



Government of **Western Australia**  
Department of **Water and Environmental Regulation**



# Industry Regulation Guide to Licensing Part V *Environmental Protection Act 1986*

Department of Water and Environmental Regulation  
168 St Georges Terrace  
Perth Western Australia 6000  
Telephone +61 8 6364 7000  
Facsimile +61 8 6364 7001  
National Relay Service 13 36 77  
[www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

© Government of Western Australia

March 2018

This work is copyright. You may download, display, print and reproduce this material in unaltered form only (retaining this notice) for your personal, non-commercial use or use within your organisation. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved. Requests and inquiries concerning reproduction and rights should be addressed to the Department of Water and Environmental Regulation.

For more information about this report, contact:

Regulatory Services (Environment)  
Locked Bag 33 Cloisters Square  
PERTH WA 6850  
Phone: +61 8 6364 7000  
Email: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)  
Web: [www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

## **Disclaimer**

The information contained in this document is provided by the Department of Water and Environmental Regulation in good faith. Whilst every effort has been made to ensure the accuracy of the information contained in this document at the time of publication, it is the responsibility of users to make their own enquiries as to its accuracy, currency, relevance and correctness.

The State of Western Australia and Department of Water and Environmental Regulation and their servants and agents expressly disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document, or for any incident or consequential loss or damage of such act or omission.

The State of Western Australia is committed to providing quality information and has made every attempt to ensure the accuracy, currency, reliability and correctness of the information contained in this document. However, changes in circumstances and legislation after the time of publication may impact on the correctness or quality of this information.

In addition the accuracy, currency, reliability and correctness of links or references to information sources referred to or provided by third parties is outside the control of the State of Western Australia and it is therefore the responsibility of the user to make their own decisions on information found on those external sites. Confirmation of any of the information provided in this document may be sought from the relevant originating bodies or the department providing the information; however, users of this material should verify all relevant representations, statements and information with their own professional advisers.

The State of Western Australia and Department of Water and Environmental Regulation reserve the right to amend the content of this document at any time without notice.

The information contained in this document is general. It does not constitute, and should be not relied on as legal advice. The State of Western Australia recommends seeking independent legal advice on the legal issues affecting you before relying on this information or acting on any legal matter.

*This publication is available at our website <[www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)> or for those with special needs it can be made available in alternative formats such as audio, large print, or braille*

# Contents

Preface .....	v
Summary .....	vi
1 Legislative context.....	1
1.1 Part V of the <i>Environmental Protection Act 1986</i> .....	1
1.2 Part IV of the <i>Environmental Protection Act 1986</i> .....	1
1.3 Offences under Part V of the EP Act.....	2
1.4 EP Act Regulations .....	2
2 Prescribed premises.....	4
2.1 Prescribed premises boundaries.....	4
2.2 Production or design capacity .....	5
2.3 Categories in Schedule 1 of the EP Regulations .....	5
3 New works approvals, licences and registrations .....	6
3.1 Works approvals .....	6
Commissioning of works.....	8
Staged construction or commissioning .....	9
Works certification .....	10
Commissioning may occur until a licence is granted .....	10
3.2 Licences.....	10
When to apply for a licence .....	11
3.3 Clearing of native vegetation.....	12
3.4 Registrations .....	13
3.5 Amendments.....	14
3.6 Review of existing licences .....	15
3.7 Transfers.....	16
4 Applications for a works approval, licence, registration or amendment.....	18
4.1 Statutory application requirements.....	18
4.2 Application form .....	19
4.3 Prescribed fees .....	20
Works approval application fees.....	20
Licence application fees .....	20
Amendment application fees .....	21
Transfer fees .....	22
Refunds .....	22
4.4 Scoping and pre-application meetings .....	22
5 Processing of applications.....	24
5.1 Timeframes .....	24
5.2 Public advertising of applications and consultations .....	24
Confidential information in applications .....	25
5.3 Application of assessment and decision-making.....	26
6 Land use planning.....	27
7 Licence renewal and annual fees .....	28
7.1 Licence renewal .....	28
7.2 Annual fee payment .....	28

8 Termination of works approvals and licences.....29

    8.1 Surrender by applicant..... 29

    8.2 Revocation by DWER ..... 29

9 Appeals .....31

10Publication.....32

Appendices.....33

Abbreviations used in this guide .....45

## Preface

The Department of Water and Environmental Regulation administers all aspects of the *Environmental Protection Act 1986* (EP Act) in relation to works approvals, licences, and registrations of prescribed premises. Other industry regulation functions undertaken by the Department include monitoring and auditing compliance with works approval conditions; licence conditions and regulations; taking enforcement actions as appropriate; and developing and implementing industry regulation policy.

Certain industrial premises with significant potential to cause emissions and discharges to air, land, or water trigger regulation under the EP Act for the categories of prescribed premises as listed in Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) (see Appendix A). The Department undertakes this regulation in the form of works approvals to construct facilities, and licences to discharge emissions, both of which are usually subject to conditions. In some cases registration is an option, rather than a licence.

Regulation of some premises is also achieved via industry-specific and general regulations which are administered by DWER, and apply regardless of any other approvals. See section 1.4 *EP Act Regulations* for examples.

Reference to DWER in this document refers to the Chief Executive Officer (CEO), being the Director General of the Department, or any officers with authority delegated under section 20 of the EP Act, exercising the discretion and authority conferred under the EP Act.

A copy of the EP Act and its subsidiary legislation (regulations) can be viewed and downloaded from the State Law Publisher's website at [www.slp.wa.gov.au/index.html](http://www.slp.wa.gov.au/index.html). Any excerpts of legislation contained in this document are current at the date of this document's publication. Any suggestions or comments regarding the content of this document can be addressed to DWER by email at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au).

## Summary

This document provides guidance on the licensing framework for those proposing to construct or undertake activities which are regulated by DWER under Part V Division 3 of the EP Act.

General information about the process of preparing, submitting, assessing, and determining applications for works approvals, licences (including amendments and transfers), and registrations of prescribed premises is provided. For specific information on the technical aspects of a works approval or licence application, please refer to the licences and works approvals section of DWER's website or contact the Department.

This document is intended as a guide only, and should be read in conjunction with other guidance available from the Department, the EP Act and the EP Regulations. If there is any uncertainty regarding your legal obligations under the EP Act or the EP Regulations, advice should be sought from an independent legal advisor.

# 1 Legislative context

## 1.1 Part V of the *Environmental Protection Act 1986*

DWER has a responsibility under Part V Division 3 of the EP Act for granting works approvals and the licensing or registration of prescribed premises.

If an activity on any premises meets the threshold set by regulation 5 of the EP Regulations in any of the categories set out under Schedule 1, Part 1 or Part 2 of the EP Regulations, then the premises is a 'prescribed premises' for the purposes of Part V Division 3 of the EP Act.

If an emission is caused or increased, or an occupier alters or permits to be altered the nature of the waste, noise, odour, or electromagnetic radiation from the prescribed premises, the occupier commits an offence unless they are the holder of a licence or works approval and the emission is in accordance with any conditions to which the licence or works approval is subject.

Before constructing or operating a facility, approvals may be required from other government agencies. Holding an authorisation from DWER does not exempt a proponent from the requirement to obtain such approvals as may be necessary to their premises and industry, and in their location.

Any work on, or in relation to, a premises which causes it to become, or to become capable of being, a prescribed premises will constitute an offence unless it is done in accordance with a works approval.

## 1.2 Part IV of the *Environmental Protection Act 1986*

The Environmental Protection Authority (EPA) undertakes an environmental impact assessment of significant and strategic proposals under Part IV of the EP Act. For these assessments, DWER provides advice to the EPA in relation to prescribed premises and other technical matters. The EPA considers proposals referred to it and decides if the proposal should be assessed and if so, at what level of assessment. See *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and *Statement of Environmental Principles, Factors and Objectives* – <http://www.epa.wa.gov.au/guidelines-and-procedures> for details.

A significant proposal is one that is likely, if implemented, to have a significant effect on the environment.

A strategic proposal identifies a future proposal that will be a significant proposal or future proposals likely, if implemented in combination with each other, to have a significant effect on the environment.

DWER has a duty under section 38(5) of the EP Act to refer to the EPA any proposal it becomes aware of which appears to be a significant proposal.

As a decision-making authority, DWER is precluded from making any decision to approve an application for a works approval or licence that would cause or allow a proposal to be implemented prior to the Department receiving notice from the EPA that the EPA is not going to assess the proposal (and the expiry of any concomitant appeal period), or from the Minister that the proposal may be implemented. Under



Section 41 of the Act the EPA makes recommendations to the Minister for Environment, and the Minister may impose conditions on any proposal referred.

In exercising its duties, DWER must ensure that the decisions and conditions for a licence or works approval are not contrary to, or otherwise than in accordance with, an implementation agreement or decision of the Minister under Part IV [sections 54(4)(b), 57(4)(b), and 59B(7)(b)] of the EP Act.

Where a works approval or licence application relates to a matter that is also being assessed under Part IV of the EP Act, the Department, where it is practical to do so, may in some instances ‘parallel process’ any applications it receives, but will defer a determination until the Minister has made a decision on the EPA’s recommendation. This applies to both new referrals being assessed under Part IV, as well as any assessments under sections 45C or 46 relating to amendments to existing Ministerial Statements.

Further information on the Part IV referral and assessment process can be found at: [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

### 1.3 Offences under Part V of the EP Act

The EP Act sets out a range of offences under Part V. These include but are not limited to:

- constructing a prescribed premises without a works approval;
- altering a prescribed premises otherwise than in accordance with a works approval, licence, or regulatory notice;
- causing emissions from non-licensed prescribed premises;
- breach of one or more conditions of a works approval or licence and the requirements of regulations;
- failure to provide a monitoring report, analysis of the data, or failure to carry out a monitoring program under a condition of a licence or works approval;
- non-compliance with a condition of an environmental protection notice, closure notice, or prevention notice; and
- general offences relating to pollution, environmental harm, unreasonable emissions, and reporting certain events.

Under section 112 of the EP Act it is an offence to give, or to cause to be given, false or misleading information.

If any of the above offences are committed, DWER will take appropriate enforcement action in accordance with the Department’s *Compliance and Enforcement Policy*, which can be found on the [Enforcement section](#) of the Department’s website.

### 1.4 EP Act Regulations

The following Regulations are applicable to all premises, including premises that are not prescribed premises:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004*; and
- *Environmental Protection (Noise) Regulations 1997*.

The Department also administers Regulations that are industry-specific, including but not limited to:

- *Environmental Protection (Rural Landfill) Regulations 2002;*
- *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998;*
- *Environmental Protection (Abrasive Blasting) Regulations 1998;*
- *Environmental Protection (Abattoirs) Regulations 2001;*
- *Environmental Protection (Metal Coating) Regulations 2001;* and
- *Environmental Protection (Controlled Waste) Regulations 2004.*

A complete set of relevant Regulations is available from the website of the State Law Publisher at [www.slp.wa.gov.au/index.html](http://www.slp.wa.gov.au/index.html).

## 2 Prescribed premises

Regulation 5 of the EP Regulations clarifies that:

### **5 Premises prescribed (Act Part V)**

The premises specified in Schedule 1 are prescribed premises for the purposes of Part V of the Act.

Categories of prescribed premises are specified in Schedule 1 of the EP Regulations and listed in *Appendix A: Schedule 1, EP Regulations – Prescribed premises* of this guide. It is an offence to construct or modify a prescribed premises (except for maintenance required to maintain the efficient operation of any pollution control equipment) without a works approval or licence, or to cause emissions from a prescribed premises without a licence or registration. A works approval, licence, or registration is issued to the individual person or company who is in control or occupation of the premises (the occupier), whether or not they are the owner of the premises, and may include persons who are in control or occupation of different parts of the premises.

The Department is progressively publishing a series of fact sheets that provide advice on the regulatory scope for each category under Schedule 1 of the EP Regulations.

Any premises on which an activity listed in Schedule 1 is carried out at, or above, the production or design capacity specified is a prescribed premises for the purposes of Part V of the EP Act.

### 2.1 Prescribed premises boundaries

The boundary of a prescribed premises may be proposed by the applicant in their application, but is ultimately determined at DWER's discretion as part of the application assessment process. Cadastral boundaries will typically be used as the default starting point for determining premises boundaries. Other factors may however be taken into consideration as and where the Delegated Officer deems it appropriate and necessary, including (but not limited to) excluding large areas that are deemed to be unrelated to the relevant primary activities on the prescribed premises.

Prescribed premises boundaries must:

- encompass the whole area on which the relevant activity on the prescribed premises takes place and from which emissions and discharges from that activity would occur;
- define an area under the control of the applicant;
- be clearly and unambiguously described;
- be readily identifiable from ground level at the premises; and
- encompass a contiguous area, except for where the area is bisected by a road, rail, or waterway reserve.

Note, however, that the complexities of tenure and use arrangements for ports established under the *Ports Authority Act 1999* (Cth) may mean that some or all of

the above criteria do not apply to the boundaries of such premises. These issues will be dealt with by DWER on a case by case basis. Where similar circumstances exist at other premises, DWER will also consider all relevant factors including other legislation to make a decision on the boundary.

## 2.2 Production or design capacity

The term 'production or design capacity' is not defined in the EP Act or the EP Regulations. The Department considers that:

- production capacity is the rate at which a product is produced from processing facilities on the premises; and
- design capacity is the maximum capacity for which the facility or equipment is designed to receive, handle, process, contain or emit, as relevant to the description of the prescribed premises category.

The Department's assessment of the capacity at which an activity can be undertaken assumes that the activity is, or will be undertaken 24-hours a day, 365 days a year, unless it can be demonstrated by the applicant that the activity is restricted in some way (for example, by conditions of a planning approval).

If either the production or design capacity of the premises meets or exceeds the threshold specified in Schedule 1 of the EP Regulations, the premises is considered to be a prescribed premises.

## 2.3 Categories in Schedule 1 of the EP Regulations

Prescribed premises specified in Schedule 1 of the EP Regulations are divided into two types:

- Part 1 prescribed premises are generally higher risk based on the type of activity; a higher complexity of process; higher production or design capacity; or higher risk of emissions. Occupiers of Part 1 prescribed premises require a works approval to undertake works that may cause an emission or alter the nature or volume of the waste, and a licence to emit or discharge waste from the prescribed premises. Failure to obtain either of these is an offence under the EP Act.
- Part 2 prescribed premises generally present a lower risk based on the type of activity; the complexity of process; the production or design capacity; and low-risk emissions. Part 2 prescribed premises are subject to a works approval to undertake works, but the occupier may apply to the Department to be registered instead of applying for a licence.

## 3 New works approvals, licences and registrations

### 3.1 Works approvals

Section 52 of the EP Act specifies that:

**s.52 Changing premises to become prescribed premises requires approval**

The occupier of any premises who carries out any work on or in relation to the premises to become, or to become capable of being, prescribed premises commits an offence unless he does so in accordance with a works approval.

The Department's *Guidance Statement: Decision Making* sets out the processes for determining whether proposed works require an approval.

Certain works, actions, changes, or alterations to existing prescribed premises, as specified in section 53 of the EP Act, must be done in accordance with a works approval, licence, closure notice, or environmental prevention notice.

Section 53 of the EP Act specifies that:

**s.53 Prescribed premises, restrictions as to changes to etc.**

- (1) Subject to this Act, the occupier of any prescribed premises who, if to do so may cause an emission, or alter the nature or volume of the waste, noise, odour or electromagnetic radiation emitted, from the prescribed premises —
- (a) alters the method of operation of any trade, or of any process used in any trade, carried on at the prescribed premises; or
  - (b) constructs, installs or alters any equipment on the prescribed premises for —
    - (i) the storage, handling, transport or treatment of waste prior to, and for the purpose of, the discharge of waste; or
    - (ii) the control of noise, odour or electromagnetic radiation prior to, and for the purpose of, the emission or transmission of noise, odour or electromagnetic radiation,into the environment; or
  - (c) alters the type of materials or products used or produced in any trade carried on at the prescribed premises; or
  - (d) alters the type of fuel used in any fuel burning equipment or industrial plant in any trade carried on at the prescribed premises; or
  - (e) installs, alters or replaces any fuel burning equipment or industrial plant on the prescribed premises or carries out any work on the prescribed premises which is the beginning of, or any subsequent step in, that installation, alteration, replacement or carrying out,
- commits an offence unless he does so —

- (f) in accordance with —
- (i) a works approval; or
  - (ii) a licence; or
  - (iii) a requirement contained in a closure notice or an environmental protection notice,
- as the case requires; or
- (g) only in the course of and for the purpose of general maintenance required to maintain the efficient operation of any pollution control equipment or procedure.
- (2) Subject to this Act, the occupier of any prescribed premises who in or on the prescribed premises —
- (a) carries out any work which is the beginning of, or any subsequent step in, any work referred to in subsection (1)(a) to (e) if the completion of the alteration, construction, installation or replacement concerned might cause an emission, or alter the nature or volume of the waste, noise, odour or electromagnetic radiation emitted, from the prescribed premises; or
  - (b) constructs, relocates or alters any discharge or emission pipe, channel or chimney through which waste is or may be discharged into the environment from the prescribed premises or carries out any work which is the beginning of, or any subsequent step in, any such construction, relocation or alteration,
- commits an offence unless he does so —
- (c) in accordance with —
- (i) a works approval; or
  - (ii) a licence; or
  - (iii) a requirement contained in a closure notice or an environmental protection notice,
- as the case requires; or
- (d) only in the course of and for the purpose of general maintenance required to maintain the efficient operation of any pollution control equipment or procedure.

Where an occupier of a prescribed premises intends to construct or install equipment or infrastructure provided for under any of sections 53(1)(a) to (e) or sections 53(2)(a) and (b), they should apply for a works approval.

Where an occupier of a prescribed premises intends an action that otherwise meets the provisions of sections 53(1)(a) to (e) or sections 53(2)(a) and (b), or for works of a minor or simple nature, these may, at DWER's discretion, be authorised through a licence amendment, rather than under a works approval. Any proposals of this nature should be discussed with the Department prior to making any application.

DWER will retain discretion on whether to assess an application as a works approval or licence amendment. Where an application to amend a licence is received which

DWER considers to be a works approval application, it will respond to the applicant, return the application and advise accordingly of the manner of application required.

Applications for licence amendments that involve works that alter the nature and volume of waste emitted, or will result in significant changes to the activities on the premises, may be returned by DWER and the licence holder advised to apply for a works approval instead.

Where general maintenance is required to maintain the efficient operation of any pollution control equipment or procedure, the occupier is exempt from needing authorisation under a works approval or licence in respect of that general maintenance (section 53(1)(g) and section 53(2)(d) of the EP Act).

Occupiers of premises commit an offence if they cause emissions or discharges on or from the premises and do not hold a works approval, licence or registration, if they meet or exceed the threshold test under one or more categories in Schedule 1 of the EP Regulations. A works approval will contain appropriate conditions to prevent, control, abate or mitigate pollution or environmental harm during the construction and commissioning phases of a project.

Subject to any other necessary approvals or restrictions (including but not limited to native vegetation clearing, and State or local government planning approvals) site preparation works such as clearing, levelling, and installation of access roads can be undertaken without a works approval from DWER. However, the Department cannot guarantee that a works approval or licence will be approved even if substantial and costly preparation works have been undertaken.

If site preparation works involve the clearing of native vegetation, a clearing permit will be required unless an exemption applies. Refer to section 3.3 *Clearing of native vegetation* for further guidance on applying to clear native vegetation as part of a works approval application.

Preparatory works that are part of the infrastructure to be constructed, where the purpose of the works is a prescribed activity, must be undertaken in accordance with a works approval. This includes the laying of pipework and the construction of hardstands; processing plant; input, product, or waste storage areas; stormwater diversion bunds; and drains.

Construction may begin on approved works from the commencement date of the works approval. However, third parties have appeal rights against conditions of a works approval and the holder of a works approval should be aware of the possibility of an appeal determination against one or more conditions. Refer to section 9 *Appeals* for further information regarding appeals.

Refer to section 4 *Applications for a works approval, licence, registration or amendment* for guidance on applying for a works approval, licence or registration.

### Commissioning of works

Commissioning is an activity or sequence of activities undertaken to test equipment integrity and operation, or to determine the performance of equipment and infrastructure prior to establishing normal operations. Until a licence is granted, full commissioning resulting in emissions from the prescribed premises may be undertaken for a specified period if carried out in accordance with a works approval

and while the works approval is in force [section 56(2) of the EP Act]. Commissioning generally comprises at least two sequences of activities, including pre-commissioning and full commissioning, as explained below.

### **1. Pre-commissioning**

Pre-commissioning refers to an activity or sequence of activities undertaken as the first stage of commissioning. The purpose of pre-commissioning is to test equipment and infrastructure for functionality, and for any installation defects or failures. Examples include hydraulic pump, pipeline and valve testing; hydrostatic testing of vessels, tanks and ponds; electrical component testing; and liner integrity tests for landfills, tailings storage facilities, and wastewater treatment ponds.

During this time, no emissions to the environment are authorised to occur and/or no waste or process material or chemicals are authorised to be deposited in the containment infrastructure.

### **2. Full commissioning**

Full commissioning refers to an activity or sequence of activities undertaken as the second stage of commissioning. This occurs once pre-commissioning has demonstrated the integrity of the plant and equipment. The purpose of full commissioning is to test equipment, infrastructure, and processes after the input of raw materials, to confirm design specifications, optimise process conditions, and to monitor or validate emissions or discharges in order to establish a steady-state operation. During full commissioning, emissions and/or discharges of waste are usually permitted, subject to the works approval conditions.

The time taken for full commissioning must be of a period specified in a commissioning plan which forms part of the works approval application.

Full commissioning as proposed in a commissioning plan submitted with a works approval application may be authorised where DWER's assessment determines that potential emissions and discharges during the proposed commissioning present an acceptable risk to the environment, public health, or public amenity. DWER's determination will take into account the controls (infrastructure/operation/process), management, and contingency measures proposed by the applicant, and conditions imposed in the works approval.

For some proposals where equipment, infrastructure and plant do not require stabilisation and optimisation under operational conditions (for example putrescible landfills), DWER will not approve full commissioning under a works approval.

### **Staged construction or commissioning**

For some projects, infrastructure may need to be constructed, commissioned, and operated in several stages. For example, the applicant may seek to construct a facility in two stages over a five-year period where one stage is commissioned and operated, and the second stage is constructed and commissioned concurrently with the operation of the first stage. In such cases, completed stages of works would transition to operational status subject to the conditions of a licence, while later stages of works would continue to be constructed subject to the conditions of the works approval (subject to section 53 of the EP Act).



Following satisfactory completion of the second stage of construction, the applicant can apply to amend the licence to incorporate the changes.

For staged construction projects, conditions relating to the commissioning of later stages can be managed either through the original works approval; amendment to the original works approval; a new works approval; or through the licence.

Where construction and commissioning are proposed to be staged, the applicant must provide relevant details and timeframes in the application so the Department is able to properly assess what is proposed, and make appropriate provisions in the works approval. Scoping meetings are recommended to determine the most appropriate combination of works approvals and licence applications to allow for staged construction or commissioning to occur.

### Works certification

A works approval will generally contain reporting requirements relating to engineering or construction certification and compliance with conditions of the approval. This is to confirm that each item or component of infrastructure has been constructed with no material defects, and that all relevant conditions of the works approval have been complied with.

With the exception of works approvals involving staged construction (for which a previously agreed staging of compliance is acceptable), DWER will decline to deal with an application for a licence until all specified works are complete, and all relevant certifications have been provided to the satisfaction of DWER.

### Commissioning may occur until a licence is granted

Where DWER's assessment of the works approval application determined that potential emissions and discharges during the proposed commissioning present an acceptable risk to the environment, public health, or public amenity, DWER will consider that the prescribed premises can continue commissioning for the period specified in the commissioning conditions of a works approval, until a licence is granted, or the works approval expires [section 56(2)].

Commissioning conditions will be included to regulate emissions and discharges that arise during commissioning activities. Where an occupier is not compliant with one or more conditions of a works approval, the occupier may have an obligation to report a discharge of waste under section 72 of the EP Act, or may otherwise be committing an offence. DWER will consider the matter in accordance with its *Compliance and Enforcement Policy*.

The ongoing operation of the premises will be assessed under a licence application. Should an application not be received, DWER may consider appropriate action to prevent the ongoing operation of the facility under the works approval.

## 3.2 Licences

A licence contains conditions related to the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm from the operation of prescribed premises.

An occupier of prescribed premises who causes or increases an emission of noise, odour or electromagnetic radiation without holding a licence in respect of those premises commits an offence:

**s.56 Occupiers of prescribed premises to be licensed for emissions etc.**

- (1) Subject to this Act, the occupier of any prescribed premises who –
  - (a) causes or increases, or permits to be caused or increased, an emission; or
  - (b) alters or permits to be altered the nature of the waste, noise, odour or electromagnetic radiation emitted,from the prescribed premises commits an offence unless he is the holder of a licence issued in respect of the prescribed premises and so causes, increases, permits or alters in accordance with any conditions to which that licence is subject.
- (2) Subsection (1) does not apply if the emission is caused, increased or altered –
  - (a) as a result of anything done in accordance with a works approval; and
  - (b) while the works approval is in force.

Other licences or approvals from other entities may be required in addition to a licence under Part V of the EP Act. Refer to section 3.3 *Clearing of native vegetation* for further guidance on applying to clear native vegetation as part of a licence application.

### When to apply for a licence

Applicants should apply for a licence as soon as they submit their certification that the works have been constructed in accordance with the conditions of the works approval. Once DWER is satisfied all relevant conditions of the works approval have been complied with, DWER will commence the assessment of the licence application. Where a commissioning period is specified in the works approval, the licence assessment may be undertaken concurrently, post certification, with the commissioning activities. If DWER determines to grant a licence, it can be granted prior to the expiration date of the works approval, or the day after the specified commissioning period has ended (if applicable).

If in the opinion of DWER, the works have not been completed satisfactorily in compliance with the works approval, DWER shall decline to deal with the application under section 57(2) of the EP Act, and operating the premises may be an offence.

In order for the Department to process, assess, and determine licence applications in a timely manner, it is essential for applicants to ensure that:

- (1) licence applications are lodged as soon as certification is submitted to DWER that the relevant works approval conditions have been complied with so that a licence can be determined before the expiry of the works approval; and
- (2) all the information necessary to meet DWER's requirements are provided in the application. See section 4 *Applications for a works approval, licence, registration or amendment* for further information on application requirements.

### 3.3 Clearing of native vegetation

Part V Division 2 of the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations) set out the legal requirements for the clearing of native vegetation. Guidance is available on the [Clearing permits](#) page of the Department's website with regards to applications for clearing permits.

Clearing of native vegetation may also be authorised by the conditions of a works approval or licence. Section 62A(1)(c) of the EP Act allows conditions to be included in a works approval or licence to minimise environmental harm. Environmental harm, for the purposes of clearing, includes the removal, damage or destruction of native vegetation.

Clause 2(c) of Schedule 6 of the EP Act exempts the clearing of native vegetation that is done in accordance with a works approval or licence. Applicants applying for a works approval which involves the clearing of native vegetation, can choose either:

- (a) a clearing permit using the relevant clearing application form, available on the Clearing permits section of the Department's website, and a works approval separately; or
- (b) a works approval indicating that clearing of native vegetation is required and DWER will then validate the application and inform the applicant that:
  - (i) the clearing may be dealt with through conditions on the works approval;
  - (ii) an exemption is available for the clearing; or
  - (iii) a clearing permit application is required.

Applications to clear native vegetation as part of a works approval or licence application must be made using the relevant section of the Application Form available on the Department's website. The form includes instruction on information requirements where clearing of native vegetation is proposed.

DWER has delegated authority to the Department of Mines, Industry Regulation and Safety (DMIRS)<sup>1</sup> to assess and determine applications for clearing permits under Part V Division 2 of the EP Act for the purposes of:

- (1) an activity authorised by or required by the *Mining Act 1978*, the *Petroleum and Geothermal Energy Resources Act 1967*, the *Petroleum Pipelines Act 1969*, or
- (2) the *Petroleum (Submerged Lands) Act 1982*; or
- (3) an activity under a government agreement administered by the Department of Jobs, Tourism, Science and Innovation.

The Department will forward applications for clearing permits to DMIRS in these cases. Administrative agreements are also in place between the DWER and DMIRS to support the delegation. Refer to the [Administrative Agreement on delegation of provisions for clearing of native vegetation for mineral and petroleum activities](#) for further information on the specific agreement relating to the clearing of native

---

<sup>1</sup> Delegation 109, WA Government Gazette, 30 April 2013, pages 1689-1690

vegetation.

## 3.4 Registrations

An occupier of a premises whose activities are exclusively covered by the categories listed in Part 2 of Schedule 1 of the EP Regulations may apply for the registration of their premises, instead of holding a licence.

These premises still require a works approval as detailed in section 3.1 *Works approvals for the construction of the premises*.

An activity listed in Part 2 shall be included in an existing licence for Part 1 premises without requiring a separate registration, where it is situated within the boundary of a licensed premises.

Registrations do not contain conditions. However, where an activity listed in Part 2 of Schedule 1 is included within a licence, conditions may be applied to all activities.

Section 56 of the Act provides a requirement for the occupier of prescribed premises to be licensed if they cause certain emissions. Under the requirements of section 56 of the EP Act (as outlined in section 3.2), occupiers should note the following:

- an occupier who applies for a registration does not commit an offence under section 56 of the EP Act in respect of those premises while the application is pending (regulation 5A(2) EP Regulations); and
- if premises are registered, section 56 of the EP Act does not apply to the occupier of those premises (regulation 5A(3) EP Regulations).

A registration may be cancelled by DWER under regulation 5A(4) of the EP Regulations, provided that DWER is satisfied the occupier of the premises:

- has been convicted in a court of an offence against the EP Act or regulations made under the EP Act and that offence relates to the premises; or
- has operated, conducted, managed, or controlled the premises in a manner which is detrimental to the environment.

Where a registration is cancelled, requirements under section 56 of the EP Act apply to the occupier of the premises. An occupier may apply to the Department for reinstatement of the registration. Under regulation 5A(6) of the EP Regulations, DWER may reinstate the registration if the occupier of the premises will not:

- contravene the EP Act or its associated regulations; or
- operate, conduct, manage, or control the premises in a manner which is detrimental to the environment.

If the registration of the premises is reinstated, section 56 of the EP Act no longer applies to the occupier of the premises.

There are no statutory provisions for amendments to registrations, or for their formal surrender. The holder of a registration must notify the Department of any change in a material particular or manner of operation of the registered premises (regulation 5M(1) of the EP Regulations). The holder of a registration may notify the Department of changes to their operation that mean a registration is no longer required, has become invalid, or that they wish to cancel their registration. Occupiers can provide notification to the Department via email.

A person who becomes the occupier of a registered premises, must notify the Department of that fact within 30 days of becoming the occupier and pay the required fee or they will commit an offence. On receipt of that notification, the Department will make the required change to the record of registered prescribed premises.

Additional controls through industry-specific regulations may also apply to some Part 2 categories of premises. Refer to section 1.4 *EP Act Regulations* for examples.

### 3.5 Amendments

The amendment of a works approval or licence can occur under section 59 of the EP Act on the application of the holder of a works approval or licence.

The full text of section 59 is set out below:

#### **s.59 Amending works approval or licence**

- (1) The CEO may amend a works approval or licence by —
- (a) removing or varying any condition to which the works approval or licence is subject; or
  - (b) subjecting the works approval or licence to a new condition; or
  - (c) redescribing the boundaries or area of the premises to which the works approval or licence applies; or
  - (d) redescribing the purpose for which the premises to which the works approval or licence applies are used; or
  - (e) correcting in the works approval or licence —
    - (i) a clerical mistake or unintentional error or omission; or
    - (ii) a figure which has been miscalculated; or
    - (iii) the misdescription of any person, thing or property;
- or
- (f) making an administrative change to the format of the works approval or licence which does not alter the obligations of the occupier of the premises to which the works approval or licence relates; or
  - (g) adding a discharge point or emission point; or
  - (h) deleting any discharge point or emission point which is no longer in use; or
  - (i) amending the works approval or licence in conformity with an approved policy or prescribed standard or with an exemption conferred under this Act; or
  - (j) amending the works approval or licence to give effect to a decision of the Minister under this Act (whether on an appeal or otherwise); or
  - (k) extending the duration of the works approval or licence.

In addition, DWER can initiate amendments to works approvals and licences at any time. See section 3.6 *Review of existing licences*.

A licence or works approval cannot be amended to change the location of prescribed premises as the assessment was completed for the specific site, and it would otherwise be inconsistent with section 52 of the EP Act. In these cases, the occupier must surrender the existing instrument and apply for a new works approval and licence for the new location.

An occupier may however apply to alter the boundaries of an existing prescribed premises under section 59 of the EP Act.

As covered in section 3.1 *Works approvals*, where an occupier of prescribed premises intends to construct, install, or alter equipment or infrastructure, under section 53(1)(a) to (e) or section 53(2)(a) and (b) they are committing an offence unless they hold a works approval or licence or other instrument that permits the proposed change.

Where an occupier of a prescribed premises intends an action that otherwise meets the requirements of sections 53(1)(a) to (e) or sections 53(2)(a) and (b), or for works of a minor or simple nature, it may, at DWER's discretion, be authorised through a licence amendment, rather than under a works approval. Any proposals of this nature should be discussed with the Department prior to making an application.

DWER retains discretion on whether to assess an application as a works approval or as a licence amendment. Where an application to amend a licence is received which DWER considers should be a works approval application, it will return the application and advise the applicant to apply for a works approval.

## 3.6 Review of existing licences

DWER determines the duration (see section 63 of the EP Act) of new and amended licences in accordance with the [Guidance Statement: Licence Duration](#), which states DWER's preference for longer-term licences, up to a maximum of 20 years. Shorter licence durations may still be granted. The Department's preference for 20-year licences and the extension of the duration of the majority of the previously issued licences have enabled the Department to redirect its resources to licence reviews.

The Department may initiate a review of an existing licence under a range of circumstances including in accordance with the [Guidance Statement: Risk Assessments](#). The Department also carries out a program of periodic licence reviews.

The power to amend a licence on DWER's initiative is found in section 59(2) of the EP Act.

In determining when a licence review is warranted, DWER will consider the following:

- incident or event reports provided under section 72 of the EP Act;
- information submitted in accordance with licence reporting requirements (e.g. Annual Environmental Reports or monitoring data);
- new information relevant to the risk assessment for the premises;
- the Department's compliance inspections;
- complaints received;
- enforcement action taken;
- publication of Environmental Standards or other relevant guidance material;

- whether a DWER-initiated amendment to a licence has occurred; and
- any other matters DWER considers relevant.

When it is determined that a review is warranted, DWER will

- advise the licence holder of the review;
- advise direct interest stakeholders and seek comments from them; and
- place a notification on the website.

As a result of a licence review, DWER may:

- review, and if necessary, change controls to ensure that they remain effective and efficient in both design and operation;
- require further information from the licence holder;
- identify additional risks or changes to the context of risks, which may result in a revision of risk ratings and regulatory controls; and/or
- proceed to suspend or revoke the licence where DWER is satisfied that
  - there has been a serious breach of any conditions; or
  - provision of false or misleading information; or
  - the current address of the holder of the licence is unknown.

Regulatory controls will be determined and applied in accordance with the [Guidance Statement: Risk Assessments](#) and [Guidance Statement: Setting Conditions](#).

As part of the amendment process, the licence holder will be provided with at least 21 days [section 59B(3)(c) of the EP Act] to comment on the draft revised licence and draft decision report, including the opportunity to propose alternative controls to address the identified risks.

Once a review is complete and a decision is made, DWER will:

- notify the licence holder;
- notify all direct interest stakeholders; and
- publish a copy of the revised licence (including any amendments) and the decision report on its website to inform the public.

Revised licences are considered to be DWER-initiated amendments, and are consequently subject to the right of appeal by both the licence holder [section 102(2) of the EP Act] and third parties [section 102(3)(b) of the EP Act]. The aggrieved person may lodge an appeal with the Minister within 21 days of the decision [section 102(2) of the EP Act]. Notification and publication of the revised licence will include details on how an appeal can be lodged.

### 3.7 Transfers

The EP Act and EP Regulations require that a new occupier of a prescribed premises must comply with the conditions of any existing works approval or licence, and apply to transfer the works approval or licence within 30 days of the relevant day of becoming the new occupier. The relevant day is the day the new occupier becomes the occupier [section 61 EP Act]. Documentary evidence of that date must be provided. This application must include a payment of two fee units as a recording fee. Failure to comply with these requirements constitutes an offence under the EP Act. The transfer application form is available on the [Licences and works approvals](#) section of the Department's website.

Where a works approval or licence is in force, the EP Act provides for the new occupier to be considered to be the holder of that works approval or licence while an application to transfer the works approval or licence is pending.

The EP Act requires a person who becomes the new occupier of a prescribed premises to comply with the conditions of any works approval or licence in force at those premises. This obligation exists from the date on which the new occupier takes occupation or control of those premises.

The EP Regulations do not provide for a transfer of registration. However, the EP Regulations provide for DWER to make alterations to the register in the event a person notifies the Department that they have become the occupier of a registered premises and if they have paid a recording fee [regulation 5B(3)]. Notifications of a change in ownership of registered premises can be performed using the same transfer application form referred to above.



## 4 Applications for a works approval, licence, registration or amendment

### 4.1 Statutory application requirements

Sections 54 (works approvals) and 57 (licences) of the EP Act specify the statutory requirements for works approval and licence applications. The requirements for an application to amend a works approval or licence are specified in section 59B(1). Regulation 5B of the EP Regulations specifies the requirements for a registration application.

The Department provides only general assistance relating to the preparation of application forms and supporting documentation. Applicants should seek detailed advice and assistance from their own professional advisors in regard to any associated environmental studies, plans or reports that may be required.

Applicants experiencing difficulties and requiring this type of assistance are encouraged to contact a professional environmental advisor. The Department is not able to provide any recommendations for specific advisors or consultants.

#### **section 54 Works approvals, apply for, granting, refusing etc.**

- (1) An application for a works approval shall be—
- (a) made in the form and in the manner approved by the CEO; and
  - (b) accompanied with the correct fee prescribed in the regulations; and
  - (c) supported by such plans, specifications and other documents and information, including a summary thereof, as the CEO requires.

#### **section 57 Licences, applying for, granting, refusing etc.**

- (1) An application for a licence shall be —
- (a) made in the form and in the manner approved by the CEO; and
  - (b) accompanied by such fee as is prescribed by or determined under the regulations; and
  - (c) supported by such plans, specifications and other documents and information, including a summary thereof, as the CEO requires.

**section 59B Manner of amendment, revocation or suspension**

- (1) An application for an amendment to a works approval or licence or to surrender a works approval or licence is to —
- (a) be made in the manner and form approved by the CEO;
  - (b) be accompanied by the fee prescribed by or determined under the regulations; and
  - (c) be supported by any plans, specifications and other documents and information as required by the CEO and include a summary of that supporting documentation and information.

**regulation 5B Registration of premises, application for etc.**

- (1) An application for registration of premises is to be —
- (a) in a form approved by the Chief Executive Officer; and
  - (ab) made by the occupier of the premises; and
  - (b) accompanied by a plan showing the boundaries of the land on which the premises are situated and the layout of the premises; and
  - (c) accompanied by a fee of 24 units unless the occupier of the premises holds a licence in respect of the premises.

Further information and instructions on supporting information required to be submitted with an application for works approval, licence, or amendment can be found in the [Licences and works approvals](#) section of the Department's website including the application form and relevant publications (e.g. Environmental Standards and Guidance Statements).

## 4.2 Application form

Application forms are on the Department's [website](#). The application forms for works approvals, licences, amendments and registrations allow the applicant to apply for a:

- works approval;
- works approval including clearing of native vegetation;
- licence;
- licence renewal;
- licence or works approval amendment; and
- registration (where a works approval is already held).

The transfer application form (see section 3.7) is to be used for new occupiers of prescribed premises applying to transfer an existing instrument into their name, and for a new occupier of a prescribed premises under a registration notifying DWER of the change in ownership for that registered premises.

A separate application form is also provided for instrument holders applying to surrender their existing works approval or licence (see section 8.1).

Applicants are to refer to the relevant forms for further instruction on completing the application and providing supporting information. The application form provides references to the Department's relevant guidelines.

With the exception of statutory notices, all written correspondence from the Department regarding an application will be made by email. All applicants must provide a valid email address through which they agree to receive all electronic correspondence. The applicant is required to sign a declaration that they have provided a valid email address for all written correspondence, and a valid postal address for the services of all statutory notices under the relevant legislation. For the purposes of processing the application, the Department will rely on the email address provided by the applicant and will not accept liability for any failure of the applicant to receive email from that email address.

### 4.3 Prescribed fees

Applications for a works approval, licence, amendment, registration or transfer are required to be accompanied by the prescribed fees.

#### Works approval application fees

Fees for works approval applications are determined by the cost of the works, including all capital costs associated with the construction and establishment of the proposed works under the application. Regulation 5BA of the EP Regulations provides that:

**regulation 5BA Fees prescribed for works approval (EP Act s. 54(1))**

- (1) The fee prescribed for the purposes of section 54(1)(b) of the Act is the appropriate fee specified in Schedule 3 determined on the basis of the cost of the works that are the subject of the application.
- (2) In determining the cost of works for the purposes of this regulation, no account is to be taken of —
  - (a) the cost of land; or
  - (b) the cost of buildings to be used for purposes unrelated to the purposes in respect of which the premises are, or will become, prescribed premises; or
  - (c) consultancy fees paid or to be paid in relation to those works.

#### Licence application fees

For licence applications, refer to the [Fact Sheet: Calculation of annual licence fees](#) on the Department's website.

Licence and works approval fee calculators are also available on the Department's website.

The fee for the first year of application is paid at the time of lodging the application, but the fee period does not commence until the licence is granted. The date of granting the licence becomes the anniversary date in each year, and a new annual

fee is required in advance of the anniversary date in each year for the coming annual fee period.

### Amendment application fees

The EP Regulations set the prescribed fees for amendments to works approvals or licences. Regulation 5BB of the EP Regulations provides that:

**regulation 5BB. Fees prescribed for amending works approval or licence (Act s.59B (1))**

- (1) For the purpose of section 59B(1)(b) of the Act, the fee prescribed for an application for an amendment to a works approval or licence is based on a unit value for 2016–2017 of 3.40 per unit, calculated-
- (a) for a single category of prescribed premises to which the works approval or licence relates – by using the unit number corresponding to the prescribed premises category in Schedule 4 Part 1; or
  - (b) for multiple categories of prescribed premises to which the works approval or licence relates- by using the highest unit number corresponding to the prescribed premises categories in Schedule 4 Part 1.

The prescribed fee for an amendment is a one off fee when an application for an amendment to a works approval or licence is submitted. In determining the fee applicable to an application for amendment, DWER will:

- consider a request for a multiple amendments to a works approval or licence as a single amendment if submitted in a single application;
- apply the design capacity of the category of prescribed premises for works approvals and licences to calculate the fee;
- where a works approval or licence has multiple prescribed premises categories, the higher unit number will be used to calculate the fee;
- no fee will be applicable when an amendment is initiated by the CEO or a Delegated Officer;
- no fee will be applicable for amendments as prescribed in the following subsections of section 59 of the EP Act:

**Section 59 Amending works approval or licence**

- (1) The CEO may amend a works approval or licence by –
- (e) correcting in the works approval or licence –
    - (i) a clerical mistake or unintentional error or omission; or
    - (ii) a figure which has been miscalculated; or
    - (iii) the misdescription of any person, thing or property; or
  - (f) making an administrative change to the format of the works approval or licence which does not alter the obligations of the occupier of the premises to which the works approval or licence relates; or

- (h) deleting any discharge point or emission point which is no longer in use; or
- (i) amending the works approval or licence in conformity with an approved policy or prescribed standard or with an exemption conferred under this Act; or
- (j) amending the works approval or licence to give effect to a decision of the Minister under this Act (whether on an appeal or otherwise); or
- (k) extending the duration of the works approval or licence.

### Transfer fees

Details on the prescribed fee for transfer of a licence or works approval and the recording fee for alterations to the occupier of registered premises are contained within the *Application form: Transfer works approval or licence or notify new occupier of registered premises* on the Department's website.

### Refunds

Annual licence fees can be refunded in full or in part at the discretion of DWER on application.

Annual licence fee refunds can be sought for:

- the premises component if the premises ceases to be prescribed during the period of the licence; and/or
- the difference in the discharge component where the quantity of waste discharged from the premises during the fee period ('the actual discharge') is less than the quantity used to determine the licence fee that was paid for that period.

A premises component fee refund application must be accompanied by written information explaining why the premises are no longer prescribed premises.

Applications for a discharge fee refund are to be submitted within three months of the end of the relevant licence fee period. A discharge component fee refund will be considered if DWER is satisfied that there is a difference between the actual waste quantities discharged and the waste discharge estimated and paid for, based on the evidence supporting the claim and provided in the application for the refund. The applicant must clearly demonstrate the basis and justification for the refund.

The [Application form: Fee refund](#) and further instructions are available on the Department's website.

## 4.4 Scoping and pre-application meetings

Scoping of a proposal prior to submission of an application is not a statutory requirement and may occur on a case by case basis. A scoping meeting is not a substitute for applicants obtaining professional assistance for the preparation of an application, supporting documentation, environmental studies, and/or the interpretation of legal matters.

Requests for scoping meetings and scoping advice must be made via email to DWER and be accompanied by summary information regarding the locational context, any environmental studies undertaken or planned, and the proposed activities, works, and emissions. Scoping meetings may occur at DWER's discretion on consideration of the request. Scoping meetings are of most value to confirm and validate DWER's requirements with respect to the applicant's specific proposal. Scoping meeting outcomes will inform the Department's validation process once the application is lodged, and may expedite validation.

## 5 Processing of applications

### 5.1 Timeframes

The Department's target timeframe to determine any application begins on the day the application is received, or on the next business day if it is received on a public holiday or outside normal business hours). Timeframes are not statutory and in place to provide efficiency targets for the Department; they are intended to provide some degree of certainty for applicants.

The Department's target timeframes for determination of applications are as follows:

- 60 business days for a licence or works approval;
- 60 business days for a licence or works approval amendment;
- 60 business days for a transfer of a licence or works approval; and
- 60 business days for a registration.

These timeframes include the following (where applicable):

- validation of application and supporting information;
- public advertising of the works approval or licence application;
- direct referral of the application to persons or public authorities with a direct interest in the application or other stakeholders if applicable;
- assessing the application, considering submissions lodged, drafting the decision report, works approval, licence, registration or amendment; and
- consideration of applicant comments on drafts.

A timeframe does not include:

- days waiting on prescribed fee payment;
- days waiting on the applicant submitting further information in response to a written request; and
- days waiting for the applicant's response to draft documents or instruments or a notice of the Department's intended refusal to grant.

On receipt of an application, the Department has a target time frame of 10 business days to validate an application.

Validation is performed to ensure that the application is supported by all relevant plans, specifications, and other documents and information required. DWER will decline to deal with any application that does not meet the statutory application requirements as outlined in section 4.1 *Statutory application requirements*.

Where DWER declines to deal with an application, this does not prevent an applicant from applying at a later date with an application which meets DWER's requirements.

### 5.2 Public advertising of applications and consultations

The EP Act requires that applications for works approvals or licences, which meet DWER's application requirements and are accepted, will be advertised in a prescribed manner. DWER may also cause licence amendment applications for

significant works or any other application to be advertised, to be made available for public submissions or comment. Applications are advertised once the application has been accepted for assessment and the required fees have been paid.

The Department advertises a standard weekly notification each Monday in the Public Notices section of *The West Australian*, which directs the community to the Department's website. Interested parties seeking to make comment on the application are to forward submissions to the Department. In some cases, an application may also be advertised in a local community newspaper.

All valid licence and works approval applications, as well as granted decisions open for public consultation and appeal, are published on the Department's website. The Department may also make any supporting documentation attached to an application available on its website.

DWER will seek comments from persons and public authorities who in DWER's opinion may have a direct interest in the matter of the application. Stakeholder or parties with a direct interest are determined on an application-specific basis and may include:

- any public authority from which a statutory approval is required, relating to the environmental impact of the premises;
- any public authority whose decision-making functions are directly related to the subject matter of the application;
- any person or public authority that has been in communication or has provided correspondence to the Department in relation to the subject matter of the application;
- any person who has a direct legal connection to the operation or ownership of the premises; and
- any public authority or agency whose technical advice or opinion may be required to inform DWER's decision.

### Confidential information in applications

Applicants should note that any information contained in their applications will normally be published by DWER. Applicants may make a claim for exemption from information contained in applications being provided to the public on the basis of commercial in confidence or information of a personal or financial nature, in the relevant section(s) of the application form.

Claims for exemption will be assessed by DWER on a merit basis. Information associated with approved claims for exemption will not be disclosed to the public or, depending on its nature, not referred to third parties. The applicant will be notified of any claims found not to have been approved, and have the option to either agree with that decision or to amend or withdraw the application. Should the applicant disagree with DWER's decision, the Application will be placed on hold until such time as DWER's decision is reviewed under processes and timeframes typical of Freedom of Information requests.

This process does not, however, exclude the applicant from addressing any future requests for information under the *Freedom of Information Act 1992*.



## 5.3 Application of assessment and decision-making

The EP Act requires DWER to consider the environmental and public health impacts of an application when making a decision to grant, or refuse to grant, a works approval, licence, or amendments to such instruments. Inherent in its assessment of risk to the environment or public health in accordance with the Department's [Guidance Statement: Risk Assessment](#), DWER will take into account the object and principles of the EP Act [section 4A] in making its decision.

In undertaking an assessment, DWER may also consider:

- comments received from any person or public authority that has a direct interest in the subject matter of the application and comments received from any other person;
- whether the application is not contrary to, and is in accordance with relevant approved policies, guidelines, and standards or decisions made by other decision making authorities;
- the potential discharges and emissions from the premises that may have an impact on the environment or human health;
- proposed actions that could result in environmental harm;
- the identified risk, the acceptability or otherwise of discharges and emissions and level of potential impact on the environment and/or public health;
- whether the applicant's proposed control and mitigation measures are adequate; and
- whether additional regulatory controls are required.

The information obtained and utilised in the assessment and decision-making process will be documented in a decision report. This information will be used by DWER in making a decision on the application and if granted, to determine the works approval or licence conditions necessary or convenient to prevent, control, abate, or mitigate pollution or environmental harm.

Applicants will be informed regarding the progress of their application:

- if any further information is required for the initial validation of the application;
- upon the application being validated (this will include an invoice for the application fee);
- when the application is accepted and progressed to assessment (following receipt of the application fee);
- if any further information is required to facilitate the full risk-based assessment of the application (see below for further details);
- when the draft decision report and draft instrument or draft revised instrument have been finalised for applicant review and consultation;
- once the drafts have been finalised, after considering any representations made by the applicant regarding the draft documents; and
- once the final applicant review period has elapsed, or waived by the applicant, and the instrument is granted or refused.

If the assessment process is put on hold at any point the Department will inform the applicant.

## 6 Land use planning

DWER acknowledges that land use planning and environmental approvals are different statutory processes and that the EP Act does not preclude a decision being made in relation to a Part V matter prior to final determination of relevant planning matters. However, DWER recognises the importance of land use planning in the context of the delivery of appropriate public health and environmental outcomes.

DWER's statutory roles and functions under the EP Act may intersect with the land use planning functions of State and Local Government (and the State Administrative Tribunal on appeal) and often approvals for environmental and planning proposals are required at similar times.

In assessing an application, applicants should note that DWER may:

- decline to make a regulatory determination on a matter where a planning decision prevents implementation of the application while that decision has effect;
- seek comments from relevant Local Government Authorities on applications for works approvals and licences, to facilitate input on planning and other matters within a council or shire's responsibility;
- assess applications for works approvals and licences concurrently with applications for planning approval; and
- consider the duration of any planning approval when determining the duration of the instrument to be granted in accordance with the [Guidance Statement: Licence Duration](#).

## 7 Licence renewal and annual fees

### 7.1 Licence renewal

A licence will be issued for a finite period of time up to a maximum of 20 years. The duration of a licence will be determined with reference to the [Guidance Statement: Licence Duration](#) on the Department's website.

If a licence is required beyond the expiry date, the licence holder will need to submit an application for a licence renewal to replace the expiring licence, prior to the expiry date. Renewal applications should contain the same level of detail as an application for a new licence.

Regulation 5CB(1) of the EP Regulations provides that:

#### **r.5CB Replacement of expiring licence, application for**

- (1) An application for a licence to replace an existing licence on the expiry of the existing licence must be made by the licence holder of the existing licence more than 70 days before the day on which the existing licence expires.

The Department will send a licence holder a reminder letter approximately 120 days prior to the expiry date. In accordance with regulation 5CB(2) and (3), late fees apply to an application for a licence to replace an existing licence that is made 70 days or less before the expiry date of the licence.

If an application for a licence renewal or an amendment to extend the licence duration is not made within sufficient time before the expiry date to enable the Department to process it and issue a new licence, the licence will expire and the occupier will be without a valid licence. The occupier would be required to apply for a new licence and may commit an offence if operating without a licence.

An application for a licence to replace an expiring licence can be made in the same manner and same form as specified in section 4.2 *Application form*.

### 7.2 Annual fee payment

Regulation 5DA(3) of the EP Regulations requires annual licence fees to be paid before the anniversary of the grant of the licence, for the subsequent period. Under regulation 5DA(4), if the annual licence fee is not paid by the anniversary date, but within one month after the anniversary date, a late fee is payable in addition to the annual licence fee.

Under regulation 5DA(5) of the EP Regulations, if the annual licence fee is not paid within one month after the anniversary date, the licence ceases to have effect. Should a licence still be required, a new application will need to be lodged. Continuing operation of a prescribed premises where a licence has ceased to have effect may constitute an offence. The [Fact Sheet: Calculation of annual licence fees](#) is available on the Department's website.

A letter is sent to licence holders approximately 70 days prior to the anniversary date of the grant of the licence. The letter contains instructions on how to submit an application for annual licence fee.

## 8 Termination of works approvals and licences

### 8.1 Surrender by applicant

Section 59(A)(2)(e) allows the holder of a works approval or licence to apply to the Department to surrender their works approval or licence when the approval is no longer required. The manner in which a works approval or licence holder is to apply to surrender the works approval or licence is specified in section 59B of the EP Act:

**s.59B Procedure for amending, revoking or suspending works approval or licence**

- (1) An application for an amendment to a works approval or licence or to surrender a works approval or licence is to —
  - (a) be made in the manner and form approved by the CEO; and
  - (b) be accompanied by the fee prescribed by or determined under the regulations; and
  - (c) be supported by any plans, specifications and other documents and information required by the CEO and include a summary of that supporting documentation and information.

An *Application form: Surrender works approval or licence* is available on the Department's [website](#).

### 8.2 Revocation by DWER

Section 59A(1) of the EP Act allows DWER to revoke or suspend a works approval or licence. Section 59A(2) provides that:

**s.59A Revoking or suspending works approval or licence**

- (2) The grounds for revocation or suspension of a works approval or licence are that —
  - (a) the CEO is satisfied that there has been a breach of any of the conditions —
    - (i) to which the works approval or licence is subject; or
    - (ii) to which a works approval granted to the licensee was at the time of that breach subject; or
  - (b) the premises to which the licence relates are exempted by the regulations from requiring a licence; or
  - (c) information contained in or supporting the application was false or misleading in a material respect; or
  - (d) the current business address of the holder of the works approval or licence is unknown; or

(e) the holder of the works approval or licence has applied to the CEO to surrender the works approval or licence.

For the purposes of surrendering a licence or works approval, DWER will consider the matter under section 59A(2)(e).

Prior to determining an application to surrender a licence or works approval, it is DWER's role to assess any ongoing risks to public health or the environment as a result of the activities which have been undertaken on the premises.

Should any risks be identified, DWER will assess the most appropriate way for these to be managed. This may include ongoing management of the site under the *Contaminated Sites Act 2003*, issue of a closure notice under section 68A of the EP Act or enforcement actions as appropriate.

## 9 Appeals

Part VII of the EP Act provides an opportunity for both the applicant and in some cases any person, to appeal decisions made in respect to works approvals and licences.

Subject to section 105 of the EP Act, applicants and instrument holders have appeal rights under section 102 in relation to:

- a refusal to grant, or a refusal to transfer a licence or works approval;
- conditions applied to a licence or works approval or transfer of these instruments; and
- any amendment to, or revocation or suspension of, a licence or works approval.

Subject to section 105, third parties have appeal rights under section 102 in relation to:

- conditions applied to a licence or works approval or transfer of these instruments; and
- any amendment to a licence or works approval.

A decision to amend an instrument does not continue to have effect pending the outcome of an appeal against that decision by the applicant/instrument holder, under section 102(5). In all other cases, the decision continues to have effect pending the outcome of the appeal.

In the case of a works approval, this means that any works carried out prior to the determination of a third party appeal are at the works approval holder's own logistical and financial risk. If the appeal is successful it may result in the imposition of new or amended conditions on the works approval that are not compatible with works that may have already been undertaken [see section 102(4) of the EP Act].

The Appeals Convenor investigates and provides advice to the Minister for Environment in respect to appeals lodged. DWER's role in the appeals process is limited to the provision of advice to the Appeals Convenor under section 106(1)(b) of the EP Act and to the implementation of appeal decisions by the Minister under section 110(1) of the EP Act.

Further information is available from the Officer of the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au) including an appeal form, appeal information sheet for works approvals and licences, and the ability to search for active or finalised appeal decisions.

Appeals must be lodged with the Appeals Convenor and must be received by the Appeals Convenor within 21 days of the date the works approval or licence holder was notified of the decision.

Decisions on works approvals and licences open for appeal are published by DWER (see section 12).

## 10 Publication

All decision reports, works approvals, licences and amendments are published in the [Licences and works approvals](#) section of the Department's website. This publication will include reference to those decisions which are open for appeal for a 21 day period.

Applications and supporting documentation are public documents and may be published or referred to stakeholders. The application form contains further information on how an applicant may request certain information to be exempt from public disclosure.

# Appendices

## Appendix A - Schedule 1, EP Regulations - Prescribed premises

### Part 1

Category number	Description of category	Production or design capacity
1	Cattle feedlot: premises on which the watering and feeding of cattle occurs, being premises — (a) situated less than 100 m from a watercourse; and (b) on which the number of cattle per hectare exceeds 50.	500 animals or more
2	Intensive piggery: premises on which pigs are fed, watered and housed in pens.	1,000 animals or more
[3, 4	<i>deleted</i>	
5	Processing or beneficiation of metallic or non-metallic ore: premises on which — (a) metallic or non-metallic ore is crushed, ground, milled or otherwise processed; or (b) tailings from metallic or non-metallic ore are reprocessed; or (c) tailings or residue from metallic or non-metallic ore are discharged into a containment cell or dam.	50,000 tonnes or more per year
6	Mine dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore.	50,000 tonnes or more per year
7	Vat or in situ leaching of metal: premises on which metal is extracted from ore with a chemical solution.	5,000 tonnes or more per year
8	Mineral sands mining or processing: premises on which mineral sands ore is mined, screened, separated or otherwise processed.	5,000 tonnes or more per year



<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
9	Coal mining: premises on which — (a) water is extracted and discharged into the environment to allow coal mining; or (b) coal mining or processing occurs and tailings are discharged.	5,000 tonnes or more per year
10	Oil or gas production from wells: premises, whether on land or offshore, on which crude oil, natural gas or condensate is extracted from below the surface of the land or the seabed, as the case requires, and is treated or separated to produce stabilized crude oil, purified natural gas or liquefied hydrocarbon gases.	5,000 tonnes or more per year
11	Oil or gas production (other): premises (other than premises within category 10) on which the commercial production of oil or gas occurs (including the reforming of hydrocarbon gas).	5,000 tonnes or more per year
12	Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	50,000 tonnes or more per year
13	Crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.	1,000 tonnes or more per year
14	Solar salt manufacturing: premises on which salt is produced by solar evaporation.	Not applicable
15	Abattoir: premises on which animals are slaughtered.	1,000 tonnes or more per year
16	Rendering operations: premises on which substances from animal material are processed or extracted.	100 tonnes or more per year

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
17	Milk processing: premises on which — (a) milk is separated or evaporated (other than a farm); or (b) evaporated or condensed milk, butter, ice cream, cheese or any other dairy product is manufactured, and from which liquid waste is or is to be discharged onto land or into waters.	100 tonnes or more per year
18	Food processing: premises (other than premises within category 24) — (a) on which vegetables are, or fruit or meat is, preserved, cooked, dried, canned, bottled or processed; and (b) from which liquid waste is or is to be discharged onto land or into waters.	200 tonnes or more per year
19	Edible oil or fat processing: premises on which vegetable oil or oil seed or animal fat is processed and from which liquid waste is or is to be discharged onto land or into waters.	200 tonnes or more per year
20	Starch manufacturing: premises on which starch or gluten is manufactured and from which liquid waste is or is to be discharged onto land or into waters.	200 tonnes or more per year
21	Sugar milling or refining: premises on which sugar cane is crushed or sugar is refined.	1,000 tonnes or more per year
22	Seafood processing: premises (other than a fish wholesaler) on which fish or other seafood is processed and from which liquid waste is or is to be discharged onto land or into waters.	200 tonnes or more per year
23	Animal feed manufacturing: premises (other than premises within category 15 or 16) on which animal food is manufactured or processed.	1,000 tonnes or more per year
24	Non-alcoholic beverage manufacturing: premises on which a non-alcoholic beverage is manufactured and from which liquid waste is or is to be discharged onto land or into waters.	200 kL or more per year

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
25	Alcoholic beverage manufacturing: premises on which an alcoholic beverage is manufactured and from which liquid waste is or is to be discharged onto land or into waters.	350 kL or more per year
26	Textile operations: premises on which — (a) carpet or yarn is manufactured; or (b) cotton ginning or milling occurs; or (c) textiles are bleached, dyed or finished.	1,000 tonnes or more per year
27	Woolscouring: premises on which wool is scoured or cleaned.	1,000 tonnes or more per year
28	Wood board manufacturing: premises on which particleboard or chipboard is fabricated or manufactured.	500 tonnes or more per year
29	Timber preserving: premises on which timber is preserved for commercial purposes by the use of chemicals.	Not applicable
30	Pulp, paper or paperboard manufacturing: premises on which paper pulp, wood pulp, kraft paper, kraft paperboard, cardboard, paper or paperboard is manufactured.	5,000 tonnes or more per year
31	Chemical manufacturing: premises (other than premises within category 32) on which chemical products are manufactured by a chemical process.	100 tonnes or more per year
32	Pesticides manufacturing: premises on which herbicides, insecticides or pesticides are manufactured by a chemical process.	Not applicable
33	Chemical blending or mixing: premises on which chemicals or chemical products are mixed, blended or packaged in a manner that causes or is likely to cause a discharge of waste into the environment.	500 tonnes or more per year
34	Oil or gas refining: premises on which crude oil, condensate or gas is refined or processed.	Not applicable

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
35	Asphalt manufacturing: premises on which hot or cold mix asphalt is produced using crushed or ground rock aggregates mixed with bituminous or asphaltic materials for use at places or premises other than those premises.	Not applicable
36	Bitumen manufacturing: premises on which bitumen is mixed or prepared for use at places or premises other than those premises.	Not applicable
37	Char manufacturing: premises on which wood, carbon material or coal is charred to produce a fuel or material of a carbonaceous nature or of enriched carbon content.	10 tonnes or more per year
38	Coke production: premises on which coke is produced, quenched, cut, crushed or graded from coal or petroleum.	100 tonnes or more per year
39	Chemical or oil recycling: premises on which waste liquid hydrocarbons or chemicals are refined, purified, reformed, separated or processed.	Not applicable
40	Glass or glass fibre manufacturing: premises on which glass or glass fibre is manufactured.	200 tonnes or more per year
41	Clay bricks or ceramic products manufacturing: premises on which refractory products, tiles, pipes or pottery are manufactured.	1,000 tonnes or more per year
42	Mineral wool or ceramic fibre manufacturing: premises on which mineral wool or ceramic fibre is manufactured.	Not applicable
43	Cement or lime manufacturing: premises on which — (a) clay, lime sand or limestone material is used in a furnace or kiln in the production of cement clinker or lime; or (b) cement clinker, clay, limestone or similar material is ground.	Not applicable
44	Metal smelting or refining: premises on which metal ore, metal ore concentrate or metal waste is smelted, fused, roasted, refined or processed.	1,000 tonnes or more per year

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
45	Metal melting or casting: premises on which metal or scrap metal is melted in furnaces or cast.	100 tonnes or more per year
46	Bauxite refining: premises (other than premises within paragraph (b) of category 5) on which alumina is produced from bauxite refining.	Not applicable
47	Scrap metal recovery: premises (other than premises within category 45) on which metal scrap is fragmented or melted, including premises on which lead acid batteries are reprocessed.	100 tonnes or more per year
48	Metal finishing: premises on which metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodized, coloured or otherwise coated or finished.	Not applicable
48A	Metal finishing: premises on which iron or steel is galvanized.	Not applicable
49	Boat building and maintenance: premises on which — (a) vessels are commercially built or maintained; and (b) organotin compounds are used or removed from vessels.	Not applicable
50	Tannery: premises on which animal skins or hides are tanned, dressed, finished or dyed and from which liquid waste is or is to be discharged onto land or into waters.	1,000 skins or hides or more per year
51	Foam products manufacturing: premises on which resin is used to prepare or manufacture plastic foam or plastic foam products using MDI (diphenylmethane di-iso-cyanate) or TDI (toluene-2, 4-di-iso-cyanate).	1 tonne or more per year
52	Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is generated using a fuel.	20 MW or more in aggregate (using natural gas) 10 MW or more in aggregate (using a fuel other than natural gas)

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
53	Flyash disposal: premises on which flyash is disposed of.	1,000 tonnes or more per year
54	Sewage facility: premises — (a) on which sewage is treated (excluding septic tanks); or (b) from which treated sewage is discharged onto land or into waters.	100 m <sup>3</sup> or more per day
54A	Water desalination plant: premises at which salt is extracted from water if — (a) waste water is discharged into marine waters; and (b) the discharged waste water has a density greater than the average ambient density of the marine water at the discharge site.	10 GL or more per year
55	Livestock saleyard or holding pen: premises on which live animals are held pending their sale, shipment or slaughter.	10,000 animals or more per year
56	Used tyre storage (tyre fitting business): premises on which used tyres are stored in connection with a tyre fitting business.	500 tyres or more
57	Used tyre storage (general): premises (other than premises within category 56) on which used tyres are stored.	100 tyres or more
58	Bulk material loading or unloading: premises on which clinker, coal, ore, ore concentrate or any other bulk granular material (other than salt) is loaded onto or unloaded from vessels by an open materials loading system.	100 tonnes or more per day
58A	Bulk material loading or unloading: premises on which salt is loaded onto or unloaded from vessels by an open materials loading system.	100 tonnes or more per day

Category number	Description of category	Production or design capacity
59	<p>Biomedical waste incineration: premises on which —</p> <p>(a) infectious or potentially infectious waste produced by health care establishments, or by pathology, dental, or veterinary practices, or by laboratories, is incinerated; or</p> <p>(b) quarantine waste is incinerated; or</p> <p>(c) cytotoxic waste is destroyed,</p> <p>but not including premises on which there are only facilities used exclusively for human or animal cremation.</p>	Not applicable
60	Incineration: premises (other than premises within category 59) on which waste, excluding clean paper and cardboard, is incinerated.	100 kg or more per hour
61	Liquid waste facility: premises on which liquid waste produced on other premises (other than sewerage waste) is stored, reprocessed, treated or irrigated.	100 tonnes or more per year
61A	Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	1,000 tonnes or more per year
62	Solid waste depot: premises on which waste is stored, or sorted, pending final disposal or re-use.	500 tonnes or more per year
63	Class I inert landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	500 tonnes or more per year
64	Class II or III putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	20 tonnes or more per year

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
65	Class IV secure landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable
66	Class V intractable landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer and as amended from time to time) is accepted for burial.	Not applicable
67	Fuel burning: premises on which gaseous, liquid or solid fuel is burnt in a boiler for the supply of steam or in power generation equipment.	In aggregate 500 kg or more per hour (fuel with a sulphur content of 0.25% or more) or In aggregate 2,000 kg or more per hour (fuel with a sulphur content of less than 0.25%)
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.	1,000 tonnes or more per year



**Part 2**

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
68	Cattle feedlot: premises on which the watering and feeding of cattle occurs, being premises — (a) situated 100 m or more from a watercourse; and (b) on which the number of cattle per hectare exceeds 50.	500 animals or more
69	Intensive piggery: premises on which pigs are fed, watered and housed in pens.	More than 500 but less than 1,000 animals
70	Screening etc. of material: premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	More than 5,000 but less than 50,000 tonnes per year
[71	<i>deleted</i>	
72	Chemical manufacturing: premises on which chemical products are manufactured by a chemical process.	Not more than 100 tonnes per year
73	Bulk storage of chemicals etc.: premises on which acids, alkalis or chemicals that — (a) contain at least one carbon to carbon bond; and (b) are liquid at STP (standard temperature and pressure), are stored.	1,000 m <sup>3</sup> in aggregate
74	Chemical blending or mixing causing discharge: premises on which chemicals or chemical products are mixed, blended or packaged in a manner that causes or is likely to cause a discharge of waste into the environment.	More than 50 but less than 500 tonnes per year
75	Chemical blending or mixing not causing discharge: premises on which chemicals or chemical products are mixed, blended or packaged in a manner that does not cause or is not likely to cause a discharge of waste into the environment.	5,000 tonnes or more per year

<b>Category number</b>	<b>Description of category</b>	<b>Production or design capacity</b>
76	Ceramic goods manufacturing: premises on which ceramic kitchen or table ware or other non-refractory ceramic products are manufactured.	200 tonnes or more per year
77	Concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises.	100 tonnes or more per year
78	Plaster manufacturing: premises on which plaster, plaster board, gyprock or other products comprised wholly or primarily of gypsum are manufactured.	500 tonnes or more per year
79	Carbon stripping: premises on which carbon granules from a gold extraction process located at another place or on other premises are reprocessed.	100 tonnes or more per year
80	Non-metallic mineral processing: premises on which non-metallic minerals are crushed, ground, milled or separated.	100 tonnes or more per year
81	Metal coating: premises on which metal products (excluding vehicles) are spray painted, powder coated or enamelled.	1,000 L or more per year (paint or powder)
82	Boat building and maintenance: premises on which — (a) vessels are commercially built or maintained; and (b) organotin compounds are not used or removed from vessels.	Not applicable
83	Fellmongering: premises on which animal skins or hides are dried, cured or stored.	1,000 skins or hides or more per year
84	Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is commercially generated using natural gas as a fuel.	More than 10 but less than 20 MW in aggregate

Category number	Description of category	Production or design capacity
85	Sewage facility: premises — (a) on which sewage is treated (excluding septic tanks); or (b) from which treated sewage is discharged onto land or into waters.	More than 20 but less than 100 m <sup>3</sup> per day
85A	Sewage pumping station: premises on which sewage is pumped (other than to or from septic tanks) and where a discharge of waste from the station may enter the Swan River or the Canning River.	Not applicable
85B	Water desalination plant: premises at which salt is extracted from water if waste water is discharged onto land or into waters (other than marine waters).	0.50 GL or more per year
86	Bulk material loading or unloading: premises on which clinker, coal, ore, ore concentrate or any other bulk granular material is loaded onto or unloaded from vessels by a closed materials loading system.	100 tonnes or more per day
87	Fuel burning: premises on which gaseous, liquid or solid fuel with a sulphur content of less than 0.25% is burnt in a boiler for the supply of steam or in power generation equipment.	More than 500 but less than 2,000 kg per hour in aggregate
88	Metal finishing: premises on which — (a) metals are chemically cleaned or metals, plastics or metal or plastic products are plated, electroplated, anodised, coloured or otherwise coated or finished; and (b) from which liquid waste is discharged into a sewer.	Not applicable
89	Putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer, as amended from time to time) is accepted for burial.	More than 20 but less than 5,000 tonnes per year

## Abbreviations used in this guide

<b>CEO</b>	Chief Executive Officer
<b>DMIRS</b>	Department of Mines, Industry Regulation and Safety
<b>DWER</b>	Department of Water and Environmental Regulation
<b>EPA</b>	Environmental Protection Authority
<b>EP Act</b>	<i>Environmental Protection Act 1986</i>
<b>EP Regulations</b>	<i>Environmental Protection Regulations 1987</i>

Department of Water and Environmental Regulation  
Level 4, 168 St Georges Terrace, Perth WA  
Phone: 08 6364 7600  
Fax: 08 6364 7601  
National Relay Service 13 36 77  
[dwer.wa.gov.au](http://dwer.wa.gov.au)