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Published on: 21 September 2016

Statement No. 1037

STATEMENT THAT A REVISED PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

EASTERN RIDGE IRON ORE REVISED PROPOSAL

Proposal: The Proposal is to undertake mining and associated activities at Eastern Ridge, located approximately 3 km north-east of Newman.

Proponent: BHP Billiton Iron Ore Pty Ltd
Australian Company Number: 008 700 981

Proponent Address: 125 St Georges Terrace
Perth WA 6000

Assessment Number: 2076

Report of the Environmental Protection Authority: 1571

Previous Assessment Numbers: 1609, 1833, and 2056

Previous Reports of the Environmental Protection Authority: 1210, 1356, and 1557

Previous Statement Numbers: 712, 834, and 1018

Pursuant to section 45, read with section 45B of the *Environmental Protection Act 1986*, it has been agreed that:

1. the Proposal described and documented in Schedule 1 may be implemented;
2. the implementation of the Proposal is subject to the following revised implementation conditions; and
3. from the date of this Statement each of the implementation conditions in Statements 712, 834, and 1018 no longer apply in relation to the Proposal.

1 Proposal Implementation

- 1-1 When implementing the Proposal, the proponent shall not exceed the authorised extent of the Proposal as defined in Table 2 in Schedule 1, unless amendments to the Proposal and the authorised extent of the Proposal have been approved under the EP Act.

2 Contact Details

- 2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Compliance Reporting

- 3-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 3-6, or prior to implementation, whichever is sooner.
- 3-2 The Compliance Assessment Plan shall indicate:
- (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 3-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 3-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 3-1.
- 3-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 3-1 and shall make those reports available when requested by the CEO.
- 3-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 3-6 The proponent shall submit to the CEO a Compliance Assessment Report by 1 October each year addressing compliance in the previous financial year, or as agreed in writing by the CEO. The first Compliance Assessment Report shall be submitted by 1 October 2017 addressing the compliance for the period from the date of issue of this Statement, notwithstanding that the first reporting period may be less than 12 months.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 3-1.

4 Public Availability of Data

4-1 Subject to condition 4-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) relevant to the assessment of this proposal and implementation of this Statement.

4-2 If any data referred to in condition 4-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

5 Management-based Condition Environmental Management Plan/s

5-1 Within 6 months of issue of this Statement or as otherwise agreed by the CEO, the proponent shall prepare and submit a Condition Environmental Management Plan/s to demonstrate that the **environmental objectives** in conditions 6-1 and 7-1 will be met.

5-2 The Condition Environmental Management Plan/s shall:

- (1) specify the **environmental objectives** to be achieved, as specified in conditions 6-1 and 7-1;
- (2) specify risk-based **management actions** that will be implemented to demonstrate compliance with the environmental objectives specified in conditions 6-1 and 7-1. Failure to implement one or more of the management actions represents non-compliance with these conditions;

- (3) specify measurable **management targets** to determine the effectiveness of the risk-based management actions;
- (4) specify **monitoring** to measure the effectiveness of management actions against management targets, including but not limited to, parameters to be measured, baseline data, monitoring locations, and frequency and timing of monitoring;
- (5) specify a process for **revision** of management actions and changes to proposal activities, in the event that the management targets are not achieved. The process shall include an investigation to determine the cause of the management target/s being exceeded;
- (6) provide the format and timing to demonstrate that condition 5-1 has been met for the reporting period in the Compliance Assessment Report required by condition 3-6 including, but not limited to:
 - (a) verification of the implementation of management actions; and
 - (b) reporting on the effectiveness of management actions against management target/s.

5-3 After receiving notice in writing from the CEO that the Condition Environmental Management Plan/s satisfies the requirements of condition 5-2, the proponent shall:

- (1) implement the provisions of the Condition Environmental Management Plan/s; and
- (2) continue to implement the Condition Environmental Management Plan/s until the CEO has confirmed by notice in writing that the proponent has demonstrated the objectives specified in conditions 6-1 and 7-1 have been met.

5-4 In the event that monitoring, tests, surveys or investigations indicate exceedance of management target/s specified in the Condition Environmental Management Plan/s, the proponent shall:

- (1) report the exceedance in writing to the CEO within 21 days of the exceedance being identified;
- (2) investigate to determine the cause of the management targets being exceeded;
- (3) provide a report to the CEO within 90 days of the exceedance being reported as required by condition 5-4(1). The report shall include:
 - (a) cause of management targets being exceeded;
 - (b) the findings of the investigation required by conditions 5-4(2);
 - (c) details of revised and/or additional management actions to be implemented to prevent exceedance of the management target/s; and
 - (d) relevant changes to proposal activities.

5-5 In the event that monitoring, tests, surveys or investigations indicate that one or more management actions specified in the Condition Environmental Management Plan have not been implemented, the proponent shall:

- (1) report the failure to implement management action/s in writing to the CEO within 7 days of identification;
- (2) investigate to determine the cause of the management action/s not being implemented;
- (3) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to the failure to implement management actions;
- (4) provide a report to the CEO within 21 days of the reporting required by condition 5-5(1). The report shall include:
 - (a) cause for failure to implement management actions;
 - (b) the findings of the investigation required by conditions 5-5(2) and 5-5(3);
 - (c) relevant changes to proposal activities; and
 - (d) measures to prevent, control or abate the environmental harm which may have occurred.

5-6 The proponent:

- (1) may review and revise the Condition Environmental Management Plan/s, or
- (2) shall review and revise the Condition Environmental Management Plan/s as and when directed by the CEO.

5-7 The proponent shall implement the latest revision of the Condition Environmental Management Plan/s, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 5-2.

6 Flora and Vegetation – conservation significant flora species and vegetation

6-1 The proponent shall manage the implementation of the proposal to meet the following **environmental objectives**:

- (1) minimise impacts to Priority flora species, including *Eremophila magnifica* subsp. *velutina*.
- (2) minimise impacts to riparian vegetation (*Eucalyptus camaldulensis* subsp. *refulgens* and *E. victrix*) health.

6-2 The Condition Environmental Management Plan/s required by condition 5-1 shall include provisions required by condition 5-2, to address potential impacts on conservation significant flora and vegetation health including from, but not limited to, changes to groundwater levels and from weeds.

6-3 The proponent shall continue to implement the version most recently approved by the CEO of the *Orebody 24/25 Mining Operations Environmental Management Plan* until the CEO has confirmed by notice in writing that the plan/s required by condition 5-1 satisfies the requirements of condition 5-2.

7 Terrestrial Fauna – conservation significant terrestrial fauna

7-1 The proponent shall manage the implementation of the proposal to meet the following **environmental objective**:

(1) minimise direct and indirect impacts on conservation significant fauna species, including Pilbara Olive Python, and their habitat.

7-2 The Condition Environmental Management Plan/s required by condition 5-1 shall include provisions required by condition 5-2, to address potential impacts on conservation significant terrestrial fauna including from, but not limited to, loss of habitat, including wetlands and waterways.

7-3 The proponent shall continue to implement the versions most recently approved by the CEO of the *Orebody 24/25 Mining Operations Environmental Management Plan* until the CEO has confirmed by notice in writing that the plan/s required by condition 5-1 satisfies the requirements of condition 5-2.

8 Subterranean Fauna – Ethel Gorge Aquifer Stygobiont Community

8-1 Within 6 months of issue of this Statement or as otherwise agreed by the CEO, the proponent shall prepare and submit a Condition Environmental Management Plan/s to demonstrate that the following **environmental outcome** will be met:

(1) maintain the habitat of the Ethel Gorge Aquifer Stygobiont Community (delineated in Figure 1 and defined by the geographic coordinates in Schedule 2).

8-2 The Condition Environmental Management Plan/s shall:

(1) specify the **environmental outcome** to be achieved, as specified in condition 8-1;

(2) specify **trigger criteria** that must provide an early warning that the threshold criteria identified in condition 8-2(3) may not be met;

(3) specify **threshold criteria** to demonstrate compliance with the environmental outcome specified in condition 8-1. Exceedance of the threshold criteria represents non-compliance with these conditions;

(4) specify **monitoring** to determine if trigger criteria and threshold criteria are exceeded;

(5) specify **trigger level actions** to be implemented in the event that trigger criteria have been exceeded;

(6) specify **threshold contingency actions** to be implemented in the event that threshold criteria are exceeded; and

- (7) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 8-1 has been met over the reporting period in the Compliance Assessment Report required by condition 3.
- 8-3 The Condition Environmental Management Plan/s required by condition 8-1 shall include provisions required by condition 8-2, to address potential impacts on conservation significant stygofauna including from, but not limited to, changes to groundwater levels and quality.
- 8-4 After receiving notice in writing from the CEO on advice from the Department of Parks and Wildlife that the Condition Environmental Management Plan/s satisfy the requirements of condition 8-2, the proponent shall:
 - (1) implement the provisions of the Condition Environmental Management Plan/s; and
 - (2) continue to implement the Condition Environmental Management Plan/s until the CEO has confirmed by notice in writing that the proponent has demonstrated the outcomes specified in condition 8-1 has been met.
- 8-5 In the event that monitoring indicates exceedance of threshold criteria specified in the Condition Environmental Management Plan/s, the proponent shall:
 - (1) report the exceedance in writing to the CEO within 7 days of the exceedance being identified;
 - (2) implement the threshold contingency actions specified in the Condition Environmental Management Plan/s within 24 hours and continue implementation of those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and the implementation of the threshold contingency actions is no longer required;
 - (3) investigate to determine the cause of the threshold criteria being exceeded;
 - (4) investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to threshold criteria being exceeded; and
 - (5) provide a report to the CEO within 21 days of the exceedance being reported as required by condition 8-5(1). The report shall include:
 - (a) details of threshold contingency actions implemented;
 - (b) the effectiveness of the threshold contingency actions implemented, against the threshold criteria;
 - (c) the findings of the investigations required by condition 8-5(3) and 8-5(4);
 - (d) measures to prevent the threshold criteria being exceeded in the future;

- (e) measures to prevent, control or abate the environmental harm which may have occurred; and
- (f) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that outcomes will continue to be met.

8-6 The proponent:

- (1) may review and revise the Condition Environmental Management Plan/s, or
- (2) shall review and revise the Condition Environmental Management Plan/s as and when directed by the CEO.

8-7 The proponent shall implement the latest revision of the Condition Environmental Management Plan/s, which the CEO on advice from the Department of Parks and Wildlife has confirmed by notice in writing, satisfies the requirements of condition 8-2.

8-8 The proponent shall continue to implement the versions most recently approved by the CEO of the *Orebody 24/25 Mining Operations Environmental Management Plan* until the CEO has confirmed by notice in writing that the plan/s required by condition 8-1 satisfies the requirements of condition 8-2.

9 Rehabilitation and Decommissioning

9-1 The proponent shall ensure that the proposal is decommissioned and rehabilitated in an ecologically sustainable manner, through the implementation of the Mine Closure Plan required by condition 9-2.

9-2 Within six months of the issue of this Statement or as otherwise agreed by the CEO, the proponent shall prepare and submit a Mine Closure Plan in accordance with the *Guidelines for Preparing Mine Closure Plans*, May 2015 (or any subsequent revisions of the guidelines).

9-3 The proponent shall review and revise the Mine Closure Plan required by condition 9-2 at intervals not exceeding three years, or as otherwise specified by the CEO.

9-4 The proponent shall implement the latest revision of the Mine Closure Plan, which the CEO has confirmed in writing satisfies the requirements of condition 9-2.

9-5 The proponent shall continue to implement the version most recently approved by the CEO of the *Orebody 24/25 Decommissioning and Rehabilitation Closure Plan* until the CEO has confirmed by notice in writing that the Mine Closure Plan satisfies the requirements of condition 9-2.

10 Offsets

10-1 In view of the significant residual impacts and risks as a result of implementation of the proposal, the proponent shall contribute funds for the clearing of 'Good to

Excellent' condition native vegetation in the Hamersley IBRA subregion, and calculated pursuant to condition 10-2. This funding shall be provided to a government established conservation offset fund or an alternative offset arrangement providing an equivalent outcome as determined by the Minister.

- 10-2 The proponent's contribution to the initiative identified in condition 10-1 shall be paid biennially, the first payment due two years after the issue of this Statement. The amount of funding will be \$750 AUD (excluding GST) per hectare of 'Good to Excellent' condition native vegetation cleared within the Eastern Ridge Development Envelope (delineated in Figure 1 and defined by the geographic coordinates in Schedule 2) within the Hamersley IBRA subregion.
- 10-3 The 1,910 ha of clearing for the Orebody 25 Extension Project and the Orebody 24/25 Upgrade Project approved under Ministerial Statements 712 and 834 is exempt from the requirement to offset under condition 10-2.
- 10-4 Within twelve months of the date of this Statement, the proponent shall prepare an Impact Reconciliation Procedure to the satisfaction of the CEO.
- 10-5 The Impact Reconciliation Procedure required pursuant to condition 10-4 shall:
- (1) include a methodology to identify clearing of 'Good to Excellent' condition native vegetation in the Hamersley IBRA subregion;
 - (2) require the proponent to submit spatial data identifying areas of 'Good to Excellent' condition native vegetation that has been cleared;
 - (3) include a methodology for calculating the amount of clearing undertaken during each biennial time period; and
 - (4) state dates for the commencement of the biennial time period and for the submission of results of the Impact Reconciliation Procedure, to the satisfaction of the CEO.
- 10-6 The proponent shall implement the Impact Reconciliation Procedure required by condition 10-4.
- 10-7 The real value of contributions described in condition 10-2 will be maintained through indexation to the Perth Consumer Price Index, with the first adjustment to be applied to the first contribution.

[Signed 21 September 2016]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	Eastern Ridge Iron Ore Revised Proposal
Short Description	<p>The proposal is to undertake mining and associated activities at Eastern Ridge, located approximately 3 km north-east of Newman.</p> <p>The proposal involves open-pit mining above the water table at Orebody 32 and below the water table at Orebody 24, Orebody 25, and Orebody 25 West. The proposal includes pit dewatering, discharge of surplus dewater into Ophthalmia Dam and the construction and operation of associated mine infrastructure.</p>

Table 2: Location and authorised extent of physical and operational elements

Element	Location	Authorised Extent
Mine and associated infrastructure	Figure 1	Clearing of no more than 3,820 ha within the Eastern Ridge Development Envelope of 4,267 ha.
Dewatering	Figure 1	Abstraction of up to 24 GL/a of groundwater.
Surplus dewater management	Figure 1	Discharge of up to 19 GL/a surplus dewater into Ophthalmia Dam.
Backfilling of mine pits	Figure 1	Orebody 25 Pit 1 and Pit 3 are to be backfilled to a level which will not allow the formation of permanent pit lakes.

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
OEPA	Office of the Environmental Protection Authority
GL/a	Gigalitres per annum
ha	Hectare

Figures (attached)

Figure 1: Eastern Ridge Development Envelope and Ethel Gorge Aquifer Stygobiont Community

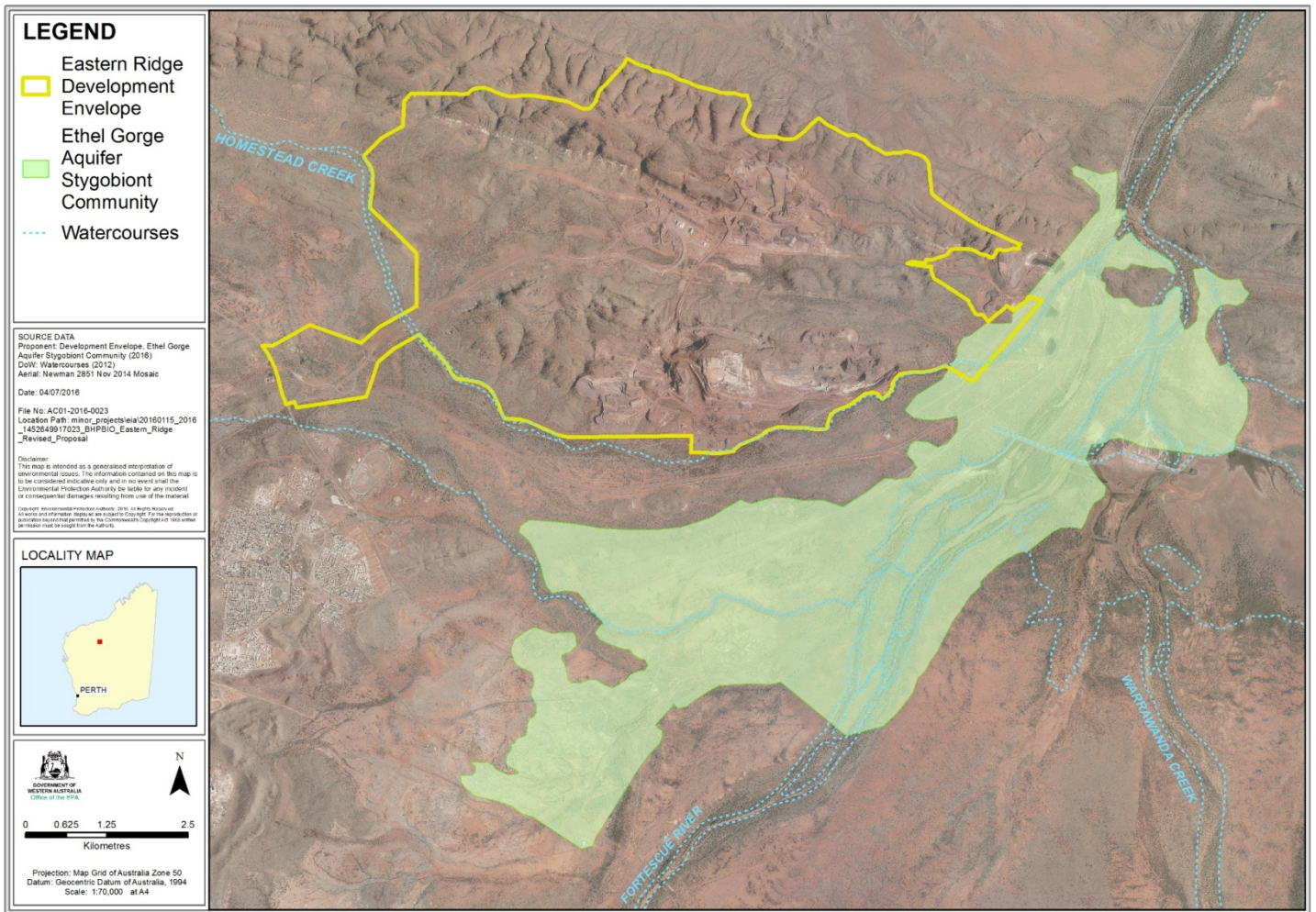


Figure 1 Eastern Ridge Development Envelope and Ethel Gorge Aquifer Stygobiont Community

Geographic spatial data coordinates

Coordinates defining the following are held by the Office of the Environmental Protection Authority:

- Eastern Ridge Development Envelope, Document Reference Number 2016-1463628337938, dated 19 May 2016.
- Ethel Gorge Aquifer Stygobiont Community, Document Reference Number 2016-1463628338272, dated 19 May 2016.