

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT
PERSON TO WHOM THIS NOTICE IS GIVEN**

Mr Andrew Templeman
General Manager
Doral Mineral Sands Pty Ltd
LOT 7 HARRIS ROAD
PICTON WA 6229

PROPOSAL TO WHICH THIS NOTICE RELATES:

Yalyalup Mineral Sands Project
Assessment No. 2141

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 -

1. *Modification of the Development Envelope to include a new internal road from the on-site processing facility to the public road network (Ludlow-Hithergreen Rd), resulting in an increase to the Development Envelope by 30.63 hectares (ha).*
2. *Modifications to the mine pits and infrastructure layout, resulting in an additional 80.67 ha of disturbance within the Development Envelope (Figure 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

9 January 2020

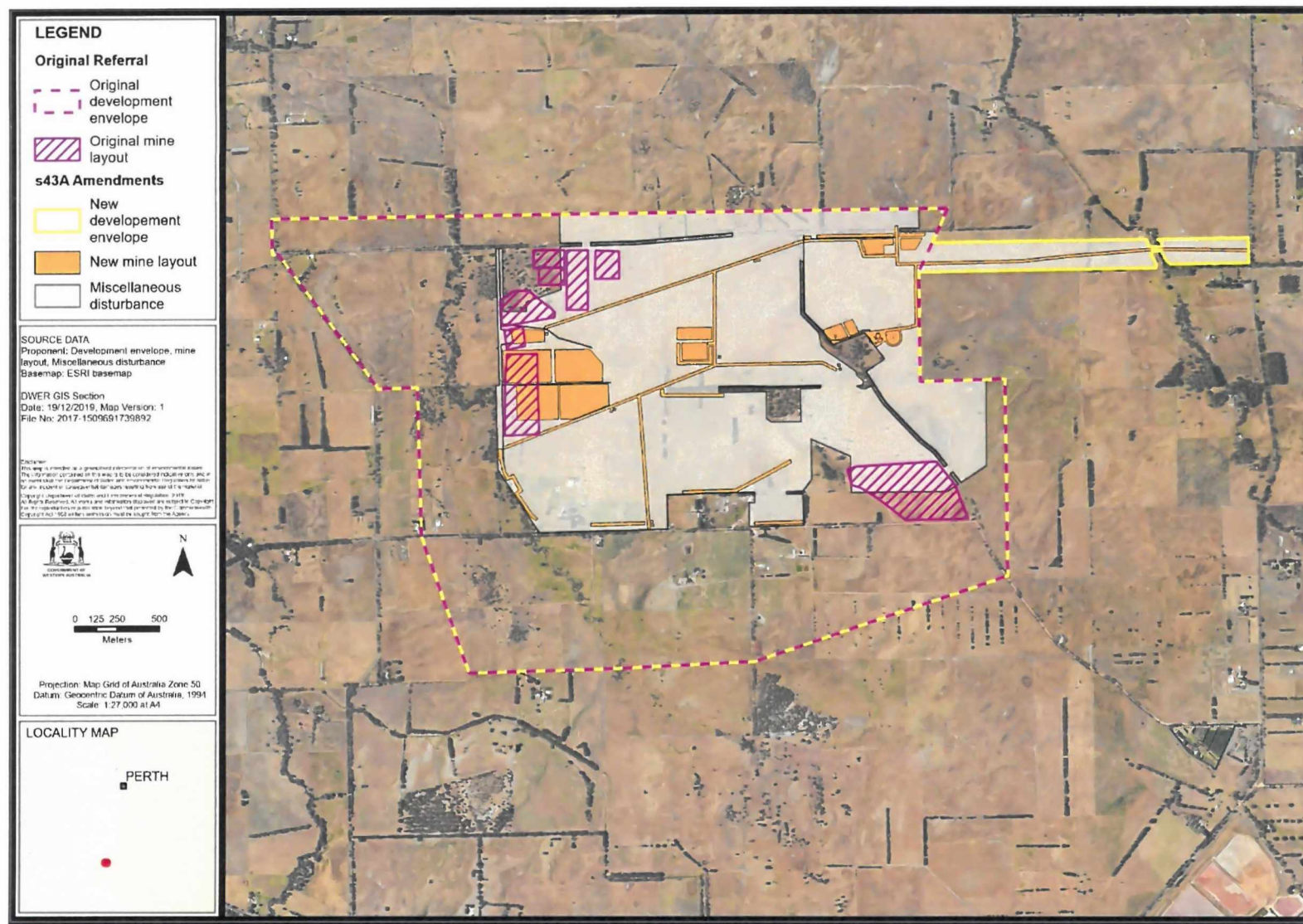


Figure 1: Yalyalup Mineral Sand Project Development Envelope

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STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Yalyalup Mineral Sand Project

Proponent: Doral Mineral Sands Pty Ltd

Decision

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to consent to the proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 26 October 2019, the Doral Mineral Sands Pty Ltd (Doral) referred the Proposal to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal was to extract ore from the Yalyalup Mineral Sands Deposit, which is located approximately 11 kilometres southeast of Busselton, Western Australia. The proposal included the development of mine pits and associated infrastructure, wet concentration processing plant, solar evaporation ponds, groundwater abstraction, water management infrastructure and process water pond.

The EPA determined to assess the proposal at the level of Public Environmental Review with a four week review period on 3 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. Yalyalup Mineral Sands Project Environmental Scoping Document (ESD) (29 May 2019)
2. Yalyalup Mineral Sands Project Section 43A Request (5 November 2019)
3. Consultation with Department of Water and Environmental Regulation South West Branch.
4. Consultation with Department of Biodiversity, Conservation and Attractions

Consideration

1. Nature of the proposed change

The original proposal intended to use Princefield road, a local farm road that runs parallel to the proposal site, for haulage. Following consultation with the City of Busselton, to use Princefield road for haulage Doral would have to commit to upgrading the road which would result in clearing approximately 0.2 hectares (ha) of native vegetation within the road reserve. This vegetation is considered of high value as it includes approximately 45 potential Black-Cockatoo breeding habitat trees and five potential priority flora species. In order to avoid impacting high value vegetation and fauna along Princefield Road, Doral proposes to construct a new internal road and change the site layout.

Doral has included the development of an internal haul road to access Ludlow-Hithergreen road, which is currently outside of the proposed development envelope referred to the EPA under section 38 of the EP Act. Due to the changes proposed for the haul road, the layout of the proposal, including mine pits, key infrastructure and other supporting infrastructure, will need to be modified (Figure 1).

The overall outcome of the proposed changes are highlighted in the below table.

Table 1- Proposed changes to disturbance footprint under S43A

Disturbance Type	Referral/ESD (ha)	Proposed Change (ha)	Difference (ha)
Development Envelope	894.17	924.80	30.63
Mine Pits	334.32	260.22	-74.10
Associated infrastructure	7.85	0 (incorporated into Key Mine Infrastructure)	-7.85
Solar Evaporation Ponds	30.5	0 (incorporated into Key Mine Infrastructure)	-30.5
Key Mine Infrastructure	Previously Associated Infrastructure and Solar Evaporation Ponds	23.07	23.07

Other Supporting Infrastructure	0	170.05	170.05
Total disturbance footprint	372.67	453.34	80.67

Overall there is an increase of 30.63 ha to the development envelope and an increase of 80.67 ha to the disturbance footprint due to modifications of mine pits, key mine infrastructure and other supporting infrastructure. While there is an increase in disturbance, clearing is almost entirely within cleared pasture/planted species (78.84 ha), with a small area of additional vegetation included for potential disturbance (1.83 ha). The native vegetation to be cleared is considered to be in degraded to completely degraded condition and has low value as potential fauna habitat.

2. Stage of the assessment process

The proposal is currently at the Environmental Review Document (ERD) stage of the assessment process.

3. Currency, relevance and reliability of the information, including submissions

The ESD was approved on 29 May 2019. The ERD is in preparation and has not been submitted to the EPA. The final ERD would include the approved changes to the proposal, which is subject to a four week public comment period.

4. Community engagement

The initial referral was open for a 7-day public comment period from 13 November to 20 November 2017. The ERD would also be subject to a 4-week public review period.

5. Level of public concern

Five submissions were received during the public review period, three of which indicated they were concerned with the potential direct and indirect impacts to Threatened and Priority flora species. In response to these submissions, the proponent has revised the proposed layout to minimise impacts to Threatened and Priority flora species to address these comments.

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 will not include any additional factors or different impacts to the environment. Doral has revised the proposed layout to

minimise impacts to threatened and priority flora species along Princefield road.

Doral has indicated that there are minor increases in clearing of vegetation unit A2 - SWAFCT02 - Southern wet shrublands by 0.29 ha and of vegetation unit A1 - FCT01b by 0.17 ha. The total area of impact to Threatened Ecological Communities (TEC) provided in the referral was previously calculated at 1.19 ha. The increases in clearing are in areas that are considered degraded or completely degraded condition.

Therefore, it is expected that this change to proposal will not result in environmental impacts significantly greater than originally referred.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The duration of the operation and life of mine is not expected to change through this change of proposal. Although the change to the proposal increases the disturbance footprint by 80.67 ha, it will be utilising existing disturbed areas. Therefore, it is expected to result in a reduction in potential environmental impacts.

c) Consequence of the likely impacts (or change)

The change to proposal does not alter the types of impacts associated with the proposal, however, it is expected the change will decrease the likely impacts on Threatened and Priority flora and fauna along Princefield road.

d) Resilience of the environment to cope with the impacts or change

The resilience of the environment to cope remains relatively unchanged from that of the original proposal. The change would result in a reduction in potential environmental impacts.

e) Cumulative impacts with other projects

There would be no additional cumulative impacts with other projects. The change would result in a reduction in potential environmental impacts.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

There is no change to the potential connections and interactions of the environment due to the change from the original proposal.

g) Level of confidence in the prediction of impacts and the success of proposed mitigation

The change to clearing would result in a reduction in potential environmental impacts, in particular the impacts to Threatened and Priority flora. These changes increases the level of confidence in the predicted impacts and the success of proposed mitigation. The ERD is currently in preparation and would incorporate the associated changes.

h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

Five submissions were received during the public comment period, three of which indicated that they were concerned with the potential direct and indirect impacts to Threatened and Priority flora species. In response to these submissions, the proponent has revised the Proposed Layout to minimise impacts to Threatened and Priority flora species to address these comments. The proposed change is likely to decrease the level of public concern.

Schedule 1

Change to Proposal

Table 1- Proposed changes to disturbance footprint under S43A

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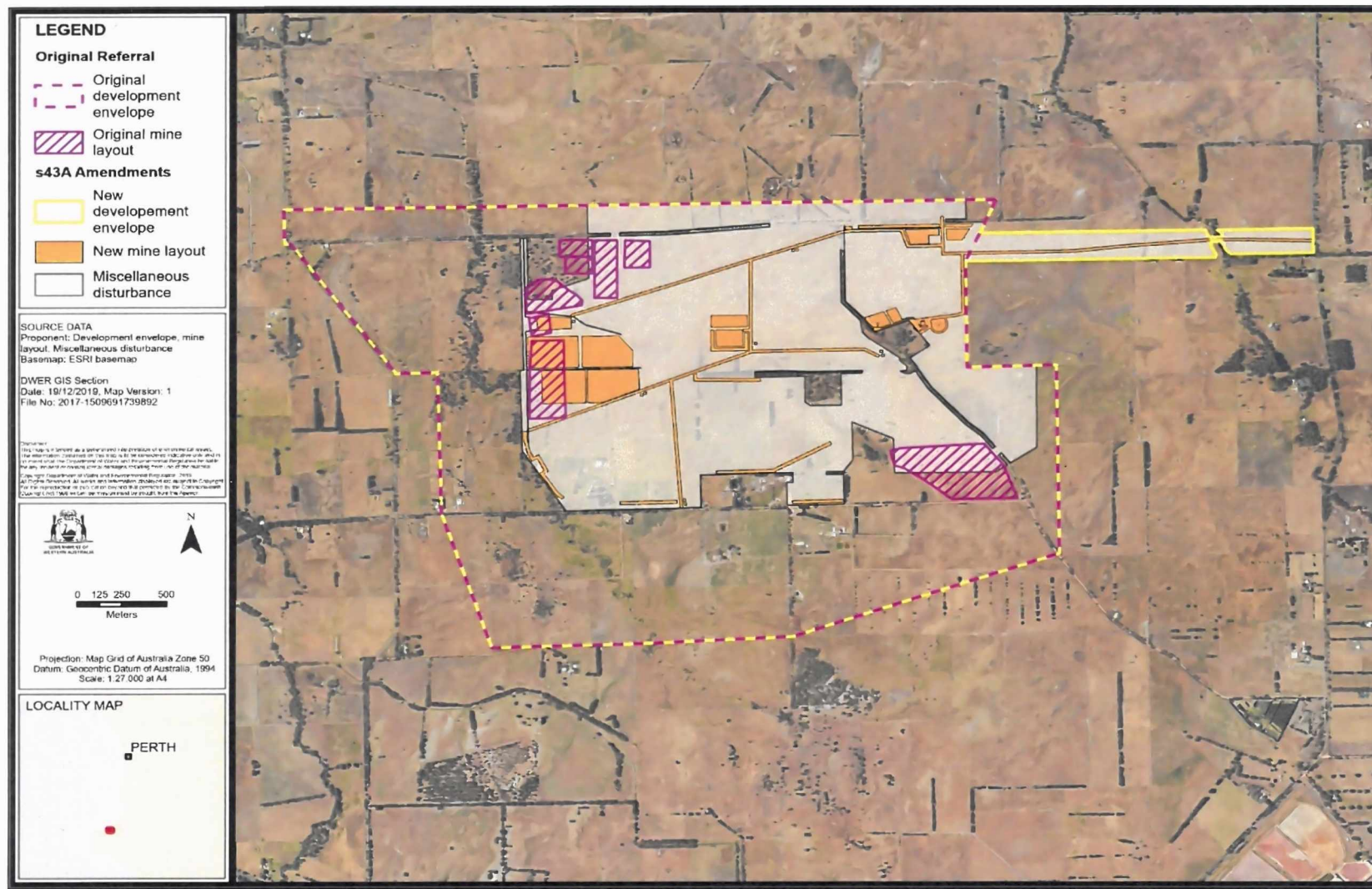


Figure 1: Comparison of Original Referral and s43A Amendments