



Application for Licence

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

Licence Number	L6544/1993/11
Applicant	Red Sand Supplies Pty Ltd
ACN	081 951 617
File number	2010/009437-1
Premises	Red Sand Supplies Pty Ltd 192 Hope Valley Road HOPE VALLEY WA 6165 Legal description Part of Lot 339 on Deposited Plan 245455 Certificate of Title Volume 1967 Folio 842 As defined by the premises map in Schedule 1 of the licence and the coordinates in Schedule 2 of the licence
Date of report	03/02/2023
Decision	Licence granted

**MANAGER WASTE INDUSTRIES
REGULATORY SERVICES**

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

Table of Contents

1. Decision summary	1
2. Scope of assessment	1
2.1 Regulatory framework	1
2.2 Application summary and overview of premises	1
3. Risk assessment	1
3.1 Source-pathways and receptors	1
3.1.1 Emissions and controls	1
3.1.2 Receptors	3
3.2 Risk ratings	5
4. Consultation	9
5. Conclusion	10
References	12
Appendix 1: Summary of stakeholder comments	13
Appendix 2: Summary of applicant’s comments on risk assessment and draft conditions	16
Appendix 3: Application validation summary	17
Table 1: Proposed applicant controls	1
Table 2: Sensitive human and environmental receptors and distance from premises	3
Table 3: Risk assessment of potential emissions and discharges from the premises during operation	6
Table 4: Consultation	9
Figure 1: General layout of premises	2
Figure 2: Distance to sensitive receptors	4

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 L6544/1993/11 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 1 November 2022, the applicant submitted an application for a licence renewal to the department under section 57 of the *Environmental Protection Act 1986* (EP Act).

The application is to renew a licence relating to operation of a construction and demolition (C&D) waste recycling facility at the premises. Mulch products are stored at the premises but are not produced on-site. The premises is in Hope Valley within the Latitude 32 Industry Zone.

The premises relates to the categories and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L6544/1993/11. 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 L6544/1993/11.

The general premises layout is shown in Figure 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.

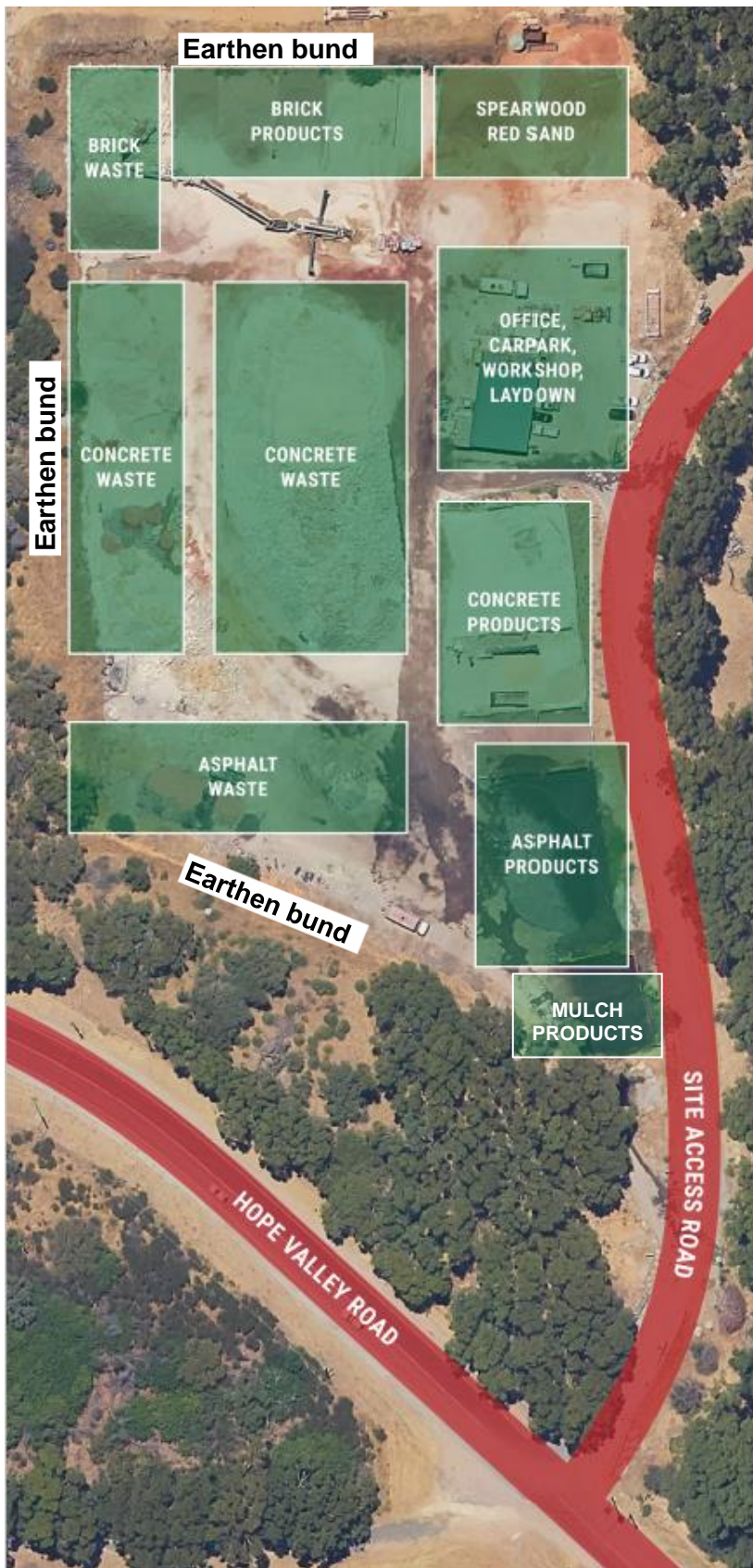


Figure 1: General layout of premises

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Dust	Screening, crushing, unloading, loading and storage of material (wastes and products) Vehicle movements	Air / windborne pathway	<p>Providing wind breaks if or where practical.</p> <p>Regularly dampening roadways.</p> <p>Sealing roads.</p> <p>Minimising handling of waste.</p> <p>Water sprays on screeners and stackers.</p> <p>Dampening waste loads prior to or during tipping.</p> <p>Dampening waste stockpiles prior to processing.</p> <p>Planting/ retaining trees or if practical erecting bunds on site perimeter.</p> <p>The following plant/equipment to control dust on-site:</p> <ul style="list-style-type: none"> • 20,000 L water truck with sprays to control road traffic dust emissions, including a high-pressure water cannon to suppress stockpile dust. • A 60,000 L water tank with suitable pumping equipment. • Reticulated pipework to product bays (including mulch storage area) and portable sprinklers at waste stockpiles. <p>Water for dust suppression sourced from two on-site groundwater bores. <u>Note: the applicant needs to seek an amendment to groundwater licence GWL50465(6) under the Rights in Water and Irrigation Act 1914 (RIWI Act) for the two on-site bores to be authorised drawpoints under the licence and to use extracted groundwater for dust suppression.</u></p> <p>Training of site personnel to detect and investigate fugitive dust emissions and dust controls.</p> <p>Where adverse weather conditions or watering system failure leads to fugitive dust emissions that cannot be controlled, operations will cease until effective controls are put in place.</p>
Asbestos fibres		Air / windborne pathway	<p>Dust controls as listed above.</p> <p>Asbestos Management Plan (AMP) that is revised on an annual basis.</p> <p>Training of personnel which is refreshed on a two-yearly basis.</p> <p>Waste acceptance controls</p> <p>Selective acceptance of only certain C&D waste streams such as concrete, asphalt, bricks and pavers.</p> <p>Enforcement and communication of a no asbestos policy to customers providing wastes to the premises, including signage at site entrance and other strategic locations.</p> <p>Requirement for waste drivers to provide declaration that</p>

Emission	Sources	Potential pathways	Proposed controls
			<p>each load is free from asbestos and loads without this declaration are rejected.</p> <p>Rejection of loads found to contain asbestos and financial penalties applied to customers supplying this waste.</p> <p>Visual inspection of received loads from viewing platforms.</p> <p>Classification of loads as low or high risk.</p> <p>Load inspection after acceptance controls</p> <p>Loads dampened before unloading and maintained in damp state during inspection.</p> <p>Handling of low and high risk loads in accordance with <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i> (DWER Asbestos Guidelines).</p> <p>Waste processing controls</p> <p>Routine visual inspections to detect asbestos will occur at the crusher feedstock stockpile, screening plant stockpile, final recycled product stockpiles and during loading out of products into trucks.</p>
Noise		Air / windborne pathway	<p>Earth bund wall present along part of the premises boundary.</p> <p>Site operating hours are 6:00 am to 5:00 pm.</p> <p>Vehicle speed restrictions.</p> <p>Use of diesel electric plant machinery.</p>
Stormwater containing sediment or plant pathogens		Overland runoff	<p>All stormwater is kept on-site to avoid stormwater contamination.</p>
Asbestos fibres	Generation of recycled products	Air/ windborne pathway	<p>Waste acceptance, load inspection after acceptance and waste processing controls for asbestos listed above.</p> <p>AMP that is revised on an annual basis.</p> <p>Monitoring and testing controls</p> <p>Finished recycled product stockpiles batched in 1,000 tonne lots for identification and segregation.</p> <p>Testing of products at the rate of 5 locations per 4,000 tonnes (approximately 10 locations per month) which is consistent with the reduced sampling frequency set out in the DWER Asbestos Guidelines. DWER authorised the applicant to implement a reduced sampling frequency on 31 March 2015.</p> <p>Product samples sent to independent NATA accredited laboratory.</p> <p>Product sampling method described in general accordance with the method in the DWER Asbestos Guidelines.</p>

Emission	Sources	Potential pathways	Proposed controls
			<p>Asbestos content of any recycled product will not exceed 0.001% w/w. Recycled products will only to be supplied to customers from stockpiles that have been sampled, tested and shown to conform to the product specification.</p> <p>Response actions to non-conforming product samples.</p> <p>Training of personnel on inspection and testing methods.</p>

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 2 below provide 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 premises

Human receptors	Distance from prescribed activity
Residential premises	<ul style="list-style-type: none"> - 1100 Rockingham Road, Hope Valley, about 1.4 km north of the premises - 95 Postans Road, Hope Valley, about 1.5 km north-east of the premises - 71 and 87 Wattleup Road, Wattleup, about 1.85 km north of the premises boundary <p>There are no residential premises to the west of the premises or within 2 km to the east and south of the premises.</p>
Educational institution	South Metropolitan TAFE is located about 900 m north-west of the premises.
Commercial/ industrial premises	<p>The premises is within the Latitude 32 Industry Zone and is surrounded by industrial premises to the north, south, east and west.</p> <p>The part of Lot 339 that is immediately north of the premises is used for horticultural purposes.</p> <p>The closest service commercial premises are on Rockingham Road, about 1.3 km west of the premises.</p>
Environmental receptors	Distance from prescribed activity
Geomorphic Wetlands of Swan Coastal Plain	Long Swamp, a conservation basin sumpland, is located within Lot 339 and about 55 m east of the premises.
Threatened ecological communities (TEC)	The premises is within 50 m of the 500 m buffer zone for the Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region TEC.



Figure 2: 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 take into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete 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 L6544/1993/11 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. sorting, crushing and screening of C&D waste and storage of mulch.

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			
Screening, crushing, unloading, loading and storage of material (wastes and products) Vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Workers and visitors at neighbouring industrial premises in Hope Valley. Residences at least 1.4 km north and north-east. Workers, visitors and students at industrial, commercial and educational premises in Naval Base.	Refer to Section 3.1	C = Minor L = Possible Medium Risk	N	Condition 1, 3, 8, 9, 15, 18, 27, 28 and 29 Condition 14, 16, 17 and 19	Residual wastes are required to be collected, stored in a container and removed to an appropriately authorised facility within four weeks to ensure excessive volumes of waste do not accumulate on the premises. Waste and product stockpiles are required to be maintained in a damp state to ensure that sufficient water is applied via the reticulated sprinkler network to prevent dust generation. Maximum stockpile heights are required to mitigate the potential increased risk of dust emissions from excessively tall stockpiles. Products are required to be wet down before being removed from the premises.
		Air / windborne pathway causing deposition of particulate matter associated with C&D waste or mulch. Potential impacts to vegetation such as smothering of leaves or pathogen transfer (e.g. <i>Phytophthora</i> dieback).	Long Swamp 55 m east. Banksia woodland TEC to the east.	Refer to Section 3.1	C = Major L = Rare Medium Risk			

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			
	Asbestos fibres	Air / windborne pathway causing impacts to health	<p>Workers and visitors at neighbouring industrial premises in Hope Valley</p> <p>Residences at least 1.4 km north and north-east</p> <p>Workers, visitors and students at industrial, commercial and educational premises in Naval Base</p>	Refer to Section 3.1	<p>C = Severe</p> <p>L = Rare</p> <p>High Risk</p>	N	<p>Condition 1, 2, 3, 4, 5, 8, 9, 12, 15, 27 and 28</p> <p><u>Condition 6, 7, 10, 11, 16, 17, 30 and 31</u></p>	<p>Additional dust controls as justified above.</p> <p>The applicant has indicated that they reject any loads identified as containing asbestos during initial inspections, however this may not be achieved in all circumstances. Additional containment controls are required in case asbestos contaminated loads require reloading or temporary storage before being removed from the premises.</p> <p>The waste acceptance and inspection procedures set out in the applicant's AMP are generally appropriate, however some additional detail to some controls is required to align with the DWER Asbestos Guidelines.</p> <p>An annual process audit is required to be prepared by a suitably qualified and independent person and submitted to DWER, in accordance with section 5.1.1 of the DWER Asbestos Guidelines. A third party audit will provide greater assurance that appropriate controls are being implemented at the premises and help identify opportunities for improvement.</p>
	Noise	Air / windborne pathway causing impacts to health and amenity	<p>Workers and visitors at neighbouring industrial premises in Hope Valley</p> <p>Residences at least 1.4 km north and north-east</p> <p>Workers, visitors and students at industrial, commercial and educational premises in Naval Base</p>	Refer to Section 3.1	<p>C = Moderate</p> <p>L = Possible</p> <p>Medium Risk</p>	N	<p>Condition 3, 8 and 29</p> <p><u>Condition 1</u></p>	<p>The following additional controls are required to reduce the risk of cumulative noise emissions from concurrent activities at the premises:</p> <ul style="list-style-type: none"> only one of the rock breaker, concrete shear or concrete pulveriser must be used at one time; and the rock breaker, concrete shear and concrete pulveriser must not be used while the crushing plant is operating.

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				
	Stormwater containing sediment or plant pathogens	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Long Swamp 55 m east	Refer to Section 3.1	C = Major L = Unlikely Medium Risk	N	Condition 20 <u>Condition 14</u>	Residual wastes are required to be collected, stored in a container and removed to an appropriately authorised facility within four weeks to ensure excessive volumes of waste do not accumulate on the premises.
Generation of recycled products	Asbestos fibres	Inhalation causing impacts to health	Off-site product users	Refer to Section 3.1	C = Severe L = Rare High Risk	N	Condition 1, 2, 3, 4, 5, 8, 12, 23, 24, 26, 27, 28 and 29 <u>Condition 6, 7, 10, 11, 13, 25, 30 and 31</u>	<p>The applicant has indicated that they reject any loads identified as containing asbestos during initial inspections, however this may not be achieved in all circumstances. Additional containment controls that ensure these loads do not mix with other wastes are required in case asbestos contaminated loads require temporary storage before being removed from the premises.</p> <p>The waste acceptance and inspection procedures set out in the applicant's AMP are generally appropriate, however some additional detail to certain controls is required to align them with the DWER Asbestos Guidelines.</p> <p>Additional stockpile controls are required to ensure materials at different stages of processing and testing are labelled and separated to prevent mixing.</p> <p>In addition to the recordkeeping set out in the AMP, product quality monitoring records are also required to be kept.</p> <p>An annual process audit is required to be prepared by a suitably qualified and independent person and submitted to DWER, in accordance with section 5.1.1 of the DWER Asbestos Guidelines. A third party audit will provide greater assurance that appropriate controls are being implemented at the premises and help identify opportunities for improvement.</p>
		Air / windborne pathway causing impacts to health	General public where products are used					

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 8 December 2022	None received	N/A
Local Government Authority advised of proposal on 8 December 2022	<p>The City of Kwinana replied on 9 December 2022 and highlighted the potential for emission of contaminated stormwater from the premises. The City of Kwinana therefore requested that the renewal of the licence be subject to implementation of prevention measures for the emission of contaminated stormwater.</p> <p>The City of Kwinana provided an additional response on planning considerations on 18 January 2023. The City of Kwinana indicated:</p> <ul style="list-style-type: none"> - According to the City of Kwinana records, no planning approval was issued for the current works (development) at its present location in the south of Lot 339. - Due to no current planning approval, the City has no ability to control the development / use on the property. - The applicant should be advised to seek retrospective planning approval. - All planning approvals in the Hope Valley Wattleup Redevelopment Area are of a temporary nature. 	<p>The delegated officer has considered the comment about stormwater management in determining the regulatory controls on the renewed licence.</p> <p>DWER recognises the importance of land use planning in the context of the delivery of appropriate public health and environmental outcomes and gives regard to the processes and views of other authorities in its decision-making process. However, in accordance with DWER's regulatory framework, a decision under Part V of the EP Act on an assessment of an application may be made prior to the determination of a planning application.</p> <p>The delegated officer has considered the current lack of planning approval in determining the outcome of this renewal application. Further discussion of this matter is provided in section 5 of this report.</p>
DevelopmentWA advised of proposal on 8 December 2022	<p>DevelopmentWA replied on 9 January 2023 and provided the following comments:</p> <ul style="list-style-type: none"> - DevelopmentWA requests the applicant be advised that an approval to undertake development must be sought prior to any further works or operation of the activity continuing or commencing on the site. - The subject site is affected by a Primary Regional Road Reservation under the Hope Valley Wattleup Redevelopment Project Master Plan. 	<p>The delegated officer notes this information. As discussed above, the delegated officer has considered the current lack of development approval in determining the outcome of this renewal application.</p> <p>DWER will contact Main Roads and WAPC for comment following the renewed licence being granted. Comments from Main Roads and WAPC will be considered as part of</p>

Consultation method	Comments received	Department response
	Comment from Main Roads and the Western Australian Planning Commission should be sought regarding any potential impact the activity may have in respect to the future intended use of the land as road reserve.	any future licence renewal applications for this premises.
Department of Health (DoH) advised of proposal on 8 December 2022	DoH replied on 23 December 2022. Refer to Appendix 1 for DoH's response.	Refer to Appendix 1
Department of Mines, Industry Regulation and Safety (DMIRS) advised of proposal on 8 December 2022	DMIRS replied on 20 December 2022 advising that it was not necessary for them to comment on the licensing of this category 13 facility as it is outside of their jurisdiction, however they would hope that the entities are complying with the WHS legislation, in particular the handling of asbestos and general dust management issues among other hazards associated within the industry.	The delegated officer acknowledges these comments and notes that worker health and safety is outside the scope of matters regulated under the DWER licence. The licence includes regulatory controls to mitigate public health risks from asbestos and dust emissions.
Applicant was provided with draft documents on 13 January 2023	The applicant responded on 31 January 2023 - Refer to Appendix 2	Refer to Appendix 2

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the application to renew licence L6544/1993/11 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements. The licence has been renewed for a period of two years with a new expiry date of 12 February 2025. Category 62 solid waste depot has been added to the categories authorised under the licence on the basis that solid waste is stored at the premises.

An instrument granted by DWER only provides a defence for the occupier for offences under Part V, Division 3 of the EP Act and not for any offences under other legislation. It is the applicant's responsibility to be aware of and obtain other regulatory approvals that are required to operate a C&D waste recycling facility at the premises.

The delegated officer understands that the C&D waste recycling facility, in its current location on the premises, does not have planning approval. The delegated officer has therefore determined to only renew the licence for a reduced period of two years. The applicant should seek retrospective planning approval for the premises as soon as possible following the granting of the renewed licence. If planning approval is not obtained by the new licence expiry date of 12 February 2025, DWER may determine not to renew the licence further. If the applicant determines to continue operating the premises without the necessary approvals from planning authorities, they do so at their own risk.

The delegated officer understands that the current groundwater licence GWL50465(6) under the RIWI Act does not authorise extraction of groundwater for dust suppression purposes and

the two existing on-site production bores are not authorised drawpoints under the groundwater licence. DWER has advised the applicant of the appropriate regulatory approval pathway to seek authorisation for their current groundwater use and they should seek this approval as soon as possible. DWER's granting of licence L6544/1993/11 under the EP Act does not prejudice any decision on such an application under the RIWI Act. If the relevant authorisation is not granted under the RIWI Act, the applicant will need to find an alternative water supply for dust suppression to comply with the conditions of the licence or consider relocating the premises if an alternative water supply is not available at the current location.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Health 2021, *Guidelines for the assessment, remediation and management of asbestos contaminated sites*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
5. DWER 2021, *Guideline: Managing asbestos at construction and demolition waste recycling facilities*, Perth, Western Australia.

Appendix 1: Summary of stakeholder comments

Stakeholder	Summary of stakeholder comments	Department's response
DoH comments provided 23/12/22	<p>There have been several important recent developments in relation to C&D recycling. These include the release of DoH's <i>Guidelines for the assessment, remediation and management of asbestos contaminated sites 2021</i> (DoH Guidelines) with their more stringent stockpile sampling guidance.</p>	<p>The delegated officer is aware of the recent revisions to the DoH Guidelines. Section 5.7 of the DoH Guidelines sets out stockpile sampling guidance and recommends that three samples are collected from stockpiles less than 75 m³. This sampling approach is more stringent than the DWER Asbestos Guidelines which specifies a standard product stockpile sampling frequency of one sample per 70 m³ (40 locations per 4,000 tonnes) and allows site-specific approval for a reduced sampling frequency of one sample per 600 m³ (5 locations per 4,000 tonnes).</p> <p>DWER has not yet determined how DoH's revision of the <i>Guidelines for the assessment, remediation and management of asbestos contaminated sites 2021</i> will affect the approach to recycled product quality sampling outlined in the DWER Asbestos Guidelines. If DWER determines to revise the DWER Asbestos Guidelines, the C&D recycling industry would be consulted about proposed revisions.</p>
	<p>DoH notes that the licence was issued in 2012 and that DoH agreed to a reduction in the product sampling frequency in 2015. Over that period, it is not clear what has occurred in relation to potential establishment of sensitive receptors in the neighbourhood of the facility and what plans there may be for future ones. The applicant should address the issues in detail rather than simply saying in the Asbestos Management Plan (AMP) "Red Sands facilities location lay outside sensitive receptors" in regard to dust monitoring. As 'lay' is past tense it is not clear what the current situation is.</p>	<p>The delegated officer agrees that the applicant did not provide sufficient information about environmental siting to support the licence renewal application. DWER conducted an updated environmental siting assessment as part of this renewal application (section 3.1.2 of this report) and considered potential human health impacts to the identified sensitive receptors as part of the risk assessment (section 3.2 of this report).</p>
	<p>The DWER Asbestos Guidelines indicate that a facility AMP should be part of an Environmental Management System (DWER Guidelines 5.1). It is not evident from the application that such a system, or a broader environmental impact assessment report, exists. Part of such a system should also include a Dust Management Plan (DMP). The applicant indicates that dust management is addressed in the AMP. Although this is the case, the management relating to dust in the AMP is quite simplistic and largely couched in vague terms of what will be done in the future, such as sealing roads, providing windbreaks and putting sprayers on crushing equipment. Since the facility has been operating for at least 10 years, there already should have been ample opportunity to do these and implement other proposed dust management measures. Possibly the DWER draft <i>Guideline: Dust Emissions</i> could be used to inform the dust management arrangements.</p>	<p>The delegated officer agrees that some of the dust management measures proposed in the AMP were vague and non-specific. DWER sought clarity on a number of these controls during the licence renewal assessment process and considered additional information provided by the applicant in preparing the list of controls summarised in Table 1.</p> <p>Where considered necessary to mitigate the risk of dust emissions from the activities on the premises, dust controls are specified in the conditions of the renewed licence. The delegated officer is satisfied that the renewed licence includes appropriate dust management controls based on the environmental siting and activities at the premises.</p>

Stakeholder	Summary of stakeholder comments	Department's response
		<p>The applicant was not required to consider the draft <i>Guideline: Dust emissions</i> in preparing their renewal application because this document has not been finalised.</p>
	<p>There are some discrepancies in the tonnages quoted of materials processed on the site. The main application form indicates less than 10,000 tonnes of each of concrete, asphalt and brick; the AMP indicates a total of about 1,000 tonnes per month for testing, and Part 4 of the application states the facility processed 95,000 tonnes in the 2021/22 financial year.</p>	<p>The delegated officer agrees that the applicant provided some contradictory information about waste acceptance and recycled product generation rates at the premises within their application. DWER sought clarity on these figures from the applicant as part of the licence renewal assessment process. The applicant indicated that during the previous year they received 70,000 tonnes of waste and produced 95,000 tonnes of recycled product. They also indicated that the space and equipment at their premises would limit them to accepting and processing a maximum of about 100,000 tonnes of waste per year. The delegated officer therefore assessed the licence renewal application based on a design capacity of 100,000 tonnes per annual period.</p>
	<p>In regard to the management of potential asbestos contamination, DoH considers that the main regulatory tools are the licence conditions and the company's AMP. Ideally, from a DoH perspective, the AMP should closely reflect the requirements of the DWER Asbestos Guidelines. The licence conditions, subject to DWER practices, reinforces the need to apply the DWER Asbestos Guidelines in the form of the AMP.</p> <p>The current AMP is largely adequate except for management measures related to section 5 of the DWER Asbestos Guidelines, in particular undertaking process audits and having proper training arrangements and record keeping. For instance, the AMP does not include record keeping of "documentation associated with stockpile inspections and sampling results, and details of actions taken in regard to stockpiles or material not meeting the asbestos control specification".</p>	<p>The delegated officer agrees that an AMP is an important part of the regulatory framework to ensure asbestos risks are appropriately managed and mitigated at C&D recycling facilities. The renewed licence includes a detailed condition to ensure an appropriate AMP is maintained and implemented at the premises.</p> <p>DWER considered the emission controls in the applicant's AMP in determining appropriate regulatory controls to be included as conditions in the renewed licence. Where the controls in the AMP were not considered adequate or lacking in detail, the delegated officer determined additional controls to impose as conditions in the licence (section 3.2 of this report).</p> <p>The renewed licence includes conditions requiring an annual process audit to be undertaken by a suitably qualified and independent person in accordance with the requirements of the DWER Asbestos Guidelines.</p> <p>The renewed licence includes conditions requiring personnel to undergo training in accordance with the requirements of the DWER Asbestos Guidelines.</p> <p>The renewed licence includes detailed recordkeeping conditions which require the applicant to record:</p> <ul style="list-style-type: none"> - the findings from visual inspections and laboratory analysis of

Stakeholder	Summary of stakeholder comments	Department's response
		<p>recycles products;</p> <ul style="list-style-type: none"> - the actions taken to address any incoming waste loads found to contain asbestos and/or ACM; and - the actions taken to address any processed waste stockpiles that do not conform to the product specification.
	<p>It should be noted that under <i>Work Health and Safety (General) Regulations 2022</i>, there may be new specific requirements in relation to work involving asbestos that should be addressed in the AMP.</p>	<p>As stated in section 3.1.2, worker health and safety are outside the scope of DWER's assessment. The applicant is responsible for ensuring their activities comply with other relevant regulatory requirements such as the <i>Work Health and Safety (General) Regulations 2022</i>.</p>
	<p>The AMP states that the product sampling frequency will be the same as is currently required in the DWER guideline, i.e. 40 samples per 4000 tonnes. This does not accord with the reduced sampling regime that was approved by DoH in 2015 of 5 samples per 4000 tonnes. In any case, given the new sampling requirements of the DoH guidelines, some compliance issues identified in the industry, and pending revision of the DWER Asbestos Guidelines, DoH considers that any reduction in product sampling frequency based on ongoing demonstration of non-contaminated product should only be in regard to samples for laboratory analysis for relevant sized material.</p>	<p>The delegated officer has a different interpretation of the applicant's AMP and understands their current and proposed product sampling rate to be 5 locations per 4,000 tonnes of product rather than 40 samples per 4,000 tonnes of product. The applicant was authorised by DWER to implement the reduced product sampling rate of 5 locations per 4,000 tonnes in 2015.</p> <p>Until a review of the DWER Asbestos Guidelines has been initiated, the delegated officer has determined to continue to allow the applicant to implement a reduced sampling frequency as per the current DWER Asbestos Guidelines and the authorisation previously granted in 2015.</p>

Appendix 2: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
1 – Earthen bunds	Applicant confirmed that the following description of the earthen bunds in the draft renewed licence was accurate: <i>“Earthen bunds at least 3 metres high are maintained along the northern, western and southern premises boundaries.”</i>	Noted and no changes to the draft renewed licence required.

Appendix 3: Application validation summary

SECTION 1: APPLICATION SUMMARY			
Application type			
Renewal	<input checked="" type="checkbox"/>	Current licence number:	L6544/1993/10
Date application received		1/11/2022	
Applicant and Premises details			
Applicant name/s (full legal name/s)		Red Sand Supplies Pty Ltd	
Premises name		Red Sand Supplies Pty Ltd	
Premises location		192 Hope Valley Road, Hope Valley 6165; Part of Lot 339 on Plan 245455 <i>Note the application clarifies that the premises is only part of Lot 339 (lease area A), whereas the existing licence boundary comprises the whole of Lot 339. Application does not include the GPS coordinates/shapefile of the new premises boundary.</i>	
Local Government Authority		City of Kwinana	
Application documents			
HPCM file reference number:		2010/009437-1~2	
Key application documents (additional to application form):		List of plant/equipment Description of proposed activities Emissions, discharges and wastes Maps and site layout Asbestos Management Plan	
Scope of application/assessment			
Summary of proposed activities or changes to existing operations.		Operation of construction and demolition (C&D) waste recycling facility: <ul style="list-style-type: none"> - Receipt of concrete, asphalt, bricks/pavers and clay roof tiles - Crushing and screening of C&D waste - Production of various sized aggregate recycled products for sale No construction activities are proposed.	

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	Proposed production or design capacity
Category 13 crushing of building material	Existing licence does not specify a design capacity	Maximum design capacity of 100,000 tonnes per annual period based on information provided in supplementary email. This considers the amount of waste received (70,000 tonnes) and amount of product generated (95,000 tonnes) during the previous annual period. The applicant indicated that these quantities represent the maximum throughputs based on their available time, space and machine capacities.
Category 62 solid waste depot	Existing licence does not include this category	100,000 tonnes per annual period for consistency with category 13 Applicant has not applied to add this category, however to align with current regulatory approach for C&D waste recycling facilities it should be added to provide for storage of solid waste.

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: N/A 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: N/A EPA Report No: N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: N/A
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	General lease <input checked="" type="checkbox"/> Expiry: 30/6/2024
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	Approval: City of Kwinana/DevelopmentWA have indicated that the C&D waste recycling facility at the premises does not have development approval Expiry date: N/A
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Licence/permit No: GWL50465(6) held by lessor but amendments are required to authorise the applicant's drawpoints and use of groundwater for dust suppression.
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: N/A

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: N/A
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992</i>
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999</i>
Is the Premises subject to any EPP requirements?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Premises is within the area subject to dust (TSP) requirements of the Kwinana EPP.
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A