



Application for Licence

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

Licence Number	L7835/2003/6
Applicant	Nutrient Ag Solutions Fertilisers T/A Nutrient Ag Solutions Limited
ACN	008 743 217
File Number	DER2017/000265
Premises	Nutrient Ag Solutions Fertiliser 115 Port Road KWINANA BEACH, WA Part of Lot 497 on Deposited Plan 35196]
Date of Report	11 March 2021
Decision	Licence granted

Jane Dalin
SENIOR ENVIRONMENTAL OFFICER
INDUSTRY REGULATION

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

The Delegated Officer has determined to renew licence L7835/2003/5 and update the licence to the new licence format. The renewal and licence format update are administrative in nature and therefore this process does not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing/revised approvals remain unchanged.

This decision report documents the amendments made pursuant to regulation 5CB(1) of the Environmental Protection Regulations 1987 (EP Regulations).

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 renewing licence L7835/2003/5, 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>.

2.2 Application summary and overview of Premises

Licence L7835/2003/5 is held by Nutrient Ag Solutions Limited (licence holder) for the Nutrient Ag Solutions Fertiliser (the premises), located on Lot 497 on Deposited Plan 53196, 115 Port Road, KWINANA BEACH, WA.

The premises relates to the category and the assessed design capacity under Schedule 1 of the EP Regulations which are defined in licence L7835/2003/6 (namely Category 33 chemical blending or mixing).

On 28 July 2020, the licence holder submitted an application to the department to renew licence L7835/2003/5 under regulation 5CB(1) of the EP Regulations. As the licence expires prior to 30 June 2021 the licence will be renewed under a reduced scope due to the COVID-19 health situation.

The licence renewal (L7835/2003/6) is limited only to extending the licence expiry date (to 25 April 2041); reformatting the licence format to the current format; renumbering of conditions; amending typographical errors and updating and inclusion of definitions.

3. Consultation

The licence holder was provided with the draft decision report on 12 December 2021. No comments were provided by the licence holder by 10 March 2021. This has been considered by the Delegated Officer.

4. Conclusion

Based on the assessment in this decision report, the Delegated Officer has determined to renew the licence, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1 Summary of amendments

Table 1 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the renewal process.

Table 1: Summary of licence amendments

Condition no.	Amendments
Cover page	Included the prescribed premises category description and the assessed design capacity.
Page 2	Added licence history and included Interpretation section.
Duration	Extended licence duration by 20 years to 25/04/2041
Definitions	<p>Moved to Table 3.</p> <p><i>Definitions updated:</i></p> <p><i>'CEO' replaced 'Director'</i></p> <hr/> <p><i>Definitions added:</i></p> <p><i>'ACN'</i></p> <p><i>'Annual Audit Compliance Report (AACR)'</i></p> <p><i>'Annual Period'</i></p> <p><i>'books'</i></p> <p><i>'CEO'</i></p> <p><i>'Department'</i></p> <p><i>'discharge'</i></p> <p><i>'emission'</i></p> <p><i>'EP Act'</i></p> <p><i>'EP Regulations'</i></p> <p><i>'licence'</i></p> <p><i>'licence holder'</i></p> <p><i>'premises'</i></p> <p><i>'prescribed premises'</i></p> <p><i>'waste'</i></p>
Throughout licence	Reference to 'licensee' removed and replaced with 'licence holder' to align with current guidance
Condition 1	New condition – infrastructure and equipment requirements - to align with current guidance, incorporated condition G3 from existing licence.
Condition G1	Renumbered to Condition 13 and reworded to align with current guidance.
Condition G2	Renumbered to Condition 12 and reworded to align with current guidance and direct licence holder to Departments website for approved AACR form.
Condition 14	New condition to align with current guidance

Condition G3	Incorporated into new Condition 1
Condition A1(a)	Renumbered to Condition 3
Condition A1(b)	Renumbered to Condition 4
Condition A2(a)	Renumbered to Condition 5
Condition A2(b)	Renumbered to Condition 6
Condition S1	Renumbered to Condition 2
Condition W1	Renumbered to Condition 7 and reworded to reference monitoring locations in Schedule 1, Figure 2.
Condition W2	Renumbered to Condition 8
Condition W3	Renumbered to Condition 9
Condition W4	Renumbered to Condition 10
Condition 11	Condition added as per licence template – requires licence holder to record information in relation to complaints received about alleged emissions from the premises.
Attachment 1	Schedule 1
Attachment 2	AACR form removed. Licence now directs licence holder to Departments website for the current AACR form.

References

1. *Industry Regulation Guide to Licensing*. Department of Water and Environmental Regulation, Perth. June 2019.
2. *8. Guidance Statement: Licence duration*. Department of Environment Regulation, Perth. August 2016;
3. *9. Guidance Statement: Decision Making*. Department of Environment Regulation, Perth. November 2016