

***Environmental Protection Act 1986***

**Section 41A(3)**

**NOTICE OF DECISION TO CONSENT TO MINOR OR PRELIMINARY WORKS**

**PERSON TO WHOM THIS NOTICE IS GIVEN:**

(a) Proponent:  
South32 Worsley Alumina Pty Ltd (ACN: 008 905 155)  
Level 37, 108 St Georges Terrace  
PERTH WA 6000

(b) Relevant Decision-Making Authorities, see Attachment 1

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Worsley Mine Expansion – Revised Proposal  
Assessment No. 2216

Pursuant to section 41A(3) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent undertaking the minor or preliminary works detailed in Schedule 1 subject to the following conditions:

1. *Ensuring felling of trees and clearing is conducted outside of the primary peak breeding period for Black Cockatoo species (September to December), with a designated fauna spotter (a person who is qualified and licenced under Section 40 of the Biodiversity Conservation Act 2016) to be present to advise on fauna matters during clearing activities.*
2. *Undertake proposed works in accordance with DBCA Working Arrangements to minimise the potential spread of dieback (including undertaking vegetation clearing outside of winter and wet periods).*

**EFFECT OF THIS NOTICE:**

1. The prohibition provided by sections 41(2), 41(3) and 41A(1) of the EP Act do not apply to implementing the minor or preliminary works consented to in this Notice.
2. It is an offence under s41A(1) of the EP Act, with a maximum penalty of \$125,000 for a body corporate and \$62,500 for an individual, to do anything to implement the proposal other than the minor or preliminary works consented to in this Notice.
3. Relevant decision-making authorities may make decisions that would cause or allow the doing of the minor or preliminary works listed in Schedule 1 of this Notice.

**RIGHTS OF APPEAL:**

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



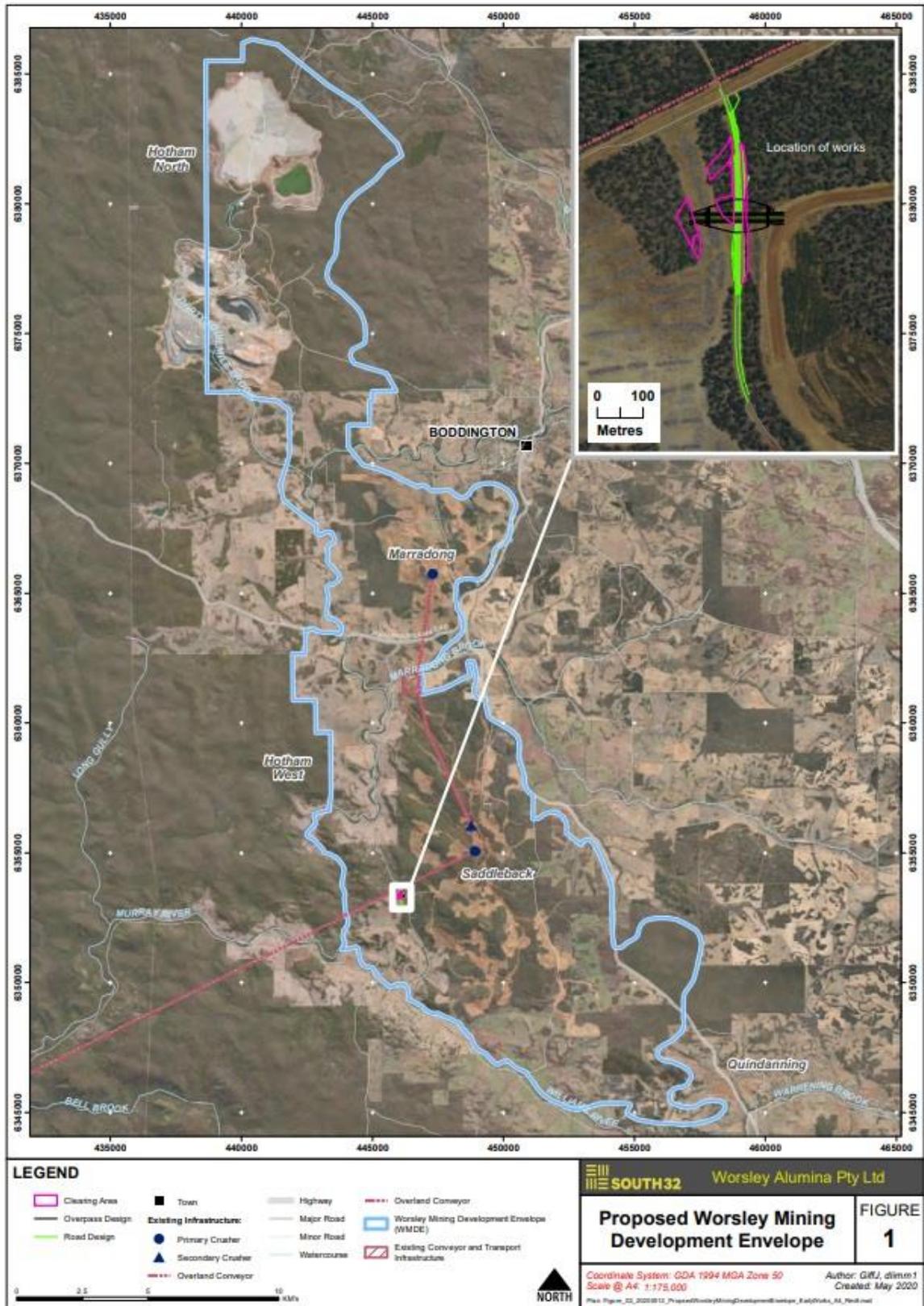
**Dr Tom Hatton**  
**Delegate of the Environmental Protection Authority**  
**CHAIRMAN**

6 October 2020

## Schedule 1

### Authorised Minor or Preliminary Implementation Work (s)

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"> <li>1. construction; and</li> <li>2. maintenance of the Lower Hotham Road Bridge (single lane overpass bridge with associated drainage works).</li> </ol> <p>up until such time as the later of one of the following occurs:</p> <ol style="list-style-type: none"> <li>a. notice issued under s 45(8) of the EP Act; or</li> <li>b. statement issued under s45(5) of the EP Act is final (that is, after period in which to lodge an appeal under s 100(3) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s 100(3), is published).</li> </ol> <p>and</p> <ol style="list-style-type: none"> <li>3. rehabilitation of the area/s identified in Figure 1 in accordance with current EPA rehabilitation guidance, or if an implementation statement is issued for the Proposal, in accordance with any implementation conditions relating to rehabilitation.</li> </ol>	<p>Figure 1</p>	<p>Clearing of no more than 1 hectare of native vegetation.</p>



**Figure 1 Location of the Minor or Preliminary Works**

## **Attachment 1**

### **Relevant Decision Making Authorities**

Minister for Environment

Minister for Mines and Petroleum

Minister for Water

Minister for Aboriginal Affairs

Minister for State Development

Minister for Lands

Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety

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

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

Chief Executive Officer, Department of Water and Environmental Regulation

Chief Executive Officer, Shire of Boddington

Chief Executive Officer, Shire of Collie

***Environmental Protection Act 1986***

**Section 41A(3)**

**STATEMENT OF REASONS**

**CONSENT TO UNDERTAKE MINOR or PRELIMINARY WORKS**

**Proposal:** Worsley Mine Expansion – Revised Proposal

**Proponent:** South32 Worsley Alumina Pty Ltd

**Decision**

For the reasons outlined below, I, as a delegate of the EPA, have determined to consent to the minor or preliminary works outlined in Schedule 1 attached to this Statement of Reasons.

**Background**

On 21 December 2018, the South32 Worsley Alumina Pty Ltd (the Proponent) referred the Worsley Mine Expansion – Revised Proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal includes the expansion of the existing mining area and incorporation of new mining areas, the development of a bauxite transport corridor, a contingency mining area and maintenance work at the Refinery, and the development of mine/support infrastructure.

The EPA determined to assess the Proposal at the level of Environmental Review – Public Environmental Review (8-week public review period) on 22 July 2019 and is yet to publish its assessment report.

In advance of a decision or agreement in relation to whether or not the Proposal may be implemented under section 45 of the EP Act, the Proponent has sought the EPA's consent to undertake minor or preliminary works related to the Proposal.

**Relevant Statutory and Administrative Provisions**

After the EPA decides to assess a proposal, and before a decision or agreement is made under s45 of the EP Act, all persons are prohibited from implementing a proposal. Relevant decision making authorities are prohibited from making a decision which would allow the proposal to be implemented, except in relation to minor or preliminary works which the EPA has consented may be implemented – see sections 41(4) and 41A(3) of the EP Act.

If the EPA consent to the minor or preliminary works being done, the person proposing to undertake those works may still need to obtain other authorisations from other decision-making authorities.

Section 3.5 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* guides what information the EPA requires from a person wanting to undertake minor or preliminary works.

In considering the request for consent, I considered whether the:

- work is associated with the implementation of the proposal
- potential environmental impacts of the work are significant
- work would constitute the irreversible and substantial implementation of the proposal, and
- work is justified.

### **Materials considered in making this decision**

In determining whether to consent to the minor or preliminary works I have considered the following:

1. *Worsley Mine Expansion Minor or Preliminary Works Application* (version 3.0, 2 September 2020)
2. *Boddington Bauxite Mine Closure Plan Worsley Alumina 2020* (version 1.1, 4 June 2020)
3. *Terrestrial vertebrate fauna assessment for the Worsley Mine Expansion - Revised Proposal (Preliminary Works) Project* (version 1.2, 25 June 2020)
4. *Review of Lower Hotham Crossing Area* (Mattiske Consulting Pty Ltd, 27 February 2020)
5. Spatial data provided by South32 Worsley Alumina Pty Ltd on 2 September 2020 delineating areas of proposed native vegetation clearing.

### **Consideration**

#### **1. Assessment details – proposed work associated with proposal**

The proposed minor or preliminary works involve the construction of the Lower Hotham Bridge and associated haul road. These works will allow for access to additional ore reserve areas as part of the mine expansion and allow for the transport of ore to meet refinery demand. All proposed works will be undertaken within the development envelope of the proposal (Figure 1) which was defined in the referral stage of the EPA assessment process. The proposed works align with the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA, 2020) which states “*Minor or preliminary work may include the construction of infrastructure for the proposal in an area that is unlikely to have a significant environmental impact...*”

## 2. Details of the proposed work

The proposed works involve the construction of the Lower Hotham Bridge and is required to ensure the Lower Hotham Road remains accessible for the public at this location, in addition to allowing the mining operations to meet the future mine plan schedule following potential approval for the Worsley Mine Expansion – Revised Proposal. To minimise the risk of collision and keep public road users safe, road safety barriers are proposed as part of the construction.

To ensure the works are justified from an environmental perspective, the proponent has committed to undertake the proposed works outside of the primary peak breeding period for black-cockatoo species (September to December) and undertake clearing operations outside of winter and wet periods to help minimise the potential spread of dieback. Given the limited nature of clearing, and the seasonal constraints, the proposed works are justified in their extent and timing.

## 3. Potential Environmental Impacts

The EPA set level of assessment for the proposal at the level of Public Environmental Review on 22 July 2019. The preliminary key environmental factors that required evaluation during the assessment process included, Flora and Vegetation, Terrestrial Fauna, Terrestrial Environmental Quality, Inland Waters, Social Surroundings and Air Quality (including Greenhouse Gas Emissions which has since become its own key environmental factor).

### *Flora and Vegetation*

The implementation of the proposed works would require clearing of less than 1 hectare (ha) of native vegetation. Flora and vegetation surveys were undertaken in October 2019 to determine the flora and vegetation values within the proposed disturbance areas. No Threatened or Priority Flora were identified in the proposed clearing areas. One Priority 4 species, *Lasiopetalum cardiophyllum*, was identified south of the proposed disturbance area and is not likely to be impacted by the proposed works. No Threatened or Priority Ecological Communities were identified in the proposed clearing areas.

Clearing activities also present a risk to flora and vegetation through the potential spread of dieback. The proponent has committed to implementing strict dieback and forest hygiene procedures, including minimising the potential spread of dieback by undertaking clearing operations outside of winter and wet periods.

### *Terrestrial Fauna*

The implementation of the proposed works would require clearing of less than 1 ha of fauna habitat. Fauna surveys were undertaken in November 2019, including baited camera trapping, active diurnal searches, and black-cockatoo habitat assessments. Whilst the fauna surveys identified potential habitat for a range of conservation significant fauna, the application area is located in a highly fragmented landscape, with a long history of mining, logging and agricultural activity.

The habitat was assessed as most suitable for black-cockatoo species; however, the application area contains no confirmed breeding trees for black-cockatoo species. In order to minimise the potential risks to conservation significant fauna, the proponent has committed to ensuring felling of trees and clearing is conducted outside of the primary peak breeding period for black-cockatoo species (September to December), with a designated fauna spotter to be present during clearing activities to advise on fauna matters.

### *Terrestrial Environmental Quality*

Potential impacts to Terrestrial Environmental Quality from the proposed works include the risk of erosion leading to poor soil structure, and contamination of soil from fuel and chemical leaks. Due to the small scale of activities the risk is likely to be low, however, to further mitigate the risk the proponent has committed to the management of spills and contaminated material in accordance with *Boddington Bauxite Mine Spill Management Procedures*, and the management of topsoil through the implementation of *Topsoil and Overburden Handling procedures*.

### *Inland Waters*

Whilst the proponent has identified there is little to no drawdown associated with increased water consumption during the construction and implementation of the proposed works, there are potential impacts to Inland Waters through the alteration of the landscape disrupting surface water flows and groundwater infiltration, and the potential contamination of groundwater from fuel or chemical leaks during construction.

The proponent has stated that the proposed overpass has been designed in accordance with Australian Standards and Main Roads WA Standards and this includes requirements for drainage and the capturing of stormwater run-off. Scour protection will be applied to the drains beneath the overpass to protect the footings.

In addition, the proponent has committed to:

- the continued implementation of the *Worsley Water Management Plan* which includes baseline water quality monitoring;
- modelling hydrological processes to identify groundwater dependent ecosystems and predict groundwater rise due to vegetation removal;
- the management of drainage in accordance with the *Site Drainage Standard*; and
- the management of spills and contaminated material in accordance with *Boddington Bauxite Mine Spill Management Procedures*.

### *Social Surroundings*

The proposed works have the potential to impact on the factor of Social Surroundings through the disturbance of heritage sites, noise and vibration impacts to sensitive receptors, potential dust impacts, and reduced visual amenity.

It is noted the proposed works intersect 'Registered' site 'Mount Saddleback' [Site ID 17214] (Mythological). The EPA understands the proponent has existing agreements and notices under Section 18 of the *Aboriginal Heritage Act 1972* for their current mining operations and has historically mined within the broader footprint of the above-mentioned site. The proponent has committed to the continued management of Aboriginal heritage through ongoing consultation with the South West Aboriginal Land and Sea Council (SWALSC) and the Gnaala Karla Booja (GKB). Applications for consent to disturb any 'Registered' sites impacted through additional mining activities, will be required under Section 18 of the *Aboriginal Heritage Act 1972*.

Due to the small scale of the activities, impacts from noise, vibration, dust and visual amenity are likely to be minimal. The proponent has committed to:

- implementing a *Noise Management Plan* to ensure the proposed works meet the *Environmental Protection (Noise) Regulations 1997*;
- implementing the *Worsley Dust Management Plan – Bauxite Mining and Transport* to minimise the potential impacts from dust emissions;
- responding to any community noise complaints and queries; and
- maintaining vegetation buffers and planting of vegetation along boundaries to assist screening the operations where they are visible to the public.

#### *Air Quality and Greenhouse Gas Emissions*

Potential impacts to Air Quality from the proposed works may include impacts to sensitive receptors from dust emissions, and greenhouse gas and air emissions from construction operations.

Due to the small scale and extent of the proposed works the impacts to Air Quality are likely to be minimal, however, the proponent has committed to implementing the *Worsley Dust Management Plan – Bauxite Mining and Transport* to minimise the potential impact from dust emissions, and will minimise gas and particulate emissions from light and heavy vehicle exhausts through the use of current generation diesel technology.

When considering the potential significance of the proposed works as per the *Statement of Environmental Principles, Factors and Objectives* (EPA 2018) the proposed works are not likely to have a significant effect on the environment and would be reversible through decommissioning and rehabilitation (see additional detail below).

#### 4. Proposed rectification actions

The proponent has developed rehabilitation procedures and standards through their current mine operations including the Rehabilitation Standard (01013575), the Mine Rehabilitation Operations Procedure (00100864), the Private Land Rehabilitation Management Procedure and Boddington Bauxite Mine Revegetation Management Procedure (00111496). In the event the overall proposal is not implemented, South32 has committed to rehabilitate the area through the implementation of the above standards and procedures.

These efforts will include appropriate topsoil management during clearing activities, the removal of placed construction material comprising bridge infrastructure, recontouring of land as appropriate to natural drainage conditions, progressive rehabilitation of cleared areas as soon as practicable including implementation of the closure activities. The intent during decommissioning and rehabilitation will be to return the disturbed area to the pre-disturbance land use, being a combination of forest area, road reserve and agricultural land.

Based on the small scale of disturbance (less than 1 hectare) and the proponent's commitments outlined above, the proposed works are not considered to constitute irreversible substantial implementation of the proposal.

## Schedule 1

### Minor or Preliminary Works

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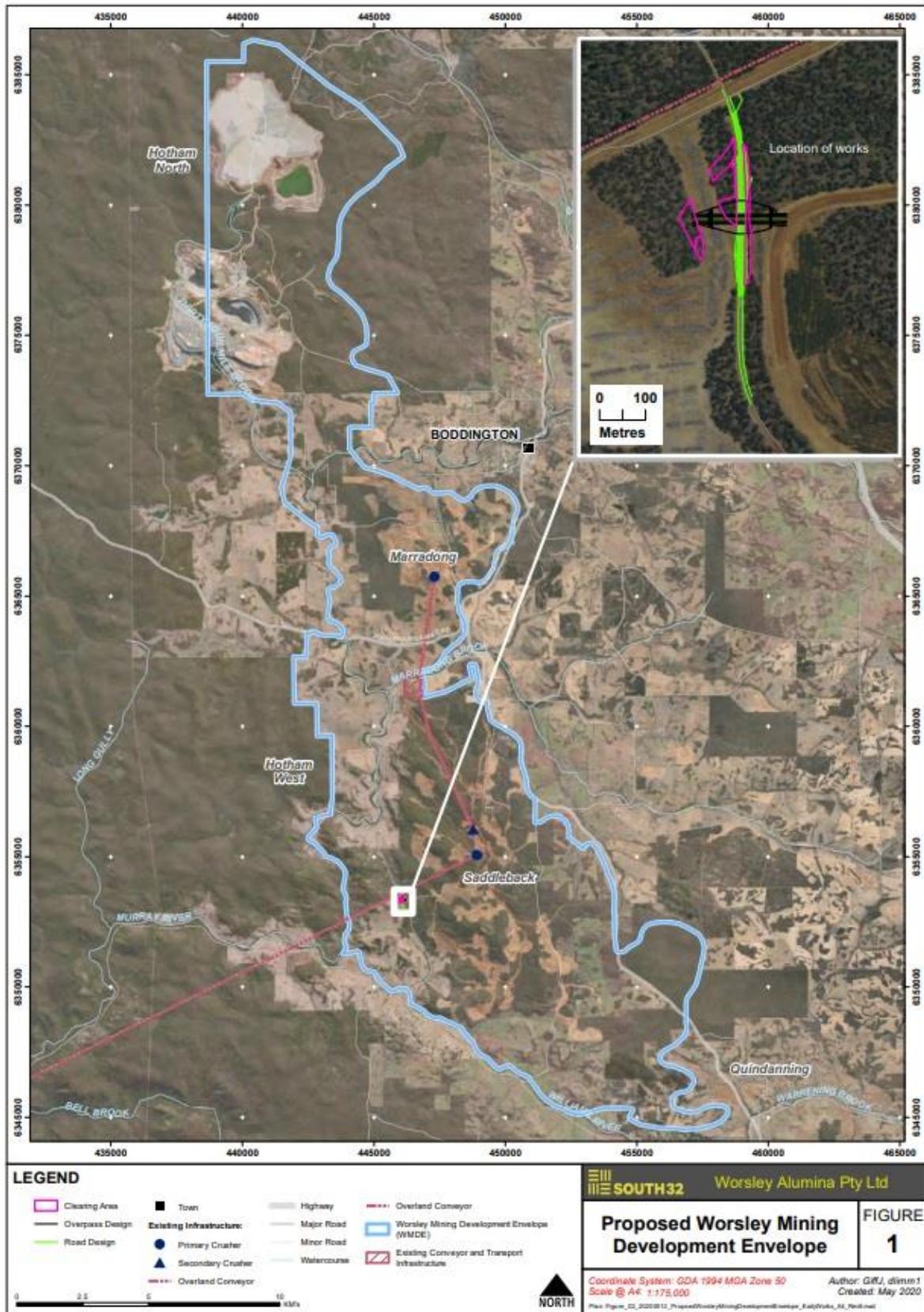


Figure 1 Location of the Minor or Preliminary Works