



Report and recommendations of the Environmental Protection Authority



**Class II Landfill, Wannamal Road South,
Cullalla, Shire of Gingin –
inquiry under s46 of the
Environmental Protection Act 1986
to amend Ministerial Statement 796**

Veolia Environmental Services (Australia) Pty Ltd

Report 1510

June 2014

**ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT**

**CLASS II LANDFILL, LOT 7778 DIAGRAM 209805, 1189 WANNAMAL
ROAD SOUTH, CULLALLA, SHIRE OF GINGIN - INQUIRY UNDER
SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986* –
AMENDMENT TO CONDITION 3 OF MINISTERIAL STATEMENT 796
(ASSESSMENT NO. 2010)**

The Minister for Environment has requested (15 May 2014) that the Environmental Protection Authority (EPA) inquire into and report on the matter of amending condition 3 of Ministerial Statement 796 to extend the 'Time Limit of Authorisation' relating to the Class II Landfill, Wannamal Road South, Cullalla, Shire of Gingin.

The following is the EPA's Report and Recommendations to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986*.

Background

The proponent, Veolia Environmental Services (Australia) Pty Ltd, has approval under Ministerial Statement 796 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.

The EPA originally assessed the proposal at the level of Environmental Protection Statement and considered the following key environmental factors relevant to the proposal required detailed evaluation in its Report and Recommendations to the Minister:

- Flora and vegetation; and
- Ground and surface water quality

The EPA concluded that having particular regards to the following:

- the proponent rehabilitating the landfill cap back to native bushland;
- the proponent minimising clearing impacts; and
- the proponent constructing appropriate landfill cells and preserving at all times the quality of the ground and surface water (recommended condition 6),

that the proposal could be managed to meet the EPA's environmental objectives for these factors.

The Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement 796 in June 2009.

Requested changes to conditions

The proponent for the proposal, Veolia Environmental Services (Australia) Pty Ltd, has requested amendment to condition 3 of Ministerial Statement 796, relating to time limit of authorisation, to allow for an additional three years, to 11 June 2017.

Assessment of the proposed change to conditions

The EPA considers that condition 3 should be amended as requested. This is based on the fact that the proposed change to condition 3 does not impact on the identified key environmental factors. Therefore the EPA does not consider that the environmental factors relating to the proposal have changed significantly, nor have new factors been introduced, since the initial assessment.

Furthermore, the current wording of condition 3 is no longer considered appropriate, as it requires that the authorisation to implement the proposal shall “lapse and be void” within five years after the date of the statement. The condition also requires updating in line with wording of contemporary standard conditions.

EPA conclusions and recommendations

The EPA concludes that its objectives would not be compromised by amendment to condition 3 to extend the ‘Time Limit of Authorisation’ by three years, to 11 June 2017. Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment:

1. To amend condition 3 in its entirety and to extend the ‘Time Limit of Authorisation’ by three years, to 11 June 2017; and
2. That, after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to change implementation condition 3 of Statement 796 in the manner provided for in the attached recommended statement.

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

CLASS II LANDFILL, LOT 7778 DIAGRAM 209805, 1189 WANNAMAL ROAD SOUTH,
CULLALLA, 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.

The proposal is further documented in Schedule 1 of Ministerial Statement 796.

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

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

Assessment Number: 2010

Previous Assessment Number: 1736

Report of the Environmental Protection Authority: Report 1510

Previous Report of the Environmental Protection Authority: Bulletin 1287

Previous Statement Number: Ministerial Statement 796

The implementation of the proposal to which the above report of the Environmental Protection Authority relates is subject to the conditions and procedures contained in Ministerial Statement No. 796, as amended by the following:

Condition 3 of Ministerial Statement 796 is deleted and replaced with:

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after the 11 June 2017, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 11 June 2017, must be demonstrated as substantial by providing the Chief Executive Officer* with written evidence, on or before 11 June 2017.

* The Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed xxx]

HON ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE