



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	120 175 635
File Number	DER2015/001648
Premises	Banksia Road Putrescible Landfill Banksia Road CROOKED BROOK WA 6236 Legal description – Lot 2 on Deposited Plan 65861 As defined by the coordinates in Schedule 2 of the Revised Licence
Date of Report	12 December 2024
Decision	Revised licence granted

Grace Heydon

ACTING MANAGER WASTE INDUSTRIES

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

On 26 October 2023, the Minister for Environment; Climate Action (the Minister) made a determination on a third party appeal (Appeal number 48 of 2021) against the grant of a Licence amendment dated 28 October 2021 following a Licence review for the Banksia Road Putrescible Landfill facility.

The Minister received five appeals objecting to the conditions within the amendment Licence. Broadly, the key concerns of the appellants were for the Licence to include additional controls, monitoring and reporting requirements in relation to the following matters:

- The acceptance and storage of titanium dioxide tailings at the landfill;
- Potential for impacts to groundwater from the putrescible waste landfill and tailings;
- Management of noise and dust emissions;
- Potential for impact to nearby conservation areas; and
- Management of fires, erosion and complaints.

In making the determination the Minister allowed in part the appeals to the extent that the Licence be amended as follows:

- The inclusion of additional monitoring for titanium dioxide tailings and groundwater to ensure that the Department of Water and Environmental Regulation (DWER) can fully assess the ongoing effectiveness of the existing infrastructure and landfill management, which will include monitoring key radionuclides concentrations in the tailings and monitoring of additional groundwater parameters; and
- The inclusion of an additional condition requiring the accepted leachate plan for the premises be implemented; and
- Conditions relating to monitoring, management and reporting of fires and feral animals/pests, compliance monitoring and addressing and responding to complaints should be improved.

Changes have been made to align Licence conditions with the Minister's determination in accordance with Section 110 of the *Environmental Protection Act 1986* (EP Act). These changes are summarised in Table 1.

In giving effect to the Ministers determination, the Delegated Officer has encountered difficulties in implementing the following amendment:

- Condition 48 (tailings) is amended to also require monitoring of titanium, iron, chromium (III), potassium, chloride, sulphate, pH, electrical conductivity, calcium, magnesium, sodium, bicarbonate, uranium, thorium (elemental concentrations mg/L), radium-226 and radium-228 (radionuclide concentrations Bq/L). Threshold concentrations to be nominated for solids, and radioactivity concentrations for radionuclides radium-226 and radium-228.

Appropriate threshold concentration values and radioactivity concentration values are yet to be determined, as there is currently no available WA guidance to inform the setting of risk-based and informed values for incorporation into the Licence. Subsequently, DWER is having to undertake investigations to determine what these values should be and what available guidance should be relied on in setting appropriate values. The Delegated Officer is currently in consultation with the Radiological Council of Western Australia, DWER's Contaminated Sites Branch, the Licence Holder (for obtaining characterisation data for the titanium dioxide tailing received to the premises), and other government agencies to determine what appropriate values can be set for the above listed parameters.

In the interim of these values being determined, and due to time elapsed since the Ministers

Determination on Appeal 48 of 2021 was made, the Delegated Officer has determined to initiate an amendment to Licence L894/2015/1 to implement all amendments determined by the Minister except the amendment to Condition 48 requiring the monitoring of additional parameters and the implementation of threshold concentration and radiological concentration values for those parameters. It is the intent of the Delegated Officer to initial a further amendment to the Licence to implement these amendments once a determination has been made on the setting of appropriate threshold concentration and radiological concentration values.

The Delegated Officer notes that several of the amendments required as a result of the Ministers Determination were required to be implemented by dates that have now expired. As such, the Delegated Officer has amended these conditions using revised dates that will ensure the timely implementation of new condition requirements on grant of the revised Licence.

As the amendment is given effect to an appeal decision, no further risk assessment to justify these changes is required/provided within this Amendment Report.

2. Consultation

The Licence Holder was provided with the draft Amendment Report on 18 November 2024. On 29 November 2024 the Licence Holder waived the comment period.

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 1 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 1: Summary of Licence amendments

Condition no.	Proposed amendments
36	Updated to require reporting to the CEO within 2 weeks of erosion being identified, as opposed to 1 month.
42	New condition incorporated to require the preparation and submission of a Fire Management Plan, including plan specifications.
43	New condition requiring the maintenance and implementation of the Fire Management Plan once submitted.
44	New condition requiring the Fire Management Plan be tested annually.
46	New condition requiring the maintenance of a register for visual signs, presence and visitation of feral cats and foxes within the landfill area.
52 (previous condition 48)	Condition updated to include monitoring requirements for the verification of the percentage of solids in the titanium dioxide tailings slurry stream.
54 (previous condition 50)	Additional parameters included for the monitoring of leachate extracted from the tailings storage cells.

Condition no.	Proposed amendments
56	<p>New condition requiring the monitoring of leachate flows from landfill cells 1, 2 and 5 to commence within 6 months of the appeal determination and the recording of these results weekly.</p> <p><u>For noting:</u> The Ministers determination required the amendment of previous condition 51 (revised condition 55) to implement this requirement. However, since previous condition 51 refers to the monitoring of leachate heads, and cells 1, 2 and 5 do not have leachate heads, the Ministers determination could not be implemented in this manner.</p>
58	<p>New condition requiring the implementation of the Leachate plan at the premises as prepared and submitted under previous condition 52 (revised condition 57).</p> <p><u>For noting:</u> The Ministers determination required the amendment of previous condition 52 to implement this requirement. However, since previous condition 52 relates to the preparation and submission of the leachate plan, along with specifications for inclusions in the plan, the Ministers determination could not be implemented in this manner.</p>
59 (previous condition 54)	<p>Requirement incorporated for the visual inspection of landfill gas infrastructure for signs of melting, smoke and residue.</p> <p>Parameter and investigation levels for temperature incorporated.</p> <p>Condition terminology amended from ‘trigger levels’ to ‘investigation levels’.</p> <p>Requirement incorporated for notification to include the records of the visual assessment of the landfill cover and landfill gas infrastructure.</p>
63 (previous condition 57)	<p>Additional monitoring parameters included.</p>
67 (previous condition 61)	<p>Updated to require additional information be recorded in relation to complaints reporting.</p>
71 (previous condition 65)	<p>Requirement included for a summary of actions undertaken to control pests and vermin, and a summary of fox and feral cat observations recorded at the premises, to be included within the annual environmental report.</p> <p>Terminology updated relating to the volume of wastes entering or leaving the premises.</p> <p>Reporting requirements for complaints expanded.</p> <p>Requirement for a summary of landfill and unauthorised fires at the premises to be included within the annual environmental report.</p>
72 (previous condition 66)	<p>Updated to include a requirement for a comparison of the inputs used in the hydrogeological modelling required under revised condition 64 (previous condition 57) with data collected under revised conditions 52 and 54 (previous conditions 48 and 50), which identifies any differences.</p>

Condition no.	Proposed amendments
74 (previous condition 68)	Additional reporting requirement incorporated for unauthorised fires, including reporting specifications.
N/A – Definitions	New definition added for 'Suitably qualified fire safety engineer' to accompany new condition 42.