



Application for Licence

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L9321/2022/1
Applicant	MAM Brothers Pty Ltd
ACN	133 630 789
File Number	DER2018/001042
Premises	37 Irvine Drive Malaga Lot 59 on Diagram 73879 Certificate of Title Volume 1802 Folio 665 (As defined by the coordinates in Schedule 1)
Date of Report	23 06 2022
Status of Report	Final

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1. Definitions of terms and acronyms

In this Decision Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
AS 4156.6 – 2000	Australian Standard AS 4156.6 – 2000: Determination of Dust/moisture Relationship for Coal.
Category/ Categories/ Cat.	Categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CS Act	<i>Contaminated Sites Act 2003 (WA)</i>
Decision Report	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 As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</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 Review
Licence Holder	MAM Brothers Pty Ltd

Term	Definition
m ³	cubic metres
Minister	the Minister responsible for the EP Act and associated regulations
MS	Ministerial Statement
mtpa	million tonnes per annum
NEPM	National Environmental Protection Measure
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Occupier	has the same meaning given to that term under the EP Act.
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
Primary Activities	as defined in Schedule 2 of the Revised Licence
Review	this Licence review
Risk Event	As described in <i>Guideline: Risk Assessments</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>
µg/m ³	micrograms per cubic metre
µg/L	micrograms per litre

2. Purpose and scope of assessment

The assessment documented in this Decision Statement has been completed using the departments Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

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

The approach to and scope of Standard approvals are outlined in the *Guideline: Application Assessment Pathways* (DWER 2020a).

The assessment is based on the applicant's signed commitment to meet the eligibility criteria and corresponding standard conditions that has then been verified by the department.

2.1 Application details

On 1 December 2021, the applicant submitted an application for a Category 62 - Solid Waste Depot licence to the department under section 54 of the *Environmental Protection Act 1986* (EP Act). This Premise is in suburb of Malaga, in the commercial area, approximately 11 km northeast of Perth town centre.

The application relates to a Premises that sorts construction and renovation waste received in skip bins, mainly inert building rubble, comprising of concrete, brick, metallic waste and timber, collected from various residential and commercial sources.

The applicant holds a Restricted Asbestos Licence (WR2348) and conducts building demolition. A sorting of demolition waste is not undertaken at the Premises but trucks carrying this material are temporarily parked and assessed to ensure that the waste does not contain asbestos.

All the sorted unacceptable waste is disposed off-site, at a facility licensed to accept the type of waste. Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Category criteria	Scope of operations
Proof of Occupier Status – ASIC Company Extract	Attachment 1
Premises map	Attachment 2
Proposed activities	Attachment 3

3. Background

Table 3 lists the prescribed premises categories that have been applied for.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	Category production or design capacity	Approved Premises production or design capacity or throughput
Category 62	Solid waste depot – premises on which waste is stored or sorted pending final disposal or re-use	5,000 tonnes or more per year	35,000 tonnes per year

4. Overview of Premises

4.1 Operational aspects

The premise activities involve, receiving and sorting of construction and renovation waste. The skip-bin waste received is tipped off on concrete area for sorting the waste material.

Also, the trucks containing building demolition waste are temporarily parked at the site for asbestos inspections but no waste material sorting is undertaken.

The applicant has not proposed to construct any new on-site infrastructure or equipment in relation to this licence.

4.2 Infrastructure

The Premises facility infrastructure, as it relates to Category 62 activities is detailed in Table 4.

Table 4: The Premises facility Category 62 infrastructure

	Infrastructure	Site Plan Reference
1	Buildings at site contains (a workshop, site office, tip off bay and storage area)	Attachment 2
2	Loader (Komatsu 320), forklift and trucks	
3	Forklift (205 tonne)	
4	Transport trucks (2 single axle, 1 dual axle), Service truck	
5	Skip bins (40)	

5. Legislative context

Table 5 summarises approvals relevant to the assessment.

Table 5: Relevant approvals and tenure

Legislation	Number	Subsidiary	Approval
Occupational Safety and Health Regulation 1996	WR2348	MAM Brothers Pty Ltd	Department of Mines, Industry Regulation and Safety

6. Consultation

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

Table 6: Consultation

Consultation method	Comments received	Department response
Application advertised on 21/03/2022	N/A	N/A
Applicant was provided with draft documents on 7/06/2022	Applicant accepted drafts with no further comment	N/A

7. Location and siting

7.1 Residential and sensitive receptors

The distances to residential and sensitive receptors are detailed in Table 7.

Table 7: Receptors and distance from activity boundary

Sensitive Land Uses	Distance from Prescribed Activity
Residential Premises	Closest residential receptor is located approximately 720m north-west of the receival area.
Commercial/industrial premises	Commercial/industrial premises surrounds the site all around.
WIN Site	One bore is located at 141 m north of the site
Threatened Fauna	Mammals southeast of the site
Threatened Flora	None

7.2 Soil type

The site is relatively flat at an elevation of approximately 34m AHD. Regional geological mapping (Gozzard 1986) indicates the natural surface soil in the area is Bassendean Sand, described as light grey at surface fine to medium grained quartz sand, however peaty deposits may be present in the area, including under the site.

The site is mapped as a high to moderate risk of acid sulfate soils.

The Perth Groundwater Atlas indicates superficial groundwater exists at approximately 29m AHD or approximately 5m below ground level (bgl).

8. Risk assessment

8.1 Determination of emission, pathway and receptor

In undertaking its risk assessment, DWER will identify all potential emissions pathways and potential receptors to establish whether there is a Risk Event which requires detailed risk assessment.

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. Where there is no actual or likely pathway and/or no receptor, the emission will be screened out and will not be considered as a Risk Event. In addition, where an emission has an actual or likely pathway and a receptor which may be adversely impacted, but that emission is regulated through other mechanisms such as Part IV of the EP Act, that emission will not be risk assessed further and will be screened out through Table 8.

The identification of the sources, pathways and receptors to determine Risk Events are set out in Table 8 below.

Table 8: Identification of emissions, pathway and receptors during operation.

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/ Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Unloading, handling/sorting and storage of waste materials	Odour	Air/windborne pathway causing impacts to health and amenity.	Nearest residential premises approx. 720 m west from the site. The site is surrounded by commercial/industrial premises. The prevailing wind direction at the licensed premises is generally north in the morning and north-westerly in the afternoon.	The site is located in an industrial area and there is no nearby sensitive receptors	C = Moderate L = Possible Medium Risk	No controls proposed	Condition 1 Condition 15	Assessment required.
	Noise			The tip off bay for dust control.	C = Minor L = Unlikely Medium Risk	No crushing undertaken at the site. Regulated operation hours	Condition 1 Condition 2 Condition 7 Condition 8	Noise emissions from the site are low and would be limited to operation noise from the trucks, loader and forklift. Premises operations are subject to the Environmental Protection (Noise) Regulations 1997. Conditions 1, 2, 7 and 8 are placed.
	Dust			The tip off bay and trafficable area is covered	C = Minor		Condition 10	Conditions 10, 11, 13 and 14 are placed.

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/ Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
				with concrete hardstand. Remainder of the site, including the storage area is covered with roadbase and bitumen.	L = Unlikely Medium Risk		Condition 11 Condition 13 Condition 14	
	Leachate	Overland runoff potentially causing ecosystem disturbance or via seepage (infiltration) impacting underlying groundwater. Potential for impacted groundwater to migrate off-site and impact down-gradient groundwater users.	A superficial groundwater exists at approximately 29m AHD or approximately 5m below ground level (bgl).	Site is relatively flat at an elevation of 34 m AHD but slopes inwards towards centre of the property. Stormwater runoff is collected in 3 stormwater pits, connected to soakwells.	C = Moderate L = Possible Medium Risk	No	Condition 1 Condition 3 Condition 4 Condition 5 Condition 6 Condition 7	Waste leachate has the potential to contain contaminants which may pose a risk to environmental receptors including nutrients, metals, salts and other soluble or suspended components and decomposition products of the waste. The applicant has provided insufficient information on the specifications of the existing hardstand and concrete area located in the proposed receival area. As a result, additional regulatory controls have been added into licence conditions to manage the potential risks posed by leachate on environmental receptors via potential seepage and surface leachate run-off. These controls have been set based on DWER's experience in regulating similar activities on other premises.

8.2 Consequence and likelihood of risk events

A risk rating will be determined for risk events in accordance with the risk rating matrix set out in Table 9 below.

Table 6: Risk rating matrix

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

DWER will undertake an assessment of the consequence and likelihood of the Risk Event in accordance with Table 10 below.

Table 10: Risk criteria table

Likelihood		Consequence		
The following criteria has been used to determine the likelihood of the Risk Event occurring.		The following criteria has been used to determine the consequences of a Risk Event occurring:		
			Environment	Public health* and amenity (such as air and water quality, noise, and odour)
Almost Certain	The risk event is expected to occur in most circumstances	Severe	<ul style="list-style-type: none"> onsite impacts: catastrophic offsite impacts local scale: high level or above offsite impacts wider scale: mid-level or above Mid to long-term or permanent impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are significantly exceeded 	<ul style="list-style-type: none"> Loss of life Adverse health effects: high level or ongoing medical treatment Specific Consequence Criteria (for public health) are significantly exceeded Local scale impacts: permanent loss of amenity
Likely	The risk event will probably occur in most circumstances	Major	<ul style="list-style-type: none"> onsite impacts: high level offsite impacts local scale: mid-level offsite impacts wider scale: low level Short-term impact to an area of high conservation value or special significance[^] Specific Consequence Criteria (for environment) are exceeded 	<ul style="list-style-type: none"> Adverse health effects: mid-level or frequent medical treatment Specific Consequence Criteria (for public health) are exceeded Local scale impacts: high level impact to amenity
Possible	The risk event could occur at some time	Moderate	<ul style="list-style-type: none"> onsite impacts: mid-level offsite impacts local scale: low level offsite impacts wider scale: minimal Specific Consequence Criteria (for environment) are at risk of not being met 	<ul style="list-style-type: none"> Adverse health effects: low level or occasional medical treatment Specific Consequence Criteria (for public health) are at risk of not being met Local scale impacts: mid-level impact to amenity
Unlikely	The risk event will probably not occur in most circumstances	Minor	<ul style="list-style-type: none"> onsite impacts: low level offsite impacts local scale: minimal offsite impacts wider scale: not detectable Specific Consequence Criteria (for environment) likely to be met 	<ul style="list-style-type: none"> Specific Consequence Criteria (for public health) are likely to be met Local scale impacts: low level impact to amenity
Rare	The risk event may only occur in exceptional circumstances	Slight	<ul style="list-style-type: none"> onsite impact: minimal Specific Consequence Criteria (for environment) met 	<ul style="list-style-type: none"> Local scale: minimal to amenity Specific Consequence Criteria (for public health) met

[^] Determination of areas of high conservation value or special significance should be informed by the *Guideline: Environmental Siting*.

* In applying public health criteria, DWER may have regard to the Department of Health's *Health Risk Assessment (Scoping) Guidelines*.

“onsite” means within the Prescribed Premises boundary.

8.3 Acceptability and treatment of Risk Event

DWER will determine the acceptability and treatment of Risk Events in accordance with the Risk treatment table 11 below:

Table 7: Risk treatment table

Rating of Risk Event	Acceptability	Treatment
Extreme	Unacceptable.	Risk Event will not be tolerated. DWER may refuse application.
High	May be acceptable. Subject to multiple regulatory controls.	Risk Event may be tolerated and may be subject to multiple regulatory controls. This may include both outcome-based and management conditions.
Medium	Acceptable, generally subject to regulatory controls.	Risk Event is tolerable and is likely to be subject to some regulatory controls. A preference for outcome-based conditions where practical and appropriate will be applied.
Low	Acceptable, generally not controlled.	Risk Event is acceptable and will generally not be subject to regulatory controls.

9. Applicant’s comments

The Applicant was provided with the draft Decision Report and draft Licence on 7 June 2022. The Applicant did not provide comments on the draft documents.

10. Conclusion

This assessment of the risks of activities on the Premises has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report (summarised in Appendix 1).

Based on this assessment, it has been determined that the Issued Licence will be granted subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Stephen Checker
MANAGER, WASTE INDUSTRIES
Delegated Officer under section 20
of the *Environmental Protection Act 1986*

Appendix 1:

Key documents

	Document title	In text ref
1.	DER, October 2015. <i>Guidance Statement: Setting conditions</i> , Perth.	DER 2015b
2.	DER, August 2016. <i>Guidance Statement: Licence duration</i> , Perth.	DER 2016a
3.	DWER, October 2019, <i>Procedure: Prescribed premises works approval and licence</i> , Perth, Western Australia	DWER 2019
4.	Landfill Waste Classification and Waste Definitions 1996 (as amended 2019). Government of Western Australia.	DWER 2019
5.	DWER, December 2020, <i>Guideline: Decision Making</i> , Perth, Western Australia.	DWER 2020a
6.	DWER, December 2020, <i>Guideline: Environmental siting</i> , Perth, Western Australia.	DWER 2020b
7.	DWER, December 2020. <i>Guideline: Regulatory principles</i> , Perth, Western Australia.	DWER 2020c
8.	DWER, December 2020, <i>Guideline: Risk Assessments</i> , Perth, Western Australia.	DWER 2020d

Appendix 3: Applicant's details

PART 1: APPLICATION SUMMARY					
Application type					
1.1	What type of application has the applicant submitted, as indicated in the first section of the <i>IR-F01</i> application form?				
	Licence	<input checked="" type="checkbox"/>	Relevant works approval number:		None <input type="checkbox"/>
Clearing			Yes	No	Proposed Action / Notes (if applicable)
1.2	Does the application include a request for clearing under a works approval or licence?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	If yes, has the request already been referred to the Native Vegetation Regulation Branch?		<input type="checkbox"/>	<input type="checkbox"/>	Date of referral:
Prescribed premises categories			Yes	No	Proposed Action / Notes (if applicable)
1.3	Has the applicant specified all prescribed premises categories that are relevant to the activities on the premises?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	Listed 62 – Solid waste depot
Verification			Yes	No	Proposed Action / Notes (if applicable)
1.4	Has the correct type of application been applied for?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
1.5	Has a response been provided to all applicable sections of the application form?		<input type="checkbox"/>	<input type="checkbox"/>	
1.6	Date application received:		1/12/2021		
1.7	HPRM file reference number:		DER2018/001042 - DWERDT533643		

PART 2		Yes	No	N/A	Proposed Action / Notes (if applicable)
Applicant Details					
2.1	Valid applicant name provided <i>(Full legal name must be provided. Business names not accepted. If a small proprietary company, the Directors' full names must be provided.)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		M.A.M Brothers Pty Ltd
	Valid ACN provided (if applicable)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	133 630 789
2.2	Trading name provided (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3	Accurate authorised representative details provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Muthana Alzoubayday Director Telephone: 0407 777 608
	Consent given to correspondence being exclusively via email	<input checked="" type="checkbox"/>	<input type="checkbox"/>		m.a.mbrothers@hotmail.com
2.4	Physical address for notices served under the EP Act provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>		29 Cherrywood Avenue Dianella WA 6059
2.5	Postal address for correspondence provided (if different from 2.4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.6	Contact details for DWER inquiries related to the application provided (if different from 2.3)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bronwyn Woodward Environmental Consultant Lundstrom Environmental Consultants 21 Sellen Court, Leeming, WA 6149 Phone: 0438 948 226 bronwyn@lundstrom-environmental.com.au
2.7	Occupier status provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CoT - A and Y Haulage Pty Ltd
Attachments					
2.8	Proof of occupier status provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CoT - Landgate
2.9	ASIC current company information extract provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ASIC Current Company Extracts
2.10	Authorisation to act as representative of the occupier provided	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	