



Amendment Report

Licence Number	L6912/1997/11
Licence Holder	Shire of Broome
File Number:	2013/003936-1
Premises	Shire of Broome Refuse Site Reserve 40813 Lot 228 Buckleys Road
Date of Report	24/01/2020

1. Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
AER	Annual Environment Report
Amendment Report	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CS Act	<i>Contaminated Sites Act 2003 (WA)</i>
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (WA)</i>
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
Licence Holder	Shire of Broome
Minister	the Minister responsible for the EP Act and associated regulations
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 Amendment Report

Term	Definition
	applies, as specified at the front of this Amendment Report.
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>

2. Amendment Description

The following guidance statements have informed the assessment and decision outlined in this Amendment Report.

- *Guidance Statement: Regulatory Principles (July 2015)*
- *Guidance Statement: Setting Conditions (October 2015)*
- *Guidance Statement: Licence Duration (August 2016)*
- *Guidance Statement: Decision Making (February 2017)*
- *Guidance Statement: Risk Assessment (February 2017)*
- *Guidance Statement: Environmental Siting (November 2016)*

2.1. Purpose and scope of assessment

The Licence Holder has applied for a licence amendment to the Existing Licence L6912/1997/12. The Licence Holder has requested an amendment to condition G5 in the Existing Licence to allow above ground waste placement within 15m of the premises boundary.

2.2 Consolidation of Licence

As part of this amendment package DWER has consolidated the licence by incorporating changes made under the following Amendment Notices:

- *Amendment Notice 1, granted 26 April 2016 – Extend expiry date to 10 June 2028*

The obligations of the Licence Holder have not changed in consolidating the licence. DWER has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices.

In consolidating the licence, the Delegated Officer has:

- *updated the expiry date of the Licence;*
- *updated the format of the Licence cover page;*
- *removed outdated 'AACR' form template and updated text indicating that this template is available on the Department's website; and*
- *made administrative changes reflecting changes to the Department's name and contact details*

Previously issued Amendment Notices will remain on the DWER website for future reference and will act a record of DWER's decision making.

3. Amendment history

Table 2 provides the amendment history for L6912/1997/11.

Table 2: Licence amendments

Instrument	Issued	Amendment
L6912/1997/11	1/08/2011	Licence amendment
L6912/1997/11	3/11/2011	Appeal amendment

L6912/1997/11	03/11/2012	Greenwaste amendment
L6912/1997/11	13/12/2012	Posi-shell triall
L6912/1997/11	26/04/2016	Amendment Notice 1 – extend expiry date 10 June 2028
L6912/1997/11	24/01/2020	Change above ground waste disposal buffer distance.

4. Location and receptors

Table 3 below lists the relevant sensitive land uses in the vicinity of the Prescribed Premises which may be receptors relevant to the proposed amendment.

Table 3: Receptors and distance from activity boundary

Residential and sensitive premises	Distance from Prescribed Premises
Residential premises	660m south east of Landfill south east boundary corner. 900m west of landfill

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

Table 4: Environmental receptors and distance from activity boundary

Environmental receptors	Distance from Prescribed Premises
Public Drinking Water Areas	5km north east
RIWI Act Groundwater Ares	Premises lies within Broome Groundwater area
Threatened and Priority Flora	2150m north west of north western boundary
Threatened Ecological Communities	Premises within Mangarr (relic dune system dominated by extensive stands of Minyjara)
Threatened Fauna	1200m west: <i>Falco peregrines</i> , <i>Fregata ariel</i> and <i>Stern hirundo</i> 1000m south: <i>Calidris acuminata</i> , <i>Calidris ruficollis</i> , <i>Charadrius veredus</i> , <i>Fregata ariel</i> , <i>Limosa limosa</i> , <i>Numenius madagascariensis</i> , <i>Tringa nebularia</i> , <i>Tringa stagnatilis</i> , <i>Arenarai interpres</i> , <i>Calidris canutus</i> , <i>Calidris ferruginea</i> , <i>Calidris subminuta</i> , <i>Calidris tenuirostris</i> , <i>Charadrius mongouls</i> , <i>Hirundo rustica</i> , <i>Limosa lapponica</i> , <i>Numenius minutus</i> , <i>Stern hirundo</i> , <i>Calidris alba</i> , <i>Pluvialis squatarola</i> , <i>Sula leucogaster</i> and <i>Tringa glareola</i>
Surface water body - wetland	320m north and 600m west of the landfill

5. Risk assessment

Tables 5 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 5: Risk assessment for proposed amendments during operation

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
Class II putrescible landfill	Dust	<p>Air/windborne pathway causing impacts to health and amenity of closest human receptors.</p> <p>Nearest sensitive receptor is located 660m southeast of the Premises</p>	<p>Unsealed roads and stockpiles to be wet down with water cart as required. Site traffic speed is limited. Ongoing visual inspection for dust emissions. Posi-shell is used as cover material.</p>	Minor	Unlikely	Low	<p>The Applicant's proposed dust mitigation controls are likely to be sufficient at mitigating dust emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises</p>	20
	Noise	<p>Air/windborne pathway causing impacts to health and amenity of closest human receptors.</p> <p>Nearest sensitive receptor is located 660m southeast of the Premises</p>	<p>Operations occur between 7.30am and 3.30pm weekdays and 8.00am to 2.00 pm weekends. Regular machinery servicing.</p>	Minor	Unlikely	Low	<p>The Applicant's proposed noise mitigation controls are likely to be sufficient at mitigating noise emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises</p>	<p>The Delegated Officer considers the <i>Environmental Protection (Noise) Regulations 1997</i> sufficient to regulate noise emissions from the premises.</p>

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
	Odour	<p>Air/windborne pathway causing impacts to health and amenity of closest human receptors.</p> <p>Nearest sensitive receptor is located 660m southeast of the Premises</p>	Posi-shell used as cover material. Waste volumes less than 30,000 tonnes. Landfill operations.	Minor	Unlikely	Low	<p>The Applicant's proposed odour mitigation controls are likely to be sufficient at mitigating odour emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises</p>	The Delegated Officer considers that the provisions of Section 49 of the <i>Environmental Protection Act 1986</i> are sufficient to regulate odour emissions.
	Windblown litter	<p>Air/windborne pathway causing impacts to amenity.</p> <p>Nearest sensitive receptor is located 660m southeast of the Premises</p>	<p>1.8m cyclone fence surrounds premises boundary. Routine daily litter collections. Immediate cover material is placed over waste as it is disposed to the tipping face. Tipping face size is minimised to reduce open face surface area. Use of Posi-shell to cover waste.</p>	Minor	Unlikely	Low	<p>The Applicant's proposed litter mitigation controls are likely to be sufficient at mitigating litter emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises</p>	13,14

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
	Seepage from leachate	Leachate causing impacts to groundwater from the increase of nutrients, metals, heavy metals and Hydrocarbons into the environment. Groundwater at the Premises is 5.68m TOC.	Posi-shell is used as cover material. Compaction of waste. Small tipping faces. Acceptance limited to Class II material. Capping over areas that are final.	Moderate	Possible	Medium	<p>The Applicant's proposed seepage mitigation controls are likely to be sufficient at mitigating seepage emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises</p>	1-3, 28-35
	Fire	<p>Air/windborne pathway causing impacts to health and amenity of closest human receptors from smoke.</p> <p>Nearest sensitive receptor is located 660m southeast of the Premises</p>	Use of Posi-shell as cover material. Water cart at the premises. Security fence and guards visit the site at night. Staff monitor waste disposal and constantly inspect for fire.	Moderate	Possible	Medium	<p>The Applicant's proposed fire mitigation controls are likely to be sufficient at mitigating fire emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from</p>	10, 11, 12, 15, 16, 21-24

Risk Event				Consequence rating ¹	Likelihood rating ¹	Risk ¹	Reasoning	Regulatory controls (refer to conditions of the granted instrument)
Source/Activities*	Potential emissions	Potential receptors, pathway and impact	Applicant controls					
							the premises	
	Contaminated Stormwater and sediment	<p>Overland runoff causing impacts to onsite flora, surface water and threatened fauna from the increase of suspended solids, nutrients, metals, heavy metals and Hydrocarbons into the environment.</p> <p>Surface water located 320m north and 660m west.</p> <p>Groundwater at the Premises is 5.68m TOC.</p>	Stormwater drains constructed onsite will divert uncontaminated stormwater and sediment away from the operational areas and into an onsite stormwater sump for infiltration. Sediments will be contained in this sump. Drains kept clear. Contaminated stormwater that has come into contact with waste will be diverted into a sump on the premises.	Minor	Unlikely	Low	<p>The Applicant's proposed stormwater mitigation controls are likely to be sufficient at mitigating sediment, surface and groundwater emissions.</p> <p>The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises</p>	25-39

6. Consultation

Table 6: Summary of consultation

Method	Comments received	DWER response
Applicant referred draft documents (23/12/2019)	Response provided 30/12/2019 - No comments	N/A

7. Conclusion

The Delegated Officer considers that allowing the placement of waste above ground within 15m of the boundary will not impact emissions from the premises

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a licence amendment will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

7.1. Summary of amendments

Table 7 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 7: Licence amendments

Condition No.	Proposed amendments
-	Change File number and Expiry date
G5 (i)	The licensee shall: (i) ensure that no waste is placed closer than 10 metres to the premises boundary for below ground disposal, closer than 20 metres for greenwaste and 35 15 metres for above ground disposal;

Stephen Checker
MANAGER WASTE INDUSTRIES
REGULATORY SERVICES

An officer delegated by the CEO under section 20 of the EP Act

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L6912/1997/11 – Broome Refuse Site	L6912/1997/11	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 2016b	
5	DWER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017b	
6	DWER, June 2019 <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2019a	
7	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.	DER2019b	