



Application to renew a licence

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

Licence Number	L7026/1997/15
Licence Holder	Shire of Plantagenet
ABN	29 084 782 574
File Number	DER2016/000376-1~4
Premises	Mount Barker Waste Management Facility O'Neill Road, MOUNT BARKER WA 6324 Legal description Part of/Lot 7546 on Deposited Plan 186612, Crown Reserve 23969, as depicted in Schedule 1
Date of Report	23/06/2023
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 to renew licence L7026/1997/14 without completing an additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- 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 and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L7026/1997/15, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 21 March 2023, Shire of Plantagenet (licence holder) applied to renew licence L7026/1997/14, as the licence is due to expire on 24 June 2023. The licence was granted to the licence holder for the premises located at Part of/Lot 7546 on Deposited Plan 186612 Crown Reserve 23969 O’Neill Road, Mount Barker (Premises).

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 61: Liquid waste facility - premises on which liquid waste produced on other premises (other than sewage waste) is stored, reprocessed, treated or irrigated.	1000 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.	10,000 tonnes per annual period

Since the 1960’s the licence holder operates the Premises which are located approximately 5 kilometres south-east of the Mount Barker town site. The Premises occupy a total area of 76 hectares with waste disposal activities confined to approximately 16 hectares in the northern portion of the site.

The Premises are immediately surrounded by native remnant vegetation to the north and east, with tree plantations to the south-west and cleared rural properties on its western and south eastern boundaries. The closest residential receptor is a rural residence located approximately 1.7 kilometres southeast of the active landfill area. Sleeman Creek is the closest surface water

sensitive receptor and runs through the southern half of the Premises, with seasonal tributary creek lines also running south down the western side, all within the prescribed boundary. The creek lies approximately 350m west of the active landfill area. Additional un-named seasonal creek-lines and low-lying depressions exist within the Premises boundary, notably across the entire southern section of the premises. Groundwater levels vary from around 8-9 m below ground level (BGL) in the northern section of the site, to being at or just below the surface at the southern groundwater monitoring bore (MW3).

Operations at the Mt Barker Waste Management Facility (WMF) include the receipt of liquid wastes into a high-density polyethylene lined liquid waste receival pond built under works approval (W4729/2010/1).

The Mt Barker WMF is the primary landfill site for the acceptance of household, commercial and industrial wastes collected by the Shire of Plantagenet and its waste contractor from properties located within the town sites of Mount Barker, Kendenup, Porongurup, Rocky Gully and Narrikup. The facility also receives wastes from nearby rural residents including putrescible waste, general household wastes, green waste and assorted recyclable materials.

Emission risks at the site relate to the landfill not being lined and much of the Premises not being viable for future landfilling due to the high groundwater levels and the nearby presence of seasonal creek-lines. The Shire of Plantagenet is considering the future options for landfill expansion and potential for securing a suitable alternative site.

This Licence renewal will incorporate the following amendment notices:

- Amendment Notice 1 approved on 11 May 2018 to assess landfill throughput capacity for Category 61 (liquid waste facility) and Category 64 (Class II unlined landfill) of 1000 tonnes per year and 10000 tonnes per year respectively plus change condition 1.2.2, 1.2.6 and premises map which accurately reflect current management practices;
- Amendment Notice 2 approved on 18 January 2019 amended the closure plan due date and updated the site plans to accurately reflect surface and groundwater monitoring locations; and
- Notice of Amendment of 16 May 2022 that changed the licence reporting requirements for the submission of Annual Environmental Reports and reduce the frequency of environmental reporting from annual to biennial.

3. Regulatory framework

The Delegated Officer has not conducted a full review of the risk associated with the emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Industry Regulation, Licensing position - COVID-19 response*, October 2022. Therefore, the original risk assessment of 2016 and 2018 have been included as attachments to this Decision Report.

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 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 at the Premises by the department in the last five years. There have been no enforcement actions taken against the occupier in the last 5 years regarding the licence.

Native vegetation clearing occurred under permit CPS 4256/1 which has expired. No further clearing

is proposed in future.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises by way of being the primary interest holder for the crown reserve by management order.

4.3 Categories of the licence

The requested category and the corresponding maximum production capacity for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence, and which was previously assessed.

4.4 Planning approval

The licence holder has informed the department that a planning approval for the Premises is not required.

5. 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 licence. Licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm resulting from emissions and/or discharges from the premises in question.

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

Table 1: Licence conditions changes, description and rationale

Current condition / table	New condition / table (if relevant)	New condition / table (if relevant)	Description and rationale
1.1.1 - 1.1.4	Introduction, Licence History &	N/A	Redundant conditions removed as no longer relevant.
Definitions	Definitions	Table 10	Definitions converted to current licensing format and located at end of licence conditions in Table 10.
1.2.1 – 1.2.12 Tables 1.2.1 to 1.2.5	General conditions	1 – 12 Tables 1 - 5	Premise Operations renamed to General conditions with administrative changes and renumbering completed.
1.2.13	Closure Management Plan	Condition removed	Closure Management Plan condition removed following the plan dated May 2021 being submitted to DWER on 6 July 2021 (A2023736)
2.1.1 – 2.1.4	General Monitoring	13 to 16	Conditions edited to address administrative changes and renumbering completed
2.1.5 & Table 2.2.1	Inputs and outputs	17 & Table 6	Conditions edited to address administrative changes and renumbering completed
2.1.6 & Table 2.3.1	Monitoring of surface water quality	18 & Table 7	Conditions edited to address administrative changes and renumbering completed

Current condition / table	New condition / table (if relevant)	New condition / table (if relevant)	Description and rationale
Table 2.3.2	Monitoring of ambient groundwater quality	Table 8	Conditions edited to address administrative changes and renumbering completed
3.1.1 & New	Legible Records	20 and 21	Revised to current licensing format.
3.1.2	AACR	22	Revised to current licensing format including the Notice of Amendment of Licence Reporting Requirements.
3.1.3	Complaint records	19	Revised to current licensing format.
3.1.4	Special Waste register	23	Revised to current licensing format.
3.1.5 & Table 3.2.1	Biennial Environmental Report	24 & Table 9	Revised to current licensing format including the Notice of Amendment of Licence Reporting Requirements. Inserted Fire notifications and calibration reports into the biennial reporting requirements
3.1.6	Biennial Report assessment of results and data gathered	25	Revised previous licence condition and ensure assessments are contained in the biennial report.
3.1.7 & Table 3.3.1	Event notification requirements and timeframes	26 & Table 9	Revised to current licensing format and removed AACR and N1 proforma from Schedule 2 of the licence.
Schedule 1: Maps	Map of premises boundary & Map of emission and monitoring location	Schedule 1: Maps	Updated maps included location of containment infrastructure, monitoring locations and waste deposit areas.
Schedule 2:	AACR proforma	N/A	Removed AACR form and Notification Forms LR1 & N1, to be consistent with current licence format.

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
Application advertised on the department's website on 20 April 2023 closing 11 May 2023.	No submissions were received	N/A

Consultation method	Comments received	Delegated Officer's response
Applicant was provided with draft documents on 1 June 2023.	The licence holder advised they were satisfied with the draft licence and draft decision report and requested the licence be issued.	N/A

Attachment 1 – L7026 Risk assessments

20 July 2016 – REFIRE LICENCE CONVERSION

4 Decision table

All applications are assessed under the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, Where other references have been used in making the decision they are detailed in the decision table.

Works Approval / Licence section	Condition number W = Works Approval L= Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Premises Operation	L1.2.5	<p>Inappropriate processing of waste on site has the potential to result in environmental contamination or inadvertent expansion of the site without a works approval. In addition, the various solid waste streams accepted onto the premises have varying risks, with some requiring special risk management.</p> <p>The Mount Barker WMF has been operating since the 1960's and there is limited information available regarding the history of landfilling practices on the premises. Condition 1.2.5 has been amended to require a minimum separation distance of 2m between waste deposited within the active landfill area and the highest groundwater level. This amendment ensures that the limit is applied to all current and future landfilling operations on the premises.</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p><i>Guidance Statement: Regulatory Principles</i></p> <p><i>Guidance Statement: Setting Conditions</i></p>

Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Fugitive emissions (dust)	N/A	<p><u>Emission Description</u> <i>Emission:</i> Earth moving activities associated with burial, covering and formation of trenches at the Mt Barker WMF have the potential to generate dust affecting users of the facility. The accessing of the recyclables area and Tip Shop by the general public and contractors, plus access by delivery contractors to the LWRP, is via gravel roads, so has the potential to generate dust emissions, particularly in summer. <i>Impact:</i> Reduced local air quality. Nuisance impacts to sensitive receptors. Respiratory impacts to human health. The nearest rural residence is approximately 1.7km away, so is unlikely to be affected by any dust emissions from the Premises. <i>Controls:</i> The Shire of Plantagenet have access to a water truck to manage dust as necessary.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p> <p><u>Regulatory Controls</u> Dust emissions are unlikely to unreasonably impact on human receptors given the 1.7km separation distance. It is assessed that dust emissions can be sufficiently regulated under section 49 of the <i>Environmental Protection Act 1986</i>. Conditions 2.6.1 and 2.6.2 in the previous licence version have been deleted.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Minor <i>Likelihood:</i> Possible <i>Risk Rating:</i> Moderate</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p><i>Guidance Statement: Regulatory Principles</i></p> <p><i>Guidance Statement: Setting Conditions</i></p>

Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Odour	N/A	<p><u>Emission Description</u> <i>Emission:</i> The acceptance, movement and disposal of putrescible waste can generate considerable odour. Also, the storage of liquid wastes and occasional removal, storage and disposal of sludge from the LWRP can generate considerable odour. <i>Impact:</i> Nuisance impacts to sensitive receptors. The nearest residential receptor to the landfill and LWRP is 1.7km away so is unlikely to be affected by any odour generated. <i>Controls:</i> Cover material is applied at least weekly to assist in preventing odours.</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Possible <i>Risk Rating:</i> Low</p> <p><u>Regulatory Controls</u> Odour emissions are not likely to unreasonably impact on human receptors given the 1.7km separation distance.</p> <p>It is considered that the risk of odour is low and odour emissions can be sufficiently regulated under section 49 of the <i>Environmental Protection Act 1986</i>. Condition 2.7.1 in the previous licence version has been deleted.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Possible <i>Risk Rating:</i> Low</p>	<p>General provisions of the <i>Environmental Protection Act 1986</i></p> <p><i>Guidance Statement: Regulatory Principles</i></p> <p><i>Guidance Statement: Setting Conditions</i></p>
Improvements	IR1 – IR4	IR1 to IR4 have been removed from the licence as the Licensee has met the requirements of the Improvement conditions.	

Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Licence duration	N/A	<p data-bbox="721 330 1541 544"><i>A Notice of amendment of licence expiry dates Section 59B(9) and Section 59(1)(k) Environmental Protection Act 1986 Licensed Prescribed Premises (Notice)</i> was given effect by the Director General on 29 April 2016. The Notice gave regard to the <i>Guidance Statement: Licence Duration</i>. The expiry date of Licence L6316/1991/13 was amended under the Notice from 24 June 2019 to 24 June 2023.</p> <p data-bbox="721 571 1541 754">The expiry date of the Licence being 24 June 2023 does not provide unmitigated approval for operations at the Premises to continue until this time. Prescribed activities will be subject to ongoing review in accordance with the risk based regulatory framework and appropriate regulatory controls put in place commensurate to the risk posed by emissions from the Premises.</p>	<p data-bbox="1550 330 1854 416">General provisions of the <i>Environmental Protection Act 1986</i></p> <p data-bbox="1550 448 1854 507"><i>Guidance Statement: Licence Duration</i></p>

Table 7: Risk assessment for proposed amendments during operation

Risk Event					Consequence rating	Likelihood rating	Risk	Reasoning	
Source/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts					
Cat 64 – Landfill (Class II unlined)	Receipt, handling, storage and burial of waste	<i>Dust: generated from vehicle operation</i>	<i>Residential receptor (approx. 1.7 km South East of the primary activity area)</i> <i>Local native vegetation and fauna</i>	<i>Air/ Wind</i>	<i>Health and amenity impacts</i>	<i>Minor</i>	<i>Unlikely</i>	<i>Medium</i>	<i>The premises is located within a rural, low population density area adjoining farmland and within conservation area.</i>
		<i>Leachates: generated from burial of putrescible wastes</i>	<i>Groundwater with beneficial use (Approx. 8-9 mBGL)</i> <i>Surface water sources (approx. 335 m South East of the primary activity area)</i> <i>Land (Soil nutrification)</i>	<i>Seepage of leachate through porous soil profile</i>	<i>Adverse impacts to the health of flora, groundwater dependent ecosystems & fauna/ livestock on groundwater surface water resources.</i> <i>Nutrient enrichment of soil profile causing adverse impacts to stock.</i>	<i>Moderate</i>	<i>Likely</i>	<i>High</i>	<i>The premises is an unlined landfill. The activity occurs within approximately 337 m of a surface water sources. Soil type within the area is considered to be predominantly 'sand' within the primary activity area with deposits of 'clay, silt, sand' towards the southern and western sections of the primary activity area. Laterite deposits occur in the south western corner of the prescribed premises. Groundwater is used for livestock watering. Surface water occurs at or just below ground level in the southern half of the premises. Groundwater monitoring reflects trigger value exceedences with numerous monitoring parameters, as assessed against ANZECC & ARMCANZ, 2000.</i>

									<p><i>Premises is registered under the (Site Id 65244) Contaminated Sites Act 2003 – possibly contaminated, investigation required.</i></p> <p><i>The proponent's consultant has identified that heavy metal concentrations are increasing in both ground and surface waters in the vicinity of the premises.</i></p>
		<p>Odour/ gases: associated predominantly with putrescible waste disposal</p>	<p>Residential receptor (approx. 1.7 km South East of the primary activity area)</p>	<p>Air/Wind Percolation through soil profile</p>	<p>Health and amenity impacts</p>	<p>Slight</p>	<p>Rare</p>	<p>Low</p>	<p>No potential receptor present at or adjacent to the emission source (primary activity area). Adequate buffer to sensitive receptor as defined by EPA guidance. Shire has identified that fill is approximately 40% clean fill.</p>