



Application for Licence

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

Licence Number L9365/2022/1

Applicant Merger Contracting Pty Ltd

ACN 091 240 354

File Number DER2022/000640

Premises Processing Site Asphalt Recyclers Australia Pty Ltd
143A Stirling Crescent, HAZELMERE WA 6055

Legal description -
Part of Lot 2 on Diagram 44255
Vol. 1430. Folio 56
As defined by the coordinates in Schedule 2

Date of Report 30 January 2023

Status of Report Final

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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, licence L9365 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 17 November 2022, Merger Contracting Pty Ltd (the applicant) submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act), relating to processing and screening of recovered asphalt paving (RAP) and storage of solid waste at the premises.

The applicant was previously operating from 6 & 7 Tipper Court, Hazelmere under licences L9170 and L9171 respectively, with 6 Tipper Court used as the location for the majority of storage of processed RAP and 7 Tipper used as the location for processing RAP. The applicant has relocated its previous operations at both premises to the new location at 143A Stirling Crescent, Hazelmere. This site is also used as a base for administration, the processing plant, the storage of equipment and trucks, and a vehicle maintenance shop. The premises is located approximately 3.5 km south of, Midland within the City of Swan. The applicant did not obtain a works approval prior to relocating to the new site, which may constitute an offence under the EP Act. Breaches of the EP Act are investigated and followed up by DWER's Compliance and Enforcement Branch and as such, will not be considered as a part of this application.

The site is zoned General Industrial and in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (cl.61(2)(b)) and the *City of Swan Local Planning Scheme No 17* (cl 4.3.3(a)), a development approval is not required for this site.

This premises relates to the categories 13 and 61A activities and assessed production capacities under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations), which are defined in licence L9365/2022/1.

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 L9365/2022/1.

2.3 Infrastructure

The relocation of the prescribed activities involved moving the crusher (RubbleMaster RM100Go crushing plant), a front-end loader, concrete blocks and bunkers. No additional construction works were required. The existing hardstand at the premises was previously used for truck and other vehicle storage and parking. A portion of the hardstand is now being used for RAP storage and recycling operations. The layout of the new premises is included in Premises map in Appendix 2.

Crushing and screening is undertaken to produce asphalt aggregate size fractions suitable for road base construction. The profiling material collected from road base is processed for reuse either as cold compacted hardstand, or is reheated for laying and rolling as asphalt pavement.

The activity of asphalt softening at high heat does not require licensing, as asphalt is not being manufactured and as such, does not meet the category definition for Category 35: Asphalt Manufacturing as defined under the *Environmental Protection Regulations 1987* (EP Regulations).

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 during the operation

Emission	Sources	Potential pathways	Proposed controls
Dust Visible dust lift off is possible in hot dry conditions	Crushing Screening & Vehicle Movement	Air / windborne pathway	Bitumen content of RAP minimises dust generation. Water spray is available on crusher. A water cart will be used to keep hardstand surfaces moist. Premises will only be in operation between 7:00am and 5:00pm Monday to Saturday excluding public holidays. Crushing will be avoided in windy conditions. Crushing will be limited to approximately 2hr and 40 mins per day. Activities occur on hard-stand surfaces.
Noise		Air / windborne pathway	Premises will only be in operation between 7:00am and 5:00pm Monday to Saturday excluding public holidays. Crushing will be avoided in windy conditions. Crushing will be limited to approximately 2hr and 40 mins per day.

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 and



Figure 1 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
Closest residential receptor	The nearest residences are located 770 m to the south and 1.3 km to the east of the premises
Environmental receptors	Distance from prescribed activity
Lakes	Hazelmere Lake South is located approximately 1.2 km to the northwest.
Rivers	The Helena River and associated open water bodies and wetlands are located approximately 1.8 km to the north.
Threatened fauna	Endangered <i>Calyptorhynchus latirostris</i> (Carnaby's cockatoo) and priority 4 <i>Isodon fusciventer</i> (southwestern brown bandicoot) are noted to be associated with TEC buffer zones
Threatened Ecological Communities (TECs)	Bushforever 151 - Buffer zones mapped within 291 m <i>Banksia attenuata</i> woodland over species rich dense shrublands
Proclaimed Surface Water Area (RIWI Act 1911)	Premises situated within this designated area Swan River System
Groundwater depth	Premises situated within this designated area

Underlying groundwater depth 8.8 m from surface



Figure 1: Distance to sensitive receptors

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 L9365 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. category 13 and 61A activities.

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 C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Stockpiling and processing of RAP	Noise	Air / wind dispersion impacting upon amenity	Closest rural residential premises located 770m south of the proposed crushing location	Refer to Section 3.1	C = slight L = Unlikely Low Risk	Y	Condition 3	<p>The Applicant has not provided noise modelling or significant information related to potential noise emissions. However, the Delegated Officer has previously consulted specialist branches internal to DWER as a part of assessments for the applicants' previous operations across 6 & 7 Tipper Court, which utilised the same infrastructure as now present at the premises.</p> <p>As it has previously been determined that the use of premises infrastructure and equipment is not likely to cause significant impacts to receptors given the relatively small scale of the proposal compared to existing industry in the local vicinity, and that the distance to sensitive receptors has increased due to the change in premises, the Delegated Officer considers that a noise assessment is not required to support this application.</p> <p>The Applicant is required to comply with the EP (Noise) Regulations. The Delegated Officer considers any issues related to noise from the Premises can be adequately regulated under these Regulations.</p> <p>Condition 3 adopts the Applicant's controls related to operational hours to mitigate impacts from out-of-hours noise. In the event that noise issues do occur, the Licence can be amended to adopt additional controls.</p>
	Dust	Air / wind dispersion impacting upon amenity	Closest rural residential premises located 770m south of the	Refer to Section 3.1	C = slight L = Unlikely Low Risk	Y	Conditions 2 and 3	<p>The Delegated Officer has previously consulted specialist branches internal to DWER as a part of assessments for the applicants' previous operations across 6 & 7 Tipper Court, which were identical to operations proposed at the new premises.</p>

Risk events					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
			proposed crushing location				<p>Due to the asphalt cement content, and the crusher being fitted with water sprayers for dust suppression. The Delegated Officer has previously determined that operations are not likely to cause significant impacts to receptors given the relatively small scale of the proposal compared to existing industry in the local vicinity.</p> <p>The Delegated Officer considers that this conclusion is also applicable to operations at the new premises location.</p> <p>Conditions 2 and 3 adopt the applicants controls for dust suppression on plant.</p> <p>In the event that dust issues do occur, the Licence can be amended to adopt additional controls.</p>	

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
Direct interest stakeholders notified on 21/12/2022	None	NA
Application advertised on DWER website on 5/01/2023	None	NA
Applicant notified of draft 20/01/2023	Condition 3 - The crusher is a RM100GO, the application shows an 80	Condition 3 updated for RubbleMaster RM100Go crushing plant

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.

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: Figures

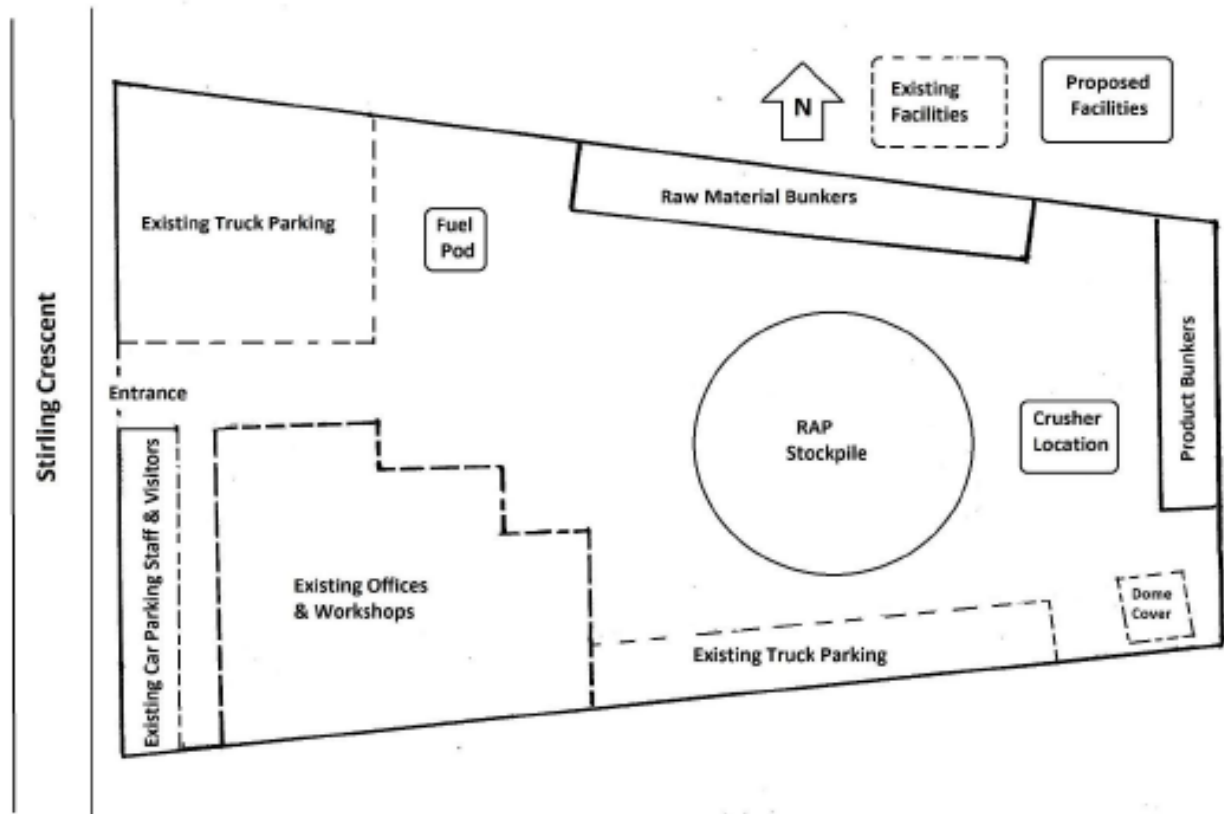


Figure 2: Site Plan143A Stirling Crescent, Hazelmere.



Figure 3: RAP hopper loading for screening operations

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY						
Application type						
Licence	<input checked="" type="checkbox"/>	Relevant works approval number:		None	<input type="checkbox"/>	
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>			
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
		Date report received: 18/11/2022				
Date application received	18/11/2022					
Applicant and Premises details						
Applicant name/s (full legal name/s)	Merger Contracting Pty Ltd Trading as Asphalt Recyclers Australia Pty Ltd 091 240 354 scott@mergercontracting.com.au					
Premises name	143 Stirling Crescent, Hazelmere WA 6055					
Premises location	Part of Lot 2 on Diagram 44255 Volume 1340 Folio 56					
Local Government Authority	City of Swan					
Application documents						
HPCM file reference number:	DER2022/000640					
Key application documents (additional to application form):	Certificate of Title ASIC extract record Dead of lease City of Swan Cover letter Fee calculation DWER Licence application Signed pdf of Planning and DWER application Supplementary application					
Scope of application/assessment						
Summary of proposed activities or changes to existing operations.	Crushing & Screening undertaken at the site No construction works are required. Raw material and product bunkers are moveable concrete block walls as indicated on the premises map Environmental commissioning activities not required					

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Proposed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 13: Crushing of building material	50,000 tonnes per annum	
Category 61A: Solid waste facility	6,000 tonnes per annum	

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 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: 30 June 2027 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"/>	City of Swan has advised that a planning approval is not required.
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.

<p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Type: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Priority: 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"/></p>
<p>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 xxxx</i>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	