



## Application to renew a licence

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

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Licence Number	L8852/2014/2
Licence Holder	Shire of Broome
File Number	DER2014/002300-1 – FA273650
Premises	Lot 400 Buckley's Road, BROOME WA 6725 Being Lot 400 on Plan 72930 Reserve 51151 As shown in Schedule 1
Date of Report	18 January 2024
Decision	To grant a licence

Neville Welsh

SENIOR INDUSTRY REGULATION OFFICER

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 L8852 without conducting any additional risk assessment.

The licence is issued for 5 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;
- incorporated licence amendment/s issued prior to the replacement licence;
- remove redundant conditions;
- revised licence conditions;
- corrected 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 L8852/2014/2, subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 20 November 2023 Shire of Broome (licence holder) applied to renew licence L8852, as the licence is due to expire on 18 January 2024. The licence was granted to the licence holder for the premises located at Reserve 51151, Lot 400 on Plan 72930, Buckley's Road, Broome WA 6725 (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 13: Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	6,000 tonner per annual period
Category 57: Used tyre storage(general): premises (other than premises within category 56) on which used tyres are stored.	5,000 tyres at any one time
Category 62: Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	2,000 tonner per annual period
Category 67A: Compost manufacturing and soil blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.	5,000 tonner per annual period

The Lot 400 is zoned as "Development" under the Shire of Broome Town Planning Scheme No.4. It is located approximately 5km north of the Broome town centre and 2.6km east of the coast. The closest residences are approximately 635m to the north east, being residential property at Locke Street, 900m west for dwellings located on Lullfitz Drive and over 1200m east for dwellings located along Broome Road. The premises is also located within the Broome North

Development Plan area which identifies the future land use as “Neighbourhood living (residential) and public purposes (water supply)”.

The Lot 400 premises incorporate the following activities:

- Receipt of unprocessed greenwaste;
- Mulching, composting (including the use of manure) and soil conditioning received as greenwaste;
- Sale of varying grades of mulch to the general public;
- Stockpiling and processing of inert waste;
- Stockpiling of scrap metal car bodies;
- Car impounding lot;
- Stockpiling of tyres; and
- Stockpiling of final capping material for the BRS progressive rehabilitation.

### **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**

There have been no enforcement actions taken against the occupier in the last 5 years regarding the licence.

### **4.2 Legal occupancy**

The licence holder has demonstrated legal occupancy of the Premises by holding a management order M724606 which expires on 18 January 2029.

### **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 licence holder is a statutory public utility that hold a licence under Part V of the EP Act. No construction of new infrastructure is proposed and the renewal authorises the operation of the existing infrastructure.

## **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 because 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: Summary of licence amendments in this renewal**

Existing condition	Condition summary	Revised licence condition	Conversion notes
N/A	Expiry Date: 18 January 2024	Expiry Date: 18 January 2029	Revised to current licensing format.
N/A	Prescribed Premises Category table	N/A	Revised to current licensing format.
1.1.1 1.1.2	Interpretation and definitions	N/A	Redundant condition. Revised to current licensing format.
1.1.3	Australian or other standard	N/A	Redundant condition. Revised to current licensing format.
1.1.4	Reference to code of practice	N/A	Redundant condition. Revised to current licensing format.
1.2.1	General conditions	N/A	Redundant condition. Revised to current licensing format.
1.2.2	Pollution control and monitoring equipment	N/A	Redundant condition. Adequately covered by alternative existing conditions. Deleted from licence.
1.2.3	Recovery and removal of spills	N/A	Redundant condition. Adequately covered by EP (Unauthorised Discharges) Regulations 2004. Deleted from licence.
1.2.4	Prevention of contamination and containment of contaminated stormwater	Condition 12	Revised to current licensing format.
1.3.1 Table 1.3.1	Waste acceptance	Condition 1 Table 1	Revised to current licensing format.
1.3.2	Removal of unauthorised waste from the premises	Condition 2	Revised to current licensing format.
1.3.3	Storage of unauthorised waste prior to removal from the premises	Condition 3	Revised to current licensing format.
1.3.4	Waste processing	Condition 4 Table 2	Revised to current licensing format.
1.3.5	Waste storage	Condition 5 Table 3	Revised to current licensing format.
1.3.6	Asbestos content in recycled C&D waste	Condition 6 Table 4	Condition transferred in existing format under renewal. The licence holder has a current amendment application, and all Asbestos conditions will be changed to current licence template conditions under the Amendment as these conditions will be negotiated.

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.3.7	Recycled C&D waste outputs sampled in accordance with Asbestos guidelines	Condition 7 Table 5	Condition transferred in existing format under renewal. The licence holder has a current amendment application, and all Asbestos conditions will be changed to current licence template conditions under the Amendment as these conditions will be negotiated.
1.3.8	Asbestos Management Plan	Condition 8	Condition transferred in existing format under renewal. The licence holder has a current amendment application, and all Asbestos conditions will be changed to current licence template conditions under the Amendment as these conditions will be negotiated.
1.3.9	Security measures	Condition 9	Revised to current licensing format
1.3.10	No waste is burnt on the premises	Condition 10	Revised to current licensing format
2.1.1	Record and investigate exceedances of limits or targets	N/A	Redundant condition. Deleted from licence.
2.2-2.4	Point source emissions to air, surface water and groundwater	N/A	Redundant condition. Deleted from licence.
2.5	Emissions to Land	N/A	Redundant condition. Deleted from licence.
2.6.1	Dust emissions	Condition 13	Revised to current licensing format
2.7.1	Odour emissions	Condition 14	Condition has been transferred to licence and will be reviewed as part of the licence amendment application.
2.8	Noise emissions	N/A	Redundant condition. Deleted from licence.
3.1	General monitoring	N/A	Redundant condition. Deleted from licence.
3.2-3.4	Monitoring of point source emissions to air, surface water and groundwater	N/A	Redundant condition. Deleted from licence.
3.5	Monitoring of emissions to land	N/A	Redundant condition. Deleted from licence.
3.6	Monitoring of inputs and outputs	Condition 15 Table 6 and condition 16 Table 7	Revised to current licensing format
3.7	Process monitoring	Condition 17 Table 8	Condition has been transferred to licence and will be reviewed as part of the licence amendment application. The Premises does not compost.
3.8	Ambient environmental quality monitoring	N/A	Redundant condition. Deleted from licence.

Existing condition	Condition summary	Revised licence condition	Conversion notes
3.9	Meteorological monitoring	N/A	Redundant condition. Deleted from licence.
4.1.1	Improvements condition IR1 & IR2	N/A	Redundant condition. Deleted from licence.
5.1.1	Records	Condition 21 and 22	Revised to current licensing format
5.1.2	Aware of premises licence conditions	N/A	Redundant condition. Deleted from licence.
5.1.3	Annual Audit Compliance Report	Condition 19	Revised to current licensing format
5.1.4	Complaints	Condition 18	Revised to current licensing format
5.1.5	Records of waste accepted, recycled and removed	N/A	Redundant condition. Deleted from licence.
5.2.1	Annual Environmental Report	Condition 20 Table 9	Revised to current licensing format
5.3.1	Notifications	Condition 11 for Fire	Revised to current licensing format. Redundant condition. Deleted from licence.
Schedule 1: Maps	Premises map	Schedule 1: Maps	A new Map.
Schedule 2 Reporting & notifications	Annual Audit Compliance Report Form N1 Notification	Schedule 2: Premises boundary	AACR & N1 forms are Redundant attachments and therefore deleted from Licence.  AACR Form available from <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>  Premises boundary coordinates confirmed by corporate mapping database

## 6. Consultation

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

**Table 3: Consultation**

Consultation method	Comments received	Delegated Off's response
Application advertised on the department's website on 18 December 2023 with submissions closing on 16 January 2024	No submission received or comments below	Noted
Licence Holder was provided with draft documents on 13 December 2023 and asked to provide comments by 13 January 2024.	The Licence holder replied on 10 January 2024 with no further comments and waived the remaining consultation period.	Noted