



## Application for Licence

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

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<b>Licence Number</b>	L7142/1997/12
<b>Applicant</b>	Shire of Halls Creek
<b>File number</b>	APP-0030991
<b>Premises</b>	Halls Creek Rubbish Tip 35 Great Northern Highway HALLS CREEK WA 6770  Legal description - Lot 59 on Deposited Plan 185447 (Reserve No. 39097) As defined by the premises maps attached to the issued licence.
<b>Date of report</b>	6 January 2026
<b>Decision</b>	Licence granted

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## 1. Decision summary

The Delegated Officer has determined to renew Licence L7142/1997/11. 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: 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;
- 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 decided to grant Licence L7142/1997/12 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 28 August 2025 the Shire of Halls Creek (licence holder), applied to renew licence L7142/1997/11 as the licence was due to expire on 6 January 2026. The premises is located at 35 Great Northern Highway, Halls Creek, known as the Halls Creek Rubbish Tip (the premises).

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

In renewing the licence, the Delegated Officer has amended the prescribed premises categories on the licence, to better reflect the activities occurring at the premises. This does not alter the risk profile of the premises and so an environmental risk assessment of emissions and discharges has not been completed as part of this renewal.

A summary of the changes to the prescribed premises categories as a result of this renewal are described in Table 1.

**Table 1: Changes to premises category description and production design capacity**

Prescribed premises category and description	Production or design capacity	Changes to the prescribed category	Reasoning
Category 61: Liquid waste facility	40 tonnes per annum (tpa)	No change	<p>As per the <i>Environmental Protection Regulations 1987</i> (EP Regulations), a premises is prescribed under category 61 if its production or design capacity is 100 tonnes or more of liquid waste per year.</p> <p>With a production capacity of 40 tpa, the premises is ordinarily below the threshold to be a prescribed liquid waste facility. However, as liquid waste is transported to the premises under the <i>Environmental Protection (Controlled Waste) Regulations 2004</i>, it must be deposited at a licensed liquid waste facility. Therefore category 61: Liquid waste facility will remain on the licence to authorise the acceptance of controlled wastes.</p>
Category 61A: Solid waste facility	630 tpa	Removed from licence	<p>As per the EP Regulations, a premises is prescribed under category 61A if stores, reprocesses, treats or discharges to land 1,000 tonnes or more of solid waste per year.</p> <p>Given the premises does not reprocess, treat or discharge waste, and has a production capacity of below 1,000 tpa solid waste, category 62 is more appropriate for the premises.</p>
Category 62: Solid waste depot	630 tpa	Added to licence	<p>As per the EP Regulations, a premises is prescribed under category 62 if it sorts and/or stores solid waste, pending final disposal or re-use, and has a production or design capacity of 500 tonnes or more per year.</p> <p>Given the premises does not reprocess, treat or discharge waste, and has a production capacity of 630 tpa solid waste, it is prescribed under category 62: solid waste depot as per the EP Regulations.</p>
Category 64: Class II putrescible landfill site	800 tpa	No change	<p>As per the EP Regulations, a premises is prescribed under category 64: Class II putrescible landfill if it accepts 20 tonnes or more of permitted waste for burial per year.</p>

### 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 2 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 2: 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.  Correction of grammatical and typographical errors.
Prescribed premises categories table (cover page)	Prescribed premises categories table (cover page)	Updated cover page into current format.  Removed category 61A and added category 62 as per Table 1.
Preamble	N/A	Removed - redundant
Definitions	Table 5	<u>Definitions deleted</u> Approved; asbestos waste; combustible material; director; DEC; Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009); licensee and material containing asbestos.  <u>Definitions amended</u> Class II landfill; clinical waste; premises; putrescible waste; Inert Waste Type 1; Inert Waste Type 2; Special Waste Type 1 and Special Waste Type 2.  <u>Definitions added</u> Acceptance criteria; asbestos containing material (ACM); Act; AACR; annual period; approved form; asbestos fibres; books; CEO; condition; contaminated solid waste; Controlled waste; department; discharge; emission; EP Act; EP Regulations; municipal waste; prescribed premises; quarantined storage area or container; schedule 1 and waste.
-	Interpretation	Included as per current licensing format with no changes to requirements or intentions of conditions
G1(a) and (b) - Waste acceptance	Conditions 1, Table 1	Revised to current licensing format and wording.  Requirements incorporated into Table 1.
-	Condition 2	Condition added for the effective administration of condition 1.
G2(a) - G2(c) - Disposal of Clinical and Asbestos Waste	Condition 3, Table 2	Revised to current licensing format and wording.  Requirements incorporated into Table 1.
G2(d) - Disposal of Clinical and Asbestos Waste	Condition 17	Revised to current licensing format and wording.
G3(a) - G3(c) - Liquid Waste	Condition 3, Table 2	Requirements incorporated into Table 2.
G3(d) - Liquid Waste	N/A	Condition removed – redundant. Requirement to report incidents falls under Condition 18 (Reporting).
G4 – Used tyre disposal	Condition 3, Table 2 and Condition 4, Table 3	Requirements incorporated into Table 1 and Table 2.
G5 – Management of Landfill Activities	Condition 3, Table 2 and Condition 4, Table 3	Requirements incorporated into Table 2 and Table 3.

Current condition/ table	New condition/ table (if relevant)	Conversion notes
-	Condition 4, Table 3 – Cover requirements	Condition added in accordance with requirements of the Environmental Protection (Rural Landfill) Regulations 2002.
G6 – Fencing	Condition 5	Revised to current licensing format and wording.
G7(a) and G7(b) – Wind-blown waste	Condition 13	Revised to current licensing format and wording.
G8 - Signage	Condition 6	Revised to current licensing format and wording.
G9(a) – Monitoring and Reporting	-	Deleted – redundant. The information required by the previous condition in the form of an Annual Monitoring Report must now be reported on in the Annual Audit Compliance Report, required by condition 19.
G9(b) – Monitoring and Reporting	Condition 19	Revised to current licensing format and wording.
A1 – Dust- General Requirement	Condition 7	Revised to current licensing format and wording.
A2(a) – A2(b) – Burning of Waste	Condition 3, Table 2	Requirements incorporated into Table 2.
A2(c) and A2(d) – Burning of Waste	Condition 14(a) and 14(b)	Revised to current licensing format and wording.
A2(e) – Burning of Waste	Condition 14(c) and 20	Revised to current licensing format and wording.
W1(a) – W1(d) – Uncontaminated Stormwater Management	Conditions 8 - 12	Revised to current licensing format and wording.
W2(a) and W2(b) – Protection of Ground and Surface Water	Condition 3, Table 2	Requirements incorporated into Table 2.
-	Conditions 15, 16 and 17	These conditions are considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements)
Attachment 1 – Plan of Premises	Schedule 1, Figure 1	Figure of premises boundary updated.
-	Schedule 1, Figure 2	Figure of premises layout added.
Attachment 2 - Controlled Waste Categories and Definitions	N/A	Removed – redundant
Attachment 3 – Annual Audit Compliance Report	N/A	AACR form deleted (available on website)

## 4. Consultation

Table 3 provides a summary of the consultation undertaken by the department.

**Table 3: Consultation**

Consultation method	Comments received	Department response
Application advertised on the department's website on 16/10/2025	On 31 October 2025 one public submission was received. Refer to Appendix 1.	Refer to Appendix 1
Licence Holder was provided with draft amendment on 11/12/2025	The licence holder responded on the 11/12/2025 waiving the comments period, requesting that the instrument be issued.	N/A

## 5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that the application to renew licence L7142/1997/12 will be granted. The licence will be extended with a new expiry date of 6 January 2046, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

## References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Licence Duration*, Perth, Western Australia.
2. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.

## Appendix 1: Summary of submission

Summary of comments received	Department response
<p>Risks of leachate and contaminants entering surface waters through subsurface flow pathways due to permeable substrates. The submission requests that the licence renewal includes a hydrogeological assessment, incorporating baseline groundwater sampling and modelling of leachate plume development under current and projected climatic conditions.</p>	<p>A review of the spatial data held by the Department did not identify any surface water bodies within 7 km of the premises.</p> <p>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.</p>
<p>Concern that dust generated from vehicle movements and wind erosion of uncovered waste can degrade local air quality and pose health risks to workers and nearby communities. The submission recommends dust control protocols be included in the renewal, including performance indicators and reporting to the Department.</p>	<p>A review of the Department's internal complaints management system did not identify any record of community complaints.</p> <p>The premises is located in an isolated position approximately 2 km south of the town of Halls Creek, and the condition pertaining to dust management is retained on the renewed licence. In addition, the Delegated Officer notes that health and safety of workers is not in the remit of Part V of the EP Act.</p>
<p>Concern that improper waste handling can attract invasive animal species which threaten native flora and fauna and ground-dwelling organisms. The submission recommends an ecological assessment be completed, and mitigation strategies be put in place.</p>	<p>Conditions pertaining to the management of waste, including windblown waste, as well as the maintenance of a stock fence around the premises have been retained on the renewed licence.</p> <p>In addition, a condition set relating to cover requirements of all permitted waste types has been included in the renewal, in accordance with the <i>Environmental Protection (Rural Landfill) Regulations 2002</i>.</p>
<p>Due to climate predictions indicating increased frequency of extreme heat events and episodic heavy rainfall, exacerbating leachate production, the submission recommends a climate-adaptation plan be required by the licence renewal, including provision for upgrading liner systems, enhancing stormwater management and exploring alternate waste treatment technologies that could reduce reliance on landfills.</p>	<p>Conditions requiring the formulation of future plans, including climate-adaptation plans are not within the remit of Part V of the EP Act. The Delegated Officer notes that existing conditions pertaining to stormwater management and separation distance to groundwater are relevant to this comment and will remain on the licence.</p>
<p>The following monitoring is proposed: quarterly groundwater and surface water sampling with results publicly available; annual air quality monitoring focused on particulate matter and odorous compounds; scheduled independent third-party audits of environmental performance; and ongoing community engagement.</p>	<p>The premises receives minimal liquid waste that has rapid evaporation rates, particularly in the dry season.</p> <p>Condition pertaining to dust management is retained on the renewed licence.</p> <p>A review of the Department's internal complaints management register did not identify any record of community complaints. Conditions regarding complaints and record-keeping have been retained on the renewed licence.</p>