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Published on: 9 July 2020

Statement No. 1141

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

MESA H PROPOSAL (REVISION TO THE MESA J IRON ORE DEVELOPMENT)

Proposal: The Revised Proposal is a revision of the existing Mesa J Iron Ore Development, the subject of Statement No. 208 dated 16 January 1992.

The Revised Proposal is located approximately 16 kilometres south west of Pannawonica in the Pilbara region of Western Australia. The Revised Proposal includes development of above and below watertable open cut pits at Mesa J and Mesa H, ore processing facilities, waste dumps, ore, topsoil and subsoil stockpiles and associated infrastructure, including water management infrastructure, as documented in Schedule 1 of this Ministerial Statement.

Proponent: Robe River Mining Co. Pty. Ltd.
Australian Company Number 008 694 246

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

Assessment Number: 2121

Report of the Environmental Protection Authority: 1668

Previous Assessment Number: 590

Previous Report of the Environmental Protection Authority: 574

Previous Statement Number: 208

Pursuant to section 45, read with section 45B of the *Environmental Protection Act 1986*, it has been agreed that:

1. the Revised Proposal described and documented in Schedule 1 may be implemented;

2. this Statement supersedes Statement No. 208, and from the date of this Statement each of the implementation conditions in Statement No. 208 no longer apply in relation to the Revised Proposal; and
3. the implementation of the Revised Proposal is subject to the following implementation conditions:

1 Proposal Implementation

- 1-1 When implementing the Revised Proposal, the proponent shall not exceed the authorised extent of the Revised Proposal as defined in Table 2 of Schedule 1, unless amendments to the Revised Proposal and the authorised extent of the Revised Proposal have been approved under the *Environmental Protection Act 1986*.

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 Compliance Reporting

- 3-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan which is submitted to the CEO within six (6) months of the date of this Statement.
- 3-2 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.
- 3-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 3-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 3-1.

- 3-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 3-1 and shall make those reports available when requested by the CEO.
- 3-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 3-6 The proponent shall submit to the CEO the first Compliance Assessment Report by 30 April 2021 addressing the previous calendar year period 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 3-1.

4 Public Availability of Data

4-1 Subject to condition 4-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the Revised 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 Revised Proposal and implementation of this Statement.

4-2 If any data, plans and reports referred to in condition 4-1 contains particulars of:

- (1) a secret formula or process;
- (2) confidential commercially sensitive information; or
- (3) culturally or environmentally sensitive information;

the proponent may submit a request for approval from the CEO to not make those parts of the data, plans and reports publicly available. In making such a request

the proponent shall provide the CEO with an explanation and reasons why the data, plans and reports should not be made publicly available.

5 Condition Environmental Management Plan(s)

5-1 Within six (6) months of issue of this Statement (or as otherwise agreed in writing by the CEO) the proponent shall prepare and submit a Condition Environmental Management Plan(s) to the satisfaction of the CEO to demonstrate that the environmental outcomes specified in conditions 6-1, 7-1 and 8-1, and the environmental objectives specified in condition 7-2, will be met.

5-2 For outcome based provisions, the Condition Environmental Management Plan(s) shall:

- (1) specify the environmental outcomes to be achieved, as specified in condition 5-1;
- (2) specify trigger criteria that must provide an early warning that the threshold criteria may not be met;
- (3) specify threshold criteria to demonstrate compliance with the environmental outcomes specified in condition 5-1. Exceedance of the threshold criteria represents non-compliance with these conditions;
- (4) specify monitoring to determine if trigger criteria and threshold criteria are exceeded;
- (5) specify trigger level actions to be implemented in the event that trigger criteria are exceeded;
- (6) specify threshold contingency actions to be implemented in the event that threshold criteria are exceeded; and
- (7) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 5-1 has been met over the reporting period in the Compliance Assessment Report required by condition 3-6.

5-3 For management based provisions, the Condition Environmental Management Plan(s) shall:

- (1) specify the environmental objectives to be achieved, as specified in condition 5-1;
- (2) specify management actions to meet the environmental objective;
- (3) specify management targets;
- (4) specify monitoring to determine if management targets are being met;

- (5) provide the format and timing for the reporting of monitoring results against management targets to demonstrate that condition 5-1 has been met over the reporting period in the Compliance Assessment Report required by condition 3-6;
 - (6) specify a process for revision of management actions and changes to Revised Proposal activities, in the event that the management targets are not achieved. The process shall include an investigation to determine the cause of the management target(s) not being achieved.
- 5-4 The proponent shall continue to implement Environmental Management Plan RTIO-HSE-0175388 until the CEO has confirmed by notice in writing that the Condition Environmental Management Plan(s) satisfies the requirements of conditions 5-1, 5-2 and 5-3.
- 5-5 After receiving notice in writing from the CEO that the Condition Environmental Management Plan(s) satisfies the requirements of conditions 5-1, 5-2 and 5-3, the proponent shall:
 - (1) implement the Condition Environmental Management Plan(s), or any subsequently approved versions; and
 - (2) continue to implement the Condition Environmental Management Plan(s) until the CEO has confirmed by notice in writing that the proponent has demonstrated the outcomes and objectives specified in condition 5-1 have been met.
- 5-6 In the event that the monitoring indicates an exceedance of the threshold criteria specified in the Condition Environmental Management Plan(s), the proponent shall:
 - (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
 - (2) implement the threshold level contingency actions specified in the Condition Environmental Management Plan(s) within twenty-four (24) hours and continue implementation of those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and the implementation of the threshold contingency actions is no longer required;
 - (3) investigate to determine the cause of the threshold criteria being exceeded;
 - (4) investigate to provide information for the CEO to determine potential environmental harm that occurred due to the threshold criteria being exceeded; and

- (5) provide a report to the CEO within twenty-one (21) days of the exceedance being reported as required by condition 5-6(1). The report shall include:
 - (a) details of threshold contingency actions implemented;
 - (b) the effectiveness of the threshold contingency actions implemented, against the threshold criteria;
 - (c) the findings of the investigations required by condition 5-6(3) and condition 5-6(4);
 - (d) measures to prevent the threshold criteria being exceeded in the future;
 - (e) measures to prevent, control or abate the environmental harm which may have occurred; and
 - (f) justification of the threshold remaining, or being adjusted based on better understanding, demonstrating that the outcomes would continue to be met.

5-7 The proponent:

- (1) may review and revise the Condition Environmental Management Plan(s), or
- (2) shall review and revise the Condition Environmental Management Plan(s) as and when directed by the CEO.

5-8 The proponent shall implement the latest revision of the Condition Environmental Management Plan(s) which the CEO has confirmed by notice in writing satisfies the requirements of conditions 5-1, 5-2 and 5-3.

6 Inland Waters and Vegetation

6-1 The proponent shall manage the implementation of the Revised Proposal to meet the following environmental outcomes:

- (1) ensure no irreversible impact to the health of the Robe River and Jimmawurrada Creek ecosystems, including associated riparian vegetation, as a result of groundwater abstraction for the Revised Proposal;
- (2) ensure no irreversible impact to the health of the Robe River and Jimmawurrada Creek ecosystems, including associated riparian vegetation, as a result of discharge of surplus water for the Revised Proposal; and

- (3) ensure no irreversible impact to the health of the pools of the Robe River, as a result of groundwater abstraction and/or discharge of surplus water for the Revised Proposal.

7 Subterranean Fauna

7-1 The proponent shall manage the implementation of the Revised Proposal to meet the following environmental outcomes:

- (1) A minimum of fifty (50) per cent by volume of pre-mining troglofauna habitat shall be retained at Mesa H through the implementation of a Mining Exclusion Zone (MEZ) as delineated in Figure 1 of Schedule 1.

7-2 The proponent shall manage the implementation of the Revised Proposal to meet the following environmental objectives:

- (1) The proponent shall protect the biological diversity and ecological integrity of the troglofauna assemblages of Mesa H by minimising impacts as far as practicable.
- (2) The proponent shall protect the biological diversity and ecological integrity of the stygofauna assemblages of the local aquifers by minimising impacts as far as practicable.

8 Terrestrial Fauna Habitat – Conservation Significant Fauna Species: Northern Quoll (*Dasyurus hallucatus*), Ghost Bat (*Macroderma gigas*) and Pilbara Leaf-Nosed Bat (*Rhinoicteris aurantia* - Pilbara form)

8-1 The proponent shall manage the implementation of the Revised Proposal to meet the following environmental outcome:

- (1) no irreversible impact, as a result of the Revised Proposal, to Breakaways and Gullies habitat retained within the Mesa H MEZ, other than existing and authorised disturbance.

9 Rehabilitation and Decommissioning

9-1 The proponent shall manage the implementation of the Revised Proposal to meet the following environmental objectives:

- (1) ensure the Revised Proposal is rehabilitated and decommissioned in an ecologically sustainable manner; and
- (2) ensure that closure planning and rehabilitation are undertaken in a progressive manner.

9-2 Within twelve (12) months of the issue of this Statement, or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit a Mine Closure

Plan in accordance with the *Guidelines for Preparing Mine Closure Plans* (EPA and DMP 2015) (or any subsequent revisions of the guidelines), to the requirements of the CEO, on advice of the Department of Mines, Industry Regulation and Safety.

- 9-3 The proponent shall review and revise the Mine Closure Plan required by condition 9-2 at intervals not exceeding three (3) years, or as otherwise specified by the CEO, and submit the plan to the CEO at the agreed interval.
- 9-4 The proponent shall implement the latest revision of the Mine Closure Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 9-2.

10 Air Quality

- 10-1 The proponent shall manage the implementation of the Revised Proposal to meet the following environmental objective:
 - (1) avoid, where possible, and minimise greenhouse gas emissions as far as practicable.
- 10-2 Within six (6) months of the issue of this Statement, the proponent must prepare a Greenhouse Gas Management Plan to meet the objective specified by condition 10-1.
- 10-3 The Greenhouse Gas Management Plan must address the following matters:
 - (1) benchmarking against applicable standards;
 - (2) design to minimise greenhouse gas emissions as far as practicable;
 - (3) opportunities for continuous improvement and minimising net emissions in the future;
 - (4) timeframes and interim targets for reduction of greenhouse gas emissions; and
 - (5) regular monitoring and public reporting.
- 10-4 After receiving notice in writing from the CEO that the Greenhouse Gas Management Plan satisfies the requirements of conditions 10-2 and 10-3 the proponent must implement the Greenhouse Gas Management Plan.
- 10-5 The proponent may review and revise the Greenhouse Gas Management Plan.
- 10-6 The proponent must review and revise the Greenhouse Gas Management Plan as and when directed by the CEO.

10-7 The proponent must continue to implement the version of the Greenhouse Gas Management Plan most recently approved by the CEO until the CEO has confirmed by notice in writing that the plan meets the objective specified in condition 10-1.

11 Offsets

11-1 In view of the significant residual impacts and risks as a result of implementation of the Revised Proposal, the proponent shall contribute funds to the Pilbara Environmental Offsets Fund calculated pursuant to condition 11-2, subject to any reduction approved by the CEO under condition 11-9.

11-2 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 rates in condition 11-3. The first biennial reporting period shall commence from vegetation clearing activities affecting the environmental values identified in condition 11-3.

11-3 Calculated on the 2019 calendar year, the contribution rates are:

- (1) \$833 AUD (excluding GST) per hectare of 'Good' to 'Excellent' condition native vegetation, including foraging or dispersal habitat for the Pilbara olive python, northern quoll, Pilbara leaf-nosed bat and the ghost bat, cleared within the Proposed Change Area within the Hamersley IBRA subregion (delineated in Figure 2).
- (2) \$1,666 AUD (excluding GST) per hectare of riparian vegetation associated with the Robe River and/or Jimmawurrada Creek cleared within the Proposed Change Area within the Hamersley IBRA subregion (delineated in Figure 2).
- (3) \$1,666 AUD (excluding GST) per hectare of critical habitat for the northern quoll (Breakaway, Gorge and Riverine habitat) cleared within the Proposed Change Area within the Hamersley IBRA subregion (delineated in Figure 2).
- (4) \$1,666 AUD (excluding GST) per hectare of the Priority 3 PEC *Triodia pisolitica* assemblages of mesas of the West Pilbara within the Proposed Change Area within the Hamersley IBRA subregion (delineated in Figure 2).

11-4 From the commencement of the 2019 calendar year, the rates in condition 11-3 will be adjusted annually each subsequent calendar year in accordance with the percentage change in the CPI applicable to that calendar year.

- 11-5 Within three (3) months of the issue of this Statement, the proponent shall prepare and submit an Impact Reconciliation Procedure for the Proposed Change Area to the CEO, for the CEO to provide written confirmation that the Impact Reconciliation Procedure satisfies the requirements of condition 11-6.
- 11-6 The Impact Reconciliation Procedure required pursuant to condition 11-5 shall:
- (1) state that clearing calculation for the first biennial reporting period will commence from vegetation clearing activities for the environmental values identified in condition 11-3 and end on the second 31 December following this date;
 - (2) state that clearing calculations for each subsequent biennial reporting period will commence on 1 January of the required reporting period, unless otherwise agreed by the CEO;
 - (3) include 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 11-3;
 - (4) indicate the timing and content of the Impact Reconciliation Reports; and
 - (5) be 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).
- 11-7 The proponent shall submit an Impact Reconciliation Report in accordance with the Impact Reconciliation Procedure required by condition 11-5.
- 11-8 The Impact Reconciliation Report required pursuant to condition 11-7 shall provide the location and spatial extent of the clearing of each environmental value pursuant to condition 11-3 during each year of each biennial reporting period.
- 11-9 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 11-2 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 Revised Proposal;
 - (2) the payment is made for the purpose of counterbalancing impacts of the Revised Proposal on matters of national environmental significance; and
 - (3) the payment is made for the purpose of counterbalancing the significant residual impacts to the environmental values identified in condition 11-3.

11-10 The clearing of 1,800 ha of native vegetation previously authorised under Ministerial Statement 208 is exempt from the requirement to offset under condition 11-1.

11-11 Where clearing coincides with more than one environmental value under conditions 11-3(1) to 11-3(4) the higher contribution rate applies.

[signed on 8 July 2020]

Hon Minister Fran Logan MLA
ACTING MINISTER FOR ENVIRONMENT

Table 1: Summary of the Proposal

Proposal Title	Mesa H Proposal (Revision to the Mesa J Iron Ore Development)
Short Description	<p>The Revised Proposal is located approximately 16 kilometres south west of Pannawonica in the Pilbara region of Western Australia. The Revised Proposal includes development of above and below watertable open cut pits at Mesa J and Mesa H, ore processing facilities, waste dumps, ore, topsoil and subsoil stockpiles and associated infrastructure, including water management infrastructure.</p> <p>This Revised Proposal utilises infrastructure including processing facilities (subject to upgrades), waste fines and storage facilities from the existing Mesa J Iron Ore Development.</p>

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

Element	Location	Authorised Extent
Physical Elements		
Mine and associated infrastructure	Figures 1 and 2; GIS co-ordinates in Schedule 2	<p>Clearing of up to 4,000 ha of native vegetation within the 6,638 ha Development Envelope</p> <ul style="list-style-type: none"> no more than 132 ha of clearing within the Mesa H MEZ
Operational Elements		
Groundwater abstraction		<p>Groundwater abstraction of up to 30 GL/a from:</p> <ul style="list-style-type: none"> Southern Cutback Borefield Pit dewatering
Surplus Water Management		<p>Controlled surface discharge to extend along Jimmawurrada Creek / West Creek and into the Robe River no further than 8 kilometres downstream of the discharge points under natural no-flow conditions.</p>

Table 3: Abbreviations and Definitions

Acronym, Abbreviation or Term	Definition
CEO	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.
Condition environmental objective	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.
Condition Environmental Outcome	The proposal-specific desired state for an environmental factor/s to be achieved from the implementation of outcome-based Condition EMP provisions, as required in an outcomes-based implementation condition.
CPI	The All Groups Consumer Price Index numbers for Perth compiled and published by the Australian Bureau of Statistics.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare
GL/a	Gigalitres per annum
Ground disturbing activity	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.
IBRA	Interim Biogeographic Regionalisation for Australia
Management actions	Identified actions undertaken to mitigate the impacts of implementation of a proposal on the environment and achieve the condition environmental objective.
Management target	A measurable boundary of acceptable impact with proposal or site specific parameters, that assesses the efficacy of management actions against the condition environmental objective and beyond which management actions have to be reviewed and revised. Proposal- or site-specific parameters may include location, scale, time period, specific species/ population/community and a relative benchmark (e.g. baseline or reference).
MEZ	Mining Exclusion Zone
Pilbara Environmental Offsets Fund	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.
Proposed Change	The new activities of the Revised Proposal associated with mining at Mesa H (as described in the Mesa H Proposal, Revision to the Mesa J Iron Ore Development Environmental Review Document, Rio Tinto April 2019).
Revised Proposal	Mesa H Proposal (Revision to Mesa J Iron Ore Development) – the existing Mesa J Iron Ore Development approved under Ministerial Statement 208 plus the Proposed Change.

Acronym, Abbreviation or Term	Definition
Threshold criteria	Environmental criteria representative of the limit of acceptable impact beyond which indicate that the environmental outcome is not being met.
Threshold contingency actions	Response actions that are implemented when monitoring shows that threshold criteria have been exceeded.
Trigger criteria	Environmental criteria that forewarn of the approach of the threshold criteria and signal the need to undertake trigger level actions to ensure the threshold criteria are not exceeded.
Trigger level actions	Response actions that are implemented when monitoring shows that trigger criteria have been exceeded.

Figures (attached)

Figure 1 Development Envelope for the Revised Proposal

Figure 2 Proposed Change Area within the Development Envelope for the Revised Proposal

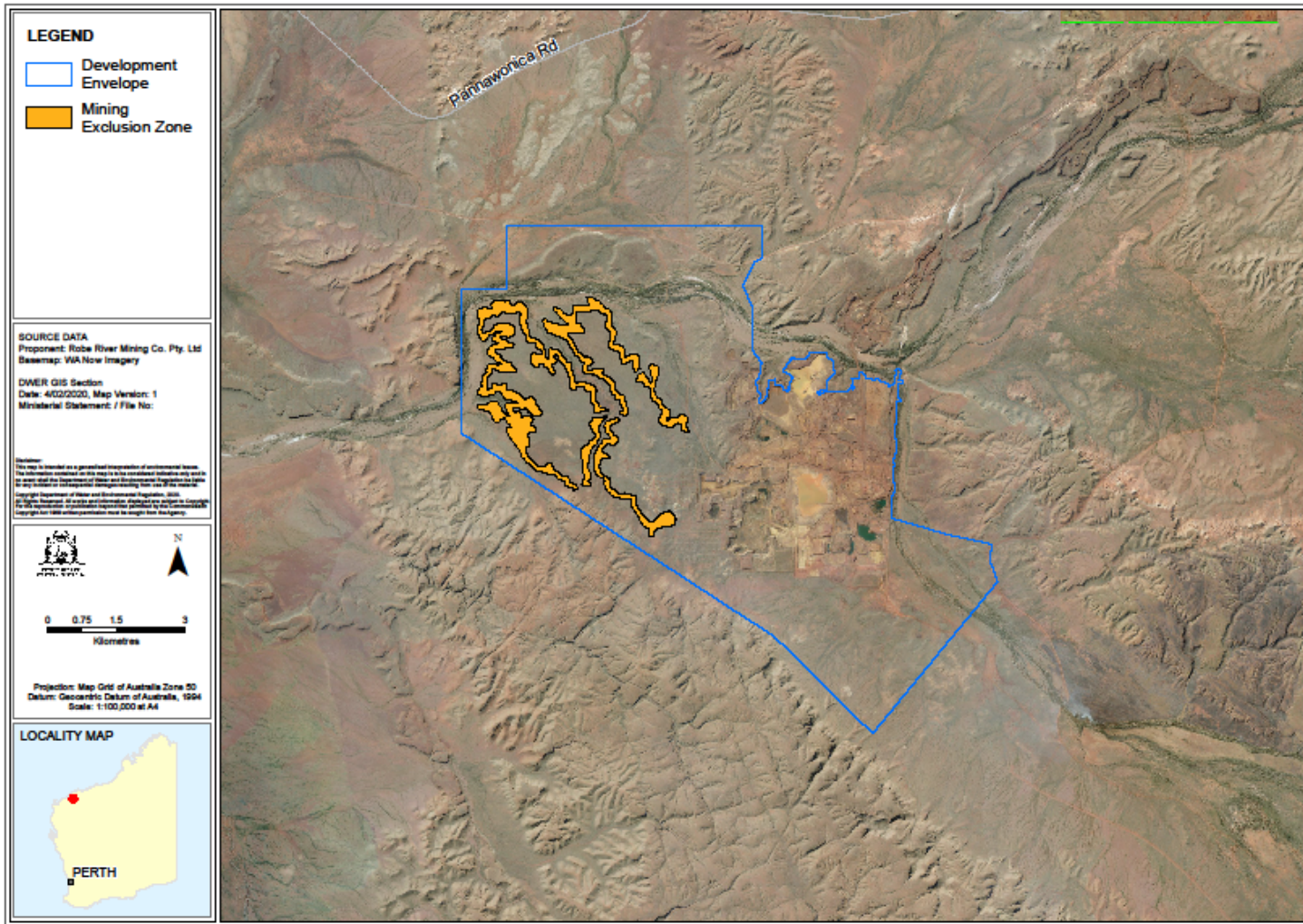


Figure 1. Development Envelope for the Revised Proposal

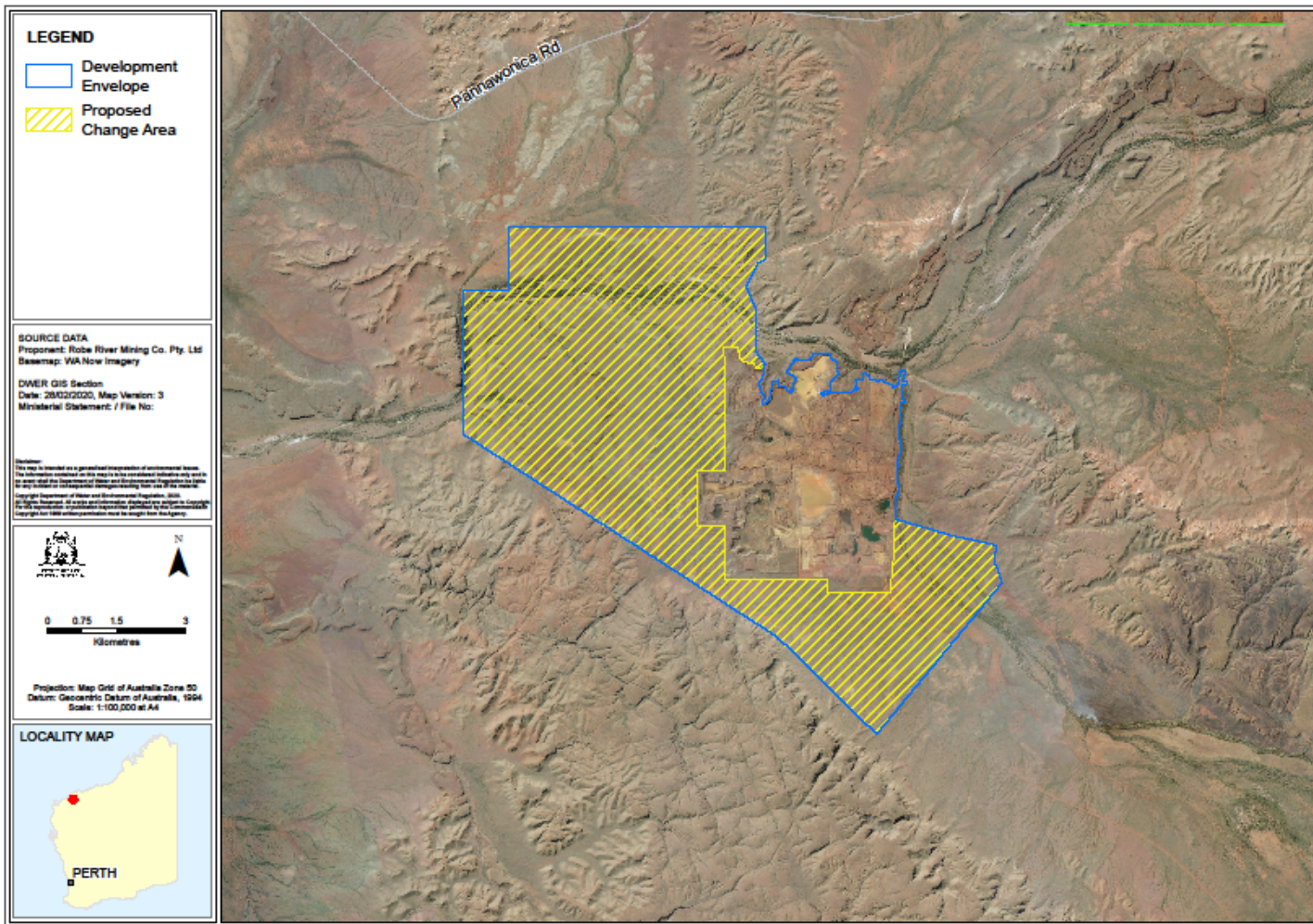


Figure 2. Proposed Change Area within the Development Envelope for the Revised Proposal

Schedule 2

Co-ordinates defining the areas shown in Figures 1 and 2 are held by the Department of Water and Environmental Regulation (DWER) under reference numbers 2019-1552009907604 and DWERDT258701.

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