



Report and recommendations of the Environmental Protection Authority



West Angelas Deposit A west and Deposit F – Revised Proposal

Robe River Mining Co Pty Ltd

Report 1551

June 2015

Assessment on Proponent Information Environmental Impact Assessment Process Timelines

| Date | Progress stages | Time (weeks) |
|---------|--|--------------|
| 7/4/15 | Level of assessment set | |
| 1/5/15 | Final Environmental Review information received by EPA | 4 |
| 21/5/15 | EPA meeting | 3 |
| 17/6/15 | EPA report provided to the Minister for Environment | 4 |
| 22/6/15 | Publication of EPA report (3 working days after report provided to the Minister) | 3 days |
| 6/7/15 | Close of appeals period | 2 |

Timelines for an assessment may vary according to the complexity of the project and are usually agreed with the proponent soon after the level of assessment is determined.

In this case, the Environmental Protection Authority met its timeline objective in the completion of the assessment and provision of a report to the Minister.



Dr Paul Vogel
Chairman

17 June 15

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1. Introduction and background

This report provides the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for Environment on the outcomes of its environmental impact assessment of the proposal by Robe River Mining Co. Pty. Ltd. (Robe) to develop and operate the West Angelas Deposit A west and Deposit F – Revised Proposal located approximately 130 kilometres (km) northwest of Newman (Figure 1). The Minister has nominated Robe River Mining Co. Pty. Ltd. as the proponent responsible for the proposal.

Section 44 of the *Environmental Protection Act 1986* (EP Act) requires that the EPA prepare a report on the outcome of its assessment of a proposal and provide this assessment report to the Minister for Environment. The report must set out:

- what the EPA considers to be the key environmental factors identified in the course of the assessment; and
- the EPA's recommendations as to whether or not the proposal may be implemented, and if the EPA recommends that implementation be allowed, the conditions and procedures to which implementation should be subject.

The EPA may also include any other information, advice and recommendations in the assessment report as it thinks fit.

The aims of environmental impact assessment and the principles of environmental impact assessment considered by the EPA in its assessment of this proposal are set out in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012*.

The proponent has not referred the proposal to the Commonwealth for a decision on whether the proposal is a controlled action under the Commonwealth *Environment Protection and Biodiversity Act (1999)*.

The proponent has submitted an Assessment on Proponent Information (API) Environmental Review document and supporting documents (including technical studies). The document describes the proposal, outcomes of consultation, environmental studies undertaken, and the proponent's assessment of impacts on environmental factors and application of the mitigation hierarchy to manage those impacts (Appendix 3).

This report provides the EPA advice and recommendations in accordance with section 44 of the EP Act.

2. The proposal

The proponent, Robe River Mining Co. Pty. Ltd. (Robe), proposes to extend the operating West Angelas Project located approximately 130 kilometres (km) north west of Newman (Figure 1). The approved project comprises an open-cut iron ore mine and associated infrastructure. All components of the approved West Angelas Project are currently authorised under Ministerial Statement 970 (Figure 2). Ministerial Statement 970 was issued in June 2014 after a comprehensive enquiry under s46 of the EP Act, superseding Ministerial Statement 514. The West Angelas Iron Ore Project is located on Mineral Lease 248SA which was granted in 1976 under the *Iron Ore (Robe River) Agreement Act 1964*.

The proposed revisions to the West Angelas Project include:

- extension of the development envelope by 2,747 hectares (ha) (Additional Development Envelope in Figure 3)
- additional clearing of up to 3,223 ha for Deposit A west and Deposit F, waste rock dumps, and infrastructure, within the development envelope, to support ongoing production at the West Angelas Project operation (Figure 3); and
- an increase in abstraction for dewatering from 5 gigalitres per annum (GL/a) to 6 GL/a.

The proposed total clearing is up to 7,890 ha (an increase of up to 3,223 ha) within a 22,600 ha development envelope area.

Groundwater abstraction of up to 5 GL/a is approved through a 5C *Rights in Water and Irrigation Act 1914* licence. The abstracted water from mine dewatering is used on site (including for dust suppression), with the surplus discharged to a local tributary. The West Angelas Iron Ore Project has a Part V EP Act licence which was approved based on a dewatering and discharge volume of 6 GL/a. The licence contains provisions for monitoring discharge volumes and riparian vegetation.

The main characteristics of the proposal are summarised in Tables 1 and 2.

Table 1: Summary of key proposal characteristics

| | |
|--------------------------|---|
| Proposal Title | West Angelas Deposit A west and Deposit F - Revised Proposal |
| Proponent name | Robe River Mining Co. Pty. Ltd. |
| Short Description | Revision of the approved West Angelas Mine site located approximately 130 km north west of Newman in the Pilbara Region of Western Australia. In addition to the proposal approved under Ministerial Statement 970, the revised proposal includes the development of Deposits A West and F, and additional infrastructure such as waste rock dumps, access roads, accommodation and other supporting infrastructure. |

Table 2: Proposal elements

| Element | Location | Proposed Extent |
|---|-----------------|--|
| Additional Mining Areas (Deposits A west and F) | Figure 3 | Clearing no more than 920 ha of native vegetation within the 19,853 ha Development Envelope for Mining Activities in Ministerial Statement 970 and the 2,747 ha Additional Development Envelope. |
| Additional Waste Dumps | Figure 3 | Clearing of no more than 1,853 ha within the 19,853 ha Development Envelope for Mining Activities in Ministerial Statement 970 and the 2,747 ha Additional Development Envelope. |
| Associated Infrastructure, access and accommodation | Figure 3 | Clearing of no more than 450 ha within the 19,853 ha Development Envelope for Mining Activities in Ministerial Statement 970 and the 2,747 ha Additional Development Envelope. |
| Dewatering | | Additional abstraction of no more than 1 GL/a. |
| Surplus water disposal | | Discharge of surface water (exceeding operational water demand) to a local surface water tributary. |
| Backfilling of mine pits | | Pits will be partially backfilled to above recovered groundwater levels to prevent post-closure exposure of the groundwater table. |

The potential impacts of the proposal on the environment identified by the proponent and their proposed management are summarised in Sections 4 to 11 of the Environmental Review document (Rio Tinto, 2015). The proposal was referred to the EPA on 11 December 2014. As this was prior to the release of the EPA's *Environmental Assessment Guideline for Preparation of an API – Category A Environmental Review Document*, in January 2015, the layout of the Environmental Review document is consistent with previous guidance.

In assessing this proposal, the EPA notes that the proponent has sought to avoid, minimise, and rehabilitate environmental impacts associated with the proposal by:

- designing waste dumps to be internally draining to minimise impacts to the Cracking Clay Priority Ecological Community from runoff;
- designing diversions to maintain natural surface water flows as far as practicable. Where it is not possible to contain flow within its natural catchment, diversions will be designed to protect receiving environments; and
- using existing facilities where practicable to minimise clearing of undisturbed native vegetation.

During the preparation of the Environmental Review (API) document, the proponent has consulted with government agencies and key stakeholders. The agencies and stakeholders consulted, the issues raised and proponent's response are detailed in Table 3.1 of the proponent's Environmental Review document (Appendix 3, Rio Tinto, 2015).

The EPA considers that the consultation process has been appropriate and that reasonable steps have been taken to inform the community and stakeholders on the proposed development.

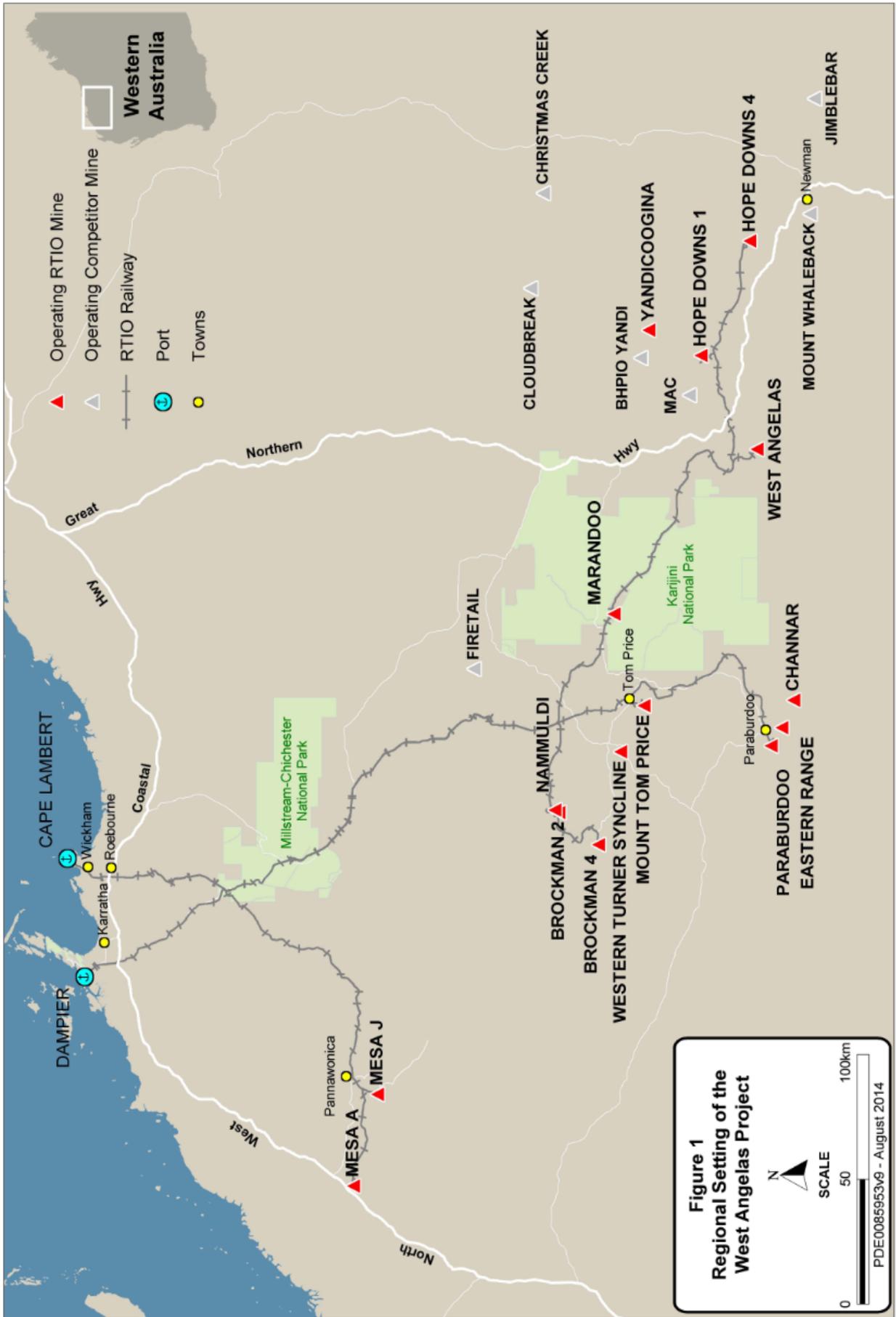


Figure 1: Regional location

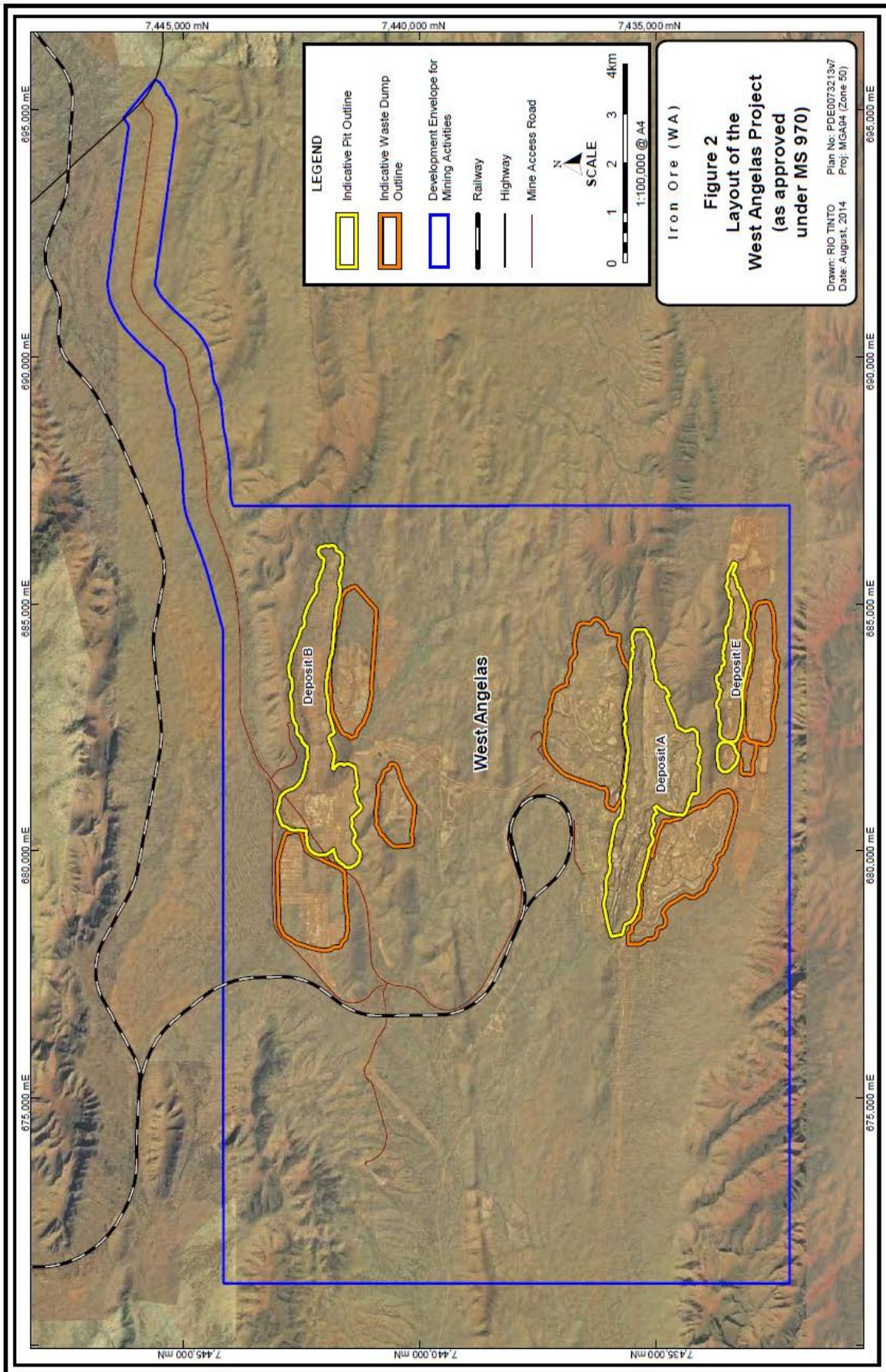


Figure 2: Approved development envelope and indicative project layout

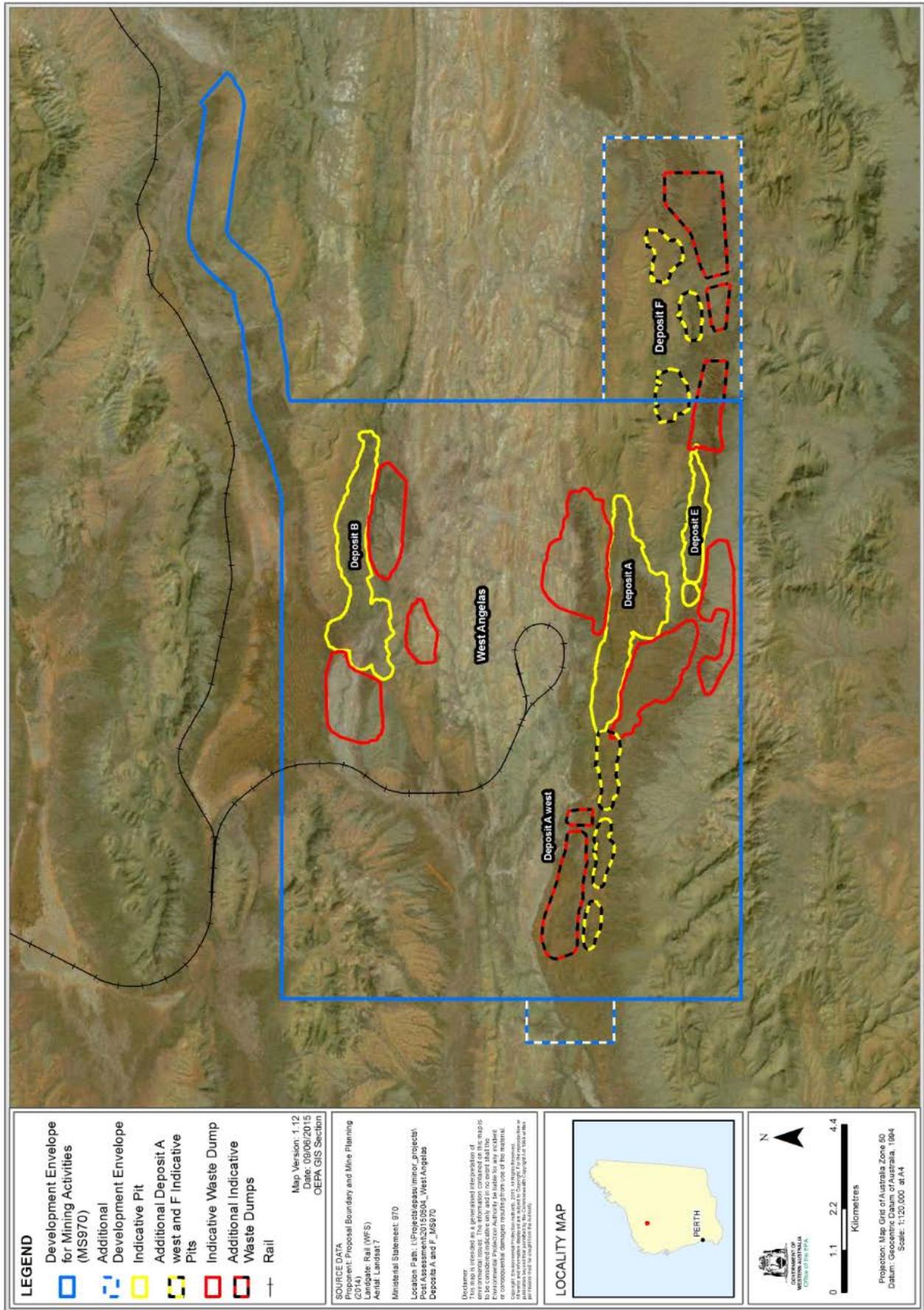


Figure 3: Additional development envelope and indicative project layout

3. Key environmental factors

The EPA has identified the following key environmental factors during the course of its assessment of the proposal:

1. **Flora and Vegetation** – direct impacts from the clearing of flora and vegetation within the development envelopes.
2. **Offsets (Integrating factor)** – to counterbalance the significant residual impacts to native vegetation in ‘good to excellent’ condition.

The EPA’s assessment of the proposal’s impacts on the key environmental factors is provided in Table 3. This table outlines the EPA’s conclusions as to whether or not the proposal can be managed to meet the EPA’s objective for a particular factor and, if so, the recommended conditions and procedures that should apply if the proposal is implemented.

In preparing this report and recommendations, the EPA has had regard for the object and principles contained in s4A of the EP Act.

Other environmental factors which the EPA determined not to be key environmental factors are discussed in the proponent’s Environmental Review (API) document (Appendix 3, Rio Tinto, 2015). The EPA considers that impacts to these factors do not require management under Part IV of the EP Act.

Table 3: Assessment of Key Environmental Factors

| Inherent Impact | Environmental Aspect | Mitigation actions to address residual impacts | Proposed regulatory mechanisms for ensuring mitigation | Outcome to demonstrate that the proposal meets EPA objective |
|--|---|---|--|--|
| <p>3.1 Flora and Vegetation</p> <p><i>To maintain representation, diversity, viability and ecological function at the species, population and community level.</i></p> | | | | |
| <p><u>Context</u></p> <ul style="list-style-type: none"> The development envelope falls within the Hamersley Interim Biogeographic Regionalisation for Australia (IBRA) subregion. The proponent carried out Level 2 flora and vegetation surveys within the Mine Development Envelope in 2012 in accordance with the EPA's <i>Guidance Statement 51 Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia</i> (2004). The Priority 1 Ecological Community-West Angelas Cracking-Clay (PEC) is located in the development envelope approved under Ministerial Statement 970 (Figure 5-1 Rio Tinto, 2015) and the additional development area to the west. | <p>Direct Clearing of native vegetation for mine and infrastructure construction.</p> <p>Generation of dust from construction and operation of the mine.</p> <p>Drainage and diversion of mine-site water</p> | <p><u>Avoid</u></p> <ul style="list-style-type: none"> Deposit A west has been designed to avoid intersecting the West Angelas Cracking Clay PEC. Waste dumps are designed to be internally draining so that runoff to the Cracking Clay PEC is expected to be negligible. <p><u>Minimise</u></p> <ul style="list-style-type: none"> Use of existing facilities will minimise clearing of undisturbed native vegetation. The proponent has committed to consult with the Department of Parks and Wildlife on the management of indirect | <ul style="list-style-type: none"> Condition 5 of Ministerial Statement 970 requires the implementation of a Surface Water Management Plan, and Vegetation and Flora Management Plan. These plans require the proponent to manage direct (clearing) and indirect (drainage and diversion of water) impacts to species of conservation significance. Condition 7 requires the proponent to minimise impacts of surface water to | <p>Having particular regard to:</p> <ul style="list-style-type: none"> the absence of DRF within the additional development envelope areas; the limited direct impacts to Priority Flora; the limited impacts to the PEC due to the proposal design; and the significant residual impact of the clearing of up to 3,223 ha of 'good to excellent' condition native vegetation in the Hamersley IBRA subregion, <p>the proposal can be managed to meet the EPA's objective for Flora and Vegetation provided that the following conditions are imposed:</p> |

| Inherent Impact | Environmental Aspect | Mitigation actions to address residual impacts | Proposed regulatory mechanisms for ensuring mitigation | Outcome to demonstrate that the proposal meets EPA objective |
|--|----------------------|--|--|---|
| <p><u>Key Survey Findings</u></p> <ul style="list-style-type: none"> No declared rare flora (DRF) was found in Additional Development Envelope during the surveys. No threatened ecological communities were found during the surveys. Vegetation communities were generally found to be in 'very good to excellent' condition. <p><u>Impacts</u></p> <ul style="list-style-type: none"> The impacts from clearing to any priority 1 and 2 flora would be less than 3% (Table 5-3, Rio Tinto, 2014). There are minimal direct impacts on the Priority 1 Ecological Community – West Angelas Cracking-Clay (PEC) from clearing. Indirect impacts to the PEC could occur from changes to runoff and drainage; however these are expected to be minor in nature. The additional clearing will | | <p>impacts from dust, and revise the relevant management plans required in condition 5 of Ministerial Statement 970, if required.</p> <p><u>Rehabilitate</u></p> <ul style="list-style-type: none"> Progressive rehabilitation would occur where practicable. <p><u>Offset</u></p> <ul style="list-style-type: none"> An offset would be provided for clearing of vegetation in 'good to excellent' condition. | <p>existing surface water drainage patterns or groundwater dependent ecosystems.</p> <ul style="list-style-type: none"> Condition 8 requires the proponent to manage clearing activities to minimise adverse impacts to conservation significant communities and species. | <ul style="list-style-type: none"> continued implementation of the conditions required by Ministerial Statement 970; and a new offset condition (condition 10) to counterbalance the significant residual impact of the additional clearing up to 3,223 ha of 'good to excellent condition' vegetation. |

| Inherent Impact | Environmental Aspect | Mitigation actions to address residual impacts | Proposed regulatory mechanisms for ensuring mitigation | Outcome to demonstrate that the proposal meets EPA objective |
|--|--|---|---|--|
| result in a direct loss of up to 3,223 ha of 'very good to excellent' condition native vegetation. | | | | |
| <p>3.2 Offsets (Integrating factor)</p> <p><i>To counterbalance any significant residual environmental impacts or uncertainty through the application of offsets.</i></p> | | | | |
| <p><u>Context</u></p> <ul style="list-style-type: none"> The clearing of native vegetation in 'good to excellent condition' in the Pilbara IBRA bioregion is considered to be significant when considered in cumulative context (EPA s16e advice on cumulative impacts of development in the Pilbara Region). The clearing of this vegetation also results in the loss of habitat for conservation significant species. The proposal is located within the Hamersley IBRA subregion. Only 13% of the Hamersley subregion is currently reserved for conservation. Following the implementation of all mitigation measures, the | <p>Clearing of up to 3,223 ha of 'very good to excellent' native vegetation.</p> | <p><u>Offset</u></p> <ul style="list-style-type: none"> The proponent has committed to providing an offset in line with current policies and guidelines. | <ul style="list-style-type: none"> A condition (10) has been recommended requiring the proponent to provide an offset for the clearing of up to 3,223 ha of 'good to excellent' native vegetation. | <p>The proposal can be managed to meet the EPA's objective for Flora and Vegetation and Offsets provided a condition is imposed to counterbalance the significant residual impact of the additional clearing of up 3,223 ha of 'good to excellent' condition vegetation.</p> |

| Inherent Impact | Environmental Aspect | Mitigation actions to address residual impacts | Proposed regulatory mechanisms for ensuring mitigation | Outcome to demonstrate that the proposal meets EPA objective |
|---|----------------------|--|--|--|
| <p>proposal would have a significant residual impact of clearing of up to 3223 ha of 'good to excellent' condition native vegetation. Consistent with the <i>WA Environmental Offset Guidelines (2014)</i>, a significant residual impact relating to cumulative impacts may require an offset.</p> <ul style="list-style-type: none"> Conservation areas in the Pilbara bioregion total approximately eight per cent of the area, with the remainder mostly Crown Land, covered with mining tenements and pastoral leases. As such, the potential for traditional land acquisition and management offsets are limited. The EPA has determined that a possible solution is the establishment of a strategic regional conservation initiative for the Pilbara. The State Government is currently considering whether to establish this conservation initiative. The current EPA position is to | | | | |

| Inherent Impact | Environmental Aspect | Mitigation actions to address residual impacts | Proposed regulatory mechanisms for ensuring mitigation | Outcome to demonstrate that the proposal meets EPA objective |
|---|----------------------|--|--|--|
| <p>apply an offset of \$750 for clearing of 'good to excellent' condition vegetation in the Hamersley IBRA subregion.</p> <p><u>Impacts</u></p> <ul style="list-style-type: none"> Loss of up to an additional 3,223 ha of 'very good to excellent' native vegetation. | | | | |

4. Conclusions and recommended conditions

The EPA has concluded that the proposal can be managed to meet the EPA's objectives and recommends that the proposal may be implemented. The EPA has developed a set of conditions that the EPA recommends be imposed if the proposal by Robe River Mining Co. Pty. Ltd. to develop and operate the West Angelas Deposit A west and Deposit F – Revised Proposal is approved for implementation (Appendix 2).

Matters addressed in the conditions include the following:

- the continued implementation of Ministerial Statement 970, particularly condition 5 which requires the implementation of a Vegetation and Flora Management Plan, condition 7 Surface Water Drainage, and condition 8 Conservation Significant Communities and Species; and
- the implementation of a new offset condition (10) to counterbalance the significant residual impact of the additional clearing of 3,223 ha of 'good to excellent' condition vegetation.

5. Recommendations

That the Minister for Environment notes:

1. that the proposal being assessed is for the West Angelas Deposit A west and Deposit F – Revised Proposal;
2. the key environmental factors identified by the EPA in the course of its assessment set out in Section 3; and
3. that the EPA has concluded that the proposal may be implemented to meet the EPA's objectives, provided the implementation of the proposal is carried out in accordance with the recommended conditions and procedures set out in Appendix 2 and summarised in Section 4.

Appendix 1

References

Rio Tinto 2015. *West Angelas – Revised Proposal Deposit A west and Deposit F – Assessment on Proponent Information*, Prepared by Rio Tinto Iron Ore on behalf of Robe River Mining Co. Pty. Ltd., March 2015.

Appendix 2

Identified Decision-making Authorities and Recommended Environmental Conditions

Identified Decision-making Authorities

Section 44(2) of EP Act specifies that the EPA's report must set out (if it recommends that implementation be allowed) the conditions and procedures, if any, to which implementation should be subject. This Appendix contains the EPA's recommended conditions and procedures.

Section 45(1) requires the Minister for Environment to consult with decision-making authorities, and if possible, agree on whether or not the proposal may be implemented, and if so, to what conditions and procedures, if any, that implementation should be subject.

The following decision-making authorities have been identified for this consultation:

| Decision-making Authority | Approval |
|---|--|
| 1. Minister for Water | <i>Rights in Water and Irrigation Act 1914</i> - Water abstraction licence |
| 2. Minister for Aboriginal Affairs | <i>Aboriginal Heritage Act 1972</i> - s18 approval |
| 3. Minister for State Development | Iron Ore (Robe River) Agreement Act 1964 |
| 4. Director General Department of Environment Regulation | <i>Environmental Protection Act 1986</i> - Works approval and licence |
| 5. Department of Mines and Petroleum | <p><i>Dangerous Goods</i> <i>Dangerous Goods Safety Act 2004</i> Chief Dangerous Goods Officer</p> <p><i>Mine Safety</i> <i>Mines Safety and Inspection Act 1994</i> District Inspector, Resources Safety Branch</p> |

Note: In this instance, agreement is only required with DMAs 1 to 3 since these DMAs are Ministers.

RECOMMENDED ENVIRONMENTAL CONDITIONS

STATEMENT THAT A REVISED PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

WEST ANGELAS - DEPOSIT A WEST AND DEPOSIT F – REVISED PROPOSAL

Proposal: West Angelas Deposit A west and Deposit F – Revised Proposal – a proposal to amend the West Angelas Iron Ore Project, the subject of Statement No. 970 dated 12 June 2014

Proponent: Robe River Mining Co. Pty. Ltd.
Australian Company Number 008 694 246

Proponent Address: Robe River Mining Co. Pty Ltd.
Central Park 152-158 St Georges Terrace
PERTH WA 6000

Assessment Number: 2046

Report of the Environmental Protection Authority: 1551

Previous Assessment Number: 1914

Previous Report of the Environmental Protection Authority: 1508

Previous Statement Number: 970

Pursuant to section 45 of the *Environmental Protection Act 1986* (EP Act) it has been agreed that the Proposal described and documented in Table 1 of Schedule 1 may be implemented and that, pursuant to section 45B of EP Act¹, the implementation of the Proposal is subject to the implementation conditions in Ministerial Statement No. 970 dated 12 June 2014, and as further amended as follows.

Words and expressions used in this Statement shall have the same respective meanings as in the Act or as provided for in Schedule 1 of this Statement.

¹ Section 45B, read with section 47 of the EP Act, means that the Proponent is to ensure that the revised proposal (being the proposal defined in Ministerial Statement No. 970 and the proposal referred to in this Statement) is to be implemented in accordance with the implementation conditions set out in Ministerial Statement No. 970 and this Statement.

Insert the following additional condition into Ministerial Statement No. 970:

10 Offsets

- 10-1 In view of the significant residual impacts and risks as a result of implementation of the proposal, the proponent shall contribute funds to offset clearing of 'good to excellent' condition native vegetation, including the loss of habitat for conservation significant species, in the Hamersley IBRA subregion, and calculated pursuant to condition 10-2. This funding shall be provided to a government-established conservation offset fund or an alternative offset arrangement providing an equivalent outcome as determined by the Minister.
- 10-2 The proponent's contribution to the initiative identified in condition 10-1 shall be paid biennially, the first payment due two years after commencement of the additional ground disturbance defined in Table 2 of Schedule 1. The amount of funding will be \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation cleared within the development envelope (delineated in Figure 1 and defined by the geographic coordinates in Schedule 2, within the Hamersley IBRA subregion).
- 10-3 The 4,667 ha of clearing of native vegetation previously approved under Ministerial Statement 970 is exempt from the requirement to offset under condition 10-2.
- 10-4 The proponent shall prepare and submit an Impact Reconciliation Procedure to the satisfaction of the CEO.
- 10-5 The Impact Reconciliation Procedure required to pursuant to condition 10-4 shall:
- (1) include a methodology to identify clearing of 'good to excellent' condition native vegetation in the Hamersley IBRA subregion.
 - (2) require the proponent to submit spatial data identifying areas of 'good to excellent' condition native vegetation that has been cleared;
 - (3) include a methodology for calculating the amount of clearing undertaken during each biennial time period; and
 - (4) state dates for the commencement of the biennial time period and for the submission of results of the Impact Reconciliation Procedure, to the satisfaction of the CEO.
- 10-6 The real value of contributions described in condition 10-2 will be maintained through indexation to the Perth Consumer Price Index (CPI), with the first adjustment to be applied to the first contribution.

Table 1: Summary of the Proposal

| | |
|--------------------------|---|
| Proposal Title | West Angelas Deposit A west and Deposit F - Revised Proposal |
| Short Description | <p>Revision of the approved West Angelas Iron Ore Project located approximately 130 kilometres (km) northwest of Newman in the Pilbara Region of Western Australia.</p> <p>In addition to the proposal approved under Ministerial Statement 970, the revised proposal includes the development of the Deposits A west and F, and additional infrastructure such as waste rock dumps, access roads, accommodation and other supporting infrastructure.</p> |

Table 2: Location and authorised extent of physical and operational elements

| Column 1 | Column 2 | Column 3 |
|---|---|---|
| Element | Location | Authorised Extent |
| Additional Mining Areas (Deposits A west and F) | Figure 1 and geographic coordinates in Schedule 2 | Clearing no more than 920 hectares (ha) of native vegetation within 19,853 ha Development Envelope for Mining Activities in Ministerial Statement 970 and the 2,747 ha Additional Development Envelope. |
| Additional Waste Dumps | Figure 1 and geographic coordinates in Schedule 2 | Clearing of no more than 1,853 ha within the 19,853 ha Development Envelope for Mining Activities in Ministerial Statement 970 and the 2,747 ha Additional Development Envelope. |
| Associated Infrastructure, access and accommodation | Figure 1 and geographic coordinates in Schedule 2 | Clearing of no more than 450 ha within the 19,853 ha Development Envelope for Mining Activities in Ministerial Statement 970 and the 2,747 ha Additional Development Envelope. |

Table 3: Abbreviations and Definitions

| Acronym or Abbreviation | Definition or Term |
|--------------------------------|--|
| CPI | Consumer Price Index |
| ha | Hectares |
| km | kilometre |
| GL/a | gigalitre per annum |
| CEO | The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate. |
| EPA | Environmental Protection Authority |
| EP Act | <i>Environmental Protection Act 1986</i> |

Figures (attached)

Figure 1 Additional Development Envelope (This figure is a representation of the coordinates in Schedule 2)

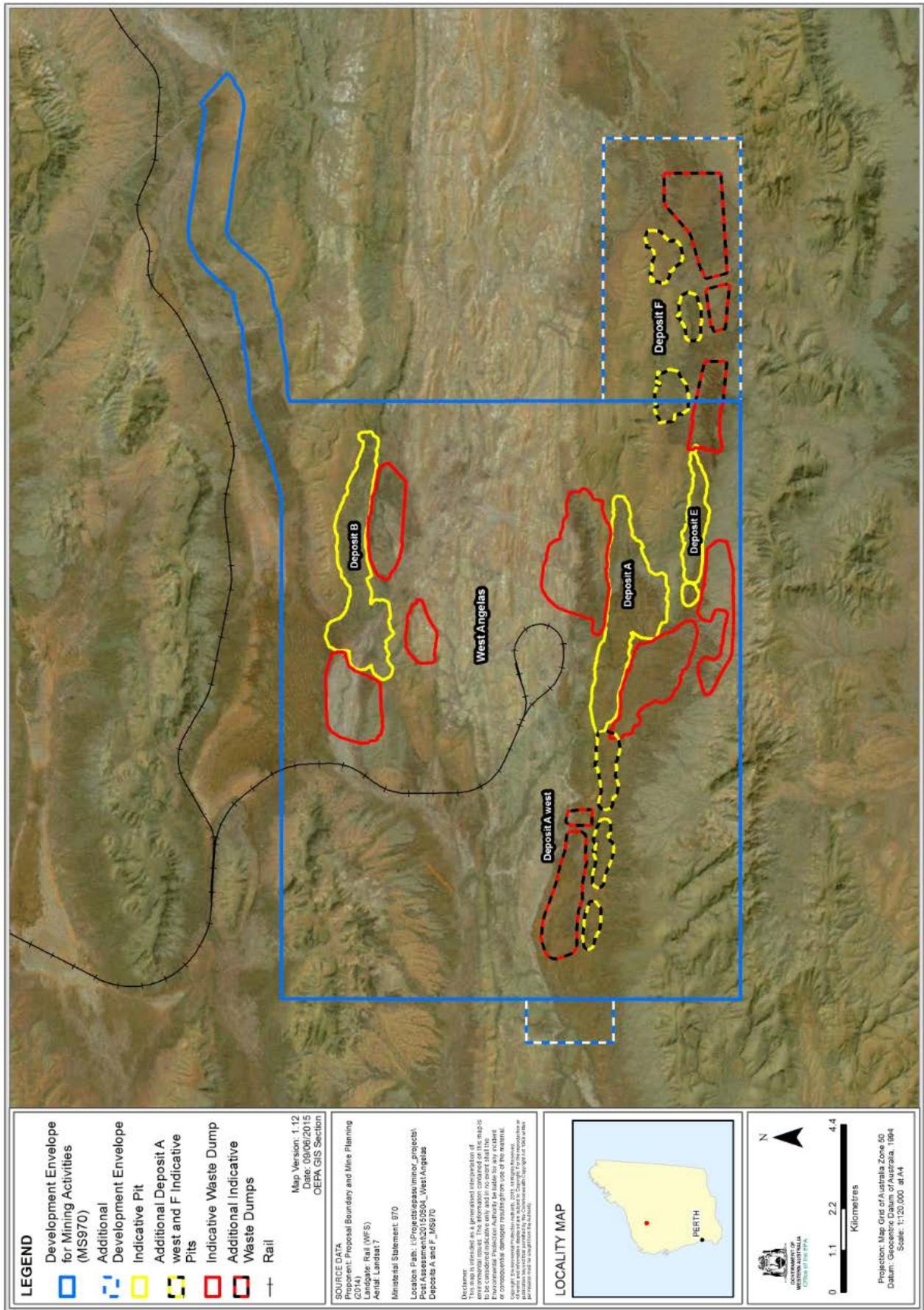


Figure 1 Additional Development Envelope

Schedule 2

Geographic spatial data coordinates

Coordinates defining the Additional Development Envelope are held by the Office of the Environmental Protection Authority, Document Reference Number 2015-0001166811, dated 12 June 2015.

Appendix 3

Proponent's API Environmental Review documentation

Provided on CD in hardcopies of this report and on the EPA's website at
www.epa.wa.gov.au