



# Decision Document

## *Environmental Protection Act 1986, Part V*

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**Proponent:** Shire of Plantagenet

**Licence:** L8767/2013/1

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**Registered office:** Shire of Plantagenet  
22-24 Lowood Road  
MT BARKER WA 6324

**ACN:** N/A

**Premises address:** Kendenup Waste Management Facility  
Lot 1 on Diagram 83367  
Lake Matilda Road  
KENDENUP WA 6323

**Issue date:** Thursday 29 August 2013

**Commencement date:** Monday 2 September 2013

**Expiry date:** Saturday 1 September 2018

### **Decision**

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by: Tessa Smith  
Licensing Officer

Decision Document authorised by: Caron Goodbourn  
Delegated Officer



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## 1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

## 2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/>	
	New Licence <input type="checkbox"/>	
	Licence amendment <input checked="" type="checkbox"/>	
	Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	<b>Category number(s)</b>	<b>Assessed design capacity</b>
	62	2000 tonnes per annual period
Application verified	Date: 22/12/2014	
Application fee paid	Date: N/A	
Works Approval has been complied with	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Compliance Certificate received	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome	N/A	
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No:



		EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i> )?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Department of Water consulted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If Yes include details of which EPP(s) here.		
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If Yes, include details here, eg Site is subject to SO <sub>2</sub> requirements of Kwinana EPP.		

### 3 Executive summary of proposal and assessment

Kendenup Waste Management Facility (WMF) located 2.9km north of the Kendenup town site is operated by the Shire of Plantagenet. The existing Category 89 putrescible landfill (registration R1517) within the Premises is not currently operating as a landfill, with all domestic putrescible wastes being transferred fortnightly to the O’Neil Road Waste Management Facility in Mount Barker. The Kendenup Waste Transfer Station, which was built in 2004/2005 without a Works Approval, occupies a small area along the north eastern boundary of the existing Kendenup WMF. Upgrades to the Waste Transfer Station have been completed under Works Approval W5516/2013/1.

The nearest residential dwelling, located on the Kendenup town site perimeter, is approximately 850 metres south of the facility. The nearest waterways are seasonal creeks located approximately 1km west and east of the site.

The existing site infrastructure includes a newly upgraded waste transfer station, closed landfill trenches, internal gravel access roads, perimeter fencing, various recyclables collection facilities, two hook lift bins with lids, bulk waste metal recycling, green waste storage areas, a used oil collection facility, a used battery storage area and a Drum Muster collection facility. The Waste Transfer Station is staffed during operating hours of three half days per week (for a total of 14 hours).

This Licence is the result of an administrative amendment application by the Licensee to alter the annual period and the due date for the Annual Environmental Report submission to DER. Other administrative and minor updates have been applied to the Licence. Some changes have been made with consideration to improving the consistency with the Kamballup Waste Management Facility Licence L8869/2014/1 and the Porongurup Waste Management Facility Licence L8754/2013/1 for which the Shire of Plantagenet is also the Licensee. As part of the amendment DER has considered whether the risk profile of emissions and discharges from the premises has significantly changed since the Licence was originally issued in 2013. No significant changes have occurred, however the existing regulatory controls for stormwater management, dust and odour have been amended as detailed within the Decision Table below.



## 4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

<b>DECISION TABLE</b>			
<b>Works Approval / Licence section</b>	<b>Condition number W = Works Approval L = Licence</b>	<b>Justification (including risk description &amp; decision methodology where relevant)</b>	<b>Reference documents</b>
<b>Interpretation</b>	L1.1.2	<p>The following amendments have been made to the definitions within section 1.1.2;</p> <ul style="list-style-type: none"> <li>- The 'annual period' definition has been amended to refer to 1 March to 28 February as the annual period, as requested by the Licensee.</li> <li>- 'Director' definition has been removed and replaced with a definition for 'CEO'.</li> <li>- 'Code of practice for the storage and handling of dangerous goods', 'Dangerous goods', 'Environmentally Hazardous Material', 'Fugitive emissions', 'leachate' and 'Placard quantity' definitions have been removed as these terms will no longer be used within the Licence.</li> <li>- 'Green waste', 'Hazardous waste', 'Inert Waste Type 1', 'Inert Waste Type 2', 'Putrescible Waste' definitions have been updated to the latest versions of these definitions.</li> <li>- 'hardstanding' definition changed to 'hardstand' as hardstanding is incorrect.</li> <li>- 'Landfill Definitions' definition has been added.</li> </ul> <p>Conditions 1.1.3 and 1.1.4 updated to reflect the most up to date versions of these conditions.</p>	
<b>General conditions</b>	L1.2.3	<p>Condition 1.2.1 of the existing licence has been removed, as this condition is considered redundant as it is not valid, enforceable or risk based.</p> <p>Conditions 1.2.2 – 1.2.5 of the existing licence have been removed, as these conditions are considered redundant. They are not enforceable as they are not sufficiently clear or certain.</p>	<p>General provisions of the <i>Environmental Act 1986</i></p> <p><i>Environmental Protection</i></p>



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		<p><u>Emission Description</u>  <i>Emission:</i> contaminated stormwater discharge to land and groundwater. The main contamination risk is stored green waste.  <i>Impact:</i> contaminated stormwater may contribute to contaminant loads within soils or groundwater. The depth to groundwater in the area is unknown. The soil has been described by the Licensee as a thin layer of sandy/gravelly top soil underlain by a light coloured firm clay. The nearest waterways are seasonal creeks located approximately 1km west and east of the site. The area receives an average annual rainfall of between 400mm to 600mm.  <i>Controls:</i> Putrescible waste is contained within lidded bins. The waste oil recovery facility is covered, lined and bunded. The co-mingled recycling bin is covered at all times. Used batteries are covered and stored on a bunded pallet. Relatively small amounts of green waste are stored within the site (360 tonnes accepted during the 2014-2015 annual period).</p> <p><u>Risk Assessment</u>  <i>Consequence:</i> Insignificant  <i>Likelihood:</i> Unlikely  <i>Risk Rating:</i> Low</p> <p><u>Regulatory Controls</u>            Condition 1.2.5 of the existing licence has been removed as mentioned above. Condition 1.2.3 in the licence re-iterates the controls stated above for the containment of waste. Other than these requirements, it is not considered necessary to add a new condition to the Licence regarding stormwater management as the provisions of Section 49 of the <i>Environmental Protection Act 1986</i> and the provisions of the Environmental Protection (Unauthorised Discharge) Regulations 2004 are sufficient to regulate the potential emissions of contaminated stormwater.</p> <p><u>Residual Risk</u></p>	(Unauthorised Discharges) Regulations 2004



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		<p><i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p>	
Premises operation	L1.2.1, 1.2.2	<p>Condition 1.2.1 and Table 1.2.1 (condition 1.3.1 and Table 1.3.1 in the existing licence) have been amended as detailed below:</p> <ul style="list-style-type: none"> <li>- drumMUSTER products previously incorrectly listed as 'used plastic farm containers' under Inert Waste Type 2. This has been changed to drumMUSTER products under Hazardous waste.</li> <li>- Timber waste has been removed from the specification for Inert Waste Type 1 as this would not be considered Inert Waste Type 1 (unless it is unavoidable small quantities that could not be recovered).</li> <li>- Requirement to store up to 100 tyres has been removed, as it isn't necessary in this table. This requirement is already included within Table 1.2.2.</li> <li>- The wording of the hazardous waste specification was amended slightly for consistency with Licence L8754/2013/1 for the Shire of Plantagenet Porongurup Waste Management Facility Licence.</li> </ul> <p>Condition 1.2.3 and Table 1.2.2 (condition 1.3.3 and Table 1.3.2 in the existing licence) have been amended as detailed below:</p> <ul style="list-style-type: none"> <li>- Requirement to store Inert Waste Type 1 within the allocated storage areas shown within the map in Schedule 1 has been removed as the map in the existing licence does not indicate an area for the storage of Inert Waste Type 1. The revised map now included in the amended licence also will not indicate a specific storage area.</li> <li>- Reference to drumMUSTER products has been moved from 'Inert Waste Type 2' to 'Hazardous waste'.</li> <li>- The requirement of condition 2.7.2 of the existing licence regarding the removal of putrescible waste from the Premises has been moved into Table 1.2.2.</li> </ul>	



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Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
		<ul style="list-style-type: none"> <li>- The green waste storage requirement has been moved within the table so that it's located with the other putrescible waste storage requirements.</li> <li>- The reference to the Layout Plan in Schedule 1 in regards to green waste storage has been removed, as the storage area was not clearly indicated and the plan has been removed from the Licence.</li> <li>- The terminology of the waste oil recovery facility was made consistent throughout the text within Table 1.2.2.</li> <li>- The requirement that no waste oil is to be stored outside of the bunded and lined area has been removed as it's unnecessary duplication of the intent of the requirements that oil be stored only within the recovery facility or containers within the bunded and lined area of the facility.</li> <li>- Additional process wording was added in a new row for the burning of green waste. This activity is not clearly specified within the process column in Table 1.3.2 of the existing licence.</li> <li>- Green waste burning requirements have been amended for consistency with the Licence L8754/2013/1 and Licence L8869/2014/1 for the Shire of Plantagenet Porongurup Waste Management Facility and Kamballup Waste Management Facility.</li> </ul>	
<b>Fugitive emissions</b>	N/A	<p><u>Emission Description</u>  <i>Emission:</i> Dust may be generated by vehicle movement within the Premise or the unloading of construction waste.  <i>Impact:</i> Reduced local air quality from airborne particulates. The nearest residence is located 850m south of the facility.  <i>Controls:</i> Low vehicle speed within the premises. No crushing or screening of construction waste is undertaken.</p> <p><u>Risk Assessment</u>  <i>Consequence:</i> Insignificant  <i>Likelihood:</i> Unlikely  <i>Risk Rating:</i> Low</p>	<p>General provisions of the <i>Environmental Act 1986</i></p> <p>Annual Environmental Report 2014-15, Kendenup Waste Management Facility Lot 1, Lake Matilda Road Kendenup,</p>



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		<p><u>Regulatory Controls</u> It is considered that the provisions of Section 49 of the <i>Environmental Protection Act 1986</i> are sufficient to regulate dust emissions. Conditions 2.6.1 and 2.6.2 of the existing licence have been removed.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p>	Shire of Plantagenet
Odour	L1.2.3	<p>The requirement of condition 2.7.2 of the current licence has been moved to Table 1.2.2.</p> <p>Condition 2.7.2 of the existing licence has been removed as this condition is not enforceable as the requirements for compliance are not clear.</p> <p><u>Emission Description</u> <i>Emission:</i> Odour may be generated by the storage of general waste within bins on site. <i>Impact:</i> Odour may interfere with the health or comfort of sensitive receptors. The nearest residence is located 850m south of the facility. <i>Controls:</i> Bins are lidded and the lids are closed when not in used. General waste is removed from the premises regularly (generally weekly).</p> <p><u>Risk Assessment</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p>	Annual Environmental Report 2014-15, Kendenup Waste Management Facility Lot 1, Lake Matilda Road Kendenup, Shire of Plantagenet





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		<p><u>Regulatory Controls</u> Condition 1.2.3 specifies that the general waste bins are to be covered when the transfer station is not in use and that the contents of the bins are removed for off-site disposal at least every 14 days.</p> <p><u>Residual Risk</u> <i>Consequence:</i> Insignificant <i>Likelihood:</i> Unlikely <i>Risk Rating:</i> Low</p>	
<b>Monitoring of inputs and outputs</b>	L2.1.1	<p>Condition 2.1.1 (condition 3.5.1 of the existing Licence) has been amended to remove unnecessary references to used tyres, empty plastic containers, used batteries and oil. The broader waste category types are sufficient.</p> <p>Text has been added to capture information on rejected loads in addition to loads leaving the premises.</p> <p>A requirement to monitor the quantity of green waste burnt on the premises has also been included, to ensure all waste outputs are being monitored. This change is consistent with the requirements within Licence L8754/2013/1 and Licence L8869/2014/1 for the Shire of Plantagenet Porongurup Waste Management Facility and Kamballup Waste Management Facility.</p>	
<b>Information</b>	L3.2.1, L3.3.1	<p>L5.1.5 of the existing licence has been removed as this condition is duplicating the requirements of the inputs and outputs monitoring required in condition 2.1.1 and is therefore unnecessary.</p> <p>L3.2.1 (condition 5.2.1 of the existing licence) has been amended such that the annual environmental report shall be due within 31 calendar days after the end of the annual period, rather than 28 days. This has been done in accordance with the Licensee's requested for amendment, so that the annual environmental report is due on the 31 March annually.</p>	



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		<p>The requirement within Table 3.2.1 to report a summary of any failure or malfunction etc. has been amended to refer to 'any environmental incidents', rather than 'any incidents' in accordance with the latest version of this condition.</p> <p>The requirements within Table 3.2.1 to report results of all waste inputs and outputs and a summary of wastes rejected have been changed to one requirement for a summary of inputs and outputs with reference to condition 2.1.1. This change is consistent with the requirements within Licence L8754/2013/1 and Licence L8869/2014/1 for the Shire of Plantagenet Porongurup Waste Management Facility and Kamballup Waste Management Facility.</p> <p>The requirement within Table 3.3.1 to notify the Department of any failure or malfunction etc. has been removed in accordance with DER's current licensing process, as it is an un-necessary duplication of the requirements of section 72(1) of the Environmental Protection Act 1986.</p>	
<b>Schedule 1: Maps</b>	N/A	The two plans within Schedule 1 of the existing licence indicating the site layout have been replaced with a revised map as the previous plans were unclear and contained outdated information.	
<b>Licence Duration</b>	N/A	There has been no change to the Licence duration.	



## 5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
09/02/2016	Proponent sent a copy of draft instrument	No comments. Signed waiver form received 24/02/2016.	N/A



## 6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

**Table 1: Emissions Risk Matrix**

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High