



Application for a Licence Renewal

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

Licence Number	L8628/2012/2
Licence Holder	Poseidon Nickel Limited
ACN	060 525 206
File Number	DER2020/000580
Premises	Lake Johnston Operations Norseman WA 6210 M63/163, M63/283, M63/284, L63/51, G63/4 and G63/5 as depicted in Schedule 1 of the Licence
Date of Report	4 March 2021
Decision	Granted

Terrel MacGregor

A/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 renew licence L8628/2012/1. The renewal is administrative in nature therefore they does not alter the risk profile of the Premises, providing that activities, emissions and receptors as stated in existing approvals remain unchanged. Administrative updates have been made to the licence only, including updates to format and appearance, correction of errors (spelling etc) and replacement of outdated hyperlinks and terminology.

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.

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

2. Scope of assessment

2.1 Regulatory framework

In renewing 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 L8628/2012/1 is held by Poseidon Nickel Limited (Licence Holder) for the Lake Johnston Operations (the Premises), located within multiple mining tenements in Norseman. 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 L8628/2012/1.

On 11 November, the Licence Holder submitted an application to the department to renew Licence L8628/2012/1 under section 59B of the *Environmental Protection Act 1986* (EP Act). The renewal is limited to extending the licence expiry date, updates to format and appearance, definitions, updates addressing the requirements of improvement conditions and replacement of outdated hyperlinks and references.

The premises is currently under care and maintenance due to markets not supporting operations. The processing of ore stockpiles was suspended in 2013, last dewatering activities ceased 2016. The licence holder suggested in supporting documentation, further inspections by qualified engineers and the implementation of required improvements and refurbishments of the processing plant and tailings storage facilities prior to commencement of operations.

2.2.1 Improvement conditions IR1 and IR2

The current licence requires the completion of an improvement program (condition 4.1.1, Table 4.1.1). In brief, following improvements were to be undertaken by December and September 2015, respectively:

- Development and submission of a Dewatering Discharge Impact Assessment to the department (condition IR1)
- Providing locations for background, near-discharge, and downstream sediment monitoring (condition IR2)

On 9 December 2015, the licence holder submitted the Dewatering Discharge Impact Assessment and fulfilled the requirements of condition IR1 (Poseidon Nickel Limited, 2015a). Condition IR2 was completed, and sediment monitoring locations were provided as part of the Annual Environmental Report 2015, submitted to the department (Poseidon Nickel Limited,

2015b). These updates have not been captured in the current licence, and will be amended to reflect the above in the renewed licence. The licence holder requested to update IR1 and IR2 according to the relevant information provided.

The program set out in the documentation provided for IR1, will be included as updated conditions in the renewed licence. Identified sediment monitoring locations (IR2) will be added to the relevant existing condition in the renewed licence.

DWER also intends to incorporate changes made under *Amendment Notice 1* issued on 29 November 2017 into the renewed licence.

3. Consultation

Table 1 provides a summary of the consultation undertaken by the department.

Table 1: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website (5/1/2021)	None received	N/A
Local Government Authority (Shire of Dundas) advised of proposal (24/12/2020)		
Department of Mines, Industry Regulation and Safety (DMIRS) advised of proposal (24/12/2020)		
Applicant was provided with draft documents (29/01/2021)	Refer to Appendix 1	

4. Conclusion

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

4.1 Summary of amendments

Table 1 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 licence as part of the renewal.

Table 2: Summary of licence amendments

Condition no.	Amendments
-	Update to format and appearance of licence, including version number of licence from 1 to 2
Introduction	Website reference to State Law Publisher updated Premises description updated
Interpretation	CEO – update to correspondence address

Condition no.	Amendments
Introduction and conditions	Replacement of reference to “Licensee” (outdated terminology) with “Licence Holder”
Definitions	Waste definitions updated to include reference to Landfill Waste Classification and Waste Definitions 1996, as amended from time to time. Definition of care and maintenance and operation/s added to support monitoring requirements.
3.5.4	Inclusion of licence holder proposed improvement conditions from IR1 scope submitted in response to condition 4.1.1. Submitted to the department on 9 December 2015.
3.5.1	Inclusion of licence holder proposed sediment monitoring locations in response to improvement condition 4.1.1. Submitted to the department as part of the Annual Environmental Report 2015.
Table 3.5.2	Incorporated changes made under <i>Amendment Notice 1</i> issued 29 November 2017.
4 - Improvements 4.1.1	Redundant improvement conditions removed. Proposed improvements in response to IR1 and IR2 were submitted to the department on 9 December 2015. Licence holder provided proposed controls which have been conditioned as 3.5.1, 3.5.2, and 3.5.4.
Conditions 5.1 – 5.3	Renumbered to 4.1 – 4.3 after removal of improvement conditions References to these conditions updated.
Table 5.2.1	Renumbered to Table 4.2.1 Reference to annual audit compliance report added providing advice to access the form online at the DWER website. Reference to proposed improvement conditions placed in reporting requirements.
Table 5.2.1, 5.2.2 and Table 5.2.3	Renumbered to Tables 4.2.1 – 4.2.3
Schedule 1: Maps	Maps updated with numbered figure captions. Two maps added (Figure 5 and 6) to include monitoring locations as per licence holder proposed controls for improvement condition 4.1.1.
Schedule 2: Annual Audit Compliance Report	Form out of date – removed. Reference placed in Table 5.2.1 providing advice to access form online at DWER website.

References

1. DER 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
2. Poseidon Nickel Limited, 2020. *Application and Supporting Documentation*. Trim reference: (DWERDT365533)
3. Poseidon Nickel Limited, 2015a. *Scope for Dewater Discharge Impact Assessment* (A1084754)
4. Poseidon Nickel Limited, 2015b. *Annual Report 2014-15* (A981117).

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

Condition	Summary of Licence Holder's comment	Department's response
Introduction Premises description and licence summary	Suggest description change from "The LJO concentrator also accepts some ore from the Black Swan nickel mine" to "The LJO concentrator may accept some ore" as while this has been previously approved it might not included for future operations.	Text amended
	Suggest description change from "Poseidon has recommissioned the LJO concentrator for ore processing" to "Poseidon has cared for and maintained the LJO concentrator to facilitate an eventual return to operations"	
	Suggest description change from "The original TSF (TSF1) underwent four lifts before being replaced with a second TSF (TSF2) in 2007" to "The original TSF (TSF1) underwent four lifts before being extended with a second TSF..."	
Condition 3.2.1 – monitoring of point source emissions to surface water	Request of footnote that monitoring only needs to take place when discharge occurs in that period.	Condition amended to require monitoring only during operations. No parameters can be measured if no discharge is occurring.
Condition 3.5.1 – ambient environmental quality monitoring (Sediment)	Request of footnote that monitoring only needs to take place during operations.	Condition not amended. The current licence requires the annual monitoring of sediment samples for a variety of parameters to identify elevated metal concentrations and other contaminants in the lakebed. As confirmed in applicant documentation, no sediment monitoring has been undertaken since April 2015. Results from the last monitoring campaign have shown elevated metal concentrations (nickel, manganese, copper and zinc) which exceeded relevant sediment quality guidelines. Sediment monitoring is important to manage potential adverse impacts and requires consistent data to monitor further increases. While no discharging into Lake Hope North is currently undertaken, impacts from previous activities may still occur. An amendment of the monitoring frequency is outside of the scope of this licence renewal and requires more recent data to undertake a detailed risk assessment before making a decision. This can be assessed by a future licence amendment application with supporting documentation.

Condition	Summary of Licence Holder's comment	Department's response
Condition 3.5.4	Request of footnote that monitoring only needs to take place during operations.	Condition amended to require monitoring only during operations. Monitoring the marker stakes informs of adverse impacts on Lake Hope North due to discharge. If no discharge is occurring, no monitoring is required.
	Request of footnote that monitoring only needs to take place during operations.	Condition amended to require monitoring only during operations. Monitoring surrounding vegetation along the shoreline of Lake Hope North informs of adverse impacts due to dewatering activities. If no discharge is occurring, no monitoring is required.