



# Licence

## *Environmental Protection Act 1986, Part V*

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**Licensee:** BGC Contracting Pty Ltd

**Licence:** L8468/2010/1

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**Registered office:** L6/18 Mount St  
PERTH WA 6000

**ACN:** 008 766 407

**Premises address:** Elazac Quarry  
Tenement M45/1186  
INDEE WA 6721  
as depicted in Schedule 1.

**Issue date:** Friday, 01 October 2010

**Commencement date:** Monday, 04 October 2010

**Expiry date:** Tuesday, 03 October 2017

**Prescribed Premises Category**

Schedule 1 of the *Environmental Protection Regulations 1987*

Category number	Category description	Category production or design capacity	Premises production or design capacity
12	Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	50,000 tonnes or more per year	50,000 tonnes per annual period

**Conditions**

This Licence is subject to the conditions set out in the attached pages.

Date signed: 5 November 2015

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**Alana Kidd**

Manager Licencing – Resource Industries  
Officer delegated under section 20  
of the *Environmental Protection Act 1986*



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## Introduction

This Introduction is not part of the Licence conditions.

### DER's industry licensing role

The Department of Environment Regulation (DER) is a government department for the state of Western Australia in the portfolio of the Minister for Environment. DER's purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

DER has responsibilities under Part V of the *Environmental Protection Act 1986* (the Act) for the licensing of prescribed premises. Through this process DER regulates to prevent, control and abate pollution and environmental harm to conserve and protect the environment. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

### Licence requirements

This licence is issued under Part V of the Act. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the Premises/Licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the Act and any other statutory instrument. Legislation can be accessed through the State Law Publisher website using the following link:

<http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>

For your Premises relevant statutory instruments include but are not limited to obligations under the:

- *Environmental Protection (Unauthorised Discharges) Regulations 2004* – these Regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the Regulations.
- *Environmental Protection (Controlled Waste) Regulations 2004* – these Regulations place obligations on you if you produce, accept, transport or dispose of controlled waste.
- *Environmental Protection (Noise) Regulations 1997* – these Regulations require noise emissions from the Premises to comply with the assigned noise levels set out in the Regulations.

You must comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply.



Licence holders are also reminded of the requirements of section 53 of the Act which places 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.

#### **Licence fees**

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your Premises.

#### **Ministerial conditions**

If your Premises has been assessed under Part IV of the Act you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

#### **Premises description and Licence summary**

Elazac Quarry is located on Mining Lease M45/1186 approximately 47 km south-southeast of Port Hedland. Elazac Mining Pty Ltd is the tenement holder and under the Tribute Agreement, BGC Contracting Pty Ltd (BGC) manages and operates the lease. The quarry is located adjacent to and immediately to the west of the privately owned Port Hedland Newman Railway and sits within Indee Station pastoral lease.

The quarry is located approximately 2.5 km to the north of the Turner River and the water table is 35 m below ground level.

The site contains a large resource of dolerite rock, which is extracted using standard drill and blasting techniques and processed onsite through the crushing and screening plant. All rock that is excavated is crushed and screened and then stockpiled onsite pending transport offsite for use as rail ballast, concrete and road construction aggregates and larger rock products for embankment protection and marine armour rock. Any material produced that does not meet product specification is stockpiled for future fill and/or used for site protection barriers. The infrastructure includes an office, workshop, weighbridge and two crushing plants.

On 24 February 2015 BGC placed the Elazac Quarry on Care and Maintenance (C&M). Quarry access ramps have been bunded up and 'No Access' signage put in place. During the C&M period:

- There will be no activities related to rock processing (i.e. crushing and screening of rock);
- There will be no haulage of rock within, or from, the Elazac Quarry; and
- Site-wide maintenance and upkeep will be undertaken.

The licence upon request by the Licensee was amended in October 2015 to reduce the capacity for category 12 to the minimum production capacity of 50,000 tonnes per annum (tpa) whilst in C&M. As part of this amendment L8468/2010/1 was converted to Licence version 2.9.

The licences and works approvals issued for the Premises are:



Instrument log		
Instrument	Issued	Description
L8140/2007/1	15/03/2007	New application
L8468/2010/1	01/10/2010	New licence as fee was not paid by due date
L8468/2010/1	22/03/2013	Licence amendment – converted to new format
L8468/2010/1	DRAFT	Licence amendment to reduce capacity of Category 12 due to being in C&M and update template to version 2.9.

### Severance

It is the intent of these Licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this Licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this Licence to impose and are not otherwise *ultra vires* or invalid.

### END OF INTRODUCTION



## Licence conditions

### 1 General

#### 1.1 Interpretation

1.1.1 In the Licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 For the purposes of this Licence, unless the contrary intention appears:

**'Act'** means the *Environmental Protection Act 1986*;

**'annual period'** means the period from 1 July until 30 June in the following year;

**'CEO'** means Chief Executive Officer of the Department of Environment Regulation;

**'CEO'** for the purpose of correspondence means:

Chief Executive Officer

Department Administering the Environmental Protection Act 1986

Locked Bag 33

CLOISTERS SQUARE WA 6850

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

**'Licence'** means this licence numbered L8468/2010/1 and issued under the Act;

**'Licensee'** means the person or organisation named as Licensee on page 1 of the Licence;

**'Premises'** means the area defined in the Premises Map in Schedule 1 and listed as the Premises address on page 1 of the Licence;

**'Schedule 1'** means Schedule 1 of this Licence unless otherwise stated; and

**'Schedule 2'** means Schedule 2 of this Licence unless otherwise stated.

1.1.3 Any reference to an Australian or other standard in the Licence means the relevant parts of the standard in force from time to time during the term of this Licence.

1.1.4 Any reference to a guideline or code of practice in the Licence means the version of that guideline or code of practice in force from time to time, and shall include any amendments or replacements to that guideline or code of practice made during the term of this Licence.

1.1.5 Nothing in this Licence shall be taken to authorise any emission that is not mentioned in this licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.



## 1.2 General conditions

- 1.2.1 The Licensee shall operate and maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.
- 1.2.2 The Licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.
- 1.2.3 The Licensee shall:
- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the Premises; and
  - (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the Premises.<sup>1</sup>

Note 1: The *Environmental Protection (Unauthorised Discharges) Regulations 2004* make it an offence to discharge certain materials into the environment.

## 1.3 Premises operation

- 1.3.1 The Licensee shall carry out the Authorised Activities within the Premises in accordance with the requirements set out in Table 1.3.1.

Table 1.3.1: Authorised Activities		
Authorised activity	Process(es)	Process limits
Category 12 - Screening etc. of material	Premises on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated.	Processing of material at the premises shall not exceed 50,000 tonnes per annual period.

# 2 Information

## 2.1 Records

- 2.1.1 All information and records required by the Licence shall:
- (a) be legible;
  - (b) if amended, be amended in such a way that the original and subsequent amendments remain legible or are capable of retrieval;
  - (c) except for records listed in 2.1.1(d) be retained for at least 6 years from the date the records were made or until the expiry of the Licence or any subsequent licence; and
  - (d) for those following records, be retained until the expiry of the Licence and any subsequent licence:
    - (i) off-site environmental effects; or
    - (ii) matters which affect condition of the land or water.
- 2.1.2 The Licensee shall ensure that:
- (a) any person left in charge of the Premises is aware of the conditions of this Licence and has access at all times to this Licence or copies thereof; and
  - (b) any person who performs tasks on the Premises is informed of all of the conditions of this Licence that relate to the tasks which that person is performing.



2.1.3 The Licensee shall complete an Annual Audit Compliance Report indicating the extent to which the Licensee has complied with the conditions of the Licence, and any previous licence issued under Part V of the Act for the Premises for the previous annual period.

2.1.4 The Licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.

## 2.2 Reporting

2.2.1 The Licensee shall submit to the CEO an Annual Environmental Report by 31 July each year. The report shall contain the information listed in Table 2.2.1 in the format or form specified in that table.

**Table 2.2.1: Annual environmental report**

Condition or table (if relevant)	Parameter	Format or form <sup>1</sup>
-	Summary of any failure or malfunction of any pollution control equipment or any environmental incidents that have occurred during the annual period and any action taken	None specified
1.3.1	Actual throughput for the annual period	None specified
2.1.3	Compliance	Annual Audit Compliance Report (AACR)
-	Measures taken to suppress dust	None specified
-	Measures taken to minimise noise	
2.1.4	Complaints summary	

Note 1: Forms are in Schedule 2

## 2.3 Notification

2.3.1 The Licensee shall ensure that the parameters listed in Table 2.3.1 are notified to the CEO in accordance with the notification requirements of the table.

**Table 2.3.1: Notification requirements**

Condition or table (if relevant)	Parameter	Notification requirement <sup>1</sup>	Format or form <sup>2</sup>
1.3.1	Breach of any limit specified in the Licence	Part A: As soon as practicable but no later than 5PM of the next usual working day from the incident being identified.  Part B: As soon as practicable	N1
-	Intention for the site to recommence normal operations from care and maintenance status	At least 60 calendar days prior to site recommencing operations	None specified

Note 1: No notification requirement in the Licence shall negate the requirement to comply with s72 of the Act.

Note 2: Forms are in Schedule 2.

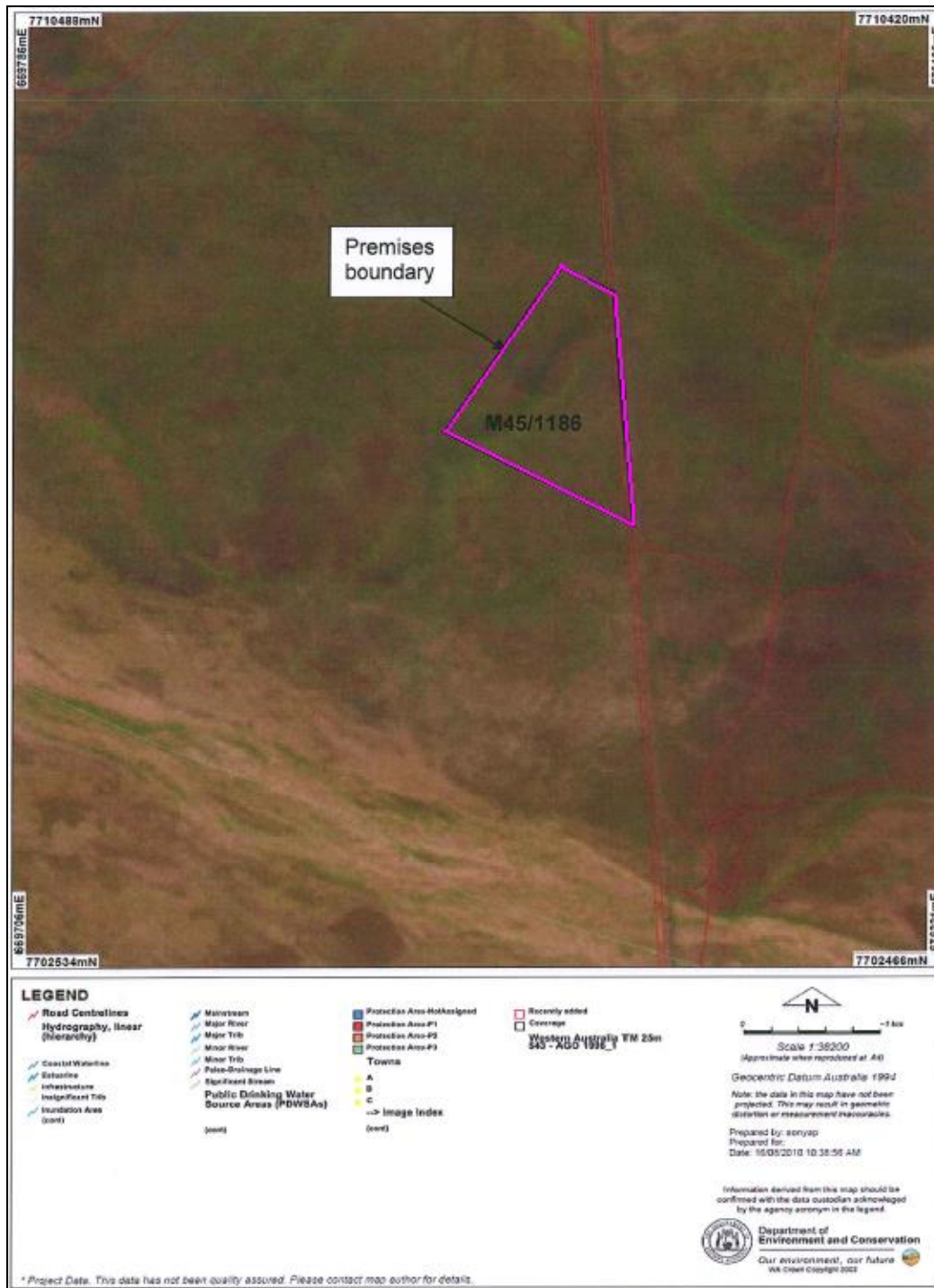




## Schedule 1: Maps

### Premises map

The Premises is shown in the map below. The pink line depicts the Premises boundary.







## Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the Licence. They can be requested in an electronic format.

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### ANNUAL AUDIT COMPLIANCE REPORT PROFORMA

#### SECTION A LICENCE DETAILS

Licence Number:	Licence File Number:
Company Name: Trading as:	ABN:
Reporting period: _____ to _____	

#### STATEMENT OF COMPLIANCE WITH LICENCE CONDITIONS

1. Were all conditions of the Licence complied with within the reporting period? (please tick the appropriate box)

Yes ☐ Please proceed to Section C

No ☐ Please proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this Annual Audit Compliance Report (AACR).

Initial:



## SECTION B

### DETAILS OF NON-COMPLIANCE WITH LICENCE CONDITION.

Please use a separate page for each Licence condition that was not complied with.

a) Licence condition not complied with:	
b) Date(s) when the non compliance occurred, if applicable:	
c) Was this non compliance reported to DER?:	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DER verbally Date _____ <input type="checkbox"/> Reported to DER in writing Date _____	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non compliance?:	
e) Summary of particulars of the non compliance, and what was the environmental impact:	
f) If relevant, the precise location where the non compliance occurred (attach map or diagram):	
g) Cause of non compliance:	
h) Action taken, or that will be taken to mitigate any adverse effects of the non compliance:	
i) Action taken or that will be taken to prevent recurrence of the non compliance:	

Each page must be initialised by the person(s) who signs Section C of this AACR

Initial:



## SECTION C

### SIGNATURE AND CERTIFICATION

This Annual Audit Compliance Report (AACR) must only be signed by a person(s) with legal authority to sign it. The ways in which the AACR must be signed and certified, and the people who may sign the statement, are set out below.

Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is		The Annual Audit Compliance Report must be signed and certified:
An individual	<input type="checkbox"/> <input type="checkbox"/>	by the individual licence holder, or by a person approved in writing by the Chief Executive Officer of the Department of Environment Regulation to sign on the licensee's behalf.
A firm or other unincorporated company	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A corporation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or by two directors of the licensee; or by a director and a company secretary of the licensee, or if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
A public authority (other than a local government)	<input type="checkbox"/> <input type="checkbox"/>	by the principal executive officer of the licensee; or by a person with authority to sign on the licensee's behalf who is approved in writing by the Chief Executive Officer of the Department of Environment Regulation.
a local government	<input type="checkbox"/> <input type="checkbox"/>	by the chief executive officer of the licensee; or by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this annual audit compliance report is correct and not false or misleading in a material particular.

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

SEAL (if signing under seal)

SIGNATURE: \_\_\_\_\_

NAME:  
(printed) \_\_\_\_\_

POSITION: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



Licence: L8468/2010/1  
Form: N1

Licensee: BGC Contracting Pty Ltd  
Date of breach:

**Notification of detection of the breach of a limit.**

These pages outline the information that the operator must provide.  
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

**Part A**

Licence Number	L8468/2010/1
Name of operator	BGC Contracting Pty Ltd
Location of Premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

**Part B**

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	



The dates of previous N1 notifications for the Premises the preceding 24 months.	
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Name	
Post	
Signature on behalf of BGC Contracting Pty Ltd	
Date	