VARIATION TO CONDITIONS ATTACHED TO APPROVAL

Koolyanobbing Iron Ore Expansion Project – Mt Jackson J1 Deposit, WA (EPBC 2008/4449)

This decision to vary a condition of approval is made under section 143 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Person to whom the approval is granted
Cliffs Asia Pacific Iron Ore Pty Ltd
ACN: 001 892 995

Approved action
To construct and operate the J1 iron ore mine and haul road on the Mount Jackson Range, approximately 100 kilometres north-north-west of Southern Cross, Western Australia, as described in the referral submitted 5 September 2008 (EPBC 2008/4449) and as described in the Environmental Impact Assessment (Revision C) documentation submitted 29 June 2009.

Variation

Variation of conditions of approval
The variation is:
Delete conditions 1, 2, 3, 4, 5, 6, 7 and 8 attached to the approval and substitute with the conditions specified below.

Delete Annexure A and Annexure B attached to the approval and substitute with Attachment 1 and Attachment 2 specified below.

Revoke Annexure C and Annexure D attached to the approval.

Delete the definitions attached to the approval and substitute with the definitions specified below.

Date of effect
This variation has effect on the date the instrument is signed.

Person authorised to make decision

Name and position
Shane Gaddes
Assistant Secretary
Compliance & Enforcement Branch

Signature
S. Gaddes

Date of decision
19 September 2016
Conditions attached to the approval

1. The person taking the action must not clear an area greater than 605 hectares within the area designated as ‘Area approved for clearing (605 hectares maximum)’ as shown at Attachment 1 and Attachment 2.

2. To manage the impacts on the *Leipoa ocellata* (Malleefowl) the person taking the action must implement the Fauna Management Plan approved in accordance with condition 9 of the **Western Australian Ministerial Statement Number 982**.

3. The person taking the action must implement the Mine Closure Plan approved in accordance with condition 11 of the **Western Australian Ministerial Statement Number 982**.

4. Within 90 days after the commencement of the action, the person taking the action must advise the **Minister** of the actual date of commencement of the action.

5. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department**’s website. The results of audits may also be publicised through the general media.

6. By 30 April of each year after the date of the approval, the person taking the action must publish a report on their website addressing compliance with the conditions of the approval over the preceding calendar year, including implementation of any management plans as specified in the conditions. The person taking the action must provide the **Department** with evidence of publication on the same day the report is published. The person taking the action must continue to meet the requirements of this condition until such time as agreed to in writing by the **Minister**.

7. The person taking the action must notify the **Department** within seven business days of first becoming aware of potential non-compliance with a condition of the approval. The notification must include details of the potential non-compliance as well as any remediation activities that have been undertaken.

8. If the action has not been substantially commenced within 5 years of the date of this approval the action must not commence without the written agreement of the **Minister**.

**Definitions**

**Department** means the Australian Government Department or any other agency administering the **Environment Protection and Biodiversity Conservation Act 1999 (Cth)** from time to time.

**EPBC Act** is the **Environment Protection and Biodiversity Conservation Act 1999 (Cth)**.

**Minister** means the Minister administering the **Environment Protection and Biodiversity Conservation Act 1999 (Cth)** and includes a delegate of the Minister.

**Western Australian Ministerial Statement Number 982** is the statement that a proposal may be implemented (pursuant to the provisions of section 46 of the **Environmental Protection Act 1986**), for the Yilgarn Operations – Windarring Range, Mt Jackson Range and Deception Deposit – Shire of Yilgarn and Shire of Menzies. Published on 24 September 2014.