



Application for Licence Amendment

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

Licence Number	L9408/2023/1
Licence Holder	Shire of Ashburton
File Number	DER2023/000528
Premises	Tom Price Waste Disposal Site Lot 300 Bingarn Road TOM PRICE WA 6751
Premises address	Legal description – Crown Reserve 50203 within Lot 300 on Plan 52584 TOM PRICE WA 6751 As defined by the coordinates in Schedule 2 of the Revised licence.
Date of Report	19/09/2024
Proposed Decision	Revised licence granted

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an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

Licence L9408/2023/1 is held by Shire of Ashburton (licence holder) for the Tom Price Waste Disposal Site (the premises), located at Lot 300 Bingarn Road, Tom Price.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the premises. As a result of this assessment, revised licence L9408/2023/1 has been granted.

The Revised licence issued as a result of this amendment consolidates and supersedes the existing licence previously granted in relation to the Premises.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary

On 17 November 2023, the Shire of Ashburton submitted an application to the department to amend licence L9408/2023/1 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- The addition of a Category 13 – crushing of building material: premises on which waste building or demolition material (for example, bricks, stones or concrete) is crushed or cleaned.

The licence holder has a historic stockpile of concrete and rubble (exceeding 1,000 tonnes) which they seek to crush.

- Updating landfill cover conditions to allow for the use of landfill lids.

This amendment is limited only to adding Category 13 and modification to landfill cover under Category 64. No other aspects relating to Category 64 have been requested with this amendment.

Noting that this licence is due to expire in June 2026 the department has taken this opportunity to extend the duration of the licence by five years to allow for the ongoing operation of the site.

Table 1 below outlines the proposed changes to the existing licence.

Table 1: Proposed throughput capacity changes

Category	Current throughput capacity	Proposed throughput capacity
13	N/A	2,000 tonnes per annual period
64	30,000 tonnes per annual period	No change

2.3 Consolidation of licence

As part of this amendment package the department has consolidated the licence by incorporating changes made under the Amendment Notices as summarised in Table 2.

Table 2: Licences consolidated in this amendment

Instrument	Issued	Summary of approval
L6807/1997/8	16/05/2022	<p>Notice of Amendment of Licence Reporting Requirements to reduce the frequency of environmental reporting from annual to biennial, commencing 01/04/2022 and biennially thereafter.</p> <p>Notice of Amendment of Licence Reporting Requirements to amend the reporting date for the AACR to 01/04/2023 and annually thereafter.</p>

The obligations of the licence holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the premises related to previous Amendment Notices.

In consolidating the licence, the CEO has:

- revised licence condition's numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this Revised Licence are detailed in Section 5.1. Previously issued Amendment Notices will remain on the department's website for future reference and will act as a record of the department's decision making.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 3 below. Table 3 also details the proposed control measures the licence holder has proposed to assist in controlling these emissions, where necessary.

Table 3: Licence holder controls

Emission	Sources	Potential pathways	Proposed controls
Dust	Screening, crushing, unloading, loading and storage of material Vehicle movements	Air/windborne pathway	<ul style="list-style-type: none"> Inert Waste Type 1 (Construction and Demolition waste (C&D waste) accepted for the purposes of crushing) will be inspected prior to acceptance. C&D waste containing visible asbestos or ACM must not be accepted for crushing. Development of an Asbestos Management Plan that is consistent with the DWER guideline. Crushing and screening will be undertaken only at minimal intervals (once a year). Crushing and screening will not be undertaken if wind conditions will result in the release of dust beyond the premises boundary. C&D waste will be maintained in a damp state during mechanical treatment. Wetting down/covering of Crushed C&D waste during high winds Positioning/orientating stockpiles of C&D waste to be crushed, to minimise dust movement. Positioning/orientating stockpiles of Crushed C&D waste to minimise dust movement.
Asbestos			
Noise			<ul style="list-style-type: none"> Operations and emissions will comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. All vehicle noise reduction measures will be maintained in good working order
Windblown wastes	Disposal of putrescible wastes	Air/windborne pathway	<ul style="list-style-type: none"> Landfill lid as alternative for daily cover of putrescible wastes
Odour	Disposal of putrescible wastes		

3.1.2 Receptors

In accordance with the *Guideline: Risk assessments* (DWER 2020), the Delegated Officer has excluded employees, visitors and contractors of the licence holder’s from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 4 below provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER 2020)).

Table 4: Sensitive human receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Residents	Approximately 1.19km south-east from premises boundary
Environmental receptors	Distance from prescribed activity
<i>Rights in Water and Irrigation Act 1914</i>	The prescribed premises is within these proclaimed areas. <ul style="list-style-type: none"> • Pilbara Groundwater Area • Pilbara Surface Water Area
Surface water lines	Seasonal watercourses: <ul style="list-style-type: none"> • 75 m north of premises boundary. • 110 m south of premises boundary. • 397 m east of premises boundary.

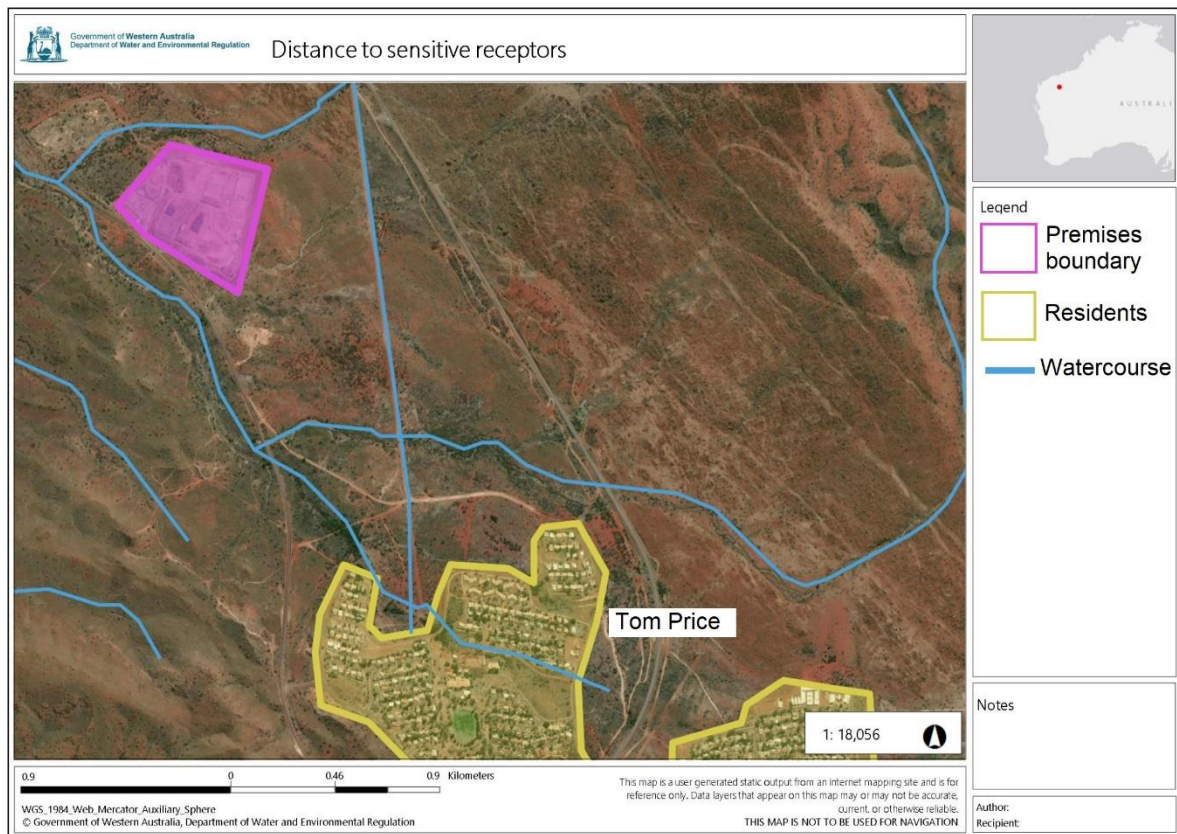


Figure 1: Distance to sensitive receptors

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete they have not been considered further in the risk assessment.

Where the licence holder has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the Delegated Officer considers the licence holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the licence holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 5.

The revised licence L9408/2023/1 that accompanies this Amendment Report authorises emissions associated with the operation of the premises.

The conditions in the revised licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Table 5. Risk assessment of potential emissions and discharges from the premises during operation

Risk Event					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
Operation								
Screening, crushing, unloading, loading and storage of material Vehicle movements	Dust	Air/windborne pathway causing impacts to health and amenity	Residents 1.19km south-east of premises.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	Condition 7, 9, 17 <u>Condition 1, 19</u>	The Delegated Officer has assessed the risk of dust generation from the primary activities and considered the distance to the nearest receptor, the quantity of material proposed to be crushed, and the frequency of this activity occurring. Additional controls have been added consistent with the licence holder's commitments.
	Asbestos fibres	Air/windborne pathway causing impacts to health	Residents 1.19km south-east of premises.	Refer to Section 3.1	C = Severe L = Unlikely High Risk	N	Condition 2, 3, 6, 7, 8 <u>Condition 1, 4, 5, 9, 10, 11, 12, 13, 14.</u>	The Delegated Officer has assessed the risk of asbestos from the primary activities and considered the distance to the nearest receptor, the quantity of material proposed to be crushed, and the frequency of this activity occurring. Additional controls have

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Risk Event					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
							<u>27, 30, 31, 36</u>	been added to the licence to reduce the risk profile.
	Noise	Air/windborne pathway causing impacts to health and amenity	Residents 1.19km south-east of premises.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	N/A	The Delegated Officer has assessed the risk of noise generation from the primary activities and considered the distance to the nearest receptor and the frequency of this activity occurring. The applicant is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Cover of putrescible wastes with landfill lid	Windblown waste	Air/windborne pathway causing impacts to health and amenity	Residents 1.19km south-east of premises. Watercourses 75 m from premises.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	Condition 7, 16, 18, 21 Condition 1	The Delegated Officer considers the applicant's controls sufficient in managing windblown waste emissions from the cover of putrescible wastes with the landfill lid. Condition 1 added to ensure landfill lid integrity maintained.
	Odour		Residents 1.19km south-east of premises.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	Condition 6, 16, 17 Condition 1	The Delegated Officer considers the applicant's controls sufficient in managing odours. Condition 1 added to ensure landfill lid integrity maintained.
	Leachate	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Watercourses 75 m from premises.	Refer to Section 3.1	C = Minor L = Rare Low Risk	Y	Condition 16, 17 Condition 1	The Delegated Officer considers the applicant's controls sufficient in managing leachate emissions that may result from the alternative use of a landfill lid as daily cover. Condition 1 added to ensure landfill lid integrity maintained.
	Fire/smoke	Air/windborne pathway causing impacts to health and amenity	Residents 1.19km south-east of premises.	Refer to Section 3.1	C = Severe L = Unlikely High Risk	Y	Condition 16, 17 Condition 1	The Delegated Officer has assessed the risk of fire due to the use of landfill lids. Condition 1 added to ensure landfill lid integrity maintained.
	Pests /	Biological pathway causing impacts to	Residents 1.19km	Refer to	C = Minor	Y	Condition 16,	The Delegated Officer considers the applicant's controls sufficient in managing

Risk Event					Risk rating ¹ C = consequence L = likelihood	Applicant controls sufficient?	Conditions ² of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls				
	vermin	health and amenity	south-east of premises. Watercourses 75 m from premises.	Section 3.1	L = Rare Low Risk		17 <u>Condition 1</u>	any windblown waste that may result from the alternative use of a landfill lid as daily cover. Condition 1 added to ensure landfill lid integrity maintained.

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk assessments* (DWER 2020).

Note 2: Proposed licence holder's controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 6 provides a summary of the consultation undertaken by the department.

Table 6: Consultation

Consultation method	Comments received	Department response
Applicant provided with draft documents 06/08/2024	Comments received on 10/09/2024. Applicant requested the removal of the specified Greenwaste Burning area in Figure 4.	The Department accepts this request and has specified the burning 'takes place away from native vegetation and any other combustible material'.

5. Conclusion

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

5.1 Summary of amendments

Table 8 7 and 8 provide 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: Summary of licence amendments

Condition no.	Proposed amendments
1	Updated Table 1 Infrastructure and equipment requirements to include water cart and mobile crusher as per addition of Category 13 activities. Updated Table 1 to include the use of landfill lid as alternative daily cover for putrescible waste.
2	Added Asbestos Management Plan due to addition of Category 13 activities.
3, Table 2	Added waste acceptance control for Inert Waste Type 1 (C&D waste accepted for the purposes of crushing).
4	Added signed declaration control for Inert Waste Type 1 (C&D waste accepted for the purposes of crushing).
5	Added visual inspection and classification control for Inert Waste Type 1 (C&D waste accepted for the purposes of crushing).
7, Table 3	Added processing conditions for Inert Waste Type 1 (C&D waste accepted for the purposes of crushing). Removed specification of a Greenwaste Burning area.
8	Added condition for directing accepted Inert Waste Type 1 to unloading area.
9	Added condition for maintaining Inert Waste Type 1 in a damp state for inspection.

Condition no.	Proposed amendments
10	Added condition for maintaining record of all unloaded Inert Waste Type 1.
11	Added condition for continual visual inspection of Inert Waste Type 1 (C&D waste accepted for the purposes of crushing) during sorting, crushing and storage process.
12	Added condition for maintaining separate stockpiles of unprocessed and processed Inert Waste Type 1.
13	Added condition for Crushed Inert Waste Type 1 testing procedures.
14	Added condition for the use of Crushed Inert Waste Type 1 as landfill cover.
15	Added condition specifying premises is not authorised for “reduced sampling criteria”.
16	Added landfill lid use condition
17, Table 4	Updated Table 4 to include the use of landfill lids as optional cover. Updated Table 4 to include use of Crushed Inert Waste Type 1 to reflect addition of Category 13 activities. Cover requirements for Inert Waste Type 1 added for clarifying purposes.
19	Added general dust emissions control.
20	Added stormwater emission control relating to Crushed Inert Waste Type 1.
27, Table 5	Added Inert Waste Type 1 (C&D waste accepted for the purposes of crushing) and Crushed Inert Waste Type 1.
30	Added requirements for records of rejected waste loads and loads containing asbestos.
31	Added new condition for maintaining accurate and auditable records for C&D Waste.
36, Table 7	Added requirement to include records of loads being inspected for asbestos in the environmental report on as noted by conditions 10,11 and 30(d). Updated monitoring of input and outputs requirements to include a summary of any rejected loads in the environmental report as noted by condition 27 and 30(c). Added requirements to include a summary of Crushed Inert Waste Type 1 monitoring results in the environmental report as noted by condition 31.
Definitions, Table 8	Definitions added: ‘Approved form’, ‘condition’, ‘AS/NZS 5667.1’, ‘AS/NZS 5667.11’, ‘AS 4964’, ‘Construction and demolition waste (C&D waste)’, ‘Crushed Inert Waste Type 1’ and ‘Residual wastes’.
Schedule 3, Table 10	Added Asbestos load risk classification procedure for Category 13 activities.
Schedule 4	Added High risk load procedure for Category 13 activities.

Condition no.	Proposed amendments
Schedule 5	Added Asbestos monitoring and testing due to addition of Category 13 activities.

Table 8: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Amendment notes
Cover page		Cover page	Issue date added. 'Assessed activities directly related to the above categories' removed as per current licensing format.
Duration		Duration	Extended to 12/06/2031.
N/A		N/A	'Licensee' reworded to 'licence holder'. 'shall' reworded to 'must'.
1	Infrastructure and equipment	1 Table 1	Updated Table 1 Infrastructure and equipment requirements to include water cart and mobile crusher as per addition of Category 13 activities. Updated Table 1 to include the use of landfill lid as alternative daily cover for putrescible waste.
2, Table 2	Waste acceptance	3, Table 2	Updated to new condition order.
3	Waste not meeting acceptance criteria	6	Updated to reflect new condition order.
4, Table 3	Waste storage and processing	7, Table 3	Updated to reflect new condition order.
5	Manage landfill activities	16	Updated to new condition order.
6, Table 4	Cover requirements	17, Table 4	Updated to new condition order.
7	Fencing	18	Updated to new condition order.
8	Windblown waste	21	Revised to current licensing format.
9, 10, 11, 12	Fire management	22	Revised to current licensing format.
13	Water sample collection	23	Updated to new condition order.

Existing condition	Condition summary	Revised licence condition	Amendment notes
14	Quarterly monitoring	24	Updated to new condition order.
15	Monitoring equipment	25	Updated to new condition order.
16	Calibration requirements	26	Updated to new condition order.
17, Table 5	Monitoring of inputs and outputs	27, Table 5	Updated to new condition order
18, Table 6	Monitoring of ambient groundwater quality	28, Table 6	Updated to new condition order.
19	Complaints	29	Updated to new condition order.
20	Annual Audit Compliance Report	34	AACR submission date amended to 1 April annually in accordance with the Notice of Amendment of Reporting Requirements (16/05/2022).
21	Record keeping	30	Updated to new condition order.
22	Record maintenance	32	Updated to new condition order.
23	Special Waste Type 1 and 2 records	33	Updated to new condition order.
24	Unauthorised fires	35	Updated to new condition order.
25, Table 7	Biennial Environmental Reporting requirements	36, Table 7	Revised to current licensing format. Environmental Reporting amended to 91 days after the end of the 2022 annual period and biennially thereafter, in accordance with the Notice of Amendment of Reporting Requirements (16/05/2022). Removed compliance requirement from Table 7 as this is noted by condition 34.
26	Environmental Report compared to previous data	37	Updated to new condition order.
Definitions		Definitions, Table 8	Definitions added: 'Approved form', 'condition', 'AS/NZS 5667.1', 'AS/NZS 5667.11', 'AS 4964', 'Construction and demolition waste (C&D waste)', 'Crushed Inert Waste Type 1' and 'Residual wastes'.
Schedule 1		Schedule 1	Added Figure 2: Premises layout. Figure 2 now updated to Figure 3. Figure 3 now updated to Figure 4.

Existing condition	Condition summary	Revised licence condition	Amendment notes
Schedule 2		Schedule 2 Table 9	Prescribed premises Categories' removed. Present on cover page as per current licensing format. Added Table 9 'Premises boundary' as per current licensing format.

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY			
Application type			
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L9408/2023/1
		Relevant works approval number:	N/A <input checked="" type="checkbox"/>
Date application received	17 November 2023		
Applicant and Premises details			
Applicant name/s (full legal name/s)	Shire of Ashburton		
Premises name	Tom Price Waste Disposal Site		
Premises location	Lot 300 Bingarn Road TOM PRICE, WA, 6751 Legal description Lot 300 on Plan 52584		
Local Government Authority	Shire of Ashburton		
Application documents			
HPCM file reference number:	DWERDT869805S		
Key application documents (additional to application form):	<ul style="list-style-type: none"> Licence Amendment Supporting Information – Tom Price Waste Disposal Site (L6807/1997/8) 		
Scope of application/assessment			
Summary of proposed activities or changes to existing operations.	<p><i>Licence amendment</i></p> <p>Addition of operation of a category 13 premises, crushing of building material that is currently stored on site.</p> <p>Applicant seeking to update condition 6 regarding daily cover for landfill. Applicant is seeking to use landfill lids as an alternative daily cover option for putrescible waste.</p>		
Category number/s (activities that cause the premises to become prescribed premises)			
Table 1: Prescribed premises categories			
Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)	
Category 64: Class II / Class III putrescible landfill site	30,000 tonnes per year	N/A	
Category 13: crushing and screening of building material	N/A	2,000 tonnes or more per year	
Legislative context and other approvals			

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry: Licence holder is Shire and land owner is the state government
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	N/A
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i> , <i>Environmental Protection (Controlled Waste) Regulations 2004</i> , <i>State Agreement Act xxxx</i>)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<ul style="list-style-type: none"> • <i>Dangerous Good Safety Act 2004</i> • <i>Environmental Protection (Controlled Waste) Regulations 2004</i>
Is the Premises within an Environmental Protection Policy (EPP) Area?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises subject to any EPP requirements?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i> ?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A