



Section 65
Environmental Protection Act 1986.

ENVIRONMENTAL PROTECTION NOTICE

Reference No: WA202601

PERSON TO WHOM THIS NOTICE IS GIVEN:

Mindarie Regional Council (ABN 17 015 003 687)
1700 Marmion Avenue
TAMALA PARK WA 6030
In its capacity as occupier of the **Premises**

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

The **Premises**, the subject of this Environmental Protection Notice (**Notice**) is situated on 1700 Marmion Avenue Tamala Park WA 6030, being part of Lot 9043 on Plan 424903 as depicted in Appendix 2 of this Notice.

Reasons for which this notice is issued:

This Environmental Protection Notice (the Notice) is given to the **Occupier**, being Mindarie Regional Council, under section 65 of the *Environmental Protection Act 1986* (EP Act), because I have reasonable grounds to suspect there is, or is likely to be an emission or emissions from the Premises and that the emissions have caused or are likely to cause pollution.

The nature of the suspected pollution is:

1. The emission of odour from the premises into the environment. I have reason to believe that the pollution that is or is likely to be caused is the direct or indirect alteration of the environment to the detriment of an environmental value. The relevant environmental value is the beneficial use of the portion of the environment (air quality) that is conducive to public amenity, public health and aesthetic enjoyment of the environment surrounding residential premises.

The Department of Water and Environmental Regulation (the **Department**) has identified that landfill leachate in ponds at the Premises, leachate seepage from the face of landfill cells and landfill gas emissions (LFG) generated at the Premises are the likely key sources of odour emissions to the environment.

2. The emission of leachate and LFG from the premises into the environment. I have reason to believe that the pollution that is or is likely to be caused is the direct or indirect alteration of the environment to the detriment of an environmental value. The environmental value is the beneficial use of the portion of the environment (groundwater) for potable and non-potable uses.

The Department has been advised by Mindarie Regional Council that leachate levels within the landfill are significantly elevated. This is likely to be increasing the seepage of leachate emission through the landfill liner and impacting groundwater quality.

Therefore, this Notice has been given to require the occupier to take measures to prevent, control and abate the pollution; and to investigate the extent and nature of the pollution and its consequences; and to report to the Department on actions taken to comply with the requirements.

I am satisfied that because Mindarie Regional Council is the Occupier of the Premises from which odour emissions and emissions of leachate and LFG have occurred to the environment that you are the appropriate **Person(s)** to give this Notice.

REQUIREMENTS OF THIS NOTICE:

1. The **Person** to whom this Notice is given must, within 14 days of the date this Notice is issued, provide to the **CEO** for approval, an updated plan to quantify leachate composition, volumes and levels across the Premises. The Leachate Management Plan (LMP) must identify and provide:
 - a. An updated hydrological assessment, including current and predicted water balance utilising modelling and direct measurement.
 - b. A Construction Quality Assurance (CQA) plan that includes the installation of sufficient reference leachate measurement points to ensure ongoing accurate measurement of leachate volumes across the premises.
 - c. A sampling plan for the leachate prior to disposal from the premises to identify the chemical characteristics sufficient for off-site disposal.
2. Upon CEO approval of the LMP, the LMP shall be implemented within 20 days and a report submitted to the CEO every 30 days post implementation of the approved LMP containing:
 - a. Progress of the installation of leachate measurement points as specified in requirement 1b.
 - b. Sampling results of leachate for leachate removed from the premises.
3. The Person to whom this Notice is given must, within 30 days of the date this Notice is issued, provide to the CEO for approval, a Leachate Removal Plan (LRP) to remove leachate from the premises to achieve an interim balance of no more than 12 meters above the stage 2 liner. The LRP must provide the following:

- a. Timeframes and a schedule of management actions for leachate removal from the premises including details of proposed existing offsite disposal facilities or the construction of new offsite facilities and estimates of leachate volumes for removal and disposal.
 - b. Evidence demonstrating that enquiries, including detailed costing and quotes, have been undertaken with appropriate waste acceptance facilities within the State to verify their capacity and capability to receive, treat, and dispose of leachate proposed for removal under the LRP. This must include evidence that enquiries have been made with suitable facilities with purpose-built evaporation infrastructure for offsite leachate evaporation treatment and disposal.
 - c. The implementation of Monitoring well ID's TAMS2448, TAMS3471, TAMS3467, TAMS3415 and TAMS2449 as reference leachate monitoring points, to validate leachate drawdown rates, monitor changes to leachate migration and assess leachate behaviour during removal.
4. Upon CEO approval of the LRP, the LRP shall be implemented within 10 days and a report submitted to the CEO every 30 days post implementation of the approved LRP containing:
- a. the volume of leachate removed from the Premises
 - b. the disposal location of the leachate.
 - c. data outlining changes to the efficiency of the gas collection system.
5. The **Person** to whom this Notice is given must, within 90 days of the date this Notice is given, provide to the **CEO** for approval, an updated Landfill Capping and Closure Plan (LCCP) for the premises. The LCCP plan must provide the following:
- a. An assessment to determine the minimum amount of fill (inert or otherwise) required to achieve a final landform for the premises that is considered suitable for capping, stable, safe to the surrounding community, achieves the minimum leachate generation within the landfill and minimises groundwater risk. Final landform assessment must include considerations for the design of final cover systems, landfill shape, drainage, landfill lining system and any other infrastructure required to achieve final waste height and final elevation and slope stability to minimise erosion and leachate generation. The assessment for the final landform must account for the premises layout as approved by the department.
 - b. Strategies and options to minimise rainfall infiltration and leachate generation, including short-term options for the remainder of 2026. This should include considerations for possible immediate capping of landfill cells and engineering and logistical issues associated with capping the saturated waste mass, and minimum landform profile. The plan should also include consideration of further capping of already capped areas (Stage 2, Phase 1) to further reduce leachate generation.
 - c. The LCCP shall include a timeline of actions to be undertaken to achieve final capping and closure.

6. The **Person** to whom this Notice is given must, within 90 days of the date this Notice is given implement the recommendations of the report EPN- 05 Landfill Gas Extraction system review (SLR, 1 July 2025) which was submitted to comply with requirement 5 (e) of EPN 202405. This is detailed in Table 11 of that report, with the following requiring immediate implementation:
 - a. Reinstate the temporarily disconnected LFG extraction system in Stage 2, Phase 2 and Phase 3 upon completion of the western capping works.
 - Improve waste tracking procedures at the landfill to gain a better understanding of the waste composition and quantities.
 - Confirm, why LFG extraction wells are non-operational or shut-in, and identify if repairs can be undertaken for shut-in wells to be operational again.
 - Identify areas of the waste mass that would benefit from installation of new LFG extraction wells.
 - Enhance intermediate cover to reduce the occurrence of LFG fugitive emissions above the landfill.
 - Prepare an improvement plan for the LFG extraction system based on the outcomes of the aforementioned recommendations.
 - b. Include a LFG risk assessment including a contingency plan should gas generation exceed current capacity. This must be undertaken by a suitably qualified landfill gas consultant.
7. The Person to whom this Notice is given must, within 90 days of the date this Notice is issued, prepare a report that documents a Surface Water Management Strategy for the premises. The report should consider both short term and long-term management strategies for the current and proposed final landform and assess source-pathway linkages to leachate and gas generation.
8. The Person to whom this Notice is given must, within 120 days of the date this Notice is given, provide to the CEO for approval, a geotechnical landfill stability assessment report compliant with the BPEM. The report must include:
 - a. A Construction Quality Assurance (CQA) Plan to demonstrate that liner materials and constructed features meet stability design and cell capping specifications, informed by a LFG risk assessment completed as per requirement 6b.
 - b. An assessment of Factor of Safety (FoS) standards for permanent slopes under static conditions at the premises with a required minimum FoS of 1.5. FoS analysis should cover deep-seated circular slips and interface sliding using software like SLIDE or equivalent, as recommended by BPEM.
 - c. An assessment of slope ratio with the BPEM recommending that final waste landforms slope ratio should generally not exceed 1V:5H (20%), while embankments present for over 20 years must not exceed 1V:3H
 - d. Consideration for the fact that the works approval for the planned construction of the Stage 1 South piggyback liner/cell was not approved by the department,

consequently additional slope support and design plans for the *northern piggyback* cell wall face (with inert waste) is required, so that minimum FoS of 1.5 is achieved.

Other Requirements

9. The **CEO** may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.
10. The **CEO** may consider options to require the occupier to immediately stop the acceptance of waste to site if it has been demonstrated the occupier has failed to meet the requirements listed above.

Executive Director Assurance
Department of Water and Environmental Regulation

For the Chief Executive Officer under Delegation No. 187

3 August 2026

IMPORTANT INFORMATION:

Subject to section 65(4) of the Act:

- The **CEO** may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such variation will not result in an unacceptable risk to human health, the environment or any environmental value.

A **PERSON** WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Under section 103 of the *Environmental Protection Act 1986*:

- a **person** who is aggrieved by a requirement contained in this environmental protection notice may within 21 days of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other **person** who disagrees with a requirement contained in this environmental protection notice may within 21 days of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS ENVIRONMENTAL PROTECTION NOTICE CONTINUE TO HAVE EFFECT.

Note that under section 118A of the *Environmental Protection Act 1986* each **person** who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

APPENDIX 1: DEFINITIONS

In this Notice, unless the contrary intention appears –

‘*Act*’ means the *Environmental Protection Act 1986* (WA);

‘*CEO*’ means Chief Executive Officer, Department of Water and Environmental Regulation or their delegate;

‘*CEO*’ for the purposes of correspondence means;

Chief Executive Officer
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919
Telephone: (08) 6364 7000
Fax: (08) 6364 7001
Email: compliance@dwer.wa.gov.au

‘*Contaminated sites auditor*’ means a contaminated land consultant accredited by the Department of Water and Environmental Regulation under the *Contaminated Sites Act 2003*.

‘*Days*’ include Monday to Friday but exclude public holidays and weekends.

‘*Department*’ means the Department of Water and Environmental Regulation

‘*Occupier*’ for the purposes of this Notice means: Mindarie Regional Council

‘*Person*’ for the purpose of this Notice means:

Mindarie Regional Council (ABN 17 015 003 687)
1700 Marmion Avenue
CLARKSON WA 6030

‘*BPEM*’ means Best Practice Environmental Management as in the guideline, “Best Practice Environmental Management (Victoria EPA, August 2015).

‘*Stage*’ and ‘*Phase*’ refers to areas as defined in the licence L9395/2023/1

‘*Suitably qualified landfill gas consultant*’ means a person who:

1. holds a Bachelor of Science or Bachelor of Engineering; and
2. has a minimum of 5 years of experience working in the field of landfill design and landfill gas management.

Appendix 2 - Premises Map

