



Application to replace expiring licence

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

Licence Number	L8484/2010/3
Applicant	Shire of Kondinin
File Number	DEC1241
Premises	Kondinin Transfer Station Kondinin Lake Road Kondinin WA 6367 Legal description Lot 29344 on Deposited Plan 194268 and Lot 23251 on Deposited Plan 146567 As defined by the premises map in Schedule 1
Date of Report	31 August 2021
Proposed Decision	Licence granted

Jane Dalin
Senior Environmental Officer
Industry Regulation

An officer delegated by the CEO under section 20 of the EP Act

1. Application summary

On 21 June 2021 the Shire of Kondinin (Licence Holder) applied to renew the licence L8484/2010/2 as the licence is due to expire on 4 September 2021. The Premises is located at Kondinin Lake Road, 3.8 km from the Kondinin townsite in the Shire of Kondinin. The licence relates to prescribed premises categories as described below in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production capacity
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	No more than 5 000 tonnes per annual period
Category 64: Class II putrescible landfill site: premises on which waste (as determined by reference to the waste types set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the CEO and as amended from time to time) is accepted for burial.	

The main activities occurring on the premises include the receipt, handling, storage and disposal of municipal and other separated specified wastes. Incoming waste volumes reported over the last 2-3 years are at total volumes below 500 tonnes per annum, well below the existing licence assessed throughput.

The Shire of Kondinin currently operates the facility primarily as a transfer station, with small quantities (less than one cubic metre loads) of asbestos waste being the only waste type currently accepted and buried at the premises. Municipal waste has not been disposed of to landfill cells for at least the last five years. Municipal waste, including putrescible wastes is currently received and stored at the facility on a temporary basis in metal bins, prior to weekly offsite removal to the Shire's Eastern Districts Regional Landfill (DWER Registered landfill R1959).

Other recyclable waste streams including cardboard, scrap metal and empty chemical containers are temporarily stored in discrete areas and/or containers prior to removal by various recycling service providers.

2. Regulatory framework

The department has determined to undertake an administrative renewal of the licence and has not conducted a full review and risk assessment of emissions and discharges from the premises in line with the Department's *Work Instruction: Regulatory Services, COVID-19 licensing position*.

In replacing 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>.

3. Complaints and Incident History

There have been no incidents or complaints identified at the premises by the Department during the last five years since the premises has operated.

4. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L8484/2010/3 without conducting any additional assessment or risk assessment.

The existing prescribed premises categories and waste types authorised for acceptance have not been reviewed as part of this renewal, noting that the operational activities at the premises have changed from primarily being a landfill site to operating as a waste transfer station. The licence requires review, including an updated risk assessment to accurately reflect current operations. Therefore, the replacement licence will be issued for 5 years.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant definitions and conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- correct clerical mistakes and unintentional errors; and
- transfer all relevant existing regulatory controls and conditions to the renewed licence.

As a result of this decision, a renewed Licence L8484/2010/3 has been granted subject to conditions set out in the attached licence and summarised below.

4.1 Summary of administrative changes

Section 62 of the EP Act provides general power to impose conditions on licences. All licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table 2 summarises the transfer of all appropriate conditions from the expiring licence into the renewed licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions description and rationale

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
Cover page	Premises name: Kondinin Landfill Site.	Changed to Kondinin Transfer Station to reflect current activities and Shire of Kondinin reference to the facility in the renewal application and annual reporting.	N/A
	Legal Description: Lot 29343 and Lot 29344 on Plan 194268, Lot 23251 on Plan 147567.	Removed Lot 29343 from the premises boundary. See explanation below under Schedule 1: Premises map.	
N/A	Preamble.	Removed as per current licence formatting and replaced with interpretation section. Instrument log included.	N/A
1	Waste types authorised for acceptance at the premises.	Existing wastes authorised for acceptance transferred to updated format condition with table (Table 1) detailing specific acceptance criteria where applicable.	1
2 a); 2 b)	Acceptance criteria for asbestos waste or material containing asbestos – incoming loads acceptance requirements.	Incorporated in new condition 1 under acceptance specifications.	1

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
2 c) to i)	Handling, disposal and record keeping requirements for asbestos waste.	Existing conditions transferred to waste processing condition detailing storage and handling requirements with minor changes.	2
3 c)	Maximum limit on tyres held at any one time.	Incorporated in new condition 1 under quantity limits.	1
3a); b) and d) to f)	Inert waste type 2 (tyres) handling and storage requirements.	Transferred to waste processing condition that details storage and handling requirements.	2
4	The licensee shall not bury, or allow the burying of, any waste on the premises.	Redundant condition removed – contradicts authorised burial conditions.	N/A
5	Green waste management requirements.	Transferred to waste processing condition that details storage and handling requirements.	2
6	Odour emissions.	Direct transfer to renewed licence.	3
7	Storage of chemical containers (including liquid hydrocarbons).	Condition removed and replaced by acceptance and processing requirements specific to the receipt, handling and disposal of empty chemical containers (ie Drum Muster).	1 and 2
8 & 9	Premises fencing and gate security conditions.	Direct transfer to renewed licence.	4 & 5
10	Signage requirements at the premises entrance.	Direct transfer to renewed licence.	6
11 & 12	Specifications for the management of wind-blown waste.	Wind-blown waste conditions transferred and merged into one condition.	7
13	The licensee shall not burn or allow the burning of any non-green waste on the premises.	Transferred to condition 2, table 2 process limits applied to all waste types	2
14	Condition set specifying requirements for the burning of green waste.	Transferred to condition 2, table 2 process limits – specifications under green waste.	2
15	The licensee shall have procedures in place at the premises so that any unauthorised fire is promptly extinguished.	Direct transfer to renewed licence.	8
16	Requirement for unauthorised fire management.	Condition removed – duplicates existing condition 15	N/A
17	Reporting requirements in the event of an unauthorised fire at the premises.	Direct transfer to renewed licence with terminology updated and minor modifications to wording.	9
18, 19 & 20	Storm water management conditions.	Direct transfer to renewed licence with minor correction.	10, 11 & 12
21 & 22	Buffer distance requirements to groundwater and surface water.	Transferred to condition 2, table 2 under process limits applied to all waste types with minor modifications to wording.	2
23	Complaints record keeping.	Standard current licence template complaints condition has been applied.	13

Licence condition number	Summary - previous licence condition	Conversion notes	New licence condition number
24	The record referred to in condition 28 shall be available for viewing or copying during any inspection of the premises.	Administrative error in existing condition. Availability of records applied as part of standard current licence template	17(d)
25 & 26	Annual monitoring reporting requirements, including timeframe for reporting.	Existing conditions merged and standard current licence template annual reporting condition has been applied. Minor modification to reporting requirements list. Timeframe for reporting extended to be required within 30 days of the end of the annual period i.e by 30 September every year.	15
27	Annual Audit Compliance Report requirements for submission including timeframe.	Standard current licence template Annual Audit Compliance Report condition has been applied. Due for submission within 30 days of the end of the annual period i.e by 30 September every year.	14
N/A	N/A	Standard current licence template condition set for maintaining accurate and auditable books has been applied.	16 & 17
Definitions		Updated for all current and relevant terms. Redundant definitions removed.	Table 3
N/A	Attachment 1 – PLAN OF PREMISES – Premises boundary shown as Lots 29343, 29344 and 23251	Premises boundary reduced to Lots 29344 and 23251 only, based on lots registered under the Land Administration Act with Shire of Kondinin under Management Orders allowing for operation as a 'Rubbish Disposal Site'. The Management Order has not been applied to Lot 29343 on Plan 194268.	Schedule 1 – Premises Map

4.2 Additional conditions

The renewed licence has been updated to include standard conditions for recording complaints (condition 13) and keeping books (conditions 16 and 17) in line with DWER's *Guidance Statement – Setting Conditions 2015*.

These are standardised conditions to allow for the effective administration of the renewed licence.

5. Consultation

The draft licence and this decision report were provided to the licence holder on 12 August 2021 for comment. The licence holder made no comments.

6. Conclusion

Based on the assessment in this Decision Report, the Delegated Officer has determined that the renewed licence L8484/2010/3 will be granted. The licence is subject to conditions commensurate with the determined controls as well as conditions necessary for administration and annual reporting requirements.