



Environmental Protection Act 1986

Hon Amber-Jade Sanderson MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF WORKS APPROVAL W6401/2020/1 – CARDUP BRICKWORKS, KILN ROAD BYFORD

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions applied to the above works approval. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant: Cedar Woods

Works approval holder: Austral Bricks (WA) Pty Ltd

Proposal description: Construction and time limited operation of an additional four car capacity batch dryer and associated drying room for solid bricks.

Minister's Decision: The Minister dismissed the appeal.

Date of Decision: 8 June 2021

REASONS FOR MINISTER'S DECISION

The works approval, granted on 17 July 2020, authorises the construction and time limited operation of an additional four car capacity batch dryer and associated drying room for solid bricks at the existing Cardup Brickworks.

The appeal was lodged in objection to the conditions of the works approval, based on concerns that emissions to air of particulate matter (PM) and acid gases (hydrogen fluoride, hydrogen chloride and sulphur dioxide) from the new batch dryer and associated drying room, were not properly considered by the Department of Water and Environmental Regulation (DWER).

In summary, the appeal raised concerns in respect to the adequacy of DWER's risk assessment of emissions to air, and that no air modelling had been undertaken in support of the works approval application.

The Minister noted the appellant's concerns that air emissions from the new dryer have the potential to adversely impact nearby residential receptors, and may compromise gaseous emissions and particulate and dust buffer requirements specified in Ministerial Statement 499 (MS 499), which apply to the premises.

Decision

Having considered the information available, including DWER's response to the appeal and the Appeals Convenor's report and recommendation, the Minister was satisfied that DWER had appropriate regard to the risks associated with construction and commissioning of the batch dryer and associated drying room, and had applied appropriate controls through the conditions applied to the works approval. The Minister therefore dismissed the appeal. The full reasons for the Minister's decision are set out below.

The Minister noted that in assessing the works approval application, DWER had regard for previous air dispersion modelling and the existing air emissions risk profile of the premises, which is licensed under Part V of the *Environmental Protection Act 1986*.

In relation to particulate and dust emissions, the Minister was advised that PM emissions from the new dryer were expected to be negligible, and that the standalone gas-fired burners installed under the works approval were not expected to be a source of PM emissions.

With regard to acid gases emissions, the Minister noted DWER's advice that emissions of hydrogen fluoride, hydrogen chloride and sulphur dioxide were expected to represent less than a one per cent increase for each pollutant when compared to the existing operating emissions from the premises.

DWER determined that construction and commissioning of the batch dryer and drying room would not significantly alter the existing air emissions risk profile of the premises, and would not significantly change the previously modelled ground level concentrations of PM and acid gases at the nearest sensitive receptors. The Minister was advised that installation of the new dryer would not affect the gaseous emissions and particulate and dust buffer requirements specified in MS 499.

The Minister noted that the works approval contains conditions that require monitoring of PM and acid gases during time limited operations in the course of commissioning, and that the works approval holder must provide the results of this monitoring to DWER for review and validation testing of air emissions.

On this basis, the Minister considered the conditions were appropriate to manage identified risks and potential impacts to the environment, and no additional conditions were required in the works approval.

The Minister noted several of the issues raised through the appeal related to matters that were beyond the scope of the appeal, which is limited to the conditions of the works approval. The Appeals Convenor's report contains further information on these matters.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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