



## CEO initiated amendment

### Part VII Division 4 of the *Environmental Protection Act 1986*

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<b>Licence Number</b>	L8889/2015/2
<b>Licence Holder</b>	Eastern Metropolitan Regional Council
<b>Application number</b>	APP-0032836
<b>Premises</b>	Red Hill Waste Management Facility Toodyay Road, RED HILL  Legal description - Lot 1 on Diagram 15239, Lot 2 on Diagram 68630, Lot 11 on Diagram 69105 and Lot 12 on Deposited Plan 26468  As defined by the premises map attached to the revised licence
<b>Date of Report</b>	24/02/2026
<b>Decision</b>	Revised licence granted

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## 1. Decision summary

This amendment has been initiated by the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (the department) pursuant to section 59(1)(j) of the *Environmental Protection Act 1986* (EP Act), to give effect to a determination made by the Minister for the Environment (the Minister) under section 110 of the EP Act.

As this amendment is a direct result of the Minister's determination, there is no right of appeal under section 105(a) of the EP Act.

Previous decision or amendment reports relating to the licence will remain on the departmental website for future reference and will act as a record of the delegated officer's decision making.

## 2. Scope of assessment

### 2.1 Regulatory framework

In amending the licence, the delegated officer has considered and given due regard to the regulatory framework of the department and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 2.2 Amendment summary

Licence L8889/2015/2 is held by the Eastern Metropolitan Regional Council (licence holder) for the Red Hill Waste Management Facility (the premises), located on Toodyay Road, Red Hill.

On 1 November 2024 the licence holder applied to amend licence L8889/2015/2 under section 59B of the EP Act. The amendment was in relation to construction works to expand the food organics and garden organics (FOGO) processing facility at the premises, and increasing the approved acceptance rate for FOGO waste.

The delegated officer granted revised licence L8889/2015/2 on 6 March 2025.

Under section 102(3)(b) of the EP Act, third parties aggrieved by the amendment of the licence under section 59(1) are invited to lodge an appeal direct to the Appeals Convenor within 21 days of the applicant being notified of that amendment.

The appeal period closed on 27 March 2025 and during this time one appeal was received objecting to the amendment of the licence (Appeal Number 010 of 2025).

The appellant raised concerns regarding adequacy of the licence conditions and the department's risk assessment for food and organic waste acceptance, landfill gas, odour, fire wash water, clearing of native vegetation and licence holder compliance issues.

On 18 November 2025 the Minister made a decision to allow the appeal in part to the extent that the licence be amended as follows:

1. Licence conditions are amended to clarify that the licence holder must construct the FOGO expansion before increasing waste acceptance
2. Ambiguity is removed for the name of the "interim" FOGO expansion area, given that it is now intended for on-going use
3. A licence condition be included that requires odour emitted from the premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises

4. Ambiguity is removed for FOGO waste pasteurisation requirements by including:
- a carbon to nitrogen ratio when forming FOGO waste windrows
  - a maximum allowable temperature for FOGO waste windrows.

The Minister also requested that the department update its website with the most recent annual audit compliance reports for this prescribed premises, consistent with the department's Guidance statement: Publication of Annual Audit Compliance Reports (DWER 2016). The website has since been updated.

This amendment maintains the previously assessed production/design capacities under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations) which continue to apply under the revised licence for categories 12, 61A, 62, 64, 65, and 67A without any changes. Table 1 below outlines the approved production/design capacities.

**Table 1: Approved premises production/design capacities**

Prescribed premises category description	Approved production/design capacity
Category 12: Screening, etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	200,000 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.	13,000 tonnes per annual period
Category 62: Solid waste depot: premises on which waste is stored or sorted, pending final disposal or re-use, other than in the course of operating – (a) a refund point (as defined in the Waste Avoidance and Resource Recovery Act 2007 section 47C(1)) (a refund point); or (b) a facility or other place (an aggregation point) for the aggregation of containers that have been returned to refund points until those containers are accepted for processing or disposal.	10,000 tonnes per annual period
Category 64: Class II or III putrescible landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	350,000 tonnes per annual period
Category 65: Class IV secure landfill site: premises (other than clean fill premises) on which waste of a type permitted for disposal for this category of prescribed premises, in accordance with the Landfill Waste Classification and Waste Definitions 1996, is accepted for burial.	Not applicable
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 of blended soils.	58,000 tonnes per annual period

## 2.3 Assessment of construction works under the recent amendment

On 15 August 2025 the licence holder submitted an Environmental Compliance Report documenting the compliance with construction conditions for the expansion FOGO hardstand, expansion leachate pond, automatic leachate pump, expansion leachate drain and pit, picking station, and mobile aerated floors. On 27 August the department notified the licence holder that compliance with the relevant conditions of the licence had been demonstrated.

## 3. Consultation

The licence holder was provided written notice of the CEO's intention to amend the licence on 22 January 2026.

Comments received from the licence holder on 9 February and 19 February 2026 have been considered by the delegated officer as detailed in Appendix 1.

## 4. Conclusion

The delegated officer has granted revised licence L8889/2015/2 to give effect to the Minister's determination dated 18 November 2025, as required under section 110 of the EP Act. A summary of the implementation of the Minister's recommendations are listed in Table 2.

**Table 2: Implementation of recommendations**

Minister recommendation	Resulting amendment
1. Licence conditions are amended to clarify that the licence holder must construct the FOGO expansion before increasing waste acceptance	<p>As construction of the expanded FOGO facility has now been completed and deemed compliant by the department, the delegated officer has determined to remove construction conditions from the licence relating to the FOGO expansion area.</p> <p>As a result, the Minister's recommendation to clarify that increased waste acceptance is dependent on the completion of construction of the expanded FOGO facility is considered to have been enacted. The licence holder is authorised to accept the increased FOGO waste acceptance rate.</p>
2. Ambiguity is removed for the name of the "interim" FOGO expansion area, given that it is now intended for on-going use	<p>All references to an "interim" FOGO facility have been removed.</p> <p>The hardstand at the FOGO facility has been constructed in three stages, and the three stages of the hardstand were previously named separately in the licence as stage 1 FOGO hardstand, interim FOGO facility hardstand, and expansion FOGO hardstand.</p> <p>Now that expansion of the FOGO hardstand has been completed, the references to three separate areas of the hardstand have been removed, and the entire hardstand renamed to 'FOGO facility hardstand'.</p> <p>To maintain clarity and distinguish between different items of infrastructure, the names of the three leachate ponds that collect leachate from the FOGO facility hardstand remain as stage 1 FOGO leachate sump, L9 leachate pond, and expansion leachate pond. These names are reflected in premises maps in the</p>

	licence.
3. A licence condition be included that requires odour emitted from the premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises	A condition has been added to the licence.
4. Ambiguity is removed for FOGO waste pasteurisation requirements by including: <ul style="list-style-type: none"> <li>- a carbon to nitrogen ratio when forming FOGO waste windrows</li> <li>- a maximum allowable temperature for FOGO waste windrows.</li> </ul>	<p>The Appeals Convenor’s report notes that anaerobic conditions, high temperature and a low carbon to nitrogen ratio can contribute to odour emissions (Office of the Appeals Convenor 2025).</p> <p>The report recommended the addition of a condition for a carbon to nitrogen ratio consistent with the department’s <i>Guideline for Better practice organics recycling</i> (DWER 2022). A condition requiring a nutrient balance (carbon: nitrogen ratio) of 25:1 to 35:1 to be maintained during processing has been added to the licence. This ratio is consistent with other category 67A Part V licences.</p> <p>The report also recommended the addition of a condition for a maximum composting temperature. A condition requiring the core temperature of composting windrows to be maintained between 55°C and 65°C for a period of at least three days has been added to the licence. This temperature range is consistent with other category 67A Part V licences.</p>

## 4.1 Summary of amendments

Table 3 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

**Table 3: Summary of licence amendments**

Condition	Previous condition	Amendments
All	-	<ul style="list-style-type: none"> <li>• References to “interim” infrastructure have been removed.</li> </ul>
Cover page	N/A	<ul style="list-style-type: none"> <li>• DWER file number re-added.</li> </ul>
Licence history	N/A	<ul style="list-style-type: none"> <li>• Details of current amendment added.</li> </ul>
Condition 4, Table 2 Infrastructure requirements	N/A	<ul style="list-style-type: none"> <li>• For clarity a column has been added to group all FOGO facility infrastructure together.</li> <li>• Previous conditions relating to three separate hardstand areas have been combined into one set of conditions for the combined FOGO facility hardstand.</li> </ul>

Condition	Previous condition	Amendments
		<ul style="list-style-type: none"> <li>• Previous conditions relating to separate leachate ponds/sumps at the FOGO facility have been combined into one set of conditions for all leachate ponds.</li> <li>• Reference to the Stage 1 FOGO leachate sump has been removed, as the sump has been decommissioned and filled.</li> <li>• The expansion leachate drain and pit has been grouped into the FOGO facility row.</li> <li>• References to FOGO hardstands updated to “FOGO facility”.</li> </ul>
<p>Condition 5, Table 3 Waste processing</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• References to FOGO hardstands updated to “FOGO facility hardstand”.</li> <li>• A condition on maintaining a nutrient balance (carbon: nitrogen ratio) of 25:1 to 35:1 prior to forming windrows added.</li> <li>• A condition on maintaining a core temperature in composting windrows added.</li> <li>• Reference to the Stage 1 FOGO leachate sump removed from FOGO irrigation water condition.</li> <li>• Reference to the Stage 1 FOGO leachate sump removed from mobile aerated floor irrigation water condition.</li> <li>• Note 4 on storing FOGO products at the green waste processing hardstand until the expansion FOGO hardstand is complete has been removed. The expansion FOGO hardstand is now complete.</li> </ul>
<p>Condition 6, Table 4 Leachate and water management</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• References to three separate FOGO facility hardstands updated to “FOGO facility hardstand”.</li> <li>• Requirements for the Stage 1 FOGO leachate sump removed, as this sump has been decommissioned.</li> </ul>
<p>New condition 21</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• A condition requiring odour emissions to not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the premises added.</li> </ul>
<p>Condition 43, Table 13 Design and construction / installation requirements</p>	<p>Condition 42</p>	<p>Rows 2 – 7 deleted as the construction of the expanded FOGO area has now been completed.</p> <p>Row 1 relating to landfill gas flares will remain in the licence.</p>

Condition	Previous condition	Amendments
N/A Construction quality assurance requirements for the expansion FOGO hardstand, expansion leachate pond, and expansion leachate drain and pit	Condition 44	Deleted as the construction of the expanded FOGO area has now been completed.
Condition 45 relating to an audit of construction	N/A	Reference to condition 44 removed as this is now deleted.
Condition 46(b)	N/A	Deleted as condition 44 has been deleted.
Condition 46(b) relating to as constructed plans	Condition 46(c)	Reference to survey heights for the new hardstand deleted.
Definitions	N/A	Definition for 'Suitably qualified person' amended to remove reference to the construction of the expansion FOGO area, which has now been completed.
Schedule 1, Figure 2	N/A	<ul style="list-style-type: none"> <li>The wording "Stage 2 FOGO" at the greenwaste processing hardstand has been removed from the map. FOGO processing no longer occurs at this location.</li> <li>Stage 1 FOGO leachate sump removed</li> </ul>
Schedule 1, Figure 5	Schedule 1, Figure 4a	<ul style="list-style-type: none"> <li>Reference to <i>interim FOGO facility</i> updated to <i>FOGO facility</i>.</li> <li>FOGO leachate sump removed.</li> <li>Figure number updated from Figure 4a to Figure 5 to maintain consistency in numbering.</li> </ul>
Schedule 1, Figure 6	Schedule 1, Figure 4b	<ul style="list-style-type: none"> <li>Reference to <i>interim FOGO facility map</i> updated to <i>FOGO facility map</i>.</li> <li>Map updated with removal of separate hardstand names.</li> <li>Map updated with removal of reference to the Stage 1 FOGO leachate sump</li> </ul>
Schedule 1, Figure 7	Schedule 1, Figure 4c	<ul style="list-style-type: none"> <li>Figure number updated from Figure 4c to Figure 7 to maintain consistency in numbering.</li> </ul>

## References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2016, *Guidance statement: Publication of Annual Audit Compliance Reports*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. Department of Water and Environmental Regulation (DWER) 2022, *Guideline: Better practice organics recycling*, Perth Western Australia.
5. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
6. Minister for the Environment 2025, *Minister's Appeal Determination: Appeal Number 010 of 2025 – Appeal against Licence L8889/2015/2, Eastern Metropolitan Regional Council, Red Hill Waste Management Facility*. Office of the Appeals Convenor.
7. Office of the Appeals Convenor 2025, *Appeals Convenor's Report to the Minister for the Environment - Appeal against licence L8889/2015/2, East Metropolitan Regional Council, Red Hill Waste Management Facility*, Perth, Western Australia.

## Appendix 1: Summary of licence holder's comments on draft amendment

Condition or section	Summary of licence holder's comment	Delegated officer's response
<b>Licence</b>		
5, Table 3 FOGO waste – carbon: nitrogen ratio	The licence holder outlined that a carbon to nitrogen ratio can be achieved during processing and in final outputs, however the licence holder has little control over quality of the input material.	The condition has been amended to clarify the carbon to nitrogen ratio is required to be achieved and maintained prior to forming windrows.
5, Table 3 FOGO waste – core temperature of composting windrows	The licence holder advised the condition on core temperature in composting windrows is achievable.	Noted.
21 Odour emissions	<p>The licence holder requested specificity regarding the condition, as odour impacts are subjective and the condition does not specify measurable parameters.</p> <p>The licence holder outlined current odour assessment measures undertaken at the premises.</p>	<p>The request to incorporate measurable odour levels is noted, but the Minister's determination relates to odour impacts rather than specific odour levels.</p> <p>The Delegated Officer notes that 'unreasonable' in terms of emissions is a well-established concept in the EP Act. Odour is a complex and transient emission and determining unreasonableness of odour impacts will necessarily involve some degree of subjectivity based on available evidence and will be informed by context of receptors and their tolerance.</p> <p>The condition will be implemented in accordance with the wording specified in the Minister's determination.</p>
All	Requested the removal of references to the Stage 1 FOGO leachate sump as this sump has now been decommissioned and filled.	The department has previously discussed the removal of the sump with the licence holder and determined a licence amendment for the works was not required. The FOGO hardstands have undergone maintenance to ensure they

Condition or section	Summary of licence holder's comment	Delegated officer's response
<b>Licence</b>		
		continue to drain to existing leachate infrastructure. References to the Stage 1 FOGO leachate sump have been removed from the licence.
<b>Appeal amendment report</b>		
N/A	N/A	N/A