Appendix V

EPBC Referral - DAWE Decision Notice, Letter and Additional Information Provided

Australian Government

Department of Climate Change, Energy, the Environment and Water

Notification of decision on assessment approach

North Kiaka Project Quartzite Mine Expansion, WA (EPBC 2021/9089)

This decision is made under Section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

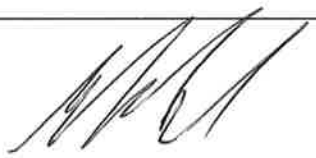
Proposed action

designated proponent	Simcoa Operations Pty Ltd ABN: 42 009 064 653
proposed action	The proposed action is to expand the Existing Mine located 15 km north of the Moora town site, approximately 160 km north of Perth, in the Shire of Moora, WA [See EPBC Act referral 2021/9089]

Assessment approach decision

assessment approach	The project will be assessed by accredited assessment under the *Environmental Protection Act 1986* (WA)

Person authorised to make decision

name and position	Brendan Linton-Smith Acting Branch Head Environment Assessments West (WA, SA, NT) Branch
signature	
date of decision	10 October 2022

Australian Government
Department of Climate Change, Energy, the Environment and Water

EPBC ref: 2021/9089

Kees Visser
Manager – Mining and Strategic Projects
Simcoa Operations Pty Ltd
973 Marriott Road
Wellesley WA 6233

Decision on assessment approach – accredited assesment for North Kiaka Project Quartzite Mine Expansion, WA (EPBC 2021/9089)

Dear Kees Visser

I am writing to you about your proposal to expand the Existing Mine, located 15km north of the Moora town site, approximately 160km north of Perth, in the Shire of Moora, WA.

On 23 December 2021, the proposed action was deemed a controlled action. Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), further assessment is needed before a decision can be made on whether or not approval can be granted. At the time, there was not enough information to make a decision on how the proposed action would be assessed.

I have now decided, under section 87 of the EPBC Act, that the proposed action will be assessed by accredited assesment.

A copy of the document recording this decision is attached.

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.

You may also need to consult with Indigenous communities during the assessment process. Please refer to our indigenous engagement guidelines for more information on how and when to engage with Indigenous communities.

Details on the assessment process for your proposed action and the responsibilities of the proponent are set out in the EPBC Act — Environment Assessment process fact sheet. You can also read about the department's referral and assessment process for further guidance.

Cost Recovery

Under subsection 520(4A) of the EPBC Act and the EPBC Regulations, your assessment is subject to cost recovery. Attached is a copy of the initial fee schedule for your proposed action. Statements of charges will be sent to the project's nominated entity responsible for payment. Fees must be paid before each stage of the assessment can commence. Further details on cost recovery are available on the department's website.

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. You must make your one-off request within 30 business days of the date of this letter. Further details regarding the reconsideration process can be found on the department's website.

Further guidance

I have also written to the WA Department of Water and Environmental Regulation to advise them of this decision.

If you have any questions about the assessment process or this decision, please contact the project manager, Chloe Tindale by email to chloe.tindale@dcceew.gov.au or telephone and quote the EPBC reference number 2021/9089.

Yours sincerely

Brendan Linton-Smith
Acting Branch Head
Environment Assessments West (WA, SA, NT) Branch

10 October 2022

Encl.

- Notice recording assessment approach decision
- Fee schedule

DRF Acacia aristulata disturbed plants locations/population

Latitude (decimal degrees)	Longitude (decimal degrees)	Population Size (individuals)
-30.492041°	116.047767°	1
-30.492670°	116.047480°	1
-30.493381°	116.048463°	1
-30.493297°	116.049245°	7
-30.493460°	116.049441°	4
-30.493792°	116.049167°	2
	Total	16

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-30.492041°	116.047767°	1
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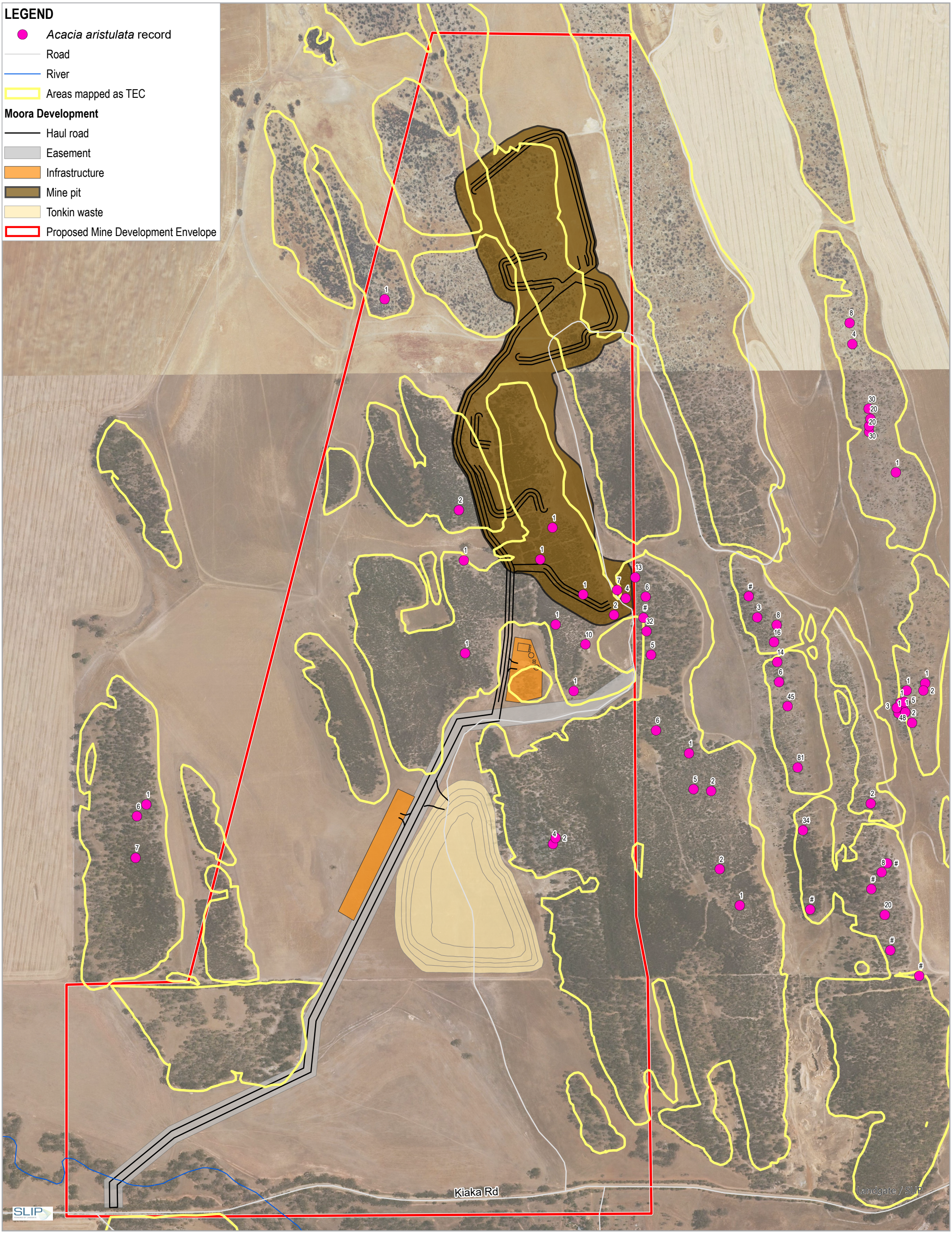
	Total	16



DRAFT

Paper Size ISO A3

0 100 200 300

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 50

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GHD

Simcoa Operations Pty Ltd
Simcoa Section 38 Environmental Approvals

Distribution of *Acacia aristulata*

Project No. **12518217**
Revision No. **A**
Date **08/12/2021**

FIGURE 4

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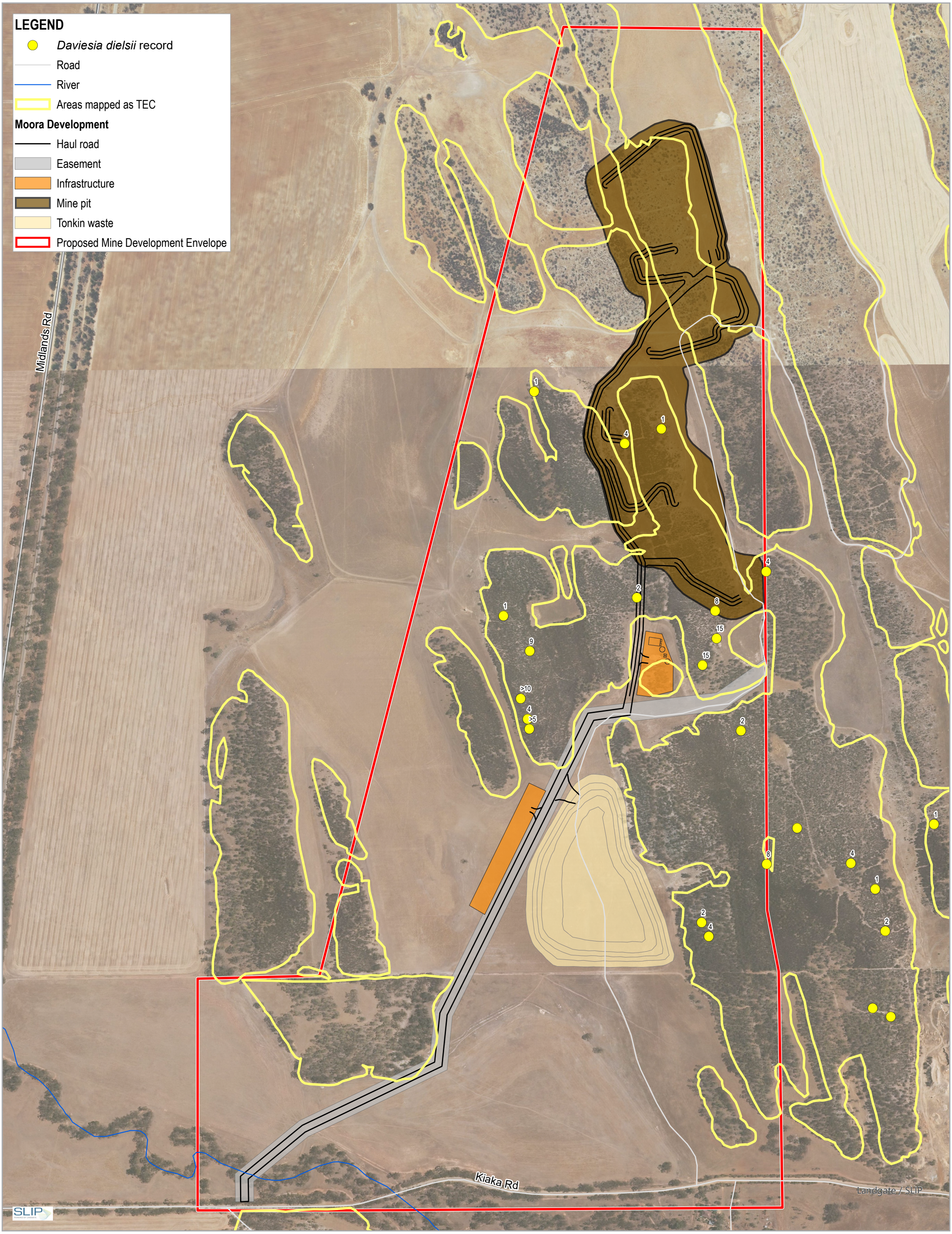
Print date: 08 Dec 2021 - 16:39

Data source: Simcoa: Mining Development Shape Areas is derived from client recieved 2020; Langate: Slip Imagery - April 2017 to November 2018 (accessed - 20191023), Cadastre, River, Road - 20180601; DMIRS: Mining Tenements - 20180601; DoW: River - 201108. Created by: csodre



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Paper Size ISO A3

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Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 50

GHD

Simcoa Operations Pty Ltd
Simcoa Section 38 Environmental Approvals

Distribution of *Daviesia dielsii*

Project No. **12518217**
Revision No. **A**
Date **08/12/2021**

FIGURE 5

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Print date: 08 Dec 2021 - 16:35

Data source: Simcoa: Mining Development Shape Areas is derived from client recieved 2020; Langate: Slip Imagery - April 2017 to November 2018 (accessed - 20191023), Cadastre, River, Road - 20180601; DMIRS: Mining Tenements - 20180601; DoW: River - 201108. Created by: csodre

Memorandum

Internal use only

10 December 2021

To	Chloe Tindale Assessment Officer | South WA Section Department of Agriculture, Water and the Environment		
From	GHD on behalf of Simcoa Operations Pty Ltd	**GHD Ref.**	12518217
Subject	Response to Request for Further Information (dated 7/12/2021 and 9/12/2021)	**EPBC Ref.**	EPBC 2021/9089

Dear Chloe,

Response to Request for Further Information - EPBC 2021/9089 – North Kiaka Project – Quartzite Mine Expansion

The Department of Agriculture, Water and the Environment (DAWE) request for further information (RFI):

1. *The referral has stated that 6 locations of **Watheroo Wattle (Acacia aristulata)** (Endangered) and 3 locations of **Diels' Daviesia (Daviesia dielsii)** (Endangered) will be cleared for the project. Could you please provide the Department with a quantifiable amount (in hectares) that is to be cleared for both species?*

   The Department also understands it is difficult to measure certain species in terms of hectares, however, a quantifiable amount is still required (individuals per location), with the updated 2018 individual numbers clear in the survey.
2. *Update administrative errors identified in 'Att 3 - Trudgen 2018_Flora and Vegetation Assessment_North Kiaka' by Monday 13 December.*
3. *Assess the potential presence/ absence of threatened ecological communities (TECs) found within a 2 km buffer of the Proposed Action Area:*
   - *Eucalyptus Woodlands of the Western Wheatbelt (Woodland Wheatbelt)*
   - *Banksia Woodlands of the Swan Coastal Plain Community ecological community.*

The RFI response prepared by GHD on behalf of Simcoa Operations Pty Ltd, is provided below.

1. Overview of impacts to EPBC-listed Threatened flora

1.1 Watheroo Wattle *(Acacia aristulata)*

Surveys of the Coomberdale TEC undertaken by Trudgen 2012 and 2018, has identified 220 populations of *Acacia aristulata* (a total of approximately 1,100 individual plants). Six locations, containing a total of 16 individual *A. aristulata* plants, are known to occur within the Proposed Action Area and will be cleared to develop the mine pit (refer to the amended Figure 4 of '*Figs 4-5 - Threatened Flora Distribution*'). Minor

clearing to establish haul roads will not impact known records of *A. aristulata.* No clearing is required to establish other mine activities which are located on cleared farmland.

Figure 4 has been amended to include both population locations and estimated number of individuals within 30 m of the point. Coordinates for populations present within the proposed Disturbance Footprint are provided in '*Att 16 - EPBC Act-listed Threatened Flora - Coordinates and Population Estimates*'.

As noted in discussion with the Department, it is not practicable to determine the total area (in hectares) inhabited by *A. aristulata* that will be impacted by the Proposed Action, as the original data was collected as point records rather than a polygon. *A. aristulata* is noted to occur in association with the Coomberdale TEC and works under this Proposed Action will disturb 15.84 ha of this vegetation. However, the extensive survey and mapping work (see Section 2) completed indicates that *A. aristulata* is not present across this entire disturbance area, nor across the entire TEC, and the impact to the species is more suitably described in terms of the number of individuals impacted rather than area (hectares).

1.2 Daviesia dielsii

Surveys of the Coomberdale TEC undertaken by Trudgen 2012 and 2018, has identified 135 populations of *Daviesia dielsii*, of which 16 locations occur within the Proposed Action Area. Four locations, containing 15 individual *D. dielsii* plants, are known to occur within the Proposed Action Area and will be cleared to develop the mine pit and haul roads (refer to the amended Figure 5, of '*Figs 4-5 - Threatened Flora Distribution*'). No clearing is required to establish other mine activities which are located on cleared farmland.

Figure 5 has been amended to include both population locations and estimated number of individuals within 30 m of the point. Coordinates for populations present within the proposed Disturbance Footprint are provided in '*Att 16 - EPBC Act-listed Threatened Flora - Coordinates and Population Estimates*'.

As noted in discussion with the Department, it is not practicable to determine the total area (in hectares) inhabited by *D. dielsii* that will be impacted by the Proposed Action, as the original data was collected as point records rather than a polygon. *D. dielsii* is noted to occur in association with the Coomberdale TEC and works under this Proposed Action will disturb 15.84 ha of this vegetation. However, the extensive survey and mapping work (see Section 2) completed indicates that *D. dielsii* is not present across this entire disturbance area, nor across the entire TEC, and the impact to the species is more suitably described in terms of the number of individuals impacted rather than area (hectares).

2. Trudgen (2018) survey method

Upon review of the Trudgen (2018) flora and vegetation report, we identified an administrative error with the footers whereby survey dates were incorrectly noted as occurring in 2012 instead of actual survey dates in 2018.

Trudgen (2018) conducted targeted searches for Threatened and flora within and adjacent to the Proposed Action Area. A total of 73 transects were walked within areas proposed to be disturbed (Figure 1), at approximate 30 m intervals. As shown on Figure 1 the majority of native vegetation clearing is required to develop the mine pit, with only a small portion to be cleared to establish access roads. All native vegetation within the proposed mine pit has been thoroughly searched, and all transects within the proposed mine pit areas were walked twice (Trudgen 2018).

The broader Proposed Action Area was subject to a native vegetation survey by Trudgen (2012), and this was followed up by a detailed re-survey of the actual Disturbance Footprint by Trudgen (2018). Ministerial approval under the WA EP Act (once obtained) will constrain the project from directly impacting native vegetation, including records of *Acacia aristulata* and *Daviesia dielsii,* outside of the proposed Disturbance Footprint.

In addition to rare flora search transects (see below), the area within approximately 30 m of identified *Acacia aristulata* and *Daviesia dielsii* occurrences was searched, and the total number of individuals in that location recorded. The recorded locations and number of individuals per location is shown on '*Figs 4-5 - Threatened Flora Distribution*'.

Trudgen (2018, pp.20) provides the following and demonstrates the completeness and suitability of the survey effort:

> *"While the survey has been as thorough as possible given the time constraints, it is possible that some species of conservation significance (Priority species, Declared Rare Flora, previously unknown species etc.) occur in the survey area but have been missed; however any such omissions are likely to be very small populations as the intensity of search would have found any flora taxon present in more than very small numbers. Given the above limitations, it is likely that the data from various surveys incorporated in this report has more than 95% of the flora of the proposed North Kiaka Mine survey area."*

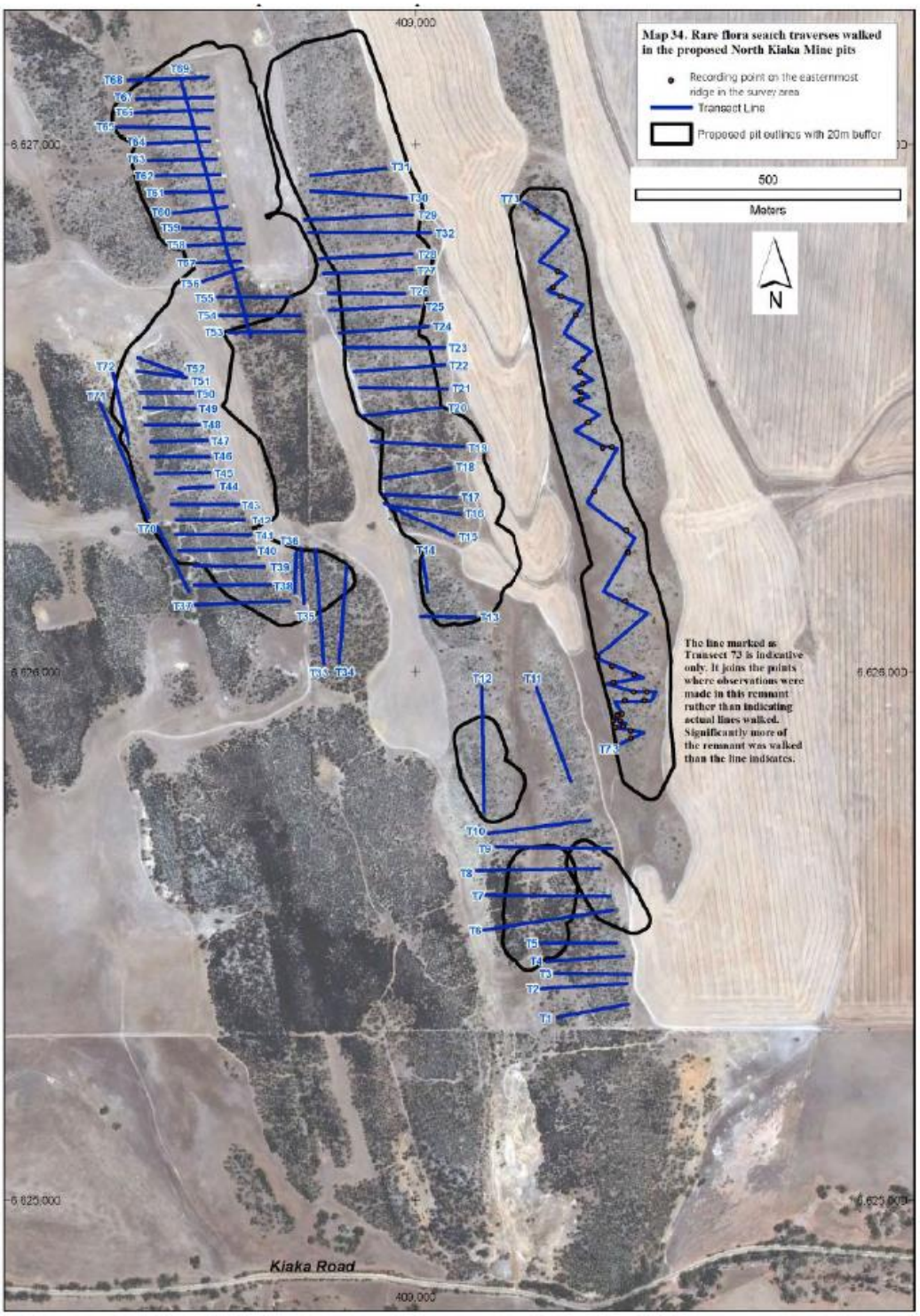

Figure 1 Trudgen (2018) targeted searches for Threatened flora (conducted in 2016 and 2017) (extract from Appendix 7 of 'Att 3 - Trudgen 2018_Flora and Vegetation Assessment_North Kiaka'). Note only the pit boundary on the left is now proposed, the other pit boundaries are outside of the Proposed Action Area.

3. Likelihood of impact to Threatened Ecological Communities

The following Threatened Ecological Communities (TECs) have been identified within 2 km of the Proposed Action Area:

– Eucalyptus Woodlands of the Western Wheatbelt (Woodland Wheatbelt)
– Banksia Woodlands of the Swan Coastal Plain Community ecological community

Malcolm Trudgen who undertook the flora and vegetation survey at North Kiaka in 2016 and 2017 (refer to *'Att 3 - Trudgen 2018_Flora and Vegetation Assessment_North Kiaka'*) has provided comment on the likelihood of these communities occurring within and adjacent to the Proposed Action Area based on his extensive knowledge of local flora and vegetation characteristics. His assessment is provided as '*Att 17 - Trudgen 2021 - Assessment of other TECs'*.

The assessment by Trudgen confirms:

– Native vegetation within the Proposed Action Area is not representative of the 'Banksia Woodlands of the Swan Coastal Plain' TEC. The 'Banksia Woodlands of the Swan Coastal Plain' TEC occurs west of Midlands Road in deep sand, the more substantial communities located approximately 5 km south-west of the Proposed Action with some isolated occurrences in-between.
– Isolated patches of Eucalypts such as *Eucalyptus salmonophloia, Eucalyptus loxophleba* and *Eucalyptus wandoo* are present within the Coomberdale TEC particularly where non-chert geologies are present. *Eucalyptus loxophleba* is associated with plant community Elo.3 (Trudgen 2018), which occurs partially within the proposed Disturbance Footprint associated with the mine pit. The condition of plant community Elo 3 at this location is Poor (Trudgen 2018) (refer to Figure 8 of '*Figs 7-8 - Vegetation Alliances and Condition'*). Other than isolated patches of Eucalypt dominated communities within the Coomberdale TEC, the closest native vegetation with potential to represent 'Eucalyptus Woodlands of the Western Wheatbelt' TEC is within the Midlands Road/Rail reserve approximately 1 km west of the Proposed Action.

The implementation of management controls for dust, weeds and dieback as per 'Att 5 - GHD 2021b_Environmental Management Plan_North Kiaka', is expected to mitigate any potential indirect impacts to TECs within and nearby the Proposed Action Area.

Regards,

Sarah Isbister
Environmental | Sustainability Consultant

From: MALCOLM TRUDGEN <METRUBOT@hotmail.com>
Sent: Friday, 10 December 2021 3:08 PM
To: Daniel Mance <DanielMance@simcoa.com.au>
Subject: Banksia & Eucalyptus TECs query

Mr Daniel Mance
QHSE Supervisor,
Simcoa Operations

Dear Daniel,

Query regarding presence in/near the proposed North Kiaka Mine area of:

Eucalyptus Woodlands of the Western Wheatbelt (Woodland Wheatbelt) TEC

Banksia Woodlands of the Swan Coastal Plain Community ecological community TEC

***Banksia* TEC**: There are no areas of the *Banksia* woodland of the Swan Coastal Plain TEC (or similar vegetation that could be included in that TEC) in the proposed North Kiaka Mine survey area of Trudgen (2018). This area is entirely either the Coomberdale Chert TEC or cleared paddocks.

Banksia Woodlands of the Swan Coastal Plain TEC occurs west of the Midlands Road on deep sand. The closest significant area likely to be this TEC is about 5 km SW of the proposed mine (Figure 1). There may be some smaller areas closer than this, but on the west side of the Midlands Road.

Figure 1 Likely location of nearest significant area of Banksia woodland TEC

In an earlier report (Trudgen 2006) two small areas south of Kiaka Road and east of the Cairn Hill reserve were mapped as *Banksia prionotes* communities. These could conceivably be considered as part of the TEC, but are well away from the proposed mine. A cleared area on Phil Gardner's property (south of Kiaka Road and east of the Cairn Hill Reserve) on deep, yellow sand has two *Banksia attenuata* trees left in a paddock. This suggests that there may have been *Banksia attenuata* woodland patches east of the Midlands Road however, none have been mapped in the areas surveyed for the proposed mine or in the earlier surveys.

***Eucalyptus* woodlands TEC**: The remnant vegetation of the Trudgen (2018) survey area has all been mapped as the Coomberdale Chert TEC on the basis that it is all clearly related to the occurrence of the Coomberdale Chert. While this TEC is predominantly dominated by shrubs of *Allocasuarina*, *Regelia*, *Kunzea* and *Dryandra*, it includes a range of vegetation including some with *Eucalyptus salmonophloia, Eucalyptus loxophleba* and *Eucalyptus wandoo*. There may be some overlap with the *Eucalyptus* woodlands TEC, particularly where other geologies than chert occur below soil containing chert derived from adjacent outcrop.

Eucalyptus salmonophloia occurrence: There is a small area of *Eucalyptus salmonophloia* vegetation "at the west end of the common part of the [earlier] two haul road options, where there is small area of the *Eucalyptus salmonophloia* alliance (see Map 28 of Trudgen 2018). This stand is very degraded and is somewhat atypical for the vegetation alliance, vegetation association and plant community it has been assigned to." (Trudgen 2018, p. 85). However, the route of the haul road has changed since 2018 and now avoids the *Eucalyptus salmonophloia* stand by passing through cleared areas.

The best stand of Salmon Gum Woodland mapped in the Coomberdale Chert TEC is in a valley through the chert on Phil Gardner's property, well south of Kiaka Road. I gave DBCA data for this occurrence some years ago and it may be on maps for the TEC. It is in an area that is fenced off and I think no longer grazed.

Eucalyptus loxophleba occurrence: "Vegetation Association Elo: *Eucalyptus loxophleba* subsp. *loxophleba* low open to closed forest over scattered shrubs and very open herbland.
Six plant communities that differ in the shrub species present (or the lack of them) were defined for this vegetation association, but only one of these (plant community Elo.3) occurs in the proposed North Kiaka Mine area." (Trudgen 2018, p. 63). The stand is arrowed in Figure 2; it's understorey was highly degraded. This stand is partly within the current mine pit outline.

Figure 2 Part of Map 26 (Trudgen 2018, p. 61)

Otherwise, the closest vegetation that could be referred to the *Eucalyptus* Woodlands of the Western Wheatbelt TEC is in the Midlands Road/railway reserve about a kilometre west of the proposed mine on quite different habitat.

Yours faithfully,

Malcolm Trudgen

Consultant Botanist

Tel: 0411 450 350

Email: metrubot@hotmail.com

Extract from Trudgen *et al* 2006.

"**Vegetation Alliance 12: *Banksia prionotes* scattered low trees.**

Vegetation Association Bp: *Banksia prionotes* scattered low trees over *Dryandra sessilis* var. *sessilis* scattered tall shrubs to high open shrubland.

Two plant communities were included in this vegetation association. One plant community was recorded near the head of a gully between low ridges, just east of Cairn Hill. The other plant community was quite different and recorded on the crest of a low rise a few hundred meters to the north-east." These ocurrences are south of Kiaka Road and east of the Cairn Hill Reserve.

Extract from Trudgen 2018 (p. 86)

Vegetation Alliance 1: Eucalyptus salmonophloia woodlands to open forests

Salmon gum open forest occurred in a few locations in the study area, in small valleys between low ridges and in a few places in the remnant vegetation at the base of the chert ridges on the edge of broad valley floors now largely cleared for farming.

EsEl.1: Eucalyptus salmonophloia woodland over Eucalyptus loxophleba subsp. loxophleba low woodland over (Rhagodia preissii ssp. preissii scattered shrubs) over Ptilotus divaricatus var. divaricatus, Rhodanthe polycephala scattered herbs

Extract from Trudgen 2018 (p. 63)

Vegetation Alliance 3: *Eucalyptus loxophleba* ssp. *loxophleba* low woodlands to low open forests

Eucalyptus loxophleba subsp. loxophleba was mainly recorded on lower slopes of ridges and the adjacent valley floor areas in the Coomberdale Chert Threatened Ecological Community. It was also occasionally found growing on the crest of the low ridges and along some sections of narrow linear features between some of the ridges (these are probably dolerite dykes). Only one of the four vegetation associations defined for this alliance occurs in the proposed North Kiaka area and due to a change in the haul road route is not impacted by the mine proposal..

Vegetation Association Elo: *Eucalyptus loxophleba* subsp. *loxophleba* low open to closed forest over scattered shrubs and very open herbland.

Six plant communities that differ in the shrub species present (or the lack of them) were defined for this vegetation association, but only one of these (plant community Elo.3) occurs in the proposed North Kiaka Mine area.

Plant community Elo.3: *Eucalyptus loxophleba* subsp. *loxophleba* low open forest over very open herbland.

This community has one occurrence in the proposed North Kiaka Mine area that is 0.29 hectares in area. Three sites were recorded in this community in Cairn Hill Reserve and other areas were assigned to it during the vegetation mapping. Unlike the other plant communities in vegetation association Elo, it usually did not have a shrub layer. This stand is partly within the current mine outline.