



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST AMENDMENT OF LICENCE L8622/2012/2 CRUSHING OF BUILDING MATERIAL, 501 ADELAIDE STREET, HAZELMERE, CITY OF SWAN

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 102(2) of the *Environmental Protection Act 1986* in objection to the amendment of a licence. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	G & G Corp Asset Management Pty Ltd
Proponent:	G & G Corp Asset Management Pty Ltd
Proposal description:	Crushing and screening of building material etc
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	10 July 2017

REASONS FOR MINISTER'S DECISION

Pursuant to section 106(1)(b) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Department of Environment Regulation (DER) on the matters raised in the appeal. The Appeals Convenor also reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeal.

The appeal raised a number of objections to the amendments, including that some of the conditions are impractical or otherwise unnecessary. The appellant also raised concerns about the inclusion of a processing limit in the conditions as well as the refusal by DER to remove reference to category 63 activities in the licence.

In relation to the inclusion of a 50,000 tonne per annum limit on waste accepted for processing, the Minister considered the appeal and the advice from DER and the Appeals Convenor. On the basis of this information, the Minister considered that the limit is consistent with the pre-existing limit on acceptance of 50,000 tonnes of inert type 1 waste and clean fill, and as such, he was of the view the amendment to Table 1.3.2 was justified.

On the requirement reticulated sprinklers and piping be installed that are capable of wetting down the entire surface of stockpiles and the associated requirement for waste material to be kept in a damp state, the Minister noted that DER applied these changes to the licence based on its assessment of dust emissions from the premises and the appellant's commitments to manage these emissions. On the basis of this information, the Minister agreed with the Appeals Convenor that this ground of appeal be dismissed.

In coming to this conclusion, the Minister noted the Appeals Convenor's advice in respect to the content of Tables 1.3.2 and 1.3.5, and supported DER reviewing these matters as part of its review of the licence currently underway.

In relation to the requirement that materials undergoing processing be kept damp, the appellant submitted that this may be impractical, as too much moisture may interfere with screening and crushing processes. The amendment requires materials to be kept damp, not wet, with 'damp' being defined as 'moist to the touch'. In the absence of information as to why damp material cannot be processed, the Minister considered DER's decision to include this requirement was justified. For the reasons stated by the Appeals Convenor, the Minister also determined that the requirement for the crushing and screening equipment to be fitted with sprinklers is appropriate.

In relation to the wheel-washing and street sweeping requirements, the Minister was of the view that the conditions are reasonable and appropriate for controlling emissions affecting residents on Adelaide Street, as described by the Appeals Convenor.

It follows from the above that the Minister dismissed the appeal, specifically noting that the requirements applied are appropriate for the control of dust emissions from the premises. In relation to the status of the premises under category 63, the Minister agreed with the Appeals Convenor that this is outside the scope of the appeal.

Finally, the Minister noted the appellant raised a number of concerns during the appeal investigation in respect to the interpretation and application of licence conditions, including whether alternate wheel-wash equipment installed at the premises achieves an equivalent level of dust control to that contemplated by the conditions. As these are primarily compliance questions, the Minister considered them to be beyond the scope of the appeal. However, as DER advised that it is in the process of reviewing the licence, the Minister encouraged the appellant to raise these issues directly with DER as part of this process.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

Office of the Appeals Convenor
Level 22, 221 St Georges Terrace
Perth WA 6000
Tel: (08) 6467 5190
Fax: (08) 6467 5199
www.appealsconvenor.wa.gov.au