



# Miralga Creek Project Compliance Assessment Plan

Ministerial Statement 1154

08/04/2021

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## Authorisation

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1	Issued for review	K. Stanbury	D. Morley	T. Sprenkels	08/04/2021



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## 1 Purpose

On 23 November 2020, Atlas Iron Pty Ltd (Atlas) received Ministerial approval to develop the Miralga Creek DSO Project (the Project), under Ministerial Statement 1154 (MS 1154). The Project is an iron ore deposit located in the Pilbara region of Western Australia, approximately 100 kilometres (km) south of Port Hedland. This Compliance Assessment Plan (CAP) has been developed to address Conditions 4-1 and 4-2 of MS 1154:

*Condition 4-1: The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.*

*Condition 4-2: 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) the method of reporting of potential non-compliances and corrective actions taken;*
- (5) the table of contents of Compliance Assessment Reports; and*
- (6) public availability of Compliance Assessment Reports.*

This CAP has been prepared in accordance with the Environmental Protection Authority's Post Assessment Guideline for Preparing a Compliance Assessment Plan, PAG No. 2 (OEPA, 2012a).

## 2 Frequency of Compliance Reporting

In accordance with Condition 4-6 of MS 1154, the first Compliance Assessment Report (CAR) shall be submitted 15 months from the date of issue of MS 1154, being 23 February 2022. It will address the 12-month period from the date of issue of this statement (23 November 2020 to 22 November 2021). A CAR will then be submitted on 23 February each year thereafter for the subsequent 12-month period (23 November to 22 November), or as otherwise agreed in writing by the CEO. CARs will be submitted to the Department of Water and Environmental Regulation (DWER).

## 3 Approach and Timing of Compliance Assessments

Compliance with the conditions of MS 1154 shall be assessed in accordance with the approach and timing defined in the Audit Table template provided in Appendix A.

## 4 Retention of Compliance Assessments

In accordance with Condition 4-4 of MS 1154, Atlas shall retain all CARs (and supporting information) required by Condition 4-1, for a minimum of seven years following the end of the life of the proposal, in accordance with the PAG No. 2 (OEPA, 2012a). The end of the life of Proposal is defined as the point at which all implementation conditions have been met and all decommissioning and/or closure works have been completed.



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## 5 Reporting Non-compliances and Corrective Measures

In accordance with Condition 4-5 of MS 1154, Atlas shall advise the CEO of any potential non-compliance within 7 days of that non-compliance being known. Serious non-compliances shall be reported as soon as practicable, within 48 hours.

Information provided in any potential non-compliance report shall include:

- incident details (what, when, where)
- assessment of the extent of any associated impacts (where applicable)
- determination of the cause(s)
- details of remedial and/or corrective action(s) taken or proposed to be taken (if any)
- details of any existing preventative measures/controls that were in place and what, if any, amendments have been made to those measures to prevent reoccurrence.

## 6 Compliance Assessment Report Table of Contents

All CARs shall include the following components, in accordance with the EPA's Post Assessment Guideline for Preparing a Compliance Assessment Report, PAG No. 3 (OEPA, 2012b):

- **Introduction:** brief details on the Project, including the Statement number and the period of time covered by the CAR.
- **Implementation Status:** brief summary of the Project's implementation status including any issues that have arisen and/or major Project milestones and achievements.
- **Statement of Compliance:** prepared in accordance with and including all of the information required by the EPA's Post Assessment Form for a Statement of Compliance (OEPA, 2018, or as may otherwise be current at the time of assessment).
- **Details of Declared Compliance Status:** Details of declared compliance status of each implementation condition of MS 1154, including compliance status of key characteristics of the Project as required by Condition 1-1 (as defined in Table 2 of Schedule 1 of MS 1154). This section shall be supported by:
  - A **Completed Audit Table** prepared in accordance with EPA's Post Assessment Guideline for Preparing an Audit Table, PAG No. 1 (OEPA, 2012c) (template provided in **Appendix A**).
  - Any information and/or documentation which supports or verifies statements of compliance (e.g. photos, monitoring data and analyses, consultant reports, registers, maps, aerials, etc.).

## 7 Public Availability of Reports

In accordance with Condition 5-1 of MS 1154, Atlas will publish all CARs on the company's website within 30 days of submission to the CEO, unless otherwise approved by the CEO in accordance with Condition 5-2 of MS 1154.

## 8 Revision of Compliance Assessment Plans

Atlas shall review and revise the CAP as required to reflect any changes made to the Project or Ministerial Statement where the change has an impact on any actions or requirements of the CAP.



## 9 References

- OEPA, Office of the Environmental Protection Authority. (2012a). Post Assessment Guideline for Preparing a Compliance Assessment Plan. Retrieved 13/03/2021 from <https://www.epa.wa.gov.au/sites/default/files/PAG2%20-%20Guideline%20for%20Preparing%20a%20CAP.pdf>.
- OEPA, Office of the Environmental Protection Authority. (2012b). Post Assessment Guideline for Preparing a Compliance Assessment Report. Retrieved 13/03/2021 from <https://www.epa.wa.gov.au/sites/default/files/Publications/PAG3%20-%20Preparing%20a%20CAR.pdf>.
- OEPA, Office of the Environmental Protection Authority. (2012c). Post Assessment Guideline for Preparing an Audit Table. Retrieved 13/03/2021 from <https://www.epa.wa.gov.au/sites/default/files/PAG1%20-%20Guideline%20for%20Preparing%20an%20Audit%20Table.pdf>.
- OEPA, Office of the Environmental Protection Authority. (2018). Post Assessment Form for a Statement of Compliance. Retrieved 13/03/2021 from <https://www.epa.wa.gov.au/forms-templates/statement-compliance-form>.



Appendix A. Compliance Audit Table Template

Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
1154: M1-1	Proposal implementation	When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.	Implement Ground Disturbance Procedure (950-HSE-EN-PRO-0001).	CAR.	Overall	For the life of the Project.		
1154: M2-1	Contact details	The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.	Written correspondence.	Letter or email to the CEO notifying change.	Overall	Within 28 days of a change in name, physical address or postal address.		
1154: M3-1	Time limit for proposal implementation	The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.	CAR.	Photos demonstrating substantial commencement of Project.	Overall	By 23 November 2025.		
1154: M3-2	Time limit for proposal implementation	Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.	Written correspondence of commencement – CAR.	Photos demonstrating substantial commencement of Project.	Overall	By 23 November 2025.		
1154: M4-1	Compliance reporting	The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.	Prepare CAP (this document) in accordance with approval and guideline requirements.	Approved CAP. DWER approval of CAP.	Overall	By 23 August 2021, or prior to implementation of the proposal, whichever is sooner.		
1154: M4-2	Compliance reporting	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) the method of reporting of potential non-compliances and corrective actions taken; (5) the table of contents of Compliance Assessment Reports; and (6) public availability of Compliance Assessment Reports.	Prepare CAP (this document) in accordance with approval and guideline requirements.	Approved CAP. DWER approval of CAP.	Overall	By 23 August 2021, or prior to implementation of the proposal, whichever is sooner.		
1154: M4-3	Compliance reporting	After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.	CAR prepared in accordance with approved CAP.	Submission of CAR to the CEO.	Overall	23 February 2022 and annually thereafter.		
1154: M4-4	Compliance reporting	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 CEO.	All CARs shall be retained for a minimum of seven years following the end of the life of the proposal.	Provision on request of CEO.	Overall	Retain CARs for 7 years following the end of life of the proposal. Make CARs available when requested by CEO.		
1154: M4-5	Compliance reporting	The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.	Written correspondence.	Letter to the CEO.	Overall	Within 7 days of a potential non-compliance being known.		
1154: M4-6	Compliance reporting	The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO. The Compliance Assessment Report shall: (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer'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.	CAR.	Submission of CAR to the CEO.	Overall	23 February 2022 and annually thereafter.		
1154: M5-1	Public availability of data	Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.	All reports and management plans relevant to the assessment of the Project are publicly available on the EPA website. All reports relevant to this proposal and implementation of this Statement, including those required by Conditions 6-2 and 7-5, will be made publicly available on Atlas' website in accordance with Conditions 5-1 and 5-2.	Atlas website.	Overall	Within 3 months of acceptance or approval of management plan or report, unless otherwise approved by the CEO in accordance with Condition 5-2.		

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Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
1154: M5-2	Public availability of data	If any data referred to in condition 5-1 contain particulars of: (1) a secret formula or process; or (2) confidential commercially sensitive information, the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.	Written correspondence.	Letter to the CEO including reasons or explanation as to why the data should not be made publicly available.	Overall	For the life of the Project.		
1154: M6-1	Significant Species Management Plan	The proponent shall ensure implementation of the proposal achieves the following environmental objective: (1) avoid where possible, otherwise minimise direct and indirect impacts to significant fauna and their habitat, including: (a) northern quoll ( <i>Dasyurus hallucatus</i> ); (b) ghost bat ( <i>Macroderma gigas</i> ); (c) Pilbara leaf-nosed bat ( <i>Rhynonictis aurantia</i> ); (d) Pilbara olive python ( <i>Liasis olivaceus barroni</i> ); (e) northern brushtail possum ( <i>Trichosurus vulpecula arnhemensis</i> ); and (f) grey falcon ( <i>Falco hypoleucos</i> ).	Implementation of the SSMP.	Annual Environmental Report.	Overall	For the life of the Project.		
1154: M6-2	Significant Species Management Plan	To achieve the objective in condition 6-1 and prior to ground disturbing activities, the proponent shall update and submit a revision of the Significant Species Management Plan (180-LAH-EN-PLN-0001, Rev 0, April 2020) to the requirements of the CEO. The Plan shall: (1) specify trigger criteria; threshold criteria; trigger level actions; threshold contingency actions; monitoring locations, methodologies, indicators and timing; investigations in the event of a failure to meet a criteria or action; and reporting to demonstrate that the objective in condition 6-1(1) will be met; (2) specify management actions and reporting to demonstrate that the objective in condition 6-1(1) will be met; (3) show significant fauna monitoring sites presented in a figure; (4) design blasts to perform to the blast criteria at threshold 100 mm/s at caves CMRC-13, CMRC-14 and CMRC-15, and any other category 1 and 2 caves in the development envelope where ghost bats are found to roost; (5) avoid blasting within 100 metres of the lateral extent of caves CMRC-13, CMRC-14 and CMRC-15 until the results of monitoring validate predictions with a reasonable degree of confidence; (6) ensure no significant damage to caves CMRC-13, CMRC-14 and CMRC-15, or any other diurnal roosting cave, such that the caves remain viable as habitat (including for diurnal roosting) for ghost bats and Pilbara leaf-nosed bats in the future once mining has ceased; (7) minimise disturbance to significant fauna habitats; hillcrest/hillslope, gorge/gully and low stony hills; (8) include a trigger criterion that, during any annual monitoring period, any decline in northern quoll abundance at any monitoring site does not exceed 50% of baseline abundance at that site; and (9) include a threshold criterion that northern quoll is not absent from more than 50% of monitoring sites for more than two consecutive annual monitoring periods.	Update SSMP to address all requirements of Condition 6-2 and resubmit to DWER.	Submission of revised SSMP to the CEO.	Pre-construction	Prior to ground disturbing activities, unless otherwise agreed by the CEO.		
1154: M6-3	Significant Species Management Plan	The proponent shall not implement the proposal until the CEO has confirmed in writing that the Significant Species Management Plan satisfies the requirements of condition 6-2.	Written correspondence.	Written correspondence from CEO advising SSMP satisfies Condition 6-2.	Pre-construction	Prior to ground disturbing activities, unless otherwise agreed by the CEO.		
1154: M6-4	Significant Species Management Plan	The proponent: (1) may review and revise the Significant Species Management Plan; or (2) shall review and revise the Significant Species Management Plan as and when directed by the CEO by a notice in writing.	Written correspondence.	Letter to the CEO advising the proponent's proposed changes to the SSMP, or advising changes made at the request of the CEO.	Overall	As required by the proponent or as requested by the CEO.		
1154: M6-5	Significant Species Management Plan	The proponent shall implement the latest revision of the Significant Species Management Plan approved by the CEO.	Implementation of SSMP.	CAR	Overall	For the life of the Project.		
1154: M6-6	Significant Species Management Plan	The proponent shall continue to implement the Significant Species Management Plan until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 6-1 has been met.	Written correspondence.	Written correspondence from CEO advising Condition 6-1 has been met.	Overall	Until the CEO has confirmed by notice in writing that the proponent has demonstrated that the objective in condition 6-1 has been met.		
1154: M6-7	Significant Species Management Plan	Where monitoring or investigations indicate a failure to meet or implement management action(s) or target(s) detailed in the approved Significant Species Management Plan, the proponent shall meet the requirements of condition 4-5 (Compliance Reporting) and shall implement the measures outlined in the approved Significant Species Management Plan, including, but not limited to, actions and investigations to be undertaken.	Written correspondence.	Letter to the CEO.	Overall	For the life of the Project.		
1154: M6-8	Significant Species Management Plan	The proponent shall provide the results of ongoing monitoring to the agency responsible for the administration of the Biodiversity Conservation Act 2016 (being at the time of this Statement to the Department of Biodiversity, Conservation and Attractions).	Monitoring reports relevant to implementation of the SSMP will be made available via electronic submission to the agency responsible for administration of the BC Act 2016 (currently DBCA).	Letter or email to the agency responsible for administration of the BC Act 2016 (currently DBCA).	Overall	Within 3 months of the final report being received by Atlas.		



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Audit code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
1154: M7-1	Offsets	The proponent shall contribute funds to the Pilbara Environmental Offsets Fund calculated pursuant to condition 7-2, to achieve the objective of counterbalancing the significant residual impacts to 'Good' to 'Excellent' condition native vegetation, riparian vegetation, critical habitat for the northern quoll and ghost bat, subject to any reduction approved by the CEO under condition 7-10.	Transfer of funds to the value approved by DWER following submission of an Impact Reconciliation Report.	Remittance advice for funds contributed.	Overall	Biennially for the life of the Project.		
1154: M7-2	Offsets	The proponent's contribution to the Pilbara Environmental Offsets Fund shall be paid biennially, with the amount to be contributed calculated based on the clearing undertaken in each year of the biennial reporting period in accordance with the highest applicable rate specified in condition 7-3. The first biennial reporting period shall commence from ground disturbing activities of the environmental value(s) identified in condition 7-3.	Transfer of funds to the value approved by DWER following submission of an Impact Reconciliation Report.	Remittance advice for funds contributed.	Overall	Biennially for the life of the Project.		
1154: M7-3	Offsets	Calculated on the 2019–2020 financial year, the contribution rates are: (1) \$781 AUD (excluding GST) per hectare of 'Good' to 'Excellent' condition native vegetation, cleared as a result of the proposal within the Chichester IBRA subregion. (2) \$1,562 AUD (excluding GST) per hectare of riparian vegetation and denning and foraging habitat for northern quoll and roosting and foraging habitats for ghost bat, cleared as a result of the proposal within the Chichester IBRA subregion.	Transfer of funds to the value approved by DWER following submission of an Impact Reconciliation Report.	Remittance advice for funds contributed.	Overall	Biennially for the life of the Project.		
1154: M7-4	Offsets	From the commencement of the 2019–2020 financial year, the rates in condition 7-3 will be adjusted annually each subsequent financial year in accordance with the percentage change in the CPI applicable to that financial year.	Electronic payment.	Invoice of funds contributed.	Overall	For the life of the Project.		
1154: M7-5	Offsets	Subject to, and consistent with conditions 7-1, 7-2, 7-3 and 7-4, the proponent shall implement: (1) Atlas Iron, Impact Reconciliation Procedure Miralga Creek DSO Project (180-LAH-EN-PLN-0004, Revision 3, September 2020); or (2) if that plan has been revised, the latest version of the plan that the CEO has confirmed in writing meets the requirements of condition 7-1.	Implementation of the Impact Reconciliation Procedure.	CAR.	Overall	For the life of the Project.		
1154: M7-6	Offsets	If the proponent wishes to or is directed to revise an Impact Reconciliation Procedure, the proponent shall submit a revised plan to the CEO that: (1) spatially defines the environmental value(s) identified in condition 7-3; (2) spatially defines the areas where offsets required by condition 7-1 are to be exempt; (3) includes a methodology to calculate the amount of clearing undertaken during each year of the biennial reporting period for each of the environmental values identified in condition 7-3; (4) states that clearing calculations for the first biennial reporting period will commence from ground disturbing activities in accordance with condition 7-2 and end on the second 30 June following commencement of ground disturbing activities; (5) states that clearing calculations for each subsequent biennial reporting period will commence on 1 July of the required reporting period, unless otherwise agreed by the CEO; (6) indicates the timing and content of the Impact Reconciliation Reports; and (7) is prepared in accordance with Instructions on how to prepare Environmental Protection Act 1986 Part IV Impact Reconciliation Procedures and Impact Reconciliation Reports (or any subsequent revisions).	Revise the Impact Reconciliation Procedure and provide written correspondence to DWER.	Letter to the CEO advising the proponent's proposed changes to the Impact Reconciliation Procedure (or advising changes made at the request of the CEO) and the revised Impact Reconciliation Procedure.	Overall	As required by the proponent or as requested by the CEO.		
1154: M7-7	Offsets	The proponent: (1) may review and revise the Impact Reconciliation Procedure; or (2) shall review and revise the Impact Reconciliation Procedure as and when directed by the CEO by a notice in writing.	Revise the Impact Reconciliation Procedure and provide written correspondence to DWER.	Letter to the CEO advising the proponent's proposed changes to the Impact Reconciliation Plan, or advising changes made at the request of the CEO.	Overall	As required by the proponent or as requested by the CEO.		
1154: M7-8	Offsets	The proponent shall submit an Impact Reconciliation Report in accordance with the Impact Reconciliation Procedure approved in condition 7-5.	Impact Reconciliation Report.	Submission of Impact Reconciliation Report.	Overall	Biennially.		
1154: M7-9	Offsets	The Impact Reconciliation Report required pursuant to condition 7-8 shall provide the location and spatial extent of the clearing undertaken as a result of the proposal during each year of each biennial reporting period.	Impact Reconciliation Report.	Impact Reconciliation Report and associated spatial data representing areas cleared during the relevant reporting period.	Overall	Biennially.		
1154: M7-10	Offsets	The proponent may apply in writing and seek the written approval of the CEO to reduce all or part of the contribution payable under condition 7-2 where: (1) a payment has been made to satisfy a condition of an approval under the Environment Protection and Biodiversity Conservation Act 1999 in relation to the proposal; and (2) the payment is made for the purpose of counterbalancing impacts of the proposal on matters of national environmental significance identified in condition 7-1.	Written correspondence.	Letter to the CEO explaining why a partial or complete reduction of contributions is required.	Overall	As required by the proponent.		

### Notes

- Phases that apply in this table = Pre-Construction, Construction, Operation, Decommissioning, Overall (several phases).
- This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Ministerial Statement for full detail and precise wording of individual elements.
- Code prefixes: M = Ministerial Statement condition.
- Acronyms list: CAR = Compliance Assessment Report; CAP = Compliance Assessment Plan; CEO = Chief Executive Officer of DWER; DWER = Department of Water and Environmental Regulation; DBCA = Department of Biodiversity, Conservation and Attractions; DPLH = Department of Planning, Lands and Heritage; DMIRS = Department of Mines, Industry Regulation and Safety; EPA = Environmental Protection Authority; DoH = Department of Health; Minister for Env = Minister for the Environment; SSMP = Significant Species Management Plan.
- Compliance Status: C = Compliant, CLD = Completed, NA = Not Audited, NC = Non-compliant, NR = Not required at this stage. Note the terms VR = Verification Required and IP = In Process are only for DWER use.