



Application for Licence

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

Licence Number	L9252/2020/1
Applicant	Earthcare Recycling Pty Ltd
ACN	092 525 678
File Number	DER2020/000234
Premises	Earthcare Recycling Pty Ltd 426 Great Northern Highway MIDDLE SWAN WA 6056 Legal description - Part of Lot 23 on Diagram 82744 As defined by the premises maps (Schedule 1) and coordinates (Schedule 2) attached to the issued licence
Date of Report	20 July 2020
Proposed Decision	Licence granted

Abbie Crawford
Senior Environmental Officer, Industry Regulation

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

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1. Purpose and scope of assessment

1.1 Regulatory framework

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

1.2 Application summary

Earthcare Recycling Pty Ltd submitted a replacement of licence application on 12 May 2020 for the Earthcare Recycling site. This site was previously licensed under L8979/2016/1 until it ceased in accordance with Section 5DA(5) of the *Environmental Protection Regulations 1987* (EP Regulations) due to the non-payment of an annual licence fee. The applicant has confirmed that there has not been any material changes made to the premises; infrastructure within the premises; and/or activities undertaken at the premises. Due to the administrative nature of this application, no additional risk assessment has been conducted for this premises. A copy of the Decision Document completed for the premises on 9 March 2017 is attached as Appendix 1 of this Decision Report for reference.

1.3 Consolidation of Licence

As part of this replacement Licence, DWER has updated the Licence by incorporating the following changes:

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

The obligations of the Licence Holder have not changed in updating the licence. DWER has not undertaken any additional risk assessment of the Premises as a part of this process.

2. Overview of Premises

Earthcare Recycling Pty Ltd operate a construction and demolition waste recycling facility within the City of Swan, part of Lot 23 (No. 426) Great Northern Highway, Middle Swan. Earthcare accepts construction and demolition (C&D) waste, clean fill and small amounts of putrescible waste (paper/cardboard) for storage prior to removal offsite to recyclers or end users. Earthcare also crush and screen C&D material to convert it into drainage rock or road base. Screening operations are expected to occur a few hours on one to two days per week, and crushing is expected to operate a number of days per month.

Wastes are brought on site by Earthcare employees in skip bins from residential construction sites. These wastes are derived from construction sites that postdate 2003 in order to reduce asbestos acceptance risk.

This Licence is the successor to Licence L8979/2016/1. Table 2 provides the history for L8979/2016/1 and L9252/2020/1. Table 3 provides the prescribed premises category for the replacement licence: L9252/2020/1.

Table 1: Licence history

Date	Instrument Reference	Summary of changes
09/03/2017	L8979/2016/1	Licence granted.
20/07/2020	L9252/2020/1	Licence L8979/2016/1 ceased. New Licence L9252/2020/1 issued with updated format.

Table 2: Prescribed Premises Category in the Existing Licence

Classification of Premises	Description	Approved Premises 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.	50,000 tonnes per annual period
Category 62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	55,000 tonnes per annual period

3. Consultation

Table 3 provides a summary of the consultation undertaken by the department.

Table 3: Consultation

Consultation method	Comments received	Department response
Applicant was provided with draft documents on 19 June 2020.	Applicant provided comments on 13 July 2020 requesting changes to the previous licences asbestos testing conditions and waste acceptance criteria. (HPE DWERDT306947)	DWER considers the replacement of licence application, an administrative process. There is no scope to change conditions or conduct a reassessment of environmental risk. DWER has advised the applicant to apply for an amendment once this licence has been reinstated.

4. Conclusion

The Delegated Officer has determined that the replacement of the licence with no material changes made to the premises; infrastructure within the premises; and/or activities undertaken at the premises is an administrative function which does not alter the risk profile of the premises. Operations shall be undertaken in accordance with the conditions of licence, and there is to be no change in the potential emissions associated with the operation of the facility.

4.1 Summary of changes

Table 4 provides a summary of the proposed changes to the revised licence and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the replacement of licence process.

Table 4: Licence conversion map for new licence format

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
N/A	-	-	Inclusion of 'DWER file number', 'Duration' to Licence cover page.
N/A	-	-	Relocation and renaming of the 'Instrument Log' table to 'Licence history' table and moved to page 2 of the Licence. Provides summary to all major changes to the Licence.
N/A	-	-	Updates to wording - 'Department of Regulation' (DER) to 'Department of Water and Environmental Regulation' (DWER) throughout Licence.
N/A	-	-	Updates to wording - 'Licensee' to 'Licence Holder' throughout Licence.
1.1.1	<i>Interpretation and definitions</i>	-	Interpretation relocated from conditions to page 2 of the Licence.
1.1.2	<i>Interpretation and definitions</i>	Table 6	Definitions relocated into Table 6.
1.1.3	<i>Australian or other standard</i>	-	Reference to Standards relocated into 'Interpretation' heading on page 2 of Licence.
1.2.1	<i>Waste acceptance</i>	Condition 1	Reference to Table 1.2.1 change to Table 1.
Table 1.2.1	<i>Waste acceptance</i>	Table 1	No change.
1.2.2	<i>Non-conforming waste</i>	Condition 2	Reference to Condition 1.2.1 changed to Condition 1.
1.2.3	<i>Non-conforming waste - asbestos</i>	Condition 3	Reference to Table 1.2.1 changed to Table 1.
1.2.4	<i>Notification to source material providers - asbestos</i>	Condition 4	No change.

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
1.2.5	<i>Contracts – ‘no asbestos’ clause</i>	Condition 5	No change.
1.2.6	<i>Premises entry sign – ‘no asbestos’</i>	Condition 6	No change.
1.2.7	<i>Inspection of waste loads - asbestos</i>	Condition 7	No change.
1.2.8	<i>Waste loads containing asbestos</i>	Condition 8	Reference to Condition 1.2.7 changed to Condition 7.
1.2.9	<i>Waste unloading area inspection</i>	Condition 9	No change.
1.2.10	<i>Dust suppression measures</i>	Condition 10	No change.
1.2.11	<i>Waste storage, sorting and screening inspection - asbestos</i>	Condition 11	No change.
1.2.12	<i>Processed, unprocessed and testing waste</i>	Condition 12	No change.
1.2.13	<i>Asbestos contamination</i>	Condition 13	No change
1.2.14	<i>Asbestos sampling and testing</i>	Condition 14	No change.
1.2.15	<i>Waste processing</i>	Condition 15	Reference to Table 1.2.2 change to Table 2.
Table 1.2.2	<i>Waste processing</i>	Table 2	Reference to Table 1.2.3 changed to Table 3
1.2.16	<i>Infrastructure and equipment requirements</i>	Condition 16	Reference to Table 1.2.3 changed to Table 3.
Table 1.2.3	<i>Infrastructure and equipment requirements</i>	Table 3	No change.
1.2.17	<i>Dust control - sprinklers</i>	Condition 17	No change.
1.2.18	<i>Hours of operation</i>	Condition 18	No change.
1.2.19	<i>Security measures</i>	Condition 19	No change.

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
2.1.1	<i>Monitoring requirements</i>	Condition 20	No change.
Table 2.1.1	<i>Monitoring of inputs and outputs</i>	Table 4	No change.
3.1.1	<i>Information and records</i>	Condition 21	Reference to Condition 3.1.1(d) changed to Condition 21(d).
3.1.2	<i>Annual Audit Compliance Report</i>	Condition 22	Reference to anniversary date changed to annual period to be consistent with submission of AER.
3.1.3	<i>Complaints management system</i>	Condition 23	No change.
3.2.1	<i>Annual Environmental Report</i>	Condition 24	Reference to Table 3.2.1 changed to Table 5.
Table 3.2.1	<i>Annual Environmental Report</i>	Table 5	Reference to Condition 2.1.1 changed to Condition 20. Reference to Condition 3.1.2 changed to Condition 22. Reference to Condition 3.1.3 changed to Condition 23.
Schedule 1: Maps	<i>Premises map</i>	Schedule 1: Maps Figure 1	No change.
Schedule 1: Maps	<i>Site map</i>	Schedule 1: Maps Figure 2	No change.
-	<i>Premises boundary coordinates</i>	Schedule 2: Premises boundary Table 7	Coordinate nodes have been provided in a separate table for clarity.
Attachment 1:	<i>Section.3.3 - Asbestos Guidelines (p.10-11)</i>	-	Reference to DER changed to DWER.

Existing Licence condition/table/schedule	Condition Summary	Revised Licence condition/table/schedule/attachment	Conversion notes
Attachment 2:	<i>Section 3.4 – Asbestos Guidelines (p.11-12)</i>	-	Reference to DER changed to DWER.
Attachment 3:	<i>Section 3.4 – Asbestos Guidelines (p.15-20)</i>	<i>Section 4 – Asbestos Guidelines (p.15-20)</i>	Reference to DER changed to DWER. Corrected error- Reference to section to 3.4 changed to section 4.

References

1. DER July 2015. Guidance Statement: Regulatory principles. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
2. DER, October 2015. Guidance Statement: Setting conditions. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
3. DER, August 2016. Guidance Statement: Licence duration. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
4. DER, February 2017. Guidance Statement: Risk Assessments. Department of Environment Regulation, Perth. Accessed at www.dwer.wa.gov.au
5. DWER, June 2019. Guideline: Decision Making. Department of Water and Environmental Regulation, Perth. Accessed at www.dwer.wa.gov.au
6. DWER, June 2019. Guideline: Industry Regulation Guide to Licensing. Department of Water and Environmental Regulation, Perth. Accessed at www.dwer.wa.gov.au



Appendix 1: Previous Licence Decision Document – 9 March 2017

Decision Document

Environmental Protection Act 1986, Part V

Proponent: Earthcare Recycling Pty Ltd

Licence: L8979/2016/1

Registered office: c/o Complete Business Consultants
47A Kirwin Street
FLOREAT WA 6014

ACN: 092 525 678

Premises address: Earthcare Recycling Pty Ltd
426 Great Northern Highway
MIDDLE SWAN WA 6056
Being part Lot 23 on Diagram 82744.

Granted: Thursday, 9 March 2017

Commencement date: Thursday, 9 March 2017

Expiry date: Tuesday, 8 March 2022

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) the CEO's delegated officer has decided to issue licence. The delegated officer considers that in reaching this decision, they have taken into account all relevant considerations.

Decision Document prepared by: Melissa Chamberlain
Licensing Officer

Decision Document authorised by: Alan Kietzmann
Delegated Officer



1 Purpose of this Document

This decision document explains how DER delegated officer has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

2 Administrative summary

Administrative details		
Application type	Works Approval	<input type="checkbox"/>
	New Licence	<input checked="" type="checkbox"/>
	Licence amendment	<input type="checkbox"/>
	Works Approval amendment	<input type="checkbox"/>
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	62 – Solid waste depot	55,000 tonnes per annual period
	13 – Crushing of building material	50,000 tonnes per annual period
Application verified	Date: 29/06/2016	
Application fee paid	Date: 06/07/2016	
Works Approval has been complied with	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Compliance Certificate received	Yes <input type="checkbox"/>	No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Commercial-in-confidence claim	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Commercial-in-confidence claim outcome	The Applicant requested the lease agreement provided in attachment A of the application is not made public as it contains financial arrangements which are not relevant to the operation and management of the facility.	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>	
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	Ministerial statement No: EPA Report No:	



Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

3 Executive summary of proposal and assessment

Earthcare Recycling Pty Ltd (Earthcare) currently operate a construction and demolition waste recycling facility within a portion of Lot 23 (No 426) Great Northern Highway, Middle Swan. Wastes are brought on site in skip bin from residential construction sites. Earthcare is applying for a licence as they have stated in their application that they are approaching the thresholds for a prescribed premises. As the premises is already in operation, a works approval has not been issued for the premises. A retrospective Planning Approval was granted by the City of Swan on 6 January 2016 to operate subject to conditions including operating hours. Lot 23 is zoned 'Rural' under the Metropolitan Region Scheme and 'Swan Valley Rural' under the City of Swan Local Planning Scheme No. 17 and part of Additional Use Area No. 57.

Earthcare accepts construction and demolition (C&D) waste, clean fill and small amounts of putrescible waste (paper/cardboard) for storage prior to removal offsite to recyclers or end users. Earthcare also crush and screen C&D material to convert it into drainage rock or road base. Screening operations are expected to occur a few hours on one to two days per week, and crushing is expected to operate a number of days per month.

According to supporting information provided in the application, wastes received at the premises is only brought in by Earthcare employees and wastes are derived from construction sites that postdate 2003 in order to reduce asbestos acceptance risk.

Location & Siting

The nearest residential receptors are a number of houses located 120 metres (m) to the west and south west of the premises along Great Northern Highway. Residents are also located approximately 300 m east of the premises across the railway line. Swan Christian College is located 230 m south west and a church is located 270 m north.

Immediately adjacent to the west of the premises is some light industrial activities, and the surrounding land is predominately rural residential, vineyards and tourist attractions. The nearest residential development is the suburb of Middle Swan located approximately 1kilometre (km) south.

To the eastern boundary of the premises is Strelley Brook and an associated floodplain which extends into a portion of the premises. The *Strelley Brook Flood Analysis* (Emerge Associates 2013) identified that approximately 50 m of the eastern portion of the Premises may be flooded to a depth of up to 1 m in a 100 year ARI flood event. For the majority of the premises, flooding is likely to be less than 0.25 m in depth.



The vegetation associated with Strelley Brook and the floodplain is designated as Bush Forever site 302, as classified under the Department of Planning's State Planning Policy 2.8, *Bushland Policy for the Perth Metropolitan Region*. The premises boundary is at least 40 m west of the mapped extent of Bush Forever Site 302.

The Department of Water's Perth Groundwater Atlas indicates that groundwater in the area is found at approximately 3.5 metres below ground level. The salinity of the groundwater is 500-1000 mg/l TDS which is considered to be marginal.

The premises is classified under the Contaminated Sites Act 2003 as '*possibly contaminated – investigation required*'.

The potential emissions of significance associated with the proposed activities include, noise and dust emissions, and movement of sediment during rainfall events.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Occupier	N/A	<p>Under the EP Act, works approvals and licences can only be granted to the occupier of the premises. DER has received evidence to demonstrate that Earthcare have a lease agreement in place until the 01 March 2022.</p> <p>The Delegated Officer is satisfied that Earthcare are the occupiers of the premises.</p>	Application Supporting Documentation [DER Record A1118457]
Fitness and Competency	N/A	<p>A search of DER's Industry Licensing System (ILS) Incident Complaint Management System (ICMS) and records held by DER has been undertaken in relation to previous instruments and/or compliance issues regarding Earthcare.</p> <p>DER records show Earthcare previously applied for a works approval and licence in 2012 for a Solid waste depot in the City of Rockingham however this application was withdrawn as planning approval as not granted.</p> <p>DER has no records of any compliance action being taken against Earthcare.</p> <p>The Delegated Officer has determined that a works approval and licence will not be refused based on fitness and competency grounds.</p>	DER records



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Premises operation	L1.2.1 to 1.2.19	Condition 1.2.1 to 1.2.3 specify the waste types that may be accepted at the premises to those assessed as part of this decision report, and requires non-conforming wastes to be removed from the premises as soon as practicable. Conditions 1.2.4 to 1.2.14 outline asbestos control requirements as determined in the asbestos risk assessment section below. Conditions 1.2.15 to 1.2.19 specify process limits, infrastructure requirement, storage requirement controls and operations controls as determined in the risk assessments below.	
Emissions to surface water and groundwater	L1.2.15, 1.2.16	<p><i>Emission:</i> The premises accepts putrescible wastes which may come into contact with stormwater and generate leachates. Inert material may also contribute to a high sediment load if transported from the premises in stormwater.</p> <p><i>Impact:</i> Potential impacts include degradation of groundwater and surface water quality, and impacts to fauna and flora that rely on these water sources. Groundwater is found at approximately 3.5 metres below the surface. The nearest surface water is Strelley Brook located adjacent to the eastern boundary of the premises, and portions of the premises are prone to flooding. Given the nature of the waste types, sediment migration may be possible to waterways and cause turbidity of water, which will impact freshwater ecosystems.</p> <p><i>Controls:</i> The applicant has proposed the following controls:</p> <ul style="list-style-type: none">• Only Inert waste types will be stored on bare ground or in flood prone areas.• Only cardboard, paper and timber putrescible wastes will be accepted, these will be stored in an elevated concrete bunded area.• Washdown of bins and vehicles to only occur on a designated compacted hardstand area.• All wastewater from the operational area will be directed to an engineered drainage system including a sediment trap.• Visual inspection to remove non-conforming waste types to store in appropriate bins.• Perimeter fencing to capture windblown waste.	Application Supporting Documentation [DER Record A1118457]



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Risk Assessment</u> <i>Consequence:</i> The Delegated Officer has determined the consequence of leachates and/or particulate matter entering surface water or groundwater to be minor with minimal off-site impacts. <i>Likelihood:</i> The Delegated officer has determined the likelihood of solid or liquid waste emissions entering surface water or groundwater to be possible given the distance to these receptors. <i>Overall Risk:</i> The Delegated Officer has determined that the overall risk of solid or liquid waste impacts to groundwater or surface water to be Medium.</p> <p><u>Regulatory Controls</u> The Delegated Officer has determined that a medium overall risk requires regulatory controls, and will impose conditions generally consistent with the applicant’s proposed controls. This includes storage and wastewater management requirements, requiring a concrete hardstand for the putrescible storage area, and maintaining the integrity of hardstands and storage bins.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Overall Risk:</i> Medium</p>	
Odour Emission Risk	L1.2.2	<p><u>Emission Description</u> <i>Emission:</i> Odour emission may occur due to non-conforming waste types brought onto the premises or the putrescible waste types remaining on the premises long enough to decompose.</p>	Application Supporting Documentation [DER Record A1118457]



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><i>Impact:</i> Odour may cause nuisance impacts to nearby industrial and commercial properties immediately adjacent to the premises. The nearest residential receptors are located approximately 120 m to the west and south west.</p> <p><i>Controls:</i> The Applicant has proposed the following controls:</p> <ul style="list-style-type: none"> • Applicant vehicles will bring the waste in from source sites and will be able to control what is brought on the premises. • Visual inspection of waste types to remove non-conforming waste types <p><u>Risk Assessment</u> <i>Consequence:</i> The Delegated Officer has determined that impacts from any odour emissions would be slight with minimal impacts to amenity based on the waste types expected to be received. <i>Likelihood:</i> The Delegated Officer has determined that the likelihood of minor impacts occurring to be unlikely based on the waste types permitted to be accepted and the applicants control measures. <i>Overall Risk:</i> The Delegated Officer has determined the overall risk of odour emission impacts is low.</p> <p><u>Regulatory Controls</u> The Delegated Officer has determined that a low risk of odour emissions during operation is acceptable and additional regulatory controls are not required. The applicant will be subject to control measures requiring the removal of non-conforming waste types.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Slight <i>Likelihood:</i> Unlikely <i>Overall Risk:</i> Low</p>	



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Dust Emission Risk	L1.2.15, 1.2.16, L1.2.17	<p><u>Emission Description</u> <i>Emission:</i> Fugitive dust may arise from the movement of waste types, the crushing of materials or from vehicle movements. Screening activities are proposed to occur one to two days per week, and crushing occurring three to four days per month. Dust emissions may also be caused from stockpile lift-off, hardstand areas and operating under adverse wind conditions. <i>Impact:</i> Dust may cause reduced local air quality and potential nuisance impacts to nearby industrial and commercial properties immediately adjacent to the premises. The nearest residential receptors are located approximately 120 m to the west and south west. <i>Controls:</i> The Applicant has proposed the following controls:</p> <ul style="list-style-type: none"> • Sprinkler system to be operated daily to dampen hardstand and stockpile areas. • Wastes will be covered with a lid or weighted shade cloth at the end of each day. <p><u>Risk Assessment</u> <i>Consequence:</i> The Delegated Officer has determined that impacts from any dust emissions would be minor with low level impacts to amenity. <i>Likelihood:</i> The Delegated Officer has determined that the likelihood of minor impacts occurring to be possible due to the distance of the receptor, low frequency of crushing and screening activities and proposed controls. No dust complaints have been recorded with DER in relation to the operation of the facility prior to licensing; the applicant has stated they have been operating below the prescribed category thresholds prior to the application. <i>Overall Risk:</i> The Delegated Officer has determined the overall risk of dust emission impacts is medium.</p>	Application Supporting Documentation [DER Record A1118457]



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Regulatory Controls</u> The Delegated Officer has determined that a medium overall risk requires regulatory controls, and will impose conditions generally consistent with the applicant's proposed controls. This includes requiring that an operational sprinkler system is maintained capable of wetting down hardstands, stockpiles and the noise bund, and that the system is operated on a daily basis to stabilise the stockpiles and noise bund. Regulatory controls are also placed on stockpile height to reduce risk of dust lift-off, and processing of C&D materials to cease dust emissions cannot be effectively controlled by the relevant infrastructure.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Overall Risk:</i> Medium</p>	
Asbestos Emission Risk	L1.2.3 – L1.2.14, L1.2.19	<p><u>Emission Description</u> <i>Emission:</i> Fugitive dust emissions from the crushing and screening of C&D waste and the storage of non-conforming waste types have the potential to contain asbestos fibres. <i>Impact:</i> Asbestos fibres cause public health impacts such as asbestosis. The nearest residential receptors are located approximately 120 m to the west and south west. A school is located 230 m south west. <i>Controls:</i> Asbestos is not accepted at the premises. Waste is only accepted by Earthcare vehicles and bins are visually inspected for non-conforming waste types prior to being transported. Wastes are visually inspected during tipping and picking. Wastes accepted are from construction sites that post-date 2003 to reduce risk of asbestos acceptance.</p>	Application Supporting Documentation [DER Record A1118457]



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Risk Assessment</u> <i>Consequence:</i> The Delegated Officer has determined that impacts from any asbestos emissions would be severe with adverse health effects. <i>Likelihood:</i> The Delegated Officer has determined that the likelihood of severe impacts occurring to be unlikely due to low frequency of crushing and screening activities and that asbestos is not accepted at the premises. <i>Overall Risk:</i> The Delegated Officer has determined the overall risk of dust emission impacts is high.</p> <p><u>Regulatory Controls</u> The Delegated Officer has determined that a high overall risk requires regulatory controls, and will propose controls which replicate the requirements of DER's Asbestos Guidelines including visual inspection, stockpile segregation and asbestos testing. Waste acceptance controls will include specifications that asbestos or ACM is not permitted, and where any asbestos or ACM is identified it is appropriately contained prior to removal from the premises. Controls specifying security measures will be implemented to ensure no illegal dumping of asbestos material occurs.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Severe <i>Likelihood:</i> Rare <i>Overall Risk:</i> High</p>	
Noise Emission Risk	L1.2.16, L1.2.17, 1.2.18		Application Supporting Documentation



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Emission Description</u> <i>Emission:</i> Noise may be generated from the movement of waste, crushing and screening activities and trucks and vehicle movement during operations. <i>Impact:</i> Potential impacts of noise emissions include amenity impacts to nearby properties. Noise modelling provided by the applicant demonstrates that if the specified equipment and control measures are in place the applicant is likely to comply with the noise regulations. An assessment of the acoustic report by DER's Noise Regulation identified that there is a possibility that there may be tonal exceedances under 'worst case' conditions. The nearest residential receptors are six residences located approximately 120m to the west and south west. DER has no record of any noise complaints being made in regards to the premises. <i>Controls:</i> The applicant proposed the following controls:</p> <ul style="list-style-type: none"> • Operations will be limited to 7am to 5pm Monday to Saturday • Maintaining 4m high noise bunds • Operating the crusher close to the noise bunds <p><u>Risk Assessment</u> <i>Consequence:</i> Based on the equipment and controls specified in the acoustic report, and an assessment of the acoustic report by DER's Noise Regulation, the Delegated Officer has determined that impacts from any noise emissions during operation would be moderate with specific consequence criteria at risk of not being met, and mid-level impacts to amenity. <i>Likelihood:</i> The Delegated Officer has determined that the likelihood of moderate impacts occurring during operation to be possible. <i>Overall Risk:</i> The Delegated Officer has determined that the overall risk of noise emission impacts during operation to be medium.</p>	<p>[DER Record A1118457] <i>Environmental Protection (Noise) Regulations 1997</i> Earthcare Recycling Facility Environmental Noise Assessment, Lloyd George Acoustics, 20 December 2016 [DER Record A1348814]</p>



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<p><u>Regulatory Controls</u> The Delegated Officer has determined that a medium overall risk requires regulatory controls, and will impose conditions generally consistent with the applicant's proposed controls and the controls used to achieve the predicted noise levels in the acoustic report. These controls include:</p> <ul style="list-style-type: none">• Limit operating hours to 7am to 5pm Monday to Saturday;• Specifying the equipment used within the acoustic report;• Maintenance of a 4 m high noise bund;• Operation of the crusher within 5 m of the noise bund; and• Restrictions on the use of tonal alarms. <p>The Licence Holder is to also maintain a complaints system. Should it be determined that noise emissions impact receptors, further regulatory controls may be placed on the Licence.</p> <p>The applicant is required to comply with the assigned levels in the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Unlikely <i>Overall Risk:</i> Medium</p>	



DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Monitoring of inputs and outputs	L 2.1.1	<p>Condition 2.1.1 and Table 2.1.1 requires the applicant to record the volume of waste accepted and rejected from the premises and the volume of processed materials to enable DER to monitor compliance with waste acceptance and throughput criteria.</p> <p>These conditions are valid and are necessary administration and reporting requirements to ensure compliance.</p>	
Information	<p>W – 5.1.1 and 5.1.2</p> <p>L – 3.1.1, 3.1.2 and 3.2.1</p>	<p>Condition 3.1.1 of the licence requires the applicant to maintain legible records.</p> <p>Condition 3.1.2 of the licence requires the applicant to implement a complaints management system.</p> <p>Condition 3.2.1 of the licence requires the applicant to submit a Compliance Report (Annual Audit Compliance Report – AACR).</p> <p>Condition 3.2.1 and Table 3.2.1 requires the applicant to submit an annual report which includes a summary of inputs and outputs and a summary of the complaints.</p> <p>These conditions are valid and are necessary administration and reporting requirements to ensure compliance.</p>	
Licence Duration	N/A	<p>Planning approval has been granted by the City of Swan with no expiry date. The approval contains a number of conditions, including the requirement to store processed materials, sand and drainage rock to specific locations, limits on operating hours.</p> <p>The applicant has demonstrated they have occupancy of the premises until 01 March 2022. The licence duration will be limited by this lease date.</p>	Application Supporting Documentation, Appendix B.



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
18/07/2016	Application advertised in West Australian	None received	N/A
18/07/2016	Application referred to City of Swan	None received	N/A
2/02/2017	Proponent sent a copy of draft instrument	Revised site boundary coordinates, map and site plan provided	Site boundary and maps updated.
		The original application was for categories 13, 62 and 70, however the proposed licence is for categories 13 and 62 only. Provided screening is considered as part of Category 62 activities the proponent is comfortable with the categories.	The Delegated Officer confirms that the screening being undertaken at the premises falls under Category 62 and not Category 70 as it is not material extracted from the ground.
		Minor wording and typographical changes to Location and Siting, condition 1.1.3, 1.2.14 and 1.2.17	Changes accepted.
		There is no Schedule 2 in the licence so definition is not required.	Definition is removed.
		Condition 1.1.4 requires that the licence holder adheres to updated guidelines/codes of practice, and therefore is it necessary to include Attachment 1 which contains excerpts of DER's asbestos guidelines?	The Delegated Officer has determined that the reference to excerpts in the attachment is necessary for the relevant conditions to be clear and enforceable. The only guideline or code of practice referred to in the licence is DER's asbestos guidelines, therefore Condition 1.1.4 has therefore been removed.



Date	Event	Comments received/Notes	How comments were taken into consideration
		<p>The potential for asbestos in the waste stream is low, and a number of control measures are undertaken to manage potential ACM.</p> <p>With regard to the above, under Section 3.3 of the guideline, it states that “all persons bringing waste onto the premises must be asked to sign a declaration or provide a ‘customer warranty’ on a vehicle load specific basis confirming the load is free of asbestos”. This particular requirement is not proposed to be implemented as it is considered unnecessary given materials are transported to site by Earthcare employees who follow the policies and procedures of Earthcare. In addition, Earthcare’s visual inspection process (outlined above) minimises the risk of asbestos progressing through the recycling process undetected.</p> <p>With regard to the risk classification procedure, we note that the DER asbestos guidelines suggests that the wastes accepted by Earthcare will generally be considered ‘low risk’ for containing asbestos material as the wastes processed come from buildings or structures that have been constructed after 1990. However due to how the DER asbestos guideline groups wastes, it would be considered ‘high risk’ in accordance with the Risk Classification Matrix.</p>	<p>The Delegated Officer has previously considered the waste source in determining the likelihood of asbestos impacts as rare.</p> <p>The Delegated Officer has further considered the asbestos controls proposed by the applicant in their response and has reviewed the risk assessment. The consequence of severe and likelihood of rare remains. The overall risk rating remains as high and is therefore subject to regulatory controls.</p> <p>The Delegated Officer considers that adhering to the requirements for a customer warranty and undertaking sampling and testing as outlined in the DER asbestos guidelines is necessary to mitigate the high asbestos impact risk.</p> <p>The Delegated Officer notes that loads are only brought onto the premises by Earthcare employees however this does not preclude a declaration or warranty being obtained at the point of loading waste.</p> <p>The Delegated Officer also notes the comments regarding the high risk classification, however DER’s asbestos guidelines must be applied consistently.</p>



Date	Event	Comments received/Notes	How comments were taken into consideration
		<p>This is because the majority of waste will be considered to be 'mixed construction material' (although the material is generally sorted at source into the main waste types, namely metal; untreated timber; tiles and bricks; concrete rubble; sand; cardboard; plastic; and plastering residue). The waste processed by Earthcare is unlikely to contain ACM and therefore we do not think the 'high risk' category is applicable. However, 'high risk' waste can be managed in accordance with the DER asbestos guideline based on existing Earthcare processes.</p>	
		<p>Proponent requested that condition 1.2.14 refer to the 'Reduced Sampling Criteria' detailed in DER asbestos guidelines.</p>	<p>As per the DER Asbestos guidelines, once a premises has demonstrated that their procedures are able to consistently produce recycled product that meets the product specification, DER may authorise a reduced product testing rate. Seven criteria are specified within the DER Asbestos Guidelines which DER will use to determine a reduction in product sampling frequency including inspection, review of enforcement activity, product testing for a 6 month period, presence of mitigating factors, quantity of waste and/or DoH agreement.</p> <p>The Delegated Officer notes that the proponent may request a reduced sampling rate once sufficient evidence, particularly in relation to product testing can be provided to support compliance with the seven criteria.</p>



Date	Event	Comments received/Notes	How comments were taken into consideration
		<p>For Inert Waste Type 2 and Putrescibles, we propose a number of changes to the way the waste is managed, which have been outlined below:</p> <ul style="list-style-type: none">• Large timber pieces will not be covered as these are stacked within a metal rack for later reuse.• Waste, where it is not stacked will be located in large bins. These bins will be inspected daily to ensure the bins are not overfilled. <p>Perimeter fence will capture windblown material in the event this occurs. The risk of windblown material extending outside the premise boundary is managed through placing the waste material into large bins (or stacked neatly) and weighted down where required, which minimises the likelihood of waste being blown around. In addition, the perimeter fence will capture any windblown material within the premises. The fence will be inspected regularly (at least once a week) and any material that is not located in its designated area, will be collected and appropriately stored.</p>	<p>The Delegated Officer has considered the additional controls proposed by the applicant in the emissions to surface water and groundwater impact risk assessment.</p> <p>Minor changes have been made to Table 1.2.2 Waste Processing to account for the waste management changes.</p>
		Updates to site infrastructure and details of wastewater pond provided	Infrastructure table updated.



6 Risk Assessment

Table 1: Risk Criteria

Likelihood	Consequence				
	Slight	Minor	Moderate	Major	Severe
Almost Certain	Medium	High	High	Extreme	Extreme
Likely	Medium	Medium	High	High	Extreme
Possible	Low	Medium	Medium	High	Extreme
Unlikely	Low	Medium	Medium	Medium	High
Rare	Low	Low	Medium	Medium	High