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Published on: 4 October 2016

Statement No. 1039

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A
PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

MARILLANA CREEK (YANDI) LIFE-OF-MINE PROPOSAL
MINING LEASES 270SA & 47/292, 90 KM NORTH-WEST OF NEWMAN
SHIRE OF EAST PILBARA

Proposal: Life-of-mine proposal to mine iron ore within Mining Leases 270SA and 47/292 at a rate of approximately 45 million tonnes per annum, and subsequent rehabilitation and decommissioning of the site.

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

Proponent Address: 125 St Georges Terrace
Perth Western Australia 6000

Report of the Environmental Protection Authority: 1577

Preceding Statements Relating to this Proposal: 029, 259, 357, 405 and 679

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that implementation conditions set out in Ministerial Statement No. 679 be changed as specified in this Statement.

1. Condition 5 changed

Condition 5 of Ministerial Statement 679 is deleted and replaced with:

5 Rehabilitation and Decommissioning

5-1 The proponent shall ensure that the proposal is decommissioned and rehabilitated in an ecologically sustainable manner, through the implementation of the Mine Closure Plan referred to in condition 5-2.

5-2 The proponent shall implement the Mine Closure Plan (Revision No. 3, November 2011).

- 5-3 The proponent shall review and revise the Mine Closure Plan referred to in condition 5-2, on the advice of the Department of Mines and Petroleum and to the satisfaction of the CEO, in accordance with the *Guidelines for Preparing Mine Closure Plans, May 2015* and any updates, at intervals not exceeding three years from the issue of this Statement, or as otherwise agreed in writing by the CEO.
- 5-4 The proponent shall implement the latest revision of the Mine Closure Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 5-1.

2. Condition 7 changed

Condition 7 of Ministerial Statement 679 is deleted and replaced with:

7 Marillana Creek Diversion

- 7-1 At least six (6) months prior to diversion construction of any section of Marillana Creek, the proponent shall prepare a Marillana Creek Diversion Management Plan to the requirements of the CEO on advice of the Department of Parks and Wildlife and the Department of Mines and Petroleum.

The objective of this Plan is to ensure that diverted sections of Marillana Creek function as a fluvial system in a similar manner to the existing creek system.

This Plan shall include:

1. design details and specifications of the planned diversion(s), associated diversion cut-off levee(s) and high flow by-pass spill-out channel(s);
2. design details for creating appropriate transitional gradients to minimise the potential for scouring at the confluence of tributaries and the creek diversion;
3. design options for the section of Marillana Creek to be diverted. Independent technical peer review will be required:
 - to compare the various design options;
 - to ensure that the option selected is the most suitable and practicable, consistent with current best practice; and
 - to ensure that at each diversion there is continuous improvement, based on adaptive management and benchmarking against similar projects in Australia and internationally;
4. the construction programme for the creek diversion, including how the work is to be staged and progressively integrated with the mining operations and mine void overburden infill programme;
5. baseline information on water flow, water quality, geomorphology, fauna, vegetation and flora on the section of Marillana Creek to be diverted;

6. revegetation for the diversion channel using suitable riparian species and alluvial sediment sourced from the diverted section of Marillana Creek;
 7. management of Aboriginal heritage matters within the planned disturbance area and vicinity of the planned diversion;
 8. weed management within the planned disturbance area and vicinity of the planned diversion;
 9. performance criteria for water flow, water quality, ecology and geomorphology for the creek diversion;
 10. monitoring of water flow, water quality, vegetation, flora, fauna and ecological and geomorphologic integrity of the creek diversion and downstream of the creek diversion during operations and post-closure;
 11. inspection and maintenance of the creek diversion and revegetation works during operations and until the objective is met;
 12. findings of hydrological and hydraulic modelling, groundwater modelling, research programmes, and monitoring results to show whether the planned diversion satisfies the objectives of the Mine Closure Plan referred to in condition 5-2;
 13. water quality management of Marillana Creek which is consistent with the *State Water Quality Management Strategy, 2000* or the approved equivalent; and
 14. reporting procedures and schedule.
- 7-2 The proponent shall implement the Marillana Creek Diversion Management Plan required by condition 7-1, employing the most suitable design option referred to in 7-1 (3).
- 7-3 The proponent shall make the Marillana Creek Diversion Management Plan required by condition 7-1 publicly available.

3. Condition 13 is added

13 Offsets

- 13-1 The proponent shall contribute funds to offset clearing of 'good to excellent' condition native vegetation in the Hamersley IBRA subregion, and calculated pursuant to condition 13-3. 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.
- 13-2 Condition 13-1 does not apply to the 4,050 hectares of clearing of native vegetation previously authorised on 1 April 2015, as detailed in Attachment 5 to Ministerial Statement 679.

13-3 The proponent's contribution to the offset fund or alternative offset arrangement identified in condition 13-1 shall be paid biennially, the first payment due two years after commencement of the additional ground disturbance authorised for the proposal under section 45C of the *Environmental Protection Act 1986* on 4 May 2016, as detailed in Attachment 6 to Ministerial Statement 679.

The amount of funding will be made on the following basis and in accordance with the Impact Reconciliation Procedure required by condition 13.

- \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation within the Hamersley IBRA subregion.

13-4 The proponent shall prepare and submit an Impact Reconciliation Procedure to the satisfaction of the CEO within six months of the date of this Statement, or as approved by the CEO.

13-5 In the event that additional clearing is authorised for the proposal, the proponent shall revise the Impact Reconciliation Procedure required by condition 134 to the satisfaction of the CEO within twelve months of that clearing being authorised.

13-6 The Impact Reconciliation Procedure required by condition 13-4 shall:

- (1) include a methodology to identify clearing of 'good to excellent' condition native vegetation within the Hamersley IBRA subregion;
- (2) include a methodology for calculating the area of 'good to excellent' condition native vegetation cleared within the Hamersley IBRA subregion for each biennial time period, and for which contributions shall be made to the offset fund or alternative offset arrangement as required by condition 13-1;
- (3) include the submission of spatial data identifying areas of 'good to excellent' condition native vegetation that has been cleared within the Hamersley IBRA subregion for 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.

13-7 The proponent shall implement the Impact Reconciliation Procedure required by condition 13-4.

13-8 The real value of contributions described in condition 13-3 will be maintained through indexation to the Perth Consumer Price Index (CPI), with the first adjustment to be applied to the first contribution.

[Signed 4 October 2016]

Albert Jacob MLA

MINISTER FOR ENVIRONMENT; HERITAGE