



# Decision Document

## *Environmental Protection Act 1986, Part V*

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

**Licence:**       **L5897/1993/11**

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**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:

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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	<b>Category number(s)</b>	<b>Assessed design capacity</b>
	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 <sub>2</sub> 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
<b>Almost Certain</b>	<b>Moderate</b>	<b>High</b>	<b>High</b>	<b>Extreme</b>	<b>Extreme</b>
<b>Likely</b>	<b>Moderate</b>	<b>Moderate</b>	<b>High</b>	<b>High</b>	<b>Extreme</b>
<b>Possible</b>	<b>Low</b>	<b>Moderate</b>	<b>Moderate</b>	<b>High</b>	<b>Extreme</b>
<b>Unlikely</b>	<b>Low</b>	<b>Moderate</b>	<b>Moderate</b>	<b>Moderate</b>	<b>High</b>
<b>Rare</b>	<b>Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Moderate</b>	<b>High</b>