



Application to renew a licence

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

Licence Number	L8242/2008/5
Licence Holder	Brockwaste WA Operations Pty Ltd
ACN	609 591 031
File Number	2010/008025-1~4
Premises	<p>Brockwaste WA Shenton Park 60 Lemnos Street Shenton Park WA 6008</p> <p>Legal description Part of Lot 11541 on Deposited Plan 189946 Lemnos Street SHENTON PARK WA 6008</p> <p>As defined by the Premises map and coordinates attached to the issued licence</p>
Date of Report	20/01/2023
Decision	To grant a licence

Senior Environmental Officer, Industry Regulation
An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L8242/2008/4 without conducting additional environmental risk assessment. The most recent risk assessments was completed on licence amendment granted 18 December 2020 and 14 June 2021. These risk assessments are included in Appendix 1 of this report.

The licence could be issued for 12 years, which is consistent with the *Guidance Statement on Licence Duration 2016* and addresses the remaining tenure of the sub-lease agreement with the existing lease holder of the property. However, given the planning consent concern raised by the City of Nedlands, a short term licence duration will be more appropriate. The licence duration is discussed in section 4.4 of this report.

In renewing the licence the Delegated Officer has determined to:

- Conditions 1, 2 & 3 remain on the licence as the infrastructure construction and reporting is yet to be completed;
- update the format and appearance of the licence;
- incorporate all licence amendment/s including the Notice of Amendment dated 16 May 2022 reducing the licence reporting requirements into the replacement licence by deleting condition 14 & 15;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8242/2008/5, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 6 December 2022, Brockwaste WA Operations Pty Ltd (licence holder) applied to renew licence L8242/2008/4 as the licence is due to expire on 21 January 2023. The licence was granted to the licence holder for the premises located at Part lot 11541 on deposited plan 189946, 60 Lemnos Street, Shenton Park (Premises).

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

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 67A: compost manufacturing and soil blending	Not more than 60,500 tonnes per annum

The licence holder sub-leased part of Lot 11541 on Plan 189946 with the Western Metropolitan Regional Council (WMRC), who hold licence L7303/1998/10 for prescribed premises category 62 (solid waste depot). WMRC occupies the western portion of the lot, and the licence holder occupies the eastern half of the lot.

Additional, WMRC and the licence holder's premises occupy portions of the same building, as both facilities are constructed with adjoining walls, and they also share some of the same infrastructure. The premises map enclosed in the licence depicts the internal structures operated by the licence holder.

The licence holder accepts material from the WMRC transfer station. Waste from the transfer

station that meets the licence holders requirements is loaded onto a connecting conveyor belt which enters the Materials Recovery Facility (MRF). Any waste not meeting the requirement is processed through WMRC's transfer station. The conveyor belt leads directly into non-biological rotating drum separators (trommel) which sorts degradable and organic matter from the waste. A small volume of water is added to the trommel which saturates degradable products. The water is recycled in the process either for addition to the trommel or as the anaerobic liquor used in the vessel. The undesired waste products which are unable to be broken down into small fragments are transferred back into the WMRC facility on conveyors for transport and disposal to landfill.

During the separator process, odorous air generated is directed through exhaust systems and through to an odour removal system. The desirable products (degradable and organic materials) are broken down into small fragments by the rotating trommel and are then transferred into an enclosed digester, where the waste is exposed to aerobic conditions for five days in preparation for anaerobic treatment. Heat is a by-product of this process. The waste then undergoes anaerobic treatment with the addition of anaerobic bacterial liquor (up to 450,000 litres of recycled process water). This stage lasts between 7 to 12 days. The liquor is drained from the vessel and stored prior to recycling back through the process. The vessel is then exposed to heat and air for a further seven days of aerobic treatment to stabilize the material and remove odour. The compost contained within the vessel is then removed and ready for sale.

Methane prominent biogas is produced during the anaerobic phase, which is used to generate electricity, which in turn is used in the operation of the plant or flared if required. Surplus electricity is directed back into the electricity grid.

The Premises are located within the City of Nedlands. The facility is located on typical Swan Coastal plain geology with deep Bassendean sands. The nearest surface water bodies to the site are Perry Lakes, which are located approximately 2 km to the north-north-west of the Licensee's facility. There is no known risk of Acid Sulfate Soils.

The nearest residents are located 700 metres south-west and 1.12 kilometres south-east of the premises. Bush Forever areas are located 430 metres south-east, 680 metres north-east and 1.35 kilometres north-west of the Premises. The Premises are located within the odour buffer of the Water Corporation's Subiaco WWTP located on the northern side of Lemnos Street, an Electricity Networks Corporation (Western Power) power station north-west on the other side of Brockway Road, Department of Health buildings on the south-west of Brockway Road, and the Commonwealth of Australia army installation and facilities adjacent to the southern and eastern boundaries of the Premises.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises, which is in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Industry Regulation, Licensing position – COVID-19 response*, October 2022.

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

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There have been two incidents identified in the last five years by the department during 2017 & 2018 at this Premises. Both incidents have been closed and no enforcement action occurred because of these incidents.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises via a sub-lease with the current occupier being Western Metropolitan Regional Council with a 30-year tenure commencing on 12/09/2007. The licence holder is a legal entity with legal access till 12/9/2037.

4.3 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence, and which was previously risk assessed as described in Appendix 1 of this report.

4.4 Planning approval

The licence holder was informed that the planning consent had expired in May 2022. As this approval is regulated by the Local Government Authority and the Department of Planning, Lands and Heritage, the licence holder is required to obtain the approval from those agencies. As this aspect was specifically mentioned to the Delegated Officer during the comment period by the City of Nedlands, the Delegated Officer has decided to grant the licence for two years to ensure sufficient time for the approval to be considered and determined. Once planning approval has been granted, the licence holder can apply to have the licence amended to extend the duration of the licence.

5 Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licenses. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

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

Table 2: Licence conditions changes, description and rationale

Current condition	Summary of current condition	New condition	Description and rationale
Condition 14 - Table 6	Annual Environmental Report (AER)	Removed	The AER is no longer required as per Schedule 1 of Notice of Amendment for reduced reporting dated 16 May 2022. AACR is still due by 2 August annually.
Condition 15 – Table 7	Notification requirements	Removed	Removed this condition as it is no longer relevant as Section 72 of the EP Act is still required.
Schedule 1	Figure 1	Premises map	New Premises map created.
Schedule 2 – Table 7		Premises boundary coordinates	New premises boundary coordinates table created.
Forms	Form N1	Removed	Removed Notification Form N1, to be consistent with current licence

Current condition	Summary of current condition	New condition	Description and rationale
			format because it is a requirement of S72 of the EP Act.

6 Consultation

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

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 05/01/2023 until 16/01/2023	No submissions were received.	Not required
Local Government Authority (City of Nedlands) advised of application on 9/12/2022	The City of Nedlands replied on 6/01/2023 and stated the development approval (DA16-179) expired in May 2022. The City requested the Licence Holder provide evidence of a current planning approval or exemption to ensure continued operations at the Premises.	The delegated officer notified the Licence Holder that previous development approval had expired in May 2022. The Department has encouraged the Licence Holder to rectify this situation by providing evidence of a current planning approval which supports the continued operation of the composting facility.
Western Metropolitan Regional Council (WMRC) advised of the application 9/12/2022	No reply received from WMRC.	Not required
Department of Planning Lands and Heritage (DPLH) advised of application on 9/12/2022.	No reply received from DPLH.	Not required
Applicant was provided with draft documents on 20 December 2022 and again on 9 January 2023 with comment due by 18 January 2023.	Comments received on 18/01/2023 addressed the requirements to maintain Conditions 1, 2 & 3 on the licence. The Licence Holder also agreed to a two-year licence duration whilst the planning consent was pursued with WMRC, DPLH and City of Nedlands.	The delegated officer agreed to; <ul style="list-style-type: none"> Maintain conditions 1, 2 & 3 on the licence renewal, and, Reduce the Licence duration to two years allowing planning consent to be pursued and determined by DPLH & City of Nedlands

Appendix 1 – Most Recent Risk Assessments

Exert from licence amendment granted 18 December 2020 and 14 June 2021.

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 Amendment Report are detailed in Table 1 below. Table 1 also details the control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 1: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Noise	Compactor for disposal of residual, non-compostable wastes Main Conveyor Belt and the Selection Belt	Air / wind dispersion	<ul style="list-style-type: none"> The compactor is a pre-constructed item that needs minor assembly on site; The conveyor belt requires only minor construction activities for the realignment and will remain within the Materials Recovery Facility building; Commitment to complying with the <i>Environmental Protection (Noise) Regulations</i>.
Operation			
Odour	Non-compostable wastes	Air / wind dispersion	<ul style="list-style-type: none"> Existing odour control management system. Putrescible, odorous wastes will have been removed from the non-compostable wastes that are to be disposed of in the compactor, thereby odour emissions are significantly reduced.

Emission	Sources	Potential pathways	Proposed controls
Noise	Compactor for disposal of residual, non-compostable wastes Main Conveyor Belt and the Selection Belt	Air / wind dispersion	<ul style="list-style-type: none"> The operation of the new compactor and conveyor belt will not increase noise emissions beyond those of normal operating activities.

To mitigate the release of odour from site, odorous air is directed to an Odour Management System (OMS) for treatment. The OMS processes three main sources of odour; odorous air from the materials recovery facility (MRF), air drafted through the Digestion Vessel during loading and exhaust air from pressure vent cycles during aerobic treatment of organics within Digestion Vessel. Air is continuously extracted from within the MRF via ambient air extraction and ducting in the Trommel and above the grit separation system and star screen. This ensures a positive flow of air into the MRF building via conveyors, which penetrate the walls of the building, and openings in the building structure. During loading of a Digestion Vessel, in addition to air drawn from the MRF, air is drawn through the loading conveyors, and the headspace of the vessel, by the OMS fan. To minimise odour release from the MRF, the processing infrastructure must be predominantly enclosed.

The License Holder conducted a noise assessment to determine noise emissions from the Premises and compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) while operating the plant under normal conditions. The assessment determined operations from the Premises comply with the Noise Regulations.

3.1.2 Receptors

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

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

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

Human receptors	Distance from prescribed activity
Residential premises	<ul style="list-style-type: none"> 720 m south west of premises boundary 880 m south of premises boundary
Various surrounding businesses	<ul style="list-style-type: none"> Adjacent licensed premises West Metro Recycling Centre (Licence L7303/1998/10) 130 m south 160 m north 180 m west 320 m east
Sports ovals	285 m north west of premises boundary

Department of Defence Army base	Adjacent to the eastern and southern boundary
Bush Forever Site 218	Shenton Bushland is located 475 m east of premises boundary
Bush Forever Site 119	Underwood Avenue Bushland is located 700 m north-east of premises boundary
Threatened Ecological Community (TEC)	Three occurrences of Banksia Dominated Woodlands occur with 15 m east and south of the premises boundary
Groundwater	5 m below ground level and flowing in a south-west direction
<i>Rights in Water and Irrigation Act 1914</i>	The premises is located within the Perth Groundwater proclaimed area.

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section **Error! Reference source not found.** Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section **Error! Reference source not found.**), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder'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 Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

The Revised Licence L8242/2008/4 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. Category 61A and Category 67A activities.

The conditions in the Revised Licence 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 Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of Licence	Justification for additional regulatory controls
Source / Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Construction								
Compactor Conveyor belt realignment	Noise	Air / wind dispersion impacting amenity	Neighbouring businesses Residential Premises	Section 3.1.1	C = Slight L = Unlikely Low Risk	Y	<u>Conditions 1, 2 and 3</u>	General provisions of the EP Act and the Noise Regulations apply.
Operation								
Solid waste facility Disposal of non-compostable wastes	Odour	Air/ wind dispersion impacting amenity	Neighbouring businesses Residential Premises	Section 3.1.1	C = Slight L = Unlikely Low Risk	Y	Condition 4	There is no increase or alteration to the daily receipt of wastes and output of compost will not increase, therefore the daily level of odour is not anticipated to increase. The existing odour management system is considered sufficient.
	Noise	Air/ wind dispersion impacting amenity	Neighbouring businesses Residential Premises	Section 3.1.1	C = Slight L = Unlikely Low Risk	Y	<u>Condition 7</u>	General provisions of the EP Act and the Noise Regulations apply.

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

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

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Source / Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Solid waste facility Composting	Odour	Air/ wind dispersion impacting amenity	Neighbouring businesses Residential Premises	Existing odour control management system	C = Minor L = Unlikely Medium Risk	Y	Condition 4	<p>The daily receipt of wastes and output of compost will not increase, therefore the daily level of odour is not anticipated to increase.</p> <p>As there is no increase to daily odour levels, the existing odour management system is sufficient.</p> <p>The system must be adequately maintained to ensure odour management is effective, however there is no existing condition requiring this. Condition 4 is amended to include maintenance activities for the odour management system in accordance with the manufacturer's specifications.</p>
	Noise	Air/ wind dispersion impacting amenity	Neighbouring businesses Residential Premises	Noise monitoring that was conducted in accordance with Improvement Condition 3.1.1. has determined the activities occurring at the Premises comply with the Noise Regs	C = Slight L = Unlikely Low Risk	Y	Condition 3.1.1. is no longer applicable on the Licence	Any emissions of noise causing impacts may be subject to the provisions of the Noise Regulations.

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of Licence	Justification for additional regulatory controls
Source / Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
	Leachate	Stormwater runoff or infiltration through soil impacting upon soil, vegetation and groundwater quality	Groundwater Threatened ecological communities	Existing leachate control management system Sealed surfaces over site	C = Minor L = Unlikely Medium Risk	Y	Condition 3 Condition 4	Putrescible wastes contain combined wastes that by their nature will absorb majority of leachate created from the organic portion. FOGO wastes have a higher fraction of organic wastes and therefore a higher content of liquid leachates. As the increase in FOGO for the trial composting is only a small portion of the overall wastes accepted, the existing infrastructure at the Premises and Licence conditions will ensure leachate is adequately managed and retained within the premises.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

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