HANCOCK PROSPECTING PTY LTD

ABN 69 008 676 417

Hon Tanya Plibersek MP Minister for the Environment PO Box 6022 House of Representatives Parliament House CANBERRA ACT 2600

c/o:

Assessment Officer | North WA Assessments Section | DCCEEW Assessments West Branch | Environment Approvals Division 42/44 Qantas Drive, Eagle Farm, QLD 4009 GPO Box 787, Canberra City, ACT 2601

by email:

Dear Minister for the Environment

MULGA DOWNS IRON ORE MINE PROJECT EPBC 2022/09255 – SECTION 156A REQUEST TO VARY A PROPOSED ACTION

1. Project Background

Hancock Prospecting Pty Ltd (HPPL, the Proponent) is proposing to develop the Mulga Downs Iron Ore Mine (MDIOM, the Proposed Action), located approximately 210 km south of Port Hedland and 180 km northwest of Newman in the Pilbara region of Western Australia.

In May 2022, HPPL referred the MDIOM to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) under Section 68 of the *Environment Protection and Biodiversity Act 1999* (EPBC Act). In August 2022, the DCCEEW, under delegation of the Commonwealth Minister for the Environment, determined the Proposed Action to be a 'Controlled Action' requiring an environmental assessment under the EPBC Act (DCCEEW 2022). The assessment of the Proposed Action will be assessed by Public Environment Report (PER), which is currently being prepared by HPPL.

The Proposed Action comprises the MDIOM, Murrays Hill mine and associated Mulga West Borefield. It includes, but is not limited to, the following:

- The development of a series of above and below water table mine pits;
- Ore processing facility;
- Groundwater abstraction for water supply (for the mine and all associated infrastructure) and for the dewatering to facilitate the recovery of ore below water table in the mine pits;
- Surplus water management with discharge of excess water via managed aquifer recharge via reinjection (MAR);
- Mineral waste management (waste rock dumps (WRD), and tailings storage facility (TSF);
- Infrastructure to manage surface water (diversion of creeks and surface water flows);

- Linear infrastructure (haul roads, powerlines, pipelines and conveyor corridors);
- Mine associated infrastructure and support facilities (including, but not limited to accommodation camp, energy supply infrastructure, airstrip; wastewater treatment plant; landfill, offices, workshops, laydown areas, etc.); and
- Transport of the ore via the Great Northern Highway to Port Hedland for export (future transport via rail will be subject to separate approval).

Previous Applications under Section 156A

HPPL submitted a Section 156A (s156A) application to vary the Proposed Action on 10 February 2023 which was approved on 14 April 2023. In summary, the requested amendments included:

- Proposed Action Area reduction from 39,207 ha to 39,101.20 ha;
- Reduction of the Disturbance Footprint from 11,521 ha to clearing of up to 9,705.47 ha of native vegetation (including removal of Murrays West Pit);
- Increase in the estimated volume of groundwater abstraction required to implement the Proposal from 25 GL/a to 36.5 GL/a;
- Removal of surplus water management via surface water discharge from the operational element of the Proposal;
- Ensure the acceptance of third-party ore is captured in the Proposal description; and
- Reduction in the volume of waste rock to be mined through the life of the Proposal was reduced from 1,755.5 Mt to 800 Mt. The reduced volume of waste rock also reduces the volume of material stored in above ground WRDs.

2. Variation Request

HPPL now seeks the acceptance of the Minister to vary the Proposed Action, and understands to give effect to the variation the appropriate administrative pathway is in accordance with s156A of the EPBC Act which states:

156A Request to vary proposal to take an action

- (1) If:
 - (a) a proposal (the **original proposal**) by a person to take an action has been referred to the Minister under Division 1 of Part 7; and
 - (b) after the referral is made, the person wishes to change the original proposal; the person may, subject to subsection (2), request the Minister to accept a variation (a varied proposal) of the original proposal.
- (2) Subsection (1) does not apply if:
 - (a) the Minister has made a decision under section 74A to not accept the referral of the original proposal; or
 - (b) the Minister has made a decision under section 75 that the proposed action is not a controlled action; or
 - (c) a particular manner for taking the proposed action is identified under subsection 77A(1) in the notice given under section 77 in relation to the action; or

- (d) the Minister has made a decision under section 133 approving or refusing to approve the taking of the proposed action; or
- (e) the referral of the original proposal has been withdrawn under section 170C.
- (3) A request under subsection (1) must:
 - (a) be made in a way prescribed by the regulations; and
 - (b) include the information prescribed by the regulations.
- (4) If a request is made under subsection (1), any provisions of this Chapter that would, apart from this subsection, have applied in relation to the original proposal cease to apply to that proposal."

The variation required seeks to alter the following aspects of the original Proposed Action:

 Modify (reduce) the Proposed Action Area and Disturbance Footprint; associated with the removal of proposed Mulga West Borefield and associated infrastructure from the Proposed Action Area.

The variation involves the excision of a portion of the Proposed Action Area and Disturbance Footprint and does not involve any other amendments which may result in new or different areas (or associated MNES) being impacted that were not previously impacted by the Proposed Action. As such, there are no known MNES not previously identified or considered which could potentially be affected by the varied Proposed Action. The variation does not alter the nature of impact or introduce any new MNES. The variation to the Proposed Action will result in a reduction in the extent of the Proposed Action Area from 39,010.21 ha to **25,583.8** ha (a reduction of 13,426.4 ha) and the Disturbance Footprint from 9,705.5 ha to **9,369.1** ha (a reduction of 336.4 ha).

To assist the DCCEEW in consideration of the variation to the Proposed Action, this variation request provides an assessment of the considerations relevant to a proposed variation under s156A of the EPBC Act. Table 1 has been prepared to meet the information requirements as outlined by Regulation 5.08 of the EPBC Act specifically:

- Details of the proposed variation to the action;
- Reasons for the proposed variation;
- How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal;
- If applicable, the impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal; and
- If applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance.

Table 1 Summary of requested changes to the Proposed Action

Aspect of Proposal Action	Proposed Action (relevant Section; page number & Figure number (if applicable) of the referral document)	Details of the proposed variation to the action (Changes in Bold)	Reasons for the proposed variation	How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal	The impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal	Alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance
Size of Proposed Action Area and extent of Disturbance Footprint	The Proposed Action is located within a 39,010.21 ha Proposed Action Area and will require the clearing of up to 9,705.47 ha of native vegetation for the Disturbance Footprint.	The Proposed Action is located within a 25,583.8 ha Proposed Action Area and will require the clearing of up to 9,369.1 ha of native vegetation for the Disturbance Footprint.	As outlined in the Draft PER, water requirement during operation of the Proposal is estimated between 6,600 kL/d and 16,900 kL/d. It is intended that throughout the mining period water demands will be met by dewatering volumes. As dewatering exceeds the required water demand, excess water will be disposed of via managed aquifer recharge via reinjection (MAR) within the Proposed Action Area. The MAR areas include the Malay Well tenement area (E47/2117) (i.e. the valley area) and the far eastern and western mining areas (in advance of or after mining in those areas) within the R47/12 tenement area. Within the Draft PER, the Mulga West Borefield (E47/1315) was also proposed as a contingency MAR area; however, this area has been subject to limited hydrological and hydrogeological studies. Preliminary hydrogeological investigations on the Mulga West tenement were conducted in late 2021 to improve the conceptual understanding and establish a baseline monitoring network should the Mulga West Borefield tenement be required for additional groundwater management purposes. Five monitoring bores were established on the Mulga West tenement which indicated a preliminary high-level assessment of the eastern upper slopes of the Mulga West tenement having an estimated limited potential MAR capacity of approximately 3.5 GL/yr. The Mulga West Borefield is the only part of the Proposed Action which falls on Yindjibarndi Country. HPPL began consulting with Yindjibarndi Ngurra Aboriginal Corporation (YNAC) on the Mulga West Borefield Proposed Action in	This variation request reduces both the extent of the Proposed Action Area and the Disturbance Footprint of the Proposed Action Area. There are nine broad fauna habitat types (not including habitat classified as Disturbed/Cleared) which have been mapped across the Proposed Action Area. The amendment to the Proposed Action Area (i.e. removal of the Mulga West Borefield) will result in a reduction in the extent of fauna habitat clearing required from 9,705.5 ha to 9369.1 ha, a reduction of 336.4 ha across four fauna habitat types. Removal of the Mulga West Borefield reduces the extent of impacts from that of the current Proposed Action on fauna habitat as follows: • No change in impacts to Rocky Hills habitat; • 101.80 ha reduced impact to Mulga Woodland habitat; • 70.31 ha reduced impact to Stony Spinifex Plains and Hillslopes habitat; • 148.46 ha reduced impact to Drainage Area/Floodplain habitat;	No additional MNES to those previously considered, are to be impacted by the variation to the Proposed Action. The proposed variation reduces impacts of the Proposed Action on fauna habitat with the potential to support MNES species, in particular direct impacts to: • Grey Falcon nesting trees within the Drainage Line / Floodplains habitat. Three potential nests were recorded (two within the Disturbance Footprint). Removal of the Mulga West Borefield will reduce the impact to the Grey Falcon by 148.46 ha, as well as removing the requirement to clear the two potential nests. • Night Parrot - the Mulga West Borefield has the potential to support nesting habitat for the Night Parrot within areas with more extensive <i>Triodia</i> hummock (Stony Spinifex Plains and Hillslopes habitat type). This habitat is intersected by the Fortescue River / palaeovalley which aligns with the Drainage Line	The removal of the Mulga West Borefield is part of the ongoing refinement in Proposal design and identification of opportunities for avoidance or minimisation, and mitigation of impacts from the Proposed Action. This variation involves the removal of a portion of the Proposed Action Area and Disturbance Footprint and does not involve any other amendments which may result in new or different areas (or associated MNES) being impacted that were not previously impacted by the Proposed Action.

Aspect of Proposal Action	Proposed Action (relevant Section; page number & Figure number (if applicable) of the referral document)	Details of the proposed variation to the action (Changes in Bold)	Reasons for the proposed variation	How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal	The impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal	Alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance
			November 2021. Throughout these discussions YNAC consistently emphasised the importance of water resources to the Yindjibarndi people and country, and advised detailed information about how the Proposed Action will use and manage water is critical to their ability to engage in the negotiation process. Given the limited studies completed at Mulga West Borefield to date, HPPL is currently unable to provide detailed water use and management information to enable YNAC to assess the potential impacts of MAR on the Mulga West tenements, including that on Yindjibarndi country and native title rights. The current process water demand can be met from the Mulga East tenure, given there is no shortage of similar quality groundwater within this area. The proposed approach for the Proposal is to limit impact and conserve water through "local" aquifer re-injection on the Mulga East and Malay Well tenure, and therefore, these areas have become a key component of the current water management strategy removing the requirement for the Mulga West Borefield contingency area. Based on the hydrogeological and groundwater quality constraints identified by the 2021 work, in combination with heritage and engineering challenges, the Mulga West tenure is no longer being considered as a contingency MAR option and as such, HPPL is seeking to remove the Mulga West Borefield from the Proposed Action.	 4.17 ha reduced impact to Alluvial Clay Plain habitat; No change in impact to Calcrete Stony Plain habitat; No change in impact to Chenopod/Cracking Clay Floodplain habitat; No change in impact to Mixed Eucalypt/Mulga Woodland habitat; and No change in impact to Gibber Cracking Clay habitat. The Mulga West Borefield was identified as an area which supports habitat suitable for MNES species. Specifically, the area provides habitat suitable for breeding by the Night Parrot (EN) and Grey Falcon (VU). The Mulga West Borefield was identified as being the area most likely to support nesting habitat for the Night Parrot within areas with more extensive <i>Triodia</i> hummock (Stony Spinifex Plains and Hillslopes). This habitat is intersected by the Fortescue River / palaeovalley which aligns with the Drainage Line /Floodplain habitat. These are considered significant foraging habitat for the Night Parrot. By removing the Mulga West Borefield from the Proposed Action Area, impacts to habitat which may be critical to the Night Parrot survival will be reduced by up to 	/Floodplain habitat. These habitats are also considered significant foraging habitat for the Night Parrot. By removing the Mulga West Borefield from the Proposed Action Area, impacts to habitat which may be critical to the survival of the Night Parrot will be reduced by up to 218.77 ha. This includes retaining 148.46 ha of Drainage Area / Floodplain habitat and 70.31 ha of Stony Spinifex Plains and Hillslopes habitat. Refer to Attachment 2 — Figure 3 (A-E) for an overview of the terrestrial fauna habitats in Mulga West Borefield and Pipeline area, which will be removed from the Proposed Action Area. A detailed assessment of the potential impacts of the Proposed Action will be undertaken as part of the PER.	

Aspect of Proposal Action	Proposed Action (relevant Section; page number & Figure number (if applicable) of the referral document)	Details of the proposed variation to the action (Changes in Bold)	Reasons for the proposed variation	How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal	The impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal	Alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance
				218.77 ha. This includes retaining 148.46 ha of Drainage Area / Floodplain habitat and 70.31 ha of Stony Spinifex Plains and Hillslopes habitat. The Drainage Line / Floodplains habitat in the Mulga West Borefield was identified as supporting suitable nesting trees for the Grey Falcon and three potential nests were recorded (two within the Indicative Footprint). Removal of the Mulga West Borefield will reduce the impact to the Grey Falcon by 148.46 ha, as well as protecting two of the three potential nests. While the Rocky Hills habitat (critical to the survival of the Northern Quoll) was not impacted and therefore there will be no change, the area does contain habitat which allows for the dispersal of the Northern Quoll population on Mt Florance to potentially disperse across the to the Hammersley IBRA region through the Mulga Woodland. By removing the Mulga West Borefield, the potential impacts to the dispersal of any Northern Quoll population on Mt Florance will be reduced. Removal of the Mulga West Borefield will also reduce impacts to foraging and dispersal habitat for all the above species, particularly for the species within their home range. The indirect impacts from the use of the Mulga West Borefield during the operation of the mine (vehicle strike,		
				the shadowing effect of roads, use of		

Aspect of Proposal Action	Proposed Action (relevant Section; page number & Figure number (if applicable) of the referral document)	Details of the proposed variation to the action (Changes in Bold)	Reasons for the proposed variation	How the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal	The impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal	Alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance
				saline water for dust suppression, spread of weeds etc) has also been reduced by the removal of the Mulga West Borefield.		

The locations of the Proposed Action and revised Proposed Action areas are presented in Figure 1 and Figure 2 respectively (Attachment 2). The coordinates for the varied proposed Action area provided in Attachment 3.

HPPL is of the view that the nature of the activities proposed to be carried out with the variation are considerably the same as the original proposal (i.e. the changes to the action are refinements to the proposed activities rather than new activities). The nature and extent of impacts on MNES is substantially unchanged and no new MNES are impacted. The proposed variation involves the removal of a portion of both the Proposed Action Area and the Disturbance Footprint and therefore represents a reduction in impacts to MNES. Therefore, the character of the varied Proposed Action is substantially the same as the original Proposed Action.

HPPL, by this notice, seeks the Minister to accept the proposed variation to the original Proposed Action under s156A of the EPBC Act, to the varied Proposed Action as illustrated by Figure 1 and Figure 2 (Attachment 2).

Subject to acceptance of the Minister for the proposed variation under s156A, the environmental effect of the Proposed Action (as varied by s156A) will be assessed within the Public Environmental Report, currently scheduled for submission to DCCEEW late February 2024. The Public Environmental Report will provide a detailed environmental assessment for the Proposed Action (as per the variations to the referral outlined in this s156A application) to enable DCCEEW to undertake an environmental assessment of the Proposed Action.

Should you require any further information on the Proposed Action, or the proposed variation in accordance with s156A as outlined above, please contact me by telephone on or by email at

Yours sincerely,

Environmental and Approvals Specialist

ATTACHMENTS:

Attachment 1: Reduced impacts to fauna habitat from the varied Proposed Action

Attachment 2:

Figure 1 - Proposed Action Area

Figure 2 - Revised Proposed Action Area

Figure 3 – A-E Terrestrial Fauna habitat

Attachment 3: Coordinates table for the varied Proposed Action Area and figure reference

Attachment 4: GIS shape files of Proposed Action Area and Indicative Footprint for the varied Proposed Action

Attachment 1: Reduced impacts to fauna habitat from the varied Proposed Action

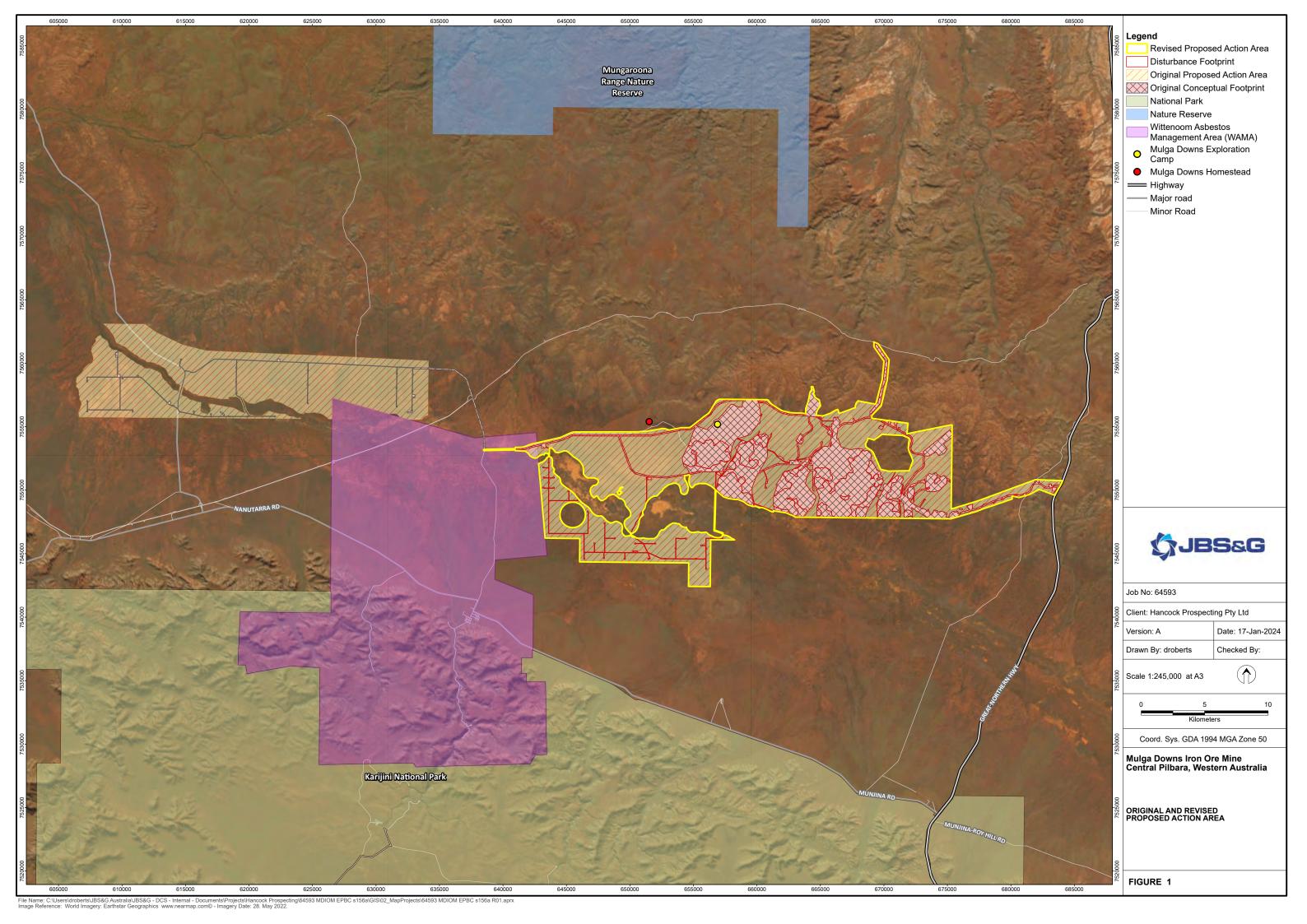
Habitat Type	Extent Proposed Action Area (ha)	Extent Varied Proposed Action Area (ha)	Extent Disturbance Footprint (ha)	Extent Varied Disturbance Footprint (ha)
Drainage Line / Floodplains	5,215	777.5	385	237
Gibber Cracking Clay	65	65	32	32
Calcrete Stony Plain	1,505	1,505	53	53
Rocky Hills	3,537	3,182	1,258	1,258
Mulga Woodland	15,742	10,781	5,665	5,563
Chenopod / Cracking Clay Floodplain	502	502	26	26
Stony Spinifex Plains and Hillslopes	8,628	4,971	1,946	1,876
Mixed Eucalypt / Mulga Floodplain	3,794	3,794	318	318
Alluvial Clay Plain	8.69	4	8.67	4

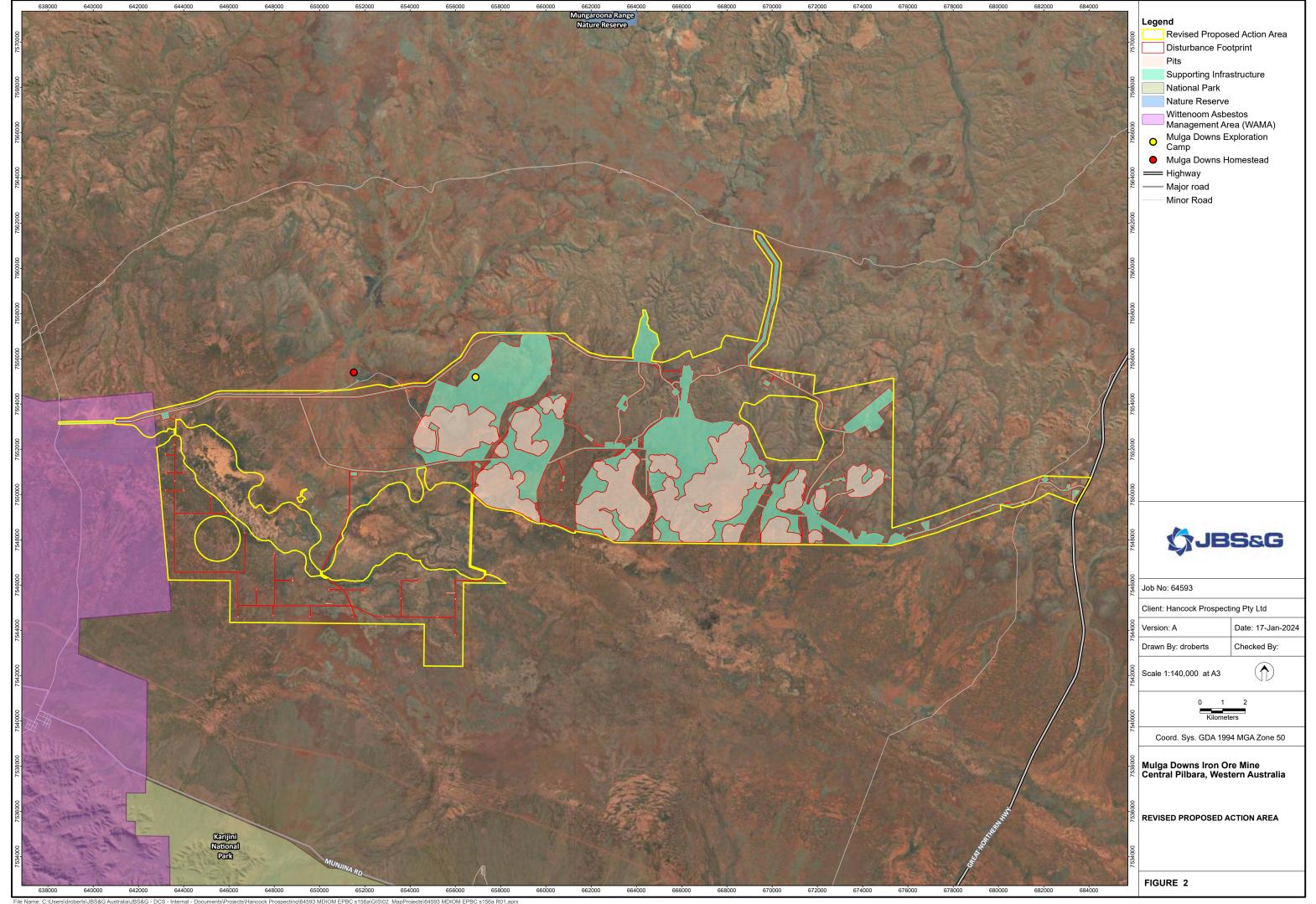
Attachment 2

Figure 1: Proposed Action Area (original and varied)

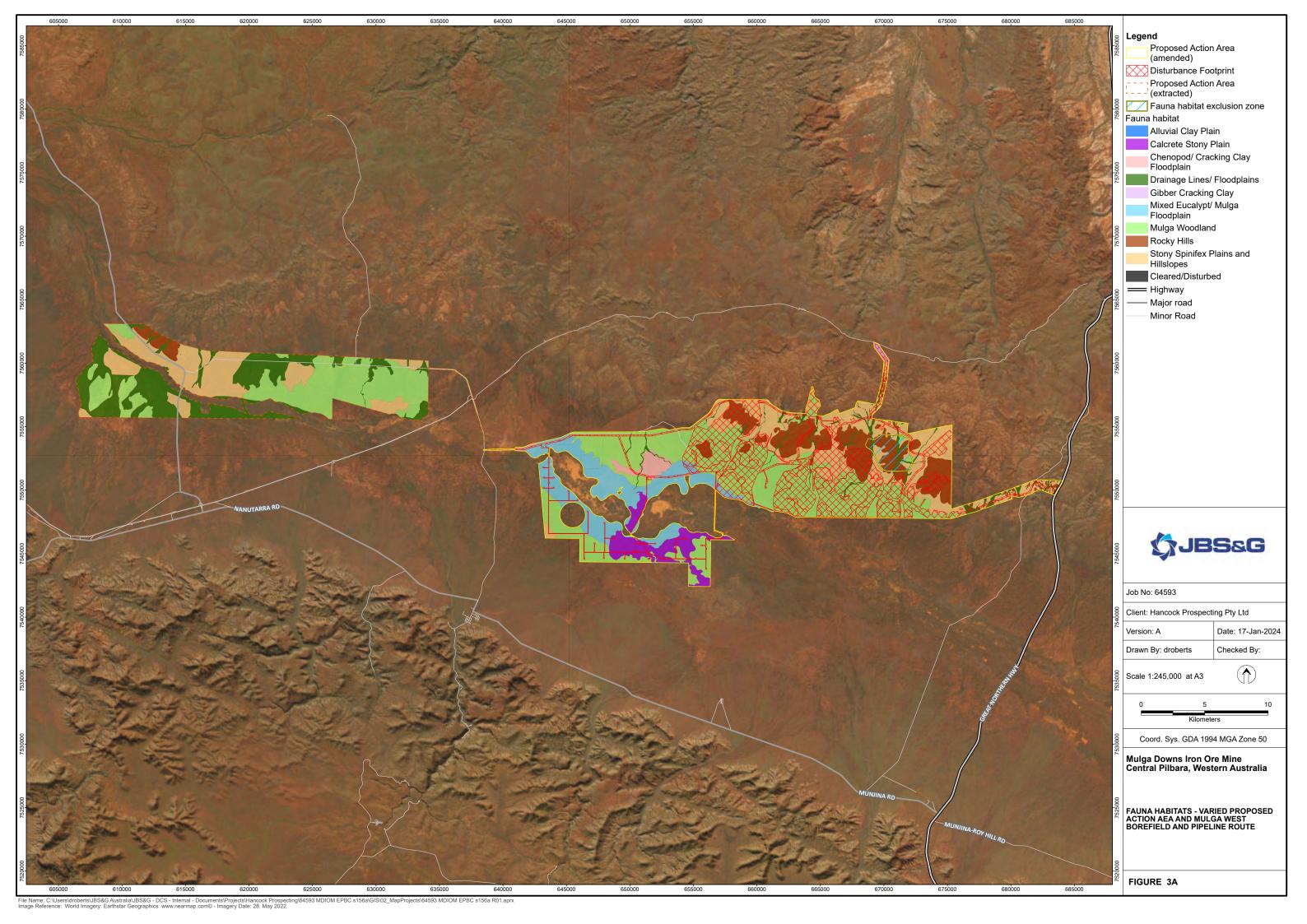
Figure 2: Revised Proposed Action Area

Figure 3: (A-E) Terrestrial Fauna habitat

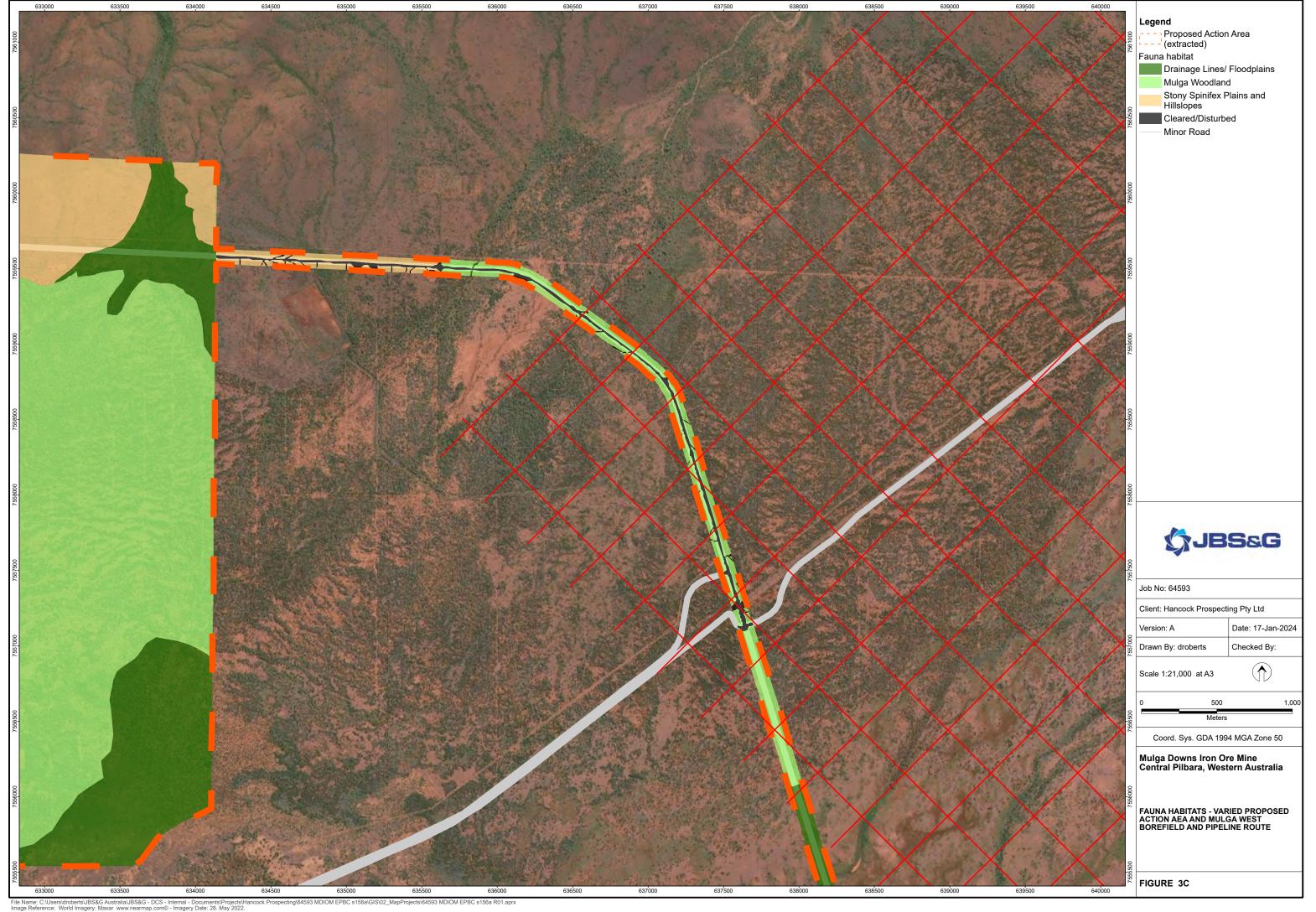


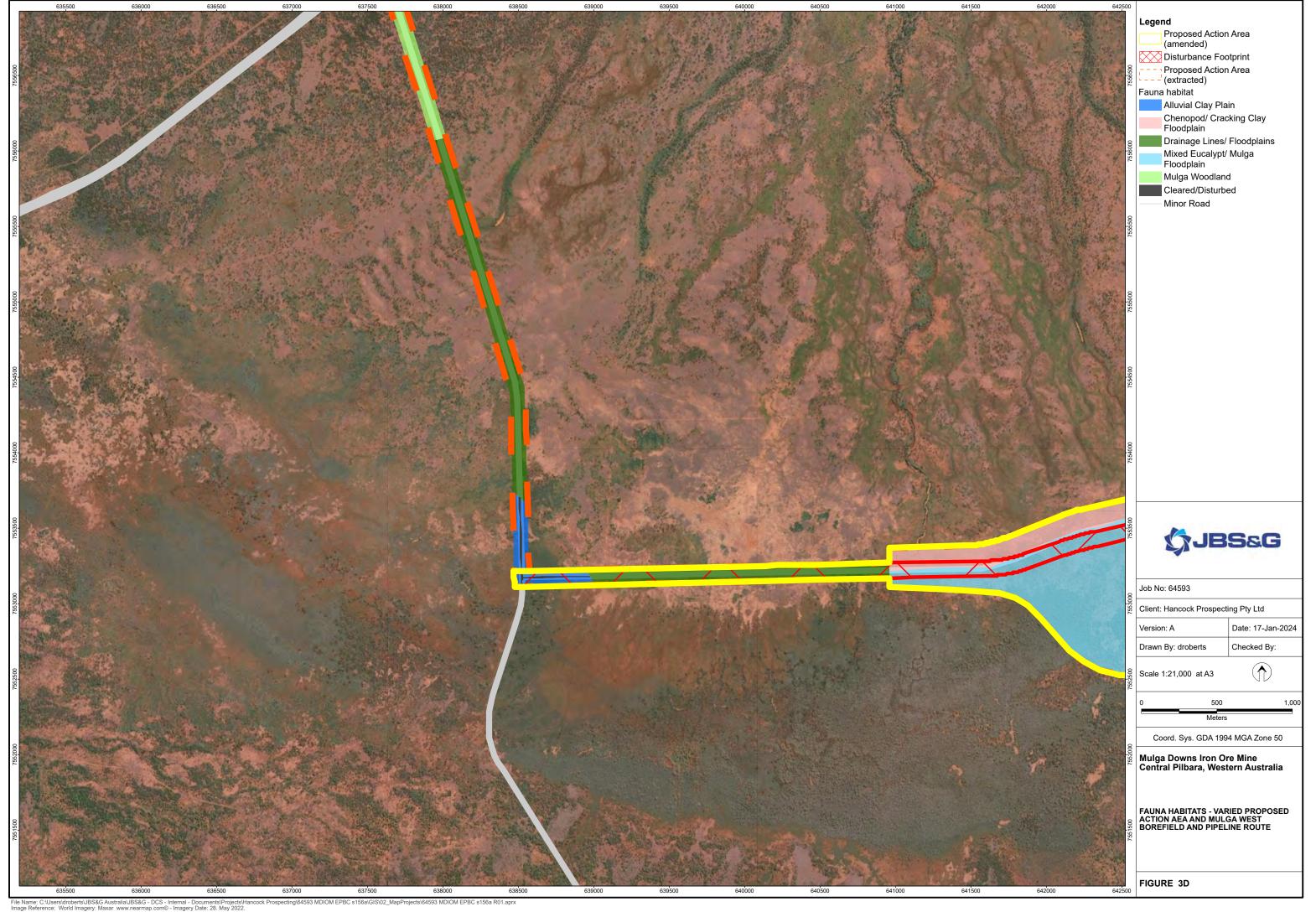


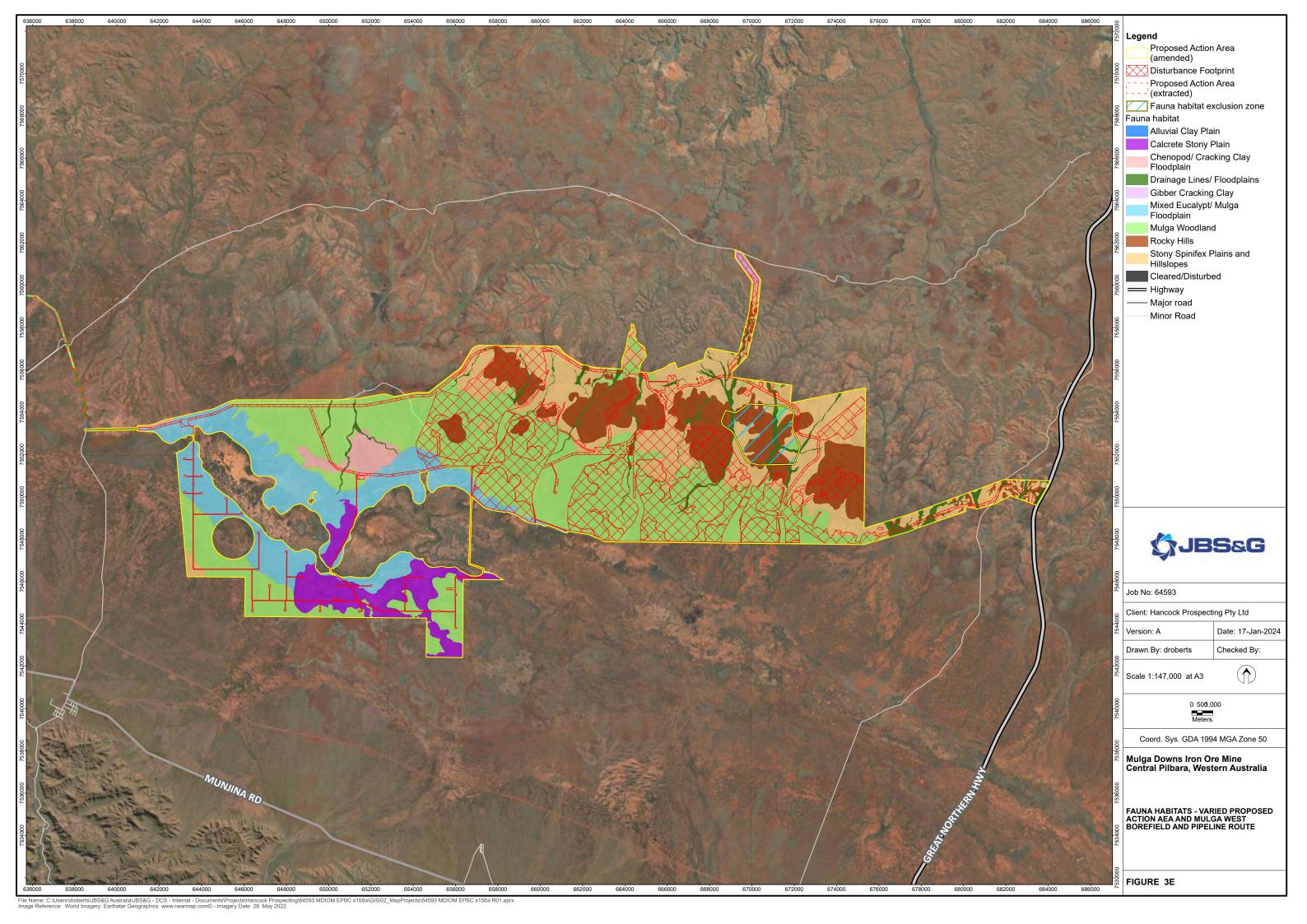
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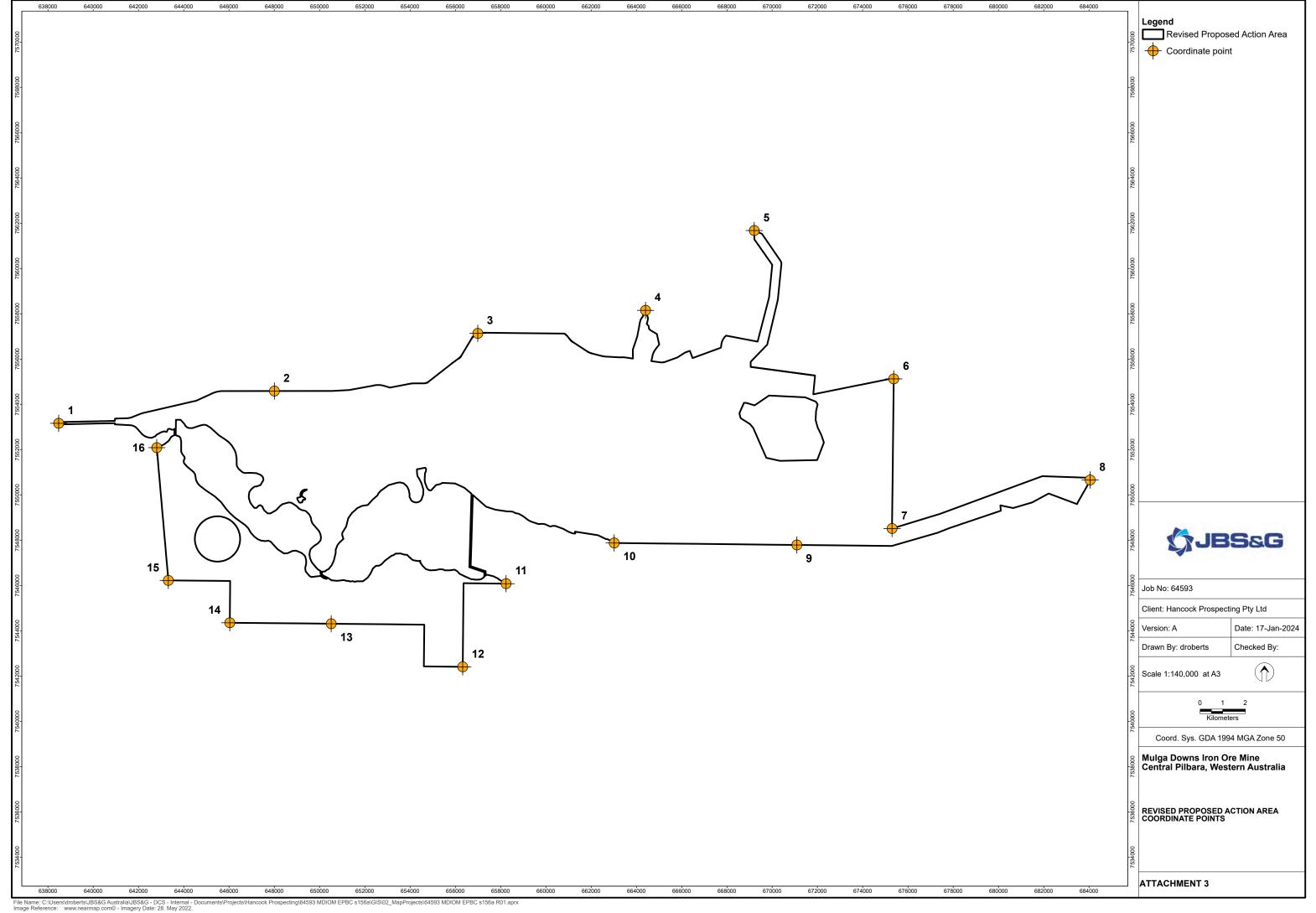






Attachment 3: Coordinates table for the varied Proposed Action Area

Easting	Northing	Point ORDER
638472	7553163	1
648005	7554588	2
656993	7557134	3
664404	7558151	4
669207	7561676	5
675371	7555125	6
675297	7548515	7
684050	7550658	8
671092	7547790	9
663020	7547877	10
658242	7546080	11
656326	7542408	12
650515	7544311	13
646034	7544353	14
643317	7546224	15
642806	7552088	16



Attachment 4: GIS shape files of Proposed Action Area and Indicative Footprint for the varied Proposed Action

(Provided separately to DCCEEW)