



Licence Number L8860/2014/1

Licence Holder Farfield Holdings Pty Ltd

ACN 104 086 320

File Number: DER2014/002762

Premises

Capital Recycling
35 Briggs Street
WELSHPOOL WA 6106
Lot 851 on Deposited Plan 48964
Certificate of Title Volume 2621 Folio 20
AND
39 Briggs Street
WELSHPOOL WA 6106
Lot 2 on Deposited Plan 404784
Certificate of Title Volume 2872 Folio 285

Date of Amendment 21 August 2019

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act) as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

A/MANAGER WASTE INDUSTRIES REGULATORY SERVICES

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Notice	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
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
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	Farfield Holdings Pty Ltd
Minister	the Minister responsible for the EP Act and associated regulations
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
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.

Term	Definition
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

Amendment Notice

Purpose and scope of assessment

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986 (EP Act)* to amend Licence issued under the EP Act for a Prescribed Premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

The Department of Water and Environmental Regulation (**DWER**) has initiated a Licence amendment to align the conditions of the licence with the requirements specified in the Environmental Protection Notice (**EPN**) (CEO 222/18), issued to the Licence Holder on 6 March 2018. These requirements predominantly relate to dust emissions impacting the amenity of local community members and neighbouring premises’.

The amendments also include condition wording improvements and administrative updates.

This appendix presents an assessment of potential environmental and public health risks from emissions and discharges associated with these amendments. As a result of this assessment, an amended Licence has been granted (**Amended Licence**).

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

Background

The Licence Holder holds the Existing Licence L8860/2014/1 under the EP Act for the Premises. The Existing Licence relates to activities at the Premises for the Prescribed Premises Categories under Schedule 1 to the *Environmental Protection Regulations 1987 (EP Regulations)* as listed in Table 2. The Premises have been used for several years for the salvage and reclamation of construction and demolition materials and is approximately 1.0 hectare in size.

Table 2. Prescribed Premises Categories

Classification of Premises	Description	Category Threshold
Category 13	Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	1 000 tonnes or more per year
Category 62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	500 tonnes or more per year

Between 29 September 2017 and 5 February 2018, DWER received 10 complaints relating to dust emissions impacting the amenity of members of the community neighbouring the Premises. Following receipt of these complaints DWER inspectors attended the Premises in February 2018 and discovered several non-compliances with the Existing Licence conditions. At the time, DWER officers determined that the non-compliances were, or were likely, to result in excess

dust emissions from the Premises.

Observations from the compliance inspections identified that the stockpiling of waste and product material was in excess of the height limits for these stockpiles as required by the Existing Licence. It was also determined that product materials (processed waste) were not separated into separate stockpiles of 'products tested for Asbestos Containing Material (**ACM**)' and 'products awaiting testing for ACM', increasing the potential for Asbestos contamination in the product supplied to third-party customers. Given the risk of cross-contamination, it was also possible that any dust lift off from stockpiles could potentially contain Asbestos.

Noting the above, it was determined by DWER that there was reasonable basis to suspect that dust lift off from stockpiles, which exceeded specified height limits, has caused or is likely to cause pollution. Subsequently, on 6 March 2018, an EPN (CEO 222/18) was issued to the Licence Holder under Section 65 of the EP Act, specifying a set of regulatory conditions to which the occupier must comply with to mitigate further dust emissions from the Premises.

In summary, the EPN requires:

- that all stockpiles of waste do not exceed 4 metres in height at any point from the base of the stockpile, whereby the base of the stockpile is defined as 26.44m on the Australian Height Datum (AHD);
- that all stockpiles of product do not exceed 10 metres in height at any point from the base of the stockpile, whereby the base of the stockpile is defined as 15.72m AHD;
- the installation of permanent certified visual height markers to ascertain waste and product stockpile maximum heights, which must be visible by the public and workers on site to assist in compliance with specified height limits;
- a minimum separation distance between all stockpiles of waste and the Premises boundary of 1.5m ; and
- all stockpiles of product tested for ACM and stockpiles of products awaiting testing for ACM are separated by permanent impermeable concrete barriers.

In August 2018 the Licence Holder appealed requirements of the EPN (Appeal No. 006 of 2018), seeking that the requirement for waste stockpile heights not to exceed 4 metres, and the requirement for the separation of ACM tested/awaiting ACM testing stockpiles by impermeable concrete barriers, be removed from the EPN. The Licence Holder challenged DWER's assessment that the source of dust emissions had been the excessively high stockpiles of waste and contended that the cause was an ineffective wheel wash system which had been replaced, resolving the dust issue. It was also contended that the Occupier has management measures and procedures in place to manage risks associated with Asbestos contamination, and that the physical separation of ACM tested/awaiting ACM testing stockpiles is unnecessary.

On 12 September 2018, the Minister determined the appeal. In summary, the Minister supported DWER's view that there was reasonable basis to suspect that dust lift off from stockpiles in excess of height restrictions have caused or are likely to cause pollution, and that the potential for cross-contamination of product awaiting testing for ACM presents a high risk requiring controls. The appeal was subsequently dismissed.

Since the EPN has been in place, DWER have observed improvements to the site operations and a significant reduction in dust complaints reported to the Department.

Amendment history

Table 3 provides the amendment history for L8860/2014/1.

Table 3: Previous licence amendments

Instrument	Issued	Amendment
L8860/2014/1	20 November 2014	<p>Licence issued to Fairfield Holdings Pty Ltd</p> <ul style="list-style-type: none"> • Category 13 (crushing of building material), and; • Category 62 (Solid waste depot)
L8860/2014/1	12 December 2016	<p>Revised Licence issued to Fairfield Holdings Pty Ltd</p> <ul style="list-style-type: none"> • Review of Existing Licence taking into consideration a licence amendment application submitted on 22 December 2015 • Regulation of the Premises aligned with the risk based approach described in DWER's <i>Guidance Statement: Regulatory Principles</i> (July 2015) • The amendment application related to an increase in throughput from 50,000 t p/a to 200,00 t p/a. The amendment application was refused in part with a throughput of 100,000 t p/a permitted to continue under the Revised Licence
L8860/2014/1	21 August 2019	<p>DWER initiated amendment to align the Licence with EPN and Ministers Appeal Determination (Appeal No. 006 of 2018), and other minor changes to condition wording.</p>

Location and receptors

Table 4 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 4: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
Residential premises	240m to the north-west of the Premises boundary
Neighbouring commercial/ industrial premises	Immediately adjacent to the Premises with the closest neighbouring buildings located approximately 20m east and 10m west of the Premises boundary.

Table 5 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 5: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
Perth Groundwater area (Rights in Water Irrigation Act 1914 groundwater area)	Within the Premises Boundary
Geomorphic Wetlands	Tomato Lake is located 1.5km north-west of the Premises Boundary George Street Wetlands are located 1.6km south-east of the Premises boundary

Risk Assessment

Table 6 below describes the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

Table 6: Risk assessment for proposed amendments during operation

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts					
Cat 62 Solid Waste Depot	Stockpiling of unprocessed and processed waste onsite	<p>Dust: lift off from stockpiles and from the movement of product and waste materials</p>	<p>Closest residential premises 'located 240m to the north-west of the Premises boundary</p> <p>Commercial/industrial properties located immediately adjacent to the Premises with the closest neighbouring buildings located approximately 20m east and 10m west of the Premises boundary</p>	Air/wind dispersion	Health and amenity impacts	Moderate	Possible	Medium	<p>The amendment proposes to limit stockpile height for waste (to 4m) and product (to 10m). A limitation on stockpile height will reduce exposure to wind and reduce the emission of dust to immediately adjacent properties. Installation of height markers will assist in achieving and auditing compliance.</p> <p>Existing dust control strategies used for stockpile management include stockpiles being dampened by reticulated sprinklers (product stockpiles) and spray downs using a 10,000L water tank. These measures will be in effect to ensure all material is maintained in a constant dampened state, including when movement of material is occurring.</p>
		<p>Asbestos: fibres from non-conforming waste types at the Premises being released into the air and included in final product</p>	<p>Closest residential premises 'located 240m to the north-west of the Premises boundary</p> <p>Commercial/industrial properties located immediately adjacent to the Premises with the closest neighbouring buildings located approximately 20m east and 10m west of the Premises boundary</p>	Air/wind dispersion	Health and Amenity impacts	Severe	Unlikely	High	<p>The above listed dust control strategies for stockpile management are also applicable to mitigating dust (and potential Asbestos fibre) lift off from materials not yet tested for ACM.</p> <p>The potential for cross-contamination of stockpiles tested for ACM with stockpiles awaiting ACM testing will be significantly reduced with the addition of permanent impermeable concrete barriers between stockpiles. A separation distance of 1.5m will also apply to these stockpiles.</p>

Decision

The Delegated Officer has determined that Existing Licence conditions are no longer adequate to regulate the emission of fugitive dust from the Premises. This is due to a combination of issues including, but not limited to:

- the location and siting of the Premises;
- past performance of site operations relating to the management and mitigation of dust (resulted in EPN CEO 222/18 being issued in March 2018); and
- the potential risks from dust emissions to sensitive receptors.

Amendments have been made to the Existing Licence to clearly outline the expectation surrounding dust controls at the Premises which generally align with the requirements set in the EPN (CEO 222/18).

Further, since the EPN (CEO 222/18) has been in place, DWER officers have observed improvements to site operations and consequently a reduction in complaints received relating to dust emissions has been noted.

Following the amendment to incorporate the above changes, DWER will seek to revoke the EPN (CEO 222/18), in accordance with Section 65(4) of the EP Act.

The Delegated Officer has also amended the Licence by the deletion of Conditions 1 – 4, as well as all references to Material Change. These conditions are contrary to Section 53 of the EP Act and guidance outlined in DWER's *Guidance Statement: Decision Making (February 2017)*.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 21 June 2019. Comments received from the Licence Holder on 14 August 2019 have been considered by the Delegated Officer as shown in Table 7 below.

Table 7: Summary of Licence Holder's comments

Section Reference	Comments	DWER's consideration of comments
Condition 19, Table 2: Infrastructure and Equipment Controls Table – Sweeper truck requirements for twice weekly road sweeping	<p>A lot of effort and expense has been outlaid to improve the wheel wash units on site and this has solved the issue of trucks tracking dirt onto the roads. To impose twice weekly sweep of the roads when it is not necessary is an additional expense that does not achieve any objective.</p> <p>We accept that from time to time the road may need this service (more likely in summer or drier months) but request that it is worded as an "as need" clause. We would also suggest that a weekly inspection of the roads is carried out by the yard supervisor, recorded and submitted with the quarterly figures.</p>	<p>Noted, DWER still considers it appropriate for street sweeping to be undertaken but has reduced the frequency to a minimum of once a week given improvements to the wheel wash facilities onsite.</p> <p>Weekly inspections of the road surface may be undertaken by the yard supervisor outside of Licence requirements but will not be required to be submitted with the quarterly figures.</p>
Condition 19, Table 2: Infrastructure and Equipment Controls Table – Dust wall requirements for a dust suppression system	<p>These walls were installed by Capital voluntarily to prevent works impacting on neighbouring premises'. It seems that now they are being included as a requirement to our licence but the dust suppression system requirement wording causes concern. There is not any form of dust suppression system currently installed on them, nor has there been any discussion or indication from DWER that one is needed. Please clarify and amend.</p>	<p>Noted, this requirement was included unintentionally during the last Licence Review. This condition has been amended to remove the requirement for a dust suppression system as it does not reflect current infrastructure at the Premises.</p>

Amendment

The information below provides a summary of the proposed amendments and will act as record of implemented changes. To ensure clarity DWER has consolidated the proposed changes into the Licence.

The summary of amendments to Definitions of the Licence are shown in Table 8 below. Definitions of the Licence are amended by the deletion of the text shown in strikethrough and the insertion of the red text shown in underline. Amendments relating only to the referencing of Condition numbers within definitions are not included.

Table 8: Major amendments to Definitions of Licence L8860/2014/1

Definition	Amendment
<u>AHD</u>	<u>means Australian Height Datum as defined by Geoscience Australia.</u>
<u>Damp</u>	<u>means material is moist to the touch.</u>
Material Change	<p>means a change to the activities carried out on the Premises as described in the General Description set out in Schedule 2 and:-</p> <ul style="list-style-type: none"> (a) that may result in an increased risk to public health, amenity or the environment; and (b) includes the types of changes specified in Schedule 2; and (c) does not include the excluded changes specified in Schedule 2.

All amendments to the Existing Licence Conditions are summarised in Table 9 below. Conditions of the Licence are amended by the deletion of the text shown in strikethrough and the insertion of the red text shown in underline. Amendments relating only to the referencing of Condition numbers within the Licence are not included.

Table 9: Major amendments to Conditions of Licence L8860/2014/1

Condition	Amendment
1 Environmental Compliance	<p>The Licence Holder must comply with the EP Act and all regulations prescribed under the EP Act applicable to the Premises, including:-</p> <ul style="list-style-type: none"> (a) the duties of an occupier under s 61; (b) the duty to notify the CEO of Discharges of Waste under s 72; and (c) not causing, or doing anything that is likely to cause, an offence under the EP Act. <p><u>except where the Licence Holder does something in accordance with a Condition which expressly states that a defence under s 74A of the EP Act may be available.</u></p> <p>Grounds: Condition to be removed. Duplication of general provisions of the EP Act.</p>
2 Notice of Material Change	<p>The Licence Holder must notify the CEO of any Material Change within 14 days of a Material Change occurring and such notification (which the CEO will make publicly available) must:</p> <ul style="list-style-type: none"> (a) be in writing; (b) include details of the changes, including duration and infrastructure details (if any); and (c) include a risk analysis of the changes, including proposed controls to mitigate risks. <p>Nothing in this Condition constitutes a defence to offences under the EP Act.</p> <p>Grounds: Condition to be removed. Condition is contrary to Section 53 of the EP Act and guidance outlined in DWER's <i>Guidance Statement: Decision Making</i> (February 2017).</p>
3 Notice of Material Change	<p>The Licence Holder must provide to the CEO any additional information the CEO may reasonably require to assess the Material Change under Condition 0 and in order for the CEO to determine if an amendment is required under the EP Act.</p> <p>Grounds: Condition to be removed. Condition is contrary to Section 53 of the EP Act and guidance outlined in DWER's <i>Guidance Statement: Decision Making</i> (February 2017).</p>
4 Notice of Material Change	<p>The Licence Holder must cease carrying out, or modify, a Material Change in the manner and at the time required by the CEO if:</p> <ul style="list-style-type: none"> (a) the CEO forms the view, acting reasonably, that the Material Change has

Condition	Amendment
	<p>or may have an unacceptable impact on public health, amenity or the environment; and</p> <p>(b) the CEO has provided written notice (which the CEO will make publicly available) to the Licence Holder specifying the grounds for the CEO's views.</p> <p>Nothing in this Condition prevents the Licence Holder subsequently submitting an amendment in relation to the Material Change.</p> <p>Grounds: Condition to be removed. Condition is contrary to Section 53 of the EP Act and guidance outlined in DWER's <i>Guidance Statement: Decision Making</i> (February 2017).</p>
<p>20 16 Stockpile Management</p>	<p>In addition to the unloading area specified in Condition 44¹⁰, the Licence Holder must within 3 months from the date of this Licence:</p> <p>(a) maintain material on the Premises in at least three separate stockpile areas for unprocessed Waste, Products tested for ACM and Products awaiting testing for ACM generally in accordance with the Site Plan set out in Schedule 1;</p> <p>(b) maintain all Product stockpiles to the rear of the Premises;</p> <p>(c) unprocessed Waste and Product stockpiles must be kept clearly separated at a minimum 3 metre distance;</p> <p>(d) Products tested for ACM and Products awaiting testing for ACM must be clearly separated by a minimum 3 metre distance OR clearly delineated and separated with impermeable barriers <u>permanent impermeable concrete barriers</u>; and</p> <p>(e) clearly visible and legible signage must be erected on individual stockpiles to clearly identify and delineate tested Products, untested Products and unprocessed Waste.</p> <p>Grounds: Condition to be amended to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
<p>24 17 Stockpile Management</p>	<p>Subject to Condition 22, t¹ the Licence Holder must ensure that all Product stockpiles do not exceed 10 metres in height at any point from the base of the stockpile, <u>whereby the base of the stockpile is defined as 15.72 metres AHD.</u></p> <p>Grounds: Condition to be amended to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
<p>22 Stockpile Management</p>	<p>The Licence Holder must ensure that for Product stockpiles which exceeds 10 metres in height as at 12 December 2016:</p> <p>(a) the stockpile height is reduced to less than 10 metres in height at any point from the base of the stockpile by 13 February 2016; and</p> <p>(b) all Products to be moved or removed from the Premises are wetted down prior to the movements taking place.</p> <p>Grounds: Condition to be removed to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
<p>23 18 Stockpile Management</p>	<p>Subject to Condition 24, t¹ the Licence Holder must ensure that all stockpiles of Waste on the Premises:</p> <p>(a) do not exceed 4 metres in height at any point from the base of the stockpile, <u>whereby the base of the stockpile is defined as 26.44 metres AHD</u>; and</p> <p>(b) have a minimum distance of 1.5 metres separation from the base of each stockpile to the Premises boundary at all times.</p> <p>Grounds: Condition to be amended to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
<p>24 Stockpile Management</p>	<p>Stockpiles of Waste may exceed 4 metres but must be retained at below 7 metres at any point to the base of the stockpile if the Licence Holder has:</p> <p>(a) notified the CEO in writing of the temporary increase of the stockpile height;</p>

Condition	Amendment
	<p style="text-align: center;">and</p> <p style="text-align: center;">(b) the period the exceedance is required which must: (i) not be greater than 30 calendar days; and</p> <p>Grounds: Condition to be removed to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
25 Stockpile Management	<p>The Licence Holder must provide to the CEO any additional information the CEO may reasonably require to assess the temporary stockpile height increase under Condition 24.</p> <p>Grounds: Condition to be removed to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
26 19 Infrastructure and Equipment Table 2: row 1 column 2	<p>Roadways and all Product and Waste stockpiles must remain <u>wetted down in a damp state to prevent dust lift off</u>. Targeted wetting <u>must occur during operational hours when material handling such as reclaiming from the stockpiles has the potential to generate fugitive dust</u>. shall occur during tipping and when material handling such as reclaiming of Waste from the stockpile has the potential to generate fugitive dust.</p> <p><u>Unsealed access roads must remain in a damp state during operational hours to prevent dust lift-off.</u></p> <p>Grounds: Improvements to condition wording to ensure requirements are clear, valid and enforceable.</p>
26 19 Infrastructure and Equipment Table 2: row 3 column 2	<p>Series of sprinklers on top of Product and Waste stockpiles to supplement wetting by water truck sprays ensuring that a protective crust forms preventing fugitive dust from this source. Effective sprinklers on the stockpiles need to achieve an appropriate coverage and produce a fine water droplet cloud to effectively suppress airborne dust particles. The positioning and setup of sprinklers must effectively deliver water to Product stockpiles and must not be blown away by wind.</p> <p>Sprinklers to be maintained in good working order to ensure continuous availability.</p> <p>Grounds: Condition wording updated to ensure that it is reflective of onsite operations; mobile sprinklers are used only for product stockpiles – waste stockpiles are wetted down using hoses and water truck.</p>
26 19 Infrastructure and Equipment Table 2: row 5 column 2	<p>Automated tyre washes near Gatehouse and top end of property to be used for all vehicle movements exiting the Premises. Washes must ensure that all tyres are</p> <p><u>All vehicles must pass through wheel wash sump prior to exiting the Premises. All tyres of vehicles leaving the Premises must be</u> sufficiently free of dirt to prevent tracking of dirt outside of the Premises.</p> <p>Grounds: Improvements to condition wording to ensure requirements are reflective of on-site infrastructure.</p>
26 19 Infrastructure and Equipment Table 2: row 7 column 2	<p>Road sweeping of main concrete hardstand roadway areas and <u>entry/exit point of the premises to occur at least once a week. Sweeping of Briggs Street between Downing Street and Planet Street (Welshpool), and the length of Raleigh Street between Briggs Street and Cohn Street (Welshpool) to also occur at least once a week.</u> street to be swept on at least a daily basis.</p> <p>Grounds: Improvements to condition wording to clarify area of street to be swept. The duration has also been reduced to weekly, based on improvements to the wheel wash facilities onsite.</p>
26 19 Infrastructure and Equipment Table 2: row 8 column 2	<p>4.5 metre high dust walls with dust suppression system installed around the east and south perimeter of the Premises to prevent fugitive dust from leaving the Premises in combination with wetting practices</p> <p>Grounds: Removed upon request of the Licence Holder. This requirement was incorrectly included during the last Licence Review and does not reflect current infrastructure at the Premises. Other dust management measures at the Premises are sufficient to manage dust without the requirement for a dust suppression system on the dust walls.</p>

Condition	Amendment
<p>26 <u>19</u> Infrastructure and Equipment Table 2: row 9 column 2</p>	<p><u>Height markers must clearly indicate the relevant numerical limit for the stockpiles (4m for waste stockpiles and 10m for product stockpiles). Height markers must also be placed so they are clearly visible to assist with compliance to specified height restrictions.</u></p> <p>Grounds: Condition to be amended to align licence controls with the EPN (CEO 222/18), consistent with the Minister's Determination.</p>
<p>27 <u>20</u> Dust Emission Controls</p>	<p>The Licence Holder must ensure that:</p> <p>(c) all Product and Waste stockpiles <u>are maintained in a damp state by use of infrastructure and equipment specified in rows 1, 2 and 3 of the Table 2 set out in Condition 19;</u> and</p> <p>(d) all unsealed access roads <u>are maintained in a damp state during operational hours by use of infrastructure and equipment specified in rows 1 and 2 of the Table 2 set out in Condition 19.</u></p> <p>are wetted down during operations at all times by use of infrastructure and equipment specified in rows 1, 2 and 3 of the Table 2 set out in Condition 2619.</p>
<p>39 <u>32</u> Emissions Table 3: general emissions column 1</p>	<p>Emissions which:</p> <ul style="list-style-type: none"> • arise from the activities on the Premises through matters set out in, or incidental to the matters set out in, the General Description in Schedule 2. or • arises from the activities on the Premises through activities arising from a Material Change (except where Condition 4 applies) <p>Grounds: Condition amended to remove reference to Material Change. Condition is contrary to Section 53 of the EP Act and guidance outlined in DWER's <i>Guidance Statement: Decision Making</i> (February 2017).</p>

Appendix 1: Key documents

Document title	In text ref	Availability
Licence L8860/2014/1 – Capital Recycling	L8860/2014/1	accessed at www.dwer.wa.gov.au
Ministers Appeal Determination and Appeals Convenor (report for the Minister of the Environment)	Ministers Determination	DWER records (A1766858)
Environmental Protection Notice issued to Farfield Holdings Pty Ltd on 2 March 2018, Reference No. CEO222/18.	EPN (CEO 222/18)	accessed at www.dwer.wa.gov.au
Licence Holder comments on draft Licence Amendment received 14 August 2019	Licence Holder's comments	DWER records (DWERDT189412)
DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	GS: Regulator Principles	accessed at www.dwer.wa.gov.au
DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	GS: Setting Conditions	
DWER, February. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	GS: Risk Assessments	
DWER, June 2019. <i>Guidance Statement: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	GS: Decision Making	
DER, November 2016. <i>Guidance Statement: Environmental Siting</i> . Department of Environment Regulation, Perth.	GS: Environmental Siting	