



Department initiated Amendment

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

Works Approval Number	W6516/2021/1
Works Approval Holder	Pilbara Energy (Generation) Pty Ltd
ACN	631 303 305
File Number	DER2020/000219
Premises	PEG Power Station Legal description – Part of Lease L47/901 as granted under the <i>Mining Act 1978</i> As defined by the coordinates in Schedule 2 of the Revised Works Approval
Date of Report	8 March 2024
Decision	Revised works approval granted

1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6516/2021/1. 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 of Water and Environmental Regulation (DWER, 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).

2.2 Background

Works Approval W6516/2021/1 is held by Pilbara Energy (Generation) Pty Ltd (Works Approval Holder) for the PEG Power Station, located within Mining Tenement L47/901 Station (the Premises).

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 W6516/2021/1.

On 7 July 2023, following the completion of construction of the power station and submission of an Environmental Compliance Report in accordance with the requirements of W6516/2021/1, the Works Approval Holder submitted an application for a new licence for operation of the PEG Power Station to the department. The department is currently assessing the licence application. To allow for the continued lawful operation of the power station while the licence assessment is finalised, the works approval is being amended under section 59 of the EP Act on the initiative of the Chief Executive Office to extend the duration of the works approval.

The Works Approval Holder commenced time limited operations (TLO) on 31 May 2023 under the works approval which is due to expire on 25 March 2024. In a previous amendment, TLO was extended until the works approval expiry or a licence is granted, whichever occurs first. Therefore, extensions to the works approval expiry will also extend the TLO period.

3. Decision

The delegated officer notes the works approval is set to expire on 25 March 2024 and that a licence application has been submitted by the works approval holder. The delegated officer has determined that extending the works approval duration by a further 12 months is appropriate on the basis that it should allow sufficient time for the department to finalise the assessment of the licence application.

This amendment will extend the works approval expiry date from 25 March 2024 to 25 March 2025. As TLO was extended until the works approval expiry or a licence is granted, the TLO will also be extended to 25 March 2025 or until a licence is granted.

In determining to amend the works approval expiry, the following matters were considered by the delegated officer:

- an extension to the duration of the works approval will not change the risk profile of the premises, or change the risks posed by the ongoing emissions from the premises;
- the premises will continue to operate under the existing works approval conditions specified for time limited operations;
- in the event that risk issues arise in relation to the premises, the CEO may a) amend the works approval conditions at any point, and b) in the event of an alleged offence, exercise enforcement powers under the provisions of the EP Act.

To ensure the risk of cumulative air emissions have not changed, the amendment will also include a requirement for the Works Approval Holder to conduct an additional air emission monitoring event as per conditions 9 and 11 of works approval W6516/2021/1. This aligns with the annual monitoring that is anticipated to be required in the licence to demonstrate compliance with emission limits.

The Delegated Officer has amended works approval W6516/2021/1 in accordance with section 59(1) of the EP Act by extending the expiry date from 25 March 2024 to 25 March 2025 and requiring an additional monitoring event.

4. Consultation

The Works Approval Holder was provided with the draft Amendment Report on 7 March 2024. On 8 March 2024 the Works Approval Holder responded and waived the comment period.

5. Conclusion

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.

5.1 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
Works Approval Duration	Extended by 12 months to 25 March 2025. This will also extend the Time Limited Operations Duration to 25 March 2025.
Monitoring	The Works Approval Holder must conduct an additional monitoring event as per conditions 9 and 11 of the works approval.