



Application to renew a licence

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

Licence Number	L8367/2009/3
Licence Holder	Shire of Yilgarn
File Number	DER2014/000471-1
Premises	<p>Southern Cross Sewage Ponds Koolyanobbing Rd SOUTHERN CROSS WA 6426</p> <p>Legal description Being Part of Lot 94 on Plan 188816, Crown Reserve 16597 As defined by the Premises map and Schedule 2 in the issued licence.</p>
Date of Report	14 November 2022
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 L8367/2009/2 without conducting any 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;
- transfer existing regulatory controls and conditions to the new licence;
- remove redundant conditions;
- revise licence conditions;
- revise the premises boundary area;
- incorporate licence amendment/s issued prior to the replacement licence;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- correct clerical mistakes and unintentional errors.

As a result of the above, the Delegated Officer decided to grant Licence L8367/2009/3 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 3 August 2022 the Shire of Yilgarn applied to renew licence L8367/2009/2 as the licence is due to expire on 15 November 2022. The licence was granted to the licence holder for the premises located at Lot 94 on Plan 188816, Crown Reserve 16597, Koolyanobbing Road, Southern Cross (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 54: Sewage facility: premises – (a) on which sewage is treated (excluding septic tanks); or (b) from which treated sewage is discharged onto land or into waters.	120 cubic metres per day

The Premises is known as the Southern Cross Waste Water Treatment Plant (WWTP) which receives and treats sewage from the township of Southern Cross. The WWTP consists of a two parallel primary pond and secondary pond system with ingress splitter chamber and gravity overflow connections between primary, secondary ponds and a re-use storage tank. Treated wastewater from the WWTP is stored in additional storage tanks and irrigated at the town sports oval, Dog park and Constellation park. Overflow from the WWTP is directed to an ephemeral salt lake adjacent to the facility.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of 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.

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 reported to the Department in relation to the premises since the last amendment of the licence in November 2019. No enforcement actions were taken against the occupier in relation to these incidents. Therefore, these incidents and past compliance history are no reasons to not grant a new licence.

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 Shire of Yilgarn informed the department that planning approval for the activities on 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 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 / schedule	New condition / table / schedule (if relevant)	Description and rationale
Premises boundary	N/A	Premises boundary reduced from the whole Crown Land to part of it, the fenced off area around the wastewater treatment ponds.
Condition 1.1.1	N/A	Condition removed and addressed in Interpretation section of the new licence template

Current condition / table / schedule	New condition / table / schedule (if relevant)	Description and rationale
Condition 1.1.2	Table 10: Definitions	Condition removed as defined terms are detailed within the definitions section of the new licence. Definitions have been updated in accordance with the current licence template (where applicable). Redundant terms and definitions have been removed.
Condition 1.1.3	N/A	Condition removed – redundant condition. Addressed within the Interpretation section of the renewed licence.
Condition 1.1.4	N/A	Condition removed – redundant condition. Addressed within the Interpretation section of the renewed licence.
Condition 1.2.1	N/A	Condition removed as not considered to be enforceable. The Delegated Officer notes the requirements of the <i>Environmental Protection Act 1986</i> S72 – duty to notify CEO of discharges of waste.
Condition 1.3.1	N/A	Condition removed – redundant condition.
Condition 1.3.2	Condition 1	Condition wording revised in accordance with current standards.
Condition 1.3.3	Condition 7	Condition revised. Removed redundant description related to sewage processing. Removed reference to treated wastewater disposal as this activity is not considered to be waste processing - refer to new Condition 6 which is relevant to management of treated wastewater.
Condition 1.3.4	Condition 2	Condition revised in accordance with current standards.
Condition 1.3.5	Condition 8	Part (d) removed from the condition, “no discernible seepage loss from the ponds” is not quantifiable and therefore unenforceable. Replacing with tighter controls like seepage rates would only be logical when risk assessed. This may occur in the future if in the ponds are not well maintained and significant seepage occurs.
Condition 2.1.1	Condition 3	Condition revised in accordance with current standards. Additionally Condition 4 has been generated to capture when discharge from the WWTP overflow pipe is authorised.
Condition 2.1.2	Condition 5	Condition revised – minor revision of condition wording and description of parameter limits.
Condition 3.1.1	Condition 11 & Condition 13	Condition revised by transferring the requirements of parts (a) to (c) into new Condition 11 in accordance with current standards. Part (d) of existing condition transferred to new condition 13.
Condition 3.1.2	Condition 14	Condition wording revised in accordance with current standards.

Current condition / table / schedule	New condition / table / schedule (if relevant)	Description and rationale
Condition 3.1.3	Condition 9	Condition wording revised in accordance with current standards.
Condition 3.1.4	Condition 10	Condition wording revised.
Condition 3.2.1	Condition 11	Condition revised in accordance with current standards. Added Note 1 to clarify that in field measurement of pH is permitted. Added new Condition 12 in accordance with current standards.
Condition 3.3.1	Condition 11	Condition removed – redundant condition. The requirements of this condition are addressed within Condition 11.
Condition 4.1.1	Condition 18	Condition revised in accordance with current standards.
Condition 4.1.2	Condition 16	Condition revised in accordance with current standards and licence amendment notice (dated 16 May 2022) which specifies the Annual Audit Compliance Report (AACR) is due by 1 September annually.
Condition 4.1.3	Condition 15	Condition revised in accordance with current standards
Condition 4.2.1	Condition 19	Condition revised in accordance with current standards and licence amendment notice dated 16 May 2022.
Condition 4.2.2	Condition 20	Slight rewording required due to change of reporting periods.
Condition 4.3.1	Condition 21	Condition revised – minor changes to condition wording.
Definitions	Definitions	Updated.
Schedule 1: Maps - Premises map	Schedule 1: Maps and diagrams - Premises map. Schedule 2: Premises boundary – Table 11: Premises boundary coordinates	The Premises map has been revised to reduce the premises boundary polygon to the area of operational activity. In turn, the Premises boundary coordinates table has been added to clearly detail the location of the prescribed Premises.
Schedule 1: Maps - Premises layout showing emission and monitoring points	Schedule 1: Maps and diagrams - Process flow diagram and emission points	Amended description of diagram to process flow, removing reference to “premises layout”.

Current condition / table / schedule	New condition / table / schedule (if relevant)	Description and rationale
Schedule 1: Maps - Re-use locations and infrastructure	Schedule 1: Maps and diagrams - Treated wastewater reuse infrastructure and locations.	Minor amendment to description of map
Not applicable	Schedule 1: Maps and diagrams - Figure 2 - premises infrastructure location map.	Corresponding with the revision of Condition 1.3.4 to Condition 2 as detailed above, Schedule 1 Figure 2 has been added to the licence in accordance with current standards.
Not applicable	Schedule 1: Maps and diagrams - Figure 4 - Location of treated wastewater overflow pipe	Added new Figure 4 to better illustrate the authorised discharge point location.
Schedule 2: Reporting & notification forms – Form N1 notification of detection of the breach of a limit.	Removed.	These notifications are not required to be done in a specific form.

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 29 September 2022.	Two submissions have been received from third parties. One submission stated that the Premises causes significant odour issues in the area. The other submission was commenting on missing information in the application form and that some receptors may not have been acknowledged in the application form. It was also suggested that perhaps the ponds are not operating as intended due to the difference in color of the ponds, as seen from an aerial image (not clarified which image). The quality of the water is crucial as it is being used for irrigation.	<p>The Delegated Officer acknowledges these comments. With regards to the odour issue, the Delegated Officer has decided that no specific conditions are required for this as odour issues can be managed under Section 49 of the EP Act. The issue will be forward to the Waste Sector within the Industry Regulation branch of the department.</p> <p>With regards to certain information not being completed within the application form, the Delegated Officer believes that sufficient information was provided for the application to be processed.</p>

Consultation method	Comments received	Delegated Officer's response
		The fact that one pond looks darker than another pond on an aerial image, may indicate that one is the anaerobic pond, whereas the other is the facultative pond. It is agreed that a certain quality of wastewater treatment should occur prior to use as irrigation for public open spaces and this is managed by the Department of Health. As such the Delegated Officer does not believe that further controls are required at this time.
Department of Health advised of application on 29 September 2022	<p>Comments received 13 October 2022 noted below.</p> <p><i>The DOH provides the following comment:</i></p> <p>Wastewater Disposal</p> <p><i>There is no objection to the proposal, subject to adherence to the conditions of the DOH recycled water scheme approval M78/00000 issued to the Local Government.</i></p>	Noted.
Applicant was provided with draft licence and draft decision report on 14 October 2022	<p>Comment received on 27 October 2022 noted below.</p> <p><i>No issues with the proposed changes to the licence.</i></p> <p>In addition, the requested infrastructure map and revised premises boundary coordinates were supplied.</p>	<p>Noted.</p> <p>The licence includes a Premises infrastructure layout map and updated premises map and coordinates table as detailed in Table 1 of this decision report.</p>