

## APPENDIX 2

DOEE REFERRAL DECISION (EPBC REFERENCE: 2017/8094)



EPBC Ref: 2017/8094

Mr Andrew Templeman  
General Manager  
Doral Mineral Sands Pty Ltd  
PO Box 9155  
PICTON WA 6229

Dear Mr Templeman

**Decision on referral**

**Yalyalup Mineral Sands Project, southeast of Busselton, WA (EPBC 2017/8094)**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral for Doral Mineral Sands Pty Ltd to construct and operate a mineral sands mine at the Yalyalup mineral sands deposit, approximately 11 km southeast of Busselton, Western Australia.

**As a delegate of the Minister for the Environment and Energy, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.**

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (section 18 & section 18A)
- The ecological character of a declared Ramsar wetland (section 16 and 17B)
- Migratory species (section 20 and 20A)

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance, but not limited to:

Western Ringtail Possum (*Pseudocheirus occidentalis*) - Vulnerable

The proposed action involves mining and groundwater drawdown impacts on known habitat supporting western ringtail possum foraging, breeding and sheltering.

Whicher Range Dryandra (*Banksia squarrosa* subsp. *Argillacea*) – Vulnerable and

Vasse Featherflower (*Verticordia plumosa* var. *vassensis*) - Endangered

The proposed action involves impacts from mining to superficial and groundwater aquifers through water drawdown which is likely to impact the habitat of the two species.

### Shrublands on the southern Swan Coastal Plain Ironstones - Endangered

The proposed action is likely to impact critical habitat of a known occurrence of the threatened ecological community through water drawdown, weed dispersal and potential development of acid sulfate soils which may modify ecosystem functions.

### Vasse-Wonnerup Ramsar wetland system

The proposed action involves mining impacts to superficial and groundwater aquifers through water drawdown which may impact the ecological character of the wetland system. Further information on impacts is outlined below.

### Wood sandpiper (*Tringa glareola*) - Migratory

### Sharp-tailed sandpiper (*Calidris acuminata*) - Migratory and

### Long-toed stint (*Calidris subminuta*) - Migratory

The proposed action involves mining impacts to superficial and groundwater aquifers through water drawdown which may impact the ecological character of the Vasse-Wonnerup Ramsar site which provides important habitat to important populations of the listed Migratory species.

The Department recommends that further studies are required, in particular:

- a. further information on the volume of inflow to the mine pits predicted, process water demand, tailings storage volumes and height and a site water balance are all required to further determine potential impacts.
- b. a conceptual model that clearly identifies the potential impact to water resources on and offsite.
- c. a regional-scale evaluation of any potential cumulative effects of mineral sands extraction in the region.
- d. the groundwater modelling be undertaken that incorporates:
  - i. upwards or downwards leakage between the superficial aquifers, the Leederville Aquifer and the Yarragadee Aquifer, particularly to identify the extent and timing of impact in each geological unit.
  - ii. downwards leakage into the Yarragadee aquifer that may result in the propagation of drawdown beyond the 1km described in the referral. Any risk of this reaching the Vasse-Wonnerup wetland has not been considered in the referral material.
  - iii. the cumulative impact of the mining operations.
- e. Improved understanding of the water dependency of ecosystems in the area predicted to be impacted by the mine development.

- f. Final landform, groundwater recharge, flow and contaminant information for the tailing pits are required to better understand any potential risk created through the interaction between groundwater and contaminants in the tailings.

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

Considering the WA Department of Water and Environmental Regulation's recommendation, I have decided that the project will need to be assessed by accredited assessment, under Part IV of the *Environmental Protection Act 1986* (WA).

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which any third parties can comment on the proposed action*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

Please note, under subsection 520(4A) of the EPBC Act and the *Environment Protection and Biodiversity Conservation Regulations 2000*, your assessment is subject to cost recovery. Please find attached a copy of the fee schedule for your proposal and an invoice for Stage 1. Fees will be payable prior to each stage of the assessment proceeding. Further details on cost recovery are available on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

If you disagree with the fee schedule provided, you may apply under section 514Y of the EPBC Act for reconsideration of the method used to work out the fee. The application for reconsideration must be made within 30 business days of the date of this letter and can only be made once for a fee. Further details regarding the reconsideration process can be found on the Department's website at: <http://www.environment.gov.au/epbc/cost-recovery>.

The project manager will contact you shortly to discuss the assessment process.

I have also written to the following parties to advise them of this decision:

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Minister for Resources and Northern Australia	Senator the Hon Matt Canavan
Minister for Agriculture and Water Resources	The Hon David Littleproud
Minister for Jobs and Innovation	Senator the Hon Michaelia Cash
Department of Water and Environmental Regulation	Mr Mike Rowe

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You may elect under section 132B of the EPBC Act to submit a management plan for approval at any time before the Minister makes an approval decision of the proposed action under section 133 of the EPBC Act.

If an election is made under section 132B of the EPBC Act, cost recovery will apply to the approval of any action management plans you submit.

Cost recovery does not apply to the approval of action management plans where you do not elect to submit an action management plan for approval under section 132B of the EPBC Act and the approval of the action management plan does not arise from a variation to the approval conditions that you have requested.

Where you vary an approval condition and it results in you being required to submit an action management plan for approval, cost recovery will apply to the approval of the action management plan. Please refer to Attachment A for more details.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available on line at: <http://www.environment.gov.au/epbc/about/index.html>

The Department has recently published an *Environmental Impact Assessment Client Service Charter* (the Charter) which outlines the Department's commitments when undertaking environmental impact assessments under the EPBC Act. A copy of the Charter can be found at: <http://www.environment.gov.au/epbc/publications/index.html>.

If you have any questions about the referral process or this decision, please contact the project manager, Daniel Rothenfluh, by email to [Daniel.Rothenfluh@environment.gov.au](mailto:Daniel.Rothenfluh@environment.gov.au), or telephone 02 6274 1584 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely



Greg Manning  
Assistant Secretary  
Assessments and Post Approvals Branch  
8 February 2018