



# Report and recommendations of the Environmental Protection Authority



**Hope Downs 4 Iron Ore Project –  
inquiry under s46 of the  
*Environmental Protection Act 1986*  
to delete conditions 8-2, 9-2 and 10-2  
and amend conditions 5-1 and 8-3 of  
Ministerial Statement 854**

**Hamersley Hope Management Services Pty Ltd**

Report 1465

January 2013

ENVIRONMENTAL PROTECTION AUTHORITY  
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR  
ENVIRONMENT

**HOPE DOWNS 4 IRON ORE PROJECT – INQUIRY UNDER S46 OF THE EP  
ACT TO DELETE CONDITIONS 8-2, 9-2 AND 10-2, AND AMEND  
CONDITIONS 5-1 AND 8-3 OF MINISTERIAL STATEMENT 854**

The Minister for Environment has requested (8 July 2012) that the Environmental Protection Authority (EPA) inquire into and report to the Minister on Hamersley Hope Management Services Pty Ltd's proposed changes to the environmental conditions for the Hope Downs 4 Iron Ore Project.

The following is the EPA's Report and Recommendations (No. 1465) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986*.

## **Background**

The proponent, Hamersley Hope Management Services Pty Ltd (Hamersley HMS) obtained authorisation to implement the Hope Downs 4 Iron Ore Mine, in the Shire of East Pilbara under the *Environmental Protection Act 1986* (EP Act) in February 2011, following assessment of the Hamersley HMS Public Environmental Review (2010). The implementation authorisation and conditions are specified in Ministerial Statement 854 dated 1 February 2011.

Ministerial Statement 854 provides that Hamersley HMS may construct and operate an iron ore mining area and associated infrastructure at the Hope Downs 4 Iron Ore Mine located approximately 30 kilometres (km) north-west of Newman within the Shire of East Pilbara. The proposal consists of a designated mining area, two infrastructure corridor options, excess water discharge infrastructure, an accommodation area, and the realignment of a 2.5 km section of Coondiner Creek.

On 24 April 2012, Hamersley HMS wrote to the Office of the Environmental Protection Authority proposing the following changes under section 46 (1) of the EP Act:

- Removal of reference to the C4 vegetation community in condition 5-1, due to an improved understanding of riparian vegetation communities in the project area;
- Refinement of the list of locally conservation significant vegetation communities identified in Condition 8-3, due to an improved understanding of vegetation communities in the project area; and
- Removal of conditions 8-2, 9-2 and 10-2 as these conditions are no longer required, as Infrastructure Corridor Option 6 (Southern Option) has been removed from the scope of the project and will not be implemented

Aspects of the Proposal Description in the Key Characteristics Table within Schedule 1 of Ministerial Statement 854 will also need to be amended to be consistent with these changed conditions. These amendments will require a section 45C "Change to Proposal" and will be undertaken separately to this section 46 assessment.

## **Consideration of the Proposed Changes to Conditions**

### ***Vegetation Community C4***

The proponent has requested amendment to condition 5-1 to remove specific reference to the C4 vegetation community.

Condition 5-1 states:

*The proponent shall ensure that the dewatering of groundwater as a result of abstraction and excavation of aquifers required to implement the proposal does not adversely affect the C4 vegetation community located to the south of the mining area as indicated in Schedule 1, Figure 5; Coondiner Creek; the calcrete and alluvial aquifers; or any of the pools in the surrounding area (namely Eagle Rock Pool, Eagle Rock Falls, Stuarts Pool, Kalgan Pool, Mindy Mindy Creek Pool(s), Three Pools, Bella Pool, Cliff Pool and/or Steer Pool) or their associated vegetation.*

As agreement has been reached between the proponent and the Department of Environment and Conservation (DEC) regarding a reduction in the conservation status of the C4 vegetation community; amendments to conditions 5-1 and 8-3 to remove reference to the C4 vegetation community are supported.

### ***Other locally significant vegetation communities***

Condition 8-3 states:

*Prior to ground disturbance activities, the Proponent shall submit to the CEO of the Office of the Environmental Protection Authority, a report detailing how the design of the project has reduced impacts within the 5,470 hectares of allowed clearing and infrastructure construction on the following conservation values:*

- *Declared Rare Flora;*
- *Priority flora; and*
- *local conservation significant vegetation communities B1, C1, C2, C3, C4, S1, S2, S3, S4, M1, M2, M3, M4, X2, X4 and X5, as defined in Table 10 of the "Hope Downs 4 Iron Ore Project-Public Environmental Review, Issue Date: January 2010" and of Schedule 1, Figures 4, 5, 6 and 7.*

*This report shall incorporate the advice of the Department of Environment and Conservation with regard to the final alignment and design of the infrastructure to minimise impacts to the abovementioned local conservation significant vegetation communities.*

Due to improved understanding of vegetation communities in the area surrounding the approved project, agreement has been reached between the proponent and the DEC regarding revision of the above list of local conservation significant vegetation communities. The list of vegetation communities within condition 8-3 has therefore been rationalised to include the most significant vegetation communities, these being communities C3, M1, M2, M3 and X5.

As part of this change, the above reference to figures 4, 5, 6 and 7 will be deleted and the condition will simply refer to Schedule 1.

### ***Corridor Option 6***

Conditions 8-2, 9-2 and 10-2 all reference Infrastructure Option 6 (the Southern Option); however, the proponent has advised that this option will no longer be implemented as Hamersley HMS will be implementing Option 1, which is the preferred route to be taken in Ministerial Statement 854. Consequently it has been requested that these conditions be deleted from Ministerial Statement 854.

Condition 8-2 states:

*In the event that infrastructure corridor option 6 is implemented under condition 9-2 then the proponent shall ensure that the loss of the Declared Rare Flora species *Lepidium catapycnon* shall not exceed 3 populations consisting of no more than 20 plants each due to the construction and operation of infrastructure corridor option 6 as identified in Schedule 1, Figures 6 and 7.*

Condition 9-2 states:

*In the event that written evidence is provided to CEO of the Office of the Environmental Protection Authority demonstrating that access rights to tenement AML70/244 have been declined then condition 9-1 does not apply and the proposal can be implemented using infrastructure corridor option 6.*

Condition 10-2 states:

*In the event that infrastructure corridor option 6 is implemented under condition 9-2 then the proponent shall submit a revised Fauna Management Plan to the CEO of the Office of the Environmental Protection Authority for approval. This management plan will include measures to minimise and manage the indirect impacts of:*

- *noise;*
- *reduction in feeding areas; and*
- *interception of pathways onto lower slopes and flats,*

*on the conservation significant species *Petrogale lateralis*, *Rhinonicteris aurantia* and *Falco peregrinus* resulting from the construction and operation of infrastructure corridor option 6. This revised report shall be prepared with advice of the Department of Environment and Conservation with regards appropriate management measures.*

Given that Infrastructure Corridor Option 6 will no longer be implemented, the need for these conditions is no longer required and the proponent's request to delete conditions 8-2, 9-2 and 10-2 from Ministerial Statement 854 is supported.

In the proponent's original application Hamersley HMS also requested to delete the whole of condition 9 (9-1 and 9-2), not just condition 9-2; however, the proponent now agrees that Condition 9-1 is still relevant and should remain as it relates to the implementation of Infrastructure Option 1.

## **EPA Conclusion and Recommendations**

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment:

1. Conditions 5-1 and 8-3 should be amended given that agreement has been reached between the proponent and the Department of Environment and Conservation regarding revision of local conservation significant vegetation communities;
2. Conditions 8-2, 9-2 and 10-2 should be deleted from Ministerial Statement 854 given that Infrastructure Corridor Option 6 will no longer be implemented; and
3. After complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister should publish a statement of decision to amend conditions 5-1 and 8-3 and delete conditions 8-2, 9-2 and 10-2, in the manner provided for in the attached recommended statement.

OEPAMIN413/12

Ministerial Statement No.

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL  
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE  
*ENVIRONMENTAL PROTECTION ACT 1986*)**

HOPE DOWNS 4 IRON ORE PROJECT

**Proposal:** The proposal is to construct and operate an iron ore mining area and associated infrastructure at the Hope Downs 4 Iron Ore Mine located approximately 30 kilometres north west of Newman within the Shire of East Pilbara. The proposal consists of a designated mining area, an infrastructure corridor, excess water discharge infrastructure and an accommodation area and the realignment of a 2.5 kilometre section of Coondiner Creek.

**Proponent:** Hamersley Hope Management Services Pty Ltd

**Proponent Address:** 152-158 St Georges Terrace,  
PERTH WA 6000

**Assessment Number:** 1936

**Previous Assessment Number:** 1738

**Report of the Environmental Protection Authority:** 1465

**Previous Report of the Environmental Protection Authority:** 1374

**Previous Ministerial Statement Number:** 854

The implementation of the proposal to which the above report of the Environmental Protection Authority relates is subject to the conditions and procedures contained in Ministerial Statement No. 854, as amended by the following:

**1. Change to Condition 5-1**

Condition 5-1 of Ministerial Statement 854 is deleted and replaced with:

*5-1 The proponent shall ensure that the dewatering of groundwater as a result of abstraction and excavation of aquifers required to implement the proposal does*

*not adversely affect Coondiner Creek; the calcrete and alluvial aquifers; or any of the pools in the surrounding area (namely Eagle Rock Pool, Eagle Rock Falls, Stuarts Pool, Kalgan Pool, Mindy Mindy Creek Pool(s), Three Pools, Bella Pool, Cliff Pool and/or Steer Pool) or their associated vegetation.*

**2. Deletion of Condition 8-2**

Condition 8-2 is deleted from Ministerial Statement 854.

**3. Change to Condition 8-3**

Condition 8-3 of Statement 854 is deleted and replaced with:

*8-3 Prior to ground disturbance activities, the Proponent shall submit to the CEO of the Office of the Environmental Protection Authority, a report detailing how the design of the project has reduced impacts within the 5,470 hectares of allowed clearing and infrastructure construction on the following conservation values:*

- *Declared Rare Flora;*
- *Priority flora; and*
- *local conservation significant vegetation communities C3, M1, M2, M3 and X5, as defined in Table 10 of the "Hope Downs 4 Iron Ore Project-Public Environmental Review, Issue Date: January 2010".*

*This report shall incorporate the advice of the Department of Environment and Conservation with regard to the final alignment and design of the infrastructure to minimise impacts to the abovementioned local conservation significant vegetation communities.*

**4. Deletion of Condition 9-2**

Condition 9-2 is deleted from Ministerial Statement 854.

**5. Deletion of Condition 10-2**

Condition 10-2 is deleted from Ministerial Statement 854.