



Application to renew a licence

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

Licence Number	L9235/2020/2
Licence Holder	Shire of Harvey
File Number	DER2020/000053
Premises	Richardson Road Putrescible Landfill Site 623 Richardson Road UDUC WA 6220 Legal description Part of Lot 6 on Deposited Plan 55535 As defined by the Premises map in Schedule 1
Date of Report	29 July 2022
Decision	To grant a licence

Stephen Checker

Manager, Waste Industries

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L9235/2020/2 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence the Delegated Officer has determined to:

- issue the licence for 10 years (note: on 4/3/2022 a 'pro rata' fee payment was received from the Licence Holder to align the fee period with the current licence period – the previous fee period run until April in each year);
- apply the 'Notice of amendment and schedule of licences with amended reporting conditions' (Schedule 2') dated 16 May 2022, to provide an environmental report in March 2024 and biennially thereafter;
- remove redundant definitions and conditions and update definitions as required;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- transfer all relevant existing regulatory controls and conditions to the renewed licence.

As a result of the above, the Delegated Officer decided to grant Licence L9235/2020/2, subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 25 March 2022 the Shire of Harvey (licence holder) applied to renew licence L9235/2020/1, as the licence is due to expire on 5 August 2022. The existing licence was granted to the licence holder for the premises located at 623 Richardson Road, Uduc WA 6220 (Premises). It should be noted that the premises had been licenced as a landfill since 1997 under the previously issued licence L6996/1997/14, which ceased due to non-payment of the annual fee in 2019.

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 64: Class II or III putrescible landfill site	5000 tonnes per annual period

The licence holder applied for a licence renewal based on the existing Category 64 landfilling activity. However, a premises inspection conducted in September 2021 and annual reporting submitted by the licence holder noted waste sorting and recycling activities occurring at the premises which are activities prescribed under Category 62: Solid Waste Depot. As a result of further consultation with the licence holder, the Delegated Officer has determined that waste transfer activities are not authorised under the current licence and the licence holder is required to submit a licence amendment application to apply for any required changes to the prescribed premises activities which will be risk assessed and conditioned accordingly.

3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2021.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There are two incident records identified for this Premises in the last five years, both incidents relating to issues identified during a compliance inspection conducted in September 2021 and both records are now closed. There have been no enforcement actions taken against the occupier in the last 5 years regarding the licence.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Planning approval

The premises is operated by the local government authority.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Licence L9235/2020/1 was issued on 29 April 2020 in a new licence format after the previous licence held by the licence holder (L6996/1997/14) ceased to have effect.

Conditions related to authorised landfilling, including the burial of small quantities of asbestos, have been reviewed and transferred to the new licence and any redundant conditions removed.

Table 2 provides a summary of the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions changes, description and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
Conditions 1, 2 and 3	N/A	Redundant conditions removed
Condition 4	7	Standard contaminated stormwater condition applied
Condition 5, Table 1	1, Table 1	Conditions transferred to new licence
Condition 6	2	
Condition 7, Table 2	3, Table 2	Minor changes to process limits wording to distinguish the larger defined landfill area from the asbestos disposal area
Condition 8	4	Conditions transferred to new licence
Condition 9, Table 3	5, Table 3	
Condition 10	6	
Condition 11	9	
Condition 12	8	
Condition 13	10	
Condition 14	11	
Condition 15	12	
Condition 16	13	
Condition 17	14	
Condition 18, Table 4	15, Table 4	
Condition 19	16	
Condition 20, Table 5	17, Table 5	Increase in number (from 4 to 6) and changes to referencing of ambient groundwater monitoring bores, located and labelled as shown in Schedule 1 Premises map (Refer: Shire of Harvey Richardson Road Landfill Hydrogeological Assessment, January 2013)
Condition 21	22 & 23	Standard records condition set applied
Condition 22	N/A	Redundant condition removed
Condition 23	19	Standard AACR condition applied including minor change to wording regarding the submission timeframe
Condition 24	18	Standard complaints condition applied
Condition 25, Table 6	20, Table 6	Minor modifications applied to reports changing to biennial submission in accordance with the 'Notice of amendment and schedule of licences with amended reporting conditions', 16 May 2022
Condition 26	21	Condition transferred to new licence
Condition 27, Table 7	N/A	Redundant notifications condition removed
Definitions	Table 7	Redundant definitions removed or updated to

Current condition / table	New condition / table (if relevant)	Description and rationale
		current wording as required
Schedule 1 – Premises map and Landfill area map	Figures 1 & 2	Premises map showing premises boundary and locations of groundwater monitoring bores. Landfill area map defining the landfill area and the specified asbestos disposal area.
Schedule 2 – Premises boundary	Added	Premises boundary is part of Lot 6 on deposited plan 55535, defined by coordinates in Table 8

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per **Error! Reference source not found.** 3.

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
<i>Application advertised on the department's website on 2 May 2022</i>	No comments received	N/A
<i>Local Government Authority</i>	N/A - LGA is the licence holder	N/A
<i>Applicant was provided draft documents on 14 July 2022</i>	Licence holder provided requested premises maps and boundary coordinates on 26 July 2022 including information on additional bores installed around 2013 as part of groundwater investigations at the premises. Licence holder supported inclusion of two additional bores and one bore to replace previously monitored bore GQ1 be included in ambient groundwater monitoring, with revised bore references supplied.	Minor changes to ambient groundwater monitoring condition and associated premises map applied.