



## Department initiated Amendment

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

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<b>Licence Number</b>	L7038/1997/13
<b>Licence Holder</b>	Brajkovich Landfill & Recycling Pty Ltd
<b>ACN</b>	161 973 931
<b>File Number</b>	DWERVT15738~1
<b>Premises</b>	Quinns Quarry  220 Hester Avenue NEERABUP WA 6031  Legal description –  Part of Lot 11533 on Plan 217813 Certificate of Title Volume LR3096 Folio 207 As defined by the coordinates in Schedule 2 of the revised licence
<b>Date of Report</b>	21 November 2024
<b>Decision</b>	Revised licence granted

#### **MANAGER WASTE INDUSTRIES**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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## 1. Decision summary

The Delegated Officer has made amendments to Licence L7038/1997/13 to give effect to the Minister for Environment's (the Minister) appeal decision under section 110 of the *Environmental Protection Act 1986* (EP Act).

This Amendment Report documents the amendments made pursuant to section 59(1)(j) and 59B of the EP Act.

Decision and amendment reports for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

## 2. Scope of assessment

### 2.1 Regulatory framework

In amending the licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at:

<https://dwer.wa.gov.au/regulatory-documents>.

Consideration and due regard has also been given to the Ministerial Appeals Committee findings and Minister's Determination which are available at:

<https://www.appealsconvenor.wa.gov.au/Appeal?id=31848>.

### 2.2 Amendment summary

Licence L7038/1997/13 is held by Brajkovich Landfill & Recycling Pty Ltd (Licence Holder) for the Quinns Quarry (the premises), located at 220 Hester Avenue, Neerabup. The premises relates to the categories and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in the existing licence.

On 29 August 2022, the department initiated a targeted review of Licence L7038/1997/13 to assess the suitability of controls for waste storage and fire risk management. This was in response to three fire events at the premises between 2020 and 2022. The review took into consideration the department's compliance inspection findings and Department of Fire and Emergency Services (DFES) recommendations following the fire events.

As a result of the review, the department amended Licence L7038/1997/13 on 6 June 2023 to include further controls to prevent or mitigate the risk of fire related emissions and discharges from the premises, as well as addressing overall waste management practices.

Under section 102(2) of the EP Act, the holder of a licence who is aggrieved by the amendment of a licence may lodge an appeal to the Minister within 21 days of being notified of the amendment. The appeal period closed on 29 June 2023, with the Licence Holder submitting an appeal on 27 June 2023 objecting to some of the amendments to the licence (Appeal Number 021 of 2023).

The Licence Holder sought the deletion or modification of specifications for the maximum length of construction and demolition waste (C&D waste) stockpiles, the requirement for personnel to undergo training when commencing a role and every two years thereafter, the definition of 'suitably qualified and independent person' and the existing waste acceptance limitation of cement bonded asbestos only. The Licence Holder considered these amendments to be not reasonable or necessary, arbitrary and ambiguous, unfair and not reasonably justified.

On 25 September 2024, the Minister determined that while the department's decision to amend the licence was justified, a decision has been made to allow the appeal in part by accepting the recommendations of the Appeals Committee to change some of the amended conditions. A summary of the Minister's Appeal Determination and required amendments is below:

- Limitations to the size of C&D waste stockpiles should be reworded by making changes to Condition 7: Tables 4 and 5.
- Condition 31 requiring training should be limited to staff involved with the handling, processing, inspection and sampling of waste.
- The definition of 'suitably qualified and independent person' is reasonable and does not need to be changed.
- Acceptance limitations on asbestos containing materials have not changed and therefore were beyond the scope of matters that could be appealed.

This amendment has been initiated by the department under section 59(1)(j) of the EP Act to give effect to the Minister's Appeal Determination. Section 105 of the EP Act sets out that amendments made under s.59(1)(j) are matters that cannot be appealed.

### 3. Consultation

The Licence Holder was provided with the draft Amendment Report on 14 October 2024. No comments were received from the Licence Holder during the comment period which closed on 7 November 2024.

### 4. Conclusion

Based on the Minister's Appeal Determination made on 25 September 2024, the Delegated Officer has amended Licence L7038/1997/13 under section 59(1)(j) of the EP Act, being an amendment to give effect to a decision of the Minister under the Act.

An amended licence has been granted, subject to conditions commensurate with the Minister's Appeal Determination. A copy of the Minister's Appeal Determination and Appeals Committee report can be obtained from the Appeals Convenor's website at:

<https://www.appealsconvenor.wa.gov.au/Appeal?id=31848>

#### 4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

**Table 1: Summary of licence amendments**

Condition no.	Proposed amendments
7	Condition 7, Table 4 is changed by: <ul style="list-style-type: none"> <li>• replacing 'Construction and Demolition Waste (before the separation of residual and non-conforming waste)' with 'Construction and Demolition Waste' in item 3 under the column 'Material'</li> <li>• replacing '(i) 25 m in length;' in item 3 under the column 'Stockpile specifications' with '(i) 50 m in length' consistent with DFES <i>Guidance Note: GN04 Fire Prevention and Management in a Recycling Facility</i> (DFES GN04)</li> <li>• deleting item 4.</li> </ul>
	Condition 7, Table 5 is changed to specify the separation distances for Construction and Demolition Waste so they match those specified in DFES GN04.
	Note 1 to Condition 7, Table 5 is deleted and replaced with 'Construction and Demolition Waste where combustible material is present'.

Condition no.	Proposed amendments
31	Condition 31 is changed to specify that the licence holder must ensure personnel involved with the handling, processing, inspection and sampling of waste on the premises undergo training when commencing a role at the premises, and refresher training at least every two years following the initial training.
44	Contact information for Pollution Watch updated to Environment Watch to reflect departmental change.

## References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. Ministerial Appeals Committee 2024, *Appeals Committee Report to the Minister for Environment: Appeal against the amendment of Licence L7038/1997/13 Quinns Quarry, Brajkovich Landfill & Recycling Pty Ltd*, accessed at:  
<https://www.appealsconvenor.wa.gov.au/oac/files/021-23%20-%20Appeals%20Committee%20Report.PDF>.
5. Minister for Environment 2024, *Minister's Appeal Determination: Appeal against amendment of Licence L7038/1997/13 Quinns Quarry, 220 Hester Avenue, Neerabup, City of Wanneroo*, accessed at:  
<https://www.appealsconvenor.wa.gov.au/oac/files/021-23%20-%20Minister%20s%20Appeal%20Determination.pdf>.