



Application for Licence Amendment

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

Licence Number	L9323/2022/1
Licence Holder	Australia Western Railroad Pty Ltd
ACN	094 792 275
File Number	DER2022/000061
Premises	Aurizon Kalgoorlie Rail Depot West Kalgoorlie Road WEST KALGOORLIE WA 6430 Legal description – Part of Lot 500 on Deposited Plan 58897 Certificate of Title Volume LR3161 Folio 909 As defined by the coordinates in Schedule 2 of the revised licence
Date of Report	7 November 2023
Decision	Revised licence granted

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

Table of Contents

1. Decision summary	1
2. Scope of assessment	1
2.1 Regulatory framework	1
2.2 Amendment summary	1
3. Risk assessment	2
3.1 Source-pathways and receptors	2
3.1.1 Emissions and controls	2
3.1.2 Receptors	4
3.2 Risk ratings	5
4. Consultation	8
5. Conclusion	8
5.1 Summary of amendments	8
References	9
Appendix 1: Application validation summary	10

Table 1: Proposed throughput capacity changes	1
Table 2: Licence holder controls	3
Table 3: Sensitive human and environmental receptors and distance from prescribed activity	4
Table 4. Risk assessment of potential emissions and discharges from the premises during operation	6
Table 5: Consultation	8
Table 7: Summary of licence amendments	8

1. Decision summary

Licence L9323/2022/1 is held by Australia Western Railroad Pty Ltd trading as Aurizon Operations Pty Ltd (licence holder) for the Aurizon Kalgoorlie Rail Depot (the premises), located on West Kalgoorlie Road, West Kalgoorlie.

This amendment report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during operation of the premises. As a result of this assessment, revised licence L9323/2022/1 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 flood event in the Goldfields region closed access to the receiving end-of-life 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 L9323/2022/1 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 29 May 2023, the licence holder submitted an application to the department to amend licence L9323/2022/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act).

On 7 August 2023, the licence holder requested additional changes be included in the amendment relating to further increases to storage capacity and holding times and storage of waste on a compacted area.

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

Table 1: Proposed throughput capacity changes

Condition	Current condition	Proposed amendment
All waste types accepted under Category 61	Combined total of 10,000 tonnes per annual year	Combined total of 30,000 tonnes per annual year
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	The licence holder must not store more than a total of 1,000 tonnes of waste at the

Condition	Current condition	Proposed amendment
	at any one time	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
Condition 6	Waste must be stored and handled on a hardstand area.	Waste must be stored and handled on a hardstand or compacted area.
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.
N/A	N/A	In times of emergency or unforeseen circumstances outside of the licence holder's control, the licence holder is permitted to store no more than a total of 3,000 tonnes of waste at the premises at any one time.
N/A	N/A	In times of emergency or unforeseen circumstances outside of the licence holder's control, the licence holder is permitted to store waste on the premises for no more than 14 days for unlined containers and 31 days for lined containers.
Definitions	N/A	Include a definition for hardstand.

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	<ul style="list-style-type: none"> • All waste packaged in closed sealed containers and tanks; • All waste to be stored and handled on a hardstand area or a compacted area; • Some waste stored in lined containers; • 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	<ul style="list-style-type: none"> • All waste packaged in closed sealed containers and tanks; • All waste to be stored and handled on a 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	<ul style="list-style-type: none"> • All waste packaged in closed sealed containers and tanks; • All waste to be stored and handled on a hardstand; • Safety and Emergency Response

Emission	Sources	Potential pathways	Proposed controls
			Plan (SERP) in place for the premises; <ul style="list-style-type: none"> • Fire and Emergency Services – Emergency Response Guide (FES-ERG); • 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	<ul style="list-style-type: none"> • 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 420 m north-west of premises and 470 m north-east of premises
Industrial area	Immediately adjacent on all sides of the premises
Environmental receptors	Distance from prescribed activity
Underlying groundwater	No data could be found. The depth to water in Kalgoorlie varies, however, in general the depth to groundwater in the Kalgoorlie area ranges from 50 to 200 metres below ground level. Groundwater is considered to be saline.
Goldfields Groundwater Area – <i>Rights in Water and Irrigation Act 1914</i> (RIWI Act)	Within proclaimed groundwater area.

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 L9323/2022/1 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 holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence holder's controls	C = consequence L = likelihood			
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	Industrial area immediately adjacent surrounding premises Underlying groundwater	Refer to Section 3.1	C = Major L = Possible High Risk	Y	Condition 3, 4, 9 & 21 Condition 10	In an email dated 7 August 2023, the licence holder requested that waste in lined containers be permitted to be stored for one month and unlined containers be stored for two weeks. The original intention of the licence was to permit the storage of waste on the premises in the instance of reasonably foreseeable logistical issues and train delays during transport for waste to the end-of-life waste disposal facility. Due to the nature of the premises, it is difficult to predict what types of waste will be stored and at what quantities at any given time. The facility accepts and transports waste that is destined for disposal at a Class IV or Class V landfill. The delegated officer does not deem it appropriate for high-risk waste to be stored for extended periods of time (1 month) in close proximity to sensitive receptors under any circumstance. The delegated officer has amended condition 9 to permit waste to be stored on the premises for no more than 5 days during times of normal operation and has included condition 10 which limits the storage of waste on the premises to 14 days during times of emergency or unforeseen circumstance.
	Contaminated stormwater / firewater	Localised contamination of soil Infiltration into groundwater potentially impacting off site groundwater users and causing ecosystem disturbance		Refer to Section 3.1	C = Major L = Possible High Risk	N	Existing conditions 16 & 17 Condition 11 Definition included for hardstand	In an email dated 7 August 2023, the licence holder requested that waste be permitted to be stored on non-engineered compacted hardstand areas to increase storage capacity. The non-engineered sections of hardstand are repeatedly traversed by reach stackers and sprayed with a chemical additive to minimise dust generation thereby increasing compaction. The non-engineered hardstand area does not have a stormwater management system with stormwater either draining towards natural low points in the area or draining onto the engineered hardstand and into the surface water collection system. Due to the nature of the premises, it is difficult to predict what types of waste will be stored and at what quantities at any given time. The facility accepts and transports waste that is destined for disposal at a Class IV or Class V landfill. Due to the high-risk nature of the waste and proximity of sensitive receptors, the delegated officer does not determine it to be appropriate for waste types to be permitted to be stored on non-engineered hardstand areas without appropriate stormwater containment measures. In the event of a fire or storm event which results in the generation of large quantities of contaminated stormwater or firewater, the delegated officer determines that there are not enough controls in place to prevent an unauthorised discharge of contaminated stormwater or firewater from the premises. A definition for hardstand has been included and condition 11 has been added to ensure all hardstand areas have the ability to contain contaminated stormwater / firewater to prevent off-site discharge.
	Toxic gases / smoke (fire)	Air/windborne pathway causing impacts to health and amenity	Residences 420 m north-west and 470 m north-east of premises Industrial area immediately adjacent	Refer to Section 3.1	C = Moderate L = Unlikely Medium Risk	Y	Condition 3, 4, 9, 10 & 21	N/A

Risk Event					Risk rating ¹ C = consequence L = likelihood	Licence holder's controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence holder's controls				
			surrounding premises					
Acceptance, handling and storage of asbestos waste material	Dust (asbestos fibres)	Air/windborne pathway causing impacts to health and amenity	Industrial area immediately adjacent surrounding premises	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.

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 9 October 2023	The licence holder provided an email response on 2 November 2023 with no comments on the draft amendment	N/A

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 licence as part of the amendment process.

Table 6: Summary of licence amendments

Condition no.	Proposed amendments
N/A	Increased the assessed design capacity for Category 61 and 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 liquid wastes and 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 for liquid waste and 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.
21	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

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: 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:	L9323/2022/1	
		Relevant works approval number:	N/A	<input checked="" type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	29 May 2023			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Aurizon Operations Pty Ltd			
Premises name	Aurizon Kalgoorlie Rail Depot			
Premises location	Part of Lot 500 on Deposited Plan 58897 79 West Kalgoorlie Road, WEST KALGOORLIE			
Local Government Authority	City of Kalgoorlie-Boulder			
Application documents				
HPCM file reference number:	DER2022/000061~2			
Key application documents (additional to application form):	1A – CoT 1B – ASIC West Kalgoorlie Site Emergency Response Plan SERP 1C – Authorised representative 2 – West Kalgoorlie Depot Map 2A – Premises boundary coordinates 2B – Premises boundary 3B – Proposed amended activities PTA letter of authority 5 – Other Approvals 7 – Siting and location 8 – Additional information Power of Attorney			

Licence: L9323/2022/1

		FESERG Dangerous Goods Licence
Scope of application/assessment		
Summary of proposed activities or changes to existing operations.	Licence amendment to increase: <ul style="list-style-type: none"> • annual storage capacity limit (solid and liquid waste); • limit for waste that can be stored on site at any one time lid and liquid waste); • temporal limit on how long waste can be stored on site for (72 hours to 5 days) (solid and liquid waste); and • limit of asbestos waste than can be stored on site annually. 	
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 61: Liquid waste facility	10,000 tpa	30,000 tpa
Category 62: Solid waste depot	10,000 tpa (50 kg of asbestos waste per annual period)	30,000 tpa (200 tonnes of asbestos waste per annual period)
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: N/A 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: N/A EPA Report No: N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No: N/A
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: N/A Expiry date: N/A If N/A explain why? No planning approvals are required for the activity as it falls within the boundaries of existing rail freight operations consistent with operations within a railway reserve

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: 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 <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: Goldfields Groundwater Area Type: Proclaimed Groundwater Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Regional office: Goldfields
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, Environmental Protection (Controlled Waste) Regulations 2004, State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<i>Dangerous Goods Safety Act 2004</i> <i>Environmental Protection (Controlled Waste) Regulations 2004</i>
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A

<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Classification: possibly contaminated – investigation required (PC–IR)</p> <p>Date of classification: 1 February 2008</p> <p>As, Co, Cr, Cu, Mg and Ni concentrations have been found in the soil above EILs. As in soil also exceeded HILs. No GW investigations have been carried out.</p>
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