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Published on 11 June 2009

Statement No: 796

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

CLASS II LANDFILL, LOT 7778 DIAGRAM 209805, 1189 WANNAMAL ROAD
SOUTH, CULLULA, SHIRE OF GINGIN

Proposal: To construct and operate a landfill accepting Class II-type waste. Six cells will be constructed with a total operational lifetime of not more than 30 years. A landfill gas collection system and utilisation plant facility will also be constructed.

Proponent: Veolia Environmental Services (Australia) Pty Ltd
(ABN 20 051 316 584)

Proponent Address: 4-6 Rivers Street, BIBRA LAKE WA 6163

Assessment Number: 1736

Report of the Environmental Protection Authority: Bulletin 1287

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

- 1-1 The proponent shall implement the proposal as assessed by the Environmental Protection Authority and described in schedule 1 of this statement subject to the conditions and procedures of this statement.
- 1-2 The proponent shall implement the proposal within the boundary delineated by the AMG coordinates in schedule 2.

- 1-3 The proponent shall refer any changes to the type of waste intended for acceptance to the Environmental Protection Authority.

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer of the Department of Environment and Conservation (CEO) of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO of the Department of Environment and Conservation.
- 4-2 The proponent shall submit to the CEO of the Department of Environment and Conservation, the compliance assessment plan required by condition 4-1 at least 6 months prior to the first compliance report required by condition 4-6. The compliance assessment plan shall indicate:
1. frequency of compliance reporting;
 2. approach and timing of compliance assessments;
 3. retention of compliance assessments;
 4. reporting of potential non-compliances and corrective actions taken;
 5. table of contents of compliance reports; and
 6. public availability of compliance reports.
- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.

- 4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-1 and shall make those reports available when requested by the CEO of the Department of Environment and Conservation.
- 4-5 The proponent shall advise the CEO of the Department of Environment and Conservation of any potential non-compliance as soon as practicable.
- 4-6 The proponent shall submit a compliance assessment report annually from the date of issue of this Implementation Statement addressing the previous twelve month period or as agreed by the CEO of the Department of Environment and Conservation. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person, approved in writing by the Department of Environment and Conservation, delegated to sign on the Managing Director's behalf;
 2. include a statement as to whether the proponent has complied with the conditions Review;
 3. identify all potential non-compliances and describe corrective and preventative actions taken;
 4. be made publicly available in accordance with the approved compliance assessment plan; and
 5. indicate any proposed changes to the compliance assessment plan required by condition 4-1.

5 Performance Review and Reporting

- 5-1 The proponent shall submit to the CEO a Performance Review Report at the conclusion of the first, second, fourth, sixth, eighth and tenth years after the start of implementation and then, at such intervals as the CEO may regard as reasonable, which addresses:
1. the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts;
 2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
 3. significant improvements gained in environmental management which could be applied to this and other similar projects.

- 5-2 The proponent shall make the Performance Review Reports required by condition 5-1 publicly available in a manner approved by the CEO.

6 Ground and Surface Water

- 6-1 The proponent shall construct the landfill cells and leachate storage ponds to include as a minimum, a double-lined containment system consisting of a minimum 2.0 millimetre high-density polyethylene flexible membrane liner and a clay based liner with a performance equivalent or greater than that of a compacted clay liner one metre thick and a hydraulic conductivity less than 1×10^{-9} metres per second. The lining system shall also incorporate a leakage detection and recovery system beneath the double liner consisting of a permeable layer underlain by a further 2.0 mm thick high-density polyethylene flexible membrane.

- 6-2 The proponent shall ensure that at all times landfill and waste mining activities preserve the quality of ground and surface water consistent with ANZECC* requirements, taking into consideration natural background water quality, so that existing and potential uses, including ecosystem maintenance, are protected.

* - *Australian Water Quality Guidelines for Fresh and Marine Waters*, ANZECC (November 1992, and its updates).

- 6-3 The proponent shall monitor the quality of groundwater on and in proximity to the proposal area shown in Figure 2 in Schedule 1. This monitoring shall be done in accordance with the works approval and licensing provisions of Part V of the *Environmental Protection Act 1986*.

- 6-4 The proponent shall submit the results of the monitoring to the CEO of the Department of Environment and Conservation in accordance with the timing and requirements of condition 6-3.

- 6-5 In the event that the requirements of condition 6-2 are not met, the proponent shall provide proposed management measures to the CEO of the Department of Environment and Conservation.

- 6-6 The proponent shall make the results of monitoring required by condition 6-4 publicly available in a manner approved by the CEO.

7 Flora and Vegetation

- 7-1 The proponent shall implement the proposal to avoid disturbance of areas south of line from Map Grid of Australia coordinate 402075mE, 6545552mN to Map Grid of Australia coordinate 403252mE, 6545552mN where 'Very Good' to 'Excellent' condition vegetation has been recorded.

8 Landfill Decommissioning and Post-closure Management Plan.

8-1 Prior to the commencement of construction, the proponent shall prepare a draft Landfill Decommissioning and Post-closure Management Plan in accordance with the requirements of the CEO of the Department of Environment and Conservation.

8-2 At least two years prior to the anticipated date of closure, the proponent shall submit a final Landfill Decommissioning and Post-closure Management Plan designed to ensure that the site is left in an environmentally acceptable condition in accordance with the requirements of the CEO of the Department of Environment and Conservation.

The Landfill Decommissioning and Post-closure Management Plan shall address:

1. Progressive rehabilitation to pre-development condition or better through re-vegetation of capped landfill cells with selected local native species;
2. Choice of capping materials which are consistent with Best Practice Guidelines, which shall include a low permeability layer, followed by a sub-soil layer and a final layer of soil suitable for vegetation establishment;
3. Ongoing operational practice to ensure that the final landfill surface will be constructed to a predetermined crossfall to enhance surface water runoff while safeguarding against erosion and to ensure that final contours of the site will blend into the surrounding environment;
4. Monitoring and management of ground and surface water; and
5. Response, mitigation and contingency measures to be implemented if ground and surface water quality is affected to an unacceptable level as determined by the CEO of the Department of Environment and Conservation.

8-3 The proponent shall implement the final Landfill Decommissioning and Post-closure Management Plan required by conditions 8-2 until such time as the Minister for Environment determines, on advice of the CEO of the Department of Environment and Conservation, that the proponent's post-closure responsibilities are complete.

8-4 The proponent shall make the draft and final Landfill Decommissioning and Post-closure Management Plans required by conditions 8-1 and 8-2 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

9 Financial assurance

- 9-1 As security for the due and punctual observance and performance by the proponent of the requirements of conditions 6-1, 6-2 and 8-3, the proponent shall, prior to the commencement of construction, provide to the CEO of the Department of Environment and Conservation, a financial assurance for the benefit of both the Minister and the CEO and which is in the form of an unconditional and irrevocable bank guarantee, from a guarantor acceptable to the CEO and in a form acceptable to the CEO, in the initial amount of AU\$3.5 million.
- 9-2 Prior to the commencement of landfilling, the proponent shall prepare and submit to the CEO of the Department of Environment and Conservation an assessment of the risk covered by the financial assurance.
- 9-3 The amount of the financial assurance shall be reviewed and as necessary replaced every three years in accordance with condition 9-2.
- 9-4 In the event that the guarantor referred to in condition 9-1 terminates its liability under the bank guarantee by paying to the Minister or the CEO the balance of the financial assurance remaining unpaid, the CEO will hold the financial assurance (being the amount paid by the guarantor upon termination), as security for the due and punctual observance and performance by the proponent of the requirements of conditions 6-1, 6-2 and 8-3, in an interest bearing account nominated by the CEO, with the interest accruing for the benefit of the Minister or the CEO.
- 9-5 The financial assurance may be called on or used in accordance with section 86E of the *Environmental Protection Act 1986* if the proponent fails to implement the proposal in accordance with conditions 6-1, 6-2 and 8-3.
- 9-6 The financial assurance shall be discharged by the CEO and the Minister when the CEO has given the proponent written notice pursuant to section 86F(1) of the *Environmental Protection Act 1986*.

Notes

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.
2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.

4. The proponent is required to apply for a Works Approval and Licence for this project under the provisions of Part V of the *Environmental Protection Act 1986*.

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

The Proposal (Assessment No. 1736)

General Description

The proposal is to construct and operate a landfill accepting Class II-type waste and associated landfill gas collection and utilisation plant. The proposal is located in the Shire of Gingin (Figure 1) on the northeast corner of Lot 7778 Wannamal Road South (Figure 2).

From Brand Highway, site access would be through Wannamal Road West, Wannamal Road South and initially through a previously cleared easement to the south of the footprint, shown as 'Existing Light Vehicle Access' on Figure 2. The proposed long-term access roads are Wannamal Road West, Wannamal Road South and an internal access road to the east of the landfill footprint, shown as 'Main Access Road' on Figure 2.

The proposal is described in the following document – *Proposed Regional Landfill, Fernview Farm, Gingin: Environmental Approval Supporting Documentation, Version 10* (30 April 2008).

Summary Description

A summary of the key proposal characteristics is presented in Table 1.

Table 1: Summary of key proposal characteristics

Element	Description
General	
Project life	Not more than 30 years
Operating hours for waste acceptance	Monday to Friday – 0700 to 1700 Saturday – 0700 to 1600 Public holidays – Open except for Good Friday and Christmas
Development boundary	Delineated by AMG Coordinates in Schedule 2
Total vegetation clearing	Not more than 61 hectares for infrastructure and internal access roads
Waste acceptance and transport	
Waste acceptance rate	Not more than 150,000 tonnes per annum of Class II-type waste ¹
External access roads to landfill site from Brand Highway	Wannamal Road West and Wannamal Road South
Infrastructure	
Landfill area	Not more than 30 hectares
Internal access roads	As shown in Figure 2
Leachate storage ponds	Two ponds lined with same lining system as landfill cells
Other facilities	Landfill gas extraction and utilisation plant, weighbridge, administration office, utilities, equipment storage yard, fencing.
Landfill design	
Landfill design and construction	In accordance with the Department of Environment's 2005 <i>Draft Best Practice Environmental Management on Siting, Design, Operation and Rehabilitation of Landfill</i> for a Class II landfill ¹ as a minimum.

Post-capping contours	Not more than 225 metres Australian Height Datum
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¹Class II-type waste and Class II landfill as defined in the Department of Environment *Landfill Waste Classification and Waste Definitions 1996 (As amended)*.

Figures (attached)

Figure 1 – Regional location of proposal

Figure 2 – Proposal footprint

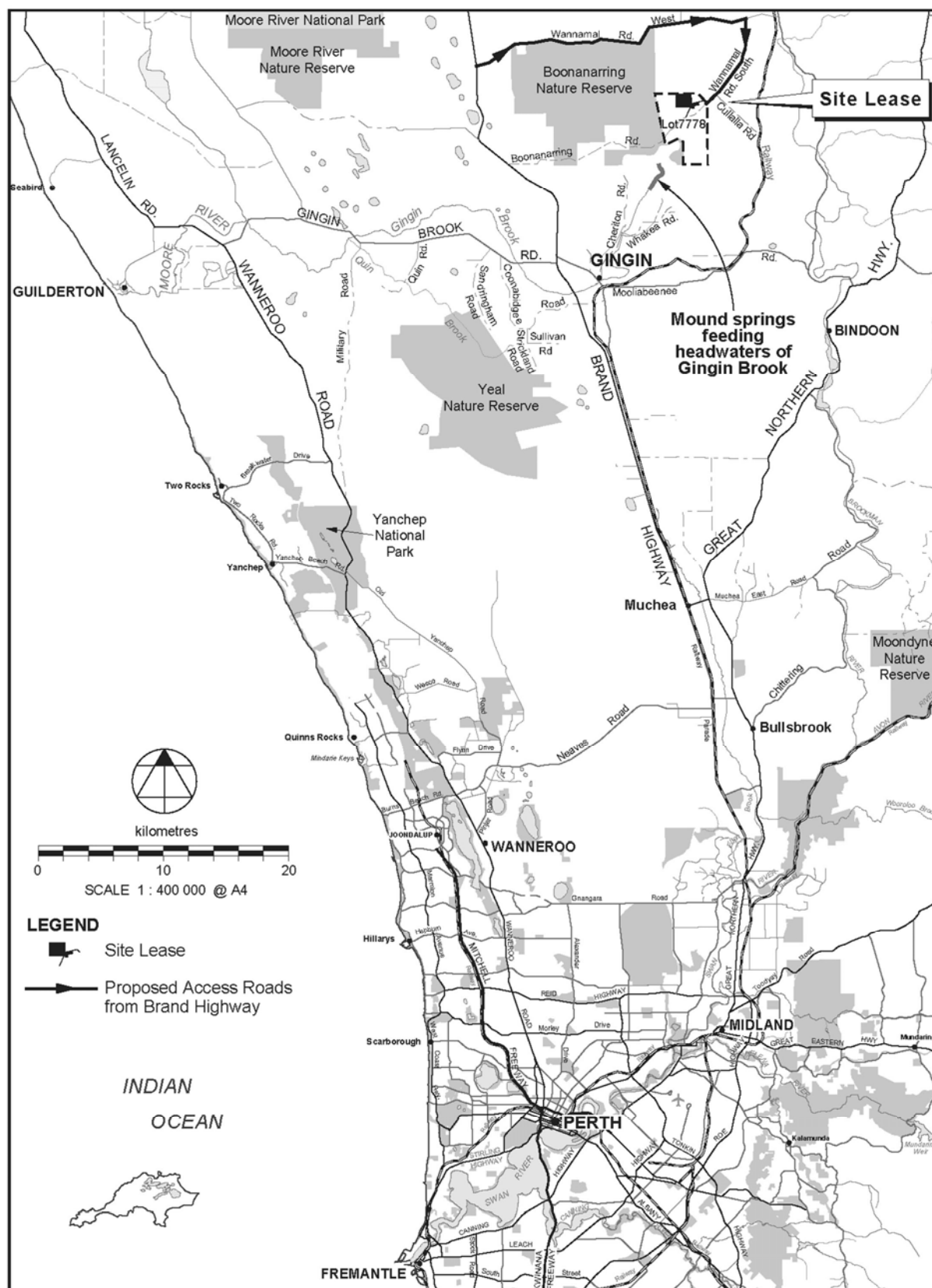


Figure 1: Regional location of proposal

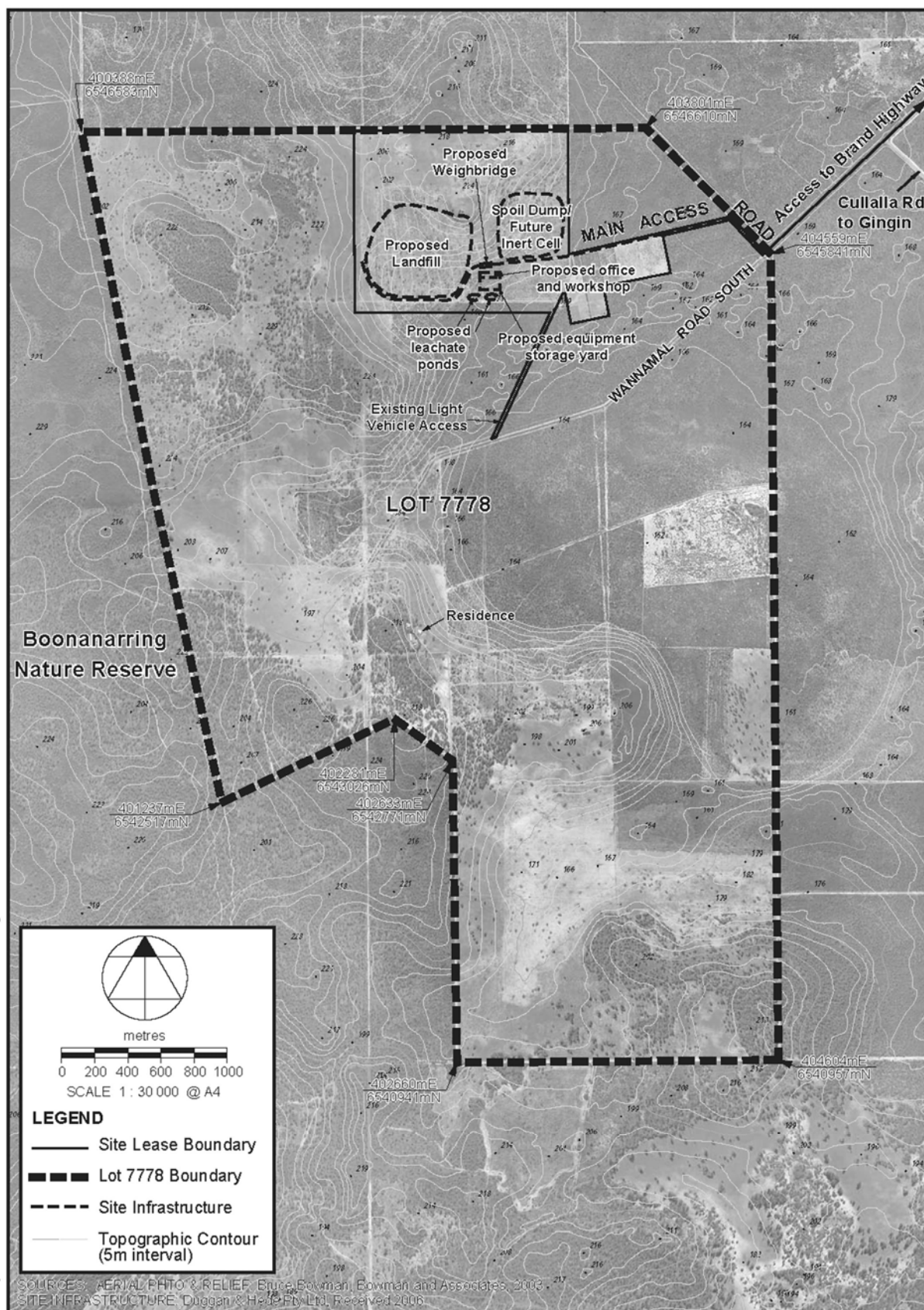


Figure 2: Proposal footprint

Schedule 2

The Proposal (Assessment No. 1736)

AMG coordinates to delineate boundary of proposal development area.

402075mE, 6545552mN
403252mE, 6545552mN
402868mE, 6544720mN
402895mE, 6544730mN
403299mE, 6545607mN
403350mE, 6545422mN
403579mE, 6545470mN
403546mE, 6545646mN
403951mE, 6545727mN
403905mE, 6545953mN
404308mE, 6546047mN
404507mE, 6545836mN
404522mE, 6545849mN
404315mE, 6546069mN
403338mE, 6545841mN
403330mE, 6546598mN
402070mE, 6546588mN