



## Application for Licence Amendment

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

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<b>Licence Number</b>	L9041/2017/1
<b>Licence Holder</b>	Elan Energy Matrix Pty Ltd
<b>ACN</b>	611 714 580
<b>File Number</b>	DER2017/000368-1
<b>Premises</b>	Elan Energy Management 9 Fargo Way WELSHPOOL WA 6106  Legal description – Lot 60 on Deposited Plan 13025 Certificate of Title Volume 1549 Folio 111
<b>Date of Report</b>	09 August 2023
<b>Proposed Decision</b>	Revised licence granted

Marko Pasalich

**A/MANAGER, WASTE INDUSTRIES**

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

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## 1. Decision summary

Licence L9041/2017/1 is held by Elan Energy Matrix Pty Ltd (Licence Holder) for the Elan Energy Management (the Premises), located at Lot 60 on deposited Plan 13025.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during operation of the Premises. As a result of this assessment, Revised Licence L9041/2017/1 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 Application summary

On 4 May 2023, the Licence Holder submitted an application to the department to amend Licence L9041/2017/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Addition of an existing Tyre Resource Recovery Facility building and two external storage areas for tyre storage.

However, the licence holder has withdrawn the external storage component from this amendment due to not being able to meet separation distances outlined in Department of Fire and Emergency Services guidelines.

This amendment is limited to changes to Category 57 activities from the Existing Licence. No changes to the aspects of the existing Licence relating to Category 61A have been requested by the Licence Holder.

Table 1 below outlines the proposed changes to the existing Licence

**Table 1: Proposed changes**

Category	Current production capacity	Proposed production capacity	Description of proposed amendment
57	Maximum of 10 000 whole used tyres and a maximum of 7 560 EPU shredded tyres, conveyor belts and rubber at any one time within the premises	N/A	Addition of an existing Tyre Resource Recovery Facility building.

### 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 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**

Emission	Sources	Potential pathways	Proposed controls
Waste storage and processing	fires/smoke	Air/windborne pathway	<p>As per current licence condition, Tyres in the TRRF building will be stored in accordance with the requirements of Condition 2 of the licence,</p> <ul style="list-style-type: none"> <li>Individual tyre stacks will not exceed 30 m<sup>2</sup> in area or 3.7 m in height;</li> <li>Tyre stacks will be at least 1 m clear from the underside of the building's roof or ceiling, roof structural members and lights; and</li> <li>Tyre stacks will have a minimum clearance of 3 m around the stockpiles and be clear of any obstacle or other combustible material.</li> </ul> <p>The proposed TRRF building is equipped with adequate fire-fighting equipment similar to the fire and emergency management plan in the existing licence.</p>
	Contaminated firefighting water resulting from fires	Overland flow Subsurface seepage	<p>The existing licence includes a stormwater drainage plan for the management of contaminated firefighting water within the premises and it designed to store 164,150 L of firewater in the existing in-ground storage tank and above -ground storage area.</p> <p>The TRRF building has a concrete floor, free of defects which is maintained to ensure a permeability of equal to or less than 1x10<sup>-9</sup> m/s.</p>

Emission	Sources	Potential pathways	Proposed controls
Waste acceptance and processing Vehicle movement	Noise	Air/windborne pathway	No new controls proposed for noise emission. The existing licence includes various controls for the management of noise.

### 3.1.2 Receptors

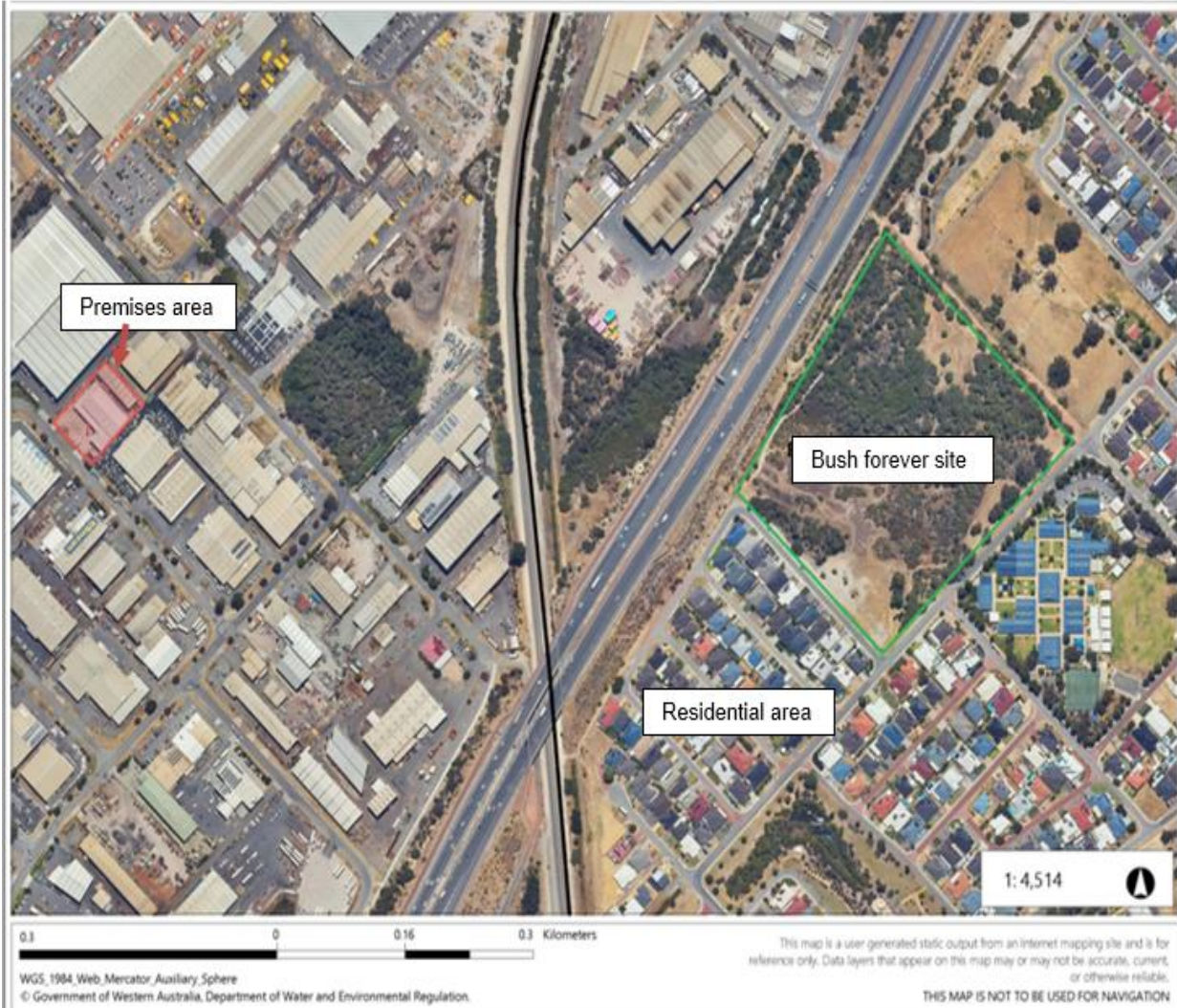
In accordance with the *Guideline: Risk assessments* (DWER 2020), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under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

Table 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* (DWER 2020)).

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

Human receptors	Distance from prescribed activity
Residential premises	600 m south-east 850 m west
Industrial premises	Immediately adjacent to the premises are other industrial premises
Environmental receptors	Distance from prescribed activity
Bush Forever sites	Site No 282, 640 m to the east Site No 424, 730 m to the west
Important Wetlands	Perth Airport Woodland Swamps -approximately 1.7 m north of the premises boundary Brixton Street Swamps -approximately 2.1 m south of the premises boundary
Threatened ecological community	Critically endangered - <i>Banksia attenuata</i> woodlands over species rich dense shrublands - approximately 820 m south of the premises boundary
Priority ecological community	Priority 3 - Banksia Woodlands of the Swan Coastal Plain ecological community-approximately 150m east to the premises boundary
Perth Groundwater Area - proclaimed	Premises is within the designated area

under the *Rights in Water and Irrigation Act 1914*



**Figure 1: Distance to sensitive receptors**



## 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 3.1. Where linkages are incomplete 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 L9041/2017/1 that accompanies this Amendment Report authorises emissions associated with the operation of 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 <sup>1</sup> C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of /licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
<b>Operation</b>								
Waste storage within the TRRF building	Fires/smoke	Air/windborne pathway causing impacts to health and amenity	Residential premises 600m south-east of the premises  Industrial offices and workplaces adjacent to the Premises  Threatened ecological community 820 m south of the premises  Priority ecological community 150m east of the premises	Refer to Section 3.1	C = Major L = Possible <b>High Risk</b>	Y	Condition 1, 2, 3 and 7	The existing fire management plan (Schedule 1: Figure 4) provides adequate fire management equipment and infrastructure that covers the TRRF building during the event of a fire.  The use of the existing TRRF Building to store tyres will not change the stormwater management equipment and infrastructure at the premises.  The firewater containment capacity of the whole premises (including the TRRF Building) is designed to accommodate water from three fire hydrants operating simultaneously at 10 L/sec each (a total of 30 L/sec) for a period of 90 minutes (total of 162,000 L). The use of the TRRF Building does not change this basis of design for the site containment of contaminated water.
	Contaminated firefighting water resulting from fires	Overland flow and Subsurface seepage causing impacts on human health, soil and ground	Premises within the RIWI - Perth Groundwater Areas  Bush forever site 640 m to	Refer to Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Condition 3 and 7	Taking into consideration the Licence Holder's management controls, the Delegated Officer considers that existing controls are sufficient for the management of fire and

Licence: L9041/2017/1



Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of /licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
		water quality	the east Conservation site 785 m to the south Important wetlands 1.7 m north of the premises					contaminated firewater. Conditions 2 and 3 of the licence have been updated to allow for the activity to occur, in line with the licence holder's commitments to reducing potential emissions.
Waste storage within the TRRF building Vehicle movement	Noise	Air/windborne pathway causing impacts to health and amenity	Residential premises 600m south-east of the premises Industrial offices and workplaces adjacent to the Premises	Refer to Section 3.1	C = Minor L = Unlikely <b>Medium Risk</b>	Y	Condition 1	N/A

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
Application advertised on the department's website (12/06/2023)	None received	N/A
City of Canning advised of proposal on 14/06/2023	<p>The City of Canning advised that if the applicant applies for the amendment application, the City will agree to remove or modify condition 8 of the development Approval granted in 2021 regarding external tyre storage.</p> <p>Other than that, the City advised the below environmental concern would still be applicable for this amendment.</p> <ul style="list-style-type: none"> <li>• Site or buildings to be adequately bunded or able to contain contaminated firefighting water.</li> <li>• Stormwater network on site to be mapped and offsite discharge points located.</li> <li>• Suitable and durable stormwater isolation valve/s be installed on offsite discharge points.</li> <li>• Stormwater isolation valve/s to be inspected and tested by third party on routine basis.</li> <li>• Potential drain filters to be required within stormwater drains to collect char or rubber fines.</li> <li>• Noise from machinery to be in accordance with Environmental Protection (Noise) Regulations 1997.</li> <li>• An emergency first responder box to be located at front of property that contains details of chemicals, stormwater isolation points, relevant stormwater drainage maps, hazards etc. so that first emergency responders have necessary information to deal with emergencies.</li> </ul>	<p>The external storage component has been removed from the application.</p> <p>The Delegated Officer identified that all other comments received from the City of Canning are covered under the Planning Approval granted in 2021 and existing Licence issued from the department.</p>
Licence Holder was provided with draft amendment on 26 July 2023	None received	N/A

## 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
Condition 2	Added Tyre Resource Recovery Facility (TRRF) building to the Licence.
Condition 3 Table 2	Added Resource Recovery Facility TRRF building to the infrastructure Table
Schedule 1 Figure 2	Added updated premises layout map to the licence
Schedule 1 Figure 2	Added updated stormwater drainage plan to the licence

## 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 2: Application validation summary

SECTION 1: APPLICATION SUMMARY				
<b>Application type</b>				
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:	L9041/2017/4	
		Relevant works approval number:	N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	4 May 2023			
<b>Applicant and Premises details</b>				
Applicant name/s (full legal name/s)	Elan Energy Matrix Pty Ltd			
Premises name	Elan Energy Management			
Premises location	9 Fargo Way WELSHPOOL WA 6106			
Local Government Authority	City of Canning			
<b>Application documents</b>				
HPCM file reference number:	DER2017/000368-1			
Key application documents (additional to application form):	Cover letter			
<b>Scope of application/assessment</b>				
Summary of proposed activities or changes to existing operations.	Licence amendment Addition of an existing shed and use of external areas for storage of tyres.			

**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 57 – Used tyre storage (general): premises (other than premises within category 56) on which used tyres are stored.	Maximum of 10 000 whole used tyres and a maximum of 7 560 EPU shredded tyres, conveyor belts and rubber at any one time within the premises	N/A
Category 61A – Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	Up to 20 000 tonnes per year (tyre shredding)	N/A

**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"/>	
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Statement 1064
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Has the applicant obtained all relevant planning approvals?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Development approval granted 11/04/2017. Conditions state, amongst others, "The external storage of tyres is not permitted within the property; all storage is to be contained within the building" Development approval granted 26/08/2021. Conditions state, amongst others, "Tyres are not permitted to be stored outside of building, unless otherwise approved by the City or the DWER."
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"/>	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"/>	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 type="checkbox"/> No <input checked="" type="checkbox"/>	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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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 type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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"/>	