



Application to amend licence

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

Licence number	L7315/1998/8
Licence holder	Shire of Wyndham East Kimberley
DWER file number	DER2014/002738-1
Premises	Kununurra Waste Disposal Site Crown Reserve 28875 Victoria Highway KUNUNURRA WA 6743 Being Lots 2464 and 2465 on Plan 195310 as depicted in Schedule 1
Date of report	02 September 2019
Decision	Amendment Granted

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
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 10 JOONDALUP DC WA 6919 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.
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 amendment
Licence Holder	Shire of Wyndham East Kimberley
m ³	cubic metres
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.

Amendment Report

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

This amendment is limited only to an amendment to extend the licence duration. No changes to the aspects of the original licence relating to Category 64, 61, or 57 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: Licence Duration* (August 2016)
- *Guidance Statement: Decision Making* (February 2017)

Amendment description

An application was received from the Shire of Wyndham East Kimberley on 02 July 2019 for the extension of the licence period from 27 October 2019 to 30 June 2026. The landfills current *Landfill Closure Management Plan – Kununurra Waste Disposal Facility 2013* identifies that the remaining operating life would be exhausted by 2021, however a survey of the landfill area conducted in June 2019 indicated that the landfill still has an estimated capacity to accept up to 197,445m³ waste. The current average waste acceptance utilises 28,600m³ of airspace annually. Based on this data, the estimated remaining lifespan of the landfill is 6.9 years.

The shire is currently undertaking waste minimisation strategies including recycling e-waste and recycling used tyres to reduce the amount of waste ending in landfill. The Licence Holder expects the introduction of the CDS scheme in 2020 to further reduce the annual landfill quantities.

The Licence Holder is currently in the process of acquiring land to establish a new landfill facility and the proposed expiry date will align with the expected operation of the new facility and allow for rehabilitation works to commence at the existing facility.

CEO Initiated amendment

The CEO initiated an amendment to the type and style of the licence during June 2019 and has issued a revised licence incorporating all of the recent amendment notices. The obligations of the Licence Holder have not changed in making this amendment. During the consolidation of amendment notices; DWER has not undertaken any additional risk assessment of the Premises.

The CEO has:

- Incorporated the Amendment Notice 1 issued 18 May 2017 and Amendment Notice 2 issued 02 May 2018;
- Updated the style and appearance of the Licence;
- Deleted the redundant AACR form set out previously in Schedule 2 of the Licence. The Licence Holder is advised to obtain the form from the Department's website;
- Corrected clerical mistakes and unintentional errors.

Amendment Notices 1 and 2 are located in Appendix 3 of this Amendment Report.

Amendment history

Table 2 provides the amendment history for L7315/1998/8.

Table 2: Licence amendments

Instrument	Issued	Amendment
L7315/1998/8	08/05/2014	Licence amendment and converted into REFIRE format
L7315/1998/8	04/06/2015	Licence amendment for storage of scrap metal, recording of waste quantities, Category 64 licence production and design capacity increase, correction of Category 57 tyre storage capacity, additional of groundwater monitoring bores and Hydrogeological assessment.
L7315/1998/8	29/4/2016	Licence amendment for the extension of the Licence duration to 27/10/2019
L7315/1998/8	18/05/2017	Amendment Notice 1: for the construction and operation of the Bioremediation Facility
L7315/1998/8	02/5/2019	Amendment Notice 2: to increase tyres stored at the tyre storage area to 500.
L7315/1998/8	02/09/2019	Amendment to licence to extend licence duration from 27/10/2019 to 30 June 2026. The Amendment includes a CEO initiated consolidation of Amendment Notices 1 and 2 into the Licence. During the consolidation DWER has not undertaken any additional risk assessment.

Decision

The application included supporting documentation as evidence that there is sufficient capacity remaining within the landfill area to accept a further 197,445m³ of waste. If the landfill continues to accept 28,600m³ waste annually, the Delegated Officer determined the landfill has sufficient capacity to continue until 2026.

The Delegated Officer has considered that the location of the Premises has a significantly high water table (0.6-2.71 mbgl) and is situated adjacent to a RAMSAR classified wetland and is considered a high-risk location for waste disposal. Considering the Premises siting, the Delegated Officer has decided to grant an extension to the licence period to 30 June 2024 rather than the requested 30 June 2026.

The Delegated Officer notes that the Licence Holder is in the process of acquiring a future landfill location and considers the extension of the Existing Licence period to 30 June 2024 allows sufficient time to acquire and prepare land suitable for a new landfill, and commence the post-closure rehabilitation of the site.

Licence Holder's comments

The Licence Holder was provided with the draft Amendment Report on 02 August 2019. No comments were received from the Licence Holder.

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Licence L7315/1998/8 Kununurra Waste Disposal Site	L7315/1998/8	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, August 2016. <i>Guidance Statement: Licence Duration</i> . Department of Environment Regulation, Perth.	DER 2016a	
4	DER, November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.	DER 2016c	

Appendix 2: Amendment Notices 1 and 2