Decision Report

Application for Licence

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

Licence Number	L9187/2018/2
Applicant	A1 Waste Management Pty Ltd
ACN	148 910 481
File number	DWER2017/02127-1
Premises	Encore Recycling & Resource Recovery 9 Rogers Way LANDSDALE WA 6065 Legal description - Lot 64 on Diagram 57260 Certificate of Title Volume 1559 Folio 837
Date of report	21 October 2022
Decision	Licence granted

Marko Pasalich
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Date: 2022.10.21 16:10:15 +08'00'

SENIOR ENVIRONMENTAL OFFICER – WASTE INDUSTRIES
REGULATORY SERVICES
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the operation of the premises. As a result of this assessment, licence L9187/2018/2 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at https://dwer.wa.gov.au/regulatory-documents.

2.2 Application summary

On 18 August 2022, the applicant submitted an application for a licence to the department under section 57 of the *Environmental Protection Act 1986* (EP Act). The application is seeking to replace existing licence L9187/2018/1 (renewal application).

The replacement licence application relates to the acceptance and recycling of construction and demolition waste (C&D Waste) at the Premises. The Premises is approximately 400 m north of the suburb of Darch.

The facility is currently licenced under Category 62 only, due to noise emissions from the crusher not meeting the assigned levels in the Environmental Protection (Noise) Regulations 1997. The decision at the time of granting L9187/2018/1 was to exclude Category 13 from the licence. Conditions were specified for improvements to noise attenuation infrastructure and submission of further noise monitoring.

The noise attenuation structures have been completed and the confirmatory noise monitoring has been provided with the renewal application. The renewal application is requesting to have Category 13 added to the licence, alongside Category 62. The throughput assessed as part of the application is shown in Table 1.

Table 1: Premises category and capacity

Category	Description	Assessed production or design capacity or throughput
Category 13	Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned	15,000 tonnes per annual period
Category 62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	78,000 tonnes per annual period

The premises relates to the categories and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9187/2018/2. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9187/2018/2.

2.3 Overview of Premises

The Premises accepts co-mingled C&D Waste from construction and demolition sites, sourced from the Licence Holder's associated skip bin business. Putrescible waste (other than co-mingled green waste), liquid waste, tyres and hazardous waste such as asbestos, are not accepted at the Premises. The Premises is comprised of a roadbase hardstand area in the western section, connecting to a concrete hardstand to the eastern boundary. The area is fenced by a 1.8 m fence with shade cloth to reduce the potential for dust emissions leaving the Premises boundary.

Waste received at the Premises is tipped onto a concrete hardstand tipping area for the inspection, manual removal and storage of bulky items into separate receptacles (e.g. cardboard, green waste or metals). After the sorting and inspection is completed, the remaining waste material is then consolidated in a stockpile with other inspected and unprocessed material. To reduce dust emissions a misting system is used for wetting down of material on the tipping floor.

Inspected waste material is transported to a conveyor, where it is sprayed with a biodegradable dust suppression (BDS) foam dust suppressant while being conveyed to a feeder pan. The feeder pan provides a continuous feed rate of material to a 600 mm single toggle jaw crusher. The crusher outputs to a triple deck screen for sorting into three size fractions; sand, gravel and oversize. Lightweight materials such as plastic or papers are separated through the use of an air-based density separator which removes the material for collection and disposal. The oversize fraction continues on the conveyor to an enclosed manual picking station.

Materials (excluding metals) are manually picked out and placed into chutes located along the conveyor which drop to receptacles located beneath the picking station. Metals are removed by an overhead magnet at the terminal end of the picking station.

Clean building rubble is sprayed with a foam dust suppressant at the end of the picking station, before entering a triple curtain impact crusher, where it is crushed into a maximum particle size of 20 mm. The crushed output is then further segregated using a flip-flow screen to remove any large pieces and ensure a uniform product. Oversize pieces removed from this stage are re-fed through the impact crusher. Size fractions retained by the screening unit are output for use as recycled product.

The final product is wetted down using a misting system to control dust and stockpiled in the north-west corner of the Premises. Recycled products generated from the process include aggregate for road base and clean sand.

The Premises operates from 7am to 5pm Monday to Friday and 7.30am to 1pm Saturdays. The Premises is not open on Sundays or public holidays.

2.3.1 Non-conforming waste

The Licence Holder manages non-conforming waste materials by:

- Visual inspection of skip bins being collected at the source, to identify unacceptable materials;
- Removal of non-conforming materials at the source, prior to collection by drivers;
- Visual inspection of bins prior to emptying on the Premises; and
- Isolation and containment of non-conforming waste identified on the Premises, followed by removal to landfill or other suitable facility.

2.3.2 Asbestos management

The Premises operates under an Asbestos Management Plan (AMP) which details the inspection and product testing protocols the Licence Holder implements during operations. Additional conditions are also imposed on Licence L9187/2018/1 to address gaps in the Licence Holder's AMP.

On arrival at the Premises, skip bin loads undergo a visual pre-inspection to determine an asbestos risk classification for the load (low or high). Wastes loads are then unloaded at the tipping floor for a further post-acceptance visual inspection. The load is dampened prior to unloading and maintained in a damp state throughout the tipping and inspection process. The post-acceptance inspection procedure differs depending on whether the load was classified as low or high risk at initial acceptance:

- Low risk loads are visually inspected while the waste is being unloaded to determine the presence of any hidden asbestos material not detected during initial acceptance. If suspected asbestos containing material (ACM) is detected, the load is reclassified as high risk and inspected in accordance with the high-risk load inspection process.
- High risk loads are unloaded and spread over a large area to allow a more comprehensive visual inspection of all the waste material to be undertaken.

Depending on the outcomes of the inspection, the following actions are taken:

- If suspect ACM is detected, it is removed from the load, placed in a Hazi Bag and stored in an isolated containment area for disposal to an authorised facility.
- If no asbestos material is detected during the post-acceptance inspection, the waste load is transported to the unprocessed waste stockpile to await further processing.

Records are kept for the pre-inspection and post-acceptance process to ensure that any loads found to contain suspected asbestos material can be traced back to the originating source.

2.3.3 Site layout

Figure 1: Site layout plan

2.3.4 Infrastructure and equipment

The primary infrastructure and equipment listed in Table 2 is present on the Premises.

Table 2: Infrastructure and equipment

Infrastructure or Equipment		Description
1.	Concrete hardstand tipping floor	Initial sorting and inspection area
2.	40 tonnes/hr grizzly feeder pan	Material feed to primary crusher
3.	Single toggle 600 mm jaw crusher with a sound power level of 100 L_{WAdB}	Primary crusher
4.	Triple deck screen	Primary screen
5.	Light fraction blower	Density separator
6.	Picking station	Manual handling area
7.	Triple curtain impact crusher with a sound power level of 99 L_{WAdB}	Secondary crusher
8.	Flip flow screen	Secondary screen
9.	Tipper truck	General heavy machinery
10.	Front end loader	General heavy machinery
11.	Wheeled excavator with grab	General heavy machinery
12.	Wheeled loader	General heavy machinery
13.	SWAT tornado dust misting system	Dust control
14.	Polo BDS foam dust suppressant system	Dust control
15.	2 x 80kL Water storage bladder contained within sea containers	Dust control
16.	Sound-proof panel enclosure	Noise control
17.	Generator and noise attenuating enclosure	Noise control and power

3. Noise monitoring and verification

Prior to the Licence Holder's initial licence being granted, partial sound attenuating screening was installed around the primary and secondary crushers, as well as a sound attenuating enclosure being installed around the onsite generator unit. A noise assessment to validate the effectiveness of the installed controls was conducted in 2019, that found noise levels measured at the boundaries adjacent to the primary and secondary crushers were in excess of the assigned levels for an industrial premises listed in the Environmental Protection (Noise) Regulations 1997 (Noise Regulations). Noise levels received at the nearest residential receptor were determined to be 14 dB below the assigned level inclusive of influencing factors.

In response, the Licence Holder indicated their intention to complete screening around the two crushers with attenuating cladding. A requirement to install appropriate noise attenuating cladding to achieve compliance with the assigned levels for an industrial premises and conduct further noise verification monitoring was conditioned on the granted licence. Additionally, the Licence Holder undertook further modifications to equipment mounts and screen deck material to seek reductions to noise and vibration.

Further noise monitoring conducted after installation of all the additional noise emission controls has been provided with the Application. The monitoring occurred during June and August 2022 targeting surrounding industrial receptors. Additional monitoring at the office area of the closest neighbouring industrial receptor was also conducted, as this was considered the area most likely to be impacted by noise emissions from the Premises. Noise levels measured at the boundaries adjacent to the primary and secondary crushers were found to be compliant with the assigned 'day-time' levels for an industrial premises. Expected internal noise levels at the neighbouring site office were determined to meet the satisfactory design sound level for a Foremen's Office, as outlined in *AS/NZS 2107:2000 – Acoustics – Recommended design sound levels and reverberation times for building interiors*. A summary of the noise monitoring results is contained in Table 3 below.

Table 3: Monitored noise levels post-completion of noise attenuation

<table>
<tr><th>Location</th><th>LA_{10} (dB)</th><th>Assigned level (dB)</th><th>Foremen's Office design level (LAeq dB(A))</th></tr>
<tr><td>South boundary - adjacent generator</td><td>61</td><td rowspan="4">65</td><td rowspan="5">-</td></tr>
<tr><td>South boundary - adjacent primary crusher</td><td>65</td></tr>
<tr><td>South boundary - adjacent secondary crusher</td><td>59</td></tr>
<tr><td>West boundary - adjacent secondary crusher</td><td>57</td></tr>
<tr><td>Front of closest neighbour's office facade</td><td>55</td><td rowspan="2">-</td></tr>
<tr><td>Expected internal levels attributable to external noise</td><td>35</td><td>45</td></tr>
</table>

4. 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.

4.1 Source-pathways and receptors

4.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this decision report are detailed in Table 4 below. Table 4 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 4: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Odour	Non-conforming waste	Air/windborne pathway causing impacts to amenity	- Waste acceptance inspection procedures
Noise	Tipping and loading Processing of C&D Waste via crushing and screening Mechanical sorting Vehicle and machinery movements		- Hours of operation between "day-time" hours (7am to 5pm, Mon – Fri and 7:30am to 1pm, Sat) - Noise attenuating cladding installed around noise generating equipment.
Dust	Tipping and loading Waste handling and sorting Processing of C&D Waste via crushing and screening Waste and product stockpile lift-off Vehicle and machinery movements	Air/windborne pathway causing impacts to health and amenity	- Load dampening prior to unloading. - Misting system installed on the tipping area, screen decks, conveyors and product stockpile. - Foaming system installed at the start and half-way through the processing circuit. - Onsite speed limit of 10 km/hr. - 90% block shade cloth installed around boundary fencing. - General sprinkler system for dampening of materials. - Product stockpile heights limited to 4 m. - Entry/exit wheel wash. - Cease operations during strong wind conditions.

Emission	Sources	Potential pathways	Proposed controls
Asbestos fibres	Acceptance, handling and sorting of C&D Waste with the potential to contain asbestos or ACM Processing of C&D Waste with the potential to contain asbestos or ACM via crushing and screening Stockpiling of recycled products with the potential to contain asbestos or ACM	Air/windborne pathway causing impacts to health	- Dust controls as listed above. - Sole source waste supplier and visible signs at the Premises entry that asbestos is not accepted at the site. - Visual pre-inspection of loads for asbestos risk classification. - Detailed post-acceptance visual inspection. - Containment of suspected asbestos material prior to disposal. - Separation of unprocessed and end product material. - Validation sampling and testing of final product.
Smoke and particulates	Abnormal operations (waste fire)	Air/windborne pathway causing impacts to health and amenity	- Waste acceptance inspection procedures. - Waste storage in contained receptacles. - Non-conforming wastes are segregated and removed offsite. - 160 kL of water storage provided - Fencing and site security
Firefighting runoff		Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	
		Infiltration through soil to groundwater causing impacts to groundwater quality	

4.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors 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 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 and distance from prescribed activity

Receptors	Distance from prescribed activity
Human receptors	
Nearest sensitive receptor – Darch residential area	Approximately 400 m south of the Premises boundary.
Sensitive receptor – Childcare facility	Approximately 440 m southeast of the Premises boundary, on Driver Road.
Nearest industrial receptors – General industrial zoning	Located immediately adjacent to the east, west, south and north of the Premises.
Environmental receptors	
Underlying groundwater (non-potable purposes) – Perth - Superficial Swan	Approximately 9 – 12 mbgl across the Premises, situated at approximately 39 mAHD. Regional groundwater flow direction is towards the southwest. The closest registered abstraction bore in the downgradient flow direction is located approximately 900 m southwest of the Premises.
Geomorphic wetlands of the Swan Coastal Plain – Resource enhancement basin sumpland	Approximately 590 m east of the Premises boundary.
Threatened Ecological Community (TEC) – Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region	Approximately 175 m southwest of the Premises boundary.

Figure 2: Potential receptors surrounding the Premises

4.1.3 Pathways

Information relating to pathways and site characteristics at the Premises are provided in Table 6 below.

Table 6: Potential pathways and environmental conditions relevant to the Premises

Aspect	Details
Geology	Broadscale soil mapping describes the area as containing Karrakatta sand yellow phase over limestone at 1 – 2 m. This soil phase is considered permeable with good drainage. Lithology data from WIN bore 61604143 located approximately 115 m northeast of the premises describes soil conditions as yellow sand at 0 - 4m, grey sand at 4 - 12m, clay at 12-14m and grey sand at 14 - 21m.
Meteorology	The nearest Bureau of Meteorology weather station is the Perth Metro monitoring station (No. 009225). The station provides the following information, based on records from 1994 to 2022: • The prevailing wind directions are easterly and north-easterly in the morning (9am), changing direction to south-westerly in the afternoon (3pm). • Wind speeds are typically gentle in the morning and gentle to moderate in the afternoons, according to the Beaufort Wind Scale.

4.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 4.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 4.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant'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 applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 7.

Licence L9187/2018/2 that accompanies this decision report authorises emissions associated with the operation of the premises i.e. acceptance and recycling of C&D Waste.

The conditions in the issued licence, as outlined in Table 7 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 7: Risk assessment of potential emissions and discharges from the premises during operation

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of licence	Justification for additional regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
Operation								
Non-conforming waste	Odour	Air/windborne pathway causing impacts to amenity	Industrial receptors (immediately adjacent) Darch residential area (400 m south)	Refer to Section 4.1.1	C = Slight L = Unlikely **Low Risk**	Y	1, 4, 5, 6	As potential odour emissions are related to non-conforming waste, the Delegated Officer considers that volumes of the waste, if present, should be sufficiently low that odour emissions would have minimal impact to amenity. Due to the Applicant's proposed waste acceptance controls, the risk event will probably not occur in most circumstances. Standard conditions relating to waste acceptance and management of non-conforming waste will be conditioned in the Replacement Licence.
Tipping and loading Processing of C&D Waste via crushing and screening Mechanical sorting Vehicle and machinery movements	Noise	Air/windborne pathway causing impacts to amenity		Refer to Section 4.1.1	C = Minor L = Unlikely **Medium Risk**	Y	7, 17	Previous noise monitoring conducted by the Applicant has shown that Premises operations are compliant with the sensitive premises noise level requirements of the Noise Regulations. Measured daytime levels at the nearest noise sensitive receptor were more than 10dB below the assigned L_{A10} level. Following the installation of additional noise attenuation measures at the Premises, noise monitoring conducted by the Applicant (Section 3) has demonstrated that Premises operations are now compliant with the requirements of the Noise Regulations in relation to surrounding industrial receptors. The Delegated Officer considers that noise emissions from operations at the Premises would have a low level impact to amenity and the risk event will probably not occur in most circumstances.
Tipping and loading Waste handling and sorting Processing of C&D Waste via crushing and screening Waste and product stockpile lift-off Vehicle and machinery movements	Dust	Air/windborne pathway causing impacts to health and amenity		Refer to Section 4.1.1	C = Minor L = Unlikely **Medium Risk**	N	7, 8, 10, 12, 14, 15, 16 **29**	The Delegated Officer notes that installation of a roof to the tipping area, in accordance with previous licence conditions, has not occurred. Conditions requiring installation of the tipping floor roof were specified as this was originally an Applicant proposed control. When considering the other controls proposed by the Applicant, the types of infrastructure present at other similar facilities and the absence of complaints or compliance related issues for dust emissions at the Premises, the Delegated Officer has resolved to not include this requirement in the Replacement Licence. Dust generation during tipping is controlled by materially dampening. The Applicant's proposed controls are likely to be sufficient at mitigating dust emissions as the controls will keep material moistened and bound by foam during the process stages (crushing and screening). Product material will then be kept moist and stored in height limited stockpiles. The Delegated Officer has considered the comments provided by the Department of Health in relation to dust controls at the Premises. Based on the comments received, requirements to update the Dust Management Plan for the Premises will be specified in the Replacement Licence.
Acceptance, handling and sorting of C&D Waste with the potential to contain asbestos or ACM Processing of C&D Waste with the potential to contain asbestos or ACM via crushing and screening Stockpiling of recycled products with the potential to contain asbestos or ACM	Asbestos fibres	Air/windborne pathway causing impacts to health		Refer to Section 4.1.1	C = Severe L = Rare **High Risk**	N	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 21, 22 **29**	Based on the siting of the Premises and existing Licence Holder Controls, the risk event is considered to have high level or ongoing health impacts and may only occur in exceptional circumstances. The key controls from the Licence Holder's Asbestos Management Plan have been included as regulatory controls within the licence, along with other controls as specified in the DWER Asbestos Guidelines (DWER 2021). The Delegated Officer has considered the comments provided by the Department of Health in relation to asbestos management controls at the Premises. Based on the comments received, requirements to update the Asbestos Management Plan for the Premises will be specified in the Replacement Licence.

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of licence	Justification for additional regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
Abnormal operations (waste fire)	Smoke and particulates	Air/windborne pathway causing impacts to health and amenity	Industrial receptors (immediately adjacent) Darch residential area (400 m south)	Refer to Section 4.1.1	C = Major L = Unlikely **Medium Risk**	Y	1, 4, 7 **6, 28**	The Applicant's proposed controls relating to waste acceptance, visual inspection and site security are generally considered sufficient. To prevent the accumulation of non-conforming waste into quantities that may pose a fire risk, the Delegated Officer has specified that non-conforming waste must be removed from the premises within 7 days of unloading. A condition requiring notification of any fire at the facility has also been included.
	Firefighting runoff	Overland runoff potentially causing ecosystem disturbance or impacting water quality	Underlying groundwater (9 - 12 mbgl)		C = Moderate L = Unlikely **Medium Risk**			
		Infiltration through soil to groundwater causing impacts to groundwater quality						

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

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

5. Consultation

Table 8 provides a summary of the consultation undertaken by the department.

Table 8: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 26 August 2022 and in the West Australian on 29 August 2022	None received	N/A
Local Government Authority advised of proposal on 26 August 2022	The City of Wanneroo replied on 9 September 2022 that upon review of the provided documentation, that the resource recovery and waste management business is consistent with the 'Industry – General' land use definition. The operation of the business at the property is consistent with the development approval (DA2012/1373) granted by the City on 20 December 2012. In light of the information, the City has no objection to the proposed renewal of licence at the subject property.	Noted
Department of Health (DoH) advised of proposal 26 August 2022	DoH provided the following comments on 12 September 2022: <u>Dust and Asbestos Management Arrangements</u> As part of this assessment, in addition to evaluating the Dust Management Plan (DMP) and Asbestos Management Plan (AMP), the associated provisions in the current DWER operational Licence (L9187/2018/1) for the facility were also examined. The DMP is largely adequate but has some unusual features and it is not clear whether it remains operational. Some of its elements are captured as conditions in the DWER Licence. Quantitative dust monitoring is indicated although little technical detail is provided, including levels that might indicate management action is necessary. In fact, the document states "NEED TO PUT MORE DETAILED INFORMATION HERE ABOUT THE MONITORING SYSTEM THAT WILL BE USED AND WHAT IT DOES." Also, only a 9 am Wind Rose is included. As such, the DMP is considered an unfinished document. The DMP also refers to regular consultation with DWER, DOH and Local Government on environmental management issues and, in particular, in submitting a report on annual dust monitoring results. The DOH is not aware that this has happened. Although not captured in the DMP or the current Licencing conditions, the DOH recommends that the dust monitoring requirements draw primarily from the DWER Guideline - Managing asbestos at construction and demolition waste recycling facilities, 2021 (DWER Guideline). This includes guidance in relation to quantitative testing and dust level compliance levels. DOH considers it is important to use this guideline as the facility is only 430 metres from the nearest residence. Finally, the applicant should also update the plan based on the latest DWER guidance in this regard, rather than the quoted "DEC (2008) A guideline for the development and implementation of a dust management program (Draft)." The AMP is also an incomplete and unfinished document that poorly reflects the AMP requirements of the DWER Guidelines. Some of it is a "cut and paste" from the DWER Guideline, but without referencing it at all. Although the current DWER Licence conditions address some of the major shortcomings, these should be properly articulated in the AMP in a fully integrated and comprehensive way. The AMP needs to be used as a basis for effective operational procedures. Operational procedures have not been provided. DOH also notes that some key DWER Guideline requirements are missing from both the AMP and the Licence conditions. As well as the quantitative dust monitoring mentioned above these also include Process Audit requirements (5.1.1), and Staff Competence, Training and Safety (5.2). The first two are particularly useful in demonstrating dust and asbestos management compliance. Given ongoing asbestos contamination issues associated with some areas of the C&D crushing industry, and the level of industry standard that has been demonstrated by the Road to Reuse program, DOH considers that asbestos management as a minimum should be based fully on the DWER Guidelines, for this facility and also used as a precedent for others if not already in place. In looking at refining the Licence conditions in these regards, DOH also recommends that DWER adhere more closely to the terminology used in the DWER Guideline, especially in regard to asbestos definitions and also new reference the 2021 Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (DOH Guidelines). With regard to terminology, the Licence conditions correctly define "Asbestos" and "ACM" but do not apply them in the same way as the DWER Guideline and DOH Guidelines. This includes using Asbestos both as a general term and also with the meaning of AF (Asbestos Fines) and FA (Fibrous Asbestos), without specifically defining them. This causes some distortion and lack of clarity in relation to some conditions, especially associated with load inspection and management and sampling arrangements. DOH is available to discuss agreed terminology that better reflects both DWER and DOH needs. In conclusion, DOH would not support issuance of a crushing Licence by DWER to this facility until the DMP and AMP have been extensively revised to meet the requirements of the DWER Guideline and some supporting evidence is provided with regard to their implementation (e.g. training records and site specific operational procedures that address material acceptance procedures and processes, validation sampling and record keeping). Ideally, the Licence conditions are recommended to be modified to better reflect the Guideline.	The issues with the Dust Management Plan are noted. As the department's current process is to no longer condition for compliance against listed management plans, shortfalls in these types of plans are generally addressed through the specification of infrastructure and management controls as conditions in the licence. The Delegated Officer does not consider that continuous boundary dust monitoring is necessary as a regulatory control for specification in the licence. This is in consideration of the quantities of waste being processed at the facility, infrastructure-based dust emission controls and continuous boundary monitoring generally not being required at other similar facilities. When considering the outcome of the risk assessment, the Delegated Officer does not consider that potential emissions from the Premises are at a level that would warrant partial refusal of the Application, in that Category 13 is not included in the granted licence. The Delegated Officer considers that shortfalls in the Dust Management Plan and Asbestos Management Plan can be addressed by requiring submission of updated versions of these plans to the department. Revised conditions relating to asbestos management and dust emission control will also be specified as conditions in the licence to manage potential emissions. These conditions will refer directly to the definitions and terms used in the *Guideline: Managing asbestos at construction and demolition waste recycling facilities*. Issues associated in general with the C&D industry are not appropriately addressed at an individual premises level and would require wider implementation across all sites.

Consultation method	Comments received	Department response
Applicant was provided with draft documents on 4 October 2022	The Applicant responded on 19 October 2022 stating that: • They have no objections with regards to the draft licence; • The need for updated management plans and height markers for waste and product stockpiles was noted; and • DWER should seek to retrospectively implement similar conditions for all C&D recycling facilities.	Noted

6. Conclusion

Based on the assessment in this decision report, the Delegated Officer has determined that the application to renew licence L9187/2018/2 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements. The Replacement Licence will include Category 13.

The Delegated Officer has specified conditions requiring the submission of updated versions of a Dust Management Plan and Asbestos Management Plan, in relation to the activities carried out at the Premises. Conditions relating to asbestos management and dust emission control have been specified as conditions in the licence to manage potential emissions in the absence of the revised plans.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. DWER 2021, *Guideline: Managing asbestos at construction and demolition waste recycling facilities*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Works approval	☐				
Licence	☐	Relevant works approval number:		None	☐
		Has the works approval been complied with?		Yes ☐ No ☐	
		Has time limited operations under the works approval demonstrated acceptable operations?		Yes ☐ No ☐ N/A ☐	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes ☐ No ☐	
		Date Report received:			
Renewal	☒	Current licence number:	L9187/2018/1		
Amendment to works approval	☐	Current works approval number:			
Amendment to licence	☐	Current licence number:			
		Relevant works approval number:		N/A	☐
Registration	☐	Current works approval number:		None	☐
Date application received		18 August 2022			
Applicant and Premises details					
Applicant name/s (full legal name/s)		A1 Waste Management Pty Ltd			
Premises name		Encore Recycling and Resource Recovery			
Premises location		Lot 64 on Diagram 57260 9 Rogers Way LANDSDALE 6065			
Local Government Authority		City of Wanneroo			
Application documents					
HPCM file reference number:		Application subfolder - DER2017/002127-1~6 Application form - DWERDT646465			
Key application documents (additional to application form):		Noise monitoring report (DWERDT647705) Still relevant documents from original licence application (DWERDT647857): • Excerpts from original application form • Dust Management Plan • Asbestos Management Plan • Environmental Assessment and Management Plan • Site layout plan • Site layout legend sheet			
Scope of application/assessment					

Summary of proposed activities or changes to existing operations.	**Licence renewal** Operation of a construction and demolition waste recycling facility. The facility is currently licenced under Category 62 only, due to the initial application not meeting the assigned levels in the Environmental Protection (Noise) Regulations 1997 for noise emissions from the crusher. The decision at the time of granting was to exclude Category 13 from the licence. Conditions were specified for improvements to noise attenuation infrastructure and submission of further noise monitoring. The noise attenuation structures have been completed and the confirmatory noise monitoring has been provided with the renewal application. The renewal application is seeking to have Category 13 added to the licence, alongside Category 62.

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

Table 1: Prescribed premises categories

Prescribed premises category and description	Proposed production or design capacity	Proposed changes to the production or design capacity
Category 13 - Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	Proposed – 15,000 tonnes per annual period Previously assessed, but not granted – 15,000 tonnes per annual period	No change to the capacity initially proposed but not granted due to exceedance of the Noise Regulations.
Category 62 - Solid waste depot: premises on which waste is stored or sorted, pending final disposal or re-use, other than in the course of operating a refund point or aggregation point.	Assessed – 78,000 tonnes per annual period	No change.

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 ☐ No ☒	Referral decision No: Managed under Part V ☐ Assessed under Part IV ☐
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes ☐ No ☒	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes ☐ No ☒	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes ☒ No ☐	Certificate of title ☐ General lease ☒ Expiry: 4 February 2028 with options to extend Mining lease / tenement ☐ Expiry: Other evidence ☐ Expiry:

Has the applicant obtained all relevant planning approvals?	Yes ☒ No ☐ N/A ☐	Approval: DA2012/1373 Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes ☐ No ☒	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 ☐ No ☒	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 ☐ No ☒	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes ☐ No ☒	Name: N/A Type: N/A Has Regulatory Services (Water) been consulted? Yes ☐ No ☐ N/A ☒ Regional office: Swan Avon
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes ☐ No ☒	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes ☐ No ☐ N/A ☒
Is the Premises subject to any other Acts or subsidiary regulations (e.g. *Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx*)	Yes ☒ No ☐	Environmental Protection (Controlled Waste) Regulations 2004
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes ☐ No ☒	
Is the Premises subject to any EPP requirements?	Yes ☐ No ☒	

Is the Premises a known or suspected contaminated site under the *Contaminated Sites Act 2003*?	Yes ☐ No ☒	Classification: N/A Date of classification: N/A

Direct interest stakeholders			
City of Wanneroo	Letter to be sent	Yes ☒	No ☐
Department of Health	Letter to be sent	Yes ☒	No ☐