



Works Approval Number	W6191/2018/1
Works Approval Holder	Adaman Resources Pty Ltd
ACN	620 314 007
Registered business address	Level 3 140 St Georges Tce PERTH WA 6000
File Number	DER2018/001588
Duration	20 March 2019 to 20 March 2022
Date of amendment	26 June 2020
Prescribed Premises	Category 89: Putrescible landfill site
Premises	Kirkalocka Project Part of Mining Lease M59/234 DAGGAR HILLS WA 6638 As defined by the coordinates in Schedule 1 of the Works Approval

This amended Works Approval is granted to the Works Approval Holder, subject to the following conditions, on 26 June 2020, by:

Alana Kidd

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.

Defined terms

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

Definitions

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

Table 1: Definitions

Term	Definition
ACN	Australian Company Number
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
Clean Fill	Has the same meaning given to that term in the Landfill Definitions
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</i> (WA).
EP Regulations	means the <i>Environmental Protection Regulations 1987</i> (WA).
Implementation	has the same meaning given to that term under the EP Act.

Term	Definition
Agreement or Decision	
Inert Waste	has the meaning defined in the Landfill Definitions.
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Landfill Cell	means the landfill trenches located within the Premises Boundary as shown in Schedule 1: Site Layout Map
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.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Operate, operation or operating	means the acceptance of waste to the Premises
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.
Primary Activities	refers to the Prescribed Premises activities listed on the front of this Works Approval as described in Schedule 2, at the locations shown in Schedule 1.
Putrescible Waste	has the meaning defined in the Landfill Definitions.
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.
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.

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 to an Australian or other standard, guideline or code of practice in this Works Approval means the version of the standard, guideline or code of practice in force at the time of granting of this Works Approval and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Works Approval; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions - Works

Infrastructure and equipment

1. The Works Approval Holder must install and undertake the Works for the infrastructure and equipment:
 - (a) for the infrastructure and equipment;
 - (b) to the corresponding requirements; and
 - (c) at the corresponding site plan reference; of Table 2 below.
2. The Works Approval Holder must not depart from the requirements specified in Column 2 of Table 2 except:
 - (a) where such 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. Subject to Condition 2, and prior to Operation of the Works (or portion thereof), the Works Approval Holder must provide to the CEO written confirmation (including photographic evidence) confirming each item of infrastructure or component of infrastructure specified in Table 2 below has been constructed with no material defects and to the requirements specified.
4. Where a departure from the requirements specified in Table 2 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 along with the certification required by Condition 3.

Table 2: Infrastructure and equipment requirements table

Infrastructure/Equipment	Requirements (design and construction)	Site plan reference
Landfill Cells	2 x landfill trenches 5m wide, 40m long and 3m deep. Trench depth not to exceed 3mbgl. A perimeter drainage channel to be constructed upslope of the landfill to direct uncontaminated stormwater around the landfill.	Labelled "Landfill Cells" in in the Site Layout Map in Schedule 1.

Infrastructure/Equipment	Requirements (design and construction)	Site plan reference
Temporary Waste Storage Area (WSA) including drainage sump	<p>Bunds or cut off drains installed to divert stormwater flows around or away from the WSA and drainage sump</p> <p>WSA graded and drained so that all stormwater, sediment or leachate within the WSA is captured by the drainage sump</p> <p>Drainage sump sized and constructed with the capacity to retain leachate and stormwater generated from a 1 in 20 year rainfall event without overtopping.</p>	Labelled "Sump" in in the Site Layout Map in Schedule 1.
Fencing	Stock proof fencing installed on the perimeter of the Premises with lockable gates at the entrance to the Premises.	Perimeter of the Premises shown in red line in the Site Layout Map in Schedule 1.
Signage	Signage installed detailing the types of waste that can be accepted at the Premises	N/A

Conditions - Operations

Emissions

5. 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 Table 3, subject to the exclusions, limitations or requirements specified in of Table 3.

Table 3: Authorised Emissions table

Emission type	Exclusions/Limitations/Requirements
General Emissions	
<p>Emissions which arise from:</p> <ul style="list-style-type: none"> undertaking the Works set out in Schedule 2; and the primary activities set out in Schedule 3. 	<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

Emission type	Exclusions/Limitations/Requirements
	<p>result in, the Discharge or abandonment of Waste in water to which the public has access; or</p> <ul style="list-style-type: none"> 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>.

Time limited operations

6. Upon completion of the Works specified in Table 2, the Works Approval Holder shall Operate the Works specified in Table 2 for a period not exceeding 6 months.

Infrastructure and equipment (Operation)

7. The Works Approval Holder must ensure that the site infrastructure and equipment listed in Table 4 is maintained and operated in accordance with the corresponding operational requirements set out in Table 4.

Table 4: Infrastructure and equipment requirements (operation)

Infrastructure/Equipment	Operational requirement
Landfill Cells	Must maintain a tipping face not greater than 5m in length and 2m in height.

Waste type restrictions and waste classification

8. The Works Approval Holder must only accept onto the Premises waste of a waste type, which:
- (a) does not exceed the corresponding rate at which waste is received; and
 - (b) which meets the corresponding acceptance specification;
- as set out in Table 5.

Table 5: Types of waste authorised to be accepted onto the Premises

Waste Type	Rate at which waste is received	Acceptance specification
Putrescible Waste	Not more than 25 tonnes per year	<ul style="list-style-type: none"> Waste must not be stored within the Temporary Waste Storage Area (refer to Schedule 1: Site Layout Map) for a period greater than 24 hours. Waste stored in the Temporary Waste Storage Area must be stored in bins suitable for containing waste and leachate. Waste must be covered on at least a monthly basis. Windblown waste shall be collected from outside the Landfill Cells and returned to the tipping face on at least a monthly basis.

Monitoring of waste inputs

- 9.** The Works Approval Holder must monitor and record the volumes of incoming waste at the Premises for:
- (a) the parameters stipulated;
 - (b) using the units specified; and
 - (c) at the frequency specified;
- in Table 6.

Table 6: Monitoring of inputs

Parameter	Unit	Frequency
Putrescible waste	m ³ and calculated tonnes	Each load buried in the Landfill Cells

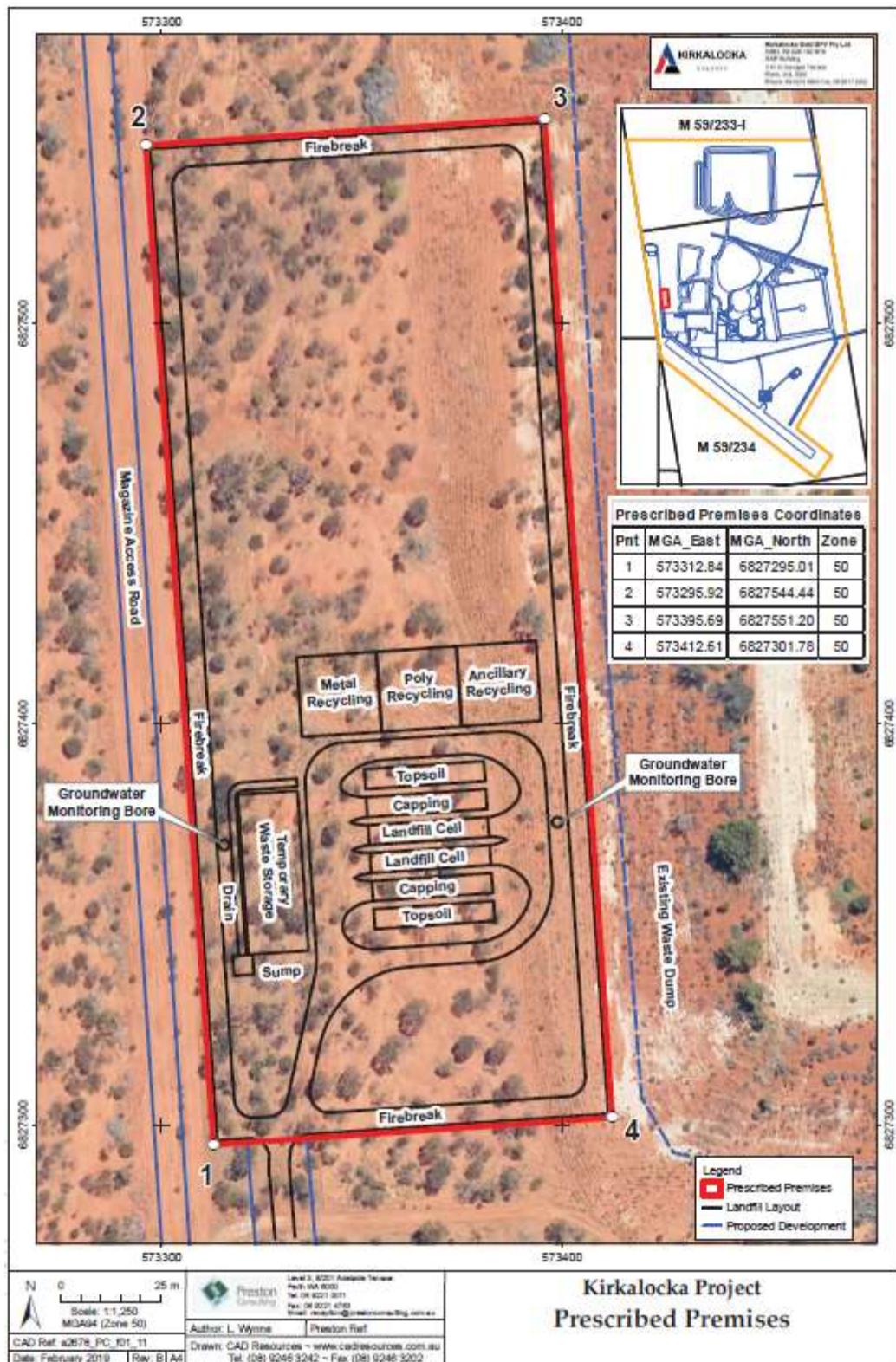
Record-keeping

- 10.** The Works Approval Holder must maintain accurate Books including information, reports and data in relation to the Works and the Books must:
- (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) be retained for at least 3 years from the date the Books were made;
 - (d) be available to be produced to an Inspector or the CEO.
- 11.** The Works Approval 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.

Schedule 1: Maps

Site Layout Map

The Premises is shown in the map below.



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IR-T05 Works Approval Template v2.0 (July 2017)

Schedule 2: Works

At the time of assessment, Emissions and Discharges from the Works listed in Table 7 were considered in the determination of the risk and related Conditions for the Works Approval.

Table 7: Authorised Works

Works	Specifications/Drawings
2 x Landfill Cells	Refer to Site Layout Map in Schedule 1: Maps
Temporary Waste Storage Area	
Metal Recycling Area	
Poly Recycling Area	
Ancillary Recycling Area	

Site layout

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

Schedule 3: 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. Primary Activities are listed in Table 8.

Table 8: Primary Activities

Primary Activity	Premises production or design capacity
Category 89 - Putrescible landfill site: premises on which waste (as determined by reference to the waste type set out in the document entitled "Landfill Waste Classification and Waste Definitions 1996" published by the Chief Executive Officer, as amendment from time to time) is accepted for burial.	25 tonnes per annual period