



Application to replace expiring licence

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

Licence Number	L7236/1997/12
Applicant	A.K.C Pty Ltd (Trading as Baileys Fertilisers)
ACN	008 747 911
File Number	DEC2248/1
Premises	Baileys Fertilisers 24 Beach Street KWINANA WA 6167 Being Lot 432 on Plan 3837 As defined by the coordinates in Schedule 2
Date of Report	6 December 2021
Decision	Licence granted

Jane Dalin
Senior Environmental Officer
Industry Regulation

An officer delegated by the CEO under section 20 of the EP Act

1. Application summary

On 5 October 2021, A.K.C. Pty Ltd – Trading as Baileys Fertiliser (Licence Holder) applied to renew licence L7236/1997/11 as the licence is due to expire on 4 January 2022. The Premises is located at Lot 432 on Plan 3837, 42 kilometres from Perth in a south westerly direction. It is located in an area zoned General Industrial. The licence relates to prescribed premises categories as described below in Table 1.

Table 1: Premises category description and production design capacity

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production capacity
Category 67A Compost Manufacturing and Soil Blending: premises on which organic material (excluding silage) or waste is stored pending processing, mixing, drying or composting to produce commercial quantities of compost or blended solids	20 000 tonnes per annual period
Category 33 Chemical blending or mixing: premises on which chemicals or chemical products are mixed, blended or packaged in a manner that causes or is likely to cause a discharge of waste into the environment	10 000 tonnes per annual period

Baileys purchase products such as sawdust and pinebark. Lime sand, superphosphate and urea and added to these products and composted on site for use as potting mixes. The material undergoing treatment in compost stockpiles is watered with sprinklers to assist the composting process. Baileys also purchase composted organic material for packaging or blending into soil conditioners and mulches.

The blending and processing into granulate material occurs inside an enclosed shed. These products are then packaged on-site for sale as blended fertiliser products. The process involves raw fertiliser material fed into the hopper, the hammer mill pulverises it and then the milled product moves to the granulation pan where water is added. The moist granules are placed into the drying oven and then screened out into different grades and sizes.

2. Regulatory framework

The department has determined to undertake an administrative renewal of the licence and has not conducted a full review and risk assessment of emissions and discharges from the premises in line with the Department's *Work Instruction: Regulatory Services, COVID-19 licensing position* June 2021.

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

3. Decision summary

Under the regulatory framework the Delegated Officer has determined to grant the licence L7236/1997/12 without conducting any additional assessment or risk assessment.

The replacement licence will be issued for 20 years and is consistent with the *Guidance Statement: Licence Duration 2016*.

In renewing the licence the Delegated Officer has determined to:

- update the format and appearance of the licence;
- revise licence conditions and consolidate existing pollution control conditions;

- correct clerical mistakes and unintentional errors; and
- transfer all existing regulatory controls and conditions to the renewed licence.

As a result of this decision, a renewed Licence L7236/1997/12 has been granted subject to conditions set out in the attached licence and summarised below.

3.1 Summary of administrative changes

Section 62 of the EP Act provides general power to impose conditions on licences. All licences are issued with conditions as per *Guidance Statement – Setting Conditions* (October 2015) for the purposes of the EP Act to prevent, control, abate or mitigate pollution or environmental harm.

Table summarizes the transfer of all appropriate conditions from the expiring licence into the renewed licence including changes made to licence conditions where required and the rationale for changes made.

Table 2: Summary of changes from Expiring Licence to Renewed Licence

Licence condition or table number	Summary - previous licence condition	Conversion notes	New licence condition or table number
Introduction	Preamble to Licence	Replaced with Introduction section	Interpretation
1 Interpretation	Definitions of terms within the Licence	Moved to back of Licence, new relevant definitions added	Table 8 - Definitions
1.1.3	Relevant parts of standard	Condition replaced with a new definition in Table 8 "Australian Standard"	Table 8 - Definitions
1.1.4	Reference to guidelines	Condition replaced with a new definition in Table 8 "Guideline"	Table 8 - Definitions
1.2.1	Waste acceptance	Renumbered only	Condition 2
Table 1.2.1	Waste acceptance	Renumbered and reformatted only	Table 2
1.2.2	Waste processing	Renumbered only	Condition 3
Table 1.2.2	Waste processing	Renumbered and reformatted only	Table 3
1.2.3	Containment infrastructure	Updated to latest template condition for infrastructure	Condition 1
Table 1.2.3	Containment Infrastructure	Added infrastructure to Table. Added 'to be maintained in good working order' to infrastructure items.	Table 1
2.1.1	Sample collection in accordance with Standards	Renumbered only	Condition 4
2.1.2	Six monthly monitoring frequency	Renumbered only	Condition 5
2.2.1	Monitoring in accordance with Table 2.2.1	Renumbered and replaced reference to Table 2.2.1 to Table 4	Condition 6
Table 2.2.1	Monitoring of inputs/outputs	Renumbered only to Table 4	Table 4
2.3.1	Process monitoring specifications	Renumbered and replaced reference to Table 2.3.1 to Table 5	Condition 7
2.3.1	Process monitoring	Renumbered only	Table 5
2.4.1	Ambient environmental monitoring	Renumbered and changed reference to Table 2.4.1 to Table 6	Condition 8
Table 2.4.1	Ambient environmental monitoring	Renumbered only	Table 6
3.1.1	Information and records	Updated to latest condition from DWER conditions library. Renumbered	Condition 12
3.1.2	Annual audit compliance report	Updated to latest condition from DWER	Condition 10

Licence condition or table number	Summary - previous licence condition	Conversion notes	New licence condition or table number
		conditions library. Renumbered.	
3.1.3	Complaints management system	Updated to latest condition from DWER conditions library. Renumbered.	Condition 9
3.2.1	Annual environmental report date	Updated to latest condition from DWER conditions library. Renumbered.	Condition 13
Table 3.2.1	Annual environmental report	Renumbered to Table 7	Table 7
Schedule 1	Premises map	Updated map to new version provided by licence holder as part of this renewal application	Schedule 1- Premises map
Schedule 2	Reporting and notification forms	Removed as forms are no longer up to date. New forms are available at www.dwer.wa.gov.au Schedule 2 has been replaced with a coordinates table of the premises boundary.	Schedule 2

4. Consultation

The draft replacement licence and this decision report were provided to the licence holder on 22 November 2021 for comment. The licence holder provided a response on 26 November 2021. The licence holder requested that the conditions referencing Standard Operating Procedures (SOPs) were updated to refer to the latest versions, and that stockpile sizes were increased from 3 metres by 5 metres, to 5 metres by 10 metres.

5. Decision

The Delegated Officer has determined the risks to human health and the environment from the activities on the Premises, and as previously assessed by the Department have not materially changed. The Delegated Officer has determined that as this renewal is administrative only, changes to stockpiles size and SOP's as provided via the licence holder during the draft comment period are not included in the renewed licence, as they have not been risk assessed. The Delegated Officer notes that these changes can be applied for through a licence amendment application. The Delegated Officer has determined to grant renewed licence L7236/1997/12 without conducting any additional risk assessment.