Amendment Report

Application for Licence Amendment

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

Licence Number	L8920/2015/1
Licence Holder	Sims Group Australia Holdings Limited
ACN	008 634 526
File Number	DER2015/001987-3
Premises	Sims Metal Management 14 Donaldson Road KWINANA BEACH WA 6167 Legal description - Lot 100 on Deposited Plan 73740 KWINANA WA 6167
Date of Report	20 April 2023
Decision	Revised licence granted

Abbie Crawford

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Date: 2023.04.20 14:53:32 +08'00'

Abbie Crawford

A/MANAGER, WASTE INDUSTRIES

An officer delegated by the CEO under section 20 of the EP Act

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1. Decision summary

Licence L8920/2015/1 is held by Sims Group Australia Holdings Limited (Licence Holder) for the Sims Metal Management premises (the Premises), located at Lot 100 on Deposited Plan 73740, Donaldson Road, Kwinana Beach.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, Revised licence L8920/2015/1 can be 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://www.der.wa.gov.au.

2.2 Application summary

On 13 February 2023, the Licence Holder submitted an application to the department to amend Licence L8920/2015/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is for the operation of a new sheer (COPEX S-Wing Static Shear) and an increase of the process limit of oxy-cutting from the existing 12,000 tonnes per annum to 30,000 tonnes per annum. The installation of the shear was approved under Works Approval W6482/2020/1.

The Licence Holder currently utilises 2 oxy cutters and 1 plasma cutter to conduct the required work.

This amendment is limited only to changes to Category 47 infrastructure and activities for the existing licence. No additional prescribed premises categories or additional throughput is required.

Table 1 below outlined the proposed changes to the existing licence (L8920/2015/1)

Table 1:Proposed capacity changes

Category	Current design or capacity	Proposed design or capacity	Description of proposed amendment
Category 47: Scrap metal recovery	400,000 tonnes per year.	No change to the existing assessed production capacity for Category 47.	Addition of the new COPEX S-Wing Static Shear operation on the north-west of the premises Increase the process limit of oxy-cutting from the existing 12,000 tonnes per annum to 30,000 tonnes per annum

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 *Guidance Statement: Risk Assessments* (DER 2017).

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 pathways during premises operation which have been considered in this Amendment Report are detailed in Table 2 below. Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 2:Licence Holder controls

Source	Emission	Potential pathways	Proposed controls
Operation of the Copex S-wing Static Shear	Noise /Vibration	Air/windbourne pathway	• The Copex S-Wing Static Shear will only be operated between Monday to Friday (08:00am – 17:00pm). • Regular maintenance of the plant and equipment
	Spills of chemical	Land/Ground water	The following controls were identified through the Copex s-wing static shear - Safe Work Method Statement (SWMS) which was submitted through the amendment application; • Regular maintenance of the plant and equipment • Operator must be trained in assessing the composition of the material that the Copex S-Wing Static Shear is designed for baling and cutting. (i.e. no gas cylinders, projectiles, chemicals, fuel tanks, batteries, accumulators etc.) • Clean-up any spill immediately and report to Branch Manager / Supervisor • Follow the *WA057 Spill Management Procedure*. • Ensure spill kits are stocked and available.
	Spills of hydrocarbon		
	Contamination	Direct discharge to	• No new controls are proposed

Source	Emission	Potential pathways	Proposed controls
	of stormwater	soil and seepage through soil into groundwater	• The shear operations will be conducted within medium risk area of catchment C. The Existing licence includes various controls and infrastructure for the management of potentially contaminated stormwater within the Catchment C. • As per associated Work Approval W6482/2020/1, a concrete hardstand has been constructed for the shear.
	Dust	Air/windbourne pathway	• The Copex S-Wing Static Shear will only be operated between Monday to Friday (08:00am – 17:00pm).
Oxy cutting	Smoke/fire	Air/windbourne pathway	The following controls were identified through the Copex s-wing static shear - Safe Work Method Statement (SWMS) which was submitted through the amendment application; • Wetting down of work area prior to cutting activities to reduce fire potential. • Observe wind direction using SCADA, noting if winds are blowing from an East/South East direction. Where wind is blowing from East/South East oxy cutting is not permitted. • Monitoring of weather conditions via SCADA system, Bureau of Meteorology forecasts and visual reporting. • Cease all oxy cutting activities if visible fumes/smoke visible crossing the boundary of the premises. • High Risk (Metal that has a risk of residue, or non-metal component that is likely to cause fumes (i.e. paint, hydrocarbons or synthetic materials) only to be oxy cut when winds not blowing from the east/south east. • Only resume oxy cutting activities when meteorological conditions prevent smoke and fumes crossing the premises boundary. • Do not cut containers that have contained combustible liquids or gases. • Allow 20 minutes to spray water thoroughly over the hot work area. • Wet down area after work if any material smouldering.
	Noise	Air	• Limited to up to 30,000 tonnes per year

Source	Emission	Potential pathways	Proposed controls
	Odour	Air	• Metals coated with or containing materials that emit toxic fumes should not be heated or cut unless coating is removed from the work surface
	contamination of Stormwater	Direct discharge to soil and seepage through soil into groundwater	No new controls proposed for contamination of stormwater. The Existing licence includes various controls for the management of potentially contaminated stormwater within the Catchment C (medium risk area).

Figure 1: Location of Shear and Oxy/Plasma cutting on the premises

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DER 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 3 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* (DER 2020)).

Table 3: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	**Distance from activity or prescribed premises**
Nearby industrial premises	The closest offsite industrial premises is approximately 125 m south-west of the premises. These premises are located within the Kwinana Industrial Area, Area A, and are subject to higher assigned noise levels under the *Environmental Protection (Noise) Regulations 1997*.
Residential Premises	The closest residents located approximately 1.6 km south-east of Premises boundary in the suburb of Medina.
Primary school	Approximately 2 km south-east of the Premises boundary.
Environmental receptors	**Distance from activity / prescribed premises**
Groundwater/ Groundwater contours	The premises is located in the Cockburn Groundwater Area (Aquifer-Perth Yarragadee North) proclaimed under the *Rights in Water and Irrigation Act 1914*. Depth to groundwater across the site is in the vicinity of 5 mbgl with the thickness of the immediate underlying aquifer (the Superficial Swan) in the order of 26 m. The inferred groundwater contours indicate groundwater in the vicinity of the site is generally moving in a north-easterly direction.
Bush Forever Site 349: Leda and Adjacent Bushland, Leda	Approximately 410 m south-east of the Premises boundary.
Resource Enhancement Wetland - sumpland	Approximately 1.6 km north of the premises
Threatened Ecological Community	Critically Endangered Tuart (Eucalyptus gomphocephala) woodlands and forests of the Swan Coastal Plain located approximately 1.2km south-east of the premises
Fauna	The following threatened fauna occur within 1km - *Calyptorhynchus banksii naso* - forest red-tailed black cockatoo - Threatened – Vulnerable-Bird - *Isoodon fusciventer - quenda*, southwestern brown bandicoot – Priority - Mammal
Park recreation and drainage	Approximately 240m North-east of the premises boundary

zone	
Environmental aspects	**Distance from activity / prescribed premises**
Soil type	300-600 mm deep top layer of black sand with a high level of organic material underlain with calcerous medium grained sand to at least 3m (BPA Engineering, 2014).
Cockburn sound	The premises is located within the State Environmental (Cockburn Sound) Policy Boundary.

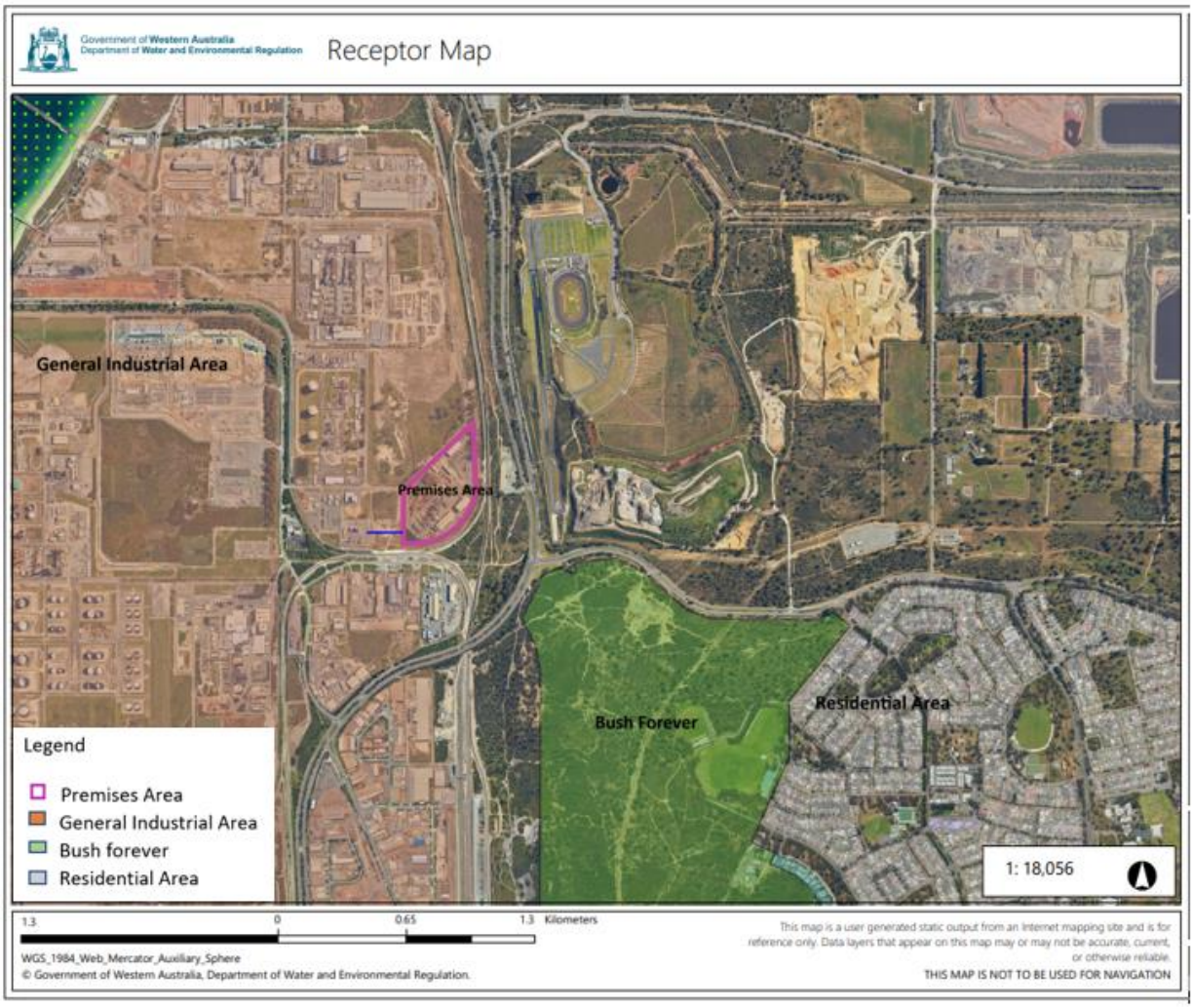

Figure 2: Receptor map

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Licence Holder 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 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 4.

The revised licence L8920/2015/1 that accompanies this Amendment Report authorises emissions associated with the operation of the new Copex S-Wing Static Shear and oxy cutting activities on the Premises.

The conditions in the revised licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 4: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**				
Operation of the COPEX S-Wing Static Shear	Noise and vibration	Air/windborne pathway causing impacts to health and amenity	Residences 1.6km south-east of the premises Primary school 2.0km South-east of the premises boundary Industrial offices and workplaces adjacent to the Premises	Refer the section 3.1.1 Table 2	Consequence: Moderate Likelihood: Unlikely **Medium Risk**	Yes	Condition 5, 6, 15, 27 and 30	Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential emissions.
	Dust				Consequence: Minor Likelihood: Rare **Low Risk**	Yes	Condition 5, 6, 27 and 30	
Operation of the COPEX S-Wing Static Shear	Spills of chemical	Direct discharge to the land causing impacts on human health, soil and ground water quality.	Industrial offices and workplaces adjacent to the Premises Groundwater approx. 5m Below Ground Level	Refer the section 3.1.1 Table 2	Consequence: Minor Likelihood: Rare **Low Risk**	Yes	Condition 5, 6, 7, 8, 9, 10, 11, 19, 20, 21 and 30	Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential
	Spills of hydrocarbons from vehicle compaction				Consequence: Minor Likelihood: Rare **Low Risk**	Yes	Condition 5, 6, 7, 8, 9, 10, 11, 19, 20, 21 and 30	

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**				
Operation of the COPEX S-Wing Static Shear	Contamination of stormwater	Infiltration of overland runoff and drainage into groundwater causing impacts to the groundwater quality	Groundwater approx. 5m Below Ground Level Bush forever 413m south-east of the premises boundary Park recreation and drainage 240m North-east of the premises boundary	Refer the section 3.1.1 Table 2	Consequence: Moderate Likelihood: Unlikely **Medium Risk**	Yes	Condition 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 30	emissions. Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential emissions.

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**				
Oxy cutting of 30,000 tonnes per year of scrap metal	Fire/Smoke (Fumes/ fine metal particulates)	Direct discharge to the air causing impacts to air quality, health and amenity	Residences 1.6km south-east of the premises Primary school 2.0km South-east of the premises boundary Industrial offices and workplaces adjacent to the Premises Bush forever 413m south-east of the premises boundary Park recreation and drainage 240m North-east of the premises boundary Threatened Ecological Community 1.2km south-east of the premises	Refer the section 3.1.1 Table 2	Consequence: Moderate Likelihood: Possible **Medium Risk**	Yes	Condition 5, 6, 15, 27, 28, 29 and 30	Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential emissions.

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**				
Oxy cutting 30,000 tonnes per year of scrap metal	Contamination of Stormwater	Direct discharge to soil and seepage through soil into groundwater	Groundwater approx. 5m Below Ground Level Bush forever 413m south-east of the premises boundary Park recreation and drainage 240m North-east of the premises boundary	Refer the section 3.1.1 Table 2	Consequence: Minor Likelihood: Rare **Low Risk**	Yes	Condition 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 30	Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential emissions.
Oxy cutting 30,000 tonnes per year of scrap metal	Odour	Air/windborne pathway causing impacts to health and amenity	Residences 1.6km south-east of the premises Primary school 2.0km South-east of the premises boundary Industrial offices and workplaces adjacent to the Premises	Refer the section 3.1.1 Table 2	Consequence: Minor Likelihood: Possible **Medium Risk**	Yes	Condition 5, 27, and 30	Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential emissions.

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**				
Oxy cutting 30,000 tonnes per year of scrap metal	Noise	Air/windborne pathway causing impacts to health and amenity	Residences 1.6km south-east of the premises Primary school 2.0km South-east of the premises boundary Industrial offices and workplaces adjacent to the Premises	Refer the section 3.1.1 Table 2	Consequence: Minor Likelihood: Rare **Low Risk**	Yes	Condition 2, 5, 6, 27 and 30	Conditions 5 and 6 of the licence have been updated to allow for the activity to occur, and to set processing limits/requirements in line with the licence holder's commitments to reducing potential emissions.

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

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5:Consultation

Consultation method	Comments received	Department response
City of Kwinana advised of the application on 29/03/2023	The City of Kwinana advised that the proposed operation will increase haulage traffic movement. Currently, Mason Road and Rockingham Road intersections experience extended traffic delays. Due to that, the City of Kwinana requested that material delivery should be made between 9 AM - 3.30 PM to avoid peak hour traffic flows.	Road traffic is not regulated by the Department of Water and Environment Regulations. Therefore, the Licence Holder is to note this information and contact the City of Kwinana directly if they would like to discuss this matter.
Licence Holder was provided with draft amendment on 17/04/2023	Refer to Appendix 1	Refer to Appendix 1

5. 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.

5.1 Summary of amendments

Table 6 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 6:Summary of licence amendments

Condition no.	Proposed amendments
5	Inclusion of oxy cutting activities and process limits/requirements into Table 2: Waste Processing. Adding process operation time limit into Table 2. Waste processing.
6	Inclusion of Copex S-Wing Shear to Table 3: Infrastructure and equipment requirements. Update infrastructure locations of the Table 3.
Figure 4	Inclusion of new map with the Copex S-Wing Static Shear location

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

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

Condition	Summary of Licence Holder's comment	Department's response
Condition 5 Table 2	The applicant requested that the Copex Static Shear operating hours from Monday to Friday 08.00 to 17.00 be removed from the draft licence and allow the shear operations seven days per week	The department agreed to remove operating hours from Monday to Friday 8.00 to 17.00 from the licence considering low risk determination.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Works approval	☐				
Licence	☐	Relevant works approval number:		None	☐
		Has the works approval been complied with?		Yes ☐ No ☐	
		Has time limited operations under the works approval demonstrated acceptable operations?		Yes ☐ No ☐ N/A ☐	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes ☐ No ☐	
		Date Report received:			
Renewal	☐	Current licence number:			
Amendment to works approval	☐	Current works approval number:			
Amendment to licence	☒	Current licence number:	L8920/2015/1		
		Relevant works approval number:	W6482/2020/1	N/A	☐
Registration	☐	Current works approval number:		None	☐
Date application received		13 February 2023			
Applicant and Premises details					
Applicant name/s (full legal name/s)		Sims Group Australia Holdings Limited			
Premises name		Sims Metal Management			
Premises location		Lot 100 on Deposited plan 73740, Kwinana WA 6167 14 Donaldson Road, Kwinana Beach WA 6167			
Local Government Authority		City of Kwinana			
Application documents					
HPCM file reference number:		DER2015/001987-3~5			
Key application documents (additional to application form):		Attachment 1A – Proof of occupier status Attachment 1C – Authorisation to act as representative of the occupier Attachment 2 - Premises map Attachment 6A - WA-SWMS-044K Oxy Cutting (Kwinana Beach) Attachment 6A - WA-SWMS-137 Copex S-Wing Static Shear			

	Attachment 7 - Sitting and Location Attachment 10A - Proposed fee
Scope of application/assessment	
Summary of proposed activities or changes to existing operations.	1. Addition of the new COPEX S-Wing Static Shear operation on the north-west of the premises. The shear is a hydraulic shear with press wings used for pressing and cutting scrap metal. The shear will operate during approved working days and hours (Monday to Friday 08:00am – 17:00pm) as per the current L8920/2015/1 licence conditions. The shear will allow Sims Metal to process (by baling / compacting) ferrous waste. The operation of the shear will result in the emission of noise as per below: • A-weighted emission sound pressure level, L_{pA}: The A-weighted emission sound pressure level at 1 meter from the machine is: L_{pA} = 94 dB(A), with a calculated expanded uncertainty U of plus or minus 2.8 dB. • A-weighted sound power level, L_{wA}: The maximum C-weighted emission sound pressure level at 1 meter from the machine is: L_{wA} = 104 dB(A), with a calculated expanded uncertainty U of plus or minus 3.1 dB. 2. Request to increase the process limit of oxy-cutting from the existing 12,000 tonnes per annum to 30,000 tonnes per annum.

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

Table 1: Prescribed premises categories

Prescribed premises category and description	**production or design capacity**	**Proposed changes to the production or design capacity**
Category 47: Scrap metal recovery	400,000 tonnes per year.	No change to the existing assessed production capacity.

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 ☐ No ☒	Referral decision No: N/A Managed under Part V ☐ Assessed under Part IV ☐
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes ☐ No ☒	Ministerial statement No: N/A EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes ☐ No ☒	Reference No: N/A

Has the applicant demonstrated occupancy (proof of occupier status)?	Yes ☒ No ☐	Certificate of title ☐ General lease ☒ Expiry: 30 September 2038 Mining lease / tenement ☐ Expiry: Other evidence ☐ Expiry:
Has the applicant obtained all relevant planning approvals?	Yes ☐ No ☐ N/A ☒	Approval: N/A 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 ☐ No ☒	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 ☐ No ☒	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 ☐ No ☒	Application reference No: N/A Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes ☐ No ☒	Name: N/A Type: Has Regulatory Services (Water) been consulted? Yes ☐ No ☐ N/A ☐ Regional office: Kwinana Peel
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes ☐ No ☒	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes ☐ No ☐ N/A ☒
Is the Premises subject to any other Acts or subsidiary regulations (e.g. *Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx*)	Yes ☒ No ☐	Right In Water Irrigation Act- Ground water Areas GAZ_NAME- Cockburn Groundwater Area GAZ_DATE- Jun 29, 1988 12:00AM

Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes ☒ No ☐	Environmental Protection (Kwinana) (Atmospheric Wastes) Policy and Regulations 1999 State Environmental (Cockburn Sound) Policy 2015
Is the Premises subject to any EPP requirements?	Yes ☐ No ☒	
Is the Premises a known or suspected contaminated site under the *Contaminated Sites Act 2003*?	Yes ☒ No ☐	Classification: Contaminated – restricted use (C–RU) Date of classification: 20 October 2008 12.00AM