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Published on: 23 November 2020

Statement No. 1154

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED**  
**(*Environmental Protection Act 1986*)**

**MIRALGA CREEK DSO PROJECT**

**Proposal:** The proposal is to develop above watertable mining of iron ore from Sandtrax, Miralga West and Miralga East, located about 100 kilometres south-east of Port Hedland.

**Proponent:** Atlas Iron Pty Ltd  
Australian Company Number 110 396 168

**Proponent Address:** Level 17, 300 Murray Street  
PERTH WA 6000

**Assessment Number:** 2246

**Report of the Environmental Protection Authority:** 1689

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Tables 1 and 2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

**1 Proposal Implementation**

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

**2 Contact Details**

2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

### **3 Time Limit for Proposal Implementation**

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

### **4 Compliance Reporting**

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
  - (1) the frequency of compliance reporting;
  - (2) the approach and timing of compliance assessments;
  - (3) the retention of compliance assessments;
  - (4) the method of reporting of potential non-compliances and corrective actions taken;
  - (5) the table of contents of Compliance Assessment Reports; and
  - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 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.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential 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 Public Availability of Data**

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in condition 5-1 contain particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information,

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

## **6 Significant Species Management Plan**

6-1 The proponent shall ensure implementation of the proposal achieves the following **environmental objective**:

- (1) avoid where possible, otherwise minimise direct and indirect impacts to significant fauna and their habitat, including:
  - (a) northern quoll (*Dasyurus hallucatus*);
  - (b) ghost bat (*Macroderma gigas*);
  - (c) Pilbara leaf-nosed bat (*Rhinonicteris aurantia*);

- (d) Pilbara olive python (*Liasis olivaceus barroni*);
- (e) northern brushtail possum (*Trichosurus vulpecula arnhemensis*);  
and
- (f) grey falcon (*Falco hypoleucos*).

6-2 To achieve the objective in condition 6-1 and prior to ground disturbing activities, the proponent shall update and submit a revision of the Significant Species Management Plan (180-LAH-EN-PLN-0001, Rev 0, April 2020) to the requirements of the CEO. The Plan shall:

- (1) specify **trigger criteria; threshold criteria; trigger level actions; threshold contingency actions**; monitoring locations, methodologies, indicators and timing; investigations in the event of a failure to meet a criteria or action; and reporting to demonstrate that the objective in condition 6-1(1) will be met;
- (2) specify **management actions** and reporting to demonstrate that the objective in condition 6-1(1) will be met;
- (3) show significant fauna monitoring sites presented in a figure;
- (4) design blasts to perform to the blast criteria at threshold 100 mm/s at caves CMRC-13, CMRC-14 and CMRC-15, and any other category 1 and 2 caves in the development envelope where ghost bats are found to roost;
- (5) avoid blasting within 100 metres of the lateral extent of caves CMRC-13, CMRC-14 and CMRC-15 until the results of monitoring validate predictions with a reasonable degree of confidence;
- (6) ensure no significant damage to caves CMRC-13, CMRC-14 and CMRC-15, or any other diurnal roosting cave, such that the caves remain viable as habitat (including for diurnal roosting) for ghost bats and Pilbara leaf-nosed bats in the future once mining has ceased;
- (7) minimise disturbance to significant fauna habitats; hillcrest/hillslope, gorge/gully and low stony hills;
- (8) include a trigger criterion that, during any annual monitoring period, any decline in northern quoll abundance at any monitoring site does not exceed 50% of baseline abundance at that site; and
- (9) include a threshold criterion that northern quoll is not absent from more than 50% of monitoring sites for more than two consecutive annual monitoring periods.

- 6-3 The proponent shall not implement the proposal until the CEO has confirmed in writing that the Significant Species Management Plan satisfies the requirements of condition 6-2.
- 6-4 The proponent:
- (1) may review and revise the Significant Species Management Plan; or
  - (2) shall review and revise the Significant Species Management Plan as and when directed by the CEO by a notice in writing.
- 6-5 The proponent shall implement the latest revision of the Significant Species Management Plan approved by the CEO.
- 6-6 The proponent shall continue to implement the Significant Species Management Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 6-1 has been met.
- 6-7 Where monitoring or investigations indicate a failure to meet or implement management action(s) or target(s) detailed in the approved Significant Species Management Plan, the proponent shall meet the requirements of condition 4-5 (Compliance Reporting) and shall implement the measures outlined in the approved Significant Species Management Plan, including, but not limited to, actions and investigations to be undertaken.
- 6-8 The proponent shall provide the results of ongoing monitoring to the agency responsible for the administration of the *Biodiversity Conservation Act 2016* (being at the time of this Statement to the Department of Biodiversity, Conservation and Attractions).

## **7 Offsets**

- 7-1 The proponent shall contribute funds to the **Pilbara Environmental Offsets Fund** calculated pursuant to condition 7-2, to achieve the objective of counterbalancing the significant residual impacts to 'Good' to 'Excellent' condition native vegetation, riparian vegetation, critical habitat for the northern quoll and ghost bat, subject to any reduction approved by the CEO under condition 7-10.
- 7-2 The proponent's contribution to the **Pilbara Environmental Offsets Fund** shall be paid biennially, with the amount to be contributed calculated based on the **clearing** undertaken in each year of the biennial reporting period in accordance with the highest applicable rate specified in condition 7-3. The first biennial reporting period shall commence from **ground disturbing activities** of the environmental value(s) identified in condition 7-3.

- 7-3 Calculated on the 2019–2020 financial year, the contribution rates are:
- (1) \$781 AUD (excluding GST) per hectare of ‘Good’ to ‘Excellent’ condition native vegetation, **cleared** as a result of the **proposal** within the Chichester **IBRA** subregion.
  - (2) \$1,562 AUD (excluding GST) per hectare of riparian vegetation and denning and foraging habitat for northern quoll and roosting and foraging habitats for ghost bat, **cleared** as a result of the **proposal** within the Chichester **IBRA** subregion.
- 7-4 From the commencement of the 2019–2020 financial year, the rates in condition 7-3 will be adjusted annually each subsequent financial year in accordance with the percentage change in the **CPI** applicable to that financial year.
- 7-5 Subject to, and consistent with conditions 7-1, 7-2, 7-3 and 7-4, the proponent shall implement:
- (1) Atlas Iron, Impact Reconciliation Procedure Miralga Creek DSO Project (180-LAH-EN-PLN-0004, Revision 3, September 2020); or
  - (2) if that plan has been revised, the latest version of the plan that the CEO has confirmed in writing meets the requirements of condition 7-1.
- 7-6 If the proponent wishes to or is directed to revise an Impact Reconciliation Procedure, the proponent shall submit a revised plan to the CEO that:
- (1) spatially defines the environmental value(s) identified in condition 7-3;
  - (2) spatially defines the areas where offsets required by condition 7-1 are to be exempt;
  - (3) includes a methodology to calculate the amount of clearing undertaken during each year of the biennial reporting period for each of the environmental values identified in condition 7-3;
  - (4) states that clearing calculations for the first biennial reporting period will commence from **ground disturbing activities** in accordance with condition 7-2 and end on the second 30 June following commencement of **ground disturbing activities**;
  - (5) states that clearing calculations for each subsequent biennial reporting period will commence on 1 July of the required reporting period, unless otherwise agreed by the CEO;
  - (6) indicates the timing and content of the Impact Reconciliation Reports; and

(7) is prepared in accordance with *Instructions on how to prepare Environmental Protection Act 1986 Part IV Impact Reconciliation Procedures and Impact Reconciliation Reports* (or any subsequent revisions).

7-7 The proponent:

- (1) may review and revise the Impact Reconciliation Procedure; or
- (2) shall review and revise the Impact Reconciliation Procedure as and when directed by the CEO by a notice in writing.

7-8 The proponent shall submit an Impact Reconciliation Report in accordance with the Impact Reconciliation Procedure approved in condition 7-5.

7-9 The Impact Reconciliation Report required pursuant to condition 7-8 shall provide the location and spatial extent of the clearing undertaken as a result of the **proposal** during each year of each biennial reporting period.

7-10 The proponent may apply in writing and seek the written approval of the CEO to reduce all or part of the contribution payable under condition 7-2 where:

- (1) a payment has been made to satisfy a condition of an approval under the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the proposal; and
- (2) the payment is made for the purpose of counterbalancing impacts of the proposal on matters of national environmental significance identified in condition 7-1.

[signed on 23 November 2020]

Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT**

Table 1: Summary of the proposal

<b>Proposal title</b>	Miralga Creek DSO Project
<b>Short description</b>	<p>The proposal is to develop above watertable mining of iron ore from Sandtrax, Miralga West and Miralga East, located about 100 kilometres south-east of Port Hedland.</p> <p>The proposal includes the development of mine pits and associated infrastructure including but not limited to processing facilities, waste landforms and access roads. The proposal will include an accommodation camp and utilise some existing ancillary infrastructure from the nearby Abydos DSO Project.</p>

Table 2: Location and authorised extent of physical and operational elements

<b>Element</b>	<b>Location</b>	<b>Authorised Extent</b>
<b><i>Physical elements</i></b>		
Pits	Three at Miralga East (Figure 3) One at Miralga West (Figure 4) One at Sandtrax (Figure 5)	Clearing of no more than 219.8 hectares of native vegetation within a 556.8 hectare development envelope.
Waste dumps	Miralga East (Figure 3) Miralga West (Figure 4) Sandtrax (Figure 5)	
Supporting infrastructure: <ul style="list-style-type: none"> <li>• Access roads</li> <li>• Mine operation centre</li> <li>• Laydown areas</li> <li>• Administration areas</li> <li>• Explosives magazine</li> <li>• Fuel storage area</li> <li>• Haulage route</li> <li>• ROM stockyard</li> </ul>	Figures 2 to 7	
<ul style="list-style-type: none"> <li>• Accommodation camp</li> <li>• Wastewater treatment plant</li> <li>• Irrigation sprayfield</li> <li>• Landfill</li> </ul>	Within tenement L45/562 (Figure 8)	
<b><i>Operational elements</i></b>		
Groundwater abstraction	Existing borefields	Abstraction of no more than 0.9 gigalitres per annum of groundwater.

**Table 3: Abbreviations and definitions**

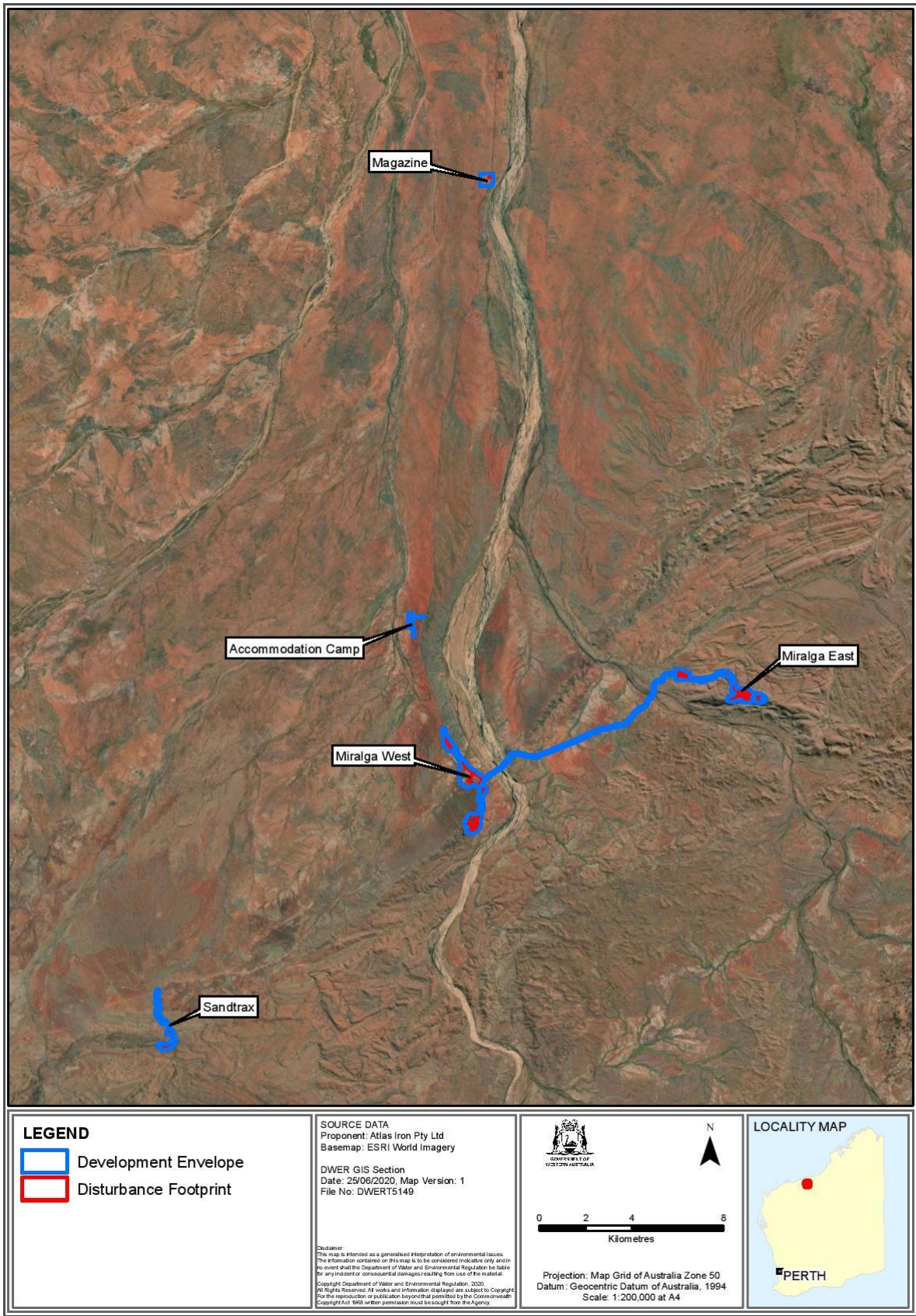
<b>Acronym or abbreviation</b>	<b>Definition or term</b>
<b>CEO</b>	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
<b>Cleared/clearing</b>	Has the meaning of 'clearing' given by section 51A of the <i>Environmental Protection Act 1986</i> .
<b>CPI</b>	The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics.
<b>Environmental objective</b>	The proposal-specific desired state for an environmental factor/s, to be achieved from the implementation of management-based Condition EMP provisions, as required in a management-based implementation condition.
<b>EP Act</b>	<i>Environmental Protection Act 1986</i>
<b>Ground disturbing activity</b>	Activities that are associated with the substantial implementation of a proposal including but not limited to, digging (with mechanised equipment), blasting, earthmoving, vegetation clearance, grading, gravel extraction, construction of new or widening of existing roads and tracks.
<b>IBRA</b>	Interim Biogeographic Regionalisation for Australia
<b>Pilbara Environmental Offsets Fund</b>	The special purpose account that has been created pursuant to section 16(1)(d) of the <i>Financial Management Act 2006</i> by the Department of Water and Environmental Regulation.
<b>proposal</b>	As defined in Tables 1 and 2 of Schedule 1 and delineated by the geographic coordinates in Schedule 2.
<b>Threshold contingency actions</b>	Threshold contingency actions are implemented in the event that the threshold criteria are exceeded. Threshold contingency actions must be decisive actions that will bring the impact back below the threshold criteria and trigger criteria quickly.
<b>Threshold criteria</b>	Threshold criteria represent the limit of acceptable impact beyond which there is likely to be a significant effect on the environment. This indicates that the environmental outcome is not being met. Where the EMP is a requirement of a condition, any failure to meet threshold criteria constitutes a non-compliance with the implementation conditions.
<b>Trigger level actions</b>	Trigger level actions are the actions that will be implemented if trigger criteria are exceeded, to avoid reaching the threshold criteria and bring the impact back below the trigger criteria.
<b>Trigger criteria</b>	Trigger criteria are set at levels to forewarn of the approach of the threshold criteria and 'trigger' response actions. Trigger criteria must be set at a conservative level to ensure trigger level actions are implemented well in advance of the threshold criteria to avoid non-compliance and to avoid compromising the environmental outcome.

## **Figures (attached)**

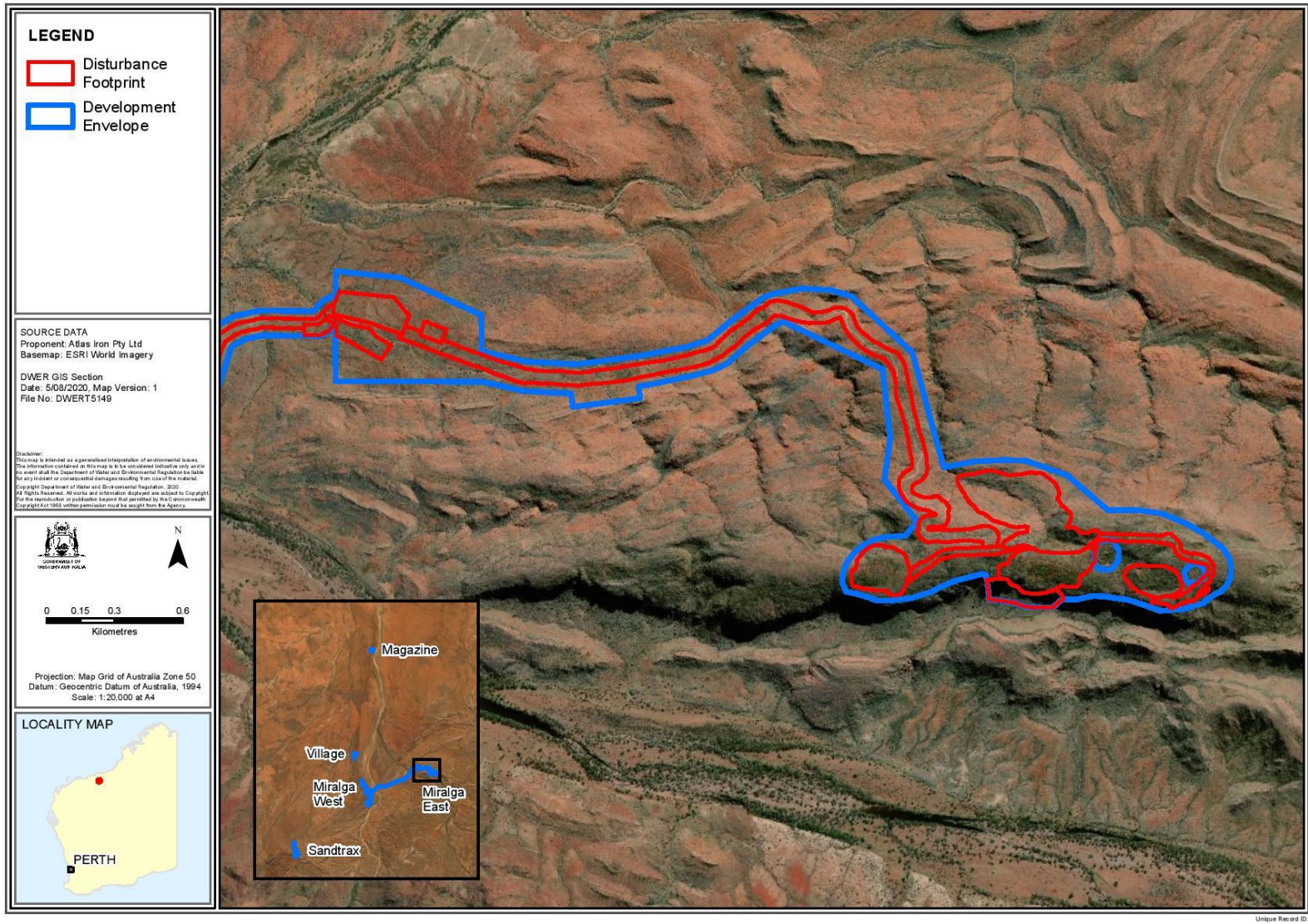
- Figure 1 Regional location
- Figure 2 Proposal - Development envelope and indicative disturbance footprint
- Figure 3 Miralga East - Development envelope and indicative disturbance footprint
- Figure 4 Miralga West - Development envelope and indicative disturbance footprint
- Figure 5 Sandtrax - Development envelope and indicative disturbance footprint
- Figure 6 Haul road - Development envelope and indicative disturbance footprint
- Figure 7 Magazine - Development envelope and indicative disturbance footprint
- Figure 8 Accommodation camp and associated infrastructure - Development envelope and indicative disturbance footprint
- Figure 9 Miralga West, Miralga East and accommodation camp - Good to Excellent Condition Vegetation in the Chichester Sub-region, Riparian Vegetation and Critical Habitat for the northern quoll and bats
- Figure 10 Sandtrax - Good to Excellent Condition Vegetation in the Chichester Sub-region, Riparian Vegetation and Critical Habitat for the northern quoll and bats
- Figure 11 Magazine - Good to Excellent Condition Vegetation in the Chichester Sub-region, Riparian Vegetation and Critical Habitat for the northern quoll and bats



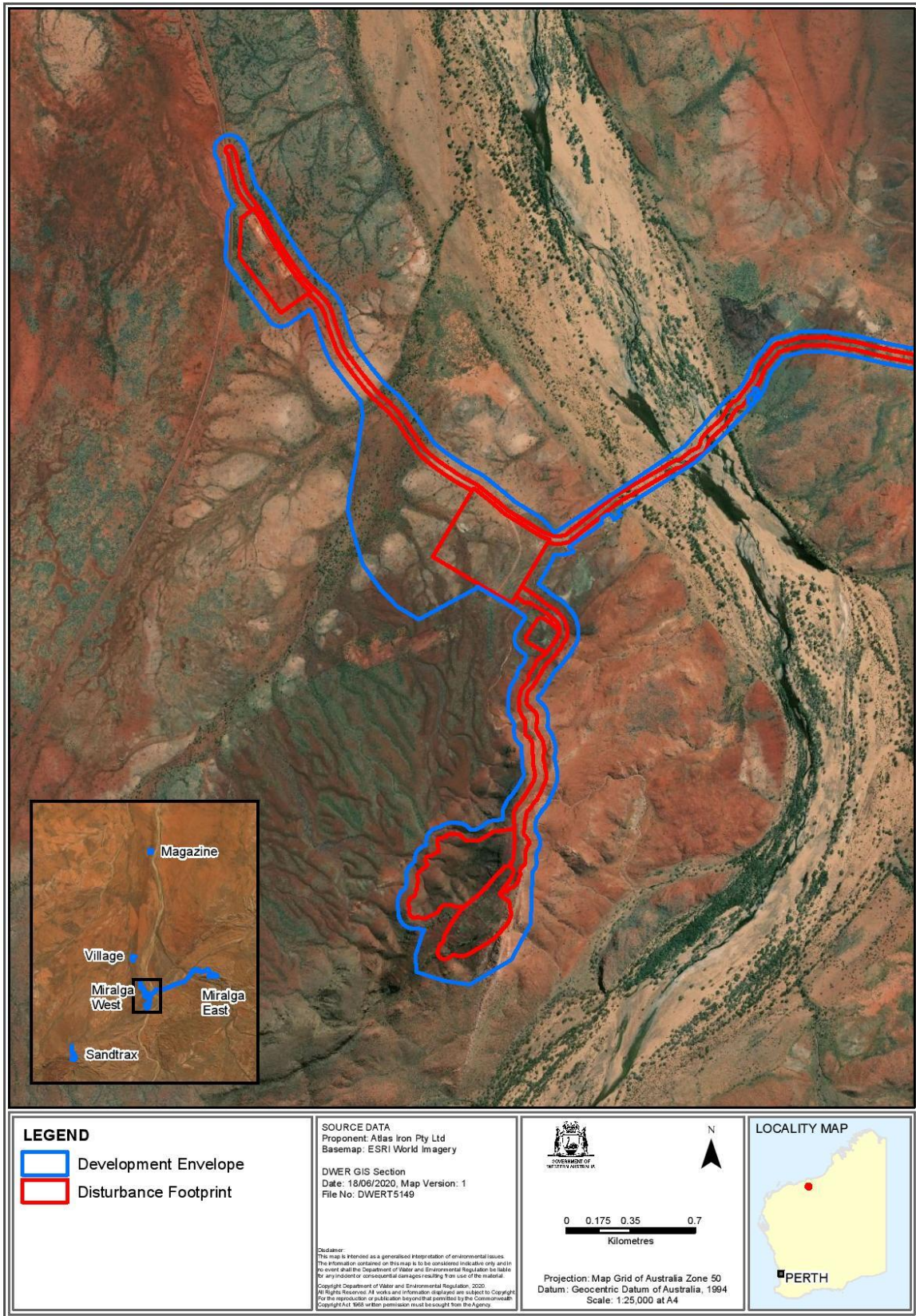
Figure 1: Regional location



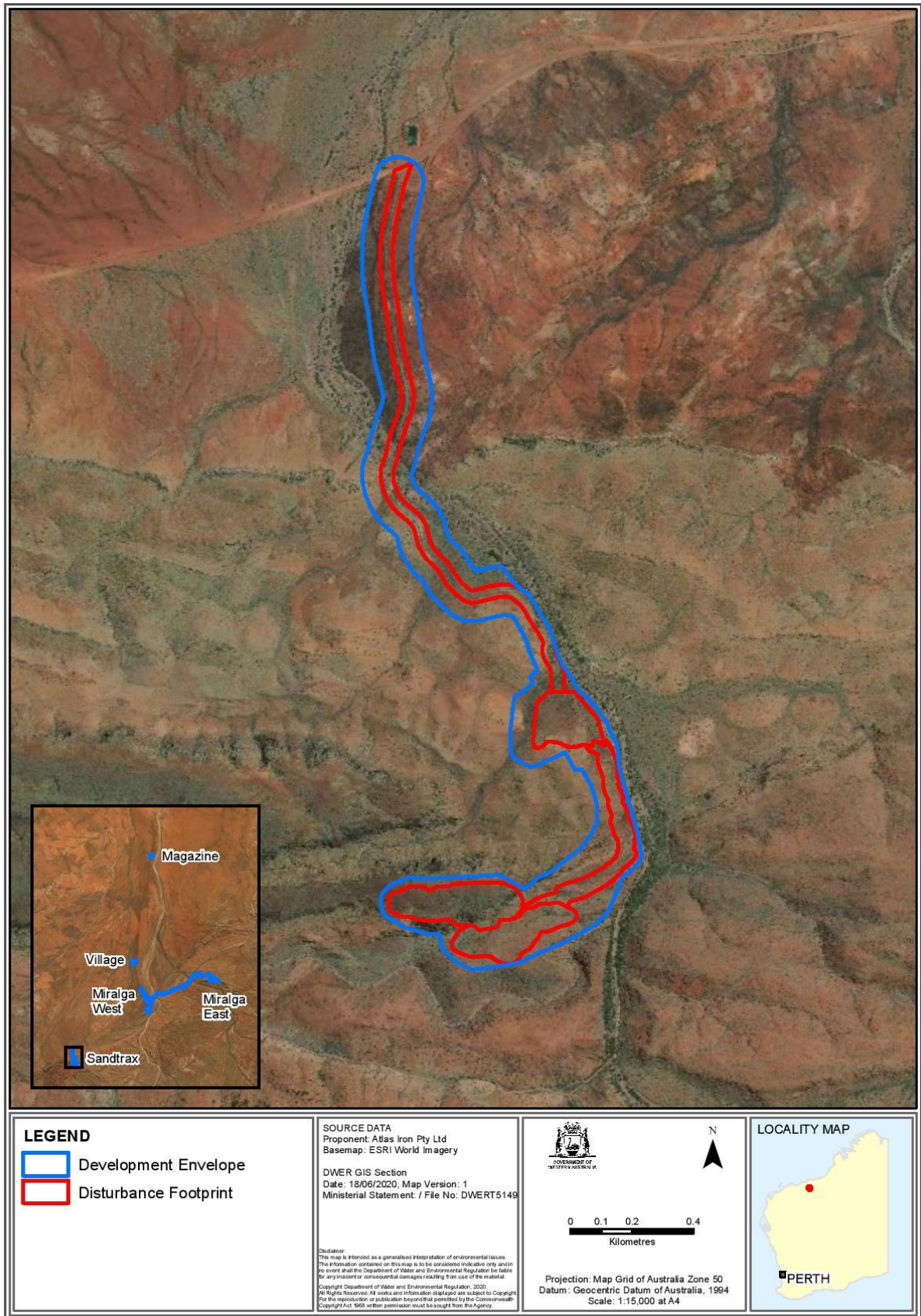
**Figure 2: Proposal – Development envelope and indicative disturbance footprint overview**



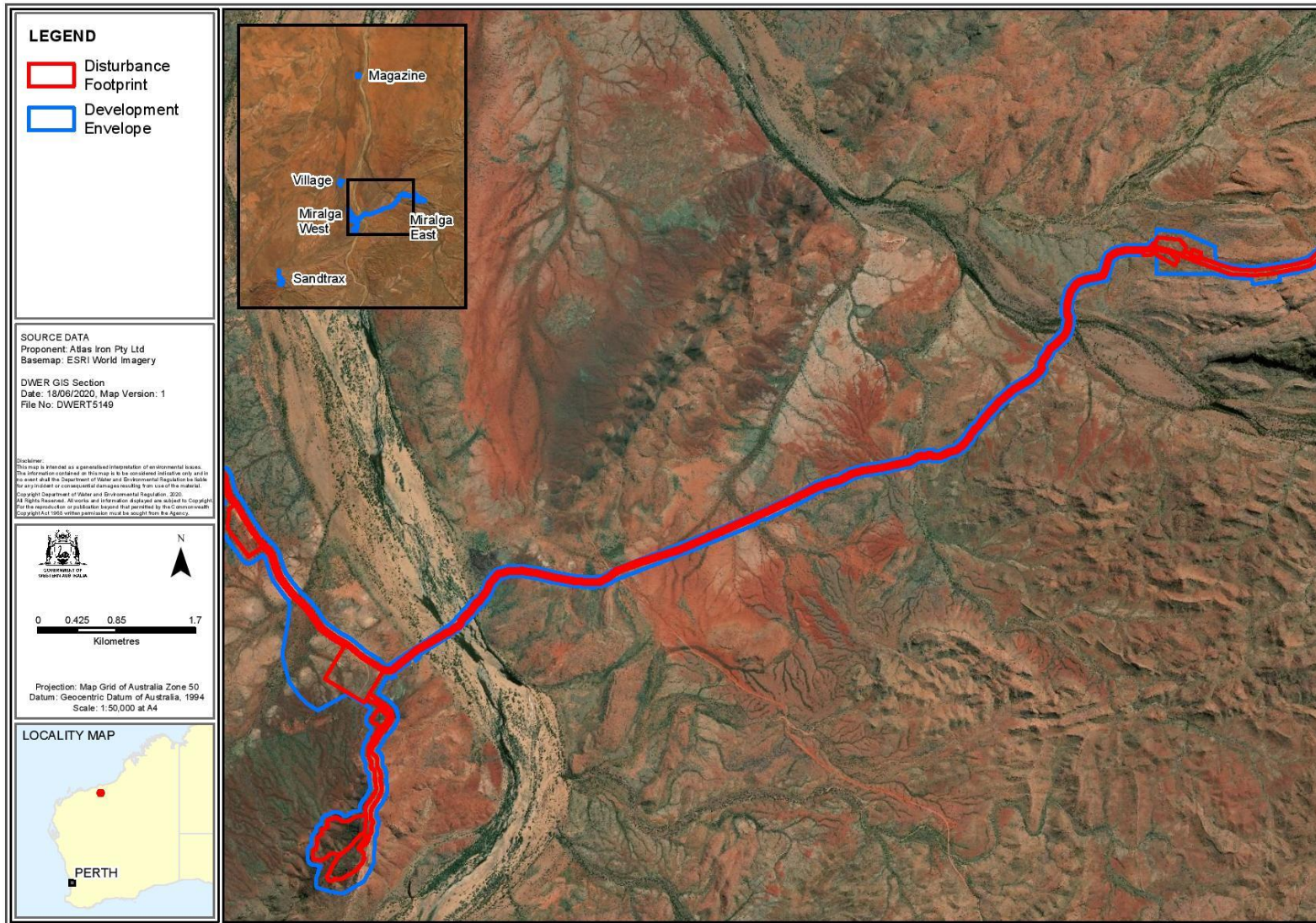
**Figure 3: Miralga East – Development envelope and indicative disturbance footprint**



**Figure 4: Miralga West – Development envelope and indicative disturbance footprint**

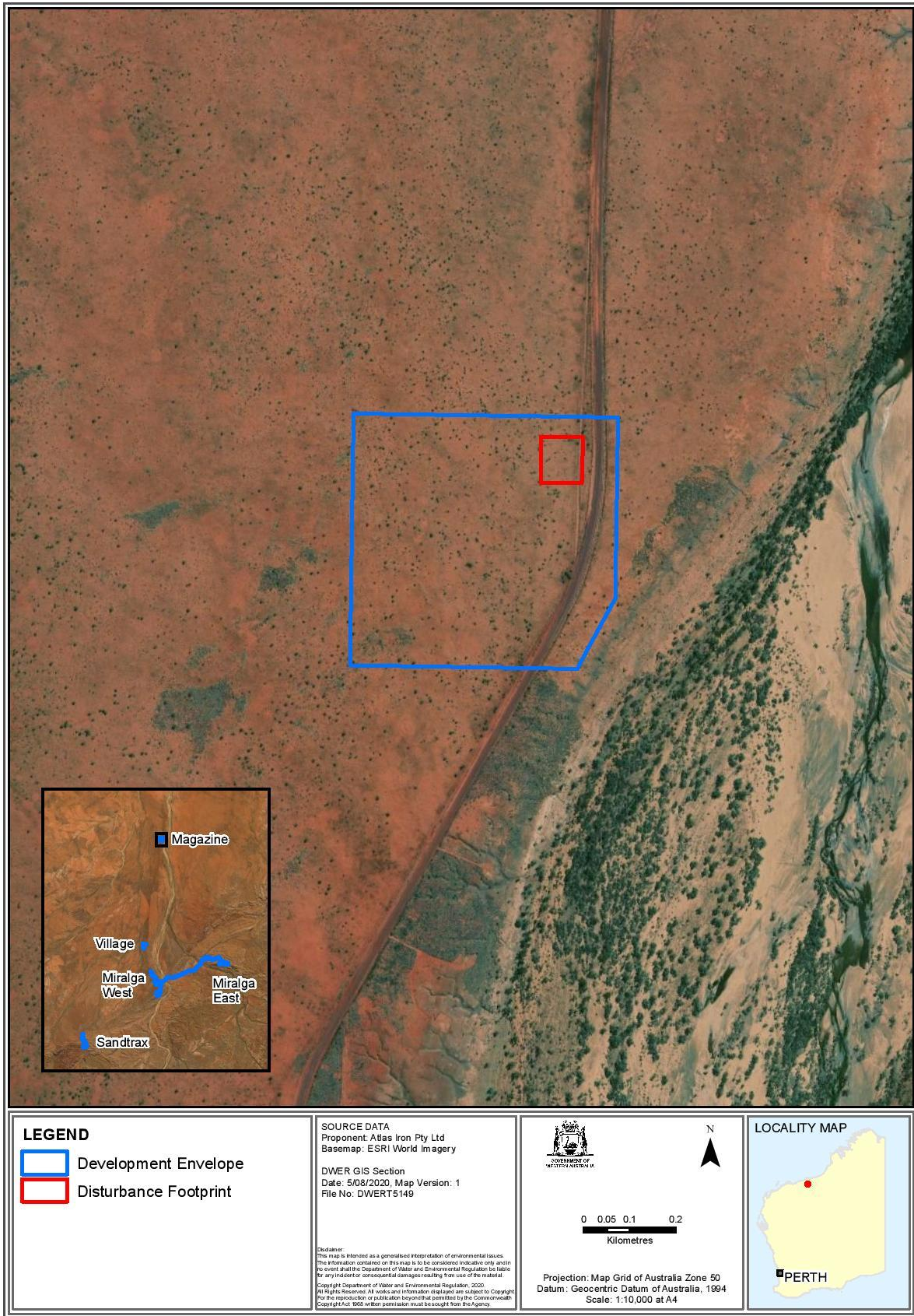


**Figure 5: Sandtrax – Development envelope and indicative disturbance footprint**

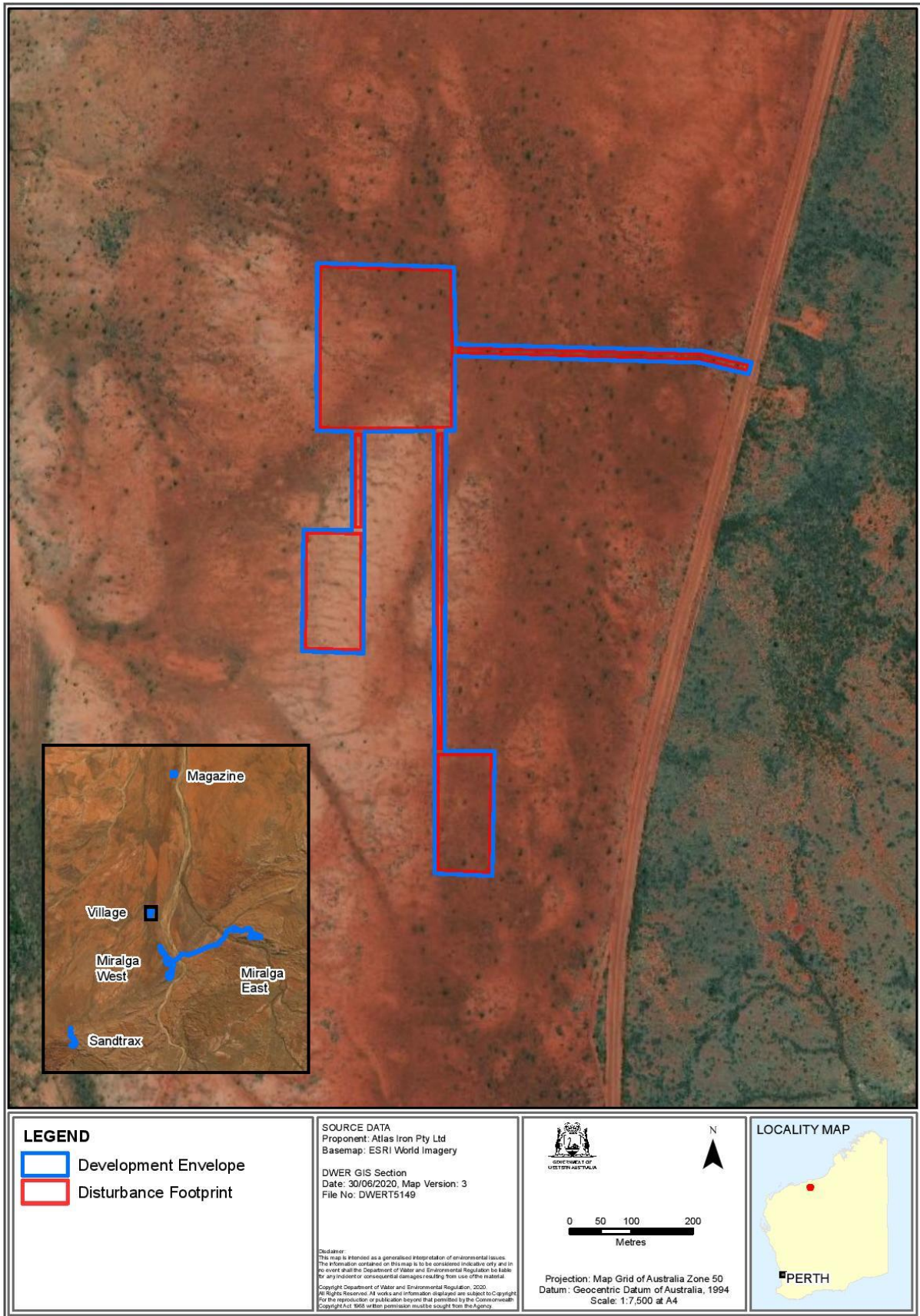


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**Figure 6: Haul road – Development envelope and indicative disturbance footprint**



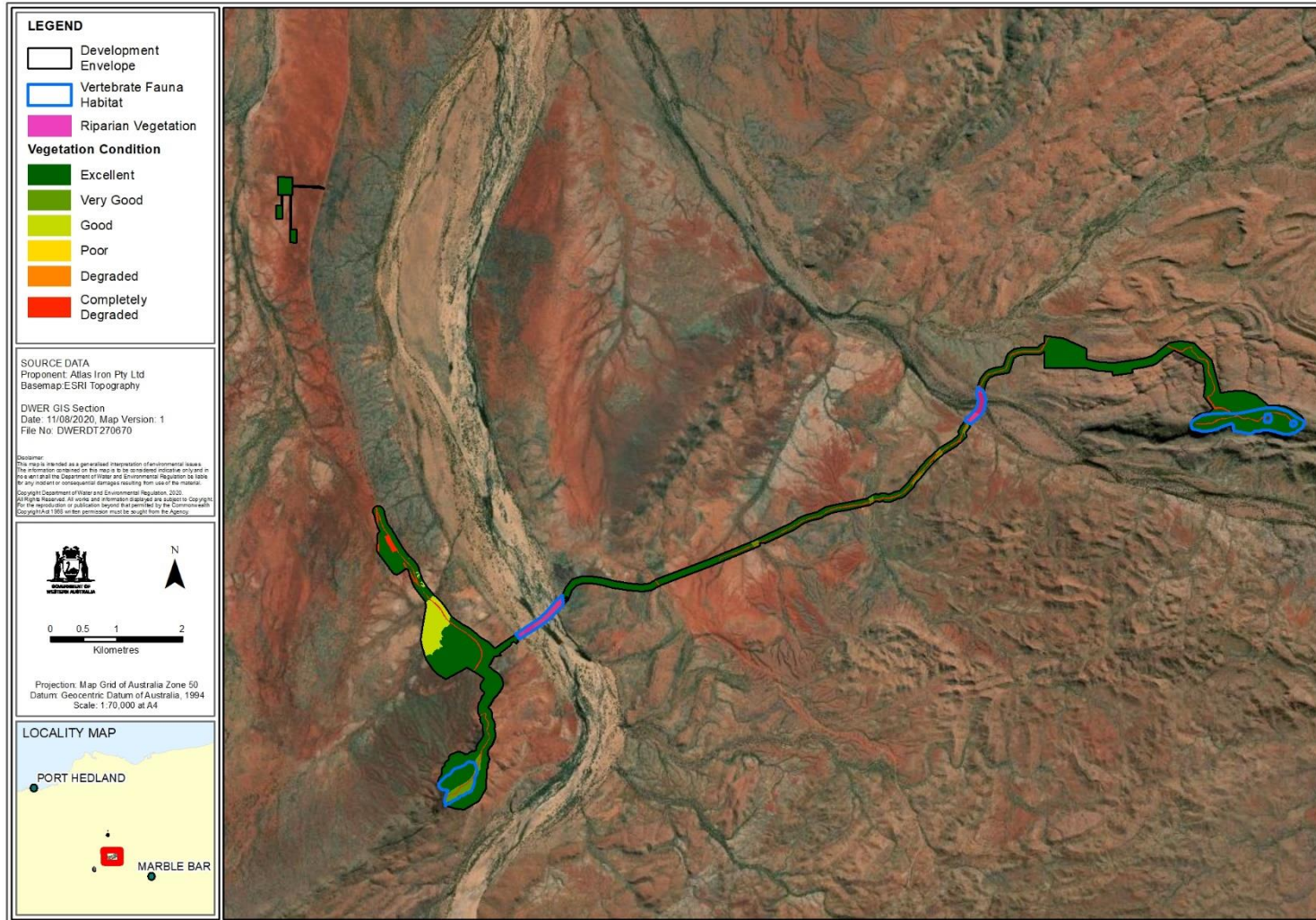
**Figure 7: Magazine – Development envelope and indicative disturbance footprint**



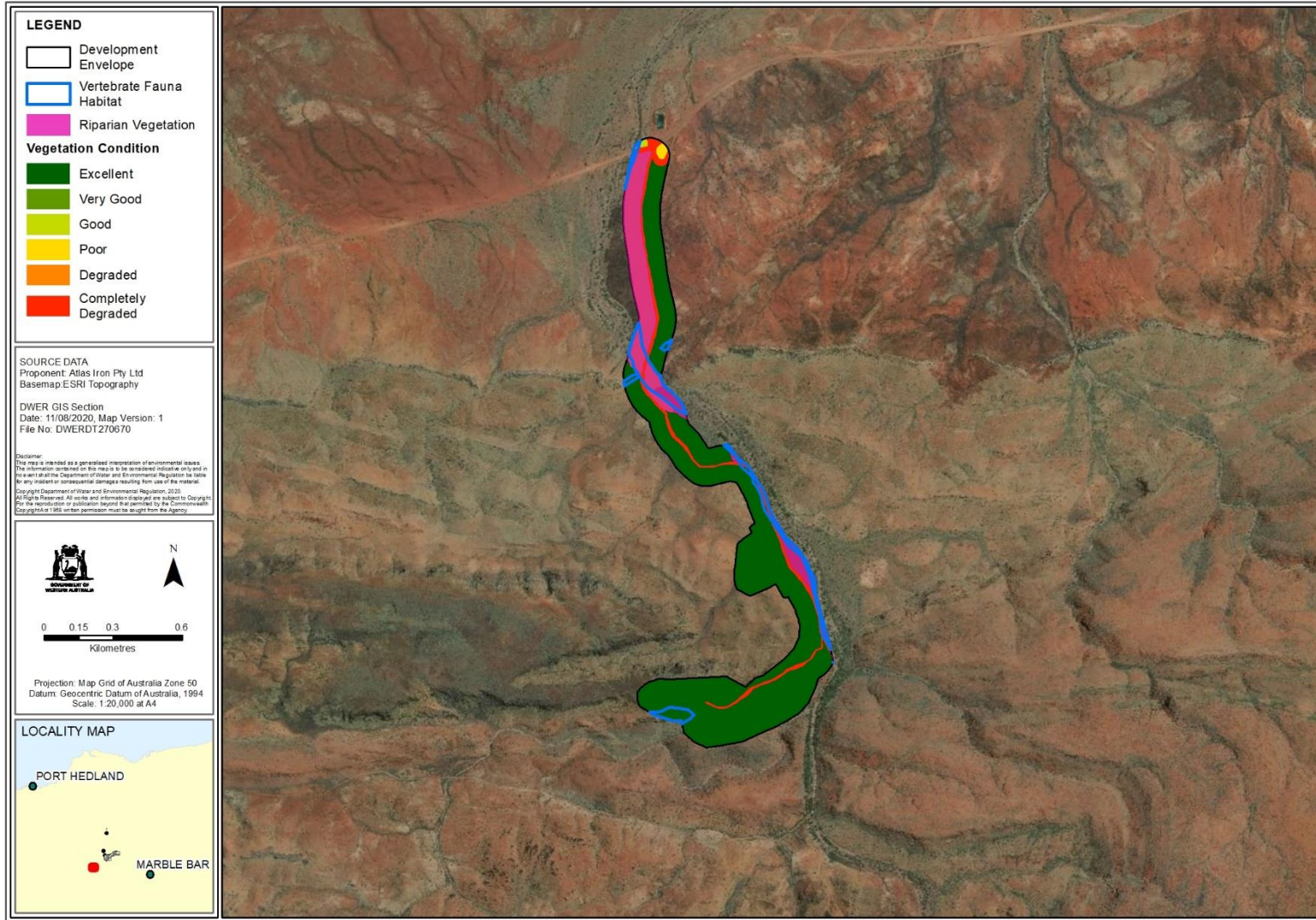
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**Figure 8: Accommodation camp and associated infrastructure – Development envelope and indicative disturbance footprint**



**Figure 9: Miralga West, Miralga East and accommodation camp – Good to Excellent Condition Vegetation in the Chichester Sub-region, Riparian Vegetation and Critical Habitat for the northern quoll and bats**



**Figure 10: Sandtrax – Good to Excellent Condition Vegetation in the Chichester Sub-region, Riparian Vegetation and Critical Habitat for the northern quoll and bats**



**Figure 11: Magazine – Good to Excellent Condition Vegetation in the Chichester Sub-region, Riparian Vegetation and Critical Habitat for the northern quoll and bats**

## **Schedule 2**

Coordinates defining the areas shown in Figures 2–8 are held by the Department of Water and Environmental Regulation, under reference numbers DWERDT300925.

All coordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 1994 (GDA94).