



Rowland.

**Western Desert Resources
Roper Bar Iron Ore project**

**Northern Land Council
Consultation Report**

22 – 29 April 2012



This report is an external review of the consultation undertaken by the Northern Land Council (NLC) with Traditional Owners in relation to Western Desert Resources' proposed Roper Bar Iron Ore project, held 22-29 April 2012.

The participation of Western Desert Resources, EcOz Environmental Services and Rowland representatives was at the request of Howard Smith, NLC's Manager for Mining and Major Projects.

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Introduction

This report provides an overview of the consultation undertaken by the Northern Land Council (NLC) to inform and educate Traditional Owners on the draft Environmental Impact Statement (EIS) for Western Desert Resources' (WDR) proposed Roper Bar Iron Ore project.

Consultation was undertaken over a one week period commencing Sunday, 22 April 2012 through to Sunday, 29 April 2012. Traditional Owners participating in the consultation were selected by the NLC from communities within the project's footprint, including Borroloola, Minyerri, Ngukurr and Numbulwar. Meetings were closed events whereby Traditional Owners were invited to participate and represent their subsequent clan and community.

The purpose of the consultation was for the NLC to advise Traditional Owners of the scope, potential impacts and proposed mitigation measures outlined in the draft EIS, and to facilitate genuine feedback. This feedback will inform an EIS submission on behalf of the NLC required under Northern Territory and Commonwealth guidelines as part of the EIS approvals process.

WDR's presence at consultation meetings was to support the NLC and facilitate a fair and equitable approach to information sharing and feedback. Whilst the consultation was driven by the NLC, WDR were able to confirm areas of interest by Traditional Owners, all of which have been previously identified during WDR's community consultation and are outlined in this report.

WDR is committed to ongoing consultation for the life of the Roper Bar Iron Ore project and recognise it as an essential component of the EIS process. It is recommended that issues presented during the NLC consultation are approached and/or further discussed as part of the legislated four week public notification period for the project's EIS.

Consultation approach

Due to the nature of the closed consultation, NLC engagement was limited to individual and group meetings, and organised site inspections with Traditional Owners.

Community meetings

Three coordinated group meetings with Traditional Owners were held in local communities, including Borroloola, Numbulwar and Ngukurr. Traditional Owners from the community of Minyerri were transported to Ngukurr to participate.

Also present at meetings were representatives of WDR, environmental management consultants from EcOz Environmental Services, and a stakeholder engagement consultant from Rowland. These participants were on hand to support the NLC in discussing and responding to technical questions relating to the draft EIS.

The format of the group meetings followed a consistent approach that included an overview of the project's scope, potential impacts identified during feasibility studies, and proposed mitigation and management measures outlined in the draft EIS. Participants were encouraged to take part in discussion, with the emphasis of meetings to facilitate genuine feedback.

Site inspection

In participation with WDR, the NLC invited Traditional Owners to inspect the proposed stream realignment location which has been included in the final design concept for the mine site and discussed in the project's EIS. The purpose of the site inspection was to demonstrate the proposed stream realignment would not significantly impact sacred sites, as well as provide Traditional Owners with the opportunity to see the area first-hand.

It should be noted that during the site inspection, Traditional Owners were asked to attend a separate meeting with an NLC anthropologist to map out sacred sites along the proposed haul road alignment. These meetings were not attended by representatives from WDR, EcOz Environmental Services or Rowland.

Consultation team

To ensure all elements of the proposed project were discussed, including technical and specialist areas, a broad consultation team were invited by the NLC to support the consultation:

- Dr Howard Smith – NLC Manager of Mining and Major Projects
- Jitendra Kumarage – NLC Anthropologist
- Patrick Collins – WDR Northern Territory General Manager
- Noel Tomes – WDR Community Liaison-Indigenous Employment Coordinator
- Jeff Richardson – EcOz Environmental Services Senior Environmental Scientist
- Sarah Coffey – Rowland Senior Consultant.

Evaluation

All engagements between WDR, NLC and Traditional Owners were conducted using a disciplined approach to consultation to ensure feedback was accurately captured and reported. A database management tool, Consultation Manager System (CMS), was established at the onset of the Roper Bar Iron Ore project by WDR to manage and record all information received and act as a single source of project information. Each meeting undertaken as part of the NLC consultation period was recorded in CMS for analysis and consultation management.

Consultation outcomes

Consultation participation

During the one week period commencing Sunday, 22 April 2012, NLC undertook the following consultation activities:

- 74 Traditional Owners were consulted on a one-to-one basis, with a number consulted more than once throughout the process
- Consultation was held in four locations within the project's footprint; Borroloola, Ngukurr, Numbulwar and the proposed Roper Bar Iron Ore project site
- Stakeholder groups included Traditional Owners, Elders and local Indigenous groups
- Consultation took place via private meetings, group meetings and site inspections
- Consultation was individualised and took into consideration cultural requirements and allowed for privacy to ensure the consultation team respected the importance of culture and conducted themselves accordingly.

All engagements undertaken during the NLC consultation period have been reviewed in the report and grouped by meetings dates, locations and Traditional Owner groups.

Borrooloola

The first group meeting was undertaken in Borrooloola on Monday, 23 April 2012 and was attended by 34 Traditional Owners.

NLC representative, Dr Howard Smith, chaired the meeting and outlined the purpose of the consultation, the expected outcomes and introduced representatives from WDR, EcOz Environmental Services and Rowland.

Jeff Richardson, from EcOz Environmental Services, was asked to provide an overview of the draft EIS, concentrating on the five main components the Department of Natural Resources, Environment, The Arts and Sport (NRETAS) raised as areas of interest:

1. The potential impact on flora and fauna
2. The potential impact on water quality
3. The potential impact on the local community
4. The potential cumulative impacts of the project and other known projects in the region
5. Rehabilitation strategies for successful mine closure.

Following the introduction and project overview, discussion identified three predominant areas of interest to Traditional Owners:

1. Haul road alignment
2. Potential construction impacts
3. Local employment opportunities.

Haul road alignment

Consultation revealed initial minor concerns relating to the alignment of the haul road, in particular WDR's proposal to include a four kilometre boundary for a road that only requires a 50 metre easement.

"Why do you need all that space for the haul road and what will happen to it once you have built it,"
Traditional Owner.

In response, it was explained the final road easement would be limited to 50 metres, however additional land is required during the planning stage to cater for construction impacts and the identification of sacred sites during consultation with Traditional Owners. Once the alignment has been finalised, the remaining land will be returned to the previous owners.

Questions were also raised by a Traditional Owner who was also a landholder directly impacted by the haul road's construction. In particular, whether the final alignment would restrict access to private roads around the Rosie and McArthur area.

"We need to make sure that road of yours doesn't cut off any of our access roads. We have to sort this out now so we can build it properly the first time," Traditional Owner.

At the time of consultation, the final design and alignment for the haul road had not been finalised and a response to this question required further investigation. It should be noted however, the following day a team of people including NLC and Traditional Owner representatives were scheduled to travel the proposed haul road alignment to identify private access roads and sacred sites and ensure construction and access impacts were mitigated.

Potential operational impacts

Consultation revealed concerns relating to the project's impact on the environment once in operation. Traditional Owners displayed some sensitivity to waterways and indicated their concern stemmed from a prior incident in the region.

"What will happen if there is an accident and the iron gets into our waterways? What will happen to our drinking water and the animals and the plants," Traditional Owner.

A brief overview of potential impacts was provided by an EcOz Environmental Services representative and explained that minimal changes will present due to the natural occurrence of iron ore in waterways and throughout land in the Roper Bar region. It was indicated that many Indigenous Australians use this mineral for body decoration in their ceremonial practices.

"Oh that's good then. We don't want any chemicals in our water," Traditional Owner.

The potential impacts on waterways is covered in WDR's Environmental Management Plan (EMP) as part of the EIS and Traditional Owners were advised to read this plan for comprehensive information and mitigation strategies.

Employment opportunities

Consultation revealed strong support for the project based on its potential to provide local employment opportunities which deliver benefits to the sole worker and the wider community.

"We can employ local people to do all of the jobs. Local people need the job opportunities here," Traditional Owner.

Traditional Owners universally agreed employment opportunities for Indigenous Australians were a priority should the project proceed.

Proactive opportunities were presented by Traditional Owners including the employment of Borroloola Sea Rangers to assist WDR with their environmental monitoring programs and ensure culturally significant environments are protected.

"Why don't you get the Rangers to do some of the monitoring work? This way we can keep an eye on the mine and it will help us with some jobs as well," Traditional Owner and Sea Ranger.

Recommendations

Overall the Borroloola meeting was positive, with Traditional Owners supportive of the project and responsive to the detailed information and answers given.

During the upcoming EIS public notification period it is recommended the WDR consultation team:

- Seek out individuals who raised concerns relating to the potential impacts the haul road could have on their private roads and inform them of the final design and alignment
- Deliver any information available on local employment opportunities in the region
- Deliver a hard copy of the EIS to the Borroloola NLC office.

Numbulwar

The Numbulwar group consultation meeting was held on Tuesday, 24 April 2012. Due to an event occurring in Numbulwar prior to the organised meeting date, the number of Traditional Owners was slightly lower than anticipated with 13 in attendance.

NLC representative, Dr Howard Smith, chaired the meeting and outlined the purpose of the consultation, the expected outcomes and introduced representatives from WDR, EcOz Environmental Services and Rowland.

Jeff Richardson, from EcOz Environmental Services, was asked to provide an overview of the draft EIS, concentrating on the five main components NRETAS raised as areas of interest:

1. The potential impact on flora and fauna
2. The potential impact on water quality
3. The potential impact on the local community
4. The potential cumulative impacts of the project and other known projects in the region
5. Rehabilitation strategies for successful mine closure.

Following the introduction and project overview, discussion identified three predominant areas of interest to Traditional Owners:

1. Haul road alignment
2. Stream realignment
3. Land acquisition.

Haul road alignment

A topic of interest raised consistently by Traditional Owners across all groups was the final alignment and proposed easement of the haul road.

Traditional Owners were advised the final haul road easement would be limited to 50 metres wide, however additional land is required during the planning stage to cater for construction impacts and the identification of sacred sites during consultation with Traditional Owners. Once the alignment has been finalised, the remaining land will be returned to the previous owners.

The concern for the proposed haul road easement was related to its proximity to identified sacred sites and sites of cultural significance.

“And that road there (pointing to the map). We know where them sacred sites and song lines are. Not them other mobs. Someone from here gotta go out there and take a look,” Traditional Owner.

Traditional Owners were reassured by NLC anthropologist, Jitendra Kumarage, the NLC would be working with Numbulwar Traditional Owners and WDR in the coming week to identify sacred sites and song lines located along the proposed haul road and easement alignment. Mitigation strategies will be employed by WDR during final planning and design to ensure minimal impacts occur.

Stream realignment

Consultation revealed anxiety among Traditional Owners in relation to the proposed stream realignment due to prior experience with a similar project in 2007, identified by Traditional Owners as the McArthur River Mine McArthur River division.

“We know what happened the last time that McArthur River mine moved the river. We can’t have that happening here again,” Traditional Owner.

Representatives from the NLC and EcOz Environmental Services discussed the significant difference in size and scope between the projects and the differences between the previous river diversion and the proposed stream realignment. The group was invited to inspect the proposed stream realignment site the following day to ensure the mitigation strategies proposed would meet their expectations.

After technical discussions and explanations of the creek’s flow capacity and seasonality, Traditional Owners agreed the stream realignment would prove insignificant environmentally. It was identified however, that a neighbouring billabong held some cultural significance and should be considered as part of the mitigation strategy.

“That little tiny river, that creek. It doesn’t mean anything. The one from Towns River. All we got to worry about is that billabong,” Traditional Owner.

Further consultation was required to identify potential impacts to the billabong as a result of changing stream flows. A subsequent site inspection held by the NLC and WDR on the Wednesday, 26 August 2012 (see page 12) clarified concerns and discussed appropriate mitigation and management strategies.

Land acquisition

Although not directly related to the NLC consultation, a Traditional Owner expressed concern about how the land for the proposed mine site and air strip was acquired.

“Who showed you where to dig? We didn’t know the mine was there. My land is already damaged, the land with that airport and the strip. And now you are coming back and asking now. I’m not going against your mob, I’m just telling you,” Traditional Owner.

This concern was noted due to its significance to the process undertaken by the NLC and WDR to acquire land and subsequent landholder approvals. Further consultation with this landholder is the responsibility of the NLC, however as the proponent of the project, WDR will address the landholder’s concern in association with the NLC on the acquisition process.

Recommendations

The outcome of the Numbulwar consultation was neutral and it was identified that further engagement was required with Traditional Owners. The NLC expressed confidence that a planned site inspection the following day would be sufficient.

During the upcoming EIS public notification period it is recommended the WDR consultation team:

- Speak directly to Traditional Owners who voiced concern about the stream realignment to ensure they are satisfied with the proposed mitigation strategy
- Provide information on the methods that will be used to protect and/or rehabilitate the identified billabong
- Deliver a hard copy of the EIS to the Land and Sea Ranger Office in Numbulwar.

Ngukurr and Minyerri

Due to the close proximity of Minyerri to Ngukurr, Traditional Owners advised the NLC that a joint consultation meeting in Ngukurr was preferred. The meeting took place Thursday, 26 April 2012 and was attended by 23 Ngukurr Traditional Owners and four Minyerri Traditional Owners.

NLC representative, Dr Howard Smith, chaired the meeting and outlined the purpose of the consultation, the expected outcomes and introduced representatives from WDR, EcOz Environmental Services and Rowland.

Jeff Richardson, from EcOz Environmental Services, was asked to provide an overview of the draft EIS, concentrating on the five main components NRETAS raised as areas of interest:

1. The potential impact on flora and fauna
2. The potential impact on water quality
3. The potential impact on the local community
4. The potential cumulative impacts of the project and other known projects in the region
5. Rehabilitation for a successful mine closure.

It should be noted the day prior to the meeting, the Ngukurr Traditional Owners visited the proposed mine site (including the proposed stream realignment) where many of their questions, particularly in relation to the haul road, were answered by the NLC and WDR representatives.

Consultation therefore revealed only two main topics of interest:

1. Stream realignment
2. Ongoing community consultation.

Stream realignment

Consultation revealed that similar to Borroloola and Numbulwar, Ngukurr and Minyerri Traditional Owners expressed concern about the potential environmental impacts of the proposed stream realignment and prior experience with a river diversion undertaken by a mining project in the close vicinity.

“What I want to see before the stream is moved is some tests of the water quality so we can watch for any changes. We want to be involved in this now and in the future,” Traditional Owner and Yugul Mangi Ranger.

The meeting’s chair, Dr Howard Smith, agreed with this comment and identified potential opportunities for the local ranger group to become involved with the project.

“Western Desert Resources want you to work with them to make sure everyone has the best outcome,” Dr Howard Smith.

The importance of referring to the stream as a creek was also raised by Traditional Owners, to reduce misinterpretation with local people as they understand that a creek is only small and flows for a few months of the year.

“Make sure you call it a creek. We know what a creek is and know that it only flows during the wet. A stream is not the same thing,” Traditional Owner.

Traditional Owners also raised the billabong discussed during Numbulwar consultation and queried its protection during extreme rain events.

“You need to build up a contour bank to make sure the water doesn’t go into the billabong,” Traditional Owner and Yugul Mangi Ranger.

Dr Howard Smith identified two options in relation to the billabong that he would be including in an NLC submission to NRETAS. Mitigation strategies recommended included:

1. Build up contour banks to manage unseasonal rain events
2. Minimise realignment by ensuring the creek is moved incrementally.

Traditional Owners were satisfied with the recommendations presented and WDR will investigate the mitigation strategies in further detail as part of the EIS process.

Ongoing community consultation

Consultation revealed the importance of including all four communities in future consultation about the project’s EIS to ensure they reached a mutually beneficial arrangement.

“We know you go to them other mob out there and get them to have a look at the creek. We will all say something different but we need to all be out there to talk about it and agree on it,” Traditional Owner.

“We all need to sit down together and have a good discussion. I want to make a good decision with everyone in the mob that everyone can agree on,” Traditional Owner.

A NLC representative explained that there may be some difficulty in managing accommodation and transport requirements of such a large group in a remote location, however the NLC would endeavour to arrange a regional group meeting with Traditional Owners to ensure a transparent and inclusive process.

Recommendations

The overall outcome of the meeting was positive with most concerns answered by the NLC or representatives from WDR, EcOz Environmental Services and Rowland at the time of the consultation.

It is recommended WDR offer Traditional Owners who could not attend the site inspection a future opportunity to view the proposed mine site and stream realignment location.

During the upcoming EIS public notification period it is recommended the WDR consultation team:

- Provide information on the methods that will be used to protect and/or rehabilitate the identified billabong
- Undertake further site inspections with Traditional Owners who were not able to attend during the NLC consultation period.

Roper Bar Iron Ore project site inspection

On Wednesday 25 April, NLC in association with WDR invited Borroloola, Numbulwar, Minyerri and Ngukurr Traditional Owners to visit the proposed Roper Bar Iron Ore mine site and inspect the proposed stream realignment site.

Of those invited, three Traditional Owners from Numbulwar and seven Traditional Owners from Ngukurr attended.

The site inspection included an overview of the stream realignment, a tour of the current and proposed realignment locations, and a discussion on potential mitigation strategies. During the site inspection, Traditional Owners from both Ngukurr and Numbulwar expressed their satisfaction with the proposal and confirmed that no sacred sites would be impacted.

“It’s fine for the mine to go in here. These is no culture in this area,” Traditional Owner (Ngukurr).

As identified in group meetings with Traditional Owners from Ngukurr, Numbulwar and Minyerri, a billabong that exists in close proximity was of key importance to the group during inspection. Discussions will continue during the EIS public notification period with Traditional Owners and WDR to mitigate or manage impacts to the billabong.

“This little creek is fine. Just make sure the billabong is not changed,” Traditional Owner (Numbulwar).

Recommendations

The site inspection outcomes proved to be positive with Traditional Owners voicing their appreciation of the information and opportunity for discussion that was provided. Traditional Owners expressed their satisfaction with the proposed stream realignment and its associated mitigation and rehabilitation strategies to ensure a known billabong of cultural significance would not be significantly impacted.

During the upcoming EIS public notification period it is recommended the WDR consultation team:

- Provide information on the methods that will be used to protect and/or rehabilitate the identified billabong
- Undertake further site inspections with Traditional Owners who were not able to attend during the NLC consultation period.

Results

The results of NLC's consultation with Traditional Owners were provided to the Roper Bar Iron Ore project team for consideration and inclusion (as appropriate) into the proposed project decision making process.

The upcoming EIS public notification period will offer WDR an important opportunity to continue their ongoing commitment to providing the community with up-to-date information about the project. The consultation team during this time must ensure:

- Hard copies of the EIS are made available at each of the communities, in particular at NLC offices
- Known local employment opportunities are promoted through the NLC
- Traditional Owners and community members understand the process of how they can make a submission relating to the project during the EIS public notification period.

It is essential WDR continue to build on their relationship with the NLC and Traditional Owners throughout the life of the project to ensure open two-way communication on community issues and suggestions continues to be achieved.

WDR have made a commitment to ensuring the community continue to be kept updated on project progress and have an opportunity to provide feedback and comment across the life of the project. This continual process will also ensure community members and key stakeholders are involved in the further discussion and development of mitigation and management programs.