



Works Approval Number W5925/2015/1

Works Approval Holder Austral Bricks (WA) Pty Ltd

ACN 079 711 603

File Number: DER2015/002438

Premises Cardup Brickworks
Lot 101 on Plan 42930; Lot 21 Diagram 49238; Lot 7
Diagram 10840, Lot 51 Diagram 52746; Lot 50
Diagram 52748; Lot 801 and 802 on Plan 302499; Lot
10 Diagram 26892; Lot 12 Diagram 52677; Lot 53
Diagram 4790; Lot 100 Diagram 7854; Lot 50 Diagram
7928
BYFORD WA 6122

Date of Amendment 16 October 2017

Amendment

The Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation (DWER) has amended the above Works Approval in accordance with section 59 of the *Environmental Protection Act 1986* (EP Act), as set out in this Amendment Notice. This Amendment Notice constitutes written notice of the amendment in accordance with section 59B(9) of the EP Act.

Date signed: 16 October 2017

Caron Goodbourn

ACTING MANAGER LICENSING – PROCESS INDUSTRIES

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

Definitions and interpretation

Definitions

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Amendment Notice	refers to this document
Category/ Categories/ Cat.	categories of Prescribed Premises as set out in Schedule 1 of the EP Regulations
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
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EP Regulations	<i>Environmental Protection Regulations 1987 (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 Decision Report applies, as specified at the front of this Decision Report.
Risk Event	as described in <i>Guidance Statement: Risk Assessment</i>
Works Approval Holder	Austral Bricks (WA) Pty Ltd

Amendment Notice

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the Works Approval W5925/2015/1 issued under the EP Act for a prescribed premises as set out below. This notice of amendment is given under section 59B(9) of the EP Act.

This notice is limited only to an amendment to condition 1.2.2 of works approval W5925/2015/1 issued 28 January 2016. No other changes to any aspects of the original works approval relating to category 41 have been requested by the Works Approval Holder.

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

- *Guidance Statement: Regulatory Principles* (July 2015)
- *Guidance Statement: Setting Conditions* (October 2015)
- *Guidance Statement: Decision Making* (November 2016)
- *Guidance Statement: Licence Duration* (August 2016)

Amendment description

Condition 1.2.2 was previously amended by notice (Amendment Notice 1) to extend the commissioning period from 6 to 9 months.

On 18 September 2017, the Works Approval Holder submitted an application to amend W5925/2015/1 condition 1.2.2, to extend the commissioning period of Kiln 3 (the Kiln) firing and the cascade limestone scrubber from 9 months to 15 months.

In the application, the Works Approval Holder stated that the Kiln was fired on 9 January 2017 however there had been significant delays and operational issues with the commissioning of the plant and equipment which had delayed the anticipated completion date of commissioning 31 March 2018.

The Works Approval Holder has amended the works approval commissioning plan to account for the change in duration of commissioning. This plan includes a commitment to conduct quarterly stack monitoring to confirm the Kiln emissions and scrubber efficiency.

Amendment history

Table 2 provides the amendment history for W5925/2015/1.

Table 2: Works approval amendments

Instrument	Issued	Amendment
W5925/2015/1	14 June 2017	Amendment Notice 1 extending the commissioning period from 6 months to nine months
W5925/2015/1	16 October 2017	This Notice

Decision

The Delegated Officer has granted the amendment sought by the Works Approval Holder. In determining to extend the commissioning period from 9 months to 15 months, the Delegated Officer did not impose additional regulatory controls on the Works Approval.

The Delegated Officer has also considered that the extension of commissioning period is driven primarily through logistics associated with plant and equipment and the decision not to impose any additional regulatory controls is consistent with the *Guidance Statement: Regulatory Principles* on the basis that there is no expected change to the risk profile of emissions.

The Delegated Officer noted the Works Approval Holder was not proposing to carry out any actions that fall within sections 53(1)(a) to (e) or section 53(2)(a) to (b) of the EP Act in order to achieve the proposed timeframe for commissioning.

The Delegated Officer has extended the approved 9 months commissioning to 15 months with the completion date being 31 March 2018.

Works Approval Holder's comments

The Works Approval Holder was provided with the draft Amendment Notice on 28 September 2017 for review and comment. The Works Approval Holder responded on 29 September 2017 waiving the remaining comment period. No comments were submitted on the draft Amendment Notice.

Amendment

1. Condition 1.2.2 of the Works Approval is amended by deletion of the text shown in strikethrough below and insertion of the red text shown in underline below:
 - 1.2.2 *The Works Approval Holder shall commission the brick manufacturing plant and the cascade limestone scrubber, for a period not exceeding ~~9 months~~ 15 months.*

Appendix 1: Key documents

	Document title	In text ref	Availability
1	Works Approval: W5925/2015/1 – Cardup Brickworks	W5925/2015/1	accessed at www.der.wa.gov.au
2	Works Approval W5925/2015/1 Amendment Notice #1	Amendment Notice 1	accessed at www.der.wa.gov.au
3	Works Approval amendment application and supporting documents	The application	DWER records (A1525770, A1525771 and A1525773)
4	July 2015. <i>Guidance Statement: Regulatory Principles</i> . Department of Environment Regulation, Perth.	accessed at www.dwer.wa.gov.au	
5	October 2015. <i>Guidance Statement: Setting Conditions</i> . Department of Environment Regulation, Perth.		
6	November 2016. <i>Guidance Statement: Decision Making</i> . Department of Environment Regulation, Perth.		