



Application for Licence Amendment

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

| | |
|-----------------------|---|
| Licence Number | L6617/1992/15 |
| Licence Holder | Nifty Copper Pty Ltd |
| ACN | 074 145 636 |
| File Number | DER2014/001324 |
| Premises | Nifty Copper Project M271SA TELFER WA 6762 As defined by the coordinates in Schedule 1 of the Revised Licence As defined by the Premises maps attached to the Revised Licence |
| Date of Report | 17 June 2022 |
| Decision | Intent to grant revised licence |

**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 L6617/1992/15. 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.

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 Amendment summary

Licence L6617/1992/15 is held by Nifty Copper Pty Ltd (Licence Holder) for the Nifty Copper Project (the Premises), located at M271SA, TELFER WA 6762.

The Premises relates to the category/categories and the assessed production/design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in existing Licence L6617/1992/15.

On 16 March 2022, the department initiated an amendment to Licence L6617/1992/15 to incorporate the following changes:

- Update the licence into the new format licence template;
- Amalgamate Amendment Notice 1 with the licence;
- Remove redundant conditions associated with site infrastructure that is in Care and Maintenance; and
- Update some conditions to newer versions of conditions.

This amendment is limited only to changes to Categories 5 and 6 activities from the Existing Licence. No changes to the aspects of the existing Licence relating to Categories 52, 54, 64 and 73 have been requested by the Licence Holder.

Table 1 below outlines the proposed changes to the existing Licence.

Table 1: Proposed design or throughput capacity changes

| Category | Current design throughput capacity | Proposed design throughput capacity | Description of proposed amendment |
|----------|------------------------------------|-------------------------------------|---|
| 5 | 3,000,000 tonnes per annual period | 3,000,000 tonnes per annual period | Underground mining suspended with Copper Concentrator in Care and Maintenance, however, Category 5 will be required for the open pit oxide mine, heap leach, SX-EW Plants operations. |
| 6 | 3,285,000 tonnes per annual period | 0 tonnes per annual period | No dewatering occurring as underground mining closed. |
| 52 | 30 megawatts per annual period | 30 megawatts per annual period | 30 megawatts per annual period |
| 54 | 1,952 cubic metres per day | 1,952 cubic metres per day | 1,952 cubic metres per day |
| 64 | 3,885 tonnes per annual period | 3,885 tonnes per annual period | 3,885 tonnes per annual period |
| 73 | 2,200 cubic metres in aggregate | 2,200 cubic metres in aggregate | 2,200 cubic metres in aggregate |

The Nifty Copper Project previously comprised of two separate methods for copper production:

- open pit oxide mine, heap leach, SX-EW Plants to provide copper plates;
- underground copper mine with an associated concentrator to provide copper concentrate.

The existing licence is currently for the operation of the underground copper processing to provide copper concentrate, however, this processing is in Care and Maintenance. The licence holder is proposing to recommence operations of the open pit oxide mine with the production of the copper plates. A works approval has recently been submitted for the construction of new infrastructure and refurbishment of existing infrastructure to recommence operating these facilities.

This licence amendment does not approve the recommencement of copper plates production and another licence amendment will be required to approve the operations of this.

2.3 Consolidation of Licence

As part of this amendment package the department has consolidated the licence by incorporating changes made under the Amendment Notice as summarised in Table 2.

Table 2: Licences consolidated in this amendment

| Instrument | Issued | Summary of approval |
|---------------|------------|--|
| L6617/1992/15 | 12/07/2019 | Licence amendment to allow construction activities to raise the embankments of TSF 1 by 2.5m to provide for further tailings storage capacity. |

The obligations of the Licence Holder have not changed in consolidating the licence. The department has not undertaken any additional risk assessment of the Premises related to previous Amendment Notices.

In consolidating the licence, the CEO has:

- updated the format and appearance of the Licence;
- deleted the redundant AACR form set out in schedule 1 of the previous licence and advise the licence holder to obtain the form from the department’s website;
- revised licence condition’s numbers, and removed any redundant conditions and realigned condition numbers for numerical consistency; and
- corrected clerical mistakes and unintentional errors.

The full consolidation of licence conditions as they relate to this Revised Licence are detailed in Section 4.1. Previously issued Amendment Notices will remain on the department’s website for future reference and will act as a record of the department’s decision making.

3. Consultation

The Licence Holder was provided with the draft Amendment Report on 05 April 2022. Comments received from the Licence Holder on 17 May 2022 have been considered by the Delegated Officer as detailed in Appendix 1.

4. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a Revised 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 3 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the Revised Licence as part of the amendment process.

Table 3: Consolidation of licence conditions in this amendment

| Existing condition | Condition summary | Revised licence condition | Conversion notes |
|--------------------|------------------------------|---------------------------|---|
| N/A | Contents | N/A | Deleted as per current licensing format. |
| N/A | Introduction | N/A | Deleted as per current licensing format. |
| N/A | Licence history | Licence history | Administrative changes. |
| 1.1.1 | Interpretation | Interpretation | Updated as per current licensing format. |
| 1.1.2 | Definitions | Definitions | Moved to the back of the Licence, now Table 18. |
| 1.1.3 | Australian standard or other | Interpretation | Condition deleted and now included in the updated ‘Interpretation’ section as per current licensing format. |

| Existing condition | Condition summary | Revised licence condition | Conversion notes |
|---------------------|-------------------------------------|---------------------------|---|
| 1.1.4 | Reference to code of practice | Interpretation | Condition deleted and now included in the updated 'Interpretation' section as per current licensing format. |
| 1.2.1 | Management of spills | 2 and 3 | Updated to new wording. |
| 1.3.1, Table 1.3.1 | Recording and investigating limits | Condition 21, Table 11 | Breaches of limits included as part of Notification requirements. |
| 1.3.2 | Management of waste | 4, Table 2 | Inclusion of Uncontaminated Fill as per the Landfill Definitions. |
| 1.3.3, Table 1.3.2 | Cover requirements | 5, Table 3 | Condition and table numbers changed only. |
| 1.3.4 | Irrigation of treated wastewater | 6 | Condition number changed only. |
| 1.3.5, Table 1.3.3 | Containment infrastructure | 7, Table 4 | Updated to state that the TSF 1, Concentrator Containment Pond and Fines Dam are in Care and Maintenance. |
| 1.3.6 | Inspection of infrastructure | N/A | Removed as the tailings pipelines, return water lines and embankment freeboard are not in use. |
| 1.3.7 | Tailings pipelines | N/A | Removed as the tailings pipelines are not in use. |
| 1.3.8 | Vegetation monitoring | N/A | Removed as TSF is not in use and area is to be cleared for Waste Rock Landform. |
| 1.3.9 | TSF water balance | N/A | Removed as TSF is not in use. |
| 1.3.10, Table 1.3.5 | Stage 8 TSF lift | N/A | Removed as TSF is not in use. |
| 2.1.1 | Recording and investigating limits | Condition 21, Table 17 | Breaches of limits included as part of Notification requirements. |
| 2.2.1, Table 2.2.1 | Emission points to air | 8, Table 5 | Condition and table numbers changed only. |
| 2.2.2, Table 2.2.2 | Point source emission limits to air | 9, Table 6 | Condition and table numbers changed only. |
| 2.3.1, Table 2.3.1 | Emissions to land | 10, Table 7 | Removed L3 as dewatering discharge pipe not in use. |
| 3.1.1 | Monitoring requirements | 11 | Condition number changed only. |
| 3.1.2 | Monitoring frequency | 12 | Condition number changed only. |
| 3.1.3 | CEMS monitoring | 13 | Updated to new wording. |
| 3.1.4 | Calibration | 14 | Updated to new wording. |

| Existing condition | Condition summary | Revised licence condition | Conversion notes |
|--------------------|---|---------------------------|---|
| 3.1.5 | Calibration | 14 | Updated to new wording. |
| 3.2.1, Table 3.2.1 | Monitoring of point source emissions to air | 15, Table 8 | Condition and table numbers changed only. |
| 3.2.2 | CEMS Code | 16 | Condition number changed only. |
| 3.2.3 | NATA accreditation | 17 | Updated to new wording. |
| 3.3.1, Table 3.3.1 | Monitoring of emissions to land | 18, Table 9 | Removed L3 as dewatering discharge pipe not in use. |
| 3.4.1, Table 3.4.1 | Monitoring of inputs and outputs | 19, Table 10 | Removed mine dewatering water discharge as not in use. |
| 3.5.1, Table 3.5.1 | Process monitoring | 20, Table 11 | Removed tailings and decant water volumes and volumes of seepage recovered as TSF not in use. Removed Reverse Osmosis Plant as part of the washdown bay as a different wash down bay is now used. |
| 3.6.1, Table 3.6.1 | Monitoring of ambient concentrations | 21, Table 12 | Condition and table numbers changed only. |
| 3.6.2, Table 3.6.2 | Management actions | 22, Table 13 | Removed discharge monitoring bores DMB1-4 as no discharges to TSF and bores are dry. |
| 5.1.1 | Information and Records | 23 and 24 | Updated to new wording. |
| 5.1.2 | Annual Audit Compliance Report (AACR) | 25 | Updated to new wording. |
| 5.1.3 | Complaints | 26 | Updated to new wording. |
| 5.2.1, Table 5.2.1 | Annual Environmental Report (AER) | 27, Table 14 | Removed TSF annual water balance reporting requirements as TSF is not in use. Removed L3 reporting requirements as dewatering discharge pipe not in use. Removed tailings and decant water volumes reporting requirements as TSF not in use. Removed AACR form as it is available on the website. Removed seepage recovery trial as TSF not operating. Removed annual vegetation assessment as TSF not operating and area is to be cleared for Waste Rock Landform. Removed Reverse Osmosis Plant as part of the washdown bay as a different wash down bay is now used. |

| Existing condition | Condition summary | Revised licence condition | Conversion notes |
|--------------------|--|------------------------------|---|
| | | | Removed seepage volumes as TSF not operating. Removed Nifty Copper Operations Mine Water Discharge Management Strategy as TSF not operating. |
| 5.2.2 | AER | 28 | Condition number changed only. |
| 5.2.3, Table 5.2.2 | Non-annual reporting requirements | 29, Table 15 | Condition and table numbers changed only. |
| 5.3.1, Table 5.3.1 | Notification requirements | 30, Table 16 | Removed Stage 8 TSF lift as TSF is not in use. |
| N/A | Definitions | Table 17 | Updated to new format. Inclusion of Uncontaminated Fill as per the Landfill Definitions. |
| Schedule 2 | Reporting & notifications forms AACR Proforma | N/A | Removed as available on website. |
| Schedule 2 | Reporting & notifications forms Form AR1 | N/A | Removed as per new format. |
| Schedule 2 | Reporting & notifications forms Form LR1 | N/A | Removed as per new format. |
| Schedule 2 | Reporting & notifications forms Form N1 | Form N1 | Updated to new format. |
| Schedule 1 | Maps | Maps | Updated. |
| N/A | N/A | Schedule 2: Premise Boundary | Inclusion of premises boundary coordinates. |

References

1. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
3. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
4. Nifty Copper Pty Ltd, DWER Initiated Amendment for a Licence L6617/1992/15-Draft Instrument and Amendment Report 17 May 2022, Subiaco, Western Australia.

Appendix 1: Summary of Licence Holder's comments on risk assessment and draft conditions

| Condition | Summary of Licence Holder's comment | Department's response |
|--------------|--|--|
| 4, Table 2 | Change from "250 tyres" to "10,000 tyres". Nifty has a material backlog of tyres left on site from the previous owner and Cyprium is planning to dispose of them in the new Waste Rock Landform (WRL) as part of the next mining phase. | This is outside the scope of the administrative amendment. A further amendment application is required to assess this modification. This amendment is purely to consolidate amendment notices, but cannot update changes to monitoring requirements. |
| | Add "Storage of tyres only in the nominated tyre storage/disposal areas" This will enable disposal of backlog and future used tyres in the designated landfill and WRL. | This is outside the scope of the administrative amendment. A further amendment application is required to assess this modification. |
| 8 | Remove Condition 8 – requirement for annual assessment of vegetation at TSF This requirement is based on historic spillages. The conclusion in last report (September 2021) stated "Few significant changes in vegetation since monitoring started in 2012". The area that was required to be monitored will be cleared and covered by the new WRD. | Updated as requested. |
| 21, Table 11 | Remove row: "Volumes of Seepage recovered" Relates to seepage from TSF which has been decommissioned and is no longer seeping. Seepage return infrastructure has been decommissioned. | Updated as requested. |
| 23, Table 12 | Remove row: Discharge monitoring bores DMB1-4 These bores are for the discharge to desert facility which has been decommissioned and the bores are dry. | Updated as requested. |
| 29, Table 14 | Remove row: Update on seepage recovery trial | Updated as requested. |

| Condition | Summary of Licence Holder's comment | Department's response |
|-----------|---|--|
| | As above (Condition 21) | |
| | Remove row: Annual assessment of vegetation As above (Condition 8) | Updated as requested. |
| | Delete words: "Reverse Osmosis Plant" This line item refers to a wash down bay that is no longer used. The current washdown bay is at the workshop near the administration building. | Updated as requested. Condition 20, Table 11 also updated. |
| | Remove row: Volumes of Seepage recovered As above (Condition 21) | Updated as requested. |
| | Delete words: "and Nifty Copper Operations Mine Water Discharge Management Strategy, MBS (June 2016)" This refers to the desert discharge facility which is no longer operating. | Updated as requested. |