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Published on: 17 March 2020

Statement No. 1127

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL
(Section 46 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 kilometres west-northwest of Paraburdoo, Western Australia, a 20 kilometre long gas pipeline corridor, and a 150 kilometre 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 14
225 St Georges Terrace
PERTH WA 6000

Report of the Environmental Protection Authority: 1666

Preceding Statement Relating to this Proposal: 944

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 944, be changed as specified in this Statement.

Condition 3 of Ministerial Statement 944 is deleted and replaced with:

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after 21 August 2023, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 21 August 2023, must be demonstrated as substantial by providing the CEO with written evidence, on or before 21 August 2023.

Condition 9 of Ministerial Statement 944 is deleted and replaced with:

9 Offsets

- 9-1 In view of significant residual impacts and risks as a result of implementation of the proposal, the proponent shall contribute funds to the **Pilbara Environmental Offset Fund** calculated pursuant to condition 9-2.
- 9-2 The proponent's contribution to the **Pilbara Environmental Offset Fund** shall be paid biennially, with the amount to be contributed calculated based on the clearing undertaken in each year of the biennial reporting period in accordance with the rates in condition 9-3. The first biennial reporting period shall commence from ground disturbing activities of the environmental values identified in condition 9-3.
- 9-3 Calculated on the 2018–2019 financial year, the contribution rates are:
- (1) \$816 AUD (excluding GST) per hectare of 'Good' to 'Excellent' condition native vegetation cleared within the mine area development envelope within the Hamersley **IBRA** subregion (delineated in Figure 1 in Schedule 1 of Ministerial Statement 944); and
 - (2) \$816 AUD (excluding GST) per hectare of 'Good' to 'Excellent' condition native vegetation cleared for "railway and related infrastructure" within the rail corridor and gas pipeline development envelope within the Hamersley **IBRA** subregion (delineated in Figure 2 in Schedule 1 of Ministerial Statement 944).
- 9-4 From the commencement of the 2018–2019 financial year, the rates in condition 9-3 will be adjusted annually each subsequent financial year in accordance with the percentage change in the **CPI** applicable to that financial year.
- 9-5 Prior to ground disturbing activities, the proponent shall prepare and submit an Impact Reconciliation Procedure to the CEO.
- 9-6 The Impact Reconciliation Procedure required pursuant to condition 9-5 shall:
- (1) state that clearing calculation for the first biennial reporting period will commence from ground disturbing activities in accordance with condition 9-2 and end on the second 30 June following commencement of ground disturbing activities;
 - (2) state that clearing calculations for each subsequent biennial reporting period will commence on 1 July of the required reporting period, unless otherwise agreed by the CEO;

- (3) include a methodology to calculate the amount of clearing undertaken during each year of the biennial reporting period for each of the environmental values identified in condition 9-3;
 - (4) indicate the timing and content of the Impact Reconciliation Reports; and
 - (5) be prepared in accordance with *Instructions on how to prepare Environmental Protection Act 1986 Part IV Impact Reconciliation Procedures and Impact Reconciliation Reports* (or any subsequent revisions).
- 9-7 The proponent shall not commence ground disturbing activities for the proposal, unless otherwise agreed by the CEO, until the CEO has confirmed in writing that the Impact Reconciliation Procedure satisfies the requirements of condition 9-6.
- 9-8 The proponent shall submit an Impact Reconciliation Report in accordance with the Impact Reconciliation Procedure approved in condition 9-7.
- 9-9 The Impact Reconciliation Report required pursuant to condition 9-8 shall provide the location and spatial extent of the clearing undertaken within the development envelopes during each year of each biennial reporting period.

The following definitions apply to condition 9

| Acronym, Abbreviation or Term | Definition or Term |
|-----------------------------------|---|
| CPI | The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics. |
| IBRA | Interim Biogeographic Regionalisation for Australia |
| Pilbara Environmental Offset Fund | The special purpose account called the Pilbara Environmental Offsets Fund Account that has been created pursuant to section 16(1)(d) of the <i>Financial Management Act 2006</i> by the Department of Water and Environmental Regulation. |

[signed on 17 March 2020]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT