



## Application to renew a licence

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

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<b>Licence Number</b>	L8853/2014/2
<b>Licence Holder</b>	Downer EDI Works Pty Ltd
<b>ACN</b>	08 709 608
<b>File Number</b>	DER2014/002506-1~2
<b>Premises</b>	Hope Valley Asphalt Plant 8 Hoyle Road HOPE VALLEY WA 6165  Legal description Lot 1046 on Deposited Plan 400629 Certificate of Title Volume 2833 Folio 576 As defined by the Premises map and coordinates attached to the issued licence
<b>Date of Report</b>	16 June 2022
<b>Decision</b>	To grant a licence

**SENIOR INDUSTRY REGULATION OFFICER  
INDUSTRY REGULATION**

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

## 1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L8853/2014/1 without conducting any additional risk assessment. The Delegated Officer decided to grant Licence L8853/2014/2 subject to conditions set out in the attached licence.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- transfer existing regulatory controls and conditions as detailed in the new licence;
- revise licence conditions as detailed in this report;
- replace “licensee” and “shall” with terms “licence holder” and “must” in each condition.
- remove redundant licence conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- incorporate all Notice of Licence Amendment issued prior to this licence;
- update the premises map;
- remove Schedule 3 being obsolete forms AR1, N1 and Annual Audit Compliance Report form, and,
- approve a 20 year licence duration.

The previous Decision Document that assessed the environmental risk of this Premises on 15 June 2015 remains relevant and will remain on the Department website. Future risk assessment of emissions and discharges must include the new receptors identified in section 4.5 of this report.

## 2. Scope of assessment

### 2.1 Application summary

On 9 March 2022 Downer EDI Works Pty Ltd (licence holder) applied to renew licence L8853/2014/1 as the licence is due to expire on 21 June 2022. The licence was granted to the licence holder for the premises located at Lot 1046 Hoyle Road Hope Valley, Western Australia (Premises).

The licence relates to prescribed premises categories as described in Table 1.

**Table 1: Premises category description and production design capacity**

<b>Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)</b>	<b>Production / design capacity</b>
Category 35 Asphalt manufacturing: premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at places or premises other than those premises.	350,000 tonnes per annual period
Category 61A Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	120,000 tonnes per annual period

The main activities occurring on the Premises are asphalt manufacturing and storage/processing of Reclaimed Asphalt Pavement (RAP).

The main infrastructure includes the Benninghoven “TBA 4000 U C” hot mix/asphalt manufacturing plant and RAP storage bay.

The facility produces hot mix and warm mix asphalt for use off site. Additionally, RAP (crushed and screened off site) is stored at the Premises and processed through the facility.

### **3. Regulatory framework**

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation’s (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2021.

In granting the licence, the Delegated Officer has considered and given due regard to the department’s regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### **4. Considerations for issuing a new licence**

#### **4.1 Compliance and enforcement actions**

There have been no incidents or complaints identified at the Premises by the department in the last five years. There have been no enforcement actions against the licence holder in the last 5 years regarding operations at this Premises.

#### **4.2 Legal occupancy**

The licence holder has demonstrated legal occupancy of the Premises.

#### **4.3 Prescribed premises categories**

The requested prescribed premises categories and the corresponding maximum production/design capacities are consistent with the preceding licence category description and corresponding production/design capacities which were previously assessed.

#### **4.4 Planning approval**

The licence holder has informed the department that it has planning approval for the activities on the Premises. The City of Kwinana granted planning approval for the asphalt plant, offices and workshop on 11 September 2013 (assessment number 18932). Development approval for construction of the new laboratory/office was determined on 7 February 2021 (assessment number 24637).

#### **4.5 Sensitive Environmental Receptors**

A review of environmental receptors identified the operations occur within the Cockburn Sound policy boundary 2005. Additionally, a PEC (Tuart woodland and forest of the Swan Coastal Plain) is located 860m to the east, along with green growth conservation reserve areas located 120 m to the southwest and 230m to the north of the Premises. These sensitive environmental receptors will need further consideration in future risk assessments.

### **5. Summary of changes to the licence conditions**

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal powers for the Department to apply conditions to the licence. Licence conditions are as per *Guidance*

*Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm resulting from emissions and/or discharges from operations at the Premises.

Table 2 summarizes the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

**Table 2: Licence conditions changes, description, and rationale**

<b>Current condition / table</b>	<b>New condition / table (if relevant)</b>	<b>Description and rationale</b>
1.1 Interpretation Condition 1.1.1	Not applicable	Condition removed and addressed in Interpretation section of the new licence template.
1.1 Interpretation Condition 1.1.2	Table 7: Definitions	Definitions listed in Condition 1.1.2 of the previous licence have been updated and appear under new heading titled “Definitions” listed in Table 7. Additional terms added in accordance with the new licence template.
1.1 Interpretation Condition 1.1.3 & 1.1.4	Not applicable	Condition removed – redundant condition. Addressed within the Interpretation section of the renewed licence.
1.2 General conditions – 1.2.1, 1.2.2, 1.2.3, 1.2.4 & 1.2.5	Not applicable	Condition removed – redundant condition
1.3 Premises operation – 1.3.1	Condition 6	Replace with new licence terms.
1.3 Premises operation – 1.3.2	Condition 7	Replaced with new licence terms.
1.3 Premises operation – 1.3.3	Condition 8	Revised to clarify material types specified in table 4. Table 4 materials required small edits to clarify their specifications.
2 Emissions - 2.1 General – 2.1.1	Condition 3	Revised condition to explain the investigation timeframe (10 days) when condition 2 operational emissions are exceeded.
2 Emissions - 2.2 Point source emissions to air – 2.2.1	Condition 1	Table 1 reference updated and added reference to Schedule 1 Map of emission points.
2 Emissions - 2.2 Point source emissions to air – 2.2.2	Condition 2	Table 2 PM “reference” updated to include Schedule 1 plan, define the “operational emission” and defined the “averaging period” being a minimum of 60-minute average (Stack test).
2 Emissions - 2.2 Point source emissions to air – 2.2.3	Condition 4	Table 3 “averaging period” for emissions to air updated to minimum of 60-minute average (Stack test).
2 Emissions - 2.2 Point source emissions to air – 2.2.4	Condition 5	Revised this condition and removed table as now covered by new licence Condition 3 and Condition 2 Table 2.
2 Emissions - 2.3 Emissions to land	Not applicable	Condition removed – redundant condition
2 Emissions - 2.4 Fugitive emissions	Not applicable	Condition removed – redundant condition
2 Emissions - 2.5 Odour	Not applicable	Remove odour condition as this is a redundant condition and reflects the general provisions of <i>Environmental</i>

Current condition / table	New condition / table (if relevant)	Description and rationale
		<i>Protection Act 1986</i> namely S49(1).
2 Emissions - 2.6 Noise	Not applicable	Condition removed – redundant condition and reflects the general provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> .
3 Monitoring 3.1 general monitoring 3.1.1	Condition 9	Replaced with new licence terms.
3 Monitoring 3.1 general monitoring 3.1.2	Condition 10	Replaced with new licence terms.
3 Monitoring 3.1 general monitoring 3.1.3	Not applicable	Condition removed – redundant condition
3 Monitoring 3.2 monitoring of point source emissions to air 3.2.1	Condition 11	Table 5 included reference to Schedule 1 of emission points, updated table Units and monitoring period for PM, NO <sub>x</sub> , TVOC and CO <sub>2</sub> . Also included velocity to the list of parameters to be monitored which corresponds with Condition 4.
3 Monitoring 3.2 monitoring of point source emissions to air 3.2.2	Condition 12	Reference to Condition 11 updated.
3 Monitoring 3.2 monitoring of point source emissions to air 3.2.3	Condition 13	Reference to Condition 11 updated.
3 Monitoring 3.3-3.4 Monitoring of point source emissions to surface water and groundwater	Not applicable	Condition removed – redundant condition
3 Monitoring 3.3 Monitoring of emissions to land	Not applicable	Condition removed – redundant condition
3 Monitoring 3.6-3.7 Monitoring of inputs, outputs and process monitoring	Not applicable	Condition removed – redundant condition
3 Monitoring 3.8-3.9 Ambient environmental quality and meteorological monitoring	Not applicable	Condition removed – redundant condition
4 Improvements	Not applicable	Section removed – redundant section
5 Information 5.1 Records 5.1.1	Conditions 17 and 18	Condition updated in accordance with new licence records and standards
5 Information 5.1 Records 5.1.2	Not applicable	Condition removed – redundant condition replaced by condition 17 & 18

Current condition / table	New condition / table (if relevant)	Description and rationale
5 Information 5.1 Records 5.1.3	Condition 15	Condition updated in accordance with current standards
5 Information 5.1 Records 5.1.4	Condition 14	Condition updated in accordance with current standards
5 Information 5.2 Reporting 5.2.1	Condition 16	Requirement for Annual Environmental Report amended to Biennial Reporting in accordance with Notice of Amendment issued on 16 May 2022. Removed reference to Form AR1 which is redundant.
5 Information 5.2 Reporting 5.2.2	Not applicable	Condition 5.2.2 incorporated within new Condition 16. Reference to limits removed as there are no emission limits specified on the licence.
5 Information 5.3 Notification 5.3.1	Not applicable	Condition removed – redundant condition.
Schedule 1: Maps Premises map	Schedule 1: Maps Schedule 2: Premises boundary	Updated premises map to illustrate premises boundary and included premises boundary coordinate in new Schedule 2.
Schedule 3: reporting and notification forms – Annual Audit Compliance Report Proforma	Not applicable	Removed AACR form as now available from the Department website
Schedule 3: reporting and notification forms – Form AR1	Not applicable	Removed Form AR1 as it is redundant.
Schedule 3: reporting and notification forms – Form N1	Not applicable	Removed Form N1 as it is redundant.

## 6. Consultation

The Delegated Officer undertook consultation for the application to renew the licence as outlined in Table 3.

**Table 3: Consultation**

Consultation method	Summary of comments received	Delegated Officer's response
Application advertised on website on 10 May 2022	No public submissions received.	Noted.
Department of Planning, Lands and Heritage (DPLH) / WA Planning Commission advised of application on 22 April 2022	Summary of comments received on 17 May 2022: <i>The Department has reviewed the application and advised it had no objection noting the Premises prescribed activity is compatible with planning framework for the area.</i>	Noted. In consideration of advice received from the DPLH, the licence renewal application was referred to Development WA on 18 May 2022 for comment.

Consultation method	Summary of comments received	Delegated Officer's response
	<i>Suggested the DWER seek comment from Development WA as regulator of "Hope Valley Wattleup Redevelopment Area Act 2000".</i>	
City of Kwinana advised of application on 22 April 2022	No comments received from the City of Kwinana.	The Delegated Officer has considered copies of planning approvals submitted with the application.
Development WA advised of application on 18 May 2022.	<p>Summary of comments received on 19 May 2022:</p> <p><i>Development WA had no comment in relation to this Application and advised that future referrals under the "Hope Valley Wattleup Redevelopment Area Act 2000" should be directed to local government authorities as delegated by the WAPC.</i></p>	Noted.
Applicant was provided with draft licence and draft decision report on 26 May 2022	<p>Summary of comments received on 27 May 2022:</p> <p><i>No comments, consultation period waived and licence conditions accepted.</i></p>	<p>Noted.</p> <p>Further review of the draft documents resulted in the following changes in brief:</p> <ol style="list-style-type: none"> <li>1. Added section 4.5 Sensitive Environmental Receptors to the decision report.</li> <li>2. Addressed various anomalies within the draft licence regarding stack monitoring period, parameter analysis and operational target exceedances, investigation of pollution control equipment and reporting.</li> </ol> <p>Accordingly, the applicant was issued with a revised draft licence for review and comment on 2 June 2022.</p>
Applicant provided a revised draft licence on 2 June 2022	<p>Summary of comments received on 3 June 2022:</p> <p><i>Changes reviewed by licence holder with no additional comment and waiving the remaining consultation period and requesting the new licence be issued.</i></p>	Noted by the Delegated Officer.