



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	28 February 2023
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.

On 23 January 2023, the Licence Holder submitted an application to the department to amend Licence L4533/1967/15 (L4533) under section 59B of the *Environmental Protection Act 1986* (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 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.

CCL are currently commissioning a shell sand feed location modification trial authorised under Works approval W6533/2021/1. The works approval was recently extended until 30 May 2023 due to issues with third party supply of parts and fabrication.

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 2023. The delegated officer has determined that extending the duration by a further twelve months is appropriate on the basis that it will allow sufficient time for the department to give due consideration to all the matters raised by CCL in their comments on the updated draft and determine any amendments to the licence. It will also give the department time to review the outcomes of the monitoring required by W6533/2021/1.

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 2023 to 30 March 2024.

Consultation

CCL was provided with drafts of the amended licence and this report on 10 February 2023 and waived the consultation period on 15 February 2023.

Third party consultation did not take place given the amendment is limited to the extension of the licence term and does not change the risk profile of the premises.

The department expects to finalise odour review related amendments to the licence and results of works approval W6533/2021/1 monitoring data within the next twelve months. A further extension of the licence beyond 30 March 2024 may form part of the amendments. The delegated officer maintained a twelve-month extension to the licence to allow time for review of the monitoring data required by works approval W6533/2021/1 and to finalise the review of the licence in light of the review of works approval W6533/2021/1 monitoring results.

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.

Amine Fisher
A/MANAGER, PROCESS INDUSTRIES
REGULATORY SERVICES

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