# **Decision Report**

# **Application for Works Approval**

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

Works Approval Number W2955/2025/1

**Applicant** Department of Communities

**Application number** APP-0028866

Premises Warmun Landfill

Warmun Road, Warmun WA 6743

Legal description Reserve 34593

Part Lot 195 on Deposited Plan 72451

Certificate of Title Volume LR3167 Folio 884

As defined by the coordinates in Schedule 1 of the works

approval

As defined by the premises maps attached to the issued works

approval

Date of report 14 August 2025

**Decision** Works approval granted

Grace Heydon
MANAGER, WASTE INDUSTRIES

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

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# 1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the construction and operation of the premises. As a result of this assessment, works approval W2955/2025/1 (W2955) has been granted.

# 2. Scope of assessment

#### 2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents which are available at <a href="https://dwer.wa.gov.au/regulatory-documents">https://dwer.wa.gov.au/regulatory-documents</a>.

### 2.2 Application summary and overview of premises

On 24 April 2025, the applicant submitted an application for a works approval to the department under section 54 of the *Environmental Protection Act 1986* (EP Act).

The application is to undertake construction works relating to a Category 89 Class II unlined Putrescible landfill at the premises. The premises is approximately 570 m east of Warmun.

The premises relates to the category and assessed production / design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in works approval W2955. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in works approval W2955. Warmun Community (Turkey Creek) Inc (Warmun) currently hold an existing Registration R2263/2011/1 (R2263) for the existing Category 89 putrescible landfill but this landfill is at end of life. The proposed new landfill will be constructed at a new location adjacent to the southeast of the existing landfill. Figure 1 outlines the location of the existing and proposed new landfill.

The new landfill facility will provide long term waste management to the Warmun community. The applicant's proposal for the new landfill includes:

- Putrescible landfill trenches (constructed progressively);
- Community drop-off stockpile area for:
  - scrap metals;
  - tyres;
  - greenwaste;
  - white goods; and
  - car batteries;
- Fencing;
- Stormwater and Flood bunding; and
- Fire breaks five metre.

The applicant has provided the following table (Table 2-2 from the Environmental Assessment and Management Plan (Plan)) for waste generation estimates and a proposed a production and design capacity (P&DC) of 300 tonnes per annual period.

Once the landfill has been constructed under W2955 the applicant intends to apply for a Category 89 Registration. This is required under regulation 5B of the *Environmental Protection* 

#### Regulations 1987 (EP Regs).

Table 2-2: Generation Estimate

Aspect	Value
Estimate Waste Generation per Capita (tpa)	1.2
Waste Compaction Factor (t/m³)	0.3
Cover Soil % Waste Volume	50%
Landfill Consumption Rate per Capita (m³/year)	6
Community Population (No.)	228
Total Annual Consumption (m³/year)	1,368

As a Category 89 putrescible landfill, construction and operation of the landfill will need to comply with the *Environmental Protection (Rural Landfill) Regulations 2002* (RLR). Accordingly, the application has been assessed against the requirements of the RLR to ensure it will be constructed and operated in accordance with the RLR. The Applicant has provided a summary of operations to demonstrate compliance with the RLR. Table 1 outlines the assessment of the Application against the RLR.

**Table 1: Compliance with RLR** 

Regulation summary	Warmun landfill	Compliance status
Regulation 4 Landfill sites to which these regulations apply	The applicant has advised in section 2.3 of the Application that the site will be registered.	Complaint.  The applicant will apply for a registration post granting of the works approval.
Regulation 5 Tipping area	Drawing W-102 in Appendix C provides an indicative layout of the putrescible trenches.	Complaint.
	Section 5.1.1 of the Plan advises Trench size is 30 m width x 100 m length.	
Section 5.1.2 advises each will have a maximum width m to comply with regulatio		
	Given the use of trenches, no waste will be 2 metres above ground level.	
Regulation 6 Covering of waste	Cover material will be sourced from the excavation of the putrescible trenches.	Compliant.
	Section 6.1.4 of the Plan advises waste will be covered monthly as required by the Table in regulation 6.	

	It is proposed 300 mm of cover material will be used to cover waste in the trenches.		
Regulation 7 Fencing of landfill site	Drawing W-101 in Appendix C provides an indicative layout of the fence.  Section 5 of the Technical specifications document advises there will be a 1.8 m chain-mess fence surrounding the site.  Appendix C provides specifications.  A gate is included.	Compliant. This fence is an effective barrier to cattle, horses and other stock.	
Regulation 8 Waste contained on landfill site	Section 5 of the Technical specifications document advises there will be a 1.8 m chain-mess fence surrounding the site.  Trench bunding will provide a barrier to waste being washed away.  Waste will be contained within the site.	Complaint. Once Registered the occupier must collect any waste outside the site once a month and return it to the tipping face.	
Regulation 9 Separation of waste from water and site boundary	9 (a) – Table 6-2 of the Plan advises a reduced buffer of 35 m from the fence surrounding the site is required due to landfill size.  9 (b) The site is located greater than 100 m from Turkey Creek. Section 3.6 Hydrology of the Application advises the site is located above flood levels.  9 (c) Section 3.7 Hydrogeology of the Application advises depth to groundwater is greater than 7 mbgl. Section 5.1.1 of the Application advises the depth of the putrescible trenches will be a maximum of 4 m so this provides the 3 m separation distance.	9 (a) Complaint – with approval this buffer can be reduced. DWER advise to request approval from the CEO under regulation 9 (a) in parallel with the application for Registration. R2263 has an existing approval.  9 (b) Complaint – with approval this buffer can be reduced.  9 (c) Complaint – with approval this buffer can be reduced.	
Regulation 10 Stormwater management	Section 5.1.1 of the Application advises putrescible trenches will incorporate a 0.5m bund around the trenches to divert stormwater away from the trench.  Planned 1 m flood protection bund surrounding the premises. Bund is proposed at 1 m high, 9	Compliant.	

	m wide and slope of 1:4(V:H).	
Regulation11 Dust suppression	Section 7.3 of the Plan outlines there will be a speed limit of 10 km/hr at the premises.	Compliant.  The landfill has been designed so as to reduce dust emissions.  The premises is small in size which will restrict vehicle speeds.
Regulation 12 Firebreaks	Section 5.1.2 of the Plan outlines a firebreak of 5 m will be maintained around the site.	Compliant.
Regulation 13 Burning of greenwaste only	The applicant has advised in Table 6-1 no greenwaste will be burned at the premises.	Compliant.  The RLR allow burning of greenwaste if required.  If required, it must comply with regulation 13 and these are operational matters.
Regulation 14 Outbreaks of fire	Section 5.3.2 and 7.11 of the Plan discuss outbreak of fire management measures.	Complaint. There will be a 5 m firebreak. There will be a stockpile of cover material for each trench. Signage to be installed outlining reporting/managing fires.
Regulation 15 Approvals for disposal at landfill site for clinical or material containing asbestos  Regulation 16 Disposal of clinical waste and material containing asbestos	There is no discussion of acceptance of clinical or asbestos waste in the Plan.	Compliant.  The applicant can request approval for the disposal of clinical waste and asbestos waste if required.  This approval can be applied for and granted in parallel with approval for regulation 9 (a) if required, at the submission of the Registration application – or later, if required.
Regulation 17 Post-closure plan	Section 5.1.3 5.1.4 and 5.1.5 of the Plan provides advice on final fill profile, capping and final restoration profile respectively.	The Post-closure plan (PCP) is not required until the premises is Registered under regulation 5B of the EP Regs and then the Occupier has up to 18 months to prepare and submit the PCP.



Figure 1: Premises location

## 2.3 Native vegetation clearing

The applicant has requested a concurrent native vegetation clearing permit with this application (CPS11069/1 - assigned for assessment 9/05/2025). During the assessment the application area was revised from 5.8 hectares to 3.05 hectares. The Applicant provided further comment on 4 August 2025 to extend the clearing area to 4.26 ha to include surface water infrastructure. In determining the concurrent native vegetation clearing permit, conditions were recommended under section 62(1) of the EP Act to be placed on the works approval to prevent, control, abate or mitigate pollution or environmental harm. These conditions have been placed onto the works approval accordingly.

### 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 construction / operation which have been considered in this decision report are detailed in Table 2 below. Table 2 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

**Table 2: Proposed applicant controls** 

Emission	Sources	Potential pathways	Proposed controls					
Construction								
Dust	Construction of	Air / windborne	Reduced speed limits due to size.					
	landfill trenches, fence, stormwater	pathway	Siting.					
	bunds, and		Operation hours.					
Noise	associated vehicle movements		Siting.					
			Operational hours.					
			Reduced speed limits due to size.					
			Machinery as required – not continuously all day.					
			Compliance with Environmental Protection (Noise) Regulations 1997 (Noise Regs).					
Operation								
Dust	Operation of	Air / windborne	Siting.					

Emission	Sources	Potential pathways	Proposed controls		
	landfill trenches,	pathway	Application of daily cover material.		
	fence, stormwater bunds, and		Slow speed limits.		
Nosie	associated vehicle movements		Siting. Operational hours. Reduced speed limits due to size. Machinery as required – not continuously all day. Compliance with the Noise Regs.		
Odour	Putrescible waste		Siting. Application of daily cover material.		
Fire / smoke	Putrescible waste, tyres,		Siting.  Fire control equipment on site.  Cover materials and readily available stockpile on site.  Sufficient curing of greenwaste prior to burning if they do burn greenwaste.  Limit stockpile sizes.  Segregation of incompatible of chemicals etc.  Fire break around Premises.		
Asbestos	Burial of asbestos		There is no intention to dispose of asbestos under the Plan. However, if they do in the future under approval:      Siting.     Acceptance criteria and wrapping of waste.      Visual inspections.     Acceptance records and Register.      Burial records.      Deep burial.      Dedicated burial area separated by a buffer.      Avoid disturbing defined asbestos burial area.		

Emission	Sources	Potential pathways	Proposed controls
Windblown waste	Disposal of putrescible waste		Premises fence – 1.8m cyclone mesh fence. Bund surrounding putrescible trench.
Leachate	Acceptance, storage, burial of putrescible waste. Storage of green waste.	Seepage to soil and groundwater	Low waste volumes (300 tonnes P&DC). Capping and PCP. Accept Class II waste only. Operate only one landfill trench at a time. Separation to groundwater.
Contaminated stormwater	Disposal of putrescible waste	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Waste contained within a defined trench and drop-off area. Stormwater bunds surrounding trenches and flood bund surrounding premises. Maintenance of stormwater bunds.

#### 3.1.2 Receptors

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

Table 3 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 3: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity		
Residential Premises	570 m west 862 m northwest		
Environmental receptors	Distance from prescribed activity		
Environmentally Sensitive Area (ESA)	4km east		
Threatened Fauna	930 m north		
Underlying groundwater (non-potable	7 mbgl		

purposes)	
Turkey Creek	500m west
Threatened Ecological Community (TEC)	Across Site
Aboriginal heritage site	1.7 km and 2.2 km west

### 3.2 Risk ratings

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

Where the applicant 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 applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

Works approval W2955 that accompanies this decision report authorises construction and time-limited operations. The conditions in the issued works approval, as outlined in Table 4 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

A Registration is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the ongoing operation of the premises. A risk assessment for the operational phase has been included in this decision report, however licence conditions will not be finalised until the department assesses the licence application.

Table 4: Risk assessment of potential emissions and discharges from the premises during construction and operation

Risk events					Risk rating <sup>1</sup>	Applicant		Justification for
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood	controls sufficient?	Conditions <sup>2</sup> of works approval / Registration	additional regulatory controls
Construction								
Construction of landfill including vehicle movements (reversing beepers).	Dust	Air / windborne pathway causing	Residences 570 m west	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Emission to be regulated under the general provisions of the EP Act	N/A
Construction of stormwater bund and fire break	Noise	impacts to health and amenity		Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Emission to be regulated under the Environmental Protection (Noise) Regulations 1997	N/A
Operation (including	g time-limited-o <sub>l</sub>	perations operations)						
	Dust	Air / windborne pathway causing impacts to health and amenity	Residences 570 m west TEC within premises	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Regulation 11 of RLR.	N/A
Operation of landfill and storage of	Noise	Air / windborne pathway causing impacts to health and amenity	Residences 570 m west	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Emission to be regulated under the <i>Environmental</i> <i>Protection (Noise)</i> <i>Regulations 1997</i>	N/A
material Vehicle movements	Odour	Air / windborne pathway causing impacts to health and amenity	Residences 570 m west	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 19 – Time limited operations.  Regulation 6 of RLR.	N/A
	Fire / Smoke	Air / windborne pathway causing impacts to health and amenity	Residences 570 m west	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 19 – Time limited operations.  Regulation 12, 13 and 14 of RLR.	N/A

Risk events	Risk events					Amuliaant		Justification for
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood	Applicant controls sufficient?	Conditions <sup>2</sup> of works approval / Registration	additional regulatory controls
	Asbestos fibres	Air / windborne pathway causing impacts to health and amenity	Residences 570 m west	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Regulation 15 of RLR.	N/A
	Windblown waste	Air / windborne pathway causing impacts to health and amenity	Residences 570 m west TEC within premises	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 19 – Time limited operations.  Regulation 7 and 8 of RLR.	N/A
	Leachate	Groundwater, surface water and soil contamination	Groundwater 7 mbgl	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Condition 19 – Time limited operations.  Regulation 5, 6, 9 and 17 of RLR.	N/A
	Contaminated stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Seasonal creek 500m west TEC within premises	Refer to Section 3.1	C = Slight L = Unlikely Low Risk	Y	Regulation 10 of RLR.	N/A

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

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

#### 4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

**Table 5: Consultation** 

Consultation method	Comments received	Department response
Application advertised on the department's website on 2 June 2025.	None received	N/A
Local Government Authority advised of proposal on 23 May 2025.	No response received.	Noted.
Applicant was provided with draft documents on 15 July 2025.	The Applicant responded with comments on 4 August 2025. Refer to Appendix 1.	Refer to Appendix 1.

## 5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

#### 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: Summary of applicant's comments on risk assessment and draft conditions

Condition	Summary of applicant's comment	Department's response
Condition 1	Proposed wording:  The Works Approval Holder must not clear more than 3.05 4.26-hectares of native vegetation within the area cross-hatched yellow on Figure 3 of Schedule 1.	Native Vegetation Branch have confirmed the requested increase in clearing of 4.26 hectares is approved.  Condition amended as requested.
	Extension of clearing envelope by 1.21ha to include surface water infrastructure (i.e. flood protection bund). This involves the clearing of an additional 6 trees than originally outlined. The updated shape files for clearings are attached to this email.	
Condition 5	Proposed wording:  Prior to undertaking any clearing within the area cross-hatched yellow on Figure 3 of Schedule 1, the Works Approval holder must demarcate the boundary of the area cross-hatched yellow on Figure 3 of Schedule 1 to ensure that clearing of no more than 3.05  4.26 hectares of the 'Kimberley Vegetation Association 834' priority ecological community occurs.  Extension of clearing envelope to include surface water infrastructure (i.e. flood protection bund).	Native Vegetation Branch have confirmed the requested increase in clearing of 4.26 hectares is approved.  Condition amended as requested.
Condition 13	Proposed wording:	The condition wording is the standard condition text.
Table 1	The works approval holder must:  (a) construct and/or install the infrastructure and/or equipment;  (b) in accordance with the corresponding design and construction / installation requirements; and  (c) at the corresponding infrastructure location; and  (d) as set out in Table 1  Update of bullet numbering.  Table 1 Proposed wording:	Amended and removed the 'and' from sub-section 3.  Amended cell buffer to 8 m as requested. Table 1 of the Decision Report advises - 9 (a) Complaint – with approval this buffer can be reduced. DWER advise to request approval from the CEO under regulation 9 (a) in parallel with the application for Registration to operate the Landfill.
	<ul> <li>No Cell is to be constructed within 35 m 8 m of the fence surrounding the site</li> <li>Due to restrictions regarding Native Title, the approved landfill area cannot</li> </ul>	

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Condition	Summary of applicant's comment	Department's response
	accommodate the 35m buffer. As shown in the Site Layout, 8m is proposed which allows for the capping of the trenches while also maintaining full perimeter access around the Site. This new proposed buffer distance aims to meet the general intent of the buffer requirement within the WA Rural Landfill Regulations.	
Condition 14	Proposed wording:	Wording amended as requested.
	The works approval holder must within 30 <b>days</b> of an item of infrastructure or equipment required by condition 13 being constructed and/or installed:	
	(a) undertake an audit of their compliance with the requirements of condition 13; and	
	(b) prepare and submit to the CEO an Environmental Compliance Report on that compliance.	
	Missing word.	
Condition 18	Proposed wording:	Typographical error amended as requested.
Table 2	No more than <del>1.2</del> <b>300</b> tonnes per annual period	
	Typographical error. Refer to Section 2.3 of the EAMP for further details	
Schedule 1 Figure 1	Premises Map - The updated premises map is attached to this email.	Noted – new map drafted into Works Approval and Decision Report.
Schedule 1 Figure 3	Premises Map - The updated shape files for clearings are attached to this email.	Noted.