



Licence Number L6882/1997/13

Licence Holder Shire of Esperance

ACN NA

File Number: 2011/000421

Premises Wylie Bay Sanitary Landfill Site
Wylie Bay Road
Lot 5 on Plan 61342
BANDY CREEK WA 6450

Date of Amendment 16 March 2018

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Licence in accordance with section 59 of the *Environmental Protection Act 1986* as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B (9) of the EP Act and follows.

Date signed: 16 March 2018

Stephen Checker
MANAGER LICENCING (WASTE INDUSTRIES)
Regulatory Services (Environment)

an officer delegated under section 20 of the Environmental Protection Act 1986 (WA)

Definitions and interpretation

Definitions

In this Amendment Notice, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
Amendment Notice	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
CS Act	<i>Contaminated Sites Act 2003</i> (WA)
Delegated Officer	an officer under section 20 of the EP Act
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Landfill Definitions	means the document titled “Landfill Waste Classification and Waste Definitions 1996” published by the Chief Executive Officer of the Department of Environment as amended from time to time.
Licence Holder	Shire of Esperance
Minister	the Minister responsible for the EP Act and associated regulations

MS	Ministerial Statement
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Decision Report applies, as specified at the front of this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited to an amendment to extend the footprint of the landfill area to allow for the disposal of asbestos waste (Special Waste Type 1). No other changes to the aspects of the original Licence relating to Category 64 have been requested by the Licence Holder.

The following guidance statements have informed the decision made on this amendment

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Environmental Siting (November 2016)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Decision Making (November 2017)*
- *Guidance Statement: Risk Assessment (November 2017)*

Amendment description

DWER received an application for a licence amendment from the Licence holder on 9 January 2018 requesting approval to extend the footprint of the landfill area to allow for the continued disposal Special Waste Type 1 (asbestos). The landfill has been operating since 1988 and is approaching the end of its operational lifespan. However until a new waste management facility is operational, the Wylie Bay Landfill Facility will continue operating as a waste disposal site.

Since the requirement to accept and dispose asbestos will have to be carried out in accordance with the Licence (L6882/1997/13) condition 1.3.2. It has been recognised by the licence holder that the asbestos disposal area will need to be extended. This is to ensure that the Shire will be able to continue to provide Special Waste Type 1 disposal service to the community.

Other approvals

The Shire of Esperance Manager Council Enterprises advised DWER that planning approval for the proposed expansion will not be required.

Amendment history

Table 2 provides the amendment history for L6882/1997/13.

Table 2: Licence amendments

Instrument	Issued	Amendment
L6882/1997/13	14/03/2013	Addition of monitoring requirements at additional bores. Future closure of the landfill in 2019 as proposed in the Shire of Esperance's <i>Closure and Post Closure Management Plan</i> for the site, submitted in July 2012.

L6882/1997/13	23/08/2013	Extension of closure date of liquid waste facility to 31 December 2013.
L6882/1997/13	19/12/2013	Extension of closure date of liquid waste facility to 30 June 2013.
L6882/1997/13	26/03/2015	Addition of Categories 13 and 62. Inclusion of closure and rehabilitation phases 2-3. Conversion to REFIRE format.
L6882/1997/13	29/04/2016	Licence amendment for the extension of the Licence duration to 9 August 2025
L6882/1997/13	15/03/2018	Amendment Notice 1 for the expansion of the landfill footprint

Location and receptors

Table 4 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 4: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
Residential property	Nearest resident is approximately 1.4 km from the landfill
Town centre	Approximately 10 kms from the townsite

Table 5 below lists the relevant environmental receptors in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 5: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
Wylie Bay	Active landfill area approximately 650m from the coastline
Groundwater	Approximately 0.88m to 6.15m below ground level.

Native Vegetation

Information provided with the application states that approximate space created by the expansion will be 43,500 cubic metres (m³). Therefore to facilitate the asbestos expansion area an estimated 2,750 square metres (m²) or 0.275 ha of vegetation will need to be cleared (refer to final fill profile map in schedule 1).

Confirmation from the Clearing Regulation team that the proposed extended landfill footprint is within the extent of clearing authorised under clearing permit CPS 5692/1.

Clearing permit CPS 5692/1 authorises the Shire of Esperance to clear 11.48 hectares of native vegetation within the area indicated by the yellow shading in the image below (left), subject to conditions including revegetation of the area indicated by the red shading in the image below (right). The decision report indicates that the purpose of the proposed clearing is for rehabilitation and expansion of facilities. A copy of the permit, plans and decision report are provided in appendix 2.

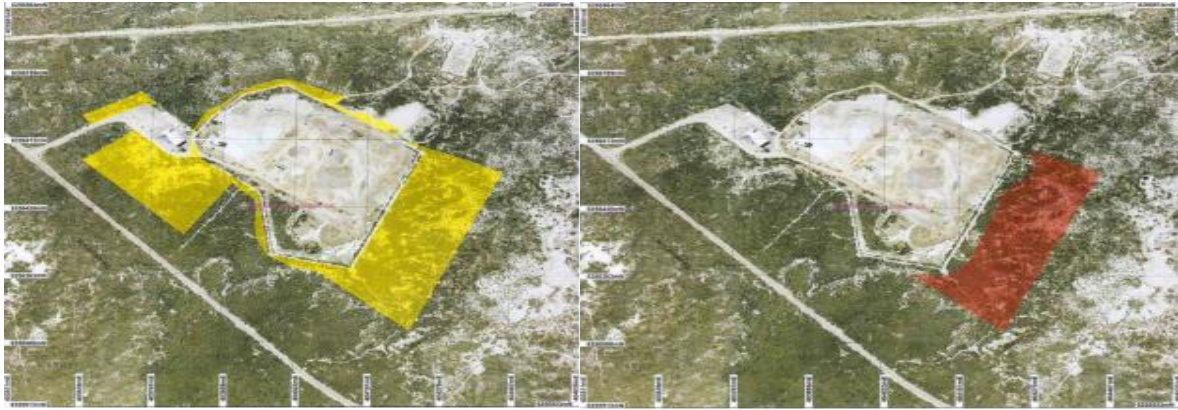


Fig 1: Clearing and rehabilitation authorised under clearing permit CPS 5692/1

Final Fill Profile

The licence holder will install and maintain a capping system in accordance with the requirements of Table 1.3.6 in the Licence (L6882/1997/13). The final fill profile will also include the extended area as shown figure 1 below. The licence holder has also provided commitment that the proposed design will continue to deliver the following outcomes:

1. Encapsulation of all waste disposed across the site;
2. Facilitate the conventional rehabilitation of the site through compliance with the Best Practice Landfill Standards;
3. Maintain the development of a regularised landfill profile and side slopes which will:
 - Provide a suitable surface for the construction of a capping system;
 - Promote the natural flow of surface water off the landfill, minimizing pooling and infiltration;
 - Facilitate the development of a conventional perimeter drain around the site to cater for surface water across the capped landfill;
 - Ensure the long-term stability and integrity of the capping system and environmental control systems (gas and surface water management)
 - Minimise the long term maintenance requirements of the capping system;
 - Provide an aesthetically landform long-term and support further post closure land uses;
4. Allow for prolonged use of the Asbestos disposal area; and
5. Facilitate phased capping of the landfill.

Final fill profile map

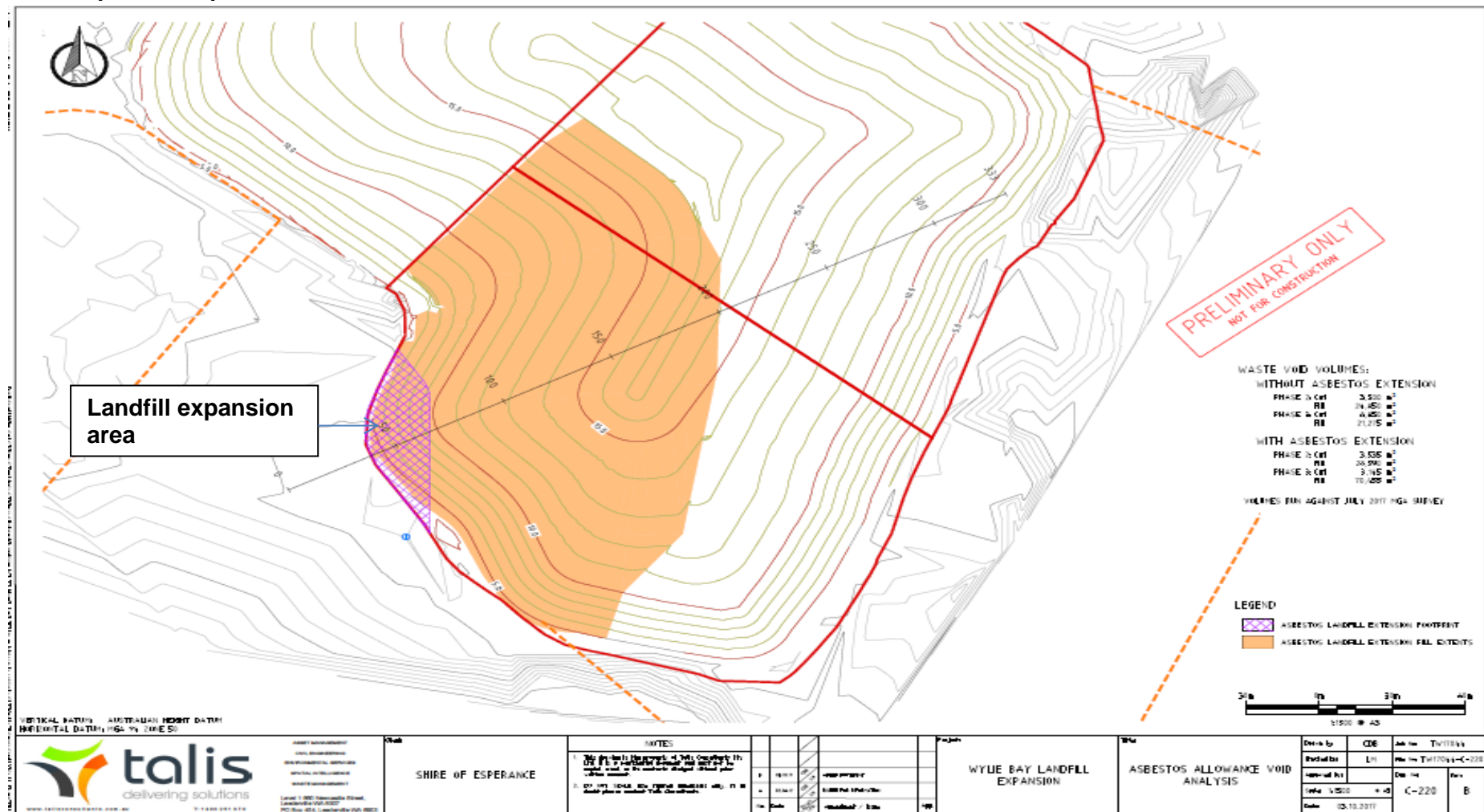


Fig: 1

Risk assessment

Tables 6 and 7 below describe the Risk Events associated with the amendment consistent with the *Guidance Statement: Risk Assessments*. Both tables identify whether the emissions present a material risk to public health or the environment, requiring regulatory controls.

Table 6: Risk assessment for proposed amendments during construction

Risk Event						Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities	Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts					
Cat 64 landfill	Clearing land (sparse dune grass)	Dust: associated with activities- such as clearing works, Vehicle and equipment movements	Nearest residence is approximately 1.4 k m from the Premises	Air / wind dispersion	Health and amenity impacts	Slight	Unlikely	Low	Based upon the short duration of the works and the controls proposed by the licence holder, The Delegated Officer has determined that the provisions of Section 49 of the Environmental Protection Act 1986 are sufficient to regulate dust emissions during construction and therefore the overall rating for the risk of dust impacts on sensitive receptors during construction is low .
		Noise: associated with activities- such as Earthworks, Vehicle and equipment movements	Nearest residence is approximately 1.4 k m from the Premises	Air / Wind dispersion	Health and amenity impacts	Slight	Unlikely	Low	Taking into consideration the short timeframe of the works and the restriction of noisy activities to normal hours and the Noise Regulations assigned levels being met, the Delegated Officer has determined the risk of noise impacts on sensitive receptors during construction is low .

Table 7: Risk assessment for proposed amendments during operation

Risk Event						Consequence rating	Likelihood rating	Risk	Reasoning
Source/Activities		Potential emissions	Potential receptors	Potential pathway	Potential adverse impacts				
Cat 64 landfill	Operation of landfill (asbestos disposal area)	Dust: associated with delivery, disposal of asbestos waste	Nearest residence is approximately 1.4 k m from the Premises	Air / Wind dispersion	Health and amenity impacts	Minor	Rare	Low	Current licence condition 1.3.6 requires that sufficient cover is provided and maintained as soon as practicable after disposal. The Delegated Officer has considered the separation distance between the source and receptors as a guide to inform the risk of dust emissions. The Delegated Officer also considers that the provisions of Section 49 of the Environmental Protection Act 1986 are sufficient to regulate dust emissions during operation, therefore the risk is considered low and does not require any further controls. No additional conditions are required on the licence as a result of the amendment application.
		Noise: associated with the delivery and disposal of waste	Nearest residence is approximately 1.4 k m from the Premises	Air / Wind dispersion	Amenity to nearby noise sensitive receptors	Slight	Unlikely	Low	The Licence Holder has an ongoing requirement to comply with the Prescribed standard for noise emissions, as set out in the Environmental Protection (Noise) Regulation 1997 and

Licence: L6882/1997/13

									therefore the risk is considered low .
		Asbestos fibres	Nearest residence is approximately 1.4 k m from the Premises	Air / Wind dispersion	Health impacts	Moderate	Rare	Moderate	Current licence condition 1.3.6 ensures that sufficient cover is provided and maintained as soon as practicable after disposal. The Delegated Officer also considers that the Licensee has an ongoing capping requirements relating to Licence condition 1.3.6, therefore does not require any further controls to manage risks associated to asbestos disposal. No additional conditions are required on the licence as a result of the amendment application.

Decision

The Delegated Officer has determined that an amendment be made to the Licence to extend the landfill footprint to allow for the disposal of asbestos waste (Special Waste Type 1).

The Schedule 1 map has been amended to incorporate the new premises boundary.

DWER intends to commence undertaking a detailed risk review of the Licence to align the Licence with the risk based Regulatory Framework. The full risk based review will incorporate this amendment into the Revised Licence.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Notice on 12 March 2018. The Licence Holder responded on 13 March 2018 waiving the remaining comment period.

Amendment

1. The Licence is amended by the insertion of the following Condition 1.3.20:

1.3.20 *The Licensee must not depart from the specifications in Table 1.3.4 except:*

- (a) *where such departure is minor in nature and does not materially change or affect the infrastructure; or*
- (b) *where such departure improves the functionality of the infrastructure and does not increase risks to public health, public amenity or the environment;*
and all other Conditions in this Licence are still satisfied.

Table 1.3.4: Works specifications

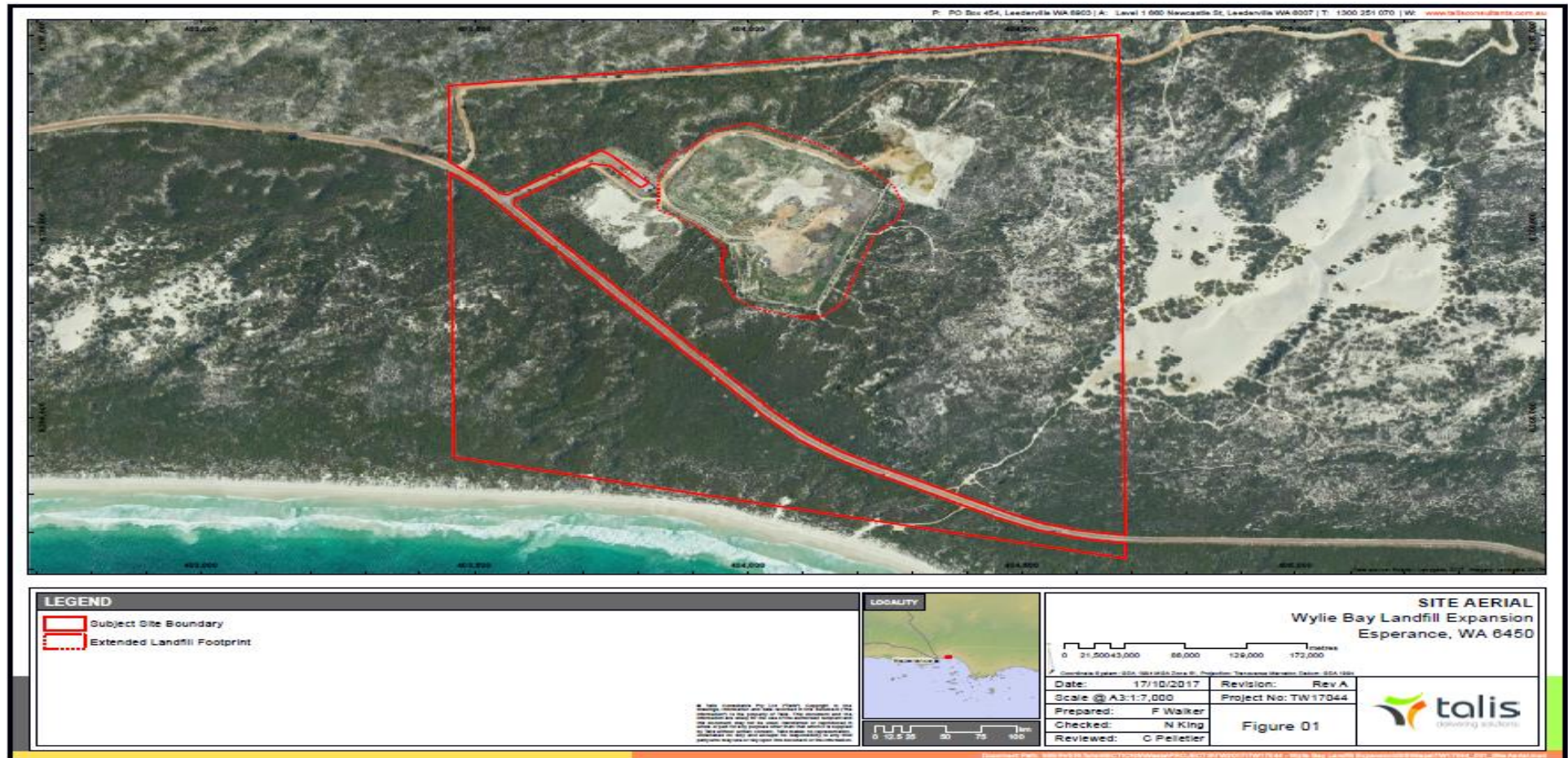
Column 1 Infrastructure ¹	Column 2 Specifications (design and construction)
<u>Asbestos disposal landfill area: as shown in the plan in schedule 1 of the licence</u>	<u>The License Holder must ensure that the extended landfill area:</u> <ol style="list-style-type: none">1. <u>is designed to accept asbestos waste;</u>2. <u>will be no greater than 43,500 cubic metres (m³) in volume;</u>3. <u>will not involve the clearing of more than 2,780 square metres (m²) or 0.28 ha of vegetation;</u>4. <u>is not constructed within 35m of the premises boundary.</u>

2. The Licence is amended by replacing the Premises layout map in Schedule 1 with the Premises layout below:

Schedule 1: Maps

Premises layout

The Premises layout map is shown in the map below. The solid red line depicts the Premises boundary and the dotted red line depicts the final extended landfill footprint.



Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L6882/1997/13 – Wylie Bay Sanitary Landfill Site	L6882/1997/13	accessed at www.dwer.wa.gov.au
2	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	accessed at www.dwer.wa.gov.au
3	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
4	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016a	
5	DER, November 2016. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2016b	
6	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2016c	

Appendix 2: Clearing permit



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 4680/3

File Number: 2011/006844-3

Duration of Permit: From 16 January 2012 to 31 December 2024

PERMIT HOLDER

Shire of Esperance

LAND ON WHICH CLEARING IS TO BE DONE

Lot 5 on Deposited Plan 61342 (Bandy Creek, 6450)

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 3.73 hectares of native vegetation within the area cross-hatched yellow on attached Plan 4680/3.

CONDITIONS

1. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 31 December 2019.

2. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

3. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) Prior to 31 March 2020, *revegetate* and *rehabilitate* the area cross-hatched yellow on attached Plan 4680/3 by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) laying the vegetative material and topsoil retained under condition 3(a) on the cleared area.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 3(b) of this Permit:
 - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and

- (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 3(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.
 - (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 3(c)(ii) of this permit, the Permit Holder shall repeat condition 3(c)(i) and 3(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
 - (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 3(c)(i) and 3(c)(ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 3(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 3(c)(ii).
- 4. Records to be kept**
- The Permit Holder must maintain the following records for activities done pursuant to this Permit:
- (a) In relation to the clearing of native vegetation authorised under this Permit:
 - (i) the species composition, structure and density of the cleared area;
 - (ii) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (iii) the date that the area was cleared; and
 - (iv) the size of the area cleared (in hectares).
 - (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 3 of this Permit:
 - (i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
 - (v) a copy of the environmental specialist's report.
- 5. Reporting**
- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
 - (i) of records required under condition 4 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
 - (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
 - (c) Prior to 30 September 2024, the Permit Holder must provide to the CEO a written report of records required under condition 4 of this Permit where these records have not already been provided under condition 5(a) of this Permit.

DEFINITIONS

The following meanings are given to terms used in this Permit:

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

environmental specialist means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit, or who is approved by the CEO as a suitable environmental specialist.

fill means material used to increase the ground level, or fill a hollow;

local provenance means native vegetation seeds and propagating material from natural sources within 20 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared.

mulch means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

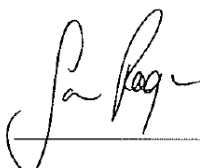
regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) contained either within the topsoil or seed-bearing mulch;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

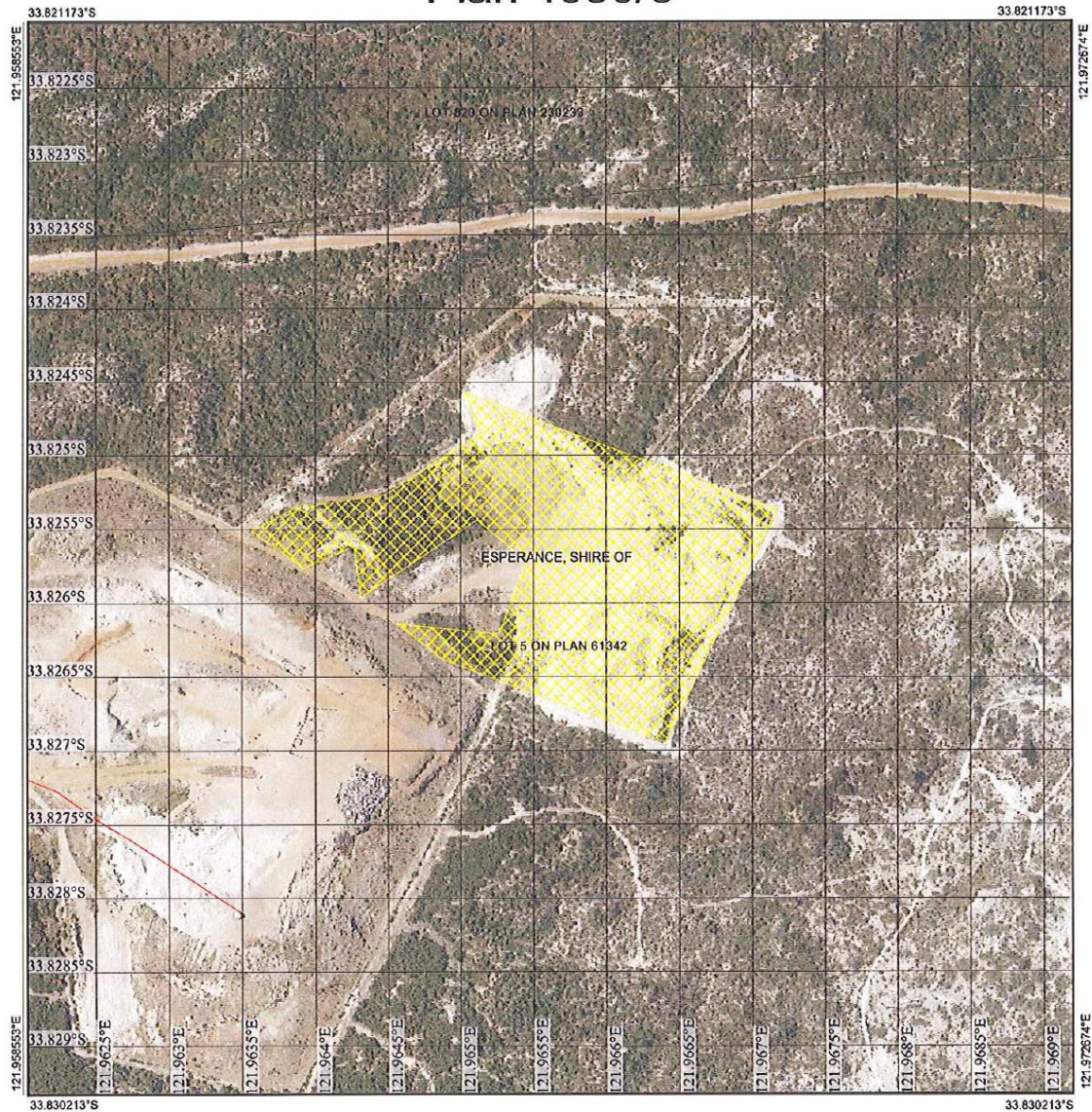


Samara Rogers
A/ MANAGER
CLEARING REGULATION

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

14 July 2016

Plan 4680/3



Legend

- Roads
- Imagery
- Clearing Instruments Activities
- Local Government Authority
- Cadastre

0 100m

1:3,500

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Samara Rogers Date 14/7/2016

Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

GOVERNMENT OF
WESTERN AUSTRALIA

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1. Application details

1.1. Permit application details

Permit application No.: 4680/3
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Shire of Esperance

1.3. Property details

Property: LOT 5 ON PLAN 61342, BANDY CREEK
Colloquial name:
Local Government: Shire of Esperance
Authority:
DER Region: Goldfields
DPaW District: Esperance
LCDC: Esperance
Localities: Bandy Creek

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
3.73		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit: Grant
Decision Date: 14 July 2016
Reasons for Decision: The applicant has applied to amend clearing permit CPS 4680/2 to extend the period in which clearing is authorised to 31 December 2019.

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*, and has concluded that the proposed clearing may be at variance to Principle (g) and is not likely to be at variance to any of the remaining clearing principles.

Through assessment it has been determined that the proposed clearing is unlikely to have any significant environmental impacts. State policies and other relevant policies have been taken into consideration in the decision to grant a clearing permit.

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
The area under application is mapped as Beard Vegetation Association 42: Shrublands; mallee and acacia scrub on south coastal dunes (Shepherd et al., 2001).	The applicant proposes to clear 3.73 hectares for the purpose of sand extraction within Lot 5 on Deposited Plan 61342, Bandy Creek, Shire of Esperance.	Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994)	The vegetation condition was determined via aerial imagery.

3. Assessment of application against clearing principles

Comments: The application to amend clearing permit CPS 4680/2 is to extend the period in which clearing is authorised to 31 December 2019.

Consideration has been given to impacts to biodiversity, significant fauna habitat, rare flora, threatened ecological communities, remnant vegetation values, wetlands, watercourses, land degradation, surface water quality, groundwater quality, and flooding. The assessment of the clearing principles is consistent with the assessment in clearing permit decision report CPS 4680/2 and clearing permit decision report CPS 4680/1.

Planning Instruments and other relevant matters.

Comments The application area is adjacent to the Shire of Esperance's landfill site. The applicant has advised that this proposal has no relationship to or implications for the current waste facility. Therefore, the current application does not require works approval. A works approval will be required if the Shire intends to utilise the area for land filling practices.

The application area is zoned as 'public purposes'.

The clearing permit application was advertised in *The West Australian* newspaper on 10 June 2016 for a seven day comment period. No public submissions were received.

Methodology GIS Database:
- Town Planning Scheme Zones

4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.