



## Application for Licence

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

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|---------------------------|---|
| <b>Licence Number</b>     | L6862/1997/12   |
| <b>Applicant</b>          | Shire of Denmark  |
| <b>Application number</b> | APP-0031838   |
| <b>Premises</b>           | Denmark Waste Management and Reuse Facility<br>46 East River Road<br>DENMARK WA 6333<br><br>Legal description -<br>Lot 326 on Plan 403090<br>Certificate of Title Volume LR3165 Folio 353 |
| <b>Date of report</b>     | 24 November 2025  |
| <b>Decision</b>           | Licence granted   |

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## 1. Decision summary

The Delegated Officer has determined to renew Licence L6862/1997/11. The renewal is administrative in nature, therefore does not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

Consistent with the *Guidance Statement on Licence Duration 2016*, the licence will be issued for 20 years. In renewing the licence, the Delegated Officer has determined to:

- update the format and appearance of the licence;
- incorporate amendment notices;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls to the new licence conditions.

As a result of the above, the Delegated Officer has granted Licence L6862/1997/22 subject to conditions set out in the licence.

## 2. Scope of assessment

### 2.1 Regulatory framework

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

### 2.2 Application summary and overview of premises

On 13 October 2025 the Shire of Denmark (licence holder) applied to renew L6862/1197/11, as the licence was due to expire on 25 November 2025. The premises is located at 46 East River Road, Denmark (the premises).

The application seeks the renewal of a licence for activities involving the receipt, storage, processing and landfilling of waste. The purpose of the application is solely to extend the expiry date of the existing licence. No changes are proposed to the currently licensed activities or infrastructure at the premises.

The premises relates to the categories and assessed production/design capacities under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which are defined in licence L6862/1197/12.

### 3. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to a licence. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (19 May 2023) to prevent, control, abate or mitigate pollution or environmental harm resulting from emissions and/or discharges from this premises.

Table 1 summarises the changes from the existing licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

**Table 1: Licence conditions consolidation and rationale**

| Current condition / table                         | New condition / table (if relevant)               | Conversion notes   |
|---|---|--|
| -   | All   | Minor subheading, numbering and wording changes to update all conditions into current licensing format and improve clarity with no changes to requirements or intentions of conditions.<br>Correction of grammatical and typographical errors.   |
| Prescribed premises categories table (cover page) | Prescribed premises categories table (cover page) | Updated in accordance with Amendment Notices 1 & 3   |
| 1.1.1   | Interpretation                                    | Included as per current licensing format with no changes to requirements or intentions of conditions   |
| 1.1.2   | Definitions – Table 7                             | <u>Definitions deleted</u><br>AS/NZS 5667.1; AS/NZS 5667.1; AS/NZS 5667.1; BGL; CEO; freeboard; licensee; NATA; NATA accredited; quarterly; spot sample; usual working day<br><u>Definitions amended</u><br>asbestos containing material (ACM); asbestos fibres; Asbestos Guidelines; Landfill Definitions; premises; prescribed premises<br><u>Definitions added</u><br>Asbestos Management Plan; approved form; condition; department; DWER; discharge; emission; EP Act; EP Regulations; licence holder; suitably licenced premises |
| 1.1.3   | Interpretation                                    | Included as per current licensing format with no changes to requirements or intentions of conditions.  |
| 1.1.4   |   |  |
| 1.1.5   |   |  |
| 1.2.1   | 15  | Revised to current licensing format and wording.   |
| 1.2.2   | 12 & 13   | Revised to current licensing format and wording.   |
| 1.3.1   | 19  | Revised to current licensing format and wording.   |
| 1.3.2   | 1   | Reference to Asbestos Management Plan included for clarity, with no changes to requirements or intentions of condition.<br>Table 1 updated in accordance with Amendment Notice 3<br>Table 1.3.2 deleted in accordance Amendment Notice 1   |

| Current condition / table   | New condition / table (if relevant) | Conversion notes  |
|-----------------------------|-------------------------------------|---|
| 1.3.3                       | 2                                   | Revised to current licensing format and wording.  |
| 1.3.4                       | 3                                   | Revised to current licensing format and wording<br>Table 1.3.4 deleted in accordance with Amendment Notice 1<br>Reference to Asbestos Management Plan included for clarity, with no changes to requirements or intentions of condition.<br>Table 2 Green waste requirements updated for clarity, with no changes to requirements or intentions of condition.<br>Table 2 updated in accordance with Amendment Notice 3 |
| 1.3.5                       | 5                                   | Revised to current licensing format and wording.  |
| 1.3.6                       | 7                                   | Revised to current licensing format and wording.  |
| 1.3.7                       | 8                                   | Revised to current licensing format and wording.  |
| 1.3.8                       | 9                                   | Revised to current licensing format and wording.  |
| 1.3.9                       | 10                                  | Revised to current licensing format and wording.  |
| 1.3.10                      | 11                                  | Revised to current licensing format and wording.  |
| 1.3.11                      | 12                                  | Revised to current licensing format and wording.  |
| 1.3.12                      | -                                   | Deleted in accordance with Amendment Notice 1   |
| 1.3.13 (Amendment notice 3) | 13                                  | Revised to current licensing format and wording.  |
| 1.3.14 (Amendment notice 3) | 14                                  | Revised to current licensing format and wording.  |
| 1.3.15 (Amendment notice 3) | 11                                  | Revised to current licensing format and wording.  |
| 1.3.16 (Amendment notice 3) | -                                   | Requirements incorporated into Table 2 and Schedule 1   |
| 1.3.17 (Amendment notice 3) | -                                   | Requirements incorporated into Table 2 and Schedule 1   |
| 2.1.1                       | -                                   | Deleted in accordance with Amendment Notice 1   |
| 2.1.2                       | -                                   | Deleted in accordance with Amendment Notice 1   |
| 2.1.3                       | 16                                  | Revised to current licensing format and wording.  |
| 2.1.4                       | -                                   | Deleted - redundant   |
| 2.2.1                       | 17                                  | Updated to include burning of green waste for clarity, with no changes to requirements or intentions of condition   |
| 2.3.1                       | -                                   | Deleted in accordance with Amendment Notice 1   |
| 3.1.1                       | 5                                   | Deleted in accordance with Amendment Notice 1<br>Asbestos Management Plan requirements included at Condition 5 and within Definitions   |
| 4.1.1                       | 23                                  | Revised to current licensing format and wording.  |
| 4.1.2                       | -                                   | Deleted - redundant   |
| 4.1.3                       | 24                                  | Revised to current licensing format and wording.  |
| 4.1.4                       | 19                                  | Revised to current licensing format and wording.  |

| Current condition / table | New condition / table (if relevant) | Conversion notes  |
|---------------------------|-------------------------------------|---|
| 4.1.5                     | 21                                  | Revised to current licensing format and wording.                            |
| 4.2.1                     | -                                   | Deleted in accordance with <i>Notice of Reporting Requirements</i> (2016)   |
| 4.2.2                     | 25                                  | Revised to current licensing format and wording.                            |
| 4.3.1                     | 26                                  | Table 6 updated in accordance with Amendment Notice 1                       |
| 5.1 (Amendment notice 2)  | 27                                  | Included in accordance with Amendment Notice 2                              |
| 5.2 (Amendment notice 2)  | 28                                  | Included in accordance with Amendment Notice 2                              |
| Schedule 1                | Schedule 1                          | Figure 1 updated<br>Figure 4 included in accordance with Amendment Notice 2 |
| Schedule 2                | Schedule 2                          | AACR form deleted (available on website)                                    |

## 4. Consultation

Table 2 provides a summary of the consultation undertaken by the delegated officer.

**Table 2: Consultation**

| Consultation method  | Comments received   | Delegated officer's response  |
|--|---|---|
| The Licence Renewal Application was advertised on the department's website on 22 October 2025 and advertised in <i>The West Australian</i> on 28 October 2025. | Risks of stormwater and leachate contaminating East River with potential impacts on aquatic ecosystems.<br><br>Potential for contaminant migration due to permeable soils and long-term impacts from leachate | The Premises is licensed as a Class 1 inert landfill (Category 63) and is limited by Condition 2 to only landfilling Clean Fill, Inert Waste<br>Type 1 (non-hazardous, non-biodegradable materials) and Special Waste Type 1 (asbestos) as defined in the <i>Landfill Waste Classification and Waste Definitions</i> .<br><br>All other waste is accepted by the solid waste depot (Category 62) component of the Premises, and ultimately transferred to another licensed Premises for processing, disposal or reuse.<br><br>Conditions relating to stormwater management, spills and the maintenance of a 3 m separation distance between the base of the landfill and the highest groundwater level have been retained on the renewed licence. |
|  | Odour and fine particulate emissions from composting and waste handling with potential health risks for vulnerable populations.   | The Delegated Officer notes that there is no onsite composting undertaken at the Premises and that no complaints have been received by the department relating to the prescribed premises activities.<br><br>Conditions pertaining to the management of asbestos, stormwater, windblown waste,  |

|   |   |   |
|---|---|---|
|   |   | smoke/fire, pests and vermin, and spills have been retained on the renewed licence.   |
|   | Habitat disturbance affecting native species and breeding cycles and need for ecological offsets.           | <p>Native Vegetation Clearing previously assessed and approved under the existing licence has been transferred to the renewed licence, with existing conditions, conditions 27-28 retained to manage risks.</p> <p>Existing operations at the premises are not likely to generate large amounts of noise. The environmental siting of the premises along with the licence conditions are considered to be effective in mitigating the impact of noise emissions from the premises. The delegated officer considers noise emissions are effectively regulated by the general provisions of the EP Act, <i>Environmental Protection (Noise) Regulations 1997</i>.</p> |
|   | Emissions from landfill and composting and lack of methane capture measures.                                | <p>There is no onsite composting currently occurring or proposed to occur under the renewed licence.</p> <p>Due to the nature of the waste being accepted for landfilling, landfill gas emissions are expected to be low and are no further controls are considered as being required.</p>  |
|   | Concerns about odour, traffic safety, and visual amenity and the need for transparent community engagement. | <p>There is no evidence to support that odour, traffic safety or visual amenity is of concern for the Premises. No complaints have been received by the department relating to the prescribed premises.</p> <p>In addition, the Delegated Officer notes that traffic and visual amenity are not within the remit of Part V of the EP Act.</p> <p>Conditions 18 -26 regarding complaints, monitoring and record-keeping have been retained on the renewed licence.</p>   |
| Applicant was provided with draft documents on 28 October 2025. | No comments   | N/A   |

## 5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the application to renew L6862/1997/11 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

## References

Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western