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Published on: 21 August 2013

Statement No. 944

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

West Pilbara Iron Ore Project Stage 2 – Hardey Proposal

Proposal: The proposal is to develop and operate an iron ore mine approximately 50 km west-northwest of Paraburdoo, Western Australia, a 20 km long gas pipeline corridor, and a 150 km long rail transport corridor that would connect the proposed mine to the West Pilbara Iron Ore Project Stage 1 infrastructure.

Proponent: API MANAGEMENT PTY LIMITED
Australian Company Number 112 677 595

Proponent Address: Level 1 Aquila Centre
1 Preston Street
COMO WA 6152

Assessment Number: 1943

Report of the Environmental Protection Authority Number: 1474

This Statement authorises the implementation of the proposal described and documented in Columns 1 and 2 of Table 2 in Schedule 1. The implementation of the proposal is subject to the following implementation conditions and procedures and Schedule 2 details definitions of terms and phrases used in the 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 Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the Proposal has 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 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 the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within 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 5 years from the date of this statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by Condition 4-1 at least six months prior to the first compliance assessment report required by Condition 4-6, or prior to implementation, whichever is sooner.

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 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 days of that potential non-compliance being known.

- 4-6 The proponent shall submit to the CEO the first compliance assessment report 15 months from the date of issue of this Statement addressing the 12 month period from the date of issue of this Statement and then annually from the date of submission of the first compliance assessment report.

The compliance assessment report shall:

- (1) be endorsed by the proponent's General Manager or a person delegated to sign on the General Manager'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 this data publically available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publically available.

6 Riparian Vegetation

- 6-1 The proponent shall ensure that groundwater dewatering and discharge of surplus dewater does not cause the loss of riparian vegetation located within the riparian vegetation management zone shown in Figure 3 and delineated by coordinates specified in Schedule 2.

- 6-2 To verify that Condition 6-1 is being met, the proponent shall develop a Riparian Vegetation Monitoring and Management Plan, in consultation with the Department of Water, to the satisfaction of the CEO.

The Riparian Vegetation Monitoring and Management Plan shall include:

- (1) identification of monitoring and control sites;
- (2) the design of a survey to acquire baseline data, including health and abundance parameters;
- (3) definition of health and abundance parameters;
- (4) definition of environmental parameters to be monitored, including groundwater drawdown and discharge rates;
- (5) definition of monitoring frequency and timing;
- (6) identification of criteria to measure decline in health; and
- (7) details of management actions and strategies to be implemented should the criteria defined pursuant to Condition 6-2 (6) indicate a decline in health of riparian vegetation located in the riparian vegetation management zone shown in Figure 3 and delineated by coordinates specified in Schedule 2.

6-3 The proponent shall implement the approved Riparian Vegetation Monitoring and Management Plan required by Condition 6-2 prior to the start of dewatering until advised otherwise by the CEO.

6-4 Prior to the commencement of dewatering, the proponent shall implement the baseline monitoring survey required by Condition 6-2 (2) for all sites identified in Condition 6-2 (1) and submit the results to the CEO.

6-5 In the event that monitoring required by Condition 6-3 indicates a decline in riparian vegetation health in the area identified in Condition 6-1 compared to riparian vegetation health control sites, the proponent shall provide a report to the CEO within 21 days of the decline being identified which:

- (1) describes the decline or change;
- (2) provides information which allows determination of the likely root cause of the decline or change; and
- (3) if considered likely to be the result of activities undertaken in implementing the proposal, proposes the actions and associated timelines to remediate the decline or change.

6-6 The proponent shall implement the actions identified in Condition 6-5 (3) until the CEO determines that the remedial actions may cease.

7 Surface Water

7-1 The proponent shall design the rail infrastructure to maintain the natural surface flows and flooding regime of watercourses and ensure that the proposal does not adversely affect any significant vegetation community where the railway traverses Duck Creek, Beasley River, Horseshoe Creek, Gum Tree Creek and tributaries of Mettawandy Creek as shown in Figure 2.

7-2 To verify that the requirements of Condition 7-1 are met the proponent shall prior to clearing prepare a plan that:

- (1) identifies significant streams and drainage lines;
 - (2) identifies areas of significant vegetation potentially impacted by changes to surface water flows related to the proposal; and
 - (3) shows the design parameters and location of environmental culverts,
- to the satisfaction of the CEO in consultation with the Department of Water and the Department of Parks and Wildlife.

7-3 The proponent shall implement the plan identified in Condition 7-2.

7-4 The railway may be divided into no more than four sections for the purpose of meeting the requirements of Condition 7-2.

8 Trenching

8-1 The proponent shall ensure that open trenches associated with construction of the gas supply pipeline, as shown in Figure 2, are cleared of trapped fauna by fauna-rescue personnel at least twice daily. Details of all fauna recovered shall be recorded, consistent with Condition 8-5. The first daily clearing shall be completed no later than three hours after sunrise and shall be repeated between the hours of 3:00 pm and 6:00 pm. The open trenches shall also be cleared, and fauna details recorded, by fauna-rescue personnel no more than one hour prior to backfilling of trenches.

8-2 The fauna-rescue personnel shall obtain the appropriate licences required for fauna rescue under the *Wildlife Conservation Act 1950* and be trained in the following:

- (1) fauna identification, capture and handling (including specially protected fauna and venomous snakes likely to occur in the area);
- (2) identification of tracks, scats, burrows and nests of conservation significant species;
- (3) fauna vouchering (of deceased animals);
- (4) assessing injured fauna for suitability for release, rehabilitation or euthanasia;
- (5) familiarity with the ecology of the species which may be encountered in order to be able to appropriately translocate fauna encountered; and
- (6) performing euthanasia.

8-3 Open trench lengths shall not exceed a length capable of being inspected and cleared by the fauna-clearing personnel within the required times as set out in Condition 8-1.

8-4 Ramps providing egress points and/or fauna refuges providing suitable shelter from the sun and predators for trapped fauna are to be placed in the trench at intervals not exceeding 50 metres.

8-5 The proponent shall produce a report on fauna management within the open trenches associated with construction of the gas supply pipeline at the completion of pipeline construction. The report shall include the following:

- (1) details of all fauna inspections;
- (2) the number and type of fauna cleared from trenches;
- (3) fauna mortalities; and
- (4) all actions taken.

The report shall be provided to the CEO and the Department of Parks and Wildlife no later than 21 days after the completion of pipeline construction, and shall be made publicly available in a manner approved by the CEO.

9 Residual Impacts and Risk Management Measures

9-1 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 within the Pilbara Interim Biogeographic Regionalisation for Australia (IBRA) region (Pilbara bioregion) calculated pursuant to Condition 9-2. 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.

9-2 The proponent's contribution identified in Condition 9-1 shall be paid biennially, the first payment due on 31 May in the second year following the commencement of ground disturbance. The amount of funding will be made on the following basis and in accordance with the approved Impact Reconciliation Procedure required by Condition 9-3:

- \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation cleared within the mine area delineated in Figure 1; and
- \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation in the Pilbara bioregion cleared for "railway and related infrastructure" within the transport corridor delineated in Figure 2.

9-3 Prior to ground-disturbing activities, the proponent shall prepare an Impact Reconciliation Procedure to the satisfaction of the CEO.

9-4 The Impact Reconciliation Procedure required pursuant to Condition 9-3 shall:

- (1) include a methodology to identify clearing of 'good to excellent' condition native vegetation in the Pilbara bioregion;
- (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 that:
 - (a) has commenced rehabilitation during each biennial time period; and
 - (b) is planned to have commenced rehabilitation within 12 months of final commissioning of the railway;

for each biennial time period.

- (4) state the biennial time period commences on the 1 March prior to commencing ground disturbance and the due date for submitting the results of the Procedure for approval of the CEO as 31 March following the end of the first biennial period; and
- (5) identify that any areas cleared within the transport corridor (Figure 2) in the Pilbara bioregion that have not commenced rehabilitation within 12 months of final commissioning of the railway are to be considered part of the “railway and related infrastructure” and must be included in the area subject to Condition 9-2.

9-5 The real value of contributions described in Condition 9-2 will be maintained through indexation to the Perth Consumer Price Index (CPI), with the first adjustment to be applied to the first contribution.

9-6 Should the proponent be required to provide an offset under a condition of approval of the Australian Government under the *Environment Protection and Biodiversity Conservation Act 1999*, the proponent may write to the CEO seeking a reduction in the funding required under Condition 9-2.

[Signed 21 August 2013]

Albert Jacob MLA

MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	West Pilbara Iron Ore Project Stage 2 – Hardey Proposal
Short Description	The proposal is to develop and operate an iron ore mine approximately 50 km west-northwest of Paraburdoo, Western Australia. The proposal includes a 20 km long gas pipeline corridor and 150 km rail transport corridor that would connect the proposal to the West Pilbara Iron Ore Stage 1 project.

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Mine, accommodation village and associated infrastructure	Figure 1	Clearing of no more than 650 ha within the 1,170 ha mine area development envelope.
Railway and associated infrastructure	Figure 2	Clearing of no more than 2,800 ha within a 150 km alignment inclusive of roads, borrow pits, laydown areas and construction camps within the rail corridor and gas pipeline development envelope.
Gas pipeline (if required)	Figure 2	Clearing of no more than 20 ha within the rail corridor and gas pipeline development envelope.
Impact of groundwater drawdown on groundwater dependent vegetation	Figure 3	No loss of riparian vegetation in the Riparian Vegetation Management Zone.
Overburden material management	Figure 3	Pits will be backfilled above the pre-mining water table.

Table 3: Abbreviations

Abbreviation	Term
ha	hectares
km	kilometres

Table 4: Definitions

Term or Phrase	Definition
Approved Riparian Vegetation Monitoring and Management Plan	The Groundwater Dependent Vegetation Monitoring and Management Plan for which the proponent has received written notification from the CEO that it meets the requirements of Condition 6-2.
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> .
EPA	Environmental Protection Authority.
Fauna-rescue personnel	Employees of the proponent whose responsibility it is to walk the open trench to recover and record fauna found within the trench.
GDE	Groundwater dependent ecosystem.
'Good to excellent' condition native vegetation	Based on the Vegetation Condition Scales in Keighery (1994) and Trudgen (1988).
GST	Goods and Services Tax.
Pilbara bioregion	Pilbara bioregion as defined in Interim Biogeographic Regionalisation for Australia, Version 7. Australian Government Department of Sustainability, Environment, Water, Population and Communities, May 2012.
Railway and related infrastructure	Railway line and associated infrastructure connecting the West Pilbara Iron Ore Project Stage 2 Hardey Mine to the Stage 1 railway including: communications equipment, rail crossings, signalling equipment, roads, borrow pits, laydown areas, and temporary construction camps.

Figures (attached)

- Figure 1 Proposed mine development envelope.
- Figure 2 Proposal rail corridor and gas pipeline development envelope.
- Figure 3 Maximum estimated groundwater drawdown and riparian vegetation management zone.

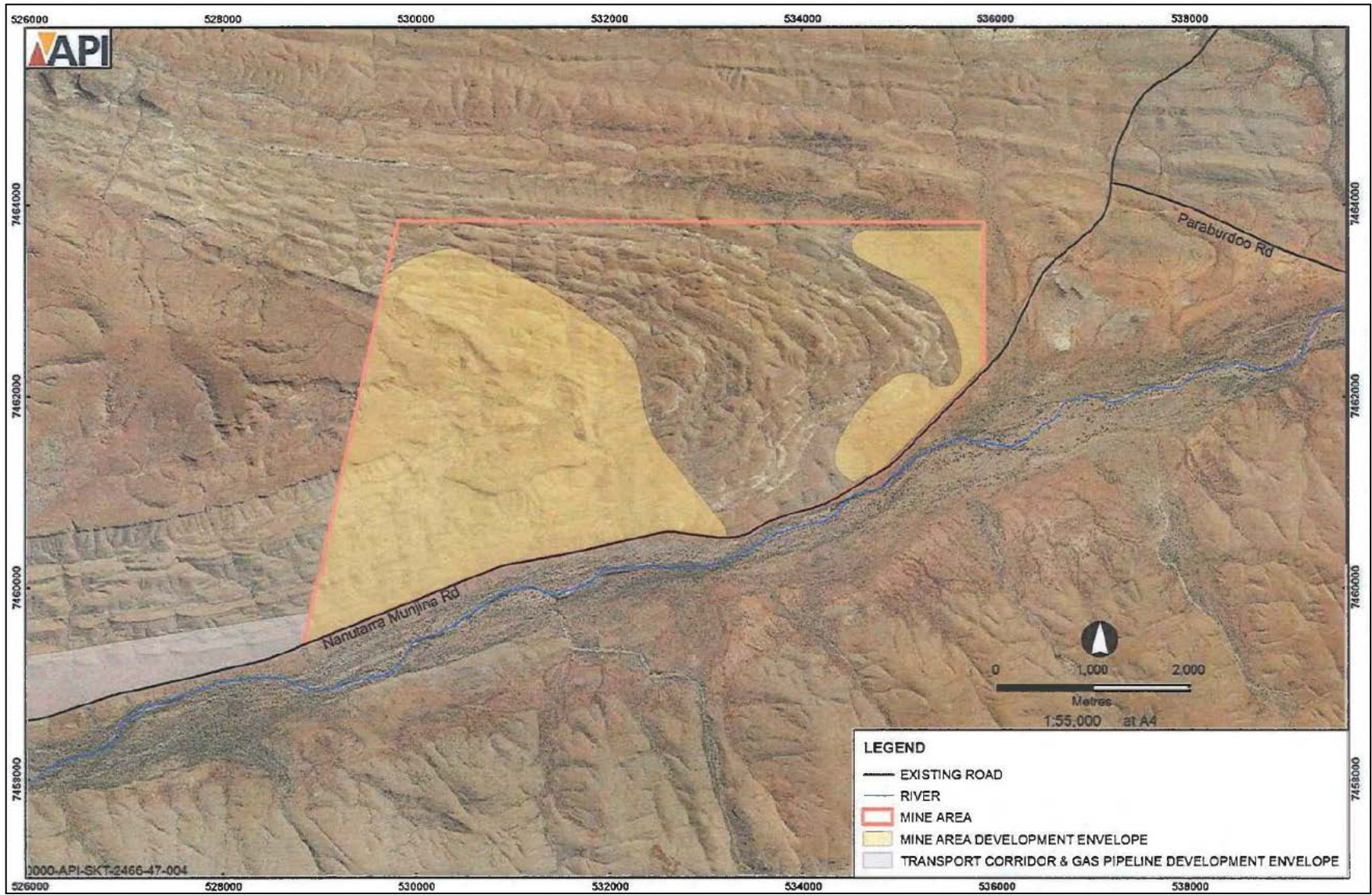


Figure 1 – Proposed mine development envelope

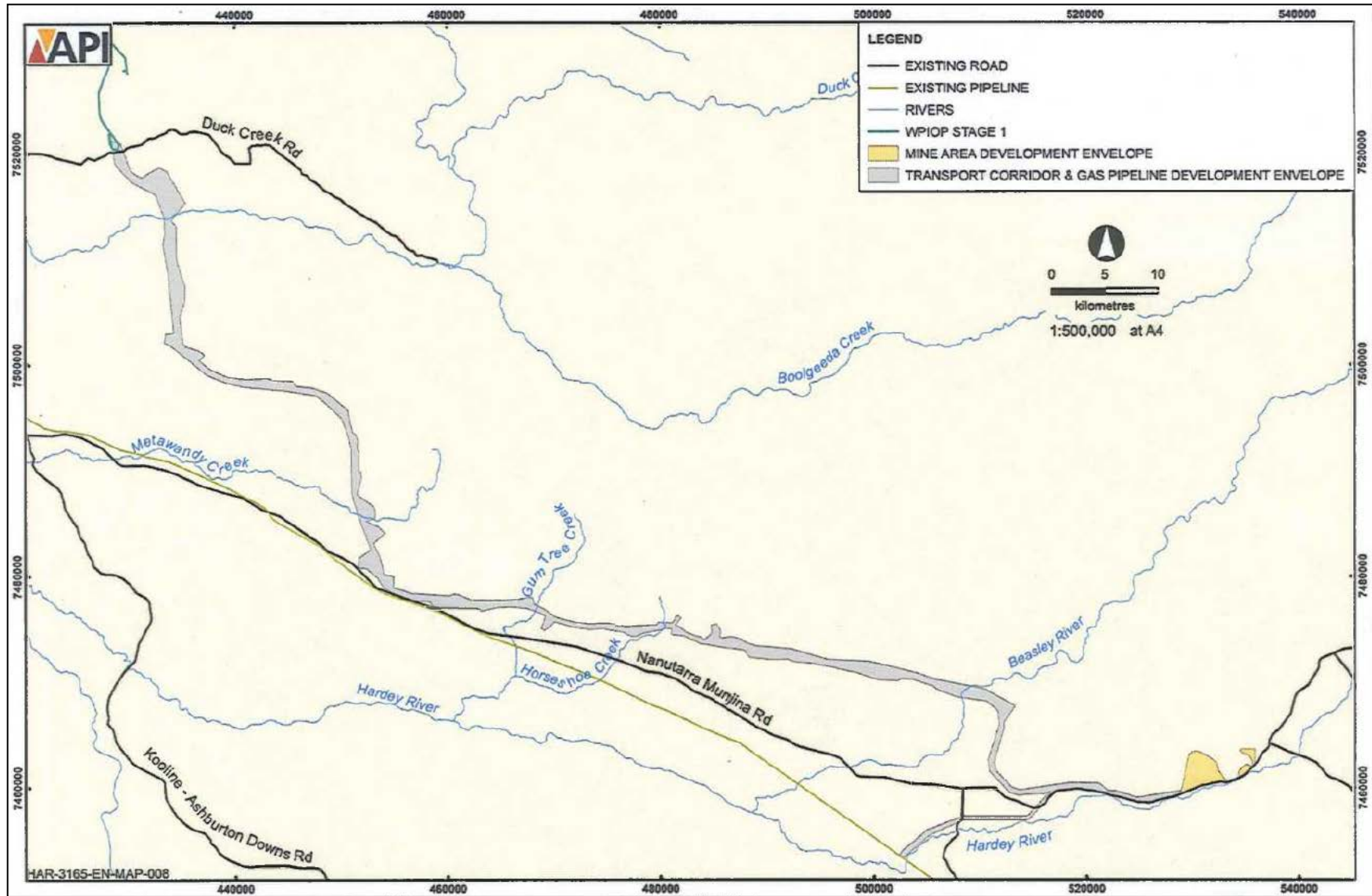


Figure 2 – Proposed rail corridor and gas pipeline development envelope

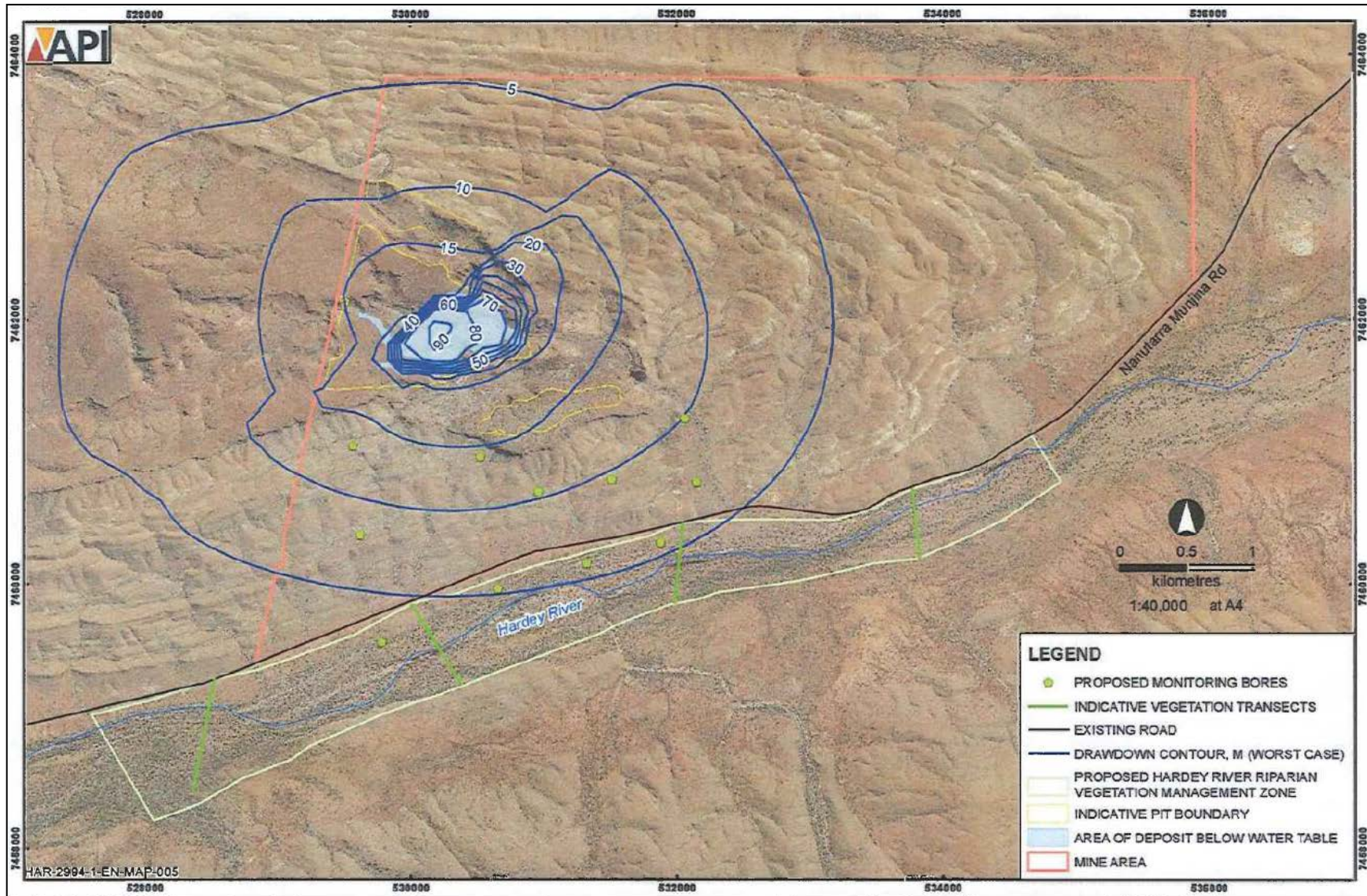


Figure 3 – Maximum estimated groundwater drawdown and riparian vegetation management zone

Coordinates of the Riparian Vegetation Management Zone (GDA94-MGAZ50)

Easting	Northing
528483	7459245
530932	7460223
531603	7460347
532586	7460560
533311	7460497
533819	7460726
534253	7460855
534716	7461131
534916	7460603
533872	7460152
531983	7459801
530410	7459193
528032	7458217
527621	7459024
528483	7459245

Coordinates for the mine area and transport corridor development envelopes.

Reference: West Pilbara Iron Ore Stage 2 – Hardey Proposal Development Envelopes, Document No. MHA-9200-EN-REP-0001, Version 1, dated 18 June 2013.

Coordinates defining the Development Envelopes and Riparian Vegetation Management Zone are held by the Office of the EPA.

Notes

The following notes are provided for information and do not form a part of the implementation conditions of the Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time the Statement was signed by the Minister for Environment.