



## CEO-initiated licence amendment

### Division 3, Part V *Environmental Protection Act 1986*

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|------------------------------|---|
| <b>Works approval number</b> | W6384/2021/1  |
| <b>Works approval holder</b> | Spinifex Crushing and Screening Services Pty Ltd  |
| <b>ACN</b>                   | 135 324 551   |
| <b>File number</b>           | DER2020/000143  |
| <b>Premises</b>              | Rocking Crossing Asphalt Plant<br>Lot 104 (No. 303) Rocking Crossing Rd<br>WILLYUNG WA 6330<br><br>Legal description –<br>Lot 4 on Plan 49239 |
| <b>Date of report</b>        | 22 September 2021   |
| <b>Status of report</b>      | Final   |

## Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the existing works approval issued under the EP Act for a prescribed premises as set out below. This notice of amendment is hereby given under section 59B(9) of the EP Act.

This amendment has been initiated by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER) to give effect to the Minister for Environment's (Minister) appeal determination of 12 August 2021. There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

## Background

Works approval W6384/2021/1 was issued to Spinifex Crushing and Screening Services Pty Ltd on 16 November 2020 for the construction and time limited operation of a mobile asphalt manufacturing plant at Lot 104 (No. 303) Rocking Crossing Rd, Willyung.

An appeal was subsequently lodged against the conditions of the works approval. In August 2021, the Minister allowed the appeal in part to the extent that the rate of asphalt production be limited to the production capacity that was assessed, which is 5,000 metric tonnes per annual and not more than 300 metric tonnes per day (Appeal Number 059 of 2020).

## Proposed amendments

The Minister determined that while the requirements of the works approval are generally appropriate, consistent with the advice of DWER and the Appeals Convenor the following changes are required:

- plant capacity specified on page 1 of the works approval is amended to read: 'Assessed production capacity' of 5,000 metric tonnes per annum; and
- plant production capacity of not more than 300 metric tonnes per day is specified as an operational requirement in Condition 6, Table 2.

## Decision

The delegated officer has amended the works approval to give effect to the Minister's determination dated 12 August 2021, as required under section 110 of the EP Act.

The decision report for the existing works approval will remain on the DWER website for future reference and will act as a record of DWER's decision making.

## Consultation

The works approval holder was provided with the draft amended works approval on 20 August 2021 and did not provide a response within the requested timeframe.

## Summary of amendments

The below table provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised works approval as part of the amendment process.

| Condition no.        | Proposed amendments  |
|----------------------|--|
| Cover page           | Table descriptor amended from 'Assessed production/design capacity' to 'Assessed production capacity'                      |
| Condition 6, Table 2 | New operational requirement for asphalt plant added 'plant production capacity of not more than 300 metric tonnes per day' |