



Licence Number	L9213/2019/1
Licence Holder	Earthcare Recycling Pty Ltd
ACN	092 525 678
File Number:	DER2019/000375
Premises	Earthcare Recycling 71 Wattleup Road WATTLEUP WA 6166 Legal description Part of Lot 15 on Diagram 9102 Certificate of Title Volume 2078 Folio 841 As defined by the coordinates in Schedule 1 of the Licence
Date of Amendment	28 January 2020

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Report. This Amendment Report constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

A/MANAGER WASTE INDUSTRIES REGULATORY SERVICES

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

1. Definitions

In this Amendment Notice, the terms in the table below have the meanings defined.

Term	Definition
ACN	Australian Company Number
Amendment Notice	refers to this document
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Amendment Notice
Licence Holder	Earthcare Recycling Pty Ltd
New building construction sites	means a construction site which only encompasses construction materials from new housing or building development sites that have recently undergone construction or are currently in construction.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.

2. Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

The Licence Holder was issued their existing licence on 5 December 2019 for a construction and demolition waste recycling facility at 71 Wattleup Road, Wattleup. Through the licence application process it was established that the Licence Holder only accepts wastes resulting from new building construction sites. Wastes are pre-sorted by participating builders prior to acceptance at the Premises for stockpiling, crushing and screening prior to on sale to external customers.

Due to wastes received at the Premises originating only from new building construction sites, and the source separated nature of the wastes, asbestos is not anticipated to be present in the wastes stream. Asbestos is only expected to enter the Premises through illegal dumping. As a part of the Licence application process a detailed asbestos inspection procedure for all aspects

of Premises operations was proposed by the Licence Holder.

The Delegated Officer considered that the requirement for asbestos testing was not justified in line with the Licence Holders business model and hence asbestos monitoring requirements were not included within the Licence. A review of Licence conditions after the existing licence was issued identified an inconsistency with operations occurring at the Premises, which potentially allowed the Licence Holder to also accept demolition wastes.

The Delegated Officer considers that the current wording to allow for the acceptance of both construction and demolition wastes does not align with the intent of Premises operations to only receive wastes from new building construction sites. This wording is also in contradiction of the Departments risk assessment outcome, which justifies the removal of asbestos monitoring conditions based on the Licence Holders strict waste acceptance procedures.

This amendment was subsequently initiated by DWER to remove reference of the acceptance of wastes resulting from demolition, to more accurately align licence conditions with site operations and to remove ambiguity surrounding accepted waste types. Definitions within the licence were also amended to better reflect licence condition intent relating to waste acceptance.

The Delegated Officer has also amended the licence to include a condition requiring the Licence Holder to record the dates that crushing and/or screening operations are undertaken at the Premises. This condition has been included to ensure the enforceability of restrictions placed on crushing and screening operational timeframes, which are defined by the existing licence.

This amendment has been informed by DWER's Regulatory Framework which is available at <https://www.der.wa.gov.au/our-work/regulatory-framework>.

3. Licence Holder's Comments

The Licence Holder was provided with the draft Amendment Notice on 24 December 2019. Comments received from the Licence Holder on 24 January 2020 advised that the Licence Holder accepted the proposed amendments.

4. Decision

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