

## Environmental Protection Authority

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### *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) MRC Graphite Pty Ltd  
Level 2, 161 Great Eastern Highway  
BELMONT WA 6104

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

##### PROPOSAL TO WHICH THIS NOTICE RELATES:

Munglinup Graphite Project  
Assessment No. 2206

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.

##### 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.

##### SUMMARY OF REASONS:

1. The works are a minor and preliminary part of the proposal, for the purpose of a pilot project investigating the feasibility of downstream processing of the graphite concentrate from the proposal.
2. The works involve temporary and small-scale bulk sampling project involving 0.1 ha of disturbance, existing exploration tracks and some existing cleared land. Collection of samples will be from a depth of up to 2.5 m and prompt rehabilitation to backfill the excavation, replace topsoil and scarify the area to encourage regrowth of vegetation will occur as soon as the excavation is completed.

3. Conservation significant flora have not been identified in the proposed bulk sampling area, and the proponent will survey the area for conservation significant species before clearing.
4. The proponent will implement measures to prevent the spread of weeds and dieback through vehicle and machinery hygiene practices which will be regulated under the *Mining Act 1978*. Additionally, the works will occur within dry soil conditions.
5. The impact to tall mallee shrubland will result in a temporary loss of approximately 0.22% of its extent which is unlikely to affect any terrestrial fauna that utilise the habitat. The ecological linkage along the Munghlinup River corridor will remain intact. The habitat does not contain any hollows that may be used by Carnaby's black cockatoo.
6. The works will not impact any registered Aboriginal heritage sites and will not disturb any area within 280 m of a watercourse which may support cultural values. Cultural monitors will be present during the work to identify and protect any Aboriginal cultural material.
7. The works will not prejudice the EPA's assessment or Minister's future decision-making for the implementation of the proposal.

#### **RIGHTS OF APPEAL:**

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



**Lee McIntosh**  
**Delegate of the Environmental Protection Authority**  
DEPUTY CHAIR

9 July 2024

## Schedule 1

## Authorised Minor or Preliminary Implementation Work

Authorised Works	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <p>1. Bulk sampling of graphite ore,</p> <p>up until such time as the later of one of the following occurs:</p> <ul style="list-style-type: none"> <li>a. notice issued under s 45(13) of the EP Act; or</li> <li>b. statement issued under s45(8) 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> </ul> <p>and</p> <p>2. Rehabilitation of the area identified in Figure 1 to backfill the excavation, replace topsoil and scarify the area to encourage regrowth of vegetation as soon as the excavation is completed.</p>	Figure 1	<p>0.1 ha of clearing as shown in figure 1 including a 0.014 ha previously cleared area.</p> <p>4 tonnes of ore may be retrieved from a depth of up to 2.5 m.</p>



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**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

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

Chief Executive Officer, Department of Water and Environmental Regulation

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

Chief Executive Officer, Shire of Esperance