

Environmental Protection Authority

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Project NeoSmelt

Proposal location: The Proposal is located within the Western Trade Coast, approximately 35 kilometres south of Perth.

APP number: APP-0035333

Date referral received: 01/05/2026 **Date more information received:** 17/07/2026

Referrer: BlueScope Future Technologies Pty Ltd

Proponent: BlueScope Future Technologies Pty Ltd

Potential significant effects:

There are potential impacts on: **Flora and Vegetation** and **Terrestrial Fauna** from clearing of native vegetation; **Air Quality** from emissions to air, causing a reduction in ambient air quality and **Social Surroundings** from noise emissions during construction and operations.

Preliminary environmental factors: Flora and Vegetation, Terrestrial Fauna, Air Quality, Greenhouse Gas Emissions and Social Surroundings.

Public comment on referral information:

Do not assess:	0
Assess: a) Referral information	0
b) Environmental review - no public review	0
c) Public environmental review	2
Total submissions:	2

Decision: s. 38G(1) – Not Assess

Summary of reasons pursuant to s.38G(1)(c)

The Environmental Protection Authority (EPA) has decided not to assess the proposal because:

- The EPA considers the likely environmental effects of the proposal are not so significant or unmitigated to warrant formal assessment under Part IV of the *Environmental Protection Act 1986* (EP Act).
- The EPA considers that the likely environmental effects of the proposal can be mitigated by other statutory decision-making processes to achieve consistency with the EPA's factor objectives.
- The EPA's decision has been made on the basis of:
 - the proponent implementing the proposal in accordance with the Proposal Content Document (PCD)
 - management outlined in the referral supporting documents and attachments available on the EPA Website
 - additional information provided by the proponent in response to a request for additional information.

- The EPA notes that:
 - Minimal further unapproved clearing (2.7 hectares) of flora and vegetation (including habitat for terrestrial fauna) is required for the proposal as the majority of clearing is already approved through Derived Proposal 5 pursuant to Ministerial Statement 863. Information submitted with the referral indicates that no significant environmental values are expected to be impacted.
 - Estimated greenhouse gas emissions for the proposal are below the 100,000 tonnes carbon dioxide equivalent per annum threshold that would typically warrant further assessment by the EPA.
 - Emissions to air are expected from point source and fugitive emissions sources. The EPA has confidence that the impacts to air quality and social surroundings can be managed through the assessment processes under Part V, Division 3 of the EP Act.
 - Noise emissions are expected during construction and operation. The EPA has confidence that the impacts from noise during construction can be managed under Regulation 13 of the Environmental Protection (Noise) Regulations 1997, and operational noise can be managed through the approval processes under Part V, Division 3 of the EP Act.

Taking into account decision-making processes under Part V, Division 2 (Clearing) of the EP Act

- Given the EPA's decision not to assess the proposal under Part IV of the EP Act, clearing of native vegetation associated with the proposal not already approved will need to be authorised under Part V, Division 2 of the EP Act. This may require the obtaining of a native vegetation clearing permit, unless the clearing is authorised under a relevant exemption in the EP Act or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- In assessing a clearing permit application, the Department of Water and Environmental Regulation (DWER) will consider the ten Clearing Principles outlined in Schedule 5 of the EP Act, and how the proponent has applied the mitigation hierarchy and whether any conditions should be prescribed to manage potential impacts.
- The clearing permit process includes opportunities for public input including an appeals process whereby anyone can appeal a decision to grant or refuse a clearing permit or the conditions of a clearing permit.

Taking into account decision-making processes under Part V, Division 3 (Prescribed Premises) of the EP Act, and the Environmental Protection Regulations 1987 (EP Regulations).

- The proposal triggers Category 44 – Metal smelting or refining (as listed in Schedule 1 of the EP Regulations). As such the proposal will require a works approval and subsequent licence under Part V, Division 3 of the EP Act.
- In assessing the works approval and licence, DWER will consider how the proponent has applied the mitigation hierarchy, and what conditions should be prescribed in the works approval and licence to manage potential impacts to the environment from the proposal's emissions and discharges.
- The process includes opportunities for public input including an appeals process whereby anyone can appeal the conditions of a works approval or licence.

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

A handwritten signature in black ink, appearing to read 'D Walsh', is positioned above the printed name.

Mr Darren Walsh

CHAIR

Delegate of the Environmental Protection Authority

Date: 17 July 2026