



*Environmental Protection Act 1986*

**Hon Albert Jacob MLA  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY JACKSON 4 (J4) IRON ORE MINE AND HAUL ROAD ON M77/1242, L77/250, L77/252 AND L77/254**

#### **Purpose of this document**

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to the report and recommendations of the Environmental Protection Authority (EPA) for the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Committee's own report, which can be downloaded from the Appeals Convenor's website at [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	Wildflower Society of Western Australia (Inc.) The Wilderness Society WA Inc. Conservation Council WA Western Region Environment Network BirdLife Australia Helena and Aurora Range Advocates Inc.
<b>Proponent:</b>	Polaris Metals Pty Ltd
<b>Proposal:</b>	Jackson 4 (J4) Iron Ore Mine and Haul Road on M77/1242, L77/250, L77/252 and L77/254, located approximately 60 kilometres north-west of Koolyanobbing in the Shire of Yilgarn
<b>Minister's Decision:</b>	The Minister dismissed the appeals
<b>Date of Decision:</b>	16 September 2014

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#### **REASONS FOR MINISTER'S DECISION**

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Pursuant to section 106(1)(a) of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Office of the Appeals Convenor investigated the appeals, which the Minister was advised included discussions with the appellant and the proponent.

After considering the appeal, the Appeals Convenor submitted her report to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeals.

The Minister noted that the key issues raised in the appeals related to impacts to priority ecological communities (PECs), the requirement for botanical assessments, the extent of clearing proposed, clarification of the proposal's location in the context of landforms, impacts to the Helena and Aurora Range Conservation Park (HARCP), matters relating to mine closure and rehabilitation, impacts to visual amenity and public access, impacts to fauna both during mine operation and following mine closure, impacts to water resources, cumulative impacts of mining, indirect impacts, and the EPA's regard for public submissions and the object and principles of the Act.

The Minister referred appellants to the Appeals Convenor's report for detailed information on these matters. The Minister also made the following observations.

The Minister noted the EPA's advice that the proposal is separated from main ridgelines, is situated within an area of low relief, and is located within a banded ironstone formation of lower environmental value than surrounding areas. The Minister understood from the proponent's information that the proposed minesite, and its subsequent residual evidence of a pit and waste rock landforms, are located approximately 25 kilometres from the main recreational areas of the HARCP.

The Minister noted that the proposal's pits, waste dumps, mine infrastructure, and a large portion of the proposed haul road are located outside of the proposed conservation tenures identified by the State Government in 2010. However the Minister also noted that a portion of the proposed haul road traverses the south-west corner of the HARCP, and that the EPA has recommended conditions relating to the management of trapped fauna during haul road construction and to rehabilitate the haul road at mine closure. The Minister also noted that the EPA has recommended a condition to ensure that a diverted access track is constructed and maintained to a standard suitable for single vehicular use during the life of mining operations to enable continued public access to the HARCP from the west.

The Minister agreed with the Appeals Convenor's view that the identification of the precise location of the proposal within the Mount Jackson Range or Helena and Aurora Range landform is not critical in respect to the EPA's assessment of the proposal's environmental impacts.

The Minister understood that the proposed minesite is located on the eastern extremity of the '*Mount Jackson Range vegetation complex (banded ironstone formation)*' (Mt Jackson Range PEC) and the eastern end of the proposed haul road intercepts the western boundary of the '*Finnerty Range vegetation complexes (banded ironstone formation)*' PEC, as defined by the Department of Parks and Wildlife. The Minister noted that the EPA sought advice from Department of Parks and Wildlife in relation to the extents of the Mt Jackson Range PEC and the '*Helena and Aurora Range vegetation complexes (banded ironstone formation)*' PEC, and is satisfied that its objectives could be met.

In respect to the general management of impacts resulting from mine development and operation, including the extent of clearing and impacts to fauna, the Minister noted that the proponent has developed a series of Environmental Operating Procedures (EOPs) relating to a broad range of environmental matters (as outlined in the Appeals Convenor's report). The Minister also understood that the Department of Mines and Petroleum (DMP) is able to regulate mining activities on Crown lands through tenement conditions and a Mining Proposal under the *Mining Act 1978*, and is able to regulate mine closure and rehabilitation through a Mine Closure Plan prepared in accordance with the joint EPA/DMP *Guidelines for Preparing Mine Closure Plans*.

Taking into account the information presented to him in respect to the appeals, the Minister was of the view that the EPA has adequately considered the environmental impacts of the proposal in its assessment, and that its assessment (including consideration of public submissions and indirect impacts) was consistent with section 44 of the Act. The Minister was also satisfied that the impacts of the proposal, if implemented, can be appropriately managed through existing statutory and regulatory mechanisms without the need for further environmental conditions. The Minister dismissed the appeals.

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Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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