



GOVERNMENT OF
WESTERN AUSTRALIA

Section 65
Environmental Protection Act 1986.

ENVIRONMENTAL PROTECTION NOTICE

Reference No: 202405-01

PERSON TO WHOM THIS NOTICE IS GIVEN:

Newcrest Mining Limited ACN 005 683 625

PO Box 1652

SUBIACO WA 6904

PREMISES TO WHICH THIS NOTICE RELATES (the Premises):

The premises the subject of the Environmental Protection Notice (Notice) is situated on:

Telfer Gold Mine

Mining Leases: G45/1-4, L45/99, L45/100, L45/106, L45/622, M45/6-11, M45/33, M45/203-211, M45/249, M45/631-633, M45/709, M45/710, M45/720

TELFER WA 6762

As depicted under licence L6079/1988/13 issued pursuant to the *Environmental Protection Act 1986 (EP Act)*.

Reasons for which this notice is served:

This Notice is given because the *CEO* suspects on reasonable grounds that there is, or is likely to be, an emission from the premises and that this emission has caused or is likely to cause *pollution*.

The nature of the *pollution* being the discharge or potential discharge of mining process water (wastewater) and tailings material held in tailings facilities TSF7 and TSF8 as defined under licence L6079/1988/13, into the surrounding *environment* due to integrity issues associated with this infrastructure and associated pipelines that the *CEO* suspects

is likely to result in a direct or indirect alteration of the *environment* to its detriment or degradation or to the detriment of an environmental value.

I am satisfied that because:

Newcrest Mining Limited is the company that occupies and operates Telfer Gold Mine that they are the appropriate person/s to give this Notice.

REQUIREMENTS OF THIS NOTICE:

Terms used in this Notice have the meaning defined in Appendix 1 to this Notice.

The following requirements upon the person to whom the Notice is given are considered appropriate to achieve the following outcomes:

- A. To prevent *the pollution*.
- B. To prepare and implement a plan for the prevention, control or abatement of *the pollution*.

REQUIREMENTS

1. The person to whom this Notice is given must not deposit any mine process water or tailings into TSF7 or TSF8 unless authorised in writing by the *CEO*.
2. Within 30 *days* of receiving his Notice, the person to whom this Notice is given must complete the following activities:
 - 2.1. Install all necessary pumping infrastructure to connect TSF7 and TSF8 to the existing leach dump facilities.
 - 2.2. Dewater TSF7 and TSF8 until seepage of water from embankments has ceased.
 - 2.3. Deposit of decant water from TSF7 and TSF8 into existing leach dump facilities 5 (DL5) and leach dump facility 273 (DL237) as defined in licence L6079/1988/13.
3. Whilst undertaking activities under conditions 2.1, 2.2 and 2.3 of this Notice, the person to whom this Notice is given must:
 - 3.1. Deposit tailings decant water into TSF8 only as temporary measure to facilitate transfer to leach dump facility DL5 and leach dump facility DL237.
 - 3.2. Ensure the volume of water held in TSF8 does not exceed RL5498.5m.
 - 3.3. Deposit all tailings decant water into either leach dump facility DL5 or leach dump facility DL237.
 - 3.4. Ensure a minimum of 300mm freeboard is maintained on DL5 and DL237.
 - 3.5. Ensure that the perimeter of the TSF7 and TSF8 shared wall and TSF7 area of seepage, and the entire unbanded length of the connecting pipeline whilst

in operation, is inspected every 3 hours between the hours of 6:00am and 6:00pm. This inspection can be on foot, in a vehicle or via drone. A record of this inspection must be maintained and provided to the *CEO* upon request.

- 3.6. Ensure that the TSF7 and TSF8 shared wall and the TSF7 area of seepage is continuously monitored by radar.
 - 3.7. Any further failure of either TSF7, TSF8 or the pipeline is reported to the *CEO* by email at compliance@dwer.wa.gov.au within 24 hours of being identified.
 - 3.8. Obtain and keep a photographic record, that must be produced to the *CEO* upon written request, of works completed in accordance with this Notice showing:
 - 3.8.1. Constructed infrastructure; and
 - 3.8.2. TSF7 and TSF8 before and after decanting; and
 - 3.8.3. DL5 and DL237 before and after accepting decanted water.
 - 3.9. Prior to pipelines returning to the use approved under licence L6079/1988/13, Newcrest must purge pipelines with clean water to ensure decant water is removed from the pipeline. All water and process water from the purging of the pipeline must be collected and treated as decant water.
4. The person to which this Notice is given must engage a *suitably qualified engineer* required for conditions 4.1 and 4.2 and an *Environmental specialist* required for conditions 4.3 and 4.4 to develop a plan, to the satisfaction of the *CEO*, for the prevention of *Pollution* associated with a loss of containment of process water and / or tailings within TSF7, TSF8 and associated pipelines and infrastructure. The plan is to include:
- 4.1. Assessment of the entire embankment of TSF7 and TSF8 to identify fractures, developing sink holes or other weaknesses that may impact on embankment integrity. The assessment is to include the use of radar monitoring (and data analysis) and physical inspection across the entire embankment of TSF7 and TSF8.
 - 4.2. Assessment of all pipelines and associated infrastructure that are connected to TSF7 and TSF8 to determine whether there are any weaknesses or potential failures at operational pressures and must include physical inspection and pressure testing.
 - 4.3. Assessment of the direct or indirect alteration of the *environment* to its detriment or degradation, or to the detriment of an environmental value, as a result of any emission from TSF7, TSF8 and associated pipelines and infrastructure.
 - 4.4. Assessment of impacts to groundwater as a result of any emission from TSF7, TSF8 and associated pipelines and infrastructure including comparison of historical and current monitoring data, sampling and analysis.

- 4.5. Where any of the assessments undertaken under condition 4.1, 4.2, 4.3 and 4.4 identifies issues that have impacted the integrity of TSF7 and TSF8 or increased the potential of infrastructure or pipeline failure or identified *pollution*, detail the actions that will need to be completed to:
- 4.5.1. restore integrity of TSF7 and TSF8,
 - 4.5.2. reduce the likelihood of failure of the identified infrastructure or pipeline, and
 - 4.5.3. in relation to any risks identified under conditions 4.1 and 4.2, prevent *pollution*
 - 4.5.4. in relation to any *pollution* identified under condition 4.3 and 4.4, control or abate the *pollution*.
- 4.6. Commencement and completion timeframes associated with all actions to develop and implement the plan.
- 4.7. Provide a written progress report to the *CEO* on all actions required by this Notice and the plan by 30 June and 31 December of each year until the *CEO* notifies Newcrest in writing that all requirements have been satisfied.
- 4.8.
5. The person to whom this Notice is given must ensure the plan compiled in accordance with condition 4 of this Notice is completed and provided to the *CEO* within 60 *days* of receiving his Notice.
6. If the *CEO* considers the plan prepared under condition 4 of this Notice is appropriate for the purposes of this Notice, the *CEO* will approve the plan and notify the person to whom this Notice is given of the approval in writing.
7. If the *CEO* considers the plan prepared under condition 4 of this Notice is inappropriate for the purposes of this Notice, the *CEO* will notify the person to whom this Notice is given with a direction on improvement in writing.
8. If the person to whom this Notice is given is given a direction on improvement under condition 7 of this Notice, the person to whom this Notice is given must amend the plan in accordance with this direction and resubmit the amended plan to the *CEO* within 21 *days* of being notified under condition 7.
9. Within 21 *days* of receiving notification of the Plan being approved by the *CEO* in accordance with condition 6 of this Notice, the person to whom this Notice is given must implement that plan.

OTHER REQUIREMENTS

9. Subject to section 65(4) of the *EP Act*, the *CEO* may vary the requirements of this Notice, including the specified requirements and timeframes where they consider sufficient justification has been provided, and it can be demonstrated that such

variation will not result in an unacceptable risk to human health, the *environment* or any environmental value.



Ruth Dowd
Executive Director Assurance
Department of Water and Environmental Regulation

for the Chief Executive Officer under Delegation No. 163 dated 30 April 2024

24 June 2024

Appendix 1: Definitions

In this Notice, unless the contrary intention appears –

‘CEO’ means Chief Executive Officer, Department of Water and Environmental Regulation or delegated officer under Delegation No. 162 dated 26 April 2024.

‘CEO’ for the purposes of correspondence means:

Deputy Director General - Approvals
Department of Water and Environmental Regulation
Locked Bag 10
JOONDALUP DC WA 6919
Telephone: (08) 6364 7000
Fax: (08) 6364 7001
Email: compliance@dwer.wa.gov.au

‘Days’ means all days including weekends and public holidays.

‘Environment’ in accordance with section 3 and section 3A of the *Environmental Protection Act 1986*, means living things, their physical, biological and social surroundings, and interactions between all of these.

‘Pollution’ means as defined under section 3A(1) of the *Environmental Protection Act 1986*.

‘Environmental specialist’ means a person who holds a tertiary qualification in environmental science or equivalent and has experience in the assessment of Western Australian native vegetation and fauna (see condition 4.3) or hydrology and groundwater (see condition 4.4) as required.

‘EP Act’ means the *Environmental Protection Act 1986* (WA).

‘Suitably qualified engineer’ means a person holds a Bachelor of Engineering recognised by the Institute of Engineers and has a minimum of five years of experience working in a supervisory area of their engineering expertise which must include mining.

IMPORTANT INFORMATION:

A PERSON WHO IS BOUND BY THIS ENVIRONMENTAL PROTECTION NOTICE AND WHO DOES NOT COMPLY WITH THIS NOTICE COMMITS AN OFFENCE UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986*.

Note that under section 118 of the *Environmental Protection Act 1986* that each person who is a director or who is concerned in the management of the body corporate may be taken to have also committed the same offence.

Under section 103 of the *Environmental Protection Act 1986*:

- a person who is aggrieved by a requirement contained in this Notice may within 21 *days* of being given this notice lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal; and
- any other person who disagrees with a requirement contained in this Notice may within 21 *days* of the making of that requirement lodge with the Minister for Environment an appeal in writing setting out the grounds of that appeal.

PENDING THE DETERMINATION OF AN APPEAL REFERRED TO ABOVE, THE RELEVANT REQUIREMENTS CONTAINED IN THIS NOTICE CONTINUE TO HAVE EFFECT.