



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	DER2018/001457~8
Premises	<p>The Valleys Bullsbrook Landfill Facility</p> <p>2510 Great Northern Highway Bullsbrook 6084</p> <p>Legal description –</p> <p>Part of Lot 903 on Deposited Plan 424344 Certificate of Title Volume 4032 Folio 72</p> <p>As defined by the premises maps in Schedule 1 and coordinates in Schedule 2 of the revised licence</p>
Date of Report	08 November 2023
Decision	Revised licence granted

A/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

Licence L9162/2018/1 is held by The Valleys Bullsbrook Pty Ltd (Licence Holder) for The Valleys Bullsbrook Landfill Facility (the premises), located at 2510 Great Northern Highway, Bullsbrook.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the premises. As a result of this assessment, an amendment to Licence L9162/2018/1 has been granted.

The revised licence issued as a result of this amendment consolidates and supersedes the existing licence previously granted in relation to the premises. The revised licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, 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

On 31 August 2023, the licence holder submitted an application to the department to amend Licence L9162/2018/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- redescribe the purpose of the premises licence by removing categories 13 and 62 as permitted activities, as the related activities are no longer undertaken;
- redescribe the boundary of the premises to cover the landfill area only;
- correct the description of the premises to the new lot number and title particulars, to reflect changes made by Landgate on 10 March 2023; and
- removing or varying the condition for waste acceptance so that no more waste may be accepted at the premises.

The amendments are being sought to facilitate the closure phase of the premises. Waste acceptance has been ceased for a number of years, with the last load of waste being received in November 2018. Crushing of building material has also ceased at the premises, with the only remaining operations required to be done at the premises being the final cover and capping of the landfill.

Table 1 below outlines the proposed changes to the existing licence and how they relate to the categories and the assessed design capacities under Schedule 1 of the Environmental Protection Regulations 1987 (EP Regulations).

Table 1: Proposed design or throughput capacity changes

Category	Current design/throughput capacity	Proposed design/throughput capacity	Description of proposed amendment
13	Not more than 50,000 tonnes per year	Category removed	The category is proposed to be removed as there is no longer crushing of waste at the premises.

Category	Current design/ throughput capacity	Proposed design/ throughput capacity	Description of proposed amendment
62	More than 500 but not more than 5,000 tonnes per year	Category removed	The category is proposed to be removed as the licence holder is no longer accepting or storing waste at the premises.
63	More than 50,000 but not more than 500,000 tonnes per year	Not more than 500 tonnes per year	The premises is no longer accepting waste for burial and is entering the closure phase. Placement of final cover and capping over the landfill still needs to occur.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway which have been considered in this Amendment Report are detailed in Table 2 below.

Table 2: Source-pathways

Emission	Sources	Potential pathways
Dust	Residual waste material within previous operational areas	Air/windborne pathway causing impacts to health and amenity
	Landfill surface	
Asbestos fibres	Residual waste material within previous operational areas	Air/windborne pathway causing impacts to health
Sediment laden stormwater	Residual waste material within previous operational areas	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality
	Landfill surface	

3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the Delegated Officer has excluded employees, visitors and contractors of the Licence Holder's from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 3 and Figure 1 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER 2020)).

Table 3: Sensitive human and environmental receptors and distance from prescribed activity

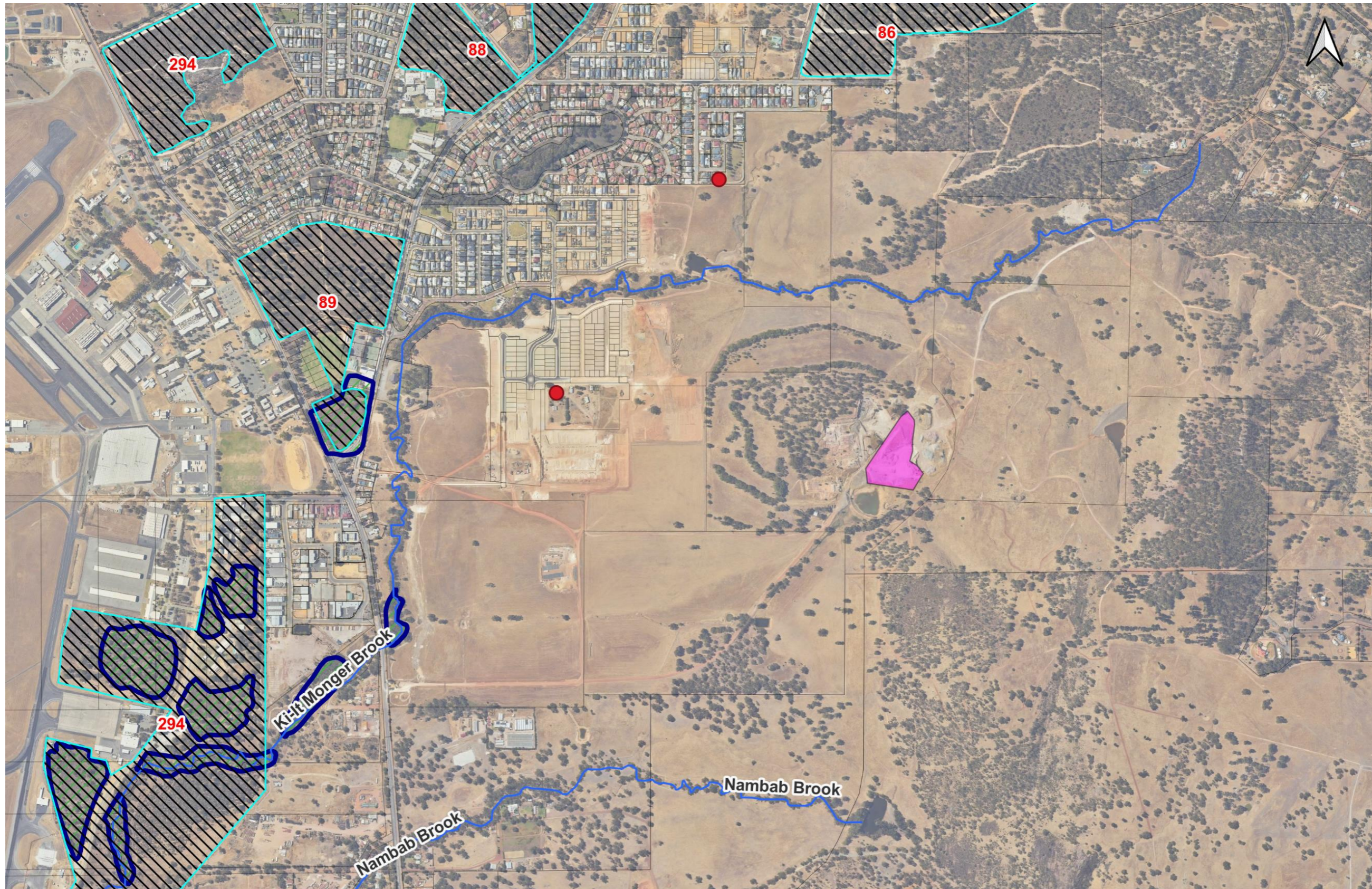
Receptors	Distance from prescribed activity
Human receptors	
Nearest sensitive receptor – Residential premises	910 m north-northwest from the premises boundary
	975 m northwest from the premises boundary
Environmental receptors	
Threatened Ecological Community (TEC) – Banksia Dominated Woodlands of the Swan Coastal Plain	Approximately 260 m south and 370 m northeast of the premises boundary
Bush Forever Site – Site 86	Approximately 1.05 km north of the premises boundary
Bush Forever Site – Site 89	Approximately 1.58 km west of the premises boundary
Surface water – Ki-It Monger Brook	Approximately 335 m north of the premises boundary
Surface water – Nambab Brook	Approximately 985 m south of the premises boundary
Geomorphic wetlands of the Swan Coastal Plain – Conservation category palusplain	Approximately 1.48 km west-southwest of the premises boundary
Groundwater – Superficial aquifer	Depth to groundwater at the premises ranges from approximately 0.3 mbgl to 9.5 mbgl (IWP 2023).

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Additional regulatory controls may be imposed where the Licence Holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

The revised Licence L9162/2018/1 that accompanies this Amendment Report authorises emissions associated with the operation of the premises. The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).



Legend

- Premises boundary
- Nearest residences
- Surface water
- Conservation category geomorphic wetland
- Bush forever area
- Cadastre

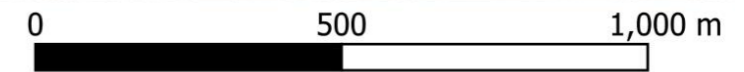


Figure 1: Potential receptors surrounding the premises

Licence: L9162/2018/1

Table 4. Risk assessment of potential emissions and discharges from the premises related to proposed amendments

Risk Event				Risk rating ¹	Existing controls sufficient?	Justification for additional regulatory controls	Conditions ² of licence
Source/Activities	Potential emission	Potential pathways and impact	Receptors	C = consequence L = likelihood			
Operation							
Residual waste material within previous operational areas associated with the storage, handling, crushing and screening of construction and demolition waste.	Asbestos fibres	Air/windborne pathway causing impacts to health	Nearest residence (910 m north-northwest) (975 m northwest)	C = Major L = Unlikely Medium Risk	N	The application did not include any inspection or validation that no residual waste material or emission risks remain in the previous operational areas to be removed from the premises boundary. As the area is still under the control of the licence holder, the Delegated Officer has resolved to include conditions requiring validation inspections to be performed and reported on to the department.	<u>Condition 3 – closure validation investigations</u> <u>Condition 4 – report on closure validation investigations</u>
	Dust	Air/windborne pathway causing impacts to health and amenity		C = Moderate L = Possible Medium Risk			
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Banksia Woodland TEC (260 m south and 370 m northeast) Ki-It Monger Brook (335 m north) Nambab Brook (985 m south)	C = Moderate L = Possible Medium Risk			
Reduced separation distance of premises boundary around uncapped landfill	Dust	Air/windborne pathway causing impacts to health and amenity	Nearest residence (910 m north-northwest) (975 m northwest)	C = Minor L = Unlikely Medium Risk	Y	N/A – The change to the premises boundary does not result in any receptors being located closer to the landfill area and the surrounding land is still under the control of the licence holder.	Condition 1 – no additional waste acceptance
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Banksia Woodland TEC (260 m south and 370 m northeast) Ki-It Monger Brook (335 m north) Nambab Brook (985 m south)	C = Minor L = Unlikely Medium Risk			

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

Note 2: Proposed Licence Holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

Table 5: Consultation

Consultation method	Comments received	Department response
Local Government Authority advised of proposal (4 October 2023)	The City of Swan advised via a phone call on 19 October 2023 that they had no comments on the application.	N/A
Western Australian Planning Commission advised of proposal (4 October 2023)	On 6 October 2023 the Metro North East Land Use Planning area of the Department of Planning, Lands and Heritage advised they had no comments on the application.	N/A
Licence Holder was provided with draft amendment on 3 November 2023	The Licence Holder responded on 7 November 2023 requesting that the date for condition 4(a) be changed to 22 October 2026 and the licence expiry date amended to match.	The requested changes were made.

5. Conclusion

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

There remain some uncertainties regarding the presence of residual waste material or contaminants that may pose an emission risk in the previous operational areas removed from the premises boundary. To address this, the Delegated Officer has resolved to include conditions requiring validation inspections to be performed and reported on to the department. A report on the validation inspections is required in order to surrender the licence or prior to the expiry of the licence.

5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 6: Summary of licence amendments

Condition no.	Proposed amendments
Cover page	Premises address and legal description updated to reflect new premises boundary and revision of certificate of title details from 10 March 2023. Prescribed premises categories 13 and 62 removed. Prescribed premises category 63 amended to lowest threshold to reflect commencement of landfill closure period.
Licence expiry	The licence expiry date was extended to 22/10/2026

Condition no.	Proposed amendments
Condition 1	Amended to remove authorisation for waste acceptance.
Condition 2	Amended to remove process activities related to categories 13 and 62.
New Condition 3	Added condition requiring the investigation of former premises activity areas for potential residual contaminants.
New Condition 4	Added condition requiring a report on the investigation of former premises activity areas to be submitted to the department with any surrender application or prior to the licence ceasing.
Former Condition 3	Removed as the Landfill Closure and Post-Closure Management Plan has been submitted and the condition complied with.
Former Condition 4	Removed as the Landfill Closure and Post-Closure Management Plan has been submitted and the condition complied with.
Definitions	Definitions updated to remove redundant definitions no longer being used, as their related conditions have been removed as part of this amendment.
	Added a definition for <i>suitably qualified environmental consultant</i> in relation to new conditions 3 and 4.
Schedule 1: Maps	Figure 1 (premises map) was updated to the new premises boundary. Figure 2 was included defining the area to be investigated under conditions 3 and 4.
Schedule 2: List of coordinates	Coordinates tables added defining the premises boundary and the investigation areas related to conditions 3 and 4.

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. IW Projects Pty Ltd (IWP) 2023, *The Valleys Bullsbrook Landfill 2510 (Lot 903) Great Northern Highway Bullsbrook: Landfill Closure and Post-Closure Management Plan*, unpublished report prepared for The Valleys Bullsbrook Pty Ltd.

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		31 August 2023		
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		2510 Great Northern Highway, Bullsbrook Part of Lot 903 on Deposited Plan 424344 Certificate of Title Volume 4032 Folio 72		
Local Government Authority		City of Swan		
Application documents				
HPCM file reference number:		DWERDT829051		
Key application documents (additional to application form):		Cover letter Modified Premises Plan		
Scope of application/assessment				
Summary of proposed activities or changes to existing operations.		<p><u>Licence amendment</u></p> <p>Licence amendment seeking changes for care and maintenance leading into premises closure.</p> <p>The following amendments are being sought:</p> <ul style="list-style-type: none"> • redescribe the purpose of the premises licence by removing categories 13 and 62 as permitted activities; • redescribe the boundary of the premises to cover the landfill area only; • correcting the description of the premises address to the new lot number and title particulars; • removing or varying the condition for waste acceptance so that no more waste may be accepted at the premises. 		

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 material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	Not more than 50,000 tonnes per year	No capacity. Category is proposed for removal.
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.	More than 500 but not more than 5,000 tonnes per year	No capacity. Category is proposed for removal.
Category 63 – Class I inert landfill site: Class I inert 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.	More than 50,000 but not more than 500,000 tonnes per year	No change.

Legislative context and other approvals

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?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
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 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? Changes are removing activities, not adding new ones.
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: Swan River System and Swan Groundwater Area Type: Proclaimed Surface Water Area and Groundwater Area 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 WQPN 25)? 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</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Environmental Protection (Unauthorised Discharges) Regulations 2004
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
Direct interest stakeholders		
City of Swan	Letter to be sent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Western Australian Planning Commission	Letter to be sent	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>