Application for Works Approval

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

Works Approval Number	W6482/2020/1
Applicant	Sims Group Australia Holdings Limited
ACN	008 634 526
File Number	DER2018/001042-4
Premises	Sims Metal Management KWINANA BEACH WA 6167 Legal description Lot 100 on Deposited Plan 73740
Date of Report	19 February 2021
Decision	Works approval granted

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MANAGER WASTE INDUSTRIES
REGULATORY SERVICES
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

This Decision Report documents the assessment of potential risks to the environment and public health from emissions and discharges during the construction and operation of the Premises. As a result of this assessment, Works Approval W6482/2020/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Decision Report, 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.

2.2 Application summary and overview of Premises

On 20 November 2020, the applicant submitted an application for a works approval to the department under section 54 of the *Environmental Protection Act 1986* (EP Act).

The application is to undertake construction works relating to the installation of a new static shear at the Premises that operates under an existing licence (L8920/2015/1). The Applicant has not proposed any increase to the assessed design capacity for the Premises.

The Premises relates to the category and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Works Approval W6482/2020/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guidance Statement: Risk Assessments* (DER 2017) are outlined in Works Approval W6482/2020/1.

Proposed works

A new Copex shear is proposed to be installed to replace the Bonfig shear that was previously in use at the Premises (and has already been removed from the Premises).

The works will include the construction of a trench for the installation of the water and power infrastructure required for the shear. This will involve the removal and then re-installation of a section of the compacted hardstand and geosynthetic clay liner (GCL) (with a compacted sub-base) beneath the hardstand.

Concrete foundations will also be constructed for the shear to be placed on.

3. Risk assessment

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

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.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises construction an operation which have been considered in this Decision Report are detailed in Table 1 below. Table 1 also details the proposed control measures the applicant has proposed to assist in

controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Dust	Excavation of trench and removal of GCL Replacement of GCL Construction of concrete foundations Installation of shear Vehicle movements	Air/windborne pathway	None specified
Noise			None specified
Contaminated stormwater (potential contaminants include hydrocarbons, solvents and heavy metals)	Excavation of trench and removal of GCL Rain event producing surface runoff into trench	Direct discharge to soil and seepage through soil into groundwater	Works proposed to be undertaken during March when expected rainfall is low. Compacted sub-base and GCL expected to be re-installed within 5 days of removal. Re-installation will be completed by a reputable civil contractor and in accordance with manufacturers specifications.
Contaminated firewater	Excavation of trench and removal of GCL Fire event producing surface runoff into trench	Direct discharge to soil and seepage through soil into groundwater	Removal of waste within an approximately 15 m radius around the trench as shown in Figure 1. Compacted sub-base and GCL expected to be re-installed within 5 days of removal and will be in accordance with manufacturers specifications.
Operation			
Noise	Operation of the shear	Air/windborne pathway	Applicant expects the new Copex shear to generate less noise due to it's contained electric hydraulic power pack as opposed to the previous Bonfig shear. No other controls proposed.
Contaminated stormwater		Direct discharge to soil and seepage through soil into groundwater	The shear will be installed within the medium risk area of Catchment C. The existing licence includes various controls for the management of potentially contaminated stormwater within Catchment C. No additional controls are proposed.

Figure 1: Area that will be cleared of waste during the works (shown in blue shading)

3.1.2 Receptors

In accordance with the *Guidance Statement: Risk Assessment* (DER 2017), the Delegated Officer has excluded employees, visitors and contractors of the applicant's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 and Figure 2 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises *(Guidance Statement: Environmental Siting* (DER 2016)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Nearby industrial premises	The closest offsite industrial premises is approximately 250 m west of the premises boundary. These premises are located within the Kwinana Industrial Area, Area A, and are subject to higher assigned noise levels under the *Environmental Protection (Noise) Regulations*

	1997.
Residential Premises	The closest residents located approximately 1.6 km south-east of Premises boundary in the suburb of Medina.
Environmental receptors	**Distance from prescribed activity**
Groundwater	Depth to groundwater across the site is in the vicinity of 5 m below ground level (BGL) with the thickness of the immediate underlying aquifer (the Superficial Swan) in the order of 26 m. The inferred groundwater contours within the vicinity of the Premises indicate groundwater in the vicinity of the site is generally moving in a north-easterly direction (Coffey 2020). Regional groundwater flow is west to north-westerly.
Bush Forever Site 349: Leda and Adjacent Bushland, Leda	Approximately 410 m south-east of the Premises boundary.
Threatened ecological community (TEC): Tuart woodlands and forests of the swan coastal plain (critically endangered)	Approximately 700 m east and south-east of the Premises boundary.

Figure 2: Distance to sensitive receptors

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guidance Statement: Risk Assessments* (DER 2017) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Works Approval W6482/2020/1 that accompanies this Decision Report authorises construction and time-limited operations. The conditions in the issued Works Approval, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 3: Risk assessment of potential emissions and discharges from the Premises during construction and operation

Risk Event					Risk rating[1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions[2] of works approval/licence	Justification for additional regulatory controls
Source/Activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
Construction								
Excavation of trench and removal of GCL Replacement of GCL Construction of concrete foundations Installation of shear Vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity	Industrial premises 250m west	Refer to Section 3.1	C = Minor L = Unlikely **Medium Risk**	Y	N/A	N/A
	Noise			Refer to Section 3.1	C = Slight L = Unlikely **Low Risk**	Y	N/A	N/A
Excavation of trench and removal of GCL Rain event producing surface runoff into trench	Contaminated stormwater (hydrocarbons, solvents, heavy metals)	Direct discharge to soil and seepage through soil into groundwater impacting groundwater quality and causing ecosystem disturbance	Groundwater beneath the premises Critically endangered Tuart Woodlands 700m east/south-east	Refer to Section 3.1	C = Minor L = Unlikely **Medium Risk**	Y	Conditions 1, 2, 3 and 4	N/A
Excavation of trench and removal of GCL Fire event producing surface runoff into trench	Contaminated firewater	Direct discharge to soil and seepage through soil into groundwater impacting groundwater quality and causing ecosystem disturbance	Groundwater beneath the premises Critically endangered Tuart Woodlands 700m east/south-east	Refer to Section 3.1	C = Moderate L = Rare **Medium Risk**	Y		
Operation								
Operation of the shear	Noise	Air/windborne	Industrial	Refer to	C = Moderate	Y	Existing licence condition 6	N/A

Risk Event					Risk rating[1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions[2] of works approval/licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
		pathway causing impacts to health and amenity	premises 250m west	Section 3.1	L = Unlikely **Medium Risk** Note: The manufacturers specifications of sound power levels of the new shear were provided, however the sound power levels of the previous shear are not available, therefore a comparison isn't possible.			
	Contaminated stormwater	Direct discharge to soil and seepage through soil into groundwater impacting groundwater quality and causing ecosystem disturbance	Groundwater beneath the premises Critically endangered Tuart Woodlands 700m east/south-east	Refer to Section 3.1	C = Moderate L = Unlikely **Medium Risk**	Y	Works approval conditions 1, 3 and 4. Existing licence conditions 5 to 11, and 16 to 21.	The maximum hydraulic conductivity of the GCL specified in Condition 1 of the works approval is sourced from the decision report for Works Approval W6595/2014/1 for the original construction of the Premises. A requirement for the submission of a construction quality assurance report has been included in the works approval (conditions 3 and 4) to verify that the compacted sub-base, GCL and compacted hardstand are re-instated appropriately. The existing licence

Risk Event					Risk rating[1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions[2] of works approval/licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
								includes various controls for the management of potentially contaminated stormwater within Catchment C.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guidance Statement: Risk Assessments* (DER 2017).

Note 2: Proposed applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website (7/1/2021 to 28/1/2021)	No comments received	N/A
Local Government Authority advised of proposal (7/1/2020)	The City of Kwinana provided no comment	N/A
Applicant was provided with draft documents on (29/1/2021)	The Applicant requested a two year duration for the Works Approval.	The Delegated Officer considers a two year duration for the Works Approval to be reasonable.

5. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that a works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Environmental Siting*, Perth, Western Australia.
2. DER 2017, *Guidance Statement: Risk Assessments*, Perth, Western Australia.
3. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
4. Coffey 2020, *Basin C Storm Water Discharge Risk Assessment 754-PEREN271905 Sims Metal Kwinana Facility,14 Donaldson Road, Kwinana, Western Australia 6167*, Kwinana, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Works approval	☒				
Licence	☐	Relevant works approval number:		None	☐
		Has the works approval been complied with?		Yes ☐ No ☐	
		Has time limited operations under the works approval demonstrated acceptable operations?		Yes ☐ No ☐ N/A ☐	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes ☐ No ☐	
		Date Report received:			
Renewal	☐	Current licence number:			
Amendment to works approval	☐	Current works approval number:			
Amendment to licence	☐	Current licence number:			
		Relevant works approval number:		N/A	☐
Registration	☐	Current works approval number:		N/A	☐
Date application received		20/11/2020			
Applicant and Premises details					
Applicant name/s (full legal name/s)		Sims Group Australia Holdings			
Premises name		Sims Metal Management			
Premises location		Lot 100 on Deposited Plan 73740, Kwinana 6167			
Local Government Authority		City of Kwinana			
Application documents					
HPCM file reference number:		DER2020/000595			
Key application documents (additional to application form):		Attachment 1A – Lease Attachment 1C – Authorisation to act on behalf of the occupier Attachment 3C – Map of premises Attachment 8A – Installation risk assessment Attachment 8B – Site overview (aerial image)			

	Attachment 8C – S-Wing drawing (equipment)
Scope of application/assessment	
Summary of proposed activities or changes to existing operations.	Installation of a new shear to replace an existing shear that is unable to meet future production requirements. Trenching is required to a depth of 1800mm and width of 900mm for the installation of Domestic Cold Water and power to the site. This will require the removal of a strip of geosynthetic clay liner, which will be reinstated. Concrete foundations will be constructed for the shear to be placed on. Commissioning is proposed.

Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	**Assessed production or design capacity**	**Proposed changes to the production or design capacity (amendments only)**
Category 47: Scrap Metal Recovery	400, 000 tonnes per year	N/A – no change to the existing assessed production capacity stated in existing licence L8920

Legislative context and other approvals

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes ☐ No ☒	Referral decision No: Managed under Part V ☐ Assessed under Part IV ☐
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes ☐ No ☒	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes ☐ No ☒	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes ☒ No ☐	Certificate of title ☐ General lease ☐ Expiry: Mining lease / tenement ☐ Expiry: Other evidence ☐ Expiry:

Has the applicant obtained all relevant planning approvals?	Yes ☐ No ☐ N/A ☒	Approval: Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes ☐ No ☒	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes ☐ No ☒	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes ☐ No ☒	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes ☐ No ☒	Name: N/A Type: Has Regulatory Services (Water) been consulted? Yes ☐ No ☐ N/A ☐ Regional office:
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes ☐ No ☒	Name: N/A Priority: P1 / P2 / P3 / N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes ☐ No ☐ N/A ☐
Is the Premises subject to any other Acts or subsidiary regulations (e.g. *Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx*)	Yes ☐ No ☒	
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes ☒ No ☐	Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999
Is the Premises subject to any EPP requirements?	Yes ☐ No ☒	

Is the Premises a known or suspected contaminated site under the *Contaminated Sites Act 2003*?	Yes ☒ No ☐	Classification: contaminated – restricted use (C–RU) Date of classification: 20/08/2008