



Licence number	L8782/2013/1	
Licence holder	Shire of Derby West Kimberley	
Registered business address	30 Loch Street DERBY WA 6728	
DWER file number	2013/003902	
Duration	2/03/2014 to	2/03/2028
Date of issue	02/03/2014	
Premises details	Fitzroy Crossing Landfill	
	Legal description - Crown Reserve 41105 Lot 451 on Deposited Plan 76785	

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production / design capacity
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use	5,000 tonnes per annual period
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.	3,200 tonnes per annual period
Category 64: Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled 'Landfill Waste Classification and Waste Definitions 1996' published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	20,000 tonnes per annual period

This licence is granted to the licence holder, subject to the attached conditions, on 17 March 2023, by:

Steve Checker

MANAGER WASTE INDUSTRIES

REGULATORY SERVICES

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

[L8782/2013/1 \(Amendment date: 17/03/2023\)](#)

Licence history

Date	Reference number	Summary of changes
5/8/2013	W4968/2011/1	Works approval to allow construction of Fitzroy Crossing Category 64 Putrescible Landfill
27/2/2013	L8782/2013/1	New licence to allow operation of Fitzroy Crossing Category 64 Putrescible Landfill
30/10/2014	L8782/2013/1	Licence amendment to remove condition 1.3.1
26/03/2015	L8782/2013/1	Licence amendment to extend L4.1.1 IR submission date
30/03/2016	L8782/2013/1	Licence amendment to extend L3.1.1. IR2 submission date, new format
29/04/2016	L8782/2013/1	Administrative amendment to extend the duration of the licence expiry date.
14/07/2016	L8782/2013/1	Licence amendment to increase Category 64 approved capacity, add Category 61A, and reduce the buffer distance between the fence and buried waste to 20m.
2/05/2018	L8782/2013/1	Amendment Notice 1 to enable the use of bioremediated soil as cover material.
17/03/2023	L8782/2013/1	Licence Amendment to increase P&DC for Category 64 landfill, reduce waste buffer to Premises boundary, include Inert Waste Type 1 as cover material and addition of Category 62 to the Licence to manage waste disposal and solid waste storage resultant from the Fitzroy River Flooding in January 2023.

Interpretation

In this licence:

- (a) the words 'including', 'includes' and 'include' in conditions mean "including but not limited to", and similar, as appropriate;
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a condition, each row in a table constitutes a separate condition;
- (d) any reference to an Australian or other standard, guideline, or code of practice in this licence:
 - (i) if dated, refers to that particular version; and

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- (ii) if not dated, refers to the latest version and therefore may be subject to change over time;
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act; and
- (f) unless specified otherwise, all definitions are in accordance with the EP Act.

NOTE: This licence requires specific conditions to be met but does not provide any implied authorisation for other emissions, discharges, or activities not specified in this licence.

Licence conditions

The licence holder must ensure that the following conditions are complied with:

Waste Acceptance

1. The Licence Holder must only accept waste on to the Premises if:
 - (a) it is of a type listed in Table 1;
 - (b) the quantity accepted is below any quantity limit listed in Table 1;
 - (c) it meets any specification listed in Table 1; and
 - (d) in the case of contaminated solid waste is supported by documentation that demonstrates compliance with the acceptance criteria for the relevant Class landfill.

Table 1: Waste acceptance

Waste acceptance		
Waste	Quantity Limit	Specification
Clean fill	Combined total of up to 20,000 tonnes per annual period	None specified
Inert Waste Type 1		
Inert Waste Type 2		
Putrescible Waste (including greenwaste)		
Special Waste Type 1 (Asbestos)		
Special Waste Type 2 (Biomedical waste)		The licensee or their representative must note in writing any discrepancies between waste declared and waste received
Contaminated Solid Waste		Must be supported by documentation that demonstrates compliance with the acceptance criteria for Class II landfills as defined in the document ' <i>Landfill Waste Classification and Waste Definitions 1996 (As amended)</i> '.
Vehicle batteries		None specified
Waste Oil		
Scrap metal		
Other recyclables		
DrumMuster products		Must be triple rinsed prior to being accepted at the site
Contaminated soil	3,200 tonnes per annual period	<ul style="list-style-type: none"> Accepted to solid waste facility for the purpose of bioremediation. Must meet the waste acceptance criteria for Class I landfills
Inert Waste Type 1 and Scrap metal	5,000 tonnes per annual period	Accepted to the solid waste depot prior to being stored, or sorted, pending final disposal or re-use at another Premises

Note 1: Additional requirements for the acceptance of controlled waste (including asbestos and tyres) are set out in the Environmental Protection (Controlled Waste) Regulations 2004.

2. The Licence Holder must ensure that where waste does not meet the waste acceptance criteria set out in condition 1 it is removed from the Premises by the delivery vehicle or, where that is not possible, stored in a quarantined storage area or container and removed to an appropriately authorised facility as soon as practicable.

Waste processing

3. The Licence Holder must ensure that wastes accepted onto the Premises are only subjected to the process(es) set out in Table 2 and in accordance with any process limits described in that Table.

Table 2: Waste processing

Waste type	Processes	Process Limits ^{1,2}
All	Disposal of waste by landfilling	<ul style="list-style-type: none"> • Shall only take place within the premises area shown on the Map in Schedule 1; • No waste shall be temporarily stored or landfilled within 5m from the boundary of the premises; • Place waste within a defined trench or within an area enclosed by earthen or other bunds; • Restrict the tipping area to a maximum linear length of 30m; • The separation distance between the base of the landfill and the highest groundwater level shall not be less than 3m; and • Maintain a minimum horizontal distance of at least 100m between the tipping area and any surface water body.
Clean fill	Receipt, handling and disposal by landfilling	None specified.
Inert Waste Type 1	Receipt, handling, storage prior to re-use or disposal by landfilling	
Inert Waste Type 2 - Tyres	Receipt, handling, storage prior to re-use or disposal by landfilling	Less than 100 units to be stored at the premises.
Special Waste Type 1 (material containing asbestos)	Receipt, handling, storage prior to re-use or disposal by landfilling	<ul style="list-style-type: none"> • Only to be disposed of into a designated asbestos disposal area within the premises; • Not to be deposited within 2m of the final tipping surface of the landfill; and • No works shall be carried out on the premises that could lead to a release of asbestos fibres.
Special Waste Type 2 (Biomedical waste)	Receipt, handling and disposal by landfilling	<ul style="list-style-type: none"> • Only to be disposed of into a designated biomedical waste disposal area within the premises; • Not to be deposited within 2m of the final tipping surface of the landfill; and • No works shall be carried out on the premises that could lead to biomedical wastes being excavated or uncovered.
Vehicle batteries	Receipt, handling, storage prior to re-use or disposal by landfilling	Stored on a hardstand area delineated for recycling.

Waste Oil	Receipt, handling, storage prior to re-use	Stored in an oil receptacle within a low permeability bunded area delineated for recycling.
Scrap metal and other recyclables	Receipt, handling, storage prior to re-use or disposal by landfilling	Stored in an area delineated for recycling.
DrumMuster products	Receipt, handling, storage prior to re-use or disposal by landfilling	Stored in a compound specifically constructed for DrumMuster products.
Solid Waste Facility; refer to Schedule 1 Map	Bioremediation	<ul style="list-style-type: none"> • Be contained upon a low permeability liner; • Maintain a minimum horizontal distance of at least 100m between the disposal area and any surface water body; • Stockpiles for the soil staging area and windrows to be less than or equal to 3m in height; • Windrows to be separated by at least 2m. • For the purposes of onsite disposal, soil to be bioremediated to concentration levels meeting Class II criteria prior to disposal into a designated solid waste facility disposal area within the premises; • For the purposes of reuse as cover material within the premises only, soil to be bioremediated to concentration levels meeting Class I criteria prior to reuse.
Solid Waste Depot	Receipt, handling, sorting and storage prior to re-use off site	Stored and sorted on a hardstand area which is clearly defined and separated from the putrescible waste disposal area.

Note 1: Requirements for landfilling tyres are set out in Part 6 of the *Environmental Protection Regulations 1987*.

Note 2: Additional requirements for the acceptance and landfilling of controlled waste (including asbestos and tyres) are set out in the *Environmental Protection (Controlled Waste) Regulations 2004*.

4. The Licence Holder shall ensure that:
- bioremediated soils are sampled and tested to determine their suitability for reuse or disposal to landfill; and
 - the suitability of bioremediated soils for reuse as a resource is assessed in accordance with the requirements of the National Environmental Protection (Assessment of Site Contamination) Measure 1999.

General site management

5. The Licence Holder must implement the following security measures at the site:
- erect and maintain suitable fencing to prevent unauthorised access to the site as far as is practicable;
 - ensure that any entrance gates to the premises are securely locked when the premises are unattended; and

- (c) undertake regular inspections of all security measures and repair damage as soon as practicable
 - 6. The Licence Holder must ensure that vermin, birds, flies and other insects do not give rise to nuisance at the premises or in the immediate area of the premises. Any method used by the licensee shall not cause environmental pollution.
 - 7. The Licence Holder must ensure that no waste is burnt on the premises.
 - 8. The Licensee shall ensure that there are appropriate procedures in place at the premises so that any unauthorised fire is promptly extinguished.
 - 9. The Licensee shall ensure that the CEO is notified if the fire is not extinguished within two (2) hours of the Licence Holder becoming aware of any unauthorised fire.
 - 10. The Licensee shall submit a report to the CEO within fourteen days of the unauthorised fire which includes the date, time, cause and location of the fire on the Premises.
 - 11. The Licence Holder must ensure that wind-blown waste is contained within the boundary of the Premises and that wind-blown waste is collected on at least a weekly basis to the tipping area or appropriately contained.
 - 12. The Licence Holder must:
 - (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
 - (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.¹
- Note1: *The Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.
- 13. The Licence Holder must immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
 - 14. The Licence Holder shall maintain a sign at the entrance to the Premises which clearly displays the following information:
 - (a) a contact telephone number for information and complaints or notification of fires;
 - (b) a list of materials that are accepted at the Premises;
 - (c) the types of waste that must not be deposited on the Premises and a contact telephone number for alternative disposal options; and
 - (d) a warning, indicating penalties for people lighting fires.

Landfill management

15. The Licence Holder must ensure that cover material is applied and maintained on landfilled waste in accordance with Table 3 and that sufficient stockpiles of cover are maintained on site at all times.

Table 3: Cover requirements

Waste Type	Material	Depth	Timescales
Special Waste Type 1 (Asbestos)	Clean fill, bioremediated soil or Inert	1,000mm	As soon as practicable after deposit and prior to any compaction of the waste
Special Waste Type 2 (Biomedical waste)	Waste Type 1 meeting Class 1 contaminant criteria	1,000mm	Immediately
All other wastes		150mm	Once in every third day

Monitoring

16. The Licence Holder must record the total amount of waste accepted onto the premises, for each waste type listed in Table 4, in the corresponding unit, and for each corresponding time period, as set out in Table 4.

Table 4: Waste accepted onto the premises

Waste type	Unit	Time period
Clean fill	Estimated Tonnes	Each load arriving at the Premises
Inert waste type 1		
Inert waste type 2		
Putrescible waste		
Contaminated solid waste		
Special Waste type 1		
Special Waste type 2		
Greenwaste		
Tyres		
Batteries		
Waste oil		
Scrap metal		
DrumMuster products		

17. The Licence Holder must record the total amount of waste removed from the premises, for each waste type listed in Table 5, in the corresponding unit, and for each corresponding time period set out in Table 5.

Table 5: Waste removed from the premises

Waste type	Unit	Time period
Waste type as defined in the Landfill Definitions	Estimated Tonnes	Each load leaving or rejected from the Premises, after acceptance.

Records and reporting

- 18.** The licence holder must record the following information in relation to complaints received by the licence holder (whether received directly from a complainant or forwarded to them by the Department or another party) about any alleged emissions from the premises:
- (a) the name and contact details of the complainant, (if provided);
 - (b) the time and date of the complaint;
 - (c) the complete details of the complaint and any other concerns or other issues raised; and
 - (d) the complete details and dates of any action taken by the licence holder to investigate or respond to any complaint.
- 19.** The Licence Holder must maintain a register of Special Waste Type 1 (Asbestos waste), Special Waste Type 2 (Biomedical and clinical waste) and Quarantine Waste disposed of at the Premises which shall include:
- (a) a plan showing the position of Special Waste Type 1 (Asbestos waste), Special Waste Type 2 (Biomedical and Clinical waste) and Quarantine Waste disposed of at the Premises;
 - (b) the date of the deposit; and
 - (c) the name of the person that deposited the waste.
- 20.** The licence holder must:
- (a) undertake an audit of their compliance with the conditions of this licence during the preceding annual period; and
 - (b) prepare and submit to the CEO by 1 March 2024 and annually thereafter an Annual Audit Compliance Report in the approved form for the preceding annual period.
- 21.** The licence holder must maintain accurate and auditable books including the following records, information, reports, and data required by this licence:
- (a) the calculation of fees payable in respect of this licence;
 - (b) monitoring programmes undertaken in accordance with conditions 15 and 16 of this licence; and
 - (c) complaints received under condition 18 of this licence.
- 22.** The books specified under condition 21 must:
- (a) be legible;
 - (b) if amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;
 - (c) be retained by the licence holder for the duration of the licence; and
 - (d) be available to be produced to an inspector or the CEO as required.

Definitions

In this licence, the terms in Table 7 have the meanings defined.

Table 7: Definitions

Term	Definition
Acceptance criteria	as meaning defined in Landfill Definitions.
Annual Audit Compliance Report (AACR)	means a report submitted in a format approved by the CEO (relevant guidelines and templates may be available on the Department's website).
annual period	a 12 month period commencing from 1 January until 31 December in the same year.
asbestos	means the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite and any mixture containing 2 or more of those.
Assessment of Site Contamination NEPM	means the <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i> . Accessible here: http://www.nepc.gov.au/nepms/assessment-site-contamination .
books	has the same meaning given to that term under the EP Act.
Class I criteria	means the leachable concentrations and concentration limits applicable to Class I waste, as specified in Landfill Waste Classification and Waste Definitions 1996 (as amended December 2009), published by the CEO and as amended from time to time
Class II criteria	means the leachable concentrations and concentration limits applicable to Class II waste, as specified in Landfill Waste Classification and Waste Definitions 1996 (as amended December 2009), published by the CEO and as amended from time to time;
Clean fill	as meaning defined in Landfill Definitions.
Contaminated solid waste	as the meaning defined in Landfill Definitions.
Controlled waste	has the definition in <i>Environmental Protection (Controlled Waste) Regulations 2004</i> .
Cover material	means subsoil or other approved inert waste used for covering of waste.

CEO	means Chief Executive Officer of the Department. “submit to / notify the CEO” (or similar), means either: Director General Department administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 Joondalup DC WA 6919 or: info@dwer.wa.gov.au
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
discharge	has the same meaning given to that term under the EP Act.
emission	has the same meaning given to that term under the EP Act.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
Green Waste	means waste that originates from flora and which does not contain or has not been treated or coated with, preserving agents, biocides, fire retardants, paint, adhesives or binders.
Inert Waste Type 1	has the meaning defined in Landfill Definitions.
Inert Waste Type 2	has the meaning defined in Landfill Definitions.
Landfill Waste Classification and Waste Definitions 1996 (As amended)	refers to the document published by the Department of Water and Environmental Regulation as amended December 2019.
licence	refers to this document, which evidences the grant of a licence by the CEO under section 57 of the EP Act, subject to the specified conditions contained within.
licence holder	refers to the occupier of the premises, being the person specified on the front of the licence as the person to whom this licence has been granted.
premises	refers to the premises to which this licence applies, as specified at the front of this licence and as shown on the premises map in Schedule 1 to this licence.
prescribed premises	has the same meaning given to that term under the EP Act.

Putrescible	has the meaning defined in Landfill Definitions.
quarantined storage area or container	means a hardstand storage area or sealed-bottom container that is separate and isolated from authorised waste disposal areas and is capable of containing all non-conforming waste and its constituents, these areas must be clearly marked and their access restricted to authorised personnel.
Schedule 1	means Schedule 1 of this Licence unless otherwise stated
Special Waste Type 1	has the meaning defined in Landfill Definitions.
Special Waste Type 2	has the meaning defined in Landfill Definitions.
Surface water body	means a water course or wetland (as those terms are defined in the <i>Right in Water and Irrigation Act 1914</i>) and any other surface water, whether artificial or natural;
tipping area	means the area of the landfill in which waste other than cover material is being deposited.
waste	has the same meaning given to that term under the EP Act.

END OF CONDITIONS

Schedule 1: Maps

Premises map

The boundary of the prescribed premises is shown in the map below in Red.



L8782/2012/1 (Amendment date: 17/03/2023)

IR-T06 Licence template (v6.0) (February 2020)