



Environmental
Protection
Authority

Parker Range (Mount Caudan) Iron Ore Project – inquiry under
section 46 of the *Environmental Protection Act 1986* to amend
Ministerial Statement 892

Polaris Metals Pty Ltd

Report 1763
April 2024

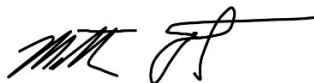
Inquiry under section 46 of the *Environmental Protection Act 1986*

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of amending implementation condition 10 (Residual Impacts and Risk Management Measures) of Ministerial Statement 892 relating to the Parker Range (Mount Caudan) Iron Ore Project.

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA to prepare a report that includes:

- (a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be amended
- (b) any other recommendations that it thinks appropriate.

The following is the EPA's report to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



Prof. Matthew Tonts
Chair

19 April 2024

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1 Proposal

The Parker Range (Mount Caudan) Iron Ore Project (the proposal) involves the development and operation of an iron ore mine located approximately 15 kilometres (km) south-east of Marvel Loch in the Shire of Yilgarn. The proposal consists of an above and below water table mining area, associated infrastructure and the Parker Range Bypass Road.

The Environmental Protection Authority (EPA) assessed the proposal at the level of Public Environmental Review (PER) and published its report in August 2011 (Report 1410). In this report, the EPA considered the following key environmental factors were relevant to the proposal:

- Flora and Vegetation
- Fauna
- Air Quality – dust
- Groundwater
- Closure and rehabilitation.

In applying the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2023) these factors are now represented by:

- Flora and Vegetation
- Terrestrial Fauna
- Air Quality
- Inland Waters
- Terrestrial Environmental Quality.

The EPA concluded in Report 1410, that it was likely the EPA objectives would be achieved provided there was satisfactory implementation by the proponent of the EPA's recommended conditions.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement (MS) 892 on 12 April 2012.

The statement was originally issued to Cazaly Iron Pty Ltd. Polaris Metals Pty Ltd, a subsidiary of Mineral Resources Ltd was nominated as the new proponent for this proposal on 25 November 2019.

Previously approved amendments to the proposal

There has been one change to the proposal under s. 45C of the *Environmental Protection Act 1986* (EP Act), approved on 26 June 2020. The approved change included:

- decrease in development envelope from 929 hectares (ha) to 431 ha.
- decrease in disturbance footprint and vegetation clearing from 418.1 ha to 363 ha.
- change in open pit dimensions
- removal of reference to a tailings storage facility

- increase in pit dewatering volume from 827 Megalitres per annum to 1 gigalitre per annum
- change in surplus dewater management permitting disposal of excess mine dewater to an evaporation pond.

Previously approved amendments to the conditions

The following changes to conditions under s. 46 of the EP Act have been approved.

- On 17 July 2017, condition 3 was changed to extend the Time Limit of Authorisation of the proposal. This approval extended the time limit for implementation of the proposal to 12 April 2022 and resulted in the publication of MS 1060 on 17 July 2017.
- On 14 May 2021, condition 8-4 was changed from allowing the proponent to clear one inactive Malleefowl mound within the mine footprint to ensuring that there is no removal of active Malleefowl mounds within the Parker Range (Mount Caudan) Iron Ore Project Minesite Development Envelope unless otherwise approved in writing by the CEO, on the advice of Department of Biodiversity, Conservation and Attractions. This resulted in the publication of MS 1166 on 14 May 2021.

2 Requested amendments to the conditions

In February 2023, the proponent requested the following changes to condition 10 (conditions 10-1 to 10-7) of MS 892:

- remove the requirement to constitute and contribute funds to the Parker Range Conservation Trust (PRCT) for the purpose of acquiring land for rehabilitation and/or for additional research, rehabilitation, management and conservation projects consistent with the charter of the PRCT – as defined in Schedule 2 of MS 892
- replace those conditions with conditions requiring the implementation of an Offset Management Plan which is required under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), approval No. 2010/5435.

Condition 10 of MS 892 relates to the requirement for the proponent to provide offsets to counterbalance residual impacts of the project to conservation significant fauna, eight priority flora, and potential indirect impacts to threatened flora.

The proposed changes would alter the structure for the implementation of residual impacts and risk management measures, specifically remove Projects A and C (establishing and funding the PRCT) from condition 10 and require the implementation of Project B by the proponent.

Project B requires acquiring and rehabilitating land for Malleefowl and Western Rosella habitat, for rehabilitation to be consistent with neighbouring native vegetation and form habitat corridors between remnant native vegetation.

In March 2023, the Minister for Environment requested that the EPA inquire into and report on the matter of amending implementation condition 10 of MS 892 for the Parker Range (Mount Caudan) Iron Ore Project.

This report satisfies the requirements of the EPA's inquiry.

3 Inquiry into amending the conditions

The EPA has discretion as to how it conducts this inquiry. In determining the extent and nature of this inquiry, the EPA had regard to information such as:

- the currency of its original assessment (Report 1410)
- the proponent's Public Environmental Review document (Cazaly 2010)
- subsequent s. 46 inquiries (Reports 1596 and 1696)
- MS 892, 1060 and 1166
 - Parker Range (Mt Caudan) Iron Ore Project – Request to amend MS 892 under s. 46 of the Environmental Protection Act 1986 (MRL 2022)
 - Parker Range Iron Ore Project Offset Management Plan (EPBC 2010-5435) (MRL 2021)
 - Parker Range Iron Ore Project Fauna Offset Strategy (MRL 2021a).
- advice from relevant decision-making authorities
- any new information regarding the potential impacts of the proposal on the environment.

EPA procedures

The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2021* (State of Western Australia 2021) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA 2021).

4 Inquiry findings

The EPA considered that the following are the key environmental factors relevant to the amendments to the conditions:

- terrestrial fauna
- flora and vegetation.

4.1 Terrestrial fauna

The EPA environmental objective for Terrestrial fauna is *to protect terrestrial fauna so that biological diversity and ecological integrity are maintained.*

Conclusions from EPA Report 1410

In assessing the proposal, the EPA noted that the implementation of the proposal would result in residual impacts to the habitat for conservation significant fauna species such as Malleefowl and Western Rosella.

The EPA recommended a condition requiring the proponent implement an Environmental Offset Strategy (*Cazaly Resources Limited, June 2011*) or subsequent revisions as approved by the CEO on advice of the then Department of the Environment and Conservation (now the Department of Biodiversity, Conservation and Attractions).

The Minister for Environment published MS 892 to include condition 10 relating to Residual Impacts and Risk Management Measures, which include:

- the implementation of three projects (A, B and C) to mitigate a significant residual impacts of conservation significant fauna
- Project A – constitutes the Parker Range Conservation Trust (PRCT), including the structure, purpose to acquire land for rehabilitation and conservation, a charter and an obligation to report annually
- Project B – the proponent must contribute funds to the PRCT for the acquisition of at least 630 hectares of land for rehabilitation that will:
 - provide habitat preferred by the Western Rosella and Malleefowl
 - be consistent with neighbouring native vegetation
 - form habitat corridors between remnant native vegetation where appropriate.
- Project C – the proponent must contribute funds to the PRCT at intervals for the undertaking of rehabilitation work associated with the Project B and/or for additional research, rehabilitation, management and conservation projects.

The three projects, monetary values, timeframes and responsibility for implementation are set out in Schedule 2 of MS 892.

The proponent is yet to implement any part of condition 10 as the CEO (under delegation) has authorised an extension date for the establishment and funding of

the PRCT to July 2023. The proponent has since applied for a further extension to July 2024.

Conclusions under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)

The Commonwealth of Australia considered the project a controlled action because of potential impacts to listed threatened species and communities and migratory species.

Under approval 2010/5435, the former Commonwealth Department of Sustainability, Environment, Water, Population and Communities – now the Department of Climate Change, Energy, the Environment and Water (DCCEEW) required the proponent to provide offsets as a result of impacts to Malleefowl - listed as “Threatened” under the EPBC Act.

An *Environmental Offset Strategy* was provided by the proponent in response to the EPBC Act requirement. The *Environmental Offset Strategy* was consistent with the EPA offsets guidance and proposed to mitigate residual impacts that were identified for Malleefowl and Western Rosella habitat.

The Environmental Offset Strategy included:

- the establishment of the PRCT, which would deliver a positive conservation outcome for the Southern Yilgarn region.
- the acquisition and rehabilitation of farmland located between two nature reserves, potentially creating a larger linked ecosystem.

On 27 August 2021, DCCEEW removed the requirement to fund and implement the PRCT from approval 2010/5435 and replaced it with a requirement to implement a Fauna Offsets Strategy which includes the following objectives;

- a) delivery of an offset area(s) with no less than 630 ha of Malleefowl habitat
- b) delivery of an environmentally responsible offset scheme with a minimum standard of ‘net conservation benefit’
- c) achievement of positive and long-term environmental benefits
- d) building on success, appropriate application of science, effective partnership arrangements and effecting positive change to the environment
- e) strategic acquisition of offset areas for conservation, restoration, study and research, and
- f) commitment to secure any offset areas that are acquired through a legally binding conservation mechanism approved by the Minister administering the EPBC Act.

Under this approval, the proponent was also required to submit and subsequently implement an Offset Management Plan which includes:

- a) confirmation of the legally binding conservation mechanism for the protection of the offset area(s);

- b) a description of the proposed management measures and rehabilitation activities to be implemented on the offset area(s), including parties responsible for undertaking the proposed management measures and rehabilitation activities;
- c) performance and completion criteria for evaluating the management of the offset area(s), as well as outcomes/objectives to be achieved and criteria for triggering remedial action (if necessary);
- d) details of the timelines to monitor and report on the effectiveness of management measures and rehabilitation activities, and progress against performance and completion criteria, and to detect triggers for remedial action; and
- e) a description of potential risks to the successful implementation of the plan, and a description of the contingency measures that will be implemented to mitigate against these risks, including a commitment to secure an additional offset area(s) if:
 - i. Malleefowl are not present on the offset area(s) by 5 years after the approval of the Fauna Offsets Strategy; or
 - ii. final rehabilitation performance criteria specified in the Offset Management Plan are not met by 10 years after the approval of the Fauna Offsets Strategy.

On 13 October 2021, DCCEEW approved the Parker Range Iron Ore Project Offset Management Plan (OMP), revision 2 (1 October 2021) and the revised Parker Range Iron Ore Project Fauna Offset Strategy, revision 2 (7 October 2021).

Assessment of the requested amendment to conditions

The EPA considered that the *Environmental factor guideline – Terrestrial fauna* (EPA 2022a) is the current environmental policy and guidance relevant to its assessment of the proposal for this factor. The EPA has also considered its *Public Advice for Considering Environmental Offsets at a Regional Scale in its assessment*.

The proponent's OMP, submitted to support the requested changes to conditions, is consistent with the *WA Environmental Offsets Guidelines* (State of Western Australia, 2014), published after MS 892.

The proposed Offset Strategy includes:

- acquisition of Lot 451
- protection and enhancement of 648 ha of conservation significant species habitat, particularly Malleefowl and Western Rosella habitat within Lot 451
- rehabilitating 115 ha of disturbed land within Lot 451 to create a habitat corridor linking existing remnant vegetation (648 ha) and meet the requirement for no less than 630 ha of Malleefowl habitat.

The proponent states in its application to amend conditions that implementation of the OMP stands to achieve equivalent if not improved environmental offset outcomes to the original conditions in MS 892. The offset site provides habitat of equal or better value to that of the impact site and would create an offset of up to 653 ha, which is a conservation gain of 23 ha over the offset requirement to provide at least 630 ha of land for rehabilitation.

While the conservation status of Western Rosella has changed to a lower category Western Australian Conservation Code of Priority 4, the EPA notes that the proposed offset area includes habitat for Western Rosella.

The proposed rehabilitation would reduce fragmentation and provide habitat corridors between remnant vegetation (see Figure 1). In addition, the purchase and protection of the offset site provide immediate and permanent protection for the significant values contained within Lot 451.

Management measures proposed within Lot 451, as per the OMP include;

- fencing
- removal of waste and unwanted infrastructure
- maintenance of fire breaks
- predatory animal and weed control programmes
- rehabilitation including site treatment, direct seeding of rehabilitation areas
- monitoring of fauna, vegetation health and rehabilitation.

The quantum of the offset and combination of land acquisition, on-ground management proposed by the proponent is consistent with current published EPA guidance.

The proponent's fauna survey located eight inactive Malleefowl mounds within Lot 451. The OMP states that regional records throughout the eastern Wheatbelt indicate that Malleefowl utilises existing corridors and cleared areas and have been recorded within 20 km of Lot 451.

The proposed rehabilitation and management measures are expected to improve vegetation condition, habitat quality, extent, and connectivity of remnant vegetation in a highly cleared area. While future Malleefowl utilisation of the rehabilitated area is uncertain, the EPA considers that the proponent's management objectives for the offset, 'to maintain and restore Malleefowl habitat within the eastern wheatbelt' is consistent with the EPA's *Public Advice for Considering Environmental Offsets at a Regional Scale*. The offset area is in addition to the current conservation estate and may improve the ability of Malleefowl to recolonise Lot 451 or use the offset area for dispersal through the landscape.

In addition, ongoing monitoring of Malleefowl activity within the offset area may improve scientific knowledge for recolonisation, inform contingency measures and support the recovery of the species in the regional area in the longer term.

The EPA considers that the implementation of the OMP provides a contemporary approach to counterbalancing the significant residual environmental impacts on Malleefowl and Western Rosella habitat associated with the proposal. The EPA therefore recommends that condition 10 be amended to require the implementation of the OMP.

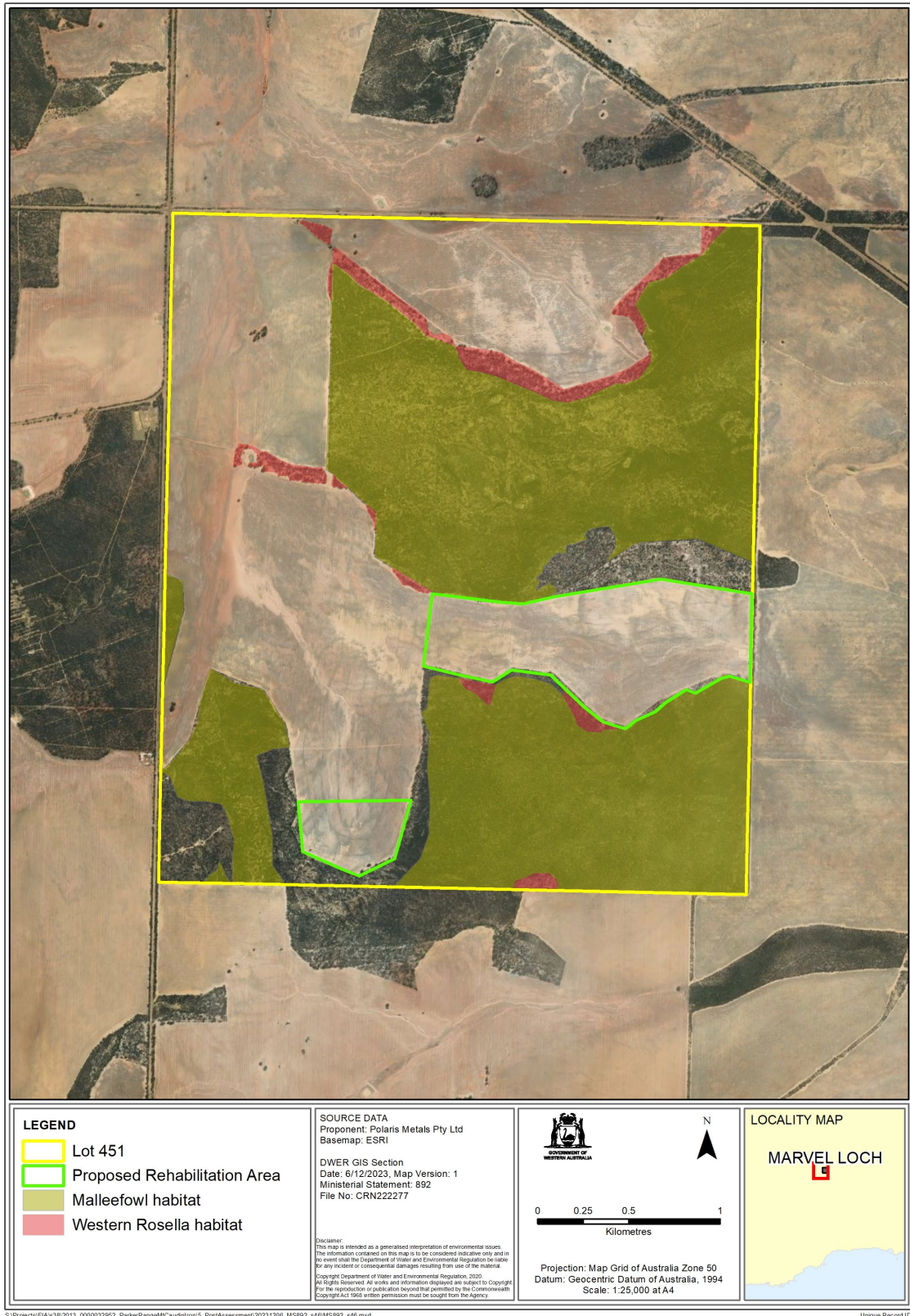


Figure 1 Location of Lot 451 is relation to Malleefowl and Western Rosella habitat and proposed rehabilitation works.

4.2 Flora and vegetation

The EPA environmental objective for Flora and vegetation is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained*.

Conclusions from EPA Report 1410

In assessing the proposal, the EPA found that there is potential for eight species of Priority flora to be impacted by the implementation of the proposal. It was identified that impacts to flora and vegetation will mostly result from direct clearing.

The original proponent determined in their Public Environmental Review Document that there could be potential indirect impacts to *Isopogon robustus* (critically endangered) and direct impacts to the following priority species;

Species	Priority status	Total number of individuals impacts	Percentage of total known and estimated population impacted
<i>Baeckea grandibracteata</i> subsp. Parker Range	1	22	13.9%
<i>Chamelaucium</i> sp. Parker Range	1	27	unknown
<i>Lepidosperma</i> sp. Mt Caudan	1	3,629	4.7%
<i>Lepidosperma</i> sp. Parker Range	1	219	1.6%
<i>Acacia concolorans</i>	2	120	1.3%
<i>Hakea pendens</i>	2	630	12.6%
<i>Cryptandra crispula</i>	3	3	6.5%
<i>Banksia shanklandiorum</i>	4	7,293	1.0%

The EPA concluded that its environmental objective for flora and vegetation can be achieved provided conditions are imposed requiring the proponent to:

- a) ensure that there is no loss of *Isopogon robustus* due to construction or operational activities;
- b) monitor the health and abundance of vegetation within a 250 m buffer area around areas approved for disturbance at the mine site and within

- a 125 m buffer around the upper haul road and undertake contingency measures should a decline in vegetation health or abundance impact of 25% (or greater) be identified
- c) ensure long-term genetic diversity of the populations of *Lepidosperma* sp. Parker Range and populations of *Lepidosperma* sp. Mt Caudan
 - d) undertake further surveys to determine the local and regional impacts of the proposal on *Chamelaucium* sp. Parker Range; and
 - e) undertake weed management.

The EPA considered that the impacts to the other species are unlikely to be significant subject to the implementation of recommended conditions which minimise impacts to the Threatened and Priority flora. The EPA considered that clearing of priority flora not included in the above condition requirements are not regionally significant.

Whilst the proponents residual impact strategy was primarily focused on counterbalancing impacts to Threatened fauna through land acquisition, it did provide some benefits to vegetation and flora, mostly through research and restoration science. The EPA therefore supported the original proponent's offer of a residual impact strategy.

Assessment of the requested amendment to conditions

The EPA considered that the *Environmental factor guideline – Flora and vegetation* (EPA 2022) is the current environmental policy and guidance relevant to its assessment of the proposal for this factor. The EPA has also considered its *Public Advice for Considering Environmental Offsets at a Regional Scale in its assessment*.

The Parker Range Iron Ore Project Offset Management Plan, revision 2 (1 October 2021) (described in section 4.1 of this report) includes offset site Lot 451 which consists of the following:

- 648 ha of remnant vegetation
- 547 ha of disturbed land.

Lot 451 is located approximately 11 kilometres (km) north-west of the proposal site and is surrounded by freehold land which consists of remnant vegetation and land cleared for agriculture. The site is situated 30 km west of the Jilbadji Nature Reserve and 1.5 km east from the boundary of the Great Western Woodlands.

The proponent has proposed to:

- acquire Lot 451
- protect and enhance 648 ha of remnant vegetation within Lot 451
- rehabilitate 115 ha of disturbed land within Lot 451 to create a habitat corridor linking existing remnant vegetation.

The proponent identified the following values for Lot 451 in the OMP:

- minimal disturbance and little evidence of grazing by livestock

- under normal rainfall conditions, overall vegetation is considered to be “excellent” as per the Keighery vegetation condition scale (1994) and under drought conditions “very good”
- the likely presence of the following flora species that may be impacted by clearing for the proposal:
 - *Acacia concolorans* – Priority 2
 - *Balaustion grandibracteatum* subsp. *grandibracteatum* – Priority 3
 - *Banksia shanklandiorum* – Priority 4
 - *Chamelaucium* sp. Parker Range – Priority 1
 - *Cryptandra crispula* – Priority 3.

The following changes to the descriptions of two of the priority flora described in EPA report 1410 have occurred:

- *Baeckea grandibracteata* subsp. Parker Range (K.Newbey 9270) (Priority 1) is now known as *Balaustion grandibracteatum* subsp. *grandibracteatum* (Priority 3)
- *Hakea pendens* (Priority 2) has been assigned a conservation code of Priority 3.

While the presence of the above priority flora species may be likely, the conservation category listing of two species has decreased and the remainder have not changed since the assessment of the original proposal. The EPA considers that the proposed rehabilitation including collection of local provenance seed that reflects remnant vegetation and investigations to include conservation significant flora seed mix will increase native vegetation resilience by contributing to an increase in the extent and connectivity in the region. The EPA considers that the use of a regional site for rehabilitation generally aligns with its recent *Public Advice for Considering Environmental Offsets at a Regional Scale in its assessment*.

The EPA notes that MS892 includes a range of measures which would now be considered indirect offsets such as genetic studies, research and restoration programs on the mine site. The EPA considers that the proposed land and rehabilitation provides much higher flora and vegetation values compared to the current offset requirements in MS 892. The EPA therefore accepts the proponent’s proposed offset and recommends contemporary conditions to include the key components of the proposed environmental offset for flora and vegetation values.

5 Conclusions and recommendations

The proponent has requested the revision of condition 10 (conditions 10-1 to 10-7) of MS 892 by removing the requirement to constitute and contribute funds to the PRCT for the purpose of acquiring land for rehabilitation and/or for additional research, rehabilitation, management and conservation projects consistent with the charter of the PRCT, defined in Schedule 2 of MS 892. The proponent proposed replacing those conditions with requirements to implement an OMP which is also required under the EPBC Act, approval No. 2010/5435.

The EPA considers it appropriate to amend these conditions.

Conclusions

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes that:

- there are no amendments to the proposal associated with the request to amend the conditions
- there is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Report 1410
- no new significant environmental factors have arisen since the EPA's original assessment of the proposal
- impacts to the key environmental factors are considered manageable, based on the requirements of the original conditions retained in MS 892, and the imposition of the attached recommended conditions (Appendix B).

Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the EP Act:

1. While retaining the environmental requirements of the original conditions of MS 892, it is appropriate to delete implementation conditions 10-1 to 10-7 and Schedule 2 and replace them with new implementation conditions.
2. After complying with s. 46(8) of the EP Act, the Minister may issue a statement of decision to amend conditions 10-1 to 10-7 of MS 892 in the manner provided for in the attached recommended statement (Appendix B).

Appendix A: Recommended conditions

STATEMENT TO AMEND THE IMPLEMENTATION CONDITIONS APPLYING TO A PROPOSAL (Section 46 of the *Environmental Protection Act 1986*)

PARKER RANGE (MOUNT CAUDAN) IRON ORE PROJECT

Proposal: The proposal is to develop and operate the Parker Range (Mount Caudan) Iron Ore Project located approximately 15 kilometres south-east of Marvel Loch in the Shire of Yilgarn. The proposal consists of a mining area and haul road area. The mining area includes an above and below the watertable iron ore mine, associated infrastructure and the Parker Range Bypass Road.

Proponent: Polaris Metals Pty Ltd
Australian Company Number 085 223 570

Proponent address: 1 Sleet Road
APPLECROSS WA 6153

Report of the Environmental Protection Authority: 1763

Preceding Statement/s relating to this proposal: 892, 1060, 1166

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 892, be amended as specified in this Statement.

Conditions 10-1 to 10-7 of Ministerial Statement 892 are deleted and replaced with:

10 Environmental Offsets

10-1 The proponent must implement offsets to counter-balance the significant residual impacts of the proposal on the following **environmental values**:

- (1) **Malleefowl (*Leipoa ocellata*) habitat**; and
- (2) **Western Rosella (*Platycercus icterotis xanthogenys*) habitat**
- (3) Remnant vegetation and priority flora species in a highly fragmented area

10-2 The proponent must ensure the implementation of the offsets achieves the following environmental objectives:

- (1) counterbalance the significant residual impacts listed in condition 10-1;

- (2) measurable and **tangible improvement** of habitat quality for Malleefowl (*Leipoa ocellata*) and Western Rosella (*Platycercus icterotis xanthogenys*) which is part of the *Parker Range Iron Ore Project Offset Management Plan*;
- (3) demonstrate a **strategic conservation benefit** for Malleefowl (*Leipoa ocellata*) and Western Rosella (*Platycercus icterotis xanthogenys*); and
- (4) improve connectivity of remnant vegetation through rehabilitation that achieves consistency with the species diversity and abundance of native vegetation in adjacent remnant vegetation.

Offset Environmental Management Plan

- 10-3 The proponent must implement the *Parker Range Iron Ore Project Offset Management Plan (ENV-TS-RP-0308-Rev 2)* that demonstrates how the environmental objectives in condition 10-2 will be achieved, and how this achievement will be substantiated.
- 10-4 The *Parker Range Iron Ore Project Offset Management Plan (ENV-TS-RP-0308-Rev 2)* must include the implementation of the offset measures to the extent and at the location as set out and described in Table 1:

Table 1: Environmental values, locations and extent and type of offset measures required to meet condition 10-1

Environmental value	Offset location	Extent of area to receive offset measures (hectares)	Type of offset measures
Malleefowl (<i>Leipoa ocellata</i>) Western Rosella (<i>Platycercus icterotis xanthogenys</i>) breeding and foraging habitat and remnant vegetation and priority flora species in a highly fragmented area	Lot 451 (Plan 204149) in the Shire of Yilgarn (Figure 1)	630	- land acquisition -on-ground management

- 10-5 The *Parker Range Iron Ore Project Offset Management Plan (ENV-TS-RP-0308-Rev 2)* must:
- (1) demonstrate how the environmental objectives in condition 10-2 will be met;

-
- (2) describe how the offset measures will be implemented consistent with condition 10-4;
 - (3) be prepared in consultation with **DBCA** and **DCCEEW**;
 - (4) spatially identify the area (**Proposed Offset Conservation Area**) in condition 10-4 as:
 - (a) **acquired** lands offset area to receive **on-ground management** offset measures; and
 - (b) offset area or lands to receive **on-ground management** offset measures.
 - (5) demonstrate how the **environmental values** within the **Proposed Offset Conservation Area** will be maintained and managed in order to counterbalance the significant residual impact to the environmental value elements in condition 10-1 and achieve the environmental objectives in condition 10-2;
 - (6) demonstrate application of the principles of the WA Environmental Offsets Policy, the *WA Environmental Offsets Metric* and the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines*, and the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy Assessment Guide*, or any subsequent revisions of these documents and recovery plans;
 - (7) identify how the ongoing performance of the offset measures, and whether they are achieving the objectives in condition 10-2, will be made publicly available;
 - (8) for the land acquisition offsets identified in condition 10-4:
 - (a) demonstrate that the **Proposed Offset Conservation Area** contain the minimum extents of the environmental values identified in condition 10-1;
 - (b) identify how the **Proposed Offset Conservation Area** will be protected, being either the sites are ceded to the Crown for the purpose of management for conservation, or the sites are managed under other suitable mechanism for the purpose of conservation as agreed by the **CEO** by notice in writing;
 - (c) specify the quantum of works associated with establishing the **Proposed Offset Conservation Area**; and
 - (d) identify the **relevant management body** for the on-going management of the **Proposed Offset Conservation Area**, including its role, and the role of the proponent, and confirmation in writing that the **relevant management body** accepts responsibility for its role.

(9) For **on-ground management** offsets identified in condition 10-4:

- (a) state the targets for each **environmental value** to be achieved by the **on-ground management**, including completion criteria, which will result in a **tangible improvement** to the **environmental values** being offset.
- (b) demonstrate the consistency of the targets with the environmental objectives in condition 10-2 and the objectives of any relevant guidance, including but not limited to, recovery plans or area management plans;
- (c) detail the **on-ground management** actions, with associated timeframes for implementation and completion, to achieve the targets identified in condition 10-5(9)(a); and
- (d) detail the monitoring, reporting and evaluation mechanisms for the targets identified under condition 10-5(9)(a).

10-6 Upon being required to implement the *Parker Range Iron Ore Project Offset Management Plan (ENV-TS-RP-0308-Rev 2)* under Condition 10-3, the proponent must:

- (1) implement the most recent version of the **confirmed** *Parker Range Iron Ore Project Offset Management Plan*; and
- (2) continue to implement the *Parker Range Iron Ore Project Offset Management Plan* referred to in condition 10-6 (1) until the **CEO** has confirmed by notice in writing that it has been demonstrated that the relevant requirements for the *Parker Range Iron Ore Project Offset Management Plan* have been met, or are able to be met, under another statutory decision-making process, and the implementation of the *Parker Range Iron Ore Project Offset Management Plan* is no longer required.

10-7 The proponent:

- (1) may review and revise the *Parker Range Iron Ore Project Offset Management Plan* provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan; and
- (2) must review and revise the *Parker Range Iron Ore Project Offset Management Plan* and ensure it meets the relevant requirements of that plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO**.

10-8 Despite condition 10-6, but subject to conditions 10-9 and 10-10, the proponent may implement minor revisions to the *Parker Range Iron Ore Project Offset Management Plan* if the revisions will not result in new or increased adverse

impacts to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the *Parker Range Iron Ore Project Offset Management Plan* is required to achieve.

10-9 If the proponent is to implement minor revisions to the *Parker Range Iron Ore Project Offset Management Plan* under condition 10-8, the proponent must provide the **CEO** and **DCCEEW** with the following at least twenty (20) business days before it implements the revisions:

- (1) the revised offset management plan clearly showing the minor revisions;
- (2) an explanation of and justification for the minor revisions; and
- (3) an explanation of why the minor revisions will not result in new or increased adverse impacts to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the offset management plan is required to achieve.

10-10 The proponent must cease to implement any revisions of the *Parker Range Iron Ore Project Offset Management Plan* which the **CEO** notifies the proponent (at any time) in writing may not be implemented.

10-11 The *Parker Range Iron Ore Project Offset Management Plan*, and any revision to this plan under condition 10-7, must be published on the proponent's website and provided to the **CEO** in electronic form suitable for online publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

Contingency offsets

10-12 If, after receiving the ongoing performance review of the offsets and monitoring, reporting and evaluation required by condition 10-5 (7) and 10-5 (9) (d), the **CEO**, in consultation with **DCCEEW**, determines that the proposal has not met the environmental objectives in condition 10-2, and after notifying the proponent in writing, the proponent must undertake an additional offset to counterbalance the significant residual impact that is not counterbalanced to Malleefowl (*Leipoa ocellata*), Western Rosella (*Platycercus icterotis xanthogenys*) and remnant vegetation and priority flora species.

10-13 Within twelve (12) months of receiving notice in writing from the **CEO** that an additional offset is required under condition 10-12 the proponent must update the *Parker Range Iron Ore Project Offset Management Plan (ENV-TS-RP-0308-Rev 2)* required by condition 10-3 to include acquiring additional offsets to counterbalance the significant residual impacts to Malleefowl (*Leipoa ocellata*), Western Rosella (*Platycercus icterotis xanthogenys*) and remnant vegetation and priority flora species.

Table 2: Abbreviations and definitions

Acronym or abbreviation	Definition or term
Acquired	The protection of environmental values on an area of initially unprotected land for the purpose of conservation through improved security of tenure or restricting the use of land (e.g. ceding land to the Crown or perpetual conservation covenants). This includes upfront costs of establishing the offset site and the on-going management of costs of maintaining the offset for the long term (e.g. 20 years).
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the Environmental Protection Act 1986, or the CEO's delegate.
DBCA	The government agency responsible for the administration of the Biodiversity Conservation Act 2016, which at the time of this Ministerial Statement is the Department of Biodiversity, Conservation and Attractions.
DCCEEW	The government agency responsible for the administration of the Environment Protection and Biodiversity Conservation Act, which at the time of this Ministerial Statement is the Department of Climate Change, Energy, the Environment and Water.
Environmental value	A beneficial use, or ecosystem health condition (from EP Act)
Malleefowl (<i>Leipoa ocellata</i>) habitat	Habitat types including Mallee over Shrubland, Mid to Tall Shrubland, Open Woodland and Low Open Shrubland.
On-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the objective to achieve a tangible improvement to the environmental values in the offset area.
Proposed Offset Conservation Area	The land identified in condition 10-4
Relevant management body	A party or parties that has a role in the establishment and/or ongoing management of the Proposed Offset Conservation Area. Note: This includes the role of the proponent.
Strategic conservation benefit	Overall or long-term improvements in ecological resilience and/or function.
Tangible improvement	A perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.
Western Rosella (<i>Platycercus icterotis xanthogenys</i>) habitat	Habitat types including Open Eucalypt woodland

Figures (attached)

Figure 1 Lot 451 offset and rehabilitation area

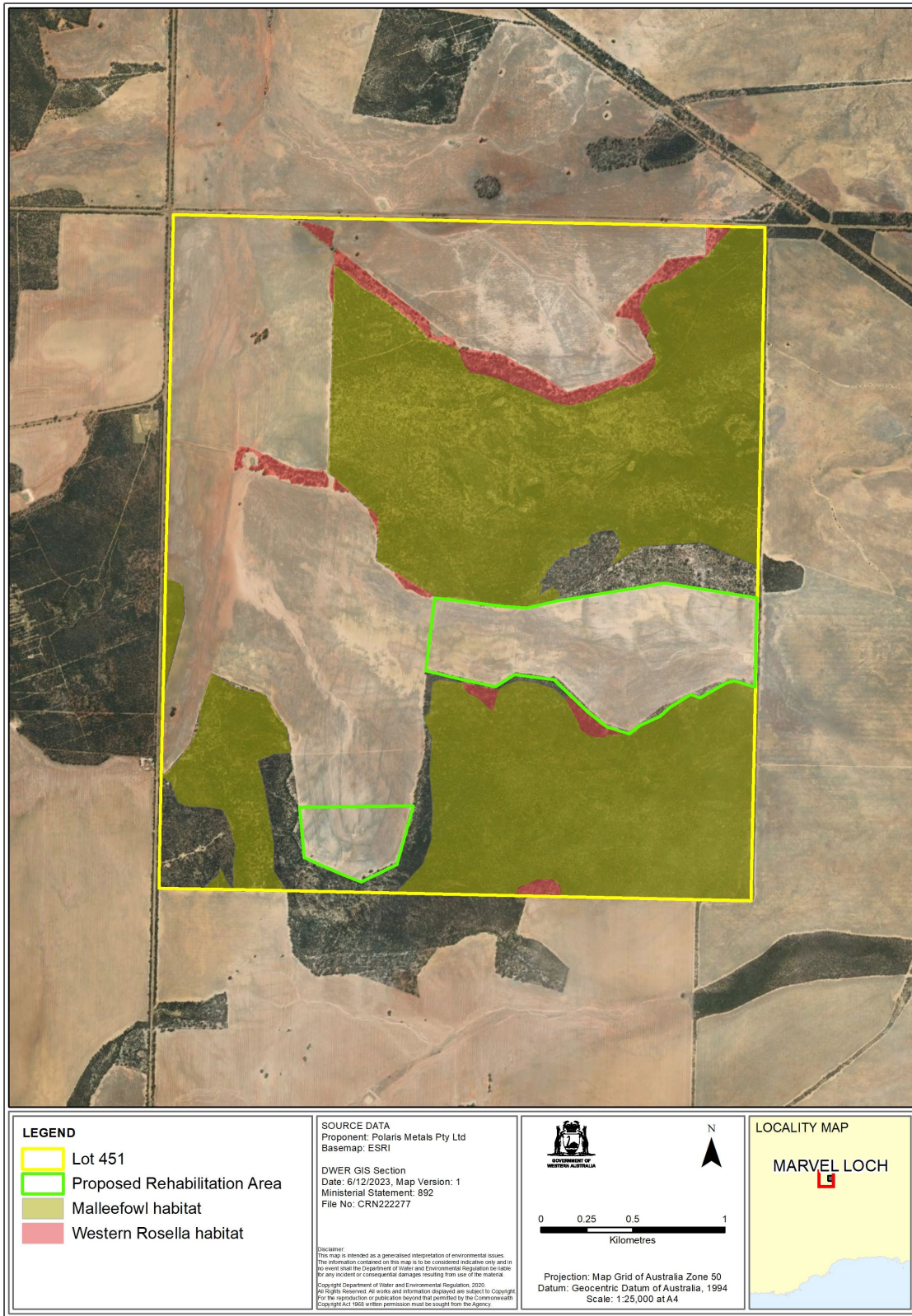


Figure 1 Lot 451 offset and rehabilitation area

All coordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 2020 (GDA20).

Spatial data depicting the figures are held by the Department of Water and Environmental regulation. Record no. APP-0000556.

Appendix B: Decision-making authorities

The decision-making authorities in the table below have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*.

Decision-Making Authority	Legislation (and approval)
1. Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i> (s. 18 approval)
2. Minister for Environment	<i>Biodiversity Conservation Act 2016</i> (Taking of flora and fauna)
3. Minister for Mines and Petroleum	<i>Mining Act 1978</i> (Mining Lease)
4. Minister for Water	<i>Rights in Water and Irrigation Act 1914</i> (Water abstraction licence)
5. Minister for Lands	<i>Land Administration Act 1997</i>
6. Chief Dangerous Goods Officer, Department of Mines, Industry Regulation and Safety	<i>Dangerous Goods Safety Act 2004</i> (Storage and handling of dangerous goods)
7. Chief Executive Officer, Department of Water and Environmental Regulation	<i>Environmental Protection Act 1986</i> (Works Approval and Licence)
8. Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety	<i>Mining Act 1978</i> (Mining proposal and mine closure plan)
9. State Mining Engineer, Department of Mines, Industry Regulation and Safety	<i>Mines Safety and Inspection Act 1994</i> (Project Management Plan)
10. Chief Executive Officer, Shire of Yilgarn	<i>Planning and Development Act 2005</i> (Planning approvals) <i>Building Act 2011</i> (Decision maker for permits and development approvals) <i>Local Government Act 1995</i>

Note: In this instance, agreement is only required with DMAs 1-5 as these DMA/s are Ministers.

References

Proponent documents

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MRL 2022, *Parker Range (Mt Caudan) Iron Ore Project - Request to amend MS 892 under s. 46 of the Environmental Protection Act 1986*

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EPA 2021, *Environmental Impact Assessment (Part IV Division 1 and 2) Procedures Manual*, Environmental Protection Authority, Perth, WA.

EPA 2022, *Environmental factor guideline – Flora and vegetation*, Environmental Protection Authority, Perth, WA.

EPA 2022a, *Environmental factor guideline – Terrestrial fauna*, Environmental Protection Authority, Perth, WA.

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Government of Western Australia 2011, *WA Environmental Offsets Policy*, Government of Western Australia, Perth, WA.

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National documents

Benshemesh, J. (2007). *National Recovery Plan for Malleefowl*. Department for Environment and Heritage, South Australia.