



## Application to renew a licence

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

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<b>Licence Number</b>	L9279/2021/2
<b>Licence Holder</b>	Direct Transport Pty Ltd
<b>ACN</b>	098 205 675
<b>File Number</b>	DER2021/000055~1
<b>Premises</b>	McSkips Lease Area 12 190 Flynn Drive NEERABUP WA 6031  Legal description Part of Lot 5 on Diagram 91435 As defined by the Premises map and coordinates attached to the issued licence.
<b>Date of Report</b>	27 February 2023
<b>Decision</b>	To grant a licence

Senior Environmental Officer, Industry Regulation  
An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

## 1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L9279/2021/1 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- transfer all existing regulatory controls and conditions to the new licence;
- revise licence conditions as specified within this report;
- remove redundant conditions as specified within this report;
- incorporate licence amendment/s issued prior to the replacement licence;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise the wording “the licence holder shall” to “the licence holder must”, within the licence conditions; and,
- correct clerical mistakes and unintentional errors.

As a result of the above, the Delegated Officer decided to grant Licence L9279/2021/2, subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 6 December 2022 Direct Transport Pty Ltd (licence holder) applied to renew licence L9279/2021/1, as the licence is due to expire on 28 February 2023. The licence was granted to the licence holder for the premises located at 190 Flynn Drive, Neerabup, Western Australia – lease area 12 (Premises).

The licence relates to prescribed premises categories as described in Table 1.

**Table 1: Premises category description and production / design capacity**

<b>Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)</b>	<b>Production / design capacity</b>
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: premises on which waste is stored, or sorted, pending final disposal or re-use.	70,000 tonnes per annual period

The Premises accepts Inert Waste Type 1 (i.e. waste building and demolition material) for crushing/screening and recycling. Additionally, the Premises accepts putrescible waste (i.e. green waste, timber, pallets, carboard) and clean fill for storage prior to removal off-site.

Activities undertaken on site include:

- receival and inspection of waste;
- sorting of waste material into recyclables and residual components;

- crushing/screening of inert materials; and
- storage of waste and recyclable materials pending removal from the Premises.

### 3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises, which is in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Industry Regulation, Licensing position – COVID 19 response, October 2022*.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

## 4. Considerations for issuing a new licence

### 4.1 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises until 28 February 2025. The Delegated Officer has taken this into account and determined that this does not reduce the standard 20 year licence timeframe. Leases can easily be extended or transferred to a different party and as such not an indication that the prescribed activity does not continue beyond the current end of the lease.

### 4.2 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

### 4.3 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises. Further information in relation to the planning approval was submitted by the City of Wanneroo and considered by the Delegated Officer as detailed in section 6 of this report.

### 4.4 Compliance and enforcement actions

There have been no incidents or complaints identified at the Premises by the department in the last five years. There have been no enforcement actions taken against the occupier in the last 5 years regarding the Premises.

## 5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

**Table 2: Licence conditions changes, description and rationale.**

<b>Current condition / schedule</b>	<b>New condition / schedule</b>	<b>Description and rationale</b>
Condition 1	Condition 5	Condition wording revised to current standard.
Condition 2	Condition 6	Updated condition number.
Condition 3	Condition 16	Updated condition number.
Condition 4	Condition 8	Updated condition number.
Condition 5	Condition 9	Minor change to condition wording.
Condition 6	Condition 10	Updated condition number.
Condition 7	Condition 11	Updated condition number.
Condition 8	Condition 12	Updated condition number.
Condition 9	Condition 13	Updated condition number. Condition revised to include reference to Condition 12.
Conditions 10 and 11	Conditions 15 and 14	Updated condition numbers.
Condition 12	Condition 17	Updated condition number.
Condition 13	Condition 18	Updated condition number.
Condition 14	Condition 19	Updated condition number. Removed redundant wording in condition.
Condition 15	Condition 20	Updated condition number. Removed reference to meeting condition requirements within 3 months from the date of the licence as this reference is redundant. Minor changes to condition wording also completed.
Condition 16	Condition 7	Updated condition number. Condition wording revised to current standard
Conditions 17 and 18	Conditions 22 to 25	Conditions updated in accordance with current standard.
Condition 19	Condition 1	Updated condition number. Condition wording/format revised to current standard.
Condition 20	Condition 2	Updated condition number.
Condition 21	N/A	Condition removed as this condition does not relate to the regulation of emissions/discharges from the premises.
Condition 22	Condition 3	Updated condition number. Condition wording revised to current standard.
Condition 23	Condition 4	Updated condition number and minor change to condition wording.
Condition 24	Condition 21	Updated condition number.

<b>Current condition / schedule</b>	<b>New condition / schedule</b>	<b>Description and rationale</b>
		Minor changes to condition wording. Removed column in condition table referring to “averaging period” which is a redundant specification.
N/A	Condition 25	New records condition in accordance with current standard
Condition 25	Condition 28	Condition revised to current standard.
N/A	Condition 27	New records condition added in accordance with current standard.
Condition 27	Condition 26	Updated condition number. Minor changes to condition wording.
Condition 26	Condition 29	Updated condition number. Condition revised to current standard.
Condition 28	Condition 30	Condition revised to current standard and in accordance with licence amendment notice dated 16 May 2022. Minor change to wording in report requirements component.
Condition 29	N/A	Condition removed. This is a redundant condition as there are no specific limits on the licence which relate to discharges or emissions from the premises.
Definitions – Table 9	Definitions – Table 8	Definitions have been revised to current standards (where applicable). Terms removed if redundant. Additional terms added in accordance with current standard.
Schedule 1: Premises map	Schedule 1 Maps – Premises map	Premises map revised to current standard.
Schedule 2: Premises boundary	Schedule 2: Premises boundary	Premises boundary coordinates in the existing licence did not correspond with the location of the premises. Schedule 2 has therefore been updated with the correct coordinate details.
N/A	Schedule 3: asbestos monitoring and testing	Added product testing procedure as a Schedule in the licence in accordance with current standard.

## 6. Consultation

The Delegated Officer undertook consultation for the application to renew the licence as detailed in Table 3.

**Table 3: Consultation**

Consultation method	Comments received	Delegated Officer's response
<p>Application advertised on the department's website on 12 January 2023.</p>	<p>No submissions received.</p>	<p>Noted</p>
<p>City of Wanneroo advised of application on 16 January 2023.</p>	<p>Summary of comments received on 13 February 2023:</p> <p><i>Per the City's records, the site is currently operating under an Industry – General use. This use is a time-limited approval (DA2019/1556), currently due to expire on 2 December 2025 or when the land set aside for the upgrading/widening of Flynn Drive is required, whichever is sooner, unless an application to extend the approval or to modify the access is submitted and approved by the City at least 60 days prior to the date of expiry.</i></p> <p><i>The operation for crushing of building material and use as a solid waste depot is consistent with the approved land use and does not require any further Development Approvals to be granted by the City.</i></p> <p><i>Accordingly, the City has no objections to the licence renewal and recommend the extension date be granted until 2/12/2025 to align with the approved use of the site or until works to Flynn Drive are required.</i></p>	<p>The Delegated Officer notes the City of Wanneroo's submission and has taken into account the duration of the Development Approval due to expire on 2 December 2025.</p> <p>The Delegated Officer has formed the view that considering the currently approved land use and the specific location of the Premises (about 450m north of Flynn Drive), it is unlikely that upgrading/widening of Flynn Drive will have any impact on the future use of this Premises (temporary access difficulties during the upgrade/widening works set aside). Noting there are several properties, some with significant buildings on them, between Flynn Drive and the Premises and the land use is consistent with the intended land use, the Delegated Officer believes that it is highly unlikely that when the licence holder would request a new Development Approval that this would be refused.</p> <p>In accordance with <i>Guidance Statement - Licence Duration, August 2016</i>, the Delegated Officer has therefore decided to issue the licence for a 20 year term.</p> <p>In the event that the Development Approval is not extended beyond the current term, or revoked earlier by the City of Wanneroo, the licence holder is expected to surrender the licence. Section 59A(2)(e) of the <i>Environmental Protection Act 1986</i> allows the</p>

Consultation method	Comments received	Delegated Officer's response
		holder of a licence to apply to the Department to surrender their licence when the instrument is no longer required.
Registered proprietor of 190 Flynn Drive, Neerabup (Alvito Pty Ltd) advised of application on 16 January 2023.	No comments received.	Noted
Applicant was provided with draft licence and decision report on 9 February 2023	On 21 February 2023, the applicant requested that the comments period be waived and issue of the licence.	Noted.