



Application for Licence Amendment

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

Licence Number	L5897/1993/11
Licence Holder	BAE Systems Australia Limited
ACN	008 423 005
File Number	2012/008857-2
Premises	BAE Systems Henderson Facility 42 Quill Way HENDERSON WA 6166 Legal description – Lot 1 on Diagram 75186 Lot 2953 on Deposited Plan 188910 Lot 804 on Deposited Plan 38196 Part Lot 4552 on Deposited Plan 220690 As defined by the Premises maps attached to the Revised Licence
Date of Report	18 September 2024
Decision	Revised licence granted

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1. Decision summary

Licence L5897/1993/11 is held by BAE Systems Australia Limited (Licence Holder) for the BAE Systems Henderson Facility (the Premises), located at 42 Quill Way, Henderson.

This Amendment Report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the Premises. As a result of this assessment, Revised Licence L5897/1993/11 has been granted.

The Revised Licence issued as a result of this amendment consolidates and supersedes the existing Licence previously granted in relation to the Premises. The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Amendment Report, the Department of Water and Environmental Regulation (DWER, department) has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au).

2.2 Application summary

On 11 January 2024, the Licence Holder submitted an application to the department to amend Licence L5897/1993/11 under section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Removal of Condition 1.2.3 from the licence because it references a document that has been withdrawn.
- Amendment of condition 5.3.1 to remove reference to form N1 which is no longer in use.
- Remove form N1 from the licence.

A number of conditions have been amended or deleted to bring the licence into the current format (see Table 2)

3. Decision

The delegated officer has assessed the application and determine that the proposed amendments do not represent an unacceptable risk to public health or the environment. In reaching this conclusion the delegated office has considered the following:

- The *Code of Practice for the Storage and Handling of Dangerous Goods* referenced in condition 1.2.3 has been withdrawn.
- The licence holder has a licence to store Dangerous Goods (DGS021585).
- An alternate condition for storage of environmentally hazardous materials has been specified in the licence (condition 3). This condition does not conflict with or duplicate with requirements of the premises Dangerous Good licence and ensures storage of those substances which aren't deemed Dangerous Goods but stored in a manner which appropriately mitigates the risk of discharge to the environment.
- It is appropriate to remove the notification condition as the licence holder has an obligation to report discharges of waste causing or likely to cause pollution or

environmental harm as soon as practicable under Section 72 of the EP Act. The licence holder further has an obligation to report non-compliance with the conditions of the licence in the Annual Audit Compliance Report and environmental incidents in the biennial Environmental Report. The purpose of the notification condition is therefore met by other laws and conditions.

Licence updates

As part of the amendment the delegated officer has taken the opportunity to update the format of the licence to align with the department’s current template. In amending the licence, the delegated officer has:

- Updated the format and appearance of the licence.
- Revised condition numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency.
- Updated reporting and record keeping conditions consistent with the current DWER licensing format.
- Updated reporting requirements consistent with the *2022 Notice of amendment and schedule of licences with amended reporting conditions*.

The obligations of the licence holder have not changed in updating and consolidating the licence therefore no additional risk assessment relating to previously assessed activities has been undertaken. The full details of the amendments to the licence are included in section 5.1

4. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

Table 1: Consultation

Consultation method	Comments received	Department response
Licence Holder was provided with draft amendment on 14 August 2024	The licence holder replied 10 September 2024 advising they had no comment.	NA

5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised Licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

5.1 Summary of amendments

Table 2 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 2: Consolidation of licence conditions in this amendment

Existing condition	Condition summary	Revised licence condition	Conversion notes
1.1.1 1.1.2	Interpretation and definitions	N/A Interpretation section and Table 3 Definitions	Redundant condition, definitions moved to Table 3 and updated details for CEO and EP Act, added

Existing condition	Condition summary	Revised licence condition	Conversion notes
			definition for AACR, biennial and Licence Holder.
1.1.3	Australian or other standard	N/A	Redundant condition, captured within interpretation section.
1.1.4	Reference to code of practice	Interpretation section	
1.2.1	Licence does not authorise pollution etc.	Interpretation section	Redundant condition removed, is adequately captured within the interpretation.
1.2.2	Pollution control and monitoring equipment	Condition 1	New numbering
1.2.3	Storage of environmentally hazardous materials	Condition 3	Redundant condition. Partially regulated by the <i>Dangerous Goods Safety Act 2004</i> . Revised condition
1.2.4	Recovery and removal of spills	Condition 4	New numbering
1.2.5	Prevention of contamination of stormwater	Condition 5	
1.3.1	Records of vessels greater than 25 metres	Condition 11	
1.3.2	Records of vessels where tributyltin is used or removed	Condition 12	
1.3.3	Abrasive blasting and metal coating of structures treated with tributyltin	Condition 2	
1.3.4	Waste containing or potentially containing tributyltin	Condition 6	
2.1.1	Record and investigate exceedances of limits or targets	N/A	Redundant condition due to no specified limits or targets. Deleted from licence.
2.2 to 2.5	Point source emissions to air, surface water, groundwater and land	N/A	Removed due to no specified requirements.
2.6.1 and 2.6.2	Dust emissions	Conditions 7 and 8	New numbering.
2.7.1	Odour emissions	N/A	Redundant condition. Adequately covered by s.49 of the EP Act. Deleted from licence.
2.7	Noise	N/A	Removed due to no specified requirements

Existing condition	Condition summary	Revised licence condition	Conversion notes
3.1.1 and 3.1.2	General monitoring conditions	Conditions 9 and 10	New numbering
3.2 to 3.7	Monitoring	N/A	Removed due to no specified requirements.
3.8.1	Ambient monitoring	Condition 13	New numbering
3.9	Meteorological monitoring	N/A	Removed due to no specified requirements.
4	Improvements	N/A	
5.1.1	Records	Condition 14 and 15	New numbering and update to wording format
5.1.2	Persons to have access to licence	N/A	Redundant condition. Deleted from licence.
5.1.3	Annual Audit compliance report	Condition 15	New numbering and update to wording format
5.1.4	Complaints management system	Condition 12	New numbering and update to wording format
5.2.1 and 5.2.2	Biennial report	Condition 16	New numbering and update to update to reporting requirements as per the 2022 <i>Notice of amendment</i> .
5.3.1	Notification	NA	Removed as adequately covered by AACR, Environmental Report and s72 reporting requirements.
Schedule 2 Reporting & notifications	Annual Audit Compliance Report Form N1 Notification	N/A	Redundant attachments. Deleted from Licence AACR form accessed at DWER Regulatory documents Western Australian Government (www.wa.gov.au)

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. BAE Systems 2024, *Application to amend licence and additional information*, Osborne, South Australia.