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Published on 17 September 2009

Statement No. 808

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**SPOTTED QUOLL OPEN PIT NICKEL MINE
SHIRE OF KONDININ**

Proposal: The proposal is to develop and operate an open pit nickel mine and associated infrastructure on Mining Lease 77/00583 and haulage road on Mining Lease 77/00545 within the Shire of Kondinin.

The proposal is further documented in schedule 1 of this statement.

Proponent: Western Areas NL

Proponent Address: Suite 3, Level 1, 11, Ventnor Avenue,
WEST PERTH WA 6005

Assessment Number: 1795

Report of the Environmental Protection Authority: Report 1334

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

2-2 The proponent shall notify the Chief Executive Officer of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.

3-2 The proponent shall provide the Chief Executive Officer of the Department of Environment and Conservation with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the Chief Executive Officer of the Department of Environment and Conservation.

4-2 The proponent shall submit to the Chief Executive Officer of the Department of Environment and Conservation, the compliance assessment plan required by condition 4-1 at least 6 months prior to the first compliance report required by condition 4-6. The compliance assessment plan shall indicate:

1. the frequency of compliance reporting;
2. the approach and timing of compliance assessments;
3. the retention of compliance assessments;
4. reporting of potential non-compliances and corrective actions taken;
5. the table of contents of compliance reports; and
6. public availability of compliance reports.

4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.

4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-1 and shall make those reports available when requested by the Chief Executive Officer of the Department of Environment and Conservation.

- 4-5 The proponent shall advise the Chief Executive Officer of the Department of Environment and Conservation of any potential non-compliance within two business days of that non-compliance being known.
- 4-6 The proponent shall submit a compliance assessment report annually from the date of issue of this Implementation Statement addressing the previous twelve month period or other period as agreed by the Chief Executive Officer of the Department of Environment and Conservation. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person, approved in writing by the Department of Environment and Conservation, delegated to sign on the Managing Director's behalf;
 2. include a statement as to whether the proponent has complied with the conditions;
 3. identify all potential non-compliances and describe corrective and preventative actions taken;
 4. be made publicly available in accordance with the approved compliance assessment plan; and
 5. indicate any proposed changes to the compliance assessment plan required by condition 4-1.

5 Performance Review and Reporting

- 5-1 The proponent shall submit to the Chief Executive Officer of the Department of Environment and Conservation, a Performance Review Report at the conclusion of the first year after the start of implementation and then annually, which addresses:
1. the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts;
 2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
 3. improvements gained in environmental management which could be applied to this and other similar projects.

6 Flora and Vegetation

- 6-1 The proponent shall not cause the loss of the Declared Rare Flora *Eucalyptus steedmanii* from the implementation of the proposal.
- 6-2 Prior to ground disturbing activities, the proponent shall undertake baseline monitoring of the health and abundance of the Declared Rare Flora *Eucalyptus*

steedmanii populations 2, 3a, 3b, 7 and population 1 (including individuals in close proximity to the haul road and the population fragment to the west of the haul road) identified in Figure 3, schedule 1.

- 6-3 The proponent shall monitor impacts on the health and abundance of the Declared Rare Flora *Eucalyptus steedmanii* populations as identified in condition 6-2, from activities undertaken in implementing the proposal. This monitoring shall be carried out to the satisfaction of the Chief Executive Officer of the Department of Environment and Conservation.
- 6-4 The proponent shall submit annually the results of monitoring required by condition 6-3 to the Chief Executive Officer of the Department of Environment and Conservation.
- 6-5 In the event that monitoring required by condition 6-3 indicates a decline in the health or abundance of Declared Rare Flora *Eucalyptus steedmanii* outside the areas to be cleared:
1. the proponent shall report such findings to the Chief Executive Officer of the Department of Environment and Conservation within 21 days of the decline being identified;
 2. provide evidence which allows determination of the cause of the decline;
 3. if determined by Chief Executive Officer of the Department of Environment and Conservation to be a result of activities undertaken in implementing the proposal, the proponent shall submit actions to be taken to remediate the decline to the Chief Executive Officer; and
 4. the actions to remediate the decline of Declared Rare Flora shall be undertaken upon approval of the Chief Executive Officer of the Department of Environment and Conservation.
- 6-6 The proponent shall make the monitoring reports required by condition 6-5 publicly available in a manner approved by the Chief Executive Officer of the Department of Environment and Conservation.

7 Fauna

- 7-1 The proponent shall implement measures identified in Chapter 6.3 of the *Environmental Protection Statement for the Proposed Spotted Quoll Mine*, prepared by Coffey Environments Pty Ltd, Perth, Western Australia (July 2009) to prevent adverse impacts to Malleefowl along the haul road.

8 Mine Closure and Rehabilitation

- 8-1 Prior to the commencement of ground-disturbing activities, the proponent shall conduct surveys of the proposal area to collect baseline information on the following:
1. pre-mining soil profiles;

2. groundwater levels;
3. surface water flows;
4. vegetation complexes;
5. landscape and landforms; and
6. material characterisation.

8-2 The proponent shall submit a Rehabilitation and Mine Closure Plan acceptable to the Chief Executive Officer of the Department of Environment and Conservation and the Director General of the Department of Mines and Petroleum with the advice of other agencies as appropriate within 12 months of the commencement of ground disturbing activities.

The Rehabilitation and Mine Closure Plan shall provide for specific outcomes for:

1. landform design and material characterisation;
2. rehabilitation completion criteria consistent with Environmental Protection Authority Guidance Statement No. 6* to provide a self-sustaining, functional ecosystem comprising, native vegetation of local provenance species;
3. progressive rehabilitation timelines and monitoring against key performance indicators;
4. annual reporting procedures; and
5. procedures to review and revise the Rehabilitation and Mine Closure Plan.

* - *Guidance for the Assessment of Environmental Factors: Rehabilitation of Terrestrial Ecosystems: No 6*, Environmental Protection Authority, 2006

8-3 The proponent shall ensure that after mine closure, the final pit void:

1. does not cause significant groundwater contamination outside of the final pit void;
2. is not accessible by terrestrial native fauna if water remains in the final pit void; and
3. is not accessible by any native fauna which may subsequently be harmed or fauna which may harm surrounding native vegetation.

Procedures

1. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.

2. The proponent is required to apply for a Works Approval and Licence for this project under the provisions of Part V of the Environmental Protection Act 1986.
3. Where a condition lists advisory bodies, it is expected that the proponent will obtain the advice of those listed as part of its compliance reporting to the Department of Environment and Conservation.

Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

Spotted Quoll Open Pit Nickel Mine (Assessment No. 1795)

The proposal is to:

- develop and operate an open pit nickel mine and associated infrastructure on Mining Lease 77/00583 and haulage road on Mining Lease 77/00545 within the Shire of Kondinin; and
- construct mining infrastructure at Spotted Quoll.

The location of the various project components is shown in Figure 1.

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in Section 2 of the project referral document, *Environmental Protection Statement for the Proposed Spotted Quoll Mine*, prepared by Coffey Environments Pty Ltd, Perth, Western Australia (June 2009).

Table 1: Summary of key proposal characteristics for Spotted Quoll Open Pit Nickel Mine

Element	Description
General	
Project area	237 hectares
Area of vegetation disturbance	No more than 140 hectares
Total area of rehabilitation	A minimum of 120 hectares
Mining Operation	
Operating life	33 months (including 2-3 months pre-strip) (approximately)
Size of Orebody	Open Cut - 386,000 tonnes at 5.1% nickel (approximately)
Number of mine pits	One
Depth to groundwater	30 to 40 metres from ground level (approximately)
Total Mine Depth	150 metres from ground level (approximately)
Material movements: <ul style="list-style-type: none">• Total waste• Ore	6.83 million tonnes per annum (approximately) 200,000 tonnes per annum (approximately)
Dewatering rate	Years 1-2 year: up to 4.7 Gigalitres per year Year 3: 1.5 - 3.2 Gigalitres per year

Figures

Figure 1. Project location.

Figure 2. Project area and site layout.

Figure 3 *Eucalyptus steedmanii* within and adjacent to the Spotted Quoll project area.



Figure 1: Project location

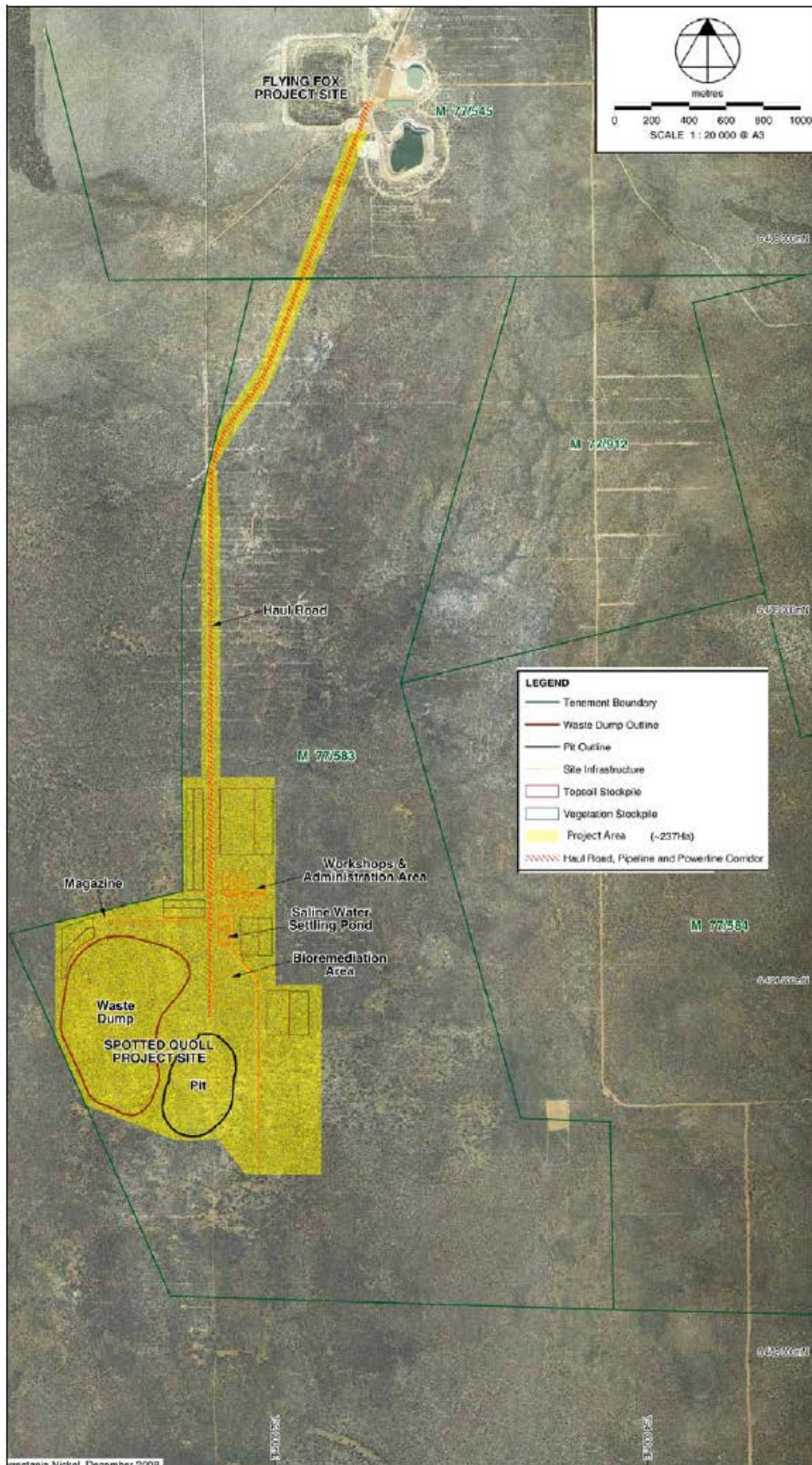


Figure 2: Project area and site layout

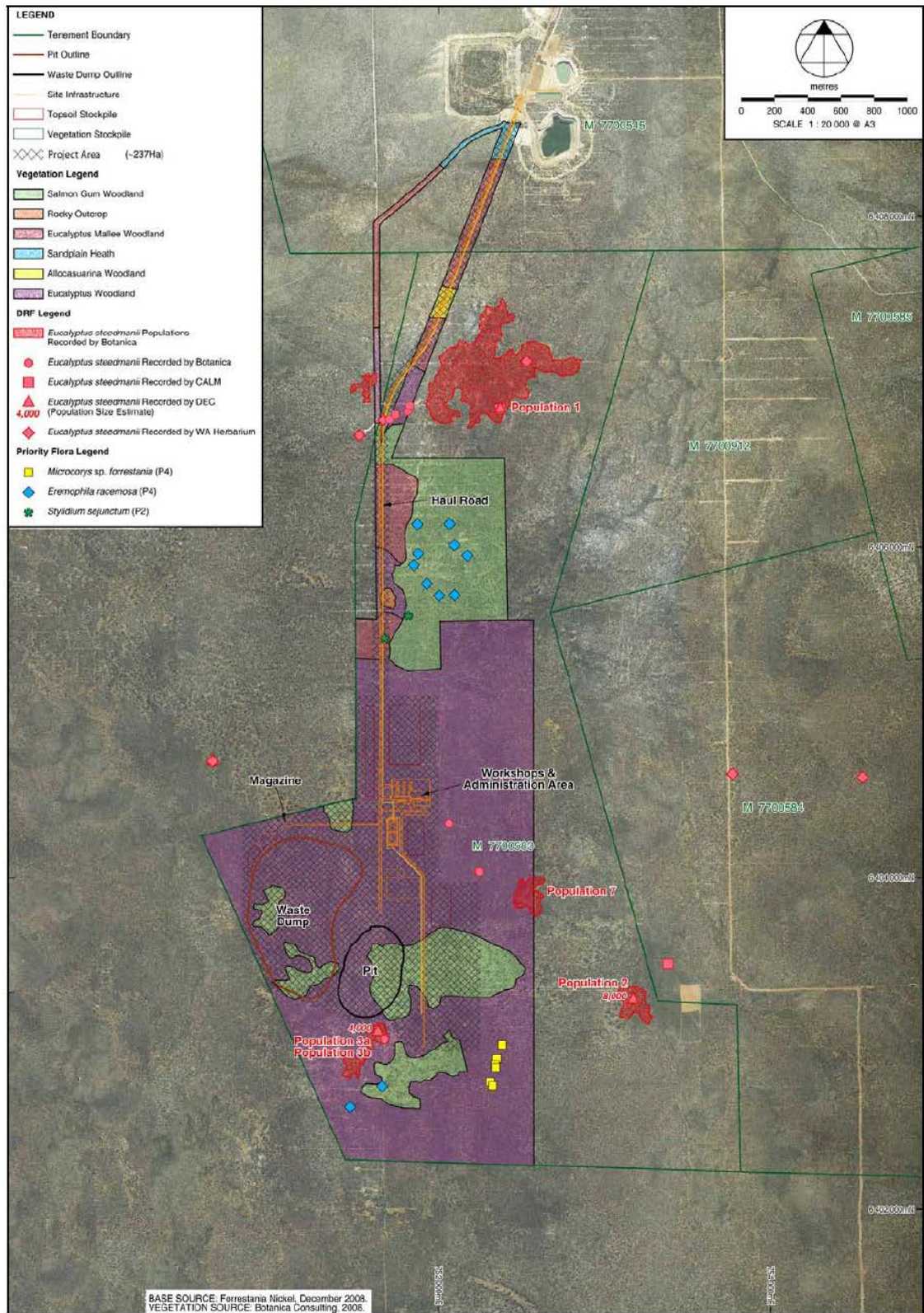


Figure 3: *Eucalyptus steedmanii* within and adjacent to the Spotted Quoll project area.