





## Application to renew a licence

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

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<b>Licence Number</b>	L7040/1997/9
<b>Licence Holder</b>	Gary Ross Higgs & Karen Lee-Ann Higgs
<b>File Number</b>	2013/003858-1
<b>Premises</b>	GR & KL Higgs Cartage Contractors  Legal description -  Diagram 29588 As defined in Schedule 1 of the licence
<b>Date of Report</b>	05/08/2022
<b>Decision</b>	To grant a licence

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Peter Knol  
Senior Environmental Officer

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 L7040/1997/9 without conducting any additional risk assessment.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- add a new condition with waste acceptance specifications;
- 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 L7040/1997/9, subject to conditions set out in the attached licence. The Delegated Officer determined to renew the licence for a period of 20 years, in accordance with considerations outlined in the *Guidance Statement: Licence Duration 2016*.

## 2. Scope of assessment

### 2.1 Application summary

On 7 June 2022, Gary Ross Higgs and Karen Lee Ann Higgs (licence holder) applied to renew licence L7040/1997/8, as the licence is due to expire on 28 September 2022. The licence was granted to the licence holder for the premises located at [REDACTED] (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 capacity
Category 67A – Compost manufacturing and soil blending: Premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.	5,000 tonnes per annual period

## 3. Regulatory framework

The Delegated Officer has not conducted a full review or a risk assessment of emissions and discharges from the Premises, but solely made administrative type amendments in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position*.

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 three incidents or complaints identified at the Premises by the department in the last five years which related to odour, dust and the alleged use of wastes other than manure at the Premises.

### 4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

### 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 currently holds a licence and which was previously assessed.

### 4.4 Planning approval

The City of Armadale has informed the department that it has planning approval for the activities on the Premises and no further planning approvals are required at this time (as outlined in Table 3: Consultation).

## 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 licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 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 2: Licence conditions changes, description and rationale**

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
New condition	Waste acceptance	1, Table 1	Inclusion of a waste acceptance condition to align with DWER's current regulatory approach for composting facilities.
G1(a) – G1(d)	Fencing	2 - 5	Transfer of existing conditions.
G2(a) – G2(b)	Wind blown waste	6 - 7	Transfer of existing conditions.
G3	Annual Audit Compliance Report	19	Revised to current licensing format. Form accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
A2(a) – A2(c)	Burning of waste	8 - 10	Transfer of existing conditions.
A3	Odour control	11	Transfer of existing conditions.

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
W1(a) – W1(c)	Leachate control	12 - 14	Transfer of existing conditions. Conditions 12 and 14 amended to remove 'approved' from description of hardstand(s) and retention basin(s), as approved infrastructure was not defined in the licence or shown in a site plan. The hardstands and retention basins on the premises may not meet the minimum specifications that would typically be required for construction of new containment infrastructure. DWER will consider the suitability of existing infrastructure, with reference to published guidance, when assessing any future applications relating to the premises.
W2(a) – W2(b)	Uncontaminated stormwater management	15 - 17	Transfer of existing conditions. Condition 17 amended to allow water that has come into contact with waste to be diverted to a sump or retention basin.
New conditions	Records and reporting	18 - 21	Revised to current licensing format.
Definitions		Table 2	Transfer of existing definitions. New definitions added for Annual Audit Compliance Report, annual period, books, CEO, department, discharge, emission, EP Act, EP Regulations, licence, prescribed premises, solid and waste. Definitions removed for greenwaste, mm and mg/L as these terms are not used in the licence.
Attachment 1	Annual Audit Compliance Report Form	N/A	Removed Attachment 1 - Annual Audit Compliance Report to be consistent with current licensing format.
Attachment 2	Plan of Premises	Schedule 1: Maps	Revised to current licensing format.

## 6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

**Table 3: Consultation**

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 15 July 2022.	No comments received.	N/A
Local Government Authority advised of application on 7 July 2022.	<p>The City of Armadale replied on 18 July 2022 confirming the following and in summary:</p> <ol style="list-style-type: none"> <li>1. Development approval was issued on 21 April 1993 and no further planning approvals are required;</li> <li>2. In the past six years no planning compliance matters have been raised;</li> <li>3. In the past six years the City's Health services has received and responded to two complaints;</li> <li>4. The City has requested management plans for dust, odour and noise to be included in the renewed licence; and</li> <li>5. The City has indicated that the premises is located within a sewage sensitive area.</li> </ol>	<p>The Delegated Officer has noted the comments from the City of Armadale.</p> <p>With regards to point 4, the inclusion of management plans would require a risk assessment and cannot be considered at present for the reasons outlined under <i>Regulatory framework</i> above.</p> <p>However, the existing condition relating to odour has been transferred to the renewed licence. With regards to potential dust and noise issues these are regulated under the general provisions of the <i>Environmental Protection Act 1986</i>.</p> <p>With regards to point 5, the existing conditions relating to leachate control have been transferred to the renewed licence.</p> <p>Other aspects of the comments will be taken into consideration when the licence is up for review, as the suggested changes are outside the scope of this administrative renewal process.</p>
Applicant was provided with draft documents on 29 July 2022.	Licence holder waived consultation period, no comments received.	N/A