



## Department initiated Amendment

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

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|                          |   |
|--------------------------|---|
| <b>Licence Number</b>    | L7782/2002/6  |
| <b>Licence Holder</b>    | Brodan (WA) Pty Ltd   |
| <b>ACN</b>               | 130 026 274   |
| <b>File Number</b>       | DEC7348/1   |
| <b>Premises</b>          | Northsands Resources<br>Part of Lot 6 on Diagram 34734, Wesco Road<br>NOWERGUP, WA 6032<br>As defined in Schedule 1 |
| <b>Date of Report</b>    | 26 April 2022   |
| <b>Proposed Decision</b> | Intent to grant revised licence   |

#### **MANAGER WASTE INDUSTRIES**

#### **REGULATORY SERVICES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

## Decision summary

This amendment is made pursuant to the *Environmental Protection Act 1986* (EP Act) to amend Licence L7782/2002/6 granted to Brodan (WA) Pty Ltd (Licence Holder) for Northsands Resources (the Premises) located on Part of Lot 6, Wesco Road, Nowergup.

The amendment has been initiated by the Department of Water and Environmental Regulation (department) to extend the duration of the licence for a short period, in place of a licence renewal. This is due to the City of Wanneroo identifying that current development approvals are insufficient for some of the activities authorised under licence L7782/2002/6 and that which are being sought for renewal. The extended duration is to allow the Licence Holder an opportunity to address issues with their development approvals prior to issuing a renewed licence.

This amendment is limited to extending the duration of the licence and consolidating previously issued amendment notices, no other changes to the licence have been considered.

## Regulatory framework

In amending the licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

## Amendment summary

The Premises relates to the following categories and the assessed production/design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which is defined in existing Licence L7782/2002/6.

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

| Prescribed premises category description<br>(Schedule 1, <i>Environmental Protection Regulations 1987</i> ) | Production / design capacity |
|---|------------------------------|
| Category 12: Screening, etc. of material  | 60,000 tonnes per year       |
| Category 13: Crushing of building material  | 45,000 tonnes per year       |
| Category 62: Solid waste depot  | 5 000 tonnes per year        |
| Category 63: Class I inert landfill site  | 20,000 tonnes per year       |
| Category 67(A): Compost manufacturing and soil blending   | 60,000 tonnes per year       |

On 8 March 2022, an application to renew licence L7782/2006/6 was received by the department as it is due to expire on 2 May 2022. The department sought comment from City of Wanneroo on the application to renew licence L7782/2002/6 in accordance with the *Guideline: Industry Regulation Guide to Licensing*. The City of Wanneroo provided a response on 22 March 2022 which is summarised in Table 2 below.

This amendment also includes the consolidation of Amendment Notices 1, 2 and 3 issued between 2017 to 2019. During the consolidation of these amendments, all existing regulatory controls and conditions have been transferred into the updated licence format and appearance only. The department has not undertaken any additional risk assessment of the Premises.

The licence duration will be amended for a further two years with an expiry date of 2 May 2024 consistent with the *Guidance Statement: Licence Duration 2016*.

## Consultation

Table 2 provides a summary of the consultation undertaken by the Delegated Officer.

**Table 2: Consultation**

| Consultation method  | Comments received  | Delegated Officer's response   |
|--|--|--|
| <p>The City of Wanneroo was provided with the application to renew licence L7782/2002/6 on 10 March 2022</p> | <p>The current development approval for Northsands Resources to operate on the subject land was issued by the City of Wanneroo on 24 May 2019 and by the Western Australian Planning Commission (WAPC) on 5 April 2019 (ref. DA2017/336). This approval allows activities associated with the carrying out of extractive industry (sand and limestone extraction) and inert landfill only.</p> <p>The current development approval does not permit all activities that Northsands Resources are seeking licence renewal for. As an example, activities associated with recycling (including the sorting and storage of retrieved materials for recycling) is not a use that has development approval.</p> <p>The previous development approval for 'inert land fill and recycling depot' granted on 10 December 2003 and issued for a period of 25 years is no longer valid.</p> <p>The City of Wanneroo would only support a renewal of the licence, provided that any issued licence only allows for activities consistent with the uses permitted through the valid development approval.</p> | <p>It appears that the licence holder does not hold sufficient development approvals from the Western Australian Planning Commission (WAPC) and City of Wanneroo for all the activities authorised under existing licence L7782/2002/6.</p> <p>Given this, a regulatory decision on the licence renewal application should not be made as appropriate planning/development approvals under the relevant planning scheme have not been obtained.</p> <p>The licence holder may formally withdraw the licence renewal application until such time that the appropriate approvals have been obtained.</p> <p>The expiry date for licence L7782/2002/6 will be extended to 2 May 2024 to allow the licence holder the opportunity to obtain the outstanding development approvals specifically relating to category 13 – crushing of building material, category 62 – solid waste depot and category 67A – compost manufacturing.</p> <p><u>The department notes that the regulation of a premises under Part V, Division 3, of the EP Act does not exempt Northsands Resources from requiring approvals under different legislation from other decision-making authorities.</u></p> |
| <p>Applicant was provided with draft documents on 5 April 2021.</p>  | <p>On 12 April 2022, a written waiver of the consultation period was received with no comments.</p>  | <p>N/A</p>   |

## Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

## Summary of amendments

Table 3 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the Revised licence as part of the amendment process.

**Table 3: Summary of licence amendments**

| Condition no. | Proposed amendments   |
|---------------|---|
| Duration      | Extended to 2 May 2024  |
| 9(a)(xi)      | The condition wording was corrected to refer to maintaining at least three separate stockpiles, instead of a least two. The condition was not worded in a clear manner, as the subsequent requirements listed under the condition (i - iii) would result in a minimum of three separate stockpiles being required (unprocessed, untested processed and tested processed). |