



Report and recommendations of the Environmental Protection Authority



Albany Iron Ore Project – Southdown Magnetite Proposal – inquiry under section 46 of the *Environmental Protection Act 1986* to amend Ministerial Statement 987

Grange Resources Limited

Report 1674

May 2020

Inquiry under section 46 of the *Environmental Protection Act 1986*

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing implementation condition 3 in Ministerial Statement 987 relating to the Albany Iron Ore Project – Southdown Magnetite Proposal.

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA to prepare a report that includes:

- (a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed
- (b) any other recommendations that it thinks appropriate.

The following is the EPA's report to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



Dr Tom Hatton
Chairman

19 May 2020

ISSN 1836-0483 (Print)
ISSN 1836-0491 (Online)
Assessment No. 2222

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1. The proposal

The Albany Iron Ore Project – Southdown Magnetite Proposal (the proposal) is to construct and operate an open pit magnetite mine located about 90 kilometres east-north-east of Albany, and pipelines for ore slurry transport and return water, connecting the mine site and new port loading facilities in the Port of Albany. The proponent for the proposal is Grange Resources Limited.

The Environmental Protection Authority (EPA) assessed the proposal at the level of Public Environmental Review, and published its Report and Recommendations in June 2008 (Bulletin 1291). In this report, the EPA considered the following key environmental factors were relevant to the proposal:

- Biodiversity
- Surface water and groundwater
- Dust
- Noise
- Mine closure and rehabilitation.

In applying the *Statement of Environmental Principles, Factors and Objectives* (EPA 2020c) these factors are now represented by:

- Flora and Vegetation
- Subterranean Fauna
- Terrestrial Fauna
- Inland Waters
- Air Quality
- Social Surroundings.

The EPA concluded in Bulletin 1291 that it was unlikely the EPA's objectives would be compromised, provided there was satisfactory implementation by the proponent of the EPA's recommended conditions. Bulletin 1291 was appealed and the Minister partially allowed the appeals. As a result, some of the conditions recommended by the EPA were modified.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions in Ministerial Statement 816 (November 2009).

Previously approved changes to the proposal

Attachment 1 of Ministerial Statement 816 details changes to the proposal approved under s. 45C of the *Environmental Protection Act 1986* (EP Act) in June 2011. The changes were for an increase in production rate and pit depth, relocation of infrastructure, and changes to the pipeline alignment.

Attachment 2 of Ministerial Statement 816 details a change to the proposal approved under s. 45C of the EP Act in November 2011. The change was to modify the waste dump footprint.

Previously approved changes to the conditions

In September 2013, the proponent requested a change to condition 3 of Ministerial Statement 816 to extend the authorised timeframe for substantial commencement of the proposal by five years. In response to the request, the then Minister for Environment requested the EPA inquire into and report on a change to the implementation conditions of Ministerial Statement 816 to extend the timeframe for substantial commencement of the proposal and contemporise various other conditions. Report 1529 details the findings of the EPA's inquiry and was published in September 2014.

Ministerial Statement 987 amended conditions 3, 4 and 5 of Ministerial Statement 816 under s. 46 of the EP Act in October 2014. Condition 3 of Ministerial Statement 816 was replaced to extend the time limit of authorisation for an additional five years. Conditions 4 and 5 of Ministerial Statement 816 were deleted and replaced with contemporary compliance reporting conditions. Condition 12 was amended to update the definition of 'CEO'.

2. Requested changes to the conditions

Condition 3 of Ministerial Statement 987 states that the proponent shall not commence implementation of the proposal after 25 November 2019, and any commencement prior to this date must be substantial.

The proposal has not yet substantially commenced. In June 2019, the proponent requested a change to condition 3 of Ministerial Statement 987 to extend the authorised timeframe for substantial commencement of the proposal by a further five years.

In response to this request, the Minister for Environment requested that the EPA inquire into and report on the matter of changing the implementation conditions of Ministerial Statement 987 for the proposal. This report satisfies the requirements of the EPA's inquiry.

3. Inquiry into changing conditions

The EPA typically recommends the Minister for Environment set conditions on significant proposals that require them to be substantially commenced within a specified timeframe. Extending this timeframe requires the Minister to change the relevant conditions under s. 46 of the EP Act, and provides for the EPA to review and consider the appropriateness of the implementation conditions relating to the proposal.

In addition to considering the above, the EPA has also considered any changes in environmental, scientific or technological knowledge that may have arisen since the initial assessment.

The EPA has discretion as to how it conducts this inquiry. In determining the extent and nature of this inquiry, the EPA had regard to information such as:

- the currency of its original assessment (Bulletin 1291) and the previous s. 46 inquiry (Report 1529)
- Ministerial Statements 816 and 987
- information provided by the proponent
- advice from relevant decision-making authorities
- any new information regarding the proposal's potential impacts on the environment.

EPA procedures

In conducting this inquiry, the EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* (State of Western Australia 2016) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA 2020b).

4. Inquiry findings

The EPA considered the following are the key environmental factors relevant to the change of the conditions:

- Flora and Vegetation
- Subterranean Fauna
- Terrestrial Fauna
- Inland Waters
- Air Quality
- Social Surroundings.

4.1 Flora and Vegetation

The EPA's environmental objective for this factor is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained.*

Conclusions from EPA Bulletin 1291

The disturbance footprint for the proposal, including the mining operations and pipeline corridor, would impact on a maximum of 1,810 hectares. Within the disturbance footprint, the amount of remnant vegetation that would be cleared was 253 hectares for the mining operations and 5 hectares for the pipeline. The remainder of the disturbance footprint would be located on cleared agricultural land, pine plantation or reclaimed land.

There were no Threatened Ecological Communities (TECs) recorded in the disturbance footprint during the flora and vegetation surveys, but a Priority Ecological Community (PEC) – *Eucalyptus pleurocarpa* mallee heath on seasonally waterlogged alluvium was recorded. The former Department of Environment and Conservation (DEC; now Department of Biodiversity, Conservation and Attractions) recommended an offset to counterbalance the impact on the PEC. The EPA recommended the offset was considered prior to Ministerial approval, although this was not proposed as a condition. The provision of an offset was considered prior to approval.

The proposal would impact on one population of the Threatened flora, *Commersonia* sp. Mt Groper. The former DEC advised that the loss of this population would represent a significant reduction in the range of the species, and could pose a significant loss to the species. A condition was recommended to restrict disturbance to this population until a viable off-site population was established, or a population located in secured reserve, or a protected area, to ensure the conservation status would not change.

To manage these impacts, the EPA recommended the following conditions:

- condition 6 (Declared Rare Flora) to avoid disturbance of *Commersonia* sp. Mt Groper from mining or dewatering until a viable population is established or a population is located on secure reserve or protected area
- condition 10 (Mine Closure and Rehabilitation) to ensure that re-establishment of vegetation in the rehabilitation area is consistent with a self-sustaining, functional ecosystem comprising native vegetation of local provenance species which meet specified criteria.

The EPA report was appealed and partially upheld. Condition 6 was modified to avoid the location of Threatened flora *Commersonia* sp. Mt Groper for five years. During those five years a research and management program was to be prepared and implemented to ensure no impact to the species, with the results to be presented to the Minister for consideration.

Assessment of the proposed change to conditions

The EPA considers the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Flora and Vegetation* (EPA 2016a).

This guideline identifies a number of reasons why flora and vegetation may be considered significant, with the most relevant reasons to this assessment being:

- flora being identified as threatened or priority species
- flora representative of the range of a species (particularly, at the extremes of range, recently discovered range extensions, or isolated outliers of the main range)
- vegetation being identified as threatened or priority ecological communities.

The previous inquiry under s. 46 of the EP Act (EPA Report 1529) noted that since the original assessment, the reviews of flora survey data identified future potential issues relating to rare flora. Several targeted and detailed flora surveys of the proposal area were undertaken.

In October 2010, a specimen identified as Threatened flora *Latrobea colophona* was collected within the mining area of the development envelope. A taxonomic specialist noted that the specimen had some differences from the type form and may be a subspecies. Further searches for *L. colophona* at the same location in July 2014 did not record any plants. Two *Latrobea* specimens collected nearby were identified as another species, *L. recurva*. The targeted search was expanded to two lots in November 2014, however no *L. colophona* were recorded. A detailed and targeted flora survey of the mining area, the development envelope and its surrounds was undertaken in November 2014 which recorded other *Latrobea* species, but no *L. colophona*. Although the population may be considered taxonomically interesting, it is now considered that Threatened flora *L. colophona* does not occur within the proposal area.

The translocation of Threatened flora *Androcalva perlaria* (formerly *Commersonia* sp. Mt Groper) was successfully completed in February 2015, as part of the research

and management program required by condition 6 of Ministerial Statement 816. A research project on *A. perlaria* was published in 2018, which has expanded the knowledge on its life history and improved techniques for *ex situ* conservation (Whiteley 2018). At the start of the study, there were four populations with about 250 plants. Three new populations and additional plants at an existing population were recorded during the study with the total number of plants now at about 400 plants (Whiteley 2018).

The EPA considers the future potential issues relating to rare flora raised in Report 1529 have since been resolved on completion of the additional surveys.

The proposal intersects two additional PECs that were listed after the original assessment and identified as potentially occurring within the proposal area after the previous s. 46 inquiry. Both State PECs are listed as TECs under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These additional PECs are:

- Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia (DBCA listed Priority 3, Endangered under the EPBC Act)
- Subtropical and Temperate Coastal Saltmarsh (DBCA listed Priority 3, Vulnerable under the EPBC Act).

The proponent has undertaken a desktop assessment of the impact on the PECs based on the previous flora and vegetation surveys for the proposal and the Albany Regional Vegetation Survey (Sandiford and Barrett 2010). The estimated impact to the Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia PEC is 2.77 hectares and the estimated impact to the Subtropical and Temperate Coastal Saltmarsh PEC is 0.0076 hectares. Although there are limitations on the dataset for the statewide extents, the estimated impact equates to less than 0.0001 per cent of the mapped statewide extent for each PEC.

The proposal also intersects the buffer zone of another PEC that was listed after the original assessment '*Astartea scoparia* Swamp Thicket (South Coast Region)'. The actual vegetation associated with the PEC is south of the pipeline corridor and will not be impacted by the proposal.

In consideration of the information provided by the proponent, the existing management required by Ministerial Statement 816, and relevant EPA policies and guidelines, the EPA considers that there is no significant or additional information that justifies the reassessment of issues raised by the original proposal.

The EPA is therefore satisfied that its objective for this factor can be met, and the potential impacts of the proposal can be managed through existing implementation conditions.

4.2 Subterranean Fauna

The EPA’s environmental objective for this factor is *to protect subterranean fauna so that biological diversity and ecological integrity are maintained.*

Conclusions from EPA Bulletin 1291

Two stygofauna species of conservation significance were located within the modelled groundwater drawdown of the dewatering for mining operations. However, the EPA noted that the predicted drawdown was unlikely to impact on the conservation of the species. The stygofauna species *Parabathynellidae* sp. and *Bathynellidae* sp. 2 were recorded about 1.4 kilometres north-west of the proposed mine site. Groundwater drawdown at this location was modelled to be about 0.5 metres. There was unlikely to be an impact to these species given the aquifer had a saturated thickness of at least eight metres.

The EPA did not recommend conditions specifically for subterranean fauna. The conditions for Inland Waters to protect groundwater are linked to this factor.

Assessment of the proposed change to conditions

The EPA considers the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Subterranean Fauna* (EPA 2016c).

In consideration of the information provided by the proponent, the management measures proposed by the proponent in the original assessment, that the proposal has not changed, and the relevant EPA policies and guidelines, the EPA considers that there is no significant or additional information that justifies the reassessment of issues raised by the original proposal.

The EPA is therefore satisfied that the extension of Time Limit for Proposal Implementation for five years continues to meet the EPA’s objective.

4.3 Terrestrial Fauna

The EPA’s environmental objective for this factor is *to protect terrestrial fauna so that biological diversity and ecological integrity are maintained.*

Conclusions from EPA Bulletin 1291

The proposal could impact fauna and its habitat through the clearing of remnant vegetation and the potential for fauna to become trapped in open pipeline trenches.

The proposal would impact some foraging habitat for the Threatened Carnaby’s cockatoo (*Calyptorhynchus latirostris*). However, similar habitat is found outside the proposal area and no breeding habitat will be cleared. There is no suitable habitat for the Threatened western ringtail possum (*Pseudocheirus occidentalis*) that would be directly impacted by the proposal. The EPA considered that these two Threatened species were unlikely to be impacted by the implementation of the proposal.

The construction of the pipeline between the mine site and Albany Port posed a risk with fauna becoming trapped in the trenches. The proponent's management measures to prevent fauna mortality during pipeline construction included keeping pipeline trench open times as short as possible, installing fauna refuge points, and having qualified persons clearing the trenches of trapped fauna.

Short-range endemic (SRE) taxa were recorded within the proposed disturbance footprint. Additional SRE surveys were undertaken to demonstrate the species were also located outside the proposed disturbance footprint. The species were recorded outside the development envelope during the surveys with the exception of the trapdoor spider (*Yilgarnia currycomboides*). There was only one other known location of the species and the former DEC recommended an offset to counterbalance the impact from the proposal.

To manage the impacts to Terrestrial Fauna, the EPA recommended:

- condition 7 (Fauna) to minimise fauna mortality by requiring the open pipeline trenches to be cleared twice daily at specific times.

The EPA also recommended an offset for the SRE species *Yilgarnia currycomboides* be finalised prior to Ministerial approval for the proposal.

The EPA report was appealed and partially upheld. The wording of condition 7 was modified to be consistent with other pipeline proposals, with the intent remaining the same. In the Minister's Appeals Determination, the Minister for Environment determined that the proposal was clearing vegetation that had value as foraging habitat for Carnaby's cockatoo. The proponent described a potential offset via the EPBC Act, for the acquisition of land with habitat for Carnaby's cockatoo to be transferred to the conservation estate. The Minister determined that any decision to approve the proposal would be subject to the proponent demonstrating that residual impacts would be addressed through other mechanisms. The Minister subsequently approved the proposal.

Assessment of the proposed change to conditions

The EPA considers the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Terrestrial Fauna* (EPA 2016d).

This guideline identifies a number of reasons why terrestrial fauna may be considered significant, with the most relevant reasons to this assessment being:

- fauna being identified as a threatened or priority species
- species with restricted distribution.

The Carnaby's cockatoo remains a Threatened species with a threat ranking of Endangered under the *Biodiversity Conservation Act 2016* (BC Act), and Endangered under the EPBC Act. The EPA considers that the impact to the species from the proposal has not significantly changed from the original assessment and appeals determination. The Minister determined that the residual impact could be offset through another mechanism and the EPA considers that this remains

appropriate. The EPA notes that a decision under the EPBC Act would occur soon and has been advised that it includes a direct offset for Carnaby's cockatoos.

The western ringtail possum was previously listed as Threatened under the *Wildlife Conservation Act 1950* and is now listed as Threatened under the BC Act with the threat ranking now increased to Critically Endangered. The listing under the EPBC Act has also been upgraded from Vulnerable to Critically Endangered. The original assessment considered the species is unlikely to be impacted by the proposal because it was unlikely that suitable habitat would be impacted. There was no suitable habitat identified within the mine site and the small amount of habitat in the pipeline corridor could be avoided during pipeline construction. The EPA therefore still considers there will be no significant impact to western ringtail possum from the proposal.

Several other Threatened fauna species that were identified in the original assessment as having the potential to occur have also had their threat ranking increased since the project was approved. However, each of these species were identified as having a low likelihood of occurrence or were not recorded within the disturbance footprint.

Several other conservation significant fauna species have had their conservation status downgraded. The EPA considers the proposal is unlikely to significantly impact these species.

4.4 Inland Waters

The EPA's environmental objective for this factor is *to maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected.*

Conclusions from EPA Bulletin 1291

The EPA considered surface water and groundwater may be impacted by:

- discharge of contaminated water at the mine site
- contamination of groundwater from acid mine drainage and leachate from the waste rock dumps and the tailings storage facilities
- disturbance to natural flow patterns from the mine
- contaminated surface run-off from the port facility into the marine environment.

The proponent's management measures included re-directing contaminated water, pumping potentially contaminated water into a storage facility, encapsulating potentially acid forming material, and pollutant or silt traps at the port facility drainage systems.

Dewatering would be required, and the extent of groundwater drawdown was modelled to be largely restricted to the mining leases. Groundwater levels are expected to recover after mining has ceased and a section of the mine pit is expected to form a pit lake post-closure.

The EPA noted that there was insufficient water available for the proposal, and the proponent was considering other water source options, including accessing wastewater from the Water Corporation's Albany wastewater treatment facility. Other options considered were groundwater and rainfall surface run-off harvesting from adjacent catchments and new groundwater borefields. The EPA noted that if water was to be sourced from surface or groundwater in adjacent catchments, the proponent would be expected to refer any significant proposal to the EPA. With the advice that a future referral may be required for the water source, the EPA did not recommend a condition relating to water supply for the proposal.

To manage the impacts on water quality, the EPA recommended the following conditions:

- condition 8 (Surface Water and Groundwater) to ensure that run-off and/or seepage from the waste rock and tailings storage facility do not exceed ANZECC requirements
- condition 10 (Mine Closure and Rehabilitation) to ensure the final pit lake does not cause significant environmental impacts from groundwater pollution or through attracting fauna.

The EPA report was appealed and partially upheld. Following the appeals process, the Minister agreed to the following recommended modifications and additional conditions from the Appeals Convenor:

- condition 8 (Acid Waste Rock Management) has been modified to ensure that run-off and/or seepage from any part of the mine area does not cause the quality of surface water or groundwater within or leaving the proposal area to exceed ANZECC requirements
- condition 8A (Groundwater Management) has been recommended to ensure that groundwater abstraction does not adversely affect native vegetation or other beneficial uses outside the minesite
- condition 8B (Use of Recycled Water) has been recommended to ensure the proponent sources the majority of process water requirements from recycled or treated wastewater sources
- condition 10 (Mine Closure and Rehabilitation) has been modified to include a requirement to collect baseline information on surface water and groundwater quality
- condition 11 (Decommissioning (Infrastructure, including Pipelines, Buildings and Roads)) was modified to ensure the final pit lake does not cause significant environmental impacts from groundwater pollution or through attracting fauna.

Assessment of the proposed change to conditions

The EPA considers the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Inland Waters* (EPA 2018).

Since the original assessment, a water source for the project has been confirmed with the majority of water to be sourced from the Cape Riche Seawater desalination plant. The desalination plant was subject to a separate EPA assessment with Ministerial Statement 904 approved in July 2012. An extension to the time limit for proposal implementation was approved under s. 46 of the EP Act, and Ministerial Statement 1061 was issued in September 2017. The EPA considers this satisfies the outstanding requirements for water referred to in EPA Report 1291.

In consideration of the information provided by the proponent, the management measures proposed by the proponent in the original assessment, that the proposal has not changed other than the water source which was assessed as a separate proposal, and the relevant EPA policies and guidelines, the EPA considers that there is no significant or additional information that justifies the reassessment of issues raised by the original proposal.

The EPA is therefore satisfied that the extension of Time Limit for Proposal Implementation for five years continues to meet the EPA's objective.

4.5 Air Quality

The EPA's environmental objective for this factor is *to maintain air quality and minimise emissions so that environmental values are protected*.

Conclusions from EPA Bulletin 1291

Dust is expected to be generated by minesite activities including construction, blasting, handling of ore and waste rock, crushing and screening and vehicle movements. The construction of the pipeline would generate dust for a short period during construction. The proponent predicted excess dust was not going to be an issue with standard management measures including water tankers for dust suppression, staged vegetation clearing and monitoring of dust levels. The EPA noted that the National Environment Protection Measure (NEPM) 24 hour standard for PM₁₀ would likely be exceeded at the three nearest residential premises and recommended a condition to control dust at these locations.

The port operations would minimise dust by enclosing all stockpile sheds and processing areas and maintaining concentrate moisture content.

To manage these impacts, the EPA recommended condition 9 (Dust Management (Mine Site)) to ensure the proponent manages the dust at the mine site to maintain PM₁₀ ground level concentrations at all surrounding occupied residences below the NEPM 24-hour standard of 50 micrograms per cubic metre.

Assessment of the proposed change to conditions

The EPA considers the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Air Quality* (EPA 2020a).

In consideration of the information provided by the proponent, the existing management as required by Ministerial Statement 816, that the proposal has not changed since the previous EPA assessments, and relevant EPA policies and guidelines, the EPA considers that there is no significant or additional information that justifies the reassessment of issues raised by the original proposal.

The EPA is therefore satisfied that the extension of Time Limit for Proposal Implementation for five years continues to meet the EPA's objective.

4.6 Social Surroundings

The EPA's environmental objective for this factor is *to protect social surroundings from significant harm*.

Conclusions from EPA Bulletin 1291

Ambient noise levels would increase during construction and operation of the mine site. Noise modelling predicted that operations would exceed the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations) LA₁₀ assigned level of 35 dB(A) at night at the three nearby residences. To manage this, the proponent was negotiating with the owners to have the residences unoccupied during operations.

Construction activities for the pipeline and port facility were predicted to increase noise levels at nearby sensitive receptors above assigned levels. The proponent would need to undertake construction activities in accordance with Regulation 13 of the Noise Regulations.

Supplementary noise modelling and additional management measures were required for operations at the proposed port facility based on advice of the former DEC. The proponent included additional measures such as enclosing all major pumps and motors within the port facility. As a result, the revised predicted noise levels at the nearest residential and industrial premises were considered to be below the assigned levels at the time.

The EPA expected the proponent to implement appropriate measures to ensure compliance with the Noise Regulations. The EPA considered the Noise Regulations to be sufficient to manage noise and additional conditions were not recommended.

The EPA considered visual amenity to be relevant to the proposal but not a key factor. The EPA considered the proposed management measures for visual amenity to be adequate. The EPA report was appealed and partially upheld with visual amenity a ground raised in the appeals. The Minister determined the proponent's management measures to be sufficient, and concluded that the measures should be incorporated into a condition.

Following the appeals process, the Minister agreed to the Appeals Convenor's recommendation for an additional condition 9A (Visual Impact Management Plan) to minimise impacts to visual amenity from the mine and port infrastructure from specific vantage points.

Assessment of the proposed change to conditions

The EPA considers the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental Factor Guideline – Social Surroundings* (EPA 2016b).

In consideration of the information provided by the proponent, the existing management as required by Ministerial Statement 816, that the proposal has not changed since the previous EPA assessments, and relevant EPA policies and guidelines, the EPA considers that there is no significant or additional information that justifies the reassessment of issues raised by the original proposal.

The EPA is therefore satisfied that the extension of Time Limit for Proposal Implementation for five years continues to meet the EPA's objective.

5. Conclusions and recommendations

Change to condition 3

The proponent has requested a change to condition 3 for substantial commencement of the Albany Iron Ore Project – Southdown Magnetite Proposal. The EPA considers it is appropriate to extend the time limit for substantial commencement for a further five years from 25 November 2019.

The EPA considers it is appropriate to approve the extension of time for a further five years to 25 November 2024.

Conclusions

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes that:

- the proposal has not changed significantly since the EPA's original assessment
- there is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Bulletin 1291 (June 2008) and Report 1529 (September 2014)
- no new key environmental factors relevant to the proposal have arisen since the EPA's assessment of the proposal
- the impacts to the key environmental factors are considered manageable, based on the requirements of existing conditions of Ministerial Statements 816 and 987, and the imposition of the attached recommended conditions
- the authorised timeframe for substantial commencement of the proposal may be extended by five years as requested.

Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the EP Act:

1. While retaining the environmental requirements of the original conditions of Ministerial Statements 816 and 987, it is appropriate to change condition 3 of Ministerial Statement 987 and replace it with a new implementation condition.
2. After complying with s. 46(8) of the EP Act, the Minister issues a statement of decision to change condition 3 of Statement 987 in the manner provided for in the attached recommended statement (Appendix 1).

References

EPA 2016a, *Environmental Factor Guideline – Flora and Vegetation*, Environmental Protection Authority, Perth, WA.

EPA 2016b, *Environmental Factor Guideline – Social Surroundings*, Environmental Protection Authority, Perth, WA.

EPA 2016c, *Environmental Factor Guideline – Subterranean Fauna*, Environmental Protection Authority, Perth, WA.

EPA 2016d, *Environmental Factor Guideline – Terrestrial Fauna*, Environmental Protection Authority, Perth, WA.

EPA 2018, *Environmental Factor Guideline – Inland Waters*, Environmental Protection Authority, Perth, WA.

EPA 2020a, *Environmental Factor Guideline – Air Quality*, Environmental Protection Authority, Perth, WA.

EPA 2020b, *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual*, Environmental Protection Authority, Perth, WA.

EPA 2020c, *Statement of Environmental Principles, Factors and Objectives*, Environmental Protection Authority, Perth, WA.

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Appendix 1: Identified Decision-Making Authorities and Recommended Environmental Conditions

Identified Decision-Making Authorities

The following decision-making authorities (DMAs) have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*:

Decision-Making Authority	Legislation (and Approval)
1. Minister for Environment	<i>Biodiversity Conservation Act 2016</i> (Taking or disturbing threatened species or communities)
2. Minister for Water	<i>Rights in Water and Irrigation Act 1914</i> (Water abstraction licence)
3. Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i> (s. 18 consent)
4. Minister for Lands	<i>Land Administration Act 1997</i>
5. Minister for Mines and Petroleum	<i>Mining Act 1978</i> (Mining lease)
6. Minister for Ports	<i>Port Authority Act 1999</i>
7. Chief Executive Officer, Department of Water and Environmental Regulation	<i>Environmental Protection Act 1986</i> (Works approval and licence)
8. Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety	<i>Mining Act 1978</i> (Mining proposal)
9. State Mining Engineer, Department of Mines, Industry Regulation and Safety	<i>Mines Safety and Inspection Act 1994</i> (Mine safety)
10. Chief Dangerous Goods Officer, Department of Mines, Industry Regulation and Safety	<i>Dangerous Goods Safety Act 2004</i> (Handling of dangerous goods)
11. Chief Health Officer, Department of Health	<i>Health Act 1911</i> and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
12. Chief Executive Officer, City of Albany	<i>Planning and Development Act 2005</i> <i>Building Act 2011</i> (Building permit for administration buildings)
13. Chief Executive Officer, Southern Ports (formerly Albany Port Authority)	<i>Port Authorities Act 1999</i>

Note: In this instance, agreement is only required with DMAs 1-6, since these DMAs are Ministers.

Recommended Environmental Conditions

STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO A PROPOSAL (Section 46 of the *Environmental Protection Act 1986*)

ALBANY IRON ORE PROJECT – SOUTHDOWN MAGNETITE PROPOSAL – MINE,
ORE SLURRY AND WATER PIPELINES, AND PORT LOADING FACILITIES

Proposal: The construction and operation of an open pit magnetite mine located approximately 90 kilometres east-north-east of Albany, and pipelines for ore slurry transport and return water, connecting the mine site and new port loading facilities in the Port of Albany.

Proponent: Grange Resources Limited (ACN 009 132 405)

Proponent Address: 34A Alexander Street BURNIE TAS 7320

Assessment Number: 2222

Report of the Environmental Protection Authority: 1674

Preceding Statements Relating to this Proposal: 816, 987

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. 987, be changed as specified in this Statement.

Condition 3 of Ministerial Statement 987 is deleted and replaced with:

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after 25 November 2024, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, prior to 25 November 2024, must be demonstrated as substantial by providing the CEO* with written evidence, on or before 25 November 2024.

* “CEO” means the Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.