



## Application for Licence Amendment

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

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<b>Licence Number</b>	L9171/2018/1
<b>Licence Holder</b>	Merger Contracting Pty Ltd
<b>ACN</b>	091 240 354
<b>File Number</b>	DER2018/000552-1~1
<b>Premises</b>	Processing Site Asphalt Recyclers Australia Pty Ltd 7 Tipper Court HAZELMERE WA 6055  Legal description - Part of Lot 813 on Plan 400749  As defined by the Premises maps attached to the Revised Licence
<b>Date of Report</b>	22 February 2021
<b>Proposed Decision</b>	Revised licence granted

**MANAGER WASTE INDUSTRIES  
REGULATORY SERVICES**

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

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## 1. Decision summary

Licence L9171 is held by Merger Contracting Pty Ltd (Licence Holder) for an asphalt processing/recycling facility (the Premises), located at 7 Tipper Court, Hazelmere.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, Revised Licence L9171 has been granted.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 2.2 Amendment summary

On 20 November 2020 the Licence Holder submitted an application to the department to amend Licence L9171 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The Premises is authorised under the current Licence for the crushing and storage of recycled recovered asphalt paving (RAP).

Due to an increase in demand for RAP, the Licence Holder is seeking an amendment to increase Category 13 annual throughput from 30,000 tonnes to 50,000 tonnes. To accommodate the processing of a larger quantity of RAP, the Delegated Officer has determined that an increase in Category 61A annual throughput is also required to facilitate the storage of unprocessed and processed RAP at the Premises prior to removal from site.

It should be noted that the Premises (7 Tipper Court, Hazelmere) is the location for processing RAP under Licence L9171/2018/1, whereas 6 Tipper Court, Hazelmere is the location for the majority of storage of the processed RAP. This site is the subject of a separate Licence (L9170/2018/1) which is also held by the Licence Holder.

The Licence Holder has also advised that the RSL Asphalt Recycling Machine VEB10000, which was assessed under the initial Licence application, has not been used at the Premises since 2018 after developing an expensive fault and being subject to heavy vandalism. The machine was removed from the Premises on 30 June 2020 and as such, the Licence Holder is also seeking to remove conditions referencing the machine under this Licence amendment.

In amending the licence, the CEO has also:

- updated the format and appearance of the Licence;
- revised licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The department has not undertaken any additional risk assessment of the Premises related to previously assessed activities.

Table 1 below outlines the proposed changes to the existing Licence.

**Table 1: Proposed throughput capacity changes**

Category	Current throughput capacity	Proposed throughput capacity	Description of proposed amendment
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13	30,000 tonnes per annum	50,000 tonnes per annum	Increase in throughput to process a higher quantity of RAP.
61A	960 tonnes per annum	6,000 tonnes per annum	Increase in throughput for the stockpiling of processed and unprocessed asphalt (RAP) to accommodate for higher demand.

### 3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guidance Statement: Risk Assessments* (DER 2017).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

#### 3.1 Source-pathways and receptors

##### 3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 2 below. Table 2 also details the proposed control measures the Licence Holder has proposed to assist in controlling these emissions, where necessary.

**Table 2: Licence Holder controls**

Emission	Sources	Potential pathways	Proposed controls
Dust	Crushing, stockpiling, handling and loading of asphalt	Air/windborne pathway	Crushing recycled asphalt is unlikely to produce dust due to the asphalt cement content.
Noise			Crusher is fitted with water sprayers. A water cart will be employed to dampen surfaces and stockpiles if required. Premises will only be in operation between 7:00am and 5:00pm Monday to Saturday excluding public holidays. Crushing will be avoided in windy conditions. Crushing will be limited to approximately 2hr and 40 mins per day.
			Premises will only be in operation between 7:00am and 5:00pm Monday to Saturday excluding public holidays. Crushing will be limited to approximately 2hr and 40 mins per day.

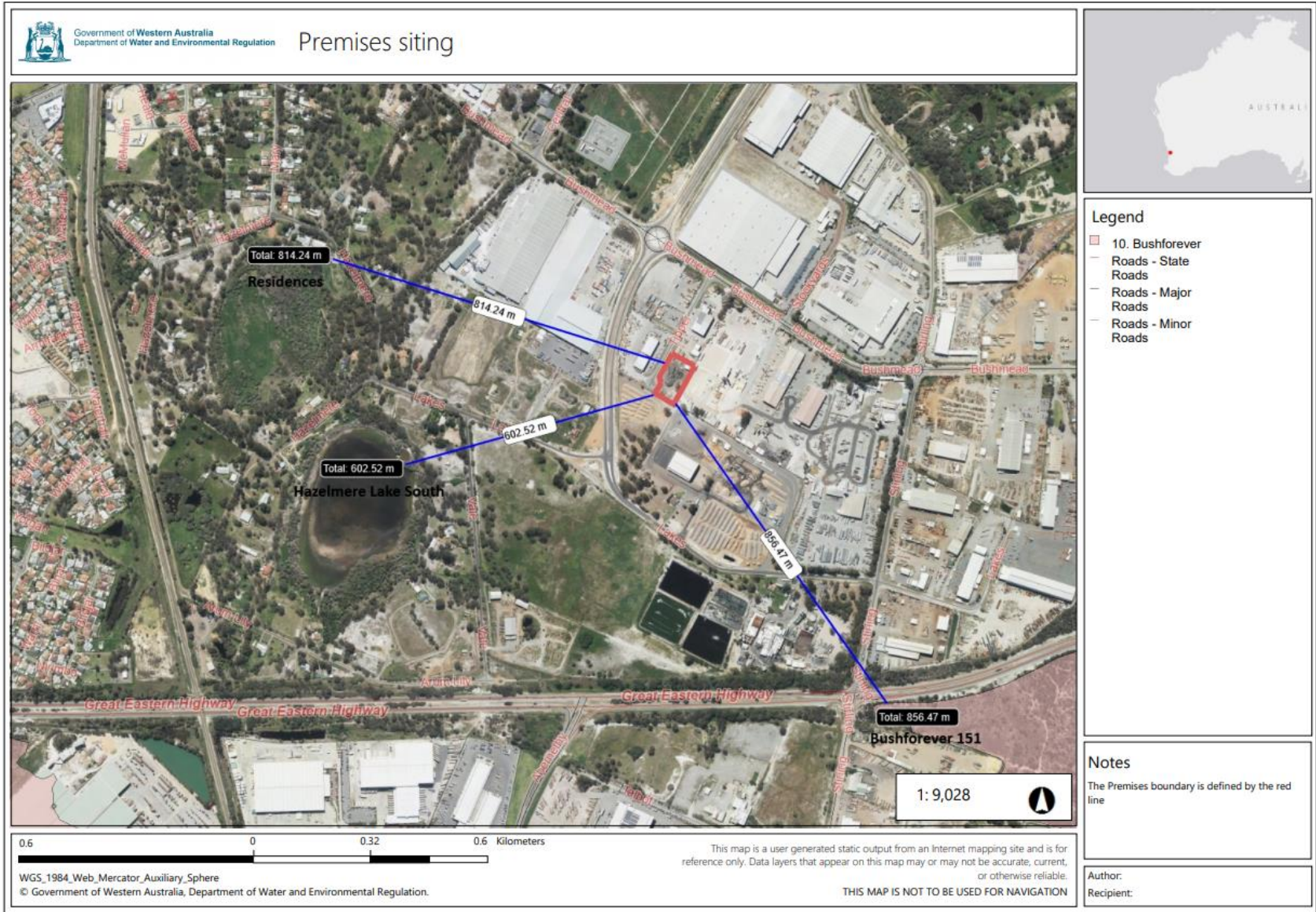
##### 3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

Table 3 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guidance Statement: Environmental Siting* (DER 2016)).

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

<b>Human receptors</b>	<b>Distance from prescribed activity</b>
Residential Premises	800 m west and 2 km east of Premises
<b>Environmental receptors</b>	<b>Distance from prescribed activity</b>
Bushforever 151	850 m south-east of the Premises
Hazelmere Lake South	600 m south-west of Premises
Threatened Ecological Communities <ul style="list-style-type: none"> <li>• Banksia dominated woodlands of the Swan Coastal Plain</li> <li>• Banksia attenuata woodland over species rich dense shrublands</li> </ul>	Buffer zones mapped within 500 m of the Premises
Proclaimed Surface Water Area (RIWI Act 1911) <ul style="list-style-type: none"> <li>• Swan River System</li> </ul>	Premises situated within this designated area
Proclaimed Groundwater Area (RIWI Act 1911) <ul style="list-style-type: none"> <li>• Perth Groundwater Area</li> <li>• Underlying groundwater depth 8.8 m from surface</li> </ul>	Premises situated within this designated area



**Figure 1: Distance to sensitive receptors**

Licence: L9171/2018/1

## 3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Licence Holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the Licence Holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

The Revised Licence L9171 that accompanies this Amendment Report authorises emissions associated with the operation of the Premises i.e. the crushing, screening and stockpiling of RAP.

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

**Table 4. Risk assessment of potential emissions and discharges from the Premises during operation**

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Crushing, screening, stockpiling, handling and loading of asphalt	Dust	Air/windborne pathway causing impacts to health and amenity	Residential premises approx. 800 m west and 2km east of Premises	Refer to Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Condition 2, 3 and 6	The Licence Holders current controls appear adequate to mitigate emissions of fugitive dust and noise.  In the event noise and/or issues are identified, the Licence can be amended to adopt additional controls.
	Noise		Threatened ecological communities (buffer zones) mapped within 500 m of Premises	Refer to Section 3.1	C = Moderate L = Unlikely <b>Medium Risk</b>	Y	Condition 2, 3 and 6	

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.



## 4. Consultation

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

**Table 5: Consultation**

Consultation method	Comments received	Department response
City of Swan advised of proposal 28 January 2021	None received.	N/A
Licence Holder provided with draft amendment 15 February 2021	The Licence Holder advised that they wished to waive the consultation period and requested the Licence to be issued.	No comments received from Licence Holder – Licence will be granted.

## 5. Conclusion

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

### 5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

**Table 6: Summary of licence amendments**

Condition no.	Proposed amendments
N/A Prescribed Premises category description	Increase of Category 13 production capacity to 50,000 tonnes per annum. Increase in Category 61A production capacity to 6,000 tonnes per annum.
Condition 1	Removal of redundant authorised emissions condition and table.
Condition 1 (amended) Table 1	Waste acceptance quantity limit increased to 50,000 tonnes per annum.
Condition 3	Condition limiting operational hours removed and incorporated into other conditions.
Condition 2 (amended) Table 2	Condition inserted to outline processing limits of Inert Waste Type 1. Previous condition 2 incorporated into this condition (relates to operational hours).
Condition 3 (amended) Table 3	Removal of reference to RSL Asphalt Recycling Machine Model VEB10000.
Condition 5	Condition removed as point source emissions to air monitoring no longer required - Asphalt Recycling Machine removed from site.

Condition no.	Proposed amendments
Condition 7	Condition removed as point source emissions to air monitoring no longer required - Asphalt Recycling Machine removed from site
Condition 8	Condition removed – sampling requirements related to condition 7
Condition 9	Condition removed – sampling requirements related to condition 7
Condition 7 (amended)	Wording updated to reflect requirement for Annual Audit Compliance report submission
N/A Definitions	Deletion of redundant definitions
N/A Schedule 1: Maps	Insertion of new premises map

## References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

## Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY (as updated from validation checklist)				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:		None <input type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L9717/2018/1	
		Relevant works approval number:	N/A	<input type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	20 November 2020			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Merger Contracting Pty Ltd			
Premises name	Processing Site Asphalt Recyclers Australia Pty Ltd			
Premises location	7 Tipper Court, Hazelmere WA 6055			
Local Government Authority	City of Swan			
Application documents				
HPCM file reference number:	DER2018/000552-1			
Key application documents (additional to application form):	Supporting Info DWER			
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.	Amendment to increase Premises throughput			

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

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 13: Crushing of building material	30,000 tonnes per annum	50,000 tonnes per annum
Category 61A: Solid waste facility	960 tonnes per annum	6,000 tonnes per annum

**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"/>	Referral decision No: Managed under Part V <input checked="" type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input checked="" type="checkbox"/> Expiry: March 2021 – lease will be renewed at this time Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Approval: DA-173/2018 Expiry date: N/A
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"/>	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.

<p>Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A  Type: N/A  Has Regulatory Services (Water) been consulted?  Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>  Regional office: Swan Avon</p>
<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Name: N/A  Priority: N/A  Are the proposed activities/ landuse compatible with the PDWSA (refer to <a href="#">WQPN 25</a>)?  Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>
<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Classification: N/A  Date of classification: N/A</p>