



CEO-initiated licence amendment

Division 3, Part V *Environmental Protection Act 1986*

Licence number	L4533/1967/15
Licence holder	Cockburn Cement Limited
ACN	008 673 470
File number	DER2015/000597
Premises	Cockburn Cement Lot 242 Russell Road East MUNSTER WA 6166
Date of report	9 March 2022
Status of report	Final

Amendment description

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

This amendment is limited to extending the duration of the licence. No other changes have been made to existing conditions or licence holder obligations.

In completing the assessment documented in this report, the department has considered and given due regard to its regulatory framework and relevant policy documents which are available at <http://dwer.wa.gov.au/regulatory-documents>.

Background

Cockburn Cement Ltd (CCL) has investigated the source and cause of odour being emitted from its Munster premises and submitted a report of its findings to the department in August 2019. The department subsequently engaged an international expert in cement and lime manufacturing to peer review this report, in addition to conducting its own odour analysis and investigations.

Based on all the information available, the department initiated a review of the existing licence L4533/1967/15 (L4533) in January 2020, which identified further measures as being required to mitigate the risk of odour impacts on the local community. CCL were provided with a draft amended licence in November 2020. In considering CCL's comments provided on the draft and following the grant of a works approval in August 2021 to allow the trial of an alternative shell sand feeding location (W6533/2021/1), the department revised the draft amended licence and provided an updated version to CCL for comment in October 2021.

CCL provided extensive comments on the updated draft in November 2021, which the department is currently considering.

The department had expected to have finalised the licence review before now, which includes an extension to the current licence duration. In the interim, the department has initiated an amendment to extend the licence duration by a further 6 months, to ensure the licence remains valid until the licence review can be finalised.

Decision

Section 63 of the EP Act prescribes that a licence shall continue in force for such period as is specified in the licence. L4533 is due to expire on 30 March 2022. The delegated officer has determined that extending the duration by a further 6 months is appropriate on the basis that it should allow sufficient time for the department to give due consideration to all the matters raised by CCL in their comments on the updated draft, before finalising the licence review.

In determining to amend the duration of the licence, the following matters were considered by the delegated officer:

- an extension to the licence duration will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises;
- monitoring of emissions and discharges from the premises will continue in accordance with existing conditions;
- the premises will be subject to ongoing compliance inspections and investigations following incidents and complaints, in accordance with the EP Act; and
- in the event that risk issues arise in relation to the premises, the CEO may a) amend the licence conditions at any point, and b) in the event of an alleged offence, exercise enforcement powers under the provisions of the EP Act.

The delegated officer has therefore amended L4533 in accordance with section 59(1) of the EP Act by extending the expiry date from 30 March 2022 to 30 September 2022.

Consultation

CCL was provided with drafts of the amended licence and this report on 16 February 2022 and commented that the proposed extension of the expiry should allow time for both the completion of the licence review and the works subject to W6533.

The delegated officer advised the focus of this amendment is solely on extending the duration of the licence to enable the review to be completed. The reviewed licence, when granted, will incorporate a further extension of the expiry to 2024, which is beyond the current duration of W6533 and will provide sufficient time for the completion of the subject works.

Conclusion

The delegated officer has determined to amend the existing licence, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Caron Goodbourn
A/SENIOR MANAGER, PROCESS INDUSTRIES
REGULATORY SERVICES

An officer delegated by the CEO under section 20 of the EP Act