



Application for Licence Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L4459/1987/13
Licence Holder	Argyle Diamonds Limited
ACN	009 102 621
File Number	DER2013/000649-1
Premises	Argyle Diamond Mine Lissadell Road LAKE ARGYLE WA 6743 Mining Tenements M259 SA, L80/11, L80/24, L80/53, L80/1 and M80/114 As defined by the Premises maps attached to the Revised Licence
Date of Report	8 September 2023
Decision	Revised licence granted

Alana Kidd
Manager, Resource Industries

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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1. Decision summary

The Delegated Officer has determined to make amendments to Licence L4459/1987/13. The amendments are administrative in nature therefore they do not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged.

This Amendment Report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

The decision report for the existing Licence will remain on the department's website for future reference and will act as a record of the department's decision making.

The Revised Licence has been granted in a new format with existing conditions being transferred, but not reassessed, to the new format.

2. Scope of assessment

2.1 Regulatory framework

In amending the Licence, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

2.2 Application summary

Licence L4459/1987/13 is held by Argyle Diamonds Limited (Licence Holder) for the Argyle Diamond mine (the Premises), located at Mining Tenements M259 SA, L80/11, L80/24, L80/53, L80/1 and M80/114.

The Premises relates to the categories and the assessed production capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L4459/1987/13.

On 18 July 2023, the Licence Holder submitted an application to the department to amend Licence L4459/1987/13 under section 59B of the *Environmental Protection Act 1986* (EP Act). The amendment is for the following:

- Condition 12 – remove the reference title 'Dam tailing disposal';
- Condition 13 – remove the reference to 'decommissioned infrastructure';
- Condition 31 – removal of sampling points AK1 Tailings Storage Facility Underdrains 1, 2 3 and 4, and Light Industrial Area Underdrain Outfalls. Seepage from underdrains has been diverted to RCP2B. Discharge from RCP2B is a requirement of the Licence; and
- Condition 33 – removal of monitoring locations RCP2B, LCDM, and LCLBGS as compliance monitoring locations for discharge into Limestone Creek (Licence Condition 33 of Operating Licence L4459/1987/13). LCSPRGS is to be retained for compliance monitoring for discharge to Limestone Creek.

2.2.1 Amendment overview

Condition 12

The title reference 'Dam tailing disposal' prior to condition 12 has been removed as the condition refers to burning of waste for Emergency Response Training exercises.

Condition 13

Reference to decommissioned infrastructure has been removed under condition 13, which relates to the Imhoff Tank and Wandarrrie Sewage Treatment Plant facilities.

Condition 31

Monitoring locations AK1 Tailings Storage Facility Underdrains 1, 2 3 and 4, and Light Industrial Area Underdrain Outfalls have been removed as water from these locations are being monitored at the Reclaim Pond 2B location (RCP2B). The Licence Holder has stated that *“in accordance with the Mine Closure Plan and Closure Environmental Management Plan, TSF seepage water is being managed in the short term via the diversion to the underground via reclaim Pond 2B (RCP2B), until flows are sufficiently low that they can be released without creating perennial flow.”*

Condition 33

The Licence Holder is seeking the removal of monitoring locations Waste Rock Seepage Retention Dam (LCDM), RCP2B, and Limestone Creek Lease Boundary Gauging Station (LCLBGS) for water quality sampling during discharge under condition 33. The following table provides a summary of the justification for the removal of these monitoring locations (Table 1). The Licence Holder has stated that *“the Mine Closure Plan and Closure Environmental Management Plan Criteria designate LCSPRGS as the monitoring point for impact to downstream environments, so using this as the compliance point will allow the alignment of these monitoring programs.”*

Table 1: Summary and justification of compliance monitoring points

Monitoring location	Compliance monitoring status	Justification
LCDM	Remove	Spillway to be removed as per Mine Closure Plan. Water quality downstream at LCSPRGS has been consistently under trigger criteria, indicating that water leaving site is of good quality and does not pose an unacceptable risk.
RCP2B	Remove	Water quality downstream at LCSPRGS has been consistently under trigger criteria, indicating that water leaving site is of good quality and does not pose an unacceptable risk.
LCSPRGS	Retain	Represents the water quality downstream of LCDM and RCP2B prior to the water discharging from the lease.
LCLBGS	Remove	Reaching this location in the wet season poses a safety hazard to the monitoring staff. This location is downstream of LCLBGS which shall be retained as a compliance monitoring location.

3. Consultation

The Licence Holder was provided with the draft Amendment Report on 25 August 2023. Comments received from the Licence Holder on 1 September 2023 have been considered by the Delegated Officer as detailed in Appendix 1. The Licence Holder has also waived the remainder of the comment period.

4. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that an amended licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

4.1 Summary of amendments

Table 2 below provides a summary of the proposed amendments and will act as a record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the amendment process.

Table 2: Summary of licence amendments

Condition no.	Proposed amendments
-	Updating Licence with current format.
Definitions	Definitions table updated (Table 5) and moved to the end of the Licence conditions. Updates to the definitions table include inclusion of new terms, removal of obsolete terms and changes to existing definitions.
Interpretation summary	Inclusion of an 'Interpretation' summary for all licences as part of the current format.
Reference title before condition 12	Reference title ' <i>Dam tailing disposal</i> ' has been removed as condition 12 refers to burning of waste for Emergency Response Training exercises and not dam tailing disposal.
13	Amended condition after the removal of the specified facilities: <i>"The Licence Holder shall ensure that sludge removed from site facilities is stored temporarily on-site for drying within the sludge evaporation ponds at the Argyle Village Sewage Treatment as required."</i>
31 Table 1 (previously Table 2)	Removal of the following monitoring locations under Table 1, column 1: <ul style="list-style-type: none"> AK1 Tailings Storage Facility underdrains 1, 2, 3 and 4; and Light Industrial Area underdrain outfalls.
32	Removal of the following text as indicated as strikethrough as discharge is only in Limestone Creek as Argyle mine transitions to mine closure. The Licence Holder shall estimate the flow by volumetric methods each month and calculate the cumulative quantity of water discharging from each of the discharge outfalls specified in column 1 of Table 1 that discharge into Gap Creek and Limestone Creek or diversion of water to the open pit via the underground decline. The discharge quantities shall be recorded and reported in the Annual Environmental Report in accordance with condition 41 of this licence.
33 Table 2 (previously Table 3)	Removal of the following monitoring locations under Table 2, column 1: <ul style="list-style-type: none"> Waste Rock Seepage Retention Dam (LCDM); Reclaim Pond 2B (RCP2B); and Limestone Creek Lease Boundary Gauging Station (LCLBGS).
Table 2 title	Amended title to: <i>'Water quality monitoring schedule during discharge from Limestone Creek at</i>

Condition no.	Proposed amendments
	<i>Snake Pit Road Gauging Station</i>
Table numbers	Table 1 is renamed to Table 5 and Tables 2 to 5 are relabelled as Tables 1 to 4.
Premises map	Relabelled as 'Figure 1: Map of the boundary of the prescribed premises.'
Attachments	<p>The following attachment titles have been replaced with figure titles as follows:</p> <ul style="list-style-type: none"> • Figure 2: Plan of Premises (previously Attachment 1) • Figure 3: Sewage facilities (previously Attachment 2) • Figure 4: Tyre burial locations in waste rock (previously Attachment 3) • Figure 5: Primary and secondary landfills (previously Attachment 4) • Figure 6: Surface water monitoring (previously Attachment 5) (updated figure) • Figure 7: Surface water and groundwater monitoring (new figure included) • Figure 8: Primary landfill design (previously Attachment 6) • Figure 9: Secondary landfill design (previously Attachment 7) • Figure 10: Location of the proposed screening plant (previously Attachment 8)

Appendix 1: Summary of Licence Holder's comments on draft amendment

Condition	Summary of Licence Holder's comment	Department's response
Licence History	<p>Amend the sentence "<i>LCSPRGS is to be retained for compliance monitoring at the premises boundary</i>" to "<i>LCSPRGS is to be retained for compliance monitoring for discharge to Limestone Creek</i>".</p> <p>Licence Holder has requested that the change should also be reflected in the decision document.</p>	<p>The sentence has been amended in both the Licence History of the Licence and Amendment Report.</p>
33, Table 2	<p>Licence has suggested the following amendment;</p> <p>Within 72 hours of discharging to Gap Creek or Limestone Creek and at fortnightly intervals thereafter during the period of discharge. wet season; and/or after significant rainfall events outside of the wet season.</p> <p>Prior to the diversion of LCDM to the open pit lake via the underground portal and at monthly intervals thereafter during the period of pumping.</p>	<p>After discussion with the Licence Holder the Department proposed the following amendment regarding sampling frequency, in which the Licence Holder was in agreeance to this change:</p> <p><i>Fortnightly monitoring when there is an outflow event of the following:</i></p> <ul style="list-style-type: none"> • <i>discharge to Limestone Creek;</i> • <i>during the wet season (November to April); and</i> • <i>after rainfall events outside of the wet season.</i>

Appendix 2: Application validation summary

SECTION 1: APPLICATION SUMMARY				
Application type				
Works approval	<input type="checkbox"/>			
Licence	<input type="checkbox"/>	Relevant works approval number:		None <input type="checkbox"/>
		Has the works approval been complied with?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Has time limited operations under the works approval demonstrated acceptable operations?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
		Environmental Compliance Report / Critical Containment Infrastructure Report submitted?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
		Date Report received:		
Renewal	<input type="checkbox"/>	Current licence number:		
Amendment to works approval	<input type="checkbox"/>	Current works approval number:		
Amendment to licence	<input checked="" type="checkbox"/>	Current licence number:	L4459/1987/13	
		Relevant works approval number:	N/A	<input checked="" type="checkbox"/>
Registration	<input type="checkbox"/>	Current works approval number:	None	<input type="checkbox"/>
Date application received	18/07/2023			
Applicant and Premises details				
Applicant name/s (full legal name/s)	Argyle Diamonds Limited			
Premises name	Argyle Diamond Mine			
Premises location	Mining Lease 259SA (expiry 26 January 2025)			
Local Government Authority	Shire of Wyndham-East Kimberley			
Application documents				
HPCM file reference number:	DER2013/000649-1			
Key application documents (additional to application form):	Attachment 1C – Letter of Authority Attachment 2.0 – Map_Boundary Infrastructure_Surface_Water_Monitoring Attachment 2.1 Map_Surface_Water_Groundwater_Sites Attachment 2.2_Master_Surface_Water_Monitoring_Map Attachment 3B – Supporting Information			
Scope of application/assessment				

Summary of proposed activities or changes to existing operations.	<p>The following amendments are being proposed for the Licence L4459/1987/13:</p> <ul style="list-style-type: none"> • Condition 12 – Remove reference title ‘Dam tailing disposal’ • Condition 13 – Remove reference to ‘decommissioned infrastructure’ • Condition 31 – Remove Condition: Seepage from underdrains has been diverted to RCP2B. Discharge from RCP2B is a requirement of the Licence • Condition 33 – Modify Condition: Removal of monitoring locations RCP2B, LCDM, and LCLBGS as compliance monitoring locations for discharge into Limestone Creek (Licence Condition 33 of Operating License L4459/1987/13). LCSPRGS is to be retained for compliance monitoring for discharge to Limestone Creek.
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Category number/s (activities that cause the premises to become prescribed premises)

Table 1: Prescribed premises categories

Prescribed premises category and description	Assessed production or design capacity	Proposed changes to the production or design capacity (amendments only)
Category 12: Screening, etc. of material	170,000 tonnes	No changes
Category 52: Electric power generation	32 megawatts	No changes
Category 54: Sewage facility	300 cubic metres per day	No changes
Category 57: Used tyre storage (general)	N/A	No changes
Category 63: Class I inert landfill site	180,000 tonnes per year	No changes
Category 64: Class II putrescible landfill site	5,000 tonnes per year	No changes
Category 73: Bulk storage of chemical	1.0 million litres	No changes

Legislative context and other approvals

Has the applicant referred, or do they intend to refer, their proposal to the EPA under Part IV of the EP Act as a significant proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Referral decision No: Managed under Part V <input type="checkbox"/> Assessed under Part IV <input type="checkbox"/>
Does the applicant hold any existing Part IV Ministerial Statements relevant to the application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Ministerial statement No: 1023 EPA Report No: 1560
Has the proposal been referred and/or assessed under the EPBC Act?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Reference No:
Has the applicant demonstrated occupancy (proof of occupier status)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Certificate of title <input type="checkbox"/> General lease <input type="checkbox"/> Expiry: Mining lease / tenement <input type="checkbox"/> Expiry: Other evidence <input type="checkbox"/> Expiry:
Has the applicant obtained all relevant planning approvals?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	Approval: Expiry date: If N/A explain why? Administrative amendment
Has the applicant applied for, or have an existing EP Act clearing permit in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	CPS No: N/A No clearing is proposed as site has been previously developed and heading towards closure.
Has the applicant applied for, or have an existing CAWS Act clearing licence in relation to this proposal?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Application reference No: N/A Licence/permit No: N/A
Has the applicant applied for, or have an existing RIWI Act licence or permit in relation to this proposal?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Application reference No: N/A Licence/permit No: GWL17558, SWL200799(2)
Does the proposal involve a discharge of waste into a designated area (as defined in section 57 of the EP Act)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Name: N/A Type: Proclaimed Groundwater Area/Surface Water Area Has Regulatory Services (Water) been consulted? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Regional office: North West

<p>Is the Premises situated in a Public Drinking Water Source Area (PDWSA)?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Name: N/A Priority: N/A Are the proposed activities/ landuse compatible with the PDWSA (refer to WQPN 25)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Is the Premises subject to any other Acts or subsidiary regulations (e.g. <i>Dangerous Goods Safety Act 2004</i>, <i>Environmental Protection (Controlled Waste) Regulations 2004</i>, <i>State Agreement Act xxxx</i>)</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p><i>Diamond (Argyle Diamond Joint Venture) Agreement Act 1981</i> JTSI Ministerial Statement (mine closure plan)</p>
<p>Is the Premises within an Environmental Protection Policy (EPP) Area?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises subject to any EPP requirements?</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Is the Premises a known or suspected contaminated site under the <i>Contaminated Sites Act 2003</i>?</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Classification: possibly contaminated – investigation required (PC–IR) Date of classification: updated 23 March 2009</p>