



Application to replace expiring licence

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

Licence Number	L8694/2012/3
Licence Holder	Tyrecycle Pty Ltd
File Number	2012/006068 - 1
Premises	Tyrecycle 10 Keegan Street O'CONNOR WA 6163 Legal description - Lots 94 and 95 on Deposited Plan 6759 As defined by the premises map in Schedule 1
Date of Report	8 March 2022
Status of Report	Final

Peter Knol
Senior Environmental Officer
Industry Regulation

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

1. Application summary

On 14 December 2021 Tyrecycle Pty Ltd (Licence Holder) applied to renew licence L8694/2012/2, as the existing licence is due to expire on 13 March 2022. The Premises are located at 10 Keegan Street, O'Connor, within an industrial zoned area. The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production capacity
Category 57: Used tyre storage (general): premises (other than premises within category 56) on which used tyres are stored	5,000 whole tyres at any one time
Category 61A: Solid Waste Facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land	25,000 tonnes per annual period

Tyrecycle's O'Connor site is used for recycling end of life tyres, primarily by shredding. There is an onsite weighbridge to manage incoming loads primarily delivered by Tyrecycle's collection trucks. Smaller tyres are unloaded direct to a conveyor belt and are promptly shredded into sub 150mm chips by the shredding unit located within the main operational shed. Shred is loaded into shipping containers using a skid steer with a bucket attachment. Full containers are sealed and picked up by transporters for interstate transport to other Tyrecycle premises for further processing or for overseas export.

Some tyres require rims to be removed prior to processing and very large tyres are either cut with excavator shears and loaded into sea containers or are repacked whole and transferred to another Tyrecycle processing plant with further processing capabilities.

The volume of waste tyres on site fluctuates greatly throughout each day with few whole tyres or stockpiles of shredded tyres stored under ideal operating conditions. Breakdowns to plant and/or delays in export container releases result in the need to manage stockpiles across the site in accordance with Department of Fire and Emergency Services Tyre Storage Guidelines.

2. Regulatory framework

The Delegated Officer has determined to undertake an administrative renewal of the licence and 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*.

In replacing 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>.

3. Complaints and incident history

There are four incident reports for this Premises recorded in the last five years in the department's Incidents and Complaints Management System (ICMS). One from 2017 pre-dates the department's initiated amendment (AN1) that applied greater controls and limits with respect to whole tyre processing and storage and shredded tyre stockpiling to address fire risk / management issues.

Three further incidents have been recorded between December 2020 and September 2021; two relating to non-compliances with whole and shredded tyre stockpiling limits and processing requirements and the most recent one related to controlled waste carrier requirements and the use of controlled waste tracking forms for the transport and delivery of used tyres under the *Environmental Protection (Controlled Waste) Regulations 2004*.

4. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L8694/2012/3 without conducting any additional assessment or risk assessment.

The existing prescribed premises categories and waste type authorised for acceptance have not been reviewed as part of this renewal. The licence will be issued for 5 years, noting that the licence holder is planning to relocate the existing business to a suitable site that will allow for an expanded manufacturing capacity, at which time Tyrecycle propose to apply for a new instrument (works approval/licence) and development approval.

In renewing the licence, the Delegated Officer has determined to:

- update the format and appearance of the licence;
- consolidate all licence condition changes applied through Amendment Notice 1 issued on 14 June 2018;
- remove redundant definitions and conditions and add new definitions as required;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- transfer all relevant existing regulatory controls and conditions to the renewed licence.

As a result of this decision, a renewed Licence L8694/2012/3 has been granted subject to conditions set out in the attached licence and summarised below.

4.1 Summary of changes to the licence conditions

Section 62 of the EP Act provides general power to impose conditions on licences. All licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table 2 summarises the transfer of all appropriate conditions from the expiring licence into the renewed licence including changes made to licence conditions through Amendment Notice 1.

Table 2: Licence conditions description and rationale

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
1.2.1, Table 1.2.1	Waste acceptance limits/specifications	Transferred with table number updated	1, Table 1
1.2.2	Requirements where incoming waste does not meet the waste acceptance criteria	Transferred with terminology updates applied as per current licence template.	2
1.2.3, Table 1.2.2 (incorrectly labelled as 1.2.1)	Waste processing limits	Major changes as per Amendment Notice 1 (AN1) applied with minor terminology updates/changes	3, Table 2
1.2.6 (new condition applied under AN1)	Use of sea containers where licence holder is unable to comply with storage requirements (new condition 3)	Transferred with condition number updates	4
1.2.4	Security fence minimum height requirement	Transferred to new licence incorporating changes applied under Amendment Notice 1.	5
1.2.5	Measures for managing fire risk		6
2.1.1, Table	Input/output monitoring	Transferred to new licence incorporating changes applied under Amendment	7, Table 3

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
2.1.1		Notice 1 and corrections of errors referencing Inert Waste Type 1 changed to Inert Waste Type 2	
3.1.3	Records and reporting - complaints	Standard current licence template complaints recording condition applied	8
3.1.2	Annual Audit Compliance Report (AACR)	Standard current licence template AACR condition applied. Existing Schedule 2 AACR form removed.	9
3.2.1	Annual Environmental Report	Standard current licence template annual reporting condition applied with same reporting timeframe cross referencing relevant conditions for reporting.	10, Table 4
3.1.1	Records requirements	Standard current licence template condition set for maintaining accurate and auditable books have been applied.	11 & 12
3.3.1, Table 3.3.1	Notifications	Transferred to new licence incorporating condition number and minor terminology changes. Schedule 2 reporting form removed. Format for reporting, as required, is not specified.	13, Table 5
Definitions	N/A	Transferred definitions after application of changes linked to AN1 and included standard current licence definitions and relevant additional terms and definitions.	Table 6
N/A	Schedule 1 – Premises Map	Existing Premises map transferred.	Schedule 1 – Figure 1
	Schedule 1 – Site plan	Detailed site - stock management plan added.	Schedule 1 – Figure 2

4.2 Additional conditions

The renewed licence has been updated to include standard conditions for recording complaints (condition 8) and keeping books (conditions 11 and 12) in line with DWER's *Guidance Statement – Setting Conditions* 2015. These are standardised conditions to allow for the effective administration of the renewed licence.

5. Consultation

The City of Fremantle was advised of the licence renewal application on 17 February 2022 and provided a response on 3 March 2022 confirming that planning approval had been given in 2012 (DA0565/12) for a General Industry land use for tyre recycling.

The draft licence and decision report were provided to the licence holder on 16 February 2022 for comment. The licence holder responded on 28 February 2022 making no comments and waiving the remainder of the consult period.

6. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that the renewed licence L8694/2012/3 will be granted. The licence is subject to conditions commensurate with the determined controls as well as conditions necessary for administration and annual reporting requirements.