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Published on: 20 April 2022

Statement No. 1188

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(Environmental Protection Act 1986)**

WEST MUSGRAVE COPPER AND NICKEL PROJECT

Proposal: The proposal is to develop two copper and nickel deposits (Babel pit and Nebo pit) within the West Musgrave Ranges of Western Australia.

Proponent: OZ Minerals Musgrave Operations Pty Ltd
Australian Company Number 640 213 341

Proponent Address: 2 Hamra Drive
ADELAIDE AIRPORT SA 5950

Assessment Number: 2286

Report of the Environmental Protection Authority: Report 1720

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Volume 1 of the proponent's referral supporting document (revision 2) dated 1 June 2021 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Limitations and Extent of Proposal

When implementing the proposal, the proponent shall ensure the proposal does not exceed the following extents:

Proposal element	Location	Limitation or maximum extent
Physical elements		
Mine and associated infrastructure	Figures 1 and 2	Development Envelope of 20,852 ha
Clearing	Figure 2	No more than 3,830 ha of native vegetation within a development envelope of 20,852 ha

Proposal element	Location	Limitation or maximum extent
Operational elements		
Mining voids	Figure 2	Nebo pit void to be backfilled above water table post-closure
Mining waste	Figure 2	Placement of up to 1,465 Mt of waste rock into permanent waste rock dumps
Ore processing waste (tailings)	Figure 2	Disposal of up to 315 Mt of tailings into a tailings storage facility and/or Nebo pit void
Power supply	N/A	Up to 60 mega watt (instantaneous load requirement) of fossil fuel electricity generation
Water supply	Figure 2	Abstraction of up to 7.5 gigalitres per annum via borefield and dewatering
Project Life	N/A	26 Years

2 Cultural Heritage

- 2-1 The proponent shall implement the proposal to meet the following environmental outcomes:
- (1) no direct disturbance of the ethnographic exclusion zones, data of which is held by the EPA and CEO; and
 - (2) subject to reasonable health and safety requirements, no interruption of ongoing access to land utilised for traditional use or custom by the Ngaanyatjarra People.
- 2-2 The proponent shall implement the proposal to meet the following environmental objectives:
- (1) avoid, where possible, and otherwise minimise indirect impacts to cultural heritage within and surrounding the development envelope; and
 - (2) avoid, where practicable, and otherwise minimise direct disturbance to archaeological cultural heritage sites.
- 2-3 The proponent shall implement the *West Musgrave Copper and Nickel Project Cultural Heritage Management Plan* (Revision 3, October 2021) with the objective of ensuring that the outcomes of condition 2-1(1) and 2-1(2) and the objectives of condition 2-2(1) and 2-2(2) are achieved.
- 2-4 The proponent may review and revise the *West Musgrave Copper and Nickel Project Cultural Heritage Management Plan* (Revision 3, October 2021) or any subsequent revisions in consultation with the **NGC** and as approved by the CEO.

- 2-5 The proponent shall review and revise the *West Musgrave Copper and Nickel Project Cultural Heritage Management Plan* (Revision 3, October 2021) as and when directed by the CEO by notice in writing, and in consultation with the **NGC**, as detailed in condition 2-4.
- 2-6 The proponent shall continue to implement the approved Cultural Heritage Management Plan, or any subsequently approved revisions, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the outcomes of condition 2-1 and the objectives of condition 2-2 are being and will continue to be met.
- 2-7 In the event of failure to implement management actions detailed in the approved Cultural Heritage Management Plan, the proponent shall notify the CEO in writing within seven (7) days of the non-compliance being identified and shall immediately implement the contingency actions described in the plan.

3 Flora and Vegetation

- 3-1 The proponent shall implement the proposal to meet the following environmental outcomes:
- (1) direct disturbance to be confined to the development envelope identified in Figure 2, limited to 3,830 ha;
 - (2) the loss of no more than (one) 1 population of the flora species *Aenictophyton anomalum* within the development envelope;
 - (3) no direct disturbance in exclusion areas for *Aenictophyton anomalum* identified on Figure 3; and
 - (4) the loss of no more than 10 per cent of the known population of *Goodenia asteriscus* or *Amaranthus centralis*, or more than 5.2 per cent of any other **priority flora species**.
- 3-2 The proponent shall implement the proposal to meet the following environmental objective:
- (1) avoid, where possible and otherwise minimise impacts to native flora and vegetation, including impacts from clearing, weeds, and fire.
- 3-3 The proponent shall implement the *West Musgrave Copper and Nickel Project Flora and Vegetation Management Plan* (Revision 1, September 2021), and subsequent approved revisions, with the objective of ensuring the environmental outcomes of condition 3-1 and the objective of condition 3-2 are achieved.
- 3-4 The proponent shall implement the latest revision of the Flora and Vegetation Management Plan which the CEO has confirmed by notice in writing, addresses the requirements of conditions 3-1 and 3-2.

- 3-5 The proponent:
- (1) may review and revise the Flora and Vegetation Management Plan; or
 - (2) shall review and revise the Flora and Vegetation Management Plan as and when directed by the CEO, including (if directed) in consultation with the **NGC**.
- 3-6 The proponent shall continue to implement the Flora and Vegetation Management Plan, or any subsequent revisions as confirmed by the CEO in condition 3-4, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the environmental outcomes detailed in condition 3-1 have been met.

4 Inland Waters

- 4-1 The proponent shall implement the proposal to meet the following environmental outcomes:
- (1) ensure drawdown does not exceed (one) 1 metre at Linton Bore; and
 - (2) no drawdown related adverse impacts to **culturally important vegetation**.
- 4-2 The proponent shall revise the *West Musgrave Copper and Nickel Project Groundwater Monitoring and Management Plan (Revision 2, September 2021)* to ensure it is consistent with achievement of the environmental outcomes in condition 4-1. The plan shall:
- (1) when implemented, substantiate, and demonstrate that condition 4-1 is being met;
 - (2) specify trigger criteria that will trigger the implementation of management and/or contingency actions to ensure achievement of the environmental outcomes in condition 4-1;
 - (3) specify threshold criteria to demonstrate compliance with condition 4-1;
 - (4) specify monitoring methodology to determine if trigger criteria and threshold criteria have been met;
 - (5) specify management and/or contingency actions to be implemented if the trigger criteria required by condition 4-2(2) and/or the threshold criteria required by condition 4-2(3) have not been met (including changes to operations, reduction in extraction and consideration of alternative sources (subject to regulatory approval)); and
 - (6) provide a format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 4-1

has been met over the reporting period in the Compliance Assessment Report required by condition 10-6.

- 4-3 The proponent shall implement the latest revision of the Groundwater Monitoring and Management Plan which the CEO has confirmed by notice in writing, addresses the requirements of conditions 4-1 and 4-2.
- 4-4 The proponent shall not undertake groundwater extraction activities for construction or operation of the proposal until the CEO has confirmed in writing that the revisions to the Groundwater Monitoring and Management Plan required under condition 4-2 meet the requirements of that condition.
- 4-5 In the event that monitoring or investigations at any time indicate an exceedance of threshold criteria specified in the Groundwater Monitoring and Management Plan which is confirmed under condition 4-3, the proponent shall:
 - (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
 - (2) implement the contingency actions required by condition 4-2(5) within seven (7) days of the exceedance being reported as required by condition 4-5(1) and continue implementation of those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and implementation of the threshold contingency actions are no longer required;
 - (3) investigate to determine the cause of the threshold criteria being exceeded;
 - (4) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and
 - (5) provide a report to the CEO within twenty-one (21) days of the exceedance being reported as required by condition 4-5(1). The report shall include:
 - (a) details of threshold contingency actions implemented;
 - (b) the effectiveness of the threshold contingency actions implemented against the threshold criteria;
 - (c) the findings of the investigations required by conditions 4-5(3) and 4-5(4);
 - (d) measures to prevent the threshold criteria being exceeded in the future;

- (e) measures to prevent, control or abate the environmental harm which may have occurred; and
- (f) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that objectives will continue to be met.

4-6 The proponent:

- (1) may review and revise the Groundwater Monitoring and Management Plan; or
- (2) shall review and revise the Groundwater Monitoring and Management Plan as and when directed by the CEO, including (if directed) in consultation with the **NGC**.

4-7 The proponent shall continue to implement the Groundwater Monitoring and Management Plan, or any subsequent revisions as confirmed by the CEO in condition 4-3, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the environmental outcomes detailed in condition 4-1 have been met.

5 Greenhouse Gas Management

5-1 The proponent shall take measures to ensure that **net greenhouse gas (GHG) emissions** do not exceed:

- (1) 915,000 t CO₂-e for the period between project commencement and 30 June 2028;
- (2) 780,000 t CO₂-e for the period between 1 July 2028 and 30 June 2033;
- (3) 378,000 t CO₂-e for the period between 1 July 2033 and 30 June 2038;
- (4) zero (0) t CO₂-e per annum for every five (5) year period from 1 July 2038 onwards.

5-2 The proponent shall submit a report to the CEO each year by 31 March, commencing on the first 31 March after the date of this Statement specifying for the previous financial year:

- (1) the quantity of **proposal GHG emissions** and copper and nickel concentrates produced; and
- (2) the **emissions intensity** for the proposal.

5-3 The proponent shall submit to the CEO by 31 March 2029, and every fifth 31 March thereafter:

- (1) a report specifying:
 - (a) for each of the preceding five (5) financial years, the matters referred to in conditions 5-2(1) and (2);
 - (b) for the period specified in conditions 5-1(1), (2), (3) or (4) that ended on 30 June of the year before the report is due:
 - (i) the quantity of **proposal GHG emissions**;
 - (ii) the **net GHG emissions**;
 - (iii) the type, quantity, identification or serial number, and date of retirement or cancellation of any **authorised offsets** which have been retired or cancelled and which have been used to calculate the **net GHG emissions** referred to in condition 5-3(1)(b)(ii), including written evidence of such retirement or cancellation; and
 - (iv) any measures that have been implemented to avoid or reduce **proposal GHG emissions**
- (2) an audit and peer review of the report required by condition 5-3(1), carried out by an independent person or independent persons with suitable technical experience dealing with the suitability of the methodology used to determine the matters set out in the report, whether the report is accurate and whether the report is supported by credible evidence. This report is to be made publicly available as required by condition 5-8.

5-4 A summary document comprising of a summary plan and progress statement outlining key information from the **greenhouse gas management plan** (and reports to that time) must be provided every five (5) years thereafter as per condition 5-3 and also if the **greenhouse gas management plan** is revised under condition 5-7. The summary, where feasible must include:

- (1) a graphical comparison of scope 1 emission reduction commitments in the **greenhouse gas management plan** with 'actual' emissions for compliance periods;
- (2) proposal performance against benchmarking for comparable facilities;
- (3) **emissions intensity**;
- (4) a summary of emission reduction measures undertaken by the proponent; and
- (5) a clear statement as to whether interim targets have been achieved.

- 5-5 Within two (2) months of the date of this Statement, the proponent shall revise the *West Musgrave Copper and Nickel Project Greenhouse Gas Management Plan* (Revision 2, October 2021) to ensure it is consistent with the requirements of this condition 5, including achievement of the **net GHG emissions** limits in condition 5-1 (or achievement of emission reductions beyond those required by those emission limits). The proponent shall implement:
- (1) the latest version of the plan that the CEO has confirmed in writing meets the requirements of condition 5-7.
- 5-6 The proponent:
- (1) may revise a **greenhouse gas management plan** at any time;
 - (2) must revise the **greenhouse gas management plan** if there is a change to the proposal which means there is a material risk that condition 5-1 will not be achieved;
 - (3) must revise the **greenhouse gas management plan** at least every five (5) years to align with the five (5) yearly reporting requirements specified in condition 5-3; and
 - (4) must revise a **greenhouse gas management plan** if directed to by the CEO, within the time specified by the CEO.
- 5-7 The proponent shall ensure any revised **greenhouse gas management plan**:
- (1) is consistent with the achievement of the emission limits in condition 5-1 (or achievement of emission reductions beyond those required by the emission limits);
 - (2) specifies the estimated **proposal GHG emissions, net GHG emissions** and total **GHG emissions intensity** for the remainder of the life of the proposal;
 - (3) includes comparison of each of the estimated emissions and **emissions intensity** figures referred to in condition 5-7(2) for the remainder of the life of the proposal against other comparable projects;
 - (4) identifies and describes any measures that the proponent will implement to avoid, reduce and/or offset **proposal GHG emissions**, or reduce the total **GHG emissions intensity** of the proposal;
 - (5) specifies interim and long-term targets for avoiding, reducing and/or offsetting **proposal GHG emissions**; and
 - (6) provides for a program for the future review of the plan to:
 - (a) assess the effectiveness of measures referred to in condition 5-7(4); and

- (b) identify and describe options for future measures that the proponent may or could implement to avoid, reduce and/or offset **proposal GHG emissions** or reduce the **emissions intensity** of the proposal.

(7) is accompanied by a summary plan.

5-8 The proponent shall make all **greenhouse gas management plans** and all reports required under this condition 5 (including audits and peer reviews, summary plans and progress statements) publicly available on the proponent's website within the timeframes specified below for the life of the proposal, or in any other manner or time specified by the CEO:

- (1) the greenhouse gas management plan (and summary plan) referred to in condition 5-5 within two (2) weeks of receiving notice from the CEO in writing confirming the plan meets the requirements of condition 5-7;
- (2) the report referred to in condition 5-2 within two (2) weeks of the report being submitted to the CEO;
- (3) the reports, audits and peer reviews, summary plans and progress statements referred to conditions 5-3 and 5-4 within two (2) weeks of the relevant reports, summary statements and progress reports being submitted to the CEO; and
- (4) any revised greenhouse gas management plan referred to in condition 5-6 within two (2) weeks of receiving confirmation from the CEO as referred in condition 5-5(1).

6 Terrestrial Fauna

6-1 To prevent impacts to significant fauna species, the proponent shall implement the proposal to meet the following environmental outcome:

- (1) loss of no more than 6.7 ha of the spinifex sandplain habitat.

6-2 The proponent shall implement the proposal to meet the following environmental objective:

- (1) avoid, where possible and otherwise minimise impacts to native fauna, including impacts from clearing, fragmentation, vehicles and machinery, pipeline construction, feral animals, weeds, and fire.

6-3 The proponent shall implement the *West Musgrave Copper and Nickel Project Terrestrial Fauna Management Plan* (Revision 1, September 2021) with the objective of ensuring the environmental outcome of condition 6-1 and the objective of condition 6-2 are achieved.

- 6-4 In the compliance assessment report required under condition 10-6, the proponent shall detail the reporting to the **NGC** of any **conservation significant fauna** or **culturally significant fauna** deaths and feral animal monitoring outcomes attributable to the implementation of the proposal.
- 6-5 The proponent shall implement the latest revision of the Terrestrial Fauna Management Plan which the CEO has confirmed by notice in writing, addresses the requirements of conditions 6-1 and 6-2.
- 6-6 The proponent:
- (1) may review and revise the Terrestrial Fauna Management Plan; or
 - (2) shall review and revise the Terrestrial Fauna Management Plan as and when directed by the CEO, including (if directed) in consultation with the **NGC**.
- 6-7 The proponent shall continue to implement the Terrestrial Fauna Management Plan, or any subsequent revisions as confirmed by the CEO in condition 6-5, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the environmental outcome and objective detailed in conditions 6-1 and 6-2 have been met.

7 Environmental Performance Report

- 7-1 The proponent shall submit an Environmental Performance Report to the Minister every five (5) years.
- 7-2 The first Environmental Performance Report shall be submitted within three months after five (5) years from substantial commencement, or such other time as may be approved by the CEO.
- 7-3 Each Environmental Performance Report shall report on proposal impacts on the following environmental values:
- (1) state of social surroundings including cultural heritage, landscape, access for traditional use and custom, and amenity;
 - (2) state of flora and vegetation;
 - (3) state of groundwater;
 - (4) state of terrestrial fauna; and
 - (5) state of the holistic environment.
- 7-4 The Environmental Performance Report must include:

- (1) a comparison of the environmental values identified in condition 7-3 at the end of the five (5) year period; against the state of each environmental value at the beginning of the five (5) year period;
- (2) a comparison of the environmental values identified in condition 7-3 at the end of the five (5) year period; against the state of the environmental values identified in first Environmental Performance Report submitted in accordance with condition 7-2; and
- (3) proposed adaptive management and continuous improvement strategies.

7-5 The Environmental Performance Report may be in whole, or part prepared in conjunction with other proponents where there are cumulative impacts from their proposals.

8 Contact Details

8-1 The proponent shall notify the CEO of any change of its name, physical address, or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

9 Time Limit for Proposal Implementation

9-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.

9-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

10 Compliance Reporting

10-1 The proponent shall prepare and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 10-6, or prior to implementation of the proposal, whichever is sooner.

10-2 The Compliance Assessment Plan shall indicate:

- (1) the frequency of compliance reporting;
- (2) the approach and timing of compliance assessments;

- (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 10-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 10-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 10-1.
- 10-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 10-1 and shall make those reports available when requested by the CEO.
- 10-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 10-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 10-1.

11 Public Availability of Data

- 11-1 Subject to condition 11-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling

methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

11-2 If any data referred to in condition 11-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information,

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

[signed on 20 April 2022]

Hon Reece Whitby MLA

MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Key decision-making authorities consulted under section 45(2):
Minister for Water
Minister for Aboriginal Affairs
Minister for Mines and Petroleum

Table 1: Abbreviations and definitions

Acronym or abbreviation	Definition or term
Authorised Offsets	Units representing GHG emissions issued under one of the following schemes and cancelled or retired in accordance with any rules applicable at the relevant time governing the cancellation or retiring of units of that kind: (a) Australian Carbon Credit Units issued under the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Commonwealth); (b) Verified Emission Reductions issued under the Gold Standard program; (c) Verified Carbon Units issued under the Verified Carbon Standard program; or (d) other offset units that the CEO has notified the proponent in writing meet integrity principles and are based on clear, enforceable and accountable methods
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his/her delegate
Conservation Significant Fauna	Threatened Fauna species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> and <i>Biodiversity Conservation Act 2016</i>
Culturally important vegetation	Specific stand of desert oaks and Mulga identified through consultation with the Ngaanyatjarra People as being of cultural significance, as detailed in the <i>West Musgrave Copper and Nickel Project Groundwater Monitoring and Management Plan</i> as amended from time to time
Culturally Significant Fauna	Fauna species of cultural importance identified through consultation with the Ngaanyatjarra People, as detailed in the <i>Terrestrial Fauna Management Plan</i> as amended from time to time
Emissions Intensity	Proposal GHG emissions per tonne of copper concentrate and nickel concentrate produced
EPA	Environmental Protection Authority
ha	Hectare
Minister	Western Australian Minister for Environment
Net Greenhouse Gas (GHG) Emissions	Proposal scope 1 GHG emissions for a period less any reduction in GHG emissions represented by the cancellation or retirement of authorised offsets which: (a) were cancelled or retired between the first day of the period until 1 March in the year after the period has ended; (b) have been identified in the report for that period as required by condition 5-3(1)(b)(iii); (c) have not been identified as cancelled or retired in the report for that period as required by condition 5-3(1)(b)(iii); (d) have not been used to offset GHG emissions other than proposal GHG emissions; and (e) were not generated by avoiding proposal GHG emissions
NGC	Ngaanyatjarra Council (Aboriginal Corporation) ICN 101
Priority flora species	As defined in the Conservation Codes for Western Australian Flora and fauna

Acronym or abbreviation	Definition or term
Proposal GHG emissions	GHG emissions released to the atmosphere as a direct result of an activity or series of activities that comprise/s or form/s part of the proposal
t CO₂-e	Tonnes of carbon dioxide equivalent. A metric used to compare emissions from various greenhouse gases by converting amounts of other gases to the equivalent amount of CO ₂ based on their Global Warming Potential.

Figures (attached)

1. Regional location of the proposal
2. Development envelope for the proposal
3. Exclusion zones for *Aenictophyton anomalum*

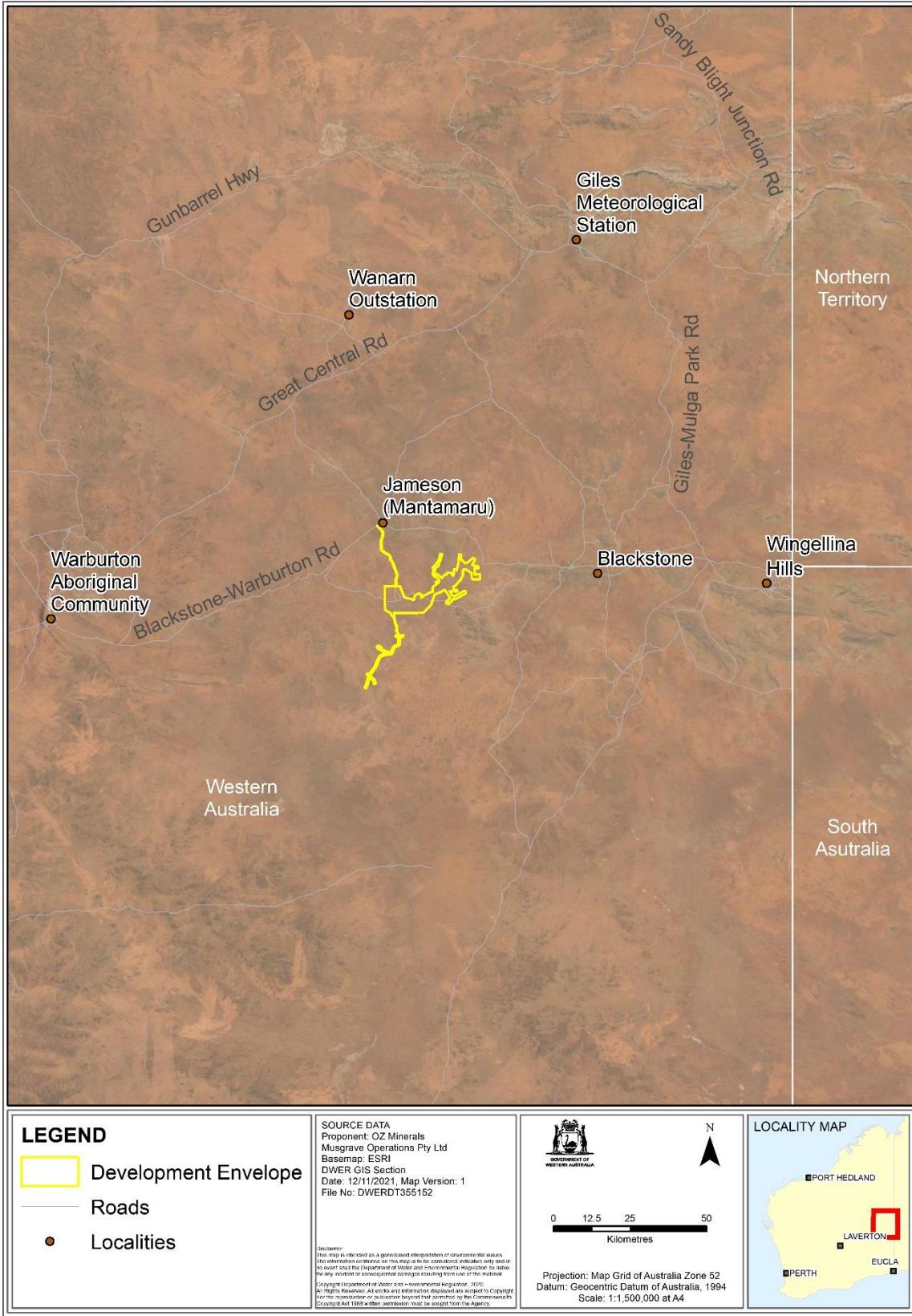


Figure 1. Regional location of the proposal

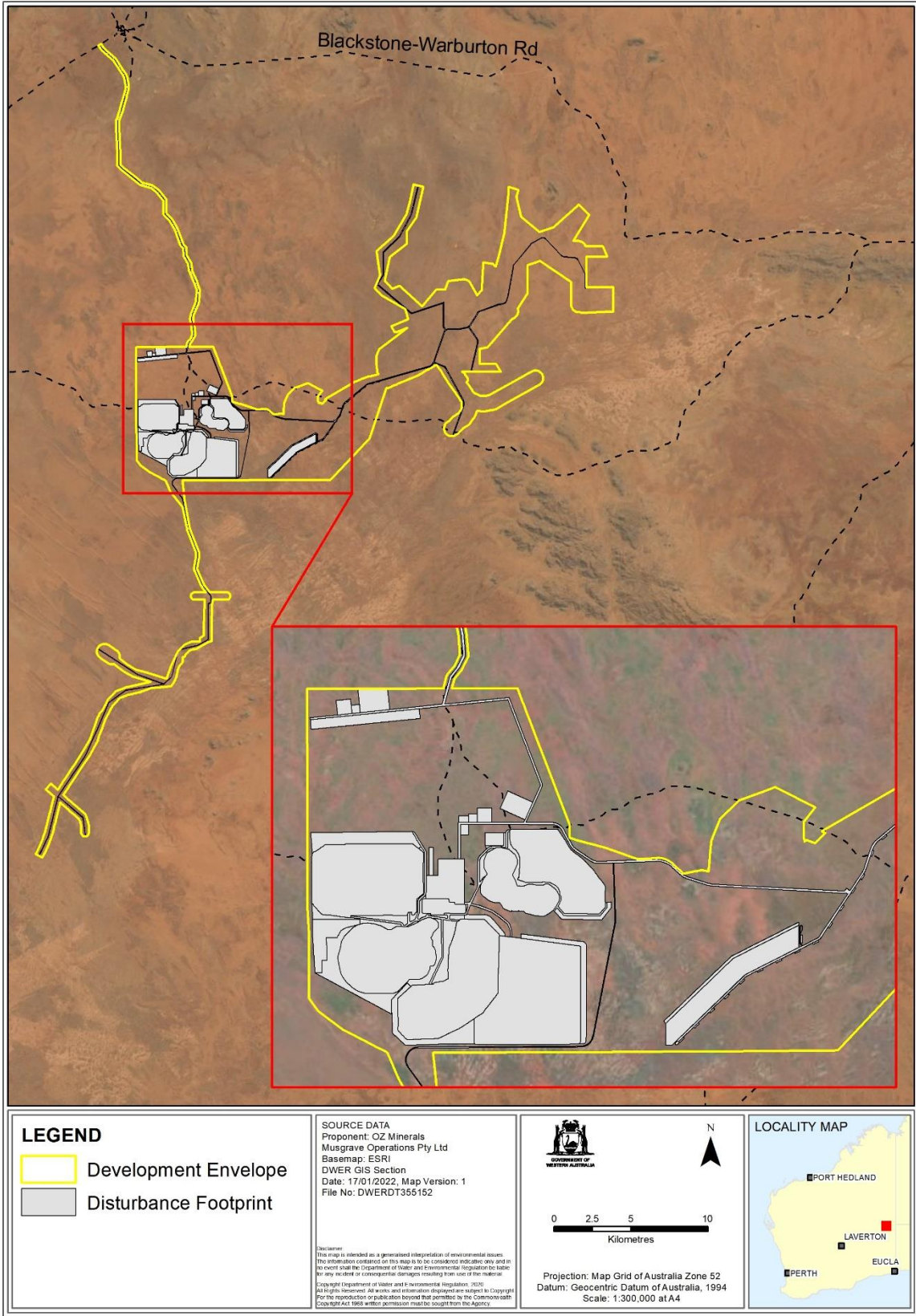


Figure 2. Development envelope for the proposal

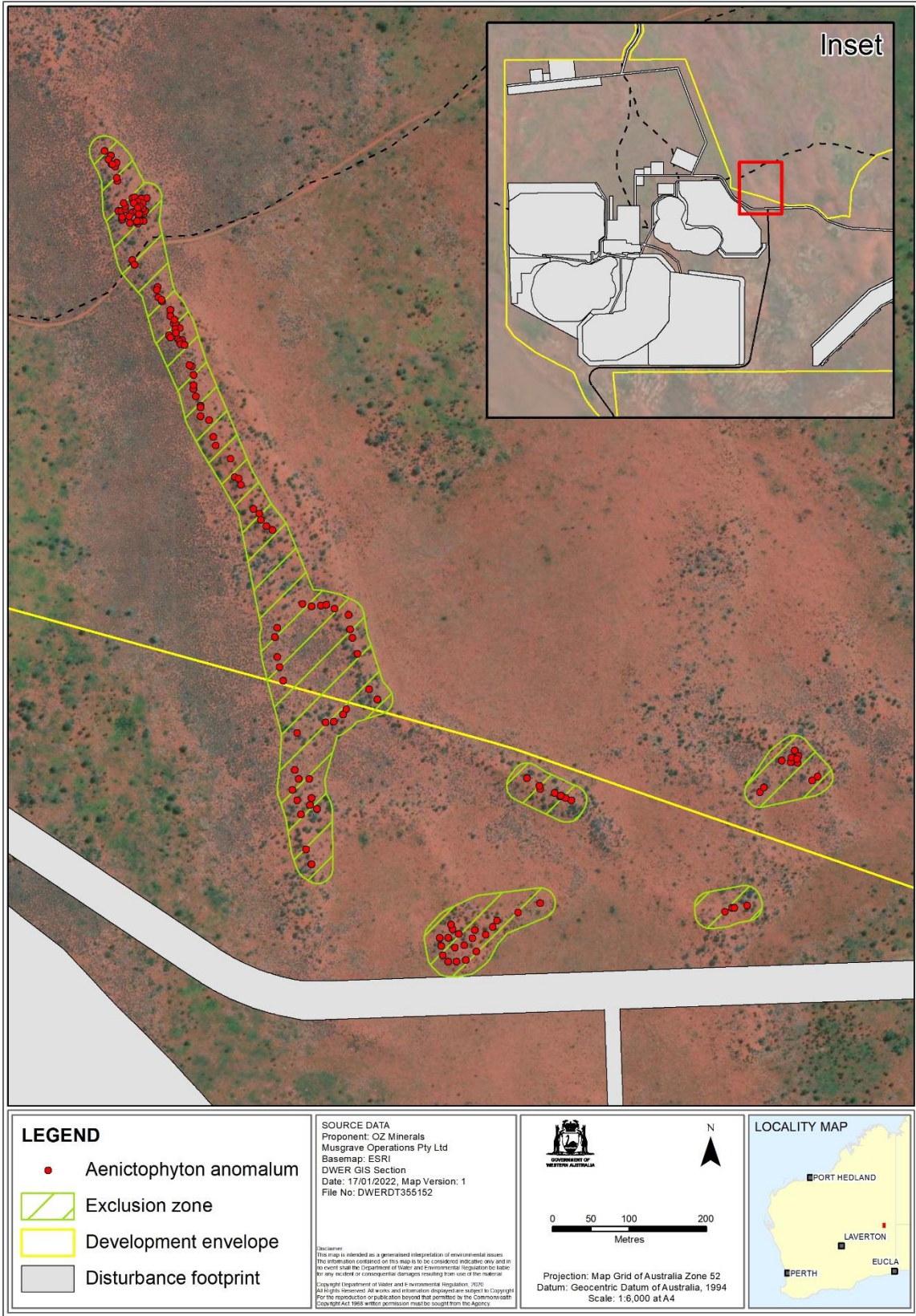


Figure 3: Exclusion zones for *Aenictophyton anomalum*

Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 52 (MGA Zone 52), datum of Geocentric Datum of Australia 1994 (GDA94).

Spatial data depicting the figures in this schedule are held by the Department of Water and Environmental Regulation as follows:

- Figure 1: Regional location of the proposal – DWERDT551755
- Figure 2: Development envelope for the proposal – DWERDT551749
- Figure 3: Exclusion zones for *Aenictophyton anomalum* – DWERDT550560