



## Application for a replacement Licence

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

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<b>Licence Number</b>	L9395/2023/1
<b>Licence Holder</b>	Mindarie Regional Council
<b>File Number</b>	DER2023/000416
<b>Premises</b>	Tamala Park Waste Management Facility 1700 Marmion Avenue CLARKSON WA 6030 Being part of Lot 9020 on Plan 408820 as depicted in Schedule 1 of attached to the issued licence
<b>Date of Report</b>	21/07/2023
<b>Decision</b>	To grant a licence

**SENIOR MANAGER WASTE INDUSTRIES  
REGULATORY SERVICES**

An officer delegated by the CEO under section 20  
of the *Environmental Protection Act 1986*

## 1. Decision summary

On 28 June 2023 the Mindarie Regional Council (licence holder) applied for a new licence, as previous licence L6963/1997/14 'ceased to have effect' due to non-payment of annual fees within specified timeframes.

The Delegated Officer has decided to process the application for a new (replacement) licence L9395/2023/1 without conducting any additional risk assessment.

Licence L9395/2023/1 is granted to the licence holder for the premises located at Tamala Park Waste Management Facility 1700 Marmion Avenue, Clarkson, WA; being part of Lot 9020 on Plan 408820 (Premises).

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- 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 where relevant;
- transfer all existing regulatory controls and conditions to the new licence; and
- retain a consistent expiry date with that specified on the previous licence (2030 expiry).

## 2. Scope of assessment

### 2.1 Application summary

On 28/06/2023 Mindarie Regional Council (licence holder) applied for new licence L9395/2023/1, as previous licence L6963/1997/14 ceased due to non-payment of annual fees within specified timeframes. No further changes or modifications have been sought alongside the reinstatement of the licence and therefore the assessment process is administrative.

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> )	Assessed production / design capacity
Category 12: Screening, etc. of material	1,500,000 tonnes per annual period
Category 57: Used tyre storage (general):	500 tyres (at any one time)
Category 61: Liquid waste facility:	500 tonnes per annual period
Category 61A: Solid waste facility:	1,500 tonnes per annual period
Category 62: Solid waste depot	15,000 tonnes per annual period
Category 64: Class II or III putrescible landfill site	350,000 tonnes per annual period
Category 77: Concrete batching or cement products manufacturing	30,000 tonnes per annual period

### 3. Regulatory framework

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises as this was previously assessed for the previous licence (L6963/1997/14). The most previous risk assessments for the premises were carried out on 12 May 2022 and 14 March 2023.

As the licence has ceased, the site does not hold a valid licence as such the application is given priority to ensure regulatory controls can be reinstated as soon as possible. In seeking to reinstate the licence, the Delegated Officer reduced the standard public consultation period to 7 days. The rationale behind the 7 days is:

- Had the annual licence fee paid by the due date the licence would have continued to be valid; and
- A valid licence provides the Department with regulatory controls to ensure the site operates in accordance with the provisions of the *Environmental Protection Act 1986*.

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>.

### 4. Considerations for issuing a new licence

#### 4.1 Categories of the licence

The requested categories and the corresponding maximum production capacities for the new licence are consistent with previously assessed categories and capacities for ceased licence L6963/1997/14.

#### 4.2 Planning approval

All planning approvals for the activities on the Premises are still valid.

### 5. 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. 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 expired licence into the new licence and the rationale for the changes made.

**Table 2: Licence conditions changes, description and rationale**

Former condition / table	New condition / table (if relevant)	Description and rationale
All	1 - 40	All conditions of licence L6963/1997/14 are a direct replacement to new licence L9395/2023/1. Licence numbers have been updated to be consistent with current DWER licence template
NA	NA	Removed Notification Form N1, to be consistent with current licence format.  While the N1 form has been removed from the licence, the Licence Holder should ensure that appropriate notification is provided to the

Former condition / table	New condition / table (if relevant)	Description and rationale
		<p>Department.</p> <p>Additional guidance has been factored into Table 11 of the licence as a result.</p> <p>Notifications can be provided to the Department at <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>.</p>

## 6. 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 10 July 2023	None	Not applicable
Applicant was provided with draft documents on 5 July 2023.	<p>MRC provided comments on 6 July 2023 noting the following:</p> <ul style="list-style-type: none"> <li>• Wording of "The licence holder shall" has been replaced with "The licence holder must"</li> <li>• "N1 form" has been replaced with "None specified"</li> <li>• Definitions section has been moved to the back of the document</li> <li>• Introduction section is not in the new draft licence</li> </ul>	<p>The department notes MRC comments on the changes in the new licence. The changes are due to the licence being updated to the departments current licence structure with associated wording and formatting.</p> <p>The Department notes the 'N1 form' has been removed and has provided additional guidance in the licence (Table 11) and Table 2 above.</p>