



Application to renew a licence

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

Licence Number	L9406/2023/1
Licence Holder	Westralian Resource Solutions Pty Ltd
ACN	601 327 315
File Number	DER2023/000530
Premises	Westralian Resource Solutions Part of 150 Flynn Drive NEERABUP WA 6031 As defined by the Premises map and coordinates in the attached the issued licence
Date of Report	17 August 2023
Decision	To grant a licence

Neville Welsh
SENIOR INDUSTRY REGULATION OFFICER
INDUSTRY REGULATION

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

The Delegated Officer noted that the licence L8951/2016/1, had ceased to have effect on 29 June 2023 due to non payment of the annual fee and therefore a new licence L9406/2023/1 was created to replace this licence.

Under the regulatory framework the Delegated Officer decided to process the application without conducting any additional risk assessment. Additionally, a copy of the risk assessment completed on 3 July 2019 for that Amendment Notice is included with this new licence.

This new licence shall 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;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- include all infrastructure into condition 1, *Table 1: infrastructure and equipment requirements*;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

The Delegated Officer authorises a new replacement licence L9406/2023/1 which is subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 22/06/2023 Westralian Resource Solutions Pty Ltd (licence holder) applied to renew licence L8951/2016/2 as the licence is due to expire on 31 August 2023. The licence was granted to the licence holder for the premises located at Part of Lot 901 on Plan 50843, 150 Flynn Drive, Neerabup (Premises).

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

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 13: Crushing of building material: premises on which waste building or demolition material (for example, brick, stone or concrete) is crushed or cleaned.	Combined total of 100,000 tonnes per annual period
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	

The main activities occurring on the Premises include crushing and screening of building material. Noise and dust are the main potential emissions from the premises. These emissions are managed through the Asbestos Management Plan, Dust Management Plan and Noise Management Plan.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* 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 [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au/government/publications/regulatory-documents).

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

The department's Compliance and Enforcement Section are dealing with all non – compliance issues identified at the Premises.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises in the form of a lease with the landlord. It is incumbent upon the legal occupy to ensure the lease remains current and valid for the term of this licence.

4.3 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.

4.4 Planning approval

The licence holder has informed the department that it has planning approval for the activities on the Premises.

4.5 Consultation

The application was referred to the City of Wanneroo (City) on 25 July 2023 for comment. The City responded via email on 3 August 2023 citing that planning approval was granted on 9 October 2015 for a 'Industry – General (Recycling Plant)' on Lot 901, subject to conditions. As the planning approval is not time limited, it is considered consistent with the City's planning scheme.

The draft renewed licence and this decision report were provided to the licence holder on 26 July 2023 for comment. The licence holder responded on 30 July 2023 via email citing that they had no comment and that the licence can be issued.

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 licence. Most licence's 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

Current condition / table	New condition / table (if relevant)	Description and rationale
1.2.1	18	Direct replacement
NA	Table 1 – infrastructure table	An infrastructure table was included with existing assessed infrastructure.
1.2.2 – 1.2.16	2 - 16	Direct replacement
1.2.17	21	
1.2.18	20	Added under monitoring
1.2.19	Table 1 and 22	Added to infrastructure table
1.2.20	17	Direct replacement
2.1.1	19	
3.1.1	23	Direct replacement
3.1.2	25	Updated records and reporting to be consistent with the new licence template
3.1.3	24	
	26 and 27	
3.2.1	28	Direct replacement with updated relevant conditions
	Definitions	Updated the definitions table to be consistent with the new licence template
3.3.1	NA	Removed notifications to be consistent with new licence template
Schedule 1: Maps	Schedule 1: Maps	Updated the premises map and included site layout map
Schedule 2:	NA	Removed old AACR and notification form N1, to be consistent with current licence format. New AACR form availability from DWER website.
NA	Schedule 2	Included Schedule 2 with table of premises boundary coordinates

6. Consultation

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

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 14 July 2023	No comment received	N/A
Local Government Authority advised of application on 26 July 2023	Comment received by the City of Wanneroo on 3 August 2023	The Delegated Officer considered the City of Wanneroo comments and noted that planning consent is consistent with town planning scheme.
Licence holder was provided with draft documents on 26 July 2023	Response provided on 30/07/2023 stating no comment and that the licence can be issued.	N/A