



Application to replace expiring licence

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

Licence Number	L8615/2011/2
Licence Holder	Tilling Timber Proprietary Limited
ACN	004 621 121
File Number	2011/010257-1
Premises	Tilling Timber 10 Cartwright Drive FORRESDALE WA 6112 Legal description Lot 301 on Deposited Plan 63655 as depicted by the premises map in Schedule 1 of the issued licence.
Date of Report	15 March 2021
Decision	Licence granted

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1. Decision summary

The Delegated Officer decided to issue licence L8615/2011/2 to Tiling Timber Pty Ltd (the licence holder) for their timber treatment facility located at 10 Cartwright Drive in Forrestdale (the premises). This licence follows licence L8615/2011/1, issued for the premises which expires on 18 March 2021.

In determining to grant this licence, the Delegated Officer noted that no changes to the activities undertaken, or the volumes of material produced at the premises have occurred. The format of the licence and conditions have been updated consistent with the current licence format. The updates are administrative in nature and do not alter the risk profile of the premises

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this Decision Report, the Delegated Officer has considered and given due regard to the Department's Regulatory Framework and relevant policy documents which are available <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary and overview of the Premises

On 10 July 2020, the licence holder submitted an application for the renewal of licence L8615/2011/1 under section 57 of the *Environmental Protection Act 1986* (EP Act). The application relates to the licence holder's timber treatment facility located at Lot 301 on Deposited Plan 63655, within the City of Armadale. The premises relates to the category 29 – Timber preserving as per Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations).

The licence holder operates a timber import, wholesale and distribution business at the premises. This operation includes a timber treatment facility where timber is treated with Tanalith, a waterborne solution of Imidacloprid with the addition of a pigment. The timber is treated in accordance with Australian Standard *AS 1604.1-2010 Specification for preservative treatment sawn and round timber*. The timber treatment facility is located within a completely enclosed warehouse on the premises where timber is submerged in a 30,000 litre treatment tank. This tank is located within a containment bund.

Timber that has been submerged and then removed from the treatment solution is held over the treatment tank and allowed to drip dry before being placed into a designated storage area adjacent to the timber treatment facility. Treated timber is then moved to an undercover area for plastic wrapping prior to dispatch. Wrapped timber is normally stored inside the warehouse but can be periodically stored outside.

The application for the licence indicates that the activities within the premises have not changed as compared to previous assessment for licence L8615/2011/1.

3. Consultation

The draft licence and decision report were provided to the licence holder on 4 March 2021 for comment. On 10 March 2021 the licence holder responded confirming the timber treatment tank containment bund is constructed from steel and did not provide any further comments on the draft documents.

4. Decision

The Delegated Officer has determined to issue replacement licence L8615/2011/2 with administrative changes only and without conducting a detailed risk assessment as the nature of

the operations and the production capacity of the premises have not changed when compared to the risk assessment previously undertaken for this premises. Therefore, the Delegated Officer determined the risks to public health and the environment from activities at the premises, as previously assessed by the Delegated Officer, have not materially changed and are deemed acceptable.

The licence period is 20 years, in accordance with the *Guidance Statement: Licence Duration*.

The Delegated Officer has also determined to:

- update the format and appearance of the licence;
- remove redundant conditions and include additional conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements);
- revise licence condition numbers and realign condition numbers for numerical consistency; and
- transfer all relevant existing regulatory controls and conditions to the replacement licence, and update the format of these conditions where necessary to reflect the current licence format and the specific operations and infrastructure on the premises.

Obligations on the licence holder have not changed as a result of the updates and changes made.

4.1 Transfer to the new format licence and summary of amendments

The amendments made in issuing replacement licence L8615/2011/2 are documented in Table 1.

Table 1: Licence amendments

Existing licence condition	Replacement licence condition	Description
Expiry date: 18 March 2017, amended to 18 March 2021 via the Notice of Amendment issued on 29 April 2016.	17 March 2041	Granted for 20 years in accordance with the <i>Guidance Statement: Licence Duration</i> (August 2016).
Front Page	Front page	Updated to the current licence format, licence holder amended to reflect registered name, and licence version, issue and expiry dates updated.
1.1.1, 1.1.2	Definitions	Definitions have been removed where no longer relevant or updated to be consistent with the current Department licence format and moved to the back of the licence.
1.1.3	Interpretation	Reference to Australian or other standard versions has been included within the interpretation section of the licence.
1.2.1	N/A	Conditions relating to unauthorised emissions and works have been removed as these requirements are considered redundant as they can be managed under the general provisions of the EP Act.
1.2.2		
1.2.3	Schedule 1 Figure 1	Removed as the premises boundary is depicted in Schedule 1.
1.2.4	1	Requirements for maintenance of pollution control equipment, and storage and spill clean up requirements for environmentally hazardous materials have been incorporated into specific operational requirements which reflect activities and infrastructure on the premises. Obligations on the licence holder have not changed as a result, rather have been made sufficiently clear and enforceable.
1.2.5		
1.2.6		
1.2.7	N/A	Stormwater conditions removed as they are considered redundant under current licensing framework. The timber treatment area has a containment bund and is located within
1.2.8		

Existing licence condition	Replacement licence condition	Description
		a roofed warehouse eliminating the potential for potentially contaminated stormwater.
1.3.1	1	Requirements relating to dripping time for treated timber have been updated to reflect practices on the premises and been incorporated into an operational requirements table.
2.1.1	N/A	Requirement to investigate target or limit exceedances removed as the requirements are considered redundant as there are no targets or limits specified in the licence
2.2 – 2.5, 3 and 4		Removed as no requirements are specified for these conditions.
2.6.1		Fugitive dust condition removed as it is considered redundant under current licensing framework. Substantive offences of the EP Act provide enforceable prohibitions for dust emissions that result in pollution or environmental harm.
2.7.1		Odour condition removed as it is considered redundant under current licensing framework. Substantive offences of the EP Act provide enforceable prohibitions for unreasonable odour emissions.
5.1.4		2
5.1.3	3	
5.2.1	4	
5.1.1	5 and 6	
5.1.2	N/A	Condition relating to awareness of the conditions of the licence have been removed as it is not enforceable and therefore redundant.
5.3.1	N/A	Condition relating to notification requirements removed as there are no limits on the licence and it duplicates reporting requirements already required under section 72 of the EP Act (duty to notify CEO of discharges of waste) therefore the requirements are considered to be redundant.
Schedule 1: Premises Map	Schedule 1: Premises Map	Map updated to reflect current aerial imagery of the premises and include the location of the premises infrastructure.
Schedule 2: Reporting and Notification Forms	N/A	Removed as the current versions of the Annual Audit Compliance Report and Section 72 Waste Discharge Notification Form can be found at the Department's website (www.dwer.wa.gov.au).

Amine Fisher

A/Senior Licensing Officer

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

References

1. Department of Environment Regulation (DER) 2016, *Guidance Statement: Licence Duration*, Perth, Western Australia.
2. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2019, *Guideline: Decision making*, Perth, Western Australia
4. Tilling Timber Pty Ltd 2020, *Application for the renewal of licence L8615/2011/1 (DWERDT306542)*, Forrestdale, Western Australia.
5. Tilling Timber Pty Ltd 2020, *Response to a Request for Further Information (A1933266)*, Forrestdale, Western Australia.
6. Tilling Timber Pty Ltd 2021, *Licence holder comments and authorization for the finalisation of the new licence (A1987343)*, Forrestdale, Western Australia.

Appendix 1: Application validation summary

SECTION 1: APPLICATION SUMMARY						
Application type						
Works approval	<input type="checkbox"/>					
Licence	<input type="checkbox"/>	Relevant works approval number:		None	<input type="checkbox"/>	
		Has the works approval been complied with?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	N/A	<input type="checkbox"/>		
		Date Report received:				
Renewal	<input checked="" type="checkbox"/>	Current licence number:	L8615/2011/1			
Amendment to works approval	<input type="checkbox"/>	Current works approval number:				
Amendment to licence	<input type="checkbox"/>	Current licence number:				
		Relevant works approval number:		N/A	<input type="checkbox"/>	
Registration	<input type="checkbox"/>	Current works approval number:		None	<input type="checkbox"/>	
Date application received	10 July 2020					
Applicant and Premises details						
Applicant name/s (full legal name/s)	Tilling Timber Pty Ltd					
Premises name						
Premises location	Lot 301 on Plan 63655					
Local Government Authority	City of Armadale					
Application documents						
HPCM file reference number:	DWERDT306542					
Key application documents (additional to application form):	RFI Response email (A1933266)					
Scope of application/assessment						
Summary of proposed activities or changes to existing operations.	N/A – No changes to current activities proposed.					
Category number/s (activities that cause the premises to become a prescribed premises)						
Table 1: Prescribed premises categories						
Prescribed premises category and description	Assessed production or design capacity					
Category 29: Timber preserving: premises on which timber is preserved for commercial purposes by the use of chemicals.	Up to 40,000m ³ per annum.					

Legislative context and other approvals		
Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicant has provided a recent of the copy of the certificate of title, showing the premises is in the name of Melon Nominees Pty Ltd. This Certificate of Title is attached to an email providing the applicant authorisation to continue occupying the Lot in question and confirming Tilling Timber is one of the 'Tilling group of companies'. Both companies also share an address in Victoria (31 – 45 Orchard Street, Kirsty Victoria).
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	If N/A explain why: Existing premises with no proposed changes to current operations.
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	No clearing is proposed.
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Licence / permit not required.
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A
Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A

<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i>, <i>Environmental Protection (Controlled Waste) Regulations 2004</i>, <i>State Agreement Act xxxx</i>)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</p>
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</p>
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>N/A</p>
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Classification: Remediated for restricted use Date of classification: 21 September 2010.</p>