

Amendment Report

Application for Licence Amendment

Part V Division 3 of the Environmental Protection Act 1986

Licence Number	L9319/2022/1
Licence Holder	Australia Western Railroad Pty Ltd
ACN	094 792 275
File Number	DER2021/000703
Premises	Aurizon Kwinana Rail Depot Mounsey Road KWINANA BEACH WA 6167 Legal description – Part of Lot 511 on Deposited Plan 41203 Certificate of Title Volume 2582 Folio 886 As defined by the coordinates in Schedule 1 of the revised licence
Date of Report	7/11/2023
Decision	Revised licence granted

Abbie Crawford A/MANAGER, WASTE INDUSTRIES an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

Licence L9319/2022/1 is held by Australia Western Railroad Pty Ltd trading as Aurizon Operations Pty Ltd (licence holder) for the Aurizon Kwinana Rail Depot (the premises), located at 30 Mounsey Road, Kwinana Beach.

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, revised licence L9319/2022/1 has been granted.

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 Amendment summary

The licence holder transports controlled waste by rail from their Kwinana depot to their Kalgoorlie depot for final disposal at an appropriately licensed facility. Due to occasional train delays and reasonably foreseeable logistical issue, controlled waste occasionally needs to be temporarily stored on the premises.

In April 2023, a flooding event in the Goldfields region closed access to the receiving end-oflife waste disposal facility causing a backlog of controlled waste at the premises. Consequently, waste was stored on the premises in exceedance of the permitted storage capacity limits and holding time as per the licence. As a similar emergency or extenuating circumstance is reasonably foreseeable in the future, the licence holder is seeking an amendment to licence L9319/2022/1 to increase throughput capacities and holding times for waste on the premises.

Additionally, the licence holder is seeking an amendment to increase the storage capacity for asbestos and asbestos containing waste.

On 25 May 2023, the licence holder submitted an application to the department to amend licence L9319/2022/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act).

Table 1 below summarises all of the proposed changes to the existing licence.

Condition	Current condition	Proposed amendment
All waste types accepted under Category 62	Combined total of 10,000 tonnes per annual year	Combined total of 30,000 tonnes per annual year
Condition 3	The licence holder must not store more than a total of 300 tonnes of waste at the premises at any one time	The licence holder must not store more than a total of 1,500 tonnes of waste at the premises at any one time
Condition 6	No more than 50 kg of special waste type 1 (asbestos) to be stored on site at any one time	No more than 200 tonnes of special waste type 1 (asbestos) to be stored on site at any one time

 Table 1: Proposed throughput capacity changes

Condition	Current condition	Proposed amendment
Condition 8	The licence holder must ensure that waste does not remain on the premises for more than 72 hours from arrival.	The licence holder must ensure that waste does not remain on the premises for more than five days from arrival.

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 during premises operation which have been considered in this amendment report are detailed in Table 2 below. Table 2 also details the proposed control measures the licence holder has proposed to assist in controlling these emissions, where necessary.

Table 2: Licence holder controls

Emission	Sources	Potential pathways	Proposed controls
Dangerous or hazardous waste materials (spills and leaks)	Acceptance, handling and storage of waste material	Overland runoff / migration Seepage into soil and groundwater	 All waste packaged in closed sealed containers and tanks; All waste to be stored and handled on a bitumen hardstand; Safety and Emergency Response Plan (SERP) in place for the premises; Spill response equipment available on the premises; Fire and Emergency Services – Emergency Response Guide (FES-ERG); Trained and experienced personnel; and Project Environment Planning Assessment (PEPA) Tool.
Contaminated stormwater / firewater	Acceptance, handling and storage of waste material	Overland runoff / migration Seepage into soil and groundwater	 All waste packaged in closed sealed containers and tanks; All waste to be stored and handled on a bitumen hardstand; Safety and Emergency Response Plan (SERP) in place for the premises; Spill response equipment available on the premises including collapsible spill bunds; Fire and Emergency Services – Emergency Response Guide (FES-ERG); Trained and experienced personnel; and Project Environment Planning Assessment (PEPA) Tool.
Toxic gases / smoke (fire)	Acceptance, handling and storage of waste material	Air/windborne pathway	 All waste packaged in closed sealed containers and tanks; All waste to be stored and handled on a bitumen hardstand; Safety and Emergency Response Plan (SERP) in place for the premises; Fire and Emergency Services – Emergency Response Guide (FES-ERG);

Emission	Sources	Potential pathways	Proposed controls	
			 Trained and experienced personnel; and 	
			 Firefighting equipment available at the premises. 	
Dust (asbestos fibres)	Acceptance, handling and storage of asbestos waste material	Air/windborne pathway	• All waste is packaged as per the Guideline: Managing asbestos at construction and demolition waste recycling facilities (April 2021);	
			 Waste remains in sealed containers on the premises and waste is not handled on the premises; and 	
			 If loss of containment occurs, dust suppression will be applied using fire hydrants or water carts. 	

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 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

Human receptors	Distance from prescribed activity
Residential premises	Approximately 1.1 km east of the premises
Industrial premises	Adjacent to the east of the premises
Multiple groundwater users (non-potable uses)	Approximately 650 and 750 m down hydraulic gradient from the premises
Environmental receptors	Distance from prescribed activity
Underlying groundwater	Between 3 – 6 m below ground level
Cockburn Sound	Approximately 2.3 km west of the premises
Geomorphic wetlands	Approximately 30 m east of the premises
Bush Forever Site 349	Approximately 100 m east of the premises
Threatened fauna – <i>Isoodon fusciventer</i> (golden bandicoot) and <i>Calyptorhynchus</i> <i>latirostris</i> (Carnaby's cockatoo)	Found within a 1km radius of the premises

Threatened Ecological Community – Tuart woodlands and forests of the Swan Coastal Plain	Found within a 1km radius of the premises
Perth Regional Ecological Linkage	Approximately 400 m east of the premises

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 in-complete they have not been considered further in the risk assessment.

Where the licence holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the licence holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

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 L9319/2022/1 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).

Table 4: Risk assessment of potential emissions and discharges from the premises during operation

Risk Event				Risk rating ¹	Licence	Conditions ² of		
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence holder's controls	C = consequence controls L = likelihood sufficient		licence	
Operation								
Acceptance, handling and storage of waste material	Dangerous or hazardous waste materials (spills and leaks)	Overland runoff / migration into stormwater potentially causing ecosystem disturbance or impacting surface water quality Localised contamination of soil	Geomorphic wetlands approximately 30 m east Bush Forever site approximately 100 m east Underlying groundwater approximately 3 to 6 m bgl	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Ν	<u>Condition 3, 4, 9,</u> <u>10 & 19</u>	Due types time. for di natur deleg waste exter Howe logist circu norm Ther for in or un
	Contaminated stormwater / firewater	Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance	Groundwater users approximately 650 m downgradient TEC and threatened fauna within 1 km of premises Cockburn Sound approximately 2.3 km west	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	<u>Condition 3, 4, 9,</u> <u>10 & 19</u>	The of in co satist firew
	Toxic gases / smoke (fire)	Air/windborne pathway causing impacts to health and amenity	Industrial premises adjacent to the east Residential premises approximately 1.1 km to the east	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	N	<u>Condition 3, 4, 9,</u> <u>10 & 19</u>	The of in co satist fire to
Acceptance, handling and storage of asbestos waste material	Dust (asbestos fibres)	Air/windborne pathway causing impacts to health and amenity	Industrial premises adjacent to the east Residential premises approximately 1.1 km to the east	Refer to Section 3.1	C = Severe L = Unlikely High Risk	Y	Existing: Conditions 1, 5, 6, 8 & 9 New: Condition 7 & 11	N/A

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.

Justification for additional regulatory controls

to the nature of the premises, it is difficult to predict what es of waste will be stored and at what quantities at any given e. The facility accepts and transports waste that is destined disposal at a Class IV or Class V landfill. Due to the high-risk ure of the waste and proximity of sensitive receptors, the egated officer does not determine it to be appropriate for all te types to be permitted to be stored on the premises for ended periods of time in large quantities on a regular basis. vever, the delegated officer acknowledges that, due to stical issues arising from emergency or unforeseen umstances, as highlighted by recent flooding events, the nal capacity limits and holding times may be exceeded. refore, the delegated officer has included conditions to allow ncreased capacity limits and holding times during emergency nforeseen circumstances only.

delegated officer considers the existing regulatory controls, onjunction with the additional controls as justified above, as sfactory to mitigate the risk of contaminated stormwater and vater impacts to receptors.

delegated officer considers the existing regulatory controls, onjunction with the additional controls as justified above, as sfactory to mitigate the risk of toxic smoke and gases from to receptors.

4. Consultation

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

Table 5: Consultation

Consultation method	Comments received	Department response
Licence holder was provided with draft amendment on 18 July 2023.	See Appendix 1: Summary of licence holder's comments on risk assessment and draft conditions	See Appendix 1: Summary of licence holder's comments on risk assessment and draft conditions

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.

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.

Condition no.	Proposed amendments
N/A	Increased the assessed design capacity for Category 62 from 10,000 tonnes per annual period to 30,000 tonnes per annual period
1	Increased rate at which waste is received from a combined total of 10,000 tonnes per annual period of all solid waste to a combined total of 30,000 tonnes per annual period of all solid waste
3	Changes to condition wording for capacity limits to apply only during times of normal operations
4	Inclusion of new waste storage capacity limit for times of emergency or unforeseen circumstances
7	Increase capacity limit for amount of asbestos waste permitted to be stored on site at any one time from 50 kg to 200 tonnes
9	Changes to condition wording for maximum waste holding time to apply only during times of normal operations
10	Inclusion of new maximum waste holding time for times of emergency or unforeseen circumstances
11	Inclusion of a water cart as a required piece of equipment
19	Inclusion of reporting requirements for when emergency or unforeseen circumstances conditions (4 & 10) are triggered
Definitions	Inclusion of definition for emergency and unforeseen circumstances Inclusion of definition for hardstand

Table 6: Summary of licence amendments

Licence: L9319/2022/1

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. Department of Water and Environmental Regulation (DWER) 2021, *Guideline: Managing asbestos at construction and demolition waste recycling facilities*, Perth, Western Australia.
- 4. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Summary of licence holder's comments on risk assessment and draft conditions

Condition	Summary of licence holder's comment	Department's response
1	30,000 tonnes is considered adequate for the total annual storage volume. This is based on what is currently commercially known.	N/A
3	300 tonnes storage at any one time is not considered adequate for 'normal operations.' A standard 'box' of waste weights ~ 22 tonnes. 300 tonnes allows for only ~ 13 boxes of waste to be stored under normal operations. The waste contracts are often completed in campaigns where Aurizon currently only has one Aurizon truck and driver available to transport 2 x containers/day on a 7 hour round trip to Sandy Ridge from Kalgoorlie. Third party transport companies can be utilised but availability and reliability are issues. Aurizon does not see any difference in risk between the proposed condition for 1,500 tonnes of storage in emergencies or unforeseen circumstances and normal operations. The waste is still stored on impervious ground and our incident management protocols are still applied to minimise the risk from spills or incidents. Please consider increasing the volume to 1,500 tonnes for normal operations.	The delegated officer does not deem it appropriate for 1,500 tonnes of high-risk waste to be stored on site at any one time during normal operations in close proximity to sensitive receptors. The delegated officer acknowledges the ongoing operational needs of the facility and need for increased storage capacity, therefore, the delegated officer has considered the risk of increasing waste storage capacity during normal operating hours to 1,000 and has determined that there is no change to the risk profile with the current controls. The licence has been updated to increase waste storage capacity to 1,000 tonnes at any one time during normal operations.
4	1,500 tonnes of storage in 'emergencies' or 'unforeseen circumstances' is not considered adequate due to the lag effect and container build up during campaigns that are substantially underway when an emergency situation occurs. Please refer to the comments above regarding supply chain logistics which are compounded when access to Sandy Ridge is closed. The waste is still stored on impervious ground and given the existing risk controls, we believe we have adequate capacity to minimise the potential impact of spills or other incidents. Please consider changing to 3,000 tonnes.	While the storage of large quantities of high-risk waste in close proximity to sensitive receptors is not normally deemed appropriate, the delegated officer acknowledges the need to store greater volumes of waste during times of emergency or unforeseen circumstances due to logistical issues and backlog in the supply chain. The delegated officer has reviewed the risk assessment and determines that due to the low likelihood of such an instance occurring, the risk of storing increased volumes of waste during emergency or unforeseen circumstances with the controls on the licence in place, is acceptable. The licence has been updated to reflect this change.
7	200 tonnes of asbestos is considered adequate, based on what is currently commercially known.	N/A

Licence: L9319/2022/1

Condition	Summary of licence holder's comment	Department's response
9	72 hours of storage is not considered adequate during 'normal operations.' Please refer to the comments above regarding supply chain logistics – Given the existing risk controls, we believe we have adequate capacity to minimise the potential impact of spills or other incidents and the waste is still stored on impervious ground. Please consider changing to five (5) days for normal operations.	The delegated officer has considered the risks of extending waste storage times during normal operations, and has determined that there is no change to the risk profile. The licence has been updated to extend the time frame of storage to 5 days during normal operations.
10	Five days storage is not considered adequate during 'emergency' or 'unforeseen circumstances.' Please refer to the comments above regarding supply chain logistics. It can take several days for the road to dry out enough to re-open access to Sandy ridge. The waste is still stored on impervious ground and given the existing risk controls, we believe we have adequate capacity to minimise the potential impact of spills or other incidents. Given the compliance requirements for Condition 2 it is highly unlikely leaks will occur from the containers. In some instances containers are lined with custom liners to further minimise the risk of leakage. Please consider adding a condition of lined containers able to be stored for one month and unlined containers two weeks (14 days).	The delegated officer does not deem it appropriate for high- risk waste to be stored for extended periods of time (one month) in close proximity to sensitive receptors under any circumstance. The delegated officer has considered the risks of extending waste storage times during emergency and unforeseen circumstances, and has determined that there is no change to the risk profile for storage for a 14 day period. The licence has been updated to extend the time frame to 14 days during emergency or unforeseen circumstances.
11	The current availability of 'hardstand' engineered structures at Kwinana and Kalgoorlie make it challenging to meet condition 11 when there is limited space available on the engineered hardstand. At Kwinana there are three reach stackers. Chemical additives are sprayed on the soil to minimise dust generation and increase compaction therefore reducing permeability. There is minimal risk of spillage permeating through the soil to the point where it would impact the environment. In any case any spillage would be contained and cleaned up by excavation and removal of the soil. Please confirm if heavily compacted soil would be considered part of the hardstand area. Include 'hardstand' in the definitions in Table 5.	The delegated officer does not consider it appropriate to be storing high-risk wastes outside of an engineered hardstand area. Not enough information is included on the compaction, permeability and stormwater drainage pathways of the compacted soil area. In the event of a spill or fire resulting in the loss containment of leachate/contaminated stormwater/ firewater, uncertainty exists as to the ability of high risk contaminants to infiltrate into groundwater (either via the compacted soil area or by flowing into an area of higher permeability). Therefore, the condition has not changed. A definition for hardstand has been included.
19	Updated to reflect the changes requested above.	Licence updated to include notification of CEO of management actions to be taken to reduce the volume of waste on the premises within 14 days of receival of that waste.

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY					
Application type					
Works approval					
		Relevant works approval number:		None	
		Has the works approval been complied with?		Yes 🗆	No 🗆
Licence		Has time limited operations under the works approval demonstrated acceptable operations?		Yes 🗆 No 🗆 N/A 🗆	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?		Yes 🗆 No 🗆	
		Date Report received:			
Renewal		Current licence number:			
Amendment to works approval		Current works approval number:			
Amondmont to licence	\boxtimes	Current licence number:	L9319/2022/1		
Amendment to licence		Relevant works approval number:		N/A	\boxtimes
Registration		Current works approval number:		None	
Date application received		25/5/23			
Applicant and Premises details					
Applicant name/s (full legal name/s)	Aurizon Operations Pty Ltd				
Premises name		Aurizon Kwinana Rail Depot			
Premises location		Part of Lot 512 on Deposited Plan 41203 30 Mounsey Road, KWINANA BEACH 6167			
Local Government Authority		City of Kwinana			
Application documents					
HPCM file reference number:	DER2021/000703~3				
Key application documents (additior application form):	 1A – CoT 1B – ASIC information 1C – Authorised Representative 2 – Depot Map 3B – Kwinana Proposed Amended Activities 2A – Boundary Coordinates 2B – Premises boundary 2C – TECs and Black Cockatoo habitat 7 – Kwinana Site Plan 8 – Kwinana Controlled Waste Transport Additional Information 8A – Stormwater Drainage Strategy Fee Calculator 				

		Power of Attorney			
		Site Emergency Response Plan			
Scope of application/assessment					
		Licence amendment to:			
Summary of proposed activities or changes to existing operations.		Increase Category 62 design capacity from 10,000 tpa to 30,000 tpa;			
		Increase waste stored on site at any one time from 300 tonnes to 1,500 tonnes;			
		Increase temporary storage of waste on site from no more than 72 hours to no more than 5 days; and			
		Change storage capacity for asbestos (controlled waste code N220) from 50 kg to 200 tonnes.			
Category number/s (activities that ca	ause	the premises to become p	rescribed premises)		
Table 1: Prescribed premises catego	ories				
Prescribed premises category Ass and description desi		essed production or ign capacity	Proposed changes to the production or design capacity (amendments only)		
Category 62: Solid waste depot	Ass ann	essed – 10,000 tonnes per ual period	20,000 tonnes per annual period		
Legislative context and other approvals					
Has the applicant referred, or do they			Referral decision No: N/A		
intend to refer, their proposal to the E	PA	Yes 🗆 No 🗵	Managed under Part V \Box		
significant proposal?			Assessed under Part IV \Box		
Deep the employert held only evicting Dert			Ministerial statement No: N/A		
IV Ministerial Statements relevant to the application?		Yes □ No ⊠	EPA Report No: N/A		
Has the proposal been referred and/or assessed under the EPBC Act?		Yes 🗆 No 🖂	Reference No: N/A		
Has the applicant demonstrated occupancy (proof of occupier status)?			Certificate of title ⊠		
		Yes 🛛 No 🗆	General lease Expiry:		
			Mining lease / tenement \Box Expiry:		
			Other evidence \Box Expiry:		
Has the applicant obtained all relevant planning approvals?					
		Yes 🗆 No 🗆 N/A 🖂	Approval: N/A		
			If N/A explain why?		
			Within current planning approval.		
	0.7				
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?		Yes 🗆 No 🖂	No clearing is proposed.		

Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes 🗆 No 🖂	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 🗆 No 🖂	Application reference No: N/A Licence/permit No: N/A 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 □ No ⊠	 Name: Cockburn Groundwater Area Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes □ No □ N/A ⊠ Regional office: N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes □ No ⊠	Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to <u>WQPN 25</u>)? Yes □ No □ N/A ⊠
Is the Premises subject to any other Acts or subsidiary regulations (e.g. Dangerous Goods Safety Act 2004, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx)	Yes ⊠ No □	Environmental Protection (Controlled Waste) Regulations 2004 Dangerous Goods Safety Act 2004
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes ⊠ No □	Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999 and Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992 State Environmental (Cockburn Sound) 2015 Policy Area
Is the Premises subject to any EPP requirements?	Yes 🗆 No 🖂	N/A

Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?		Classification: contaminated – remediation required (C–RR) Date of classification: 26/09/2019
	Yes 🛛 No 🗆	