



Environmental Protection Authority

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Chief Executive Officer
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Our Ref A583954
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Attn: Paul Leidich

Dear Sir/Madam

NOTICE UNDER SECTION 39A(3)
Environmental Protection Act 1986

PROPOSAL: Wiluna West Iron Ore Mining Operation
LOCATION: 40 km west of Wiluna
PROPONENT: Golden West Resources Ltd
DECISION: Not Assessed – Public Advice Given

Thank you for your letter referring the above matter to the Environmental Protection Authority (EPA).

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the staff of the Office of the EPA has provided the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 6 May 2013. Information on the appeals process is available through the Office of the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190.

Yours faithfully

Anthony Sutton
Director
Assessment and Compliance Division

22 April 2013

Encl

**PUBLIC ADVICE UNDER SECTION 39A(7)
Environmental Protection Act 1986**

**WILUNA WEST IRON ORE MINE PROJECT BY GOLDEN WEST
RESOURCES LTD**

Summary

The Environmental Protection Authority (EPA) has received a referral from Golden West Resources to develop an iron ore mine located approximately 40 kilometres west of Wiluna. The mine has an approximate life of 15 years. The proposal will result in clearing of a maximum 2600 hectares.

The proponent has submitted comprehensive fauna and flora surveys.

The EPA considers that the environmental factors associated with the proposal are:

- Flora and vegetation;
- Terrestrial fauna;
- Subterranean fauna; and
- Rehabilitation and closure

The EPA acknowledges the public comments which called for assessment of the proposal and questioned the adequacy of the environmental investigations undertaken. The public comments received identified potential impacts on the Priority Ecological Community (PEC), Priority flora species, vertebrate fauna, Short Range Endemics and from metalliferous drainage following closure of the mine. One commentator contends that given the significant public interest in the preservation of Banded Iron Formation (BIF) ranges, the proposal should be assessed by the EPA.

The EPA considers that the information provided by the proponent in its referral information is adequate and that, although the proposal does potentially impact on the environmental factors identified above, it does not warrant formal assessment under the *Environmental Protection Act 1986* (EP Act) as the potential environmental impacts of the proposal can be adequately regulated and mitigated by other statutory decision - making processes to meet the EPA's objectives and principles as discussed below.

Flora and Vegetation

The proposal is located on a PEC. Although there are impacts to the PEC, the impacts are not considered so great as to impact the ecological function of the PEC. In particular, investigations did not identify any Declared Rare Flora species or Threatened Ecological Communities.

Flora and vegetation can be managed to meet the EPA's objectives. The proposal will be subject to a clearing permit under Part V of the EP Act. Clearing of native vegetation will be assessed and regulated by the Department of Mines and Petroleum (DMP). In considering the EP Act Clearing Principles, the DMP will have regard to the potential impacts on Priority flora species.

Terrestrial Fauna

Malleefowl

The proposal is likely to directly impact two active Malleefowl mounds. The species and local populations are therefore unlikely to be significantly impacted. The proponent is required to obtain a permit from the Department of Environment and Conservation under the *Wildlife Conservation Act 1950* in the event that an active Malleefowl mound is unable to be avoided.

The EP Act clearing permit process also requires consideration to be given to whether the vegetation is necessary to maintain habitat for significant fauna species.

Subterranean Fauna

No obligate Troglodfauna were identified.

No Stygofauna were identified in the BIF ranges. The Stygofauna identified in the paleo-channels (potential sites for water supply) are regionally widespread. Surveys and sampling effort are considered adequate to support these conclusions and the potential impacts on subterranean fauna are not considered significant.

Short Range Endemics

The EPA notes the earlier hand searches in 2006 identified a juvenile *Conothele* species of Mygalomorph spider and hence it could not be identified to species level. The EPA is satisfied that follow up 2011 quadrat based surveys did not subsequently locate this species and therefore it is unlikely to represent specific habitat for this species.

Rehabilitation and closure

Under the *Mining Act 1978*, the DMP will require the proponent to submit a full mine closure plan for approval before mining can commence. The mine closure plan will need to be prepared in accordance with the joint DMP/EPA (2011) *Guidelines for Preparing Mine Closure Plans*. The Guidelines for preparing mine closure plans specifically require the consideration of the potential for acid and metalliferous drainage and this matter is routinely regulated and managed by the DMP including that there is experience of managing the potential impacts in a similar context to that proposed.

Policy context

The proposal is located on a BIF range. The *Strategic Review of the Conservation and Resource Values of the Banded Iron Formation of the*

Yilgarn Craton (BIF Review) previously indicated there was a predisposition towards development of this area.

It should be noted that the EPA does not expect to assess all proposals on the basis that they are located on BIF. The EPA considers proposals on their merit and makes its decision about whether a proposal is likely to have a significant effect on the environment using professional judgment and having regard to the information submitted in the referral and/or derived from the EPA's own investigations and inquiries.

The EPA has outlined a significance test in the Environmental Impact Assessment Administrative Procedures 2012 which describes some of the matters to which the EPA may have regard to when making its decision about whether a proposal should be assessed. In particular, for this referral, Section 7(i) of the Procedures is relevant as other statutory decision-making processes can regulate the mitigation of potential effects on the environment to meet the EPA's objectives.

In regards to the previously published predisposition towards development in this area, the EPA is satisfied that the subsequent environmental investigations undertaken by the proponent support this earlier recommendation. Although the proposal does potentially impact on the environmental factors identified above, it does not warrant formal assessment under the EP Act as the potential environmental impacts of the proposal can be adequately regulated and mitigated by other statutory decision - making processes to meet the EPA's objectives and principles. This includes the requirement for:

- a clearing permit under Part V of the EP Act which would consider potential impacts on flora and vegetation including Priority flora species and significant habitat for fauna; and
- the *Mining Act 1978* requires a mining proposal to be submitted and includes requirements for a mine closure plan that would address amongst other things the rehabilitation and closure of the mine and the potential for acid and metalliferous drainage consistent with the joint DMP/EPA (2011) *Guidelines for Preparing Mine Closure Plans*.

General

The above advice does not remove the need to obtain any other approvals which may be required.

