



Application to renew a licence

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

Licence Number	L8603/2011/3
Licence Holder	Shire of Yilgarn
File Number	DWERVT12463 - FA270947
Premises	Southern Cross Landfill Site Legal description – Lot 994 on Plan 91454 Lot 300 on Plan 55299 Crown Reserve 37892 SOUTHERN CROSS WA 6426
Date of Report	29 January 2024
Decision	To grant a licence

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REGULATORY SERVICES
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 L8603/2011/2 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:

- remove redundant 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 L8603/2011/3, subject to conditions set out in the licence.

2. Scope of assessment

2.1 Application summary

On 30 May 2023 the Shire of Yilgarn (licence holder) applied to renew licence L8603/2011/2, as the licence is due to expire on 29 January 2024. The licence was granted to the licence holder for the premises located at the Southern Cross Landfill Site (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 61 Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated	250 tonnes per annual period
Category 64 Class II or III putrescible landfill site: premises on which waste (as determined by <i>Landfill Waste Classification and Waste Definitions 1996</i>) is accepted for burial.	5,000 tonnes per annual period

The main activities occurring on the Premises include a liquid waste facility and a Class II and III landfill.

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: Regulatory Services, COVID-19 licensing position* October 2021.

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

On 7 December 2023, the Department was notified of reported breach of Condition 1(b) of licence L8603/2011/2. The Shire of Yilgarn reported in their Annual Audit Compliance Report (AACR) that they exceeded the volume of liquid waste collected under its category 61 licence. The Shire's licence permits 250 tonnes of liquid waste to be collected per annum, however the Shire collected 428 tonnes. The investigation of the potential breach is ongoing.

The 2022 AACR also reported a similar potential breach of Condition 1(b) where 1,816 tonnes of liquid waste was processed during the 2022 annual period. This investigation is still active and the environmental impact of extra liquid waste being received is determined as low risk.

Both investigations will be resolved by June 2024.

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 Previous relevant decision reports

As the renewal of this licence is deemed an administrative licence renewal and there is no additional risk assessment conducted, the delegated officer notes that for the purpose of transparency and ease of access the previous relevant decision reports shown in Table 2 will be published if the new licence.

Table 2: Previous relevant decision reports

Description of decision report	Grant Date	Document number
Licence granted	25/01/2012	A469482
Licence amendment granted to add Category 61: Liquid waste facility	11/02/2016	FA134797
Licence amendment to decrease separation distances between landfill trenches	25/08/2022	2011/009016-1

4.5 Planning approval

The licence holder is a public utility and it exempt from holding a planning approval for the activities at the Premises.

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 3 summarize 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 3: Licence conditions changes, description and rationale

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
Definitions	N/A	N/A	Definitions removed: discharge and emission

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 4.

Table 4: Consultation

Consultation method	Comments received	Delegated Officer's response
Licence renewal application was advertised on the department's website on 13 December 2023 with submissions closing on 4 January 2024.	No submissions were received by 4 January 2024.	Noted by the Delegated Officer.
The licence holder was provided with draft documents on 15 December 2023 with comments due by 8 January 2024.	The licence holder replied on 22 December 2023 with no comments and waived the remain consultation period.	Noted by the Delegated Officer.