

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia. Reproduction except in accordance with copyright law is prohibited.

Published on: 12 November 2015

Statement No. 1021

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

OREBODY 31 IRON ORE MINE

Proposal: The proposal is to construct and operate an open-cut iron ore mine, and associated infrastructure, approximately 40 kilometres (km) east of Newman.

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

Proponent Address: 125 St Georges Terrace
Perth Western Australia 6000

Assessment Number: 2047

Report of the Environmental Protection Authority: 1559

Pursuant to section 45 of the *Environmental Protection Act 1986* it has been agreed that the proposal described and documented in Table 1 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

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 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

4 Compliance Reporting

- 4-1 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 4-6, or prior to implementation, whichever is sooner.
- 4-2 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.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of a potential non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report on 1 October following the date of issue of this

Statement and then subsequent Compliance Assessment Reports on 1 October thereafter or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer'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 4-1.

5 Public Availability of Data

5-1 Subject to condition 5-2, 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.

5-2 If any data referred to in condition 5-1 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.

6 *Acacia* sp. East Fortescue flora species (Flora and Vegetation)

6-1 The proponent shall ensure that the implementation of the Orebody 31 Iron Ore Mine proposal does not affect the viability of *Acacia* sp. East Fortescue at the population level, through the implementation of condition 6-2 to 6-15.

6-2 The proponent shall ensure that there is no disturbance within the *Acacia* sp. East Fortescue the 50 m buffer as defined in Figure 1 of Schedule 1 and defined by the geographic coordinates in Schedule 2.

6-3 Prior to ground disturbance the proponent shall prepare and submit an *Acacia* sp. East Fortescue Regional Survey Plan on advice of Department of Parks and Wildlife to the satisfaction of the CEO. The *Acacia* sp. East Fortescue Regional Survey Plan shall define the

methodology and timing for a Regional Survey to accurately detect and document the distribution and population size of the species.

- 6-4 Within six months of receiving notice in writing from the CEO that the *Acacia* sp. East Fortescue Regional Survey Plan satisfies the requirements of condition 6-3, the proponent shall undertake the *Acacia* sp. East Fortescue Regional Survey in accordance with the requirements of the *Acacia* sp. East Fortescue Regional Survey Plan.
- 6-5 Within three months of completion of the *Acacia* sp. East Fortescue Regional Survey the proponent shall report to the CEO and the Department of Parks and Wildlife the results of the *Acacia* sp. East Fortescue Regional Survey.
- 6-6 In the event that advice from the Department of Parks and Wildlife following a review of the survey report of condition 6-5 indicates that the conservation status of *Acacia* sp. East Fortescue meets Priority 1 flora or higher, the proponent shall, within six months of ground disturbing activities related to the development of the Overburden Storage area, prepare a Plan, in consultation with the Department of Parks and Wildlife, and to the satisfaction of the CEO. The Plan shall for the Orebody 31 Iron Ore Mine:
- (1) specify management actions that will be implemented to ensure the management objective in condition 6-1 is achieved;
 - (2) identify and spatially define the proposed monitoring sites and rationale for the location of these sites to assess plant health;
 - (3) detail the proposed frequency and timing of monitoring;
 - (4) develop an appropriate monitoring methodology and measurable indicators of plant health;
 - (5) specify appropriate plant health criteria that will trigger the implementation of management actions to ensure condition 6-1 is being met; and
 - (6) specify trigger management actions to be implemented in the event that the trigger criteria specified by condition 6-6(5) are reached.
- 6-7 After receiving notice in writing from the CEO that the Plan satisfies the requirements of condition 6-6, the proponent shall:
- (1) implement the requirements of the Plan specified by condition 6-6; and
 - (2) continue to implement the requirements of the Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 6-1 is being and will continue to be met and therefore implementation of the Plan is no longer required.
- 6-8 In the event that the monitoring specified in the Plan, indicates that the trigger criteria specified in the Plan have been exceeded, the proponent shall:

- (1) immediately implement the trigger management actions specified in the Plan and continue implementation of those actions until the trigger criteria are not exceeded, or until the CEO has confirmed by notice in writing that it has been demonstrated that the outcome in condition 6-1 is being and will continue to be met and implementation of the trigger management actions is no longer required;
- (2) investigate to determine the likely cause of the trigger criteria being exceeded and to identify any additional trigger management actions required to prevent the trigger criteria being exceeded in the future; and
- (3) provide a report to the CEO within 30 days of an event, referred to in condition 6-8, occurring. The report shall include:
 - (a) details of trigger management actions implemented; and
 - (b) the findings of the investigation required by condition 6-8(2).

6-9 The proponent may review and revise the Plan.

6-10 The proponent shall review and revise the Plan, as and when directed by the CEO.

6-11 The proponent shall implement the latest revision the Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 6-6.

6-12 In the event that *Acacia* sp. East Fortescue is declared Rare Flora under the *Wildlife Conservation Act 1950* and the implementation of the Plan required by condition 6-7 shows a significant decline in plant health of *Acacia* sp. East Fortescue attributable to the proposal, as determined by the CEO on advice from the Department of Parks and Wildlife, the proponent shall, within six months or as agreed in writing from the CEO prepare and submit a *Acacia* sp. East Fortescue Conservation and Research Plan on advice from Department of Parks and Wildlife to the satisfaction of the CEO.

6-13 The *Acacia* sp. East Fortescue Conservation and Research Plan identified in condition 6-12 shall include:

- (1) details of suitable conservation measures such as seed collection and germplasm storage, seeding or translocation trials to be undertaken to determine the likelihood of successful establishment, during mine site rehabilitation or other suitable measures, for conservation of the species;
- (2) details on research to be undertaken into the habitat, biology and conservation of the species;
- (3) timeframes and responsibilities for the implementation of proposed conservation measures; and
- (4) a monitoring programme and criteria for determining the efficacy of the proposed conservation measures.

- 6-14 The proponent shall implement the *Acacia* sp. East Fortescue Conservation and Research Plan.
- 6-15 The proponent shall submit a report to the CEO documenting the results of the *Acacia* sp. East Fortescue Conservation and Research Plan, identifying the success of the conservation measures required by condition 6-13(1) and the findings of the research required by condition 6-13(2) within 6 months of completion of the measures set out in the approved plan.

7 Surplus Water Discharge (Hydrological Processes)

- 7-1 The proponent shall manage the discharge of surplus mine dewater from the Orebody 31 Iron Ore Mine in a manner that minimises impacts to the riparian vegetation along Jimblebar Creek.
- 7-2 Prior to discharge of surplus mine dewater, the proponent shall prepare a Plan in consultation with the Department of Water to the satisfaction of the CEO. The Plan shall include:
- (1) descriptions of reference sites, including physical attributes, geographic locations and details of the baseline condition of what is to be monitored; rationale for the location of the sites;
 - (2) descriptions of biological and physical environmental indicators to be monitored;
 - (3) monitoring methodologies that will be implemented to measure the physical and biological indicators;
 - (4) criteria that will trigger the implementation of management actions; and
 - (5) trigger management actions to be implemented in the event that the trigger criteria required by condition 7-2(4) have been reached.
- 7-3 After receiving notice in writing from the CEO that the Plan satisfies the requirements of condition 7-2, the proponent shall:
- (1) implement the requirements of the Plan specified by condition 7-2; and
 - (2) continue to implement requirements of the Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 7-1 is being and will continue to be met and therefore implementation of the Plan is no longer required.
- 7-4 In the event that the monitoring specified in the Plan indicates that the trigger criteria specified in the Plan has been exceeded, the proponent shall:
- (1) immediately implement the trigger management actions specified in the Plan and continue implementation of those actions until the trigger criteria are not exceeded or until the CEO has confirmed by notice in writing that it has been

demonstrated that the objective in condition 7-1 is being and will continue to be met and implementation of the trigger management actions is no longer required;

- (2) investigate to determine the likely cause of the trigger criteria being exceeded and to identify any additional trigger management actions required to prevent the trigger criteria being exceeded in the future; and
- (3) provide a report to the CEO within 30 days of an event, referred to in condition 7-4, occurring. The report shall include:
 - (a) details of trigger management actions implemented; and
 - (b) the findings of the investigation required by condition 7-4(2).

7-5 The proponent may review and revise the Plan.

7-6 The proponent shall review and revise the Plan as and when directed by the CEO.

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

8 Surplus Water Discharge (Inland Waters Environmental Quality)

8-1 The proponent shall manage the discharge of surplus mine dewater from the Orebody 31 Iron Ore Mine in a manner that minimises impacts to the Ethel Gorge Threatened Ecological Community.

8-2 Prior to discharge of surplus mine dewater, the proponent shall prepare a Plan in consultation with the Department of Parks and Wildlife and the Department of Water to the satisfaction of the CEO, to demonstrate that condition 8-1 has been met. The Plan shall include:

- (1) descriptions of reference sites, including physical attributes, geographic locations and details of the baseline condition of what is to be monitored; rationale for the location of the sites;
- (2) descriptions of biological and physical environmental indicators to be monitored;
- (3) monitoring methodologies that will be implemented to measure the physical and biological indicators;
- (4) criteria that will trigger the implementation of management actions; and
- (5) trigger management actions to be implemented in the event that the trigger criteria required by condition 8-2(4) have been reached.

8-3 After receiving notice in writing from the CEO that the Plan satisfies the requirements of condition 8-2, the proponent shall:

- (1) implement the requirements of the Plan specified by condition 8-2; and
 - (2) continue to implement requirements of the Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 8-1 is being and will continue to be met and therefore implementation of the Plan is no longer required.
- 8-4 In the event that the monitoring specified in the Plan indicates that the trigger criteria specified in the Plan has been exceeded, the proponent shall:
- (1) immediately implement the trigger management actions specified in the Plan and continue implementation of those actions until the trigger criteria are not exceeded or until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 8-1 is being and will continue to be met and implementation of the trigger management actions is no longer required;
 - (2) investigate to determine the likely cause of the trigger criteria being exceeded and to identify any additional trigger management actions required to prevent the trigger criteria being exceeded in the future; and
 - (3) provide a report to the CEO within 30 days of an event, referred to in condition 8-4, occurring. The report shall include:
 - (a) details of trigger management actions implemented; and
 - (b) the findings of the investigation required by condition 8-4(2).
- 8-5 The proponent may review the Plan.
- 8-6 The proponent shall review and revise the Plan as and when directed by the CEO.
- 8-7 The proponent shall implement the latest revision of the Plan, which the CEO has confirmed by notice in writing, 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 The proponent shall implement the Mine Closure Plan (Revision No. 0, dated 12 August 2015).
- 9-3 The proponent shall review and revise the Mine Closure Plan required by condition 9-2, on the advice of DMP and to satisfaction of the CEO, in accordance with the *Guidelines for Preparing Mine Closure Plans*, (DMP/OEPA, May 2015) and any updates, 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 by notice in writing, satisfies the requirements of condition 9-3.

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 and Fortescue IBRA subregions, 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 commencement of ground disturbance. The amount of funding will be made on the following basis in accordance with the approved Impact Reconciliation Procedure required by 10-3:
- (1) \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation cleared within the development envelope (delineated in Figure 1 and defined by the geographic coordinates in Schedule 2) within the Hamersley IBRA subregion; and
 - (2) \$1,500 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation cleared within the Development Envelope (delineated in Figure 1 and defined by the geographic coordinates in Schedule 2) within the Fortescue IBRA subregion.
- 10-3 Within twelve months of the date of this Statement, the proponent shall prepare an Impact Reconciliation Procedure to the satisfaction of the CEO.
- 10-4 The Impact Reconciliation Procedure required pursuant to condition 10-3 shall:
- (1) require the proponent to submit spatial data identifying areas of 'good to excellent' condition native vegetation that has been cleared;
 - (2) include a methodology for calculating the amount of clearing undertaken during each biennial time period;
 - (3) include a methodology for calculating the amount of temporary vegetation clearing for the access road that has commenced rehabilitation within twelve months of final commissioning of the haul road;
 - (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.

10-5 The real value of contributions described in condition 10-2 will be maintained through indexation to the Perth Consumer Price Index (CPI), with the first adjustment to be applied to the first contribution.

[Signed 12 November 2015]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	Orebody 31 Iron Ore Project
Short Description	The proposal is to develop and operate a below water table iron ore mine approximately 40 km east of Newman, Western Australia. The proposal includes the construction of an overland heavy vehicle haul road and an overland conveyor, as well as associated mine infrastructure including an overburden storage area, offices, workshops, roads, dewatering infrastructure, ore and topsoil stockpiles and associated facilities.

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Mine pits, plant and mine infrastructure	Figure 1	Clearing of no more than 2,500 ha of native vegetation within a Mine Development Envelope of 4,075 ha.
Surplus dewater management		Dewater discharge to extend no further than 16 km from the discharge point and remain in the main drainage channel of Jimblebar Creek under natural no-flow conditions.

Table 3: Abbreviations and Definitions

Acronym or Abbreviation	Definition or Term
<i>Acacia</i> sp. East Fortescue	<i>Acacia</i> sp. East Fortescue (J. Bull and D Roberts ONS A 27.01)
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.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare

Figure (attached)

Figure 1 Orebody 31 Development Envelope (This figure is a representation of the coordinates referred to in Schedule 2)

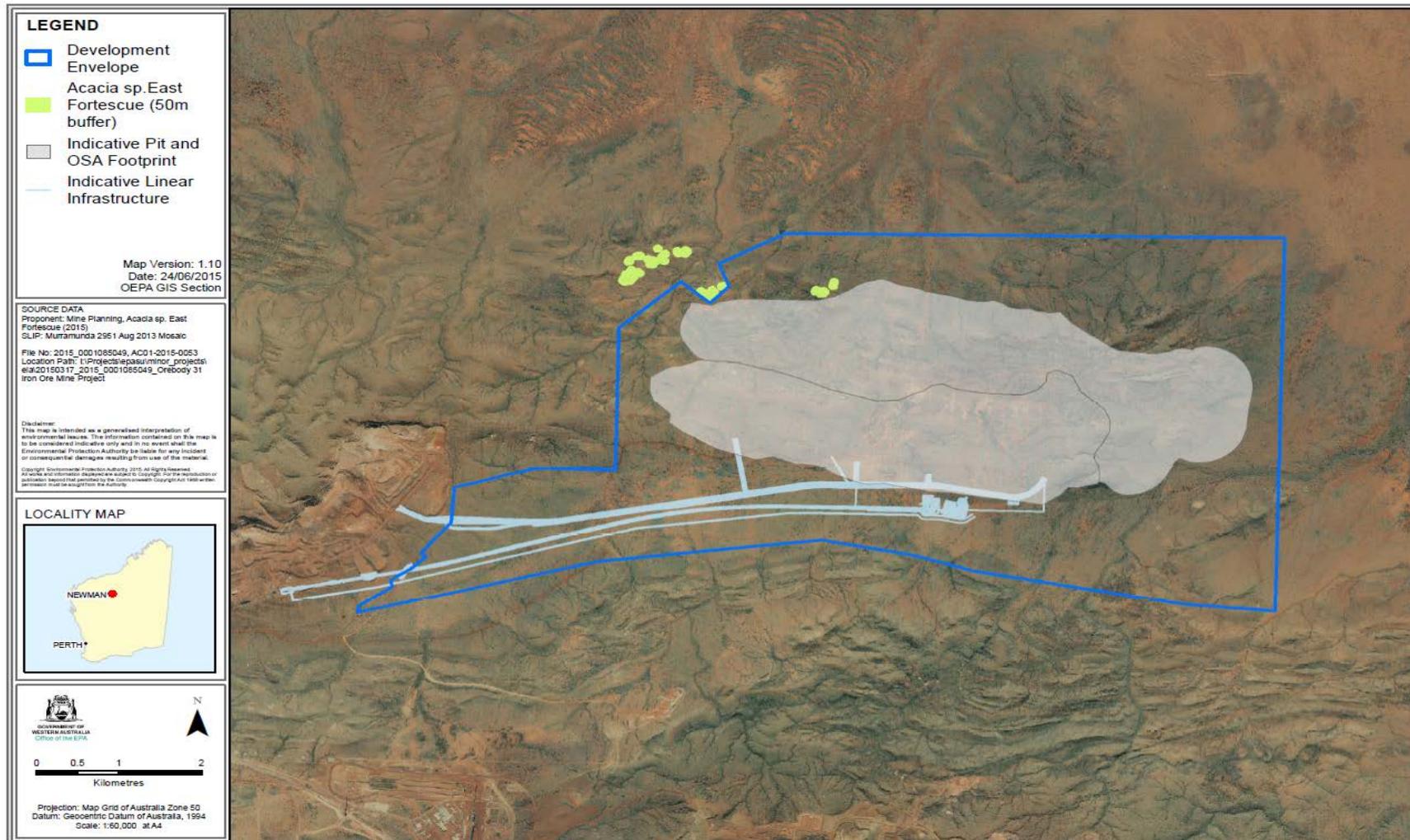


Figure 1 Orebody 31 Development Envelope and *Acacia* sp. East Fortescue Buffer

Schedule 2

Geographic spatial data coordinates

Coordinates defining the Orebody 31 Development Envelope are held by the Office of the Environmental Protection Authority, Document reference Number 2015-0001237160, dated 27 August 2015.

All coordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 1994 (GDA94).

Mine Development Envelope Coordinates

Coordinate Number	Easting	Northing
1	209642	7417179
2	209658	7416324
3	209667	7415865
4	209648	7415868
5	208570	7415914
6	206098	7416270
7	205967	7416288
8	205299	7416467
9	205292	7416468
10	204717	7416556
11	204577	7416577
12	204128	7416645
13	203813	7416597
14	203799	7416595
15	203055	7416482
16	202831	7416448
17	202193	7416350
18	202076	7416332
19	201435	7416235
20	201276	7416188
21	201263	7416184
22	200385	7415926
23	200343	7415913
24	199610	7415697
25	199401	7415636
26	198808	7415461
27	198645	7415413
28	198537	7415382
29	198537	7415383
30	198544	7415423
31	198546	7415436
32	198549	7415477

Coordinate Number	Easting	Northing
33	198614	7415524
34	198658	7415558
35	198676	7415571
36	198679	7415574
37	198690	7415581
38	198697	7415587
39	198709	7415596
40	198716	7415601
41	198802	7415665
42	198858	7415707
43	198865	7415713
44	198867	7415714
45	198876	7415721
46	198893	7415734
47	198949	7415776
48	198922	7415856
49	198974	7415908
50	198975	7415909
51	199031	7415946
52	199073	7415973
53	199120	7416004
54	199160	7416030
55	199192	7416064
56	199195	7416067
57	199204	7416076
58	199210	7416082
59	199217	7416090
60	199323	7416201
61	199332	7416210
62	199270	7416253
63	199487	7416542
64	199608	7416703

Coordinate Number	Easting	Northing
65	199623	7416723
66	199624	7416750
67	199638	7417215
68	199873	7417284
69	200198	7417391
70	200280	7417419
71	200650	7417528
72	201583	7417539
73	201583	7417542
74	201582	7417576
75	201581	7417615
76	201578	7417805
77	201577	7417828
78	201569	7418213
79	201569	7418213
80	201569	7418213
81	201568	7418268
82	201558	7418793

Coordinate Number	Easting	Northing
83	201554	7418956
84	201542	7419573
85	201568	7419599
86	202263	7420256
87	202628	7419972
88	202848	7420205
89	202715	7420535
90	203207	7420820
91	203512	7420997
92	205192	7421049
93	206406	7421086
94	209514	7421182
95	209563	7421182
96	209584	7420103
97	209589	7419877
98	209604	7419091
99	209609	7418842
100	209625	7418030
101	209630	7417773

Acacia sp. East Fortescue Buffer Coordinates

50 metre radius surrounding each of the below coordinates.

Coordinate Number	Easting	Northing
1	204121	7420309
2	204116	7420272
3	204124	7420325
4	202788	7420213
5	202628	7420044
6	202572	7420078
7	204014	7420180
8	204002	7420191
9	203997	7420176
10	203997	7420160
11	203980	7420169
12	203967	7420157
13	203964	7420179
14	203903	7420184
15	203911	7420200