



Application for Licence Amendment

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

Licence Number	L9158/2018/1
Licence Holder	Brajkovich Demolition and Salvage Pty Ltd
ACN	125 556 167
File Number	DER2018/000325-1
Premises	Brajkovich Demolition and Salvage Pty Ltd 958 Rockingham Road HENDERSON WA 6166 Legal description – Part Lot 1 on Diagram 17998 As defined by the Premises maps and coordinates in Schedule 1 of the Revised Licence
Date of Report	15 September 2023
Decision	Revised licence granted

**MANGER WASTE INDUSTRIES
REGULATORY SERVICES**

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

Table of Contents

1. Decision summary	1
2. Scope of assessment	1
2.1 Regulatory framework	1
2.1.1 Environmental Protection (Kwinana) (Atmospheric Waste) Policy 1999	1
2.1.2 Development approval	1
2.1.3 Rights in Water and Irrigation Act 1914	2
2.2 Application summary	2
2.2.1 Amendment additional information	3
2.3 Consolidation of Licence	4
3. Risk assessment	4
3.1 Source-pathways and receptors	4
3.1.1 Emissions and controls	4
3.1.2 Receptors	8
3.2 Risk ratings	9
3.3 Detailed risk assessment for asbestos contamination and emissions, including in recycled material/product quality	11
3.3.1 Description of asbestos emissions	11
3.3.2 Description of potential adverse impacts	11
3.3.3 Applicant controls	12
3.3.4 Review of Annual Environmental Report Submissions for asbestos material and sampling	17
3.3.5 Key findings	18
3.3.6 Consequence	18
3.3.7 Likelihood of risk event	18
3.3.8 Overall rating of risk from emissions	18
3.3.9 Regulatory controls	19
4. Consultation	19
5. Conclusion	23
5.1 Summary of amendments	23
5.1.1 Material amendments	23
5.1.2 Consolidation of Existing Licence conditions	27
References	29
Appendix 1: Summary of Licence Holder's comments on risk assessment and draft conditions	30
Appendix 2: Premises Maps	37
Appendix 3: Application validation summary	39

Table 1: Kwinana EPP total suspended particulates ambient air quality summary.	1
Table 2: Non-compliances with the existing Licence to be addressed in this application.....	2
Table 3: Licences consolidated in this amendment.....	4
Table 4: Licence Holder controls.....	5
Table 5: Sensitive human and environmental receptors	8
Table 6. Risk assessment of potential emissions and discharges from the Premises during operation.....	9
Table 7: Assessment of licence holders proposed asbestos contamination controls	12
Table 8: Annual environmental report data summary – asbestos material and sampling ¹	17
Table 9: Consultation	19
Table 10: Summary of additional information submitted on 19 October 2022.....	21
Table 11: Summary of Licence amendments	23
Table 12: Consolidation of licence conditions in this amendment.....	27
Figure 1: Brajkovich Demolition and Salvage Henderson site layout (source: SERS 2022d).	377
Figure 2: Brajkovich Demolition and Salvage Henderson site layout (source: Existing licence)	388

1. Decision summary

Licence L9158/2018/1 is held by Brajkovich Demolition and Salvage Pty Ltd (Licence Holder) for the Henderson waste recycling facility, located at Part of Lot 1 on Diagram 17998, 958 Rockingham Road, Henderson (the Premises).

This Amendment Report documents the assessment of potential risks to the environment and to public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, revised licence L9158/2018/1 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises.

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>.

2.1.1 Environmental Protection (Kwinana) (Atmospheric Waste) Policy 1999

The premises is located within the *Environmental Protection (Kwinana) (Atmospheric Waste) Policy 1999* (Kwinana EPP) Area B. Subsequently, operations at the premises are subject to the ambient air quality standard and limits set in Schedule 2 of the *Environmental Protection (Kwinana) (Atmospheric Waste) Regulations 1992* that are summarised in Table 1.

Table 1: Kwinana EPP total suspended particulates ambient air quality summary.

Kwinana EPP Area	Standard (ug/m ³)	Limit (ug/m ³)	Averaging period
Policy area	-	1,000	15 minutes
Area B	90	260	24 hours

2.1.2 Development approval

The occupier is authorised under the *Hope Valley-Wattleup Redevelopment Act 2000* for a recycling facility undertaking resource recovery under development approval 3411117 – DA23/0270, issued on 11 July 2023 and valid for a period of 5 years.

Relevant conditions under development approval 3411117 – DA23/0270 relate to:

- waste types and volumes that may be accepted, stockpiled and processed;
- maximum heights of stockpiles, being 'RL 22 m, 7 m above the site bunding';
- time restrictions on the hours of operation;
- requirements for compliance with the Asbestos Management Plan, certifications on and limits for the presence of asbestos; and
- requirements for compliance with the dust management plan, dust monitoring and response triggers.

These conditions are noted as being generally consistent with the conditions set in orders arising from the State Administrative Tribunal citation number [\[2011\] WASAT 194](#) delivered on 11 November 2011.

In completing the assessment the department has given due regard to the conditions of the development approval, including with regard to potential regulatory duplication.

2.1.3 Rights in Water and Irrigation Act 1914

The Licence Holder is approved under *Rights in Water and Irrigation Act 1914* (RIWI Act) groundwater licence GWL174023(2) to abstract up to 70,000 kL; the current licence expires on 10 February 2024. Groundwater is the only defined water source for dust suppression activities.

2.2 Application summary

The premises is currently licensed (L9158/2018/1) with the department to operate a construction and demolition (C&D) waste recycling facility. C&D wastes are only permitted to be accepted and processed at the site through crushing and screening activities to convert the waste into recycled building products (i.e. sands, aggregates and road base).

On 1 April 2022, the licence holder applied to the department to amend the existing Licence under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Amendment to the particulate emissions management requirements of the existing licence to reflect the current operations of the premises; and
- Removal of the reference to the SERS 2013a, *Asbestos Management Plan* in the existing licence due to the development of a new Asbestos Management Plan. The Strategen-JBS&G 2022b, *Asbestos Management Plan* was included as part of this application.

The amendment application was submitted to the department to address some of the issues raised by the department's Compliance and Enforcement Division regarding the operations of the premises being inconsistent with the particulate management requirements approved in the existing licence. Table 1 below outlines the non-compliances identified by Compliance and Enforcement during an inspection of the premises on 17 August 2021, to be addressed through this licence amendment.

Table 2: Non-compliances with the existing Licence to be addressed in this application

Condition no.	Requirement	Non-compliance
14	Requires the maintenance and calibration of three DustTrak 8520 Aerosol Monitors	The Licence Holder currently uses DustTrak Aerosol Monitors 8533 and 8530
15	Requires the sprinkler reticulation network to be automatically activated on the premises when the PM ₁₀ monitors record PM ₁₀ levels of 450 ug/m ³ or more over a 15 minute rolling average	The sprinkler reticulation network on the premises was not automatically activated when the aerosol monitors recorded PM ₁₀ levels of 450ug/m ³ or more over a 15-minute rolling average at the time of the inspection. It was manually activated by staff.
17	Requires the licensee to undertake activities on the premises and manage asbestos and asbestos contaminated material in accordance with the document entitled <i>Asbestos Management Plan Lot 1 (958) Rockingham Rd, Henderson, Revision 2</i> , dated 4 April 2014, prepared by Site Environmental & Remediation	At the time of inspection, the premises was operating in accordance with the Strategen-JBS&G 2022b, <i>Asbestos Management Plan</i> . The department acknowledges that the above-mentioned Asbestos Management Plan (AMP) was

Condition no.	Requirement	Non-compliance
	Services Pty Ltd. (SERS) on behalf of Brajkovich Demolition & Salvage Pty Ltd	<p>developed to align with the Department of Water and Environmental Regulation 2021, <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i>.</p> <p>The existing condition regarding the Asbestos Management Plan is outdated and requires alignment with current requirements.</p>

The applicant has identified the potential emissions and discharges arising from the proposed amendments to be fugitive dust. The Department will assess the risk of these, and any additional emissions and discharges identified during assessment in section 3.2.

The premises relates to the categories and assessed production capacities under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Licence L9158/2018/1. No changes to the production or design capacity at the premises are proposed as part of the amendment application.

2.2.1 Amendment additional information

Following a request for information by the department, on 19 October 2022 the licence holder submitted the following additional documents:

- SERS 2022b, *Asbestos Management Plan* (SERS2022b)
- SERS 2022c, *Dust Management Plan Lot 1*. (SERS2022c)
- SERS 2022d, *Environmental assessment and site management plan* (SERS 2022d)

The delegated officer finds that the approach and controls for managing the risk of asbestos in wastes and recycled materials at the premises in the above documents to be contradictory to previously provided information, including the Strategen-JBS&G 2022b, *Asbestos Management Plan* originally submitted as a part of this application. The information provided also did not align with the DWER 2021, *Guideline: Managing asbestos at construction and demolition waste recycling facilities* and did not adequately address the matters raised within the request for information as summarised in Section 4, Table 10.

As the documentation provided is at times inconsistent, unclear, and incomplete, the following assumptions have been made in this assessment:

1. SERS 2022b, SERS 2022c and SERS 2022d are assumed to supersede the Strategen-JBS&G 2022b asbestos management plan and other referenced management plans.
2. The types of recycled products being created on the premises are as per SERS 2022b (p. 11) and summarised as:

Output types	Crushing and screening product profiles
<ul style="list-style-type: none"> • recycled sands • recycled road base • crushed bitumen road base • crushed concrete road base • drainage aggregates. • segregated metals for recycling 	<ul style="list-style-type: none"> • <10mm screened product (fines) • <40mm aggregate • <100mm product

<ul style="list-style-type: none"> • segregated timber for landfilling 	
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Where information supporting the application, including consideration of information previously provided for the existing licence, was not clear or contradictory, the department has provided the licence holder with the opportunity to consider our interpretation and findings through the consultation process summarised in Section 4.

2.3 Consolidation of Licence

As part of this amendment package the department has consolidated the licence by incorporating changes made under the approvals summarised in Table 3.

Table 3: Licences consolidated in this amendment

Instrument	Issued	Summary of approval
L9158/2018/1	16/11/2018	New licence granted
L9158/2018/1	16/05/2022	Notice of amendment of licence reporting requirements Section 59(2), Section 59(1), Section 59(1)(a) and 59(1)(b) <i>Environmental Protection Act 1986</i> licensed prescribed premises

The department has not undertaken any additional risk assessment of the Premises related to approvals summarised in Table 3.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence;
- updated conditions to align with the current regulatory approach for waste premises;
- revised and realigned the numbers of licence conditions, removed any redundant conditions and converted conditions to a contemporary format; and
- replaced the term licensee with “licence holder”.

The full consolidation as it relates to this Revised Licence is detailed in Section 5.1, Table 12.

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 4 below. Table 4 also details the control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

Table 4: Licence Holder controls

Emission	Sources	Potential pathways	Proposed controls (as per SERS 2022b, SERS 2022c and SERS 2022d)
Dust	Acceptance and handling of wastes Crushing and processing of wastes Storage of wastes and product Vehicle movements All of the above where asbestos contamination is present, including potential contamination of products	Air/windborne pathway	<ul style="list-style-type: none"> • Dust complaints received will be investigated, addressed, responded to, and recorded. • On site speed limit of 10 kph • Addition of an eco-safe, biodegradable liquid copolymer to the water in water carts, which will be applied to haul roads and finished stockpiles • Regular watering of roads with water cart to prevent dust emissions • Locating crusher and screener as far as possible from sensitive receptors. • Crusher and screener are designed with water sprinklers incorporated. • Formation of bunds to enclose the operational area and provide dust attenuation. • Any stockpiles of materials likely to create dust will be covered. • Use of dust suppression system (reticulated water network) at strategic locations throughout the site • Wind speed and wind direction will be monitored via a weather station routed through one of the Aerosol Monitors to determine whether weather conditions are suitable for site activities • All waste handling operations shall not be undertaken during windy conditions (winds in excess of 25 knots) • Wind sock erected on site to confirm the wind direction and speed category (strong, moderate, light). • Activities on site to cease if the director/site supervisor believes dust generation will occur even with suppression systems in place. • All employees are inducted and provided with training to ensure awareness of and compliance with dust management measures • Continuous PM₁₀ dust monitoring using DustTrak 8533 Aerosol Monitors • Dust monitors will trigger the reticulation water network if in excess of 450 µg/m³ is received over a 15 minute period.

Emission	Sources	Potential pathways	Proposed controls (as per SERS 2022b, SERS 2022c and SERS 2022d)
			<ul style="list-style-type: none"> • Material is covered during transport • Tipper tray is angled as low as possible to transfer material to the ground during delivery to site to minimise material movement
Asbestos fibres			<ul style="list-style-type: none"> • Members of staff trained in the identification of asbestos will inspect the material at all stages of the recycling process. Asbestos identified on site will be transferred for temporary storage prior to disposal at an appropriate landfill facility • Staff training records shall be maintained • Records will be maintained for on-site inspections • Results of processed stockpile testing will be maintained. • Details of incidents of asbestos identification onsite and actions taken in response to non-conformance will be maintained. • Independent audits will be undertaken annually in accordance with the Guideline for Managing Asbestos at Construction and Demolition Waste Recycling Facilities, April 2021 and records of audits kept. • All records will be kept for up to 3 years. • Acceptance of material to the facility will be arranged prior. Tipper to give written notice that all loads into the facility are asbestos free. Records of the written notices will be kept. • Delivered loads are not permitted to mix with other wastes present on site. • Each load will be inspected by the truck driver and supervisor after tipping. If suspect materials are found, then they will be marked with “CAUTION ASBESTOS” The site supervisor will determine whether the load will be accepted or rejected depending on the level of material present. • Contaminated loads shall be loaded onto semi-tipper trailers marked with “CAUTION ASBESTOS” for disposal at an appropriate facility. The semi-tipper shall be wet down during loading. Once loading is complete the trailer will be covered with a membrane prior to transportation off-site to prevent dust emissions. • If friable asbestos material is found then no further works shall proceed until the advice of a qualified Environmental Consultant sought.

Emission	Sources	Potential pathways	Proposed controls (as per SERS 2022b, SERS 2022c and SERS 2022d)
			<ul style="list-style-type: none"> • Materials shall be inspected during stockpiling, if asbestos is present in any excavator bucket or within the stockpile, either manual handpicking of all visible ACM will occur, sprayed with water and immediately bagged for disposal at a suitable offsite facility; or the affected load is deemed to be heavily contaminated or the ACM cannot be safely removed, the entire load will be treated as contaminated. The load will be sprayed with water and immediately loaded into suitably lined semi-tippers for disposal at an appropriate facility. The source of contamination will be investigated. • If it is not possible to immediately remove ACM from site, it will be stored in a dedicated ACM waste skip or container on site which will be secured and maintained in good condition • Inspections for asbestos will continue during mechanical feeding of the crusher. If ACM is identified then loading of the crusher shall cease. ACM will be kept damp and removed. • For crushed material <10mm, a sample shall be taken and sent for laboratory analysis of AF and FA. Material shall be wet down and quarantined until results can show that there is less than 0.0001% weight for weight asbestos. If the results exceed this limit the entire affected area will be treated as contaminated. • Crushed material is inspected by staff through loading, transport and tipping into stockpiles. • Stockpiles where asbestos is found will be isolated and flagged. • Field and laboratory sampling and testing of every 70m³ throughput of processed material on site less than 10 mm in aerodynamic diameter shall be conducted in accordance with the <i>Guidelines for the Assessment, Remediation and Management of Contaminated Sites in Western Australia (May 2021)</i>. • Samples collected shall be sent to NATA accredited laboratory for analysis • The location of each sample taken will be recorded to ensure the location of any positive reading which is returned is known. The stockpile will not be moved or removed from site until the laboratory test results have been returned. The volume of processed throughput shall be recorded weekly and this data be retained.

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 from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 5 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 5: Sensitive human and environmental receptors

Human receptors	Distance from prescribed activity
Industrial premises	Adjacent to the north, east and south
Residential premises	Closest residential receptors are located appx. 440 m north-east, 575 m east and 610 m south of the site boundary
Users of products	Site specific where products are used, noting no restrictions are proposed on the use of the products
Environmental receptors	Distance from prescribed activity
Beeliar Regional Park, a bush forever area, including Beeliar Conservation Park (Class C) vested with the Conservation Commission of WA and Brownman Swamp	Extending from approximately 250 m west of premises boundary
Surface water body: Brownman Swamp	Approximately 330 m west of the site and approximately 600 m south-west of the site
Groundwater, within the RIWI Act proclaimed Cockburn groundwater area and the <i>State Environmental (Cockburn Sound) Policy 2015</i>	Groundwater is estimated at 1 mAHD, a depth of approximately 5 to 16 m below ground (6 - 17 mAHD) across the proposed premises, and flows in a westerly direction based on data in the Perth groundwater map
Environments receiving products	Site specific where products are used, noting no restrictions are proposed on the use of the products

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 6.

The Revised Licence L9158/2018/1 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 6. Risk assessment of potential emissions and discharges from the Premises during operation

Risk Event					Risk rating ¹	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	C = consequence L = likelihood			
Operation								
Acceptance and handling of wastes Crushing and processing of wastes Storage of wastes and product Vehicle movements All of the above where asbestos contamination is present, including potential contamination of products	Dust	Air/windborne pathway	Workers at adjacent Industrial Premises Residents 440 m north-east, 575 m east and 610 m south of the site boundary Beeliar Regional Park and surface water bodies	Refer to Table 4	C = Moderate L = Possible Medium Risk	No	Conditions 19, 20, 21, 23, 24, 29 <u>Conditions 1, 9, 10, 17, 18, 21, 22, 25, 26, 30, 36, 40, 41</u>	The Delegated Officer has included licence holder controls found to be appropriate to manage dust emissions as conditions within the revised licence. However, additional controls are required to address the risk of impacts from dust emissions (with potential asbestos fibres) due to inadequacies and inconsistencies identified in the documents provided by the licence holder. See section 3.3 for further information.

Risk Event					Risk rating ¹	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	C = consequence L = likelihood			
	Asbestos fibres		<p>Workers at adjacent Industrial Premises</p> <p>Residents 440m north-east, 575m east and 610m south of the site boundary</p> <p>Beeliam Regional Park and surface water bodies</p> <p>Users of recycled products</p> <p>Environments receiving recycled products</p>		See section 3.3	No	<p>Conditions 19, 20, 21, 23, 24, 29</p> <p><u>Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 25, 26, 30, 31, 32, 33, 34, 35, 37, 38, 40, 41</u></p>	See section 3.3

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.

3.3 Detailed risk assessment for asbestos contamination and emissions, including in recycled material/product quality

3.3.1 Description of asbestos emissions

Asbestos may be present in construction and demolition materials, particularly if the materials are from buildings and structures constructed prior to 1990. Disturbing these materials may release asbestos fibres into the air.

Asbestos contamination, and emissions of asbestos are assessed across the Licence Holder's entire operational process from waste acceptance, through processing, product quality and fate. The likelihood of asbestos contamination occurring should reduce as waste continues through the operational process. No emissions of asbestos should occur as a result of the operations at the premises.

Asbestos can occur in several forms and could:

- be present within waste accepted at the premises
- be released as a result of handling, processing and storage operations; and
- be released as a result of contaminated products being used at the premises or other premises.

3.3.2 Description of potential adverse impacts

Impacts to receptors from asbestos can result in high level impacts to amenity and high level ongoing medical treatment. Breathing in asbestos fibres which have been released into the air may lead to diseases such as lung cancer, mesothelioma, and asbestosis. However, the risk of developing disease depends on the length of time of exposure to asbestos fibres, the quantity inhaled, and the frequency of exposure.

Wind direction and strength may impact the intensity and direction of dust emissions from the premises potentially containing asbestos fibres. Data collected from the nearby Hope-Valley Meteorological Station from the period 01/01/2007 – 31/12/2007 indicated that wind direction in the summer months is mainly easterly in the morning and south westerly in the afternoon (SERS 2022c). The Delegated Officer considers the receptors most likely to be at risk from asbestos emissions to be workers at adjacent industrial premises and residential premises 440m north-east, 575m to the east, and 610 m south of the site. However, if asbestos is not adequately managed at the premises at all stages of the operational process, then this may result in contamination of the end recycled product, presenting a risk to purchasers/users of the product.

3.3.3 Applicant controls

Asbestos management addressed in the Strategen-JBS&G 2022b asbestos management plan and the Strategen-JBS&G 2022a audit report proposed management controls that were not acceptable. The following control was of particular concern:

“Stockpiles with asbestos concentrations above the 0.001% w/w limit are considered as potentially contaminated ... blending with fresh material with a lower (or nil detected) asbestos content may provide a product with acceptable residual asbestos levels for export.”

The proposed management controls were subsequently superseded by the submission of the SERS 2022 series of three management plans. The controls proposed by the licence holder from these management plans are summarised in section 3.1.1, Table 4.

Additional details of the proposed controls and their consistency with DWER 2021 are considered in Table 7.

Table 7: Assessment of licence holders proposed asbestos contamination controls

Stage of operation	Applicant proposed controls	DWER 2021 proposed controls	Assessment of consistency
Waste acceptance	SERS 2022b, Section 7.1 (p.18): Loads of waste that are presented for acceptance are not to be inspected until the waste has been tipped	All loads are to be inspected before tipping (ref: Section 3.3)	Finding → Inconsistent Controls proposed by the licence holder are inconsistent with controls under DWER 2021; loads are not effectively assessed for the risk of asbestos contamination
Waste acceptance	SERS 2022b, Section 7.1 (p.18): Loads of waste that are presented for acceptance are not to be classified based on material and load type	All loads are to be classified before acceptance based on material and load type (ref: Section 3.3)	Finding → Inconsistent Controls proposed by the licence holder are inconsistent with controls under DWER 2021; loads are not appropriately managed by risk of asbestos contamination

Stage of operation	Applicant proposed controls	DWER 2021 proposed controls	Assessment of consistency
Waste processing	<p>SERS 2022b, Section 7.1 (p.18): Where a load is identified as containing asbestos or ACM, through the ACM containment process set out in section 7.3, '<i>... if the removal uncovers more hazardous materials than expected, then the entire load shall be treated ... for disposal to a licence landfill...</i>'.</p> <p>Within the ACM containment process '<i>if fibrous, friable or asbestos fines are detected then the full removal of affected area shall be considered</i>'</p>	<p>All loads are to be classified as high-risk on material and load type or when asbestos or ACM is detected in a low-risk load (ref: Sections 3.3 and 3.4.1)</p> <p>All high-risk loads where '<i>... suspect ACM is identified ... and is not capable of being easily removed by hand, the load must be rejected</i>' (ref: Sections 3.4.1)</p>	<p>Finding → Inconsistent</p> <p>Controls proposed by the licence holder are inconsistent with controls under DWER 2021; contaminated loads are not appropriately managed for the risk of asbestos and for disposal.</p>
Waste processing	<p>SERS 2022b, Section 7.3 (p.19): Where ACM is identified, containment of ACM is proposed via 'Option 1', or 'Option 2' processes based on the ability to safely remove asbestos via 'manual hand picking' and the level of observed contamination. 'Option 2' is applied where the load is 'heavily contaminated' and/or asbestos cannot be removed via manual hand picking. Both processes, options 1 and 2, are '<i>... to be repeated until such time as all visible ACM has been removed</i>' and '<i>... full removal of [asbestos] affected area ...</i>' is only considered subject to a risk assessment. No process for the risk assessment is specified.</p>	<p>All low-risk loads where asbestos/ ACM is detected are to be managed as high-risk loads. All loads that are classified as high-risk are to undergo comprehensive visual inspection and any load that has FA or AF, or that meets the contaminant level referred to by the licence holder under option 2 are to be rejected and directed to an authorised disposal facility (ref: Sections 3.4).</p>	<p>Finding → Inconsistent</p> <p>Controls proposed by the licence holder are inconsistent with controls under DWER 2021; contaminated loads are not appropriately managed for the risk of asbestos and for disposal.</p>

Stage of operation	Applicant proposed controls	DWER 2021 proposed controls	Assessment of consistency
<p>Processed material sampling and testing</p>	<p>SERS 2022b, Section 8.1 (p.24) states that <i>“sampling and testing of every 70m3 throughput of processed material on site less than 10mm in aerodynamic diameter shall be conducted in accordance with the Guidelines for the Assessment, Remediation and Management of Contaminated Sites in Western Australia (May 2021)”</i></p> <p>The location of each sample taken will be recorded and the stockpile will not be moved until test results have been returned. The samples will be sent to a NATA-accredited laboratory for testing to ensure that asbestos content will not be more than 0.001%.</p> <p><i>“A weight of evidence approach will be adopted to determine if the positive result is an isolated incident or if it represents a more serious contamination of the stockpile. Where it can be seen that the contamination of the stockpile is an isolated occurrence the affected portion of the stockpile will be removed from site.....Further samples will be taken and analysed using PLM techniques. If this sample indicated that ACM is present in the stockpile, remedial action will take place to remove the whole stockpile from site as asbestos contaminated”</i></p>	<p>Conveyor Sampling is detailed in 4.3.4 and states that <i>“Sampling of road base and screened sand products must occur at a minimum rate of one sample per 70 m3 of a product output.”</i></p> <p>Section 4.3.3 details stockpile inspection and sampling procedures. Sampling is required for recycled road base and screened sand and <i>“must occur at a minimum rate of 40 locations per 4000 tonnes or 14 samples per 1000m³ of product”</i></p> <p>Specific sampling methods are detailed in Sections 4.3.5, 4.3.7 and 4.3.8 <i>“to determine whether recycled products meet the product specification for asbestos content, samples must be a minimum of 500 ml in size. Proponents must adopt one of the following analytical approaches:</i></p> <ol style="list-style-type: none"> <i>1. Detected/non-detected – where any quantity of asbestos is detected by the PLM method it must be assumed, without further analysis, to be in concentrations above the product specification limit of 0.001% w/w. A weight-of-evidence approach may be adopted, i.e. the frequency and occurrence of other positive results in the stockpile can be taken into account, to determine whether the stockpile being assessed is considered to meet the product specification or not; or</i> <i>2. Where any quantity of asbestos is detected by the PLM method, the sample is subject to further testing in the form of a semi-quantitative method with a lower level of detection for asbestos....”</i> 	<p>Finding → Mainly consistent</p> <p>Some of the controls proposed by the licence holder are consistent with controls under DWER 2021; The licence holder has proposed testing to ensure that the asbestos content in processed material stockpiles will not be more than 0.001%. This figure is consistent with DWER 2021. However, limited details are provided on sampling methods and locations where samples are to be taken from. It is unclear whether samples will be taken from conveyor or stockpiles.</p>

Stage of operation	Applicant proposed controls	DWER 2021 proposed controls	Assessment of consistency
Product supply	Taken from the flow diagram, Process Schematic – BDS Crushing and Screening Facility: <i>“Each end product has a different end specification and is either given away free-of-charge or sold to respective clients.”</i>	Section 4.3.9 states: <i>“Recycled products should only be supplied to customers from stockpiles that have been sampled and tested in accordance with section 4.3 and shown to conform to the product specification.”</i> To meet the Product Specification requirement: <i>“...the asbestos content (in any form) of any recycled products must not exceed 0.001 per cent asbestos weight for weight (w/w).”</i> (Section 4.3.1)	Finding → Inconsistent Controls proposed by the licence holder are unclear; insufficient information has been provided regarding end products and their specifications
Independent Audit	Refer to SERS 2022b, Section 8.2 (p.24)	Refer to Section 5.1.1 Process audit	Finding → Mainly consistent The controls proposed by the licence holder are consistent with controls under DWER 2021. However, some key areas of the audit required by DWER 2021 are not identified in SERS 2022b (ie. effectiveness of personnel training).

Stage of operation	Applicant proposed controls	DWER 2021 proposed controls	Assessment of consistency
Staff Training	SERS 2022b, Section 5.3 Site Management and Staffing (p.12-13) states that staff will undertake training as part of induction formalities which will include detailed familiarisation with the AMP.	<p>Section 5.2 details staff competence, training and safety requirements and includes that staff be provided with refresher training on a two-yearly basis to ensure that they understand:</p> <p><i>“a) the health hazards associated with asbestos;</i></p> <p><i>b) the controls used to minimise exposure to asbestos dust and how to use personal protective equipment;</i></p> <p><i>c) how to visually inspect waste;</i></p> <p><i>d) how to recognise different types of asbestos and ACM;</i></p> <p><i>e) site-based procedures relevant to their role, such as processes for rejecting loads, classifying loads, unloading and inspecting low and high-risk loads, segregating and storing asbestos and ACM, and record keeping;</i></p> <p><i>f) awareness of environmental and asbestos-related legislation relevant to the premises and the conditions of the licence that relate to the tasks that the person performs on the site.”</i></p>	<p>Finding → Inconsistent</p> <p>Controls proposed by the licence holder are inconsistent; staff training appears to be insufficient to meet the requirements of DWER 2021</p>
Record Keeping	Refer to SERS 2022b, Section 5.10 Records for Inspection (p.24)	Refer to Section 5.3 Record Keeping	Finding → Consistent

3.3.4 Review of Annual Environmental Report Submissions for asbestos material and sampling

Condition 19 of the current licence requires the licence holder to submit an annual report that includes:

- (iv) details of any asbestos or material containing asbestos removed from the premises
- (v) a summary of the asbestos sampling and analysis results undertaken at the premises

A review of the submissions for these requirements for the last four reporting periods is summarised in Table 8.

Table 8: Annual environmental report data summary – asbestos material and sampling¹

Reporting period	Total number of samples	Total number of detections ²	Total number of exceedances	Identification of process stage sampled	Summary of sample type (waste/ product)	Fate of asbestos waste ⁴
2021-22	1,236	26	17	Data not reported	Data not reported	Data not reported
2020-21	1,460	26	18	Data not reported	Data not reported	Data not reported
2019-20	1,285	10	6	Data not reported	Soil (all)	Data not reported
2018-19	Data not reported	See note 3		Data not reported	Soil (all)	Data not reported

Note 1: A finding of 'data not reported' may relate to data that was not required by the conditions of the licence. However, the data is considered relevant in assessing confidence with the licence holder's controls and the risk of potential impact to receptors from products produced from waste at the premises.

Note 2: Detections in all reporting periods were spread across the reporting period indicating detections were not limited to isolated events of asbestos containing materials.

Note 3: The data for the reporting period states that '*... there were five instances of asbestos being confirmed in concentration above the limit of reporting at the site*' however, tabulated data was difficult to interpret with eight 'job numbers' being reported and the column 'Samples in exceedance' totalling 146.

Note 4: Asbestos containing material is exempt from Part 3, Divisions 1 through 5 of the *Environmental Protection (Controlled Waste) Regulations 2004* that includes the requirements of a controlled waste tracking form.

3.3.5 Key findings

The delegated officer has reviewed the information regarding the risk assessment for asbestos contamination and emissions, including in recycled material/product quality, and has found:

- 1) The Strategen-JBS&G 2022b and SERS 2022b asbestos management plans are not consistent with the approaches and controls set out in the DWER 2021 *Guideline: Managing asbestos at construction and demolition waste recycling facilities*.
- 2) The controls proposed by the licence holder for assessing the risk of asbestos in waste loads to be accepted at the premises are not adequate. Subsequently, all waste loads could currently be considered as high-risk loads.
- 3) The documentation setting out the licence holder controls are, at times, inconsistent, unclear, infer unrealistic outcomes, are not complete or final and are discretionary
- 4) Unless demonstrated to not be a waste under the provisions of the EP Act, with consideration of the factors set out in the [Factsheet – Assessing whether material is a waste](#), material that is managed by ‘... *redistribution free of charge* ...’ will be considered a waste.
- 5) The delegated officer finds that:
 - a) contamination from asbestos containing materials is an ongoing risk in wastes and products being accepted, processed, managed and distributed by the licence holder.
 - b) the recurring detection of asbestos containing material increases uncertainty in the effectiveness of the licence holder’s controls to effectively detect, isolate and remove asbestos in wastes and products and supports a precautionary approach.
- 6) Additional reporting under the revised licence, regarding the disposal of material containing asbestos, is appropriate to ensure compliance with s.43 of the *Environmental Protection (Controlled Waste) Regulations 2004*.

3.3.6 Consequence

Due to the serious diseases which may be caused by the inhalation of asbestos fibres, the consequence of asbestos fibre emissions is considered by the Delegated Officer to be **Severe**.

3.3.7 Likelihood of risk event

Given the inconsistencies between management plans supplied by the licence holder and the findings from the review of Annual Environmental Report submissions, there are concerns that asbestos has not been managed appropriately at the site under the Strategen-JBS&G 2022 Asbestos Management Plan. However, with the assumptions made in this report, should the licence holder’s proposed controls be effectively and reliably implemented then the Delegated Officer considers the overall likelihood of impacts from asbestos to be **Unlikely**.

3.3.8 Overall rating of risk from emissions

The Delegated Officer has compared the consequence and likelihood ratings described above with the risk rating matrix and determined that the overall rating for the risk of asbestos fibre emissions is **High**.

3.3.9 Regulatory controls

The Delegated Officer has determined that multiple regulatory controls, including the preparation and implementation of a detailed Asbestos Management Plan in accordance with DWER 2021, within three months of the amended licence being granted, are required to control the risk of potential asbestos fibre emission impacts to receptors. These regulatory controls have been applied as conditions within the revised licence (Refer to condition numbers in Section 3.2, Table 6).

4. Consultation

Table 9 provides a summary of the consultation undertaken by the department.

Table 9: Consultation

Consultation method	Comments received	Department response
Local Government Authority advised of proposal 17 May 2022	<p>The City of Cockburn replied on 1 June 2022 advising that:</p> <ul style="list-style-type: none"> • the Strategen-JBS&G 2022 asbestos management plan (AMP) is not adequate; • the dust management plan referred to in the development approval DA17/0535 is dated 10 July 2017, not a previous version; • concerns in the Strategen-JBS&G 2022 AMP, including measures not carried through from a previous version of the AMP include: <ul style="list-style-type: none"> ○ lack of independent audits; ○ dust control water sources, including contingency supplies and addition of polymers to support dust suppression; ○ lack of a sprinkler reticulation plan and operational details; ○ dust monitoring trigger level alignment with the [2011] WASAT 194; ○ asbestos certifications for the waste being acceptance, visual inspections and employee certifications. • Site demonstration of upgraded dust management controls on 19 May 2022 were considered positive, including the continuous operating eight (8) zone sprinkler system that maintains a baseline moisture level, triggered by dust monitors. <p>(ref: DWERDT612629)</p>	Noted. The revised licence includes conditions, such as the development of a new AMP, which will address the concerns raised by the City of Cockburn.
Department of Health (DoH) advised of proposal 17 May 2022	<p>DoH replied on 9 June 2022 advising that:</p> <ul style="list-style-type: none"> • the Strategen-JBS&G 2022 asbestos management plan (AMP): <ul style="list-style-type: none"> ○ is not adequate and is limited in scope and detail; ○ no longer proposes quarterly independent audits; 	Noted. The revised licence includes a condition requiring the licence holder to prepare and implement an AMP requiring specific details within 3 months of the

	<ul style="list-style-type: none"> ○ lacks detail on procedures for identifying and managing potential asbestos contamination; ○ proposes mixing of contaminated material that is not appropriate practice; ● outcomes in relation to proposed industry wide reviews and consideration of amendments to the DWER 2021, <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i> should be considered in the amendment application. ● The Strategen-JBS&G 2022 AMP should not replace the Site Environmental & Remediation Services Pty Ltd 2013 AMP due to the matters raised. <p>(ref: DWERDT615603)</p>	revised licence being granted to address the concerns raised.
Licence Holder was requested to provide further information on 14 September 2022	<p>The licence holder replied on 19 October 2022 providing:</p> <ul style="list-style-type: none"> ● Site Environmental and Remediation Services Pty Ltd (SERS) 2022, <i>Environmental assessment and site management plan Lot 1, Rockingham Rd, Henderson, Western Australia 6166</i>; ● SERS 2022, <i>Dust Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166</i>; and ● SERS 2022, <i>Asbestos Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166</i>. <p>On 24 October 2022, the licence holder also provided documents regarding the continuity and area of the lease agreement to demonstrate occupation of the premises.</p>	<p>The submitted documents were reviewed and it was found that all documents were predominantly duplicates of old 2012/2013 versions with no material updates.</p> <p>Further details are provided in Table 10.</p>
Licence Holder was provided with draft amendment on 27 April 2023	Refer to Appendix 1	Refer to Appendix 1
Licence Holder was provided with a revised draft amendment on 4 July 2023	Refer to Appendix 1	Refer to Appendix 1

Table 10: Summary of additional information submitted on 19 October 2022

Information submitted	Department findings
<p>All information referred to below</p>	<p>Finding: In the submission and supporting information received on 19 October 2022:</p> <ul style="list-style-type: none"> • No reference to the Strategen-JBS&G 2022 AMP was provided. • All three SERS 2022 documents are predominantly reduced copies of the previous versions, are framed to construction as yet to occur, and contain duplication of content. • An updated Site Layout and Dust Monitor Locations plan was included in SERS 2022b, as depicted in Appendix 2, Figure 1. <p>Outcome: The delegated officer has assumed that the Strategen-JBS&G 2022 AMP no longer forms part of the licence holder's submission and proposed controls.</p>
<p>SERS 2022, <i>Environmental assessment and site management plan Lot 1, Rockingham Rd, Henderson, Western Australia 6166</i></p>	<p>Finding: The document is a reduced copy of SERS 2011, with no material changes or updates and generally lacks relevance to the scope of the application while containing multiple errors and inconsistencies with other supplied documents; for example:</p> <ul style="list-style-type: none"> • Maintains reference to the 2003 National Environmental Protection (Ambient Air Quality) Measure, the current version is dated 2021; • Refers to PM₁₀ monitoring using 3 DustTrak 8533 aerosol monitors, with 1 incorporating a weather station (ultrasonic wind sensor) for monitoring weather conditions. • States that “dust monitors will trigger the reticulation network if in excess of 400ug/m³ is received over a 15 minute period” • Refers to a storage tank of 250,00l capacity being installed to store groundwater for dust suppression on the site. <p>Outcome: The delegated officer assumes that the information provided above is out-dated. The weather station/ultrasonic wind sensor is not referred to in other documents supplied by the licence holder. However, has been included in the licence to monitor wind speed and wind direction as the licence holder has proposed to cease operations during periods of high winds (25 knots) as a dust control.</p>

Information submitted	Department findings
<p>SERS 2022, <i>Dust Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166</i></p>	<p>Finding: The document is similar to parts of SERS 2011 and contains inconsistencies with other documents supplied; for example:</p> <ul style="list-style-type: none"> • It states that a “<i>A custom-made wheel-washing system will be installed and maintained within the site..</i>” This same control was proposed in SERS 2011 but it has not been confirmed whether the wheel washing facility has been installed. • It refers to 3 x particle counters (TSI Dusttrack 8520). • It refers to 7m high bunds along the southern, western, and northern boundaries of the site which will be hydro-mulched and seeded. There appears to have been changes to mapped bunds and it is unclear what bunding is in place. • Refers to 2 x water storage tanks of 250KL capacity to store bore water to supply the underground reticulation network. <p>Outcome: The delegated officer has included the wheel-wash, bunding, and storage tanks in the infrastructure table of the licence. DustTrack monitor model number has been removed and requirements for the monitors specified instead.</p>
<p>SERS 2022, <i>Asbestos Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166</i></p>	<p>Finding: The document is a reduced copy of SERS 2013 Asbestos management plan, with limited changes and updates. The SERS 2022 has been found deficient in multiple areas, including:</p> <ul style="list-style-type: none"> • Areas detailed in Table 7; • The approach that ‘... <i>asbestos management has not been included in this operational process schematic but that is carried out as a priority site practice</i>’ and the schematic includes no reference to any waste/ material/ product inspections or testing. • In comparison to the SERS 2013, <i>Asbestos Management Plan</i>: <ul style="list-style-type: none"> - Deleted all content related to Source-Site Asbestos Management Procedures - Deleted content related to water supply (2 x 250KL storage tanks) - Deleted content related to wind sock (mentioned as a control for dust in SERS2022 and SERS2022) - Deleted content related to air-quality monitoring <p>Outcome: The delegated officer has determined that a new Asbestos Management Plan is required to be prepared for the site that meets specific requirements as detailed in Condition 2 of the revised licence.</p>
<p>Lease agreement documentation</p>	<p>Finding: None of the supporting lease agreement documentation demonstrated that a valid lease was in place beyond 30 November 2021.</p>

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.

The Delegated Officer has made determinations based on the expectation that the following three outcomes will be achieved:

- 1) prevent and minimise the risk of asbestos being received and processed at the premises;
- 2) prevent and minimise the risk of asbestos in emissions within and from the premises; and
- 3) prevent and minimise the potential risk of asbestos contamination and subsequent emissions in recycled construction and demolition (C&D) materials and products.

It is the Licence Holder's responsibility to ensure that they have legal access to the land defined by the premises map in Schedule 1 and that a current lease is maintained throughout the duration of the licence.

5.1 Summary of amendments

5.1.1 Material amendments

Table 11 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 11: Summary of Licence amendments

Condition no.	Proposed amendments
<u>Revised</u> 1: Infrastructure and Equipment <u>Existing</u> N/A	Addition of an infrastructure and equipment table to align with the current licensing format and to detail the operational requirements and location for each item of site infrastructure and equipment. Designated Quarantine Storage Area has been added for the storage of residual and non-conforming wastes. A requirement for a 5 m buffer is specified to allow access to the area for fire-fighting purposes.
<u>Revised</u> 2: Asbestos management plan <u>Existing</u> 17	Deletion of reference to the <i>Asbestos Management Plan Lot 1 (958) Rockingham Rd, Henderson, Revision 2</i> , dated 4 April 2014, prepared by Site Environmental & Remediation Services Pty Ltd. (SERS). To ensure that procedures, monitoring and training for potential asbestos related emissions at the Premises are appropriately implemented and remain up to date, a condition for the development of a new asbestos management plan has been added.
<u>Revised</u> 3: Waste acceptance, Table 2 <u>Existing</u> 1	Acceptance specifications have been amended to: <ul style="list-style-type: none"> • limit the waste acceptance to construction and demolition waste only, • Remove the acceptance specification of "Does not contain more than 0.001% w/w asbestos containing material" and replace with:

	<p style="text-align: center;">Table 2: Waste acceptance criteria</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Waste type</th> <th style="width: 20%;">Rate at which waste is received</th> <th style="width: 60%;">Acceptance specification</th> </tr> </thead> <tbody> <tr> <td>Inert Waste Type 1 – Construction and demolition waste</td> <td>100,000 tonnes per annual period</td> <td> <p>a) Material comprising bricks, concrete, and other inert waste type 1 material and associated unavoidable small quantities of paper, plastics, glass, metal and timber resulting from:</p> <p>i) the demolition, erection, construction, refurbishment or alteration of buildings; or</p> <p>ii) the construction, repair or alteration of infrastructure-type developments such as roads, bridges, dams, tunnels, railways and airports.</p> <p>b) Must not be mixed with any other type of waste (specifically putrescible waste such as green and food waste); and</p> <p>c) Must not contain any visible asbestos, ACM, chemically treated timber or PFAS.</p> </td> </tr> </tbody> </table> <p style="text-align: center;">The acceptance specification above is consistent with other licences for premises accepting construction and demolition waste.</p>	Waste type	Rate at which waste is received	Acceptance specification	Inert Waste Type 1 – Construction and demolition waste	100,000 tonnes per annual period	<p>a) Material comprising bricks, concrete, and other inert waste type 1 material and associated unavoidable small quantities of paper, plastics, glass, metal and timber resulting from:</p> <p>i) the demolition, erection, construction, refurbishment or alteration of buildings; or</p> <p>ii) the construction, repair or alteration of infrastructure-type developments such as roads, bridges, dams, tunnels, railways and airports.</p> <p>b) Must not be mixed with any other type of waste (specifically putrescible waste such as green and food waste); and</p> <p>c) Must not contain any visible asbestos, ACM, chemically treated timber or PFAS.</p>
Waste type	Rate at which waste is received	Acceptance specification					
Inert Waste Type 1 – Construction and demolition waste	100,000 tonnes per annual period	<p>a) Material comprising bricks, concrete, and other inert waste type 1 material and associated unavoidable small quantities of paper, plastics, glass, metal and timber resulting from:</p> <p>i) the demolition, erection, construction, refurbishment or alteration of buildings; or</p> <p>ii) the construction, repair or alteration of infrastructure-type developments such as roads, bridges, dams, tunnels, railways and airports.</p> <p>b) Must not be mixed with any other type of waste (specifically putrescible waste such as green and food waste); and</p> <p>c) Must not contain any visible asbestos, ACM, chemically treated timber or PFAS.</p>					
<p><u>Revised</u> 4, 5, 6 <u>Existing</u> N/A</p>	<p>Addition of waste acceptance conditions to ensure that asbestos or ACM is not accepted at the premises and includes obtaining a signed declaration from the supplier of the waste, visual inspection by a suitably qualified person for asbestos/ACM, and classification of all waste loads on arrival into either “low risk” or “high risk” loads.</p>						
<p><u>Revised</u> 7, 8 <u>Existing</u> 4</p>	<p>Replacement of existing condition regarding management of non-conforming waste received at the premises with updated actions to take should the waste loads arriving at the premises not meet the waste acceptance criteria. This is to ensure that details of non-conforming wastes are recorded and that they are managed appropriately to prevent unauthorised emissions and/or the release of asbestos fibres.</p>						
<p><u>Revised</u> 9: Waste Processing, Table 3 <u>Existing</u> N/A</p>	<p>Addition of waste processing condition with process limits and/or specifications for each of the processes undertaken on the premises.</p> <p>This condition was added to ensure that asbestos is adequately managed on the premises to prevent contamination of the final recycled product and to prevent dust/airborne fibre emissions.</p> <p>Processing limits and specifications have also been included to ensure that residual and non-conforming wastes are appropriately managed to reduce fire risks and to prevent emissions to the environment. Residual waste and non-conforming waste minimum separation distances are those for a high fire risk loose pile (DFES 2020).</p>						
<p><u>Revised</u> 10 <u>Existing</u> N/A</p>	<p>Addition of condition requiring waste loads arriving at the premises to be wetted prior unloading and to remain in a damp state throughout the inspection process to minimise potential release of asbestos fibres.</p>						
<p><u>Revised</u> 11 <u>Existing</u> N/A</p>	<p>Condition added to ensure that classified waste loads will not mix with other waste without further inspection.</p>						
<p><u>Revised</u> 12 <u>Existing</u> N/A</p>	<p>Condition added to ensure that each waste load classified as a “low risk load” is inspected for asbestos/ACM at all stages of the unloading, storage, sorting and screening process. If asbestos/ACM is identified or suspected then the load shall be reclassified to a “high risk load”, to be handled in accordance with the procedure set out in Schedule 4 (taken from the Department of Water and Environmental Regulation 2021, <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i>).</p>						

<u>Revised</u> 13 <u>Existing</u> N/A	<p>Addition of condition to require the continual inspection of all waste at the premises at each process stage for asbestos/ACM. Suspected material is required to be handled in accordance with the procedure in Schedule 4 of the licence.</p>
<u>Revised</u> 14 <u>Existing</u> N/A	<p>Addition of condition requiring the maintenance of accurate and auditable records of all loads that have been inspected in accordance with conditions 12 and 13.</p>
<u>Revised</u> 15 <u>Existing</u> N/A	<p>Condition added requiring materials on the premises to be maintained in at least three separate stockpiles, a minimum of 3 metres apart, and clearly labelled for unprocessed waste, products tested for asbestos, and processed waste awaiting testing for asbestos</p>
<u>Revised</u> 16 <u>Existing</u> N/A	<p>Condition added for management of residual wastes generated during processing.</p>
<u>Revised</u> 17, 18, 22, 23 <u>Existing</u> 10, 21	<p>Removal of conditions for licensee to implement the dust prevention methods identified in the documents: Environmental Management Plan, Lot 1 Rockingham Road, Henderson dated 2 April 2012 and the Environmental Assessment and Site Management Plan: Lot 1 Rockingham Road, Henderson, Western Australia, 6166, Revision 4, 4 August 2011, prepared by Site Environmental & Remediation Services Pty Ltd (SERS).</p> <p>The above-mentioned documents have been replaced with more current documents and therefore, the conditions are outdated.</p> <p>The following specific dust control conditions have been added:</p> <ul style="list-style-type: none"> • Condition 17 requires the licence holder to maintain an adequate water supply to equipment to facilitate dust suppression. • Condition 18 requires the licence holder to ensure that all stockpiles are maintained in a damp state to prevent dust lift-off. • Condition 22 requires that stockpiles do not exceed RL 22 m at any point from the base of the stockpile (maximum of 7 m in height above perimeter bunding), which is consistent with the Development Approval issued for the site. • Condition 23 requires all wastes and products to be removed from the site in a damp state or otherwise contained to prevent and mitigate dust emissions.
<u>Revised</u> 25, 26 <u>Existing</u> N/A	<p>Addition of condition 25 requiring the licence holder to submit a written report for any exceedances of the PM₁₀ trigger value of 450 µg/m³ or more over a 15 minute rolling average recorded during particulate matter emission monitoring.</p> <p>Condition 26 details the information required in the written report.</p>
<u>Revised</u> 27 <u>Existing</u> N/A	<p>Condition added for management of contaminated stormwater</p>

<u>Revised</u> 30 <u>Existing</u> N/A	Condition added for monitoring of ambient meteorological conditions for collection of useful data for dust control and to ensure that Licence Holder complies with Process Limit/Specification in Table 9 for waste processes to cease if winds on the premises exceed 12.9m/s.
<u>Revised</u> 31, 32 <u>Existing</u> N/A	Conditions added to ensure that recycled products are tested in accordance with and meet the product specifications detailed in the Department of Water and Environmental Regulation 2021, <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i>)
<u>Revised</u> 33 <u>Existing</u> N/A	Condition added to ensure that accurate and auditable records are maintained for all asbestos product testing and specifies information to be recorded.
<u>Revised</u> 34, 35 <u>Existing</u> N/A	Conditions added to ensure that personnel working on the premises undergo adequate training in relation to management of asbestos.
<u>Revised</u> 37, 38 <u>Existing</u> N/A	Conditions added to ensure that third party audits of processes relating to asbestos management at the facility occur in accordance with the <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i> (DWER 2021).
<u>Revised</u> 40 <u>Existing</u> 19	Amendments made to the details required in the Annual Environmental Report and the date the report is required to be submitted. Additional details include: <ul style="list-style-type: none"> • A summary of any failure or malfunction of any pollution control equipment or any incidents that occurred during the annual period and any related action taken. • A summary of any rejected loads during the annual period • A summary of the effectiveness of the inspection and classification requirements in preventing asbestos and ACM from entering the premises. • A summary of input and output monitoring for each annual period. • A summary of all product monitoring results • A complete copy of the Process Audit Report. • A summary of improvement strategies identified to address the findings of the Process Audit Report and a summary of any related revisions to the Asbestos Management Plan.
<u>Revised</u> 41 <u>Existing</u> N/A	Condition added for the maintenance of auditable books. This is a standard condition on contemporary licences.

<u>Revised</u> 42 <u>Existing</u> N/A	Relates to requirements for the books specified in Condition 41 and is a standard condition on contemporary licences.
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5.1.2 Consolidation of Existing Licence conditions

Table 12: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
1	Waste acceptance	3	Revised to current licensing format.
2	Burial of waste	N/A	Redundant condition. Deleted from licence. There is no approval to bury/landfill any wastes under the licence, the activity would be subject to the general provisions of the EP Act, including section 53.
3, 4 and 5	Management of wastes not authorised for acceptance	4, 5, 6, 7, 8	Redundant conditions. Aspects related to the general management of waste not authorised for acceptance are update to contemporary condition wording format. Aspects relating to vegetative/green waste have been deleted from licence following advice from the licence holder as documented in the report from the inspection on 17 August 2021.
6 and 7	Recording of waste acceptance details	28	New numbering and update to contemporary condition wording format.
8	Complaints management	36	New numbering and update to contemporary condition wording format.
9	Odour emissions	N/A	Redundant condition. Deleted from licence. Adequately regulated by the general provisions of the EP Act, including section 49.
10	Dust emission controls	17, 18	Deleted and replaced with new conditions. See Table 11.
11	Dust emissions	19	Condition retained and amended to refer to processes in condition 9
12	Dust emission controls – cessation of operations	20	Condition retained

Existing condition	Condition summary	Revised licence condition	Conversion notes
13	Dust emission controls – resumption of operations	N/A	Condition deleted as it refers to an out-dated Environmental Management Plan.
14	Dust emission controls – monitoring devices	1	Existing condition deleted to remove reference to a particular DustTrak aerosol model number as the model specified is no longer being used on the premises. Aerosol monitors have been included in the infrastructure and equipment table along with corresponding operational requirements which include calibration and maintenance.
15	Dust emission controls – monitoring frequency, trigger levels a management actions	24, 29	New numbering and update to contemporary condition wording format.
16	Dust emission controls – record keeping	41(d)	Requirements of existing condition covered in new licence condition 41, which requires records to be kept for the maintenance of infrastructure and equipment in condition 1.
17	Asbestos management plan (AMP)	2	New numbering and update to contemporary condition wording format. The conversion includes the condition referring to the relevant elements of the AMP rather than the AMP as a document. See Table 11
18	Annual Audit Compliance Report	39	New numbering and update to contemporary condition wording format.
19	Annual Environmental report	40	New numbering and update to contemporary condition wording format. Inclusion of new reporting requirements (see Table 11)
Attachment 1	Plan of premises	Schedule 1: Maps	Updated to latest version of premises map provided by applicant.
Attachment 1	Premises infrastructure and stockpiles	Schedule 1: Maps	Updated to latest version of premises map provided by applicant.

References

1. Department of Environment Regulation 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Fire and Emergency Services (DFES) 2020, *Guidance Note: GN04 Fire Prevention and Management in a Recycling Facility*, Perth, Western Australia.
3. Department of Health 2021, *Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia*, Perth, Western Australia.
4. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
5. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
6. DWER 2021, *Guideline: Managing asbestos at construction and demolition waste recycling facilities*, Perth, Western Australia.
7. DWER undated, *Factsheet – assessing whether material is waste*, Perth, Western Australia.
8. Site Environmental & Remediation Services Pty (SERS) Ltd 2011, *Environmental assessment and site management plan Lot 1, Rockingham Rd, Henderson, Western Australia 6166* (ref A2085011).
9. SERS 2012, *Category 13 and 62 Licence application Lot 1, Rockingham Rd, Henderson, Western Australia 6166* (A2085007).
10. SERS 2013a, *Asbestos Management Plan Lot 1 (958) Rockingham Rd, Henderson, Revision 2* (A2005399).
11. SERS 2013b, *Dust Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166* (ref: A2005398).
12. SERS 2022a, *Annual environmental report – L9158/2018/1 Brajkovich Demolition and Salvage Pty Ltd* (ref: DWERDT623078).
13. SERS 2022b, *Asbestos Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166* (DWERDT674293).
14. SERS 2022c, *Dust Management Plan Lot 1 (958) Rockingham Rd, Henderson, Western Australia, 6166* (DWERDT674291).
15. SERS 2022d, *Environmental assessment and site management plan Lot 1, Rockingham Rd, Henderson, Western Australia 6166* (DWERDT674290).
16. Strategen-JBS&G 2022a, *Asbestos Management Plan Audit Report Brajkovich Demolition and Salvage Pty Ltd Henderson Waste Management Facility Lot 1, 958 Rockingham Road Henderson 62235/143,247* (ref: A2093527).
17. Strategen-JBS&G 2022b, *Asbestos Management Plan Brajkovich Demolition and Salvage Pty Ltd Henderson Waste Management Facility Lot 1, 958 Rockingham Road Henderson 62235/142,351* (ref: A2119744).
18. State Administrative Tribunal 2011, *Brajkovich Demolition Pty Ltd and Western Australian Planning Commission* [\[2011\] WASAT 194](#), Perth, Western Australia (DWERDT704803).

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

Condition	Licence Holder’s comment	Department’s response
Comments received 8 June 2023 from Hotchkin and Hanly Lawyers on behalf of the Licence Holder		
3, 6, 7 and schedule 3	<p>In our view the current draft creates some inconsistencies that are unacceptable as they create a lack of clarity in the obligations imposed on the licence holder. Principally, our concerns relate to the waste acceptance criteria and what “accept” or “acceptance” means.</p> <p>Condition 3 states: <i>The licence holder must only accept onto the premises waste of a type that:</i> <i>(a) does not exceed the rate at which the waste is received; and</i> <i>(b) meets the relevant acceptance specification, as set out in Table 2 [emphasis added].</i></p> <p>Proposed Table 2: Waste acceptance criteria states, as an acceptance specification, that waste “<i>must not contain, or be suspected of containing, asbestos or ACM</i>”.</p> <p>Literally construed, any “waste” that is accepted “onto the premises” (without our client’s knowledge) would contravene Condition 3 because the waste “must not contain ... asbestos or ACM” (emphasis added).</p> <p>This lack of clarity is also apparent with the regime contemplated by Condition 6 and Schedule 3. Condition 6 requires a classification of “high risk load” and “low risk load” to occur on the premises. High risk loads are spread and inspected on the premises in apparent contravention of the requirement in Condition 3 that no waste can contain asbestos or ACM.</p> <p>Whilst these consequences are unlikely to have been intended (and we understand the language is used in licences in other facilities in the industry), the lack of clarity in the drafting is problematic. The practical</p>	<p>The wording used in Conditions 3, 6, and 7 of the licence is standard across similar new licences. The Department acknowledges that there may be circumstances where ACM is unknowingly/unintentionally accepted at the premises and takes a practical approach when enforcing licence conditions.</p> <p>However, for clarity, Table 2: (Waste acceptance criteria) has been amended to define construction and demolition waste and to specify that waste accepted onto the premises must not contain any “<i>visible asbestos, ACM, chemically treated timber or PFAS</i>”.</p>

Condition	Licence Holder's comment	Department's response
	<p>implications for the licence holder are that it can be subject to allegations of breaches of licence conditions on matters which it can have no control over or which are not consistent with obligations imposed by other conditions. Breaches of licence conditions can have severe consequences.</p> <p>In our view, the proposed licence conditions should be redrafted to address the lack of clarity concerning these issues.</p> <p>To be clear, our client is not seeking permission to change the fundamental intention of the licence (i.e. to ensure that asbestos or ACM containing waste is not processed on the site), but wishes to avoid the possibility of dispute that could arise because of the lack of clarity in the drafting.</p>	
Condition 5	<p>We are instructed that the current proposed wording of Condition 5 is problematic as it imposes on the driver an obligation to make signed declarations about the content of the load being delivered, in circumstances where the driver is unlikely to have personal knowledge of such matters. We are instructed to propose the following wording for Condition 5:</p> <p><i>a) The licence holder must obtain from the supplier of waste a written:</i></p> <ul style="list-style-type: none"> <i>a. acknowledgement that the premises is not licenced to accept asbestos or ACM;</i> <i>b. a warranty that any loads of waste supplied to the premises will not contain asbestos or ACM; and</i> <p><i>b) The licence holder must keep records of the following information obtained from each person delivering waste to the premises, in respect of each delivery:</i></p> <ul style="list-style-type: none"> <i>a. waste (type and description);</i> <i>b. source of the waste load;</i> <i>c. name of the waste carrier;</i> <i>d. registration number of the delivery vehicle;</i> <i>e. date of delivery; and</i> <i>f. the quantity of waste being delivered.</i> 	<p>Condition 5 refers to the “supplier of the waste” and is not necessarily the person transporting the waste, but the person or company providing the waste for delivery to the facility.</p> <p>This is a standard condition on other licences for similar activities. The Delegated Officer considers the condition reasonable as the provider of the waste is expected to know what is in the waste that they are providing. Therefore, no changes have been made to this condition.</p>

Condition	Licence Holder's comment	Department's response
Condition 6	The reference to Condition 6 is in error. Condition 6 is not concerned with training.	Noted. Condition 6 incorrectly refers to Condition 36 and should refer to Condition 34 regarding training. The licence has been amended to correct this error.
Condition 6(c)	Condition 6(c) as currently drafted is problematic. Firstly, it refers to "any waste accepted". For the reasons identified above, there is uncertainty in the use of the word "accepted" as to what it specifically means. Secondly, condition 6(c) is unclear as to when the declaration is to be signed. Specifically, the condition suggests that the declaration is to be signed after the loads have been classified in accordance with Schedule 3. However, the proposed "low risk load" procedure currently requires further inspection and visual monitoring to take place. Thirdly, a declaration cannot reasonably impose on the person making it a "declaration" that the load is asbestos/ACM free. There is a risk that some asbestos may be missed. A person can declare a procedure has been followed, but not provide a guarantee that a load contains no asbestos.	The Delegated Officer has resolved to remove Condition 6(c) from the licence.
Condition 7	We are instructed to propose a period of 14 calendar days instead of 7 calendar days. If the rejected materials are safely quarantined, the small difference in the number of days is not material to the risk scenario.	The Delegated Officer has resolved to change the removal period for non-conforming waste from 7 days to 14 days.
Condition 9 – Table 3- Process limits for Inert Waste - Item (vi)	The requirement that " <i>all waste must be stored in stockpiles and ... must not exceed 3,000m³</i> " is unnecessary and impracticable. In practical terms, such a condition would exponentially increase the space required on site for no real benefit. It would have a consequential negative environmental impact by increasing the water consumption requirements for dust suppression on site because of the increased surface area of the stockpiles.	The Delegated Officer has resolved to remove the requirement for waste to be stored in stockpiles not exceeding 3000 m ³ , which was based on a maximum stockpile height of 7 metres. The 7 m maximum stockpile height requirement has been removed and requirements for stockpile heights now align with the Development Approval issued for the premises (RL 22 m from base of the stockpile).
Condition 9 – Table 3- Process limits for non-conforming waste – Item (ii)	The requirement that " <i>Each stockpile must have a minimum separation distance of 15 m from all other combustible waste materials and stockpiles</i> " is not practicable and is not necessary to manage risk.	The specified separation distances for residual waste and non-conforming waste are those for a high fire risk loose pile (DFES 2020b) as combustible materials may be present in these wastes. Separation distance from stockpiles of construction and demolition waste that have been sorted and separated will not apply as these are not expected to contain combustible wastes. The condition has been amended to clarify this.

Condition	Licence Holder's comment	Department's response
Condition 15(b) – Waste and output storage	The proposed condition that “ <i>Each stockpile must have a minimum separation distance of 15 m from all other combustible waste materials and stockpiles</i> ” is ambiguous and unnecessary. It is unclear what “all other combustible waste” is a reference to. We would be grateful for clarification. Further, the proposed separation of 15m from “all stockpiles” is unnecessary from a safety/risk perspective given the inert nature of the overwhelming majority of materials on site. It is submitted that 5 metres is a more appropriate separation distance.	Please see response above. Condition 15(b) does not refer to a separation distance of 15 m.
Condition 16(a) – Waste and output storage	We are instructed to propose that “residual wastes generated during processing” are “collected and stored in a designated area” not a “container” as that is neither necessary nor practicable.	The Delegated Officer has resolved to change the condition wording to include the option for residual wastes to be stored in a designated area.
Condition 22 – stockpile height	There has been no basis provided for the proposed condition. The proposed condition is not accepted in its current form. The height of the stockpile should be as set out in Development DA17/0535 (i.e. by reference to RL22).	The Delegated Officer has resolved to change the condition to align with Development Approval DA17/0535.
Condition 31(c) - Recycled product monitoring for asbestos contamination	<p>Section 4.3.8 of the Guideline: Managing asbestos at construction and demolition waste recycling facilities states:</p> <p><i>As a guide, in the case of recycled drainage rock, identification of a piece of ACM or FA per 10 m² of surface would be deemed to exceed the specification for that area, and for the whole stockpile if repeated in two or more other separate areas. A single fragment exceedance can be considered an isolated occurrence in the absence of other contamination evidence and the stockpile allowed for beneficial use. If there is multiple contamination only of a localised area then that area can be excavated to the extent of any visible asbestos and then the remainder of the stockpile considered to be suitable for use.</i></p> <p><i>For laboratory analysis it is important that each result be considered on its own merits in regard to the asbestos control specification and that there is no averaging across samples. In the case of a single exceedance at a level less than 0.01% w/w, the stockpile (nominally 4000 tonnes) may not be deemed contaminated if repeat samples of immediately adjacent areas do not demonstrate specification exceedances.</i></p> <p><i>The same approach as indicated in the preceding paragraph can be applied to the results of the >7 mm sieve sampling in regard to recycled</i></p>	<p>The Delegated Officer has amended the condition to better align with conditions on other recently granted licences for similar prescribed activities and DWER's <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i>.</p> <p>Condition 31 now states that “<i>the licence holder must ensure that testing of all recycled products generated from the construction and demolition waste is undertaken with the product testing procedures specified in Schedule 5.</i>”</p>

Condition	Licence Holder's comment	Department's response
	<p><i>sand material and road base. In this case a 1 cm³ fragment of ACM or FA would be deemed to exceed the specification for a 10-litre sample.</i></p> <p><i>It should be noted that specification exceedances in regard to different assessment methods for the same type of stockpile should not be viewed in isolation from each other.</i></p> <p>The current proposed condition does not accord with this part of the guideline.</p> <p>The current procedure, and one that our client's experts consider safe and appropriate is that if a soil sample of <19mm exceeds criteria of 0.001% w/w, the following is implemented:</p> <ol style="list-style-type: none"> 1. The sample area is isolated and all other samples within the relevant batch (usually 20 samples) are reviewed to determine if the stockpile is homogenous or heterogeneous. 2. Where the stockpile is deemed homogenous, the stockpile area affected is considered for disposal as asbestos waste post delineation and assessment by a competent person. 3. Where the positive sample is an outlier, (e.g 1 of 20), the stockpile is deemed heterogeneous where: <ol style="list-style-type: none"> a. the immediate sample area of the stockpile is excavated and disposed of as asbestos waste; b. additional sampling occurs post the removal of the affected area to validate the removal of the asbestos content to the stockpile. Generally at the rate equal to or greater than 1 sample per 25m³ of material. <p>We are instructed that as the source of C&D waste accepted at the facility is varied and from multiple sites concurrently, the majority of processed material is heterogeneous in nature. The proposed condition does not reflect DWER's guidance documentation, nor reflect the operations of the site.</p>	
Condition 34 – Staff training	<p>Our client proposes that paragraph 34 be amended to read as follows:</p> <p><i>The licence holder must ensure personnel working on the premises undergo relevant training when commencing a role at the premises, and at additional times whenever an applicable standard requires it.</i></p>	<p>The 2-year training requirement is not arbitrary; it has been sourced from Section 5.2 of the DWER <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i> (excerpt below).</p>

Condition	Licence Holder's comment	Department's response
	<p>The proposed requirement to re-train every two years is arbitrary. The proposed amendment above would ensure compliance with relevant standards or guidelines and not require arbitrary re-training for persons who, for example, would work on a daily basis in identifying and dealing with asbestos.</p>	<p><i>All operational staff at C&D recycling premises must therefore receive appropriate training (including refresher training on a two-yearly basis)</i></p> <p>The Delegated Officer considers that the existing wording for the condition generally already ensures compliance with the relevant guideline. To further clarify the requirements of the guideline the condition has been modified to specifically state that it is refresher training that is required every two years.</p> <p>The refresher training will need to ensure ongoing staff clearly understand the requirements listed in condition 35.</p>
<p>Comments received 14 August 2023 from Hotchkin and Hanly Lawyers on behalf of the Licence Holder</p>		
<p>Condition 1, Table 1 – Mobile wheel wash</p>	<p>Our client has not had any issues concerning sediment at the premises for the entire duration of its licence tenure. The mobile wheel wash used on site is sufficient. As the site is a sand and limestone base (not clay) and parts of the site are bituminised, there is no need for site washing to include the undercarriage of the vehicle. As such, the “Operational requirement” should be amended to read:</p> <p><i>“Capable of removing sediment from the wheels and the underside of trucks and vehicles leaving the premises”</i></p>	<p>The Delegated Officer has resolved to amend the condition to remove <i>“and the underside”</i> as requested.</p>
<p>Condition 3, Table 2 – Acceptance specification</p>	<p>We are instructed to propose that paragraph (a) be amended to read:</p> <p><i>“Material comprising bricks, concrete, and other inert material and associated unavoidable small quantities...”</i></p> <p>Other inert building material or demolition waste (for example stone, or cement) may be included in a load received and should not be excluded from acceptance.</p>	<p>The Delegated Officer has amended the acceptance specification to include <i>“other inert waste type 1”</i> material.</p>
<p>Condition 9, Table 3 – Process limits and/or specifications</p>	<p>The proposed limitation in paragraph (b) should be removed. There is no sound reason for prohibiting the recycling of inert material that is greater than 100mm. If, for example, our client was to have a customer that required product of, say, 110mm, that had been subjected to the processes of crushing, sorting and screening, for lawful re-use elsewhere, the limitation sought to be imposed would prevent that from occurring, for no good reason and for no community benefit. The result would be contrary to the objectives of the legislation to minimise disposal of materials in landfill.</p>	<p>The Delegated Officer has resolved to remove the requirement for all oversize material to be managed as a waste.</p> <p>The definition of “product” in Table 9 has been amended to:</p> <p><i>“means bricks, concrete, masonry material, sand and Clean Fill which have undergone processing via crushing and/or screening to create a fit-for purpose recycled product which has been tested and conforms to the product specification in this licence”</i></p>

Condition	Licence Holder's comment	Department's response
		<p>The definition of oversize material has also been deleted from the definitions table (Table 9).</p> <p>These changes have been made to allow the recycling of materials greater than 100 mm in size.</p>
<p>Condition 34 – Staff training and competency</p>	<p>Whilst the inclusion of the word “refresher training” is a slight improvement, it is still arbitrary and not referable to any established industry standard or health and safety standard. It will require people, who work every day in identifying asbestos in construction and demolition waste to attend a course that requires them to learn how to identify asbestos. That is not an outcome which has a logical or scientific basis for imposing on the licensee. Plainly, if there was such a standard requiring refresher courses, it would be reasonable to assume that there was a study or other expert basis supporting the requirement. Training requirements (refresher or otherwise) should be set by reference to professional standards.</p> <p>Our client proposes that paragraph 34 be amended to read as follows:</p> <p><i>The licence holder must ensure personnel working on the premises undergo relevant training when commencing a role at the premises, and at additional times whenever an applicable standard requires it.</i></p>	<p>Condition 34 has been specified to ensure that staff undertaking work involving waste at the premises have sufficient skills and knowledge to manage asbestos fibre emissions.</p> <p>The 2-year training requirement has been sourced from Section 5.2 of the DWER <i>Guideline: Managing asbestos at construction and demolition waste recycling facilities</i>. Section 5.2 of the guideline states the requirements for all operational staff at C&D recycling premises.</p> <p>Refresher training ensures that staff knowledge remains up to date, assists in creating uniformity and in reducing mistakes.</p> <p>The intent of the condition was to ensure that operational staff involved with the handling, processing, inspection and sampling of waste are adequately trained. Office-based staff that do not undertake any of those activities are unlikely to need the training. Therefore, the wording of the condition has been altered to refer specifically to staff involved with the handling, processing, inspection and sampling of waste:</p> <p><i>“The licence holder must ensure personnel involved with the handling, processing, inspection and sampling of waste on the premises undergo training when commencing a role at the premises, and refresher training at least every two years following the initial training.”</i></p>

Appendix 2: Premises Maps

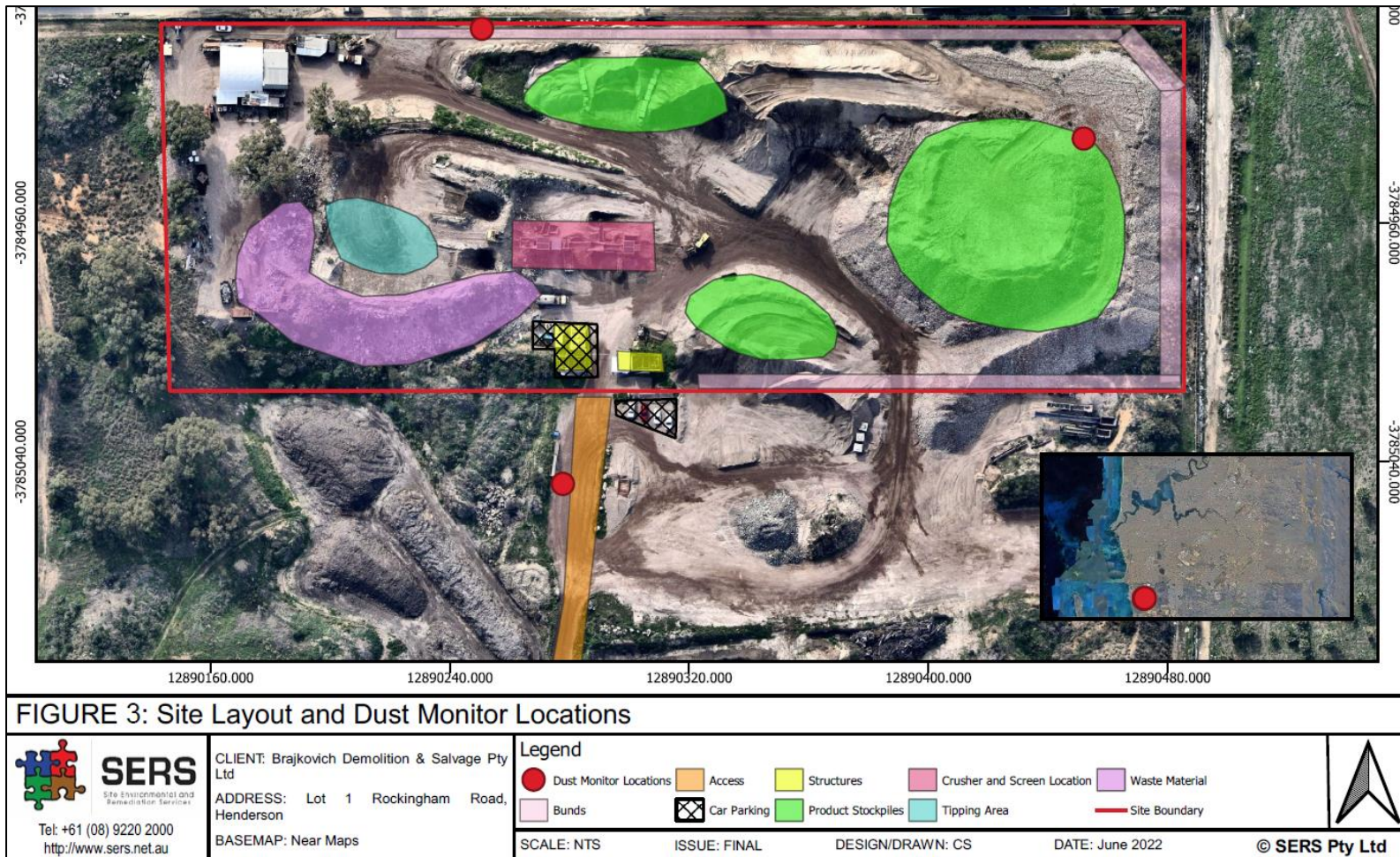


Figure 1: Brajkovich Demolition and Salvage Henderson site layout (source: SERS 2022d).



FIGURE 2: Site Layout


 <p>SERS Site Environmental and Remediation Services</p> <p>Head Office: 281 Newcastle Street Northbridge WA 6003 Postal: PO Box 377 Northbridge Perth WA 6865 T: +61 8 92202000 F: +61 8 92202010 E: admin@sers.net.au W: www.sers.net.au</p>	<p>Job No: 004/01</p> <p>Client: Brajkovich Demolition & Salvage Pty Ltd</p> <p>Address: Lot 1 Rockingham Road, Henderson</p>	<p>Scale: 1:1000</p> <p>Original size: A3</p> <p>Imagery from: 13/01/2017</p> <p>Source: Nearmaps</p>	<p>Date drawn: 07/06/2017</p> <p>Revision: 0</p> <p>Drawn by: K.S</p> <p>Checked by: R.M</p>	<p>Legend</p> <ul style="list-style-type: none"> Lot Boundary Site Boundary Product Stockpile Waste Stockpile Retained Structures Crusher & Screener Location Tipping Area Dust Monitor Locations bunds Access Carparking 			
	<p>© This plan must not be reproduced without the permission of SERS</p> <p>File: N:\A\SERS\GIS\Projects\ MXD\</p>				<p>N</p>		

Figure 2: Brajkovich Demolition and Salvage Henderson site layout (source: Existing licence)

Appendix 3: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)			
Application type			
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L9158/2018/1
		Relevant works approval number:	N/A <input checked="" type="checkbox"/>
Date application received	1 April 2022		
Applicant and Premises details			
Applicant name/s (full legal name/s)	Brajkovich Demolition and Salvage Pty Ltd		
Premises name	Brajkovich Demolition and Salvage Pty Ltd (Henderson)		
Premises location	Part of Lot 1 on Diagram 17998 958 Rockingham Road, Henderson WA 6166		
Local Government Authority	City of Cockburn		
Application documents			
HPCM file reference number:	DER2018/000325-1		
Key application documents (additional to application form):	Strategen-JBS&G 2022, <i>Asbestos Management Plan Brajkovich Demolition and Salvage Pty Ltd Henderson Waste Management Facility Lot 1, 958 Rockingham Road Henderson 62235/142,351</i>		
Scope of application/assessment			
Summary of proposed activities or changes to existing operations.	<p>Operation of the premises based on controls proposed in the Strategen-JBS&G 2022, <i>Asbestos Management Plan Brajkovich Demolition and Salvage Pty Ltd Henderson Waste Management Facility Lot 1, 958 Rockingham Road Henderson 62235/142,351</i>.</p> <p>The application was in response to inspections and site visits of the premises undertaken by DWER in 2021 and 2022.</p>		
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	
Crushing of building material (Category 13)	100,000 tonnes per annual period	N/A	
Solid waste depot (Category 89)	100,000 tonnes per annual period	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"/>	N/A
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Certificate of title <input 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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: DA17/0535-3411117 Expiry date: 27/07/2023
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"/>	N/A
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"/>	N/A
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Groundwater licence: GWL174023(2) Expiry: 10/11/2024 Aquifer: Perth - Superficial swan
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"/>	N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
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 checked="" type="checkbox"/> No <input type="checkbox"/>	Including: <i>Health (Asbestos) Regulations 1992</i> ; <i>Planning and Development Act 2005</i> ; <i>Work Health and Safety Act 2020</i> ; and subsidiary legislation of the EP Act
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999</i> Area B
Is the Premises subject to any EPP requirements?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992 – Schedule 2</i>
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"/>	N/A