

STATUS OF 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: 28 October 2010

Statement No: 843

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

KOOLYANOBING IRON ORE PROJECT – MT JACKSON J1 DEPOSIT

Proposal: The proposal is to develop and operate the Koolyanobbing Iron Ore Project-Mt Jackson J1 Deposit open pit iron ore mine and associated infrastructure on leases M77/993, M77/994, M77/1248, M77/1249 and haulage road on Lease L77/216 in the Shire of Yilgarn.

The proposal is further documented in Schedule 1 of this statement.

Proponent: Cliffs Asia Pacific Iron Ore Pty Ltd

Proponent Address: Level 12, The Quadrant, 1 William Street, PERTH WA 6000

Assessment Number: 1753

Appeal Determination: Appeals 14 and 15 of 2010

Report of the Environmental Protection Authority: Report 1347

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as documented and described in Schedule 1 of this statement subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority (CEO) of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five 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 6 months prior to the first compliance report required by Condition 4-6. 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. reporting of potential non-compliances and corrective actions taken;
 5. the table of contents of compliance reports; and
 6. public availability of compliance 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 non-compliance being known.
- 4-6 The proponent shall submit an annual compliance report to the CEO by 30 April each year for the preceding period of 1 January to 31 December. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director'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 Performance Review and Reporting

- 5-1 The proponent shall submit to the CEO a Performance Review Report on 30 April of the first, second, fourth, sixth, eighth and tenth years after the start of implementation which addresses:
1. the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts;
 2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
 3. significant improvements gained in environmental management which could be applied to this and other similar projects.
- 5-2 The proponent shall make the Performance Review Reports required by Condition 5-1 publicly available in a manner approved by the CEO.

6 Biodiversity Areas, Priority Flora and Conservation Significant Vegetation Community

- 6-1 Prior to ground disturbing activities the proponent shall ensure the area of works is delineated by coordinates and subsequently marked out, ensuring that:
1. no clearing occurs in the Biodiversity Areas as delineated in Schedules 1 and 2 and Figure 6;

2. direct impact on the following flora species and vegetation community is limited to:
 - (a) 10.7 hectares of the vegetation community *Eucalyptus ebbanoensis* Woodland over Heath with *Calytrix* sp. Paynes Find (vegetation community EeWH1) within the Mt Jackson J1 Deposit project area as delineated on Figures 3 and 4; and
 - (b) two individual plants of *Spartothamnella* sp. Helena and Aurora Range within the Mt Jackson J1 West Mine Pit (see Figure 5).
3. the haul road is aligned to minimise disturbance to, or loss of, the individual plants of *Spartothamnella* sp. Helena and Aurora Range within Lease L77/216 (as shown in Figure 5), to be agreed with the Department of Environment and Conservation prior to clearing.

6-2 The proponent shall:

1. restrict access into Biodiversity Areas as delineated in Schedules 1 and 2 and Figure 6, to authorised personnel only. Authorised personnel are defined as those personnel nominated by the proponent to perform specific tasks, such as seed collection and monitoring; and
2. minimise inadvertent access by mine personnel into areas within Lease L77/216 that support the vegetation community EeWH1 and priority flora *Spartothamnella* sp. Helena and Aurora Range, remaining after agreed clearing for the haul road.

6-3 Subject to Conditions 6-5 and 6-6 the proponent shall ensure that mining and mining related activities of this proposal:

1. shall not cause the loss of, or significant adverse impacts to, conservation significant flora species and vegetation communities within the Biodiversity Areas, as delineated in Schedules 1 and 2 and Figures 3 and 5; and
2. avoid areas of vegetation community EeWH1 and individual plants of *Spartothamnella* sp. Helena & Aurora Range, which remain after agreed clearing for the haul road within Lease L77/216, as shown in Figures 4 and 5.

6-4 During the implementation of the proposal, the proponent shall implement the Koolyanobbing Iron Ore Project Weed Management Plan (April 2009) or subsequent revisions, and the results of the monitoring shall be reported to the CEO as part of annual compliance reporting required by Condition 4-6.

6-5 For the purpose of meeting the requirements of Condition 6-6, the proponent shall monitor indirect impacts from activities undertaken in implementing the proposal, including dust and drainage/change in surface water flows, on the condition of conservation significant vegetation communities and flora species within the Biodiversity Areas as delineated in Schedules 1 and 2 and Figure 6. This monitoring

is to be carried out with the approval of the CEO on advice of the Department of Environment and Conservation.

- 6-6 In the event that the monitoring required by Conditions 6-4 and 6-5 indicates a decline in the condition of conservation significant flora species or conservation significant vegetation communities within the Biodiversity Areas delineated in Schedules 1 and 2 and Figure 6, the proponent shall:
1. report such findings to the CEO within 21 days of the decline being identified;
 2. provide to the CEO the results of an investigation into the findings and the potential cause of the decline;
 3. if the decline is determined by the CEO to be significant and a result of activities undertaken in implementing the proposal, the proponent shall submit actions to be taken to remediate the decline to the CEO within 21 days of the determination made by the CEO; and
 4. the proponent shall implement actions to remediate the decline upon approval of the CEO and shall continue until such time the CEO on the advice of the Department of Environment and Conservation determines that the remedial actions may cease.

7 Malleefowl

- 7-1 The proponent shall record and report the death or injury of Malleefowl *Leipoa ocellata* as a result of the implementation of this proposal to the Chief Executive Officer of the Department of Environment and Conservation within seven days of that death or injury being known.
- 7-2 The proponent shall ensure that the operation of the Mt Jackson J1 Deposit proposal does not adversely affect Malleefowl populations within the project area as identified in Schedule 1.
- 7-3 To verify that the requirements of Condition 7-2 are met the proponent shall:
1. undertake baseline monitoring of Malleefowl habitat and, active and inactive Malleefowl mounds, within the uncleared portion of the Mt Jackson J1 Deposit project area identified in Schedule 1, prior to ground disturbing activities; and
 2. monitor the numbers of active mounds and numbers of inactive mounds as identified in Condition 7-3(1).
- 7-4 In the event that monitoring required by Condition 7-3 indicates a decline in the health or abundance of the Malleefowl population within the Mt Jackson J1 Deposit project area:
1. the proponent shall report such findings to the CEO and the Department of Environment and Conservation within 21 days of the decline being identified;

2. provide to the CEO the results of an investigation into the findings and the potential cause of the decline;
3. if the decline is determined by the CEO to be significant and a result of activities undertaken in implementing the proposal, the proponent shall submit actions to be taken to remediate the decline to the CEO within 21 days of the determination made by the CEO; and
4. the proponent shall implement actions to remediate the decline of Malleefowl populations upon approval of the CEO and shall continue until such time the CEO on the advice of the Department of Environment and Conservation determines that the remedial actions may cease.

7-5 The proponent shall make reports of the monitoring required by Condition 7-3 publicly available in a manner approved by the CEO.

8 Rehabilitation

8-1 The proponent shall undertake rehabilitation to achieve the following outcomes:

1. The waste dump shall be non-polluting and shall be constructed so that their final shape, stability, surface drainage, resistance to erosion and ability to support local native vegetation are comparable to natural landforms within 100 km of the proposal.
2. Subject to the Final Closure and Decommissioning Plan with regard to the haul road and an internal access road (Condition 10-4(1)), the waste dump and other areas disturbed through implementation of the proposal (excluding mine pits, maximum area 114 hectares), shall be progressively rehabilitated with vegetation composed of native plant species of local provenance (as agreed by the CEO in consultation with the Department of Environment and Conservation and the Department of Mines and Petroleum).
3. The percentage cover of living vegetation in all rehabilitation areas shall be comparable to non-disturbed natural vegetation within 100 km of the proposal.
4. For rehabilitation areas where a similar geological profile to the pre-mining condition can be re-established, such as areas cleared for infrastructure, the species diversity and abundance shall be comparable with reference sites representative of the pre-disturbance condition of those areas, to be chosen in consultation with the Department of Environment and Conservation prior to ground disturbing activities.
5. To improve the likelihood of rehabilitation success for the flora species *Bossiaea* sp. Jackson Range, *Spartothamnella* sp. Helena and Aurora Range and *Calytrix* sp. Paynes Find the proponent shall:
 - (a) within 12 months after commencing proposal implementation, submit a proposed scope of work for a rehabilitation investigation, including seed

germination trials, seedling trials, and propagation trials, to the approval of the CEO on advice of the Department of Environment and Conservation;

- (b) undertake the rehabilitation investigation as determined under Condition 8-1(5)(a) during the Mt Jackson J1 Deposit mine operations; and
 - (c) report the findings of the rehabilitation investigation to the CEO as part of annual compliance reporting required by Condition 4-6.
6. Any new species of weeds (including both declared weeds and environmental weeds) introduced into the proposal area as a result of the implementation of the proposal shall be managed to the approval of the Department of Environment and Conservation.
7. The coverage of weeds (including both declared weeds and environmental weeds) within the rehabilitation areas shall be no greater than the average of three suitable reference sites on nearby land, with the reference sites to be chosen in consultation with the Department of Environment and Conservation.
- 8-2 Rehabilitation activities shall continue until such a time as the requirements of Condition 8-1 and are demonstrated by inspections and reports to be met, for a minimum of five years to the satisfaction of the CEO on advice of the Department of Environment and Conservation and the Department of Mines and Petroleum.

9 Conceptual Closure Strategy

- 9-1 Within 12 months after commencing proposal implementation, the proponent shall submit a detailed and project-specific Conceptual Closure Strategy to the requirements of the CEO on advice of the Department of Environment and Conservation and the Department of Mines and Petroleum.
- 9-2 The Conceptual Closure Strategy shall include:
- 1. a detailed risk assessment to identify any acidity and metal contamination hazards associated with mining related activities in the area of the proposal;
 - 2. details of a monitoring program to ensure that materials with potential to cause acid and/or metalliferous drainage are identified prior to excavation; and
 - 3. actions to be taken in the event that materials with the potential to cause acid and/or metalliferous drainage are identified through the monitoring program required by Condition 9-2(2).
- 9-3 The Conceptual Closure Strategy shall provide detailed technical information on proposed management measures to prevent pollution, environmental harm or human health impacts during implementation of the proposal and after mine completion and closure.

- 9-4 The Conceptual Closure Strategy shall include maps and diagrams showing the proposed placement, dimensions, design and proposed methods of construction and closure of waste disposal facilities and mine pits.
- 9-5 The Conceptual Closure Strategy shall demonstrate that the waste dump can be located, designed and constructed to ensure that it is non-polluting and so that the final shape, height, stability, surface drainage, resistance to erosion and ability to support native vegetation are comparable to natural landforms in the area.
- 9-6 The Conceptual Closure Strategy shall include specific practicable procedures to ensure the protection of the environment in the event of unplanned or temporary mine closure.
- 9-7 The proponent shall implement the proposal consistent with the Conceptual Closure Strategy referred to in Conditions 9-1 to 9-6.

10 Final Closure and Decommissioning Plan

- 10-1 At least two years prior to mine completion, the proponent shall prepare and submit a Final Closure and Decommissioning Plan to the requirements of the CEO on advice of the Department of Environment and Conservation and the Department of Mines and Petroleum.
- 10-2 The Final Closure and Decommissioning Plan shall be prepared consistent with:
1. ANZMEC/MCA 2000, Strategic Framework for Mine Closure Planning; and
 2. Department of Industry Tourism and Resources 2006 Mine Closure and Completion (Leading Practice Sustainable Development Program for the Mining Industry), Commonwealth Government, Canberra.
- 10-3 The Final Closure and Decommissioning Plan shall provide detailed technical information on the following:
1. final closure of all areas disturbed through implementation of the proposal so that they are safe, stable and non-polluting;
 2. decommissioning of all plant and equipment;
 3. disposal of waste materials;
 4. final rehabilitation of the waste dump facilities and other areas (outside the mine pits);
 5. management and monitoring following mine completion; and
 6. inventory of all contaminated sites and proposed management.
- 10-4 The Final Closure and Decommissioning Plan shall also include the following proposal specific requirements:

1. retention, closure or rehabilitation of the haul road and an internal access road to the approval of the Department of Environment and Conservation;
2. details of a monitoring program to be carried out to inform final closure procedures for the pit void such that the standing water body does not cause environmental harm by:
 - (a) attracting native fauna which may be subsequently harmed; or
 - (b) attracting fauna which may harm native fauna populations and/or surrounding native vegetation.
3. management actions to be undertaken based on the findings under Condition 10-4(2).

10-5 The proponent shall close, decommission and rehabilitate the proposal consistent with the approved Final Closure and Decommissioning Plan.

10-6 The proponent shall make the Final Closure and Decommissioning Plan required by Conditions 10-1 to 10-4 publicly available in a manner acceptable to the CEO.

Notes

1. Where a condition states “on advice of the Department of Environment and Conservation”, the Department of Environment and Conservation will provide that advice to Office of the Environmental Protection Authority for the preparation of written notice to the proponent.
2. The Office of the Environmental Protection Authority may seek advice from other agencies or organisations, as required.
3. The Minister for Environment will determine any dispute between the proponent and the Office of the Environmental Protection Authority over the fulfilment of the requirements of the conditions.
4. The proponent is required to apply for a Works Approval and Licence for this project under the provisions of Part V of the *Environmental Protection Act 1986*. The proponent should consult with the Department of Environment and Conservation in order to clarify requirements under Part V of the *Environmental Protection Act 1986*.
5. Any proposed changes to the boundaries of the Biodiversity Areas will be considered in accordance with section 45C of the *Environmental Protection Act 1986*.

[signed 28 October 2010]

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

The Proposal (Assessment No. 1753)

The proposal is to develop and operate the Koolyanobbing Iron Ore Project - Mt Jackson J1 Deposit open pit iron ore mine and associated infrastructure on leases M77/993, M77/994, M77/1248, M77/1249 and haulage road on Lease L77/216 in the Shire of Yilgarn.

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in Section 1.4 of the Public Environmental Review document, *Koolyanobbing Iron Ore Project: Mt Jackson J1 Deposit – Revision H*, prepared by Globe Environments (July, 2009).

Table 1 Summary of Key Proposal Characteristics

Element	Description	
General		
Project life	10 years (approximately).	
Location	See Figure 2: M77/993, M77/994, M77/1248, M77/1249 and L77/216.	
Project area	1052.5 ha of which 212 ha have been designated as 'Biodiversity Areas'.	
Vegetation clearing	Clearing up to 605 ha comprising: <ul style="list-style-type: none"> • mine pits – 114 ha; • overburden landform – 211 ha; • operational areas – 225 ha; • haul road – 44 ha; and • gravel pit – 11 ha. 	
Mining Operation		
Mining method	Open cut	
Mine pits:	J1 West Pit	J1 East Pit
Nominal depth	342 m AHD	417 m AHD
Depth below groundwater table	75 m below groundwater table.	Above groundwater table.
Dewatering rate	<ul style="list-style-type: none"> • Years 1 to 5: approximately 0.945 Gigalitres per annum; • Years 6 to 8: approximately 0.465 Gigalitres per annum; and • Years 9 +: approximately 0.24 Gigalitres per annum. 	No dewatering.

Table 1 Summary of Key Proposal Characteristics (cont'd)

Element	Description
Mining Operation (cont'd)	
Overburden landform	Area: 211 ha (approximately) Height: 520 m AHD (approximately)
Haul road	44 ha within Lease L77/216. Approximately 11 km long and 40 m wide.

Abbreviations

m – metres	Mt – Million tonnes
km – kilometres	AHD – Australian Height Datum
ha –hectares	GL/a - Gigalitres per annum

Figures (attached)

- Figure 1 Regional Overview - Koolyanobbing Iron Ore Project
- Figure 2 Mt Jackson J1 Project Area
- Figure 3 Pit Area - Vegetation Community *Eucalyptus ebbanoensis* Woodland over Heath with *Calytrix* sp. Paynes Find
- Figure 4 Haul Road - Vegetation Community *Eucalyptus ebbanoensis* Woodland over Heath with *Calytrix* sp. Paynes Find
- Figure 5 Priority Flora
- Figure 6 Biodiversity Areas

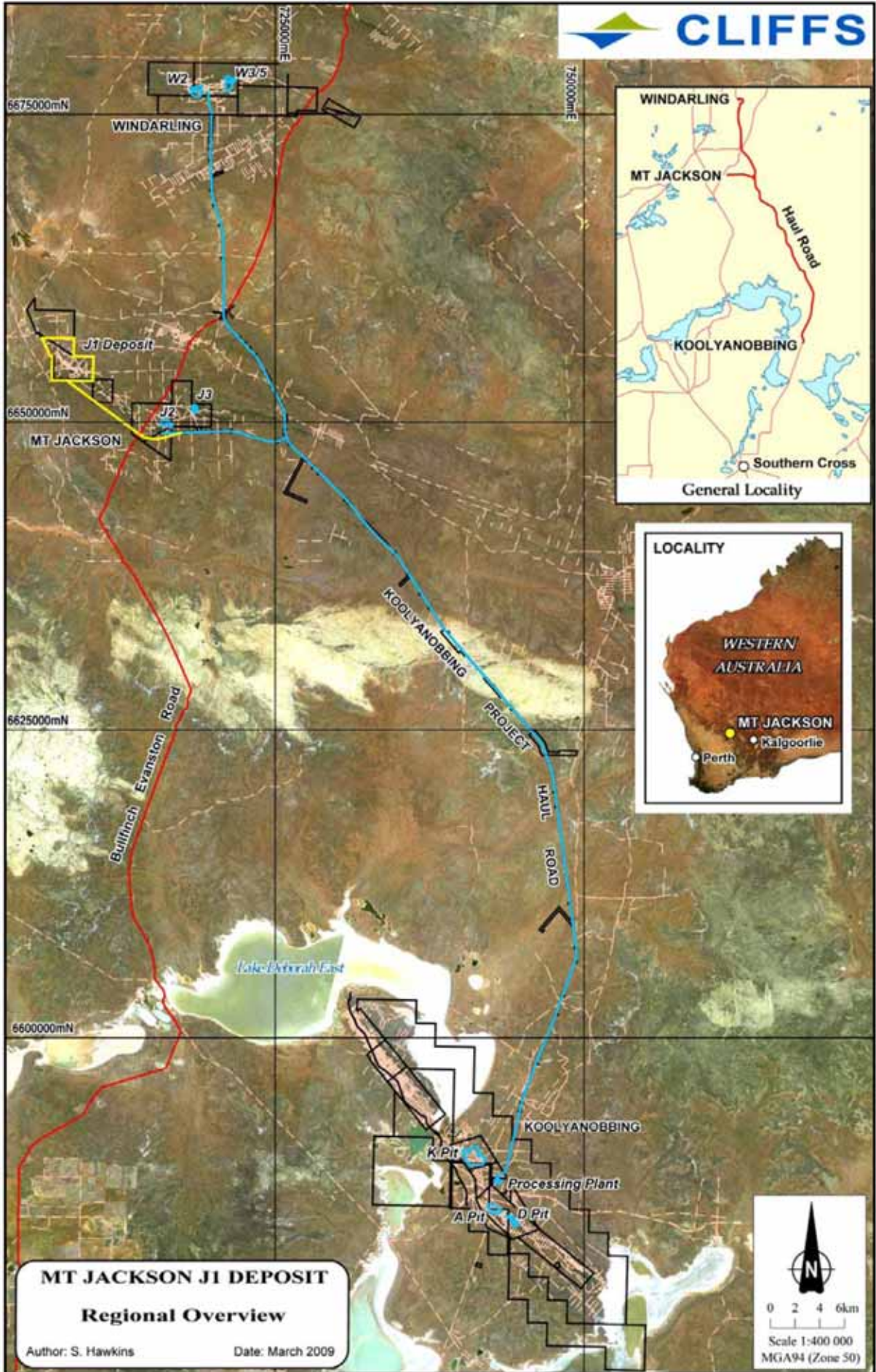


Figure 1: Regional Overview - Koolyanobbing Iron Ore Project

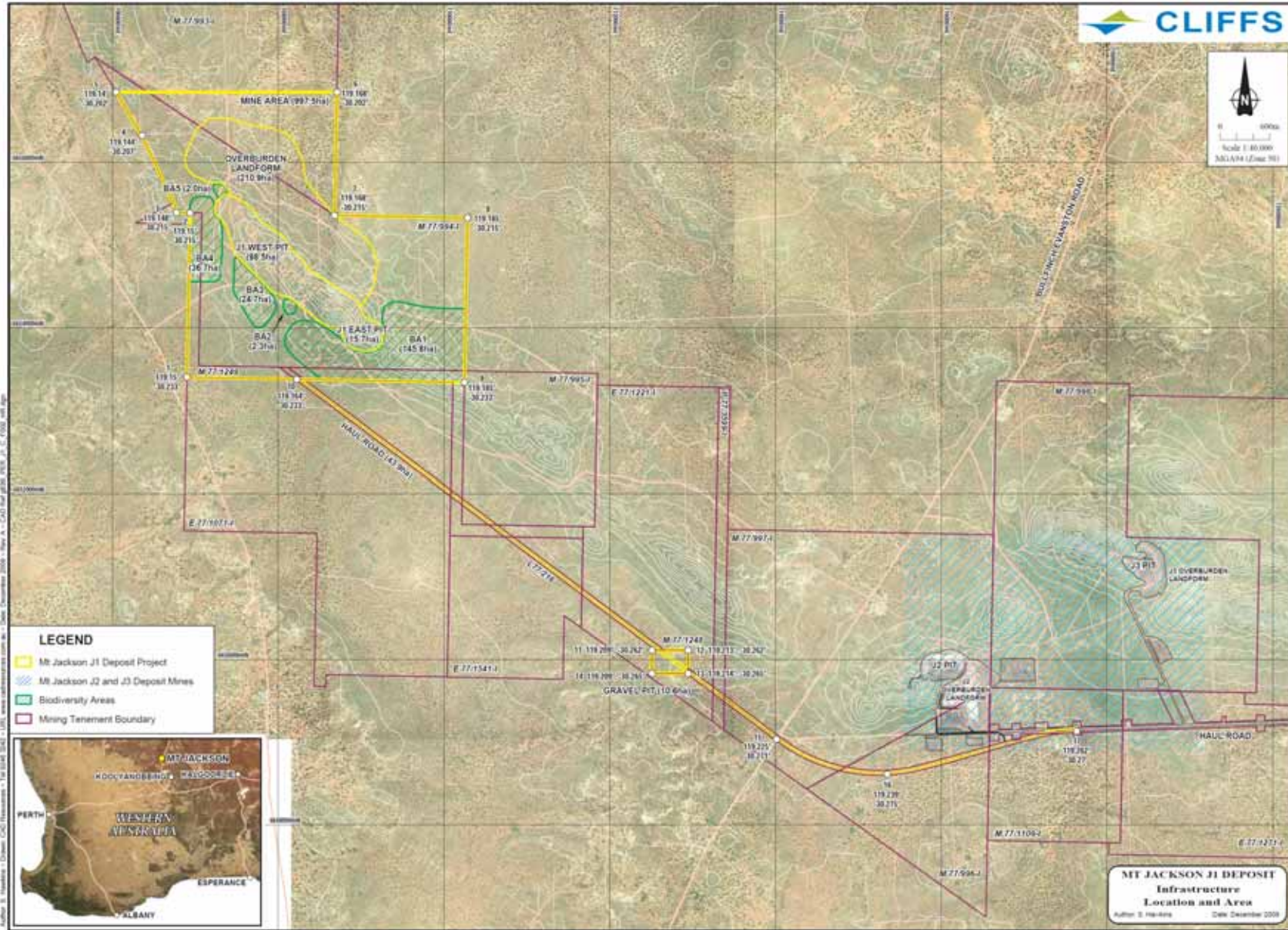


Figure 2: Mt Jackson J1 Project Area

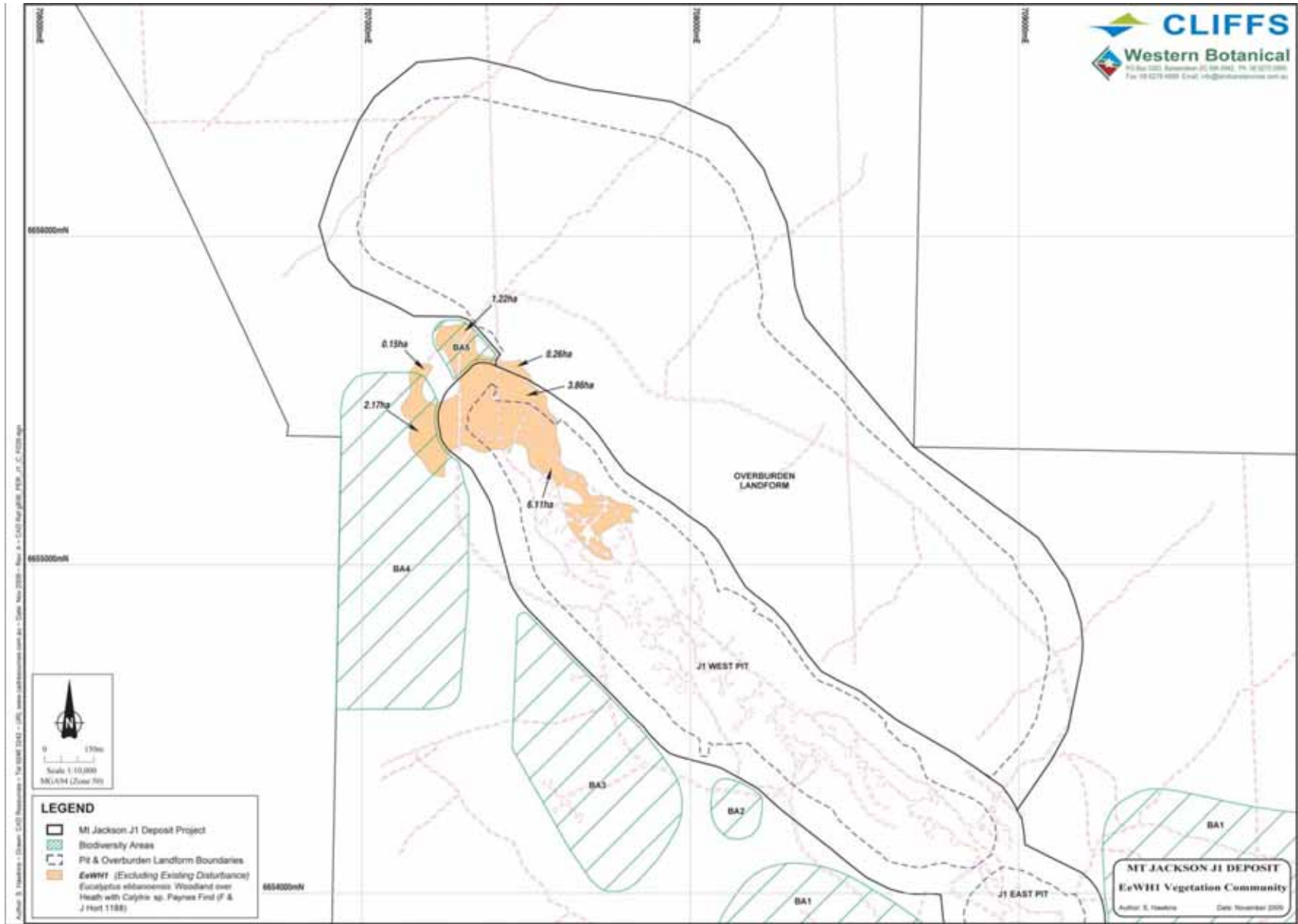


Figure 3: Pit Area - Vegetation Community *Eucalyptus ebbanoensis* Woodland over Heath with *Calytrix* sp. Paynes Find

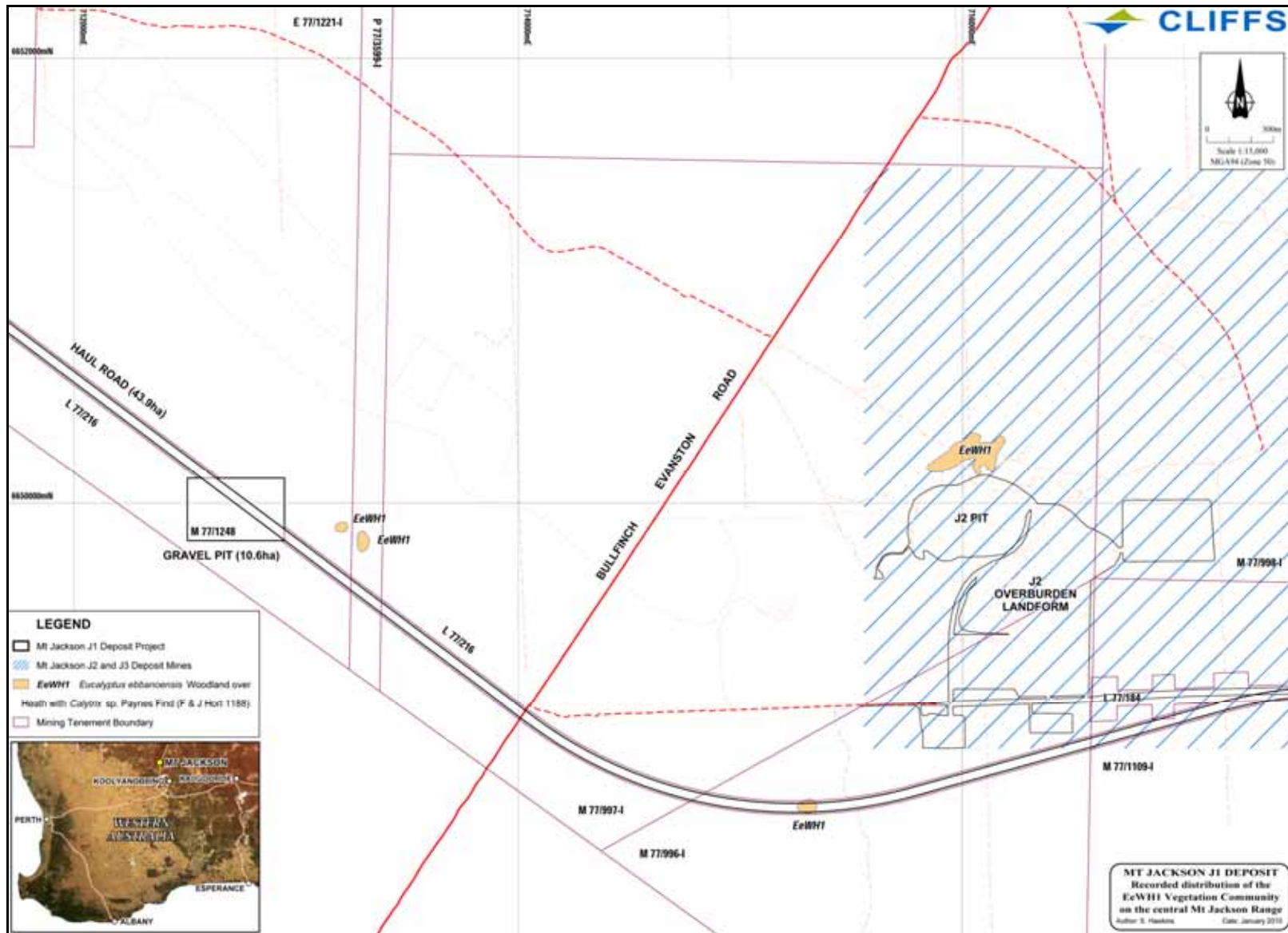


Figure 4: Haul Road – Vegetation Community *Eucalyptus ebbanoensis* Woodland over Heath with *Calytrix* sp. Paynes Find

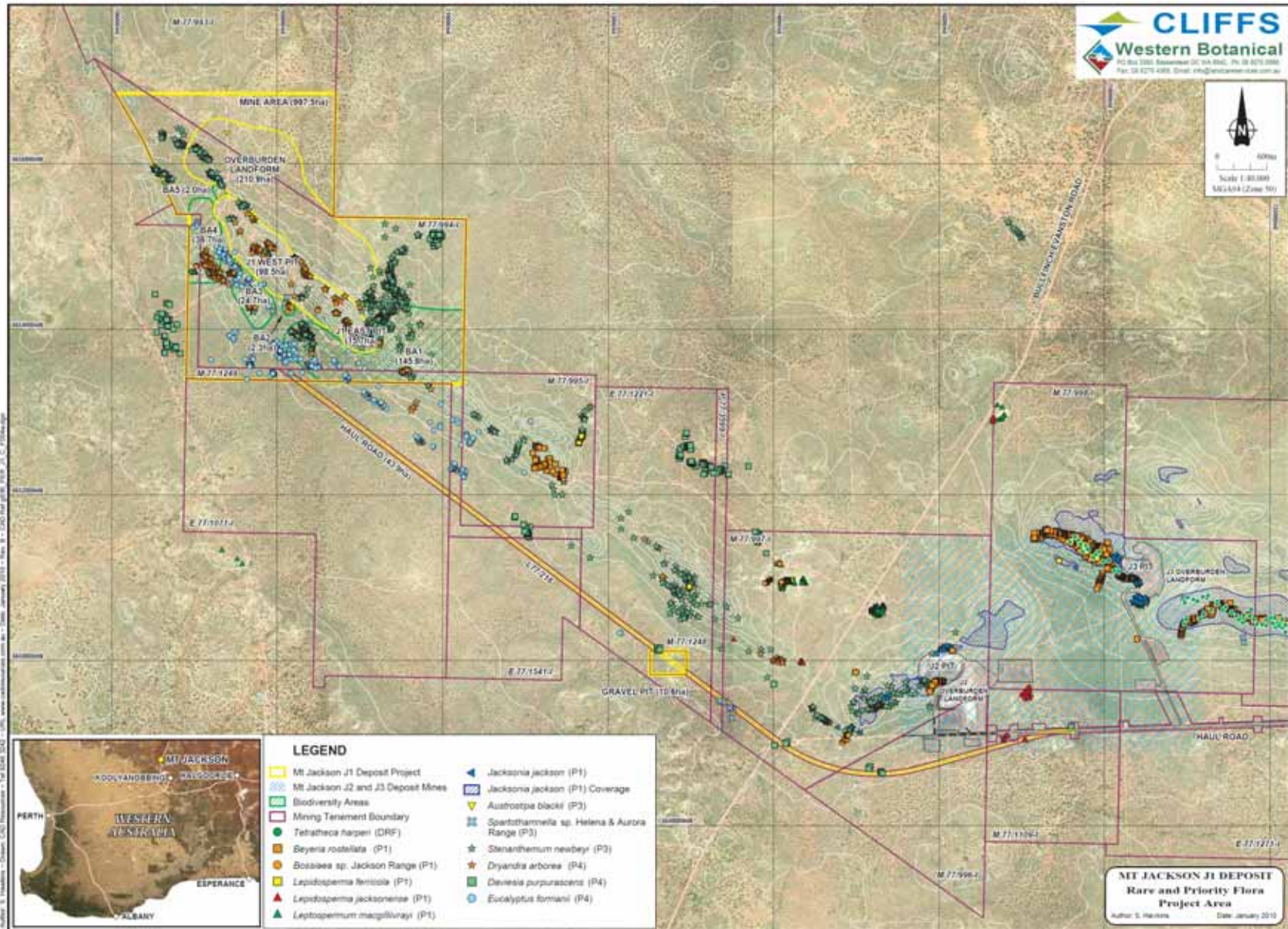


Figure 5: Priority Flora

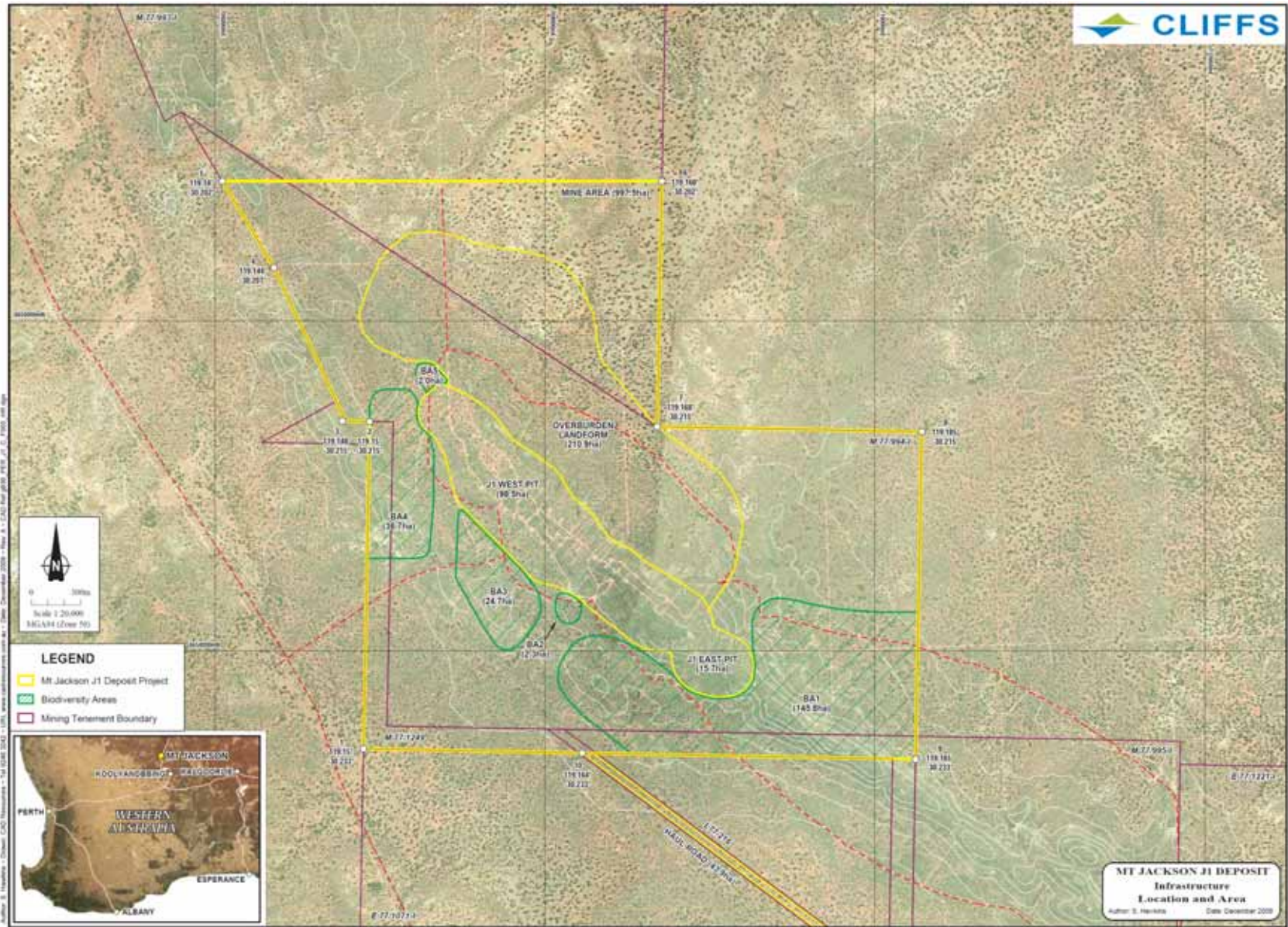


Figure 6: Biodiversity Areas

Schedule 2

Co-ordinates that define the Biodiversity Areas (Table 1 in Schedule 1)

EPA Data Reference: J1_Biodiversity_Areas_20091202_region