



Application for Licence Amendment

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

| | |
|-----------------------|---|
| Licence Number | L8757/2013/2 |
| Licence Holder | Eco Resources Pty Ltd |
| ACN | 148 991 315 |
| File Number | 2013/001928-1 |
| Premises | Eco Resources Recycling Transfer Station 165 Postans Road, Hope Valley WA 6165 Being Lot 572 and part of Lot 571 on Plan 3475. Certificate of Title Volume 2891 Folio 159 and 160 As defined by the coordinates in Schedule 2 of the Revised Licence As defined by the Premises maps attached to the Revised Licence |
| Date of Report | 13 September 2023 |
| Decision | Revised licence granted |

MANAGER WASTE INDUSTRIES REGULATORY SERVICES

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

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1. Decision summary

The Delegated Officer has determined to make amendments to Licence L8757/2013/2. The amendments are administrative in nature therefore they do not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged. As a result of this, the revised Licence L8757/2013/2 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the department 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 Background

Licence L8757/2013/2 is held by Eco Resources Pty Ltd (Licence Holder) for the Eco Resources Recycling Transfer Station (the Premises), located at 165 Postans Road, Hope Valley WA 6165.

The Premises is a recycling transfer facility for materials/resource recovery and is marketed to receive waste from skip bin companies and other earthmoving companies that clean up home building and construction sites.

The Premises relates to the category and the assessed production/design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which is defined in existing Licence L8757/2013/2.

Licence L8757/2013/2 under Division 3 Part V of the *Environmental Protection Act 1986* is for the following prescribed premises categories:

- category 13: crushing of building materials;
- category 57: used tyre storage (general);
- category 61A: solid waste facility; and
- category 77: concrete batching or cement products manufacturing

The licence holder previously applied on 7 February 2022 to renew the licence which was due to expire on the 11 April 2022. The licence renewal application was granted for a period of two years to extend the expiry to 11 April 2024 with the option to be extended when planning approval was received from the City of Kwinana.

Developmental approval from the City of Kwinana was granted on 16 March 2023 for a four year period, resulting in an expiry of the planning approval for 16 March 2027.

2.3 Amendment summary

On 23 June 2023, the licence holder submitted an application to the department to amend Licence L8757/2013/2 under sections 59 and 59B of the EP Act. The application was solely to amend the expiry date beyond 16 March 2027 to coincide with the planning approval from the City of Kwinana.

The department will concurrently amend the licence expiry date and include additional construction and demolition (C & D) conditions. The additional C & D conditions are being rolled out progressively as the department amends licences for C & D waste recycling facilities. The new conditions include the implementation of an asbestos management plan,

the management of residual wastes, staff training in relation to asbestos, retaining the services of a suitably qualified and independent person to undertake an audit and provide a report of compliance with the Asbestos Management Plan and the *Guideline: Managing asbestos at construction and demolition waste recycling facilities* (DWER, 2021).

3. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

Table 1: Consultation

| Consultation method | Comments received | Department response |
|---|--|---|
| <p>Local Government Authority advised of proposal (1 August 2023)</p> | <p>The City of Kwinana replied on 11 August 2023.</p> <p>The City provided the following comments:</p> <ul style="list-style-type: none"> • The requested extension date aligns with the expiry date of the current planning approval for this proposal • Please incorporate a condition in the permit necessitating the implementation of the Storm Water Management Plan accepted by the City of Kwinana on 30 May 2023 • The approved use and development on the land must be carried out at all times in accordance with the following management plans prepared by Eco Resources: <ul style="list-style-type: none"> I. Dust Suppression Plan (dated 3 August 2021); II. Noise Management Plan (dated 3 August 2021); III. Green Waste Odour Management Plan (dated 3 August 2021) IV. Prohibited Products Management Plan (dated 3 August 2021); V. Asbestos Management Plan (dated 3 August 2021); and VI. Environmental Management Plan (dated 17 August 2021); • If any management plan is inconsistent with the requirements and conditions of DWER's issued license for the premises, then the Licence shall prevail to the extent of consistency. | <p>The department notes this information and has considered the comments in the assessment for the amended licence.</p> |
| <p>Licence Holder was provided with draft amendment on 30 August 2023</p> | <p>The licence holder submitted comments on 30 August 2023</p> <p>Refer to Appendix 1</p> | <p>Refer to Appendix 1</p> |

4. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1 Summary of amendments

Table 2 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 2: Summary of licence amendments

| Existing condition no. | Amended condition no. | Proposed amendments |
|------------------------|-----------------------|--|
| n/a | n/a | Extend the expiry date of the licence from 11 April 2024 to 12 July 2029 |
| 2, 3, 7 | n/a | Condition removed due to amalgamation into new conditions |
| n/a | 2, 4 | New conditions to be consistent with similar C& D premises. |
| 5 | 7 | Condition moved |
| 6 | 3 | Condition moved |
| 28 | 28 | Condition updated |
| 33 | 36 | Condition reworded to be consistent with similar C& D premises and department updated wording. |
| 35 and 36 | 41 and 42 | Submission dates for reports updated to 30 September annually |
| n/a | 33, 34, 35, 37 and 38 | Addition of new conditions to be consistent with similar C& D premises. |
| Table 2 | Table 2 | Addition of recycled products and waste specifications |
| Table 6 | Table 6 | Addition of new parameters for reporting due to reworded or new conditions |
| n/a | n/a | Definitions table updated with additional definitions due to reworded or new conditions |

5. References

1. Department of Water and Environmental Regulation (DWER) 2021, *Guideline: Managing asbestos at construction and demolition waste recycling facilities*, Perth, Western Australia

Appendix 1: Summary of Licence Holder's comments on draft conditions

| Condition | Summary of Licence Holder's comment | Department's response |
|--|--|---|
| 13 (deleted) | Is not accepted. There is no way we can collect and store residual waste in a container. Please remove this condition. As well as the four weeks of receipt. It is impossible to ascertain which load is which and how long residual waste from a particular load has been received. DWER would not be able to check this condition (residual waste is not dated). Therefore, is confusing and impossible to inspect. All residual waste is moved daily, so there is no reason to impose this condition on us. | The department notes this information. The condition has been removed. |
| 16 (now condition 15) | Remove "processed waste" this is a recycled product not a waste. This is made clear in changes to wording in Table 2. (c) where by all waste must be processed into a product or managed as a waste. Recycled products to be tested for ACM are all products and no longer a waste material (processed or unprocessed) and the stockpiles are to be kept separate for testing purposes. Not because one is a waste and another pile is a product. All are products at this stage of the process. | The department notes this request and has reworded the condition to remove "processed waste" and replaced with "product". |
| 29 (now condition 28) | Change "processed waste stockpiles" to "recycled product". | The department notes this request and has updated the condition. |
| 35 (now condition 34) | Should refer to condition 34 not 344. | The department notes this error and has updated the condition to refer to condition 33. |
| 38 (no condition 37) | Clarification on the Process Audit Report conducted and due to be submitted to the licence holder by 28th of February is not actually submitted to DWER until the biennial due date (60 days after the end of every second annual period). | The department notes this information and confirms the Process Audit Report due to be submitted to the licence holder by 31 August (as per condition 37) is only submitted to DWER on the biennial due date (30 September). The department may request the first Process Audit Report prior to the biennial date if deemed necessary. The date for the reports, 28 February, was incorrect on the draft and has been amended. |
| 43: Table 6 (iv) (now condition 42) | Change "processed waste" to "recycled product". | The department notes this request and has updated the condition. |

Appendix 2: Application validation summary

| SECTION 1: APPLICATION SUMMARY | | | | |
|---|-------------------------------------|--|---|-------------------------------|
| Application type | | | | |
| Works approval | <input type="checkbox"/> | | | |
| Licence | <input type="checkbox"/> | Relevant works approval number: | | None <input type="checkbox"/> |
| | | Has the works approval been complied with? | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| | | Has time limited operations under the works approval demonstrated acceptable operations? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> | |
| | | Environmental Compliance Report / Critical Containment Infrastructure Report submitted? | Yes <input type="checkbox"/> No <input type="checkbox"/> | |
| | | Date Report received: | | |
| Renewal | <input type="checkbox"/> | Current licence number: | | |
| Amendment to works approval | <input type="checkbox"/> | Current works approval number: | | |
| Amendment to licence | <input checked="" type="checkbox"/> | Current licence number: | L8757/2013/2 | |
| | | Relevant works approval number: | N/A | <input type="checkbox"/> |
| Registration | <input type="checkbox"/> | Current works approval number: | None | <input type="checkbox"/> |
| Date application received | | 23 June 2023 | | |
| Applicant and Premises details | | | | |
| Applicant name/s (full legal name/s) | | ECO RESOURCES PTY LTD | | |
| Premises name | | Eco Resources Recycling Transfer Station | | |
| Premises location | | 165 Postans Rd, Hope Valley WA 6165 | | |
| Local Government Authority | | City of Kwinana | | |
| Application documents | | | | |
| HPCM file reference number: | | DWERDT804955; DWERDT804952 | | |
| Key application documents (additional to application form): | | Cover Letter Development approval | | |
| Scope of application/assessment | | | | |
| Summary of proposed activities or changes to existing operations. | | <p>Seeking to amend the expiry date on the licence to coincide with the new planning approval from the City of Kwinana (16 March 2027).</p> <p>Combined with the above, the department will amend the licence to include additional C & D waste conditions consistent with similar premises and in line with the DWER Asbestos Guidelines.</p> | | |

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 changes to the production or design capacity (amendments only) |
|---|---|---|
| Category 13: Crushing of building material | 100,000 tonnes per annual period | |
| Category 57: Used tyre storage (general) | No more than 200 tyres at any point in time | |
| Category 61A: Solid waste facility | 500,000 tonnes per annual period | |
| Category 77: Concrete batching or cement products manufacturing | 100,000 tonnes per annual period | |

| Legislative context and other approvals | | |
|--|--|---|
| Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/> |
| Does the applicant hold any existing Part IV Ministerial Statements relevant to the application? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Ministerial statement No: EPA Report No: |
| Has the proposal been referred and/or assessed under the EPBC Act? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Reference No: |
| Has the applicant demonstrated occupancy (proof of occupier status)? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry: |
| Has the applicant obtained all relevant planning approvals? | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> | Approval: Expiry date: If N/A explain why? |
| 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. |

| | | |
|--|--|---|
| <p>Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?</p> | <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>Application reference No: RF10392 Licence/permit No: 176089 Existing licence: GWL176089(1) Expiry: 14/01/2023</p> |
| <p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | <p>Name: N/A Type: Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office:</p> |
| <p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | <p>Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p> |
| <p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)</p> | <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> | <p>The Environmental Protection (Unauthorised Discharges) Regulations 2004; The Environmental Protection (Controlled Waste) Regulations 2004; The Environmental Protection (Concrete Batching and Cement Batching Product Manufacturing) Regulations 1998 (as amended); The Environmental Protection (Noise) Regulations 2007; and The Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Area.</p> |

| | | |
|---|---|--|
| Is the Premises within an Environmental Protection Policy (EPP) Area? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | The Environmental Protection (Kwinana) (Atmospheric Wastes) Policy Area. |
| Is the Premises subject to any EPP requirements? | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Regulation of particulates may be relevant to potential dust impacts. |
| 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: |