



Report and recommendations of the Environmental Protection Authority



**Balla Balla Magnetite Mining Project -
inquiry under s46 of the
Environmental Protection Act 1986 to
amend Ministerial Statement 794**

Forge Resources Swan Pty Ltd

Report 1525

September 2014

MINISTER FOR ENVIRONMENT

BALLA BALLA MAGNETITE MINING PROJECT – INQUIRY UNDER SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986* – CHANGE TO IMPLEMENTATION CONDITIONS - EXTENSION OF TIMEFRAME FOR SUBSTANTIAL COMMENCEMENT (ASSESSMENT NO. 2013)

The Minister for Environment has requested on 29 May 2014 that under section 46 of the *Environmental Protection Act 1986* (EP Act) the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the Balla Balla Magnetite Mining Project.

The following is the EPA's Report and Recommendations (No. **1525**) to the Minister pursuant to section 46(6) of the EP Act.

Background

Ministerial Statement 794 (published 28 April, 2009) gives approval for the Balla Balla Magnetite Mining Project approximately 10 kilometres (km) north-west of Whim Creek, between the regional centres of Karratha and Port Hedland. Under Section 40 of the EP Act the EPA determined that the proposal was to be assessed at the level of assessment as 'Environmental Protection Statement'. This level of assessment was determined due to the EPA considering that while the proposal has the potential to affect the environment, it could be managed to meet the EPA's environmental objectives.

The EPA considered the following key environmental factors in its original assessment of the proposal:

- Flora and Vegetation;
- Fauna;
- Surface Water and Groundwater;
- Aboriginal Heritage; and
- Mine Closure and Rehabilitation.

Using the new Environmental Assessment Guidelines for Environmental Factors and Objectives (EAG8) these factors are now represented by:

- Flora and Vegetation;
- Terrestrial Fauna;
- Inland Waters Environmental Quality;
- Heritage; and
- Rehabilitation and Closure.

Proposed change

Condition 3 of Statement 794 requires the proponent to substantially commence the proposal within five years of the date of the Statement (i.e. before 28 April 2014).

The proposal has not yet substantially commenced. The proponent has requested an extension of the timeframe for substantial commencement to 28 April 2019.

Assessment of the proposed change

The EPA considers that the environmental factors of the proposal have not changed significantly from those presented in the Environmental Protection Statement (EPS) and as assessed by the EPA in Report 1309 (January 2009), and no new significant environmental factors have arisen since the EPA's assessment of the proposal. The EPA is satisfied that the existing implementation conditions will continue to address the relevant environmental factors, and manage and mitigate the potential impacts of the proposal.

The EPA concludes that its objectives would not be compromised through amendment to condition 3 to extend the 'Time Limit of Authorisation' by five years, to 28 April 2019.

EPA Conclusion(s) and Recommendations

Having inquired into the matter, the EPA recommends to the Minister for Environment that:

- the timeframe for substantial commencement of the Balla Balla Magnetite Mining Project proposal be extended by five years, to 28 April 2019; and
- after complying with section 46(8) of the EP Act, the Minister issues a Statement of decision to amend the conditions of Ministerial Statement 794 in the manner provided for in the attached recommended Statement.

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

BALLA BALLA MAGNETITE MINING PROJECT, 10 KILOMETRES
NORTH-WEST OF WHIM CREEK, SHIRE OF ROEBOURNE

Proposal: To undertake mining and processing of up to 129 million tonnes of magnetite iron ore in the Central and Western deposits at the Balla Balla mine site and to construct and operate a pipeline to convey the magnetite slurry to Utah Point, Port Hedland.

Proponent: Forge Resources Swan Pty Ltd
ACN 149 783 068

Proponent Address: Level 24, 56 Pitt Street, SYDNEY, NSW, 2000

Assessment Number: 2013

Report of the Environmental Protection Authority Number: 1525

Previous Ministerial Statement Number: 794

The implementation of the proposal to which the above report of the Environmental Protection Authority relates is subject to the conditions and procedures contained in Ministerial Statement No. 794, as amended by the following:

Condition 3 of Ministerial Statement 794 is deleted and replaced with:

3 Time Limit of Authorisation

3-1 The proponent shall not commence implementation of the proposal after 28 April 2019, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal prior to 28 April 2019, must be demonstrated as substantial by providing the Chief Executive Officer* with written evidence, on or before 28 April 2019.

* The Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed xxx]

**HON ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE**