



Application to renew a licence

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L8098/2002/5
Licence Holder	Australian Renewable Fuels Picton Pty Ltd
ACN	108 170 270
File Number	DER2015/001581-1~8
Premises	Australian Renewable Fuels Picton Legal description Lot 2009 on Plan 43721 Giorgi Road PICTON WESTERN AUSTRALIA 6229 As defined by the Premises map in Schedule 1 of the licence
Date of Report	25 May 2022
Decision	To grant a licence

Neville Welsh

**SENIOR INDUSTRY REGULATION OFFICER
INDUSTRY REGULATION**

An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L8098/2002/5 without conducting a comprehensive risk assessment of emissions.

The licence is issued for a term up to 14 September 2029, consistent with the current term of the land lease with the registered proprietor and the *Guidance Statement on Licence Duration 2016*.

In renewing the licence the Delegated Officer has determined to:

- Update the format and appearance of the licence;
- Transfer existing regulatory controls and conditions to the new licence;
- Update conditions in accordance with current standards;
- Include conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- Revise numbering of conditions and references to attachments and update/clarify the definitions;
- In consideration of the timeframe since the last risk assessment (completed in 2006) and the outcomes of the Special Risk Premises Inspection in 2014 - a new condition (condition 2) has been set requiring the licence holder to report to the Department at least 6 months prior to recommencement of operations. Following this action from the licence holder the Department will then undertake a review of emissions risks which may result in a revision of premises risk ratings and regulatory controls.

As a result of the above, the Delegated Officer decided to grant Licence L8098/2002/5 subject to conditions set out in the attached licence.

The Department must be consulted in the event the Licence Holder wishes to construct/install infrastructure or equipment or amend operations.

2. Scope of assessment

2.1 Application summary

On 17 March 2022 Australian Renewable Fuels Picton Pty Ltd (licence holder) applied to renew licence L8098/2002/4, as the licence is due to expire on 30 May 2022. The licence was granted to the licence holder for the premises located at Lot 2009 on Plan 43721 Giorgi Road, Picton, Western Australia (Premises).

The licence relates to prescribed premises categories as described in Table 1.

Table 1: Premises category description and production / design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Production / design capacity
Category 31 Chemical manufacturing: premises (other than premises within category 32) on which chemical products are manufactured by a chemical process.	40,000 tonnes per year

The main activity occurring at the premises is processing of tallow and vegetable oils to produce biodiesel and two by products, i.e. raw glycerine and sulphate of potash fertiliser.

The licence holder explained the Premises has been in care and maintenance for approximately the last 6 years and is expected to remain unchanged.

3. Regulatory framework

The Delegated Officer has not conducted a comprehensive risk assessment of all emissions and discharges from the Premises that aligns with the Department of Water and Environmental Regulation's (Department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2021.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

4. Considerations for issuing a new licence

4.1 Legal occupancy

The licence holder has demonstrated legal occupancy of the Premises. The land is the subject of a lease held by the Licence Holder which is due to expire on 14 September 2029.

4.2 Prescribed premises category

The requested prescribed premises category and the corresponding maximum production/design capacity is consistent with the preceding licence category description and corresponding production/design capacity which was previously assessed.

4.3 Other approvals

4.3.1 Planning approval

The licence holder has informed the Department that it has planning approval for the activities on the Premises and that this approval is current.

The Delegated Officer has considered advice from the Shire of Dardanup, noting that planning approvals have been granted for works in relation to the premises, however that further approval/s may or will be required for any works not covered by an existing planning approval.

4.3.2 Dangerous goods site licence

The licence holder holds a dangerous goods site licence relevant to the premises, issued by the Department of Mines, Industry Regulation and Safety (DMIRS), which is due to expire 24 January 2027.

4.4 Compliance and enforcement actions

There have been no complaints or non-compliance incidents relevant to the Premises and identified by the Department within the last 9 years. There have been no enforcement actions taken against the licence holder in the last 9 years.

4.5 Special risk premises inspections

The Delegated Officer notes Special Risk Premises Inspections (SRPI) were undertaken at the Premises in 2010, 2012, 2013 and 2014. The latest SRPI report dated 11 March 2014 attributed the premises with an environmental high risk rating in relation to volumes of fuel/chemicals transported or stored on site.

The Delegated Officer has considered the potential risk of emissions and discharges associated

with the Premises in the setting of the Licence conditions should operation recommence.

5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions to licences. Most licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the premises in question.

Error! Reference source not found. summarizes the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Licence conditions changes, description, and rationale

Current condition / table	New condition / table (if relevant)	Description and rationale
Definitions	Definitions Table 1	Existing definitions updated as required and in accordance with current standards. Additional terms added in accordance with the department's licence template.
Emissions to air Condition 1	Condition 1	Replaced the term "licensee and Director" with "licence holder and CEO". The existing licence condition remains on the new licence.
N/A	Condition 2, 3, 5 & 6	New records and reporting conditions in accordance with current standards. Rationale provided in section 1 of this decision report.
Reporting conditions Condition 2	Condition 4	Condition updated in accordance with current standards for Annual Audit Compliance Report (AACR). Condition 4 requires submission of the AACR on the approved form available from the department's website.
Attachment 1 Plan of premises	Schedule 1	Attachment 1 updated to Schedule 1. No changes to premises boundary map.
Attachment 2 AACR form	Removed	Deleted outdated AACR form.

6. Consultation

The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

Table 3: Consultation

Consultation method	Summary of comments received	Delegated Officer's response									
Application advertised on the department's website on 21 April 2022	No submissions received	Noted									
Local Government Authority (Shire of Dardanup) advised of application on 31 March 2022 and 8 April 2022	<p>Submissions from the Shire of Dardanup were received on 1 April 2022 and 26 April 2022. A summary of comments received are provided below.</p> <p><i>The Shire has no objection to the renewal based on the following observations:</i></p> <ul style="list-style-type: none"> <i>The facility is in caretakers mode and no new works or uses are proposed as part of this licence renewal;</i> <i>The following approvals have been granted for works and use at this facility:</i> <table border="1"> <tbody> <tr> <td><i>P03/07</i></td> <td><i>Granted in January 2007 and letter dated 1 May 2007.</i></td> <td><i>Extension to fuel and power generation plant - shed and blending structure</i></td> </tr> <tr> <td><i>P07/09</i></td> <td><i>Granted 20-02-2009</i></td> <td><i>Shed for expansion of bio-diesel processing</i></td> </tr> <tr> <td><i>P60/11</i></td> <td><i>Granted 16 November 2011</i></td> <td><i>Pretreatment plant upgrade</i></td> </tr> </tbody> </table> <ul style="list-style-type: none"> <i>Any new infrastructure, equipment or plant proposed would need development approval from the Shire of Dardanup.</i> <p><i>Please also note that a compliance audit has not been completed and any works which had previously been approved but not constructed within the relevant timeframe may require further consideration and approval prior to the works being commenced.</i></p>	<i>P03/07</i>	<i>Granted in January 2007 and letter dated 1 May 2007.</i>	<i>Extension to fuel and power generation plant - shed and blending structure</i>	<i>P07/09</i>	<i>Granted 20-02-2009</i>	<i>Shed for expansion of bio-diesel processing</i>	<i>P60/11</i>	<i>Granted 16 November 2011</i>	<i>Pretreatment plant upgrade</i>	<p>The Delegated Officer has considered advice from the Shire of Dardanup, noting that planning approvals have been granted for works in relation to the premises, however that further approval/s may or will be required for any works not covered by an existing approval.</p> <p>The Delegated Officer notes the Department must be consulted in the event the Licence Holder wishes to construct/install infrastructure or equipment or amend operations and therefore has imposed a new condition requiring 6 months notification prior to operations recommencing.</p> <p>This should allow sufficient time for all approvals to be obtained prior to operations commencing.</p>
<i>P03/07</i>	<i>Granted in January 2007 and letter dated 1 May 2007.</i>	<i>Extension to fuel and power generation plant - shed and blending structure</i>									
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Consultation method	Summary of comments received	Delegated Officer's response
<p>Applicant was provided with the draft licence and draft decision report on 3 May 2022</p>	<p>Comments were received from the applicant on 13 May 2022 as follows:</p> <p><i>Draft licence & renewal have been reviewed & we have no further comments to make.</i></p> <p><i>Please proceed with renewal as proposed.</i></p>	<p>Noted.</p>