



Application for Works Approval

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

Works Approval Number W6869/2023/1

Applicant BHP Nickel West Pty Ltd

ACN 004 184 598

File number DER2023/000724

Premises Wedgetail Project

Legal description -

Within Mining Tenements: L53/244, M53/55, M53/949, M53/35
M53/36, M53/238, M53/239, M53/240, M53/241, M53/242,
E53/1243, L53/109, M53/56, M53/165, M53/371, M53/411,
M53/462, M53/463, M53/487, M53/488, L53/247 and
M53/949, WILUNA

Date of report 10 January 2025

Decision Works approval granted

**A/MANAGER, OFFICER, RESOURCES INDUSTRIES
INDUSTRY REGULATION (STATEWIDE DELIVERY)**

Officer delegated under section 20 of the Environmental Protection Act 1986

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the construction and operation of the premises. As a result of this assessment, works approval W6869/2023/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) 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 and overview of premises

On 9 November 2023, BHP Nickel West Pty Ltd (the Applicant) submitted an application for a works approval to the department under section 54 of the *Environmental Protection Act 1986* (EP Act).

The application is to undertake construction works, commissioning and time limited operations relating to mine dewatering activities for the purpose of extracting and discharging water into the environment to allow mining of ore at the Wedgetail Project (the premises). The premises is approximately 34 kilometres (km) south southeast of the town of Wiluna.

The application is seeking approval to construct (and operate under time limited operations):

- Four saline water storage ponds which include: Settling Pond 1, Settling Pond 2, Collection Pond and a Transfer Pond;
- A 43 km pipeline to transfer the dewatering effluent from the Wedgetail Project to BHP Nickel West Mount Keith Operations (MKO) raw water pond; and
- A contingency dewater discharge location at J pit (located at the MKO) whenever the MKO raw water pond is unable to receive water i.e. due to capacity or shutdown.

The premises relates to category 6 and assessed design capacity under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) which are defined in Works Approval W6869/2023/1. The infrastructure and equipment relating to the premises category and any associated activities which the department has considered in line with *Guideline: Risk Assessments* (DWER 2020) are outlined in further detail in works approval W6869/2023/1.

2.2.1 Overview of proposal

The Wedgetail Project is a greenfield mining development located approximately 38 km north of the BHP Nickel Wests MKO. The Wedgetail Project (Figure 1) will ultimately be developed into an underground mine involving the development of two parallel boxcuts to approximately 25 meters below ground level (mbgl) followed by the development of two parallel mine declines, from portals built into the boxcuts, up to 1,000 m in length (BHP 2023a). The total dewatering requirement at the Wedgetail Project is expected to be 5,000,000 kiloliters (kL) per year with the majority of the water extracted used for processing purposes.

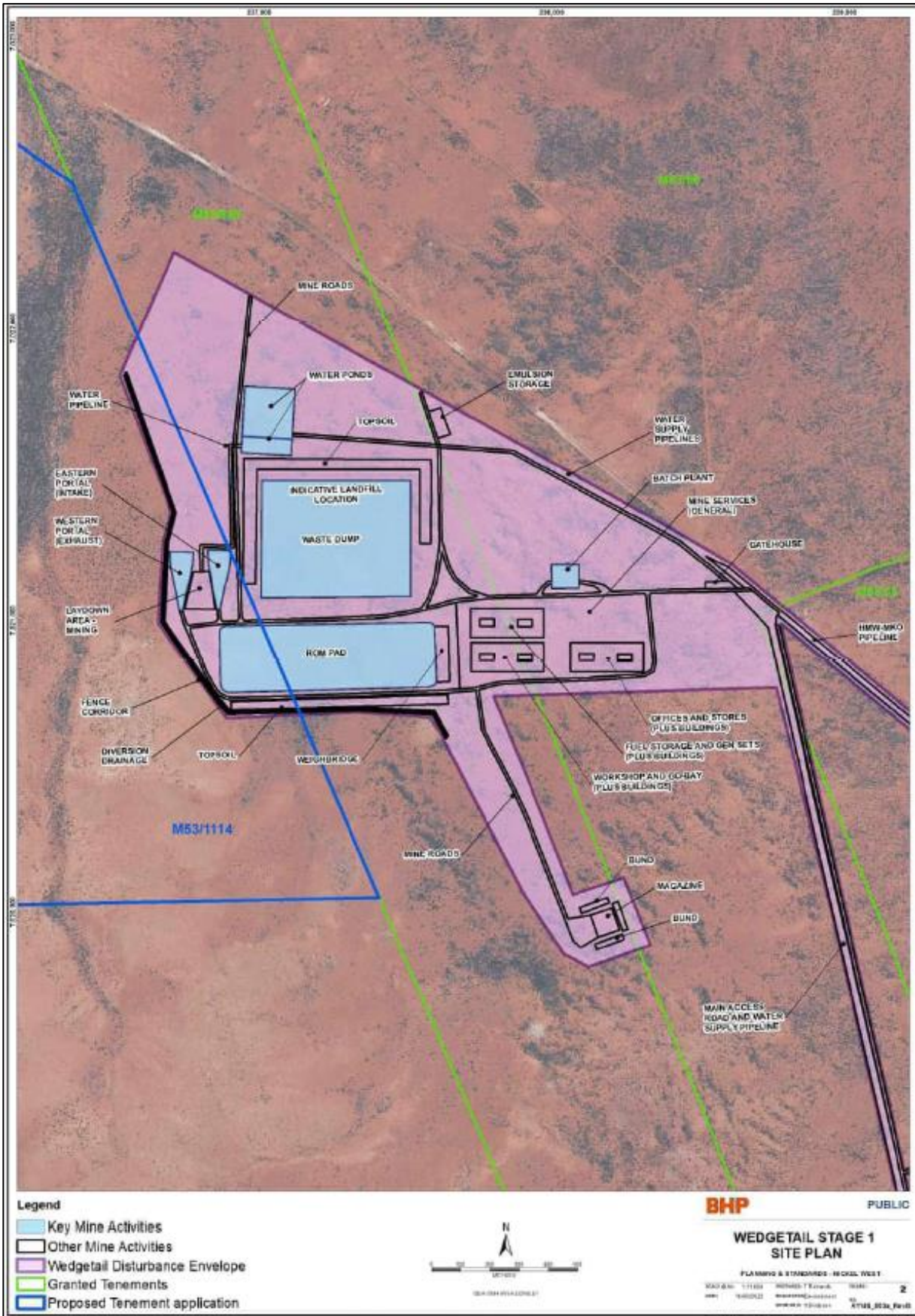


Figure 1: Stage 1 infrastructure and water process pond location (sourced from BHP 2023a)

2.2.2 Mine dewatering process

Electro-submersible pumps will be installed in each of the Wedgetail box cuts and declines which will be powered by portable diesel fuel generators with auto-start capability. Mine dewater abstracted from the pumps will be transported to the water storage ponds.

Four high density polyethylene (HDPE) lined saline water storage ponds are proposed to be constructed to receive and process the sediment laden hyper-saline mine dewater extracted from the Wedgetail box cuts and declines. The pond system layout is presented in Figure 2 below.

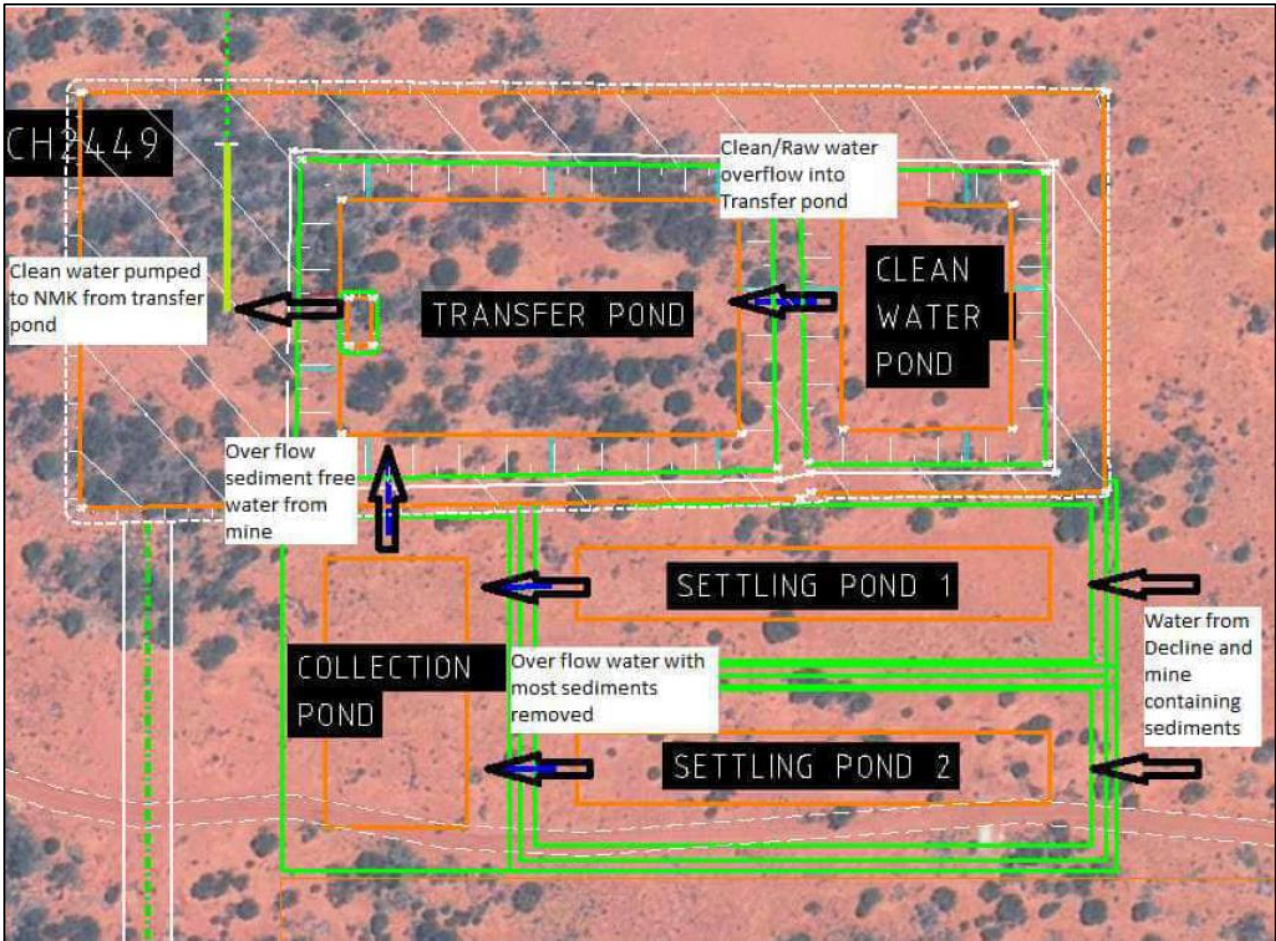


Figure 2: Wedgetail water ponds process and arrangement (sourced from BHP 2023a)

The two settling ponds will operate in parallel, however it is intended that the system is still operational when one settling pond is not in use. Temporary shutdown of a pond will occur so that accumulated sediments can be removed for appropriate disposal. The two settling ponds will initially receive mine dewater via a pipe header and once in the pond larger sediments will be removed from the water. Overflow from the settling ponds will then enter the collection pond where further sediments are removed from the mine dewater prior to overflow into the transfer pond.

A clean water pond will be used to store water for use on site (dust suppression etc) and will receive bore water from production bores. It's noted that the clean water pond is not part of the dewatering process infrastructure as it is not involved in the settling sediments process or the transfer and discharge of groundwater to the environment.

The transfer pond (Figure 2) will hold the sediment free mine dewater prior to transportation along a proposed pipeline of approximately 43 km to MKO (Figure 3). There are no proposed pumping station/s that will be installed along the pipeline to MKO, however it's noted that the Applicant has advised that an allowance has been made within the design should it be required in the future. The dewater will be deposited primarily at MKO raw water pond for processing depending on

operational needs followed by a contingency location within J-Pit. Water will be conveyed directly to the MKO raw water pond, whenever the pond is unable to receive water i.e. due to capacity or shutdown dewater will be discharged to J Pit.

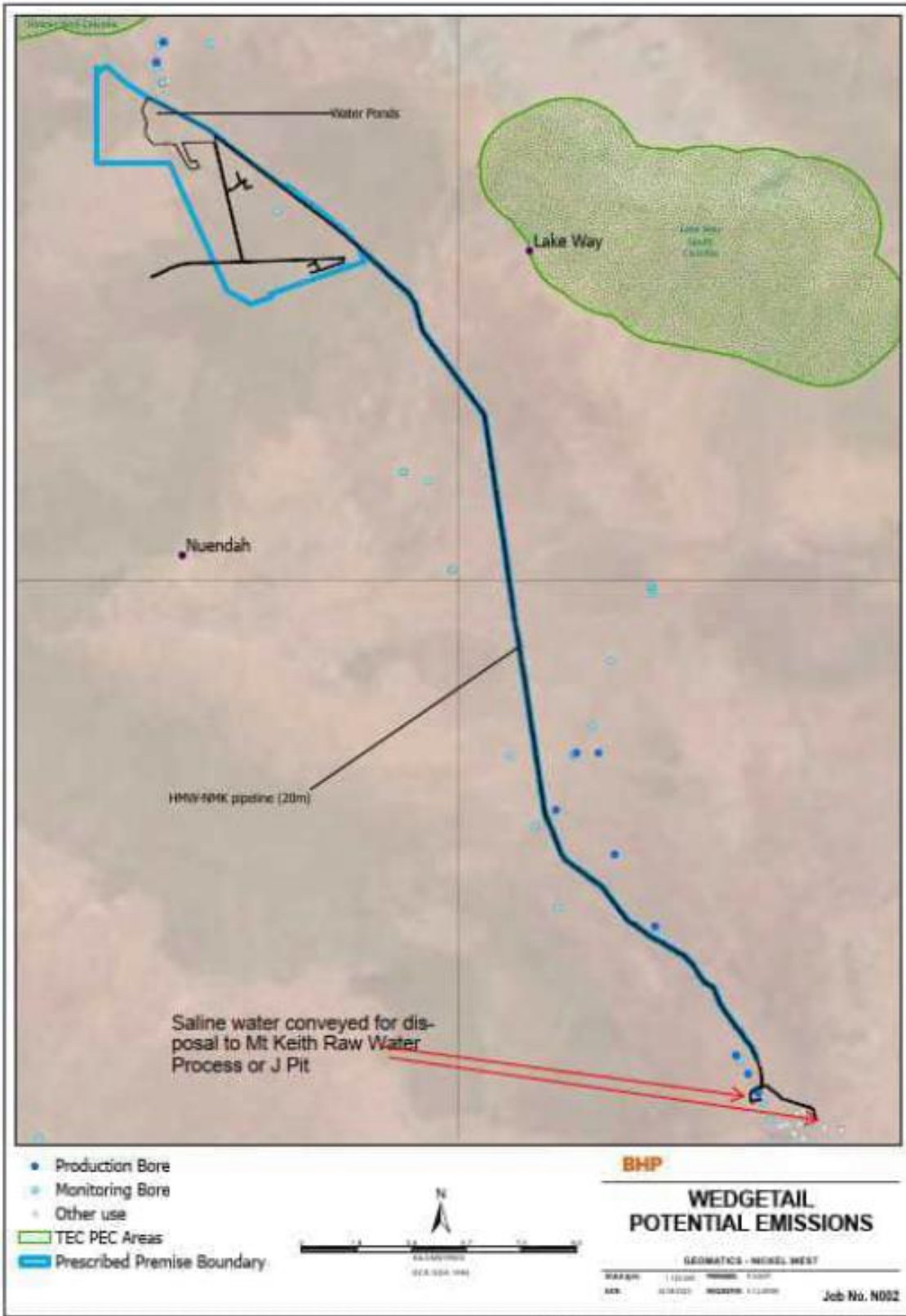


Figure 3: Pipeline route from Wedgetail to MKO

2.2.3 J Pit

J Pit is located within Licence L6453/1990/12 prescribed premises boundary and is presented in Figure 4. The expected annual discharge of mine dewater to J Pit is estimated to be up to 13,698 kL per annum.

Surrounding groundwater levels nearby J Pit are approximately 495 mRL (~55 mbgl) (BHP 2023b) which will allow J Pit to act as a groundwater sink. Groundwater is proposed to be kept within the fresh rock domain presented in Figure 5 as the fresh rock has negligible inherent permeability to transmit water (BHP 2023a).

A fresh weathered rock/oxide layer (saprock) is present at approximately 470 mRL or 75.42 mbgl within J Pit (BHP 2024). It is proposed by the Applicant that the mine dewater will be stored below the saprock to mitigate any potential issues associated with acid generation and groundwater mounding (BHP 2023b).



Figure 4: J Pit and Raw water pond location

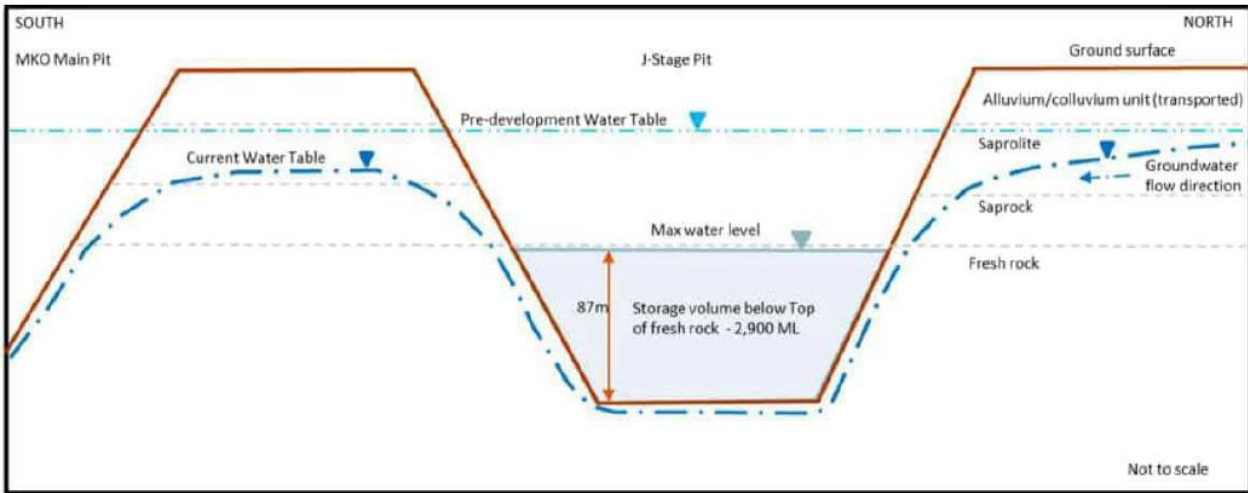


Figure 5: J Pit soil profiles and groundwater level (sourced from BHP 2023a)

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk Assessments* (DWER 2020).

To establish a risk event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises construction and operations which have been considered in this decision report are detailed in Table 1 below. Table 1 also details the control measures the Applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed Applicant controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Dust	Clearing, bulk earthworks and vehicle movements.	Air / windborne pathway	<ul style="list-style-type: none"> Dust suppression water sprays to be applied during construction.
Noise		Air / windborne pathway	<ul style="list-style-type: none"> Engines and generators fitted with sound attenuating measures; and Operated in accordance with manufactures specifications.
Hydrocarbons	Vehicles and refueling	Spills and/or leaks	<ul style="list-style-type: none"> Spill kits within works areas and on vehicles; and Contaminated soils to be removed for bioremediation or waste management.

Emission	Sources	Potential pathways	Proposed controls
Operation			
Hypersaline water (~280,000 mg/l)	Pipeline	Spills / leaks	<ul style="list-style-type: none"> • Manual shut off valves at a maximum of every 3 km spacing along pipeline; • Telemetry system installed to detect loss of volume; • Pipeline installed in V-drain for containment; • Transition from above ground pipeline to buried sill be earth mounded end stop. The end stop will be combined with a deeper B drain, windrow on the protected side of the pipeline and an existing road way on the other to assist in the containment of water; • Service and maintenance of pumps, breathers, isolation valves and flow meters; • Bund and sump maintenance and upgrades when required; and • Weekly inspections to detect leaks and recorded.
	Ponds	Standing water attracting fauna	<ul style="list-style-type: none"> • Fencing around ponds; • Fauna egress matting installed at each pond; and • Records maintained of fauna entrapment to monitor & manage if issues develop.
		Seepage / leaks	<ul style="list-style-type: none"> • Ponds lined with a 2 mm HDPE; • Quality Management Plan (QMP) will include ISO 9001 and be created by the pond construction company; and • Constructed pond will be audited by the Applicant.
		Overtopping	<ul style="list-style-type: none"> • Overtopping alarms connected to control system; • Pumps will shut off when pond level approaches freeboard; • Ponds function as overflow where each stage of the settling process overflows into the next stage; • Transfer pond (last settling stage), settling ponds and collection ponds freeboard maintained at 300 mm; • Freeboard allowance of 0.3 m to contain a 1% Annual Exceedance Probability 72-hour rainfall event within overtopping; • Daily inspections; and • Spillway to adjacent pond (each pond flow via a pipe into the next

Emission	Sources	Potential pathways	Proposed controls
	J Pit		<ul style="list-style-type: none"> • Freeboard set at 430 mRL which is 40 m below the oxide layer (approximately 470 mRL); • A visual line to be marked on the pit wall at 430 mRL to allow rapid visual confirmation; • Deposition of dewater into J Pit is only used as a contingency when water is not required at the processing plant.
		Seepage through pit walls and mounding	<ul style="list-style-type: none"> • Freeboard set at 95.42 mbgl (430 mRL) which is below surrounding groundwater levels (acts as a groundwater sink); • Water level to be maintained within the fresh rock domain which has negligible inherent permeability to transmit water (BHP 2023a); • A visual line to be marked on the pit wall to allow rapid visual confirmation; • Visual inspection carried out monthly with records kept; and • Monitoring of two pre-existing monitoring bores as presented in Figure 6.



Figure 6: Pre-existing monitoring bores near J Pit (Figure supplied by BHP Nickel West Pty Ltd)

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the Applicant’s employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies, and is provided for under other state legislation.

Table 2 provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental Siting* (DWER 2020)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Human receptors	Distance from prescribed activity
Lakewood Homestead [Screened out]	Located approximately 4.8 km east of the proposed Wedgetail prescribed premises. The receptor has been screened out due to the distance between the prescribed activity and the receptor.

<p>Nuendah Homestead [Screened out]</p>	<p>Located approximately 7 km southwest of the proposed prescribed premises boundary at Mt Keith.</p> <p>The receptor has been screened out due to the distance between the prescribed activity and the receptor.</p>
<p>Environmental receptors</p>	<p>Distance from prescribed activity</p>
<p>Native Vegetation (Mulga Woodlands)</p>	<p>Native vegetation is located adjacent along the boundary of the proposed Wedgetail prescribed premises.</p> <p>It is also located along the proposed pipeline route approximately 3 m away from the current existing road.</p> <p>The ponds are located approximately 450 m away from native vegetation located to the northeast.</p> <p>Native vegetation is present approximately 1.3 kms north northwest of J Pit at MKO.</p>
<p>Camel Creek</p>	<p>An ephemeral water line (Camel Creek) is located within the proposed prescribed premises at Wedgetail. Camel Creek runs from the south to the north terminating at Lake Way which is approximately 6.5 kms north-east of the boundary of the proposed prescribed premises.</p> <p>Camel Creek is situated approximately 750 m west of the proposed location of the ponds.</p> <p><i>Note: The fence line will separate the water line and the operational area (ponds).</i></p>
<p>Minor water lines</p>	<p>An ephemeral water line and lake appears within the Wedgetail proposed prescribed premises. The proposed pipeline is approximately 200 m north of the ephemeral lake.</p> <p>Along the pipeline route from Wedgetail to Mt Keith the pipeline intersection non-perennial water lines twelve times to both J Pit and the processing plant. All water lines either terminate at J Pit, Lake Way or into nothing.</p>
<p><i>Threatened Ecological Communities (TECs)</i> [Screened out]</p>	<p><i>A Priority 1 TEC is located approximately 1 km north of the Wedgetail prescribed premises boundary and 3.0 kms northeast of the proposed pond locations.</i></p> <p><i>A Priority 1 TEC is located approximately 5.0 kms east of the Wedgetail prescribed premises boundary and 3.8 kms east at the closest point of the proposed pipeline route.</i></p> <p><i>Due to the distance from the receptor to the ponds and pipelines there is no pathway to the receptor and therefore has been screened out of this assessment.</i></p>
<p>Hypersaline Groundwater</p>	<p>Groundwater is between 7 and 20 mbgl across the project area and is reported to be hypersaline (up to 280,000 mg/l total dissolved solids (TDS)).</p> <p>Groundwater has a slight hydraulic gradient towards Lake Way (approximately 4.5 kms northeast of Wedgetail prescribed premises).</p>
<p>Brackish perched groundwater aquifer</p>	<p>Brackish perched groundwater is present approximately between 470 mRL (75.42 mbgl) and 510 mRL (35.42 mbgl) surrounding J-Pit and nearby H Pit.</p>

Native fauna	Native fauna is expected to be located within the surrounding native vegetation (450 m away from proposed pond locations).
Indigenous Heritage Sites	Distance from activity / prescribed premises
Tjiwarl Native Title Determination	Located within the proposed prescribed premises and pipeline.
Tarlka Matuwa Piakrku Aboriginal Corporation (TMPAC) Native Title Determination	A small portion of the pipeline is proposed to enter the Native Title land held by the Wiluna People.
Mt Keith 02 – OBJECTID – 22566 <i>Artefacts / Scatter, Ceremonial</i> And MTK04 – Camping Area (Mt Keith) OBJECTID – 32709 <i>Artefacts / scatter, ceremonial Mythological, Camp, Natural Feature</i>	Both sites are located within the proposed southern portion of the pipeline route near Mt Keith. It's noted that a road currently exists through these heritage sites.
Honeymoon Well West – OBJECTID – 15054 <i>Artefacts / Scatter, Water Source</i>	Partially located within the proposed prescribed premises at Wedgetail.
Honeymoon Well 1 – OBJECTID – 3461 <i>Artefacts / Scatter</i>	Wholly located within the proposed prescribed premises at Wedgetail. Appears the proposed pipeline will be constructed approximately 80 m away from the heritage site.
Mt Keith North 2007/01 – OBJECTID – 32429 <i>Artefacts / Scatter</i>	Located approximately 80 m east of the proposed pipeline route.
Camelot Rock Outcrop – OBJECTID – 33148 <i>Mythological</i>	Located approximately 130 m west of the proposed pipeline route.
Mt Keith North 2007/03 – OBJECTID – 32626 <i>Quarry</i>	Located approximately 130 m north of the proposed pipeline route near Mt Keith.

3.2 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for each identified emission source and takes into account potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the Applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the Applicant's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the Applicant's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Works approval W6869/2023/1 that accompanies this decision report authorises construction and time-limited operations. The conditions in the issued works approval, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

A licence (or amendment to L6453/1990/12) is required following the time-limited operational phase authorised under the works approval to authorise emissions associated with the ongoing operation of the premises i.e. category 6 mine dewatering activities for the purpose of extracting and discharging water into the environment to allow mining of ore. A risk assessment for the operational phase has been included in this decision report, however licence conditions will not be finalised until the department assesses the licence application.

Table 3: Risk assessment of potential emissions and discharges from the premises during construction and time-limited operations

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of works approval	Justification for additional regulatory controls / comments
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
Construction								
Construction of pipeline corridor, ponds, bunding and associated stormwater management infrastructure	Dust	Pathway <ul style="list-style-type: none"> Dust transported offsite via air / windborne pathways. Impact <ul style="list-style-type: none"> Causing nearby impacts or amenity to nearby receptors. 	<ul style="list-style-type: none"> Native vegetation Indigenous heritage sites 	Refer to Section 3.1.1	C = Slight L = Unlikely Low Risk	Y	N/A	N/A
	Hydrocarbons	Pathway <ul style="list-style-type: none"> Hydrocarbon spills/leaks from the machinery to direct contact with soil followed by lateral or vertical movement. Impact <ul style="list-style-type: none"> Reduction of receptor value and/or potentially contamination. 	<ul style="list-style-type: none"> Groundwater Native vegetation 		C = Slight L = Unlikely Low Risk	Y	N/A	N/A
	Noise	Screened out due to no receptors						
Commissioning and Time-Limited-Operations								
Operation of dewatering pipeline	Hypersaline Dewater (~280,000 mg/l TDS).	Pathway <ul style="list-style-type: none"> Rupture/leak of dewatering pipeline releasing hypersaline dewater to land and potentially mobilizing sediments offsite. Impact <ul style="list-style-type: none"> Reduced quality of receptors from direct contact of emission; Disrupting surface water flow; and Reduction of soil sodicity. 	<ul style="list-style-type: none"> Indigenous heritage sites Native vegetation Camel creek Minor ephemeral water lines 	Refer to Section 3.1.1	C = Minor L = Unlikely Medium Risk	Y	Condition 1 – Dewatering pipeline construction requirements. Condition 10 – Pipeline and associated infrastructure limited time operation requirements.	Applicant controls have been deemed acceptable and have been conditioned within the works approval as per DWER Guideline: Risk Assessments.
Operation of ponds		Pathway <ul style="list-style-type: none"> Overtopping of ponds discharging dewater to the environment. Impact <ul style="list-style-type: none"> Ecosystem disturbance; Disrupting surface water flow; and Reduction of soil sodicity. 	<ul style="list-style-type: none"> Indigenous heritage sites Native vegetation Camel creek Minor ephemeral water lines 		C = Minor L = Unlikely Medium Risk	Y	Condition 1 – Pond construction requirements. Condition 10 – Pipeline and associated infrastructure limited time operation requirements.	
		Pathway <ul style="list-style-type: none"> Deposition of dewater to ponds for removal of sediments. Impact <ul style="list-style-type: none"> Standing water attracting native fauna resulting in possible drownings 	<ul style="list-style-type: none"> Native fauna 	Refer to Section 3.1.1	C = Slight L = Possible Low Risk	Y	Condition 1 – Pond construction requirements.	

Risk events					Risk rating ¹	Applicant controls sufficient?	Conditions ² of works approval	Justification for additional regulatory controls / comments
Sources / activities	Potential emission	Potential pathways and impact	Receptors	Applicant controls	C = consequence L = likelihood			
		Pathway <ul style="list-style-type: none"> Seepage from walls and base of ponds Impact <ul style="list-style-type: none"> Groundwater mounding 	<ul style="list-style-type: none"> Groundwater Native vegetation 	Refer to Section 3.1.1	C= Minor L= Rare Low Risk	Y	Condition 1 – Pond construction requirements.	
Deposition of dewater at J Pit (MKO)	Hypersaline Dewater (~280,000 mg/l TDS).	Pathway <ul style="list-style-type: none"> Overtopping J Pit discharging mine dewater to the environment. Impact <ul style="list-style-type: none"> Reduction of soil sodicity; and Direct contact with native vegetation 	<ul style="list-style-type: none"> Native vegetation 	Refer to Section 3.1.1	C = Major L = Rare Medium Risk	Y	Condition 1 – Freeboard line marker on pit wall. Condition 10 – J Pit time limited operation requirements. Condition 12 – Monitoring requirements.	
		Pathway <ul style="list-style-type: none"> Hypersaline mine dewater contacting the oxide layer within J Pit. Impact <ul style="list-style-type: none"> Potential acid generation. 	<ul style="list-style-type: none"> Groundwater Brackish perched groundwater aquifer 		C = Moderate L = Unlikely Medium Risk	N	Condition 1 – Freeboard line marker on pit wall and monitoring bores. Condition 10 – J Pit time limited operation requirements. Condition 12 – Monitoring requirements.	The oxide layer within J Pit is located approximately 75.42 mbgl and the brackish perched aquifer intersects within J Pit approximately from 35.42 mbgl to 75.42 mbgl. The Applicant has noted that the surrounding groundwater levels around J Pit are approximately 55 mbgl. The proposed freeboard height of 95.42 mbgl is 40 m below the oxide layer and the brackish perched aquifer. When operating J Pit below the freeboard height it is anticipated that the pit will continue to act as a groundwater sink reducing risk of groundwater mounding and impacts of any potential acid generation caused by hypersaline mine dewater discharge to J Pit. The Applicant has proposed to monitor two pre-existing groundwater monitoring bores around J-Pit, one to the north and one to the south (Figure 6) to monitor groundwater level and quality (pH and electrical conductivity). Monitoring frequency has not been proposed. No monitoring of the water quality within the J Pit has been proposed. The department has included monitoring requirements within condition 12 of the works approval. Condition 12 requires the Applicant to conduct monthly monitoring for pH and electrical conductivity (EC) within J Pit and quarterly monitoring of the same parameters within surrounding monitoring bores. SWL will also be required to be monitoring within the bores. The data will provide the department with baseline water conditions and will help inform the assessment of future licence applications.
		Pathway <ul style="list-style-type: none"> Seepage of hypersaline mine dewater through pit wall Impact <ul style="list-style-type: none"> Groundwater mounding 	<ul style="list-style-type: none"> Native vegetation Brackish perched groundwater aquifer 		C = Moderate L = Unlikely Medium Risk	N		

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

Note 2: Proposed Applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 15 January 2024	No comments received.	N/A
Shire of Wiluna advised of proposal on 10 January 2024	The Shire of Wiluna responded to the department on 10 January 2024 with no comments regarding the works approval application.	Noted.
Department of Planning Lands and Heritage (DPLH) advised of proposal on 10 January 2024	<p>DPLH responded to the department on 19 January 2024.</p> <p>DPLH advised that Aboriginal site ID 1160 (Honeymoon Well 1) and ID 17442 (Honeymoon Well West) is intersected by the proposed works.</p> <p>DPLH advised that the works are within the Tjiwarl and Tjiwarl #2 Native Title Determination areas and that the Applicant and the Tjiwarl Aboriginal Corporation (TAC) have entered into a Comprehensive Agreement and an Indigenous Land Use Agreement (NNTT ID WI2018/014). The Applicant and TMPAC are currently (as of 19 January 2024) are negotiating a Project Agreement.</p> <p>There has been previous and upcoming archaeological and ethnographical surveys within the area.</p> <p>It is noted that any proposed activity that affects Aboriginal sites or heritage places require approval under the approval under the <i>Aboriginal Heritage Act 1972</i> (AHA).</p> <p>On 30 October 2005, section 18 consent with conditions under the AHA was granted over the Wedgetail disturbance envelope. DPLH advises that the consent did not include Aboriginal site ID 17442 (Honeymoon Well West) nor cover the entirety of the proposed development envelope.</p>	<p>The department notes that Aboriginal site ID 17442 (Honeymoon Well West) is not included within the section 18 Aboriginal Heritage Act (AHA) that was granted to the Applicant on 30 October 2005.</p> <p>The Applicant must ensure they have all appropriate approvals required under the AHA if there is an intent to disturb Aboriginal sites or heritage places.</p>
Native Title Holders Tarlka Matuwa Piarku Aboriginal Corporation advised of proposal on 10 January 2024	No comments received.	N/A

Consultation method	Comments received	Department response
<p>Native Title Holders Tjiwarl (Aboriginal Corporation) advised of proposal on 10 January 2024</p>	<p>Comments from the Tjiwarl Aboriginal Corporation (TAC) was received on 29 February 2024.</p> <p>TAC advised the department that a Comprehensive Agreement currently exists between TAC and the Applicant and covers an area of Tjiwarl country that is referred to in the agreement as the "Agreement Area".</p> <p>TAC advises the department that all of the subject tenements within Works Approval W6869/2023/1 are within the Agreement Area.</p> <p>TAC identified that there are areas within the proposed works that are classified as "Reserved Rights Areas" under the Comprehensive Agreement. These areas are considered to have significant cultural significance. The extent that these Reserved Rights Areas will be affected are unclear under the Comprehensive agreement.</p> <p>TAC notes that ASX release on 15 February 2024 announced that the Applicants review of development plans includes the potential to place Nickel West into a period of care and maintenance.</p>	<p>The department has reviewed the location of the mentioned areas known as "Reserved Rights Areas."</p> <p>One Reserved Rights Area is within the proposed works location and is Aboriginal site ID 1160 (Honeymoon Well 1). As discussed with DPLHs stakeholder comments the Applicant has consent to disrupt this area under section 18 of the AHA which was granted on 30 October 2005.</p> <p>All other Reserved Rights Areas (based on information provided by TAC) are located approximately over 200 m from the proposed works.</p> <p>Following comments from TAC it is recommended that ongoing consultation and engagement occurs between the Applicant and TAC</p>
<p>Applicant was provided with draft documents on 23 April 2024.</p>	<p>Comments were received from the Applicant on 20 November 2024.</p> <p>Refer to Appendix 1.</p>	<p>Refer to Appendix 1.</p>

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a works approval will be granted, subject to condition commensurate with the determined controls and necessary for administration and reporting requirements.

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. BHP Nickel West 2023a Wedge Tail Project. Works Approval Application Supporting Information, Category 6 Mine Dewatering.
5. BHP Nickel West 2023b Hydrological Assessment or J Stage Pit Contingency Water Storage, Document number: NiW-PT-WC-R-2.
6. BHP Nickel West 2024 Proponent Response to Request for Further Information for W6869/2023/1 Application, letter dated 9 February 2024.

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

Condition	Summary of Applicant's comment	Department's response
Front Page	Works approval duration of five years instead of three years due to the Applicant entering a period of temporary suspension of operations.	Granted.
	Removal of tenure M 53/1114 from the premises boundary.	Granted.
Condition 1 (Table 1)	Require manual shut-off valves installed at a maximum of 3 km spacing at strategic locations along dewatering pipeline instead of every 3 km.	The department has reviewed the request and has determined that this request will result in no significant change to the risk assessment as presented in section 3.2 of this decision report. Granted.
	Visual line marked on the wall of J pit to be 95.42 mbgl and 430 mRL from 65.42 mbgl and 460 mRL. Seepage from J Stage Pit is expected to be minimal due to inherent negligible permeability of fresh basement geology and management approach, which is to maintain operating water level below 430 mRL, which is within the fresh rock domain and below local groundwater level to north, east and west.	The department has reviewed the request and has determined that this request will result in no significant change to the risk assessment as presented in section 3.2 of this decision report. Granted.
Condition 9	Request to amend the condition to allow the Applicant to continue TLO after 180 days if the licence amendment application has been submitted to the department by the licence holder and is under validation or assessment.	The department has reviewed the request by the Applicant for the extension of TLO if the licence amendment application has been submitted to the department. The department has determined not to grant this request as this is a standard condition for time limited operation. It is the responsibility of the Applicant to ensure that relevant applications are submitted to the department in a timely manner.
Condition 10 (Table 3)	Request to change freeboard of ponds from 0.5 m to 0.3 m as the 0.3 m freeboard requirement aligns with the current MKO premises licence (L6453/1990/12) conditions for containment cells, dams and ponds.	The department has reviewed the request and has determined that this request will result in no significant change to the risk assessment as presented in section 3.2 of this decision report. Granted.
Condition 12 (Tables 5 and 6)	Request to change the reporting field parameter from TDS to Electrical Conductivity (EC), as the field equipment on site measures EC, not TDS.	Granted.

Condition	Summary of Applicant's comment	Department's response
Condition 12 (Table 6)	Request to change groundwater monitoring locations from proposed bores J Pit MB1 and J Pit MB2 to MKRC725 and MKRC731, as J Pit MB1 and J Pit MB2 will no longer be constructed.	<p>The department has reviewed the request and has determined that the proposed monitoring using existing groundwater bores MKRC725 and MKRC731 is adequate, in place of installing and monitoring additional monitoring bores J Pit MB1 and J Pit MB2. There is no significant change to the risk assessment as presented in section 3.2 of this decision report.</p> <p>Granted. The decision report and works approval were updated to reflect this change.</p>
Schedule 1 (Figures 1 and 4)	Applicant has provided updated figures for works approval W6869/2023/1 to represent changes of removing tenement M53/1114 from the premises boundary (Figure 1) and changes in proposed monitoring bore locations (Figure 4).	The department has included the updated figures in the works approval.
Draft condition 2 (now deleted)	<p>Removal of construction bore monitoring condition.</p> <p>Existing bores MKRC725 and MKRC731 will be used to monitor groundwater conditions.</p>	<p>The department has reviewed the request and has determined that the proposed monitoring using existing groundwater bores MKRC725 and MKRC731 is adequate, in place of installing and monitoring additional monitoring bores J Pit MB1 and J Pit MB2. There is no significant change to the risk assessment as presented in section 3.2 of this decision report.</p>
Draft condition 3 (now deleted)	Removal of bore construction compliance report requirement condition as no bores will need to be constructed.	<p>Granted. The decision report and works approval were updated to reflect this change.</p>