



Licence Number	L9004/2016/1
Licence Holder	Asphaltech Pty Ltd
ACN	064520869
Registered business address	Level 5/ 12 St Georges Tce PERTH WA 6000
DWER file number	DER2016/002036
Duration	9/9/2019 to 8/9/2039
Date of issue	05/09/2019
Date of amendment	22/07/2020
Premises details	Asphaltech Road Pavement Recycling Operation 69 Mather Drive, NEERABUP, WA, 6031 Legal description - Lot 2004 on Deposited Plan 70103 Certificate of Title Volume 2765 Folio 588 As depicted on the Premises map in Schedule 1

Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>)	Assessed production / design capacity
Category 61A: Solid waste facility	160,000 tonnes per year

This Amended Licence is granted to the Licence Holder, subject to the following conditions, on 22 July 2020, by:

A/Manager, Process Industries
an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

Explanatory notes

These explanatory notes do not form part of this Licence.

Defined terms

Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986 (WA)* (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

Licence

Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environmental Protection Regulations 1987 (WA)* (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

Responsibilities of a Licence Holder

Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- restrictions on making certain changes to Prescribed Premises unless the changes are in accordance with a works approval, Licence, closure notice or environmental protection notice (s.53).

Strict penalties apply for offences under the EP Act.

Reporting of incidents

The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

Offences and defences

The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

Authorised Emissions and Discharges

The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been Conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

Amendment of licence

The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the CEO without an application being made.

Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

Duration of Licence

The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

Suspension or revocation

The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

Fees

The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

Definitions and interpretation

Definitions

In this Licence, the terms in Table 1 have the meanings defined.

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
Annual Period	means a 12 month period commencing from 1 September until 31 August of the following year.
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 Joondalup DC WA 6919 info@dwer.wa.gov.au
Compliance Report	means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website).
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to: <ul style="list-style-type: none"> (a) compliance with the EP Act or this Licence; (b) the Books or other sources of information maintained in accordance with this Licence; or (c) the Books or other sources of information relating to Emissions from the Premises.
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation.
Emission	has the same meaning given to that term under the EP Act
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i> .
EP Regulations	means the <i>Environmental Protection Regulations 1987 (WA)</i> .
ESB	Emulsion Stabilised Bitumen
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Landfill Definitions	means the document titled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer of the Department of Environment as amended from time to time.
Licence	refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions.
Licence Holder	refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence.
Material Change	means a change to the activities carried out on the Premises as described by the Primary Activities set out in Schedule 2 that may result in an increased risk to public health, amenity or the environment; and
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Primary Activities	refers to the Prescribed Premises activities listed on the front of this Licence as described in Schedule 2, at the locations shown in Schedule 1.
Product	means products produced which are: <ul style="list-style-type: none"> (a) 25 mm RAP; (b) 25mm RAP Base-course limestone; (c) 40 mm gravel RAP; and; (d) a blended product made of (a), (b) and (c).
RAP	Reclaimed Asphalt Pavement
Waste	has the same meaning given to that term under the EP Act.

Interpretation

In this Licence:

- (a) the words ‘including’, ‘includes’ and ‘include’ will be read as if followed by the words ‘without limitation’;
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Emissions

1. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for general Emissions described in Column 1 of Table 2 subject to the exclusions, limitations or requirements specified in Column 2 of Table 2.

Table 2: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
General Emissions (excluding Specified Emissions)	
Emissions which: arise from the Primary Activities set out in Schedule 2	<p>Emissions excluded from general Emissions are:</p> <ul style="list-style-type: none"> • Unreasonable Emissions; or • Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or • Discharges of Waste in circumstances likely to cause Pollution; or • Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or • Emissions or Discharges which do not comply with an Approved Policy; or • Emissions or Discharges which do not comply with a prescribed standard; or • Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or • Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the Environmental Protection (<i>Unauthorised Discharges</i>) Regulations 2004.

Infrastructure and equipment

2. The Licence Holder must ensure that the infrastructure and equipment specified in Column 1 of Table 3 is maintained in good working order and operated in accordance with the requirements specified in Column 2 of Table 3.

Table 3: Infrastructure and equipment controls table

	Column 1	Column 2
	Site infrastructure and equipment	Operation details
1	Internal access roads made from asphalt	To be swept and maintained free of accumulations of material likely to cause airborne dust.
2	Front end loaders	Not more than 2 operating on site at any time.
3	Mobile wetmixer	Materials loaded in to the wetmixer hopper to be have sufficient moisture content to prevent dust. To be located on a hardstand. Transfer of emulsion stabilised bitumen to be conducted on a hardstand. Operations restricted to between the hours of 7am to 6 pm weekdays, until monitoring undertaken in Condition 15 confirms that noise emissions will comply with the prescribed levels for night time operations in the <i>Environmental Protection (Noise) Regulations 1997</i> .
4	Stockpile area with hardstand made from ESB	Dust suppression sprinklers to be installed, maintained and operated to prevent airborne dust.
5	On-premises drainage system draining to a not less than 380 m ² earth-lined compensating basin at least 1.3 m deep	To be maintained to ensure potentially contaminated stormwater is not discharged from the Premises.
6	Mobile crusher and screener moved onto the site on an as needs basis.	Dust covers to be fitted and maintained on crushers and screeners to prevent dust emission. Water sprays to be fitted and maintained on crushers and screeners to prevent dust emissions Only one mobile plant to be operated on the Premises at any time Operations restricted to between the hours of 7am to 6 pm weekdays, until monitoring undertaken in Condition 15 confirms that noise emissions will be able comply with the prescribed levels for night time operations in the <i>Environmental Protection (Noise) Regulations 1997</i> .
7	Enclosed mobile bitumen emulsion tanker truck	No heating or manufacture of bitumen to occur on-site Bitumen to be transferred to the wetmixer using a hose and pump Transfer of bitumen emulsion to take place on a hardstand.

Throughput monitoring

3. The Licence Holder must monitor and record the amount of incoming and outgoing Waste and outgoing Products at the Premises for the parameter stipulated in Column 1 of Table 4, using the units specified in Column 2 of Table 4 at the frequency specified in Column 3 of Table 4.

Table 4: Monitoring of inputs and outputs

Column 1	Column 2	Column 3
Parameter	Units	Frequency
Waste Inputs – <ul style="list-style-type: none"> • RAP • Road base-course aggregates • Road sub-base materials 	Tonnes	Each load arriving at the Premises.
Waste Outputs – Waste type as defined in the Landfill Definitions	Tonnes	Each load leaving or rejected from the Premises.

Waste type restrictions

4. The Licence Holder is permitted to accept up to 160 000 tonnes per Annual Period of the following types of Waste only onto the Premises for storage, sorting or crushing:
 - (a) RAP
 - (b) road base-course aggregates
 - (c) road sub-base materials
5. The Licence Holder must retain all documentation recorded under Condition 3 for a period of two years.

Stockpile management

6. The Licence Holder must ensure that all stockpiles on the Premises:
 - (a) are located on the asphalt or emulsion stabilised basecourse hardstands as shown in the Site Plan in Schedule 1, and;
 - (b) have a minimum distance of 1.5 metres separation from the base of each stockpile to the Premises boundary at all times.
 - (c) are maintained to allow the sprinklers to reach all surfaces of the stockpiles.

Dust emission controls

7. The Licence Holder must ensure that:
 - (a) all Product and Waste stockpiles; and
 - (b) all unsealed access roads,
 are wetted down during operations to prevent fugitive dust emissions.
8. The Licence Holder must ensure that all Product to be removed from the Premises is wetted down prior to loading.
9. The Licence Holder must ensure that truckloads of Product and Waste entering or

leaving the site are covered.

Record-keeping

- 10.** The Licence Holder must maintain accurate and auditable records including the following records, information, reports and data required by this Licence:

 - (a) the calculation of fees payable in respect of this Licence;
 - (b) the maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 2 of this Licence;
 - (c) monitoring undertaken in accordance with Condition 3 of this Licence;
 - (d) complaints received under Condition 11 of this Licence; and

In addition, the records must:

 - (e) be legible;
 - (f) if amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
 - (g) be retained for at least 3 years from the date the records were made; and,
 - (h) be available to be produced to an Inspector or the CEO.
- 11.** The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:

 - (a) an accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
 - (b) the name and contact details of the complainant, if provided by the complainant;
 - (c) the date of the complaint; and
 - (d) the details and dates of the actions taken by the Licence Holder in response to the complaints.
- 12.** The Licence Holder must submit to the CEO, no later than 28 September, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period.
- 13.** The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.
- 14.** The Licence Holder shall submit an Annual Environmental Monitoring Report by 28 September containing the following information collected for the preceding Annual Period:

 - (a) a monthly summary of monitoring data collected in accordance with Condition 3;
 - (b) complaints records collected in accordance with Condition 11; and;
 - (c) a summary of any failure or malfunction of any pollution control equipment and any environmental incidents that have occurred during the annual period and any action taken.

Noise Assessment

15. Within 14 days of the commencement of operation of the wet mixer and mobile crusher and screener and at such a time that both are in operation, the Licence Holder must retain the services of a person qualified and experienced in environmental noise assessment and who by their qualifications and experience is eligible to hold membership of the Australian Acoustical Society or the Australian Association of Acoustical Consultants to:
 - (a) investigate the extent and nature of the noise emissions from Premises;
 - (b) assess in accordance with the methodology required in the *Environmental Protection (Noise) Regulations 1997*, the compliance of the noise emissions from the premises, against the relevant assigned levels specified in those Regulations; and
 - (c) compile and submit to the Licence Holder, within 60 calendar days of the commencement of operation of the wet mixer and mobile crusher and screener, a report in accordance with condition 16.
16. A report prepared pursuant to condition 15(c) is to include:
 - (a) a description of the methods used for monitoring and/or modelling of noise emissions from the Premises;
 - (b) details and the results of the investigation undertaken pursuant to condition 15;
 - (c) details and results of the assessment of the noise emissions from the Premises, against the relevant assigned levels in the *Environmental Protection (Noise) Regulations 1997* undertaken pursuant to condition 15(b); and
17. The Licence Holder must submit to the CEO the report prepared pursuant to condition 15(c) within 14 days of receiving it.

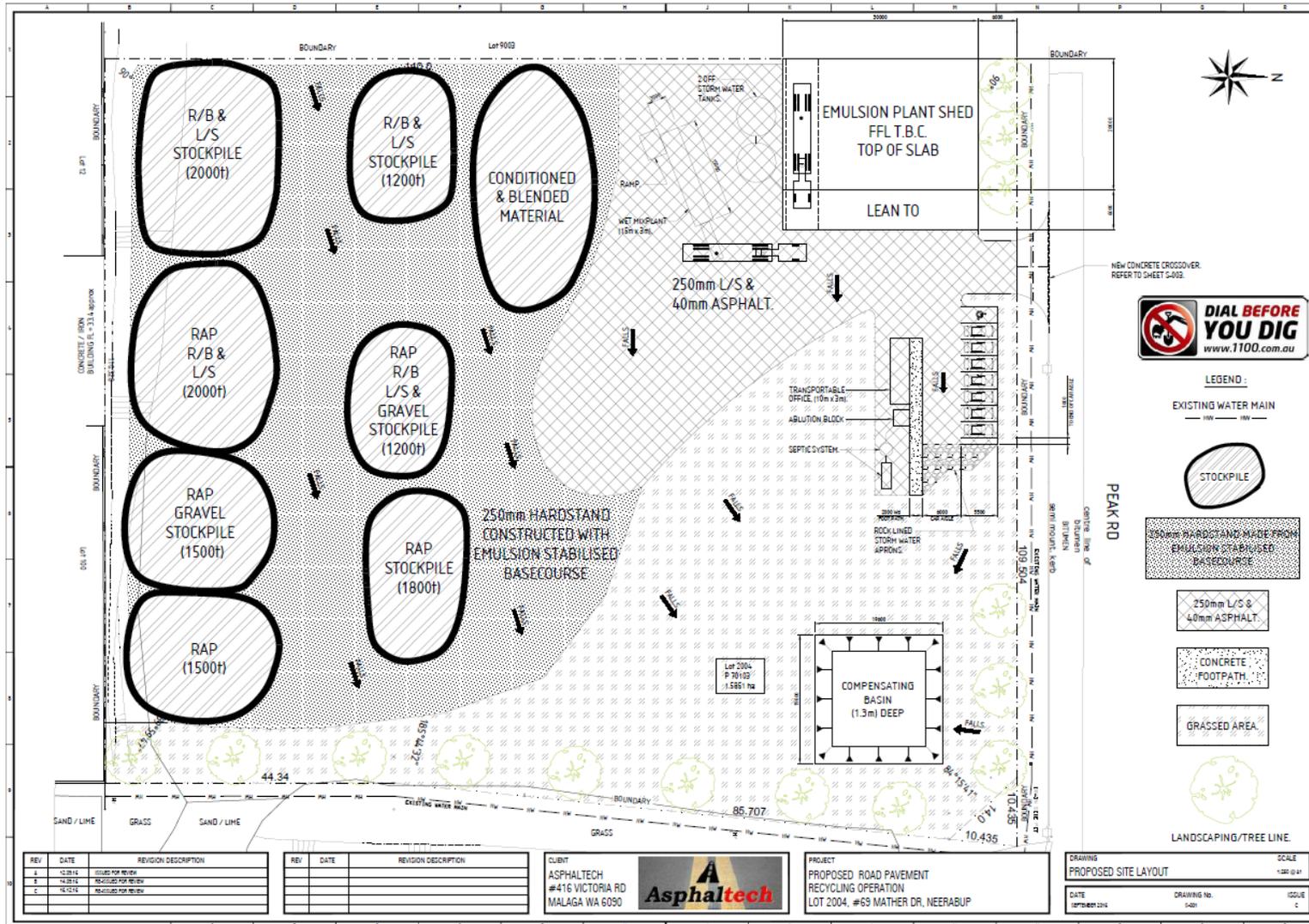
Schedule 1: Maps

Premises map

The Premises are shown in the map below.



Site Layout Plan (Emulsion Plant Shed not yet constructed)



Schedule 2: Primary Activities

At the time of assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activities are listed in Table 5:

Table 5: Primary Activities

Primary Activity	Premises production or design capacity
Category 61A – Solid waste facility: premises (other than premises within category 67A) on which solid waste produced on other premises is stored, reprocessed, treated, or discharged onto land.	<160,000 tonnes per Annual Period

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Table 6.

Table 6: Infrastructure and equipment

Infrastructure and Equipment		Plan Reference
1	Internal access roads made from asphalt	Schedule 1: Site Plan
2	Concrete hardstand for future bitumen emulsion plant.	
3	Mobile wetmixer	
4	Stockpile area with hardstand made from ESB	
5	On-premises drainage system draining to a not less than 380 m ² earth-lined compensating basin at least 1.3 m deep	
6	Mobile crushers and screeners moved onto the site on an as needs basis.	Not Applicable

Site layout

The infrastructure and equipment are set out on the Premises in accordance with the site layout specified on the Premises Maps in Schedule 1.