

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN:

Ms Kellie Parker
Robe River Mining Co. Pty. Ltd. (ACN: 008 694 246)
152-158 St Georges Terrace
PERTH WA 6000

PROPOSAL TO WHICH THIS NOTICE RELATES:

Mesa A Hub Revised Proposal – Assessment No. 2107

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred:

- Reduction in the size of the Development Envelope from 20,184 ha to 16,834 ha (i.e. a reduction of 3,350 ha) [Refer to Figure 1].
- Increase in native vegetation clearing from 2,500 hectares (ha) to 3,000 ha (i.e. an increase of 500 ha) [Refer to Figure 2].
- Increase in peak annual groundwater abstraction rate from 11 gigalitres per year (GL/yr) to 15 GL/yr for dewatering at Warramboos and water supply from the borefield at Warramboos (i.e. an increase of 4 GL/yr).
- In-pit disposal of effluent from the reverse osmosis plant at Warramboos instead of disposal to an evaporation pond.

EFFECT OF THIS NOTICE:

1. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.



Robert Harvey
Delegate of the Environmental Protection Authority
ACTING CHAIRMAN

9 July 2018

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Mesa A Hub Revised Proposal

Proponent: Robe River Mining Co. Pty. Ltd.

Decision

For the reasons outlined below, the EPA has determined to consent to the proponent changing the proposal outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 21 November 2016, the Robe River Mining Co. Pty. Ltd. referred the proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal is to revise the existing Mesa A/Warramboe Iron Ore Project and includes the development of additional mine pits and associated infrastructure, water treatment facilities, processing facilities and water management infrastructure as well as the expansion of existing mine pits, waste dumps, and associated infrastructure.

On 16 February 2017, the EPA determined to assess the proposal at the level of Public Environmental Review (PER) with a 2-week public review period and an EPA prepared Environmental Scoping Document (ESD). The proposal was also determined to be a controlled action (EPBC 2016/7843) by the Commonwealth Department of the Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999*, and is being assessed as an accredited assessment.

In advance of the EPA preparing a report on the outcome of its assessment of the proposal, the proponent has sought the EPA's consent to the proponent changing the proposal.

Relevant Statutory and Administrative Provisions

Section 3.8 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change;
- statement of the significance of the change and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. the proponent's referral documentation;
2. public submissions from the 7-day advertising period for the referral;
3. the approved ESD;
4. the proponent's original section 43A application for EPA consent to change the proposal during assessment;
5. the request from EPA Services of the DWER for additional information about the changes to the proposal;
6. the proponent's amended section 43A application and the attached additional information about the changes to the proposal, and subsequent emails; and
7. relevant EPA policy and procedures.

Consideration

1. Nature of the proposed changes

a) Additional vegetation clearing and reduction in the size of the Development Envelope

The area of vegetation that will be cleared will increase by 500 hectares (ha) from 2,500 hectares (ha) to 3,000 ha (i.e. a 20% increase). However, the size of the Development Envelope will decrease by 3,350 ha from 20,184 ha to 16,834 ha (i.e. a decrease of approximately 16.6%) [Figures 1 & 2]. These changes are not considered to be significant as:

- none of the vegetation units that will be subject to additional clearing are considered to be of high local or regional significance, nor are any of them associated with Threatened Ecological Communities (TECs) listed under the *Environment Protection and Biodiversity Conservation Act 1999*, or listed by the Department of Biodiversity, Conservation and Attractions (DBCAs);
- no Priority flora species have been recorded in the areas that will require additional vegetation clearing; and
- there will be limited disturbance to key terrestrial fauna habitats given that the majority of the clearing will occur in the Plains habitat, which while providing nesting habitat for the Priority 4 listed Western Pebble Mound Mouse, is not a core habitat for the conservation listed Northern Quoll, Pilbara Leaf-nosed Bat, Ghost Bat, and the Pilbara Olive Python.

b) Increase in the rate of groundwater abstraction and the extent of the groundwater drawdown cone.

The rate of groundwater abstraction from the water supply borefield at Warrambo and dewatering activities at Warrambo will increase from 11 gegalitres per annum

(GL/annum) to 15 GL/annum (i.e. approximately 36.4%). The extent of the groundwater drawdown cone will also increase by a relatively small amount due to the increase in the groundwater abstraction rate. These changes are not considered to be significant as:

- the change in the extent of the groundwater drawdown cone due to the proposed increase in groundwater abstraction rate is relatively minor given the inferred extent of the Yarraloola Conglomerate aquifer; and
- the impacts on stygofauna habitat and stygofauna species are unlikely to be large in view of the extensive stygofauna habitat present within the Yarraloola Conglomerate aquifer and the relatively small change in the extent of the groundwater drawdown cone within the aquifer, noting that the potential impacts will be assessed during the PER process.

c) Alternative method for the disposal of saline effluent from the reverse osmosis plant

The proponent is proposing to employ in-pit disposal of saline effluent from the reverse osmosis plant at Warramboos rather than disposing of it into an evaporation pond. This change is not considered to be significant as it:

- removes the need to disturb an additional 60 ha within the Development Envelope to construct the evaporation pond; and
- eliminates a potential source of saline seepage into the underlying formation as in-pit disposal of saline effluent would result in the infiltration of water with a predicted chloride concentration of 1,700 milligrams per litre (mg/L) which is within the natural range for groundwater at Warramboos (i.e. between 48 mg/L and 3,170 mg/L), whereas the predicted chloride concentration of seepage from the evaporation pond is approximately 6,000 mg/L.

2. Stage of the assessment process

The ESD for the proposal was approved by the EPA on 18 May 2017. The proponent is currently preparing the draft PER document for the proposal.

3. Currency, relevance and reliability of the information, including submissions

EPA Services of the DWER considers that the currency, relevance and reliability of the information provided is satisfactory.

4. Community engagement

No public comments were received in relation to the proponent's referral documentation for the proposal during the 7-day public comment from 29 November 2016 to 5 December 2016. The draft ESD was subject to review from the following decision-making authorities prior to the proponent submitting their Section 43A application to the EPA;

- Department of Aboriginal Affairs;
- Department of Mines and Petroleum;

- Department of Environment Regulation;
- Department of Lands;
- Department of Parks and Wildlife;
- Department of State Development;
- Department of Water; and
- Main Roads WA.

The draft PER document will be amended to include all of the proposed changes to the proposal described in the proponent's original Section 43A application and the subsequent amended version prior to being released for a 2-week public review period. EPA Services of the DWER considers that this constitutes an adequate level of community engagement.

5. Level of public concern

As indicated above, no public comments were received in relation to the proponent's referral documentation for the proposal during the 7-day public comment from 29 November 2016 to 5 December 2016. The EPA will determine the level of public concern regarding the changes to the proposal once the public review period for the PER document has been completed.

Consideration of whether the changes are unlikely to significantly increase any impact that the proposal may have on the environment

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

The EPA's determination on the level of assessment for the original proposal dated 16 February 2017 identified the following preliminary key environmental factors:

- Flora and Vegetation;
- Subterranean Fauna;
- Terrestrial Fauna;
- Hydrological Processes and Inland Waters Environmental Quality;
- Landforms; and
- Social Surroundings.

The proposed changes will not require additional factors to be considered as preliminary key environmental factors for the purposes of preparing the draft PER document.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The area of native vegetation that will be cleared will increase by 500 ha (i.e. 20%). However, none of the vegetation units that will be subject to additional clearing are considered to be of high local or regional significance and no Priority flora species will be impacted.

The change in the extent of groundwater drawdown cone due to the proposed increase in groundwater abstraction rate is relatively small given the inferred extent of the Yarraloola Conglomerate aquifer, and as a result, any impacts on stygofauna habitat and stygofauna species are unlikely to be significant.

The in-pit disposal of saline effluent from the reverse osmosis plant instead of disposing of it into an evaporation pond will remove the need to disturb an additional 60 ha within the Development Envelope to construct the evaporation pond. It will also eliminate a potential source of saline seepage into the underlying formation.

EPA Services of the DWER considers that the proposed changes to the proposal are unlikely to affect the significance and duration of the potential impacts on the environment in the context of the entire proposal.

c) Consequence of the likely impacts (or change)

The consequences of the likely impacts of implementing the changes to the proposal will be larger than the original proposal given that the total area of vegetation that will be cleared, and the extent of the drawdown cone, will increase, and will be assessed during the PER process.

d) Resilience of the environment to cope with the impacts or change

EPA Services of the DWER considers that the resilience of the environment to cope with the impacts from the changed proposal remains unchanged from that of the original proposal, should it be implemented.

e) Cumulative impacts with other projects

Cumulative impacts will be considered in the EPA's assessment of the changed proposal.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The impact to the environmental functions and values of the proposal area is likely to increase as a result of the changed proposal being implemented given that the area of native vegetation that will be cleared and the extent of groundwater drawdown due to dewatering will increase. A holistic assessment of the changed proposal will be undertaken during the EPA's assessment of the proposal.

g) Level of confidence in the prediction of impacts and the success of proposed mitigation

There is no change to the level of confidence in the prediction of impacts and the success of the proposed mitigation.

- h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

No comments were received during the 7-day public comment period following the referral of the proposal to the EPA.

Figure 1: Development Envelopes and conceptual footprints for the referred proposal and the changed proposal

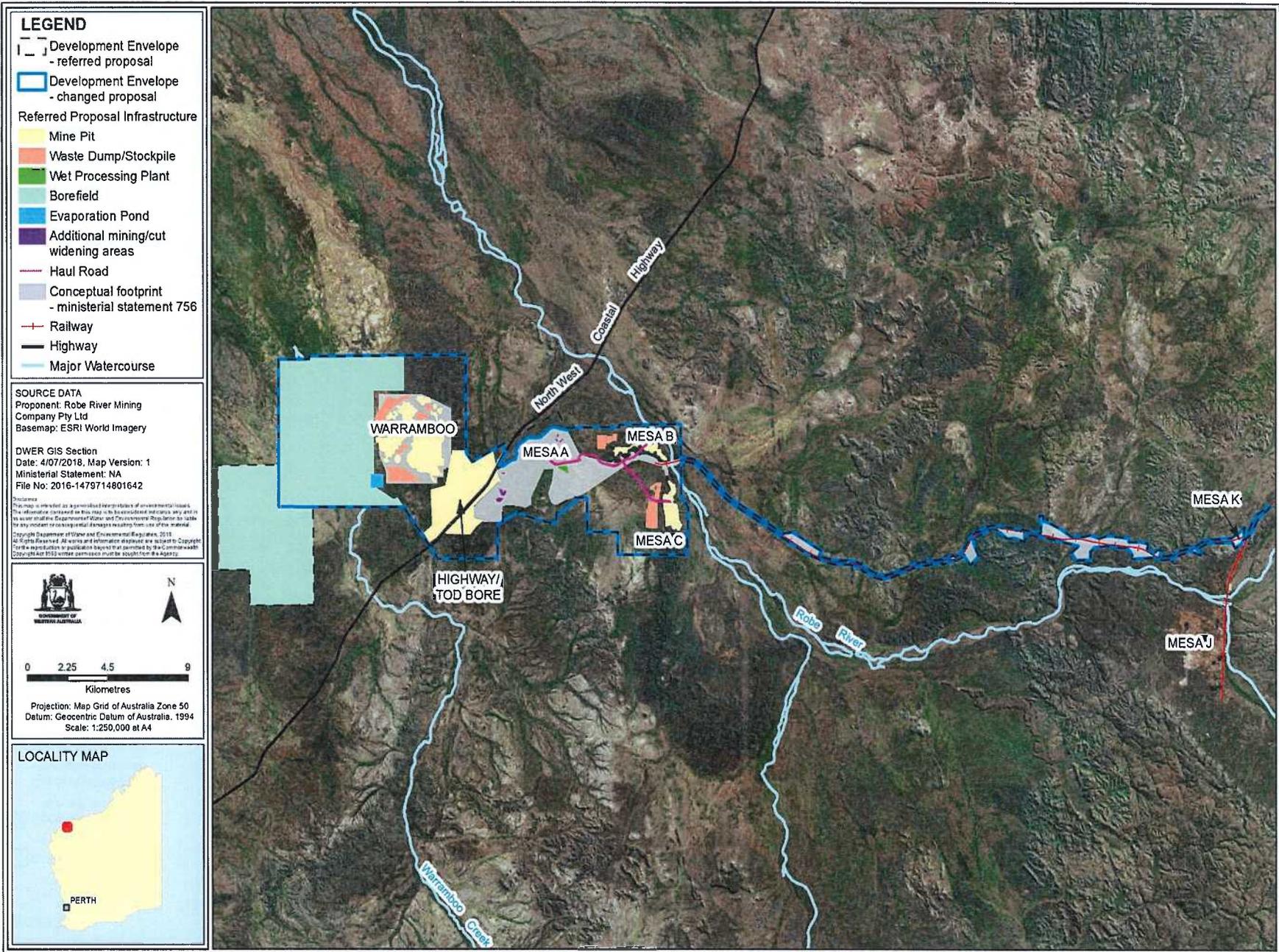
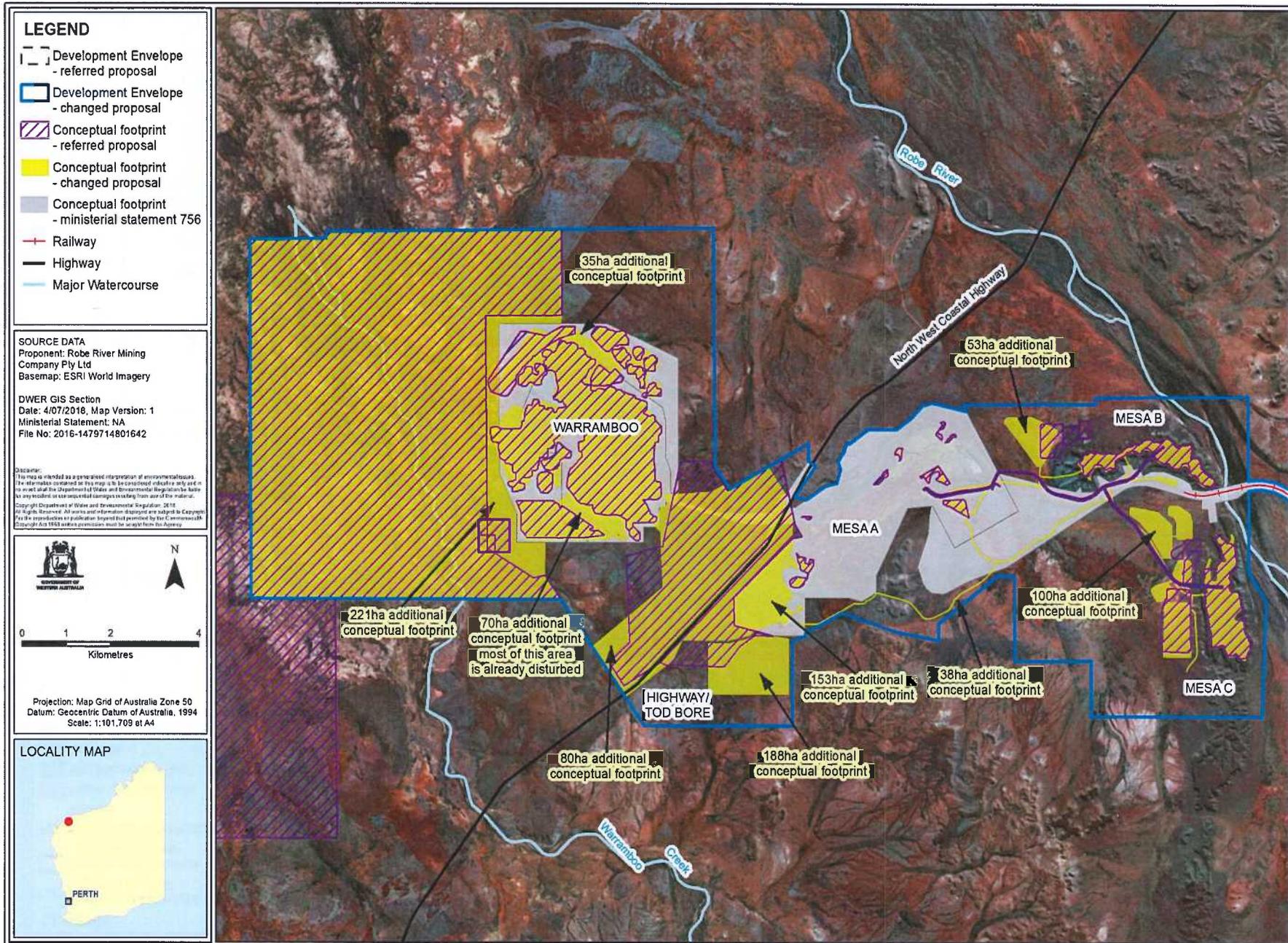


Figure 2: Additional areas of vegetation to be cleared for the changed proposal



Schedule 1

Change to Proposal

Table 1: Location and proposed extent of physical and operational elements

Element	Location	Proposed extent original proposal	Proposed extent changed proposal
<i>Physical elements</i>			
Mine and associated infrastructure	Figures 1 & 2	Clearing of no more than 2,500 ha of vegetation within a Development Envelope of 20,184 ha.	Clearing of no more than 3,000 ha of vegetation within a Development Envelope of 16,834 ha.
<i>Operational elements</i>			
Dewatering	Figures 1 & 2	Up to 5 GL/annum at Warrambo ¹ .	Groundwater abstraction of up to 15 GL/annum for dewatering at Warrambo and water supply from the borefield at Warrambo ² .
Water supply	Figures 1 & 2	Up to 11 GL/annum from the borefield at Warrambo and/or Jimmawurrada ¹ .	

1 The selection of Warrambo as the borefield location for the original proposal together with the partial alignment of the timing of dewatering at Warrambo and wet processing allows for integrated water management. When dewatering occurs concurrently with wet processing, water from dewatering activities will meet part of the wet processing water supply demand. Therefore, the proposed dewatering and water supply extents for the original proposal are not additive.

2 Changes to the proposed mine plan require a higher dewatering rate for a short length of time. Hence, the increase in abstraction from 11 GL/annum to 15 GL/annum for the changed proposal. When dewatering occurs concurrently with wet processing, water from dewatering activities will meet part of the wet processing water supply demand.