



<b>Licence Number:</b>	L9029/2017/1
<b>Licence Holder:</b>	Avoca Mining Pty Ltd
<b>ACN:</b>	108 547 217
<b>Registered Business Address</b>	6 Outram Street WEST PERTH WA 6005
<b>Date of amendment</b>	3 January 2020
<b>Prescribed Premises</b>	Category 6: Mine dewatering: premises on which water is extracted and discharged into the environment to allow mining of ore. Authorised throughput: 400 000 tonnes per year
<b>Premises</b>	Mt Henry Project  M63/515, L63/64 and G63/7  NORSEMAN Shire of Dundas
<b>Date of Report</b>	3 January 2020
<b>Status of Report</b>	Final

## Definitions and interpretation

In this Amendment Report, the terms in Table 1 have the meanings defined.

**Table 1: Definitions**

Term	Definition
CEO	means Chief Executive Officer of the Department of Water and Environmental Regulation
CEO	for the purpose of correspondence means; Chief Executive Officer Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 JOONDALUP DC WA 6919 Email: <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
Amendment Report	refers to this document.
DWER	Department of Water and Environmental Regulation
EP Act	means the <i>Environmental Protection Act 1986</i>
Existing Licence	means the licence already in force prior to the review or issuing of the licence.
Licence Holder	means Avoca Mining Pty Ltd

## Amendment

This amendment is made pursuant to section 59 of the *Environmental Protection Act 1986* (EP Act) to amend the licence issued under the EP Act for a prescribed premises as set out below. This licence amendment is given under section 59B(9) of the EP Act.

This notice is to give effect to the Minister's determination of 27 November 2019. There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

### Amendment description

Licence L9029/2017/1 was issued to Avoca Mining Pty Ltd (Avoca) on 28 March 2019 authorising dewatering of up to 400,000 tonnes per year of groundwater that is discharged into Lake Dundas. The discharge is from the Mt Henry gold mining operation located approximately 20 kilometers south of Norseman.

The licence was subject to an appeal lodged under section 102(3)(b) of the EP Act.

The Ministers appeal determination was made on 27 November 2019 and recommended the appeal be allowed in part to the extent that:

1. The licence duration be amended to five (5) years to align with the discharge

period as assessed;

2. Conditions be amended to make explicit that analysis of water and sediment quality is carried out at a sufficient level of detection to allow comparison with the relevant default values in the current version of the ANZECC/ARMCANZ (2000) Water Quality Guidelines (*ANZECC/ARMCANZ (2000) Australian Water Quality Guidelines for Fresh and Marine Water Quality*); and
3. Conditions be amended to reflect six monthly monitoring of dewater for anions and cations, total metals and trace elements.

## Decision

This amendment is made pursuant to section 59(1)(j) of the EP Act, being an amendment to give effect to a decision of the Minister under the EP Act.

A copy of the Minister's Appeal Determination and Appeals Convenor's report can be downloaded from the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au).

The insertion of monitoring requirements in Condition 6 of Schedule 3 has the effect of requiring the licence holder to analyse water and sediment quality to a sufficient level of detection to allow comparison with the ANZECC/ARMCANZ (2000) Water Quality Guidelines).

To support the amendment of the monitoring requirements, definitions for ANZECC/ARMCANZ (2000) Water Quality Guidelines and level of detection has been added to the definitions table of the licence.

The amendment of Column 3 - Frequency in Table 6 of Schedule 3 has the effect of requiring the licence holder to monitor the quality of dewater six monthly for anions and cations and total metals and trace elements. To support the amendment to the frequency and to ensure that sampling is carried out to be representative of each six monthly period, a definition for six monthly has been added to the definitions table of the licence specifying that there must be least 5 months in between the days on which samples are taken.

The amendment to the expiry date of the licence to 2024 reduces the licence duration, aligning it to the discharge period of five (5) years.

No other amendments are considered necessary to give effect to this recommendation.

## Amendment history

Table 2 provides the history for L9029/2017/1 since 28 March 2019.

**Table 2: L9029/2017/1**

Instrument	Issued	Amendment
L9029/2017/1	28/03/2019	New Licence authorizing dewatering operations at the Mt Henry premises.
L9029/2017/1	3/01/2020	Licence amendment to give effect to Ministers determination 022/19 made on 27 November 2019.

## Licence Holder's comments

The Licence Holder was provided the draft licence and amendment report on 2 January 2020. Comments received from the Licence Holder have been considered with DWER providing responses as shown in Appendix 2.

## Appendix 1: Key documents

	Document title	In text ref	Availability
1	Australian Water Quality Guidelines for Fresh and Marine Water Quality ANZECC & ARM CANZ (2000)	ANZECC/ARM CANZ (2000) Water Quality Guidelines	available at: <a href="https://www.waterquality.gov.au/anz-guidelines">https://www.waterquality.gov.au/anz-guidelines</a>
2	L9029/2017/1 – Mt Henry project – Licence and Decision Report approved on 28 March 2019	L9029/2017/1	accessed at <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a>
3	DER, October 2015. <i>Guidance Statement: Setting Conditions</i> . WA Department of Environment Regulation	NA	
4	DWER, June 2019. <i>Guidance Statement: Decision Making</i> . WA Department of Water and Environmental Regulation		
5	Minister's appeal determination ref 022/19 – decision date 27 November 2019	Minister's determination	accessed at: <a href="https://www.appealsconvenor.wa.gov.au/">https://www.appealsconvenor.wa.gov.au/</a> DWER reference: A1848700
6	Appeal Convenors report reference 022/19 November 2019	Appeal Convenors report	accessed at: <a href="https://www.appealsconvenor.wa.gov.au/">https://www.appealsconvenor.wa.gov.au/</a> DWER reference: A1848699

## Appendix 2: Summary of Licence Holder comments

The Licence Holder was provided with the draft Amendment Notice on 2 January 2020 for review and comment. The Licence Holder responded on 3 January 2020. The following comments were received on the draft Amendment Notice.

Condition	Summary of Licence Holder comment	DWER response
9	Insufficient time from the end of annual period to the submission date of the compliance report. Request for submission of the compliance report within 90 days of the end of the annual period.	Alter condition 9 to read 21 June rather than 21 March. This will allow 3 months from the end of the annual period to submit the compliance report.
Schedule 3: Monitoring – Table 7	The parameters listed in column 1 - anions/cations and trace metals do not specify if it is for lake water quality or sediment quality or both.	The conditions are in place to monitor potential impacts to Lake Dundas from the dewater discharge, this includes both the water and sediment quality. Parameters in column 1 of Table 7 altered to read “Anions and Cations of Lake Dundas sediment and water” and “Total Metals and Trace Elements of Lake Dundas sediment and water”. The addition of the method for sampling sediment (AS/NZS 5677.12) is added to the method column of Table 7.
Registered business address	Error in address on Licence cover sheet.	Address corrected.
4	Dewater discharge onto Lake Dundas has not taken place. Request for the licence to specify that monitoring is required once the dewater discharge commences.	Condition 4 amended to specify that monitoring is required following the discharge of dewater onto Lake Dundas with the addition of the text ‘on the commencement of dewater discharge to Lake Dundas.’