



Application to replace expiring licence

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

Licence Number	L7011/1997/12
Applicant	Shire of Victoria Plains
File Number	DER2017/000602-1
Premises	Mogumber Refuse Site 47 Mogumber - Yarawindah Road MOGUMBER WA 6506 Legal description - Crown Reserve 8588 Lot 4110 on Deposited Plan 21718347 As depicted in Schedule 1
Date of Report	14 October 2021
Proposed Decision	Licence granted

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Senior Environmental Officer
Industry Regulation

An officer delegated by the CEO under section 20 of the EP Act

1. Application summary

On 16 June 2021 the Shire of Victoria Plains (Licence Holder) applied to renew licence L7011/1997/11 for the Mogumber Refuse Site (Premises), as the licence is due to expire on 22 October 2021. The Premises are located on Mogumber – Yarawinda Road, Mogumber. The licence relates to prescribed premises categories as described below in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production capacity
Category 64: Class II or III putrescible landfill: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the <i>Landfill Waste Classification and Waste Definitions 1996</i> , is accepted for burial.	No more than 500 tonnes per annual period

The Licence Holder currently operates the Premises which is located less than 1km north of the Mogumber town site. The Premises primarily accept municipal wastes (including green wastes, scrap metal, building material and tyres) which is currently received and either stored or disposed at the landfill.

Sensitive receptors within the vicinity of the Premises include a significant reserve of Wandi and Marri woodland habitat to the Carnaby's black cockatoo. Threatened flora is also present in the surrounding reserves. The northern boundary of the Premises borders Moore river with landfill activities undertaken approximately 100m from Moore River.

The Licence Holder has requested in the application (Section 4.2) the removal of Special Waste Type 1 and Special Waste Type 2 from the licence as it is no longer accepted at the Premises.

2. Regulatory framework

The Delegated Officer decided to undertake an administrative renewal of the licence and has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department's *Work Instruction: Regulatory Services, COVID-19 licensing position*.

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

3. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L7011/1997/12 without conducting any additional assessment or risk assessment.

The existing prescribed premises categories and waste types authorised for acceptance have not been reviewed as part of this renewal. A review including an updated risk assessment to accurately reflect current operations may be undertaken in next couple of years. Therefore, the replacement licence will be issued for 5 years.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant definitions and conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- correct clerical mistakes and unintentional errors; and
- transfer all relevant existing regulatory controls and conditions to the renewed licence.

The ability to accept waste types - Special Waste Type 1 and Special Waste Type 2 currently specified in the licence has not been removed (as requested by the licence holder) as this requires an additional assessment. The licence holder can initiate an amendment to the licence once the renewed licence has been granted. The Application Form is available on the department's website.

As a result of this decision, a renewed Licence L7011/1997/12 has been granted subject to conditions set out in the attached licence and summarised below.

3.1 Summary of administrative changes

Section 62 of the EP Act provides general power to impose conditions on licences. All licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table 2 summarises the transfer of all appropriate conditions from the expiring licence into the renewed licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions description and rationale

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
Cover page	Licence version, commencement date, issue date and expiry date. Premises details stated as: Crown Reserve 8588 Bindoon-Moora Rd MOGUMBER WA 6506	Licence version and duration dates updated. Premises details updated in accordance with application and supporting information provided. Mogumber Refuse Site 47 Mogumber - Yarawindah Road MOGUMBER WA 6506 Legal description - Crown Reserve 8588 Lot 4110 on Deposited Plan 21718347 As depicted in Schedule 1	N/A
N/A	Preamble.	Removed as per current licence formatting and replaced with interpretation section. Instrument log included.	N/A
Definitions	Conditions of licence: Licence	Revised to current licensing format and updated for all current and relevant terms. Redundant definitions removed.	Table 3

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
1	Waste acceptance and management at the premises.	Existing wastes authorised for acceptance transferred to updated format condition with table (Table 1) detailing specific acceptance criteria where applicable.	1
2 a); 2 b)	Special waste type 1 (Asbestos) management	Incorporated in Table 1 of new condition under acceptance specifications.	1
2 c) to i)	Handling, disposal and record keeping requirements for asbestos waste.	Existing conditions transferred to Table 2 of new condition - waste processing condition.	2
3 a) – g)	Special waste type 2 (Biomedical) management	Incorporated in Table 2 of new condition under process limits.	2
4	Management of landfill activities	Incorporated in Table 2 of new condition.	2
5	Hydrocarbons/chemicals	Redundant condition - deleted from licence.	N/A
6 & 7	Dust emissions.	Direct transfer to renewed licence.	3 and 4
8 & 9	Premises fencing and maintenance conditions.	Direct transfer to renewed licence.	5 and 6
10	Premises security.	Direct transfer to renewed licence.	7
11	Signage	Direct transfer to renewed licence.	8
12 13 a) - g)	Burning of waste	Existing conditions transferred to Table 2 of new condition - waste processing condition.	2
14	Unauthorised fire management	Direct transfer to renewed licence.	9
15	Extinguishing fire	Direct transfer to renewed licence.	10
16	Reporting of unauthorised fire	Direct transfer to renewed licence.	11
17	Stormwater management	Direct transfer to renewed licence.	12
18 & 19	Protection of ground and surface water	Existing conditions transferred to Table 2 of new condition - waste processing condition.	2
20	Complaints	Revised to current licensing format.	13
21	Complaints records keeping	Revised to current licensing format.	17
22 a) – j)	Annual monitoring report	Existing conditions merged and standard current licence template annual reporting condition has been applied.	15 and 16
23	Annual Audit Compliance Report	Revised to current licensing format. Forms accessed at www.dwer.wa.gov.au	14
Attachment 1	Premises map	New naming convention. Licence holder to provide updated Premises map to be included as Figure 1. This was not provided by the Licence Holder therefore, the previous map has been transferred to the renewed licence.	Schedule 1: Maps
Attachment 2	Annual Audit Compliance Report	Redundant attachment. Deleted from licence and included as new condition.	14

4. Consultation

The draft licence and this decision report were provided to the Licence Holder for comment on 28 September 2021. On the 12 October 2021, the Licence Holder waived the comment period and requested the licence be issued.

5. Decision

Based on the information in this Decision Report, the Delegated Officer has determined that the renewed licence L7011/1997/12 will be granted. The licence is subject to conditions commensurate with the determined controls as well as conditions necessary for administration and annual reporting requirements.