as clay, gravel, sand, soil or rock fines that has been excavated or removed from the earth in areas that have not been subject to potentially contaminating land uses including industrial, commercial, mining or intensive agricultural activities
Compliance Report	means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website).
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.

Term	Definition
Construction waste	means materials in the waste stream which arise from construction activities only.
Damp	means moist to the touch
Demolition Waste	means materials in the waste stream which arise from demolition or refurbishment activities only.
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.
Department Request	<p>means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to:</p> <ul style="list-style-type: none"> (a) compliance with the EP Act or this Licence; (b) the Books or other sources of information maintained in accordance with this Licence; or (c) the Books or other sources of information relating to Emissions from the Premises.
DER Asbestos Guidelines	means document titled "Guidelines for managing asbestos at construction and demolition waste recycling facilities", published by the Department of Environment and Conservation, as amended from time to time.
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation.
Emission	has the same meaning given to that term under the EP Act.
Environmental Harm	has the same meaning given to that term under the EP Act.
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i> .
EP Regulations	means the <i>Environmental Protection Regulations 1987 (WA)</i> .
Implementation Agreement or Decision	has the same meaning given to that term under the EP Act.
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Licence	refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions.

Term	Definition
Licence Holder	refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Primary Activities	refers to the Prescribed Premises activities listed on the front of this Licence as described in Schedule 4, at the locations shown in Schedule 1.
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.

Interpretation

In this Licence:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Infrastructure and equipment

1. The Licence Holder must ensure that the infrastructure and equipment specified in Column 1 of Table 2 is maintained in good working order and operated in accordance with the requirements specified in Column 2 and Column 3 of Table 2.

Table 2: Infrastructure and equipment controls table

Column 1	Column 2	Column 3
Site infrastructure and equipment	Operational requirements	
CAT 325CL Excavator or equivalent excavator with a maximum sound power level of 108 dB(A)	None	The Licence Holder is limited to operating this equipment between the hours of 0700 to 1700, Monday to Friday and 0700 to 1200 Saturday mornings.
Komatsu 430-6 Wheel Loader or equivalent loader with a maximum sound power level of 108 dB(A)	None	
Kleeman Jaw Crusher or equivalent jaw crusher with a maximum sound power level of 113 dB(A)	Must only be located and operated at the location marked 'Construction Material and Process Area' on the Premises Map in Schedule 1. Must be fitted with water sprays or sprinklers.	
McCloskey Impact Crusher or equivalent impact crusher with a maximum sound power level of 113 dB(A)		
McCloskey Screener – S130 or equivalent screener with a maximum sound power level of 108 dB(A)		
Water sprays/sprinklers on crushing equipment	Must be functioning when the equipment is in operation.	nil
Water sprays/sprinklers on screening equipment		
Water Cart	Operate as needed when visible dust is generated from stockpile surfaces on the premises, or if inclement weather is forecast.	

Waste acceptance and processing controls

2. The Licence Holder must not accept any demolition waste onto the Premises.
3. In the event that asbestos or ACM is identified at the Premises, the Licence Holder must cover or bag the waste and keep it within a clearly identified, labelled, segregated and secure container prior to being removed off site to an appropriate authorised facility within 48 hours.
4. The Licence Holder must continue to visually inspect waste on the Premises at all stages of the storage, sorting and screening process. Suspect asbestos identified at any stage of the process must be handled in accordance with the high-risk load procedure outlined in Schedule 2.
5. The Licence Holder must only store and process the materials specified in Column 1 of Table 3 in accordance with the requirements specified in Column 2 of Table 3.

Table 3: Storage and processing requirements

Column 1	Column 2
Material	Storage and Processing Requirements
Construction waste	<ul style="list-style-type: none"> • Subject to crushing, screening and storage activities. • All loads to be wet down prior to unloading. • Must be maintained in a damp condition during crushing and screening activities. • Stockpiles must not exceed 5m in height from the base of the stockpile. • Stockpiles are maintained in a damp state or otherwise stabilised to mitigate dust lift-off.
Clean Fill	<ul style="list-style-type: none"> • Stockpiles must not exceed 5m in height from the base of the stockpile.

Record-keeping

6. The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:
 - (a) the calculation of fees payable in respect of this Licence;
 - (b) the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 1 of this Licence;
 - (c) complaints received under Condition 7 of this Licence; and
 In addition, the Books must:
 - (d) be legible;

- (e) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (f) be retained for at least 3 years from the date the Books were made; and
 - (g) be available to be produced to an Inspector or the CEO.
7. The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:
- (a) an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licence Holder in response to the complaints.
8. The Licence Holder must submit to the CEO, no later than 1 March, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.
9. The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

Emissions

10. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for specified Emissions and general Emissions described in Column 1 of Table 4 subject to the exclusions, limitations or requirements specified in Column 2 of Table 4.

Table 4: Authorised Emissions table

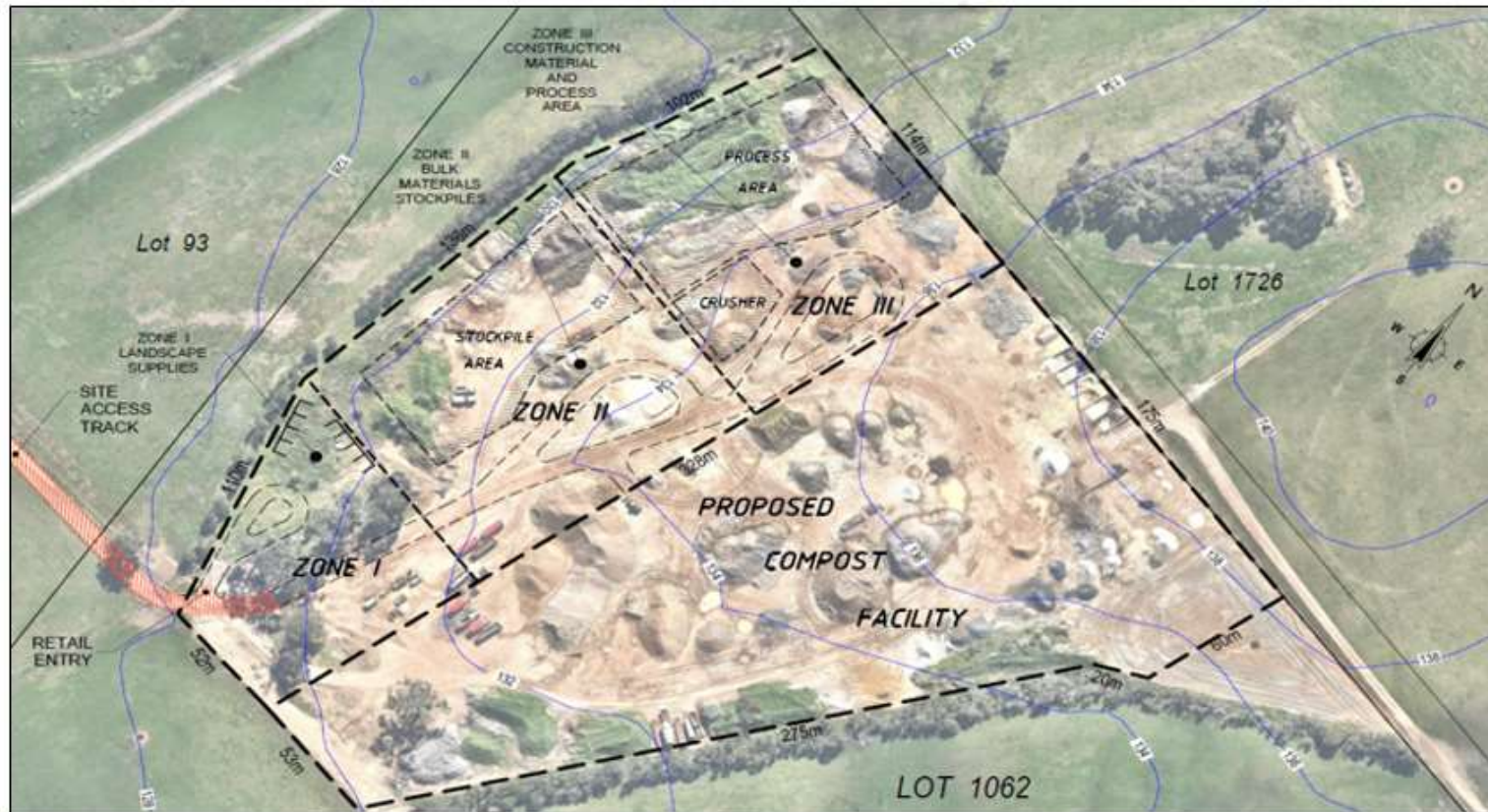
Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Dust	Subject to compliance with Conditions 1 and 5.
Noise	Subject to compliance with Condition 1.
General Emissions (excluding Specified Emissions)	
Emissions which: <ul style="list-style-type: none"> • arise from the Primary Activities set out in Schedule 4. 	Emissions excluded from General Emissions are: <ul style="list-style-type: none"> • Unreasonable Emissions; or

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
	<ul style="list-style-type: none"> • Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or • Discharges of Waste in circumstances likely to cause Pollution; or • Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or • Emissions or Discharges which do not comply with an Approved Policy; or • Emissions or Discharges which do not comply with a prescribed standard; or • Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or • Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.

Schedule 1: Maps

Premises map

The Premises is shown in the map below. The dashed perimeter line depicts the Premises boundary.



Schedule 2: Section of 3.4 of the DER Asbestos Guidelines (pages 11 and 12)

3.4 Load inspection after acceptance

Each accepted and classified load shall be directed to an unloading area at the site which is appropriately designed and constructed to ensure the waste will not mix with other waste. Where feasible, separate unloading areas shall be provided for low risk and high risk wastes.

All loads shall be dampened prior to unloading and maintained in a dampened state throughout the inspection process. Operators will need to ensure there are adequate facilities on the premises to achieve this.

Low risk load procedure

Loads classified as "low risk", must be visually inspected while the material is being unloaded to determine whether any asbestos can be identified.

If suspect fibrous asbestos (FA) or asbestos fines/fibres (AF) are detected, the load must be isolated, kept wet and once appropriately contained in accordance with the Asbestos Factsheet in Appendix A, redirected to an appropriately authorised disposal facility. If suspect ACM is identified, the load must be reclassified as "high risk" and continue to be processed in accordance with the high risk procedure below. Where the visual inspection confirms that the

load is clear of suspect ACM, FA and AF, the load may then be added to the waste stockpiles awaiting further processing eg crushing and screening.

High risk load procedure

Loads classified as "high risk" must be unloaded and spread over a sufficiently large area to enable a comprehensive visual inspection of all sides of the material to be undertaken. One method of achieving this is to spread the material to a depth of less than 30cm and to turn over the material with the use of an excavator or similar. Where appropriate, larger sections of concrete should be inverted to permit a visual check for embedded or underlying asbestos product debris.

If suspect FA or AF are detected, the load must be isolated, kept wet and once appropriately contained in accordance with the Asbestos Factsheet in Appendix A, and redirected to an appropriately authorised disposal facility.

Where suspect ACM is identified within a load and is not capable of being easily removed by hand, the load must be rejected and should be isolated, kept wet and once appropriately contained in accordance with the Asbestos Factsheet in Appendix A, and redirected to an appropriately authorised disposal facility.

Where suspected ACM fragments capable of being easily removed by hand are identified in a load, the suspect ACM must be removed from the load and either:

1. Appropriately isolated and covered for asbestos testing. If testing of representative samples confirms the material is ACM it must be redirected to an appropriately authorised disposal facility. If testing confirms the material is not ACM the waste can be added to the stockpile awaiting further processing; or
2. Assumed to be ACM and redirected to an appropriately authorised disposal facility.

All suspected or assumed ACM must be segregated. Material must be clearly labelled, kept secure and sufficiently contained to prevent the release of asbestos including wind blown fibres.

Once all suspected or assumed ACM has been removed from a load in line with the above procedure the residual waste can be added to the stockpile awaiting further processing.

Records must be kept to ensure that the process from receipt of C&D material to the completion of the unloading procedure is auditable and that any loads found to contain suspect asbestos can be traced back to the customer and originating site. Through Part V licence conditions, DEC will require records of loads found to contain asbestos and action taken by the C&D recycler to address this issue with the customer, to be submitted on a regular basis. DEC will take follow up action with customers delivering asbestos containing waste to the premises as necessary.

Schedule 3: Primary Activities

At the time of assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activities are listed in Table 5:

Table 5: Primary Activities

Primary Activity	Premises production or design capacity
Category 13 – crushing of building material	50,000 tonnes per year
Category 62 – solid waste depot	

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Table 2.

Site layout

The Primary Activity infrastructure and equipment is set out on the Premises in accordance with the site layout specified on the Premises map in Schedule 1.