



Works Approval Number	W6159/2018/1
Works Approval Holder	Iluka Resources Ltd
ACN	008 675 018
Registered business address	Level 23, 140 St Georges Terrace PERTH WA 6000
File Number	DER2018/001020
Duration	11/03/2019 to 10/03/2022
Date of issue	8 March 2019
Date of amendment	5 November 2019
Prescribed Premises	Category 8: Mineral sands mining or processing
Premises	South Capel Mineral Sands Mine and Processing Operations (former) 2833 Bussell Highway CAPEL WA 6271 Legal description - Lot 7 on Diagram 26769, Lot 2039 on Plan 140224 and Lot 3822 on Plan 153828 within Mining tenement M70/63 Lot 73 on Plan 63783 and Lot 100 on Plan 406668 within Mining tenement M70/659

This Amendment is granted to the Works Approval Holder, subject to the following conditions, on 05/11/2019, 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 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 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</i> (WA)
EP Regulations	means the <i>Environmental Protection Regulations 1987</i> (WA)
HRCF	Hutton Road Containment Facility
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
MDD	Maximum Dry Density
Pollution	has the same meaning given to that term under the EP Act
Premises	means 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

Professional Engineer	a person holding current certification from the Institution of Engineers Australia (IEAust)
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	means 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	means 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	means 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

Infrastructure

1. The Works Approval Holder must install and undertake the Works for the infrastructure:
 - (a) specified in Column 1;
 - (b) to the requirements specified in Column 2; and
 - (c) in the general location specified in Column 3;
 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, within 28 days of the completion of the Works specified in Column 1 of Table 2, the Works Approval Holder must provide to the CEO a report from a Professional Engineer, confirming each item of infrastructure or component of

infrastructure specified in Column 1 of Table 2 below has been constructed with no material defects and to the requirements specified in Column 2.

4. Where a departure from the requirements specified in Column 2 of 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 report required by Condition 3.

Table 2: Infrastructure requirements table

Column 1	Column 2	Column 3
Infrastructure	Requirements (design and construction)	Site plan reference
General Arrangement	Constructed in accordance with engineering drawing 4562-40-DWG-CI-002	"HRCF Extension" as shown in the map in Schedule 1
Typical sections & details	Constructed in accordance with engineering drawing 4562-40-DWG-CI-003	
Stormwater diversion channel	Constructed in accordance with engineering drawing 4562-40-DWG-CI-004	"Stormwater diversion channel" as shown in the map in Schedule 1
	Must comply with the following design criteria: <ul style="list-style-type: none"> • Longitudinal fall – 1:350 (V:H) • Base width – 3.0 m • Cut depth – 1.5 to 2.5 m • Side slopes – 1:3 (V:H) or 18.4° 	
Stormwater drop structure	Constructed in accordance with engineering drawings 4562-40-DWG-CI-005 and 4562-40-DWG-CI-007	"Stormwater drop structure" as shown in the map in Schedule 1
Liner system	Must comply with the following requirements: <ul style="list-style-type: none"> • Thickness (min) – 2.0 mm • Mass per unit area (min) – 2.2 kg/m² • Tensile Strength at break¹ (min) – 8 kN/m • Elongation at break¹ (min) – 50% • Tear Strength¹ (min) – 500 N • Index Puncture Resistance – 350 N • Low Temperature Flexibility before weathering¹ – Grade 1 must pass 5 °C; Grade 2 must pass -25 °C • Low Temperature Flexibility after weathering¹ – Grade 1 must pass 15 °C; Grade 2 must pass -15 °C • Dimensional Stability¹ (max) – 0.5% • Water Vapour Permeance (max) – 5.7 ng/Pa·s·m² 	N/A
Cover layer	Minimum 0.5 m thick sand fill layer, covering the liner, compacted to 90% MDD at optimum moisture content	N/A

Note 1: Machine and cross-machine directions.

5. The Works Approval Holder must compact all solid waste residues deposited within the HRCF Extension in maximum 300 mm layers to a minimum 90% MDD at optimum moisture content.
6. The Works Approval Holder must progressively install the lining system and capping layer over solid waste residues that have been compacted in accordance with Condition 5 as soon as practicable, to minimise the amount of uncapped residue within the HRCF at any one time.

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 3, subject to the exclusions, limitations or requirements specified in Column 2 of Table 3.

Table 3: Authorised Emissions table

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
Specified Emissions	
Solid waste residue disposal	Disposal within the HRCF Extension, up to 466,500 m ³ of solid waste residues from the historic processing of mineral sands and sourced from subsurface dams on the Premises and the former-Capel Mineral Separation Plant site
General Emissions	
Emissions which arise from undertaking the Works	<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, a prescribed standard, or 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>.

Reporting

8. The Works Approval Holder must provide to the CEO interim construction quality assurance reports.
9. The Works Approval Holder must ensure the reports required by Condition 8:
 - (a) are submitted at 6-monthly intervals from the commencement date of the Works;
 - (b) are prepared by a Professional Engineer;
 - (c) include a summary of all works completed during the previous 6-monthly period;
 - (d) include records of all construction quality control testing during the previous 6-monthly period;

- (e) include a review of the 'as constructed' Works against the relevant design specifications; and
- (f) where they have not been met, measures proposed to meet the relevant design specifications and Conditions of this Works Approval, together with timeframes for implementing the proposed measures.

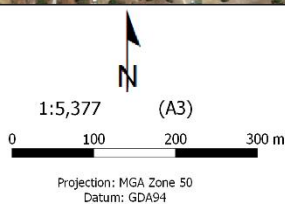
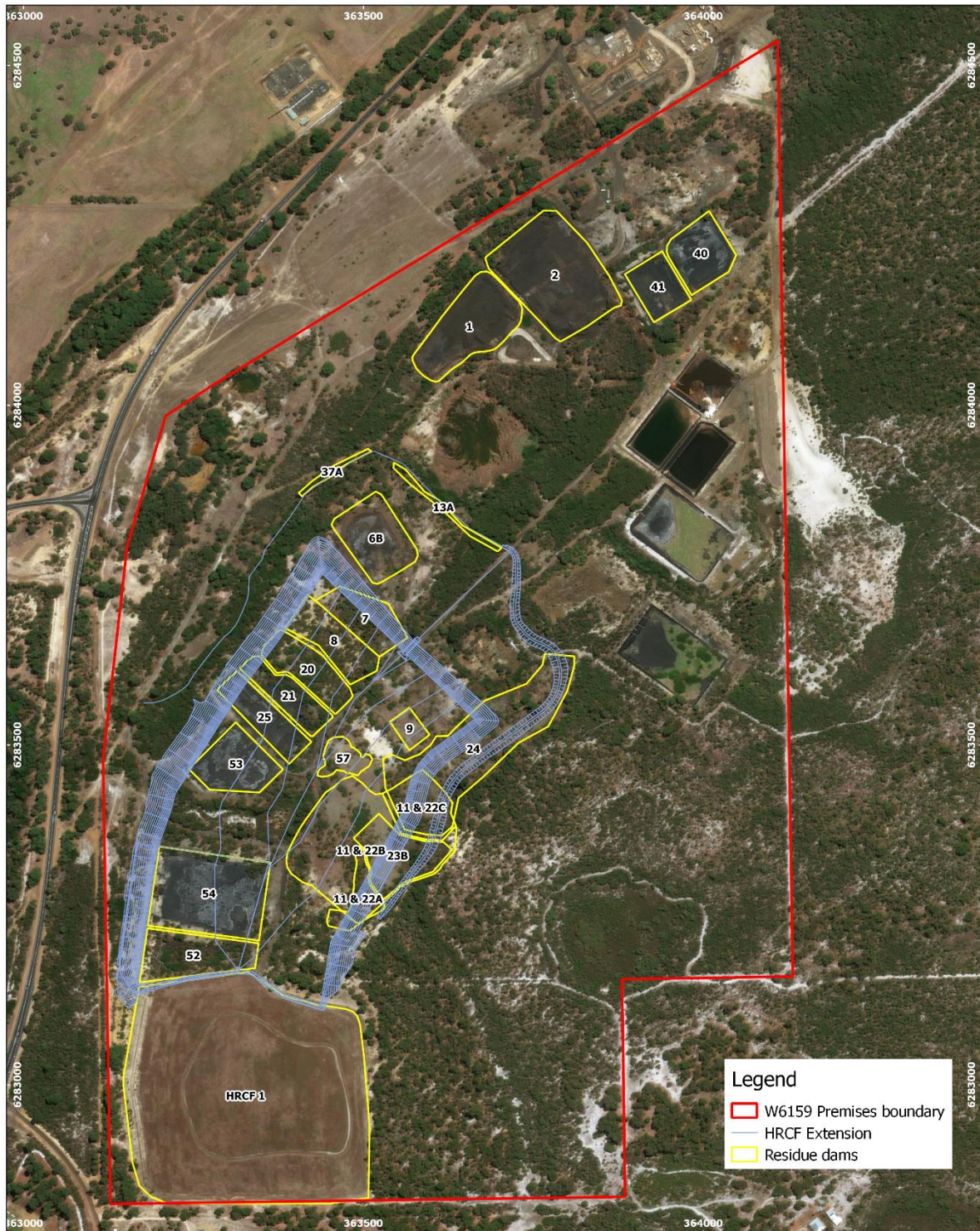
Record-keeping

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 ways 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

Premises map

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



SOUTH CAPE REMEDIATION PROJECT

Premises map



Government of Western Australia
Department of Water and Environmental Regulation

The Department of Water and Environmental Regulation does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted.

HRCF Extension map

The HRCF Extension 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 4 were considered in the determination of the risk and related Conditions for the Works Approval.

Table 4: Authorised Works

Works
Civil excavation and earthworks, including clearing of vegetation
Construction of HRCF Extension
Filling, compaction and capping
Construction of the eastern stormwater drainage channel