



Amendment Report

Licence Number	L9050/2017/1
Licence Holder	Urban Resources Pty Ltd
ACN	121 043 034
File Number:	DER2017/000466
Premises	64 Ashley Road HOPE VALLEY WA 6164 Legal Description – Lot 126 on Diagram 93192 Certificate of Title Volume 2124 Folio 670
Date of Report	19 September 2019

1. Definitions and interpretation

Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Schutz Australia Pty Ltd
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report

Term	Definition
	applies, as specified at the front of this Amendment Report.
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

2. Amendment description

The following guidance statements have informed the assessment and decision outlined in this Amendment Report.

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Decision Making (June 2019)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

2.1. Purpose and scope of assessment

On 14 June 2019, Urban Resources Pty Ltd (the Licence Holder) submitted a licence amendment Application to the Department of Water and Environmental Regulation (DWER) to amend L9050/2017/1. The Licence is for a Prescribed Premises Category 13 *Crushing of building material* and Category 62 *Solid waste depot* in Hope Valley, Western Australia. The Premises is operated as a recycling facility where construction by-product material is re-processed into a recyclable product.

The scope of the Application relates to a change in the Premises boundary from part of Lot 126 on Diagram 93192 to the full extent of Lot 126. The Licence Holder is also seeking to change the layout and increase the size of operational areas on the Premises, including the receipt and primary process area, final processing area and final product stockpiling area. A comparison of the current and proposed Premises boundary and layout is presented in Figure 1.

The Licence Holder proposes to use the northern part of the Premises for final product stockpiling and material processing (screening and crushing). The proposed change will reduce the separation distance between prescribed activities and the closest residential receptors which are located 195m north of the lot boundary.

Table 2 lists the documents and information provided with the amendment application and submitted as part of the assessment process.

Table 2: Licence amendments

Document/information description	Date received
Application Form (Amendment) signed by Director Stephen Elliot and attached supporting documentation.	14 June 2019
Environmental Site Services, 2019. <i>Urban Resources Environmental Noise Assessment</i> (ref ENVSS_0006012_ENV_NSE_20190520_Rev0), June 2019.	1 July 2019
Response to request for information letter issued 1 July 2019, provided by Ashleigh Cavanagh of Site Environmental and Remediation Services.	8 July 2019

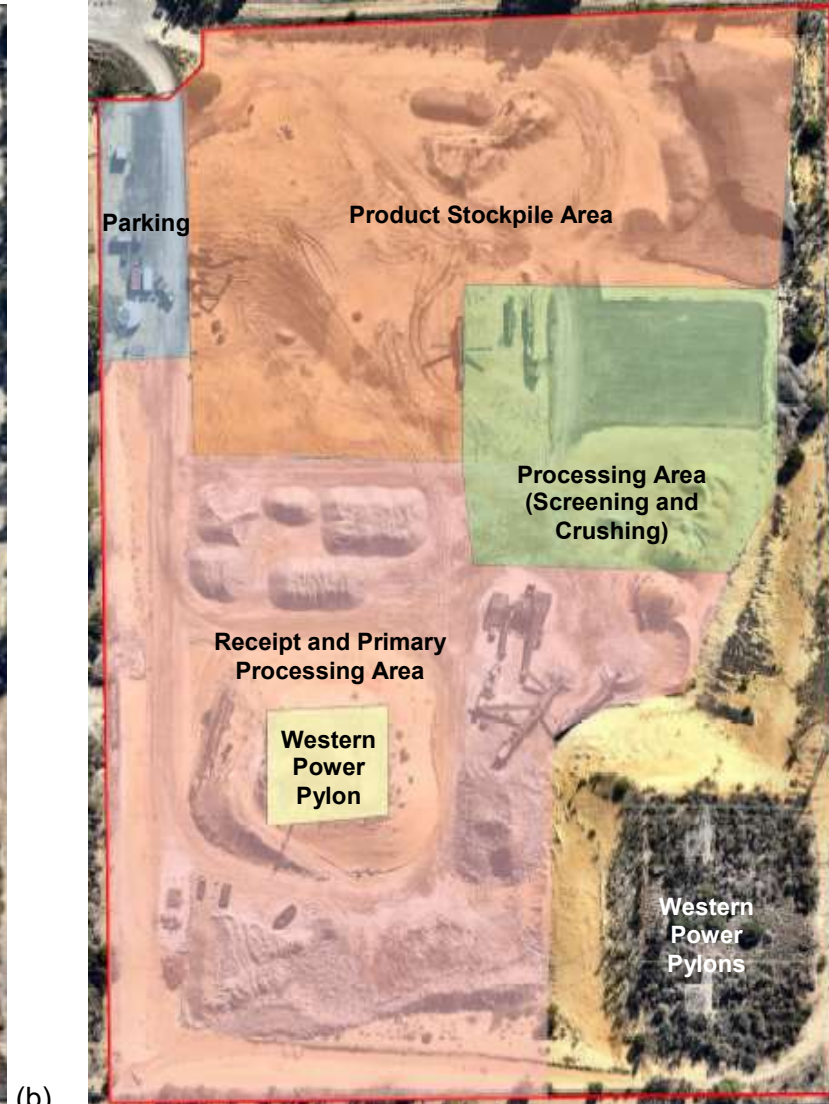


Figure 1: Premises boundary and layout for (a) Existing Licence and (b) proposed amendment. The Premises boundary is shown by the blue line in (a) and the red line in (b).

2.2. Background

The Existing Licence was issued on 17 October 2017. Activities undertaken on the Premises include loading, inspection and storage of received waste, crushing and screening and storage of recycled product.

The 2017-2018 Annual Audit Compliance Report (AACR) submitted by the Licence Holder indicated that as of September 2018 operational activities at the site had been limited and infrequent. This was demonstrated by the low volume of material that was processed during the 2017-2018 annual period; 17,393 tonnes of waste was processed compared to the production capacity of 150,000 tonnes in the Existing Licence.

The Licence Holder has indicated that the proposed extension of the operational areas on the Premises does not require extensive preparation or construction works. The area of the site which is proposed for inclusion in the Premises boundary has been historically levelled. Required works will involve the movement of mobile plant into the new processing area and reworking of the area to final trim level. These works are expected to take three to four days.

The Delegated Officer determined that a works approval is not required due to the minor nature of works. It is considered that the potential risks associated with these works are consistent with those from operational activities and will be sufficiently managed through the regulatory controls in the Revised Licence.

2.2.1 Noise monitoring

Conditions 30 and 31 in the Existing Licence required the Licence Holder to conduct noise validation monitoring at the Premises and provide a report to DWER by 18 December 2017. The Licence Holder reported in the 2017-2018 AACR that noise validation monitoring had not been conducted because:

“The site location and layout are such that there is minimal noise impact on neighbouring properties or noise sensitive locations... The site’s plant and equipment is still not configured for optimum operational processing of material and noise validation was delayed until equipment was operational.”

The Licence Holder submitted a noise validation monitoring report to DWER on 1 July 2019 in response to the request for information letter sent by DWER on the same date. Noise validation monitoring was conducted by Environmental Site Services on 23 May 2019.

Correspondence from Site Environmental and Remediation Services dated 8 July 2019, indicated that this noise validation monitoring report was considered relevant to the amendment application. This was based on the noise readings having been taken as per the cadastral boundaries (proposed extension area) of the Premises and the nearest sensitive receptor rather than the existing Premises boundary. The noise validation monitoring report was referred to the Environmental Noise Branch of DWER for review and their response is discussed in Section 5.

2.2.2 Lease agreement

The Licence Holder leases the land on which the Premises is located from Ashley Road Pty Ltd. The Licence Holder has provided evidence to DWER that the lease agreement has been updated from the Premises boundary in the Existing Licence to the Premises boundary proposed in this amendment.

2.2.3 Planning approval

Temporary planning approval for operations at the Premises was granted by the City of Kwinana for no more than five years from 28 July 2017. The Licence Holder has provided evidence that an application was lodged with the City of Kwinana to extend operational areas

to the cadastral boundary of Lot 126 on 14 June 2019 (DA5.2017.8895.2). The Licence Holder is currently awaiting for a determination of planning approval.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

3. Amendment history

Table 3 provides the amendment history for L9050/2017/1.

Table 3: Licence amendments

Instrument	Issued	Amendment
L9050/2017/1	17/10/2017	Licence issued.
L9050/2017/1	19/09/2019	Licence amended to extend Premises boundary to cadastral boundary of Lot 126 (this amendment).

4. Location and receptors

Table 4 below lists the relevant sensitive land uses currently in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 4: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from current Premises boundary ¹	Distance from proposed Premises boundary ²
Current – residential premises	51 Sayer Road – 335m to the north	51 Sayer Road – 195m to the north
	63 Sayer Road – 335m to the north	63 Sayer Road – 195m to the north
	45 Sayer Road – 335m to the north	45 Sayer Road – 195m to the north
	13 Ashley Road – 320m to the west	13 Ashley Road – 320m to the west
	317 Mandogalup Road – 420m to the east	317 Mandogalup Road – 385m to the east
	325 Mandogalup Road – 470m to the east	325 Mandogalup Road – 425m to the east
Latitude 32 Industry Zone, Hope Valley – Wattleup Redevelopment Area	Within and surrounding the Premises boundary	Within and surrounding the Lot 126 to the west and north

Note 1: Distances were measured from the current Premises boundary to the cadastral boundary of each residential premises.

Note 2: Distances were measured from the Lot 126 boundary to the cadastral boundary of each residential premises.

The Premises is located within the Latitude 32 Development Area (in accordance with the *Hope Valley-Wattleup Redevelopment Act 2000*). The land use in the area, as classified under

the Latitude 32 Development Area is industrial. Other areas to the east and south of the Premises are zoned as rural under the City of Kwinana local planning scheme. Alcoa tailings ponds are located to the south of the Premises. Landcorp owns undeveloped land to the north, west and east of the Premises.

The Delegated Officer does not consider that environmental receptors in the vicinity of the Premises would be impacted by the proposed amendment.

There are three Western Power pylons present within the boundary of Lot 126 and three high voltage power lines cross the southern portion of Lot 126 in a west-east direction. A Western Power easement is located on the southern half of Lot 126.

5. Summary of noise assessment

Advice was sought from the Environmental Noise Branch of DWER as to the technical validity of the noise validation monitoring report and its application to the proposed amendment. Advice provided by the Environmental Noise Branch is summarised as follows:

Demonstration of compliance with Conditions 30 and 31 in the Existing Licence

- Condition 30 requires the noise validation monitoring to demonstrate noise compliance at nearby residential receptors. May 2019 noise measurement was conducted at the boundary of the Premises and the boundary of nearby noise sensitive lots. The noise compliance assessment was also conducted at these locations accordingly. Noise compliance at the boundary of a residential lot does not indicate compliance at the residential receptors (highly sensitive area), which is assigned with a more stringent noise criterion.
- Condition 30 requires the noise monitoring to determine whether the operation of all machinery and infrastructure on the Premises exceeds assigned noise levels. There is no indication in the noise validation monitoring report of the operating conditions at the time of noise measurement, i.e. description of which plant was operating/shutdown and their locations on the Premises.
- Noise emission levels from this category of Prescribed Premises can vary significantly. It appears that 15 minute noise measurements were carried out at each monitoring location. There is no indication as to how representative these short-time noise data are to the general site operations, in particular to the worst-case operating scenario.
- Condition 30 requires the noise monitoring to be conducted by a person competent in environmental noise assessment whose qualifications and experience qualifies them for membership of the Australian Acoustical Society or Association of Australian Acoustical Consultants. It is not clear if the author of the Environmental Site Services report meets this requirement.
- The assigned noise levels for nearby residential receptors were calculated using an Influencing Factor of 0 dB. However, as both the Premises and the neighbouring residential lots are located within the Kwinana Policy Area, a higher Influencing Factor (non-zero) is expected, as specified by Schedule 3 of the *Environmental Protection (Noise) Regulations 1997*.

Application to the proposed amendment

- In correspondence dated 8 July 2019, Site Environmental Remediation Services stated that the submitted noise validation monitoring report is relevant to the amendment application, as the noise measurement was conducted at the cadastral boundaries (proposed extension area), rather than the current operational areas. This statement is not supported and accepted. The noise monitoring, though conducted at the cadastral boundaries, only measured the noise emissions from the operations on the current Premises area. There is no indication as to how the noise emissions will change when

the operation moves into the proposed extension area. Further detail is required as to the impact the proposed changes to operational areas will have on noise emissions from the site.

Based on the advice summarised above, the Delegated Officer has determined that the completed noise validation monitoring report does not demonstrate compliance with Condition 30 in the Existing Licence. Further, the Licence Holder has not provided sufficient justification that noise validation monitoring conducted in May 2019 can be used to demonstrate that the proposed amendment will achieve compliance with the *Environmental Protection (Noise) Regulations 1997*.

6. Risk assessment

Table 6 below describes the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. This table identifies whether the emissions present a material risk to public health or the environment and outlines relevant regulatory controls.

Table 5: Risk assessment for proposed amendments during operation

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Waste acceptance and handling	Dust	Air/wind dispersion Residential receptors located 195m north, 320m west or 385m east of the proposed Premises boundary Health and amenity impacts	No additional controls proposed for this amendment	Low level impact to amenity Minor	Could occur at some time Possible	Medium	The Delegated Officer has determined that the proposed amendment will not significantly increase the likelihood or potential consequence of these Risk Events. The risk is acceptable subject to regulatory controls in the Existing Licence.	Conditions 2, 13 and 20
	Noise			Low level impact to amenity Minor	Probably will not occur in most circumstances Unlikely	Medium		Conditions 29, 30 and 31
	Asbestos fibres from non-conforming waste types at the Premises being released into the air			Potential loss of life Severe	Probably will not occur in most circumstances Unlikely	High		Conditions 1, 4 to 9, 12 to 18, 20 and 21

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Crushing and screening	Dust	Air/wind dispersion Residential receptors located 195 m north, 320 m west or 385 m east of the proposed Premises boundary Health and amenity impacts	No additional controls proposed for this amendment	Mid-level impact to amenity Moderate	Could occur at some time Possible	Medium	The proposed amendment to the Premises layout will reduce the separation distance between screening and crushing activities and residential receptors to the north by approximately 170 m.	Conditions 2, 20 and 21
	Asbestos fibres from non-conforming waste types at the Premises being released into the air			Potential loss of life Severe	Probably will not occur in most circumstances Unlikely			High
	Noise			Mid level impact to amenity Moderate	Could occur at some time Possible	Medium	The proposed amendment to the Premises layout will reduce the separation distance between screening and crushing activities and residential receptors to the north by approximately 170 m. The Delegated Officer considers that this activity presents the highest risk of noise emissions of the activities at the Premises. Noise validation monitoring is required to verify compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> .	Conditions 29, 30 and 31

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Waste storage/ stockpiling	Dust	Air/wind dispersion Residential receptors located 195 m north, 320 m west or 385 m east of the proposed Premises boundary	No additional controls proposed for this amendment	Low level impact to amenity Minor	Could occur at some time Possible	Med	The Delegated Officer has determined that the proposed amendment will not significantly increase the likelihood or potential consequence of these Risk Events. The risk is acceptable subject to regulatory controls in the Existing Licence.	Conditions 2, 20 and 21
	Asbestos fibres from non-conforming waste types at the Premises being released into the air	Health and amenity impacts		Potential loss of life Severe	Probably will not occur in most circumstances Unlikely			High
Final recycled product	Dust	Air/wind dispersion Residential receptors located 195 m north, 320 m west or 385 m east of the proposed Premises boundary Health and amenity impacts	No additional controls proposed for this amendment	Low level impact to amenity Minor	Could occur at some time Possible	Med	The proposed amendment to the Premises layout will reduce the separation distance between the final product stockpiling area and residential receptors to the north by 135 m. Notwithstanding this, the Delegated Officer has determined that the proposed amendment will not significantly increase the likelihood or potential consequence of these Risk Events. The risk is acceptable subject to regulatory controls in the Existing Licence.	Conditions 2, 20, 21 and 22
	Asbestos fibres from non-conforming waste types at the Premises being released into the air			Potential loss of life Severe	Probably will not occur in most circumstances Unlikely			High

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/ Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Vehicle movements	Dust	Air/wind dispersion Residential receptors located 195 m north, 320 m west or 385 m east of the proposed Premises boundary	No additional controls proposed for this amendment	Low level impact to amenity Minor	Could occur at some time Possible	Med	The Delegated Officer has determined that the proposed amendment will not significantly increase the likelihood or potential consequence of these Risk Events. The risk is acceptable subject to regulatory controls in the Existing Licence.	Conditions 2, 20 to 23
	Noise	Health and amenity impacts		Low level impact to amenity Minor	Probably will not occur in most circumstances Unlikely			Med

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the Department's Guidance Statement: Risk Assessments (February 2017)

7. Conclusion

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

The Licence Holder is currently awaiting determination of a planning approval application to extend operational areas to the cadastral boundary of Lot 126. Granting of the Revised Licence does not provide a defence for any offences under planning legislation and the Licence Holder is responsible for gaining other relevant approvals.

7.1. Summary of amendments

Table 7 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: Licence amendments

Condition No.	Proposed amendments
Premises legal description	Updated to change 'Part of Lot 126' to 'Lot 126' Reference to coordinates in Schedule 1 removed
Registered address	Updated to reflect address listed with Australian Securities and Investments Commission
Definitions	<ul style="list-style-type: none"> 'Compliance Report' definition removed; Annual Audit Compliance Report definition added to align with current licensing terminology; Reportable Event definition removed as not relevant to the Revised Licence; and Definition for 'damp' added for further clarification on the intent of related conditions.
1	Conditions relevant to Noise Emissions updated to include Conditions 23 and 31
11	Conditions relevant to Noise Emissions updated to include Conditions 23, 30 and 31
30 and 31	<p>Noise validation monitoring and reporting conditions updated to reflect current licensing approach and instate a new submission deadline of 31 December 2019.</p> <p>These conditions have been retained in the Revised Licence because the noise validation monitoring report previously provided by the Licence Holder did not sufficiently demonstrate compliance with the former conditions. The requirement for further noise validation monitoring is also justified as the proposed layout changes will reduce the separation distance between residential receptors and site operations.</p>

Condition No.	Proposed amendments
34	'Compliance Report' updated to 'Annual Audit Compliance Report' to align with current licensing terminology.
Schedule 1	<ul style="list-style-type: none"> • Premises Map updated to show the amended Premises boundary; • Site Plan updated to show the amended Premises layout; and • Table 6 (GPS coordinates) removed.
Schedule 2	Infrastructure and equipment references in the Premises Map updated

7.2. Licence Holder comments

The Licence Holder was provided with the draft Amendment Report on 23 August 2019 for review and comment. The Licence Holder responded on 17 September 2019. No comments were submitted on the draft Amendment Report.

A/SENIOR MANAGER WASTE INDUSTRIES REGULATORY SERVICES

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

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L9050/2017/1	L9050/2017/1	accessed at www.dwer.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory principles.</i> Department of Environment Regulation, Perth.	DER 2015a	
3	DER, October 2015. <i>Guidance Statement: Setting conditions.</i> Department of Environment Regulation, Perth.	DER 2015b	
4	DER, November 2016. <i>Guidance Statement: Environmental Siting.</i> Department of Environment Regulation, Perth.	DER 2016a	
5	DER, February 2017. <i>Guidance Statement: Risk Assessments.</i> Department of Environment Regulation, Perth.	DER 2017a	
5	DWER, June 2019. <i>Guidance Statement: Decision Making.</i> Department of Water and Environmental Regulation, Perth.	DWER 2019	
7	DPLH, 2019. <i>City of Kwinana Local Planning Scheme No. 2</i> , as updated 19 March 2019. Department of Planning, Lands and Heritage, Perth.	DPLH 2019	accessed at www.dplh.wa.gov.au