



## Department Initiated Amendment

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

---

<b>Works Approval Number</b>	W6630/2021/1
<b>Applicant</b>	Perdaman Chemicals and Fertilisers Pty Ltd
<b>ACN</b>	121 263 741
<b>File number</b>	DER2021/000654
<b>Premises</b>	<p>Perdaman Urea Project</p> <p>Part of Lot 3016 on DP42282 Crown Land Title Volume LR3139 Folio 39</p> <p>Part of Lot 3015 on DP42282 Crown Land Title Volume LR3139 Folio 38</p> <p>Part of Lot 3012 on DP42282 Crown Land Title Volume LR3139 Folio 35</p> <p>Part of Lot 553 on DP406755 Crown Land Title Volume LR3167 Folio 958</p> <p>Part of Lot 556 on DP406755 Crown Land Title Volume LR3167 Folio 961</p> <p>Part of Lot 557 on DP406755 Crown Land Title Volume LR3167 Folio 962</p> <p>As defined by the premises maps attached to the issued works approval</p>
<b>Date of report</b>	18 December 2023
<b>Decision</b>	Revised Works Approval Granted

#### **MANAGER, PROCESS INDUSTRIES**

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

## 1. Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EPAct) 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; the department) to give effect to the Minister for Environment's (Minister) appeal determination of 1 November 2023.

There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

### 1.1 Background

Works Approval W6630/2021/1 was granted to Perdaman Chemicals and Fertilisers Pty Ltd (the applicant) on 14 July 2022 to authorise the construction of a mobile crushing and screening plant to support construction of the Perdaman Urea Plant.

Third parties aggrieved by any condition of a works approval are able to lodge an appeal direct to the Appeals Convenor within 21 days of the applicant being notified of the decision to grant a works approval under section 102(3)(a) of the EP Act. Three appeals were subsequently lodged against the conditions of the works approval.

The appellants raised concerns that DWER's assessment did not adequately consider all risks associated with crushing and screening activity, and that the conditions applied to the works approval to manage dust do not adequately protect the rock art in surrounding area which has significance at a State, national and international level. Matters raised in the appeal unrelated to the conditions of the works approval are not included in this report and are noted in the Appeals Convenor's report (Office of the Appeal Convenor 2023).

On 1 November 2023, the Minister determined to allow the appeal in part to the extent that the works approval conditions are amended to address matters relating to exclusion of certain risks associated with crushing and screening, and conditions relating to the management of dust emissions from crushing and screening. A copy of the Minister's Appeal Determination and Appeals Convenor's report can be obtained from the Appeals Convenor's website at: [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au) (reference 028/22).

#### **Amendment to conditions**

The Minister determined that while the requirements of the works approval were generally appropriate, consistent with advice of DWER and the Appeals Convenor, the following changes to the requirements specified in Table 2 of Condition 6 are required:

- The crushing and screening plant must only operate in locations that are greater than 100 metres from heritage sites as identified and defined in the approved Cultural Heritage Management Plan (Cultural Heritage Management Plan, Perdaman Urea Project, Version PCF 6, 11 May 2022).
- The water systems are to be used to minimise dust generation at material transfer points, crusher, and materials stockpiles whenever materials are being processed by the crushing and screening plant.

## 2. Decision

The delegated officer has amended the works approval to give effect to the Minister's determination dated 1 November 2023, 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.

### 3. Consultation

The works approval holder was provided with a draft amended works approval on 20 November 2023 and a response was provided on 29 November 2023 stating there were no comments on the proposed conditions. Works approval holder provided an updated version of Figure 6 on the 15 December 2023, as requested by the Delegated Officer. No further comments relating to the conditions were provided.

#### 3.1 Summary of amendments

Table 1 provides a summary of the amendments and will act as record of implemented changes. All 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
6 (Table 2)	Additional requirements relating to distance the mobile crushing and screening plant can operate from heritage sites.
6 (Table 2)	Specification on when the water systems for dust minimisation are to be used to ensure they are utilised whenever materials are being processed by the crushing and screening plant.
Schedule 1, Figure 6	Map identifying indicative locations where crushing and screening plant is permitted to operate.

### 4. References

1. Office of the Appeals Convenor 2023, *Minister's Appeal Determination, Appeals against conditions of Works Approval W6630/2021/1 Perdaman Urea Plant*. Appeal Number: 028 of 2022, 1 November 2023.
2. Office of the Appeals Convenor 2023, *Appeals Convenor's Report to the Minister for Environment: Appeals objecting to the conditions of Works Approval W6630-2021/1 Perdaman Urea Project* Appeal 028 of 2022. October 2023.
3. Perdaman Chemicals and Fertilisers Pty Ltd 2022, *Cultural Heritage Management Plan*. Version Number PCF 6. 11 May 2022