

***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) Mt Weld Mining Pty Limited (ACN: 053 160 400)  
Level 4, 1 Howard St  
PERTH WA 6000

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

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Mt Weld Rare Earths Project – Life of Mine Proposal  
Assessment No. 2350

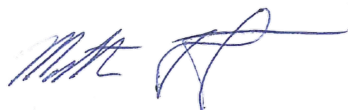
Pursuant to section 41A(3) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent undertaking the minor or preliminary works detailed in Schedule 1.

**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.

**RIGHTS OF APPEAL:**

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



**Professor Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
CHAIR

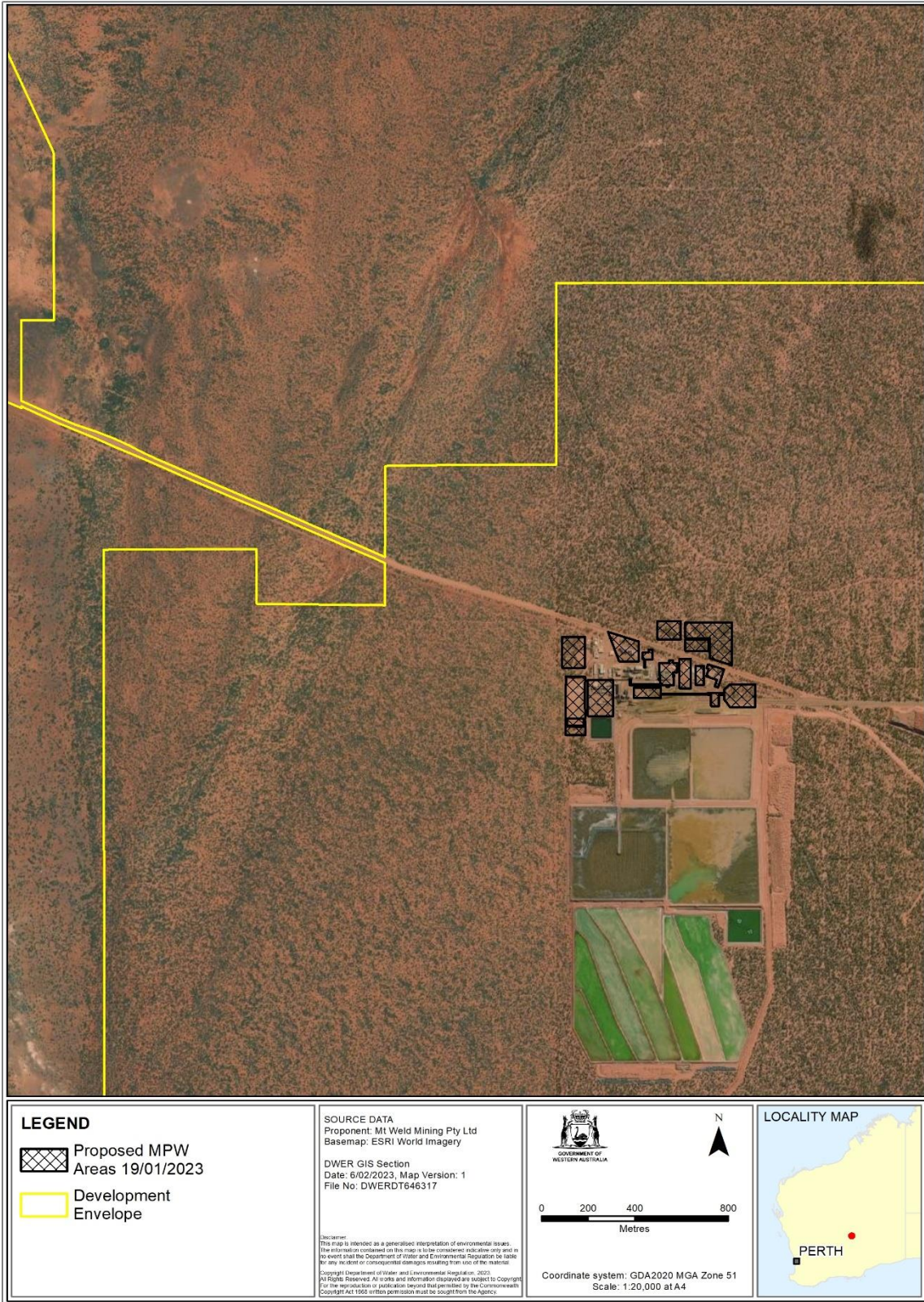
13 March 2023

**Schedule 1**

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

<b>Authorised Work(s)</b>	<b>Location</b>	<b>Authorised extent</b>
<p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"> <li>1. construction of processing related infrastructure which are as:               <ol style="list-style-type: none"> <li>a) bulk earthworks activities;</li> <li>b) installation of concrete foundations;</li> <li>c) erection of steel frames for buildings and conveyor systems;</li> <li>d) erection of buildings/buildings shells for selected expansion infrastructure; and</li> <li>e) establishment and use of laydown areas.</li> </ol> </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(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> </ol> <p>and</p> <ol style="list-style-type: none"> <li>2. 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>Disturbance up to 14.26 ha as shown in Figure 1.</p>

**Figure 1: Minor and Preliminary Works Disturbance Footprint**



## **Attachment 1**

### **Relevant Decision Making Authorities (DMAs)**

Minister for Aboriginal Affairs

Minister for Mines and Petroleum

Minister for Water

Minister for Environment

Chief Executive Officer, Department of Biodiversity, Conservation and Attractions

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

Executive Director Resource and Environmental Compliance, 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

Secretary, Radiological Council

Chief Executive Officer, Shire of Laverton

**Summary of reasons for decision – request to undertake minor or preliminary works under s. 41A(3) of the *Environmental Protection Act 1986***

**Proposal:** Mt Weld Rare Earths Project – Life of Mine Proposal  
**Ref No:** DWERDT713525  
**Date request to amend referred proposal under s.41A(3) received:** 19 January 2023  
**Proponent:** Mt Weld Mining Pty Ltd  
**Level of assessment:** Referral Information with additional information (4 weeks public review)  
**Referral received:** 17 August 2022  
**Referred proposal:** Mt Weld Rare Earth Project Life of Mine – Minor and Preliminary Works

Mt Weld Mining (MWM) is seeking to expand the Mt Weld Rare Earths Project, located 35 kilometres (km) southeast of Laverton, within the shire of Laverton, Western Australia. The proposal is a significant amendment of an approved [Mt Weld Rare Earths Project](#) regulated under Ministerial Statement 476 (MS 476), operated by the same proponent.

The expansion of the proposal requires an additional 1812.6 hectares (ha) of native vegetation clearing. The total combined disturbance footprint will be 2241.6 ha. The expansion of the proposal requires the development envelope (DE) to increase by 2297 ha. The total combined DE will be 2802 ha. The proposed expansion will allow for the expansion of infrastructure and mining activities which includes run of mine (ROM) pad, larger mine pit, extended waste rock and by-product landforms, tailing storage facilities (TSF) a workers accommodation village, additional borefield and tailings water recycling infrastructure, and a hybrid power station.

**Description of the minor or preliminary works sought:**

The proposed minor or preliminary work comprises bulk earthworks activities to prepare the site for selected infrastructure.

The proposed minor or preliminary works will be confined within the approved MS 476 development envelope. Approximately half of the disturbance applied for is already cleared and there are no threatened or priority species which would be directly impacted by the proposed disturbance. The disturbance is within the allowable limits of MS 476, so the proponent could clear these areas for other purposes.

The disturbance footprint of the proposed minor and preliminary work is 14.26 ha.

<b>Work Items</b>	<b>Footprint (ha)</b>
Infrastructure elements	14.26
<b>Total</b>	<b>14.26</b>

## **Decision**

The application to undertake minor or preliminary works in Attachment 1 is approved. 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.

### **Environmental factors relevant to amendment(s):**

- Terrestrial Environmental Quality
- Social Surroundings
- Air Quality

#### Terrestrial Environmental Quality

The potential risks to soils from the works are erosion and contamination from hydrocarbon or chemical spills. There are unlikely to be acid sulphate soils presents on the proposal area.

To minimise the risk to soil contamination the proponent will undertake following management measures:

- hydrocarbons and chemicals will be stored in compliance with the requirements of *Dangerous Goods Safety Regulations 2007*
- personnel will be trained in spill prevention and spill clean-up procedures
- all putrescible waste will be disposed of at the existing on-site landfill

Following strategies will be implemented to minimise the potential for erosion and downstream sedimentation:

- existing natural drainage pattern will be maintained as far as practicable
- contaminated stormwater runoff will be directed to the plant run-off pond
- existing bunding and diversion channels will be retained to minimise ponding and erosion
- areas susceptible to erosion and sedimentation will be identified, frequently inspected, and managed

The discharges that are likely to be generated from the proposed work are not expected to have a significant impact on the terrestrial environmental quality. Industry Regulation (IR) has advised that the emissions and discharges from the proposed work can be adequately managed and regulated under the conditions of the existing license L8141/2007/2.

Given the small scale of the proposed works, it is unlikely to have significant impact on Terrestrial Environmental Quality.

#### Social Surroundings

##### Aboriginal Heritage

The proposed minor and preliminary work disturbance footprint does not intersect with the boundaries of Registered Aboriginal Heritage Sites and also does not overlap with the heritage places which do not meet section 5 of the *Aboriginal Heritage Act 1972*.

## Noise

The closest sensitive receptors to the proposal area are the GGS accommodation camp, located more than 10 km southeast of the proposal area. Noise emissions originating from the proposed work will be localised and are unlikely to be significant given the absence of sensitive human receptors within the vicinity of the proposal area.

Given the small scale of the proposed works and the absence of sensitive receptors within the vicinity of the proposal area, it is unlikely to have significant impact on Social Surroundings.

## Air Quality

The potential impacts on air quality from the proposed work is fugitive dust emissions. Given the absence of sensitive receptors within the vicinity of the proposal area the impacts on air quality are unlikely to be significant. The proponent is committed to undertake dust suppression activities during construction and operational activities to further minimise the impacts on air quality. In addition, the proponent will continue to implement existing dust management plan (MTV-SH-PLA-0006) to mitigate any direct or indirect impacts associated with the proposed work.

Given the small scale of the proposed works and the measures that will be undertaken to minimise dust emissions, it is unlikely to have significant impact on Air Quality.

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

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

1. Is the work associated with the implementation of the proposal?

Yes, the proposed works are associated with the implementation of the proposal and are unlikely to have a significant impact on the environment. All proposed minor or preliminary works would be undertaken within the development envelope of the currently approved proposal.

2. Is the work minor or preliminary? Does it constitute substantial implementation of the proposal?

Yes, the works while involving some infrastructure are of a sufficiently small scale to constitute minor or preliminary works. The small scale nature of this type of works would result in a small impact of 14.26 ha when compared to the proposed disturbance of 1812.6 ha through the significant amendment. The proposed works represent 0.008% of the additional disturbance. In addition, all proposed activities would be confined to areas approved through MS 476.

The approval of these works does not involve the larger spatial impacts proposed through the significant amendment, and therefore considering the small scale of the works, the location occurring within an area approved for clearing through MS 476, the activities do not constitute substantial implementation of the proposal.

3. Are potential environmental impacts likely to be caused by the work unlikely to be significant?

The proposed works do not occur in areas where there are significant fauna or conservation significant flora. There would be no impacts to heritage sites and the site is located in a remote area, so impacts to air quality and social amenity would be negligible. Any potential minor impacts can be regulated through other decision making processes and therefore the works are unlikely to have significant impacts on environmental values.

4. Can the impact can be reversed? what decommissioning or rehabilitation work will be carried out should the proposal not be approved for implementation?

Yes, the proposed work is reversible. Should the significant amendment not be approved, all constructed and installed infrastructures will be removed from the proposal area.

Whilst the proponent would not be required to rehabilitate the area if it was utilised under MS 476, the proponent has committed to decommissioning and rehabilitation works including

- any excavated areas will be backfilled and re-contoured to original profile levels utilizing pre-determined baseline survey data
- access roads will be ripped off and covered up with stored topsoil and mulched vegetation
- any infrastructure would be dismantled and transported to other sites
- installed concrete will be removed and sent to the landfill site

In addition, the *Mining Act 1978* requires proponent to submit and obtain approval for a mine closure plan (MCP) detailing how disturbance would be rehabilitated and closed in a manner to make them physically safe to humans and animals, geotechnically stable, geo-chemically non-polluting/non-contaminating, and capable of sustaining an agreed post-mining land use without unacceptable liability to the State.

5. Is there an environmental justification for the work?

Yes, the commencement of minor and preliminary work outside of the cyclone season will reduce stormwater runoff during construction and bulk earthwork activities, which reduces the potential for sediment laden runoff and erosion. The work being undertaken outside of the cyclone season is required for these particular types of activities to also reduce the need for dewatering of trenches and deeper earthworks, which will reduce the need to manage dewater emissions and discharges.



6. Are the works and their effects of a scale or significance that would compromise the EPA's assessment or the Minister's future decisions?

No, considering the confinement of the proposed minor or preliminary works within the previously assessed areas and the absence of significant environmental values within the proposed areas of disturbance, the proposed work will not compromise the EPA's assessment or the Minister's future decisions. In addition, the works would need to occur in accordance with other decision making processes and are reversible.

A handwritten signature in blue ink, appearing to read 'MAT TONTS', with a stylized flourish extending to the right.

**Prof. Matthew Tonts**  
**Delegate of the Environmental Protection Authority**  
CHAIR

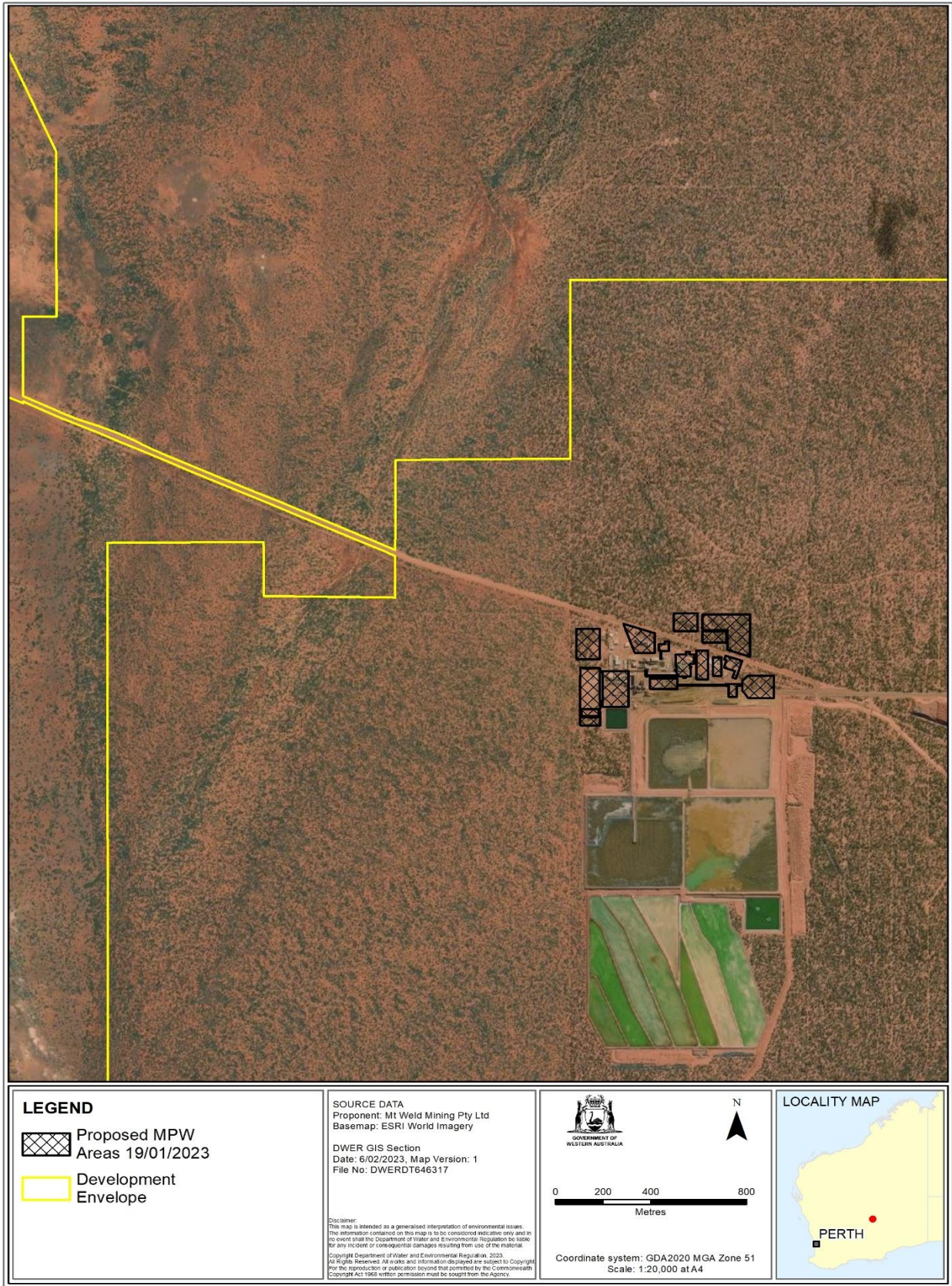
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## Schedule 1

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