



Instructions for the referral of a Proposal to the Environmental Protection Authority under Section 38 of the Environmental Protection Act 1986

Purpose of these instructions

To assist referrers to fill out the EPA s38 referral

Purpose of the Referral Form

The Environmental Protection Authority (EPA) requires that referrers use this form for all proposals referred to the EPA under section 38 of the EP Act, to decide whether it is a valid referral and so that it receives sufficient information about a proposal to decide whether or not to

How to fill out this form

Advice

Proponents may contact the Office of the EPA if they need assistance to fill out this form.

Refer also to the *Administrative Procedures and Procedures Manual* for more information about the processes relating to the nomination of a proponent and change of a proponent.

Referrer information

Who is referring this proposal?

Check the relevant box as the EPA needs to know whether you are a proponent, decision-making authority or community member/third party.

Does the referrer request that the EPA treat any part of the referral information as confidential?

If you are a proponent, you may request that the EPA keep any or all of the proposal information confidential by checking the 'Yes' box.

Where the EPA agrees that the information is confidential, the EPA will not publish the confidential information as part of the referral information.

Referral declaration

For the EPA to accept a referral from an organisation, proponent or a decision-making authority, it must be signed by an authorised person – either a CEO or a person with evidence to act on behalf of the organisation.

Part A: Proponent and proposal description

Proponent Information

Complete the details and provide an Australian Company Number (or Australian Business Number for government agencies).

Proposal type

Check the relevant box for the type of proposal and any associated existing Ministerial Statement number/s, if relevant.

If you checked 'significant proposal' or 'proposal under an assessed planning scheme', please provide a brief justification (or reference to the section in the supplementary report that explains this).

Refer to the EPA's *Statement of environmental principles, factors and objectives* for guidance on

Proposal description

Provide a clear proposal description, including maps and spatial information.

Proposal description

Provide a proposal description according to the EPA's *Instructions and template: Defining the key proposal characteristics*, including:

- a *general proposal description* that describes the key elements of a proposal that relate to the environment
- *key proposal characteristics* that quantify the limits or extent of the physical and operation elements (i.e. amount of clearing, rate of emissions and discharges etc).

Spatial data, maps and figures

The EPA *requires* maps and figures in the referral.

Provide spatial data in GIS format, that is geo-referenced and conforms to the following parameters:

- Data type: closed polygons that represent the proposal boundary (development envelope) and the activity areas for all physical elements of the proposal (footprint).
- Attribution: Name the development envelope and each activity area in the attribute table of the spatial data.
- Format: ESRI geodatabase or shapefile.
- Coordinate System: GDA94 (datum) and projected into the appropriate Map Grid of Australia (MGA) zone.

Provide maps and figures that are clear and readable, of appropriate scale, in either jpeg or pdf format and of good resolution (> 300 dpi)

Part B: Environmental impacts

The purpose of Part B is to provide sufficient detail for the EPA to decide whether or not to assess the proposal and if it decides to assess the proposal, the level of assessment.

Environmental factors

Check the boxes for the environmental factors that the proposal may have a significant impact on.

For each individual factor:

- complete a separate 'Potential environmental impacts table', or
- provide the information in a supplementary report according to the *Instructions and template: Environmental Review Document*.

Refer to the EPA's *Statement of environmental Principles, Factors and Objectives* for the list of factors and the EPA's *Framework for environmental considerations in EIA* for guidance for

Potential environmental impacts

Provide information about the anticipated environmental impacts of the proposal and the proposed application of the mitigation hierarchy to avoid, minimise, rehabilitate (and offset, if appropriate) those impacts.

EPA policy and guidance

Refer to the EPA's guidance for each factor in the EPA's Framework for environmental considerations in EIA.

Receiving environment

Describe the current condition, using appropriate baseline studies such as flora and vegetation surveys or water quality data.

This may include: regional context; known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.

If the proposal will impact increase a cumulative impact (such as on noise levels or air quality parameters) or on conservation significant species or communities, provide relevant information from other developments in the area.

Proposal activities

List the proposal-specific activities that will impact this environmental factor, considering direct and indirect impacts (e.g. impacts to flora and vegetation can be from clearing, ground water drawdown and dust).

Mitigation

Describe how you have applied the mitigation hierarchy (avoid, minimise, rehabilitate, offset) to reduce the potential environmental impacts of the proposal activities. Refer to the *WA Environmental offsets guidelines*:

- Avoid – avoid the adverse environmental impact
- Minimise – limit the degree or magnitude of the adverse impact
- Rehabilitate – restore the maximum environmental value that is reasonably practicable
- Offset – actions that provide environmental benefits to counterbalance significant residual environmental impacts or risks of a project or activity.

Assessment of impacts and identification of residual impacts

Evaluate the significance of the impacts (direct, indirect and cumulative) from the proposal activities on the environmental factor:

- quantify the predicted impacts (extent, duration, etc.) against the baseline condition acknowledging any uncertainty in predictions
- consider the impacts in a local and regional context, incorporating cumulative impacts; and
- compare against established environmental policies, guidelines, and standards.

Identify whether there may be residual impacts after applying the mitigation hierarchy and whether these are significant. If there may be significant residual impacts, discuss whether these may be offset under 'Management measures'.

Part C: Other approvals and regulation

State and Local Government approvals

The EPA needs accurate regulatory information to correctly identify decision-making authorities for the proposal. This information is important as it means that the relevant decision-making authorities are informed of decisions under the EP Act in relation to the proposal and the EPA confers with the correct decision-making authorities.

List the approvals required, e.g.:

Proposal activities	Land tenure/access	Type of approval	Legislation regulating the
Clearing		Native Vegetation Clearing Permit	<i>EP Act 1986 – Part V</i>
Water abstraction / Dewatering		Licence	<i>RiWI Act 1914</i>
Mining		Mining proposal	<i>Mining Act 1979</i>

Commonwealth Government approvals

Complete this section if the proposal will potentially impact Matters of National Environmental Significance that are protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

If the EPA decides to assess a proposal and the Commonwealth Department of the Environment and Energy has decided that the proposal is a controlled action, the proposal can be assessed by the EPA under the bilateral agreement between the State of WA and the Commonwealth Government, or as an accredited assessment.

If there are other approvals from the Commonwealth Government that may be required, such as a permit, provide details in the box provided.

Including a supplementary report/s

A referrer may include a supplementary report/s instead of completing the 'Potential environmental impacts' table in Part B: Potential environmental impacts. The EPA requests that the referrer follow the format of the *Environmental Review Document* template when preparing a supplementary report and that the referrer includes the following:

- appropriate detail required by part B in the supplementary report
- cross-references in the referral form to the appropriate section/s in the supplementary

Submitting a completed Referral Form

Files must be below eight megabytes (8 MB) in size as they may be published on the EPA's website

The EPA prefers that referral forms (and any attachments and supplementary reports) are emailed but

Email: Registrar@epa.wa.gov.au

or Office of the Environmental Protection Authority

Enquiries:

Telephone: 6145 0800

Fax: 6145 0895

Email: info@epa.wa.gov.au

Website: www.epa.wa.gov.au

End of Instructions (remove before submitting Referral)



Environmental Protection Authority

Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

Referrer information			
Who is referring this proposal?		<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name (print) Mr Christopher Williams		Signature 	
Position	General Manager	Organisation	Kidman Resources Limited
Email	chris.williams@kidmanresources.com.au		
Address	Level 7	24-28 Collins Street	
	Melbourne	Victoria	3000
Date	19 May 2017		
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Referral declaration for organisations, proponents and decision-making authorities: I, Christopher Williams, declare that I am authorised to refer this proposal on behalf of Kidman Resources Limited and further declare that the information contained in this form is true and not misleading.			
Part A: Proponent and proposal description			
Proponent information			
Name of the proponent/s (including Trading Name if relevant)		Kidman Resources Limited	
Australian Company Number(s) <input checked="" type="checkbox"/>		143 526 096	
OR Australian Business Number(s) <input type="checkbox"/>			
Contact for the proposal (if different from the referrer) <i>Please include: name; physical address; phone; and email.</i>		NA	
Does the proponent have the legal access required for the implementation of all aspects of the proposal? <i>If yes, provide details of legal access authorisations / agreements / tenure.</i>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No M77/1080, M77/1065, M77/1066, G77/70, G77/109, G77/110, G77/68, E77/2099, E77/1400, G77/71, G77/72, G77/73, L77/107,	

<i>If no, what authorisations / agreements / tenure is required and from whom?</i>	L77/205, L77/208, L77/96, L77/207. Refer to Section 1.3 of supplementary report.
Proposal type	
What type of proposal is being referred? For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal	<input checked="" type="checkbox"/> significant – new proposal <input type="checkbox"/> significant – change to approved proposal (MS No./s: _____) <input type="checkbox"/> proposal under an assessed planning scheme <input type="checkbox"/> strategic <input type="checkbox"/> derived (Strategic MS No.: _____)
For a significant proposal: <ul style="list-style-type: none"> Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA? 	The Earl Grey Project requires clearing of 365 ha of native vegetation that provides habitat for conservation significant fauna, notably the Malleefowl and Chuditch. The threatened flora species <i>Banksia sphaerocarpa var. dolichostyla</i> has also been recorded in the development envelope.
For a proposal under an assessed planning scheme, provide the following details: <ul style="list-style-type: none"> Scheme name and number For the Responsible Authority: <ul style="list-style-type: none"> What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme? How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme? 	N/A
Proposal description	
Title of the proposal	Earl Grey Lithium Project
Name of the Local Government Authority in which the proposal is located.	Shire of Yilgarn
Location: a) street address, lot number, suburb, and nearest road intersection; or b) if remote the nearest town and distance and direction from that town to the proposal site.	Located approximately 105 km south-southeast of Southern Cross in the Yilgarn Mineral Field of Western Australia on tenements M77/1080, M77/1065, M77/1066, G77/70, G77/109, G77/110, G77/68, E77/20991, E77/14001, G77/71, G77/72, G77/73, L77/107, L77/205, L77/208, L77/96, L77/207.
Proposal description – including the key characteristics of the proposal <i>Provide as an attachment to the form</i>	Refer to supplementary report.
Have you provided electronic spatial data, maps and figure in the appropriate format? <i>Refer to instructions at the front of the form</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What is the current land use on the property, and the extent (area in hectares) of the property?	Abandoned mine site, currently used for mineral exploration purposes only. The majority of the existing disturbance is a State liability.

	Total tenement package of over 16,000 ha.
Have you had pre-referral discussions with the OEPA? If so, quote the reference number and/or the OEPA contact.	A pre-referral meeting was held on 9 March 2017 with Helen Butterworth and Robert Hughes. Helen Butterworth is the OEPA contact.

Part B: Environmental impacts

Environmental factors

What are the likely significant environmental factors for this proposal?	<input type="checkbox"/> Benthic Communities and Habitat <input type="checkbox"/> Coastal Processes <input type="checkbox"/> Marine Environmental Quality <input type="checkbox"/> Marine Fauna <input checked="" type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Landforms <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Terrestrial Environmental Quality <input checked="" type="checkbox"/> Terrestrial Fauna <input type="checkbox"/> Hydrological Processes <input type="checkbox"/> Inland Waters Environmental Quality <input type="checkbox"/> Air Quality <input type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health
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For the environmental factors identified above, complete the following table, or provide the information in a supplementary report. Please be sure to complete a separate table per factor identified above.

Potential environmental impacts

1	EPA Factor	Refer to supplementary report. Flora and Vegetation - <i>Banksia sphaerocarpa</i> var. <i>dolichostyla</i> (T), <i>Eutaxia lasiocalyx</i> (P2), <i>Acacia undosa</i> (P3) and <i>Hakea pendens</i> (P3). Terrestrial Fauna - Malleefowl (<i>Leipoa ocellata</i>) (T) Chuditch (<i>Dasyurus geoffroii</i>) (T).
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2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	Refer to supplementary report; Section 8.
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	Refer to supplementary report; Section 5.
4	Receiving environment - Describe the current condition of the receiving environment in relation to this factor.	Refer to supplementary report; Section 7.
5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	Refer to supplementary report; Section 2.
6	Mitigation - Describe the measures proposed to manage and mitigate the potential environmental impacts.	Refer to supplementary report; Flora and Vegetation Section 8.3, Fauna Section 8.4
7	Impacts - Assess the impacts of the proposal and review the residual impacts against the EPA objective.	Refer to supplementary report; Flora and Vegetation Section 8.3, Fauna Section 8.4
8	Assumptions - Describe any assumptions critical to your assessment <i>e.g. particular mitigation measures or regulatory conditions.</i>	Refer to supplementary report; Mitigation described in Section 8.

Part C: Other approvals and regulation			
State and Local Government approvals			
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If this proposal has been referred by a decision-making authority, what approval(s) are required from you?		N/A	
Proposal activities e.g. clearing, dewatering, mining, processing, dredging,	Land tenure/access e.g. Crown land – LA Act, Min Act, CALM Act specify type	Type of approval e.g. Native Vegetation Clearing Permit, licence, mining proposal,	Legislation regulating the activity e.g. <i>EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979</i>
Clearing	Mining Act	Native Vegetation Clearing Permit	<i>EP Act 1986 – Part V</i>
Mining Progressive backfilling Closure & rehabilitation	Mining Act	Mining Proposal Mine Closure Plan	<i>Mining Act 1978</i>
Dewatering	Mining Act	Groundwater Licence	<i>RiWI Act 1914</i>
Processing Landfill Wastewater treatment Dewatering Power	Mining Act	Works Approval and Environmental Licence	<i>EP Act 1986 – Part V</i>
Commonwealth Government approvals			
Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: 19 May 2017 EPBC No.: 2272	
If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action	

Part C: Other approvals and regulation

State and Local Government approvals

Do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment?

Yes - Bilateral No
 Yes - Accredited

Is approval required from other Commonwealth Government/s for any part of the proposal?

If yes, describe.

Yes No

Approval: