



## Application for Licence Amendment

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

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<b>Licence Number</b>	L5938/1967/12
<b>Licence Holder</b>	BP Refinery (Kwinana) Pty Ltd
<b>ACN</b>	008 689 763
<b>File Number</b>	DER2016/0005128
<b>Premises</b>	BP Refinery Kwinana Mason Road KWINANA BEACH WA 6167 Legal description – Lot 18 on Plan 17311
<b>Date of Report</b>	1/11/2023
<b>Decision</b>	Revised licence granted

# 1. Decision summary

The Delegated Officer has determined to make amendments to Licence L5983/1967/12. The amendments are administrative in nature therefore they do not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act). The decision report for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

## 2. Scope of assessment

### 2.1 Regulatory framework

In amending the licence, the 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 \(www.wa.gov.au\)](https://www.wa.gov.au/government/publications/regulatory-documents).

### 2.2 Application summary and background

Licence L5938/1967/12 is held by BP Refinery (Kwinana) Pty Ltd (BP, licence holder) for the BP Refinery Kwinana (the premises), located at Lot 18 on Plan 17311 Mason Road, Kwinana Beach.

In July of 2022 the licence was amended as the licence holder ceased refining oil at the premises and had plans to convert the premises into a fuel import terminal. At this time the licence was consolidated and updated to the current format. The due date for the Annual Environmental Report (AER) was reduced from 45 days to 28 days after the annual period as part of the licence amendment.

On 19 September 2023, the licence holder submitted an application to the department to amend Licence L5938/1967/12 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited to reverting the due date for the annual environmental report back to 45 days after the annual period. The annual period as defined in the licence is from 1 January until 31 December the same year.

The licence holder stated within the application that the request stems from concerns regarding the challenges posed by the current, shorter timeframe including:

- Availability of data, as there is a large amount of data that needs to be collated up to the 31<sup>st</sup> of December as per the requirements;
- public holidays and mandated shutdowns due to the holiday period causing delays in third party data such as lab analysis; and
- insufficient time to analyse and interpret the collated data and prepare the required reports.

Overall, the licence holder is concerned that the reduced timeframe is not sufficient considering all the requirements of the AER and may compromise the overall quality of the report.

## 3. Consultation

The licence holder was provided with the draft Amendment Report on 25 October 2023. On 31 October 2023 the licence holder waived the comment period.

## 4. Decision

The Delegated Officer has determined that extending the due date for the AER is appropriate on the basis it that it will provide sufficient time for the licence holder to collate data and prepare all the information requirements for their report. In determining the extended timeframe for the submission of the AER, the following matters were considered by the Delegated Officer:

- an extension to the AER submission date will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises; and
- the new due date will re-align with the submission of the licence holder's Annual Audit Compliance Report as per condition 17, streamlining the reporting requirements.

The Delegated Officer has therefore amended Licence L5938/1967/12 in accordance with section 59B Of the EP Act by extending the due date for the AER from 28 days to 45 days after the annual period.