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Published on 18 August 2009

Statement No 802

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

**KOOLYANOBING IRON ORE PROJECT, WINDARLING W2 PIT MINING
BELOW THE GROUNDWATER TABLE, WINDARLING RANGE,
SHIRE OF YILGARN**

Proposal: The proposal is for open-cut mining of iron ore (haematite) below the groundwater table at the currently mined W2 pit at Windarling, approximately 90 kilometres north-north-east of Koolyanobbing. The open-cut mine will require a depth increase of approximately 114 metres from nominally 402 metres Australian Height Datum (AHD) to 288 metres AHD. This will enable mining of an estimated six million tonnes of ore.

Proponent: Cliffs Asia Pacific Iron Ore Pty Ltd [ACN 001 892 995]

Proponent Address: Level 12, The Quadrant, 1 William Street, PERTH WA 6000

Assessment Numbers: 1761

Related Statement: Ministerial Statement 627 is the currently approved proposal.

Report of the Environmental Protection Authority: Report 1303

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. 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 assessed by the Environmental Protection Authority and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer (CEO) of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within 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 of the Department of Environment and Conservation 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 of the Department of Environment and Conservation.
- 4-2 The proponent shall submit to the CEO of the Department of Environment and Conservation, the compliance assessment plan required by condition 4-1 at least 6 months prior to the first compliance report required by condition 4-6. The compliance assessment plan shall indicate:
1. frequency of compliance reporting;
 2. approach and timing of compliance assessments;
 3. retention of compliance assessments;
 4. reporting of potential non-compliances and corrective actions taken;
 5. table of contents of compliance reports; and
 6. public availability of compliance 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 of the Department of Environment and Conservation.

- 4-5 The proponent shall advise the CEO of the Department of Environment and Conservation of any potential non-compliance as soon as practicable.
- 4-6 The proponent shall submit a compliance assessment report annually from the date of issue of this Statement addressing the previous twelve month period or as agreed by the CEO of the Department of Environment and Conservation. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person, approved in writing by the Department of Environment and Conservation, delegated to sign on the Managing Director's behalf;
 2. include a statement as to whether the proponent has complied with the conditions Review;
 3. identify all 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 Performance Review and Reporting

- 5-1 The proponent shall extend the performance review report required by condition 4-2 of Statement 627 to include performance review of mining the Windarling W2 Pit below 402m AHD.
- 5-2 The proponent shall make the Performance Review Reports required by condition 5-1 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

6 Flora and Vegetation

- 6-1 In implementing the proposal, the proponent shall not increase the mine pit footprint beyond that delineated by AMG coordinates listed in schedule 2 (attached).
- 6-2 The proponent shall not cause the loss of Declared Rare Flora as a result of the implementation of this proposal unless otherwise approved.
- 6-3 The proponent shall monitor and record Declared Rare Flora and Priority Flora species and vegetation condition as defined by Keighery (1994) within 100 metres of the Windarling W2 Pit, at least once each calendar year for the duration of mining at the Windarling Range approved under this Statement and Statement 627 and report the results of the monitoring to the CEO of the Department of Environment and Conservation as part of the annual compliance reporting under condition 4.

- 6-4 In the event that the monitoring undertaken in accordance with condition 6-3 shows a decline in the health and condition of Declared Rare Flora, Priority Flora and/or vegetation as defined by Keighery (1994), the proponent shall investigate the cause of the decline.
- 6-5 The proponent shall provide a report to the CEO of the Department of Environment and Conservation on the investigation undertaken in accordance with condition 6-4, within 6 months of completing the investigation. The report shall detail the investigation outcomes and identify measures proposed to be implemented to enhance recovery and rehabilitate the impacted flora or vegetation if impacted as a result of the proposal and to minimise further impacts. The proponent shall implement the measures agreed with the CEO of the Department of Environment and Conservation.
- 6-6 The proponent shall make the reports required by conditions 6-3 and 6-5 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

7 Mine Closure and Rehabilitation

- 7-1 Subject to conditions 7-4 and 7-5, the proponent shall ensure that grazing and predation do not cause an increased impact on flora and fauna in the vicinity of the mine, by backfilling the Windarling W2 Pit void to a level that will prevent the formation of permanent surface water on cessation of pit dewatering.
- 7-2 For the duration of mining at the Windarling Range approved under this Statement and Statement 627 or for a minimum of 7 years following backfill, whichever is greater, the proponent shall ensure the effectiveness of backfilling required by condition 7-1 in preventing the presence of permanent surface water in the Windarling W2 Pit void.
- 7-3 The proponent shall undertake rehabilitation of the Windarling W2 Pit below 402m AHD consistent with the requirements of Condition 19 (Closure Plan) of Statement No. 627.
- 7-4 In the event that the proponent determines that the requirements of condition 7-1 cannot be met, the proponent shall report to the Minister for Environment and the Minister for Mines and Petroleum setting out the grounds as to why the requirements of condition 7-1 cannot be met.
- 7-5 If backfilling of the Windarling W2 Pit void to the requirements of condition 7-1 is not undertaken, the proponent shall:
1. take measures, as agreed with the CEO of the Department of Environment and Conservation, to ensure that surface water within the Windarling W2 pit does not result in an increase in introduced fauna to a level that may have a measurable impact on native fauna or native flora on the Windarling Range as compared to monitoring results obtained during mining of the Windarling W2 pit;

2. monitor and record feral animal populations on the Windarling Range at least once each calendar year for the duration of mining at the Windarling Range approved under this Statement and Statement 627 or for seven years following the cessation of mining of the Windarling W2 pit, whichever is greater;
3. monitor and record the health and condition of Declared Rare Flora and Priority Flora species and vegetation condition as defined by Keighery (1994) on the Windarling Range at least once each calendar year for the duration of mining at the Windarling Range approved under this Statement and Statement 627 or for seven years following the cessation of mining of the Windarling W2 pit, whichever is greater;
4. report the results of the measures taken required by condition 7-5-1 and the results of monitoring required by 7-5(2) and 7-5(3) to the CEO of the Department of Environment and Conservation as part of the annual compliance reporting under condition 4; and
5. within seven years of determining that backfilling of the Windarling W2 Pit void to the requirements of condition 7-1 is not undertaken, provide a report detailing the long term management of the Windarling W2 pit lake to the requirements of the Department of Environment and Conservation.

Procedures

1. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfillment of the requirements of the conditions.

Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

The Proposal (Assessment No. 1761)

General Description

The proposal is for open-cut mining of iron ore (haematite) *below* the groundwater table at the W2 pit Windarling, approximately 90 kilometres north-north-east of Koolyanobbing. The currently approved project (Ministerial Statement 627, dated 3 June 2003) at the same location is for mining *above* the water table. The open-cut mine will require a depth increase of approximately 114 metres from nominally 402 metres Australian Height Datum (AHD) to 288 metres AHD. The depth increase of the W2 pit will enable mining of an estimated 6 million tonnes of ore. The project will have a life span of approximately three years. The proposal and potential impacts are described in the document, *Koolyanobbing Iron Ore Project – W2 Pit – Mining below the Groundwater Table*, Environmental Protection Statement (Revision G, July 2008).

The proposal does not involve any vegetation clearing. Overburden will be disposed of to the Windarling W2 Waste Dump approved under Statement No. 627. The area of rehabilitation is defined under condition 19 of Statement No. 627.

Summary Description

A summary of the key proposal characteristics is presented in Table 1.

Table 1 – Summary of Key Proposal Characteristics

Element	Description
Location	Windarling W2 Pit, located approximately 90km NNW of Koolyanobbing
Mining Duration	3 years (estimated)
Ore Mass	6 million tonnes (estimated)
Mine Pit Depth	288 metres AHD (nominal)
Mining method	Open cut
Dewatering	1.2ML/day annual average (estimated)
Disposal of dewatering water	Dust suppression and other mining activities

Figures (attached)

Figure 1 – Regional location and mine layout

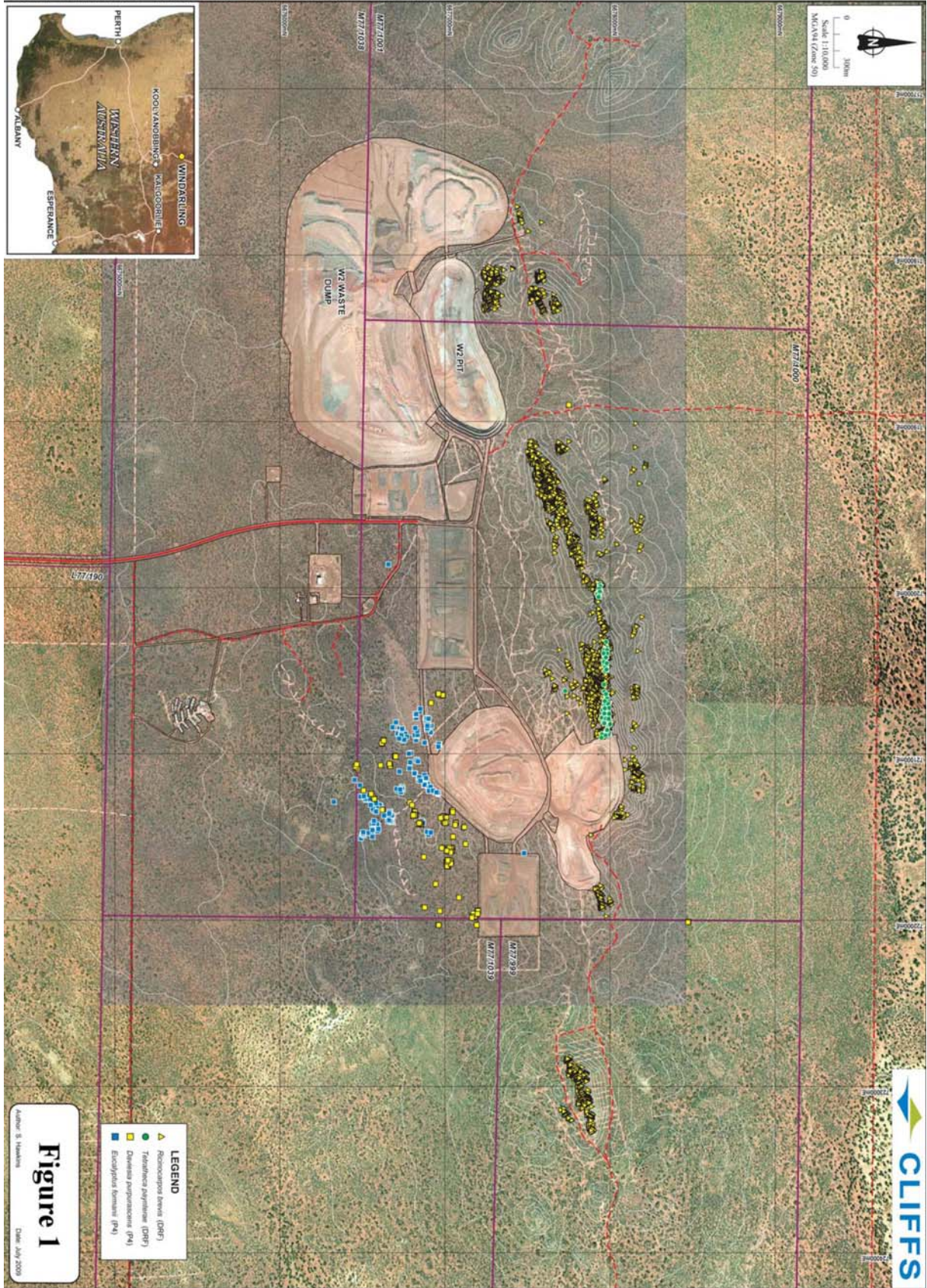


Figure 1 – Regional location and mine layout

**KOOLYANOBING IRON ORE PROJECT, WINDARLING W2 PIT
MINING BELOW THE GROUNDWATER TABLE, WINDARLING
RANGE, SHIRE OF YILGARN (Assessment No. 1761)**

Eastings and Northings for Mine Pit Footprint

MGA_East	MGA_North	MGA_East	MGA_North	MGA_East	MGA_North
718244	6676809	719050	6677066	718930	6677369
718287	6676797	719055	6677075	718920	6677367
718337	6676794	719060	6677086	718918	6677367
718383	6676793	719065	6677097	718901	6677363
718407	6676795	719070	6677107	718870	6677355
718428	6676796	719074	6677116	718833	6677343
718443	6676798	719079	6677126	718797	6677331
718475	6676796	719083	6677135	718763	6677327
718496	6676794	719088	6677145	718753	6677324
718520	6676793	719092	6677154	718730	6677316
718544	6676793	719096	6677164	718715	6677308
718565	6676799	719102	6677175	718670	6677290
718605	6676810	719104	6677187	718638	6677276
718647	6676821	719107	6677198	718608	6677261
718695	6676832	719108	6677208	718607	6677260
718739	6676842	719108	6677219	718603	6677260
718778	6676853	719108	6677232	718593	6677259
718800	6676858	719107	6677248	718587	6677252
718809	6676864	719099	6677274	718586	6677248
718813	6676873	719097	6677280	718581	6677244
718817	6676883	719094	6677285	718552	6677229
718820	6676890	719088	6677296	718517	6677214
718870	6676902	719082	6677305	718481	6677201
718900	6676917	719076	6677314	718452	6677192
718937	6676943	719068	6677324	718416	6677182
718950	6676951	719060	6677333	718404	6677181
718955	6676955	719058	6677335	718384	6677179
718963	6676962	719049	6677343	718352	6677176
718971	6676969	719040	6677349	718319	6677174
718980	6676976	719030	6677357	718287	6677175
718988	6676983	719021	6677363	718261	6677174
718996	6676990	719010	6677365	718257	6677175
719002	6676998	718998	6677368	718258	6677179
719009	6677006	718988	6677370	718254	6677181
719016	6677014	718986	6677370	718247	6677177
719022	6677022	718975	6677371	718233	6677182
719028	6677031	718964	6677372	718218	6677190
719034	6677039	718953	6677371	718216	6677202
719040	6677048	718950	6677371	718204	6677206
719045	6677057	718940	6677370	718199	6677203

MGA_East	MGA_North	MGA_East	MGA_North
718197	6677198	717998	6677016
718200	6677193	717998	6677014
718208	6677182	718000	6677004
718197	6677182	718007	6677004
718186	6677182	718013	6677002
718179	6677182	718021	6677008
718168	6677182	718023	6677000
718157	6677181	718026	6676988
718146	6677180	718032	6676976
718136	6677178	718036	6676966
718126	6677175	718042	6676954
718115	6677172	718046	6676950
718114	6677172	718054	6676943
718104	6677167	718061	6676935
718095	6677163	718068	6676928
718086	6677157	718077	6676921
718077	6677151	718083	6676916
718068	6677144	718092	6676910
718060	6677137	718103	6676904
718053	6677129	718111	6676899
718046	6677120	718120	6676894
718039	6677111	718129	6676889
718033	6677101	718139	6676884
718028	6677088	718148	6676880
718024	6677078	718153	6676878
718020	6677068	718163	6676873
718007	6677072	718172	6676869
717995	6677071	718181	6676865
717982	6677079	718185	6676864
717986	6677062	718193	6676859
717988	6677064	718202	6676855
717996	6677068	718210	6676850
718003	6677065	718216	6676842
718009	6677058	718217	6676840
718015	6677048	718219	6676834
718017	6677034	718234	6676807
718017	6677025		
718011	6677020		
718003	6677018		

ATTACHMENT 1 TO MINISTERIAL STATEMENT 802

Section 46C
Environmental Protection Act 1986

NOTICE OF CHANGE TO IMPLEMENTATION CONDITIONS

KOOLYANOBING IRON ORE PROJECT, WINDARLING W2 PIT MINING BELOW THE
GROUNDWATER TABLE, WINDARLING RANGE, SHIRE OF YILGARN

Pursuant to section 46C of the *Environmental Protection Act 1986*, the implementation conditions applying to the above proposal are changed in accordance with the Schedule to this Notice. I consider this change to be of a minor nature, and is necessary or desirable in order to make an administrative change to the format of the implementation conditions that does not alter the obligations of the proponent.

HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER

30 May 2012

1. Condition 7-2 amended;

From:

7-2 For the duration of mining at the Windarling Range approved under this Statement and Statement 627 or for a minimum of 7 years following backfill, whichever is the greater, the proponent shall ensure the effectiveness of backfilling required by condition 7-1 in preventing the presence of permanent surface water in the Windarling W2 Pit void.

To:

7-2 The proponent shall ensure the effectiveness of backfilling required by condition 7-1 in preventing the presence of permanent surface water in the Windarling W2 Pit void for a minimum of 7 years following the completion of backfilling at the Windarling W2 Pit, unless otherwise agreed with the CEO.

2. Condition 7-5-2 amended;

From:

7-5-2 monitor and record feral animal populations on the Windarling Range at least once each calendar year for the duration of mining at the Windarling Range approved under this Statement and Statement 627 or for seven years following the cessation of mining of the Windarling W2 pit, whichever is greater;

To:

7-5-2 monitor and record feral animal populations on the Windarling Range at least once each calendar year for 7 years following the cessation of mining of the Windarling W2 pit;

3. Condition 7-5-3 amended.

From:

7-5-3 monitor and record the health and condition of Declared Rare Flora and Priority Flora species and vegetation condition as defined by Keighery (1994) on the Windarling Range at least once each calendar year for the duration of mining at the Windarling Range approved under this Statement and Statement 627 or for seven years following the cessation of mining of the Windarling W2 pit, whichever is greater;

To:

7-5-3 monitor and record the health and condition of Declared Rare Flora and Priority Flora species and vegetation condition as defined by Keighery (1994) on the Windarling Range at least once each calendar year for 7 years following the cessation of mining of the Windarling W2 pit;