

Contemporising Ministerial Statement 854 and 932 as amended

Ministerial Statement 854: Hope Downs 4 Iron Ore Mine was issued on 1 February 2011 which allowed the mining of orebodies and to undertake associated activities at Hope Downs 4, located approximately 30 kilometres northwest from Newman within the Shire of East Pilbara.

Ministerial Statement 932: Hope Downs 4 Iron Ore Mine was issued on 30 January 2013, following an inquiry into conditions of Ministerial Statement 854, under section 46 of the *Environmental Protection Act 1986*. Conditions 5-1 and 8-3 were amended due to an improved understanding of vegetation communities in the project area. Conditions 8-2, 9-2 and 10-2 were deleted as they were no longer required.

Ministerial statement number	Ministerial statement conditions	Environmental Factor	Proposed Change	Comments including assessment and evaluation of proposed changes where relevant to ensure the proposal can be implemented consistently with EPA objectives
854	Condition 1 and Schedule 1 Proposal Implementation	N/A	Delete conditions and replace with contemporary style condition A1.	Recommended condition A1, introduction, and proposal content document. The EPA recommends condition 1 is replaced with a new condition setting a defined maximum extent of proposal elements which will ensure the implementation of the proposal is consistent with the EPA's objectives. This condition reflects contemporary condition setting approach recommended by the EPA.
854	Condition 2 Proponent nomination and contact details	N/A	Delete condition and replace with contemporary style condition D3.	Notification of a change in contact details is addressed through a new contemporary condition.
854	Condition 3 Time Limit of Authorisation	N/A	Delete condition.	This condition is no longer required because the proposal has substantially commenced.
854	Condition 4 Compliance Reporting	N/A	Delete condition and replace with contemporary style conditions D1, D2 and D5.	This condition has been replaced by conditions D1, D2 and D5 which reflect the EPA's contemporary approach to condition setting for compliance reporting.
854	Condition 5-1 Groundwater drawdown	Inland waters	Condition 5-1 amended by MS 932.	Removal of reference to C4 vegetation community, condition replaced by change to condition 5-1 in MS 932 (amended through s.46 process).
932	Change to Condition 5-1 Groundwater drawdown	Inland waters	Delete condition and replace with contemporary style condition B3-1.	This contemporised condition is an outcome-based condition which requires measurable environmental outcomes to protect listed creeks, permanent pools and their associated vegetation. Condition B3-5 requires the environmental management plan (EMP) to be updated to include the extension areas and demonstrate how the environmental outcomes will be achieved.
854	Condition 5-2 (1), (2), (3) and 4) Groundwater drawdown - Monitoring, trigger levels and contingency actions	Inland waters	Delete condition and replace with contemporary style condition C3, C4 and D2.	These conditions have been replaced by recommended condition C3, C4 and D2 which reflect the EPA's contemporary approach to condition setting for monitoring and adaptive management for outcome-based conditions and compliance reporting.
854	Condition 5-2 (5)– monitoring groundwater levels and extent of surface water expression and depth for permanent pools	Inland waters	Delete condition and replace with contemporary style condition B3-2.	The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA.
854	Condition 5-2 (6) – monitor the condition and cover of riparian vegetation of creeks and permanent pools	Inland waters	Delete condition and replace with contemporary style condition B3-3.	The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA.
854	Condition 5-2 (7) – undertake monitoring to the satisfaction of the CEO	Inland waters	Delete condition and replace with contemporary style condition D2.	These conditions have been replaced by recommended condition D2 which requires annual compliance reporting to the CEO for the purposes of determining whether the implementation conditions are being complied with.
854	Condition 5-3 Compliance assessment report	Inland waters	Delete condition and replace with contemporary style condition D2.	These conditions have been replaced by recommended condition D2 which requires annual compliance reporting to the CEO for the purposes of determining whether the implementation conditions are being complied with.
854	Condition 5-4 (1), (2), (3) and 4) Non-compliance reporting	Inland waters	Delete condition and replace with contemporary	These conditions have been replaced by recommended condition D1 which requires reporting of non-compliances and implementation of contingency measures.

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			style condition D1.	
854	Condition 5-5 Public availability of data	Inland waters	Delete condition and replace with contemporary style condition D4.	This has been replaced by recommended condition D4 which reflect the EPA's contemporary approach to condition setting for public availability of data.
854	Condition 6- 1 Dewater discharge quality	Inland waters	Delete condition and replace with contemporary style conditions B3-1(3) and B3-5.	The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA. Condition B3-5 requires the EMP to be updated to demonstrate how the environmental outcome will be achieved.
854	Condition 6- 2 Dewater discharge to Kalgan Creek	Inland waters	Delete condition and replace with contemporary style condition B3-4.	The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA.
854	Condition 6-3 Discharge of surplus water to Kalgan Creek does not extend closer than 30km to the boundary of Fortescue Marsh	Inland waters	Delete condition and replace with contemporary style condition B3-1(4) and B3-5.	The requirements of this condition are still relevant and will be retained consistent with contemporary condition setting approach recommended by the EPA. Condition B3-5 requires the EMP to be updated to demonstrate how the environmental outcome will be achieved.
854	Conditions 6-4 and 6-5 Monitoring of dewater discharge	Inland waters	Delete condition and replace with contemporary style conditions C4, D1, D2 and D5.	This condition has been replaced by conditions C4, D1, D2 and D5 which reflect the EPA's contemporary approach to condition setting for monitoring and adaptive management for outcome-based conditions, compliance auditing and performance review.
854	Condition 6-6 Excess water discharge does not adversely impact Kalgan Creek or its riparian vegetation	Inland waters	Delete condition and replace with contemporary style conditions B3-1(5) and B3-5.	The contemporised condition is an outcome-based condition which requires measurable environmental outcomes to ensure discharge of surplus water to Kalgan Creek does not cause irreversible impacts to the creek or the health of the surrounding riparian vegetation. Condition B3-5 requires the EMP to be updated to demonstrate how the environmental outcome will be achieved.
854	Condition 6-7 (1), (2), (3), (4), (5), (6) and (7) Dewater discharge - Monitoring, trigger levels and contingency actions	Inland waters	Delete condition and replace with contemporary style condition C3, C4 and D2.	These conditions have been replaced by recommended conditions C3, C4 and D2 which reflect the EPA's contemporary approach to condition setting for monitoring and adaptive management for outcome-based conditions and compliance reporting.
854	Condition 6-8 Dewater discharge – compliance reporting	Inland waters	Delete condition and replace with contemporary style condition D2.	This conditions has been replaced by recommended condition D2 which requires annual compliance reporting to the CEO for the purposes of determining whether the implementation conditions are being complied with.
854	Condition 6-9 (1), (2), (3) and (4) Dewater discharge – non-compliance reporting	Inland waters	Delete condition and replace with contemporary style condition D1.	This condition has been replaced by condition D1 which reflect the EPA's contemporary approach to condition setting for non-compliance reporting.
854	Condition 6-10 Public availability of data	Inland waters	Delete condition and replace with contemporary style condition D4.	This has been replaced by recommended condition D4 which reflect the EPA's contemporary approach to condition setting for public availability of data.
854	Condition 7-1 Water quality – runoff and/or seepage from tailing storage facility and waste landforms	Inland waters	Delete condition and replace with contemporary style conditions B3-1(6) and B3-5.	The contemporised condition B3-1(6) is an outcome-based condition which requires measurable environmental outcomes to manage run-off and/or seepage from the tailings storage facility and waste landforms, through the implementation of an environmental management plan. Condition B3-5 requires the EMP to be updated to demonstrate how the environmental outcome will be achieved.
854	Conditions 7-2, 7-3 and 7-4	Inland waters	Delete conditions and replace with contemporary	These conditions have been replaced by recommended condition C3, C4 and D2 which reflect the EPA's contemporary approach to condition setting for monitoring and adaptive management for outcome-based conditions and compliance reporting.

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	Water quality – monitoring and annual reporting		style conditions C3, C4 and D2.	
854	Condition 7-5 (1), (2), (3) and (4) Water quality – non-compliance reporting	Inland waters	Delete conditions and replace with contemporary style condition D1.	This condition has been replaced by condition D1 which reflect the EPA's contemporary approach to condition setting for non-compliance reporting.
854	Condition 7-6 Water quality – public availability of data	Inland waters	Delete condition and replace with contemporary style condition D4.	This has been replaced by recommended condition D4 which reflect the EPA's contemporary approach to condition setting for public availability of data.
854	Condition 8-1 Flora and Vegetation – <i>Lepidium catapycnon</i> limits	Flora and vegetation	Delete condition.	<i>Lepidium catapycnon</i> has been downgraded from a declared rare flora (threatened species) to a priority 4 flora species by the Department of Biodiversity, Conservation and Attractions. Following additional surveys, the species have been found to be widespread within the surrounding area and limits are no longer required.
854	Condition 8-2 Flora and Vegetation – infrastructure option 6 (Attachment 2 to MS854)	Flora and vegetation	Condition deleted by MS 932.	Change to proposal under s.45C allowed the removal of infrastructure corridor option 6 Condition removed as infrastructure corridor had been removed from the scope of the project (deleted and replaced through s.46 process - January 2013).
854	Condition 8-3 Flora and Vegetation – report on how the design of the approved proposal reduced impacts to threatened and priority flora and several locally significant vegetation communities	Flora and vegetation	Condition amended by MS 932.	Condition replaced by change to condition 5-1 in MS 932 following rationalisation of significant vegetation communities due to improved understanding of vegetation communities in the area. Retention of the most significant vegetation communities C3, M1, M2, M3 and X5 and removal of B1, C1, C2, C4, S1, S2, S3, S4, M4, X2 and X4 vegetation communities (amended through s.46 process – January 2013).
932	Condition 8-3 Flora and vegetation – report on how the design of the approved proposal reduced impacts to threatened and priority flora and several locally significant vegetation communities	Flora and vegetation	Condition deleted.	This condition has been removed. The report titled 'Hope Downs 4 Condition 8-3 Review of Minimisation of Impact' (Strategen, 2011) was submitted in March 2011 and was considered to adequately satisfy condition 8-3 in May 2011.
854	Condition 8-4 (1), (2) and (3) Weed management	Flora and vegetation	Delete condition and replace with contemporary style conditions B1-1 and B1-3.	These conditions have been replaced by recommended conditions B1-1 and B1-3 which reflect the EPA's contemporary approach to condition setting for weed management.
854	Condition 9-1 Infrastructure corridor – option 1	N/A	Delete condition.	This condition has been deleted as the proponent has implemented the proposal using the infrastructure corridor option 1.
854	Condition 9-2 Infrastructure corridor – option 6	N/A	Delete condition by MS 932.	Condition 9-2 was removed because infrastructure corridor option 6 was removed from the scope of the project (deleted through s.46 process - January 2013).
854	Condition 10-1 Fauna	Terrestrial Fauna	Delete condition and replace with contemporary stye conditions B2-1, B2-2 and B2-3.	This condition has been replaced with contemporised conditions B2-1 and B2-2 which defines measurable environmental outcomes and objectives for implementation of the proposal. Condition B2-3 requires the Fauna EMP to be updated to include the extension areas and demonstrate how the environmental outcomes and objectives will be achieved.
854	Condition 10-2 Fauna	Terrestrial Fauna	Delete condition by MS 932.	Condition 10-2 was removed because infrastructure corridor option 6 had been removed from the scope of the project (deleted through s.46 process - January 2013).

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854	Condition 10-3 to 10-7 Fauna – open trenches for construction of excess water pipeline	Terrestrial Fauna	Delete condition.	This condition has been removed. The construction of the excess water pipeline has been completed and a fauna management report titled ‘Report on Fauna Inspections during Excess Water Pipeline Construction’ was submitted in October 2014. The requirements of 10-3, 10-4, 10-5, 10-6 and 10-7 were considered complete on 31 October 2014.
854	Condition 11 Acid or Metalliferous Drainage	N/A	Delete condition and replace with contemporary style condition B4.	This condition has been replaced with recommended condition B4 which requires management of any acid or metalliferous drainage material throughout the life of the mine and updating the EMP to demonstrate how the environmental objectives will be achieved.
854	Condition 12 Rehabilitation	Rehabilitation and Closure	Delete condition and replace with contemporary style condition B5.	This condition has been replaced with recommended condition B5 which sets out the requirements for rehabilitation and closure for the remaining life of the proposal consistent with the contemporary condition setting approach recommended by the EPA.
854	Condition 13 Final Closure and Decommissioning Plan	Rehabilitation and Closure	Delete condition and replace with contemporary style condition B5, C3, D1, D2 and D4.	This condition has been replaced with recommended condition B5 which sets out the requirements for rehabilitation and closure for the remaining life of the proposal consistent with the contemporary condition setting approach recommended by the EPA. This condition has been replaced by conditions C3, D1, D2 and D4 which reflect the EPA’s contemporary approach to condition setting for monitoring and adaptive management for outcome-based conditions, compliance auditing and performance review.