



Australian Government

Department of Sustainability, Environment, Water, Population and Communities

Approval

Yandicoogina Junction South West and Oxbow Iron Ore Project, WA (EPBC 2011/5815)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Hamersley Iron Pty Ltd

proponent's ACN (if applicable) ACN 004558276

proposed action To develop new mine pits and supporting infrastructure, at Yandicoogina, central Pilbara region of WA, as described in the referral received by the department on 20 January 2011. [See EPBC Act referral 2011/5815].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approve

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 30 September 2025

Decision-maker

name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessment Branch

signature

date of decision

20 NOVEMBER 2012

Conditions attached to the approval

- 1) To protect habitat for the **Northern Quoll** and **Pilbara Olive Python** disturbance of vegetation must:
 - a) not exceed a total of 2,200 hectares and must only occur within the **development footprint**; and
 - b) not exceed 40 hectares within the floodplain and riparian vegetation zone associated with **Marillana Creek** located within the **development footprint**.
- 2) The person taking the action must establish and maintain an **EPBC Act listed threatened species** Register on a publicly available website. The Register must record any sightings of **EPBC Act listed threatened species**, alive or dead, in the **project area** no less than every three months during **construction**, and no less than every 12 months during **operation**. The web address of the register must be provided to the **department** within 30 days of establishment.
- 3) The person taking the action must develop a staff environmental induction to be undertaken by all staff, including contractors, prior to the **commencement** of their duties and annually thereafter. The induction material must include, but not necessarily be limited to:
 - a) clear colour images and simple descriptions of the ecology and diagnostic features of **EPBC Act listed threatened species** and their habitat;
 - b) protocols for reporting sightings, including vehicle strike (including GPS coordinates), of **EPBC Act listed threatened species** within seven days to the officer in charge of implementing the **EPBC Act listed threatened species** Register described in condition 2);
 - c) reference to the penalties imposed for causing intentional harm to **EPBC Act listed threatened species**; and
 - d) legal and on site environmental responsibilities.
- 4) The person taking the action must display the information required in condition 3) a) on signs or posters around staff amenities, construction camps and material/equipment depots, and on laminated cards for all staff vehicles. The signs, posters and laminated cards must also state that the **Pilbara Olive Python** is slow moving and highly susceptible to road strike.
- 5) In the event one or more **Northern Quoll** and/or **Pilbara Olive Python** individuals are detected within the **development footprint**, the person taking the action must limit vehicle speeds outside the **active pit areas**, excluding automated haulage machines, to 40 km per hour on all roads within the **development footprint** between dusk and dawn until no **Northern Quolls** and/or **Pilbara Olive Python** individuals are sighted for a continuous period of four weeks;
- 6) The person taking the action must ensure that all vehicles, machinery, and equipment remain within the **development footprint**, and must prevent off road driving, unless in case of an emergency;
- 7) The person taking the action must ensure that all vehicles, machinery and equipment are prevented from accessing known locations of the **Hamersley Lepidium**, as seen in Annexure 1 during **construction** and **operation**.
- 8) The person taking the action must implement measures to prevent the spread or establishment of feral animal species populations within the **project area** in a manner that is sympathetic with the conservation of **EPBC Act listed threatened species**. Measures must include, but not necessarily be limited to:

- a) appropriate waste management associated with staff amenities, **construction** camps and material/equipment depots;
 - b) a control program which is consistent with current national guidelines for pest control; and
 - c) annual monitoring, reporting and evaluation of the measures.
- 9) The person taking the action must implement measures to prevent the spread or establishment of invasive weeds within the **project area** in a manner that is sympathetic with the conservation of **EPBC Act listed threatened species**. Measures must include, but not necessarily be limited to:
- a) baseline surveys and Geographical Information System mapping of target weed species, as determined by a **suitably qualified expert**;
 - b) a targeted control program;
 - c) weed hygiene measures for vehicles and mining equipment and machinery; and
 - d) annual monitoring, reporting and evaluation of the measures identified in conditions 9) a) to c).
- 10) The person taking the action must implement measures to prevent and/or control the spread of fires caused by any component of **construction** and **operation**.
- 11) In the event the person taking the action becomes aware of new information regarding the presence of any **EPBC Act listed threatened species** within the **development footprint**, that information must be reported to the **Minister** within seven business days of becoming aware of the new information.
- 12) The person taking the action must implement measures to minimise potential impacts from **dewatering** and discharge of surplus water on habitat for the **Northern Quoll** and **Pilbara Olive Python** along **Marillana Creek** and **Weeli Wolli Creek**, both in the dewatering and surplus water discharge impact areas. Measures must include, but not necessarily be limited to:
- a) baseline data surveys to be undertaken prior to **dewatering** and the discharge of surplus water, for **Northern Quoll** and **Pilbara Olive Python** habitat, including vegetation abundance, health, foliage cover and diversity;
 - b) appropriate monitoring (including annual surveys) to detect changes, occurring as a result of the action, to **Northern Quoll** and **Pilbara Olive Python** habitat, including vegetation abundance, health, foliage cover and diversity;
 - c) thresholds appropriate for the changes determined for condition 12) b) that establish when the action is resulting in degradation of habitat taking into consideration climatic variability, seasonal variation and discharge volumes from other relevant mines;
 - d) contingency measures to be implemented, should the thresholds identified in condition 12) c) be exceeded as a result of the action, for addressing current and future exceedances and remediation of habitat degraded by dewatering and discharge activities;
 - e) protocols for reporting to the **Minister** within seven days if the thresholds developed for condition 12) c) are exceeded, within 30 days for contingency measures implemented and within 6 months on the success the contingency measures.
- 13) The person taking the action must rehabilitate all potentially suitable habitat for **EPBC Act listed threatened species** that is **disturbed** during **construction** and **operation**. The rehabilitation must be developed in consultation with a **suitably qualified expert** and must include, but not necessarily be limited to:

- a) baseline data of the characteristics of the pre-mining ecosystems within the **development footprint**;
 - b) use of plant species of local provenance that are compatible with land system units that provide suitable habitat for **EPBC Act listed threatened species**; and
 - c) monitoring and evaluation annually for three years or until establishment.
- 14) To compensate for the residual impacts of the action and for the better protection and long-term conservation of the **Northern Quoll** and **Pilbara Olive Python**, a Threatened Species Offset Plan (TSOP) must be submitted to the **Minister** for approval. The TSOP must include, but not necessarily be limited to:
- a) a contribution of no less than \$3,000,000 (GST exclusive) to fund, extend or expand a land management program within the Pilbara bioregion for a period of no less than five years;
 - b) details of measures to control and/or manage, for the benefit of the **Northern Quoll** and **Pilbara Olive Python**:
 - i) introduced predators;
 - ii) feral herbivores;
 - iii) wild fires; and
 - iv) invasive weeds.
 - c) for each threat identified in condition 14) b), the TSOP must define:
 - i) how the control/management measures are expected to benefit the **Northern Quoll** and **Pilbara Olive Python**;
 - ii) details of the location and area of land to be managed which must be mapped and provided to the **department** in a **shapefile(s)**;
 - iii) details of methodology, timing, frequency and intensity (effort) of management measures;
 - iv) responsibility for management measures;
 - v) details of how the management actions identified for condition 14) b) will be undertaken in a manner that is sympathetic with the conservation of other relevant threatened species listed under the **EPBC Act** known to occur in the area identified under 14) c) ii);
 - d) details of a monitoring program, including but not necessarily limited to:
 - i) methodology, timing, frequency, scope and survey effort for/of monitoring;
 - ii) baseline surveys of the area to be managed;
 - iii) monitoring during and post land management actions to determine the effectiveness of land management actions;
 - iv) performance indicators, which will determine the effectiveness of the land management program; and
 - v) measures to make the results of the monitoring made publically available.

The TSOP must be submitted to the **Minister** for approval by 31 December 2013.
Should the TSOP be approved then the approved TSOP must be implemented.

- 15) Documentary evidence must be submitted to the **department** showing that payments of the total amount required in condition 14) a) have been made to the person(s) responsible for implementation of the land management program within 18 months of the date of approval of the TSOP.
- 16) Annually on 30 April, after **commencement** of the action, a report must be submitted to the **Minister** detailing how condition 14) is, or has been, met including:
 - a) whether the timeframes for undertaking the management actions identified in condition 14) c) and d) have been met; and
 - b) whether the performance indicators required for condition 14) c) have been met.
- 17) Within 10 days after the **commencement** of the action, the person taking the action must advise the **Department** in writing of the actual date of **commencement**.
- 18) The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the plans required by this approval, and make them available upon request to the **department**. Such records may be subject to audit by the **department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **department's** website. The results of audits may also be publicised through the general media.
- 19) Annually on 30 April, after **commencement** of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **department** at the same time as the compliance report is published.
- 20) Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
- 21) If the person taking the action wishes to carry out any activity otherwise than in accordance with the plan(s) as specified in the conditions, the person taking the action must submit to the **department** for the **Minister's** written approval a revised version of that plan(s). The varied activity shall not commence until the **Minister** has approved the varied plan(s) in writing. The **Minister** will not approve a varied plan(s) unless the revised plan(s) would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised plan(s), that plan(s) must be implemented in place of the plan(s) originally approved.
- 22) If the **Minister** believes that it is necessary or convenient for the better protection of listed threatened species and communities to do so, the **Minister** may request that the person taking the action make specified revisions to the plan(s) specified in the conditions and submit the revised plan(s) for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved plan(s) must be implemented. Unless the **Minister** has approved the revised plan(s), then the person taking the action must continue to implement the plan(s) originally approved, as specified in the conditions.
- 23) If, at any time after five (5) years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not **substantially commence** the action without the written agreement of the **Minister**.

24) Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all plan(s) referred to in these conditions of approval on their website. Each plan must be published on the website within 1 month of being approved.

Definitions

Active pit areas means the area identified as 'JSW & Oxbow Conceptual Mine Pits' in Annexure 3.

Commencement of the action (except in the sense of **substantial commencement**) means the **commencement of construction**.

Construction means clearance of vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for buildings or infrastructure within the **development footprint** excluding works associated with the **existing mining operation**.

Department means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Development footprint means the area identified as "JSW & Oxbow proposed mining and infrastructure" in Annexure 1 **excluding** the areas associated with the **existing mining operation**.

De-watering means the removal of water by pumping, drainage, or evaporation.

Diagnostic features mean physical features or distinguishing characteristics which may aid in species identification

Disturb or **disturbance** of vegetation means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation, this also includes any activities associated with earth moving.

EPBC Act Listed threatened species means the **Northern Quoll**, the **Pilbara Olive Python** and the **Hamersley Lepidium**.

Existing mining operation means the area identified as "disturbed or cleared – associated with MS417, 523 & 695" in Annexure 1.

Hamersley Lepidium means *Lepidium catapycnon*.

Marillana Creek means the creek line identified as "Marillana Creek" in Annexure 2.

Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Northern Quoll means *Dasyurus hallucatus*.

Operation includes any activities associated with the extraction and transportation of iron ore.

Pilbara Olive Python means *Liasis olivaceus barroni*

Population means 'population of a species' as per the Significant Impact Guidelines 1.1 – Matters of National Environmental Significance.

Project area means the area identified as "Overall project area" in Annexure 1.

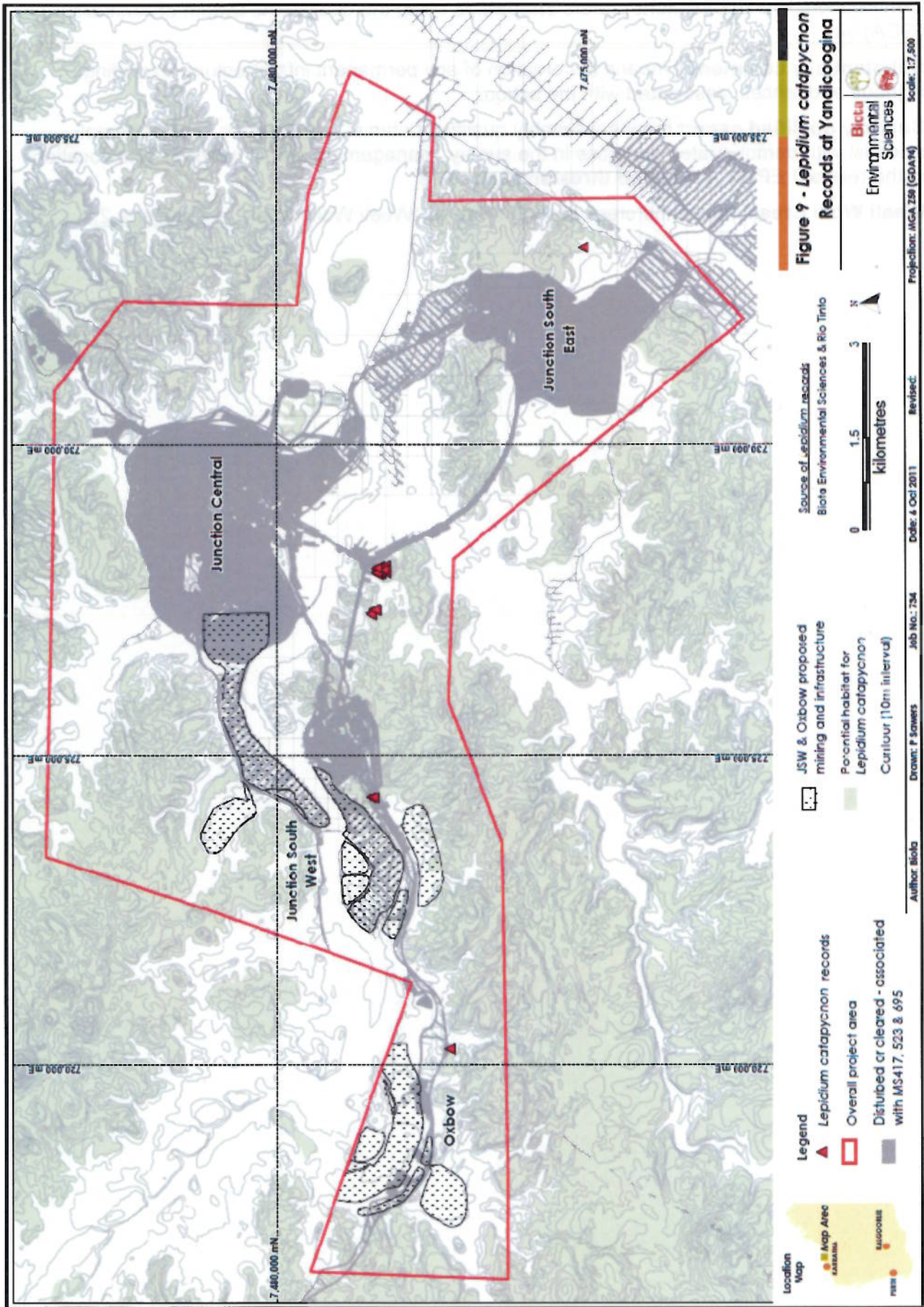
Shapefiles means an ESRI ArcGIS Shapefile, containing '.shp', '.shx.' and '.dbf' files and other files. Shapefiles must include appropriate metadata capturing attributes including but not limited to the EPBC reference number of the approved action and details of the EPBC protected matters present within the offset, covenant or legal protection details, including type and identification. The department prefers **shapefiles** using the Geocentric Datum of Australia (GDA) 94.

Substantially commence means the erection of any permanent infrastructure, excluding signage and fences, associated with the action.

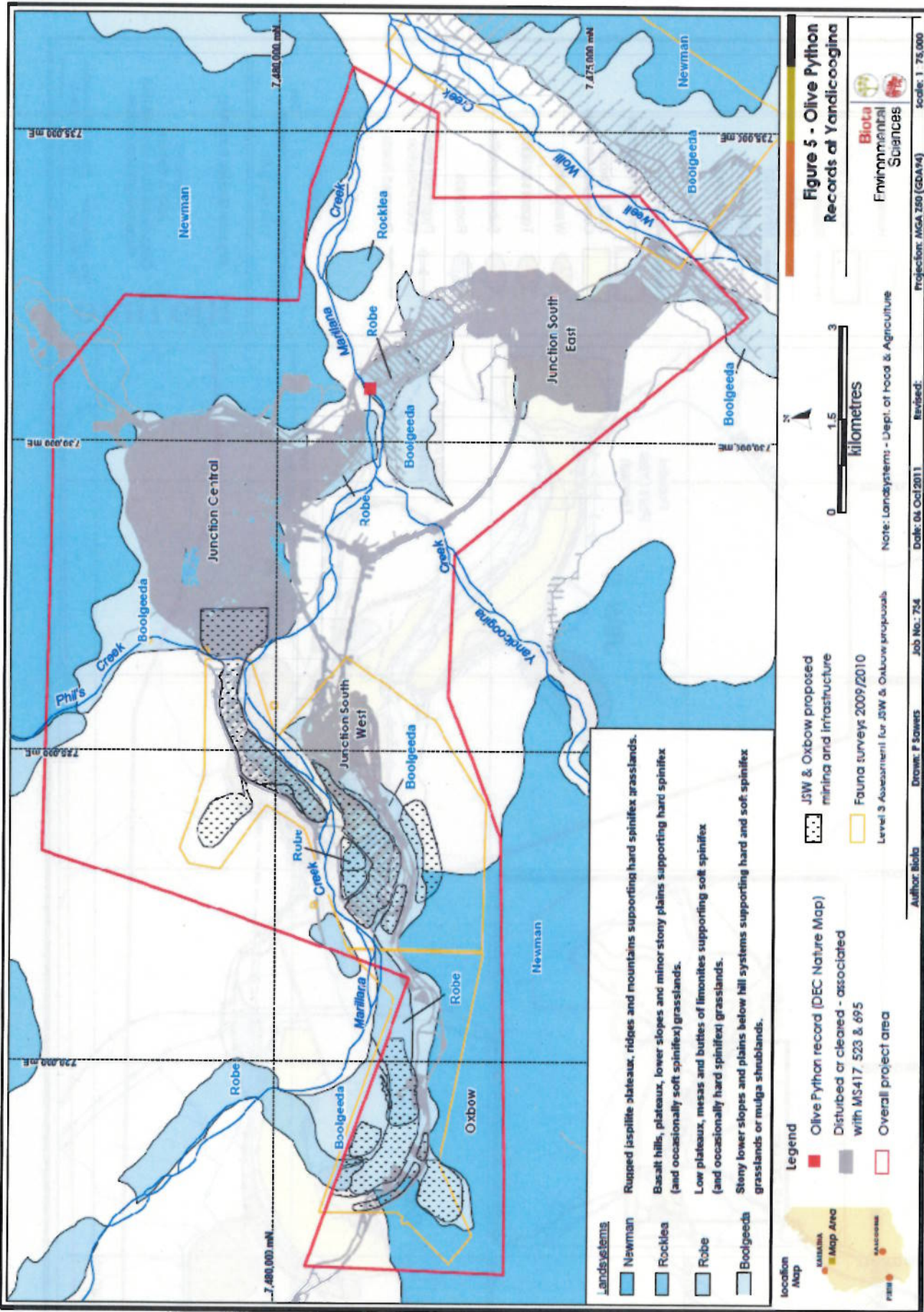
Suitably qualified expert means a suitably qualified botanist, ecologist, or environmental scientist with demonstrated expertise in the survey, management and, if need be, translocation in the relevant **EPBC Act Listed threatened species**.

Weeli Wolli Creek means the creek line identified as "Weeli Wolli Creek" in Annexure 2.

Annexure 1.



Annexure 2.



Annexure 3.

