Government of Western Australia
Department of Water and Environmental Regulation

Licence

Licence Number	L8259/2008/4
Licence Holder	Lexan Corporation Pty Ltd ACN 118 264 396
Registered business address	23 Wotton Street BAYSWATER WA 6053
File Number	DEC2302
Duration	9/04/2018 to 8/04/2038
Date of issue	5 April 2018
Prescribed Premises	Category 56: Used tyre storage (tyre fitting business)
Premises	Lexan Corporation Pty Ltd 23 Wotton Street BAYSWATER WA 6053 Being Part of Lot 89 on Diagram 100812

This Licence is granted to the Licence Holder, subject to the following conditions, on 5 April 2018, by:

Date signed: 5 April 2018
Rebecca Kelly
Manager Licensing (Waste Industries)
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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:

(i) conditions imposed by the Minister for Environment under Part IV of the EP Act;

(ii) conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;

(iii) any requirements under the *Waste Avoidance and Resource Recovery Act 2007;*

(iv) any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and

(v) 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. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 July until 30 June.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
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 *Environmental Protection Act 1986* Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
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).
Department	means the department 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 EP Act.
Department Request	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: (i) compliance with the EP Act or this Licence; (ii) the Books or other sources of information maintained in accordance with this Licence; or (iii) the Books or other sources of information relating to Emissions from the Premises.
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.

Term	Definition
Environmental Harm	has the same meaning given to that term under the EP Act.
EP Act	means the *Environmental Protection Act 1986* (WA).
EP Regulations	means the *Environmental Protection Regulations 1987* (WA).
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.
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 2, at the locations shown in Schedule 1.
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Tyre Pile	means four individual tyre stacks or bales of tyres grouped together.
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.

Conditions

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.

Infrastructure and equipment

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

Table 2: Infrastructure and equipment controls table

Column 1	**Column 2**	**Column 3**
Row number	**Site infrastructure and equipment**	**Operational requirements**
1	Hardstand storage area and roadways	Asphalt hardstand meeting permeability of less than 1.0×10^{-9} m/s
2	Fire extinguishers	A minimum of five class ABE extinguishers
3	2 x Sealed sumps	Sealed drainage sumps at the locations specified on the Premises Map within Schedule 1. Site catchment area must be graded towards the sealed sumps.
4	Tyre baler for passenger tyres	Must be stored within Unit 2 specified on the Premises Map within Schedule 1. Must only be operated between the

Column 1	Column 2	Column 3
Row number	**Site infrastructure and equipment**	**Operational requirements**
		hours of 7:30am and 3:30pm Monday to Friday.

Waste acceptance and storage

3. The Licence Holder must only accept wastes at the Premises if it is of a type specified in Column 1 of Table 3 and is below the quantity specified in Column 2 of Table 3.

Table 3: Waste Acceptance table

Column 1	Column 2
Waste Type	**Quantity Limit**
Inert Waste Type 2 (tyres only)	5,000 tyres (whole or baled) stored at the Premises at any one time

4. The Licence Holder must only process and store tyres (whole and baled) at the Premises if it is of a process specified in Column 1 of Table 4 and undertaken with the limits specified in Column 2 of Table 4.

Table 4: Waste Processing and Storage table

Column 1	Column 2
Process	**Process Limits**
Internal Storage	(i) Tyres shall be stored on level ground. (ii) Tyres to be stored in stacks or on racks. (iii) Tyres must be stored upright on racks. (iv) Individual tyre stacks not to exceed 3.7m in height and 30m^2 in area. (v) Tyre stacks and racks must maintain a minimum separation distance of 1 metre from the roof or any structures attached to the roof, including light fixtures and sprinkler heads.
External Storage	(i) Tyres must be stored on an asphalt hardstand graded towards the sealed drainage sumps. (ii) Tyres must be baled with a non-combustible securing device.

	(iii) Individual tyre stacks not to exceed 3.7m in height and 60m^2 in area. (iv) A maximum of four individual tyre stacks can be stored together in a Tyre Pile, with a minimum separation distance of 2.5m between each tyre stack in that pile. (v) Each Tyre Pile to be located at least 18m from other Tyre Piles. (vi) Tyre stacks are required to be located a minimum: (vii) 6m from Premises buildings with non-combustible external walls; (viii) 18m from Premises buildings with combustible external walls; and (ix) 18m from Premises boundary. (x) The far side of the public road reserve adjoining the Premises may be used for the purpose of achieving the 18m separation distance from the Premises boundary provided that tyre stacks are a minimum of 6m from the internal boundary[1]. (xi) In the event that Premises boundaries consist of non-combustible walls/fences with a minimum height of 3.7m, the separation distance of a tyre stack from the Premises boundary can be reduced to 6m.
Baling and removal off-site	Subject to the storage requirements specified above

Note 1: An example is provided in Appendix 1

5. Where the Licence Holder is unable to comply with the tyre storage requirements specified in Column 2 of Table 4, tyre stacks and bales must be stored in sea containers that are fully enclosed and lockable.

Specified Actions

6. The Licence Holder must maintain the tyre storage area and sealed drainage sumps free from accumulated storm water to ensure that it can contain a minimum of 162,000 litres of fire water at any time.

7. The Licence Holder must securely lock the Premises to prevent access when not attended.

8. The Licence Holder must immediately notify the CEO of:

(a) Any fire on the Premises; and

(b) Any accident, malfunction or emergency which could result in the discharge of fire water or other wastes from the Premises.

9. The Licence Holder must manage any fire water or debris at the Premises by:

   (a) Retaining all fire waters and debris within containment infrastructure on the Premises; and

   (b) Removing all fire waters and debris via a licenced controlled waste carrier within 24 hours of the fire being extinguished.

Record-keeping

10. 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; and

   (c) complaints received under Condition 10 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.

11. The Licence Holder shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

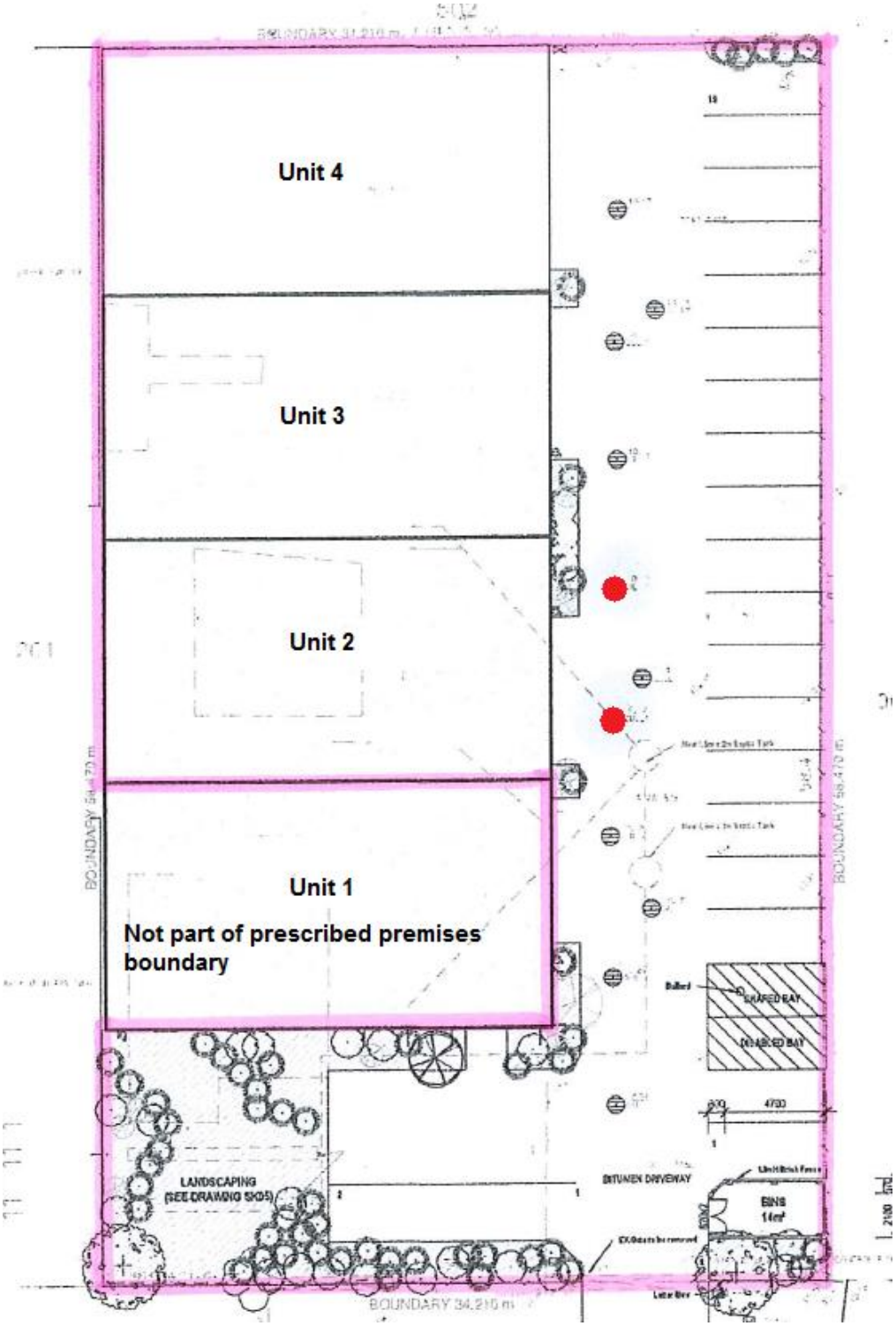
12. The Licence Holder must submit to the CEO, no later than 1 August each year, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.

13. 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.

Schedule 1: Maps

Premises map

(a) The Premises is shown in the map below. The red dots represent the locations of the sealed drainage sumps and the pink line depicts the extent of the Prescribed Premises boundary.



Schedule 2: 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 2: Primary Activities

Primary Activity	Premises production or design capacity
Category 56: Used tyre storage (tyre fitting business): premises on which used tyres are stored in connection with a tyre fitting business	5,000 tyres at any one time.

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is specified in Condition 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.

Appendix 1: External tyre storage example

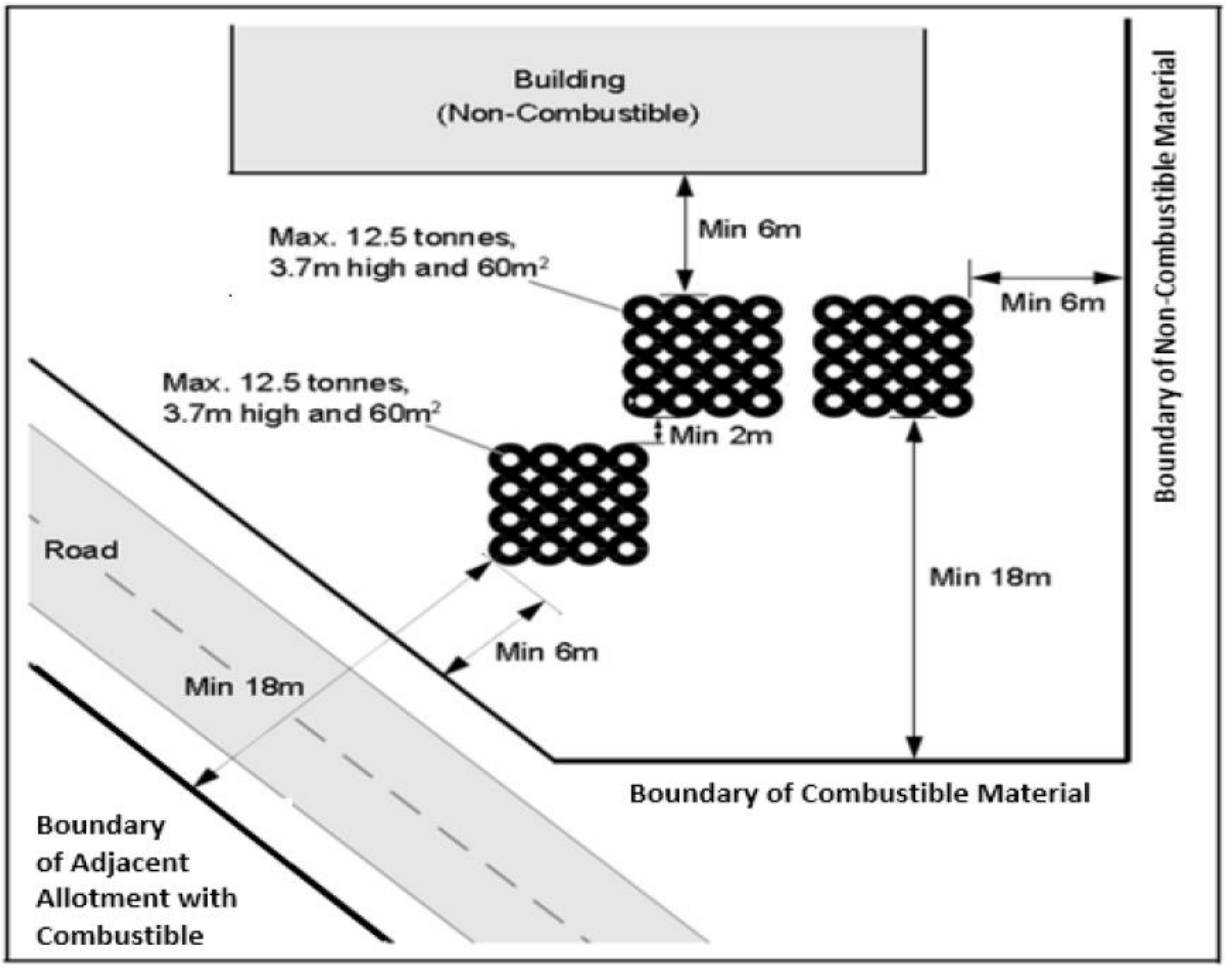


Image obtained from *Guidance Note: GN02, Bulk Storage of Rubber Tyres including Shredded and Crumbed Tyres, First Issue,* Published by the Department of Fire and Emergency Services

Decision Report

Application for Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L8259/2008/4
Applicant	Lexan Corporation Pty Ltd
ACN	118 264 396
File Number	DEC2302
Premises	Lexan Corporation Pty Ltd 23 Wotton Street BAYSWATER WA 6053 Being Part of Lot 89 on Diagram 100812
Date of Report	5 April 2018
Status of Report	Final

Table of Contents

1. Definitions of terms and acronyms

In this Decision 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
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
Decision Report	refers to this document.
Delegated Officer	an officer under section 20 of the EP Act.
Department	means the department 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 EP Act.
DFES Tyre Guidelines	means the document *Guidance Note: GN02, Bulk Storage of Rubber Tyres including Shredded and Crumbed Tyres, First Issue,* Published by the Department of Fire and Emergency Services
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the *Public Sector Management Act 1994* and is responsible for the administration of the *Environmental Protection Act 1986* along with other legislation.
EP Act	*Environmental Protection Act 1986* (WA)
EP Regulations	*Environmental Protection Regulations 1987* (WA)
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	Lexan Corporation Pty Ltd
m^3	cubic metres
Noise Regulations	*Environmental Protection (Noise) Regulations 1997* (WA)

Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Risk Event	As described in *Guidance Statement: Risk Assessment*
UDR	*Environmental Protection (Unauthorised Discharges) Regulations 2004* (WA)

2. Purpose and scope of assessment

The Licence Holder submitted a licence renewal application (Application) for a prescribed premises category 57 used tyre storage facility on Lots 89 and 90 Wotton Street in Bayswater (the Premises). The Existing Licence (L8259/2008/3) authorises the storage of up to 5,000 used tyres onsite at any time and expires on 8 April 2018.

The Delegated Officer's review of the application identified that tyre fitting activities are being undertaken at the Premises. Used tyre storage in connection with a tyre fitting business is more applicable to a category 56 prescribed premises which is:

> *Used tyre storage (tyre fitting business): premises on which used tyres are stored in connection with a tyre fitting business.*

As a result, the renewed licence has been amended from category 57, which was on the previous licence, to category 56 used tyre storage facility.

DWER Officers identified during a site visit in February 2018 that Lot 90 has been sold and no longer used for the prescribed premises activities. The scope of this assessment is limited to Lot 89.

This Decision Report assesses the risk to the environment posed by the storage of used tyres, as well as any emissions and discharges that may result in the event of a tyre fire.

2.1 Application details

The Application for licence renewal was received on 23 August 2017 with further supporting document and updated sections of the Application Form provided on 6 and 8 September 2017.

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Document/information description	Date received
Licence Renewal Application Form	23 August 2017
Licence Renewal Attachments for lease agreement (25 Wotton Street) and copies of certificate of title	23 August 2017
ASIC summary of Licence Holder	6 September 2017
Evidence of legal tenure – 25 Wotton Street	6 September 2017
Map of Premises	7 September 2017
Updated sections 3, 6 and 7 of Application Form	7 September 2017
Maps depicting location to nearest receptors	7 September 2017
Evidence of legal tenure – 23 Wotton Street	8 September 2017
Site plan of Lot 89	8 March 2018

3. Background

The Licence Holder receives used tyres onto the Premises. Where tyres can still be used on the road, these are stored onsite and sold as second hand tyres which may also be fitted at the Premises. End of life used tyres are baled onsite and loaded into sea containers for removal offsite.

Table 3 lists the prescribed premises categories that have been applied for.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	Approved Premises production or design capacity or throughput
Category 56	Used tyre storage (tyre fitting business): premises on which used tyres are stored in connection with a tyre fitting business.	5,000 tyres at any one time

4. Overview of Premises

4.1 Operational aspects

Previous operations included baling of both truck and passenger car tyres with bales being stored onsite. Current baling activities have been downsized to only passenger car tyres with bales being removed offsite regular once processed.

The nominated hours of operation are 7:30am to 3:30pm Monday to Friday. In most occasions the Premises will store between 1,000 to 3,000 used tyres at any one time, with a maximum of up to 5,000 tyres.

Advice provided by the Department of Fire and Emergency Services (DFES) on used tyre storage requirements to minimise fire risk has also been considered.

DFES guidance suggests the following external storage requirements for used tyres:

- Tyres to be stacked on level ground;
- A maximum of four individual tyre stacks stored in a group with a minimum of 2.5m between each tyre stack in the pile;
- Tyre stacks not to exceed 12.5 tonnes, 3.7m in height and 60m^2 in area.
- Each tyre pile to be separated from other tyre piles by 18m;
- Each tyre stack to be 18m from buildings and boundaries, or 6m separation distance in the event on non-combustible boundaries exceeding 3.7m in height.

These recommendations have been specified in DFES's published Guidance Note GB02: *Bulk Storage of Rubber Tyres including Shredded and Crumbed Tyres* (DFES Tyre Guidelines), which is valid until November 2019. This document also specifies storage requirements for internal tyre storage.

4.2 Infrastructure

The Lexan Corporation Pty Ltd (Lexan Corporation) facility infrastructure, as it relates to Category 56 activities, is detailed in Table 4 and with reference to the Site Plan (attached in the Licence).

Table 4 lists infrastructure associated with each prescribed premises category and Figure 1 depicts the Site Plan.

Table 4: Lexan Corporation facility Category 56 infrastructure

	Infrastructure	Site Plan Reference
	Prescribed Activity Category 56	
1	Hardstand for storage and processing areas	N/A – hardstand encompasses whole of site
2	5 x Class ABE Fire extinguisher	Located within Units 2, 3 and 4
3	Tyre Baler	Located in Unit 2
4	2 x Sealed sumps	Depicted as red dots
5	Used tyre storage and tyre fitting sheds	Units 3 and 4

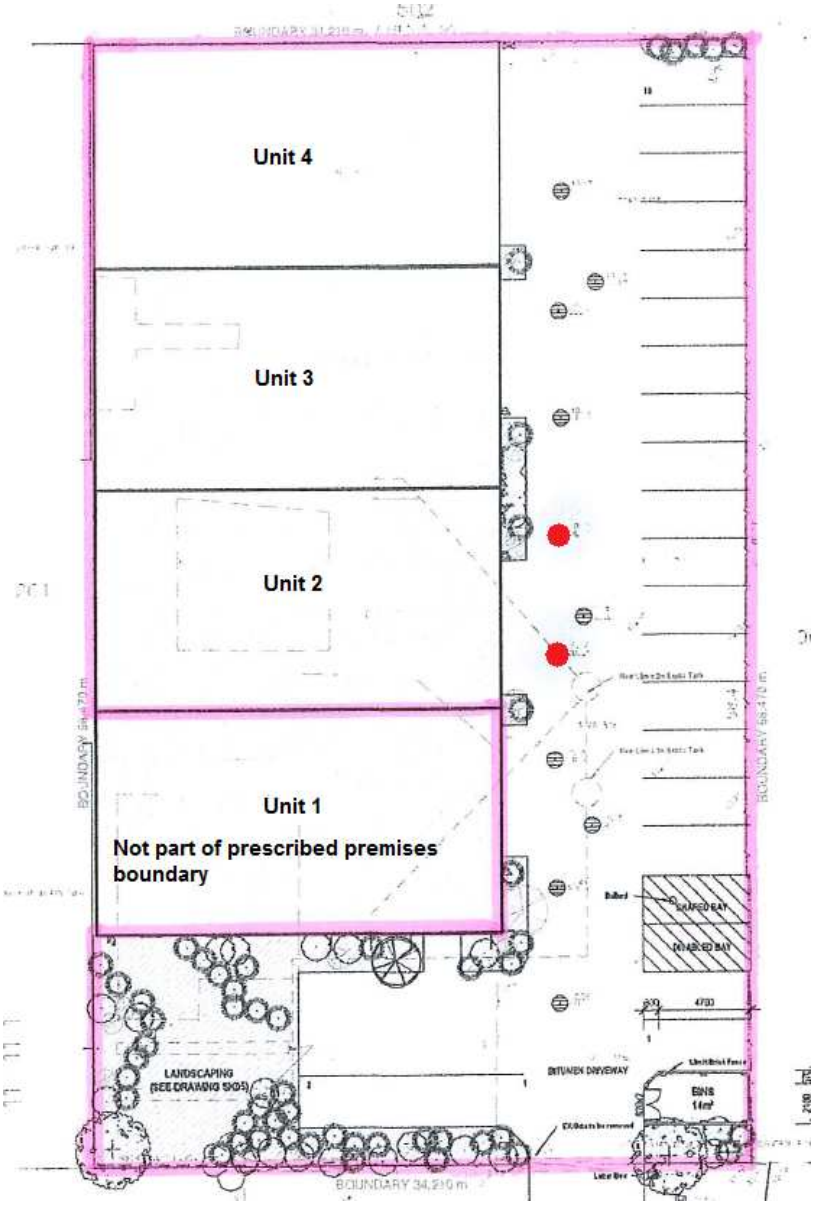


Figure 1: Site Plan

5. Legislative context

5.1 Other relevant approvals

5.1.1 Planning approvals

The Premises is located within the City of Bayswater (the City) in an area zoned 'General Industry' under the City's *District Town Planning Scheme No. 24* (DTPS24) which is derived from the *Planning and Development Act 2005*.

The Delegated Officer considers that the storage and baling of used tyres is a general industry.

Table No. 1 (Zoning Table) in DTPS24 states that a general industry activity is permitted within an area zoned General Industry.

5.2 Part V of the EP Act

5.2.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations.

The guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

5.2.2 Works approval and licence history

Table 5 summarises the works approval and licence history for the premises since 2008.

Table 5: Licence history

Instrument	Issued	Nature and extent of works approval, licence or amendment
L8259/2008/1	09/10/2008	New licence granted
L8259/2008/1	30/07/2009	Licence amendment to include conditions to address fire management
L8259/2008/2	25/08/2011	Licence renewal
L8259/2008/2	03/01/2013	Licence amendment to remove trading name of 'Tyre Recyclers WA' from the licence
L8259/2008/3	08/10/2014	Licence renewal
L8259/2008/3	4/10/2017	Licence amendment to extend duration by three months

L8259/2008/3	22/12/2017	Licence amendment to extend duration by three months
L8259/2008/4	5/04/2018	Licence renewal

5.2.3 Compliance inspections and compliance history

The following compliance inspections were conducted by the Department:

2008
17 October 2008 – records indicate that the Licence Holder was found to be non-compliant with condition G2(a) which specified a maximum of 500 tyres to be stored onsite at any one time. This matter was resolved via a licence amendment to increase the authorised Premises storage limit as it is understood that the lower tyre limit was the result of a typographical error.

2011
7 June 2011 – based on available records, at the time of the inspection, the Licence Holder was found to be non-complaint with condition G3(c) which required sealed sumps to be installed at the Premises. Sealed sumps were later installed at the premises for the purpose of containing waste waters generated in the event of a fire.

2012
19 October 2010 – records indicate that at the time of the inspection, there were no identified compliance issues.

2014
20 November 2014 – the Licence Holder was identified as being non-compliant with condition 5.1.4 which required a complaints management system to be in place. This was later rectified by the Licence Holder.

2017
8 March 2017 - records indicate that at the time of the inspection, some tyres were being stored outside of the Premises boundary however this was rectified.

6. Location and siting

6.1 Siting context

The Premises is located within an industrial precinct within the City of Bayswater, however residential receptors are located in close proximity.

The Premises boundary is located 20m west of the Tonkin Highway. Three Public Open Spaces are within close proximity to the Premises.

There are no receptors of environmental significance within 2.5 km of the site. Surface water and groundwater receptors are discussed below in section 6.3.

6.2 Residential and sensitive Premises

The distances to residential and sensitive receptors are detailed in Table 6.

Table 6: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Residential Premises	The closest residential receptors are located 125m east and 390m west of the Premises.

Sensitive Land Uses	Distance from Prescribed Activity
Public Open Spaces	Three public open spaces all located within 270m of Premises. These are: • Wotton Reserve: north-west; • Houghton Park: north-east; and • Joan Rycroft Reserve: south-east.
Other industrial premises	Other industrial premises are located adjacent to the Premises.

6.3 Groundwater and surface water sources

The distances to groundwater and water sources are shown in Table 7.

Table 7: Groundwater and water sources

Groundwater and water sources	Distance from Premises	Environmental value
Groundwater	Depth to groundwater is located at 9m bgl identified using the Department's Perth Groundwater Map (PGM). PGM infers a groundwater flow direction towards south-east.	Water is considered to be fresh (with a total dissolved solids value of 250-500 mg/L) and is suitable for domestic use.
Local compensation basin	740m south-east of Premises	The compensation basin provides a habitat for flora and fauna. This receptor is located hydraulically down-gradient of the Premises.
Bayswater Main Drain	1.26km south, south-east of the Premises	This receptor is a minor tributary of the Swan River. This receptor is located hydraulically down-gradient of the Premises.
Swan River	Located 2.6km south-east of the Premises	The Swan River supports a range of flora and fauna as well as providing aesthetic enjoyment. This receptor is located hydraulically down-gradient of the Premises.

6.4 Soil type

PGM has described the surface geology as Bassendean Sand: quartz sand (dunes). The Department's GIS mapping software identified the soil type as CB39 which is described as "Subdued dune-swale terrain: chief soils are leached sands" (Gnangara Sustainability Strategy – Situation Paper, January 2009). The Delegated Officer considers that this surface geology has a higher permeability.

6.5 Meteorology

6.5.1 Wind direction and strength

The following wind roses (Figure 2) provides the annual wind direction and strength (km/h) for the periods 9am and 3pm between the years 1988 to 2010 (most recent data available). The Bureau of Meteorology (BoM) provides the 9am and 3pm wind speed and direction for the Perth Metro WA station (station number 009225).

The region has a dominant annual wind direction consisting of easterly and north-easterly winds during morning and south westerly winds in the afternoon. Any air emissions from the premises will impact industrial receptors in the vicinity of the site, and potentially residential areas to the north, east and west. It is important to note that these wind roses shows historical wind speed and wind direction data for the Perth Metro area and should not be used to predict future data.

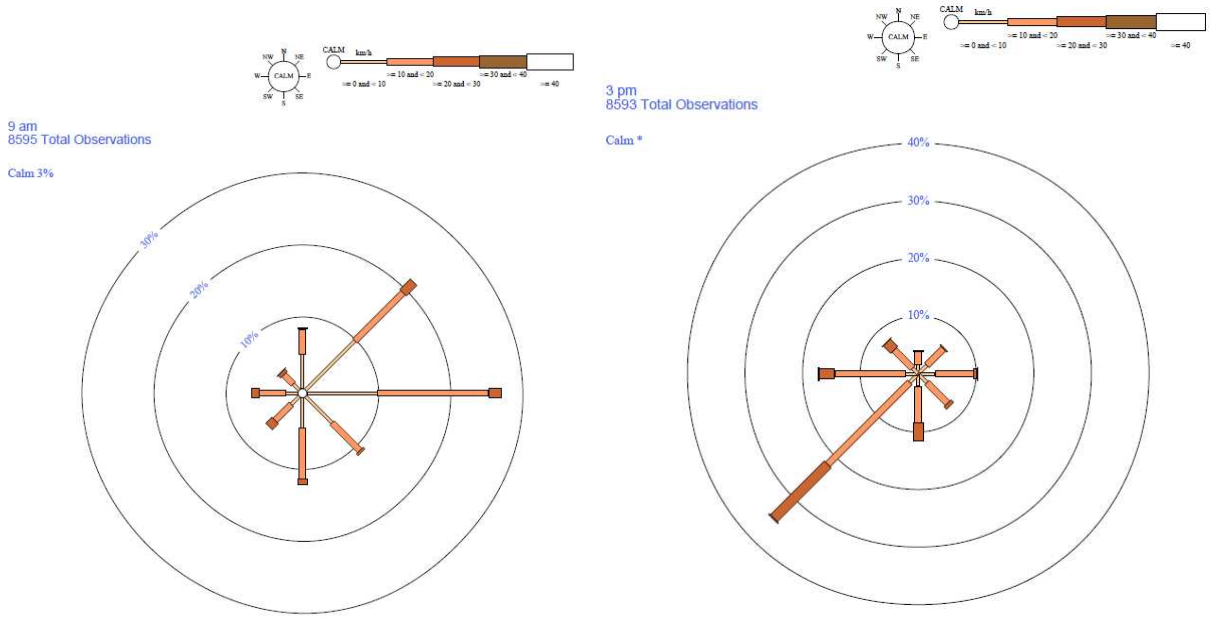


Figure 2: Wind rose for Perth Metro WA at 9am and 3pm (1988 – 2010)

7. Risk assessment

7.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

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. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Table 8.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Table 8 below.

Table 8: Identification of emissions, pathway and receptors

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		**Potential emissions**	**Potential receptors**	**Potential pathway**	**Potential adverse impacts**		
Waste acceptance, handling and storage ***Processing of waste***	*Storage and baling of used tyres*	*Particulates and noxious gases from fire / tyre combustion, including:* *Volatile Organic Compounds (VOC's), Benzene, Toluene, Xylene (BTEX); Poly Aromatic Hydrocarbons (PAH's), dioxins, furans, heavy metals; Oxides of Nitrogen (NOX); Sulphur Oxides (SOX)*	*Closest residences are located 125m east of Premises*	*Air / wind dispersion*	*Public health effects from inhaled particulates, heavy metals and gases* *Impacts to amenity and wellbeing*	*Yes*	*Please refer to risk assessment in Section 7.4*
			Neighbouring industrial premises				
			Public Open Spaces				
			Local Compensation Basin		*Contamination to surface water from drop out of ash and other particulates*		
			Bayswater Main Drain				

Risk Events						Continue to detailed risk assessment	Reasoning
Sources/Activities		**Potential emissions**	**Potential receptors**	**Potential pathway**	**Potential adverse impacts**		
		(Upset conditions in event of fire)	*Swan River*				
Waste acceptance, handling and storage ***Processing of waste***	*Storage and baling of used tyres*	*Wastewaters/leachate generated from extinguishing of a fire which may include:* *Solids (soot, burnt plastic, burnt rubber, asbestos); VOC's; PAH's; benzene; dioxins, furans, Heavy Metals; NOx; SOx, Pyrolytic Oil; Fuel Oils (Diesel, petrol)* *(upset conditions in the event of a fire)*	*Groundwater located 9m bgl*	*Seepage through hardstands* *Overland run-off and storm water drainage system*	*Contamination of groundwater supply for nearby users*	*Yes*	*Please refer to risk assessment in Section 7.5*
			Neighbouring industrial premises	*Overland run-off and storm water drainage system*	*Contamination of land (soil)*	*Yes*	
			Public Open Spaces				
			Local Compensation Basin	*Overland run-off and storm water drainage system* *Transport through groundwater*	*Contamination of surface waters*	*Yes*	
			Bayswater Main Drain				
			Swan River				
Waste acceptance, handling and storage ***Processing of waste***	*Storage and baling of used tyres*	*Noise emissions generated from the baling of tyres* *Noise emissions from vehicle movements*	*Closest residences are located 125m east of Premises*	*Air / wind dispersion*	*Impacts to amenity and wellbeing*	*Yes*	*Please refer to risk assessment in Section 7.6*
			Neighbouring industrial premises				
			Public Open Spaces				

7.2 Consequence and likelihood of risk events

A risk rating will be determined for risk events in accordance with the risk rating matrix set out in Table 9 below.

Table 9: Risk rating matrix

Likelihood	Consequence				
	Slight	Minor	Moderate	Major	Severe
Almost certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Medium	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 10 below.

Table 10: Risk criteria table

Likelihood		**Consequence**		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		**The following criteria has been used to determine the consequences of a Risk Event occurring:**		
			Environment	**Public health* and amenity (such as air and water quality, noise, and odour)**
Almost Certain	The risk event is expected to occur in most circumstances	Severe	• **onsite impacts**: catastrophic • **offsite impacts local scale**: high level or above • **offsite impacts wider scale:** mid-level or above • Mid to long-term or permanent impact to an area of high conservation value or special significance^ • Specific Consequence Criteria (for environment) are significantly exceeded	• Loss of life • **Adverse health effects:** high level or ongoing medical treatment • Specific Consequence Criteria (for public health) are significantly exceeded • **Local scale impacts:** permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	• **onsite impacts**: high level • **offsite impacts local scale**: mid-level • **offsite impacts wider scale**: low level • Short-term impact to an area of high conservation value or special significance^ • Specific Consequence Criteria (for environment) are exceeded	• **Adverse health effects:** mid-level or frequent medical treatment • Specific Consequence Criteria (for public health) are exceeded • **Local scale impacts**: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	• **onsite impacts**: mid-level • **offsite impacts local scale**: low level • **offsite impacts wider scale**: minimal • Specific Consequence Criteria (for environment) are at risk of not being met	• **Adverse health effects:** low level or occasional medical treatment • Specific Consequence Criteria (for public health) are at risk of not being met • **Local scale impacts:** mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	• **onsite impacts**: low level • **offsite impacts local scale**: minimal • **offsite impacts wider scale**: not detectable • Specific Consequence Criteria (for environment) likely to be met	• Specific Consequence Criteria (for public health) are likely to be met • **Local scale impacts:** low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	• **onsite impact**: minimal • Specific Consequence Criteria (for environment) met	• **Local scale**: minimal to amenity • Specific Consequence Criteria (for public health) met

^ Determination of areas of high conservation value or special significance should be informed by the *Guidance Statement: Environmental Siting.*

* In applying public health criteria, DWER may have regard to the Department of Health's *Health Risk Assessment (Scoping) Guidelines.*

"onsite" means within the Prescribed Premises boundary.

7.3 Acceptability and treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk treatment table 11 below:

Table 11: Risk treatment table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled.	Risk Event is acceptable and will generally not be subject to regulatory controls.

7.4 Risk Assessment – air emissions (particulates and gases) impacts on amenity, public health and environment in event of fire

7.4.1 General hazard characterisation and impact

Tyre fires are not typically anticipated at the premises but may also result from arson or from catching alight from an onsite ignition source Potential sources of fire at the premises include the self-combustion of both whole and baled tyres if tyre stacks reach high internal temperatures for extended periods, or during baling activities.

Tyre fires can emit air emissions including, but not limited to, particulates, Volatile Organic Compounds (VOC's), Benzene, Toluene, Xylene (BTEX), Poly Aromatic Hydrocarbons (PAH's), dioxins, furans, heavy metals, Oxides of Nitrogen (NO_X) and Sulphur Oxides (SO_X). These air emissions may travel through the air causing public health and amenity impacts to people outside the premise, including those on industrial premises in the vicinity and surrounding residential areas. The extent of the impact will be influenced by the prevailing weather conditions.

Tyre fires are difficult to extinguish due to the high energy content of tyres, the amount of radiant heat generated, and the retention of heat which can cause re-ignition after extinguishment. A tyre fire occurred at the Premises in June 2014.

The Licence Holder currently bales used tyres onsite as well as selling and fitting second hand tyres for re-use. The baler is located inside an enclosed unit (unit 2) with used tyres being stored inside Units 3 and 4 on racks. Tyres, both whole and baled, are stored onsite pending baling, re-sale or final disposal offsite.

The Existing Licence authorises the storage of up to 5,000 used tyres at any one time and specifies storage requirements such as separation distances between tyre stacks from walls, buildings, fences and other tyre stacks, as well as limiting tyre stacks in size and volume.

7.4.2 Criteria for assessment

Amenity and health impacts can be assessed against the general provisions of the EP Act, specifically whether odour and air emissions unreasonably interfere with the health, welfare, convenience, or comfort of any person.

7.4.3 Key findings

The Delegated Officer has reviewed the information regarding the odour and air emission impacts from the premises and has found:

1. *Tyre fires are hard to extinguish and emit smoke containing particulates and noxious gases.*
2. *A tyre fire occurred at the Premises in June 2014.*
3. *The Licence Holder undertakes baling activities within an enclosed unit.*
4. *Whole tyres are being stored both inside (80%) and outside (20%) the shed with inside tyres being stored on racks.*
5. *The Licence Holder has advised that the Premises stored between 1,000 to 3,000 tyres onsite at any one time.*
6. *Baled tyres are stored prior to being removed offsite.*
7. *In the event of a fire, air emissions may cause contamination impacts to land and surface water as well as health impacts to human receptors.*
8. *Discharges of air emissions may also be regulated under the Environmental Protection (Unauthorised Discharges) Regulations 2004.*

7.4.4 Consequence

Residences

Based upon the sensitivity and proximity of residential receptors, the Delegated Officer has determined that residences may experience mid-level health effects from air emissions and gases in the event of a fire. Given the limited separation distances to receptors, it is likely that a fire on the premises would impact premises in the vicinity of the site. Therefore, the Delegated Officer considers the consequence of air emissions from a fire is **major.**

Environmental

Based upon the sensitivity and proximity to surface water bodies, the Delegated Officer has determined that receptors may experience low-level offsite impacts. Therefore, the Delegated Officer considers the consequence of air emissions from a fire is **moderate.**

7.4.5 Likelihood of consequence

Residences

Based upon the Licence Holder's controls, proximity to residences and neighbouring industrial premises, compliance history, previous fire event and prevailing wind direction, the Delegated Officer has determined that the consequence of air and gas emissions from a fire could occur at some time. Therefore, the Delegated Officer considers the likelihood to be **possible**.

Environmental

Based upon the Licence Holder's controls, compliance history, proximity to receptors and their location away from the direction of the prevailing wind, the Delegated Officer has determined that the consequence of air and gas emissions from a fire could occur at some time. Therefore, the Delegated Officer considers the likelihood to be **possible**.

7.4.6 Overall rating of air emissions in event of a fire

Residences
The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 9) and determined that the overall rating for the risk of air and gas emissions on sensitive receptors in the event of a fire is **high**.

Environmental
The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 9) and determined that the overall rating for the risk of air and gas emissions on sensitive receptors in the event of a fire is **medium**.

7.5 Risk Assessment – leachate impacts on amenity, public health and environment in event of fire

7.5.1 General hazard characterisation and impact

Tyre fires are not typically anticipated at the premises but may also result from arson or from catching alight from an onsite ignition source. Sources of fire at the premises include the storage of both whole and baled tyres via self-combustion if tyre stacks reach high internal temperatures for extended periods, or during baling activities.

Fire-fighting foam used may contain hazardous materials including surfactants, emulsifiers and modifiers which can be discharged offsite. Fire water run-off impacts from a fire onsite may include solids (particulates, burnt plastic, burnt rubber), VOC's, PAH's, benzene, dioxins, furans, heavy metals, NO_X, SO_X, pyrolytic oil, fuel oils (diesel, petrol). The longer the fire burns for, the more leachate will be generated, including fire water from fire-fighting actions.

In the event of a fire, firefighting waste water and pyrolytic oil may discharge to offsite storm water drains or via surface run-off and subsequently into local environmental receptors such as groundwater and potentially the Swan River (depending on volumes, containment actions and local drainage).

7.5.2 Criteria for assessment

The ANZECC & ARMCANZ (2000) Australian Water Quality Guidelines for Fresh and Marine Water Quality (ANZECC) guidelines are the most appropriate assessment criteria to assess the potential impact on groundwater and surface water. In the absence of trigger levels in the ANZECC guidelines, the DoH (2014) *Contaminated sites ground and surface water chemical screening guidelines* may also be considered.

7.5.3 Proponent controls

The Licence Holder undertakes baling activities within an enclosed unit.

Sealed drainage sumps are located at the Premises which assist in containing any wastewaters generated in a fire. The asphalt hardstand is graded towards these sealed sumps. Stormwater drains can be covered as required.

The majority of tyres are stored inside an enclosed unit and on racks.

The key findings in Section 7.4.3 apply to this section in their entirety.

7.5.4 Consequence

Based upon the beneficial value of the groundwater, the Delegated Officer has determined the assessment criteria are at risk of not being met and may experience mid-level impacts from fire wash waters. Therefore, the Delegated Officer considers the consequence of leachate

emissions from fire wash waters in the event of a fire to be **major.**

7.5.5 Likelihood of consequence

Based upon the Licence Holder's controls, proximity to receptor, previous fire event and compliance history, the Delegated Officer has determined that the consequence of leachate emissions from fire wash waters could occur at some time. Therefore, the Delegated Officer considers the likelihood to be **possible**.

7.5.6 Overall rating of leachate emissions in event of a fire

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 9) and determined that the overall rating for the risk of leachate emissions on groundwater quality from fire wash waters is **high.**

7.6 Risk Assessment – noise emission impacts on amenity

7.6.1 General hazard characterisation and impact

The Licence Holder under baling activities on site. Balers emit noise emissions which may cause amenity impacts to residential receptors. Two balers are located at the Premises and both are located within a shed.

7.6.2 Criteria for assessment

The *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) specify the maximum assigned noise levels authorised to be emitted from a premises in relation to the receiving receptors and siting.

Residential premises are considered as 'noise sensitive premises: highly sensitive areas'.

In the Noise Regulations L_{A10} assigned levels for a 'noise sensitive premises: highly sensitive areas' are as follows:

- 0700 to 1900 hours Monday to Saturday (referred to as day-time hours): 45 dB + influencing factor;
- 0900 to 1900 hours Sunday and public holidays: 40 dB + influencing factor;
- 1900 to 2200 hours all days: 40 dB + influencing factor; and
- 2200 to 0700 hours Monday to Saturday and 0900 hours Sunday and public holidays: 35 dB + influencing factor.

Amenity and health impacts can be assessed against the general provisions of the EP Act, specifically whether noise emissions unreasonably interfere with the health, welfare, convenience, or comfort of any person.

7.6.3 Proponent controls

The Licence Holder undertakes baling activities within an enclosed unit and doors are predominantly kept closed to reduce noise emissions. Baling operations are limited to 7:30 am to 3:30pm Monday to Friday which are within the 'day time' hours specified in the Noise Regulations.

7.6.4 Key findings

The Delegated Officer has reviewed the information regarding the noise emission impacts from the premises and has found:

1. *The tyre baler is located inside a shed.*
2. *The Licence Holder has committed to restricting baling operations to 'day time' hours as prescribed under the Noise Regulations.*
3. *Baling operations limited to between 7:30am to 3:30pm Monday to Friday.*
4. *No noise complaints have been received in relation to site operations.*

7.6.5 Consequence

Based upon the sensitivity and proximity of residential receptors (closest residences are located 125m from the Premises), the Delegated Officer has determined that residences may experience low-level impact to amenity from noise emissions. The Delegated Officer considers the consequence of noise emissions from site activities is **minor.**

7.6.6 Likelihood of consequence

Based upon the Licence Holder's controls, proximity to residences and complaints history, the Delegated Officer has determined that the consequence of noise emissions will probably not occur in most circumstances. Therefore, the Delegated Officer considers the likelihood to be **unlikely**.

7.6.7 Overall rating of air emissions in event of a fire

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix (Table 9) and determined that the overall rating for noise emissions on sensitive receptors is **medium**.

7.7 Summary of acceptability and treatment of Risk Events

A summary of the risk assessment and the acceptability or unacceptability of the risk events set out above, with the appropriate treatment and control, are set out in Table 12 below. Controls are described further in section 8.

Table 12: Risk assessment summary

	Description of Risk Event			**Applicant controls**	**Risk rating**	**Acceptability with controls (conditions on instrument)**
	Emission	**Source**	**Pathway/ Receptor (Impact)**			
1A.	Air emissions (particulates and gases)	Burning tyres in the event of a fire	Air/wind to sensitive residential receptors causing impacts to health, wellbeing and amenity	No more than 5000 used tyres stored onsite at any one time Tyres predominantly stored inside an enclosed unit on racks.	Major consequence Possible likelihood **High Risk**	Acceptable subject to regulatory controls

	Description of Risk Event			Applicant controls	Risk rating	Acceptability with controls (conditions on instrument)
	Emission	**Source**	**Pathway/ Receptor (Impact)**			
1B.	Air emissions (particulates and gases)	Burning tyres in the event of a fire	Air/wind to sensitive surface water receptor causing impacts to surface water quality	No more than 5000 used tyres stored onsite at any one time Tyres predominantly stored inside an enclosed unit on racks.	Moderate consequence Possible likelihood **Medium risk**	Acceptable subject to proponent controls conditioned / outcomes based controls
2.	Leachate	Fire wastewaters generated in the event of a fire	Seepage through hardstand, migration through groundwater, overflow land causing impacts to groundwater and surface water quality as well as contamination to land	No more than 5000 used tyres stored onsite at any one time. Tyres predominantly stored inside an enclosed unit on racks. Sealed sumps located on Premises. Stormwater drains can be covered as required.	Major consequence Possible likelihood **High Risk**	Acceptable subject to regulatory controls
3.	Noise	Noise emissions from site activities including vehicles and balers	Air/wind to sensitive residential receptors causing impacts to health, wellbeing and amenity	Baler located inside enclosed unit Baling operations limited to between 7:30am to 3:30pm Monday to Friday.	Minor consequence Unlikely **Medium risk**	Acceptable subject to proponent controls conditioned / outcomes based controls

8. Regulatory controls

A summary of regulatory controls determined to be appropriate for the Risk Event is set out in Table 13. The risks are set out in the assessment in section 7 and the controls are detailed in this section. DWER will determine controls having regard to the adequacy of controls proposed by the Licence Holder. The conditions of the Licence will be set to give effect to the determined regulatory controls.

Table 5: Summary of regulatory controls to be applied

		Controls (references are to sections below, setting out details of controls)			
		10.1.1 Infrastructure and equipment	**10.1.2 Waste acceptance and storage**	**10.1.3 Specified action**	**10.1.Record keeping**
Risk Items (see risk analysis in section 7)	**1A. Air emissions in the event of a fire (human receptors)**	●	●	●	●
	1B. Air emissions in the event of a fire (environmental receptors)	●	●	●	●
	2. Leachate emissions in the event of a fire	●	●	●	●
	3. Noise emissions from site operations	●			

8.1 Licence controls

8.1.1 Infrastructure and equipment

The Licence Holder will be required to maintain the following infrastructure in good working order:

- Hardstand areas;
- Sealed sumps;
- Tyre baler; and
- Fire extinguishers.

8.1.2 Waste acceptance and storage

The Licence Holder will be limited to a maximum storage of 5,000 tyres at any one time as well as being limited to storage and separation distance requirements for both indoor and outdoor tyre storage. These storage requirements generally replicate the previous licence's

conditions as well as the recommendation specified in the DFES Tyre Guidelines.

8.1.3 Specified actions

The Licence Holder will be required to take specified actions which are directed at fire prevention and management. These include:

- Ensuring storage areas and sealed drains are free of stormwater;
- The Premises is secured and locked when unattended;
- Any fire water or debris must be contained on the Premises and removed offsite using a licensed controlled waste carrier; and
- The requirement to notify the CEP in the event of a fire or other event where fire water or wastes may be discharged from the Premises.

8.1.4 Record keeping

The Licence Holder will be required to keep records and report to the CEO on compliance with the licence conditions, as well as maintaining a complaints register. These conditions assist DWER in determining compliance with the licence as well as obtaining an understanding of any potential emissions or discharges from the Premises.

9. Determination of Licence conditions

The conditions in the issued Licence in Attachment 1 have been determined in accordance with the *Guidance Statement: Setting Conditions*.

The *Guidance Statement: Licence Duration* has been applied and the issued licence expires in 7 months from date of issue which is consistent with the duration of the current lease agreement. If the lease is extended, the Licence Holder will need to apply for a licence amendment to extend the licence duration to align with the lease extension period.

Table 14 provides a summary of the conditions to be applied to this licence.

Table 14: Summary of conditions to be applied

Condition Ref	Grounds
Infrastructure and equipment 1	These conditions are valid, risk-based and contain appropriate controls.
Waste acceptance and storage 2, 3 and 4	These conditions are valid, risk-based and consistent with the EP Act.
Specified actions 5, 6, 7 and 8	These conditions are valid, risk-based and consistent with the EP Act.
Information 9, 10, 11 and 12	These conditions are valid and are necessary administration and reporting requirements to ensure compliance.

DWER notes that it may review the appropriateness and adequacy of controls at any time and that, following a review, DWER may initiate amendments to the licence under the EP Act.

10. Applicant's comments

The Licence Holder was provided with the draft Decision Report and draft issued Licence on 26 March 2018. The Licence Holder did not provide comments on the draft documents.

11. Conclusion

This assessment of the risks of activities on the Premises has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report (summarised in Appendix 1).

This assessment was also informed by a site visit by DWER officers on 28 February 2018.

Based on this assessment, it has been determined that the Issued Licence will be granted subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Rebecca Kelly
Manager Licensing (Waste Industries)
Delegated Officer
under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	Availability
1.	Licence L8259/2008/3 – Lexan Corporation (and subsequent amendments)	accessed at www.dwer.wa.gov.au
2.	Licence L8259/2008/3 – Lexan Corporation application for licence renewal and supporting documentation	DWER records (A1510018, A1561435, A1561436 and A1561486)
3.	DER, July 2015. *Guidance Statement: Regulatory principles.* Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au
4.	DER, October 2015. *Guidance Statement: Setting conditions.* Department of Environment Regulation, Perth.	
5.	DER, August 2016. *Guidance Statement: Licence duration.* Department of Environment Regulation, Perth.	
6.	DER, February 2017. *Guidance Statement: Risk Assessments*. Department of Environment Regulation, Perth.	
7.	DER, February 2017. *Guidance Statement: Decision Making*. Department of Environment Regulation, Perth.	