



Application to replace expiring licence

Division 3, Part V *Environmental Protection Act 1986*

Licence number	L4511/1967/14
Licence holder	Midland Brick Pty Ltd
ACN	635 664 710
File number	2012/002146
Premises	Midland Brick Brickyard 321 Great Northern Hwy MIDDLE SWAN WA 6056 Being Part Lot 103 on Plan 54208, Part Lot 87 on Plan 5036, Part Lot 72 on Plan 408605, Part Lot 9000 on Plan 405292, Part Lot 23 on Plan 77549, Part Lot 194, Lots 195 to 198, and Lots 160 to 169 on Plan 9113
Date of report	8 April 2022
Status of report	Final

1. Scope of assessment

1.1 Application summary

Background

Midland Brick Pty Ltd (licence holder) has submitted an application to replace licence L4511/1967/13, issued under Division 3 Part V of the *Environmental Protection Act 1986* (EP Act), which is due to expire on 30 April 2022.

The licence relates to operation of a brickyard in the suburb of Middle Swan. The premises manufactures clay bricks using 3 tunnel kilns (kilns 9, 10 & 11), each equipped with a direct injection fabric filter scrubber and a 40 m stack. Cement bricks and pavers are also manufactured on the premises, subject to the requirements of the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998.

Land access

The licence holder's lease for the land upon which kiln 11 is located was due to expire in April 2022, after which their contractual tenure was to retract back to the clay shed and north of Bassett Rd. Occupation of this land (kiln 11 and associated laydown areas) will then be returned to the landowner to facilitate a residential subdivision.

The licence holder advises it has sought, and obtained, an extension of this lease for an additional 12-month period to support the current strong demand for bricks for the housing market.

Licence replacement

Given the upcoming expiry of the existing licence, the licence holder has applied for a replacement licence, which at this stage, does not seek to change the current premises boundary or remove kiln 11. This will enable operations at kiln 11 to continue for a further 12 months, until the current lease expires.

In replacing the licence, the department has considered and given due regard to its regulatory framework and relevant policy documents available at <https://dwer.wa.gov.au/regulatory-documents>.

2. Decision

The delegated officer has determined to grant replacement licence L4511/1967/14 with administrative changes only and without conducting any additional assessment, on the grounds that it does not change the obligations of the licence holder and considering that a significant change to the premises boundary is likely to be required within the next 12 months.

To reduce administrative burden, the replacement licence will be issued for a period of 10 years.

The department proposes to review the licence as part of a future application to reduce the premises boundary, to ensure the risks to public health and the environment from activities on the premises, as previously assessed by the department, have not materially changed.

In replacing the expiring licence, the delegated officer also notes:

- the licence holder proposes to make application in early 2022 to amend the premises boundary and remove the southern portion of the premises that it will no longer have tenure of after April 2022 (excluding kiln 11); and
- an amendment will be sought around the end of April 2023 to further amend the premises boundary, to remove kiln 11.

3. Consultation

The draft replacement licence and this report were provided to the licence holder on 17 March 2022, who requested the replacement licence be issued for a longer term of 10 years to provide longer term business certainty (draft licence was proposed to be short-term, 12 months, pending the upcoming licence amendment).

The delegated officer agreed to the request and has issued the replacement licence for a period of 10 years, on the understanding the licence will be reviewed as part of the upcoming licence amendment and that there would be little benefit in issuing a short-term licence at this time.

4. Conclusion

Based on the assessment in this decision report, the delegated officer has determined the application to renew licence L4511/1967/14 will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

Daniel Hartnup
A/MANAGER, PROCESS INDUSTRIES
REGULATORY SERVICES

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