



Application for Works Approval Amendment

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

Works Approval Number	W6556/2021/1
Works Approval Holder	Elan Energy Matrix Pty Ltd
ACN	611 714 580
File Number	DER2021/000332
Premises	Elan Energy Management 9 Fargo Way WELSHPOOL WA 6986 Legal description – Lot 60 on Deposited Plan 13025 Certificate of Title Volume 1549 Folio 111 As defined by the Premises map attached to the Works Approval
Date of Report	11 September 2024
Decision	Revised works approval granted

1. Decision summary

The Delegated Officer has determined to make amendments to Works Approval W6556/2021/1. 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 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/government/department-of-water-and-energy-regulatory-documents).

2.2 Application summary

Works Approval W6556/2021/1 is held by Elan Energy Matrix Pty Ltd (works approval holder) for Elan Energy Management (the premises), a Tyre Resource Recovery Facility (TRRF) located at 9 Fargo Way, Welshpool.

The premises relates to the category and the assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Works Approval W6556/2021/1.

On 21 August 2024, the works approval holder submitted an application to the department to amend works approval W6556/2021/1 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is limited only to extending works approval expiry date by three years.

The works approval holder has advised that construction of the premises has suffered extensive delays both because of the Covid-19 pandemic and technical issues that have arisen. Additional time is required to complete the construction and environmental commissioning phases under the works approval. The construction phase is expected to be finished before the end of 2024 assuming there are no further technical issues. Additional time is required beyond this date for the completion of environmental commissioning which will be undertaken in a staged manner and time limited operation of the premises pending application for and grant of an amendment to licence L9041/2017/1 to authorise ongoing operation of the premises.

3. Consultation

The City of Canning was contacted by the department and advised that there are no conditions of the project development approval limiting the timeframe or providing an expiry date.

The Works Approval Holder was provided with the draft Amendment Report on 6 September 2024. On 9 September 2024 the Works Approval Holder responded and waived the comment period.

4. Decision

Section 63 of the EP Act prescribes that a works approval shall continue in force for such period as is specified in the works approval. Works approval W6556/2021/1 is due to expire on 16 September 2024.

The delegated officer has determined that extending the works approval expiry by two years to 16 September 2026 is appropriate, rather than the requested three year extension, on the basis that based on the works approval holder's expected timeframes, the extension provides sufficient time for completion of construction, staged environmental commissioning of all infrastructure, and a time limited operational period of up to 180 calendar days. It is anticipated that the works approval holder will submit a licence application following the completion of the environmental commissioning period.

In determining to extend the duration of the works approval, the following matters were considered:

- an extension to the works approval duration will not change the current risk profile of the premises, or change the risks posed by ongoing emissions from the premises;
- the risks posed by emissions and discharges from the premises were assessed for the grant of the works approval and operational controls were applied in the works approval based on this assessment;
- the premises will continue to be subject to the conditions of the works approval;
- the works approval authorises time limited operation of the premises for up to 180 calendar days, subject to the submission of an environmental commissioning report;
- 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.

Following submission of the required Environmental Commissioning Report, the works approval holder is expected to submit an application for an amendment to licence L9041/2017/1 to authorise continued operation of the new infrastructure.

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
Duration	Expiry date extended to 16/9/2026