



Application for Licence Transfer

Division 3, Part V *Environmental Protection Act 1986*

Licence Number	L8734/2013/2
Applicant	Veolia Environmental Services (Australia) Pty Ltd
ACN	051 316 584
File Number	2013/000524
Premises	Bibra Technical Waste Transfer Facility Part of Lot 8 on Diagram 53210, 26 Howson Way BIBRA LAKE WA 6163 as depicted in schedule 1 of the licence.
Date of Report	21/08/2017
Status of Report	Final

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Appendix 1: Key documents

Attachment 1: Revised Licence L8734/2013/2

1. Definitions of terms and acronyms

In this Decision Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
Decision Report	refers to this document.
Delegated Officer	an officer under section 20 of the EP Act.
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of, and during this Review
Licence Holder	Veolia Environmental Services (Australia) Pty Ltd
Minister	the Minister responsible for the EP Act and associated regulations
Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act following the finalisation of this Review.

2. Purpose and scope of assessment

Veolia Environmental Services (Australia) Pty Ltd submitted an application to DWER on the 26 June 2017 to transfer the Licence L8734/2013/2 from the previous Licence Holder Environmental Resource Recovery Pty Ltd.

Fitness and competency of the new Licence Holder has been assessed to determine if there are any changes to the risk profile of the operations. No changes to the operational aspects of the Licence have been presented or considered, and therefore existing operational risk profile has not been reassessed.

2.1 Application details

Table 2 lists the documents submitted during the assessment process.

Table 2: Documents and information submitted during the assessment process

Document/information description	Date received
Transfer Application	26/06/2017
Asset Purchase Agreement	28/06/2017

3. Background

Table 3 lists the prescribed premises categories on the existing licence.

Table 3: Prescribed Premises Categories in the Existing Licence

Classification of Premises	Description	Approved Premises production or design capacity or throughput
Category 61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	Up to 3,000 tonnes per annual period
Category 61A	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	Up to 2,000 tonnes per annual period

4. Overview of Premises

4.1 Operational aspects

The premises is utilised for the receipt and storage of controlled waste, the consolidation and storage of packaged controlled waste and the transfer of controlled waste to an approved facility for recycling, treatment or disposal.

Controlled waste received at the premises is inspected, assessed, processed and consolidated prior to storage and end use recycling/disposal. The premises has authorisation to accept wastes listed under the *Environmental Protection (Controlled Waste) Regulations 2004*. Materials within these controlled waste groups include paints, hydrocarbons, solvents, batteries, oils, greases and other small volumes of controlled waste.

The Premises has an annual throughput of approximately 2,000 tonnes per annum of solid wastes and 3,000 tonnes per annum of liquid wastes. At any one time the premises is anticipated to hold no more than 315 tonnes of controlled waste.

4.2 Occupancy

The Applicant has provided evidence that they have taken control of the assets of the previous licence holder (Environmental Resource Recovery Pty Ltd), and have transferred the lease agreement in place with Catalyst Australasia Pty Ltd into the name of Veolia Environmental Services (Australia) Pty Ltd.

The Delegated Officer has determined that the Applicant has legal occupancy of the Premises.

4.3 Part V of the EP Act

4.3.1 Applicable regulations, standards and guidelines

The overarching legislative framework of this assessment is the EP Act and EP Regulations.

The guidance statements which inform this assessment are:

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

4.3.2 Key and recent licence amendments

Table 2 provides the amendment history for L8734/2013/2.

Table 4: Licence amendments

Instrument	Issued	Amendment
L8734/2013/2	06/05/2016	Administrative amendment to correct the commencement date of the licence

5. Assessment of operator

The Applicant holds one active works approval (W5984/2016/) and two active licences (L8755/2013/1 and L8765/2013/1) under the EP Act as shown in Table 3. The Applicant has previously held a number of licences and works approvals across seven premises, all in relation to waste storage, processing or disposal. A summary of these premises and instruments is provided in Table 3.

Table 3: Prescribed Premises operated by the Applicant

Prescribed Premises	Categories	Related Instruments	Current status
Veolia Waste Depot BIBRA LAKE	61 – Liquid Waste Facility	W5984/2016/1	Active Issued 29/06/2017
	62 – Solid Waste Facility	L8994/2016/1	Under assessment
Veolia Transfer Station Meru NARNGULU	61 – Liquid Waste Facility	L7472/2000/5	Inactive
		L8755/2013/1	Active Issued 15/07/2013
Kwinana Industrial Services KWINANA BEACH	61 – Liquid Waste Facility	W5394/201/1	Inactive
		L8760/2013/1	Inactive
North West Waste Alliance Waste Handling and Transfer Station KARRATHA INDUSTRIAL ESTATE	61 – Liquid Waste Facility	W5462/2013/1	Inactive
	61A – Solid Waste Facility	L8765/2013/1	Active Issued 23/09/2013
Veolia Port Hedland Waste Transfer Station PORT HEDLAND	39 – Chemical or Oil Recycling 61 – Liquid Waste Facility 62 – Solid Waste Depot	W5524/2013/1	Inactive
Wheatstone Waste Management Site TALANDJI	62 – Solid Waste Depot 67A – Compost Manufacturing and Soil Blending	W5247/2012/1	Inactive
	57 – Used Tyre Storage 61 – Liquid Waste Facility 62 - Solid Waste Depot 67A – Compost Manufacturing and Soil Blending	L8759/2013/1	Transferred to Bechtel (Western Australia) Pty Ltd on 16 March 2017
Fernview Landfill CULLALLA	64 – Class II or III putrescible landfill site	W5031/2011/1	Transferred to Fernview Environmental Pty Ltd on 19/05/2017

Compliance history

DWER's compliance records for the past three years have been reviewed in relation to the above premises and instruments while the Applicant was the occupier. The relevant compliance matters listed in Table 4 have been identified.

Table 4: Compliance history

Recorded Date	Related Instrument	Summary of compliance matter
21/10/2014	L8765/2013/1	During a compliance inspection it was identified that the premises was accepting and processing waste types not permitted in the licence. The Annual Environmental Report (AER) and Annual Audit Compliance Report (AACR) was also not received by the required date. This matter has been addressed and is now closed.
26/11/2014	L8755/2013/1	A review of the AER and AACR reports identified that the volume of wastes received for the 2013-2014 period exceeded the volumes specified on the licence. The AACR also failed to disclose this non-compliance and detail actions taken in response to complaints. This matter has been addressed and is now closed.
08/05/2015	L8755/2013/1	Late submission of AER and AACR reports. This matter has been addressed and is now closed.
02/10/2015	L8755/2013/1	A review of the AER and AACR reports identified that the AACR was signed incorrectly, and omitted required information. This matter has been addressed and is now closed.
09/10/2015	L8765/2013/1	Late submission of AER and AACR reports, and omission of information. This matter has been addressed and is now closed.
12/10/2016	L8765/2013/1	During a compliance inspection it was noted that the Premises had exceeded the quantity limits specified for four types of waste, however the Premises was still within the combined maximum quantity limit. It was also identified that the Premises was accepting waste types not specified on the Licence. This matter has been addressed and is now closed.

Complaints history

DWER's Incident and Complaints management system has been reviewed and in the past three years there are no records of any complaints made in regards to the above premises or instruments during the time the Applicant was the occupier.

Key Findings

The Delegated Officer has reviewed the information regarding fitness and competency of the Applicant and has determined that:

1. The transfer will not be refused on the basis of fitness and competency of the applicant.
2. There is no change to the risk profile of the operations due to the change in occupier.

6. Licence conditions

The Delegated Officer has determined that the Licence will be transferred to the Applicant. The following amendments will be made to give effect to the transfer:

- Changing the Licensee, Registered Office and ACN to the Applicant's details;
- Inserting a Transfer date in the footer;
- Replacing references to the previous Department of Environment Regulation with the new Department of Water and Environmental Regulation;
- Updating the Premises description and licence summary;
- Updating definitions with references to the new Department of Water and Environmental Regulation;
- Removal of condition 1.1.5 as it is not consistent with current DWER policy as it replicates provisions of the EP Act.
- Updating condition 3.2.1 to remove reference to the attached AACR template and refer to the new template available on DWER's website; and
- Removal of the attached Annual Audit Compliance Report pro-forma.

7. Applicant's comments

The Applicant was provided with the draft Decision Report and draft Revised Licence on 12 July 2017. The Licence Holder did not provide any comments on the draft documents.

8. Conclusion

This assessment of the application to transfer the licence occupier has been undertaken with due consideration of a number of factors, including the documents and policies specified in this Decision Report.

Based on this assessment, it has been determined that the Revised Licence will be granted.



Alan Kietzmann
MANAGER LICENSING – WASTE INDUSTRIES
REGULATORY SERVICES (ENVIRONMENT)

Delegated Officer
under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	Availability
1	Application to transfer	DWER records (A1460614 and A1497821)
2	Incident and Complaints Management Reports	DWER ICMS Records (35314, 35352, 36752, 38061, 38135, 38287 and 42846)
3	Licence L8734/2013/2	accessed at www.dwer.wa.gov.au

Attachment 1: Revised Licence L8734/2013/2
