



Industry guide

Effective date: not yet authorised

Determining whether a works approval is required

Purpose

This industry guide provides the process for determining whether proposed work requires works approval.

Background

The Department of Environment and Conservation Western Australia (DEC) regulates prescribed premises under Part V of the *Environmental Protection Act 1986* (EP Act). Prescribed premises are listed in Schedule 1 of the Environmental Protection Regulations 1987 (see [State Law Publisher](#)).

Part V of the EP Act requires the occupier of a premises to obtain a works approval when undertaking works which would cause the premises to become a prescribed premises. For established prescribed premises, the EP Act specifies when a works approval is required for a range of actions that may alter emissions or alter the operation of the premises.

The purpose of a works approval is to ensure that premises, plant and equipment are designed, sited and can be managed so that emissions from the premises are environmentally acceptable.

Legislative base

The following sections of the *Environmental Protection Act 1986* (the Act) are referred to within this industry guide:

- Section 52 of the Act makes it an offence to do work on or in relation to a premises, which would cause it to become, or become capable of being, a prescribed premises, unless in accordance with a works approval.
- Section 53 of the Act makes it an offence under various circumstances to carry out certain works without a works approval.
- Premises listed in Schedule 1 of the Environmental Protection Regulations 1987 are prescribed premises for the purpose of Part V of the Act.

Implementation

Where the proposed work does not relate to an existing prescribed premises:

A works approval is required:

- where the proposed work causes the premises to become a prescribed premises or
- where the proposed work causes the premises to become capable of being a prescribed premises.

Where the proposed work relates to an existing prescribed premises:

A works approval is not required:

- where the proposed work is covered by an existing works approval, licence, closure notice, or environmental protection notice or
- where the proposed work is only in the course of, and for the purpose of, general maintenance required to maintain efficient operation of any pollution control equipment or procedure. However, emissions during and subsequent to such maintenance must comply with licence requirements.

If general maintenance would cause or alter an emission, or alter production, then a works approval is required.

Where the proposed work relates to an existing prescribed premises:

A works approval is required:

If the result of work may cause, or change the volume or nature of an emission, a works approval is required to:

- alter the method of operation of any trade or processes
- construct, install or alter any equipment for the storage, handling, transport or treatment of waste for the purpose of discharge, or for the control and emission or transmission of noise, odour or electromagnetic radiation
- alter the type of materials or products used or produced in any trade
- alter the type of fuel used in any fuel burning equipment or industrial plant
- install, alter or replace any fuel burning equipment or industrial plant or
- carry out any work which is the beginning of or any subsequent step in any of the above works.

A works approval is also required to alter any discharge or emission pipe, channel or chimney through which waste is or may be discharged to the environment irrespective of whether to do so may cause, or change the volume or nature of, an emission.

On existing prescribed premises, the work that triggers the requirement to obtain a works approval is not limited to work related to the category that initially caused the premises to become prescribed. The work may relate to an activity that would not, of itself, require the premises to be prescribed, or may relate to an activity in another prescribed premises category. In all cases, if the works alter emissions, an amendment to the licence may subsequently be required.

Circumstances where amendment to licence may be considered instead of works approval

Where proposed work requires a works approval, the proposed work may instead be authorised as an amendment to a licence, rather than by issuing a works approval.

This approach would only be used where:

- the works proposal relates to an existing prescribed premises or
- the proposed work is minor, insignificant or recurrent.

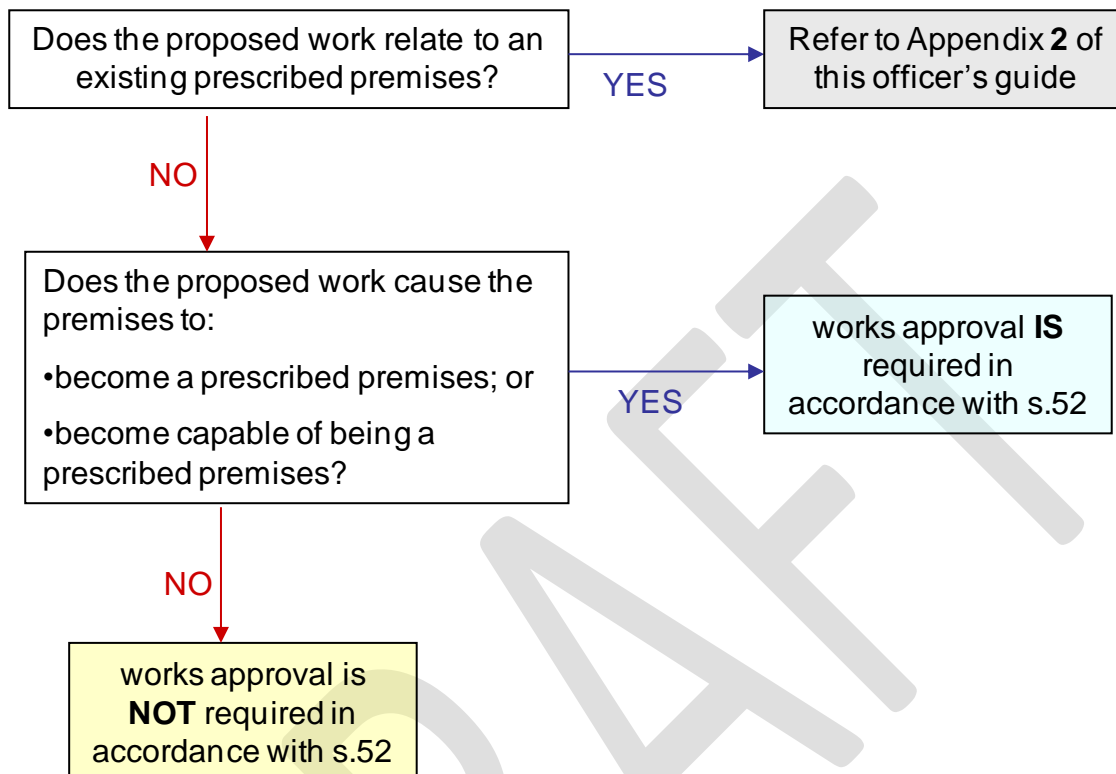
Procedure

The decision trees at Appendix 1 and 2 set out the decision pathways that enable it to be determined whether a works approval is required.

Where a proposal relates to a premises that is not currently prescribed, refer to *Appendix 1: Determining whether a works approval is required where a proposal refers to a premises that is not currently prescribed.*

Where a proposal refers to a premises that is currently prescribed, refer to *Appendix 2: Determining whether a works approval is required where a proposal refers to an existing prescribed premises.*

Appendix 1
Determining whether a works approval is required where a proposal refers to premises that are not currently prescribed



Appendix 2

Determining whether a works approval is required where a proposal refers to an existing prescribed premises

