



Works Approval

Works Approval Number	W6173/2018/1
Works Approval Holder	Mineral Resources Limited
ACN	118 549 910
Registered business address	1-7 Sleat Road, APPLECROSS WA 6153
File Number	DWER2018/001447
Duration	08/10/2018 to 08/10/2021
Date of issue	08/10/2018
Prescribed Premises	Category 72
Premises	Mineral Resources Pilot Graphite Plant 2 Thorpe Way Kwinana Beach Legal description - Part Lot 16 on Deposited Plan 12662 Certificate of Title Volume 2179 Folio 93 As defined by the coordinates in Schedule 2 and shown in the Premises maps in Schedule 1

This Works Approval is granted to the Works Approval Holder, subject to the following conditions, on 08 October 2018, by:

Paul Byrnes
MANAGER, PROCESS INDUSTRIES
REGULATORY SERVICES

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.

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 and interpretation

Definitions

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

Table 1: 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 33 Cloisters Square PERTH WA 6850 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.
DWER	Department of Water and Environmental Regulation
EP Act	means the <i>Environmental Protection Act 1986</i> (WA).
EP Regulations	means the <i>Environmental Protection Regulations 1987</i> (WA).
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.
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:

- the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- 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;
- where tables are used in a Condition, each row in a table constitutes a separate Condition;
- 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
- unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

Conditions

Authorised works

1. The Works Approval Holder must carry out the Works within the Premises in accordance with Table 2.

Table 2: Authorised Works

Works	Specifications
Installation of Hazer Pilot Plant	10m Stack fitted with sintered metal filters
Installation of MRL Pilot Plant	

2. Within 30 days of the completion of the Works specified in Table 2, the Works Approval Holder must provide to the CEO a report confirming that all items of Works specified in Table 2 have been constructed or installed as specified.

Location of works

3. The Works Approval Holder must locate the Works generally in accordance with the Premises Map in Schedule 1.

Operation of infrastructure and equipment

4. Subject to the completion of the Works authorised under Condition 1 and submission of the report required by Condition 2, the Works Approval Holder may operate the graphite plants for a period not exceeding twelve months. The twelve month period shall commence from the date the report required by Condition 2 is submitted to the CEO.
5. The Works Approval Holder must ensure that the graphite plants are maintained in accordance with manufacturers' specifications.

Authorised Emissions

6. The Works Approval Holder must direct all emissions to air from the graphite production process to the authorised emission points listed in Table 3 and shown in Schedule 1.

Table 3: Authorised emission points

Authorised emission point	Specifications
A1	10m Stack fitted with sintered metal filters
A2	

7. The Works Approval Holder must not cause any emissions from the Works or operation of the graphite plants authorised through this Works Approval except for specified emissions and general emissions described in Column 1 of Table 4, subject to the exclusions, limitations or requirements specified in Column 2 of Table 4.

Table 4: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Emissions which arise from the operations set out in Condition 4.	Subject to compliance with Condition 6
General Emissions	
Emissions which arise from undertaking the Works set out in Table 2 and the general operations of the site.	<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 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>.

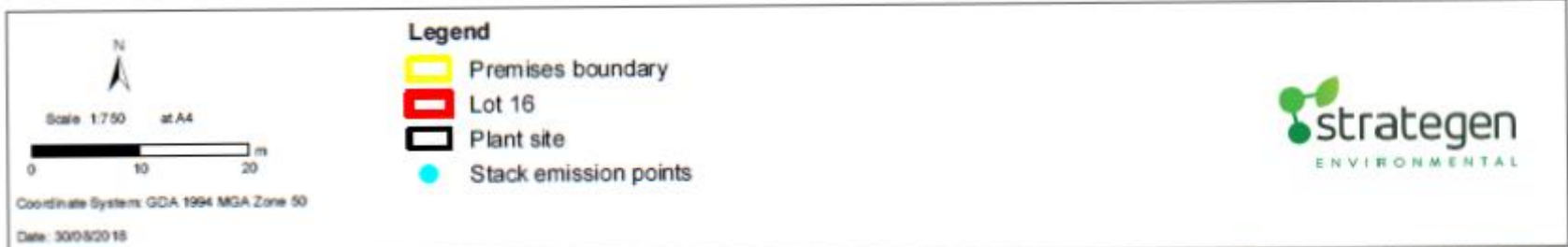
Record-keeping

8. The Works Approval Holder must maintain accurate 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 ways that the original and subsequent amendments remain legible or are capable of retrieval;
 - (c) be retained for at least three years from the date the Books were made; and
 - (d) be available to be produced to an Inspector or the CEO.
9. 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

Premises map

The Premises are shown in the map below.



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Data source: Neemap: Aerial image, flown 08/2013. Landgate: Cadastre, 11/2017. Client: Mineral Resources Limited. Development layout, 06/2018. Created by: c.thatcher

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Schedule 2: Prescribed premises coordinates

The Prescribed Premises is bound by the coordinates in Table 5.

Table 5: Premises co-ordinates

GDA94 Z50	
384924E	6432408N
384979E	6432411N
384982E	6432378N
384926E	6432375N