



<b>Works Approval Number</b>	W6165/2018/1
<b>Works Approval Holder ACN</b>	Cleartech Waste Management Pty Ltd 143 715 456
<b>Registered business address</b>	c/o Kensington Partners Unit 2, 315 – 317 Bulwer Street PERTH WA 6000
<b>File Number</b>	DER2018/001157
<b>Duration</b>	03/01/2020 to 02/01/2023
<b>Date of issue</b>	03 January 2020
<b>Prescribed Premises</b>	Category 61 – liquid waste facility; Category 61A – solid waste facility
<b>Premises</b>	Cleartech Transfer Station 2 40 Mulgul Road MALAGA WA 6090 Legal description - Part of Lot 200 on Plan 65633 As defined by the coordinates and map in Schedule 1

This Works Approval is granted to the Works Approval Holder, subject to the following conditions, on 03 January 2020, by:

**Manager Waste Industries  
Regulatory Services (Industry Regulation)**

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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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
AS 1726	means the Australian Standard AS 1726 – 1993 <i>Geotechnical site investigations</i>
ASTM D5092 / D5092M - 16	means ASTM D5092 / D5092M-16, <i>Standard Practice for Design and Installation of Groundwater Monitoring Wells</i> , published by ASTM International
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 <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
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 Compliance Report	means a report to satisfy the CEO that the conditioned infrastructure and/or equipment has been constructed and/or installed in accordance with the works approval.
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 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.
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 Table 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;
  - (c) at the corresponding location specified in Column 3.as set out in Table 2.
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 30 days of the completion of the Works specified in Column 1 of Table 2, the Works Approval Holder must provide to the CEO an Environmental Compliance Report which must include as a minimum:
  - (a) certification by a Civil Engineer that all items of infrastructure or component(s) thereof, as specified in Condition 1 (excluding groundwater bore requirements), have been constructed in accordance with the relevant requirements specified in Condition 1;
  - (b) certification by an Environmental Scientist and/or Hydrogeologist that the groundwater bore requirements, as specified in Condition 1 have been constructed in accordance with the relevant requirements specified in Condition 1;
  - (c) photographic evidence and a detailed site plan for each item of infrastructure or component of infrastructure specified in Condition 1; and
  - (d) be signed by a person authorised to represent the works approval holder and contains the printed name and position of that person.
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 3.

**Table 2: Infrastructure and equipment requirements table**

Column 1	Column 2	Column 3
Infrastructure/Equipment	Requirements (design and construction)	Location
Pallet racking	Constructed for storage of packaged waste at the configuration depicted in the Internal site layout Map in Schedule 1.	Located inside building, as depicted in the Premises map in Schedule 1.



Column 1	Column 2	Column 3
Infrastructure/Equipment	Requirements (design and construction)	Location
Storage area bunding	Constructed to be a minimum height of 75mm and made of a material meeting permeability of not less than $1 \times 10^{-9}$ m/s. Must be coated in Enviro HP1600 spray polyurea elastomer or equivalent.	Located inside building, as depicted in the Premises map in Schedule 1.
Operational area bunding	Constructed to be a minimum height of 50mm and made of a material meeting permeability of not less than $1 \times 10^{-9}$ m/s. Must be coated in Enviro HP1600 spray polyurea elastomer or equivalent.	Located inside building as depicted in the Premises map in Schedule 1.
External bunding	Constructed to be a minimum height of 50mm steel bunding coated with Enviro HP1600 spray polyurea elastomer or equivalent.	Bunding on building egress points and vehicle loading/unloading areas as depicted in the Internal Site Layout map in Schedule 1.
Internal hardstand	Constructed of a material meeting permeability of not less than $1 \times 10^{-9}$ m/s and coated with Enviro HP1600 spray polyurea elastomer or equivalent.	Located inside building, as depicted in the Premises map in Schedule 1.
External hardstand	All external areas to be constructed of either asphalt or hardstand meeting a permeability of not less than $1 \times 10^{-9}$ m/s.	All external areas.
Three groundwater monitoring bores	<u>Well design and construction:</u> Bores shall be constructed according to ASTM D5092/D5092M-16. Well construction details must be documented within a well construction log to demonstrate compliance with ASTM D5092/D5092M-16. The construction logs shall include elevations of the top of casing position to be used as the reference point for water-level measurements, and the elevations of the ground surface protective installations.  <u>Logging of borehole:</u> Soil samples must be collected and logged during the installation of the	One bore located hydraulically up-gradient and two bores located hydraulically down-gradient of on-site infrastructure as depicted in the Groundwater monitoring bore locations map in Schedule 1.

Column 1	Column 2	Column 3
Infrastructure/Equipment	Requirements (design and construction)	Location
	<p>monitoring wells; a record of the geology encountered during drilling should be described and classified in accordance with the Australian Standard Geotechnical site investigations AS 1726. Any observations of staining/odours or other indications of contamination must be included in the bore log.</p> <p><u>Installation survey and well network map:</u> The vertical (top of casing) and horizontal position of each monitoring well must be surveyed and subsequently mapped by a suitably qualified surveyor. All maps produced must include respective identification numbers for each well.</p>	

## Record-keeping

5. 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.
6. 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.



### Premises boundary

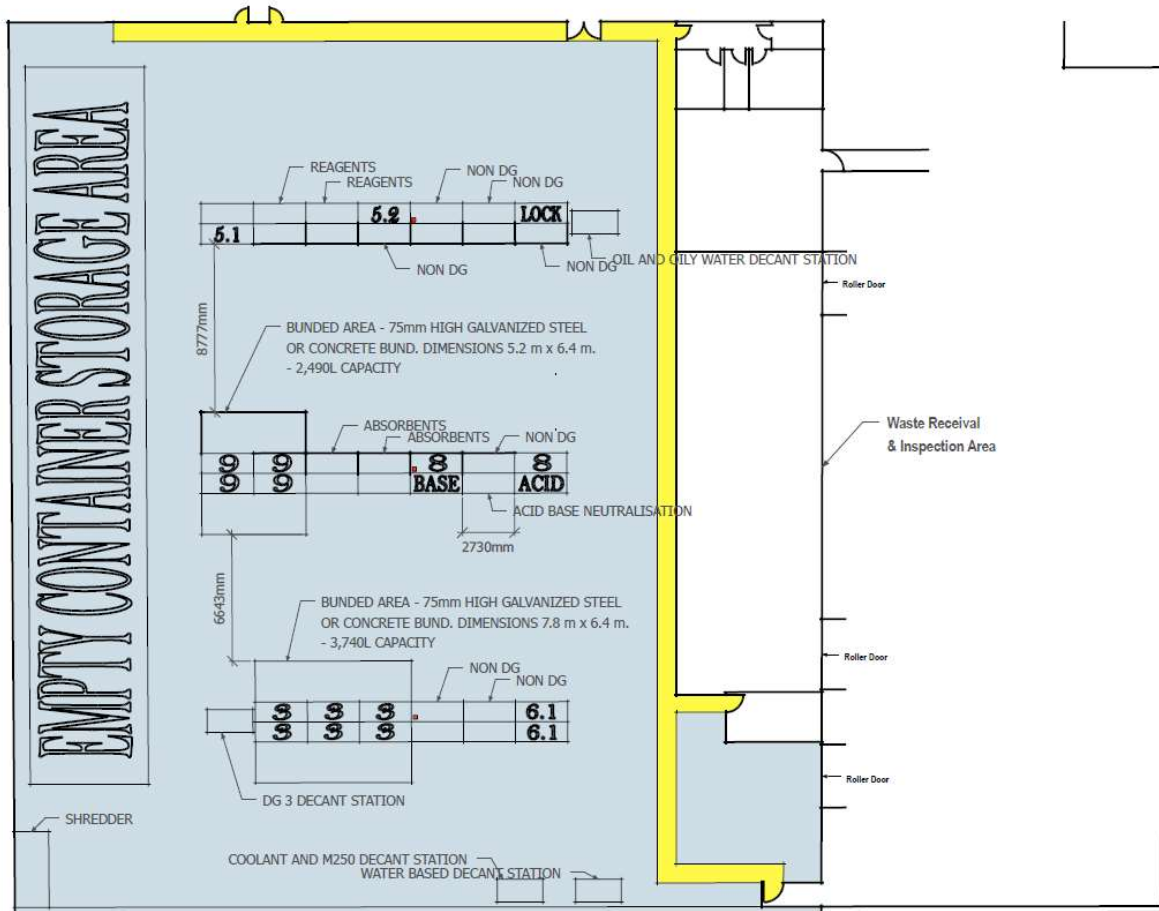
The Premises boundary is defined by the coordinates in Table 4.

**Table 3: Premises boundary coordinates**

Latitude	Longitude
-31.8600	115.8990
-31.8600	115.8994
-31.8601	115.8994
-31.8601	115.8996
-31.8604	115.8996
-31.8604	115.8990

## Internal site layout

The layout inside the processing and storage building is depicted in the image below.



## Groundwater monitoring bore locations map

General locations of the groundwater monitoring bores to be installed are shown in the map below. The blue stars depict the locations.

