



Environmental Protection Act 1986

**Hon Stephen Dawson MLC  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST CONDITIONS OF LICENCE L9007/2016/1 SOLID AND LIQUID WASTE DEPOT WELSHPOOL**

#### **Purpose of this document**

This document sets out the Minister's decision on an appeal lodged under section 102(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions of a licence under Part V of the Act. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	National Toxics Network
<b>Licence Holder:</b>	Suez Recycling & Recovery Pty Ltd
<b>Proposal description:</b>	Solid and liquid waste depot on 2 Carney Road, Excised portion of Lot 341 on Diagram 85560, Welshpool
<b>Minister's Decision:</b>	The Minister allowed the appeal in part
<b>Date of Decision:</b>	8 January 2018

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#### **REASONS FOR MINISTER'S DECISION**

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This decision relates to the conditions applied to a licence issued by the former Department of Environment Regulation (DER) for a solid and liquid waste depot at the above location. Effective 1 July 2017, DER's functions were assumed by the Department of Water and Environmental Regulation (DWER).

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from DWER on the matters raised in the appeal. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeal.

By the appeal the appellant sought to ensure that licence conditions are adequate to prevent environmental harm and to protect the health of the community. The appellant raised a number of concerns in this regard in relation to waste processing, waste classification, and fire risk and the availability of information to assist in an emergency situation.

The Minister noted that the appellant also objected to the grant of the licence and sought for the medical waste incinerator located adjacent to the proposed waste depot to be relocated. As outlined in the Appeals Convenor's report, this outcome is beyond the scope of the appeal which is limited to the conditions of the licence associated with the solid and liquid waste depot only.

In respect to waste processing, the Minister understood that the appellant was concerned about the potential for some types of inappropriate waste from the waste depot to be processed at the adjacent medical waste incinerator. In this regard, the Minister noted DWER's advice that separate licences regulate the activities of the two facilities and that the conditions on the existing licence for the medical waste incinerator ensure that only wastes of a permitted type are incinerated.

DWER further advised that appropriate controls have been applied to the licence for the waste depot to ensure that records of incoming and outgoing wastes are kept. However, the Minister agreed with DWER's recommendation that an additional condition should be included on the licence that requires the licence holder to keep records of the types and amount of wastes sent from the waste depot to the incinerator.

In respect to the appellant's concern that the conditions of the licence were inappropriate in relation to the 'high' level of risk identified for emissions from the premises, the Minister noted DWER's advice that the risk ratings from a risk assessment are not indicative of the significance of a proposal. DWER advised that all potential emissions and their potential impacts on receptors were assessed in the context of the site's locality and emissions from the adjacent medical waste incinerator and that the residual risk for each emission type, following the application of appropriate regulatory controls, was determined to be 'medium'.

DWER advised that the types of conditions applied to the licence to mitigate risks include a requirement to ensure the appropriate identification of wastes entering the premises, storage requirements, a limit on waste volumes at the premises at any one time and prohibiting the blending of certain waste types. The Minister was also advised that many of the wastes brought onto the premises will remain in their original containers and that the licence authorises the storage of small quantities of waste.

With respect to the adequacy of conditions in the context of the Bellevue fire, the Minister was satisfied that DWER had appropriate regard to the risks posed from the facility and applied appropriate conditions, however, the Minister agreed that a condition that requires the licence holder to maintain a map of the storage locations of different waste types on the premises, along with a drainage plan would assist in an emergency situation.

The Minister therefore decided to allow the appeal to the extent that the licence be amended as follows:

- to keep records of the types and amount of wastes sent to the incinerator at the adjoining prescribed premises;
- to maintain a map of the storage locations of different waste types on the premises, along with a drainage plan to support emergency personnel in managing any incident on the premises; and
- the numbering of tables labelled 'Waste processing' and 'Containment infrastructure' and condition 1.2.8 are corrected as recommended in the Appeals Convenor's report.

The Minister otherwise dismissed the appeal. The precise wording of the changes to the permit will be determined by DWER in giving effect to the Minister's decision under section 110 of the Act.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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