



# Licence

## *Environmental Protection Act 1986, Part V*

---

**Licensee:** Starworks Enterprises Pty Ltd

**Licence:** L7845/2003/5

---

**Registered office:** C/- 4C Consulting  
Unit 5, 145 Walcott Street  
MOUNT LAWLEY WA 6050

**ACN:** 620 758 358

**Premises address:** Starworks Enterprises  
42 – 48 Kelvin Rd  
MADDINGTON WA 6109  
Being Lots 280 & 281 on Plan 3327, Certificate of Title Volume Number  
2142 Folio 400, and Certificate of Title Volume Number 2154 Folio 720 as  
depicted in Schedule 1.

**Issue date:** Thursday, 19 December 2013

**Commencement date:** Sunday, 22 December 2013

**Expiry date:** Thursday, 21 December 2023

**Amendment Date:** Thursday, 09 August 2018



### Prescribed premises category

Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Approved premises production or design capacity
13	Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones, or concrete) is crushed or cleaned.	1000 tonnes or more per year	500 000 tonnes combined total per annual period
61A	Solid waste facility: premises (other than within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	1000 tonnes or more per year	
62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	500 tonnes or more per year	

### Conditions

This licence is subject to the conditions set out in the attached pages.

Date signed 9 August 2018

.....

**Rebecca Kelly**

**MANAGER WASTE INDUSTRIES**

Officer delegated under section 20 of the *Environmental Protection Act 1986*



## Contents

Licence	1
Contents	3
Introduction	3
Licence conditions	6
1 General	6
2 Emissions	10
3 Monitoring	11
4 Information	13
Schedule 1: Maps	15
Schedule 2: Reporting & notification forms	16

## Introduction

This Introduction is not part of the Licence conditions.

### DWER's industry licensing role

The Department of Water and Environment Regulation (DWER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DWER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DWER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DWER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DWER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

### Licence requirements

This licence is issued under Part V of the Act. Conditions contained within the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- Environmental Protection (Controlled Waste) Regulations 2004 - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- Environmental Protection (Noise) Regulations 1997 – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.



You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places 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.

### **Licence fees**

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non-payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

### **Ministerial conditions**

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

### **Premises description and Licence summary**

The solid waste depot and construction demolition waste crushing and recycling facility at 42-48 Kelvin Rd Maddington (the premises) commenced operations in 2003, when it was licensed to, and operated by All Earth Group as a solid waste depot. In 2013, Category 13 (Crushing of building material) was added to the licence, and the premises throughput increased from 200,000 to 500,000 tonnes. In June 2016 the licence was transferred to Cityscore Pty Ltd. The licence is now being transferred to Starworks Enterprises Pty Ltd, who are a new entity created by the same directors as Cityscore Pty Ltd.

The premises is located within the City of Gosnells, within an area zoned Industrial under the Metropolitan Region Scheme. The closest residential area is located 270m north west of the premises within the locality of Kenwick. The Bickley Brook, which drains into the Canning River, borders the premises on the northern boundary.

The main potential emissions from the premises, due to the activities undertaken, are noise and dust. Recycling construction and demolition waste also poses a potential risk of asbestos contamination in the final product output and in any dust emissions from the premises. The Licensee has developed an Asbestos Management Plan (AMP) which complies with the requirements of DWER's Asbestos Guidelines. The AMP includes dust management measures and the sampling and testing regime for product outputs to ensure the asbestos content does not exceed 0.001%w/w.

Waste is accepted onto the premises from many sources including individuals, businesses and local governments. Inert waste that requires sorting is tipped inside a shed and sorted into recyclables and non-recyclables prior to being processed or taken offsite for recycling or disposal. Greenwaste is tipped at the greenwaste area and mulched. Inert waste (mainly construction and demolition waste) is checked at the weighbridge for non-conforming materials such as asbestos, tipped and raked at the tipping area, and mechanically processed through crushing and screening plant. Non-conforming waste is rejected prior to acceptance when possible, or otherwise removed to an authorised landfill facility.

No noise complaints have been received by DWER or its predecessors and noise is therefore not considered to be an issue of concern for the premises. Noise is regulated by the Environmental Protection (Noise) Regulations 1997.



Dust has historically been an issue of concern for the premises, with a number of historic complaints. A dust management was implemented in July 2012 by All Earth Group, and subsequently updated in December 2015 by Cityscore Pty Ltd. The licence contains conditions to address the potential for dust emissions from the premises' operations.

Non-conforming waste and the potential presence of asbestos and asbestos contaminated material within waste received on the premises is also address through the provision of licence conditions, requiring the licence holder to re-load contaminated loads, and dispose of to an approved facility.

This licence amendment is to transfer the licence from Cityscore Pty Ltd to Starworks Enterprises Pty Ltd based on a request received 23 February 2018. Whilst Starworks Enterprises Pty Ltd is a new company, it shares the same Directors as Cityscore Pty Ltd who have operated at the premises since 2016.

Other administrative updates have also been undertaken as part of this amendment, to incorporate Amendment Notice 1 and Amendment Notice 2 issued for the licence in 2016, in to this licence. Changes to update references to the Department of Water and Environmental Regulation (DWER) have also been made.

The licences issued for the Premises since 22/12/2003 are:

Instrument log		
Instrument	Issued	Description
L7845/2003/1	22/12/2003	New licence
L7845/2003/2	20/12/2004	Licence re-issue
L7845/2003/3	19/12/2005	Licence re-issue
L7845/2003/4	18/12/2008	Licence re-issue
L7845/2003/4	25/01/2013	Licence amendment to include category 13, asbestos conditions and increased throughput (200 000 tonnes)
L7845/2003/5	19/12/2013	Licence re-issue, increase throughput (500 000 tonnes) and REFIRE conversion
L7845/2003/5	24/7/2014	Amendment following s102 appeal
L7845/2003/5	23/06/2016	Transfer of licence to Cityscore Pty Ltd
L7845/2003/5	18/08/2016	Amendment Notice 1 Update waste acceptance criteria
L7845/2003/5	21/12/2016	Amendment Notice 2 Administrative changes to numbering
L7845/2003/5	8/8/2018	Transfer of licence to Starworks Enterprises Pty Ltd

### Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

### END OF INTRODUCTION



## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

**'Act'** means the *Environmental Protection Act 1986*;

**'ACM'** means asbestos containing material;

**'annual period'** means the inclusive period from 22 December until 21 December in the following year;

**'AS 5667.1'** means the Australian Standard AS 5667 Water quality - Sampling - Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples;

**'AS 5667.4'** means the Australian Standard AS 5667 Water quality - Sampling - Guidance on sampling from lakes, natural and man-made;

**'AS 5667.6'** means the Australian Standard AS 5667 Water quality - Sampling - Guidance on sampling of rivers and streams

**'asbestos'** means the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysolite, crocidolite, tremolite and any mixture containing 2 or more of those;

**'CEO'** means Chief Executive Officer of the Department of Water and Environment Regulation;

**'CEO'** for the purpose of correspondence means;

Chief Executive Officer  
Department Administering the Environmental Protection Act 1986  
Locked Bag 33  
CLOISTERS SQUARE WA 6850  
Telephone: (08) 9333 7510  
Facsimile: (08) 9333 7550  
Email: info@dwer.wa.gov.au;

**'clean fill'** has the meaning defined in Landfill Waste Classification and Waste Definitions;

**'construction and demolition waste'** has the meaning defined in Landfill Waste Classification and Waste Definitions;

**'DWER 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.

**'greenwaste'** means waste that originates from flora and which does not contain or has not been treated or coated with, preserving agents, biocides, fire retardants, paint, adhesives or binders;



**'Inert Waste Type 1'** has the meaning defined in Landfill Waste Classification and Waste Definitions;

**'Inert Waste Type 2'** has the meaning defined in Landfill Waste Classification and Waste Definitions;

**'Landfill Waste Classification and Waste Definitions'** means the document titled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer of the Department of Environment and Conservation, as amended from time to time;

**'Licence'** means this Licence numbered L7845/2003/5 and issued under the Act;

**'Licensee'** means the person or organisation named as Licensee on page 1 of the Licence;

**'limit of reporting'** means the minimum concentration of a residue used for reporting purposes;

**'non-conforming material'** means waste that does not meet the criteria set out in table 1.3.1 of the Licence;

**'Premises'** means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

**'putrescible waste'** has the meaning defined in Landfill Waste Classification and Waste Definitions;

**'recycled drainage rock'** has the meaning defined in DWER Asbestos Guidelines;

**'recycled road base'** has the meaning defined in DWER Asbestos Guidelines;

**'recycled sand'** has the meaning defined in DWER Asbestos Guidelines;

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated;

**'Schedule 2'** means Schedule 2 of this Licence unless otherwise stated;

**'w/w'** means weight for weight.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.



**1.2 General conditions**

- 1.2.1 The Licensee shall ensure that the stormwater drains and silt trap connected to the sedimentation basin are maintained and kept clear of waste.
- 1.2.2 The Licensee shall ensure that all stormwater runoff generated on Lot 281 is directed to the sedimentation basin.

**1.3 Premises operation**

- 1.3.1 The Licensee shall only accept waste on to the Premises if:
  - (a) it is of a type listed in Table 1.3.1; and
  - (b) the quantity accepted is below any quantity limit listed in Table 1.3.1; and
  - (c) it meets any specification listed in Table 1.3.1;

<b>Table 1.3.1: Waste acceptance</b>		
<b>Waste type</b>	<b>Quantity Limit</b>	<b>Specification</b>
Clean fill	Combined total 500 000 tonnes per year for all waste types	None specified
Inert Waste Type 1		Includes building and demolition waste, scrap metal and glass.
Inert Waste Type 2		Plastics only.
Putrescible Waste		Paper, cardboard and green waste only.
Treated Timber		None specified.

- 1.3.2 The Licensee shall visually inspect all waste on arrival at the Premises and again before it enters any stockpile or treatment process to ensure that it complies with the waste acceptance criteria in Table 1.3.1.
- 1.3.3 The Licensee shall ensure that where waste does not meet the waste acceptance criteria set out in condition 1.3.1 it is removed from the Premises by the delivery vehicle or, where that is not possible, stored in a segregated storage area or container and removed to an appropriately authorised facility.
- 1.3.4 The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the processes set out in Table 1.3.2 and in accordance with any process limits described in that Table.





<b>Table 1.3.2: Waste processing</b>		
<b>Waste type</b>	<b>Processes</b>	<b>Process limits</b>
Clean fill	Receipt, handling and storage of waste prior to treatment.	Receipt handling and storage shall be on a compacted aggregate pad with a minimum thickness of 300mm.  Waste shall only be stored within storage areas provided with dust control measures.
Inert Waste Type 1		
Inert Waste Type 2		
Putrescible Waste		
Treated Timber	Mechanical treatment consisting only of shredding inside the shed, screening and crushing.	Waste that contains unavoidable small quantities of non-conforming material is only to be tipped inside the shed at Lot 281 (as depicted in schedule 1).  In the event that non-conforming waste is identified in the waste tipped outside the shed, it is to be re-loaded and tipped inside the shed for sorting.
Greenwaste	Mulching	All greenwaste to be stored on a compacted aggregate pad with a minimum thickness of 300mm.  A 5 metre firebreak shall be implemented where any greenwaste is stored.  Mulched greenwaste shall be removed from the premises within 21 days.  No more than 2000 tonnes of greenwaste is to be stored at the premises at any one time.

- 1.3.5 The Licensee shall comply with the DWER Asbestos Guidelines.
- 1.3.6 The Licensee shall implement the following security measures at the site:
- (a) erect and maintain suitable fencing to prevent unauthorised access to the site;
  - (b) ensure that any entrance gates to the premises are securely locked when the premises are unattended; and
  - (c) undertake regular inspections of all security measures and repair damage as soon as practicable.
- 1.3.7 The Licensee shall ensure that waste is contained within the boundary of the premises.
- 1.3.8 The Licensee shall ensure that prior to leaving the Premises, all waste is arranged, contained, fastened or covered so that the load or any part of it cannot fall or otherwise escape from the vehicle.
- 1.3.9 The Licensee shall ensure that any waste containing visible asbestos or ACM is not accepted at the premises.



## 2 Emissions

### 2.1 General

2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit or target in any part of Section 2 of this Licence.

### 2.2 Point source emissions to surface water

2.2.1 The Licensee shall ensure that where waste is emitted to surface water from the emission point in Table 2.2.1 and identified on the map of emission points in Schedule 1 it is done so in accordance with the conditions of this licence.

**Table 2.2.1: Emission points to surface water**

Emission point reference and location on Map of emission points	Description	Source including abatement
W1	Outlet of the sediment basin.	Potentially contaminated runoff from Lot 281 via the sediment basin and silt trap.

2.2.2 The Licensee(s) shall target point source emissions to surface water to meet the levels specified in Table 2.2.2.

**Table 2.2.2: Point source emission targets to surface water**

Emission point reference	Parameter	Target (including units)	Averaging period
W1	pH	6.5-8.5	Spot sample
	Total Suspended Solids	<40 mg/L	
	Biochemical Oxygen Demand	<10 mg/L	
	Total Recoverable Hydrocarbons	<600 µg/L	
	Benzene	<950 µg/L	
	Xylene	<350 µg/L as o-xylene or <200 µg/L as p-xylene	
	Arsenic (filtered)	<13 µg/L	
	Chromium VI (filtered)	<1 µg/L	
	Copper (filtered)	<1.4 µg/L	
	Iron (filtered)	<300 µg/L	
	Lead (filtered)	<3.4 µg/L	
	Nickel (filtered)	<11 µg/L	
	Zinc (filtered)	<8 µg/L	
	Total Nitrogen	<2 mg/L	
Total Phosphorus	<0.2 mg/L		

### 2.3 Fugitive emissions

2.3.1 The Licensee shall ensure that in the event that visible dust is discharged beyond the boundary of the premises:

- i) all dust generating operations at the Premises cease; and
- ii) operations do not recommence until measures have been put in place to prevent the reoccurrence of the discharge.



### 3 Monitoring

#### 3.1 General monitoring

- 3.1.1 The licensee shall ensure that:
- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
  - (b) all surface water sampling is conducted in accordance with AS/NZS 5667.4 or AS/NZS 5667.6 as relevant;
  - (c) all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured;
  - (d) if field testing is undertaken for pH and Biochemical Oxygen Demand, it is undertaken in accordance with condition 3.1.4; and
  - (e) laboratory limit of reporting to be below the targets in table 2.2.2.
- 3.1.2 The Licensee shall ensure that quarterly monitoring is undertaken at least 60 days apart;
- 3.1.3 The Licensee shall ensure that all monitoring equipment used on the Premises to comply with the conditions of this Licence is calibrated in accordance with the manufacturer's specifications.
- 3.1.4 The Licensee shall, where the requirements for calibration cannot be practicably met, or a discrepancy exists in the interpretation of the requirements, bring these issues to the attention of the CEO accompanied with a report comprising details of any modifications to the methods.

#### 3.2 Monitoring of point source emissions to surface water

- 3.2.1 The Licensee shall undertake the monitoring in Table 3.2.1 according to the specifications in that table.

<b>Table 3.2.1: Monitoring of point source emissions to surface water</b>			
<b>Emission point reference</b>	<b>Parameter</b>	<b>Units</b>	<b>Frequency</b>
W1	pH	pH	Quarterly
	Total Suspended Solids	mg/L	
	Biochemical Oxygen Demand	µg/L	
	Total Recoverable Hydrocarbons		
	Benzene		
	Ethyl benzene		
	Toluene		
	Xylene		
	Arsenic (filtered)		
	Chromium VI (filtered)		
	Copper (filtered)		
	Iron (filtered)		
	Lead (filtered)		
	Nickel (filtered)		
	Zinc (filtered)		
	Total Nitrogen		
Total Phosphorus			



### 3.3 Monitoring of inputs and outputs

3.3.1 The Licensee shall undertake the monitoring in Table 3.3.1 according to the specifications in that table.

<b>Table 3.3.1: Monitoring of inputs and outputs</b>				
<b>Input/Output</b>	<b>Parameter</b>	<b>Units</b>	<b>Frequency</b>	<b>Method</b>
Waste Inputs	Clean fill; Inert Waste Type 1; and greenwaste	tonnes	Each load arriving at Premises	A weighbridge
Waste Outputs	Waste type as defined in the Landfill Waste Classification and Waste Definitions 1996	tonnes	Each load leaving or rejected from the Premises	A weighbridge

### 3.4 Process monitoring

3.4.1 The Licensee shall ensure that the asbestos content of any recycled output originating from construction and demolition waste does not exceed the contamination limits specified in Table 3.4.1.

<b>Table 3.4.1: Recycled output contamination limits</b>		
<b>Output</b>	<b>Parameter</b>	<b>Limit</b>
Recycled drainage rock	Asbestos (in any form)	0.001%w/w
Recycled sand		
Recycled road base		

3.4.2 The Licensee shall ensure that recycled outputs originating from construction and demolition waste are sampled and tested in accordance with Table 3.4.2.

<b>Table 3.4.2: Recycled output sampling and testing</b>		
<b>Output</b>	<b>Parameter</b>	<b>Method and frequency</b>
Recycled drainage rock	Asbestos (in any form)	In accordance with the DWER Asbestos Guidelines.
Recycled sand		
Recycled road base		



## 4 Information

### 4.1 Records

- 4.1.1 All information and records required by the Licence shall:
- (a) be legible;
  - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
  - (c) except for records listed in 4.1.1(d) be retained for at least 6 years from the date the records were made; and
  - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
    - (i) off-site environmental effects; or
    - (ii) matters which affect the condition of the land or waters.
- 4.1.2 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.
- 4.1.3 The Licensee shall:
- (a) implement a complaints management system that shall record the following information (if known or provided) about complaints received at the Premises concerning any environmental impact of the activities undertaken at the Premises:
    - (i) name and address of the complainants (if consented);
    - (ii) date and time of complaint;
    - (iii) date and time of alleged incident;
    - (iv) alleged source of the incident;
    - (v) general description of the alleged incident, including any environmental or health impacts reported by the complainant;
    - (vi) wind direction, wind speed and temperature at time of alleged incident;
    - (vii) likely source of the alleged incident; and
    - (viii) actions taken by licensee to address the complaint, including the outcome of any investigation(s) and action(s) to verify any impacts.
  - (b) complete an annual analysis and review of complaints recorded under 4.1.3(a) to identify any common factors and root cause of complaints and proposals to address these.



## 4.2 Reporting

4.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 28 calendar days after the end of the annual period. The report shall contain the information listed in Table 4.2.1 in the format or form specified in that table.

<b>Table 4.2.1: Annual Environmental Report</b>		
<b>Condition</b>	<b>Parameter</b>	<b>Format or form<sup>1</sup></b>
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
3.2.1	Summary of quarterly surface water monitoring results	
3.3.1	Summary of waste types and quantities accepted and removed from the Premises in the reporting year Summary of rejected loads	
3.4.1	Summary of recycled output testing results	
4.1.2	Compliance	Annual Audit Compliance Report (AACR)
4.1.3	Complaints summary	None specified

Note 1: Forms are in Schedule 2

4.2.2 The Licensee shall ensure that the Annual Environmental Report also contains:

- an assessment of the information contained within the report against previous monitoring results and Licence limits and/or targets; and
- a list of any original monitoring reports submitted to the Licensee from third parties for the annual period and make these reports available on request.

## 4.3 Notification

4.3.1 The Licensee shall ensure that the parameters listed in Table 4.3.1 are notified to the CEO in accordance with the notification requirements of the table.

<b>Table 4.3.1: Notification requirements</b>			
<b>Condition or table (if relevant)</b>	<b>Parameter</b>	<b>Notification requirement<sup>1</sup></b>	<b>Format or form<sup>2</sup></b>
2.1.1	Breach of any limit or target specified in the Licence	Part A: As soon as practicable, but no later than 5pm of the next usual working day.  Part B: As soon as practicable	N1
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution		
3.1.4	Calibration report	As soon as practicable.	None specified

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

Note 2: Forms are in Schedule 2



# Schedule 1: Maps

## Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary. The location of the monitoring point W1 defined in Tables 2.2.1, 2.2.2 and 3.2.1 is shown below.



<b>LEGEND</b>		 Scale 1:2066 (Approximate when reproduced at A4) Geocentric Datum Australia 1994 Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies. Prepared by: jessicaf Prepared for: Date: 11/11/2013 2:27:13 PM
<ul style="list-style-type: none"> <li><span style="color: blue;">■</span> Local Government Authorities</li> <li><span style="border: 1px solid red; padding: 2px;"> </span> Swan River Trust Development Control Area</li> </ul>	<ul style="list-style-type: none"> <li> Road Centrelines</li> <li>Perth Metropolitan Central 15cm Orthomosaic - Landgate 2011</li> </ul>	

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.

Government of Western Australia  
 Department of Environment Regulation  
 WA Crown Copyright 2002

\* Project Data. This data has not been quality assured. Please contact map author for details.



## Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

---

Licence:	L7845/2003/5	Licensee:	Starworks Enterprises Pty Ltd
Form:	AACR	Period :	22 Dec 20__ to 21 Dec 20__
Name:	Annual Audit Compliance Report		

## Annual Audit Compliance Report

### Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the annual period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:





**Section B: Details of non-compliance with Licence condition**

a) Licence condition not complied with?	
b) Date(s) and time(s) the non-compliance occurred, if applicable?	
c) Was this non-compliance reported to DWER?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DWER verbally    Date <input type="checkbox"/> Reported to DWER in writing    Date	<input type="checkbox"/> No
d) Has DWER taken, or finalised any action in relation to the non-compliance?	
e) Summary of particulars of non-compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non-compliance occurred (attach map or diagram)	
g) Cause of non-compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non-compliance	
i) Action taken or that will be taken to prevent recurrence of the non-compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



**Section C: Signature and certification**

This AACR must only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is		The AACR must be signed and certified:
an individual	<input type="checkbox"/>  <input type="checkbox"/>	by the individual Licence holder, or  by a person approved in writing by the Chief Executive Officer (CEO) of DWER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or  by two directors of the Licensee; or  by a director and a company secretary of the Licensee, or  if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or  by the principal executive officer of the Licensee; or  by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DWER.
A public authority (other than a local government)	<input type="checkbox"/>  <input type="checkbox"/>	by the principal executive officer of the Licensee; or  by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DWER.
a local government	<input type="checkbox"/>  <input type="checkbox"/>	by the CEO of the Licensee; or  by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature:

Name: (printed)

Position:

Date:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Signature:

Name: (printed)

Position:

Date:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Seal (if signing under seal)



Licence: L7845/2003/5  
Form: N1

Licensee: Starworks Enterprises Pty Ltd  
Date of breach:

**Notification of detection of the breach of a limit.**

These pages outline the information that the operator must provide.  
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

**Part A**

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

<b>Notification requirements for the breach of a limit</b>	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	



## Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Starworks Enterprises Pty Ltd	
Date	



## Application for a Licence Transfer

### Division 3, Part V *Environmental Protection Act 1986*

---

<b>Licence Number</b>	L7845/2003/5
<b>Applicant</b>	Starworks Enterprises Pty Ltd
<b>ACN</b>	620 758 358
<b>File Number</b>	2013/001940
<b>Premises</b>	Starworks Enterprises Pty Ltd 42 and 48 Kelvin Road MADDINGTON WA 6109 Being Lots 280 and 281 on Plan 3327
<b>Date of Report</b>	17 July 2018
<b>Status of Report</b>	Final

## Table of Contents

<b>1. Definitions of terms and acronyms .....</b>	<b>3</b>
<b>2. Purpose and scope of assessment .....</b>	<b>4</b>
2.1 Application details .....	4
<b>3. Background .....</b>	<b>4</b>
<b>4. Occupation of premises .....</b>	<b>5</b>
<b>5. Contaminated Sites Act 2003.....</b>	<b>5</b>
<b>6. Environmental Protection Notice .....</b>	<b>5</b>
<b>7. Assessment of Operator .....</b>	<b>6</b>
<b>8. Decision.....</b>	<b>7</b>
<b>9. Licence Holder's comments .....</b>	<b>7</b>
<b>10. Conclusion .....</b>	<b>7</b>

## 1. Definitions of terms and acronyms

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

**Table 1: Definitions**

Term	Definition
ACN	Australian Company Number
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 <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation 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 <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of, and during this Review
Licence Holder	Starworks Enterprises Pty Ltd
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
Review	this Licence review

## 2. Purpose and scope of assessment

Starworks Enterprises Pty Ltd (Starworks) submitted an Application to transfer licence L7845/2003/5 from Cityscore Pty Ltd. The Application was received by the Department on 23 February 2018.

The assessment of a new transfer application is limited to determining whether the new occupier meets the Department's fitness and competency requirements.

### 2.1 Application details

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
Application form: Transfer works approval or licence notify new occupier registered premises	23 February 2018

## 3. Background

The Premises is located at Lots 280 and 281 on Plan 3327 (42-48) Kelvin Road, Maddington, and is currently leased by the Applicant.

The Premises is licensed for:

- Category 13 crushing of building materials;
- Category 61A solid waste facility; and
- Category 62 Solid waste depot.

The combined premises throughput is specified at 500,000 tonnes per annual period, with the premises licensed to accept and process clean fill, inert waste type 1, inert waste type 2, putrescible waste and treated timber.

The premises was first licensed as a Category 62 facility in 2003 (L7845/2003/1) with All Earth Group. Since that time the activities on the premises have changed to include additional prescribed activities (Category 13 and 62).

On 23 June 2016 the licence was transferred to Cityscore Pty Ltd (part of Aurigen Group Limited). Before the formal transfer of the Licence Cityscore Pty Ltd had been operating the premises on-behalf of All Earth Group.

Starworks, whilst it is a new entity, share two of the same Directors as Cityscore Pty Ltd. The following individuals are listed as Directors of Starworks as per the Australian Securities and Investments Commission (ASIC) company extract provided with the Application (dated 23 February 2018):

- Charles William McKinnon;
- Tomasz Rudas (Director of Cityscore Pty Ltd); and
- Damien Craig Flugge (Director of Cityscore Pty Ltd).



## 4. Occupation of premises

As part of the Application, Starworks have provided a copy of the Assignment of Lease for:

- the Rear of Lot 280, 48 Kelvin Road, Maddington (N320685): Lease agreement between Silkbeam Holdings Pty Ltd and Allstate Water Cartage Pty Ltd (Lessors), Cityscore Pty Ltd (Assignor) and Starworks Enterprises Pty Ltd (Assignee); and
- Lot 281, 42 Kelvin Road, Maddington (N320684): Lease agreement between Silkbeam Holdings Pty Ltd and Allstate Water Cartage Pty Ltd (Lessors), Cityscore Pty Ltd (Assignor) and Starworks Enterprises Pty Ltd (Assignee).

both prepared by HWL Ebsworth Lawyers.

## 5. Contaminated Sites Act 2003

The site was reported to DWER as a 'known or suspected contaminated site' on 6 February 2018, and is awaiting classification under the *Contaminated Sites Act 2003* (CS Act).

The site may have been impacted (underlying soils and groundwater) due to the acceptance and incorrect storage of non-conforming waste (lead contaminated crucibles) on the premises by Cityscore Pty Ltd.

Further investigations and remediation action is currently being determined in accordance with provisions of the CS Act and in accordance with an Environmental Protection Notice (EPN CEO2593/17) which was issued to Cityscore Pty Ltd, its administrators, and the landowners on 30 November 2017 – see further information below.

## 6. Environmental Protection Notice

On the 30 November 2017 the Department issued EPN CEO2593/17 to Cityscore Pty Ltd, its administrators, and the landowners. The EPN was issued following an inspection of the premises by DWER officers that identified the presence of uncontained, non-conforming waste (lead crucibles) on the premises.

The reasons for issuing the EPN (CEO2593/17) is that the Chief Executive Officer (the CEO) of the Department of Water and Environmental Regulation (DWER) suspects on reasonable grounds that there is, or is likely to be a discharge on the Premises, and the discharge is likely to cause pollution. In particular:

- Broken and crushed soluble lead-compound containing crucibles ('crucibles') are likely to mix, or have already mixed into surface soil, which is likely to cause or has caused contamination of the soil;
- Lead-contaminated surface soil may then blow as dust particles onto adjacent commercial premises during dry, windy weather conditions. Workers are present on adjacent premises;
- The presence of crucibles on unsealed ground at the Premises is also likely to cause leaching of lead compounds into soil;
- Soluble lead compounds may also leach from soil into shallow groundwater. Groundwater is expected to be present at between 2-4m below ground level;
- Soluble lead is likely to dissolve into stormwater on the area if the Premises where crucibles are present which may discharge into the Bickley Brook during or after rain events, which may result in pollution of surface water or sediment. Bickley Brook discharges into the downstream Riverton Bridge Floodplain wetland and into the Canning River; and
- The above represents an unacceptable risk to the environment and human health.

A copy of the EPN can be accessed on the Departments website: <https://www.der.wa.gov.au/our-work/enforcement/478-prosecutions>. A summary of the actions required by the EPN is provided below:

- Immediately cease accepting any lead compound-containing crucibles or any other hazardous waste at the Premises, unless approved by the CEO;
- Restrict unnecessary access to the Premises and erect appropriate signage warning of the presence of soluble lead-compound containing crucibles at the Premises, and include details for a contact person to respond to enquiries;
- Notify owners or occupants of all adjacent premises in writing of lead present at the premises, this EPN, proposed works to be undertaken and details of a contact person responding to inquiries;
- Engage an environmental consultant, and prepare and submit a Remediation Action Plan (RAP) to the CEO;
- Remove all lead-compound containing crucibles, crates, and surface soil underlying the 'crucible impact area' shown in Appendix 2 of the EPN, to a min. depth of 10cm and deeper to remove the visual extent of impact of broken or crushed crucibles from disturbed surface soil;
- Provide evidence of remediation to the CEO;
- Undertake validation sampling; and
- Prepare a Remediation and Validation Report, and submit to the CEO.

In accordance with section 65(3)(a) of the EP Act the EPN remains legally binding following the transfer of this licence to Starworks Enterprises Pty Ltd.

## 7. Assessment of Operator

In Part 2 of the Application Starworks declared the following companies and licences and/or works approvals held by another corporation in which a director of Starworks was also a director:

- Cityscore Pty Ltd (L7845/2003/5); and
- Fernview Environmental Pty Ltd (W5031/2011/1).

Notwithstanding the above information provided in the Application the Department's records have been reviewed to determine the fitness and competency of the Applicant. This review includes searches of DWER's record keeping system, Industry Licensing System (ILS) and Incident and Complaints Management System (ICMS) for the company directors and variations of the company's name.

The review concluded that based on the Department records:

- Starworks Enterprises Pty Ltd has not previously held an instrument under Part V of the EP Act;
- Two of the company's Directors have also been a Director of another legal entity that have held a Part V licence and/or works approval – these are listed in Table 3 along with details of the prescribed activity;
- Based on the information presented in the Application and that summarised in Table 3, Starworks, through Mr Rudasz and Mr Flugge, has some experience in operating similar prescribed premises' to that which they are seeking the transfer of Licence for Lots 280 and 281 on Plan 3327 (42-48) Kelvin Road, Maddington;
- With the exception of Fernview Landfill Pty Ltd, all of the companies listed in Table 3 have gone into Administration; and
- There are eleven records in the Department's Incident and Complaint Management System (ICMS) for Cityscore Pty Ltd and the other companies listed in Table 3, dating from 2015-2017. The incidents relate to dust, non-compliance of licence conditions and

operating without the required approvals. In response to these issues the Department issued six Environmental Field Reports (EFR) and one Environmental Protection Notice (EPN) to address these matters.

**Table 3: Summary of previous company history related to Directors of Starworks Enterprises Pty Ltd**

Legal Entity	Related Director of Starworks	Related Part V Licence and/or Works Approval	Prescribed premises category
Anaeco Ltd and Brockwaste WA Operations Pty Ltd	Thomasz Rudas	Licence L8242/2008/3 (Lemnos Street, Part of Lot 11541 on Plan 189946, Shenton Park WA 6008)	61A: Solid waste facility 67A: Compost manufacturing and soil blending
Cityscore Pty Ltd	Damien Flugge	Licence L7845/2003/5 (42-48 Kelvin Road Maddington WA 6109)	12: Screening etc of material 13: Crushing of material 62: Solid waste depot
Fernview Environmental Pty Ltd ACN 617 674 469	Thomasz Rudas Damien Flugge	W5031/2001/1 (expired) W6083/2017/1 (processing) (Lot 89 on Deposited Plan 75926, Wannamal Road South, Cullalla WA 6503)	64: Class II or III putrescible landfill
Matera 3 Pty Ltd	Damien Flugge	L8632/2012/1 (ceased to have effect) (Part of Lot 313 on Plan 243063, 121 Abercrombie Road, Postans WA 6167)	13: Crushing of building material 62: Solid waste depot

## 8. Decision

The Delegated Officer has reviewed this information and has determined that there is no evidence to support a refusal of the transfer on fitness and competency grounds.

Whilst there is a current Environmental Protection Notice (CEO2593/17) on the property, Starworks Enterprises Pty Ltd will be bound to comply with the EPN whilst it remains in effect, in accordance with section 65(3)(a) of the EP Act.

## 9. Licence Holder's comments

Starworks Enterprises Pty Ltd was provided with the draft Amended Licence and Decision Report on 12 July 2018. Starworks accepted the proposed amendments on 12 July 2018 and waived the 21 day comment period.

## 10. Conclusion

Based on this assessment, it has been determined that the Licence will be transferred.

**Rebecca Kelly**  
**MANAGER WASTE INDUSTRIES**  
**REGULATORY SERVICES (ENVIRONMENT)**

Delegated Officer under section 20 of the *Environmental Protection Act 1986*