



Environmental Protection Act 1986

Hon Reece Whitby MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF WORKS APPROVAL W6359/2021/1 BIBRA LAKE RECYCLING & RECOVERY PARK, BIBRA LAKE, CITY OF COCKBURN

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 above works approval. 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:	PMR Quarries Pty Ltd t/a WA Limestone
Applicant:	Suez Recycling & Recovery (Perth) Pty Ltd
Proposal description:	The works approval authorises the construction and time limited operation of a solid waste depot to process food organics and garden organics (FOGO) material at the above premises
Minister's Decision:	The Minister allowed the appeal in part
Date of Decision:	7 June 2022

REASONS FOR MINISTER'S DECISION

PMR Quarries Pty Ltd t/a WA Limestone (the appellant) submitted an appeal in objection to the conditions of the works approval granted to SUEZ Recycling & Recovery (Perth) Pty Ltd (SUEZ) by the Department of Water and Environmental Regulation (DWER).

The works approval, granted on 24 November 2021, authorises the construction of infrastructure to facilitate the receipt, stockpiling and removal of up to 50,000 tonnes per annum (tpa) of food organics and garden organics (FOGO) material at the premises. The proposal will increase the premises production capacity for category 62 to 320,000 tpa in total. During the time limited operation of 180 days, the premises can accept 15,000 tonnes of FOGO material.

The appeal was lodged in objection to the conditions of the works approval based on concerns that the facility currently does not adequately control odour and litter emissions. The appellant provided records of a number of complaints that have been lodged with SUEZ from 2020 to 2022. On this basis, the Minister understood that the appellant has concerns regarding the expansion of the premises to receive FOGO material, which it considers will add to existing litter and odour emissions that are impacting surrounding land users.

The appellant sought for the works approval to include additional controls for odour emissions and litter management.

Decision

Having considered the information available, including DWER's response to the appeal and the Appeal Convenor's report and recommendations, the Minister decided that the conditions of the works approval should be strengthened in relation to odour and he adopted the recommendations set out in the Appeals Convenor's report.

In particular, the Minister decided that additional recording and reporting requirements during time limited operations should be applied to the works approval to ensure that future licensing decisions have the best information available. The Minister also considered that building doors should remain closed unless vehicles are entering or exiting the building to deliver or remove waste.

The Minister otherwise dismissed the appeal. His reasons are as follows.

Odour emissions

The appellant submitted that the conditions of the works approval were not sufficient to manage odour emissions from the premises on the basis that the assessment was narrow, inconsistent with guidance documents and did not consider complaints. The appellant also considered that the proposed odour field assessments were too subjective, and further active odour management measures should be required by the works approval.

Broadly, the Minister accepted DWER's advice that it assessed the risk of odour emissions from the activities authorised by the works approval as high and has applied operational and regulatory controls to mitigate the risk of unreasonable odour.

During time limited operations, the Minister noted the FOGO waste received at the premises is limited to 15,000 tonnes and that odour field assessments are required to verify and validate the modelling that was relied on during the assessment. The Minister understood that the results of the odour field assessments will be used to inform DWER's ongoing regulation of the facility.

While the Minister understood that the works approval includes a requirement for the installation of rapidly opening and closing doors, with only one door permitted to be open at one time, the Minister also noted the appellant's concerns that doors being left open is a potential source of odour. The Minister therefore included an additional requirement for the building doors to remain closed when not in use by vehicles delivering or removing waste.

The Minister considered that the information gathered during time limited operations will be vital in clarifying the odour emissions and determining the appropriate controls for future licensing to protect the amenity of surrounding land users. On this basis, the Minister agreed with the Appeals Convenor, and strengthened the data collection and reporting requirements in the works approval as set out in the Appeals Convenor's report. The precise wording of the amended conditions will be a matter for DWER in giving effect to the Minister's decision under section 110 of the *Environmental Protection Act 1986*.

Litter management

Based on the appellant's experience of the existing premises, the Minister understood the appellant had concerns that the addition of FOGO waste materials will exacerbate litter escaping the premises impacting surrounding land users.

In response to the appeal, DWER undertook a risk assessment of wind-blown wastes, which determined a risk rating of low. DWER advised the Minister that excessive litter generation from FOGO waste is unlikely due to the composition of the FOGO waste as compared to general putrescible waste, which has light density materials that are prone to being moved by wind.

There are also operational controls required by the works approval, which include receipt of FOGO waste within sealed compactor vehicles, FOGO waste must be stored and sorted within the building extension, and for only one building door to be open at a time.

Based on the low risk of litter emissions from the FOGO waste and the operational controls applied to the works approval, the Minister considered that DWER's rationale for not requiring additional conditions is reasonable.

The Minister noted that in response to the appeal, SUEZ advised that it was putting active measures in place to assist with litter escaping the premises.

The Minister was advised that in its assessment of the future licence amendments, DWER will assess the activities undertaken under the works approval and review the effectiveness of the current licence conditions that relate to wind-blown waste and odour and apply controls where required.

In relation to compliance with the existing Licence L8798/2013/1 regarding odour emissions and litter, DWER advised the Minister that it will shortly be undertaking a compliance inspection of the premises. Should the appellant be concerned about emissions from the premises, the Minister encouraged the appellant to report these concerns to DWER.

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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