

*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:  
Kalium Lakes Potash Pty Ltd  
Unit 1, Balcatta Road, Western Australia, 6021
- (b) Relevant Decision-Making Authorities, see Attachment 1

**PROPOSAL TO WHICH THIS NOTICE RELATES:**

Beyondie Sulphate of Potash Project  
Assessment No. 2138

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.



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

25 May 2018

*Environmental Protection Act 1986*

Section 41A(3)

STATEMENT OF REASONS

CONSENT TO UNDERTAKE MINOR or PRELIMINARY WORKS

**Proposal:** Beyondie Sulphate of Potash Proposal

**Proponent:** Kalium Lakes Potash 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 31 October 2017, Kalium Lakes Potash Pty Ltd referred the Beyondie Sulphate of Potash Project (Beyondie Project) to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal included development of a sub-surface brine deposit to produce approximately 150 kilotonnes per annum of Sulphate of Potash product and by-products. The process will involve evaporation and processing operations at the Beyondie, 10-Mile and Sunshine Lakes area.

The EPA determined to assess the Beyondie Project at the level of Environmental Review – no public review, 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, and relevant decision making authorities are prohibiting 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 2016* 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. Kalium Lakes Potash Pty Ltd Minor or Preliminary Works Application EW-AP-EN-0003, Received March 2018
2. Spatial Data provided by Kalium Lakes Potash Pty Ltd on 22 March 2018
3. Public comment received during the seven day public consultation process
4. Follow up consultation with the proponent to clarify the scale, location and potential impacts of the proposed works

**Consideration**

1. Assessment details – proposed work associated with proposal

The upgrades to the site access road, accommodation camp (including the wastewater treatment plant, workshop, and communication towers are considered necessary to support the personnel required to complete the construction of the Beyondie Project.

These activities all form part of the proposal description that was referred to the EPA, and would be carried out as part of the proposal following approval in the event that the application for Minor and Preliminary works was rejected

2. Details of the proposed work and environmental justification

Figures 1 and 2 show the location of the proposed early works. Disturbance associated with the early works would include:

Item	Disturbance (in hectares)
Site access road upgrade	32.0
Accommodation camp upgrade (including wastewater treatment plant)	10.0
Workshop upgrade	2.5
New communication towers	0.0
<b>Total</b>	<b>44.5</b>

The proponent considers the preliminary works are justified and necessary in order to avoid construction of the works within the wettest part of the year (January-March), which increases the likelihood of erosion and washouts.

The Project is reliant on the April - December period for the fastest rates of evaporation and salt crystallisation. The upgrades proposed in this minor or preliminary works are considered environmentally justified as their upfront construction will allow the project to capitalise on the April - December period by having infrastructure in place to support personnel required for construction and operation before the April-December period ends.

Considering the above, the proposed works are considered justified in their extent and timing.

### 3. Potential Environmental Impacts

The preliminary key environmental factors associated with the proposed Beyondie Project as identified in the Environmental Scoping Document are:

1. Flora and Vegetation;
2. Terrestrial Fauna;
3. Subterranean Fauna;
4. Hydrological Processes; and
5. Inland Waters Environmental Quality.

Two of the five environmental factors are expected to be at risk from the preliminary works, being Flora and Vegetation and Terrestrial Fauna as a result of the disturbance of 44.5 ha of native vegetation.

#### *Flora and Vegetation*

The total clearing of 44.5 ha required for the preliminary works is predominantly widening of existing disturbance areas, particularly the upgrade of the site access road. The total direct disturbance of vegetation for the proposal is 1,150 ha.

The vegetation communities that would be impacted have greater than 90% of their regional extent remaining and are not considered to be threatened ecological communities. No conservation significant flora species have been recorded within the disturbance area for the proposed works. The proponent has proposed an updated pipeline route associated with the wastewater treatment plant that avoids habitat for the Priority 1 *Tecticornia* (Samphire) species. This updated route was provided during the course of the EPA's consideration of the minor and preliminary works application and is shown in Figure 2.

It is therefore considered that the impacts on Flora and Vegetation are unlikely to be significant.

## *Terrestrial Fauna*

Habitats present in the minor or preliminary works area are considered suitable to support fauna of conservation significance, particularly the Greater Bilby (*Macrotis lagotis*) (Vulnerable), Brush-tailed Mulgara (*Dasycercus blythi*) (Priority 4) and Northern Marsupial Mole (*Notoryctes caurinus*) (Priority 4).

The impacts to these species due to the disturbance of 44.5 hectares is not considered to be significant as the proposed works avoid areas where these species have been recorded or largely avoids suitable habitat for these species.

### 4. Proposed rectification actions

The following rectification measures are proposed should the overall proposal not be implemented:

- Surface infrastructure will be removed and taken offsite;
- Any concrete pads will be broken up and buried;
- Standard rehabilitation procedures will be implemented on cleared areas such as:
  - Topsoil will be kept and stored during the proposed works and re-spread during rehabilitation; and
  - Revegetation will be monitored and managed if required to aid in the reestablishment of suitable vegetation communities.

In addition, the proponent will need to prepare a Mine Closure Plan (and Mining Proposal) to meet its legal responsibilities under the *Mining Act 1978*. This plan will need to address decommissioning and rehabilitation of the proposed works.

These measures are considered appropriate to ensure that the impacts of the minor and preliminary works can be rectified.

**Schedule 1**

**Minor or Preliminary Works**

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

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <p>Construction, operation and maintenance of:</p> <ul style="list-style-type: none"> <li>• Site access road upgrade</li> <li>• Upgrade accommodation camp, including waste water treatment plant</li> <li>• Workshop upgrade</li> <li>• Upgrade of communication towers</li> </ul> <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>c. 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>Figures 1 and 2</p>	<p>Clearing of up to 44.5 ha, being:</p> <ul style="list-style-type: none"> <li>• 32 ha for the site access road;</li> <li>• 10 ha for the accommodation camp and wastewater treatment plant;</li> <li>• 2.5 hectares for the workshop; and</li> <li>• No clearing for the communication towers</li> </ul>

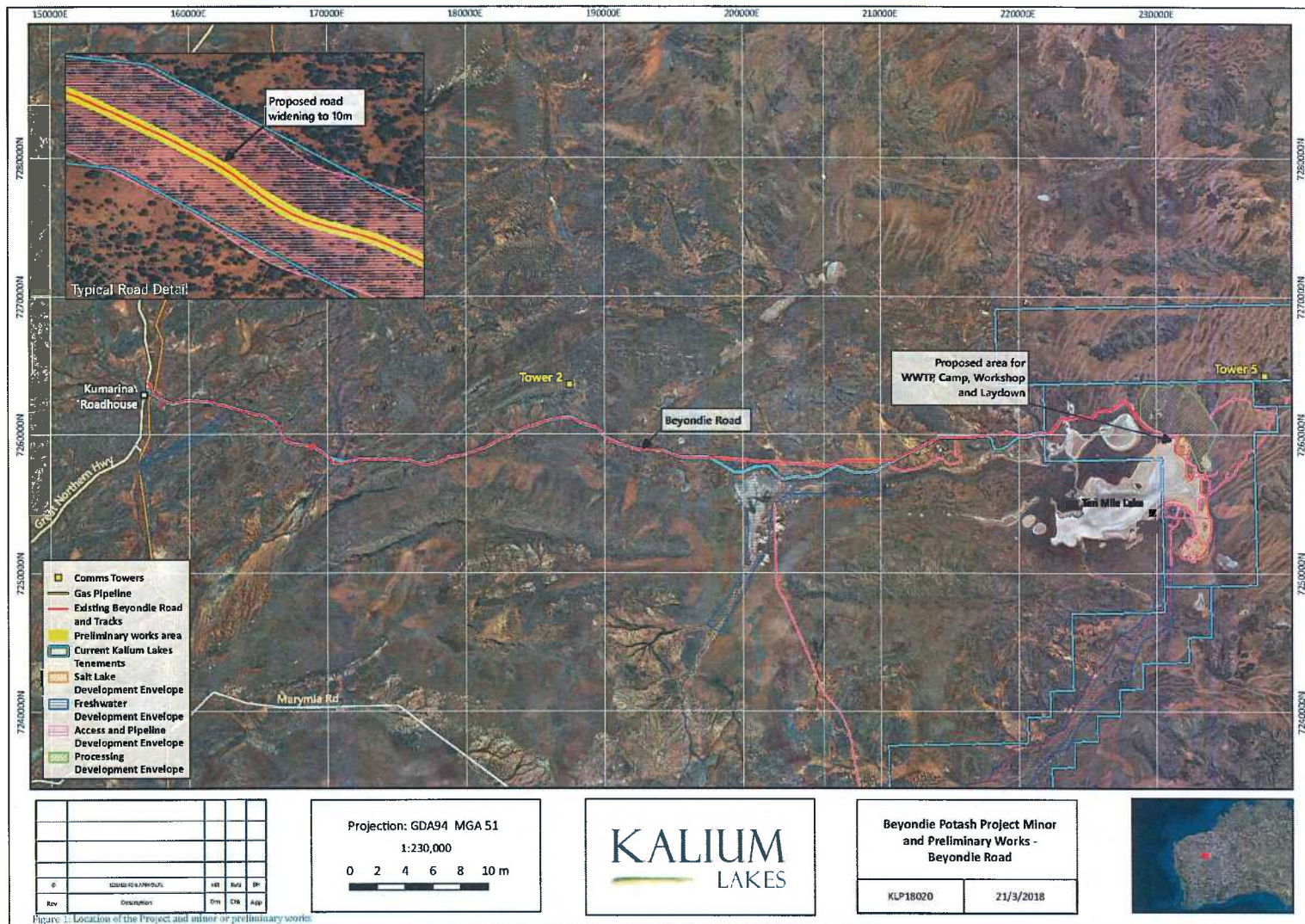


Figure 1: Location of the Project and minor or preliminary works

Figure 1 Location of the Minor or Preliminary Works (site access road and communication towers)



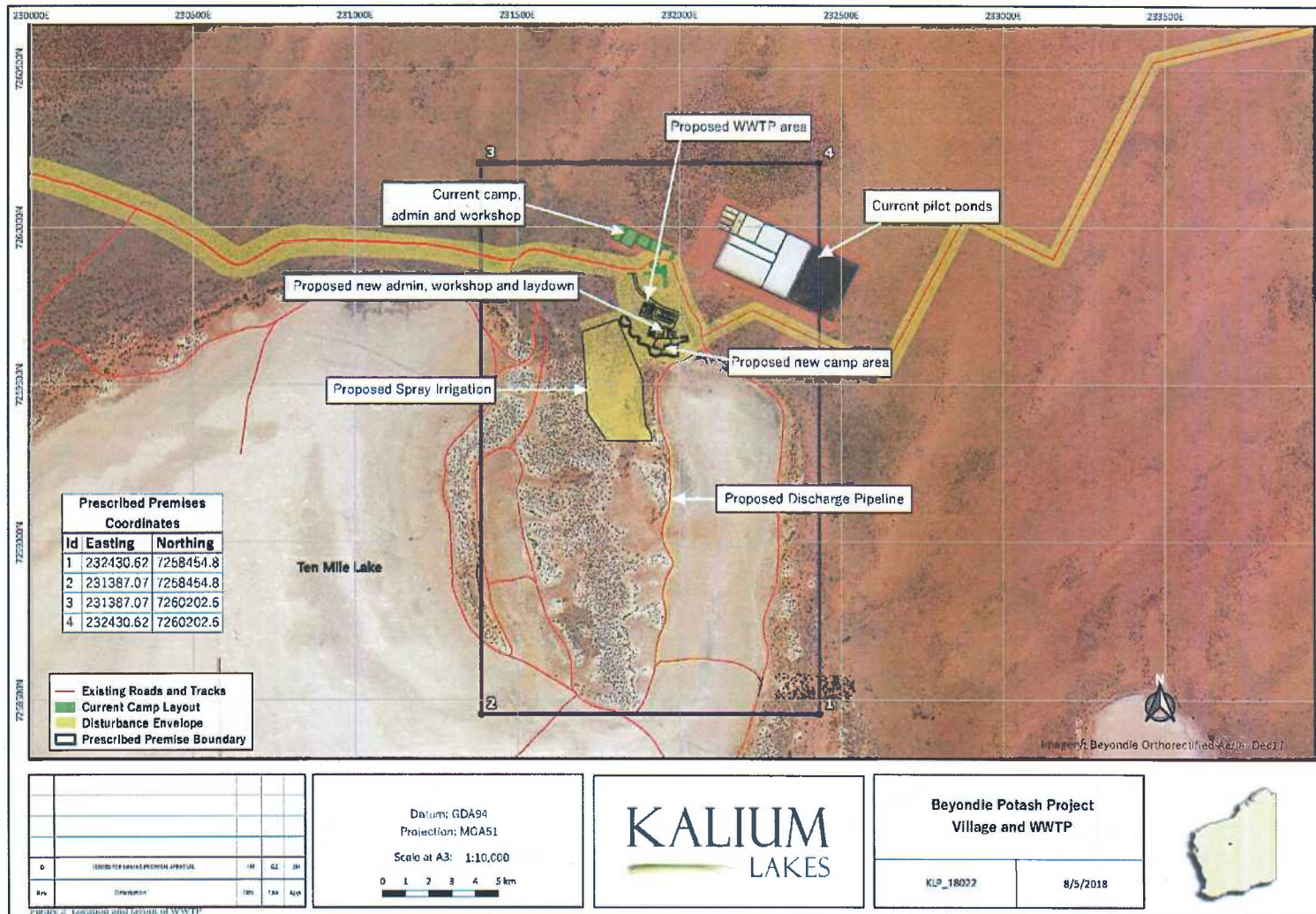


Figure 2 Location of the Minor or Preliminary Works (accommodation camp and workshop)

**Schedule 1**

**Minor or Preliminary Works**

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## **Attachment 1**

### **Relevant Decision Making Authorities**

Minister for Environment

Minister for Water

Minister for Mines and Petroleum

Minister for Aboriginal Affairs

Director General, Department of Water and Environmental Regulation

Executive Director; Environment 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, Shire of Wiluna

Commissioner, Main Roads WA