



Department initiated Amendment

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

Licence Number	L8993/2016/1
Licence Holder	Cleanaway Pty Ltd
ACN	000 146 938
File Number	DER2016/001702-1
Premises	<p>Guildford Materials Recovery Facility</p> <p>72 Hyne Road</p> <p>SOUTH GUILDFORD WA 6055</p> <p>Legal description –</p> <p>Lot 62 on Diagram 60242</p> <p>Certificate of Title Volume 1602 Folio 963</p> <p>As defined by the Premises map in Schedule 1 of the Revised Licence</p>
Date of Report	10 May 2021
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 L8993/2016/1. The amendments are to give effect to the Minister for Environment's (Minister) appeals decision under section 110 of the *Environmental Protection Act 1986* (EP Act).

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the EP Act.

The decision report for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the licence, 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 Amendment summary

Licence L8993/2016/1 is held by Cleanaway Pty Ltd (Licence Holder) for the Guildford Materials Recovery Facility (the Premises), located at Lot 62 on Diagram 60242, 72 Hyne Road, South Guildford. The Premises relates to the categories and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L8993/2016/1.

On 12 May 2020, the Licence Holder submitted an application to the Department of Water and Environmental Regulation (department) to amend Licence L8993/2016/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments were sought:

- Demolition and reconstruction of the facility;
- Modifications to stormwater and fire controls; and
- Addition of a washdown bay to allow for on-site vehicle and equipment cleaning.

The amendments were sought following a fire at the facility in November 2019. The fire event (herein referred to as the November 2019 fire) caused significant damage to the premises and required the facility to be rebuilt. The facility rebuild was mostly 'like for like' with the inclusion of additional controls relating to fire prevention and containment of fire wash water. DWER amended licence L8993/2016/1 allowing the reconstruction, along with additional fire related controls, on 14 August 2020.

Under section 102(3)(b) of the EP Act, third parties aggrieved by the decision to amend the licence were invited to lodge an appeal direct to the Appeals Convenor within 21 days of the applicant being notified of the decision. The appeal period closed on 7 September 2020 and in this period two appeals were received objecting to the amendment (Appeal Number 043 of 2020).

The appellants sought for the conditions of the licence to be strengthened submitting that the assessment of risks relating to emissions and discharges from the premises was insufficient. Appellants' key concerns related to separation distances to receptors, rehabilitation, independent oversight, the public availability of information and were seeking financial assurance to be applied to the premises.

In accordance with the EP Act, the determinations available to the Minister for appeals against a licence amendment are:

- dismiss the appeals (i.e. the licence continues in its current form);
- allow the appeals in full (i.e. the licence reverts to its previous version); or
- allow the appeals in part (i.e. by changing the conditions of the amended licence).

Revocation of the licence was not a determination available to the Minister nor relocation of the facility. Therefore, the investigation considered the outcomes available to the Minister when reviewing the matters raised by the appellants.

On 22 April 2021 the Minister made a decision to allow the appeals in part, requesting that conditions of the licence be amended in relation to fire washwater control. The Minister determined that the department's decision to amend the licence was justified, however the controls for fire washwater should be further improved by requiring automatic closure of gate valves when the warehouse fire system is activated. The Minister considered that the final wording of the amendment to give effect to the appeals decision would be a matter for the department to determine.

This amendment has been initiated by the department to give effect to the Minister's appeal determination. There is no right of appeal to this amendment under section 105 of the EP Act.

3. Consultation

The Licence Holder was provided with the Amended Licence and Amendment Report on 30 April 2021. The Licence Holder responded on 4 May 2021 with the following:

- To provide additional clarity and align with operational implementation, Table 1: Row 7(c) wording should be changed to *Catchment Area B2 to have junction pits with gate valves installed, capable of isolating flows from Catchment B1 (Junction Pit 2) and Catchment C (Junction Pit 3). The Gate valves must be automatically closed on activation of the warehouse fire system and in the event of a power loss at the premises.*
- An updated stormwater management plan figure has been provided to replace Figure 5.
- Further to the above, Cleanaway wish to waive any further comments period.

Comments received from the Licence Holder have been considered and associated changes within the licence have been made by the Delegated Officer.

4. Conclusion

The Delegated Officer has made this amendment pursuant to section 59(1)(j) of the EP Act, being an amendment to give effect to a decision of the Minister under the EP Act.

The Delegated Officer understands through environmental compliance reporting submitted by the Licence Holder, that the changes made to the premises' gate valves and fire water/stormwater system through this amendment have already been installed. This amendment is to give legal effect to the Minister's determination and as the automatic valves have already been confirmed as installed by the department, further compliance reporting would not be required.

An amended licence will be granted, subject to conditions commensurate with the determined controls necessary to implement the Minister's Appeal Determination. A copy of the Minister's Appeal Determination and Appeals Convenor's report can be obtained from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
1 - Table 1: Row 6(c)	The requirement is amended by insertion of the text shown in bolded italics: A gate valve must be installed at the connection point between the loading dock and Catchment B2, capable of isolating flow from the loading dock. <i>The gate valve must be automatically closed on activation of the warehouse fire system and in the event of a power loss at the premises</i>
1 - Table 1: Row 7(b)	The requirement is amended by insertion of the text shown in italics: Catchment Area B1 existing soak wells to be sealed at the base and sides with concrete and interconnected. Concrete base must be level with the underside of connecting pipework. Junction pit with gate valve to be installed, capable of isolating flows from Catchment B2. <i>The gate valve must be automatically closed on activation of the warehouse fire system and in the event of a power loss at the premises</i>
1 - Table 1: Row 7(c)	The requirement is amended by insertion of the text shown in italics: Catchment Area B2 to have <i>junction pits with gate valves installed, capable of isolating flows from Catchment B1 (Junction Pit 2) and Catchment C (Junction Pit 3). The Gate valves must be automatically closed on activation of the warehouse fire system and in the event of a power loss at the premises</i>
1 - Table 1: Row 7(d)	The requirement is amended by insertion of the text shown in italics: Catchment Area C to have a junction pit with gate valve and pump out point installed, capable of preventing discharge to the offsite drainage network. <i>The gate valve must be automatically closed on activation of the warehouse fire system and in the event of a power loss at the premises</i>
14 – Table 4: Sunken loading dock (c)	The Sunken loading dock operational requirements are amended by insertion of the following requirement: <i>Gate valves must be automatically closed on activation of the warehouse fire system or in the event of a power loss at the premises</i>
14 – Table 4: Stormwater and fire washwater system (b)	The Stormwater and fire washwater system operational requirements are amended by insertion of the following requirement: <i>Gate valves must be automatically closed on activation of the warehouse fire system or in the event of a power loss at the premises</i>
Schedule 1: Figure 5	The figure has been updated with a newer version.

References

1. Appeals Convenor 2021. *Report to the Minister for Environment: Appeals in Objection to the Amendment of Licence L8993/2016/1 Guildford Materials Recovery Facility 72 Hyne Road, South Guildford*. accessed at:
<https://www.appealsconvenor.wa.gov.au/l899320161-guildford-materials-recovery-facility-72-hyne-road-south-guildford>
2. DER 2015. *Guidance Statement: Setting Conditions*. Perth, Western Australia.
3. Minister for Environment 2021. *Minister's Appeal Determination: Appeals Against Amendment of Licence L8993/2016/1 Guildford Materials Recovery Facility, 72 Hyne Road South Guildford*. accessed at:
<https://www.appealsconvenor.wa.gov.au/l899320161-guildford-materials-recovery-facility-72-hyne-road-south-guildford>