



**NOTIFICATION OF
REFERRAL DECISION AND DESIGNATED PROPONENT – CONTROLLED ACTION**

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

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

designated proponent	Simcoa Operations Pty. Ltd. ABN: 42009064653
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proposed action	The proposed action is to expand the Existing Mine located 15km north of the Moora town site, approximately 160km north of Perth, in the Shire of Moora, WA [See EPBC Act referral 2021/9089].
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status of proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
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relevant controlling provisions	<ul style="list-style-type: none">Listed threatened species and communities (sections 18 & 18A)
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assessment approach	To be advised.
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Decision-maker	
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Name and position	Kylie Calhoun Assistant Secretary Environment Assessments West (WA, SA, NT) Branch
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Signature	
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date of decision	23 December 2021
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Mr Daniel Mance
QHSE Supervisor
Simcoa Pty Ltd
973 Marriott Road
WELLESLEY WA 6233

Dear Mr Mance,

**Decision on referral:
North Kiaka Project – Quartzite Mine Expansion, WA (EPBC 2021/9089)**

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 of the proposed action, to expand the Existing Mine, located 15km north of the Moora town site, approximately 160km north of Perth, in the Shire of Moora, WA.

As a delegate of the Minister for the Environment, 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 (s18 and s18A)

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, including but not limited to:

- Caranby's Black Cockatoo (*Calyptorhynchus latirostris*) – Endangered

The proposed action involves the clearing of 15.55 ha native vegetation that is known to provide high quality foraging habitat.

- Watheroo Wattle (*Acacia aristulata*) – Endangered

The proposed action involves the clearing of 16 individuals that will result in the loss, degradation and fragmentation of the Watheroo Wattle community that occurs in 'good to poor' condition.

- *Daviesia dielsii* – Endangered

The proposed action involves the clearing of 15 individuals that will result in the loss, degradation and fragmentation of the *Daviesia dielsii* community that occurs in 'good to poor' condition.

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.

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>

The National Indigenous Australians Agency (NIAA) provided comments on your referral on behalf of the Minister for Indigenous Australians, which I am passing on to you for your consideration:

- The NIAA recommends the proponent consult with the Western Australian Government regarding potential requirements relating to a range of protocols relating to the *Native Title Act 1993* prior to commencement of this project;
- The Southwest Aboriginal Land and Sea Council (SWALSC) advises that due to the current Settlement rollout, it requires proponents to enter into a Noongar Standard Heritage Agreement (NSHA);
- The proponent should develop a Cultural Heritage Management Plan (CHMP) in consultation with the Yued Peoples, in addition to entering into a NSHA;
- The NIAA commends the proponent on minimising impacts to Moodjar trees and waterways of cultural significance for the Yued people including employing Heritage Monitors on site during project construction and encourages it to ensure culturally sensitive flora, fauna and sites are protected; and
- The proponent should consider engaging with Supply Nation, which maintains a free online directory that can be used to identify suitable Indigenous business to support activities under this project, as well as other local jobactive providers.

Director General, Ms Michelle Andrews, provided comments on your referral on behalf of the Department of Water and Environmental Regulation, Western Australia which I am passing on to you for your consideration:

- The proposal has been referred to the Western Australian Environmental Protection Authority (EPA). At this stage the EPA is seeking further information in order to determine the potential of significance of the proposal before deciding if it is to be assessed.

A copy of the document recording this decision is enclosed.

Based on the advice of 1 December 2021, by your consultant, I note your preference for the proposed action to be assessed through the bilateral agreement made under section 45 of the EPBC Act relating to environmental assessment between the Commonwealth and the State of Western Australia under Part V, Division 2 of the Environmental Protection Act 1986 (WA).

As, the EPA is seeking further information in order to determine the potential significance of the proposal before deciding if it is to be assessed, at this stage, a decision has not been made on the approach that must be used to assess the proposed action. Therefore, under

S76 of the EPBC Act, the timeframe in which to make the assessment approach decision is now suspended and will remain paused until DWER inform us of the assessment approach decision for the proposed action.

I have also written to Ms Michelle Andrews, Director General, Department of Water and Environmental Regulation (WA), advising her of my decision.

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

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 online 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, Chloe Tindale by email to chloe.tindale@environment.gov.au or telephone 02 5156 3380 and quote the EPBC reference number 2021/9089.

Yours sincerely



Kylie Calhoun
Assistant Secretary
Environment Assessments West (WA, SA, NT) Branch

23 December 2021

Enclosed:

Decision notice

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

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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.”

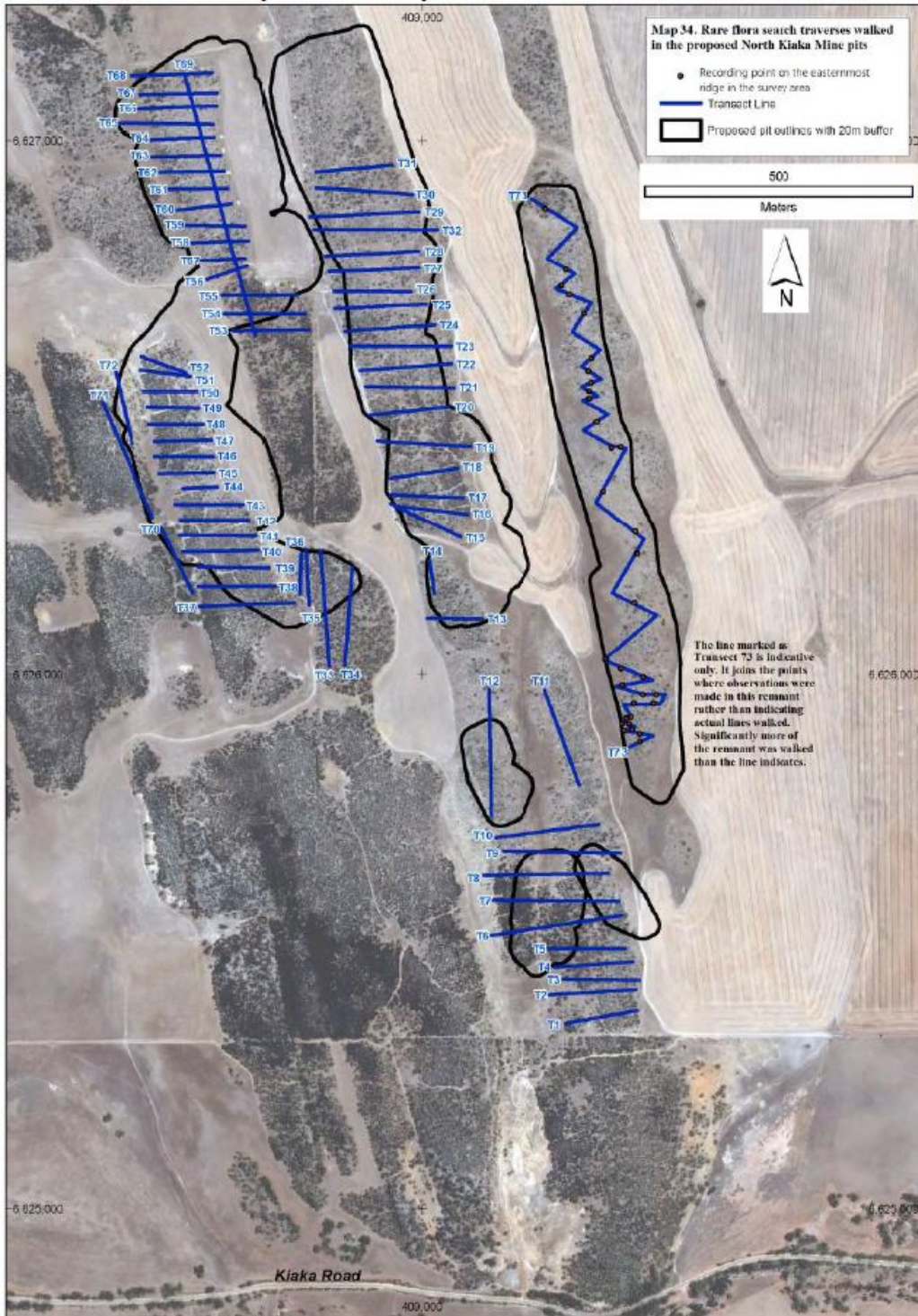


Figure 1 Trudgen (2018) targeted searches for Threatened flora (conducted in 2016 and 2017) (extract from Appendix 7 of ‘Att 3 - Trudgen 2018 Flora and Vegetation Assessment North Kiaka’). Note only the pit boundary on the left is now proposed, the other pit boundaries are outside of the Proposed Action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