



Australian Government
Department of the Environment

**Notification of
REFERRAL DECISION – not controlled action if undertaken in a particular manner**

**Ridges Iron Ore Project Matsu Deposit, East Kimberley, Western Australia
(EPBC 2014/7216)**

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Proposed action

person named in the referral	Kimberley Metals Group Pty Ltd ACN: 114 123 572
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proposed action	To construct and operate an open cut mine, access track and associated support infrastructure at the Matsu iron ore deposit located approximately 110 km southwest of Kununurra, in the East Kimberley Region of Western Australia [See EPBC Act Referral 2014/7216].
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Referral decision: Not a controlled action if undertaken in a particular manner

status of proposed action	The proposed action is not a controlled action provided it is undertaken in the manner set out in this decision.
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Person authorised to make decision

Name and position	Dr Simon Banks Assistant Secretary West Assessment Branch
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signature

date of decision	05 November 2014
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manner in which proposed action must be taken	<p>To avoid a significant impact on</p> <ul style="list-style-type: none">• Listed threatened species and communities (sections 18 & 18A) <p>1. The following measures must be implemented to mitigate the potential impacts of the proposed action to the EPBC Act listed endangered Gouldian Finch (<i>Erythrura gouldiae</i>):</p> <p>a. The person taking the action must not clear more than</p>
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45.6 ha of **potential Gouldian Finch nesting habitat** as identified in Attachment A.

- b. The person taking the action must install at least 86 Gouldian Finch nesting boxes within the **project area** to mitigate the loss of nesting hollows from clearing activities. These nest boxes must be constructed and installed using the methodology identified in the **Gouldian Finch Restoration and Management Plan** as attached to the **Referral Documentation**.
- c. To ensure that Gouldian Finches are not utilising natural nesting hollows during clearing activities, the person proposing to take the action must **block or prevent access** to nesting hollows within the **Access Track Development Envelope** and install the nesting boxes identified in particular manner 1.b. These activities must occur prior to the Gouldian Finch breeding season (1 February to 31 July) that immediately precedes the clearing of the **Access Track Development Envelope**.
- d. Rehabilitation and re-vegetation of disturbed areas must occur at the completion of mining activities. Rehabilitation must be undertaken under the supervision of a suitably **qualified** ecologist and must use endemic native vegetation. Rehabilitation must include flora species that provide foraging and nesting habitat for the Gouldian Finch as described in *The National Recovery Plan for the Gouldian Finch*.

Definitions

Potential Gouldian Finch nesting habitat: habitat identified within the Access Track Development Envelope by Kimberley Metals Group Pty Ltd that could potentially support Gouldian Finch breeding. Described as rocky hills with hollow-bearing smooth-barked gums (*Eucalyptus brevifolia* or *Eucalyptus tintinnans*) within two to four kilometres of small waterholes or springs that persist throughout the dry season.

Project Area: the area bound by mining leases M80/625, G80/21, G80/22, L80/82, L80/83, L80/84 and L80/85 which includes the Deposit, Access Track and Processing Development Envelope and any other areas impacted by mining activities.

Gouldian Finch Restoration and Management Plan: the management plan developed by Kimberley Metals Group Pty Ltd that details the measures to be implemented to protect the Gouldian Finch. Attached to the Referral Documentation submitted to the Department of the Environment on 19 May 2014.

Referral Documentation: the referral EPBC 2014/7216 prepared by Animal Plant Mineral Pty Ltd and submitted to the Department

of the Environment on 19 May 2014 on behalf of Kimberley Metals Group Pty Ltd.

Access Track Development Envelope: the area to be cleared to construct the access track linking the Matsu deposit with the facilities at the Ridges Iron Ore Project. Depicted in Attachment A.

Block or prevent access: physically blocking, through the use of a temporary wooden plug, natural breeding hollows to prevent Gouldian Finch access.

Qualified: tertiary qualification and a minimum 5 years experience in the relevant field of work, or the ability to demonstrate a minimum 10 years experience in the relevant field.

Attachment A: Gouldian Finch breeding habitat distribution along access track development envelope

