



Application to renew a licence

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

Licence Number	L8496/2010/3
Licence Holder	Shire of Kellerberrin
File Number	DER2016/001859-1 – FA271926
Premises	Kellerberrin Waste Transfer Station Lot 28416 Inverarity Road KELLERBERRIN WA 6410 As defined by the Premises map and coordinates attached to Schedule 2 of the licence
Date of Report	27 November 2023
Decision	To grant a licence

Neville Welsh
SENIOR INDUSTRY LICENSING OFFICER
REGULATORY SERVICES
Officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L8496/2010/2 without conducting any additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence the Delegated Officer has determined to

- update the format and appearance of the licence;
- remove redundant conditions;
- include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence conditions and consolidate existing pollution control conditions;
- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L8496/2010/3 subject to conditions set out in the attached licence.

2. Scope of assessment

2.1 Application summary

Application dated 12 October 2023 from the Shire of Kellerberrin (licence holder) applied to renew licence L8496/2010/2 as it is due to expire on 28 November 2023. The licence was granted to the licence holder for the premises located at Lot 28416 Inverarity Road, Kellerberrin known as the Kellerberrin Waste Transfer Station (Premises).

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 62: Solid Waste Depot	500 tonnes or more per year

The main activities occurring on the Premises include acceptance of waste from the Kellerberrin community and on-site storage prior to transport to the Northam landfill for final disposal. The facility is manned and open Friday to Monday with self-cart household rubbish being deposited by the public into open top steel front lift bins which are removed as required by Avon Waste. Scrap metal waste is accepted by the transfer station and is stored in a stockpile on site before being removed by a scrap metal recovery contractor. Green waste is also accepted by the premises along with a waste oil collection facility. No asbestos is accepted on site. The transfer station is fully fenced and locked when not in operation.

2.2 Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises instead conducted an administrative licence renewal in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position October 2022*.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

3. Considerations for issuing a new licence

3.1 Compliance and enforcement actions

There have been no incidents or complaints identified at the Premises in the last five years. There have been no enforcement actions taken against the occupier in the last 5 years regarding compliance with the licence.

3.2 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises.

3.3 Categories of the licence

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds a licence and which was previously assessed.

3.4 Planning approval

The licence holder as a public works utility is exempt from requiring a planning approval.

4. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Table 2 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions changes, description and rationale

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
Condition numbering and layout	-	-	Updated to reflect current DWER format
Introduction	-	-	Removed to reflect current DWER structure
1. General	Interpretation General conditions	-	
1.3.4	Site Security	-	Removed, requirement is covered under the <i>Occupiers Liability Act 1985 (WA)</i> and <i>Security of Critical Infrastructure Act 2022</i>
1.3.5	Pest control	-	

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
1.3.6	Windblown waste	-	(Cth) and is a duplicated required outside the regulatory span of control for the EP Act
1.3.7	Fire prevention	-	Removed as no longer relevant
3. Improvements	-	-	
4.2 Reporting	Annual Environmental Report	-	No longer required as part of <i>Notice of amendment of Licence Reporting requirements section 59(2), section 59(1)(a) and 59(1)(b) Environmental Protection Act 1986 Licence Prescribed Premises</i>
Definitions	-	-	Definitions removed: AS/NZS 5667.10, discharge, emission, NATA and NATA accredited.
Forms	-	-	Removed Notification Form N1, to be consistent with current licence format.

5. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table .

Table 3: Consultation

Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 7 November 2023.	No comments were received when submissions closed on 25 November 2023.	N/A
Applicant was provided with draft documents on 7 November 2023. Comments due back before 23 November 2023	No comments were received.	N/A