



<b>Licence Number</b>	L9193/2019/1
<b>Licence Holder</b>	Black Mountain Gold Limited
<b>ACN</b>	099 253 221
<b>Registered business address</b>	163-167 Stirling Highway NEDLANDS WA 6009
<b>File Number</b>	DER2018/001330
<b>Duration</b>	13 November 2019 to 12 November 2033
<b>Date of issue</b>	13 November 2019
<b>Premises</b>	Penny's Find Project M27/156 and L27/90 KALGOORLIE BOULDER WA

This Licence is transferred to the Licence Holder, subject to the following conditions, on 21 June 2022, by:

**MANAGER, RESOURCE INDUSTRIES  
REGULATORY SERVICES**

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

## Explanatory notes

These explanatory notes do not form part of this Licence.

### Defined Terms

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Definition of terms used in this Licence can be found at the start of this Licence. Terms which are defined have the first letter of each word capitalised throughout this Licence.

### Department of Water and Environmental Regulation

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The Department of Water and Environmental Regulation (DWER) is established under section 35 of the *Public Sector Management Act 1994* and designated as responsible for the administration of Part V, Division 3 of the *Environmental Protection Act 1986 (WA)* (EP Act). The Department also monitors and audits compliance with licences, takes enforcement action and develops and implements licensing and industry regulation policy.

### Licence

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Section 56 of the EP Act provides that an occupier of Prescribed Premises commits an offence if Emissions are caused or increased, or permitted to be caused or increased, or Waste, noise, odour or electromagnetic radiation is altered, or permitted to be altered, from Prescribed Premises, except in accordance with a works approval or licence.

Categories of Prescribed Premises are defined in Schedule 1 of the *Environment Protection Regulations 1987 (WA)* (EP Regulations).

This Licence does not authorise any activity which may be a breach of the requirements of another statutory authority including, but not limited to the following:

- conditions imposed by the Minister for Environment under Part IV of the EP Act;
- conditions imposed by DWER for the clearing of native vegetation under Part V, Division 2 of the EP Act;
- any requirements under the *Waste Avoidance and Resource Recovery Act 2007*;
- any requirements under the *Environmental Protection (Controlled Waste) Regulations 2004*; and
- any other requirements specified through State legislation.

It is the responsibility of the Licence Holder to ensure that any action or activity referred to in this Licence is permitted by, and is carried out in compliance with, other statutory requirements.

The Licence Holder must comply with the Licence. Contravening a Licence Condition is an offence under s.58 of the EP Act.

### Responsibilities of a Licence Holder

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Separate to the requirements of this Licence, general obligations of Licence Holders are set out in the EP Act and the regulations made under the EP Act. For example, the Licence Holder must comply with the following provisions of the EP Act:

- the duties of an occupier under section 61; and
- restrictions on making certain changes to Prescribed Premises unless the changes are in accordance with a works approval, Licence, closure notice or environmental protection notice (s.53).

Strict penalties apply for offences under the EP Act.

## Reporting of Incidents

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The Licence Holder has a duty to report to DWER all discharges of waste that have caused or are likely to cause Pollution, Material Environmental Harm or Serious Environmental Harm, in accordance with s.72 of the EP Act.

## Offences and Defences

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The EP Act and its regulations set out a number of offences, including:

- Offence of emitting an Unreasonable Emission from any Premises under s.49.
- Offence of causing Pollution under s.49.
- Offence of dumping Waste under s.49A.
- Offence of discharging Waste in circumstances likely to cause Pollution under s.50.
- Offence of causing Serious Environmental Harm (s.50A) or Material Environmental Harm (s.50B).
- Offence of causing Emissions which do not comply with prescribed standards (s.51).
- Offences relating to Emissions or Discharges under regulations prescribed under the EP Act, including materials discharged under the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)*.
- Offences relating to noise under the *Environmental Protection (Noise) Regulations 1997 (WA)*.

Section 53 of the EP Act provides that a Licence Holder commits an offence if Emissions are caused, or altered from a Prescribed Premises unless done in accordance with a Works Approval, Licence or the requirements of a Closure Notice or an Environmental Protection Notice.

Defences to certain offences may be available to a Licence Holder and these are set out in the EP Act. Section 74A(b)(iv) provides that it is a defence to an offence for causing Pollution, in respect of an Emission, or for causing Serious Environmental Harm or Material Environmental Harm, or for discharging or abandoning Waste in water to which the public has access, if the Licence Holder can prove that an Emission or Discharge occurred in accordance with a Licence.

This Licence specifies the Emissions and Discharges, and the limits and Conditions which must be satisfied in respect of Specified Emissions and Discharges, in order for the defence to offence provision to be available.

## Authorised Emissions and Discharges

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The Specified and General Emissions and Discharges from Primary Activities conducted on the Prescribed Premises are authorised to be conducted in accordance with the Conditions of this Licence.

Emissions and Discharges caused from other activities not related to the Primary Activities at the Premises have not been Conditioned in this Licence. Emissions and Discharges from other activities at the Premises are subject to the general provisions of the EP Act.

## Amendment of Licence

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The Licence Holder can apply to amend the Conditions of this Licence under s.59 of the EP Act. An application form for this purpose is available from DWER.

The CEO may also amend the Conditions of this Licence at any time on the initiative of the CEO without an application being made.

Amendment Notices constitute written notice of the amendment in accordance with s.59B(9) of the EP Act.

### Duration of Licence

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The Licence will remain in force for the duration set out on the first page of this Licence or until it is surrendered, suspended or revoked in accordance with s.59A of the EP Act.

### Suspension or Revocation

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The CEO may suspend or revoke this Licence in accordance with s.59A of the EP Act.

### Fees

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The Licence Holder must pay an annual licence fee. Late payment of annual licence fees may result in the licence ceasing to have effect. A licence that has ceased to have effect due to non-payment of annual licence fees continues to exist; however, it ceases to provide a defence to an offence under s.74A of the EP Act.

Late fees are a component of annual licence fees and should a Licence Holder fail to pay late fees within the time specified the licence will similarly cease to have effect.

# Definitions and interpretation

## Definitions

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

**Table 1: Definitions**

Term	Definition
ACN	Australian Company Number
AEP	Annual Exceedance Probability
Annual Period	a 12 month period commencing from 13 November until 12 November of the immediately following year.
ARI	Annual Recurrence Interval
Condition	means a condition to which this Licence is subject under s.62 of the EP Act.
Books	has the same meaning given to that term under the EP Act.
CEO	means Chief Executive Officer. CEO for the purposes of notification means: Director General Department Administering the <i>Environmental Protection Act 1986</i> Locked Bag 10 Joondalup DC WA 6919 <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a>
Compliance Report	means a report in a format approved by the CEO as presented by the Licence Holder or as specified by the CEO (guidelines and templates may be available on the Department's website).
Department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> and designated as responsible for the administration of Part V, Division 3 of the EP Act.
Department Request	means a request for Books or other sources of information to be produced, made by an Inspector or the CEO to the Licence Holder in writing and sent to the Licence Holder's address for notifications, as described at the front of this Licence, in relation to: <ul style="list-style-type: none"><li>(a) compliance with the EP Act or this Licence;</li><li>(b) the Books or other sources of information maintained in accordance with this Licence; or</li><li>(c) the Books or other sources of information relating to Emissions from the Premises.</li></ul>
Discharge	has the same meaning given to that term under the EP Act.
DWER	Department of Water and Environmental Regulation.

Emission	has the same meaning given to that term under the EP Act.
Environmental Harm	has the same meaning given to that term under the EP Act.
EP Act	means the <i>Environmental Protection Act 1986 (WA)</i> .
EP Regulations	means the <i>Environmental Protection Regulations 1987 (WA)</i> .
Implementation Agreement or Decision	has the same meaning given to that term under the EP Act.
IFD	Intensity Frequency Duration
Inspector	means an inspector appointed by the CEO in accordance with s.88 of the EP Act.
Licence	refers to this document, which evidences the grant of a Licence by the CEO under s.57 of the EP Act, subject to the Conditions.
Licence Holder	refers to the occupier of the premises being the person to whom this Licence has been granted, as specified at the front of this Licence.
Material Environmental Harm	has the same meaning given to that term under the EP Act.
Pollution	has the same meaning given to that term under the EP Act.
Premises	refers to the premises to which this Licence applies, as specified at the front of this Licence and as shown on the map in Schedule 1 to this Licence.
Prescribed Premises	has the same meaning given to that term under the EP Act.
Primary Activities	refers to the Prescribed Premises activities listed on the front of this Licence as described in Schedule 2, at the locations shown in Schedule 1.
Reportable Event	means an exceedance above the target limit specified in Column 4 of Table 6, in Schedule 3.
Serious Environmental Harm	has the same meaning given to that term under the EP Act.
Unreasonable Emission	has the same meaning given to that term under the EP Act.
Waste	has the same meaning given to that term under the EP Act.

## Interpretation

In this Licence:

- (a) the words 'including', 'includes' and 'include' will be read as if followed by the words 'without limitation';
- (b) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- (c) where tables are used in a Condition, each row in a table constitutes a separate Condition;
- (d) any reference to an Australian or other standard, guideline or code of practice in this Licence means the version of the standard, guideline or code of practice in force at the time of granting of this Licence and includes any amendments to the standard, guideline or code of practice which may occur from time to time during the course of the Licence; and
- (e) unless specified otherwise, any reference to a section of an Act refers to that section of the EP Act.

# Conditions

## Emissions

1. The Licence Holder must not cause any Emissions from the Primary Activities on the Premises except for specified Emissions and general Emissions described in Column 1 of Table 2 subject to the exclusions, limitations or requirements specified in Column 2 of Table 2.

**Table 2: Authorised Emissions table**

Column 1	Column 2
Emission type	Exclusions/Limitations/Requirements
<b>Specified Emissions</b>	
Mine dewater	Must be discharged from the mine void directly to Lake Penny in a manner that avoids inundating the shoreline at Lake Penny, with the pipeline extending 20 m from the shoreline and avoids scouring of the surface sediments of Lake Penny.  Subject to compliance with Conditions 6 to 16
<b>General Emissions (excluding Specified Emissions)</b>	
Emissions which: <ul style="list-style-type: none"> <li>• arise from the Primary Activities set out in Schedule 2</li> </ul>	Emissions excluded from General Emissions are: <ul style="list-style-type: none"> <li>• Unreasonable Emissions; or</li> <li>• Emissions that result in, or are likely to result in, Pollution, Material Environmental Harm or Serious Environmental Harm; or</li> <li>• Discharges of Waste in circumstances likely to cause Pollution; or</li> <li>• Emissions that result, or are likely to result in, the Discharge or abandonment of Waste in water to which the public has access; or</li> <li>• Emissions or Discharges which do not comply with an Approved Policy; or</li> <li>• Emissions or Discharges which do not comply with a prescribed standard; or</li> <li>• Emissions or Discharges which do not comply with the conditions in an Implementation Agreement or Decision; or</li> <li>• Emissions or Discharges the subject of offences under regulations prescribed under the EP Act, including materials discharged under the <i>Environmental Protection (Unauthorised Discharges) Regulations 2004</i>.</li> </ul>

2. The Licence Holder must not discharge dewater effluent to Lake Penny from the existing storage dam.

3. The Licence Holder must ensure that the storage dam does not hold more than 1000kL of dewater effluent that is to be used for dust suppression activities only at the Premises.
4. The Licence Holder must ensure that where dewater effluent is used for dust suppression, the water shall be applied so as to avoid damage to vegetation (such as from over spraying or runoff).
5. The Licence Holder must ensure that dewatering discharge from Penny's Find mine operations onto Lake Penny must be via a suitable energy dissipation device to ensure minimal erosion and scouring impacts and to reduce the likelihood of ponding in Lake Penny.

## Infrastructure and equipment

6. The Licence Holder must ensure that pipelines carrying dewater from the Mine dewater drawpoint are:
  - (a) fitted with telemetry with automated shutoff; and
  - (b) positioned inside a bund with sufficient volume to capture the maximum volume which could be produced between inspections.
7. The Licence Holder must ensure that the infrastructure and equipment specified in Column 1 of Table 3 is maintained in good working order and operated in accordance with the requirements specified in Column 2 of Table 3.

**Table 3: Infrastructure and equipment controls table**

Column 1	Column 2
Site infrastructure and equipment	Operational requirements
Dewatering pumps	Dewatering flow rate must not exceed 40 L/s.
Open Mine Void	The existing mine void must be used temporally to store dewater effluent prior to discharging directly to Lake Penny.  Dewater effluent pumped into the open mine void must have time for settling of particulates prior to discharge to Lake Penny.
Dewatering pipeline	(a) Visual inspections every 12 hours to check the integrity of the pipeline when in operation; (b) Daily visual checks of the integrity of the anchors along the pipeline; and (c) Weekly maintenance of bunds to maintain capacity.
Energy dissipation device	Visual inspections every 12 hours to check the integrity of the dissipation device.
Pipeline anchors	Visual Inspections of the integrity of the anchors along the pipeline, especially prior to and following significant rainfall events*.
Pipeline bunding capacity	Weekly maintenance of bunds to maintain capacity. Removal of any accumulated sediment/ debris,

Column 1	Column 2
<b>Site infrastructure and equipment</b>	<b>Operational requirements</b>
	especially prior to and following significant rainfall events*.
Pipeline telemetry	Weekly checks of the integrity of telemetry when dewatering in operation. Operated to trigger an automatic shutoff when the flow rate varies by more than 5% for 10 mins or more than 10% for 2 mins.
Storage Dam	Inspected daily when in use to check integrity of storage dam walls to prevent an overflow of stored water onto the land.
Flow Metres	To be installed to monitor the flow rates

\* A significant rainfall event is defined based on the Bureau of Meteorology website for the location of Kalgoorlie (<http://www.bom.gov.au/water/designRainfalls/revise-ifd/?year=2016>). A significant rainfall event has been based on Intensity Frequency Duration (IFD), being 24 hours rainfall duration at 20% Annual Exceedance Probability (AEP). Note that a 20% AEP is equivalent to a 4.48 Annual Recurrence Interval (ARI).

## Monitoring

8. The Licence Holder must undertake the following:
  - a) Monitoring of water quality discharged and volumes;
  - b) Monitoring of receiving surface water quality and metal/metalloids in sediments;
  - c) Monitoring of the receiving surface sediment for scouring or erosion of the sediments;
  - d) Monitoring of aquatic biota (algae, invertebrates (including resting stages)) at the discharge site and at least one control site; and
  - e) Monitoring of riparian vegetation health.
9. The Licence Holder must conduct a monitoring program as specified in Schedule 3 of this Licence, at the monitoring locations and frequency specified. Monitoring must be carried out at sufficient level of detection to allow comparison with the marine and waters and sediment default values in the current ANZECC/ARMCANZ *Guidelines for Fresh and Marine Water Quality*
10. The Licence Holder must ensure that the monitoring of aquatic biota (algae, invertebrates (including resting stages)) is undertaken by a qualified scientist experienced in biological sampling from salt lakes and occurs at the Lake Penny discharge site and at least one control site as shown in the Monitoring locations map. The ecological components monitored will reflect the lake conditions at the time of sampling (i.e. whether wet or dry).
11. The Licence Holder must ensure that the monitoring of riparian vegetation health is undertaken by a qualified scientist with experience in the identification of flora of the Coolgardie bioregion and shall occur at the shoreline closest to the Lake Penny discharge site where riparian vegetation is found.

## Reportable Events

12. The Licence Holder must ensure that any releases of hypersaline water from pipeline leakage or breach are notified to DWER within one business day.

## Record-keeping

- 13.** The Licence Holder must maintain accurate and auditable Books including the following records, information, reports and data required by this Licence:
- (a) The calculation of fees payable in respect of this Licence;
  - (b) The maintenance of infrastructure required to ensure that it is kept in good working order in accordance with Condition 6 of this Licence;
  - (c) The Licence Holder must keep a log of all the inspections in Column 2 of Table 3, with each inspection record signed by the responsible person.
  - (d) Monitoring undertaken in accordance with Conditions 8, 9, 10 and 11 of this Licence;
  - (e) Reportable Events reported in accordance with Condition 12 of this Licence;
  - (f) Complaints received under Condition 14 of this Licence; and

In addition, the Books must:

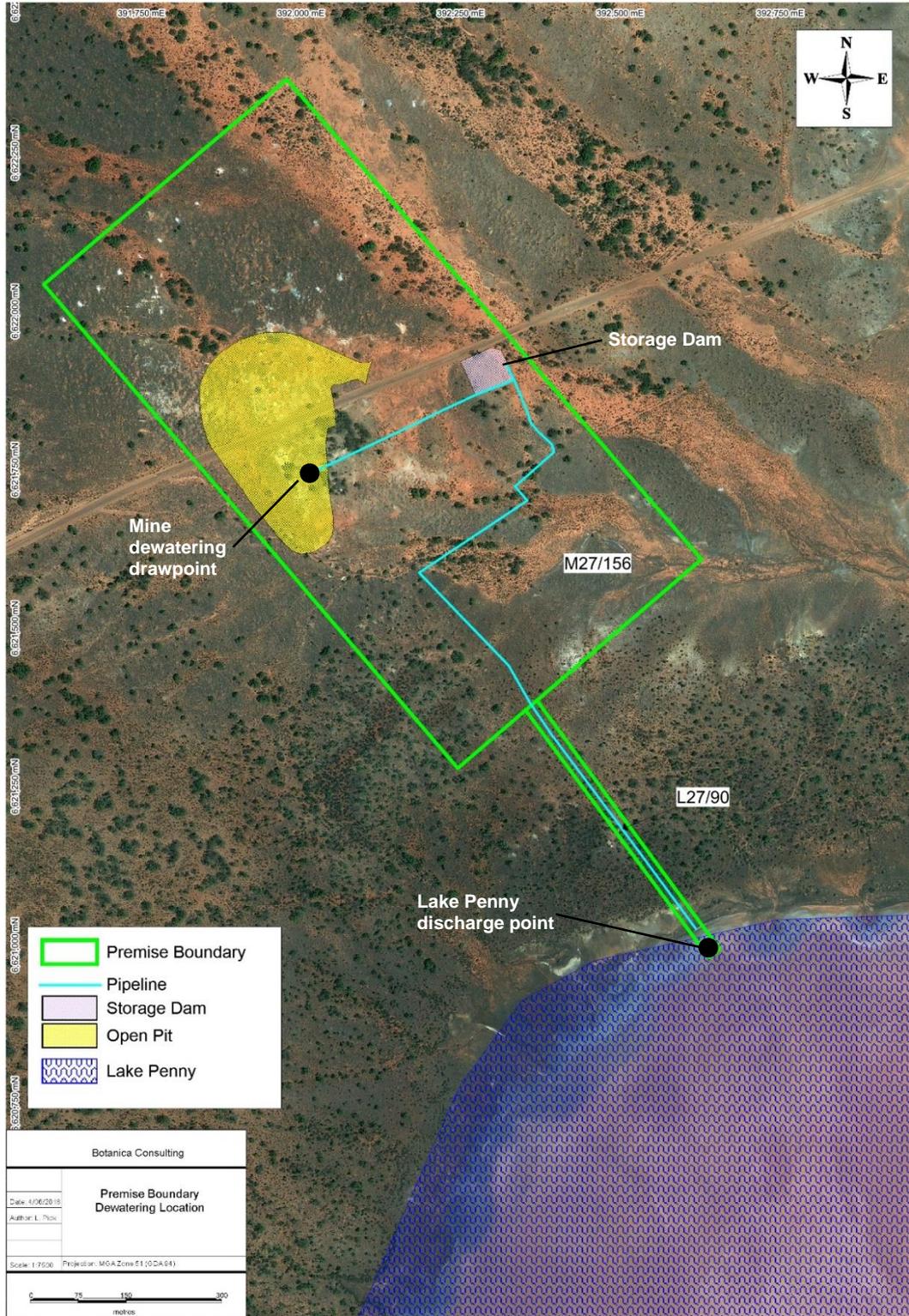
- (g) Be legible;
  - (h) If amended, be amended in such a way that the original and subsequent amendments remain legible and are capable of retrieval;
  - (i) Be retained for at least 3 years from the date the Books were made; and
  - (j) Be available to be produced to an Inspector or the CEO.
- 14.** The Licence Holder must record the number and details of any complaints received by the Licence Holder relating to its obligations under this Licence and its compliance with Part V of the EP Act at the Premises, and any action taken by the Licence Holder in response to the complaint. Details of complaints must include:
- (a) An accurate record of the concerns or issues raised, for example a copy of any written complaint or a written note of any verbal complaints made;
  - (b) The name and contact details of the complainant, if provided by the complainant;
  - (c) The date of the complaint; and
  - (d) The details and dates of the actions taken by the Licence Holder in response to the complaints.
- 15.** The Licence Holder must submit to the CEO, no later than 30 January, a Compliance Report indicating the extent to which the Licence Holder has complied with the Conditions in this Licence for the preceding Annual Period. The Compliance Report is to comprise:
- (a) Discharged water volumes;
  - (b) Discharge and receiving water quality data;
  - (c) Assessment of sediment erosion at the Lake Penny discharge site;
  - (d) Assessment of riparian vegetation health compared to a baseline vegetation survey (pre-dewatering discharge);
  - (e) Assessment of aquatic biota species diversity and abundance within the impacted site (Lake Penny Discharge Site) with a comparison to species in at least one un-impacted (control) site; and

- (f) For reports completed in subsequent years, current monitoring results shall be compared to previous monitoring and baseline data.
- 16.** The Licence Holder must comply with a Department Request, within 14 days from the date of the Department Request or such other period as agreed to by the Inspector or the CEO.

# Schedule 1: Maps

## Premises map

The Premises are shown in the map below, with the Premises boundary shown as the solid green line.



## Schedule 2: Primary Activities

At the time of assessment, Emissions and Discharges from the following Primary Activities were considered in the determination of the risk and related Conditions for the Premises.

The Primary Activities are listed in Table 4:

**Table 4: Primary Activities**

Primary Activity	Premises production or design capacity
Category 6 – Mine dewatering	1, 261 440 tonnes per annum

## Infrastructure and equipment

The Primary Activity infrastructure and equipment situated on the Premises is listed in Table 5.

**Table 5: Infrastructure and equipment**

Infrastructure and equipment
Pipework from pit to lake
Pipeline telemetry
Pipeline bunding for overland pipeline route (outside of the pit and not on the lake)
Anchoring of the dewater pipeline
Energy dissipation device at the discharge point
Storage dam to store dewater effluent for the use of dust suppression
Open Mine void for the storage and transfer of dewatering effluent to Lake Penny

## Schedule 3: Monitoring

### Dewater Discharge, Sediment and Vegetation Monitoring

The Licence Holder must monitor the parameters specified in Column 1 from the locations specified in Column 2 of Table 6, Table 7, Table 8, when discharge to the environment commences. The parameters must be sampled at the frequency specified in Column 3 and in accordance with the method specified in Column 4. All laboratory samples are submitted to and tested by laboratory with current NATA accreditation for the parameters being measured.

**Table 6: Dewater Quality Monitoring Table**

Column 1		Column 2	Column 3	Column 4
Parameters		Location	Frequency	Method
Water quality	EC pH Total Dissolved Solids Total Suspended Solids	Mine dewatering drawpoint	Annually	AS/NZS 5667.1 AS/NZS 5667.10 Current version of the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC / ARMCANZ)
Anions and Cations	Bicarbonate (HCO <sub>3</sub> ) Carbonate (CO <sub>3</sub> ) Calcium (Ca) Chloride (Cl) Magnesium (Mg) Potassium (K) Sodium (Na) Sulphate (SO <sub>4</sub> )			
Total Metals and Trace Elements	Aluminium (Al) Antimony (Sb) Arsenic (As) Barium (Ba) Beryllium (Be) Boron (B) Cadmium (Cd) Chromium (Cr) Cobalt (Co) Copper (Cu) Iron (Fe) Lead (Pb) Manganese (Mn) Mercury (Hg) Molybdenum (Mo)			

	Nickel (Ni) Selenium (Se) Silicon (Si) Thallium (Tl) Uranium (U) Vanadium (V) Zinc (Zn)			
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**Table 7: Lake Penny Sediment and Water Quality Monitoring Table**

Column 1		Column 2	Column 3	Column 4
Parameters		Location	Frequency	Method
Water quality	EC	Lake Penny discharge point  Control site	Annually	AS/NZS 5667.1
	pH			AS/NZS 5667.10
TDS				
TSS				
Sediment Quality	Moisture content			AS/NZS 5677.12
	Nitrite plus Nitrate (NO <sub>2</sub> + NO <sub>3</sub> )			
	Total Nitrogen			
	Total Phosphorous			
	Total Organic Carbon			
Anions and Cations	Bicarbonate (HCO <sub>3</sub> )			AS/NZS 5667.1  AS/NZS 5667.10 Current version of the <i>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</i> (ANZECC / ARMCANZ)
	Carbonate (CO <sub>3</sub> )			
	Calcium (Ca)			
	Chloride (Cl)			
	Magnesium (Mg)			
	Potassium (K)			
	Sodium (Na)			
	Sulphate (SO <sub>4</sub> )			
Total Metals and Trace Elements	Aluminium (Al)			
	Antimony (Sb)			
	Arsenic (As)			
	Barium (Ba)			
	Beryllium (Be)			
	Boron (B)			
	Cadmium (Cd)			
	Chromium (Cr)			

	Cobalt (Co) Copper (Cu) Iron (Fe) Lead (Pb) Manganese (Mn) Mercury (Hg) Molybdenum (Mo) Nickel (Ni) Selenium (Se) Silicon (Si) Thallium (Tl) Uranium (U) Vanadium (V) Zinc (Zn)			
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**Table 8: Lake Penny Aquatic Biota and Algae Monitoring Table**

Column 1		Column 2	Column 3	Column 4
Parameters		Location	Frequency	Method
Aquatic Biota	Surface Aquatic Invertebrates (diversity and abundance)	Lake Penny discharge site	Annually	Carried out by a suitably qualified environmental scientist/ botanist
Algae	Benthic Microalgae Invertebrates (including resting stages)	Control site	Annually	

**Table 9: Riparian Vegetation Monitoring Table**

Column 1		Column 2	Column 3	Column 4
Parameters		Location	Frequency	Method
Riparian Vegetation	Level 1 vegetation survey/targeted repeat comparison surveys <sup>1</sup>	Lake Penny Shoreline	Annually	Reviewed by a suitably qualified environmental scientist/ botanist
	Photo point monitoring/ Riparian vegetation health assessment (rapid assessment method) <sup>1</sup>	Control site	6 monthly  Initial survey to be undertaken prior to discharge	

Note 1: Riparian vegetation is to be monitored at the shoreline nearest to the discharge point

**Table 10: Sediment Erosion Monitoring Table**

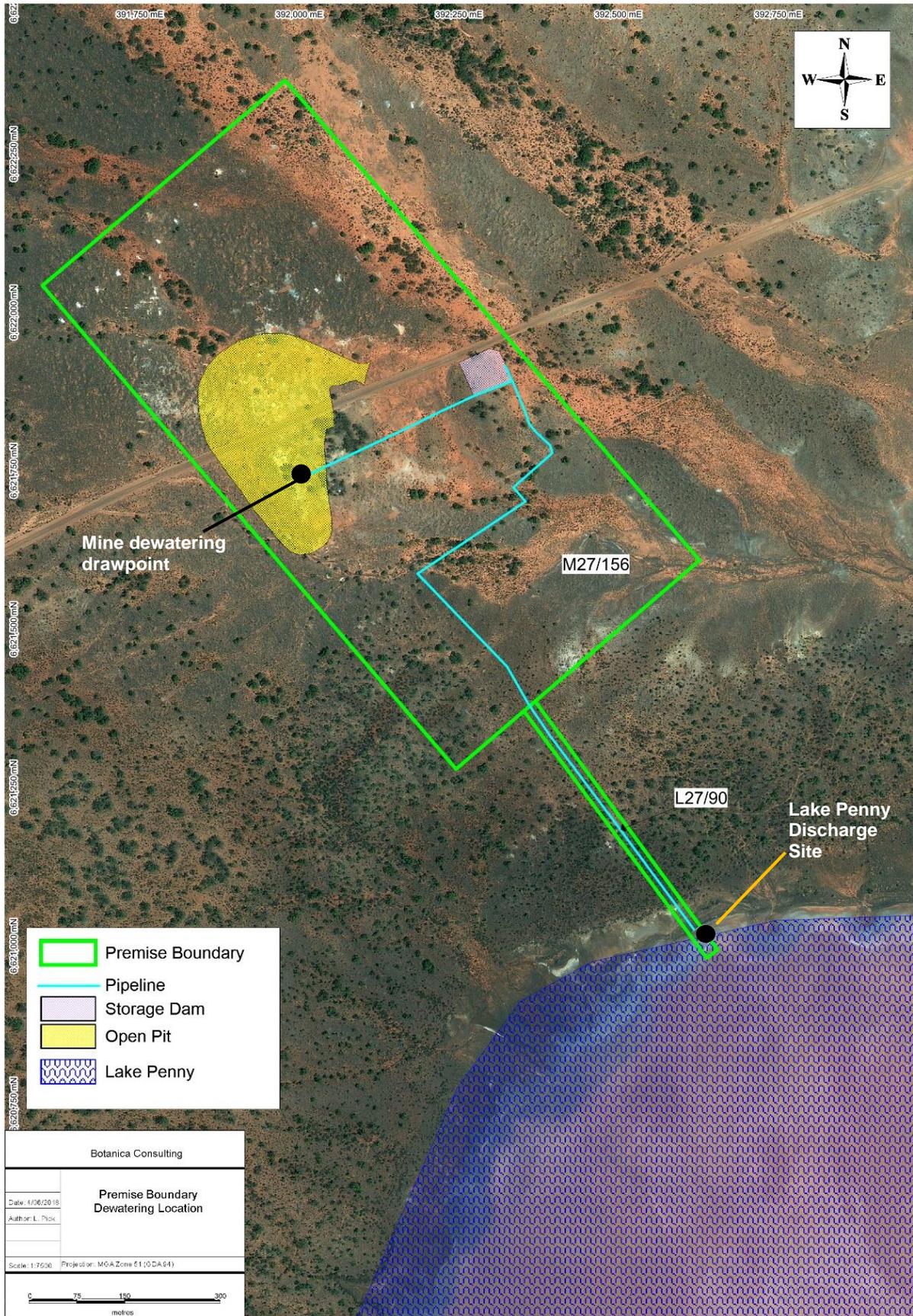
Column 1		Column 2	Column 3	Column 4
Parameters		Location	Frequency	Method
Lake sediment	Photo point monitoring/ erosion assessment	Lake Penny discharge point	6 monthly  Initial survey to be undertaken prior to discharge	Reviewed by a suitably qualified environmental scientist

## Monitoring reports

The monitoring reports must contain:

1. The sampling or measurement date;
2. The raw monitoring data as required by Schedule 3 in tabulated form;
3. The data of dewater volumes discharged required by Condition 8;
4. An assessment of any trends observed from data over time; and
5. Recommendations to improve the dewater discharge monitoring program or improve operational management of the discharge so as to reduce impact on the receiving environment, where appropriate.

# Monitoring locations map



## Lake Penny monitoring points map

