



Application for new licence

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

Licence Number	L9257/2020/2
Licence Holder	Cleanaway Pty Ltd
ACN	000 164 938
File Number	DER2020/000306
Premises	Albany Cleanaway 12 Allerton Street ROBINSON WA 6330 Legal description Lot 120 on Deposited Plan 187181 being the whole of land contained in the certificate of Title Volume 1808 Folio 634
Date of Report	1 September 2022
Decision	To grant a licence

**SENIOR ENVIRONMENTAL OFFICER
INDUSTRY REGULATION**

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application for a new licence [L9257/2020/2] without conducting an additional risk assessment.

The licence will be issued for 10 years, which is consistent with the *Guidance Statement on Licence Duration 2016* and is the period that the licence holder asked for.

In renewing the licence the Delegated Officer has determined to change the licence duration as the existing licence is in the most recent licence format plus the licence conditions align with those conditions approved in the department's condition library.

As a result of the above, the Delegated Officer decided to grant Licence L9257/2020/2, subject to conditions set out in the new licence.

2. Scope of assessment

2.1 Application summary

On 21 June 2022, Cleanaway Pty Ltd (licence holder) applied for renew licence L9257/2020/1, as this licence is to expire on 07 September 2022. The Premises are located at Lot 120 on Deposited Plan 187181 volume 1808 folio 634, 12 Allerton Street, Robinson.

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use	2,000 tonnes per annual period

The main activities occurring on the Premises include the processing of waste material under the Containers for Change (CfC) in Western Australia scheme established by the Western Australia Return Recycle Renew Limited (WARRRL) to provide processing services in regional WA.

The new licence application relates to continuing the processing services performed in Albany at the Allerton Street property. This facility comprises of an existing processing and storage shed (the shed).

The Premises are authorised to receive up to 2,000tpa of materials collected from regional refund points that is consolidated and stored in the shed until there is a sufficient volume to bale. All material is held in cages prior to baling which occurs inside the shed. Baled product is transported to Perth for disposition.

Glass, aluminium, plastic or liquid paperboard containers collected from refund facilities will be stored in hook lift bin (up to 20 m³) in accordance with Division 3 of the Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019. Once full, (approximately weekly), the bin is collected and transported to Perth for disposition.

Main emissions at the processing facility are noise, odour and leachate.

The material collected and stored has been determined to be low fire risk.

3. Regulatory framework

The Delegated Officer determined a full licence review and risk assessment of emissions and discharges from the Premises is not required because it aligns with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2021.

In granting the licence, the Delegated Officer considered and gave due regard to the department's regulatory framework and relevant policy documents, which are available at <https://dwer.wa.gov.au/regulatory-documents>.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There have been no incidents or complaints identified due to the Premises operations since processing commenced in September 2020.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises by way of lease agreement with the owner of the property which expires in 2025, but this may be extended beyond this period. If the lease officially ends, then the owner of the property becomes the new occupier of the Premises and may need to notify us in writing and have the licence transferred to the owner or the owner can decide to have the licence revoked.

4.3 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder was assessed.

4.4 Planning approval

The licence holder has informed the department that planning approval for the activities on the Premises.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach licence conditions. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm caused by the Premises operations.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 2.

Table 2: Consultation

Consultation method	Comments received	Delegated Officer's response
<p>Application advertised on the department's website on 27 July 2022 closing on 23 August 2022.</p>	<p>No submissions were received following advertising.</p>	<p>N/A</p>
<p>Local Government Authority advised of application on 13 July 2022</p>	<p>City of Albany provided the following comments on 5 August 2022: (HPMS Ref: DWERDT640935)</p> <ul style="list-style-type: none"> • It is noted there are no specific requirements outlined under the licence regarding management of litter or debris generated during operations. • The licence holder be aware of their responsibilities to identify and dispose of any litter and debris generated therefore minimizing detrimental impacts on adjoining properties and the road reserve. • Should odour be generated from materials externally stored on site it is expected that these issues be acted upon in a timely fashion, to minimise detrimental impacts on adjoining properties or the locality. 	<p>The Delegated Officer agrees that litter and debris is the responsibility of the licence holder and will condition the licence if monitoring, litter and debris collection and disposal become problematical therefore generating odours.</p> <p>The risk of odours has been considered and assessed as low risk requiring no further regulatory controls at this time.</p> <p>Emission risks can be reassessed at any time, and if odours become problematical in future the licence conditions can be amended.</p>
<p>Applicant was provided with draft documents on 6 July 2022.</p>	<p>The Licence holder reviewed the draft licence renewal and provided the following comments on 29 July 2022:</p> <p>Condition 1 table 1 and condition 2 table 2 remove the requirement to tarp the forklift bins has been approved in accordance with the Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019 and the leachate/stormwater runoff is not likely to be contaminated or, hazardous and therefore considered low risk.</p>	<p>The Delegated Officer reviewed the requirement to tarp forklift bins in line with the 2019 Regulations confirming condition 1 and 2 will remove the requirement to tarp the forklift bins.</p>