



Application to renew a licence

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

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|-----------------------|---|
| Licence Number | L8767/2013/2 |
| Licence Holder | Shire of Plantagenet |
| File Number | 2013/002942-1 |
| Premises | Kendenup Waste Management Facility Lake Matilda Road KENDENUP WA 6323 Legal description Lot 1 on Deposited Plan 83367 As defined by the Premises map |
| Date of Report | 30 August 2024 |
| Decision | To grant a licence |

Neville Welsh
SENIOR INDUSTRY LICENSING OFFICER
INDUSTRY REGULATION
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 L8767/2013/1 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 renewing the licence the Delegated Officer has determined to

- update the format and appearance of the licence;
- remove redundant conditions;
- incorporate licence amendment/s issued prior to the replacement licence, including removal of a redundant reporting condition;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and
- transfer all remaining relevant regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8767/2013/2 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

On 21 May 2024 the Shire of Plantagenet (licence holder) applied to renew licence L8767/2013/1, as the licence is due to expire on 1 September 2024. The licence was granted to the licence holder for the premises located at Lake Matilda Road, Kendenup (Premises).

The licence relates to the prescribed premises category 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 62: Solid waste depot - premises on which waste is stored, or sorted, pending final disposal or re-use. | Not more than 2,000 tonnes per annual period |

The main activities occurring on the Premises include the receipt, handling and sorting of various waste streams prior to offsite disposal. This includes bulk waste metals, waste oil and used batteries for recycling, operation of a Drum Muster collection facility, inert waste streams including tyres, plastics and limited construction waste (noting crushing and/or screening is not permitted), putrescible waste from local kerbside collection (temporarily stored prior to transfer to the O'Neil Road Waste Management Facility) and the receipt, storage and processing of green waste.

The licence was amended in February 2016 including minor administrative changes and the removal of redundant conditions to bring this licence in line with two other shire operated waste management facilities at Kamballup and Porongurup.

3. Regulatory framework

The Delegated Officer has not conducted a review of the 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 2022.

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 \(www.wa.gov.au\)](https://www.wa.gov.au/government/publications/regulatory-documents).

4. Considerations for issuing a new licence

4.1 Compliance and enforcement actions

There has been one complaint identified at the Premises by the department in the last five years, related to smoke from the burning of green waste (August 2023). There have been no enforcement actions regarding the licence in the last 5 years.

4.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

4.3 Categories of the licence

The requested category and the corresponding maximum production capacity for the renewal of the licence is consistent with the category for which the licence holder currently holds a licence and which was previously assessed.

4.4 Previous relevant decision reports

As the renewal of this licence is deemed an administrative licence renewal and there is no additional risk assessment conducted, the delegated officer notes that for the purpose of transparency and ease of access the previous relevant decision reports endorsed on 28 August 2013 (A629227) and 25 February 2016 (A1040289) will be viewable when published.

The licence holder is a Statutory body and hold a licence under Part 5 of the *Environmental Protection Act 1986* (EP Act). No construction of new infrastructure is proposed by this licence renewal.

5. Summary of changes to the licence conditions

Section 62 of the EP Act provides the legal power to attach conditions to a licence. Most licenses 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.

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 | Summary of current condition | New condition / table (if relevant) | Description and rationale |
|---------------------------|--|-------------------------------------|--|
| 1.1 | General - interpretation / Definitions | Table 4 - Definitions | Consistent with current licence format: 'averaging period; 'Schedules 1 & 2' removed. 'acceptance criteria' added. |
| 1.1.3 & 1.1.4 | Reference to standards & guidelines | N/A – Interpretation section | Consistent with current licence format |
| 1.2.1; Table 1.2.1 | Premises operations / waste acceptance | 1 & Table 1 | Direct transfer |
| 1.2.2 | Waste acceptance criteria | 2 | Direct transfer |
| 1.2.3 | Waste processing | 3 & Table 2 | Direct transfer |
| 1.2.4 | Security measures | 4 | Direct transfer |
| 1.2.5 | Management of pests / vermin | 5 | Direct transfer |
| 1.2.6 | Management of windblown waste | 6 | Direct transfer |
| 2.1.1 | Monitoring inputs & outputs | 7 & Table 3 | Direct transfer |
| 3.1.1 | General records / information | 10 & 11 | Current licence format |
| 3.1.2 | Records - Person left in charge | N/A | Redundant condition removed |
| 3.1.3 | AACR | 9 | Current licence format |
| 3.1.4 | Complaints management | 8 | Current licence format |
| 3.2.1, Table 3.2.1 | Annual Environmental Report | N/A | Removed as per: <i>Notice of amendment of licence reporting requirement</i> dated 13 May 2022 |
| 3.3.1 | Notification | N/A | Redundant condition removed |
| Schedule 1 | Premises maps | Figure 1: | Updated premises boundary map |
| | | Figure 2: | Site layout plan |
| Schedule 2 | Reporting & forms | N/A | Removed to be consistent with current licence format and removal of notification requirement |

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

Table 3: Consultation

| Consultation method | Comments received | Delegated Officer's response |
|--|----------------------|------------------------------|
| Application advertised on the department's website on 26 June 2024. | No comments received | N/A |
| Applicant was provided with draft documents on 16 July 2024 and replied same day with no further comments. | No comments received | N/A |