



Application for Licence Amendment

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

Licence Number	L9162/2018/1
Licence Holder	The Valleys Bullsbrook Pty Ltd
ACN	636 954 357
File Number	DER2018/001457
Premises	<p>The Valleys Bullsbrook Landfill Facility</p> <p>2510 Great Northern Highway, Lot 2792 and 1288 Taylor Road and Lot 834 Hurd Road</p> <p>Legal description –</p> <p>Part Lot 834 on Deposited Plan 246328, Part Lot 1288 on Deposited Plan 247994 and Part Lot 2792 on Deposited Plan 253699</p> <p>Certificate of Title Volume 2997 Folio 448</p> <p>As defined by the Premises map attached to the Revised Licence</p>
Date of Report	08 September 2022
Decision	Revised licence granted

**MANAGER WASTE INDUSTRIES
REGULATORY SERVICES**

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

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1. Decision summary

The Delegated Officer has determined to make amendments to Licence L9162/2018/1. The amendments are administrative in nature therefore they do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The decision report for the Existing Licence will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

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

2.2 Application summary

Licence L9162/2018/1 is held by The Valleys Bullsbrook Pty Ltd (Licence Holder) for The Valleys Bullsbrook Landfill Facility (the Premises), located at Part Lot 834 on Deposited Plan 246328, Part Lot 1288 on Deposited Plan 247994 and Part Lot 2792 on Deposited Plan 253699. The Premises relates to the categories and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L9162/2018/1.

On 19 July 2022, the Licence Holder submitted an application to the department to amend Licence L9162/2018/1 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited only to extending the licence expiry date, extending the submission date for a Landfill Closure and Post-Closure Management Plan and changing the Premises name from The Valleys Bullsbrook to The Valleys Bullsbrook Landfill Facility.

The Licence Holder has previously informed the department of their intent to close the Premises and handover the area for redevelopment, which will require the final capping and closure of the Class I landfill. The landfill has been shut for a number of years, with the last load of waste being received in November 2018. Condition 3 of the Existing Licence requires the Licence Holder to submit a Landfill Closure and Post-Closure Management Plan by 31 October 2022 and the licence has an expiry date of 22 October 2023.

Land surrounding the Premises is currently in the process of being progressively developed for residential housing, however the land developer is yet to finalise their designs in the immediate area of the landfill footprint. As the Landfill Closure and Post-Closure Management Plan will be impacted by the proposed landfill site after-use and adjoining levels, the Licence Holder considers it preferable to wait until the land developer finalises their design on and around the current landfill footprint. After this design is determined, the Licence Holder will prepare and finalise their Landfill Closure and Post-Closure Management Plan. The Licence Holder does not intend to re-open the landfill or receive any additional waste at the Premises, however the marketing and removal of processed recycled materials remaining on the Premises will continue.

To allow for the development designs to be finalised, the submission date for the Landfill Closure and Post-Closure Management Plan is requested to be extended by 12 months, out to 31 October 2023. To facilitate this change, the licence expiry date is also requested to be extended by a corresponding 12 months, out to 22 October 2024.

3. Consultation

The Licence Holder was provided with the draft Amendment Report on 19 August 2022.

On 7 September 2022 the Licence Holder waived the comment period.

4. 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.

4.1 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
Premises name	Changed from The Valleys Bullsbrook to The Valleys Bullsbrook Landfill Facility
Duration	Extended by 12 months to 22/10/2024
Condition 3	The submission date for the Landfill Closure and Post-Closure Management Plan was extended by 12 months to 31 October 2023

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.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY							
Application type							
Works approval	<input type="checkbox"/>						
Licence	<input type="checkbox"/>	Relevant works approval number:		None	<input type="checkbox"/>		
		Has the works approval been complied with?			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?			Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?			Yes <input type="checkbox"/>	No <input type="checkbox"/>	
		Date Report received:					
Renewal	<input type="checkbox"/>	Current licence number:					
Amendment to works approval	<input type="checkbox"/>	Current works approval number:					
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L9162/2018/1				
		Relevant works approval number:		N/A	<input type="checkbox"/>		
Registration	<input type="checkbox"/>	Current works approval number:		None	<input type="checkbox"/>		
Date application received		19 July 2022					
Applicant and Premises details							
Applicant name/s (full legal name/s)		The Valleys Bullsbrook Pty Ltd					
Premises name		The Valleys Bullsbrook Landfill Facility					
Premises location		Part of Lot 834 on Deposited Plan 246328; Part Lot 1288 on Deposited Plan 247994; and Part or Lot 2792 on Deposited Plan 253699.					
Local Government Authority		City of Swan					
Application documents							
HPCM file reference number:		DWERDT632893					
Key application documents (additional to application form):		Cover letter					
Scope of application/assessment							

<p>Summary of proposed activities or changes to existing operations.</p>	<p><u>Licence amendment</u></p> <p>Amendment to extend the expiry date of the licence and submission date for a Landfill Closure and Post-Closure Management Plan required by condition 3. The closure plan is currently required to be submitted by 31 October 2022 and the expiry date of the licence is 22 October 2023. The submission date for the Landfill Closure and Post-Closure Management Plan is requested to be extended by 12 months, out to 31 October 2023. To facilitate the change, the licence expiry date is also requested to be extended by a corresponding 12 months, out to 22 October 2024.</p> <p>The landfill has been closed for a number of years, with the last load of waste received at the premises in November 2018. The surrounding land is in the process of being progressively developed for residential housing, however the land developer is yet to finalise the development plan in the immediate area of the landfill footprint.</p> <p>As the Landfill Closure and Post-Closure Management Plan will be impacted by the landfill site after-use and adjoining levels, the Licence Holder considers it preferable to wait until the land developer finalises their development plans on and around the current landfill footprint. After this is determined, the Landfill Closure and Post-Closure Management Plan will be prepared. The Licence Holder does not intend to re-open the landfill or receive any additional waste at the premises, however the marketing and removal of processed recycled materials remaining on the premises will continue.</p>
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Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 13: Crushing of building materials	Not more than 50,000 tonnes per year	N/A
Category 62: Solid waste depot	More than 500 but not more than 5,000 tonnes per year	N/A
Category 63: Class I inert landfill site	More than 50,000 but not more than 500,000 tonnes per year	N/A

Legislative context and other approvals

<p>Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/></p>
<p>Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Ministerial statement No: EPA Report No:</p>
<p>Has the proposal been referred and/or assessed under the EPBC Act?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Reference No:</p>

Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input checked="" type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input checked="" type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why?
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: Licence/permit No: Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type: N/A Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: Swan Avon
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	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"/>	

Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Classification: N/A Date of classification: N/A