



Application for Licence

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

Licence Number	L9310/2021/1
Applicant	Club Assist Pty Ltd
ACN	054 184 842
File number	DER2021/000548
Premises	Club Assist 9 Dyer Road BASSENDEAN WA 6054 Legal description Lot 48 on Deposited Plan 17530 Certificate of Title Volume 1889 Folio 983 As defined by the premises map attached to the issued licence
Date of report	18 January 2022
Proposed Decision	Licence granted

Melissa Chamberlain
**A/MANAGER WASTE INDUSTRIES
REGULATORY SERVICES**
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, L9310/2021/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary and overview of premises

On 26 October 2021, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to seek a licence relating to the storage of used lead acid batteries at the premises. The premises is located within the Town of Bassendean.

The premises relates to the category and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9310/2021/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9310/2021/1.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk Assessments* (DWER 2020).

To establish a risk event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this decision report are detailed in Table 1 below. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Operation			
Lead-acid battery fluid (sulfuric acid, heavy metals)	Leaks and spills of waste from damaged or broken batteries during the storage, process and handling of batteries.	Overland runoff / migration into stormwater. Localised impacts to underlying soil	Storage of batteries on open beam design racking. Racking to be audited by manufacturer yearly and by Licence Holder monthly. All staff are trained and know the Premises' emergency procedures. Spill kits as specified by Worksafe for Dangerous Goods, UN 2794, Class 8, packing group 3 to be present and accessible on the Premises. Monthly audits to be completed on spill kits. Prevent spilled material from spreading or entering drains by banking sand or earth. If available, consider using water spray to disperse vapour. All captured spilt waste to be removed from the Premises and disposed of by an appropriately licensed third party.
Toxic gases / smoke (fire)	Fire on premises due to battery explosion or short circuit	Air/windborne pathway	All staff are trained and know the Premises' emergency procedures. Each layer of batteries is to be separated by a thick layer of cardboard that encapsulates the battery poles. Fire fighting equipment is located at key points throughout the Premises.

3.1.2 Receptors

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

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

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

Human receptors	Distance from prescribed activity
Residential Premises	Approximately 270 m north east of Premises (cross gradient) Approximately 400 m south east of Premises (down gradient)
Industrial Area	Surrounding Premises
Environmental receptors	Distance from prescribed activity
Bush Forever Site 214 – Ashfield Flats	Approximately 1.2 km south east of the Premises
Underlying groundwater (non-potable purposes)	Between 7 – 18 m below ground level
TECs – Subtropical and Temperate Coastal Saltmarsh	Approximately 1.2 km south east of the Premises
Threatened Flora and Fauna <i>Bolboschoenus fluviatilis</i> , <i>Falcon peregrinus</i> (Peregrine falcon), <i>Thalasseus bergii</i> (Crested tern), <i>Calyptorhynchus baudinii</i> (Baudin's cockatoo), <i>Calyptorhynchus latirostris</i> (Carnaby's cockatoo), <i>Isoodon fusciventer</i> (quenda), <i>Pandion cristatus</i> (eastern osprey), <i>Calyptorhynchus sp.</i> (white-tailed black cockatoo).	Located within 2 km of Premises
Bush Forever Site 214 – Ashfield Flats	Approximately 1.2 km south east of the Premises

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Licence L9310/2021/1 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. storage of used lead acid batteries.

The conditions in the issued licence, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3: Risk assessment of potential emissions and discharges from the premises during operation

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
Leaks and spills of waste from damaged or broken batteries during the storage, process and handling of batteries.	Lead-acid battery fluid (sulfuric acid, heavy metals)	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised acidification and heavy metal contamination of soils	Swan River (1.5 km south) Bush Forever Site 214 (1.2 km south east)	Refer to Table 1	C = Minor L = Possible Medium Risk	Y	Conditions 4, 5, 6 and 7	N/A
Fire on premises due to battery explosion or short circuit	Toxic gases / smoke	Air/windborne pathway causing impacts to health and amenity	Residences 270 m north east and 400 m south east Workers in surrounding industrial area	Refer to Table 1	C = Major L = Rare Medium Risk	N	Conditions 9 <u>Conditions 8</u>	Condition 8 has been included as a standard condition for Prescribed Premises with a fire risk.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

Note 2: Proposed applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 23 November 2021	None received	N/A
Local Government Authority advised of proposal on 22 November 2021	<p>The Town of Bassendean provided an email response to the department on 26 November 2021. The Town had the following comments:</p> <ul style="list-style-type: none"> • The application describes the floor as sealed, however does not detail the specifications (i.e. is it 10⁻⁹ and acid resistant?); • There is insufficient detail on how spills will be managed. Bunding and protection of stormwater should be included as a minimum; • The Spill Management Plan refers to use of sand or earth to prevent spilled material from spreading or entering drains. The Town requires confirmation that this can occur from the premises, or whether it would be preferable to use spill absorbent booms instead of sand / earth; and • No details as to the on-site drainage (sump drains) to the on-street stormwater drains is provided (if such a connection is available). The Town does not have this information on record, and would need to confirm if off-site connection or on-site soak wells are proposed. 	<p>The department has considered the Town of Bassendean's response and provides the following comments:</p> <ul style="list-style-type: none"> • Condition 4 of the licence specifies that flooring should be impervious sealed concrete flooring. • Condition 6 of the licence has been added to protect stormwater. • The use of sand / earth is common practice for the clean up of battery acid spills. Condition 4 has also been added to require spill kits on site. • Drainage maps indicate that on-site sump drains are not connected to the on-street stormwater network. The Delegated Officer considers that the controls in place are sufficient to mitigate risks to the stormwater network in the event of a spill.
Applicant was provided with draft documents on 7 January 2022	<p>The applicant provided an email response on 17 January 2022 and advised that there was no comments or changes that needed to be made. The applicant requested that the remainder of the review period is waived and the licence is issued as soon as possible.</p>	N/A

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements. It is up to the Licence Holder to ensure that all other necessary licences and approvals (i.e. dangerous goods licence and controlled waste licence) are in place and adhered to prior to and during operation.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:	N/A	
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:-		
Renewal	<input type="checkbox"/>	Current licence number:	Renewal	
Amendment to works approval	<input type="checkbox"/>	Current works approval number:	Amendment to works approval	
Amendment to licence	<input type="checkbox"/>	Current licence number:	Amendment to licence	
		Relevant works approval number:	N/A	Relevant works approval number:
Registration	<input type="checkbox"/>	Current works approval number:	Registration	<input type="checkbox"/> Current works approval number:
Date application received		26/10/2021		
Applicant and Premises details				
Applicant name/s (full legal name/s)		Club Assist Pty Ltd		
Premises name		Club Assist		
Premises location		9 Dyer Road, Bassendean, WA 6054 Lot 48 on Plan 17530 CoT Volume 1889 Folio 983		
Local Government Authority		Town of Bassendean		
Application documents				
HPCM file reference number:		DER2018/001042-6-50		
Key application documents (additional to application form):		Dangerous Goods Site Licence GDS022204 Site Emergency Response Plan Spill Management Plan		
Scope of application/assessment				

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

Summary of proposed activities or changes to existing operations.	Operation of a solid waste depot for the storage and packaging of used lead acid batteries before transport to an appropriate recycling facility.
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Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or reuse.	4,500 tonnes per year.

Legislative context and other approvals

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input checked="" type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No:- EPA Report No:-
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:-
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input checked="" type="checkbox"/> Expiry: 31/08/2026 Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: N/A Expiry date: N/A If N/A explain why? Email from the Town of Bassendean dated 2 August 2021 states that land use is a permitted land use within the general industry zone and does not trigger the need for development

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

		approval.
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type:- Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office:-
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	The applicant holds a Controlled Waste licence T00691. The Premises hold a Dangerous Goods licence DGS022204.
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)

<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Classification: remediated for restricted use (RRU) Date of classification: 18/11/2010</p>
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