



Government of **Western Australia**
Department of **Environment Regulation**

Your ref: L8602/2011/1
Our ref: DER2013/001066
Enquiries: Damian Thomas
Phone: 9168 4218
Fax: 9168 2179
Email: damian.thomas@der.wa.gov.au

Ms Melanie Houghton
Manager Development Services
Shire of Derby West Kimberley
PO Box 94
DERBY WA 6728

Dear Ms Houghton

ENVIRONMENTAL PROTECTION ACT 1986 - AMENDMENT TO LICENCE L8602/2011/1

Licence: L8602/2011/1
Premises: Derby Waste Management Facility

Further to my letter dated 12 February 2015, please find enclosed your amended *Environmental Protection Act 1986* Licence.

If you have any questions or objections relating to the licence, please do not hesitate to contact the enquiries officer above on 9168 4218 for clarification or discussion of any grievances you have.

If you are concerned about, or object to any aspect of the amendment, you may lodge an appeal with the Minister for the Environment within 21 days from the date on which this licence is received. The Office of the Appeals Convenor can be contacted on 6467 5190 to find out the procedure and fee.

Members of the public may also appeal the amendments. The Appeals Registrar at the Office of the Appeals Convenor can be contacted after the closing date of appeals to check whether any appeals were received.

If you have any questions please contact Damian Thomas on 9168 4218.

Yours sincerely,

Stephen Checker
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

26 March 2015



Licence

Environmental Protection Act 1986, Part V

Licensee: Shire of Derby-West Kimberley

Licence: L8602/2011/1

Registered office: Lot 275 Loch Street
DERBY WA 6728

ABN: 99 934 203062

Premises address: Derby Waste Management Facility
Crown Reserve 31045
DERBY WA 6728
(as depicted in Schedule 1)

Issue date: Thursday, 27 October 2011

Commencement date: Thursday, 27 October 2011

Expiry date: Wednesday, 26 October 2016

Prescribed premises category

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
61	Liquid waste facility: premises on which liquid produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated	100 tonnes or more per year	320 tonnes per annual period
62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use	500 tonnes or more per year	8,000 tonnes per annual period
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 tonnes or more per year	40,000 tonnes per annual period



Conditions

This Licence is subject to the conditions set out in the attached pages.

A handwritten signature in blue ink, consisting of stylized cursive letters.

.....
Officer delegated under section 20
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, take enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.



- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises. Operating without a licence is an offence under the Act.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

The Shire of Derby-West Kimberley (SDWK) is the occupier of the Derby Waste Management Facility (DWMF). The DWMF is currently managed by Toxfree under a contract management arrangement with the SDWK. DWMF was registered as a category 89 landfill from 2002 up until 2013 when it was converted to a category 64 landfill. DWMF comprises the following activities:

Category 61 Liquid Waste Facility and 62 Solid Waste Depot activities

DWMF accepts small volumes of liquid waste to the landfill in dedicated ponds. Given the recent increase in construction activities in the area the DWMF stores inert waste prior to sorting of waste prior to re-use or disposal.

Category 64 Putrescible Landfill activities

DWMF is currently accepting a total of around 40,000 cubic metres (m³) per annum. At the current throughputs it is anticipated that the life of the landfill will last for another three to four years. However it is predicted that there will be a decrease in throughput over the next year or two, potentially extending the life of the site to around four to six years.

The main types of waste accepted at DWMF include putrescible and household waste, greenwaste, construction and demolition waste, scrap metal, air conditioners and refrigerators, tyres and batteries, asbestos and clinical waste.

Emissions and discharges associated with operation of the WMF have been identified as dust, odour and fugitive emissions – leachate. These emissions and discharges have been assessed as presenting a potentially significant environmental risk.

DER received a Form P4 application on 5 January 2015 requesting that licence condition 4.1.1 IR1 Hydrogeological Assessment (HA) submission compliance date be amended from 31 March 2015 to 30 June 2015 in line with Derby Landfill HA. As this timeframe does not provide sufficient time to acquire hydrogeological data DER has elected to amend the HA submission date to 30 June 2016.

This Licence is the result of an amendment sought by DER to amend the hydrogeological assessment to 30 June 2016 and convert the existing licence to a new format REFIRE licence.



The licences issued for the Premises since 5/8/2013 are:

Instrument log		
Instrument	Issued	Description
L8602/2011/1	14/02/2013	Licence amendment to add category 64 to the licence
L8602/2011/1	03/10/2013	Licence amendment to amend production and design capacity of the category 64 licence
L8602/2011/1	20/06/2014	Licence amendment to extend hydrogeological assessment submission date.
L8602/2011/1	26/03/2015	Licence amendment to extend L4.1.1 IR submission date and conversion of Licence to REFIRE format

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

'Act' means the *Environmental Protection Act 1986*;

'AHD' means the Australian height datum;

'annual period' means the inclusive period from 1 January until 31 December in the same year;

'averaging period' means the time over which a limit or target is measured or a monitoring result is obtained;

'Clean fill' means material that will have no harmful effects on the environment and which consists of rock or soil arising from the excavation of undisturbed material (as defined in the 'Landfill Waste Classification and Waste Definitions 1996'); for material not from a clean excavation, it must be validated to have contaminants below relevant ecological investigation levels (as defined in the document 'Assessment Levels for Soil, Sediment and Water, Department of Environment, 2003');

'Code of Practice for the Storage and handling of dangerous goods' means document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time;

'controlled waste' has the definition in *Environmental Protection (Controlled Waste) Regulations 2004*;

'cover material' means subsoil or other approved inert waste used for covering of waste;

'dangerous goods' has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purpose of correspondence means;

Manager Licensing (Waste North)
Department of Environment Regulation
Locked Bag 33 Cloisters Square
PERTH WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550
Email: industry.regulation@der.wa.gov.au;



'environmentally hazardous material' means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

'Fire Control Officer' means a person who has such qualifications in fire fighting or fire control and is approved and appointed to that position by the occupier of the premises;

'freeboard' means the distance between the maximum water surface elevations and the top of retaining banks or structures at their lowest point;

'fugitive emissions' means all emissions not arising from point sources identified in sections 2.2, 2.3, 2.4 and 2.5;

'hardstand' means a surface with a permeability of 10^{-9} metres/second or less;

'impermeable or low permeability' means material with a permeability or hydraulic conductivity of 10^{-9} metres per second or less at unity hydraulic gradient;

'Inert Waste Type 1' has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time;

'Inert Waste Type 2' has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time;

'Landfill Waste Classification and Waste Definitions 1996 (As amended)' refers to the document published by the Department of Environment and Conservation on 17 December 2009;

'leachate' means a liquid containing contaminants leached from the waste mass produced as water percolates through a landfill;

'Licence' means this Licence numbered L8782/2011/1 and issued under the *Environmental Protection Act 1986*;

'Licensee' means the person or organisation named as Licensee on page 1 of the Licence;

'Premises' means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

'Schedule 1' means Schedule 1 of this Licence unless otherwise stated;

'Schedule 2' means Schedule 2 of this Licence unless otherwise stated;

"Special Waste Type 1" has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time;

"Special Waste Type 2" has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time;

'surface water body' means a water course or wetland (as those terms are defined in the *Right in Water and Irrigation Act 1914*) and any other surface water, whether artificial or natural;



'tipping area' means the area of the Premises where waste currently being brought to the Premises is being deposited; and

'waste' has the meaning defined in the *Environmental Protection Act 1986*.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the Code of Practice for the Storage and handling of dangerous goods.

1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The Licensee shall:

- (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.



1.3 Premises operation

- 1.3.1 The Licensee shall only allow waste to be accepted on to the Premises if:
- (a) it is of a type listed in Table 1.3.1;
 - (b) the quantity accepted is below any limit listed in Table 1.3.1; and
 - (c) it meets any specification listed in Table 1.3.1.

Table 1.3.1: Waste acceptance		
Waste	Quantity Limit	Specification
Clean fill	Combined total of up to 40,000 tonnes per year	None specified
Inert Waste Type 1		
Inert Waste Type 2		
Putrescible Waste (including greenwaste)		Must be wrapped in heavy duty plastic prior to acceptance
Special Waste Type 1 (Asbestos)		The licensee of their representative must note in writing any discrepancies between waste declared and waste received
Special Waste Type 2 (Biomedical 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> '.
Contaminated Solid Waste		None specified
Vehicle batteries		
Waste Oil		
Scrap metal		
Other recyclables		
DrumMuster products	Must be triple rinsed prior to being accepted at the site	
Liquid waste – Waste from grease traps waste code K110	Less than 320 tonnes per annual period	None specified

- 1.3.2 The Licensee shall ensure that where waste does not meet the waste acceptance criteria set out in condition 1.3.1 of this Licence it is removed from the Premises by the delivery vehicle or, where that is not possible, the Licensee shall contact the CEO to agree a course of action in relation to the waste.



1.3.3 The Licensee shall ensure that wastes accepted onto the Premises are only subjected to the process(es) set out in Table 1.3.2 and in accordance with any process limits described in that Table.

Table 1.3.2: Waste processing		
Waste type	Process(es)	Process Limits^{1,2}
All	Disposal of waste by landfilling	<ul style="list-style-type: none"> • Shall only take place within the landfill area shown on the Map in Schedule 1; • No waste shall be temporarily stored or landfilled within 35 metres 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 thirty (30) metres; • Manage the active landfill area such that at no time does land filling result in an exposed face exceeding two (2) metres in vertical height. • 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 one-hundred (100) metres 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 landfill; • Not to be deposited within 2m of the final tipping surface of the landfill; and • No works shall be carried out on the landfill 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 landfill; Not to be deposited within 2m of the final tipping surface of the landfill; and No works shall be carried out on the landfill 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 hardstand area delineated for recycling.
Waste Oil	Receipt, handling, storage prior to re-use	Stored in 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 compound specifically constructed for DrumMuster products.
Liquid waste – Waste from grease traps waste code K110	Receipt, handling, storage prior to re-use or disposal by landfilling	<ul style="list-style-type: none"> Disposed to the liquid waste trenches. Maintain a minimum freeboard of 500mm at all times in the trenches. Ensure that all vegetation is prevented from growing or accumulating inside the liquid waste trenches.

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*.

1.3.4 The Licensee shall ensure that cover is applied and maintained on landfilled wastes in accordance with Table 1.3.3 and that sufficient stockpiles of cover material are maintained on site at all times.

Table 1.3.3: Cover requirements			
Waste Type	Material	Depth	Timescales
Special Waste Type 1 (Asbestos)	Clean fill	1,000mm	As soon as practicable after deposit and prior to any compaction of the waste.
Special Waste Type 2 (Biomedical waste)		1,000mm	Immediately
All other wastes		150mm	Within 24 hours of deposition



- 1.3.5 The Licensee shall implement the following security measures at the site:
- (a) ensure the Premises is manned at all times whilst open to the public;
 - (b) maintain suitable fencing to prevent unauthorised access to the site;
 - (c) ensure that any entrance gates to the premises are securely locked when the Premises are unattended; and
 - (d) undertake regular inspections of all security measures and repair damage as soon as practicable.
- 1.3.6 The Licensee shall implement control measures to prevent infestations of pests, flies and vermin at the Premises.
- 1.3.7 The Licensee shall not allow windblown litter to escape from the Premises.
- 1.3.8 The Licensee shall collect any waste that has been washed or blown away from the tipping area and return it to the tipping area on a weekly basis.
- 1.3.9 The Licensee shall ensure that no waste is burnt on the Premises.
- 1.3.10 The Licensee shall ensure that there are appropriate procedures in place at the premises so than any unauthorised fire is promptly extinguished.
- 1.3.11 The Licensee 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.

2 Emissions

2.1 General

There are no specified conditions relating to emissions in this section

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in these sections.

2.5 Emissions to Land

There are no specified conditions relating to emissions to land in this section

2.6 Fugitive emissions

- 2.6.1 The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.



2.7 Odour

There are no specified conditions relating to odour in this section.

2.8 Noise

There are no specified conditions relating to noise in this section.

3 Monitoring

3.1 General monitoring

There are no specified conditions relating to general monitoring in this section.

3.2-3.3 Monitoring of point source emissions to air and surface water

There are no specified conditions relating to monitoring of point source emissions to air or surface water in these sections.

3.4 Monitoring of emissions to land

There are no specified conditions relating to monitoring of emissions to land in this section.

3.5 Monitoring of inputs and outputs

3.5.1 The Licensee shall undertake the monitoring specified in Table 3.5.1.

Table 3.5.1: Monitoring of inputs and outputs

Input/Output	Parameter	Units	Averaging period	Frequency
Waste Inputs	Putrescible waste, greenwaste, Inert Waste Type 1 and 2, Special Waste Type 1 and 2, Clean Fill, batteries, tyres, waste oil, scrap metal and DrumMuster products	Estimated tonnes	N/A	Each batch arriving at premises
Waste Outputs	Waste type as defined by the Landfill Waste Classification and Waste Definitions 1996 (As amended).			Each load rejected from the Premises
Waste Inputs	Liquid Waste			Each batch arriving at premises

3.6 Process monitoring

There are no specified conditions relating to process monitoring in this section.

3.7-3.8 Ambient environmental quality and meteorological monitoring

There are no specified conditions relating to ambient environmental quality or meteorological monitoring in these sections.



4 Improvements

4.1 Improvement program

4.1.1 The Licensee shall complete the improvements in Table 4.1.1 by the date of completion in Table 4.1.1.

Table 4.1.1: Improvement program		
Improvement reference	Improvement	Date of completion
IR1	The licensee shall provide to the CEO a hydrogeological assessment of groundwater beneath the premises. The assessment shall include, but not be limited to, the following: <ul style="list-style-type: none">(i) location, depth and design of monitoring bores;(ii) location, occurrence, depth of all groundwater and seasonal groundwater;(iii) seasonal flows and direction of groundwater;(iv) interactions between groundwater and surface waters;(v) trends in groundwater depths;(vi) existing groundwater quality reviewed against applicable standards and guidelines; and(vii) groundwater users in the area.	30 June 2016



5 Information

5.1 Records

- 5.1.1 All information and records required by the Licence shall:
- (a) be legible;
 - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
 - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.
- 5.1.2 The Licensee shall ensure that:
- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
 - (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.
- 5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.
- 5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.
- 5.1.5 The Licensee shall maintain a register of Special Waste Type 1 (Asbestos waste) and Special Waste Type 2 (Biomedical and clinical waste) disposed of at the Premises which shall include a plan showing the position of Special Waste Type 1 (Asbestos waste) and Special Waste Type 2 (Biomedical and clinical waste) disposed of at the Premises.



5.2 Reporting

5.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 60 calendar days after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
1.3.1	Documentation that demonstrates compliance with Class II waste acceptance	None specified
2.6.1	Measures taken to suppress dust	None specified
1.3.10	Number of fires at the premises	None specified
Table 3.5.1	Monitoring of inputs and outputs	None specified
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2

5.3 Notification

5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
-	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	As soon as practicable	N1
1.3.10	Unauthorised fire	Notify the CEO if the fire not extinguished within two (2) hours of the Licensee becoming aware of the fire	Written or telephone call
1.3.10	The date, time, cause and location of any unauthorised fire on the premises	Within fourteen (14) days of a fire	None specified

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

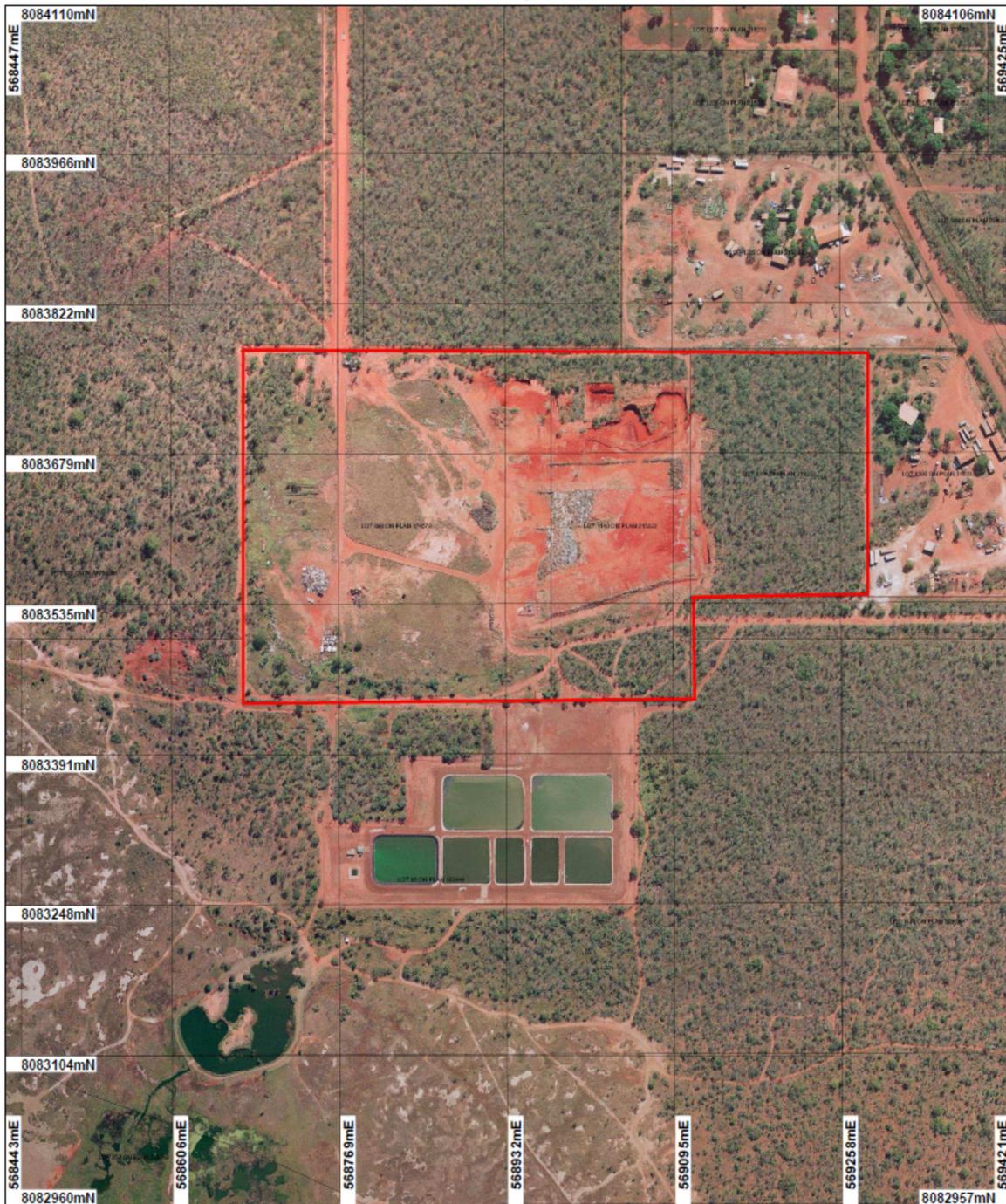
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

The Premises is shown in the map below. The red line depicts the Premises boundary.





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

Licence: L8602/2011/1 Licensee: Shire of Derby-West Kimberley
 Form: AACR Period :
 Name: Annual Audit Compliance Report

Annual Audit Compliance Report

Section A: Statement of compliance with Licence conditions

Were all conditions of licence complied with within the annual period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



Section B: Details of non-compliance with Licence condition

a) Licence condition not complied with?	
b) Date(s) b) Date(s) and time(s) the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DER verbally Date <input type="checkbox"/> Reported to DER in writing Date	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Please use a separate page for each Licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR must only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the Licence holder is		The AACR must be signed and certified:
an individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual Licence holder, or by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the Licensee's behalf.
a corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the Licensee in accordance with the Corporations Act 2001; or by two directors of the Licensee; or by a director and a company secretary of the Licensee, or if the Licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the Licensee; or by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the Licensee; or by a person with authority to sign on the Licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the CEO of the Licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature: _____ Signature: _____

Name: (printed) _____ Name: (printed) _____

Position: _____ Position: _____

Date: _____ / _____ / _____ Date: _____ / _____ / _____

Seal (if signing under seal)



Licence: L8602/2011/1
 Form: N1

Licensee: Shire of Derby-West Kimberley
 Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.
 Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken , or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Shire of Derby-West Kimberley	
Date	



Contents

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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application for a works approval or licence, and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.3, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



2 Administrative summary

Administrative details									
Application Type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>								
Activities that cause the premises to become prescribed premises	<table border="1"> <thead> <tr> <th>Category number(s)</th> <th>Assessed Design capacity</th> </tr> </thead> <tbody> <tr> <td>61</td> <td>320 tonnes per annual period</td> </tr> <tr> <td>62</td> <td>8,000 tonnes per annual period</td> </tr> <tr> <td>64</td> <td>40,000 tonnes per annual period</td> </tr> </tbody> </table>	Category number(s)	Assessed Design capacity	61	320 tonnes per annual period	62	8,000 tonnes per annual period	64	40,000 tonnes per annual period
	Category number(s)	Assessed Design capacity							
	61	320 tonnes per annual period							
	62	8,000 tonnes per annual period							
64	40,000 tonnes per annual period								
Application verified	Date: N/A								
Application fee paid	Date: N/A								
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>								
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>								
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
Commercial-in-confidence claim outcome									
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <table border="1"> <tr> <td>Referral decision No:</td> <td></td> </tr> <tr> <td>Managed under Part V</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Assessed under Part IV</td> <td><input type="checkbox"/></td> </tr> </table>	Referral decision No:		Managed under Part V	<input type="checkbox"/>	Assessed under Part IV	<input type="checkbox"/>		
Referral decision No:									
Managed under Part V	<input type="checkbox"/>								
Assessed under Part IV	<input type="checkbox"/>								
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <table border="1"> <tr> <td>Ministerial statement No:</td> <td></td> </tr> <tr> <td>EPA Report No:</td> <td></td> </tr> </table>	Ministerial statement No:		EPA Report No:					
Ministerial statement No:									
EPA Report No:									
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes include details of which EPP(s) here.								
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, include details here, e.g. Site is subject to SO ₂ requirements of Kwinana EPP.								



3 Executive summary of proposal

The Shire of Derby-West Kimberley (SDWK) are the occupiers for the category 64 Class II putrescible Derby Waste Management Facility (DWMF). The WMF will accept and dispose waste consistent with the requirements of the Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009) for a Class II landfill. The DWMF is currently managed by Toxfree under a contract management arrangement with the SDWK. DWMF was registered as a category 89 landfill from 2002 up until 2013 when it was converted to a category 64 landfill. DWMF comprises the following activities:

Category 61 Liquid Waste Facility and 62 Solid Waste Depot activities

DWMF accepts small volumes of liquid waste to the landfill in dedicated ponds. Given the recent increase in construction activities in the area the DWMF stores inert waste prior to sorting of waste prior to re-use or disposal.

Category 64 Putrescible Landfill activities

DWMF is currently accepting a total of around 40,000 cubic metres (m³) per annum. At the current throughputs it is anticipated that the life of the landfill will last for another three to four years. However it is predicted that there will be a decrease in throughput over the next year or two, potentially extending the life of the site to around four to six years.

The main types of waste accepted at DWMF include putrescible and household waste, greenwaste, construction and demolition waste, scrap metal, air conditioners and refrigerators, tyres and batteries, asbestos and clinical waste.

The surrounding properties include;

- Properties to the north east of the DWMF area all zoned as general industry;
- The DWMF adjoins the Water Corporation Derby Wastewater Treatment Plant directly to the south; and
- To the west, and north west, is remnant vegetation and tidal mudflats.

The closest residence is located 1km to the north west of the DWMF while the closest industrial property is approximately 400 metres (m) to the north-east. Separation distances for the DWMF comply with the Environmental Protection Authority, Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land Uses No. 3 June 2005 as the Class II putrescible landfill is located further than 500m from sensitive uses and 150m from single residences and the landfill complies with the internal 35m buffer for waste from the boundary.

This licence amendment document relates to the extension of due date for the submission of a hydrogeological assessment report and the conversion of the licence to the latest REFIRE template format.

DER received a Form P4 application on 5 January 2015 requesting that licence condition 4.1.1 IR1 Hydrogeological Assessment (HA) submission compliance date be amended from 31 March 2015 to 30 June 2015 in line with Derby Landfill HA. As this timeframe does not provide sufficient hydrogeological data DER has elected to amend the HA submission date to 30 June 2016. As part of this amendment, DER has not re-assessed the acceptability or impacts of emissions and discharges from the Premises or re-visited any existing emission control levels. No changes to the conditions on the licence have been made with the exception of condition 4.1.1 IR1 in section 4 of the licence. As part of the amendment, DER has also converted this licence into the new REFIRE format.



4 Decision table

All applications are assessed under the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, DER's *Policy Statement No.7 – Operational Risk Management* and the risk matrix attached to this decision document in Appendix A. Where other references have been used in making the decision they are detailed in the decision table.

DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
General Conditions	L1.2.5 L1.3.1 – L1.3.11	OSC	<p>Previous licence condition 2 required that the licensee ensure that no waste including greenwaste was burnt on site and has been converted to condition L1.3.9.</p> <p>Previous licence condition 3 required that the licensee ensure that appropriate procedures are in place to promptly extinguish unauthorised fires and has been converted to condition L1.3.10.</p> <p>Previous licence condition 4 required that the licensee notify the CEO if a fire has not been extinguished within 2 hours and has been converted to condition L5.3.1.</p> <p>Previous licence condition 6, 7 and 8 required stormwater management and has been converted to condition L1.2.5.</p> <p>Previous licence condition 9 required separation distances to groundwater and has been converted to condition L1.3.3.</p> <p>Previous licence condition 10 required separation distances to surface water and has been converted to condition L1.3.3.</p> <p>Previous licence condition 11 required hydrocarbon spill management and has been converted to condition L1.2.4.</p>	<p><i>Environmental Protection Act 1986.</i></p> <p>L8602/2011/1</p> <p>Landfill Waste Classification Waste Definitions 1996 (As amended).</p>



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>Previous licence condition 13 required liquid waste only be disposed into the liquid waste trenches and has been converted to condition L1.3.3.</p> <p>Previous licence condition 14 required a minimum freeboard of 500mm be maintained in the liquid waste trenches and has been converted to condition L1.3.3.</p> <p>Previous licence condition 15 required all vegetation within the liquid waste trenches be prevented from growing and has been converted to condition L1.3.3.</p> <p>Previous licence condition 16 required certain types of waste only be accepted to the landfill and has been converted to condition L1.3.1.</p> <p>Previous licence condition 17 required certain acceptance documentation for contaminated solids and has been converted to condition L1.3.1.</p> <p>Previous licence conditions 18, 19 and 20 required the licensee keep written and electronic copies of records relating to contaminated solids acceptance and has been converted to condition L5.2.1.</p> <p>Previous licence condition 21 required asbestos material be managed according to conditions and has been converted to condition L1.3.3 and 5.1.5.</p> <p>Previous licence condition 22 required biomedical waste be</p>	



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>managed according to conditions and has been converted to condition L1.3.3 and 5.1.5.</p> <p>Previous licence condition 23 required disposal of tyres and has been converted to condition L1.3.3.</p> <p>Previous licence condition 24 required management of the active landfill and has been converted to condition L1.3.1.</p> <p>Previous licence condition 25 and 26 required the licensee maintain a fence and has been converted to condition L1.3.5.</p> <p>Previous licence condition 27 and 28 required windblown waste management within the landfill and has been converted to condition L1.3.7 and 1.3.8.</p> <p>Previous licence condition 29 required appropriate signage and has been converted to condition L1.3.11.</p>	
Emissions General	L2.1.1	N/A	Operation There are no specified conditions relating to emissions in this section.	N/A
Point source emissions to air including monitoring	L2.2	N/A	Operation There are no point source air emissions at DWMF. No specific conditions relating to point source air emissions or monitoring are therefore required on the amended licence.	N/A
Point source emissions to	L2.3	N/A	Operation There are no point source emissions to surface water at DWMF.	N/A



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
surface water including monitoring			No specific conditions relating to point source emissions to surface water or monitoring are therefore required on the amended licence.	
Point source emissions to groundwater including monitoring	L2.4	N/A	Operation No significant point source emissions to groundwater at DWMF. No specific conditions relating to point source emissions to groundwater or monitoring are therefore required on the licence.	N/A
Emissions to land including monitoring	L1.2.3 L1.2.5 L4.1.1	N/A	Operation There are no emissions to land at DWMF. No specific conditions relating to emissions to land including monitoring are therefore required on the amended licence.	N/A
Fugitive emissions	L2.6.1	OSC	Operation Previous licence condition 1 required management of dust at the premises and has been converted to condition L2.6.1.	<i>Environmental Protection Act 1986.</i> L8602/2011/1
Odour	L2.7	N/A	Operation There are no odour conditions on the licence for the DWMF. No specific conditions relating to odour are therefore required on the amended licence.	N/A
Noise	L2.8	N/A	Operation The DWMF has a 4km buffer to the closest residential premises and therefore noise is not expected to be an issue.	<i>Environmental Protection Act 1986.</i> <i>Environmental Protection (Noise) Regulations 1997</i>



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Monitoring general	L3.1	N/A	Operation There are no specific conditions relating to general monitoring required during operation of the DWMF.	N/A
Monitoring of inputs and outputs	L3.5.1	OSC	Operation SDWK are required to monitor inputs and outputs to ensure they comply with waste acceptance limits. Condition 3.5.1 has been added to the licence.	<i>Environmental Protection Act 1986.</i> L8602/2011/1
Process monitoring	L3.6	N/A	Operation There are no specific conditions relating to process monitoring required during operation of the DWMF.	N/A
Ambient quality monitoring	L3.7	N/A	Operation At this stage, there is no requirement to monitor ambient groundwater quality. However, this will be required via a licence amendment after L4.1.1 IR1 Hydrogeological Assessment has been submitted by SDWK.	N/A
Meteorological monitoring	L3.8	N/A	Operation There are no specific conditions relating to meteorological monitoring during operation of the DWMF.	N/A
Improvements	L4.1.1	OSC	Operation There is the potential for leachate generated by the landfill to seep through to soils and groundwater below the DWMF. Leachate may contain contaminants from waste disposed at the landfill including	<i>Environmental Protection Act 1986</i> L8602/2011/1



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>nutrients, salts, heavy metals, pesticides and hydrocarbons among others. These contaminants can pollute soil and ground / surface waters in the vicinity of the facility.</p> <p>SDWK is provisioning funding allocations to enable a network of at least three groundwater monitoring bores to be installed at the DWMF. The bores will enable SDWK to begin monitoring groundwater beneath the facility and determine whether there are any impacts to soils and groundwater below the landfill.</p> <p>Previous licence condition 30 required a hydrogeological assessment and has been converted to condition L4.1.1. Improvement condition IR1 has been amended to require a hydrogeological assessment of the premises be completed by 30 June 2016. Once this has been received, the licence will be amended to require groundwater monitoring and reporting to ensure landfilling operations are not causing unacceptable impacts to the environment.</p>	
Information	L5.1.1 – 5.1.5 L5.2.1 L5.3.1	OSC	<p>Operation L5.1.1 – 5.1.5 are standard conditions relating to record keeping requirements and L5.2.1 outlines the requirement to submit to DER an annual environmental report and annual audit compliance report detailing compliance with acceptance of waste types, waste throughputs, fire information and dust suppression measures.</p> <p>L5.3.1 requires SDWK to notify DER should any incident or malfunction occur on the premises that have the potential to cause pollution or should an unauthorised fire occur on the premises.</p>	<p><i>Environmental Protection Act 1986</i></p> <p>L8602/2011/1</p>



DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L= Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
			<p>Previous licence condition 5 required that the licensee submit a report to the CEO on unauthorised fires and has been converted to condition L5.3.1.</p> <p>Previous licence condition 12 required hydrocarbon spill management records and has been converted to condition L5.3.1.</p> <p>Previous licence condition 18 & 19 required the licensee keep written and electronic copies of all contaminated solids and has been converted to condition L5.2.1.</p> <p>Previous licence condition 20 required the licensee keep written and electronic copies and that they be keep at the premises and has been converted to condition L5.1.1.</p> <p>Previous licence condition 31 required an annual environmental report and has been converted to condition L5.2.1.</p> <p>Previous licence condition 32 required and annual audit compliance report and has been converted to condition L5.1.3.</p>	
Licence Duration	N/A	N/A	There is no need to amend the licence duration for this licence amendment as the proponent is only requesting to delete a condition from the licence to allow landfilling of putrescible waste.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
16/03/2015	Proponent sent a copy of draft instrument	No comments	N/A



6. Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High