


Form

Referral of a proposal under s. 38 of the EP Act

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION			
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) Chichester Metals Pty Ltd <i>Name of the person or organisation referring</i>		Signature 	
Position	Jarrod Pittson – Group Manager, Environment and Governance	Organisation	Chichester Metals Pty Ltd
Email	jarrod.pittson@fmgil.com.au	Phone	6218 8671
Address	Level 2, 87	Adelaide Terrace	
	East Perth	WA	6105
Date	26/04/2023		
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	
Does the referrer confirm that they consent to receive correspondence electronically?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Referral declaration for proponent and Authorised representative: I, Jarrod Pittson declare that I am authorised to refer this proposal on behalf of Fortescue Metals Group Ltd and further declare that the information contained in this form is true and not misleading. Date: 26/04/2023			
Proponent information			
Name of the proponent/s <i>Include Trading Name if relevant</i>		Chichester Metals Pty Ltd	
Australian Company Number(s) <input type="checkbox"/>		83 109 264 262	
OR			
Australian Business Number(s) <input checked="" type="checkbox"/>			
Pre-referral discussions			
Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

<p><i>If so, provide name, date, and overview of discussions.</i></p>	<p>07/09/2022 brief overview of proposal as part of regular briefings between EPAS and Fortescue.</p> <p>10/11/2022 Pre-referral meeting with EPAS and Fortescue to provide an overview of the Nyidinghu Iron Ore Mine and East Hamersley Railway projects.</p> <p>Subsequent discussions have occurred with EPAS.</p>
<p>Proposal information</p>	
<p>Proposal name</p>	<p>Nyidinghu Iron Ore Mine</p>
<p>What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)</p>	<p>The Proposal is to construct and operate an iron ore mine approximately 80 km north west of Newman in the Pilbara Region of Western Australia.</p> <p>The proposal includes:</p> <ul style="list-style-type: none"> • The development of above and below water table mine pits. • An ore processing facility to process ore from sources inside the MDE and from other mining projects. • Groundwater abstraction for water supply and to facilitate mining below the water table. • Surplus water management and discharge of excess water including: <ul style="list-style-type: none"> ○ Managed aquifer recharge. ○ Mine water use. ○ Discharge to creeks including Weeli Wolli Creek. ○ Transfer of water for use by Fortescue Chichester operations. ○ Transfer of water for use by others. • Storage of waste rock in waste rock landforms (WRL) and/or in-pit disposal • Storage of tailings in a dedicated Tailings Storage Facility (TSF) and/or in-pit disposal. • Storage of mined ore prior to processing (run of mine pad and ore stockpiles). • Storage of topsoil in stockpile.

	<ul style="list-style-type: none"> • Water management infrastructure, including levees and diversion drains, culverts and floodways, extraction, conveyance, disposal, reinjection, sumps, pumps, pipelines, treatment and storage, as well as associated power supply and control system. • Linear infrastructure (pipelines, power lines, haul roads, access roads, conveyors, communications). • Ancillary infrastructure including but not limited to workshops, offices, landfill, laydowns, accommodation facilities, aerodrome, hydrocarbon storage facilities. <p>The proposal is located within a 92,301 hectare Mine Development Envelope and will require the clearing of up to 12,365 hectares of native vegetation.</p> <p>The referred proposal excludes transport of ore via railway, a pipeline to the Chichester operations and a transmission line connecting to the Fortescue power network. Fortescue will seek to refer a separate proposal that includes the corridor to construct and operate a railway between Nyidinghu and Fortescue’s existing Main Line, the pipeline to the Chichester operations and transmission line connecting to the Fortescue power network.</p>
<p>Have you provided electronic spatial data, maps, and figures in the appropriate format?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>What type of proposal is being referred?</p> <p><i>For significant amendment or derived proposal, provide the associated existing Ministerial statement number/s</i></p> <p><i>For a proposal under an assessed planning scheme, provide the scheme number and name</i></p>	<p><input checked="" type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <ul style="list-style-type: none"> <input type="checkbox"/> strategic proposal <input type="checkbox"/> derived proposal <input type="checkbox"/> proposals of a prescribed class <input type="checkbox"/> proposal under an assessed planning scheme
<p>Proposal content: Complete the corresponding template (Proposal Content Document) from the Instructions and template: How to identify the content of a proposal for the type of proposal identified above. The completed form must be submitted with the referral.</p>	

Alternatives	<p>Alternatives considered for this proposal include:</p> <ul style="list-style-type: none"> • Processing of iron ore at Fortescue’s Cloudbreak mine. This would require additional tailings storage facilities at Cloudbreak and a dedicated rail line from Nyidinghu to Cloudbreak. • The iron ore deposit at Nyidinghu extends beneath the Weeli Wolli Creek. Fortescue has excluded this ore from the referred proposal in order to avoid unacceptable environmental and heritage impacts to the creek. • Preliminary ore transport options included a potential transport corridor across Fortescue Marsh to Cloudbreak. This option was rejected as being environmentally unacceptable. • An alternative rail option heading east around the Fortescue Marsh to Christmas Creek was considered. This option was rejected due to unacceptable impacts to social surroundings.
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PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

Environmental factors

<p>What are the likely significant environmental factors for this proposal?</p>	<ul style="list-style-type: none"> <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 checked="" type="checkbox"/> Subterranean Fauna <input checked="" type="checkbox"/> Terrestrial Environmental Quality <input checked="" type="checkbox"/> Terrestrial Fauna <input checked="" type="checkbox"/> Inland Waters <input type="checkbox"/> Air Quality <input checked="" type="checkbox"/> Greenhouse Gas Emissions <input checked="" type="checkbox"/> Social Surroundings <input type="checkbox"/> Human Health
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*For **each** of the environmental factors identified above, complete the following table, or provide the information in a supplementary report*

Potential environmental impacts – for each environmental factor

1	EPA policy and guidance	See Attached Supporting Documentation
2	Receiving environment	See Attached Supporting Documentation
3	Likely environmental impacts	See Attached Supporting Documentation
4	Application of the mitigation hierarchy	See Attached Supporting Documentation
5	Assessment and significance of residual impacts	See Attached Supporting Documentation
6	Likely environmental outcomes	See Attached Supporting Documentation

Holistic impact assessment

[See Attached Supporting Documentation](#)

Cumulative environmental impact assessment	
See Attached Supporting Documentation	
Consultation	
See Attached Supporting Documentation	
Supporting documents	
Nyidinghu Iron Ore Mine – s38 Referral Supporting Document Proposal Content Document	
Has the referrer provided survey information according to the Instructions and Form: IBSA Data Packages and/or the Instructions and form: IMSA Data Packages	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Conclusion	
Do you consider the proposal may have a significant effect on the environment? Yes	

PART C: OTHER APPROVALS AND REGULATION	
Decision-making authorities and their approvals	
Provide a table list of the decision-making authorities, associated legislation or agreement regulating the activity and the specific approval required. (Example table at the end of form)	See Attached Supporting Documentation
Provide a summary of the statutory decision-making processes you consider can mitigate the potential impacts of the proposal on the environment. (Note: this should be a summary of the information provided in Part B section 2.4).	See Attached Supporting Documentation
Tenure and Local Government approvals	
Location of proposal: 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.	Mining Lease M47/1461 Additional Mining and Miscellaneous Licences pending. Leases and Licences are subject to State Agreement.
Name of the Local Government Authority in which the proposal is located.	Shire of East Pilbara
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
What is the current land use on the property, and the extent (area in hectares) of the property?	Marillana Pastoral Lease, used for cattle grazing.
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Some Mining leases still pending. Nyidinghu Iron Ore Mine is subject to the <i>Iron Ore (FMG Chichester's Pty Ltd) Agreement</i> .

<i>If no, what authorisations / agreements / tenure is required and from whom?</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ EPBC No.: _____
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 type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action
If the proposal is determined to be a controlled action, do you request that this proposal be assessed under a Bilateral Agreement or as an accredited assessment?	<input type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - Accredited
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Approval:
Decision-making authority referrals <u>ONLY</u>	
What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i>	N/A