

Environmental Protection Act 1986

Section 41A(3)

NOTICE OF DECISION TO CONSENT TO MINOR OR PRELIMINARY WORKS

PERSON TO WHOM THIS NOTICE IS GIVEN:

- (a) Proponent: Onslow Iron Pty Ltd
- (b) Relevant Decision-Making Authorities, see Attachment 1

PROPOSAL TO WHICH THIS NOTICE RELATES:

Ashburton Infrastructure Project
Assessment No. 2320

Pursuant to section 41A(3) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent undertaking the minor or preliminary works detailed in Schedule 1 subject to the following conditions:

1. Implementation of Terrestrial Construction Environmental Management Plan (A0000WPP-ENPLN-0003, Rev 1, 25/10/2021).

EFFECT OF THIS NOTICE:

1. The prohibition provided by sections 41(2), 41(3) and 41A(1) of the EP Act do not apply to implementing the minor or preliminary works consented to in this Notice.
2. It is an offence under s41A(1) of the EP Act, with a maximum penalty of \$125,000 for a body corporate and \$62,500 for an individual, to do anything to implement the proposal other than the minor or preliminary works consented to in this Notice.
3. Relevant decision-making authorities may make decisions that would cause or allow the doing of the minor or preliminary works listed in Schedule 1 of this Notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this consent.



Professor Matthew Tonts
Delegate of the Environmental Protection Authority
CHAIR

23 June 2022

Schedule 1
Authorised Minor or Preliminary Implementation Work (s)

| Authorised Work(s) | Location | Authorised extent |
|--|-----------------|---|
| <p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"> 1. Development of a temporary construction camp, administration buildings, and associated infrastructure, associated with construction of the proposed Ashburton Infrastructure Project, as follows: <ul style="list-style-type: none"> • Clearing of up to 6.71 ha for temporary camp; • Clearing of up to 4.3 ha for temporary office & workshop compounds; • Clearing of up to 6.3 ha for access tracks; and • Clearing of up to 3.72 ha for temporary wastewater treatment plant and spray field. • <p>up until such time as one of the following occurs:</p> <ol style="list-style-type: none"> a. notice issued under s45(13) of the EP Act; or b. statement issued under s45(8) of the EP Act is final (that is, after period in which to lodge an appeal under s 100(3) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s100(3), is published). <p>and</p> <ol style="list-style-type: none"> 2. rehabilitation of the areas identified in Figure 1 in accordance with current EPA rehabilitation guidance, or if an implementation statement is issued for the Proposal, in accordance with any implementation conditions relating to rehabilitation. | <p>Figure 1</p> | <p>As shown on Figure 1:</p> <ul style="list-style-type: none"> • Clearing of up to 6.71 ha for temporary camp; • Clearing of up to 4.3 ha for temporary office & workshop compounds; • Clearing of up to 6.3 ha for access tracks; and • Clearing of up to 3.72 ha for temporary wastewater treatment plant and spray field. |

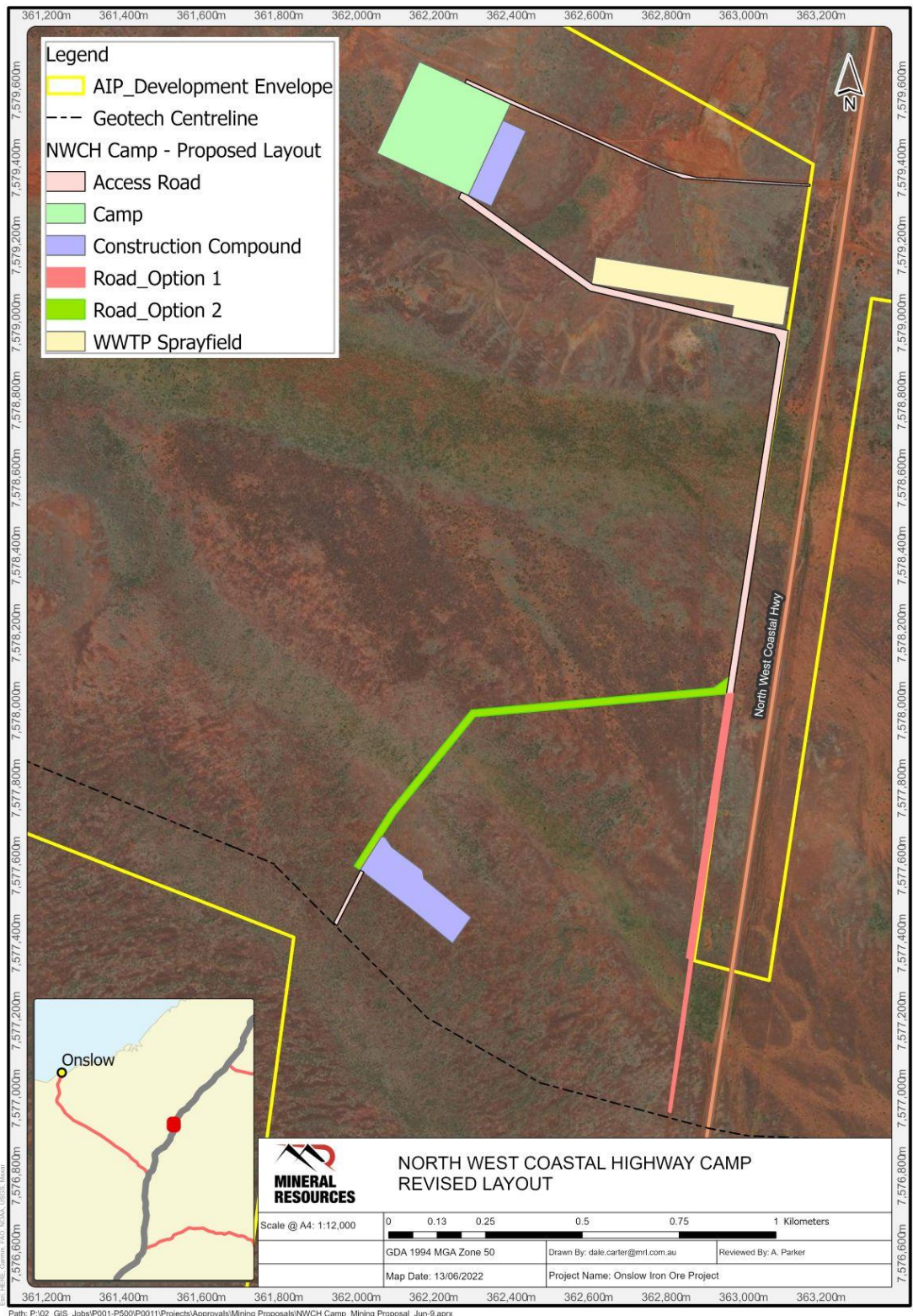


Figure 1: Location of the Minor or Preliminary Works

Attachment 1

Relevant Decision Making Authorities

Minister for Environment

Minister for Water

Minister for Aboriginal Affairs

Minister for Mines and Petroleum

Department of Biodiversity, Conservation and Attractions

Department of Mines, Industry Regulation and Safety

Department of Water and Environmental Regulation

Department of Transport

Department of Health

Shire of Ashburton

Summary of reasons for decision – request to undertake minor or preliminary works under s. 41A(3) of the *Environmental Protection Act 1986*

| | |
|--|--------------------------------------|
| Proposal: | Ashburton Infrastructure Project |
| Ref No: | DWERDT602051 and DWERDT617625 |
| Date request to amend referred proposal under s.41A (3) received: | 10 May 2022 |
| Proponent: | Onslow Iron Pty Ltd |
| Level of Assessment: | Assess on Referral Information (ARI) |
| Referral received: | 26 October 2021 |

Referred proposal description: The Proposal included a 125 km haul road, West from Bungaroo South to Onslow Road, ore handling, jetty, wharf, ship loading and support facilities at the Port of Ashburton and an offshore transshipment area with five offshore anchorages within State Waters.

Description of the minor or preliminary works sought:

The works include a temporary construction camp, administration buildings, and associated infrastructure. A groundwater supply would be sourced from bores installed as part of the Proponent's hydrogeological investigations. Minor groundwater abstraction would be required for construction activities (e.g. dust suppression) and for camp use (e.g. drinking water, ablutions, laundry).

The camp would initially be used to accommodate personnel involved in investigations for the Proposal (e.g. geotechnical and hydrogeological investigations). On receipt of major approvals, the camp would be used for personnel involved in the construction of the Proposal.

Decision

Application to undertake minor or preliminary works in Attachment 1 is approved.

For the reasons outlined below, I, as a delegate of the EPA, have determined to consent to the minor or preliminary works outlined in Schedule 1 attached to this Statement of Reasons.

Environmental factors relevant to amendment(s):

The key environmental factors associated with the Minor or Preliminary works arise from clearing, groundwater extraction and nutrient discharges. The key factors are:

1. Social Surroundings;
2. Flora and Vegetation;
3. Terrestrial Fauna; and
4. Inland Waters.

Social Surroundings (Indigenous Heritage)

There are no Native Title Determinations over the Preliminary Works area. There are no sites of Aboriginal or European cultural heritage significance currently identified within the Preliminary Works area. Heritage surveys have been completed for a portion of the Preliminary Works area, and the remainder will be surveyed prior to disturbance for the Preliminary Works.

There were no comments from traditional owners or comments about heritage issues during the 7 day public consultation period. There will be ongoing consultation with traditional owners during implementation of the proposal.

Flora and Vegetation

The proposed minor works would require disturbance of 20 ha (Figure 1) within the 1,564 ha haul road footprint. The footprint falls within a wider 16,209 ha haul road development envelope for the Proposal. Flora and vegetation surveys have been undertaken within the development footprint on behalf of the proponent.

Significant environmental impacts to Flora and Vegetation as a result of the proposed Minor or Preliminary Works are considered unlikely for the following reasons:

- The vegetation units covering the areas to be cleared are well represented in the immediate vicinity and elsewhere in the surveyed development envelope
- No Threatened Ecological Community or Priority Ecological Community would be affected
- No impacts to Threatened or priority flora
- The tracks, camp and sprayfield are located away from a minor water course and configured to minimise clearing.

Considering the small scale of area involved, disturbance of 20 ha is unlikely to have a significant environmental impact on the vegetation and flora.

Terrestrial Fauna

The proposed minor works would require disturbance of 20 ha of terrestrial fauna habitat within the 1,564 ha haul road footprint.

Significant environmental impacts as a result of the proposed Minor or Preliminary Works to Terrestrial Fauna are considered unlikely for the following reasons:

- Considering the small scale of the minor works, clearing up to 20 ha is unlikely to have a significant environmental impact on the conservation status of terrestrial fauna and the presence of more extensive, similar habitats in the surrounding area.

- Based on the evidence in the proponent’s submission:
 - The Stony Plains habitat, where the southern offices are proposed, is one of the fauna habitats that is the least diverse and provides the least value to most conservation significant fauna;
 - The Stony Hills and Slopes habitat, where the camp, offices, workshops, and spray-field are proposed, can be an important dispersal and foraging habitat, when adjacent to mesas and breakaways. There are, however, no significant mesas or breakaways at the proposed location; and
 - The Stony Plains and Stony Hills and Slopes habitats have low suitability for short range endemic fauna.

The location of the proposed works is generally level, sparsely vegetated and has low habitat diversity, which makes it unlikely to contain important fauna habitats.

Inland Waters

The proposed minor works would require clearing of 20 ha of the landscape within the 1,564 ha haul road footprint.

Significant environmental impacts as a result of the proposed Minor or Preliminary Works to Inland Waters are considered unlikely for the following reasons:

- Sediment controls are planned and viable for the works, subject to implementation of a Terrestrial Construction Environmental Management Plan (A0000WPP-ENPLN-0003, Rev 1, 25/10/2021).
- The spray-field is located as far from a minor drainage line as practicable.
- Nutrient outputs from the wastewater treatment plant spray-field will be regulated via a licence under Part V of the *Environmental Protection Act 1986*.
- Groundwater abstraction is minimal in the context of the Proposal.
- Construction of bores and abstraction of groundwater would be regulated under the *Rights in Water and Irrigation Act 1914*.

The area to be cleared (20 ha) is small in the regional catchment and does not involve any significant water courses.

Materials considered in making this decision

In considering whether to consent to the minor or preliminary works, I have considered the following:

1. Is the work, associated with the implementation of the proposal?

Yes, the proposed works are associated with the Proposal and would be carried out as part of an approved proposal if the application for Minor or Preliminary works did

not receive consent. All the proposed Minor and Preliminary works would be undertaken within the development envelope of the referred Proposal.

2. Is the work minor or preliminary? Does it constitute substantial implementation of the proposal?

The total disturbance extent of the works would be up to 21.03 hectares, made up of the following approximate areas for each component:

- 6.7 ha for a temporary camp;
- 4.3 ha for temporary office & workshop compounds;
- 6.3 ha for access tracks; and
- 3.7 ha for temporary wastewater treatment plant and spray-field.

Just over 1 ha of this disturbance is proposed on existing cleared areas, thus total native vegetation clearing would be approximately 20 ha. The 20 ha of clearing represents about 1.3% of the haul road footprint (1,564 ha) for the Proposal.

Implementation of the works prior to the approval of the proposal will avoid the temporary camp being constructed during the higher rainfall cyclone season which would result in elevated safety, construction, and environmental risks.

The works do not constitute substantial implementation as the camp is not a permanent structure of the proposal and it is intended to be used for investigative works to inform implementation.

3. Are potential environmental impacts likely to be caused by the work considered significant?

No, for the reasons outlined in the environmental factors above, there are no significant impacts expected from the works. Implementation of Terrestrial Construction Environmental Management Plan (A0000WPP-ENPLN-0003, Rev 1, 25/10/2021) will ensure any indirect impacts are minimised.

4. Can the impact be reversed? what decommissioning, or rehabilitation work will be carried out, should the proposal not be approved for implementation?

Yes, the infrastructure proposed in the works are all removable and are planned to be removed post construction of the proposal. All disturbance would be located within the Haul Road Development Envelope for the Proposal and will be rehabilitated following construction of the Proposal. If the Proposal does not proceed, areas cleared for the works would be rehabilitated and revegetated.

Under the *Mining Act 1978*, the proponent is required to submit and obtain approval for a Mine Closure Plan detailing how disturbance would be rehabilitated. Mine Closure Plans are reviewed every three years till the end of Mine Life. Achievement of closure outcomes will allow return of the disturbed land to a safe, stable, non-polluting/

non-contaminating landform in an ecologically sustainable manner that is productive and/or self-sustaining consistent with the agreed post-mining land use.

5. Is there an environmental justification for the work?

Yes, the implementation of the works prior to the approval of the proposal will avoid the temporary camp being constructed during the higher rainfall cyclone season which would result in elevated safety, construction, and environmental risks.

The camp will initially be used to support investigative works (Geotechnical drilling and hydrogeological investigation) that will inform implementation.

6. Are the works and their effects of a scale or significance that would compromise the EPA's assessment or the Minister's future decisions?

No, considering the small scale of proposed minor works (i.e. 20 ha of clearing) compared to haul road's disturbance footprint (i.e. 1,564 ha), the proposed works will not compromise the EPA assessment or future decisions. The site does not contain any key values which are critical in the assessment or would affect decisions around their management in the future.



Prof. Matthew Tonts
Delegate of the Environmental Protection Authority
CHAIR

23 June 2022

Schedule 1

Authorised Minor or Preliminary Implementation Works

| Authorised Work(s) | Location | Authorised extent |
|---|-----------------|---|
| <p>The following works are authorised in their entirety:</p> <ol style="list-style-type: none"> 1. construction; and 2. maintenance of a temporary construction camp, administration buildings, and associated infrastructure, associated with construction of the proposed Ashburton Infrastructure Project, as follows: <ul style="list-style-type: none"> • Clearing of up to 6.71 ha for temporary camp; • Clearing of up to 4.3 ha for temporary office & workshop compounds; • Clearing of up to 6.3 ha for access tracks; and • Clearing of up to 3.72 ha for temporary wastewater treatment plant and spray-field. <p>up until such time as one of the following occurs:</p> <ol style="list-style-type: none"> a. notice issued under s45(13) of the EP Act; or b. statement issued under s45(8) of the EP Act is final (that is, after period in which to lodge an appeal under s 100(3) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s100(3), is published). <p>and</p> <ol style="list-style-type: none"> 3. rehabilitation of the areas identified in Figure 1 in accordance with current EPA rehabilitation guidance, or if an implementation statement is issued for the Proposal, in accordance with any implementation conditions relating to rehabilitation. | <p>Figure 1</p> | <p>As shown on Figure 1:</p> <ul style="list-style-type: none"> • Clearing of up to 6.71 ha for temporary camp; • Clearing of up to 4.3 ha for temporary office & workshop compounds; • Clearing of up to 6.3 ha for access tracks; and • Clearing of up to 3.72 ha for temporary wastewater treatment plant and spray-field. |

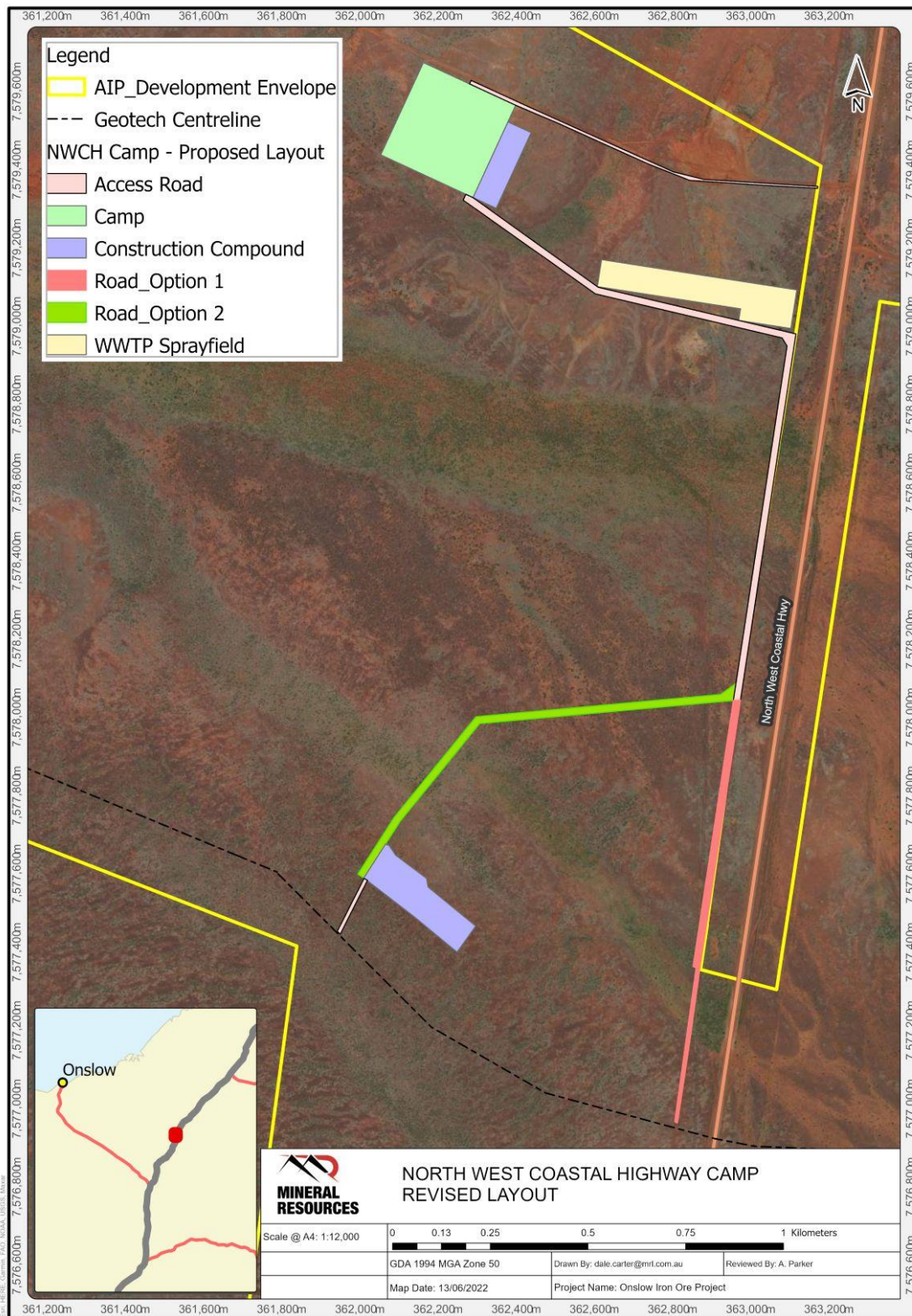


Figure 1: Minor and Preliminary Works location