



Intent to Transfer Licence

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

Licence Number	L7102/1997/8
Licence Holder	City of Bayswater
File Number	DEC6825/1
Premises	Bayswater Transfer Station 271 Collier Road BAYSWATER WA 6053 Legal description - Lot 102 on Diagram 55521 (as depicted in Schedule 1) Certificate of Title Volume 1527 Folio 874 As defined by the coordinates in Schedule 1
Date of Report	04 August 2020
Decision	Licence Transfer Granted

Michael Greenslade
A/MANAGER WASTE INDUSTRIES
REGULATORY SERVICES

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

1. Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
Annual Audit Compliance Report (AACR)	Means a report submitted in a format approved by the CEO (AACR available on the Department's website under publications)
ACN	Australian Company Number
Amendment Notice	refers to this document
AS 4332-2004	means the Australian Standard AS 4332-2004 (R2016) <i>The Storage and Handling of Gases in Cylinders</i>
AS/NZS 1596:2016	means the Australian/New Zealand standard AS/NZS 1596: 2014 <i>The Storage and Handling of LP Gas</i>
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
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.
DFES	Department of Fire and Emergency Services
DWER	Department of Water and Environmental Regulation As of 1 July 2017, the Department of Environment Regulation (DER), the Office of the Environmental Protection Authority (OEPA) and the Department of Water (DoW) amalgamated to form the Department of Water and Environmental Regulation (DWER). DWER was established under section 35 of the <i>Public Sector Management Act 1994</i> and is responsible for the administration of the <i>Environmental Protection Act 1986</i> along with other legislation.
EPA	Environmental Protection Authority

EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (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
Hazardous waste	has the same meaning given to that term under the Landfill Definitions
ISO 9533:2010	ISO 9533:2010 Machine-mounted audible travel alarms and forward horns – Test methods and performance criteria
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	City of Bayswater
LPG	liquefied petroleum gas
m ³	cubic metres
m/day	metres per day
Minister	the Minister responsible for the EP Act and associated regulations
Section 72 Form (s72)	Means a report submitted in a format approved by the CEO (s72 available on the Department’s website under duty to notify discharges of waste)
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>
tpa	tonnes per annual period

2. Amendment Description

The amendment is limit to the transfer of Licence L7102/1997/8 from Cleanaway Pty Ltd to the City of Bayswater. This request was made at the request of the City of Bayswater.

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: Decision Making (February 2017)*

2.1 Purpose and scope of assessment

The assessment of the transfer application is limited to a review of ownership details to determine if a Licence transfer may occur and minor administrative corrections. There are no proposed changes to the current approved Premises categories or design capacity.

2.2 Revision of Licence

As part of this Licence transfer, DWER has updated the licence with minor administrative corrections and reformatting of the Licence to the current DWER template.

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

In consolidating the licence, DWER has:

- Updated the format and appearance of the Licence;
- Amalgamated Licence amendment notices;
- Deleted the redundant Annual Audit Compliance Report form set out in schedule 1 of the previous Licence and advise the Licence Holder to obtain the form from the department's website;
- Deleted the redundant N1 form set out in schedule 1 of the previous Licence;
- Revised Licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency;
- Reformatted remaining conditions;
- Corrected clerical mistakes and unintentional errors; and
- Made minor changes to certain conditions, with the addition of reporting and notification timeframes.

3. Licence history

Table 2 provides the amendment history for Licence L7102/1997/8.

Table 2: Licence History

Instrument	Issued	Description
L7102/1997/8	18/07/2013	Reissued Licence
L7102/1997/8	19/03/2015	Amendment to premises description, stormwater management and requirements to manage doors on facility

L7102/1997/8	23/10/2015	Amendment to authorize temporary outside storage of waste
L7102/1997/8	10/12/2015	Removal of Special Waste Type 1 from the Licence
L7102/1997/8	19/05/2015	Change of Licence Holder name
L7102/1997/8	29/08/2017	Amendment Notice 1: Increase in Premises throughput
L7102/1997/8	27/04/2018	Amendment Notice 2: Receipt of waste oil, hydrocarbon containers and batteries. Removed requirement for putrescible waste processing to be undertaken in a bunded building
L7102/1997/8	04/08/2020	Licence transfer and amalgamation of previous amendment notices

4. Risk assessment

The Delegated Officer has determined that the transfer of the Licence is an administrative amendment which does not alter the risk profile of the premises. The Premises shall continue to operate in accordance with the original licence conditions and regulatory requirements, and there is to be no change in the potential emissions associated with the transfer of the Licence Holder of the facility.

5. Conclusion

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

5.1 Summary of amendments

Table 3 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 3: Summary of Licence amendments

Condition no.	Proposed amendments
Cover page	Updated Licence Holder details.
	Updated as per Licence Amendment Notice 1 to increase production/design capacity.
	Removed reference to Australian Company Number.
1 (and Table 1)	Amalgamated as per Licence Amendment Notices 1 & 2 to include throughput, waste types and quantity limits.
3 (and Table 2)	Amalgamated as per Licence Amendment Notices 1 & 2 to include waste types, process and process limits.

Condition no.	Proposed amendments
4(c)	Inclusion of timeframe for fence repairs for clarity
14	Inclusion of notification timeframe for weighbridge calibration issues
Table 3	Included waste types as per Licence Amendment Notice 2.
Premises map	Updated to more recent aerial photo

A conversion map table has been utilised to reformat into the current Licence template.

Table 4: Licence conversation map for new Licence format

Existing Licence condition	Condition Summary	Revised Licence condition	Conversion notes
1.1.1	Section 1 Interpretation of definitions.	Table 4 - Definitions	Current format of standard conditions
1.1.2	Section 1 Interpretation of definitions.	Table 4 - Definitions	Current format of standard conditions
1.1.3	Section 1 References to standards	Interpretation	Current format of standard conditions
1.1.4	Section 1 Reference to guideline or Code of Practice	Interpretation	Current format of standard conditions
1.2.1	Premises operation – Waste acceptance	1	Reworded and renumbered (1.2.1 – 1). Updated to new licence format and amalgamated as per: <ul style="list-style-type: none"> • Licence Amendment Notice 1 to include increase in throughput; and • Licence Amendment Notice 2 to include waste types, process and process limits.
1.2.2	Waste removal	2	Updated wording and numbering
1.2.3 (and Table 1.2.3)	Waste processing	3 (and Table 2)	Updated wording, numbering and table to include amendment notices 1 & 2.

1.2.4(c)	Security measures	4(c)	Updated wording, numbering and included a timeframe fence repairs
1.2.5	Pest control measures	5	Updated wording and numbering.
1.2.6	Wind-blown waste	6	Updated wording and numbering.
1.2.7	Burning of waste	7	Updated wording and numbering.
1.2.8	Odour controls	8	Updated wording and numbering.
1.2.9	Leachate controls	9	Updated wording and numbering.
1.2.10	Stormwater diversion	10	Updated wording and numbering.
1.2.11	Contaminated water	11	Updated wording and numbering.
2.1.1	Weighbridge calibration	12	Updated wording and numbering.
2.1.2	Weighbridge issues	13	Updated wording, numbering and
new	Reporting of weighbridge issues	14	Included condition to set timeframe for notification
2.2.1 (and Table 2.2.1)	Monitoring of inputs and outputs	15 (and Table 3).	Updated wording and numbering. Included waste types, process and process limits, as per Licence Amendment Notices 1 & 2.
3.1.1	Records required	16	Updated wording and numbering.
3.1.2	Annual Audit Compliance Report	17	Updated wording and numbering. Included timeframe for submission and reference to the form on the department's website.
3.1.3	Complaints management	18	Updated wording and numbering and corrected numbering error.
3.2.1 (and Table 3.2.1)	Requirements of Annual Environmental Report.	19 (and Table 4)	Updated wording and numbering.

Table 3.3.1	Notification	Removed condition	Notification and reporting requirements captured by AACR and s.72 reporting obligations
Interpretation	Definitions	Table 5	Updated to new licence format.
Schedule 1	Map	Schedule 1	Updated premises map to new format.
Schedule 2	Premises boundary coordinates	Schedule 2	Updated to include premises boundary coordinates.

Appendix 1: Key documents

Table 5: Key documents

Document title	Availability
Licence number: L7102/1997/8	Available at www.dwer.wa.gov.au
Amendment Notice 1	
Amendment Notice 2	
DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	
DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	
DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	
DER, February 2017. <i>Guidance Statement: Land Use Planning</i> . Department of Environment Regulation, Perth.	
DER, February 2017 <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	
DWER, June 2019. <i>Guideline: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	
DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.	
DER, July 2015. <i>Guidance Statement: Regulatory Principles</i> . Department of Environment Regulation, Perth.	

Appendix 2: Summary of Licence Holder's comments on draft amendment

Condition	Summary of Licence Holder's comment	DWER response
4(c)	Request to allow for seven working days, subject to temporary measure to be put in place to repair fence, until the repair is completed due to Local Government procurement processes.	Request was determined to be reasonable and condition was amended to allow seven days for fence repair, with temporary interim measure/s put in place until the repair/s is completed.