



Application for Works Approval Amendment

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

Works Approval Number	W5914/2015/1
Works Approval Holder	City of Rockingham
File Number	DER2015/002300-1
Premises	Millar Road Landfill Facility 204 Millar Road West BALDIVIS WA 6171 Legal description – Lot 2170 on Plan 211650 Certificate of Title Volume 1464 Folio 465 As defined by the Premises map attached to the Revised Works Approval
Date of Report	20 February 2024
Decision	Revised works approval granted

Steve Checker

Manager, Waste Industries

Regulatory Services

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

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1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W5914/2015/1. The amendments are administrative in nature therefore they do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

2. Scope of assessment

2.1 Regulatory framework

In amending the works approval, 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

Works Approval W5914/2015/1 is held by the City of Rockingham (Works Approval Holder) for the Millar Road Landfill Facility (the Premises), located at 204 Millar Road West (Lot 2170 on Plan 211650), Baldivis Western Australia 6171.

The Premises relates to the category and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Works Approval W5914/2015/1.

On 13 February 2024, the Works Approval Holder submitted an application to the department to amend Works Approval W5914/2015/1 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited only to extending the works approval expiry date, updating Premises details, renumbering of conditions, correcting typographical errors, updating/inclusion of definitions and updating the works approval to the new template.

Cells 16 and 17 and leachate ponds 4A and 4B have been constructed under Works Approval W5914/2015/1. Construction Quality Assurance (CQA) reports have been submitted to the department for the aforementioned items of infrastructure in accordance with conditions 3 to 6 (previously conditions 2.1.1 to 2.1.4) of the works approval, and compliance with conditions of the works approval has been demonstrated. The completed infrastructure operates under Millar Road Landfill Facility Licence L7064/1997/11.

Millar Road Landfill Facility is experiencing a decline in waste volume. Actual waste volumes received have been less than those predicted when the works approval was issued in February 2016; therefore, the remaining cells (Cells 18 and 19) are not yet required and are yet to be constructed. The applicant expects that construction of either Cell 18 or 19 will occur in approximately 3 years and construction of the remaining cell will not occur for approximately 7 to 8 years, due to the decline in waste volumes. An extension to the works approval expiry date is proposed to allow for future construction of the remaining cells.

3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 19 February 2024. On 20 February 2024, the Works Approval Holder waived the comment period and informed the department that construction of either Cell 18 or 19 is expected to occur in approximately 3 years and construction of the remaining cell is expected to occur in approximately 7 to 8 years. The application summary has been amended to reflect this.

4. Conclusion

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

The applicant requested an amended expiry date extension to 21 February 2032; however, the Delegated Officer notes the upcoming implementation of the *Environmental Protection Amendment Act 2020* which will remove works approvals from the EP Act. The Delegated Officer therefore considers a 5 year extension adequate to allow the applicant time to transfer authorisation of the remaining works to the Millar Road Landfill Facility Licence (L7064/1997/11).

4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised works approval as part of the amendment process.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
Cover page	<p>Updated to revised works approval format.</p> <p>Premises details (including Legal description) updated.</p> <p>DWER file number updated.</p> <p>Commencement date and expiry date deleted and incorporated into licence 'Duration'.</p> <p>Expiry date extended to 21/02/2029.</p> <p>Prescribed premises category description updated to the current category description as per Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p> <p>Column 1 and Column 3 of the category description table removed.</p>
Interpretation	Updated based on departmental legal advice.
Works approval history table	Added to works approval.
'Definitions' moved to Table 2	Definitions updated: 'Act', 'CEO', 'CQA plan', 'premises', 'works approval' and 'works approval holder'.
	Definitions added: 'books', 'condition', 'Department', 'discharge', 'emission', 'EP Regulations', 'prescribed premises' and 'waste'.
Conditions 1.1.3 and 1.1.4	Reference to standards, guidelines and codes of practice updated and moved to 'Interpretation' section as per revised works approval format and wording.
1.2 'General conditions' heading	Amended to 'Works approval conditions' as per current works approval format and wording.

Condition no.	Proposed amendments
'Infrastructure and equipment' heading	Addition of heading as per current works approval format and wording.
Condition 1 Table 1 (previously condition 1.2.1., Table 1.2.1)	<p>Updated to current works approval format and wording.</p> <p>Table 1.2.1 heading updated to 'Table 1: Design and construction / installation requirements' and table format updated to current licensing format.</p> <p>Column 1 added to Table 1, to easily identify points within the table, as per current works approval format.</p> <p>Column 3 heading of Table 1 updated for clarification and column 3 amended to improve readability.</p> <p>Reference to condition 1.2.1 in Note 1 updated to reflect new numbering.</p> <p>'Shall' updated to 'must' in Note 1, as per current works approval wording.</p>
Condition 2 (previously condition 1.2.2)	'Shall' updated to 'must' as per current works approval wording.
2.1 'Information' heading	Redundant heading. Deleted from works approval.
2.1 'Reporting' heading	Amended to 'Compliance reporting' as per current works approval wording.
Condition 3 (previously condition 2.1.1)	'Shall' updated to 'must' as per current works approval wording.
Condition 4 (previously condition 2.1.2)	
Condition 5 (previously condition 2.1.3)	
Condition 6 (previously condition 2.1.4)	Reference to condition updated to new numbering. 'Shall' updated to 'must' as per current works approval wording.
'Records and reporting (general)' heading	Addition of heading as per current works approval format and wording.
Condition 7	Condition added as per current works approval template.
Condition 8	Condition added as per current works approval template.
Condition 9	Condition added as per current works approval template.

Condition no.	Proposed amendments
Premises map	<p>Updated to more recent aerial photo.</p> <p>Premises map labels on page 5 (currently Figure 1) updated to current works approval format and wording.</p> <p>Premises map labels on page 6 (currently Figure 2) updated to current works approval format and wording.</p>
Decision document	Attached Decision document removed.