



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF WORKS APPROVAL W6167/2018/1 – COCKBURN CEMENT LIMITED, HENDERSON ROAD, MUNSTER

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 102 of the *Environmental Protection Act 1986* in objection to the conditions of a 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: | Mr G Hocking |
| Proponent: | Cockburn Cement Limited |
| Proposal description: | Cement and lime manufacturing premises, Henderson Road, Munster – works approval for odour neutralising trial |
| Minister's Decision: | The Minister dismissed the appeal |
| Date of Decision: | 24 April 2019 |

REASONS FOR MINISTER'S DECISION

A works approval was given by Department of Water and Environmental Regulation (DWER) authorising Cockburn Cement Limited (CCL) to install an odour neutralising injection system in the stacks at its premises in Henderson Road, Munster. The works approval also authorised the use of an odour neutralising product in two limited trial applications once the installation had been satisfactorily completed.

Mr Hocking lodged an appeal in objection to the conditions of the works approval, based on concerns that the works, and the two trials proposed under the works, were not properly considered by DWER.

In the Minister's previous decision on licence amendments in December 2018, odour investigations have been required independently of the odour neutraliser trial approved under this works approval. The Minister noted that the investigations endorsed through the earlier decision are important to ensure the best available information is available to identify the source and causes of odour from the premises.

In relation to the odour neutralising trial the subject of this appeal, the appellant expressed concern that there is inadequate oversight of the proposal by DWER, and that as a result, there is potential for the results to provide a false indication of the effectiveness of the neutralising product. The appellant also expressed concern about the timing of the trials, as well as the absence of a requirement for the details of trials to be communicated to the public.

The Minister noted that the Appeals Convenor met with the appellant and other residents in Beeliar in March to discuss the concerns raised in the appeal, as well as DWER's response to the appeal.

Taking into account the appellant's concerns and the advice of DWER and Appeals Convenor, the Minister was of the view that the conditions of the works approval are appropriate. He came to this view noting the short duration of the trials, and advice that the neutralising product is safe for the intended application.

Noting that the purpose of the trials is to provide preliminary data on the effectiveness of the product in addressing odour at different concentrations, the Minister expressed his expectation that any decision to extend or approve additional trials will be carefully considered by DWER.

It follows from the above that the Minister agreed with the Appeals Convenor's recommendations, and dismissed the appeal accordingly.

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*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace

Perth WA 6000

Tel: (08) 6364 7990

Fax: (08) 6364 7999

www.appealsconvenor.wa.gov.au