



Decision Report

Licence Number	L8946/2016/2
Licence Holder	Alkina Holdings Pty Ltd
ACN	124 202 491
File Number	DER2015/002842-1
Premises	Alkina Holdings Lease Area 11 and 15 190 Flynn Drive NEERABUP WA 6031 Being Lot 5 on Diagram 91435
Date of Report	19 November 2020
Status of Report	Final

1. Definitions and interpretation

Definitions

In this Amendment Report, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
AACR	Annual Audit Compliance Report
ACN	Australian Company Number
AER	Annual Environment Report
Amendment Report	refers to this document
AS 4156.6 – 2000	Australian Standard AS 4156.6 – 2000: Determination of Dust/moisture Relationship for Coal.
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 33 Cloisters Square PERTH WA 6850 info@dwer.wa.gov.au
CS Act	<i>Contaminated Sites Act 2003</i> (WA)
Delegated Officer	an officer under section 20 of the EP Act
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i> (WA)
EP Regulations	<i>Environmental Protection Regulations 1987</i> (WA)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Existing Licence	The Licence issued under Part V, Division 3 of the EP Act and in force prior to the commencement of and during this Review
Licence Holder	Alkina Holdings Pty Ltd
m ³	cubic metres

Term	Definition
Minister	the Minister responsible for the EP Act and associated regulations
MS	Ministerial Statement
mtpa	million tonnes per annum
NEPM	National Environmental Protection Measure
Noise Regulations	<i>Environmental Protection (Noise) Regulations 1997 (WA)</i>
Occupier	has the same meaning given to that term under the EP Act.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Amendment Report applies, as specified at the front of this Amendment Report.
Revised Licence	the amended Licence issued under Part V, Division 3 of the EP Act, with changes that correspond to the assessment outlined in this Amendment Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
UDR	<i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i>

Decision Report

The Licence Holder has applied for a renewal to the Existing Licence L8946/2016/1. The Renewal is made pursuant to section 59 of the Environmental Protection Act 1986 (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This report of amendment is given under section 59B(9) of the EP Act.

The following guidance statements have informed the decision made on this amendment:

- *Guidance Statement: Regulatory principles (July 2015)*
- *Guidance Statement: Setting conditions (October 2015)*
- *Guidance Statement: Publication of Annual Audit Compliance Reports (May 2016)*
- *Guidance Statement: Licence duration (August 2016)*
- *Guidance Statement: Environmental Standards (September 2016)*
- *Guidance Statement: Environmental Siting (November 2016)*
- *Guidance Statement: Land Use Planning (February 2017)*
- *Guidance Statement: Risk Assessments (February 2017)*
- *Guideline: Decision Making (June 2019)*
- *Guideline: Industry Regulation Guide to Licensing (June 2019)*
- *Guideline: Odour Emissions (June 2019)*

Amendment description

On 10 September 2020 the Licence Holder submitted a renewal to change the expiry date of the Licence to coincide with the expiry of the planning approval from the City of Wanneroo on 2 December 2025.

The Licence Holder also requested the wording in Table 1 of the licence be changed to remove the need to have the sprinklers along the boundary fence. The Licence Holder stated that this is not possible as the water feeding the sprinklers does not run around the entire perimeter. Alkina has stated they meet the intent of the requirement – where the sprinklers can reach all operational areas regardless of being on the entire perimeter fence.

The Licence Holder has also requested a change in the annual period defined in the licence (from 1 April to 31 May) to July 1 to June 30. The request is to align the reporting with other reporting requirements and minimise duplication.

This report is limited only to the changes described above.

Amendment history

Table 2 provides the amendment history for L8946/2016/1.

Table 2: Licence amendments

Instrument	Issued	Description
L8946/2016/1	04/04/2016	Licence granted
L8946/2016/1	25/02/2019	Amendment Notice 1: alteration of the premises boundary
L8946/2016/1	16/03/2020	Licence Amendment to extend the expiry date to 02 December 2020.
L8946/2016/2 (this renewal)	19/1/2020	Extension of expiry date to 2 December 2025

Applicant's comments

The Licence Holder was provided with the draft Amendment Report and draft Licence on 11 November 2020. The Licence Holder provided comments on 12 November 2020 documented in Appendix 2 below.

Decision

The Applicant has proposed to extend the duration of the licence from 2 December 2020 to 2 December 2025. Alkina Holdings has a lease agreement for occupancy of the Premises that can be extended annually with the lessor. Alkina Holdings has proposed to change the definition of Annual Period in the Licence to 1 July to 30 June. Alkina Holdings has proposed to remove the requirement of the sprinkler to be installed along the perimeter fence.

Based on the operation of the Premises having no change to the risk profile assessed as part of the issue of the Licence, and the date of expiry of the current planning approval, the Delegated Officer considers the renewal to the licence expiry date, annual period change, and change to Table 1 regarding the sprinkler not being on the boundary fence as acceptable.

Jane Dalin

Senior Environmental Officer

INDUSTRY REGULATION

Delegated Officer under section 20 of the *Environmental Protection Act 1986*

Appendix 1: Key documents

	Document title	In text ref	Availability
1.	Licence L8946/2016/1 Alkina Holdings Pty Ltd	L8946/2016/1	accessed at www.dwer.wa.gov.au
2.	DER, July 2015. <i>Guidance Statement: Regulatory principles</i> . Department of Environment Regulation, Perth.	DER 2015a	
3.	DER, October 2015. <i>Guidance Statement: Setting conditions</i> . Department of Environment Regulation, Perth.	DER 2015b	
4.	DER, May 2016. <i>Guidance Statement: Publication of Annual Audit Compliance Reports</i> . Department of Environment Regulation, Perth.	DER 2016a	
5.	DER, August 2016. <i>Guidance Statement: Licence duration</i> . Department of Environment Regulation, Perth.	DER 2016b	
6.	DER, September 2016. <i>Guidance Statement: Environmental Standards</i> . Department of Environment Regulation, Perth.	DER 2016c	
7.	DER, November 2016. <i>Guidance Statement: Environmental Siting</i> . Department of Environment Regulation, Perth.	DER 2016d	
8.	DER, February 2017. <i>Guidance Statement: Land Use Planning</i> . Department of Environment Regulation, Perth.	DER 2017a	
9.	DER, February 2017. <i>Guidance Statement: Risk Assessments</i> . Department of Environment Regulation, Perth.	DER 2017b	
10.	DWER, June 2019. <i>Guideline: Decision Making</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019a	
11.	DWER, June 2019. <i>Guideline: Industry Regulation Guide to Licensing</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019b	
12.	DWER, June 2019. <i>Guideline: Odour Emissions</i> . Department of Water and Environmental Regulation, Perth.	DWER 2019c	

Appendix 2: Summary of Applicant's comments

Condition	Summary of Licence Holders comment	DWER response
Table 1	<p>The request to amend the change to requiring the sprinkler along the boundary fence has not been included in the draft. The sprinkler does not technically run along the entire boundary fence, but Alkina meets the intent of this condition i.e. coverage of all areas, without the sprinklers needing to be installed along the entire perimeter fence.</p>	<p>The decision report has been amended to include the Licence Holder's request to change the wording relating to the sprinklers in Table 1 of the licence.</p> <p>The licence has been amended to remove the need for sprinklers to run along the perimeter fence. Sprinklers will still need to have coverage of all areas.</p>
Annual period	<p>The request to amend the annual period of the licence was not documented or considered in the decision report. Alkina would like to amend the annual period to the financial year to align with the WARR Act reporting to minimise duplication of effort in collating information.</p>	<p>The decision report has been amended to include the Licence Holder's request to amend the annual period definition in the licence.</p> <p>The licence has been amended to change the Annual period from 1 April to 31 May, to 1 July to 30 June.</p>