



## CEO-initiated amendment

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

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**Works approval number** W6908/2024/1

**Works approval holder** Roo Brew Pty Ltd

**DWER file number** DER2024/000055

**Premises** Lucky Bay Brewing  
63 Bandy Creek Road  
BANDY CREEK, WA 6450

**Date of report** 11 February 2025

**Status of report** Granted

## Amendment description

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend an 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 6 January 2025.

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 W6908/2024/1 (works approval) was issued to Roo Brew Pty Ltd. (works approval holder) on 13 June 2024 for the construction and installation of a malt processing plant, wastewater treatment plant and wastewater disposal of treated wastewater to land, for Lucky Bay Brewing (the premises), in Bandy Creek, about 6 km north northeast of the Esperance town centre.

Following the granting of the works approval, a stakeholder subsequently lodged an appeal against several conditions, with multiple grounds of appeal. In January 2025, the Minister allowed the appeal to the extent that the works approval conditions are amended to address several matters (Appeal 036 of 2024):

### Amendments to conditions

The Minister determined that while the department's assessment and decision to the premises operating in accordance with Category 25: Alcoholic beverage manufacturing was justified, consistent with the advice of DWER and the Appeals Committee the following changes are required:

- Delete reference to prescribed premises category 25 and respective 200 kL/year assessed production capacity.
- Delete beer production limit, condition 10, Table 3, Item 2 (a);
- In amending the licence, the Delegated Officer has also updated the licence history table, revised and realigned condition numbers for numerical consistency and corrected.

## Decision

The delegated officer has amended the works approval to give effect to the Minister's determination dated 6 January 2025, 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 written notice of the CEO's intention to amend the works approval, including a copy of the proposed changes to the works approval, on 20 January 2025.

## Summary of amendments

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

Condition no.	Amendments
Cover page	Date of amendment added.
	Category 25: Alcoholic beverage manufacturing and respective assessed production capacity deleted.
Works approval history	Updated to include appeal determination.
Condition 10, Table 3, Item 2 (a)	Beer production limit deleted.