


# 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 Snyman Van Straaten		Signature 	
Position	Manager Environmental Approvals and Compliance	Organisation	Mardie Minerals Pty Ltd
Email	snyman.vanstaaten@bciminerals.com.au	Phone	(+61) 0400 616 790
Address	Level 2	1 Altona Street	
	West Perth Suburb	WA	6005
Date	30 April 2025		
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, Snyman Van Straaten declare that I am authorised to refer this proposal on behalf of Mardie Minerals Pty Ltd and further declare that the information contained in this form is true and not misleading.  Date: 30 April 2025			
Proponent information			
Name of the proponent/s <i>Include Trading Name if relevant</i>		Mardie Minerals Pty Ltd	
Australian Company Number(s) <input type="checkbox"/>	OR	50 152 574 457	
Australian Business Number(s) <input 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 Mardie Minerals attended a Pre-request meeting with DWER / EPA Services on 19	

<p><i>If so, provide name, date, and overview of discussions.</i></p>	<p>February 2025 to further discuss the Proposed Amendment.</p> <p>EPA Services advised Mardie Minerals that the proposed amendment to the Optimised Mardie proposal to change from onshore to offshore dredge disposal is more appropriately considered through a significant amendment under s40AA of the Environmental Protection Act 1986. This will facilitate the proposed amendment being assessed in the context of the approved proposal (Mardie Project and Optimised Mardie Project) and have regard to the combined effect that the implementation of the approved proposals and the significant amendment might have on the environment.</p>
<p>Proposal information</p>	
<p>Proposal name</p>	<p>Optimised Mardie Project</p>
<p>What is the proposal? (Include general description in the <a href="#">Instructions and template: How to identify the content of a proposal</a>)</p>	<p>Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 1.1 (page 1) and to "Att1_Revised Proposal Content Document_0_250429", Table 2</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 type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> new proposal</li> <li><input type="checkbox"/> significant amendment (proposal only)</li> <li><input type="checkbox"/> significant amendment (conditions only)</li> <li><input checked="" type="checkbox"/> significant amendment (proposal and conditions)</li> </ul> <p><input type="checkbox"/> strategic proposal</p> <p><input type="checkbox"/> derived proposal</p> <p><input type="checkbox"/> proposals of a prescribed class</p> <p><input type="checkbox"/> proposal under an assessed planning scheme</p>
<p>Proposal content: <i>Complete the corresponding template (Proposal Content Document) from the <a href="#">Instructions and template: How to identify the content of a proposal</a> for the type of proposal identified above. The completed form must be submitted with the referral.</i></p>	
<p>Alternatives</p>	<p>Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.1 (page 26).</p>

## PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

### Environmental factors

What are the likely significant environmental factors for this proposal?	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Benthic Communities and Habitat</li> <li><input type="checkbox"/> Coastal Processes</li> <li><input checked="" type="checkbox"/> Marine Environmental Quality</li> <li><input checked="" type="checkbox"/> Marine Fauna</li> <li><input type="checkbox"/> Flora and Vegetation</li> <li><input type="checkbox"/> Landforms</li> <li><input type="checkbox"/> Subterranean Fauna</li> <li><input type="checkbox"/> Terrestrial Environmental Quality</li> <li><input type="checkbox"/> Terrestrial Fauna</li> <li><input type="checkbox"/> Inland Waters</li> <li><input type="checkbox"/> Air Quality</li> <li><input type="checkbox"/> Greenhouse Gas Emissions</li> <li><input type="checkbox"/> Social Surroundings</li> <li><input type="checkbox"/> Human Health</li> </ul>
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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

Benthic Communities and Habitat		
1	EPA policy and guidance	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.1 (page 44).
2	Receiving environment	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.1 (page 36).
3	Likely environmental impacts	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.1 (page 44).
4	Application of the mitigation hierarchy, including other statutory decision-making processes	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.1 (page 45).
5	Assessment and significance of residual impacts	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.1 (page 46).
6	Likely environmental outcomes	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.1 (page 46).
Marine Environmental Quality		
1	EPA policy and guidance	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.4 (page 62).

2	Receiving environment	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.4 (page 56).
3	Likely environmental impacts	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.4 (page 62).
4	Application of the mitigation hierarchy, including other statutory decision-making processes	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.4 (page 63).
5	Assessment and significance of residual impacts	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.4 (page 63).
6	Likely environmental outcomes	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.4 (page 63).
<b>Marine Fauna</b>		
1	EPA policy and guidance	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.5 (page 67).
2	Receiving environment	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.5 (page 64).
3	Likely environmental impacts	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.5 (page 67).
4	Application of the mitigation hierarchy, including other statutory decision-making processes	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.5 (page 68).
5	Assessment and significance of residual impacts	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 8.5.5 (page 69).
6	Likely environmental outcomes	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT": Section 8.5.5 (page 70); and Section 10.3.2 (page90).
<b>Holistic impact assessment</b>		
Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 10.1 (page 79).		
<b>Cumulative environmental impact assessment</b>		
Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 10.2 (page 80).		
<b>Consultation</b>		

Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 5 (page 22) and "Att5\_Stakeholder Consultation Outcomes Register".

Supporting documents

The "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT" has been provided to support this application form.

The Supporting Document includes the following Attachments:

- Attachment 1: Revised Proposal Content Document (clean and with track changes)
- Attachment 2: DMPA4 Benthic Communities and Habitats Report (O2 Marine, 2024a)
- Attachment 3: Dredge and Spoil Disposal Management Plan (O2 Marine, 2025)
- Attachment 4: Mining Tenement Summary Reports
- Attachment 5: Stakeholder Consultation Outcomes Register
- Attachment 6: DMPA4 Dredge Plume Modelling (Baird, 2024a)
- Attachment 7: DMPA1 Dredge Plume Modelling (Baird, 2024b)
- Attachment 8: Airstrip Detailed Flora and Vegetation Survey (Phoenix, 2025)
- Attachment 9: Groundwater Licence Amendment Supporting Document (EMM, 2025)
- Attachment 10: Maintenance Dredging Estimate (Baird, 2020)
- Attachment 11: Airstrip WAC Aboriginal Heritage Survey (Horizon Heritage, 2024)
- Attachment 12: Airstrip Basic Fauna Survey (Phoenix, 2024)
- Attachment 13: Mardie Minerals Environment Policy.

Has the referrer provided survey information according to the [Instructions and Form: IBSA Data Packages](#) and/or the [Instructions and form: IMSA Data Packages](#)

Yes  
 No

Conclusion

Do you consider the proposal may have a significant effect on the environment?

No.

Implementation of the Revised Proposal requested in this S40AA Referral will require minor administrative amendments to several conditions of MS1211.

It is expected that the Revised Proposal can be appropriately mitigated under the amended and existing implementation conditions. The amended conditions ensure that the Revised Proposal is adequately regulated under MS1211, and therefore the change of conditions are not expected to result in any significant additional impacts.

Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 10.3.3 (page 93).

**PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR SIGNIFICANT AMENDMENTS ONLY**

Type of significant amendment	<input type="checkbox"/> significant amendment to the approved proposal <input type="checkbox"/> significant amendment to the implementation conditions <input checked="" type="checkbox"/> significant amendment to both the proposal and the implementation conditions
Information of the approved proposal	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 1.1 (page 1).
Combined effects of the approved proposal and significant amendment	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 10.2 (page 80) and Table 7 (page 82).
Analysis of existing implementation conditions	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 10.3.1. (page 80).
Previous changes to the Proposal and or implementation conditions	<p>On 8 March 2022, Mardie Minerals referred the Proposal under Part IV of the EP Act as a significant amendment to the Original Proposal (MS 1175, Mardie Project), with the purpose of accommodating increased salt and Sulphur of Potash production.</p> <p>In October 2023, the Proposal was granted approval via MS 1211, superseding MS 1175.</p> <p>No amendments to the conditions of MS 1211 have been made under Section 43a, Section 45C (s.45C) or Section 46 (s.46) of the EP Act.</p>

Compliance	<p>Under Condition D2-5 of MS 1211, Mardie Minerals is required to prepare and submit a Compliance Assessment Plan (CAP) to the DWER Chief Executive Officer (CEO) at least six month prior to the first Compliance Assessment Report (CAR) required by condition D2-2, or prior to implementation of the Proposal. The CAP must include the provisions outlined within Condition D2-6 of MS 1211. The Proposal CAP (Revision 1) was submitted to DWER on 21 February 2024 in response to the issue of MS 1211. The CAP (Revision 1) was granted approval on 27 September 2024.</p> <p>The most recent CAR for the Proposal was submitted to the DWER CEO in January 2025 in accordance with Condition D2-2 of MS 1211 (refer to document "COMPLIANCE ASSESSMENT REPORT (MS 1211) - Reporting Period 19 October 2023 to 18 October 2024", document number 0000-EV-REP-0023).</p> <p>Assessment of compliance with the conditions of MS 1211 was conducted against the Audit Table prepared in accordance with the Office of the EPA Post Assessment Guideline No. 1 – Post Assessment Guideline for Preparing an Audit Table.</p>
Environmental Performance	<p>Under Condition D2-7 of MS 1211, Mardie Minerals is required to submit a ten yearly Environmental Performance Report (EPR) to the DWER CEO within three months of the expiry of the ten year period commencing from the date of substantial commencement of the Proposal (or such other time as may be approved in writing by the DWER CEO). The EPR will report on Proposal impacts on the environmental values identified within Condition D2-8 and may be partially or wholly prepared in conjunction with other proponents where cumulative impacts occur (Condition D2-9).</p> <p>The Proposal has not yet met the ten year reporting period.</p> <p>Proposal impacts to the environmental values listed in Condition D2-8 will be documented in the EPR and the AER prepared under the <i>Mining Act</i>.</p> <p>Mardie Minerals have commenced ongoing monitoring of environmental performance for the Proposal.</p>

Control of implementation of significant amendment	<p>Mardie Minerals is requesting a change to Conditions A1-1, B1-1(1)-(3), and B5-7(4) – (5) of MS1211 to include the Revised Proposal under S40AA.</p> <p>The purpose of this change to these conditions is to ensure the Revised Proposal is appropriately regulated by the conditions of MS1211.</p> <p>It is expected that the Revised Proposal can be appropriately mitigated under the amended and existing implementation conditions.</p> <p>Refer to “OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT”, Section 10.3.1. (page 80).</p>
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**PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR A PROPOSAL UNDER AN ASSESSED SCHEME ONLY**

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?	

**PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR DERIVED PROPOSALS ONLY**

Demonstrate how the proposal will meet the environmental outcomes defined through the assessment of the strategic proposal	
Provide an analysis of the existing implementation conditions of the related strategic proposal in relation to the derived proposal	

## 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)	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 3.1 (pages 13 to 19).
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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). (Example table at the end of form)	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 3.1 (pages 13 to 19).
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### 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.	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 4.1 (page 20).
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Name of the Local Government Authority in which the proposal is located.	City of Karratha
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Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input type="checkbox"/> Yes <span style="margin-left: 100px;"><input checked="" type="checkbox"/> No</span>
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What is the current land use on the property, and the extent (area in hectares) of the property?	Refer to "OPTIMISED MARDIE PROJECT SECTION 40AA REFERRAL SUPPORTING DOCUMENT", Section 4.1 (page 20).
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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> <i>If no, what authorisations / agreements / tenure is required and from whom?</i>	<input type="checkbox"/> Yes <span style="margin-left: 100px;"><input checked="" type="checkbox"/> No</span>
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### 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 <span style="margin-left: 100px;"><input type="checkbox"/> No</span>
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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 <span style="margin-left: 100px;"><input type="checkbox"/> No</span> Date: 15/11/2024 EPBC No.: 2024/10054
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If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes',	<input type="checkbox"/> Yes <span style="margin-left: 100px;"><input checked="" type="checkbox"/> No</span> <input type="checkbox"/> Decision – controlled action
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check the appropriate box and provide the decision in an attachment.	<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 checked="" type="checkbox"/> No <input type="checkbox"/> Yes - Accredited
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Approval: Environment Protection (Sea Dumping) Act 1981 (Sea Dumping Act; Cth) – Sea Dumping Permit – application was submitted in mid-December 2024 to Sea Dumping Division of DCCEEW.
Decision-making authority referrals <u>ONLY</u>	
What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i>	Not applicable