



Mr Noel Sweeney
WA SHE Manager - Maritime
BAE Systems Australia Defence Pty Ltd
PO Box 1511
BIBRA LAKE WA 6965

Dear Mr Sweeney

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Premises:

BAE Systems Australia Defence Pty Ltd
Quill Way HENDERSON WA 6166

Licence Number: L5897/1993/11

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian* newspaper.

The licence includes attached conditions. Under section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1)(c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal contact the Office of the Appeals Convenor on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

If you have any queries regarding the above information, please contact Peter Knol on 9333 7481.

Yours sincerely

Ed Schuller
Officer delegated under section 20
of the *Environmental Protection Act 1986*

22 January 2015

enc: Licence L5897/1993/11
copy to: City of Cockburn; Cockburn Sound Management Council



Licence

Environmental Protection Act 1986, Part V

Licensee: BAE Systems Australia Defence Pty Ltd

Licence: L5897/1993/11

Registered office: Evans Building
Taranaki Road
Edinburgh Parks
EDINBURGH SA 5111

ACN: 006 870 846

Premises address: BAE Systems Australia Defence Pty Ltd
Lot 1 on Diagram 75186, Lot 2953 on Plan 188910, Part Lot 804 on Plan 38196 and Part Lot 4552 on Plan 220690 Quill Way
HENDERSON WA 6166
as depicted in Schedule 1.

Issue date: Thursday, 22 January 2015

Commencement date: Monday, 09 February 2015

Expiry date: Saturday, 08 February 2020

Prescribed premises category

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Approved Premises production or design capacity
49	Boat building and maintenance: premises on which – (a) vessels are commercially built or maintained; and (b) organotin compounds are used or removed from vessels.	Not applicable	Not applicable
81	Metal coating: premises on which metal products (excluding vehicles) are spray painted, powder coated or enamelled.	1,000 litres or more per year (paint or powder)	1,000 litres or more per annual period (paint or powder)

Conditions

This Licence is subject to the conditions set out in the attached pages.

Officer delegated under section 205.2.1
of the *Environmental Protection Act 1986*



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Introduction

This Introduction is not part of the Licence conditions.

DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to protect and conserve the state's environment on behalf of the people of Western Australia.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER works with the business owners, community, consultants, industry and other representatives to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitor and audit compliance with works approvals and licence conditions, take enforcement action as appropriate and develop and implement licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the Act. Conditions contained within the licence relate to the prevention, reduction or control of emissions and discharges to the environment and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* - these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.
- *Environmental Protection (Abrasive Blasting) Regulations 1998*
- *Environmental Protection (Metal Coating) Regulations 2001*



You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.

Licence holders are also reminded of the requirements of section 53 of the Act which places restrictions on making certain changes to prescribed premises unless the changes are in accordance with a works approval, licence, closure notice or environmental protection notice.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

Ministerial conditions

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and Licence summary

The BAE Systems Australia Defence Pty Ltd (BAE) Henderson shipyard is Australia's second largest ship lifting facility. The shipyard is used for the building and repair of large naval and commercial vessels and includes the abrasive blasting of anti-fouling paints and corroded surfaces and metal coating of ships. The facility includes ship lifting facilities for dry docking of ships and wharfs for berthed vessels.

The site covers 8.4 hectares of land fronting Cockburn Sound with a subleased area of the adjoining seabed to accommodate work on berthed and moored vessels. The site is surrounded to the north, south and east by industrial and commercial premises. The nearest residential dwelling is located approximately 2km to the north east.

The environmental emissions include air emissions (gaseous and particulate), dust, noise, odour and potentially stormwater contaminated with heavy metals and Tributyltin (TBT). Although organotin antifouling paint containing TBT has been banned in Australia since 2008, the chance remains that a vessel may still require removal of historical TBT.

The site is almost all surfaced with bitumen. Stormwater is captured in a series of pits and pumped into an infiltration pond. The sediment at the bottom of the infiltration pond is collected annually and disposed off-site.

The site was classified on 30/03/2010 under the *Contaminated Sites Act 2003* as Category of Site Classification: Possibly contaminated – investigation required.

A groundwater monitoring program is carried out on a quarterly basis.

This licence is the successor to L5897/1993/10. As part of this re-issue, DER has not re-assessed the acceptability or impacts of emissions and discharges from the Premises or re-visited any existing emission control levels. No changes to the conditions on the previous licence have been made with the exception of removal of condition 5.2.3 which required biannual submission of monitoring reports. This reporting will be submitted as part of the Annual Environment Report through condition 5.2.1.

The licence is rated as medium risk has been reissued for 5 years.

The licences and works approvals issued for the Premises since 09/02/2007 are:



Instrument log		
Instrument	Issued	Description
L5897/1993/9	09/02/2007	Licence issue
L5897/1993/10	09/02/2010	Licence re-issue
L5897/1993/10	28/08/2014	Licence amendment to alter abrasive blasting and painting conditions and convert to REFIRE format
L5897/1993/11	22/02/2015	Licence reissue

Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

'Act' means the *Environmental Protection Act 1986*;

'annual period' means the inclusive period from 1 January until 31 December in that year;

'CEO' means CEO of the Department of Environment Regulation for and on behalf of the Chief Executive Officer as delegated under section 20 of the Act;

'CEO' for the purpose of correspondence means;

Manager Licensing
Department of Environment Regulation
Locked Bag 33
CLOISTERS SQUARE WA 6850
Telephone: (08) 9333 7510
Facsimile: (08) 9333 7550
Email: grswanbooragoon@der.wa.gov.au;

'code of practice for the storage and handling of dangerous goods' means the document titled "Storage and handling of dangerous goods: Code of Practice" published by the Department of Mines and Petroleum, as amended from time to time;

'dangerous goods' has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

'environmentally hazardous material' means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

'fugitive emissions' means all emissions not arising from point sources identified in sections 2.2, 2.3, 2.4 and 2.5;

'Licence' means this Licence numbered L5897/1993/11 and issued under the Act;

'Licensee' means the person or organisation named as Licensee on page 1 of the Licence;

'NATA' means the National Association of Testing Authorities, Australia;

'NATA accredited' means in relation to the analysis of a sample that the laboratory is NATA accredited for the specified analysis at the time of the analysis;

'Premises' means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;



'quarterly' means the 4 inclusive periods from 1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December;

'six monthly' means the 2 inclusive periods from 1 January to 30 June and 1 July to 31 December;

'Schedule 1' means Schedule 1 of this Licence unless otherwise stated;

'Schedule 2' means Schedule 2 of this Licence unless otherwise stated; and

'waste' has the meaning defined in Landfill Waste Classification and Waste Definitions 1996 (As amended December 2009), published by the CEO and as amended from time to time.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.2 General conditions

1.2.1 Nothing in the Licence shall be taken to authorise any emission that is not mentioned in the Licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The Licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous materials are stored in accordance with the code of practice for the storage and handling of dangerous goods.

1.2.4 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The Licensee shall implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises.

1.3 Premises operation

1.3.1 The Licensee shall record the vessels greater than 25 metres in length, which were maintained at the Premises. These records shall contain data collected from the annual period each year and should include but not be limited to the following information:

- (i) the name of the vessel;
- (ii) the dates the vessel was undergoing maintenance work; and
- (iii) a brief description of the work that was conducted on the vessel.

1.3.2 The Licensee shall record any vessels where organotin antifouling paint was used or removed.

1.3.3 The Licensee shall undertake all abrasive blasting and metal coating of structures treated with Tributyltin on a sealed surface.

1.3.4 The Licensee shall ensure that no waste containing Tributyltin or potentially containing Tributyltin is discharged to the environment.



2 Emissions

2.1 General

- 2.1.1 The Licensee shall record and investigate the exceedance of any descriptive or numerical limit or target specified in any part of Section 2 of this Licence.

2.2-2.4 Point source emissions to air, surface water and groundwater

There are no specified conditions relating to point source emissions to air, surface water or groundwater in this section.

2.5 Emissions to land

There are no specified conditions relating to emissions to land in this section.

2.6 Fugitive emissions

- 2.6.1 The Licensee shall use all reasonable and practical measures to prevent and where that is not practicable to minimise dust emissions from the Premises.
- 2.6.2 The Licensee shall ensure that no visible dust generated by the activities on the Premises crosses the boundary of the Premises.

2.7 Odour

- 2.7.1 The Licensee shall ensure that odour emitted from the Premises does not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person who is not on the Premises.

2.7 Noise

There are no specified conditions relating to noise in this section.



3 Monitoring

3.1 General monitoring

3.1.1 The licensee shall ensure that:

- (a) all water samples are collected and preserved in accordance with AS/NZS 5667.1;
- (b) all groundwater sampling is conducted in accordance with AS/NZS 5667.11; and
- (c) all laboratory samples are submitted to and tested by a laboratory with current NATA accreditation for the parameters being measured.

3.1.2 The Licensee shall ensure that quarterly monitoring is undertaken at least 45 days apart.

3.2-3.4 Monitoring of point source emissions to air, surface water and groundwater

There are no specified conditions relating to monitoring of point source emissions to air, surface water or groundwater in this section.

3.5 Monitoring of emissions to land

There are no specified conditions relating to monitoring of emissions to land in this section.

3.6-3.7 Monitoring of inputs and outputs and process monitoring

There are no specified conditions relating to monitoring of inputs and outputs and process monitoring in this section.

3.8 Ambient environmental quality monitoring

3.8.1 The Licensee shall undertake the monitoring in Table 3.8.1 according to the specifications in that table and record results.

Table 3.8.1: Monitoring of ambient groundwater quality

Monitoring point reference and location	Parameter	Units	Averaging period	Frequency
MB01; MB02; MW04; MW05; MW06; MW108; MW110; and MW111. Locations as shown on map in Schedule 1	Tributyltin	mg/L	Spot sample	Quarterly
	Nickel			
	Zinc			
	Lead			
	Copper			
	Cadmium			
	Diuron			
	Biologically available Copper			

3.9 Meteorological monitoring

There are no specified conditions relating to meteorological monitoring in this section.

4 Improvements

There are no specified improvement conditions in this section.



5 Information

5.1 Records

- 5.1.1 All information and records required by the Licence shall:
- (a) be legible;
 - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) except for records listed in 5.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
 - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.
- 5.1.2 The Licensee shall ensure that:
- (a) any person left in charge of the Premises is aware of the conditions of the Licence and has access at all times to the Licence or copies thereof; and
 - (b) any person who performs tasks on the Premises is informed of all of the conditions of the Licence that relate to the tasks which that person is performing.
- 5.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.
- 5.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

5.2 Reporting

- 5.2.1 The Licensee shall submit to the CEO an Annual Environmental Report within 60 calendar days after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form ¹
-	Summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken	None specified
1.3.1 and 1.3.2	Recording of vessel details	None specified
3.8.1	Ambient groundwater quality	None specified
3.8.1	A historical trending report of groundwater monitoring over the period of the licence	None specified
5.1.3	Compliance	Annual Audit Compliance Report (AACR)
5.1.4	Complaints summary	None specified

Note 2: Forms are in Schedule 2



- 5.2.2 The Licensee shall ensure that the Annual Environmental Report also contains an assessment of the information contained within the report against previous monitoring results and Licence limits and/or targets

5.3 Notification

- 5.3.1 The Licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the CEO in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement ¹	Format or form ²
2.1.1	Breach of any limit specified in the Licence	Schedule 2 Form N1 Part A: As soon as practicable but no later than 5pm of the next usual working day.	N1
-	Any failure or malfunction of any pollution control equipment or any incident, which has caused, is causing or may cause pollution	Schedule 2 Form N1 Part B: As soon as practicable	

Note 1: Notification requirements in the Licence shall not negate the requirement to comply with s72 of the Act

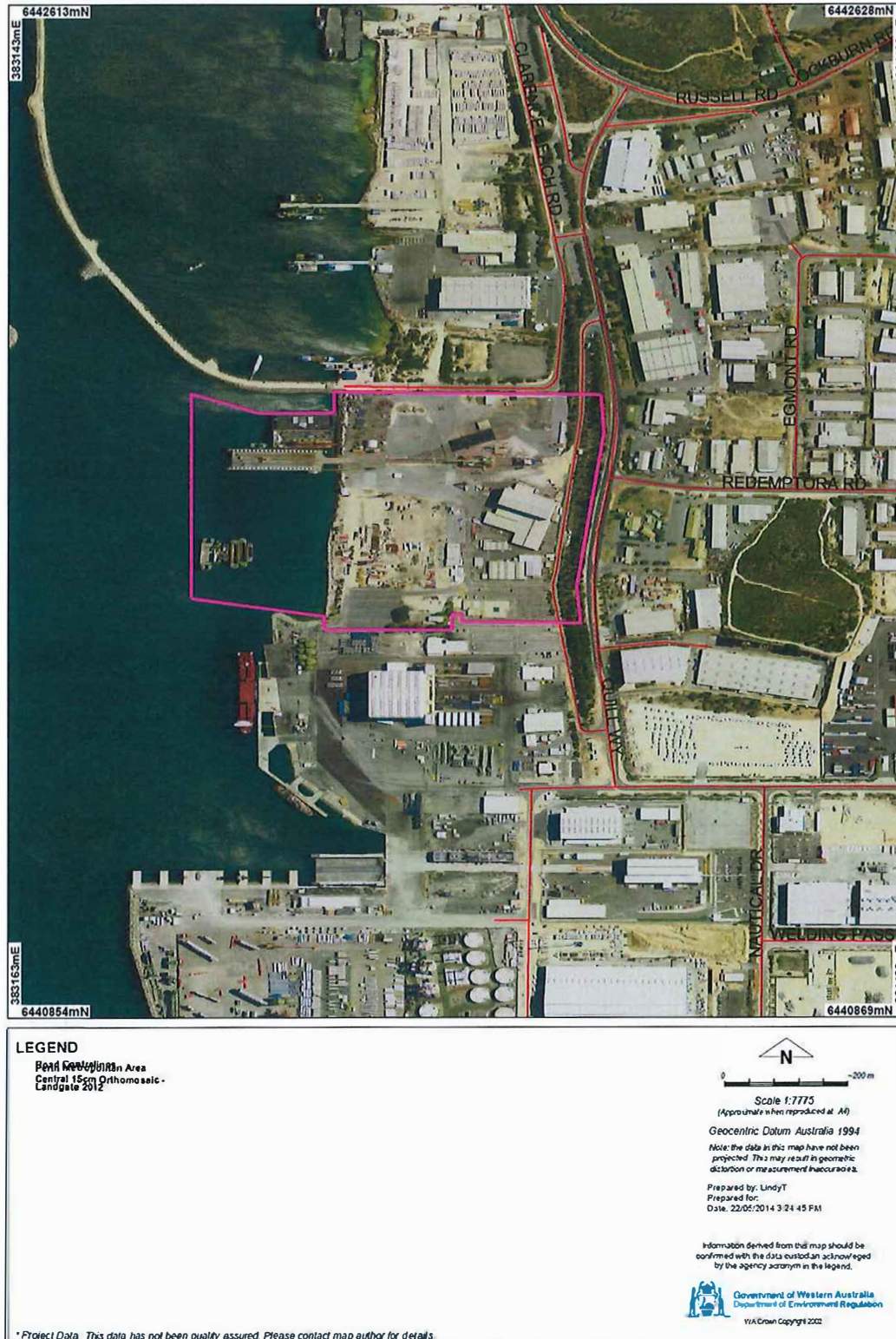
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

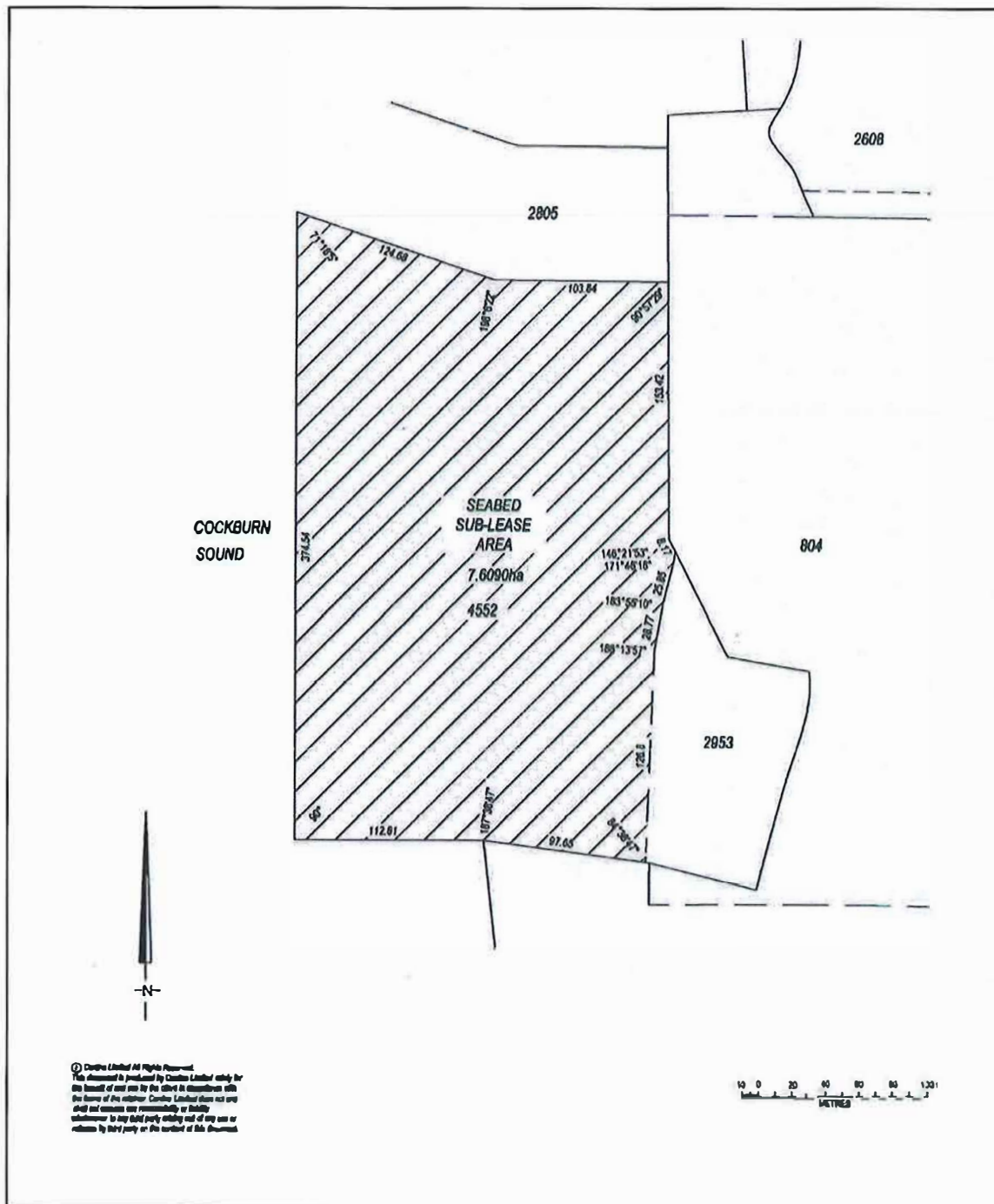
The Premises is shown in the map below. The pink line depicts the Premises boundary.





Map of seabed sublease area

The location of the seabed sublease area of the premises boundary is shown below.





Map of monitoring locations

The locations of the monitoring points defined in Table 3.8.1 are shown below.





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name:	ABN:
Trading as:	
Reporting period: _____ to _____	

STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C

No ☐ Please proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



SECTION B

DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each Licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the non compliance, and what was the environmental impact:	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram):	
g) Cause of non compliance:	
h) Action taken, or that will be taken to mitigate any adverse effects of the non compliance:	
i) Action taken or that will be taken to prevent recurrence of the non compliance:	

Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



SECTION C

SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) may only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: _____

NAME:
(printed) _____

POSITION: _____

DATE: ____/____/____

SEAL (if signing under seal)

SIGNATURE: _____

NAME:
(printed) _____

POSITION: _____

DATE: ____/____/____



Licence: L5897/1993/10
Form: N1

Licensee: BAE Systems Defence Australia Pty Ltd
Date of breach:

Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence Number	
Name of operator	
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident.	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission.	
The dates of any previous N1 notifications for the Premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of BAE Systems Defence Australia Pty Ltd	
Date	



Decision Document

Environmental Protection Act 1986, Part V

Proponent: **BAE Systems Australia Defence Pty Ltd**

Licence: **L5897/1993/11**

Registered office: Evans Building
 Taranaki Road
 Edinburgh Parks
 EDINBURGH SA 5111

ACN: 006 870 846

Premises address: BAE Systems Australia Defence Pty Ltd
 Lot 1 on Diagram 75186, Lot 2953 on Plan 188910, Part Lot 804 on Plan
 38196 and Part Lot 4552 on Plan 220690 Quill Way
 HENDERSON WA 6166

Issue date: Thursday, 22 January 2015

Commencement date: Monday, 09 February 2015

Expiry date: Saturday, 08 February 2020

Decision

Based on the assessment detailed in this document the Department of Environment Regulation (DER) has decided to issue a licence. DER considers that in reaching this decision, it has taken into account all relevant considerations.

Decision Document prepared by:

Lindy Twycross
Licensing Officer

Decision Document authorised by:

Peter Knol
Senior Licensing Officer



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1 Purpose of this Document

This decision document explains how DER has assessed and determined the application for a works approval or licence, and provides a record of DER's decision-making process and how relevant factors have been taken into account. Stakeholders should note that this document is limited to DER's assessment and decision making under Part V of the *Environmental Protection Act 1986*. Other approvals may be required for the proposal, and it is the proponent's responsibility to ensure they have all relevant approvals for their Premises.

Works approval and licence conditions

DER has three types of conditions that may be imposed on works approvals and licences. They are as follows;

Standard conditions (SC)

DER has standard conditions that are imposed on all works approvals and licences regardless of the activities undertaken on the Premises and the information provided in the application. These are included as the following conditions on works approvals and licences:

Works approval conditions: 1.1.1-1.1.4, 1.2.1, 1.2.2, 5.1.1 and 5.1.2.

Licence conditions: 1.1.1-1.1.4, 1.2.1-1.2.4, 5.1.1-5.1.4 and 5.2.1.

For such conditions, justification within the Decision Document is not provided.

Optional standard conditions (OSC)

In the interests of regulatory consistency DER has a set of optional standard conditions that can be imposed on works approvals and licences. DER will include optional standard conditions as necessary, and are likely to constitute the majority of conditions in any licence. The inclusion of any optional standard conditions is justified in Section 4 of this document.

Non standard conditions (NSC)

Where the proposed activities require conditions outside the standard conditions suite DER will impose one or more non-standard conditions. These include both premises and sector specific conditions, and are likely to occur within few licences. Where used, justification for the application of these conditions will be included in Section 4.



2 Administrative summary

Administrative details		
Application type	Works Approval <input type="checkbox"/> New Licence <input checked="" type="checkbox"/> Licence amendment <input type="checkbox"/> Works Approval amendment <input type="checkbox"/>	
Activities that cause the premises to become prescribed premises	Category number(s)	Assessed design capacity
	49	Not applicable
	81	1,000 litres or more per annual period
Application verified	Date: 03/12/2014	
Application fee paid	Date: 18/12/2014	
Works Approval has been complied with	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Compliance Certificate received	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	
Commercial-in-confidence claim	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Commercial-in-confidence claim outcome		
Is the proposal a Major Resource Project?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Was the proposal referred to the Environmental Protection Authority (EPA) under Part IV of the <i>Environmental Protection Act 1986</i> ?	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"/>
Is the proposal subject to Ministerial Conditions?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Ministerial statement No: EPA Report No:
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the <i>Environmental Protection Act 1986</i>)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Department of Water consulted Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the Premises within an Environmental Protection Policy (EPP) Area Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes include details of which EPP(s) here. Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1992 (Area A)		
Is the Premises subject to any EPP requirements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Site is subject to SO ₂ requirements of Kwinana EPP Area		



3 Executive summary of proposal and assessment

BAE Systems Australia Defence Pty Ltd operates the Henderson shipyard. The site is used for the building and repair of large naval and commercial vessels. Operations include the abrasive blasting of anti-fouling paints and corroded surfaces and metal coating of ships. The facility includes ship lifting facilities for dry docking of ships and wharfs for berthed vessels.

The site covers 8.4 hectares of land fronting Cockburn Sound with a subleased area of the adjoining seabed to accommodate work on berthed and moored vessels. The site is surrounded to the north, south and east by industrial and commercial premises. The nearest residential dwelling is located approximately 2km to the north east.

The environmental emissions include air emissions (gaseous and particulate), dust, noise, odour and potentially stormwater contaminated with heavy metals and Tributyltin (TBT). Although organotin antifouling paint containing TBT has been banned in Australia since 2008, the chance remains that a vessel may still require removal of historical TBT.

The site is almost all surfaced with bitumen. Stormwater is captured in a series of pits and pumped into an infiltration pond. The sediment at the bottom of the infiltration pond is collected annually and disposed off-site. BAE Systems has notified DER of its intent to upgrade the site's storm water management.

The site was classified on 30/03/2010 under the *Contaminated Sites Act 2003* as Category of Site Classification: Possibly contaminated – investigation required.

A groundwater monitoring program is carried out on a quarterly basis.

As part of this re-issue, DER has not re-assessed the acceptability or impacts of emissions and discharges from the Premises or re-visited any existing emission control levels. No changes to the conditions on the previous licence have been made with the exception of removal of condition 5.2.3 which required monitoring reports to be submitted biannually. This reporting will be submitted as part of the Annual Environment Report by condition 5.2.1.

The licence has been assessed as medium risk and is reissued for 5 years.



4 Decision table

All applications are assessed in line with the *Environmental Protection Act 1986*, the *Environmental Protection Regulations 1987*, and DER's Operational Procedure on Assessing Emissions and Discharges from Prescribed Premises. Where other references have been used in making the decision they are detailed in the decision document.

DECISION TABLE				
Works Approval / Licence section	Condition number W = Works Approval L = Licence	OSC or NSC	Justification (including risk description & decision methodology where relevant)	Reference documents
Information	L5.2.1		The previous licence required six monthly reporting of the groundwater monitoring and recording of vessels as for previous licences. The licensee requested this be amended so that all monitoring is submitted annually. This amendment is considered administrative.	
Licence Duration	N/A	N/A	The licence is assessed as medium risk and is recommended to be issued for 5 years.	

5 Advertisement and consultation table

Date	Event	Comments received/Notes	How comments were taken into consideration
29/12/2014	Application for licence reissue advertised in the "West Australian" newspaper	None	Not applicable
12/01/2015	Licensee sent a copy of draft instrument	Comments and suggestions regarding definitions and standard wording of conditions	Not able to be included in the licence. Some minor edits made.



6. Risk Assessment

Note: This matrix is taken from the DER Corporate Policy Statement No. 07 - Operational Risk Management

Table 1: Emissions Risk Matrix

Likelihood	Consequence				
	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Moderate	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	Extreme
Unlikely	Low	Moderate	Moderate	Moderate	High
Rare	Low	Low	Moderate	Moderate	High