



Application for Works Approval Amendment

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

Works Approval Number	W6384/2020/1
Works Approval Holder	Spinifex Crushing and Screening Services Pty Ltd
ACN	135 324 551
File Number	DER2020/000143
Premises	Rocky Crossing Asphalt Plant Lot 104 (No. 303) Rocky Crossing Road WILLYUNG WA Legal description – Part of Lot 104 on Deposited Plan 49239 Certificate of Title Volume 2616 Folio 525 As defined by the Premises maps attached to the Revised Works Approval
Date of Report	13 November 2023
Decision	Revised works approval granted

1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6384/2020/1. The amendments are administrative in nature therefore they do not alter the risk profile of the premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act). The decision report for the existing works approval will remain on the department's website for future reference and will act as a record of the department's decision making.

2. Scope of assessment

2.1 Regulatory framework

In amending the works approval, the department has considered and given due regard to its 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/regulatory-documents).

2.2 Application summary

Works Approval W6384/2020/1 is held by Spinifex Crushing and Screening Services Pty Ltd (works approval holder) for the Rocky Crossing Asphalt Plant (the premises), located within part of Lot 104 (No. 303) Rocky Crossing Road, Willyung. The premises relates to the category and the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Works Approval W6384/2020/1.

On 27 September 2023, the works approval holder submitted an application to the department to amend Works Approval W6384/2020/1 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited to extending the works approval expiry date for a two year period and amending the premises boundary to excise a portion of Lot 104.

While earthworks have commenced at the premises the works approval holder cited the requirement for the requested extension is due to actual construction of the asphalt plant not being expected to commence for approximately six months. The delay is due to the need for an international technician to assist with the installation process. The works approval holder is anticipating that all construction works will be completed within the next 12 to 14 months. Considering the 180-day period allocated for time-limited operations within the existing works approval, a two-year extension is considered adequate for the complete establishment of the asphalt plant.

The works approval holder also requested an amendment to the premises boundary. The amendment is required as the works approval holder intends to apply for a separate EP Act Part V instrument on the same lot. As licenced premises boundaries cannot overlap the works approval holder has requested the area to the west of the asphalt plant access road is excluded from the premises boundary as seen in the updated premises map (Figure 1 within the works approval) to allow for separate licensed premises to be established within Lot 104. No change to the layout of the asphalt plant or locations of the associated infrastructure was requested.

2.3 Other relevant approvals

2.3.1 Planning Approval

Development approval P2180244 for the original proposal was granted on 20 February 2019 by the City of Albany. The works approval holder provided evidence within their application

that the approval is still valid as the development is considered to be substantially commenced. The delegated officer notes that this development approval has no expiry date.

3. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 3 November 2023. On 13 November 2023 the Works Approval Holder waived the comment period.

4. Decision

The delegated officer has determined that extending the works approval expiry date to 15 November 2025 is appropriate on the basis that it will provide sufficient time for the remaining installation /construction works required, and the time limited operations phase and subsequent assessment of the expected licence application for the premises. Additionally, the delegated officer has concluded that amending the prescribed premises boundary to excise a portion of the lot is an administrative change as no aspect of the infrastructure layout has changed.

In making this determination the delegated officer considered the following:

- an extension to the works approval duration and premises boundary amendment will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises;
- the risks posed by emissions and discharges from the premises were assessed for the grant of W6384/2020/1 and operational controls were applied in the works approval based on this assessment;
- the premises will continue to be subject to the conditions of the works approval;
- any future application submitted by Spinifex Crushing and Screening Services Pty Ltd will be subject to a risk assessment in accordance with the department's Guidance Statement: Risk Assessments; and
- the works approval authorises time limited operation of the premises for 180 days only or until a licence for the premises is granted, subject to the submission of an environmental compliance report and licence application assessment.

Stakeholder consultation was not undertaken for this amendment, and there is no statutory requirement for such consultation in the case of amendment applications. Given the limited duration between the works approval holder's application and the impending expiration date, there being no proposed changes to construction or operations, and taking into consideration the previous appeal and determinations detailed in report 059/20, the delegated officer determined not to undertake stakeholder consultation regarding the amendment application. The delegated officer also took into consideration that there would be further opportunity for stakeholder consultation when the works are complete and a licence application is submitted for the premises.

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1 Summary of amendments

Table 1 below 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.

Table 1: Summary of works approval amendments

Condition no.	Proposed amendments
Duration	Extended to 15/11/2025
Condition 1	Figure references updated within table
Condition 6	Figure references updated within table
Premises map (Figure 1)	Figure 1 updated to reflect amended premises boundary only
Premises layout (Figure 2)	Figure 2 included to illustrate amended premises layout