



## Application for Licence

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

---

<b>Licence Number</b>	L9399/2023/1
<b>Applicant</b>	Westmore Corporation Pty Ltd
<b>ACN</b>	082 140 403
<b>File number</b>	DER2013/000580
<b>Premises</b>	Jandakot Transfer Station 31 Cutler Road JANDAKOT WA 6164  Legal description - Part of Lot 88 on Diagram 73955
<b>Date of report</b>	23/08//2023
<b>Proposed Decision</b>	Licence granted

Neville Welsh  
SENIOR INDUSTRY LICENSING OFFICER  
REGULATORY SERVICES  
Officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

## 1. Decision summary

On the 20 June 2023, the Department of Water and Environmental Regulation (the department; DWER) identified licence L7131/1997/8 for Jandakot Transfer Station located at Lot 88 on Diagram 73955, Cutler Road, Jandakot had ceased to have effect. This was due to departmental constraints which prevented the annual fee reminder notification process to be undertaken which resulted in the non-payment of annual fees within the specified timeframes.

The Delegated Officer has decided to process the application for a new (replacement) licence L9399/2023/1 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 granting this licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L9399/2023/1, subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary and overview of premises

On 30 June 2023, the applicant submitted an application for a new licence L9399/2023/1 as previous licence L7131/1997/8 has ceased due to non-payment of annual fees within specified timeframes.

The premises relates to the categories and assessed production / design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in licence L9399/2023/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in licence L9399/2023/1.

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

**Table 1: Premises category description and production design capacity**

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i> )	Production capacity
Category 61A: Solid waste facility: premises (other than premises within Category 67) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	Combined total of no more than 110 000 tonnes per annum
Category 62: Solid waste depot: premises on which waste is stored or sorted pending final disposal or re-use.	

### 3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises as this was previously assessed for the previous licence L7131/1997/8. Risk assessments were previously undertaken for the premises in accordance with amendments to licence L7131/1997/7 dated 26 September 2014 and 22 November 2014.

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 [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au)

### 4. Considerations for issuing a new licence

#### 4.1 Categories of the licence

The requested categories and the corresponding maximum production capacities for the new licence are consistent with previously assessed categories and capacities for ceased licence L7131/1997/8.

#### 4.2 Planning approval

On 16 August 2023, the City of Cockburn provided comment on the local government approvals granted (refer to Section 6 – Consultation for further details).

### 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 licenses. Most licenses are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm because of the emissions and/or discharges from the premises in question.

Table 1 summarises 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 1: Licence conditions changes, description, and rationale**

Current condition / table for previous licence L7131/1997/8	Summary of condition for previous licence L7131/1997/8	New condition / table for new licence L9399/2023/1	Description and rationale
1.1.1 - 1.2.5	Interpretation, Definitions & General Conditions	N/A	Redundant conditions removed as no longer relevant. Definitions revised to current licensing format.
1.3.1 – 1.3.9	Premises operation	1 - 9	Transfer of existing conditions.
2.1.1	Investigate limit/target exceedance	17	Revised to current licensing format.
2.2.1	Fugitive emissions	N/A	Condition 2.2.1 has been removed as it duplicates S49 of the <i>Environmental Protection Act 1986</i> .
2.2.2 & 2.2.3	Fugitive emissions	10 & 11	Transfer of existing conditions
2.3.1	Odour	N/A	Redundant condition removed as no longer relevant.
3.1.1	Monitoring of inputs and outputs	12	Transfer of existing conditions.

Current condition / table for previous licence L7131/1997/8	Summary of condition for previous licence L7131/1997/8	New condition / table for new licence L9399/2023/1	Description and rationale
5.1.1	Records & reporting	15 & 16	Revised to current licensing format.
5.1.2	Person in charge	N/A	Redundant condition removed as no longer relevant.
5.1.3	Annual Audit Compliance Report (AACR)	14	Revised to current licensing format.
5.1.4	Complaints	13	Revised to current licensing format.
5.1.5	Record made of waste type	18	Transfer of existing condition.
5.2.1	Annual Environmental Report	N/A	Removed in accordance with Notice of Amendment of Licence Reporting Requirements Section 59(2), Section 59(1)(a) and Section 59(1)(b) <i>Environmental Protection Act 1986</i> Licensed prescribed premises, May 2022
5.3.1	Notification	17	Breach of limit has been revised to current licensing format (condition 17). Failure or malfunction of pollution control equipment is a redundant condition and has been removed.
Schedule 1: Maps	Schedule 1: Maps		Updated map included as per application submitted.
Schedule 2: Notification and Forms	Form N1	N/A	Redundant form removed as no longer relevant.

## 6. Consultation

Table 2 provides a summary of the consultation undertaken by the department.

**Table 2: Consultation**

Consultation method	Comments received	Department response
Application advertised on the department's website on 31 July 2023.	No submissions were received by the end of the advertising period.	N/A
Local Government Authority advised of proposal on 28 July 2023.	On 16 August 2023, the City of Cockburn advised the following: <ol style="list-style-type: none"><li>1. that the 1999 Development Approval remains valid for the 'dry non-hazardous recovery and transfer facility'; and</li><li>2. the condition which refers to the size of the development is restricted to an area of no greater than 2000m<sup>2</sup> on the western boundary of the site. This can be interpreted as the size of the stockpiles; therefore it appears from a quick aerial calculation, that current activity comply.</li></ol>	The Delegated Officer noted to comment by the City of Cockburn and determine these two comments are planning matters controlled by the City of Cockburn and not matters to be regulated by this licence.
Applicant was provided with draft documents on 15 August 2023	On 18 August, the licence holder advised they were satisfied with the draft licence and requested the comment period be waived.	N/A

## 7. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

## References

1. DER 2016, *Guidance Statement: Licence duration*, Perth, Western Australia.
2. Licence L7131/1997/8 & Decision report, 13 February 2020