

EPA Report 1417

MINISTER FOR ENVIRONMENT

SPOTTED QUOLL OPEN PIT NICKEL PROJECT – PROPOSAL UNDER SECTION 46 OF THE ENVIRONMENTAL PROTECTION ACT 1986 TO CHANGE CONDITION 8-2 AND 8-3 OF MINISTERIAL STATEMENT 808 (ASSESSMENT NO. 1795)

I refer to your letter of 28 January 2011 requesting the Environmental Protection Authority (EPA) to report to you on Western Areas NL proposed changes to the environmental conditions for the Spotted Quoll Open Pit Nickel Project.

The following is the EPA's Report and Recommendations (No. 1417) to you pursuant to section 46(6) of the *Environmental Protection Act 1986* (the EP Act).

Introduction

The proponent, Western Areas NL, has approval under Ministerial Statement 808 to develop and operate an open pit nickel mine and associated infrastructure on Mining Lease 77/00583 and haulage road on Mining Lease 77/00545 within the Shire of Kondinin.

This report provides the EPA's recommendation to the Minister for Environment as to whether Conditions 8-2 and 8-3 of Ministerial Statement 808 should be changed.

Discussion

Conditions 8-3 (2) and 8-3 (3) of Ministerial Statement 808 require the proponent to ensure that after mine closure, the final pit void is made inaccessible to any native fauna which may be harmed, and any fauna which may harm surrounding vegetation.

The proponent requested that these Conditions be changed as compliance maybe unattainable, due to the openness of interpretation and the level of actions which the proponent could reasonably implement.

The proposed change is to delete Condition 8-3 from Ministerial Statement 808 and amend Condition 8-2 so as to require the proponent to outline, in their Rehabilitation and Mine Closure Plan (Plan) (required by Condition 8-2), the target fauna species of concern and the management strategies that will be implemented to achieve and maintain the intent of Condition 8-3.

This Plan will be required to be acceptable to the General Manager of the Office of the Environmental Protection Authority, thereby allowing the species identified and the management actions proposed to be considered and assessed.

The EPA considered the proposed changes and supported the proponent's position to the extent that Conditions 8-3 could be deleted and that Condition 8-2 could be expanded to ensure management measures to exclude fauna from future pit lakes are included in the Rehabilitation and Mine Closure Plan.

This approach would provide greater flexibility and clarity for the proponent as specific fauna measures could be developed in consultation with staff of the Office of the Environmental Protection Authority to ensure the measures are practicable and proportionate to the risk posed to specific fauna species. Under the EP Act, practicable means reasonably practicable having regard to, amongst other things, local conditions and circumstances (including costs) and the current state of technical knowledge.

EPA Recommendation

That Condition 8-3 of Ministerial Statement 808 is deleted and that the existing Condition 8-2 of Ministerial Statement 808 is replaced with:

- 8-2 *The proponent shall submit a Rehabilitation and Mine Closure Plan which is to be prepared to the requirements of the CEO of the Office of the Environmental Protection Authority with the advice of other agencies as appropriate within 12 months of the commencement of ground disturbing activities.*

The Rehabilitation and Mine Closure Plan shall cover:

- 1. landform design and material characterisation outcomes;*

2. *rehabilitation completion criteria consistent with Environmental Protection Authority Guidance Statement No. 6 Guidance for the Assessment of Environmental Factors: Rehabilitation of Terrestrial Ecosystems to provide a self-sustaining, functional ecosystem comprising, native vegetation of local provenance species;*
3. *progressive rehabilitation timelines and monitoring against key performance indicators;*
4. *annual reporting procedures;*
5. *procedures to review and revise the Rehabilitation and Mine Closure Plan;*
6. *measures for preventing groundwater contamination outside of the final pit void; and*
7. *in the event that a pit lake forms, management measures for ensuring the site is inaccessible to fauna identified as being at risk of impact and for protecting the surrounding native vegetation from potential adverse impacts. The management measures are to be practicable and in accordance with best practice mine closure safety and environmental standards.*



Dr Paul Vogel
CHAIRMAN

19 October 2011