

WESTERN AUSTRALIA
DEPARTMENT OF ENVIRONMENT REGULATION

Environmental Protection Act 1986

LICENCE

LICENCE NUMBER: L7040/1997/8

FILE NUMBER: 2013/003858

NAME OF OCCUPIER:

Gary Ross Higgs & Karen Lee-Ann Higgs

ADDRESS OF OCCUPIER:

**775 Rowley Road
FORRESTDALE WA 6112**

NAME AND LOCATION OF PREMISES:

**GR & KL Higgs Cartage Contractors
Lot 8 on Diagram 29588 Rowley Road
FORRESTDALE WA 6112**

Environmental Protection Regulations 1987

CLASSIFICATION(S) OF PREMISES:

Category 67A: Compost manufacturing and soil blending

COMMENCEMENT DATE OF LICENCE: **Wednesday, 29 September 2010**

EXPIRY DATE OF LICENCE: **Wednesday, 28 September 2016**

CONDITIONS OF LICENCE:

As described and attached:

DEFINITIONS (7)

GENERAL CONDITION(S) (7)

AIR POLLUTION CONTROL CONDITIONS (4)

WATER POLLUTION CONTROL CONDITION(S) (6)

ATTACHMENT(S) (2)

.....
Rebecca Kelly
Manager Licensing (Waste Industry)
Officer delegated under section 20
of the *Environmental Protection Act 1986*

Date of Issue: Friday, 17 September 2010

Date of Amendment: Thursday, 24 September 2015

WESTERN AUSTRALIA

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PREAMBLE

The following statements in this Preamble either reflect important sections of the Environmental Protection Act 1986 or provide relevant background information for the licensee. They should not be regarded as conditions of works approval.

Applicability

This licence is issued to Gary Ross Higgs & Karen Lee-Ann Higgs, located at Lot 8 on Diagram 29588 Rowley Road, Forrestdale (as shown on Attachment 2), which is a prescribed premises within Schedule 1 of the *Environmental Protection Regulations 1987*, and includes, but is not necessarily limited to, the following operations:

- Composting of organic wastes

This facility is prescribed within Schedule 1 of the *Environmental Protection Regulations 1987* as outlined in Table 1.

Table 1: Categories under which GR & KL Higgs Cartage Contractors is prescribed.

Category number	Category name	Description
67A	Compost Manufacturing and soil blending.	Premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended soils.

Nominal Rated Throughput

The nominal rated throughput of the premises covered by this licence is in accordance with the following:

- Production or design capacity: more than 500, but not more than 5,000 tonnes per year.

Any significant increase (greater than 10%) above the nominal rated throughput listed shall not occur unless the licensee has been granted prior approval in writing from the CEO under the provisions of the *Environmental Protection Act 1986*.

Annual Reporting

The licensee is reminded of the need to provide an annual monitoring report. The report requirements are outlined in the annual reporting condition. A proforma report is available upon request from the Department of Environment Regulation.

Emergency, Accident or Malfunction

The licensee should be aware of the requirement to notify the CEO of any discharges of waste, in accordance with Section 72 of the *Environmental Protection Act 1986*. The licensee should inform the Regional Office, as soon as practicable, of the identification of any discharge of waste which has occurred as a result of an emergency, accident or malfunction, or extreme weather

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conditions, otherwise than in accordance with any condition of this licence and has caused or is likely to cause pollution.

Alteration to Premises

Prior to making any significant alterations to the premises which may affect the air, water or noise emissions from the premises the licensee must submit a proposal to the CEO accompanied by supporting information and plans which allow the environmental impact of the change to be assessed.

General Requirements

The following statements reflect important sections of the *Environmental Protection Act 1986* and are included for the information of the licensee:

- The licensee should take all reasonable and practicable measures to prevent pollution of the environment.
- Noise emissions from operations on site are required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- The licensee should take all reasonable and practicable measures to prevent or minimise the discharge of waste and the emission of noise, odours or electromagnetic radiation from the premises.
- The licensee should inform the CEO at least 24 hours prior to the commencement of any planned non-standard operations, which may have the potential to cause pollution.

Compliance with other Acts, Regulations and Policy

The licensee should be aware that these conditions do not exempt them from other statutory obligations under the *Bush Fires Act 1954*, *Environmental Protection Act 1986* or *Health Act 1911*.

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CONDITIONS OF LICENCE

DEFINITIONS

In these conditions of licence, unless inconsistent with the text or subject matter:

'CEO' means Chief Executive Officer of the Department of Environment Regulation;

'CEO' for the purpose of correspondence means -

Chief Executive Officer
Department Administering the Environmental Protection Act 1986
Locked Bag 33
CLOISTERS SQUARE WA 6850
Email: info@der.wa.gov.au

'greenwaste' means waste that originates from trees or plants;

'licensee' means Gary Ross Higgs & Karen Lee-Ann Higgs;

'mm' and 'mg/L' means millimetre, and milligrams per litre, respectively;

'premises' means Lot 8 on Diagram 29588 Rowley Road, Forrestdale, as depicted in Attachment 2; and

'tipping area' means the area of the premises where material currently being brought to the premises is being deposited.

GENERAL CONDITIONS

FENCING

- G1(a) The licensee shall maintain a fence around the perimeter of the premises.
- G1(b) The licensee shall ensure that any entrance gate at the premises is securely locked when the premises is unattended.
- G1(c) The licensee shall ensure that weekly inspections of the fence and gates referred to in condition G1(a) and G1(b) are undertaken.
- G1(d) The licensee shall ensure that any damage to the fence is repaired within three working day of its discovery.

WIND-BLOWN WASTE

- G2(a) The licensee shall ensure wind-blown waste is contained within the boundaries of the premises.
- G2(b) The licensee shall ensure that any waste that has been washed or blown away from the tipping area is collected and returned to the tipping area on a weekly basis.

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ANNUAL AUDIT COMPLIANCE REPORT

- G3 The licensee shall by 1 September in each year, provide to the CEO an annual audit compliance report in the form in Attachment 1 to this licence, signed and certified in the manner required by Section C of the form, indicating the extent to which the licensee has complied with the conditions of this licence, and any previous licence issued under Part V of the Act for the Premises, during the period beginning 1 July the previous year and ending on 30 June in that year.

AIR POLLUTION CONTROL CONDITIONS

BURNING OF WASTE

- A2(a) The licensee shall not burn or allow the burning of waste on the premises.
- A2(b) The licensee shall extinguish any fire that may occur may at the premises as soon as practicable.
- A2(c) The licensee shall provide the CEO with a report on any unauthorised fire at the premises within 14 days of the fire and include:
- (i) details of the date, time and location of the fire;
 - (ii) the time the fire was declared safe by the Fire Control Officer for the premises; and
 - (iii) the cause, or suspected cause, of the fire.

ODOUR CONTROL

- A3 The licensee shall ensure that turned windrows containing animal manures or other putrescible material at the premises are aerated or covered sufficiently to contain odours.

WATER POLLUTION CONTROL CONDITIONS

LEACHATE CONTROL

- W1(a) The licensee shall ensure composting material containing animal manures or putrescible material are stored and processed on an approved hardstand area.
- W1(b) The licensee shall ensure the hardstand area is bunded to contain any leachate plus sufficient additional capacity as is necessary to allow for rainfall.
- W1(c) The licensee shall ensure all leachate is directed to an approved retention basin.

UNCONTAMINATED STORMWATER MANAGEMENT

- W2(a) The licensee shall direct stormwater away from the tipping area.
- W2(b) The licensee shall ensure stormwater drains on the premises are kept clear of waste.
- W2(c) The licensee shall ensure that water that has come into contact with waste is diverted into a sump on the premises or otherwise retained on the premises.

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Officer delegated under section 20
of the *Environmental Protection Act 1986*

Date of Issue: Friday, 17 September 2010

Date of Amendment: Thursday, 24 September 2015

ATTACHMENT 1 – ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER: L7040/1997/8

FILE NUMBER: 2013/003858

SECTION A

LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C
No ☐ Please proceed to Section B

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ISSUE DATE: Friday, 17 September 2010

DATE OF AMENDMENT: Thursday, 24 September 2015

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ATTACHMENT 1 – ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER: L7040/1997/8

FILE NUMBER: 2013/003858

SECTION B - DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each licence condition that was not complied with.

a) Licence condition not complied with?	
b) Date(s) when the non compliance occurred, if applicable?	
c) Was this non compliance reported to DER?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?	
e) Summary of particulars of non compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram)	
g) Cause of non compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non compliance	
i) Action taken or that will be taken to prevent recurrence of the non compliance	

Each page must be initialed by the person(s) who signs Section C of this annual audit compliance report

INITIAL: _____

ISSUE DATE:

Friday, 17 September 2010

DATE OF AMENDMENT:

Thursday, 24 September 2015

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ATTACHMENT 1 – ANNUAL AUDIT COMPLIANCE REPORT

LICENCE NUMBER: L7040/1997/8

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SECTION C - SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report may only be signed by a person(s) with legal authority to sign it. The ways in which the Annual Audit Compliance Report must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this Annual Audit Compliance Report is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
an individual	<input type="checkbox"/>	by the individual licence holder, or
	<input type="checkbox"/>	by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/>	by the principal executive officer of the licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the Corporations Act 2001; or
	<input type="checkbox"/>	by two directors of the licensee; or
	<input type="checkbox"/>	by a director and a company secretary of the licensee, or
	<input type="checkbox"/>	if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or
	<input type="checkbox"/>	by the principal executive officer of the licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/>	by the principal executive officer of the licensee; or
	<input type="checkbox"/>	by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/>	by the chief executive officer of the licensee; or
	<input type="checkbox"/>	by affixing the seal of the local government.

It is an offence under section 112 of the Environmental Protection Act 1986 for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

SIGNATURE: _____

NAME:(printed) _____

NAME:(printed) _____

POSITION: _____

POSITION: _____

DATE: ____/____/____

DATE: ____/____/____

SEAL (if signing under seal)

ISSUE DATE:

Friday, 17 September 2010

DATE OF AMENDMENT:

Thursday, 24 September 2015

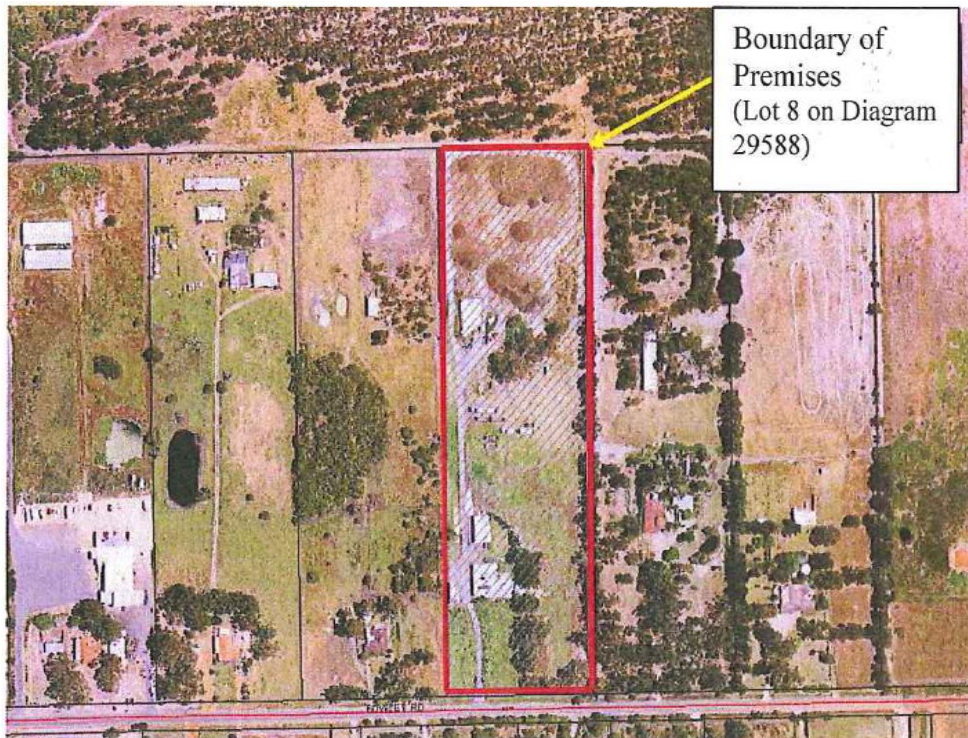
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ATTACHMENT 2

LICENCE NUMBER: L7040/1997/8
PLAN OF PREMISES

FILE NUMBER: 2013/003858

Lot 8 on Diagram 29588 Rowley Road
FORRESTDALE WA 6112





Decision Document

Environmental Protection Act 1986, Part V

Proponent: Gary Ross Higgs & Karen Lee-Ann Higgs

Licence: L7040/1997/8

Registered office: 775 Rowley Road
FORRESTDALE WA 6112

Premises address: GR & KL Higgs Cartage Contractors
Lot 8 on Diagram 29588 Rowley Road
FORRESTDALE WA 6112

Issue date: Friday, 17 September 2010

Commencement date: Wednesday, 28 September 2010

Expiry date: Wednesday, 28 September 2016

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER), has decided to issue an amended licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by: Melissa Chamberlain
Licensing Officer

Decision Document authorised by: Rebecca Kelly
Delegated Officer



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input type="checkbox"/> Licence amendment <input checked="" type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	67A	5,000 tonnes per annual period
Application verified	Date: N/A	
Application fee paid	Date: N/A	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No:



		EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Department of Water consulted Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Environmental Protection Swan Coastal Plain Lakes Policy 1992		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

3 Executive summary of proposal and assessment

GR & KL Higgs Cartage Contractors is located at 775 Rowley Road, Forrestdale. The family run business receives cow and sheep manure from animal sale yards located in Mundijong. The site has been licenced since 1997 and was in operation approximately 5 years before that. The manure is mixed with saw dust and conditioned for a few weeks before being supplied to customers. The premises has a compost storage area constructed over a limestone bed and retention basin for leachate collection. The retention basins are also lined with limestone.

Department of Water (DoW) Groundwater Atlas indicates that groundwater in the area is at a depth of approximately 3m below ground level. Department of Environment Regulation (DER) mapping software indicates that a perennial lake within a Bush Forever site is located 1.5km north, and the nearest residential receptors are located immediately adjacent to the premises.

The main emissions from this premises are expected to be odour and leachate.

This amendment is the result of a 12 month extension of the licence to allow for a reassessment of premises operations and emissions. There has been no reassessment of emissions or discharges for the purpose of this amendment. Generic conditions relating to odour and dust have been removed in accordance with current DER protocol as these are best regulated under the general provisions of the *Environmental Protection Act 1986*.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987* and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE			
Works Approval / Licence section	Condition number W = Works Approval L = Licence	Justification (including risk description & decision methodology where relevant)	Reference documents
Air Pollution Control Conditions	NA	Previous conditions A1 (dust) and A4 (odour) have not been included in the licence as per DER licensing processes. Dust and odour are adequately regulated by the general provisions of the <i>Environmental Protection Act 1986</i>	General provisions of the <i>Environmental Protection Act 1986</i>
Licence Duration	N/A	The licence has been amended to extend the expiry period for an additional 12 months pending the finalisation of the Department of Environment Regulation's Draft Environmental Standard: composting, June 2015.	N/A



5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
18/09/2015	Proponent sent a copy of draft instrument	21 day waiver form returned 21/09/2015	Licence issued as soon as possible



6 Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High