



Department initiated Amendment

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

Licence Number	L8904/2015/1
Licence Holder	Cleanaway Solid Waste Pty Ltd
ACN	120 175 6358
Internal number	INS-0001921
Application number	APP-0035484
File Number	DWERVT16037
Premises	Banksia Road Putrescible Landfill Banksia Road CROOKED BROOK WA 6236 Legal description – Part of Lot 2 on Deposited Plan 65861 As defined by the premises map provided in Schedule 1
Date of Report	29 May 2026
Decision	Revised licence granted

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1. Decision summary

On 5 May 2026, the Minister for the environment, community services, homelessness (the Minister) made a determination on the below third party appeals against the grant of licence amendments for the Banksia Road Putrescible Landfill Facility Licence L8904/2015/1:

- Appeal number 14 of 2025 (014/25) – in relation to an amendment to facilitate the capping of Tronox Cell 1 granted on 27 March 2025
- Appeal number 18 of 2025 (018/25) – in relation to an amendment to facilitate the acceptance of Special Waste Type III (Perfluoroalkyl and Polyfluoroalkyl Substances – PFAS) to the premises for disposal to landfill, granted on 23 April 2025.

The Minister received two appeals that were considered through 014/25 and four appeals that were considered through 018/25. Broadly, the key concerns of the appellants were in relation to the following matters.

014/25:

- Waste within Tronox Cell 1 has not been demonstrate as suitable for capping to be installed.
- Capping design and controls had not been appropriately risk assessed.
- Risks from leachate had not been adequately addressed.

018/25:

- The potential for impacts to the environment and human health from PFAS waste acceptance are not acceptable
- The acceptance of PFAS waste is not appropriate and should not be approved
- DWER’s risk assessment and the conditions in the licence are inadequate.

The Minister determined both appeals concurrently. In making the determinations the Minister allowed in part the appeals to the extent that the Licence be amended as outlined in Table 1.

Table 1: Required amendments to conditions of L8904/2015/1

Required change	Changes to amended licence L8904/2015/1 [014/25 and 018/25]
Emissions to land and water	
1.	For TDS cell design, capping and leachate management: <ul style="list-style-type: none"> a) Delete condition 23 for the TDS RCP. b) Require the volumetric flow rate of leachate from the TDS cells is monitored. c) Clarify that the positive gradient (1 % or more) and the final cap depth of more than 2 m must be maintained post-construction. d) Only permit TDS leachate recirculation via TDS cell 2 prior to capping.

Required change	Changes to amended licence L8904/2015/1 [014/25 and 018/25]
	e) Only list the containment infrastructure specifications for the single TDS leachate pond and delete the leachate pond that does not exist.
	f) Clarify that the 'capping' and 'surface water management infrastructure' works for the TDS cell 1 capping must be maintained post-construction.
2.	Require compliance documentation for the SWTS waste acceptance criteria to meet or exceed the sampling frequency in section 6 of the Landfill waste definitions.
3.	Require annual reporting of monitored landfill leachate pond parameters to assess reasons for variation within PFAS concentration results, trends and PFAS risks.
4.	Before commencing leachate recirculation/ reinjection in capped landfill cells, a review of how the activity will operate, may influence PFAS risks, and update the leachate management plan accordingly.
5.	Require a survey of bat and bird fauna potentially accessing the landfill leachate ponds consistent with Technical Guidance - Terrestrial vertebrate fauna surveys for environmental impact assessment. Submit the results to the Department within 24 months of the Minister's determination.
6.	Require all liquid wastes from the landfill gas system are directed to the leachate management system; this includes gas well pump out and condensate.
Air emissions	
7.	Prevent the use of leachate sprays in the leachate evaporation ponds under northerly winds.
8.	Replace the 63 km/hr limit for using leachate to suppress dust with a requirement to ensure spray does not discharge outside of the active landfill area.
Dust emissions and revegetation	
9.	Clarify that dust suppression is required on unvegetated areas of interim and final TDS capping layers.
10.	Clarify that only the final TDS capping layer requires seed in hydromulch.
11.	Require inspections of the TDS cell 1 cap to address and resolve erosion and failures in the integrity of the cap and ensure revegetation success consistent with the requirements for the landfill cells.
Outcomes	
12.	Add a new outcome-based condition for emissions to land and water from leachate to be prevented for the purpose of protecting groundwater quality and values.

Required change	Changes to amended licence L8904/2015/1 [014/25 and 018/25]
13.	Add a new outcome-based condition to ensure dust 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.

In addition to the above, the Minister has advised that there are opportunities for DWER to improve the regulation of the premises and risks from landfills more broadly. These opportunities will be considered by the delegated officer and incorporated where possible as part of future licence amendments.

2. Consultation

The Licence Holder was provided with the draft amendment report on 15 May 2026. Comments received from the Licence Holder on 15 May 2026 have been considered by the Delegated Officer as detailed in Appendix 1.

3. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

3.1 Summary of amendments

Table 2 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. Each proposed amendment set out in Table 2 has been correlated with the required changes set out in Table 1.

Table 2: Summary of licence amendments

Condition number	Proposed amendments	Required change
1, Table 1	Row 5 – Special Waste Type 3 acceptance specification expanded to include: (c). Any bulk Special Waste Type 3 material received at the premises must be sampled and tested in accordance with the recommended sampling strategies set out in section 6 of the Landfill Definitions prior to acceptance for burial.	2
12, Table 9 Rows 2 – 3	TDS Cell 1 details deleted. TDS Cell 2 name and specification amended to refer to a singular pond.	1(e)
13 (c)	New control inserted: Recirculation of TDS leachate via TDS cell 2 only permitted prior to capping.	1(d)

Condition number	Proposed amendments	Required change
13(f)	Control amended to prevent the recirculation of landfill leachate for dust suppression at the active tipping area within the Active Landfill Area when winds are blowing in a northerly direction.	7
13(g)	New control inserted: No leachate spray drift is permitted to be discharged beyond the active landfill area.	8
15(e)	New gas extraction system management requirement inserted: (e) Ensure that all liquid wastes captured by the landfill gas system are directed to the leachate management system; this includes gas well pump-out and condensate.	6
Former condition 23	Condition deleted	1(a)
31	Condition wording amended to make it clear that suppression is required on unvegetated areas of interim and final TDS capping layers.	9
33	New outcomes-based dust management condition inserted	13
40(b)	Wording amended to refer to a singular TDS leachate pond.	1(e)
52	New outcomes-based waste leachate management condition inserted.	12
59	New condition inserted requiring Licence holder to monitor the volumetric flow rate of leachate from the TDS cells	1(b)
61, Table 17	Reference to TDS Leachate Pond changed to TDS Cell 2 leachate pond (TLP)	1(e)
74	New condition inserted requiring Licence holder to retain copies of all documentation and laboratory analysis received in accordance with condition 1 to demonstrate compliance with the acceptance specifications for Special Waste Type 3 at the Premises.	2
76, Table 23	Reporting requirements in relation to Condition 61 inserted.	3
90, Table 27	Row 4 - Hydromulch installation requirements amended to clarify that Seeded hydromulch only required for the final TDS capping layer	10
90	Condition wording amended to clarify that the final cap of TDS cell 1 must be maintained at more than 2 metres in depth post construction.	1(c)

Condition number	Proposed amendments	Required change
99	New condition inserted requiring Licence Holder to ensure that the TDS Cell 1 capping and surface water management infrastructure design and construction / installation requirements required in Table 27 are maintained post construction.	1(f)
100	New condition inserted requiring Licence Holder to undertake monthly inspections of the TDS Cell 1 cap to identify any signs of erosion or failures in the integrity of the cap and ensure revegetation success consistent with eh requirements for the landfill cells.	11
101	New condition inserted requiring the Licence Holder to ensure that a positive gradient (1% or more) is maintained for the TDS Cell 1 cap after settlement to ensure a self-shedding profile directing runoff away from capped area towards existing stormwater drainage network.	1(c)
102	New specified action condition inserted requiring the Licence Holder to commission an avifauna and chiropterofauna survey of the Premises in accordance with <i>Technical Guidance - Terrestrial vertebrate fauna surveys for environmental impact assessment</i> , to identify any bird and microbat species which may potentially access the landfill leachate ponds, and submit a report on the findings to the CEO by 4 May 2028.	5
Definitions, Table 28	Definition of <i>Technical Guidance - Terrestrial vertebrate fauna surveys for environmental impact assessment</i> , inserted.	5

References

1. *Department of Environment Regulation (DER) 2015, Guidance Statement: Setting Conditions, Perth, Western Australia.*
2. *Department of Water and Environmental Regulation (DWER) 2020, Guideline: Environmental Siting, Perth, Western Australia.*
3. *DWER 2020, Guideline: Risk Assessments, Perth, Western Australia.*
4. *Environmental Protection Authority (EPA) 2018, Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual, Environmental Protection Authority, Perth, WA.*
5. *Snooks & Co 2002, Style Manual for Authors, 6th Edn, John Wiley & Sons Australia Ltd, Brisbane.*

Appendix 1: Summary of Licence Holder's comments on draft amendment

Condition	Summary of Licence Holder's comment	Department's response
79, Table 23	error on last line of table.	Noted and corrected.
100	spelling error "the"	Noted and corrected.