



<b>Works Approval Number</b>	W6211/2019/1
<b>Works Approval Holder</b>	Boral Resources (WA) Pty Ltd
<b>ACN</b>	008 686 904
<b>Registered business address</b>	Level 3, 40 Mount Street NORTH SYDNEY NSW 2060
<b>File Number</b>	DER2018/001697
<b>Duration</b>	24/02/2020 to 23/02/2027
<b>Date of amendment</b>	22/11/2021
<b>Prescribed Premises</b>	Category 12: Screening etc. of material
<b>Premises</b>	Boral Newman Quarry Mining Lease M52/1076 NEWMAN WA 6753

This amended Works Approval is granted to the Works Approval Holder, subject to the following conditions, on 22 November 2021, by:

**A/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

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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

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

**Table 1: Definitions**

Term	Definition
AEP	Annual Exceedance Probability
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 <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 Harm	has the same meaning given to that term under the EP Act.
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i> .
EP Regulations	means the <i>Environmental Protection Regulations 1987 (WA)</i> .
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.
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 listed in Table 2, in accordance with;
  - (a) the corresponding design and construction / installation requirements; and
  - (b) at the corresponding infrastructure location as set out in Table 2.

**Table 2: Infrastructure and equipment requirements - construction**

Infrastructure / Equipment	Design and construction requirement / installation requirement	Infrastructure / equipment location
Crushing and Screening Plant	<ul style="list-style-type: none"> <li>• Install mobile crushing and screening plant</li> <li>• Fixed water sprays are to be installed on the jaw and cone crusher</li> <li>• Screening plant to be fitted with water sprays and dust covers</li> </ul>	Placed within the area labelled Crushing and Screening Commissioning Area in the Operational Layout Map in Schedule 1.
Sediment Pond 1	<ul style="list-style-type: none"> <li>• Pond 1 - 3000m<sup>3</sup> capacity</li> <li>• Pond designed to contain a 10% AEP 2 hour rainfall event</li> </ul>	Sediment Pond 1 in the Operational Layout Map in Schedule 1.
Earthen bund for control of sediment laden runoff	<ul style="list-style-type: none"> <li>• Construct an earthen bund along eastern perimeter of aggregate stockpiling area, to prevent the uncontrolled movement of sediment.</li> <li>• Bunds to be constructed from overburden material removed from the mine void to a minimum height of 500mm and 1000mm wide</li> </ul>	Earth bunds in the Site Layout Map and Operational Layout Map in Schedule 1.

2. The Works Approval Holder must not depart from the requirements specified in 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, and prior to operation of the Works (or portion thereof), 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 Condition 2 above has been constructed with no material defects and to the requirements specified.
4. Where a departure from the requirements specified in 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).

## 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 screening plant, specifying the date on which operation commenced; and
  - (b) operate the screening plant for a period no longer than 90 consecutive days.
6. The Works Approval 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 requirements set out in Table 3 for the full duration of operations under the Works Approval.

**Table 3: Infrastructure and equipment requirements - operations**

Site infrastructure and equipment	Operational requirement	Infrastructure location as labelled on operational layout map in Schedule 1
Crushing and screening plant	<ul style="list-style-type: none"> <li>• Fitted water sprays to be operated during crushing and screening activity; and</li> <li>• Dust covers to be in place on screening equipment at all times.</li> </ul>	Located within the area labelled Crushing and Screening Commissioning Area in the Operational Layout Map in Schedule 1.

7. 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 licence holder to investigate or respond to any complaint.
8. 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 operations commenced and ceased;
  - (b) the total amount (in tonnes) of raw material screened and stockpiled over the operational period;
  - (c) the total amount (in tonnes) of screened aggregate transported offsite over the operational period; and
  - (d) a summary of any complaints received and recorded in accordance with Condition 7.

## Emissions

9. 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 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
<b>Specified Emissions</b>	
Fugitive dust	Subject to compliance with Condition 6
<b>General Emissions</b>	
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"> <li>• Unreasonable Emissions; or</li> <li>• Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or</li> <li>• Discharges of Waste in circumstances likely to cause Pollution; or</li> <li>• Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or</li> <li>• Emissions or Discharges which do not comply with an Approved Policy; or</li> <li>• Emissions or Discharges which do not comply with prescribed standard; or</li> <li>• Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or</li> <li>• 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>.</li> </ul>

## 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 way 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 Boundary and Site Layout

The Premises are shown in the map below. The thin yellow line denotes the Prescribed Premises boundary (Mining Lease M52/1076). The extent and location of the proposed final mining void is shown in light green. Associated infrastructure and equipment are set out on the Premises in accordance with the site layout shown below.

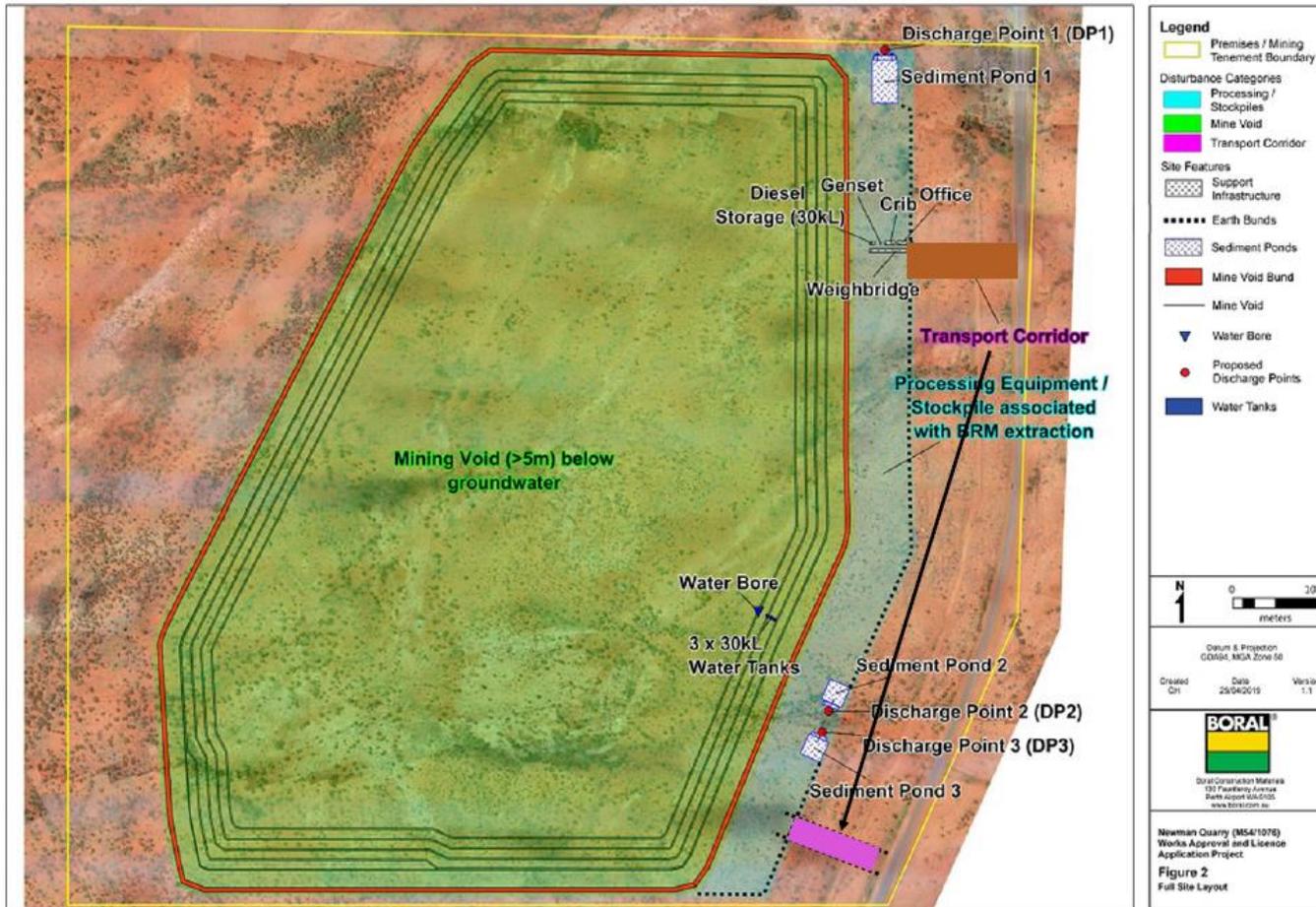


Image provided as part of works approval application supporting documentation and modified to reflect change to transport corridor / access road

## Operational Layout Map

The Stage 1 – operational area boundary for crushing and screening activity is defined by the thin pale blue line. The north eastern premises boundary is defined by the thin yellow line. The Great Northern Highway lies within the eastern premises boundary line.

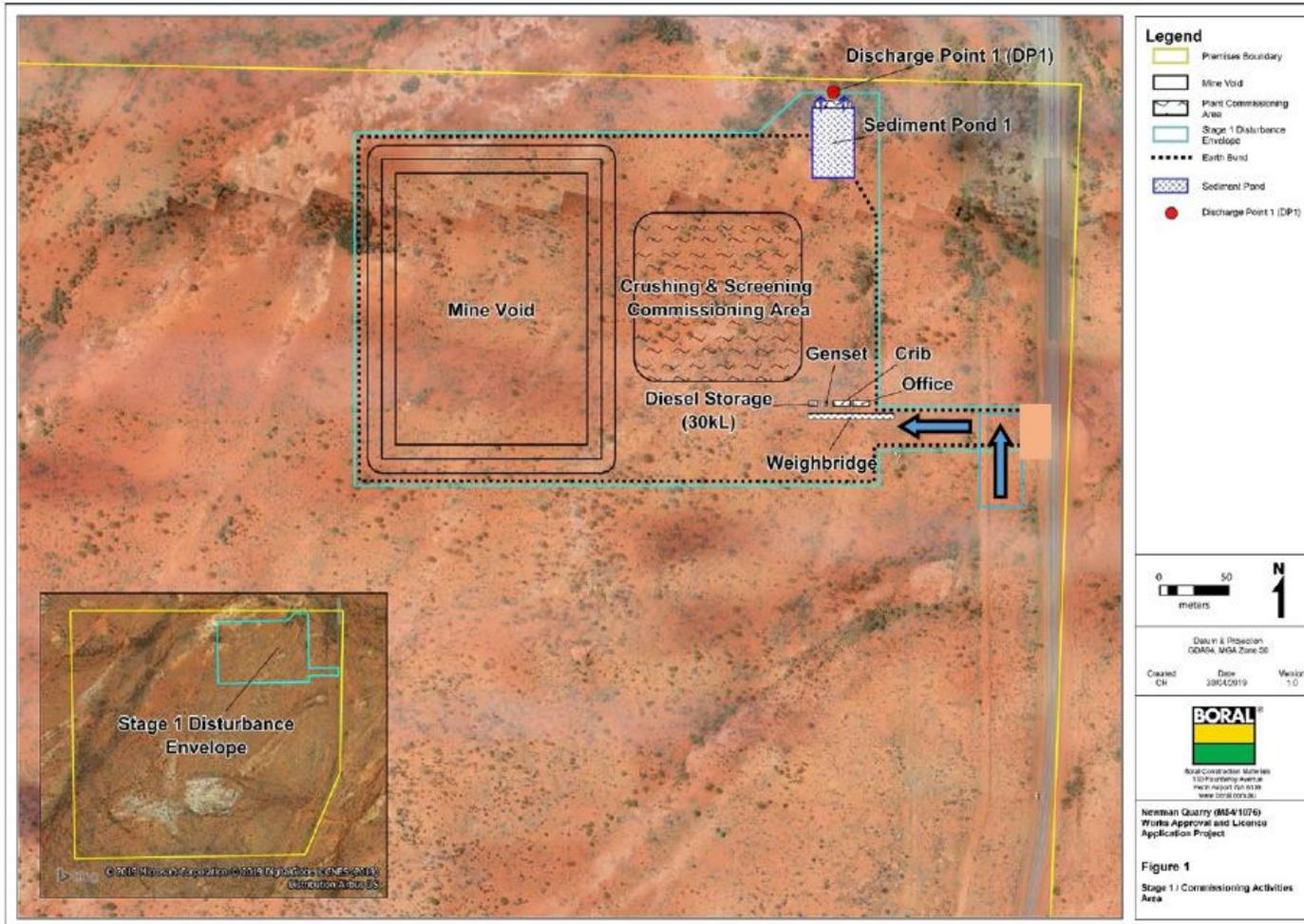


Image provided as part of works approval application supporting documentation and modified to reflect change to transport corridor / access road

## 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**

<b>Works</b>	<b>Specifications/Drawings</b>
Installation and setup of mobile crushing and screening plant	Screening plant (make and model unspecified) as per design and location requirements in Table 2.
Installation / construction of: <ul style="list-style-type: none"><li>• Water storage tanks (3);</li><li>• Sediment pond 1 and earthen bunds; and</li><li>• Weighbridge.</li></ul>	As per Table 2 design, construction and location requirements.

### Site layout

The infrastructure and equipment are set out on the Premises in accordance with the site layout specified on the Premises Boundary and Site Layout and Operational Layout Maps in Schedule 1.