

***Environmental Protection Act 1986***

**Section 43A**

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

**PERSON TO WHOM THIS NOTICE IS GIVEN**

(a) Australian Potash Limited (ACN: 149 390 394)  
31 Ord Street  
**WEST PERTH WA 6005**

**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.

**EFFECT OF THIS NOTICE:**

1. 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**

**16 May 2018**

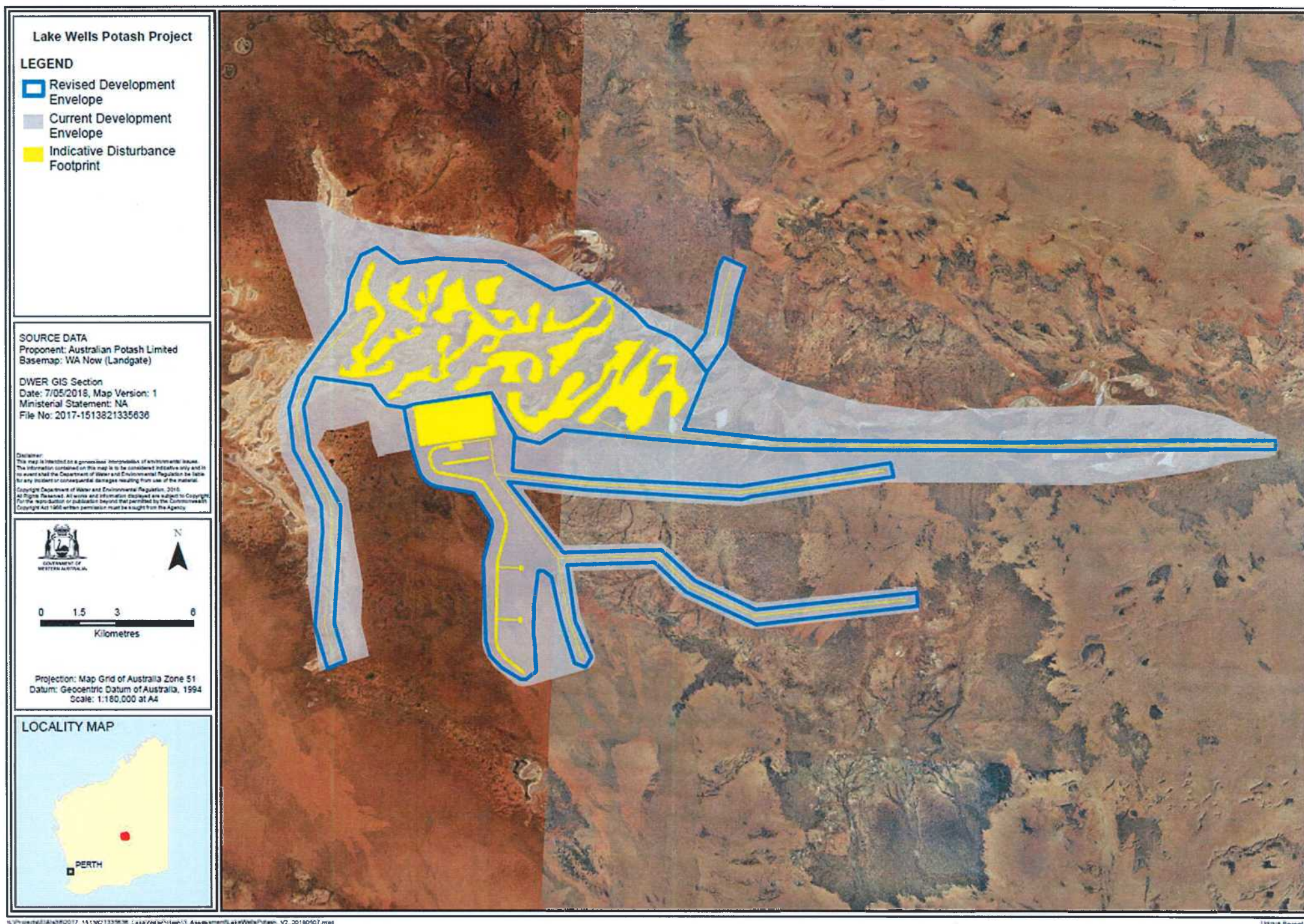
## Schedule 1

## Change to Proposal

<b>Element</b>	<b>Current Proposal</b>	<b>Changed Proposal</b>
On Playa Disturbance area	Disturbance of up to <b>2,466</b> ha of on-playa terrain within a <b>20,305</b> hectare development envelope	Disturbance of up to <b>2,466</b> hectares of on-playa terrain within a <b>10,983</b> hectare development envelope
Off Play Disturbance Area	Clearing of up to <b>746</b> hectares of native vegetation within a <b>7,392</b> hectare development envelope.	Clearing of up to <b>746</b> hectares of native vegetation within a <b>2,373</b> hectare development envelope.

Figure 1: Changes to referred Project Development Envelopes

### Figure 1 – Changes to referred Project Development Envelope





**Relevant Decision Making Authorities**

Minister for Water.

Minister for Mines.

Minister for Aboriginal Affairs.

Minister for Environment.

Executive Director, Environment Division, Department of Mines, Industry Regulation and Safety.

Director General, Department of Water and Environmental Regulation.

Chief Dangerous Goods Officer, Department of Mines, Industry Regulation and Safety.

State Mining Engineer, Department of Mines, Industry Regulation and Safety.

Chief Executive Officer, Shire of Laverton.

***Environmental Protection Act 1986***

**Section 43A**

**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 sulfate of potash (SOP) product at Lake Wells.

Disturbance associated with the proposal would be up to 2466 hectares on Playa and up to 746 hectares off Playa. Groundwater abstraction for the proposal would be 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.

In considering the request for consent, the EPA considered the:

- details of the proposed change
- statement of the significance of the change and
- rationale for the change.

## **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 Project updated Shape Files – received 03 May 2018

## **Consideration**

### **1. Nature of the proposed change**

The proposed changes to the proposal include:

- Overall reduction of the proposal development envelopes from 27,697 hectares to 14,341 hectares;
- Decrease in on-playa development envelope area from 20,305 hectares to 9,322 hectares; and
- Decrease in off-playa development envelope area from 7,392 hectares to 5,019 hectares.

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: 2018-1525052470523)

### **2. Stage of the assessment process**

The proponent-prepared Environmental Scoping Document has been drafted and is under review by EPA Services. The current draft reflects the proposed changes to the development envelope. Following endorsement of the ESD by the EPA, it will be used as a basis by the proponent for preparation of the Environmental Review document, which will be distributed to relevant decision making authorities and key stakeholders for review prior to the completion of the EPA's assessment of the proposal.

### **3. Currency, relevance and reliability of the information.**

The proposal was referred in December 2017, and all information submitted in support of the referral remains current. 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.

#### 4. Community engagement

The EPA has engaged with the community through the referral process and determined that there is minimal public interest in the proposal. However, correspondence received subsequent to the setting of Level of Assessment has identified key stakeholders (Traditional Owners), who will be consulted during the assessment process. The EPA intends to release this decision document on its website for public information.

#### 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 has identified key stakeholders (Traditional Owners), who will be consulted during the assessment process.

### **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 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 will be consulted during the assessment process, which will include details of the proposed development envelope.



## Schedule 1

## Change to Proposal

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Figure 1: Changes to referred Project Development Envelope

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