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| Licence Number | L9194/2019/1 | | |
| Licence Holder | BCP Contractors Pty Ltd | | |
| ACN | 602 859 405 | | |
| Registered business address | 19 Cable Sands Road YALYALUP WA 6280 | | |
| File Number | DER2019/000139 | | |
| Duration | 8/03/2019 | to | 31/03/2020 |
| Date of issue | 8/03/2019 | | |
| Prescribed Premises | Category 12 | | |
| Premises | John Forrest Road, Hopetoun | | |
| | Legal description - | | |
| | Lot 73 on Plan 224160, Volume 1287 and Folio 204 | | |
| | Steeredale Road, Hopetoun | | |
| | As defined by the coordinates in Schedule 1 | | |

This Licence is granted to the Licence Holder, subject to the following conditions, on 8 March 2019, by:

Tim Gentle

MANAGER RESOURCE 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 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 *Environment 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. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

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 January until 31 December. |
| Condition | means a condition to which this Licence is subject under s.62 of the EP Act. |
| 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: Chief Executive Officer Department of Water and Environmental Regulation 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 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. |

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|-----------------------------|--|
| 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). |
| Inspector | means an inspector appointed by the CEO in accordance with s.88 of the EP Act. |
| 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 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 Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence. |
| 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 Licence as described in Schedule 2, at the locations shown in Schedule 1. |
| 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. |

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 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 |
| Specified Emissions | |
| Not applicable | Not applicable |
| General Emissions (excluding Specified Emissions) | |
| Emissions which arise from the Primary Activities set out in Schedule 2; | Emissions excluded from General Emissions are: <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 |

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

2. The Licence Holder must ensure that the Primary activity is not undertaken outside the hours of 7:00am to 6:00pm Monday to Friday.

Infrastructure and equipment

3. The Licence Holder must ensure that the site infrastructure and equipment listed in Table 3 and located at the corresponding infrastructure location is maintained and operated in accordance with the corresponding operational requirement set out in Table 3.

Table 3: Infrastructure and equipment requirements

| Column 1 | Column 2 |
|-----------------------------------|--|
| Site infrastructure and equipment | Operational requirements |
| Static Screen Separator (Grizzly) | <p>Maintain all mobile equipment as per manufacturer's requirements.</p> <p>Ensure the screening separator is located in the Premises boundary as shown in schedule 1.</p> |

Record-keeping

4. The Licence Holder must record the following information in relation to complaints received by the licence 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 licence holder to investigate or respond to any complaint.

5. The Licence Holder must:

- (a) undertake an audit of their compliance with the conditions of this licence during the preceding annual period; and
- (b) prepare and submit to the CEO by no later than 30 days after the end of that annual period an Annual Audit Compliance Report in the approved form.

6. 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.

Schedule 1: Maps

Premises map

The Premises are shown by the blue boundary in the map below. The static screen separator (Grizzly) shall be located within the premise boundary.



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 4:

Table 4: Primary Activities

| Primary Activity | Premises production or design capacity |
|--|--|
| Category 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. | Up to 100,000 tonnes per annual period |

Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Table 5.

Table 5: Infrastructure and equipment

| Infrastructure and equipment | Plan reference |
|------------------------------|----------------|
| Static screening separator | Premises Map: |
| Product stockpiles | |

Site layout

The Primary Activity infrastructure and equipment is set out on the Premises in accordance with the site layout specified on the Premises map in Schedule 1.