

## 9.2 - Notice of Motion – Austral Bricks (SJ3412)

<b>Councillor</b>	Councillor Byas
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Notice of Motion

A Notice of Motion was received from Councillor Byas via email on Thursday, 10 June 2021.

The Notice of Motion is “That Council:

1. NOTE recent community complaints following Austral Bricks' recommencement of manufacturing activities at their Cardup brickworks;
2. WRITE to the DWER highlighting the recent complaints in relation to dust, and seeking clarification of Austral Bricks' use of inconsistent input parameters to predict future emissions. This clarification could take the form of s16(e) advice under the Environmental Protection Act 1986, in order to ensure transparency, procedural fairness and an appropriate head of power to provide the requested clarification to Council; and
3. REQUEST that the DWER keep Council informed of Austral Bricks' monitoring results and annual compliance reporting for the Cardup plant.”

### Officer Comment

The Department of Water and Environmental Regulation (DWER) regulates industrial emissions and discharges to the environment through a works approval and licensing process, under Part V of the *Environmental Protection Act 1986*.

To assist Council in this notice of motion, Officers contacted DWER to understand their current levels of compliance investigation activities in respect of Austral Bricks.

DWER advised that their most recent compliance inspection was conducted in March 2021, and this identified no material issues. They also advise that there are no outstanding compliance matters with the current licence which the recommenced manufacturing activities are processing in accordance with.

DWER state they have received 2 dust complaints in the past 6 months, in December 2020 and the most recent in February 2021.

In respect of the issue of input parameters, DWER noted that the proposed redevelopment and expansion proposal is currently before the EPA, and a works approval has not yet been submitted. The EPA at this point remain waiting on additional information from Austral Bricks.

It may be useful to consider a stepped approach to this issue, potentially to first provide the opportunity for the community to engage with the DWER, and for the DWER to also update the community on their active compliance activities for this process industry. This could be in the form of:

### Contact Us

#### Enquiries

Call: (08) 9526 1111

Fax: (08) 9525 5441

Email: [info@sjshire.wa.gov.au](mailto:info@sjshire.wa.gov.au)

#### In Person

Shire of Serpentine Jarrahdale

6 Paterson Street, Mundijong WA 6123

Open Monday to Friday 8.30am-5pm (closed public holidays)



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



1. Requesting a community update and/or meeting to explain DWER current compliance monitoring activities in respect of Austral Bricks;
2. Seeking clarification as to how acceptable emission parameters are set under their operating licence, how these are monitored, what happens if emission parameters are exceeded and how these are reported back to the community.

DWER also indicated a strong desire to encourage the community to submit any complaints through to the pollution watch hotline by phoning 1300 784 782 (24 hours) or email [pollutionwatch@dwer.wa.gov.au](mailto:pollutionwatch@dwer.wa.gov.au) .

**Voting Requirements:** Simple Majority

### **Councillor Recommendation**

**That Council:**

1. **NOTE recent community complaints following Austral Bricks' recommencement of manufacturing activities at their Cardup brickworks;**
2. **WRITE to the DWER highlighting the recent complaints in relation to dust, and seeking clarification of Austral Bricks' use of inconsistent input parameters to predict future emissions. This clarification could take the form of s16(e) advice under the *Environmental Protection Act 1986*, in order to ensure transparency, procedural fairness and an appropriate head of power to provide the requested clarification to Council; and**
3. **REQUEST that the DWER keep Council informed of Austral Bricks' monitoring results and annual compliance reporting for the Cardup plant.**

### **Officer Recommendation**

**That Council REQUESTS that the Shire President write to the Minister for the Environment requesting:**

1. **That the Department of Water, Environment and Regulation (DWER) provide a community update and/or meeting to explain current compliance monitoring activities the agency is undertaking in respect of Austral Bricks;**
2. **Clarification from DWER as to how acceptable emission parameters are set under the Austral Bricks operating licence, how these are monitored, what happens if emission parameters are exceeded and how these are reported back to the community; and**
3. **Clarification from DWER as to whether such exceedances should form the basis of updated inputs to studies to consider the acceptability of future expansion.**
4. **That the DWER keep Council and Community informed of Austral Bricks' monitoring results and annual compliance reporting for the Cardup plant.**