



## Application to renew a licence

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

---

<b>Licence Number</b>	L9140/2018/2
<b>Licence Holder</b>	Downer EDI Works Pty Ltd
<b>ACN</b>	008 709 608
<b>File Number</b>	DER2018/000878-1
<b>Premises</b>	Cannington Emulsion Plant 73 Bickley Road BECKENHAM WA 6107  Legal description Lot 7 on Diagram 46278 As shown in Schedule 1 of the licence
<b>Date of Report</b>	14 August 2023
<b>Decision</b>	To grant a licence

Senior Environmental Officer, Industry Regulation  
An officer delegated by the CEO under section 20 of the *Environmental Protection Act 1986*

## 1. Decision summary

Under the regulatory framework the Delegated Officer decided to process the application to renew licence L9140/2018/1 without conducting an additional risk assessment.

The licence can be issued for 20 years, which is consistent with the *Guidance Statement on Licence Duration 2016*. In renewing the licence, the Delegated Officer has determined to:

- update the format and appearance of the licence;
- incorporate licence amendment/s and notice of amendment issued prior to this replacement licence;
- Incorporate the changes to the plant infrastructure into condition 1, *Table 1: infrastructure and equipment requirements*;
- Noted and recorded the change of operating process from polymer modified bitumen therefore removing the monitoring plus emissions and discharge conditions;
- remove redundant conditions;
- include new conditions considered necessary for the effective administration of the licence (i.e. record keeping and reporting requirements); and,
- transfer all existing regulatory controls and conditions to the new licence.

As a result of the above, the Delegated Officer decided to grant Licence L9140/2018/2, subject to conditions set out in the attached licence.

## 2. Scope of assessment

### 2.1 Application summary

On 21 March 2023, Downer EDI Works Pty Ltd (licence holder) applied to renew licence L9140/2018/1, as the licence will expire on 15 August 2023. The application to renew the licence included the amendment of the licence to account for the removal of polymer modified bitumen (PMB) infrastructure. The licence holder no longer uses this process at the Premises. Given that the main potential source of odour was from the PMB, the cessation of this activity has lessened the likelihood of mal odour being generated from this facility.

The infrastructure removed included product mixing tanks, 4kL diesel tank and polymer modified binder. A process flow diagram contained in Attachment 1 of this reports depicts the changes from PMB to the new bitumen manufacturing process.

The licence renewal is granted to the licence holder for the premises located at 73 Bickley Road, Beckenham WA 6107 (Premises).

The licence relates to prescribed premises categories as described in Table 1 below.

**Table 1: Premises category description and production design capacity**

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i> )	Production capacity
Category 35: Bitumen manufacturing: premises on which bitumen is mixed or prepared for use at places or premises other than those premises.	50,000 tonnes per annum

The sole activity undertaken at Cannington Emulsion Plant (CEP) is the manufacture of bitumen emulsion. The facility receives bitumen and blends the bitumen with water on site. The final product is roughly 60% bitumen and 40% water. Additives (in relatively small concentrations) to the product include polyamines, hydrochloric acid, and calcium chloride.

The design capacity of the plant can produce 20,000 litres per hour. The production of bitumen emulsion involves forcing together water, emulsifier, and bitumen through a spinning mill, causing a fine dispersion of minute droplets of the bitumen into the water/emulsifier solution.

The bitumen emulsion is produced for jobs completed by Main Roads, LGA's and private clients for road works and road maintenance.

Bitumen deliveries occur regularly to site at 10am, Mondays to Fridays for approximately two hours. Product load out occurs more frequently, four times a day for 45 minutes between the hours of 6am and 3pm, Mondays to Fridays. Occasionally load-out may occur on weekends.

When bitumen tanks require refilling, a mobile tanker delivers the bitumen to site in an enclosed tanker trailer. The tanker is connected to the site bitumen tanks with an enclosed pipe. During the transfer process, the mobile tanker opens the hatch at the top of the tank to allow air to enter the tank to displace the liquid being emptied. The process is similar during product load-out.

The bitumen tanks and pipe system are fully enclosed except for overflow valves. Overflow valves are in place on each tank to allow displaced air to escape when a tank is being refilled, and as a safety control to allow excess bitumen to escape if a tank is inadvertently overfilled, mitigated or via overfill alarms.

### **3. Regulatory framework**

The Delegated Officer has not conducted a full review and risk assessment of emissions and discharges from the Premises in line with the Department of Water and Environmental Regulation's (department) *Work Instruction: Regulatory Services, COVID-19 licensing position* October 2022.

In granting the licence, the Delegated Officer has considered and given due regard to the department's regulatory framework and relevant policy documents which are available at [DWER Regulatory documents | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au/government/publications/dwer-regulatory-documents)

## **4. Considerations for issuing a new licence**

### **4.1 Compliance and enforcement actions**

There have been two complaints identified at the Premises by the department in the last five years. Both complaints were investigated and closed with no enforcement actions taken and the complaints were recorded for intelligence purposes.

### **4.2 Legal occupancy**

The licence holder has demonstrated legal occupancy of the Premises in the form of a lease with the landlord. It is incumbent upon the legal occupier to ensure the lease remains current and valid for the term of this licence.

### **4.3 Categories of the licence**

The requested categories and the corresponding maximum production capacities for the renewal of the licence are consistent with the categories for which the licence holder currently holds licence L9140/2018/1 and which was previously assessed.

## 4.4 Planning approval

The licence holder has provided evidence to the department that it has planning approval for the activities on the Premises.

## 5. Summary of changes to the licence conditions

Section 62 of the *Environmental Protection Act 1986* (EP Act) provides the legal power to attach conditions of licence. Most licence conditions are as per the *Guidance Statement – Setting Conditions* (October 2015) to prevent, control, abate or mitigate pollution or environmental harm as a result of the emissions and/or discharges from the Premises.

Table 2 summarises the changes from the expiring licence into the new licence including changes made to licence conditions where required and the rationale for changes made.

**Table 2: Licence conditions changes, description and rationale**

Current condition / table	Summary of current condition	New condition / table (if relevant)	Description and rationale
1.1.1, 1.1.3, 1.1.4 and 1.1.5	Interpretation	N/A	Removed as conditions are redundant and covered in the new licence template interpretation.
1.1.2	Definitions	Table 3	Definitions revised to current licensing format.
-	Infrastructure and equipment	1	New condition and table 1 describing the infrastructure, operational requirement and location.
1.2.1	General conditions	N/A	Removed as condition is redundant.
1.2.2		2	Revised condition to remove “environmentally hazardous”
2.1.1 & 2.1.2	Emissions and discharges	N/A	Process change monitoring for odour has ceased
3.1.1	Records	3 & 4	Included to comply with current licensing format.
3.1.2		N/A	Removed as condition is redundant.
3.1.3	AACR	5	Included to comply with current licensing format.
3.1.4	Complaints	6	Included to comply with current licensing format.
4.2.1	Annual Environmental Report	N/A	Annual report no longer required to be submitted following 16 May 2022 Notice of Amendment of licence reporting requirements.
Schedule 1	Premise map	New Premises map	Updated new map of Premises boundary as figure 1
	Plant layout	New layout plan	Inserted new layout plan that identifies the location of the infrastructure as figure 2.
New	Premise boundary coordinates	Schedule 2	New Table 4 that provides coordinates of the Premises boundary

## 6. Consultation

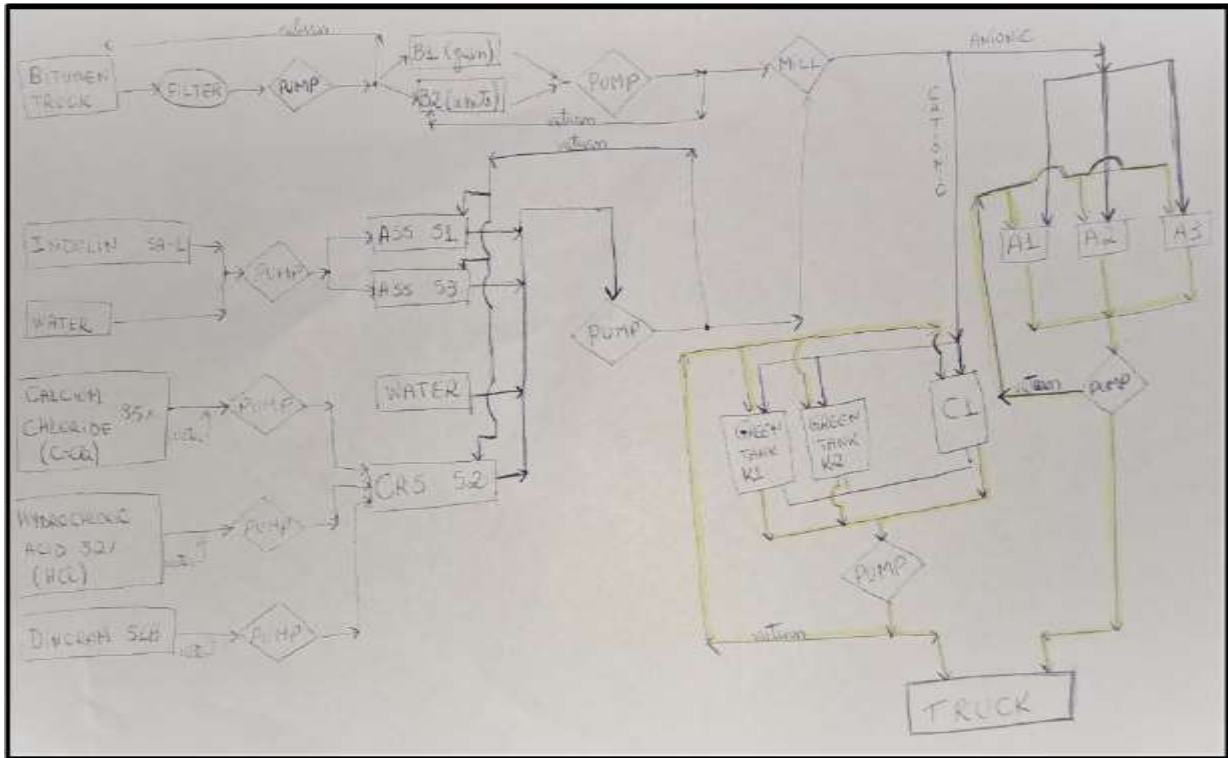
The Delegated Officer undertook the consultation for the application to renew the licence as per Table 3.

**Table 3: Consultation**

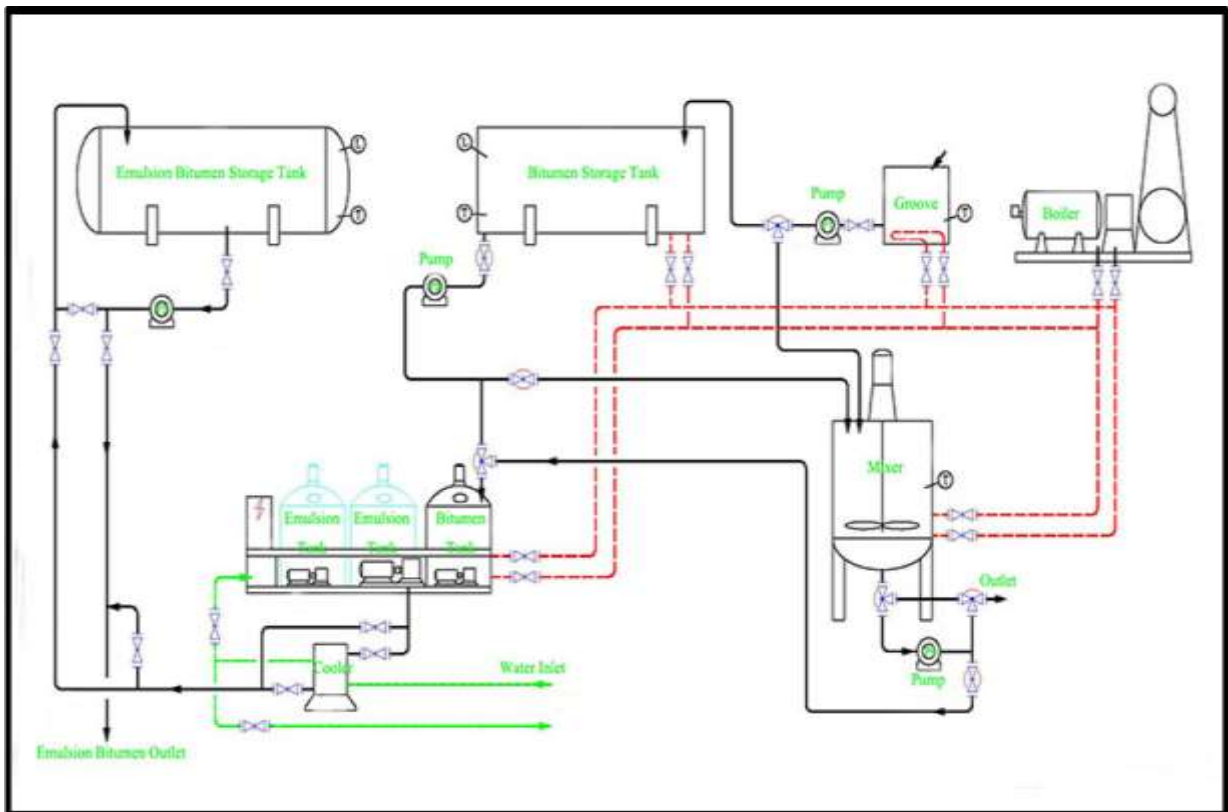
Consultation method	Comments received	Delegated Officer's response
Application advertised on the department's website on 23 June 2023	No submissions were received when advertising closed on 14 July 2023.	N/A
City of Gosnells advised of application on 10 July 2023.	<p>The City of Gosnell provided comments on 31 July 2023. Below is a summary of their advice.</p> <ul style="list-style-type: none"> <li>The existing CEP has operated on the property since around 1965.</li> <li>The subject land is zoned 'Urban' but under the current arrangements the land is zoned 'General Industry'.</li> <li>A draft Local Planning Scheme is currently being determined by the Minister for Planning who may eventually decide the land zoning as 'Mixed Use'. Please note a draft Scheme is not a certainty at this time.</li> </ul> <p>The 'Mixed Use' zone may have future implications for the development of commercial / residential developments within this area.</p> <ul style="list-style-type: none"> <li>Meantime, the lot may continue to have non-conforming land use rights to continue to operate under the current development approval. Therefore, the City has no objection to the licence, subject to a development (planning) approval being issued for the amended tank layout.</li> </ul>	<p>The delegated officer considered the City of Gosnell submission and determined that;</p> <p>The CEP has an existing land use right to continue operation whilst a draft Local Planning Scheme is being considered by the Minister for Planning. It is noted that a draft planning scheme provides no certainty about land zoning suitability. This uncertainty may have planning implications if new planning rules are implemented in future.</p> <p>Meantime it is noted, the licence holder has conforming land use rights to continue to operate the CEP as approved under the current development.</p> <p>The licence holder must amend their development approval with the City of Gosnell's by updating the CEP tank layout.</p> <p>The City expressed no objection to the renewal of the licence which was noted by the delegated officer.</p> <p>The delegated officer decided to renew this licence with a twenty-year licence duration.</p>
Applicant was provided with draft documents on 10 July 2023	The licence holder responded on 13 July 2023 providing replacement plans for Figure 1 and 2.	The delegated officer accepted the amended plans and inserted them into Schedule 1 of the licence.

# Attachment 1

## Process Diagram from PMB to existing bitumen manufacturing process



Existing new process flow diagram for Cannington Emulsion Plant



Previous flow diagram for Cannington Emulsion Plant