

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: 2 October 2012

Statement No. 909

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

YILGARN OPERATIONS WINDARLING RANGE W4 EAST DEPOSIT

Proposal: The proposal is to construct and operate an open cut iron ore mine and haul road at the Windarling Range W4 East Deposit, located approximately 130 kilometres north of Southern Cross.

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 St,
PERTH WA 6000

Assessment Number: 1872

Report of the Environmental Protection Authority: 1438

The proposal referred to in Report 1438 of the Environmental Protection Authority may be implemented. The terms and phrases used in the implementation conditions and procedures of this statement are defined in Schedule 3. 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 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.

Attachment 1 to Ministerial Statement 909

Change to proposal under s45C of the *Environmental Protection Act 1986*

This Attachment replaces Schedule 1 in Ministerial Statement 909

Proposal: Yilgarn Operations Windarling Range W4 East Deposit,
Shire of Yilgarn

Proponent: Cliffs Asia Pacific Iron Ore Pty Limited

Change: Extension to the area of the W4 East Deposit Haul Road and revision of proposal description.

The proposal is to construct and operate:

- An open cut, above the water table iron ore mine pit at Windarling Range W4 East Deposit, approximately 130 km north of Southern Cross; and
- A haul road to connect the mine pit to infrastructure located at the existing Windarling Range mining operations.

The location of the various project components is shown in Figure 1.

Waste rock from the W4 East Deposit will be disposed of to the Windarling Range W3/5 Deposit Waste Rock Landform, by backfilling of the Windarling Range W4 West Deposit Mine Pit following its mining, **and to the Windarling Range W4 West Deposit Waste Rock Landform (which includes the Windarling Range W4 West Deposit Mine Pit as a component)**. Both the Windarling Range W3/5 Deposit Waste Rock Landform and the Windarling Range W4 West Deposit Mine Pit were previously approved under Ministerial Statement 627. **Ministerial Statement 627 has been amended to include the Windarling Range W4 West Deposit Waste Rock Landform.**

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in section 1 of the document:

- Cliffs Asia Pacific Iron Ore Pty Ltd (2012). Yilgarn Operations Windarling Range W4 East Deposit – Environmental Impact Assessment (Assessment on Proponent Information). May 2012.

Table 1: Summary of Key Proposal Characteristics

Element – development/infrastructure	Location of Element	Previous Extent Authorised	Extent Authorised
1. Mine	Figure 1	Clearing of up to 27.5 ha of native vegetation for a mine pit, including impact to the Rare Flora species <i>Ricinocarpos brevis</i> , Priority 3 flora species <i>Austrostipa blackii</i> and Priority 4 flora species <i>Banksia arborea</i> , which occur within the area of the mine.	Clearing of up to 27.5 ha of native vegetation for a mine pit, including impact to the Rare Flora species <i>Ricinocarpos brevis</i> , Priority 3 flora species <i>Austrostipa blackii</i> and Priority 4 flora species <i>Banksia arborea</i> , which occur within the area of the mine.
2. Ancillary Infrastructure	Figure 1	Clearing of up to 0.5 ha of native vegetation for a haul road.	Clearing of up to 0.8 ha of native vegetation for a haul road.

Note: Text in **bold** in the Key Characteristics Table, indicates change/s to the proposal.

Abbreviations

ha Hectares

List of Figures:

Figure 1 - Windarling Range W4 East Deposit Proposal Area.

[Signed 20 November 2013]

Dr Paul Vogel

CHAIRMAN

Environmental Protection Authority
under delegated authority

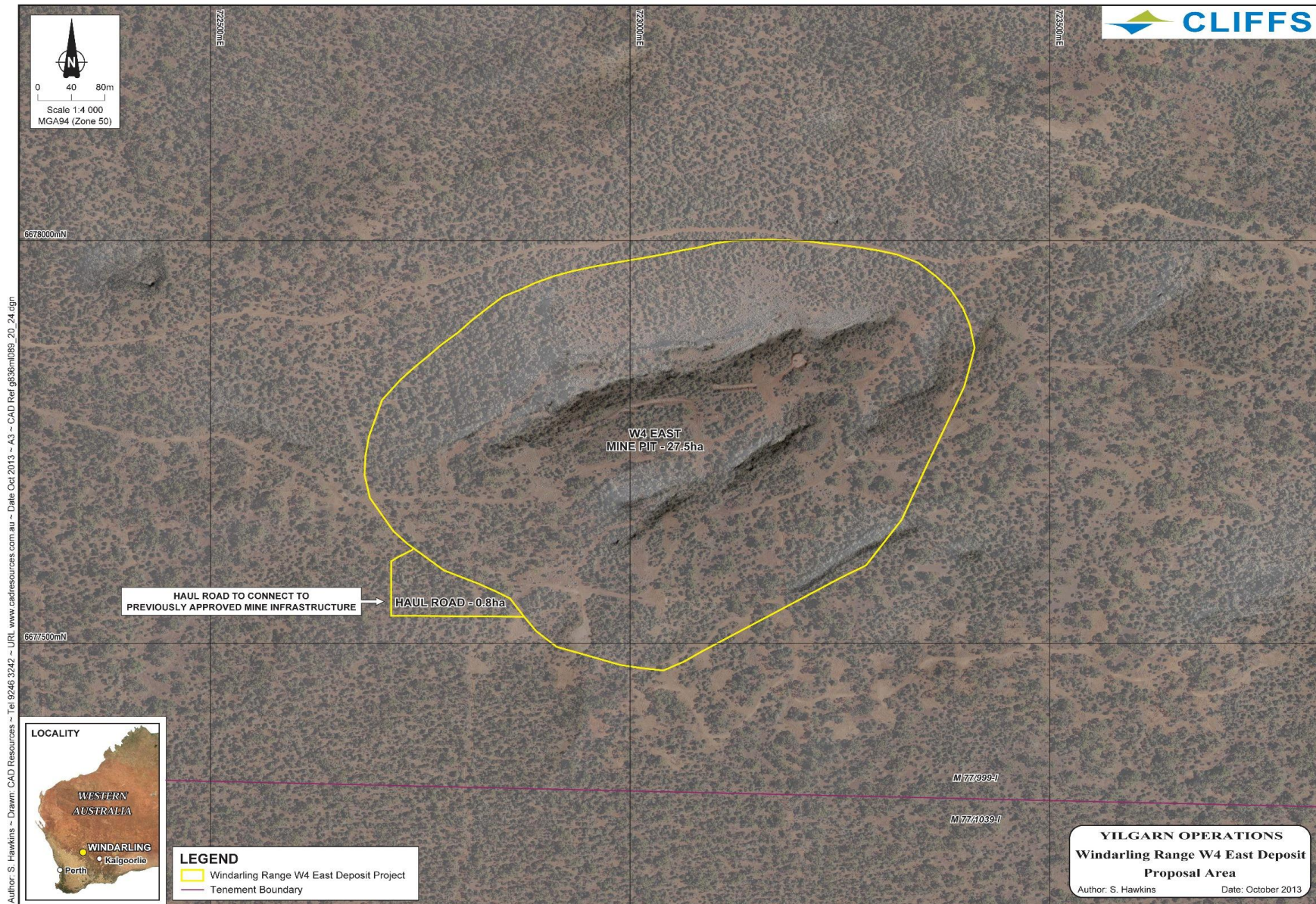


Figure 1: Windarling Range W4 East Deposit Proposal Area.

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 six months prior to the first compliance 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 non-compliance being known.
- 4-6 The proponent shall submit to the CEO an annual compliance assessment report by 30 April each year for the preceding calendar year.

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 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 Land Clearing Management Plan

6-1 The proponent shall implement the proposal in accordance with the "*Yilgarn Operations Land Clearing Management Plan*" (Cliffs Asia Pacific Iron Ore Pty Ltd, April 2011), or subsequent revisions required by, or made with the approval of, the CEO on the advice of the Department of Environment and Conservation (DEC).

7 Fauna Management Plan

7-1 The proponent shall implement the proposal in accordance with the "*Yilgarn Operations Land Clearing Management Plan*" (Cliffs Asia Pacific Iron Ore Pty Ltd, June 2011), or subsequent revisions required by, or made with the approval of, the CEO on the advice of the DEC.

8 Malleefowl Conservation Plan

- 8-1 The proponent shall implement the proposal in accordance with the “*Malleefowl Conservation Plan*” (Cliffs Asia Pacific Iron Ore Pty Ltd, October 2009), or subsequent revisions required by, or made with the approval of, the CEO on the advice of the DEC.

9 Death or Injury of Malleefowl

- 9-1 The proponent shall record and report the death or injury of any Malleefowl *Leipoa ocellata* as a result of the implementation of this proposal to the CEO within seven days of that death or injury being known.

10 Weed Management Plan

- 10-1 The proponent shall implement the proposal in accordance with the “*Yilgarn Operations Weed Management Plan*” (Cliffs Asia Pacific Iron Ore Pty Ltd, June 2011), or subsequent revisions required by, or made with the approval of, the CEO on the advice of the DEC.

11 Fire Management Plan

- 11-1 The proponent shall implement the proposal in accordance with the “*Yilgarn Operations Fire Management Plan*” (Cliffs Asia Pacific Iron Ore Pty Ltd, April 2011), or subsequent revisions required by, or made with the approval of, the CEO on the advice of the DEC.

12 Dust Management Plan

- 12-1 The proponent shall implement the proposal in accordance with the “*Yilgarn Operations Dust Management Plan*” (Cliffs Asia Pacific Iron Ore Pty Ltd, April 2011), or subsequent revisions required by, or made with the approval of, the CEO on the advice of the DEC.

13 Residual Impacts and Risk Management Measures

- 13-1 The proponent shall provide a minimum of \$640,000 over a five year period, for funding for Project A, as specified in Schedule 2, which aims to contribute scientific understanding of the long term recovery and protection of sustainable populations of *Ricinocarpus brevis* at Windarling Range. The research plan will be finalised by the proponent in consultation with the DEC and to the satisfaction of the CEO.
- 13-2 The proponent will develop and implement Project B, as specified in Schedule 2, with a minimum total expenditure of \$40,000, to translocate individuals of *Ricinocarpus brevis* which will be removed in implementing this proposal. The translocation plan will be developed by the proponent in consultation with the DEC and to the satisfaction of the CEO.

14 Mine Closure and Rehabilitation

- 14-1 The proponent shall prepare and implement a Mine Closure Plan which includes the W4 East Deposit proposal to the satisfaction of the CEO on the advice of the DEC and the Department of Mines and Petroleum (DMP).
- 14-2 The mine closure plan referred to in condition 14-1 shall be prepared in accordance with the EPA/DMP Guidelines for Preparing Mine Closure Plans June 2011 or subsequent revisions.

[Signed 28 September 2012]

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

The Proposal (Assessment No. 1872)

The proposal is to construct and operate:

- An open cut, above the water table iron ore mine pit at Windarling Range W4 East Deposit, approximately 130 km north of Southern Cross; and
- A haul road to connect the mine pit to infrastructure located at the existing Windarling Range mining operations.

The location of the various project components is shown in Figure 1.

Waste rock from the W4 East Deposit will be disposed of to the Windarling Range W3/5 Deposit Waste Rock Landform and by backfilling of the Windarling Range W4 West Deposit Mine Pit following its mining. Both the Windarling Range W3/5 Deposit Waste Rock Landform and the Windarling Range W4 West Deposit Mine Pit were previously approved under Ministerial Statement 627. The Windarling Range W4 East waste rock can be disposed of under current existing approvals without changes to Statement 627.

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in section 1 of the document;

- Cliffs Asia Pacific Iron Ore Pty Ltd (2012). *Yilgarn Operations Windarling Range W4 East Deposit – Environmental Impact Assessment (Assessment on Proponent Information)*. May 2012.

Table 1: Summary of Key Proposal Characteristics

Proposal Definition		Extent Authorised
Element – development/infrastructure	Location of element	
1. Mine	Figure 1	Clearing of up to 27.5 ha of native vegetation for a mine pit, including impact to the Rare Flora species <i>Ricinocarpos brevis</i> , Priority 3 flora species <i>Austrostipa blackii</i> and Priority 4 flora species <i>Banksia arborea</i> , which occur within the area of the mine.
2. Ancillary infrastructure	Figure 1	Clearing of up to 0.5 ha of native vegetation for a haul road.

Figures (attached)

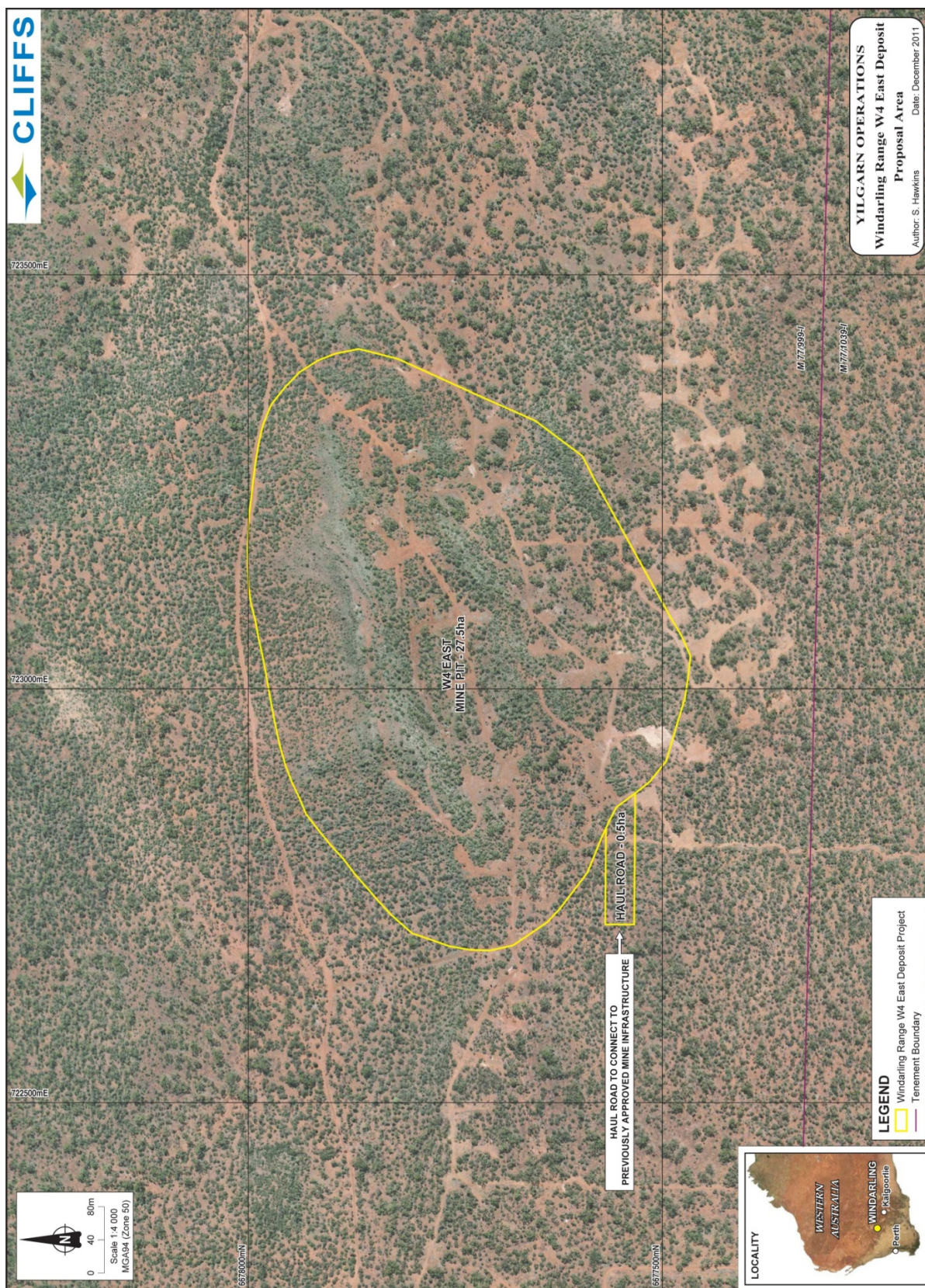


Figure 1 Location of Windarling Range W4 East Deposit proposal

Schedule 2

Residual impacts and risk management measures for impact to Declared Rare Flora species *Ricinocarpus brevis* at the Windarling Range W4 East Deposit

Project	Value and timing
Project A – Research Project Contribute scientific understanding to the long term recovery and protection of sustainable populations of <i>Ricinocarpus brevis</i> at Windarling Range.	Minimum of \$640,000 over a five year period, commencing within 12 months of the finalisation of the research plan required by Condition 13-1.
Project B – Translocation trial of <i>Ricinocarpus brevis</i> individuals removed by the Windarling Range W4 East Deposit proposal Identify the potential for <i>R. brevis</i> individuals to be translocated with the aim of preserving the number of individuals and the long term protection of <i>R. brevis</i> at Windarling Range. The number of individuals to be translocated will be subject to practicability considerations such as plant size, site accessibility, and the aims and objectives of the trial.	Minimum expenditure of \$40,000 with timing to be determined by the translocation plan required by condition 13-2.

Schedule 3

Term or Phrase	Definition
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.