

**Summary of reasons for decision – Amendment of an approved proposal
under section 45C of the *Environmental Protection Act 1986***

Ministerial Statement:	999
Proposal Title	Koodaideri Iron Ore and Infrastructure Project
Approved Proposal:	The proposal is to construct and operate an open cut iron ore mine and associated infrastructure (railway, roads, administration buildings, accommodation camp, and water supply infrastructure) for the extraction, processing, and transport of iron ore. The proposal is located approximately 110 kilometres (km) west north-west of Newman in the Pilbara region of Western Australia.
Proponent:	Mount Bruce Mining Pty Limited
Environment Online Reference Number:	APP-0014540
Date Ministerial Statement first issued	10 March 2015
Dates of any approved changes to Approved Proposal	One previous approved change to the approved proposal on 6 September 2017 Three previous approved changes to implementation conditions on 23 April 2015 and 4 January 2021
Date of proponent's request to amend	15 June 2022
Date additional information received	4 July 2022, 2 September 2022, 21 December 2022, 17 May 2023
Date application made public OR public comment sought on application	No public comment sought
Description of requested amendment(s) to approved proposal	<ul style="list-style-type: none"> • Increase the extent of the Southern Infrastructure Corridor development envelope from 5,465 ha to 6,122 ha to facilitate the construction and operation of a water transfer pipeline for ongoing mining operations. • Increase in the extent of vegetation clearing within the amended Southern Infrastructure Corridor development envelope from 246 ha to 384 ha. • Southern Infrastructure Corridor development envelope activities to include the construction and operation of a water transfer pipeline and associated infrastructure.

Description of requested amendment(s) to implementation conditions	No changes requested
Decision	The requested amendments to the Approved Proposal are not considered to be significant amendments. The amendments to the Approved Proposal are approved.

Environmental factors relevant to amendment(s):

- Flora and vegetation
- Terrestrial fauna
- Social surroundings

Summary of review of whether an amendment should be approved under section 45c(1)	
Environmental Factor review	<p>Flora and vegetation: The proposed amendments would have a direct impact on flora and vegetation through the clearing of an additional 138 hectares (ha) of ‘Good’ to ‘Excellent’ native vegetation within the proposal amendment development envelope (DE) for the Southern Infrastructure Corridor (SIC) to accommodate the construction and operation of the pipeline.</p> <p>Clearing would contribute less than 0.1% to cumulative impacts to pre-European vegetation associations and is not considered a significant addition to the total cumulative impact to pre-European vegetation associations.</p> <p>The proponent has committed to avoiding locations of priority species where practicable (one Priority 2 and three Priority 3 species).</p> <p>There is potential for water quality impacts from sedimentation and bank erosion through the construction of the pipeline. However, the proponent has designed the pipeline to ensure that the surface flows proceed per the natural course to the north with no expected additional impacts to water quality, downstream environment or flora and vegetation. A permit under the <i>Rights in Water and Irrigation Act 1914</i> (RiWI Act) would be required to interfere with a bed or bank of a watercourse.</p> <p>There are no threatened ecological communities, priority ecological communities or any other significant vegetation associations identified in the amendment area. Five taxa were identified as having high ecological impact and rapid invasiveness with the occurrence of introduced flora likely to be exacerbated by linear infrastructure. However, given the amendment area is aligned with existing linear infrastructure, this would be managed in line with the weed monitoring and management measures required in the mine closure plan and existing implementation conditions. There are no changes to the closure and rehabilitation commitments.</p> <p>Predicted impacts on flora and vegetation can be managed, contingent on comprehensive implementation of proposed management measures, including the existing condition requirements of MS 999.</p> <p>Considering the above, the EPA’s objective for Flora and Vegetation is likely to be met.</p> <p>Terrestrial fauna: The proposed amendment has the potential to impact on threatened fauna species listed under the <i>Biodiversity Conservation Act 2016</i> (BC Act) and their habitats, including <i>Dasyurus hallucatus</i> (northern quoll,</p>

	<p>ranked endangered) and <i>Liasis olivaceus barroni</i> (Pilbara olive python, ranked vulnerable) and priority 4 species <i>Pseudomys chapmani</i> (western pebble-mound mouse).</p> <p>A survey of the amendment area and surrounds was undertaken in 2021 with no recorded occurrences of northern quoll, Pilbara olive python or ghost bat within the amendment area. The closest records of occurrence were secondary evidence of ghost bat in Gorge/Gully and Breakaway/cliff habitats at least five kilometres from the amendment area. There are 11 records of western pebble-mound mouse pebble-mounds within the proposed amendment area.</p> <p>The construction of the pipeline is likely to impact approximately four ha of medium drainage habitat for Pilbara olive python and foraging and dispersal habitat for ghost bats, and three ha of mulga woodland and 73 ha of stony plain ghost bat foraging and dispersal habitat.</p> <p>Proponent management measures include designing the infrastructure to align with existing clearing/disturbed areas to minimise vegetation clearing for the proposed amendment to 138 ha. Three caves were removed from the proposed DE as a conservative measure to avoid potential impacts to conservation significant fauna with subsequent targeted surveys detailing no evidence of conservation significant species observed in these caves. The proponent has also committed to avoid known active Western pebble-mound mouse mounds and other pebble-mounds where practical. Authorisation under section 40 of the BC Act may be required for the direct or indirect take of fauna.</p> <p>The impact from the proposed amendment for conservation significant fauna is predicted as a minor reduction in potential habitat for the Pilbara olive python and potential foraging and dispersal habitat for ghost bat.</p> <p>Predicted impacts on terrestrial fauna that can be managed, contingent on comprehensive implementation of proposed management and mitigation measures, including during the construction of the pipeline following standard trenching and clearing protocols and management plans and the existing condition requirements of MS 999.</p> <p>Considering the above, the EPA’s objective for Terrestrial Fauna is likely to be met.</p> <p>Social surroundings (Aboriginal Heritage): There are potential effects to Aboriginal cultural heritage (ACH) through physical ground disturbance in the proposal amendment DE of 35 known Aboriginal sites and 10 lodged heritage places on the Department of Planning, Lands and Heritage Register of places and objects.</p> <p>The proponent also identified new heritage places in undertaking heritage surveys and consultation conducted with the Banjima People in 2022 and 2023 with potential direct disturbance to one creek line heritage site identified. If disturbance to the site is necessary, an approval under the amended <i>Aboriginal Heritage Act 1972</i> (AH Act) would be required.</p> <p>Changes to culturally significant water resources may occur with the construction of the pipeline requiring crossings to be built across creeks such as at Lamb Creek. However, the proponent has committed to applying a landscape management approach that would recognise and manage creeks in the broader area as heritage sites.</p>
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	<p>Existing operational dust management procedures under Part V of the <i>Environmental Protection Act 1986</i> (EP Act) are in place, and also detailed in the MCP, with no expected additional significant impacts from potential dust emissions received at ACH places.</p> <p>Significant visual impacts to ACH cultural landscapes are unlikely given the proposed construction of the pipeline is aligned with existing infrastructure and the proponent has also made commitments to the Banjima People regarding the requirement to limit visual impacts.</p> <p>Ecological impacts to culturally significant fauna may occur, given the linear nature of the infrastructure and the potential to impact animal movements and Western pebble-mound mouse mounds. The pipeline has been designed to avoid active pebble-mounds and the proponent intends to avoid pebble-mounds where practical. However, where impacts to the western pebble mound mouse and mounds cannot be avoided, approval through the AH Act and the BC Act would be required.</p> <p>The construction of the pipeline would have no effect on historic heritage values, economic considerations, or amenity with no additional significant impacts as the construction is aligned with the existing linear infrastructure and existing operational management procedures are in place.</p> <p>The proponent is continuing to include input from the Banjima People to limit visual impacts, maintain animal movement, address surface drainage/creek crossings and avoid unacceptable fire risk in the development of the pipeline designs and prior to any ground disturbing works through a co-developed Aboriginal Cultural Heritage Management Plan (ACHMP).</p> <p>Potential for significant cumulative impacts to social surroundings, can be mitigated and managed with the continued co-design, co-management and consultation with the Banjima People.</p> <p>Considering the above, the EPA’s objective for Social Surroundings is likely to be met.</p>
<p>Controls on implementation, including relevant DMA processes (where relevant), for amendment</p>	<p>Existing MS 999 conditions, management commitments and monitoring commitments to control adverse impacts to flora and vegetation, terrestrial fauna (condition 8), rehabilitation and closure (condition 13) and offsets (condition 14) ensure consistency with the EPA’s objectives by requiring:</p> <p>The implementation of the northern quoll management plan.</p> <ul style="list-style-type: none"> • the development and implementation of a mine closure plan on advice from the Department of Biodiversity Conservation and Attractions to the satisfaction of the Chief Executive Officer on advice from the Department of Energy, Mines, Industry Regulation and Safety, including rehabilitation of linear infrastructure • completion criteria for invasive species in the mine closure plan, including vegetation monitoring and rehabilitation quality assessment and database management using EnviroSys • dust management through tenement closure conditions detailed in the mine closure plan • an impact reconciliation plan. <p>The existing proposal is also subject to other regulatory requirements under:</p> <ul style="list-style-type: none"> • The <i>Environment Protection and Biodiversity Conservation Act 1999</i> decision notice 2012/6422

	<ul style="list-style-type: none"> • Section 40 of the BC Act for the taking of flora and fauna • existing operational management dust controls are implemented under condition 15 of licence L8562/2011/1 issued under Part V of the EP Act • Koodaideri is operated under the State Agreement Act (SAA) <i>Iron Ore (Mount Bruce) Agreement Act 1972</i> and the Koodaideri rail is operated under the SAA <i>Iron Ore (Hamersley Range) Agreement Act 1963 (WA)</i>. Water supply will require approvals under SAA's covering the affected areas of the proposal and possibly the Yandicoogina SAA • RiWI Act for licences and permits to interfere with the beds and banks of a water course • The effects on ACH values from the proposed amendments can likely be mitigated by the amended AH Act, which includes the Traditional Owners right to appeal a section 18 approval and at any time new information related to an Aboriginal site is identified this information must be notified to the Minister for Aboriginal Affairs. In addition to the requirements of the amended AH Act, the implementation of the mitigation and management measures detailed in a Traditional Owner/proponent co-designed ACHMP is reasonably likely to ensure the EPA objective for the protection of Aboriginal cultural heritage and values from significant harm would continue to be met.
<p>Significance of requested amendment</p>	<p>The nature of the proposal is unchanged and the increase in SIC DE and vegetation clearing authorised extents and the extension of the SIC DE authorised activities, including the construction and operation of a water transfer pipeline, in Ministerial Statement 999 is not likely to have a significant effect, on its own or in the context of the existing approved proposal, on the environment. There is not likely to be any change to environmental outcomes and the EPA's objectives are likely to continue to be met for all relevant environmental factors.</p> <p>The amendments described above are not significant amendments as defined in section 3 of the EP Act.</p>

Summary of consideration of amendment

The decision-maker has considered whether the proposed amendment would be a significant amendment in addition to the potential impacts of the amendments.

The EPA has considered:

- the cumulative environmental impacts
- the holistic impacts
- whether the environmental effects of the implementation of the proposal as amended will be consistent with the EPA's environmental factor objectives
- whether the proposal as amended would still be substantially the same character as the approved proposal.

Summary of decision

The decision-maker has considered the request to amend approved proposal under section 45C(1) of the EP Act. The decision-maker considers the requested amendments to the Approved Proposal are not considered to be significant amendments.

Attachments:

- Figure 1 Revised development envelope
- Figure 2 Indicative footprint and change to development envelope

Appeals: Decision not appealable.

A handwritten signature in blue ink, appearing to read 'Matthew Tonts', with a long horizontal flourish extending to the right.

Professor Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

Date: 7 March 2024

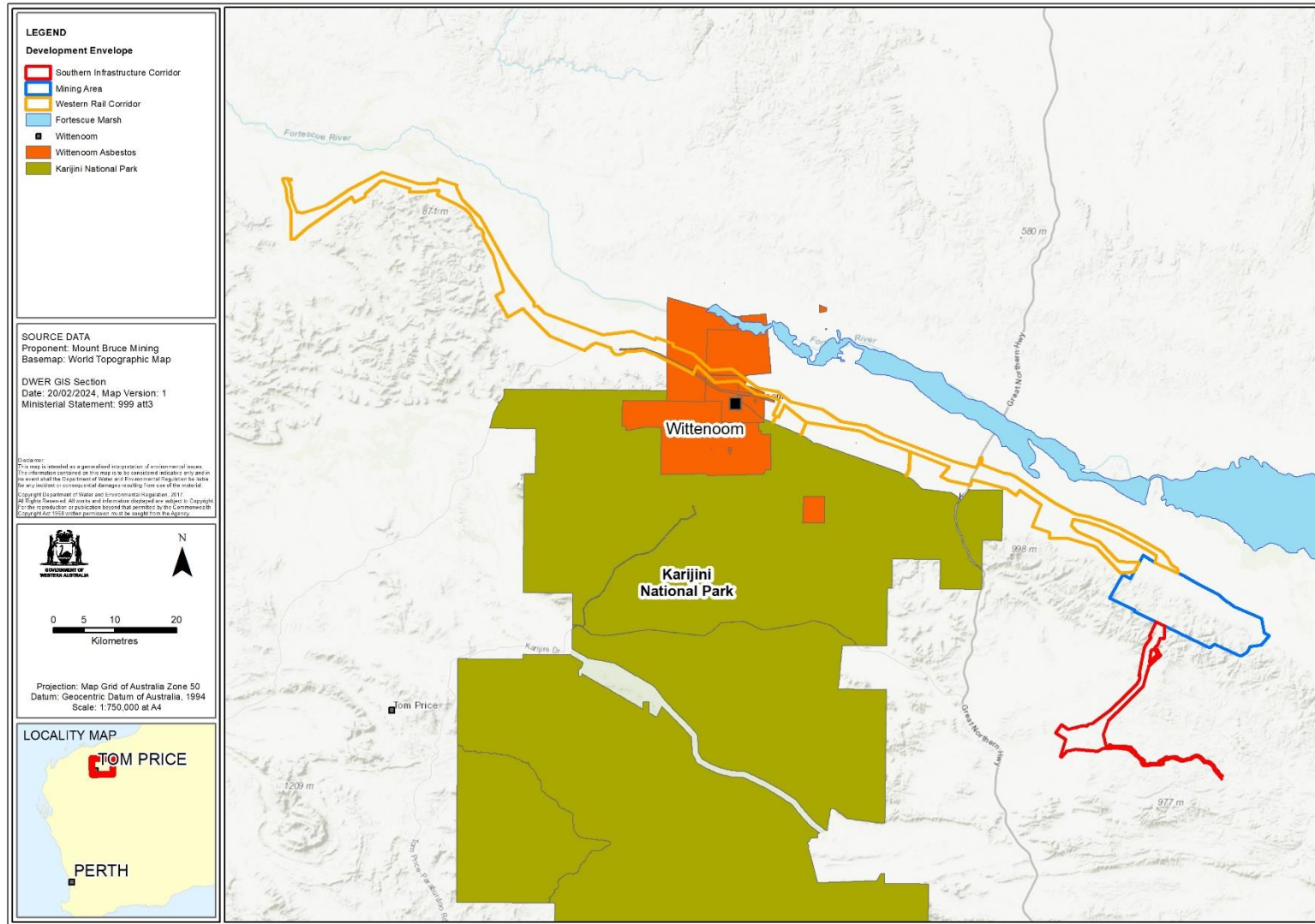
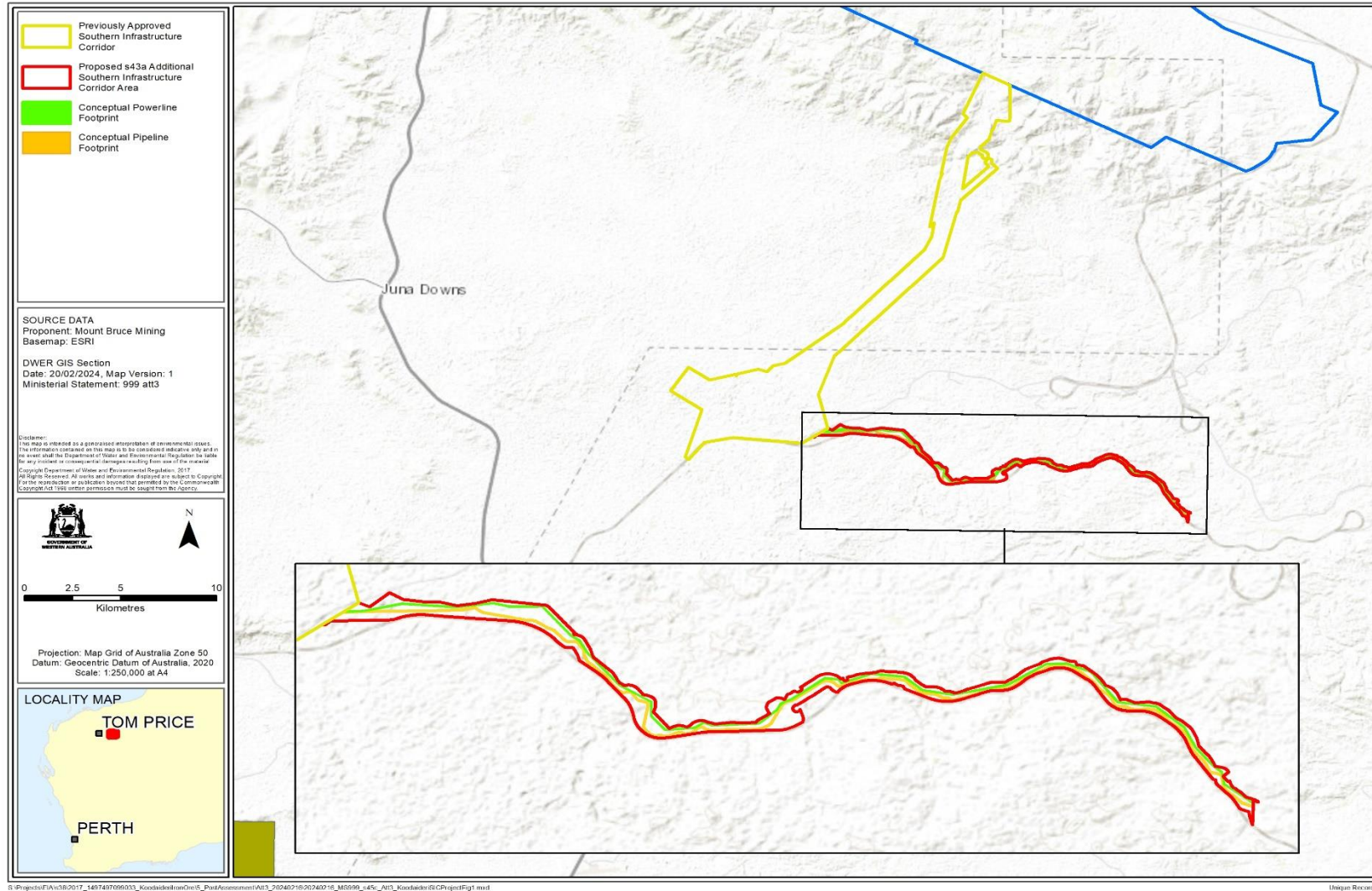


Figure 1: Revised development envelope



● **Figure 2: Indicative footprint and change to development envelope**