



Department initiated Amendment

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

Licence Number	L7847/2003/8
Licence Holder	AWE Perth Pty Ltd
ACN	009 204 031
File Number	DER2013/000333
Premises	Waitsia Gas Project Stage 1 Pye Road YARDARINO WA 6525
Date of Report	27 October 2023
Decision	Revised licence granted

MANAGER, PROCESS INDUSTRIES

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

1. Amendment description

This amendment is made pursuant to section 59 of the Environmental Protection Act 1986 (EP Act) to amend the existing licence issued under the EP Act for a prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment has been initiated by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER) to give effect to the Minister for Environment's (Minister) appeal determination on 4 August 2023.

There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

1.1 Background

Licence L7847/2003/8 was granted to AWE Perth Pty Ltd (AWE) on 21 March 2022 following an application submitted by AWE to renew the previous iteration of the licence (L7847/2003/7). The Licence authorises the operation of Stage 1 of the Waitsia Gas Project.

An appeal was subsequently lodged against the conditions of the licence. In August 2023, the Minister allowed the appeal to the extent that the licence conditions are amended to address several matters (refer to Appeal 011 of 2022).

Amendment to conditions

The Minister determined that while the requirements of the licence are generally appropriate, consistent with advice of DWER and the Appeals Convenor, the following changes are required:

- Rewording of Table 1, Condition 1 relating to the hydraulic conductivity of the pond liners to ensure that wording achieves the appropriate outcome;
- Reinstatement of the requirement for weekly visual inspections of the above ground section(s) of the produced water pipeline;
- Amending Table 2 of the licence to require daily reconciliations of the metered flows in the PFW pipeline measured at the produced water pump outlet and the discharge point to the evaporation pond;
- Adding a condition requiring that the lighting design for the gas plant be reviewed against the best practice lighting design guidance from the National Light Pollution Guidelines with a requirement to submit the results of the review, and any measure proposed to address inconsistencies in lighting design to DWER.

2. Decision

The delegated officer has amended the works approval to give effect to the Minister's determination dated 4 August 2023, as required under section 110 of the EP Act.

The decision report for the existing licence will remain on the DWER website for future reference and will act as a record of DWER's decision making.

It is noted in making a determination on the appeal, the Minister's appeal has made recommendations relating to noise emissions from the premises which do not specifically relate to changes to the licence conditions. DWER has noted these recommendations and will address this matter separate to this licence amendment.

3. Consultation

The licence holder was provided with the draft amended licence on 15 August 2023 and a response was provided on 6 September 2023.

The Licence Holder requested that the due date for completing the lighting review and submitting the subsequent report required by conditions 4(a) and 4(b) be amended as follows:

Condition 4(a) – review to be completed by 31 January 2024; and

Condition 4(b) – report to be submitted 20 March 2024.

The delegated officer considers the proposed timeframes are reasonable and has amended the conditions accordingly.

In their response, the Licence Holder also requested amendments to the requirements for daily flow reconciliations (condition 2). Pursuant to section 105(b) of the EP Act, an amendment to a licence to give effect to a decision of the Minister cannot be appealed. As these amendments have been made to give effect to the appeal determination made by the Minister for Environment under section 110 of the *Environmental Protection Act 1986*, they cannot be altered and therefore the requested change has not been made.

3.1 Summary of amendments

Table 1 provides a summary of the amendments and will act as record of implemented changes. All changes have been incorporated into the Revised Licence as part of the amendment process.

Table 1: Summary of licence amendments

Condition no.	Proposed amendments
All	Condition numbers updated to avoid duplication.
1 (Table 1)	Rewording of condition relating to the hydraulic conductivity of the pond liners to specify that pond lines must achieve a hydraulic conductivity “equal to or no less than” 1×10^{-9} m/s.
1 (Table 1)	Inclusion of a requirement to maintain accurate flow records at the produced water pump outlet at the discharge point to the W-02 evaporation pond using a flowmeter.
2 (Table 2)	Reinstated requirement to undertaken visual inspections of produced water pipeline and carry out daily reconciliation of pipeline flow to the W-02 evaporation pond.
3	Inclusion of requirement to take corrective action should discrepancies in flowmeter records associated with the produced water pipelines be identified.
4 & 5	New condition added requiring that the lighting design for the gas plant be reviewed against the best practice lighting design guidance from the National Light Pollution Guidelines with a requirement to submit the results of the review, and any measure proposed to address inconsistencies in lighting design to DWER
Definitions	New definition added for “National Light Pollution Guidelines”.