



Works Approval Number W6285/2019/1

Works Approval Holder Carbone Bros Pty Ltd

ACN 008 702 369

Registered business address 26 Spencer Street
BUNBURY WA 6230

File Number DER2018/001621

Duration 05/11/2019 04/11/2022

Date of issue 05/11/2019

Premises details Sandalwood Road Quarry
Lot 67 Sandalwood Rd
BRUNSWICK WA 6224
Legal description -
Part of Lot 67 on Diagram 94273
Certificate of Title Volume 2124 Folio 513
As defined by the coordinates in Schedule 1

| Prescribed premises category description (Schedule 1, <i>Environmental Protection Regulations 1987</i>) | Assessed production capacity |
|---|--------------------------------------|
| Category 12 Screening etc. of material | Not more than 81,600 tonnes per year |

This works approval is granted to the works approval holder, subject to the following conditions, on 5 November 2019, by:

Manager, Process 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 *Environmental 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 |
|--------------------|--|
| 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 |
| 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). |
| Material | has the same meaning given to that term under the EP Act. |

| | |
|----------------------------|---|
| Environmental Harm | |
| 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. |

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 and equipment

1. The Works Approval Holder must install and undertake the Works for the infrastructure and equipment:
 - (a) specified in Column 1;
 - (b) to the requirements specified in Column 2; and
 - (c) at the 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 1, within 14 days of the completion of the Works specified in Column 1 of Table 2, 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 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 certification required by Condition 2(b).

Table 2: Infrastructure and equipment requirements table

| Column 1 | Column 2 | Column 3 |
|-------------------------------------|---|--|
| Infrastructure/Equipment | Requirements (design and construction) | Site plan reference- Figure 1 and 2 |
| Mobile crushing and screening plant | <ul style="list-style-type: none"> Parker 4230 (or equivalent) fitted with spray nozzles for dust control. Must be placed inside the extraction void. | Crusher Proposed Extraction Area |
| Water cart | A 15kL water cart must be on site at all times and operated when visible dust is generated. | N/A |
| Earth (noise) bunding | <ul style="list-style-type: none"> Constructed earth bunding must have dimensions of at least 4 meters high along its entire length of at least 145m long. Must be placed within the Premises boundary, between the crushing and screening plant and residences 1 and 3 | Crusher 1 and 3 (residences) as shown on Figure 2 |
| 2 x stormwater detention ponds | <ul style="list-style-type: none"> Constructed of insitu earth Each to have a minimum | Detention Ponds |

| | | |
|--|--|--|
| | individual capacity of 700kL. • To be constructed inside the Premises boundary at the locations shown in Schedule 1-Premises maps | |
|--|--|--|

Operations under Works Approval

5. Subject to submission of the report required by Condition 3, the Works Approval Holder shall:
 - (a) provide written advice to the CEO within 7 days of commencing operation of the crusher and screening plant, specifying the date on which operation commenced;
 - (b) shall not operate the crusher and screening plant for a period greater than six weeks from commencement of operations;
 - (c) shall employ a spray bar on the crushing and screening plant at all times;
 - (d) only operate the crusher and screening inside the extraction void and behind the constructed noise bund; and
 - (e) shall only operate the crusher and screening plant between 7am to 5pm on any day which is not a Sunday or Public Holiday.
6. 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.
7. Within 14 days of ceasing operation of the screening plant, the Works Approval Holder shall submit to the CEO a report including, but not limited to;
 - (a) the dates on which crushing and screening operations commenced and ceased;
 - (b) the total amount (in tonnes) of raw material crushed, screened and stockpiled over the period of operations; and
 - (c) a summary of any complaints received and recorded in accordance with Condition 6.

Emissions

8. 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/Discharges | |
| Noise emissions | Subject to compliance with Condition 5(d) and 5(e) |
| Fugitive dust | Subject to compliance with Condition 5(c) |
| General Emissions (excluding Specified Emissions) | |
| Emissions which arise from undertaking the Works set out in Schedule 2. | <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 Environmental Protection (<i>Unauthorised Discharges</i>) Regulations 2004. |

Record-keeping

9. The Works Approval Holder must maintain accurate Books including information, reports and data in relation to the Works and the Books must:
- be legible;
 - if amended, be amended in such a ways that the original and subsequent amendments remain legible or are capable of retrieval;
 - be retained for at least 3 years from the date the Books were made;
 - be available to be produced to an Inspector or the CEO.

- 10.** 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 boundary of the prescribed Premises is shown in purple in the map below.

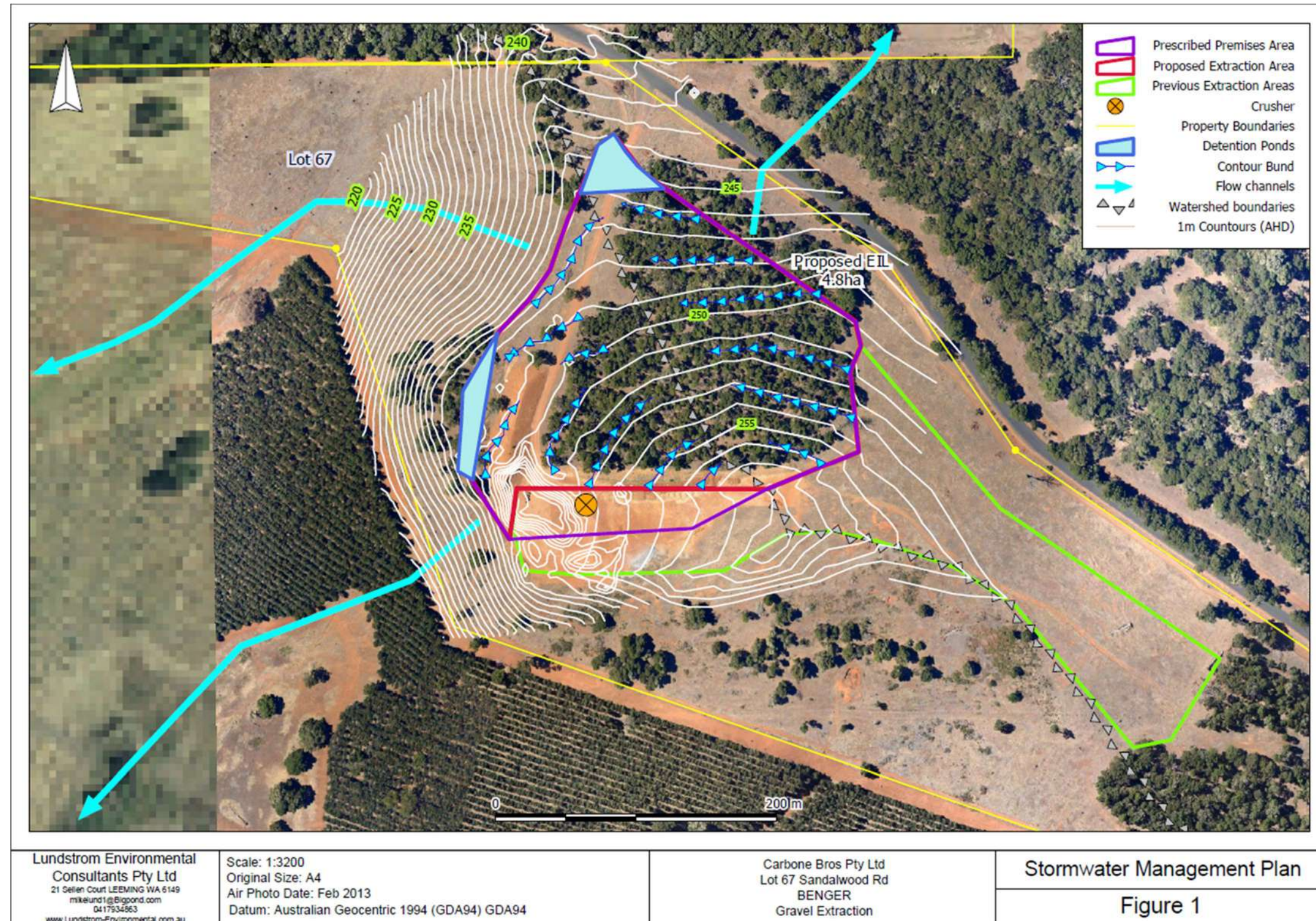


Figure1: Premises layout map

Premises map

The boundary of the prescribed Premises is shown in yellow, the crusher is shown in red and the distance to the nearest residence is shown in orange in the map below.

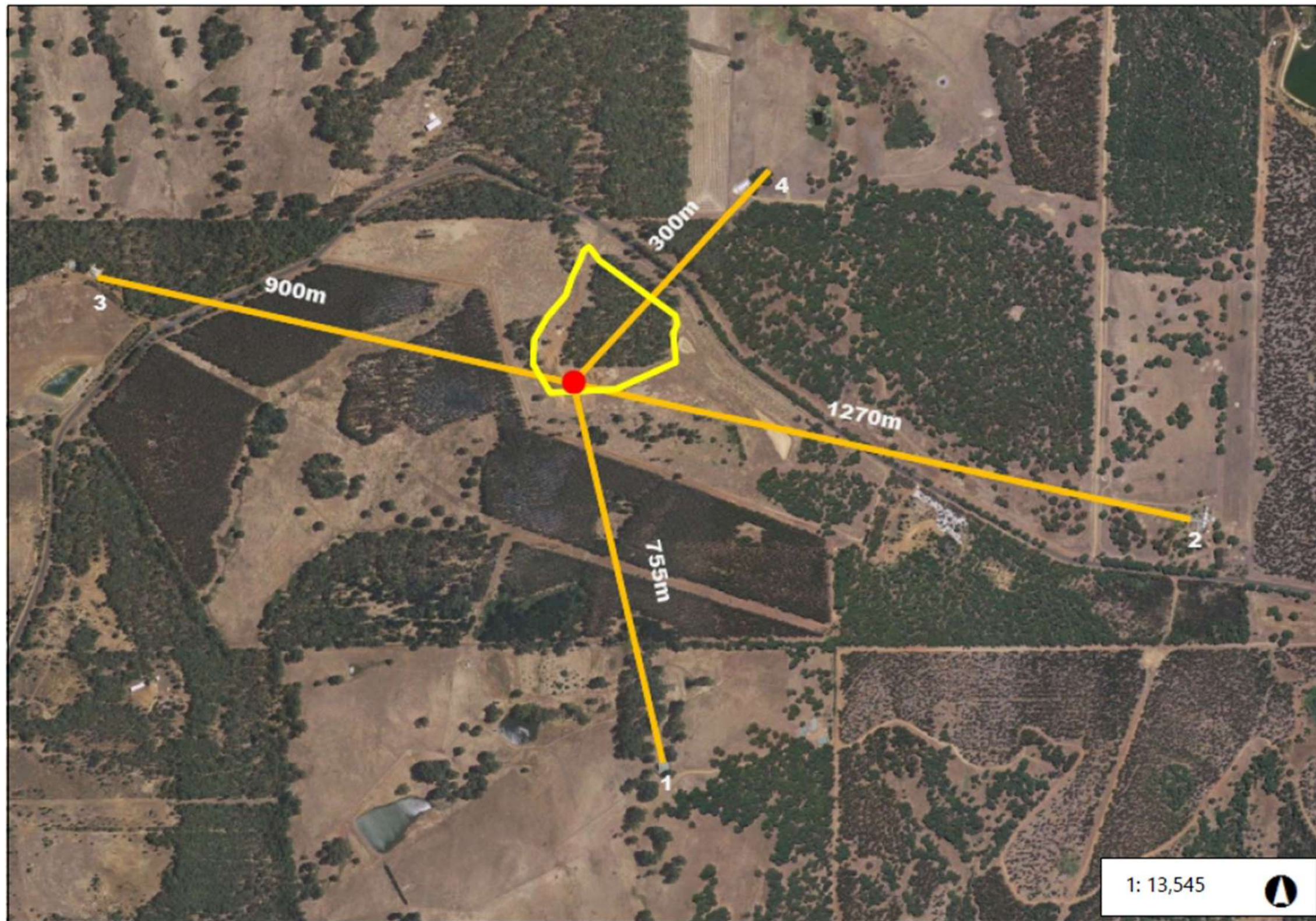


Figure 2: Position of noise sensitive residential premises 1, 2, 3 and 4 (and the noise bund) relative to the Crusher

Premises boundary

The Premises boundary is defined by the coordinates in Table 4.

Table 4: Premises boundary coordinates

| Easting | Northing |
|---------|----------|
| 397928 | 6327629 |
| 397949 | 6327602 |
| 398101 | 6327495 |
| 398105 | 6327479 |
| 398097 | 6327460 |
| 398103 | 6327403 |
| 397984 | 6327348 |
| 397854 | 6327340 |
| 397819 | 6327396 |
| 397821 | 6327445 |
| 397846 | 6327489 |
| 397883 | 6327533 |
| 397895 | 6327569 |
| 397911 | 6327603 |
| 397917 | 6327621 |

Datum: GDA94 Zone 50

Schedule 2: Works

At the time of assessment, Emissions and Discharges from the Works listed in Table 5 were considered in the determination of the risk and related Conditions for the Works Approval.

Table 5: Authorised Works

| Works | Specifications/Drawings |
|--|--|
| Installation of a mobile crushing and screening plant | Consisting of a Parker 4230 crusher with spray nozzles and Terex Finlay 683 screening plant or equivalent. |
| Installation of earth noise bund | Constructed earth bunding must have dimensions of at least 4 meters high along entire length of at least 145m long, located between the mobile crushing and screening plant and residences 1 and 3 (shown on Figure 2) |
| Installation of earthen stormwater detention ponds | Must have minimum individual holding capacity of at least 700kL. |
| Time limited operation of the crushing and screening plant | Operation following the completion of construction, for a period not exceeding 6 weeks |

Site layout

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