



Mr. Keith Adams – Operations Manager
TEC Desert Pty Ltd and TEC Desert No.2 Pty Ltd
T/A Southern Cross Energy Partnership
Level 14 Parmelia House
191 St Georges Terrace
PERTH WA 6000

Dear Mr Adams

ENVIRONMENTAL PROTECTION ACT 1986: LICENCE GRANTED

Licence: L8566/2011/2

Premises: Kambalda Power Station

A licence under the *Environmental Protection Act 1986* (the Act) has been granted for the above premises. The Department of Environment Regulation will advertise the issuing of this licence in the public notices section of *The West Australian*.

The licence includes attached conditions. Under Section 58(1) of the Act, it is an offence to contravene a condition of a licence. This offence carries a penalty of up to \$125,000 and a daily penalty of up to \$25,000.

In accordance with section 102(1) (c) of the Act, you have 21 days to appeal the conditions of the licence. Under section 102(3)(a) of the Act, any other person may also appeal the conditions of the licence. To lodge an appeal, contact the Office of the Appeals Convener on 6467 5190 or by email at admin@appealsconvenor.wa.gov.au.

Where a licence is issued for more than one year it requires payment of an annual fee and will cease to have effect if the fee is unpaid. It is the occupier's responsibility to lodge a fee application and pay the annual fee in sufficient time to avoid incurring a late payment fee and for processing to be completed before the licence anniversary date.

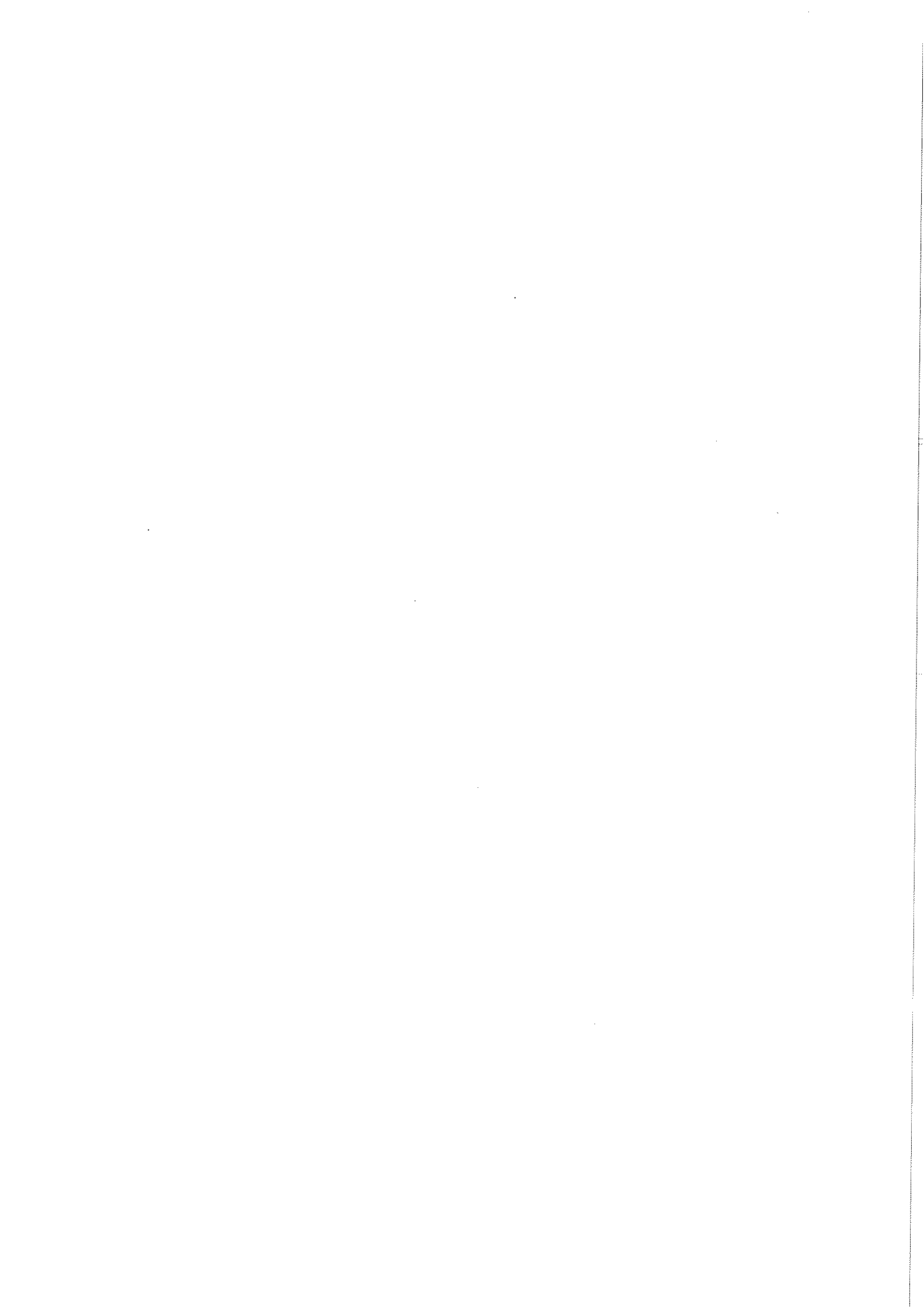
If you have any queries regarding the above information, please contact Abnesh Chetty on 9080 5534.

Yours sincerely

Kerry Laszig
Officer delegated under Section 20
of the *Environmental Protection Act 1986*

19 December 2013

enc: *Environmental Protection Act 1986* Licence (L8566/2011/2)





Licence

Environmental Protection Act 1986, Part V

Licensee: **TEC Desert Pty Ltd and
TEC Desert No.2 Pty Ltd
T/A Southern Cross Energy Partnership**

Licence: **L8566/2011/2**

Registered office: Level 14 Parmelia House
191 St Georges Terrace
PERTH WA 6000

ACN: 084 695 661 and 084 953 088

Premises address: Kambalda Power Station
Mining tenement L15/252
KAMBALDA EAST WA 6442
As depicted in Schedule 1

Issue date: Thursday, 19 December 2013

Commencement date: Monday, 20 January 2014

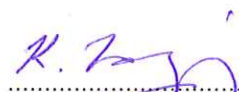
Expiry date: Saturday, 19 January 2019

Prescribed premises category
Schedule 1 of the Environmental Protection Regulations 1987

Category number	Category description	Category production or design capacity	Premises production or design capacity
52	Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is generated using a fuel.	20 megawatts or more in aggregate (using natural gas) or 10 megawatts or more in aggregate (using a fuel other than natural gas)	40MWe

Conditions of licence

Subject to the conditions of licence set out in the attached pages.


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Officer delegated under Section 20
of the *Environmental Protection Act 1986*



Contents

Introduction	2
Licence conditions	4
1 General	4
2 Emissions	6
3 Monitoring	6
4 Improvements	6
5 Information	7
Schedule 1: Maps	9
Schedule 2: Reporting & notification forms	11

Introduction

This introduction is not part of the licence conditions.

Who we are

The Department of Environment Regulation (DER) is a Government Department in the portfolio of the Minister for Environment. Our purpose is to advise on and implement strategies for a healthy environment for the benefit of all current and future Western Australians.

Our industry licensing role

DER has responsibilities under Part V of the *Environmental Protection Act 1986* for the licensing of prescribed premises. DER also monitors and audits compliance with works approvals and licence conditions, takes enforcement action as appropriate and develops and implements licensing and industry regulation policy.

Licence requirements

This licence is issued under Part V of the *Environmental Protection Act 1986*. Conditions contained with the licence relate to the prevention, reduction or control of emissions and discharges and to the monitoring and reporting of them.

Where other statutory instruments impose obligations on the premises/licensee the intention is not to replicate them in the licence conditions. You should therefore ensure that you are aware of all your statutory obligations under the *Environmental Protection Act 1986* and any other statutory instrument. These can be accessed through the State Law Publisher website using the following link: <http://www.slp.wa.gov.au/legislation/statutes.nsf/default.html>.

For your premises relevant statutory instruments include but are not limited to obligations under the:

- Environmental Protection (Unauthorised Discharges) Regulations 2004 – these regulations make it an offence to discharge certain materials such as contaminated stormwater into the environment other than in the circumstances set out in the regulations;
- Environmental Protection (Controlled Waste) Regulations 2004 - these regulations place obligations on you if you produce, accept, transport or dispose of controlled waste; and
- Environmental Protection (Noise) Regulations 1997 – these regulations require noise emissions from the premises to comply with the assigned noise levels set out in the regulations.

You should comply with your licence. Non-compliance with your licence is an offence and strict penalties exist for those who do not comply. Additional guidance on pollution prevention can be found in the Department of Water's Water Quality Protection Guidelines and codes of practice



accessed through:

<http://www.water.wa.gov.au/Managing+water/Water+quality/Water+quality+protection+guidelines/default.aspx>.

Licence holders are also reminded of the requirements of section 53 of the Act which places 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.

Licence fees

If you have a licence that is issued for more than one year, you are required to pay an annual licence fee prior to the anniversary date of issue of your licence. Non-payment of annual licence fees will result in your licence ceasing to have effect meaning that it will no longer be valid and you will need to apply for a new licence for your premises.

Ministerial conditions

If your premises has been assessed under Part IV of the *Environmental Protection Act 1986* you may have had conditions imposed by the Minister for Environment. You are required to comply with any conditions imposed by the Minister.

Premises description and licence summary

The Kambalda Power Station (KPS) is located on mining tenement L15/252 which is within the operating boundary of BHP Billiton Kambalda Nickel Operations. KPS uses a single aircraft style simple cycle gas turbine rated at a maximum of 40MWe and is fuelled by natural gas supplied from the Goldfields gas transmission pipeline. Key air emissions associated with operation of the power station include nitrogen oxides, sulfur dioxide and volatile organic compounds. Air emissions from the power station are not considered to be significant given its location within BHP Billiton Kambalda Nickel Operations. The licensee has confirmed that during normal operations a percentage of waste heat is diverted to BHP Billiton Kambalda Nickel Operations for use in dryers.

The licences and works approvals issued for the premises since 19 January 2009 are:

Instrument log		
Instrument	Issued	Description
L7346/1999/9	19 January 2009	Re-issue of licence.
L8566/2011/1	21 July 2011	New application as original Licence L7346/1999/9 ceased to have effect due to non-payment of annual fees.
L8566/2011/1	22 December 2011	Licence amendment to include recommendations of Ministerial Appeal Determination as stated in Appeal Report 091 of 2011 and dated September 2011.
L8566/2011/1	31 October 2013	Licence amendment to REFIRE format.
L8566/2011/2	19 December 2013	Re-issue of licence.

Severance

It is the intent of these licence conditions that they shall operate so that, if a condition or a part of a condition is beyond the power of this licence to impose, or is otherwise *ultra vires* or invalid, that condition or part of a condition shall be severed and the remainder of these conditions shall nevertheless be valid to the extent that they are within the power of this licence to impose and are not otherwise *ultra vires* or invalid.

END OF INTRODUCTION



Licence conditions

1 General

1.1 Interpretation

1.1.1 In the licence, definitions from the *Environmental Protection Act 1986* apply unless the contrary intention appears.

1.1.2 In the licence, unless the contrary intention appears:

“**the Act**” means the *Environmental Protection Act 1986*;

“**annual period**” means the inclusive period from 1 October in the previous year until 30 September in that year;

“**code of practice for the storage and handling of dangerous goods**” means the Department of Mines and Petroleum, 2010, *Storage and handling of dangerous goods — code of practice* (2nd edition); Resources Safety, Department of Mines and Petroleum, Western Australia;

“**dangerous goods**” has the meaning defined in the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*;

“**dark smoke**” means smoke which, when viewed from any point outside the premises boundary, at a distance of not less than five metres from its source and compared with a chart known as the Australian Miniature Smoke Chart (AS 3543 1989) or, the BS Ringlemann Chart (BS 2742C), would appear darker than shade one on those charts;

“**Director**” for the purpose of correspondence means:
Regional Leader – Industry Regulation (Goldfields)
Department of Environment Regulation
PO Box 10173
KALGOORLIE WA 6433
Telephone: (08) 9080 5555
Facsimile: (08) 9021 7831
Email: Kalgoorlie@der.wa.gov.au;

“**environmentally hazardous material**” means material (either solid or liquid raw materials, materials in the process of manufacture, manufactured products, products used in the manufacturing process, by-products and waste) which if discharged into the environment from or within the premises may cause pollution or environmental harm. Note: Environmentally hazardous materials include dangerous goods where they are stored in quantities below placard quantities. The storage of dangerous goods above placard quantities is regulated by the Department of Mines and Petroleum;

“**fugitive emissions**” means all emissions not arising from point sources;

“**licence**” means this licence numbered L8566/2011/2 and issued under the *Environmental Protection Act 1986*;

“**licensee**” means the person or organisation named as licensee on page 1 of the licence;

“**MWe**” means power output (electricity generated) in megawatts;



“**premises**” means the area defined in the premises map in Schedule 1 and listed as the premises address on page 1 of the licence;

“**Schedule 1**” means Schedule 1 of this licence unless otherwise stated;

“**Schedule 2**” means Schedule 2 of this licence unless otherwise stated; and

“**usual working day**” means 0800 – 1700 hours, Monday to Friday excluding public holidays in Western Australia;

1.1.3 Any reference to an Australian or other standard in the licence means the relevant parts of the current version of that standard.

1.1.4 Any reference to a guideline or code of practice in the licence means the current version of the guideline or code of practice.

1.2 General conditions

1.2.1 Nothing in the licence shall be taken to authorise any emission that is not mentioned in the licence, where the emission amounts to:

- (a) pollution;
- (b) unreasonable emission;
- (c) discharge of waste in circumstances likely to cause pollution; or
- (d) being contrary to any written law.

1.2.2 The licensee shall maintain all pollution control and monitoring equipment to the manufacturer's specification or any relevant and effective internal management system.

1.2.3 The licensee, except where storage is prescribed in section 1.3, shall ensure that environmentally hazardous substances are stored in accordance with the code of practice for the storage and handling of dangerous goods.

1.2.4 The licensee shall immediately recover, or remove and dispose of spills of environmentally hazardous materials outside an engineered containment system.

1.2.5 The licensee shall:

- (a) implement all practical measures to prevent stormwater run-off becoming contaminated by the activities on the premises; and
- (b) treat contaminated or potentially contaminated stormwater as necessary prior to being discharged from the premises.¹

Note1: The Environmental Protection (Unauthorised Discharges) Regulations 2004 make it an offence to discharge certain materials into the environment.

1.3 Premises operation

1.3.1 The licensee shall ensure that all chimney stacks are operated to maintain an exhaust gas velocity which is sufficient to avoid stack tip downwash.



2 Emissions

2.1 General

2.1.1 The licensee shall record and investigate the exceedance of any descriptive or numerical limit, and/or target in this section.

2.2 Point source emissions to air

2.2.1 The licensee shall ensure that where waste is emitted to air from the emission points in Table 2.2.1 it is done so in accordance with the conditions of this licence.

Table 2.2.1: Point source emission points to air

Emission point reference	Emission point	Source, including any abatement
A1	Stack 1	LM6000 gas turbine (40MWe)

2.2.2 The licensee shall ensure emission of dark smoke from all stacks on the entire licensed premises shall not continue for greater than a period of 20 minutes in aggregate in any 24 hour period.

2.3- 2.4 Point source emissions to surface waters and groundwater

There are no specified conditions relating to point source emissions to surface waters and groundwater in this section.

2.5 Emissions to land

There are no specified conditions relating to emissions to land in this section.

2.6-2.8 Fugitive emissions, odour and noise

There are no specified conditions relating to fugitive emissions, odour and noise in this section.

3 Monitoring

There are no specified conditions in this section.

4 Improvements

There are no specified improvement conditions in this section.



5 Information

5.1 Records

- 5.1.1 All information and records required by the licence shall:
- (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) except for records listed in 5.1.1(d) be retained for at least six years from the date the records were made or until the expiry of the licence or any subsequent licence; and
 - (d) for those following records, be retained until the expiry of the licence and any subsequent licence:
 - (i) off-site environmental effects; or
 - (ii) matters which affect the condition of the land or waters.
- 5.1.2 The licensee shall ensure that:
- (a) any person left in charge of the premises is aware of the conditions of the licence and has access at all times to the licence or copies thereof; and
 - (b) any person who performs tasks on the premises is informed of all of the conditions of the licence that relate to the tasks which that person is performing.
- 5.1.3 The licensee shall complete an Annual Audit Compliance Report indicating the extent to which the licensee has complied with the conditions of the licence and any previous licence issued under Part V of the Act for the premises for the previous annual period.
- 5.1.4 The licensee shall implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the premises and any action taken in response to the complaint.

5.2 Reporting

- 5.2.1 The licensee shall submit to the Director at the contract address an Annual Environmental Report by 30 November in each year after the end of the annual period. The report shall contain the information listed in Table 5.2.1 in the format or form specified in that table.

Table 5.2.1: Annual Environmental Report		
Condition or table (if relevant)	Parameter	Format or form¹
-	Summary of any failure or malfunction of any pollution control equipment or any incidents that have occurred during the annual period and any action taken	None specified
-	Operating hours per month	
-	Type of fuel used and corresponding quantity in tonnes per month	
-	Average percentage sulfur content of diesel fuel used	
-	Any maintenance records for power generating equipment used on the premises outlining conformance with manufacturer's environmental emissions specifications and/or any internal management systems	
5.1.3	Compliance	AACR
5.1.4	Complaints summary	None specified

Note 1: Forms are in Schedule 2



5.3 Notification

5.3.1 The licensee shall ensure that the parameters listed in Table 5.3.1 are notified to the Director at the contact address and in accordance with the notification requirements of the table.

Table 5.3.1: Notification requirements			
Condition or table (if relevant)	Parameter	Notification requirement¹	Format or form²
-	Any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	Part A: As soon as practicable but no later than 5pm of the next usual working day. Part B: As soon as practicable	N1

Note 1: Notification requirements in the licence shall not negate the requirement to comply with s72 of the Act

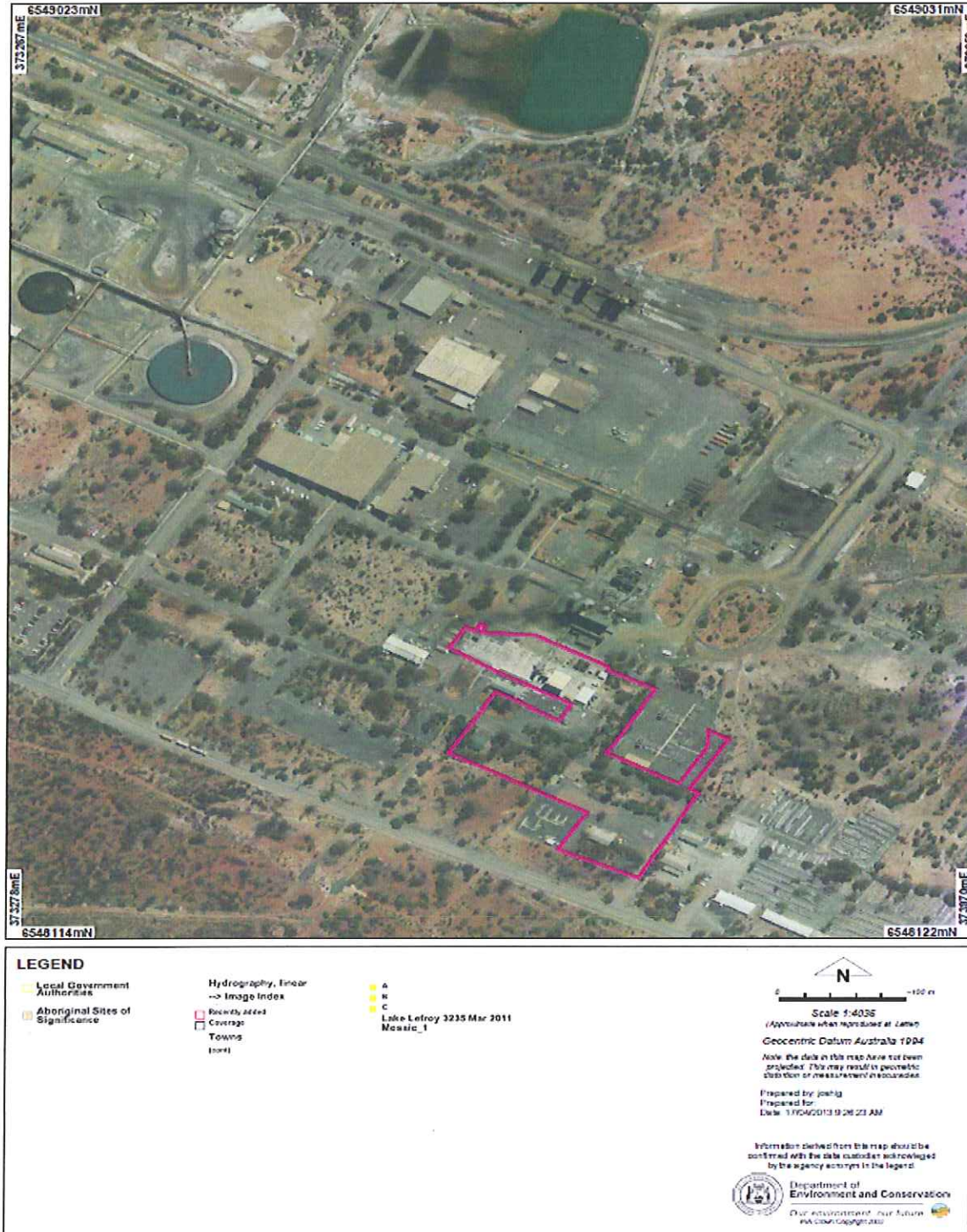
Note 2: Forms are in Schedule 2



Schedule 1: Maps

Premises map

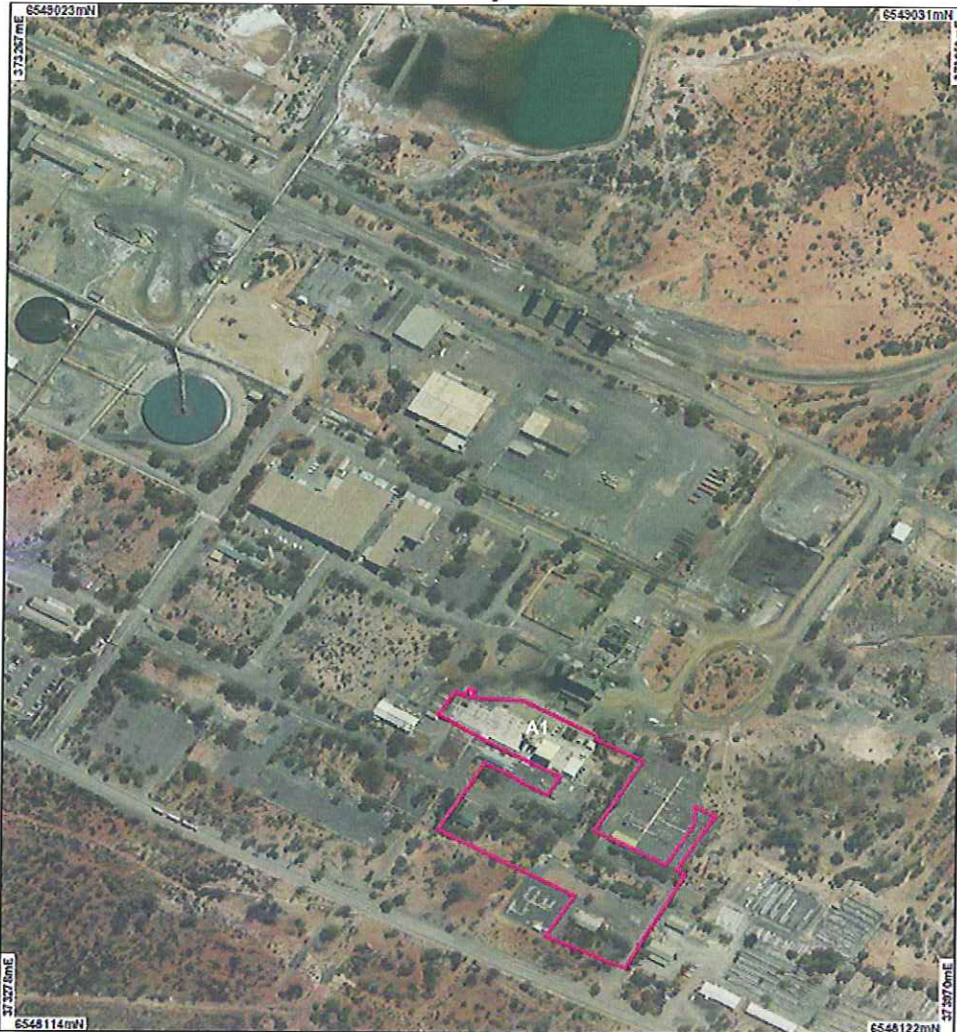
The premises is shown in the maps below. The pink line depicts the premises boundary.





Map of emission points

The locations of the emission points defined in Table 2.2.1 are shown below.





Schedule 2: Reporting & notification forms

These forms are provided for the proponent to report monitoring and other data required by the licence. They can be requested in an electronic format.

Licence: L8566/2011/2 Licensee: TEC Desert Pty Ltd and TEC Desert No.2 Pty Ltd
Form: AACR Period :
Name: Annual Audit Compliance Report

Annual Audit Compliance Report

Section A: Statement of compliance with licence conditions

Were all conditions of licence complied with within the reporting period?		
Yes	<input type="checkbox"/>	Initial Sections A & B, then proceed to Section C
No	<input type="checkbox"/>	Initial Section A, then proceed to Section B

Each page must be initialled by the person(s) who signs Section C of this annual audit compliance report (AACR).

Initial:



Section B: Details of non-compliance with licence condition

a) Licence condition not complied with?	
b) Date(s) and time(s) the non-compliance occurred, if applicable?	
c) Was this non-compliance reported to DER?	
<input type="checkbox"/> Yes, and <input type="checkbox"/> Reported to DER verbally Date <input type="checkbox"/> Reported to DER in writing Date	<input type="checkbox"/> No
d) Has DER taken, or finalised any action in relation to the non-compliance?	
e) Summary of particulars of non-compliance, and what was the environmental impact?	
f) If relevant, the precise location where the non-compliance occurred (attach map or diagram)	
g) Cause of non-compliance	
h) Action taken or that will be taken to mitigate any adverse effects of the non-compliance	
i) Action taken or that will be taken to prevent recurrence of the non-compliance	

Please use a separate page for each licence condition that was not complied with. Each page must be initialled by the person(s) who signs Section C of this AACR

Initial:



Section C: Signature and certification

This AACR must only be signed by a person(s) with legal authority to sign it as defined below. Please tick the box next to the category that describes how this AACR is being signed. If you are uncertain about who is entitled to sign or which category to tick, please contact the licensing officer for your premises.

If the licence holder is	The AACR must be signed and certified:
an individual	<input type="checkbox"/> by the individual licence holder, or <input type="checkbox"/> by a person approved in writing by the Chief Executive Officer (CEO) of DER to sign on the licensee's behalf.
a corporation	<input type="checkbox"/> by affixing the common seal of the licensee in accordance with the <i>Corporations Act 2001</i> ; or <input type="checkbox"/> by two directors of the licensee; or <input type="checkbox"/> by a director and a company secretary of the licensee, or <input type="checkbox"/> if the licensee is a proprietary company that has a sole director who is also the sole company secretary – by that director, or <input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the CEO of DER.
A public authority (other than a local government)	<input type="checkbox"/> by the principal executive officer of the licensee; or <input type="checkbox"/> by a person with authority to sign on the licensee's behalf who is approved in writing by the CEO of DER.
a local government	<input type="checkbox"/> by the CEO of the licensee; or <input type="checkbox"/> by affixing the seal of the local government.

It is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give information on this form that to their knowledge is false or misleading in a material particular. There is a maximum penalty of \$50,000 for an individual or body corporate.

I/We declare that the information in this AACR is correct and not false or misleading in a material particular.

Signature:

Name: (printed)

Position:

Date: / /

Signature:

Name: (printed)

Position:

Date: / /

Seal (if signing under seal)

Licence: L8566/2011/2 Licensee: TEC Desert Pty Ltd and TEC Desert No.2 Pty Ltd
Form: N1 Date of breach:



Notification of detection of the breach of a limit or any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution.

These pages outline the information that the operator must provide.
Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

Part A

Licence number	
Name of operator	
Location of premises	
Time and date of the detection	

Notification requirements for the breach of a limit	
Emission point reference/ source	
Parameter(s)	
Limit	
Measured value	
Date and time of monitoring	
Measures taken, or intended to be taken, to stop the emission	

Notification requirements for any failure or malfunction of any pollution control equipment or any incident which has caused, is causing or may cause pollution	
Date and time of event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances potentially released	
Best estimate of the quantity or rate of release of substances	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident	



Part B

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	
The dates of any previous N1 notifications for the premises in the preceding 24 months.	

Name	
Post	
Signature on behalf of Kambalda Power Station Licence: L8566/2011/2 Licensee: TEC Desert Pty Ltd and TEC Desert No.2 Pty Ltd T/A Southern Cross Energy Partnership	
Date	

