

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

Australian Potash Limited (ACN: 149 390 394)
Suite 3, 22 Railway Road
SUBIACO WA 6904

PROPOSAL TO WHICH THIS NOTICE RELATES:

Lake Wells Potash Project
Assessment No. 2144

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred -

- changes to the Project Development Envelopes resulting in an overall reduction in the area of the development envelopes as described in Schedule 1 and shown in Figure 1 of Attachment 1.
- changes to the maximum rate of abstraction of groundwater as described in Schedule 1 of Attachment 1.

EFFECT OF THIS NOTICE:

1. The EPA considers that the change is unlikely to significantly increase any impact that the proposal may have on the environment. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.



Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

5 August 2020

Schedule 1

Change to Proposal

Element	Current Proposal	Changed Proposal
On Playa Disturbance area	Disturbance of up to 2,470 ha of on-playa terrain within a 9322 hectare development envelope	Disturbance of up to 2,470 hectares of on-playa terrain within a 9322 hectare development envelope
Off Play Disturbance Area	Clearing of up to 750 hectares of native vegetation within a 5019 hectare development envelope.	Clearing of up to 750 hectares of native vegetation within a 4692 hectare development envelope.
Abstraction from Brine Aquifer	<ul style="list-style-type: none"> - Abstraction of up to 18 GL/a (years 1 to 5) - Abstraction of up to 40 GL/a (years 6 to 20) 	Abstraction of up to 17 GL/a
Abstraction from process/potable aquifer	<ul style="list-style-type: none"> - Abstraction of up to 0.9 GL/a (years 1 to 5) - Abstraction of up to 1.8 GL/a (years 6 to 20) 	Abstraction of up to 0.8 GL/a

Figure 1: Changes to approved Project Development Envelope

Figure 1: Changes to approved Development Envelopes.



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STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Lake Wells Project

Proponent: Australian Potash Limited

Decision

For the reasons outlined below, the EPA has determined to consent to the Proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 21 December 2017, Australian Potash Limited referred the Proposal to the Environmental Protection Authority (EPA) under section 38 of the Environmental Protection Act 1986 (EP Act). The Proposal included abstraction and evaporation of brine resources to produce a Sulphate of Potash (SOP) product at Lake Wells.

Disturbance associated with the proposal at referral was up to 2466 hectares on Playa and up to 746 hectares off Playa. Groundwater abstraction for the proposal at referral was up to 40 Gigalitres per annum of brine and up to 1.8 Gigalitres per annum of fresh/brackish water.

The EPA determined to assess the Proposal at the level of Environmental Review with no public review on 30 January 2018.

In advance of the EPA preparing a report on the outcome of its assessment of the Proposal, the Proponent has sought the EPA's consent to the proponent changing the Proposal.

Relevant Statutory and Administrative Provisions

Section 3.8 of the Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016 guides what information the EPA requires from a person wanting to change its proposal during assessment.

The proponent is required to provide:

- details of the proposed change
 - statement of the significance of the change and
 - rationale for the change.
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Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. Proponent Referral form and supporting document – MBS Environmental - 21 December 2017
2. Proponent letter – Request for a change to proposal under S43A – MBS environmental - received 03 May 2018
3. Lake Wells Sulphate of Potash Project – Environmental Review Document (ERD) – APC 2020.
4. Proponent letter – Request for a change to proposal under S43A – MBS environmental - received 10 July 2020
5. Lake Wells Project updated spatial data – received 01 July 2020 (DWERDT306325)

Consideration

1. Nature of the proposed change

The proposed changes to the proposal include:

- No change to the on-playa development envelope
- No change to the proposed areas of direct disturbance
- Decrease in off-playa development envelope area from 5,019 hectares to 4,692 hectares, as a result of the removal of the Northern Bore Field section of the Development Envelope (Figure 1).
- Reduction in the maximum abstraction rate from the Brine aquifer from 40 GL/a to 17 GL/a, and
- Reduction in the maximum abstraction rate from the process/potable bore field from 1.8 GL/a to 0.8 GL/a.

The changes to the proposal are not considered to be significant, as the proposed scale and location of disturbance is the same as that provided in the referral documentation. Additionally, the changes are in line with the EPA's expectation that development envelopes will be refined through the assessment process.

The proposed changes to the development envelope are described in Schedule 1 and shown in Figure 1 of Attachment 1 of this document. Updated spatial data for the development envelope has been provided by the proponent and is held by the Department of Water and Environmental Regulation (Reference Number: DWERDT306325).

2. Stage of the assessment process

The proponent has completed the preparation of their ERD. The ERD has been prepared based on the changes described above, with impacts calculated based on these areas and quantities.

The EPA is in the process of finalising its assessment of the proposal. No public review is proposed for this proposal.

3. Currency, relevance and reliability of the information, including submissions

The proposed changes to the development envelope would not result in any different or greater impacts to the environment from the referred proposal. The proposed changes to the development envelope for the proposal remain within the areas in which Australian Potash's preliminary environmental investigations were conducted. Updated spatial data has been provided by the proponent. All information within the proponent Environmental Review document is based on the proposed changes and is considered to be relevant and reliable.

4. Community engagement

The EPA Services Division has engaged with the community through the referral process and the preparation of the ERD. The proponent has engaged with the community during the preparation of the ERD. EPA Services Division is satisfied that the changes to the proposal have been adequately included in consultation.

5. Level of public concern

Two comments were received during the seven-day comment period on the referral of this proposal. The EPA determined that the level of public interest associated with the proposal was not so significant as to warrant a public review of the proposal. Correspondence received subsequent to the setting of Level of Assessment identified key stakeholders (Traditional Owners), who were consulted by the proponent and by EPA services Division during the preparation of the ERD. The changes to the proposal do not increase or change any impact on any area of concern to stakeholders, as the area that would be removed from the development envelope is not near to any sites identified by the traditional owners, and is not within the on-playa area.

Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment

The following were considered:

a. Values, sensitivity and the quality of the environment which is likely to be impacted

The change to the proposal would not result in environmental impacts that are different to the originally referred proposal, or in the consideration of different environmental values or factors than those identified in the referral documentation.

b. Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The change to the proposal would not result in an increase in the duration of the proposal, or in the level of disturbance beyond that of the proposal which was originally referred.

c. Consequence of the likely impacts (or change)

The change to the proposal would not alter the impacts associated with the originally referred proposal (Abstraction and evaporation of brine to produce a sulphate of potash product)

d. Resilience of the environment to cope with the impacts or change

The change to the proposal would not alter the impacts associated with the originally referred proposal (Abstraction and evaporation of brine to produce a sulphate of potash product)

e. Cumulative impacts with other projects

The change to the proposal would not alter the impacts associated with the originally referred proposal (Abstraction and evaporation of brine to produce a sulphate of potash product)

f. Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The change to the proposal does not alter any connections or interactions with the receiving environment.

g. Level of confidence in the prediction of impacts and the success of proposed mitigation

The new development envelope is within the area in which the proponent's preliminary environmental investigations were undertaken. There is no change to the level of confidence in the preliminary prediction of impacts or the success of the proposed mitigation impacts.

h. Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

The EPA has determined that the public interest in this proposal is not so significant as to warrant a public review of the proposal. Key stakeholders identified after the setting of Level of assessment have been consulted during the assessment process, which included details of the proposed development envelope.

Conclusion

In conclusion, the EPA considers that the change would not significantly increase any impact the proposal may have on the environment primarily because:

- The proposed changes represent a reduction in the originally referred impacts, as a result of a reduction in the development envelope, and a reduction in the proposed maximum rate of groundwater abstraction.

Attachment 1

Schedule 1

Change to Proposal

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Figure 1: Changes to referred Project Development Envelope

Figure 1 – proposed changes to Development envelope

