



Works Approval Number	W6278/2019/1
Works Approval Holder ACN	Hanson Construction Materials Pty Ltd 009 679 734
Registered business address	Level 10, 35 Clarence Street Sydney NSW 2000
File Number	DER2019/000321
Duration	13/11/2019 to 12/11/2022
Date of issue	13/11/2019
Prescribed Premises	Category 12: Screening etc. of material
Premises details	Cane River project Mining Lease M08/69 Miscellaneous Licence L08/125 55 km south-east of Onslow, WA Shire of Ashburton

This works approval is granted to the works approval holder, subject to the following conditions, on 13 November 2019, by:

Lauren Fox
A/MANAGER – RESOURCE 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 works approval.

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 and works approvals, takes enforcement action and develops and implements licensing and industry regulation policy.

Works approval

Section 52 of the EP Act provides that an occupier of any premises commits an offence if any work is undertaken on, or in relation to, the premises which causes the premises to become, or to become capable of being, prescribed premises, except in accordance with a works approval.

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 *Environment Protection Regulations 1987 (WA)* (EP Regulations).

This works approval 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 works approval holder to ensure that any action or activity referred to in this works approval is permitted by, and is carried out in compliance with, statutory requirements.

The works approval holder must comply with the works approval. Contravening a works approval condition is an offence under s.55 of the EP Act.

Responsibilities of works approval holder

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

- the duties of an occupier under s.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 works approval holder has a duty to report to the Department 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 works approval 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 works approval holder and these are set out in the EP Act. Section 74A(b)(iii) 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 works approval holder can prove that an emission or discharge occurred in accordance with a works approval.

This works approval 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 the works authorised through this works approval are authorised to be conducted in accordance with the conditions of this works approval.

Amendment of works approval

The works approval holder can apply to amend the conditions of this works approval 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 works approval at any time on the initiative of the CEO without an application being made.

Duration of works approval

The works approval will remain in force for the duration set out on the first page of this works approval 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 works approval in accordance with s.59A of the EP Act.

Interpretation

In this works approval:

- (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 in this works approval to an Australian or other standard, guideline, or code of practice, means the version of that document in force at the time of granting of this works approval;
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Infrastructure and equipment

1. The Works Approval Holder must:
 - (a) install the infrastructure listed in Table 1;
 - (b) in accordance with the corresponding installation requirements; and
 - (c) at the corresponding infrastructure location; andas set out in Table 1.

Table 1: Installation requirements

	Infrastructure	Installation requirements	Infrastructure location
1.	Mobile screening plant	<ul style="list-style-type: none">• Consisting of Terex Finlay 883 screening plant or equivalent• Maximum production or design capacity of 50 000 tonnes per year• To be installed as per manufacturer's requirements• Sound power level 98 dB	Refer to Figure 1 of Schedule 1
2.	Stockpiling area	Not specified	

2. The Works Approval Holder must not depart from the requirements specified in Table 1 except where:
 - (a) such a departure does not increase risks to public health, public amenity or the environment; and

- (b) all other conditions in this works approval are still satisfied.
3. The Works Approval Holder must within 14 calendar days of the infrastructure required by Table 1 being installed:
- (a) undertake an audit of their compliance with the requirements of Table 1 of condition 1; and
- (b) prepare and submit to the CEO an Environmental Compliance Report on that compliance.
4. The Environmental Compliance Report required by condition 3, must include as a minimum the following:
- (a) certification that the mobile screening plant or component of infrastructure specified in Table 1 has been constructed in accordance with the relevant requirements specified in Table 1 must be provided;
- (b) where a departure from the requirements specified in Table 1 occurs and is of a type allowed by condition 2, the works approval holder must provide to the CEO a description of, and explanation for the departure; and
- (c) be signed by a person authorised to represent the works approval holder and contains the printed name and position of that person.

Time limited operations

5. The works approval holder may only commence time limited operations for the mobile screening infrastructure where the Environmental Compliance Report required by condition 3 of this works approval has been submitted by the works approval holder.
6. The works approval holder may conduct time limited operations for the infrastructure specified in Table 1:
- (a) for a period not exceeding 90 calendar days from the submission date of the Environmental Compliance Report required by condition 3 of this works approval; or
- (b) until such time as a licence for the same is granted.

Emissions

7. The works approval holder must not cause any emissions from the works authorised through this works approval except for specified emissions and 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 undertaking the Works set out in Schedule 2.	Emissions excluded from General Emissions are: <ul style="list-style-type: none"> Unreasonable Emissions; or

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
	<ul style="list-style-type: none"> • 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 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 <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.

Record-keeping

8. The works approval holder must maintain accurate and auditable books including the following records, information, reports, and data required by this works approval:
 - (a) the works conducted in accordance with condition 1 of this works approval;
 - (b) any maintenance of infrastructure that is performed in the course of complying with condition 1 of this works approval; and
 - (c) complaints received under condition 10 of this works approval.
9. The books specified under condition 8 must:
 - (a) be legible;
 - (b) if amended, be amended in such a way that the original version(s) and any subsequent amendments remain legible and are capable of retrieval;
 - (c) be retained by the works approval holder for the duration of 3 years; and

- (d) be available to be produced to an inspector or the CEO as required.
10. The works approval holder must record the following information in relation to complaints received by the works approval holder (whether received directly from a complainant or forwarded to them by the Department or another party) about any alleged emissions from the premises:
- (a) the name and contact details of the complainant, (if provided);
 - (b) the time and date of the complaint;
 - (c) the complete details of the complaint and any other concerns or other issues raised; and
 - (d) the complete details and dates of any action taken by the works approval holder to investigate or respond to any complaint.

Definitions

In this works approval, the terms in Table 3 have the meanings defined.

Table 3: Definitions

Term	Definition
Books	has the same meaning given to that term under 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
Condition	means a condition to which this works approval is subject under s.62 of the EP Act.
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 works approval Holder in writing and sent to the works approval's address for notifications, as described at the front of this works approval, in relation to: (a) compliance with the EP Act or this works approval; (b) the Books or other sources of information maintained in accordance with this works approval; 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.
Environmental Harm	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> .
Implementation Agreement or Decision	has the same meaning given to that term under the EP Act.
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this works approval applies, as specified at the front of this works approval and as shown on the map in Schedule 1 to this works approval.
Prescribed premises	has the same meaning given to that term under the EP Act.
Serious environmental harm	has the same meaning given to that term under the EP Act.
Unreasonable emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.
Works	refers to the works described in Schedule 2, at the locations shown in Schedule 1 of this works approval to be carried out at the premises, subject to the conditions.
Works approval	refers to this document, which evidences the grant of the works approval by the CEO under s.54 of the EP Act, subject to the conditions.
Works approval holder	refers to the occupier of the premises being the person to whom this works approval has been granted, as specified at the front of this works approval.

END OF CONDITIONS

Premises boundary

Premises boundary includes M08/69 and parts of L08/125. The boundary coordinates are listed in **Error! Reference source not found.** and visualised in Figure 2 of Schedule 1.

Table 4 Premises boundary coordinates

Boundary point	Lat	Lon
1	21.94534 °S	115.52776 °E
2	21.94579 °S	115.52741 °E
3	21.94909 °S	115.53333 °E
4	21.95139 °S	115.53438 °E
5	21.95139 °S	115.53499 °E
6	21.94984 °S	115.53466 °E
7	21.95041 °S	115.53572 °E
8	21.94997 °S	115.53604 °E

Schedule 1: Maps

Premises map

The Premises is shown in the maps below.

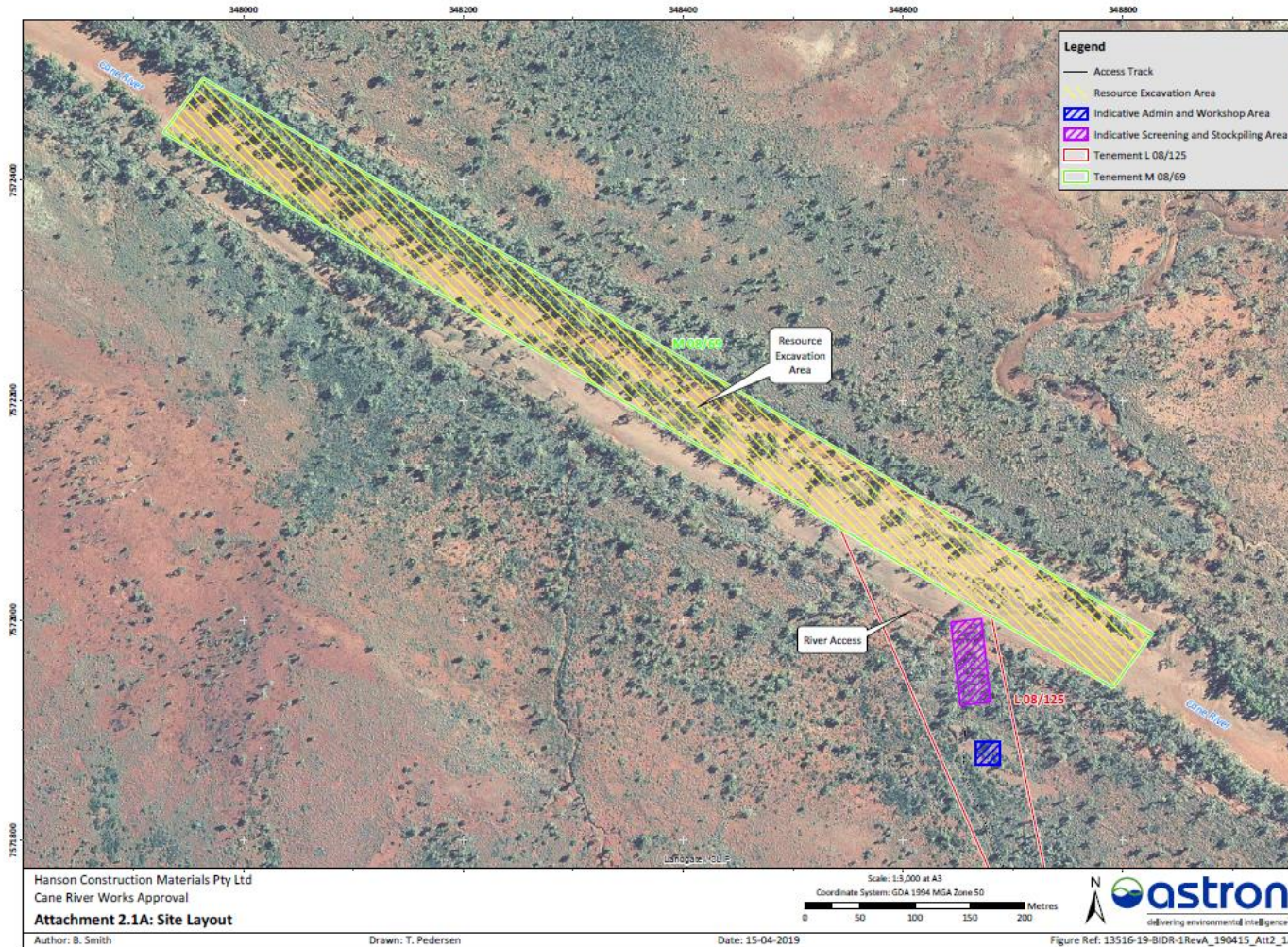


Figure 1 Premises map



Government of Western Australia
Department of Water and Environmental Regulation

Premises boundary



Legend

Notes

0.9 0 0.46 0.9 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Author:
Recipient:

Figure 2 Premises boundary for proposed activities