



Environmental Protection Act 1986

Hon Reece Whitby MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST AMENDMENT OF LICENCE L6993/1997/12 CAPEL TRANSFER STATION, LOT 500 ON PLAN 66147 RANGE ROAD, SHIRE OF CAPEL

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(b) of the *Environmental Protection Act 1986* in objection to the conditions of the above licence amendment. 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.

Appellant:	Mr William Biggins
Licence holder:	Shire of Capel
Proposal description:	The amendment to conditions of the licence relates to the addition of mattress shredding to the existing Category 62 activities conducted on the premises.
Minister's Decision:	The Minister allowed the appeal in part.
Date of Decision:	7 March 2023

REASONS FOR MINISTER'S DECISION

An appeal was received from Mr William Biggins (appellant) objecting to the conditions applying to the amended licence issued by the Department of Water and Environmental Regulation (DWER) in relation to the above premises.

The Shire of Capel (licence holder) applied to amend Licence L6993/1997/12 to include mattress shredding. DWER assessed the proposed activity and issued the revised licence on 9 September 2022.

The appellant's key concern was that DWER's assessment did not identify his property as a sensitive receptor. The appellant's property is located south of the premises and he sought for additional licence controls to manage windblown waste and noise emissions from mattress shredding activities.

Decision

Having considered the information available to him, including DWER's response to the appeal and the Appeal Convenor's report and recommendations, the Minister decided that the

conditions of the licence should be amended in relation to management of windblown waste emissions.

Condition 5 be amended as follows:

- remove the wind direction triggers for ceasing activities
- insert a requirement for fencing or screening to be installed to contain windblown waste from mattress shredding activities.

The Minister has otherwise dismissed the appeal. The reasons for his decision are set out below.

Windblown waste emissions

The appellant had concerns that the addition of mattress shredding activities would exacerbate windblown waste escaping the premises and impacting his property. Specifically, the appellant objected to the aspects of condition 5 which contain wind triggers to minimise windblown waste impacts for residents located to the northeast, whereas the appellant is located to the south.

The Minister agreed with the Appeals Convenor that management of windblown waste should be effective for all nearby receptors. On this basis, and consistent with the advice of DWER, the Minister decided to amend condition 5 to remove the wind direction triggers and replace it with a requirement for fencing or screening to be installed.

If the appellant has concerns regarding windblown waste from the premises more broadly, the Minister encouraged him to report these to the licence holder and DWER.

Noise emissions

In relation to noise emissions, the appellant raised concerns that the licence would not be effective in managing noise. On this basis, the appellant considered that the licence should require mattress shredding be conducted within a suitable building and for the noisiest side of the plant to be orientated away from local residents.

The Minister noted that the premises is required to conform to the *Environmental Protection (Noise) Regulations 1997*, and that condition 5 restricts mattress shredding activities to no more than 3 hours per week.

On this basis, the Minister agreed with the Appeals Convenor that further licence conditions for the management of noise emissions during mattress shredding were not warranted. If complaints are received, it would be open to DWER to investigate and make amendments if required.

The Minister has advised DWER to amend the licence to give effect to his decision under section 110 of the *Environmental Protection Act 1986* with the final wording of those changes being at the Department's discretion.

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*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace
Perth WA 6000
Tel: (08) 6364 7990
www.appealsconvenor.wa.gov.au