

Amendment Notice 1

Licence Number L8951/2016/1

Licence Holder Westralian Resource Solutions Pty Ltd

ACN 601 327 315

File Number: DER2016/000051-1

Premises Westralian Resource Solutions

150 Flynn Drive

Neerabup WA 6031

Legal description -

Part of Lot 901 on Plan 50843

Certificate of Title Volume 2635 Folio 896

Date of Amendment 3 July 2019

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 Notice. This Amendment Notice 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 of terms and acronyms

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition			
ACN	Australian Company Number			
Amendment Notice	refers to this document			
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations			
CEO	means Chief Executive Officer.			
	CEO for the purposes of notification means:			
	Director General Department Administering the Environmental Protection Act 1986 Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au			
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	Environmental Protection Act 1986 (WA)			
EP Regulations	Environmental Protection Regulations 1987 (WA)			
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	Westralian Resource Solutions Pty Ltd			
Noise Regulations	Environmental Protection (Noise) Regulations 1997 (WA)			
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.			
Risk Event	as described in Guidance Statement: Risk Assessment			

2. Amendment Notice

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 following guidance statements have informed the decision made on this amendment:

- Guidance Statement: Regulatory Principles (July 2015)
- Guidance Statement: Setting Conditions (October 2015)
- Guidance Statement: Decision Making (February 2017)
- Guidance Statement: Risk Assessment (February 2017)
- Guidance Statement: Environmental Siting (November 2016)

3. Amendment description

Westralian Resource Solutions Pty Ltd (the Applicant) operates a crushing and screening plant and a solid waste facility on part of Lot 901 Flynn Drive in Neerabup (the Premises) under Licence L8951/2016/1.

An application for a licence amendment (the Application) was received on 28 November 2018 from the Applicant for changed to green waste acceptance, stockpile height and tipping areas at the Premises.

Green waste

The Applicant has proposed that the conditions of the existing licence are amended to allow up to 2000 tonnes of green waste to be accepted at the Premises each year.

The Applicant advises that there is sometimes green waste (e.g. lawn, small trees and shrubs) included within the loads of construction and demolition material that is received at the Premises, however loads containing only green waste are not accepted.

Green waste is separated immediately following the tipping of a new waste load and stored in a fenced 400m² area in the south eastern corner of the Premises. The stored green waste is moved periodically (period not specified) to a green waste recycling facility in Neerabup.

The Licensee proposes to store green waste in a stockpile with a maximum size of 3 m in height, 25 m in width and 25 m in length.

Stockpile height

The Applicant proposes that condition 1.2.16 of the existing licence is amended to allow an increase in the stockpile height restriction from 5.2 metres to 6 metres.

The current 5.2 metre height restriction was proposed by the Applicant in the application for the Existing Licence on the basis that this would prevent the waste stockpiles from being seen from Flynn Drive, as the row of four cargo containers located on the southern boundary of the Premises are 5.2 metres in height. However, DWER notes that the four cargo containers located on the southern boundary only cover a distance of approximately 48m, while the total southern boundary of the Premises is approximately 150m in length. The containers are therefore only providing a visual barrier at the location of the enclosed tip off bay, rather than a consistent visual barrier from Flynn Drive across the entire southern boundary.

The Applicant states that due to the location of the stockpiles and the gradient of the Premises which slopes down from the south eastern corner to the north western corner, a stockpile height increase to 6 meters will still prevent the stockpiles from being visible from Flynn Drive.

The Applicant also advises that in the next 12 to 18 months the stockpile locations may be

revised, such that the three main stockpiles will be positioned on the northern boundary of the Premises.

The current lease between the Licensee and the land owner specifies that the Licensee must ensure that stored material does not excessively stockpile at the Premises; specifically that the stockpiling of material must not exceed one third of the lettable area of the Premises and not be more than 5 m in height. The Licensee has advised that the issue of concern for the lessor is the total volume of material at the Premises to be remediated in the event of default, and not the two parameters that define the volume of material.

Tipping outside designated area

The Applicant has proposed that condition 1.2.16 is amended to remove the requirement for Inert Waste Type 1 to be unloaded within the enclosed designated dome shelter, and instead allow the unloading of wastes in various locations (dependent on the contents of the load) to minimise material movement around the Premises. Loads are inspected upon entry to the Premises and those that are considered to have a higher dust or windblown waste emission risk will still be directed to the enclosed dome shelter for unloading.

Crushing and screening activities will still be undertaken within the dome shelter as is required by the Existing Licence.

4. Other approvals

The Licence Holder has provided the following information relating to other approvals as outlined in Table 2.

Table 2: Relevant approvals

Legislation	Number	Approval
City of Wanneroo District Planning Scheme No.2 and Metropolitan Region Scheme	Application number DA2015/1685	Planning Approval issued on 9 October 2015 for the activities of storage and processing of salvaged construction product and the crushing/recycling of this material.
		Planning approval does not specifically allow for the acceptance of green waste however, DWER notes that this material is received as part of mixed waste loads and that there is no intention to receive it as standalone loads.
		It is the responsibility of the Licence Holder to ensure that any action or activity referred to in the Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The City of Wanneroo provided comment to DWER on 13 March 2019 that Planning Approval is consistent with the land use zoning of Industry – General and that the proposal is considered consistent with the City's planning scheme.

5. Location and receptors

Table **3** below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 3: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises		
Residential development areas	Approximately 150 m south-east and 340m south of the Premises boundary		

Table 4 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 4: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
Bush Forever areas	Immediately south of the Premises boundary and approximately 80 m east of the Premises boundary
Threatened ecological communities buffer – Banksia Dominated Woodlands of the Swan Coastal Plain	Premises lies within this buffer area
Groundwater beneath the Premises	Groundwater is estimated to be approximately 27 m below ground level (mBGL) within the area of the Premises (Perth Groundwater Map)
Public Drinking Water Protection Area - Gnangara Underground Water Pollution Control Area	Approximately 1 km south-east of the Premises boundary (up gradient of the Premises)
Lake Pinjar	Approximately 1.2 km north-east of the Premises boundary
Lake Adams	Approximately 1.6 km south-east of the Premises boundary

6. Risk assessment

Table 5 below describes the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. The table identifies the emissions that present a material risk to public health or the environment, requiring regulatory controls.

Table 5: Risk assessment for proposed amendments during operation

Table 5. I	Risk Event								
Source	ce/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts	Consequence rating	Likelihood rating	Risk	Reasoning
Category 13: crushing of building materials Category 62: Solid Waste Depot	Unloading of inert wastes outside of designated enclosed tipping area	Dust	Residential development ~150 m south-east of the Premises boundary	Wind dispersion Inhalation	Health and amenity impacts	Mid-level impact to amenity at a local scale Low level or occasional medical treatment Moderate	The risk event could occur at some time Possible	Medium	The Delegated Officer has considered the controls proposed by the Licence Holder as listed below. The unloading of wastes outside of the enclosed area has the potential to increase the dust emissions from the Premises, however this is unlikely to be a significant increase considering that wastes are currently re-located within the Premises following unloading and are also re-loaded for transport off the site, which are activities that may already generate dust emissions outside of the enclosed tipping area. Licence Holder proposed Controls: All loads inspected prior to tipping at elevated viewing platform. Loads which present a higher dust risk are still directed to the designated enclosed tipping area for unloading. The existing sprinklers (two fixed elevated sprinklers and five mobile sprinklers) will be used to dampen waste materials during and after unloading in the proposed new unloading areas.
		Asbestos fibres	Residential development ~150 m south-east of the Premises boundary	Wind dispersion Inhalation	Health impacts	Ongoing medical treatment or loss of life Severe	The risk event may only occur in exceptional circumstances	High	The Licence Holder did not set out specific controls for asbestos emissions within the Application, however asbestos waste is not accepted at the Premises and the Existing Licence conditions require controls which are consistent with DWER's guidelines for managing asbestos at construction and demolition waste recycling facilities (DEC 2012). The Licence Holder controls for general dust emissions, as set out above, are relevant to the risk of asbestos emissions.
		Windblown waste	Residential development ~150 m south-east of the Premises boundary	Wind dispersion	Amenity impacts	Low level impact to amenity at a local scale Minor	The risk event will probably not occur in most circumstances Unlikely	Medium	The Delegated Officer has considered the controls proposed by the Licence Holder as listed below. The waste types being received at the Premises are not expected to contain large amounts of waste which may become windblown after unloading.
			Bush forever areas immediately south ~80 m east of the Premises boundary		Harm to local fauna	Minimal impact on fauna at a local scale Minor	The risk event will probably not occur in most circumstances Unlikely	Medium	Licence Holder proposed Controls: All loads inspected prior to tipping at elevated viewing platform. Loads that present a higher windblown waste risk are still directed to the designated enclosed tipping area for unloading. Existing fencing in place around the Premises boundary. Windblown waste pickup within the Premises (frequency not specified by the Applicant).
		Noise	Residential development ~150 m south-east of the Premises boundary	Air	Amenity impacts	Mid-level impact to amenity at a local scale Moderate	The risk event could occur at some time Possible	Medium	The Delegated Officer has considered the controls proposed by the Licence Holder as listed below. The unloading of wastes outside of the enclosed area is expected to increase the noise emissions from the Premises, however this is unlikely to be a significant increase considering that wastes are currently re-located within the Premises following unloading and are also re-loaded for transport off the site, which are activities that already generate noise emissions outside of the enclosed tipping area. However, residential development has reduced the distance to the nearest receptor (from ~380 m to ~150 m)

	Risk Event								
Sour	ce/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts	Consequence rating	Likelihood rating	Risk	Reasoning
									since the assessment was completed for the Existing Licence in 2016 (which included the consideration of an acoustic report provided by the Applicant at the time). Licence Holder proposed Controls: Row of four cargo containers on southern boundary of the Premises (stacked to a height of 5.2m) cover approximately 48 m of the 150 m southern boundary. The Delegated Officer notes that the cargo containers located on the southern boundary only provide a partial noise barrier as they are only located across a portion of the southern boundary of the Premises. There are no noise barriers provided on the eastern boundary of the Premises, which is relevant as the nearest residents are located south-east of the Premises.
	Increase in stockpile height for unsorted and sorted/crushed inert wastes	Dust	Residential development ~150 m south-east of the Premises boundary	Wind dispersion Inhalation	Health and amenity impacts	Mid-level impact to amenity at a local scale Low level or occasional medical treatment Moderate	The risk event will probably not occur in most circumstances Unlikely	Medium	The Delegated Officer has considered the controls proposed by the Licence Holder as listed below. An impact caused by dust liftoff from static stockpiles is considered to be less likely than an impact caused by dust liftoff from the unloading process. The requested increase in stockpile height is not expected to present any significant increase risk of dust emission impacts. Licence Holder proposed Controls: All loads inspected prior to tipping at elevated viewing platform. Loads which present a higher dust risk are still directed to the designated enclosed tipping area for unloading. The existing sprinklers (two fixed elevated sprinklers and five mobile sprinklers) will be used to dampen waste materials during and after unloading in the proposed new unloading areas.
	Green waste storage	Leachate Contaminated stormwater	Groundwater beneath the Premises ~27 mBGL.	Seepage/ infiltration	Degradation to underlying groundwater and potential impacts to down-hydraulic gradient bore users	Low level on-site impacts, off-site impacts at the local scale minimal and off-site impacts at the wider scale not detectable. Minor	The risk event will probably not occur in most circumstances. Unlikely	Medium	Due to the depth to groundwater beneath the Premises (~27 mBGL) and gradient of the Premises, there is an unlikely risk to the potential receptor for leachate or contaminated stormwater caused by the storage of green waste (and subsequent seepage). Surface and subsurface water flow is likely to be in a westerly or north westerly direction towards other industrial use sites, however the Existing Licence requires that stormwater is directed to an onsite storage basin which is described in the Decision Report for the Existing Licence as being located in the north-western corner of the Premises.
		Smoke (fire incident)	Residential development ~150 m south-east of the Premises boundary Bush forever areas immediately south ~80 m east of the Premises boundary	Wind dispersion Inhalation	Health and amenity impacts Harm to local fauna	Mid-level impact to amenity at a local scale Low level or occasional medical treatment Moderate Low level impact to fauna at a local scale Moderate	The risk event may only occur in exceptional circumstances Rare The risk event may only occur in exceptional circumstances Rare Rare	Medium	A fire event is not anticipated during normal operations, however green waste stockpiles may provide a fuel source if ignited. The Delegated Officer considers that the proposed maximum dimensions of the stockpile would present an additional risk in regards to the difficultly of accessing the material to extinguish a fire promptly. Licence Holder proposed Controls: A high pressure impact sprinkler with a 25m radius will be permanently located near the green waste storage area. A 3000L water cart will be located near the green waste storage area during November to March inclusive.

7. Decision

The Delegated Officer has determined that the Licence will be amended to:

- Allow up to 2000 tonnes of green waste to be accepted at the Premises each year;
- Allow an increase in the stockpile height restriction from 5.2 metres to 6 metres; and
- Remove the requirement for Inert Waste Type 1 to be unloaded within the enclosed designated dome shelter.
- Require that waste loads are wet down during unloading in addition to the existing requirement for loads to be wet down prior to unloading.
- Require that all waste and product stockpiles must remain in a damp state to prevent dust lift-off and that targeted wetting must occur when material handling such as reclaiming from the stockpiles has the potential to generate fugitive dust.
- Require that green waste stockpiles are restricted to a maximum size of 5m (H) by 10m (W) by 50m (L) with a minimum separation distance of 3 m between stockpiles (to allow for vehicle/ water-cart access in case of a fire event). It is noted that the Licence Holder may be restricted from achieving the maximum dimensions given the proposed throughput volumes (≤ 2000 t/pa) however, any stockpile must be within the specified dimensions and must include the 3m separation distance, where relevant.
- Require that windblown waste is prevented from escaping the Premises and is collected at least weekly.
- Require an environmental noise assessment to be undertaken, to assess the
 compliance of the Premises activities against the relevant assigned levels specified in
 the Environmental Protection (Noise) Regulations 1997, and to include any
 recommended additional noise controls.
- Require the submission of the environmental noise assessment report and where necessary a plan to reduce the noise emissions.

Dust controls

The Existing Licence conditions require all loads to be wet down prior to unloading and the operation of fixed reticulation sprinklers and sprayer system that has complete coverage of waste acceptance, processing and stockpile areas. The Delegated Officer has determined that two additional conditions regarding dust suppression will be added to the Licence to address the risk of dust emission impacts, as listed above.

It is not considered necessary to specify within the Licence specific unloading or stockpile areas, provided that all loads are wet down prior to and during unloading and dust suppression infrastructure has coverage of all areas where stockpiles are located.

Asbestos controls

The Existing Licence conditions specify a range of requirements for waste acceptance, inspection, handling and testing for the control of asbestos fibre emissions. The Delegated Officer has determined that these conditions provide sufficient controls for the risk of asbestos fibre emission impacts.

Smoke (fire incident) controls

The Delegated Officer has determined that an additional condition regarding the storage of green waste will be added to the Licence to address the risk of smoke emission impacts in the case of a fire event, as listed above. The condition has been informed by the Bulk Green Waste Storage Fires Information Note (DFES 2014).

Windblown waste controls

The Delegated Officer has determined that an additional condition regarding windblown waste collection and containment will be added to the Licence to address the risk of windblown waste emission impacts, as listed above.

Noise controls

The Delegated Officer has determined that an additional condition will be added to the Licence to address the risk of noise emission impacts from the Premises operations (existing and proposed). It is noted that this is addressing the risk of noise emissions from all Premises activities (beyond the amendments requested by the Licence Holder) and is in response to the encroachment of residential receptors since the licence assessment in 2016.

8. Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 13 June 2019. The Licence Holder provided a response on 19 June 2019 confirming their proposed green waste stockpile dimensions and waiving the remaining comment period.

9. Amendment

1. Definitions of the Licence is amended by the insertion of the red text shown in underline below:

'Damp' means moist to the touch.

'Green waste' means biodegradable waste comprising plants and their component parts such as flower cuttings, hedge trimmings, branches, grass, leaves, plants, seeds, shrub and tree loppings, tree trunks, tree stumps and similar materials and includes any mixture of those materials.

'Noise Regulations' means Environmental Protection (Noise) Regulations 1997.

- 2. Condition 1.2.2 of the Licence is amended by the insertion of the red text shown in underline below:
 - 1.2.2 The Licensee shall only accept waste on to the Premises if:
 - (a) it is of a type listed in Table 1.2.1;
 - (b) the quantity accepted is below any quantity limit listed in Table 1.2.1;
 - (c) it meets any specification listed in Table 1.2.1.

Table 1.2.1: Waste acceptance							
Waste	Quantity Limit	Specification					
Clean Fill		None					
Inert Waste Type 1	Combined total of 100,000 tonnes per annual period (green waste component limited to 2000 tonnes per annual period)	 Construction and Demolition, Commercial and Industrial waste only. Waste containing visible asbestos or ACM shall not be accepted 					
<u>Green waste</u>		<u>None</u>					

3. Condition 1.2.16 of the Licence is amended by the deletion of the text shown in

strikethrough below and the insertion of the red text shown in underline below:

1.2.16 The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the processes set out in Table 1.2.2 and in accordance with any process limits described in that Table.

Table 1.2.2: Wast	e processina	
Waste type	Process	Process limits
Clean Fill	Acceptance and storage prior to removal offsite	 Stockpiles must not exceed 5.2m 6m in height from the base of the stockpile All loads to be wet down prior to and during unloading (unless already damp)
Inert Waste Type 1	Acceptance and storage prior to crushing and screening and removal offsite	 All loads to be wet down prior to and during unloading (unless already damp) Accepted waste to be offloaded into the designated dome shelter with vertical PVC curtains strips maintained. Waste processing to be undertaken within enclosed areas. Stockpiles must not exceed 5.2m 6m in height from the base of the stockpile All waste and product stockpiles must remain in a damp state to prevent dust lift-off. Targeted wetting must occur when material handling such as reclaiming from the stockpiles has the potential to generate fugitive dust. No waste material to be landfilled (buried) on site All waste directed to the impact crusher must be dampened thoroughly prior to processing No more than 100,000 tonnes per annual period may be crushed and screened.
Green waste	Acceptance and storage prior to removal offsite	Stockpiles must not exceed 5m (H) by 10m (W) by 50m (L) in size. A minimum separation distance of 3m must be maintained between stockpiles.

4. The Licence is amended by the insertion of the following Condition 1.2.20:

- 1.2.20 The Licensee must take all reasonable and practical measures to ensure that no windblown waste escapes from the Premises and that windblown waste is collected on at least a weekly basis and appropriately contained.
- 5. The Licence is amended by the insertion of the following heading and Condition 2.2.1:
 - (ii) Noise validation
 - 2.2.1 The Licensee must, by 1 October 2019 retain the services of a person qualified and experienced in the area of environmental noise assessment and who by their qualifications and experience is eligible to hold membership of the Australian Acoustical Society or the Australian Association of Acoustical Consultants to:
 - (b) <u>investigate the nature and extent of noise emissions from the Premises during</u> typical operations;
 - (c) assess in accordance with the methodology required in the Noise Regulations, the compliance of the noise emissions from the Premises during typical operations, against the relevant assigned levels specified in those Regulations; and
 - (d) provide to the Licensee a report which includes:
 - (i) <u>a description of the methods used for monitoring of noise emissions</u> from the Premises;
 - (ii) <u>details and the results of the investigation undertaken</u>;
 - (iii) <u>details and results of the assessment of the noise emissions from the Premises, against the relevant assigned levels in the Noise Regulations;</u> and
 - (iv) <u>recommendations for additional noise controls where relevant.</u>
- 6. The Licence is amended by the insertion of the following Condition 3.2.2:
 - 3.2.2 The Licensee must submit to the CEO by 1 November 2019:
 - (a) the report prepared pursuant to condition 2.2.1; and
 - (b) where the assessment pursuant to condition 2.2.1 indicates that noise emissions do not comply with the relevant assigned levels in the Noise Regulations, a plan (with associated timescales) to ensure the undertaking of the licensed activity will no longer lead to any contravention of the Noise Regulations.

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Website: Perth Groundwater Map (Department of Water and Environmental Regulation)	Perth Groundwater Map	Accessed May 2019 at: https://maps.water.wa.gov.au/#/webmap/gwm
2	Department of Environment and Conservation, 2012. Guidelines for managing asbestos as construction and demolition waste recycling facilities.	DEC 2012	Accessed at: https://www.der.wa.gov.au/images/documents/our-services/approvals-and-licences/final-guidelines-asbestos-in-cd-recyclingversion-1.pdf
3	Jarvis, A. (City of Wanneroo) (March 2019). <i>Referral of licence under EPA Act 1986 – 150 Flynn Drive</i> [Email]	N/A	DWER record A1774846
4	Department of Fire and Emergency Services, September 2014. <i>Bulk</i> <i>Green Waste Storage Fires</i> , Information Note.	DFES 2014	Accessed at: https://www.dfes.wa.gov.au/safetyinformation/fire/bushfire/BushfireInfoNotesPublications/DFES-InfoNote-GreenWaste.pdf
5	DER, July 2015. <i>Guidance Statement:</i> Regulatory principles. Department of Environment Regulation, Perth.	N/A	Accessed at www.dwer.wa.gov.au
6	DER, October 2015. Guidance Statement: Setting conditions. Department of Environment Regulation, Perth.	N/A	
7	DER, November 2016. Guidance Statement: Risk Assessments. Department of Environment Regulation, Perth.	N/A	
8	DER, November 2016. Guidance Statement: Decision Making. Department of Environment Regulation, Perth.	N/A	