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Published on 5 August 2008

Statement No. 771

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED  
(PURSUANT TO THE PROVISIONS OF THE  
ENVIRONMENTAL PROTECTION ACT 1986)**

**PORT FACILITY UPGRADE - ANDERSON POINT, PORT HEDLAND:  
DREDGING AND WHARF CONSTRUCTION - THIRD BERTH**

**Proposal:** Dredging of not more than 3,500,000 cubic metres off Anderson Point, for a third ship berth; disposal of dredge spoil on pre-existing and previously approved land at Anderson Point; and extension of the approved open-pile wharf, as documented in schedule 1 of this statement.

**Proponent:** Fortescue Metals Group Ltd

**Proponent Address:** 87 Adelaide Terrace,  
EAST PERTH WA 6004

**Assessment Number:** 1732

**Report of the Environmental Protection Authority:** Bulletin 1286

The proposal referred to in the above report of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

**1 Proposal Implementation**

1-1 The proponent shall implement the proposal as documented and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

**2 Proponent Nomination and Contact Details**

2-1 The proponent for the time being nominated by the Minister for the Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

2-2 The proponent shall notify the Chief Executive Officer of the Department of Environment and Conservation (CEO) of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

### **3 Time Limit of Authorisation**

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

### **4 Compliance Reporting**

- 4-1 The proponent shall submit to the CEO environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO to report more frequently.
- 4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO and shall be prepared and submitted in a format acceptable to the CEO.
- 4-3 The environmental compliance reports shall:
  - 1. be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEO, delegated to sign on behalf of the proponent's chief executive officer;
  - 2. state whether the proponent has complied with each condition and procedure contained in this statement;
  - 3. provide verifiable evidence of compliance with each condition and procedure contained in this statement;
  - 4. state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
  - 5. provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;
  - 6. identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each non-compliance or non-conformance;
  - 7. review the effectiveness of all corrective and preventative actions taken; and
  - 8. describe the state of implementation of the proposal.
- 4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO.

## **5 Performance Review**

- 5-1 The proponent shall submit to the CEO Performance Review Reports at the conclusion of the second and fifth years after the completion of construction and then at such intervals as the CEO may regard as reasonable, which address:
1. the major environmental risks and impacts, the performance objectives, standards and criteria related to these, the success of risk reduction/impact mitigation measures and results of monitoring related to the management of the major risks and impacts;
  2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and
  3. significant improvements gained in environmental management which could be applied to this and other similar projects.

## **6 Mangrove Protection**

- 6-1 The proponent shall not cause the loss of, or deterioration in the condition of, any mangroves or their habitats outside of the proposal area.
- 6-2 The total area of core closed-canopy mangroves directly and indirectly adversely affected within the port project area shall not exceed 14.8 hectares (including that caused by Stage A), as depicted/specified by meeting the requirements of condition 6-1 above, without prior written authorisation of the Minister for the Environment on advice of the Environmental Protection Authority.

Note: for the purposes of this condition:

- ‘core closed-canopy mangroves’ are defined as the following mangrove associations: Closed canopy *Rhizophora stylosa*; Closed canopy *Rhizophora stylosa*, *Avicennia marina*; Closed canopy *Avicennia marina* (seaward); Closed canopy *Avicennia marina* (landward); and Low open woodland *Avicennia marina*.

## **7 Acid Sulphate Soils**

- 7-1 For that portion of the proposal area that lies within the Port Hedland Port Authority Boundary, the proponent shall not disturb soils, other than in accordance with the Acid Sulphate Soil Management Plan required under Ministerial Statement 690.

## **8 Port Area Rehabilitation**

- 8-1 For that portion of the proposal area that lies within the Port Hedland Port Authority Boundary, the proponent shall rehabilitate all areas not required for ongoing operations.
- 8-2 The proponent shall incorporate the port area rehabilitation management strategies for this proposal into the Port Area Rehabilitation Plan as required by condition 13-1 of Ministerial Statement 690 on advice from the Environmental Protection Authority.

- 8-3 The proponent shall implement the revised Port Area Rehabilitation Plan required by condition 8-2.
- 8-4 The proponent shall make the revised Port Area Rehabilitation Plan required by condition 8-2 publicly available.

Note: In preparation of advice to the Minister for the Environment on the rehabilitation standards to be met, the Environmental Protection Authority expects that advice of the Department of Environment and Conservation will be obtained.

## **9 Dredging and Reclamation Monitoring and Management**

- 9-1 The proponent shall monitor and control water quality (salinity, pH, dissolved oxygen, temperature and turbidity) associated with dredging operations to protect the environmental values of the Port Hedland Inner Harbour (including marine communities and habitats, mangrove ecosystem, near-shore tidal reef system and recreational fishing).
- 9-2 The proponent shall incorporate the Dredging and Reclamation Monitoring and Management strategies for this proposal into the Dredging and Reclamation Monitoring and Management Plan as required by condition 14-1 of Ministerial Statement 690 on advice from the Environmental Protection Authority.
- 9-3 The proponent shall implement the revised Dredging and Reclamation Monitoring and Management Plan required by condition 9-2.
- 9-4 The proponent shall make the revised Dredging and Reclamation Monitoring and Management Plan required by condition 9-2 publicly available.
- 9-5 The proponent shall report the condition of the environmental values of the Port Hedland Inner Harbour in the Performance Review Reports required by condition 5-1.

In preparation of advice to the Minister for the Environment in relation to this condition, the Environmental Protection Authority expects that advice of the following agencies will be obtained:

- Department for Planning and Infrastructure (Maritime Division);
- Department of Fisheries;
- Department of Environment and Conservation; and
- Port Hedland Port Authority.

Note: Within this condition, “the Port Hedland Inner Harbour” is defined as the area landward of a line between Hunt Point and Airey Point and within the Port Hedland Port Authority Boundary.

## **10 Introduced Marine Species and Dredging Equipment**

- 10-1 The proponent shall arrange for all dredging equipment and associated vessels to be inspected by an appropriately qualified marine scientist or appropriately qualified expert, accompanied by a Department of Fisheries Officer immediately prior to departure for the Port Hedland Port Authority Boundary, to ensure that:

1. there is no sediment on or within the dredging equipment;
  2. ballast water (if any) has been managed according to the Australian Quarantine Inspection Service ballast water requirements;
  3. any fouling organism on or in any vessels or equipment have been removed or treated; and
  4. any fouling organisms on or in the dredging equipment which cannot be removed or treated, must not present an unacceptable risk to the ecosystem integrity of the marine waters of Port Hedland.
- 10-2 Where a proponent is of a view that the dredge and associated equipment represents a low risk of introducing marine organisms then an exemption from Condition 10-1 can be requested of the Minister for Environment on advice from the Department of Fisheries. The request should be based on a thorough environmental risk assessment supported by documentation (demonstrating the record of hull cleaning, antifouling treatment, and recent location of each vessel as well as other relevant details).
- 10-3 The proponent shall manage any sediment or fouling organisms found as a consequence of the requirements of condition 10-1 to the satisfaction of the Minister for Environment on advice from the Department of Fisheries.
- 10-4 In the event that the dredging equipment is to be transferred to another location within Western Australian territorial waters following completion of dredging and disposal activities, the proponent shall undertake an inspection of all dredging equipment, employing an appropriately qualified marine scientist or appropriately qualified expert to identify the presence of or the potential for any introduced marine pest species.
- 10-5 In the event that any marine organism is introduced by the proponent, the proponent shall report the finding to the Department of Fisheries and shall immediately put in place an agreed Introduced Marine Organism Management Strategy to prevent establishment and proliferation of that organism, to control and eradicate the organism, and ensure that the organism is not transferred to other locations within Western Australian Territorial Waters.

## **11 Dust**

- 11-1 The proponent shall monitor and control dust associated with construction and operation of the port in accordance with the Dust Management Plan prepared to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority as stated under Ministerial Statement 690.

Note: In preparation of advice to the Minister for the Environment, the Environmental Protection Authority expects that advice of the following agencies will be obtained:

- Department of Environment and Conservation;
- Department of Industry and Resources; and
- Town of Port Hedland.

## **12 Construction Noise**

12-1 The proponent shall undertake construction activities in compliance with Regulation 13 of the *Environmental Protection (Noise) Regulations 1997*.

### **Procedures**

1. Where a condition states “to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.
2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. Where a condition lists advisory bodies, it is expected that the proponent will obtain the advice of those listed as part of its compliance reporting to the Department of Environment and Conservation.

### **Notes**

1. The Minister for the Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.
2. The proponent is required to apply for a Works Approval and Licence for this project under the provisions of Part V of the *Environmental Protection Act 1986*.
3. A reference in this Statement to implementing a Plan established under Ministerial Statement 690 means implementing those parts of the relevant Plan that relate to the proposal the subject of this Statement.

David Templeman MLA  
MINISTER FOR THE ENVIRONMENT; CLIMATE CHANGE; PEEL

## Schedule 1

### The Proposal (Assessment No. 1732)

The proposal consists of:

- dredging a third ore ship berth pocket;
- extending the wharf adjacent to the third berth; and
- placing the dredged spoil on and adjacent to the land area used for the dredging spoil for the first two berths,

at Anderson Point in Port Hedland harbour.

The key characteristics of the proposal are shown in Table 1 below.

**Table 1 - Key Proposal Characteristics**

Element	Description
Volume of material to be dredged for the third ship berth.	Not more than 3,500,000m <sup>3</sup>
Duration of dredging	9 months approximately, from May 2008
Area of marine disturbance (does not include mangrove disturbance).	Not more than 15.8ha
Open-pile wharf extension for third ship berth	Extension not more than 385m long
Settlement area on land	Not more than 162ha (107ha of which were previously used for Stage A proposal)
Heights of bunds around spoil dumps: Northern Settlement Area Southern Settlement Area Eastern Settlement Area	Not more than 10m (existing height) Not more than 10m (existing height) Not more than 10m

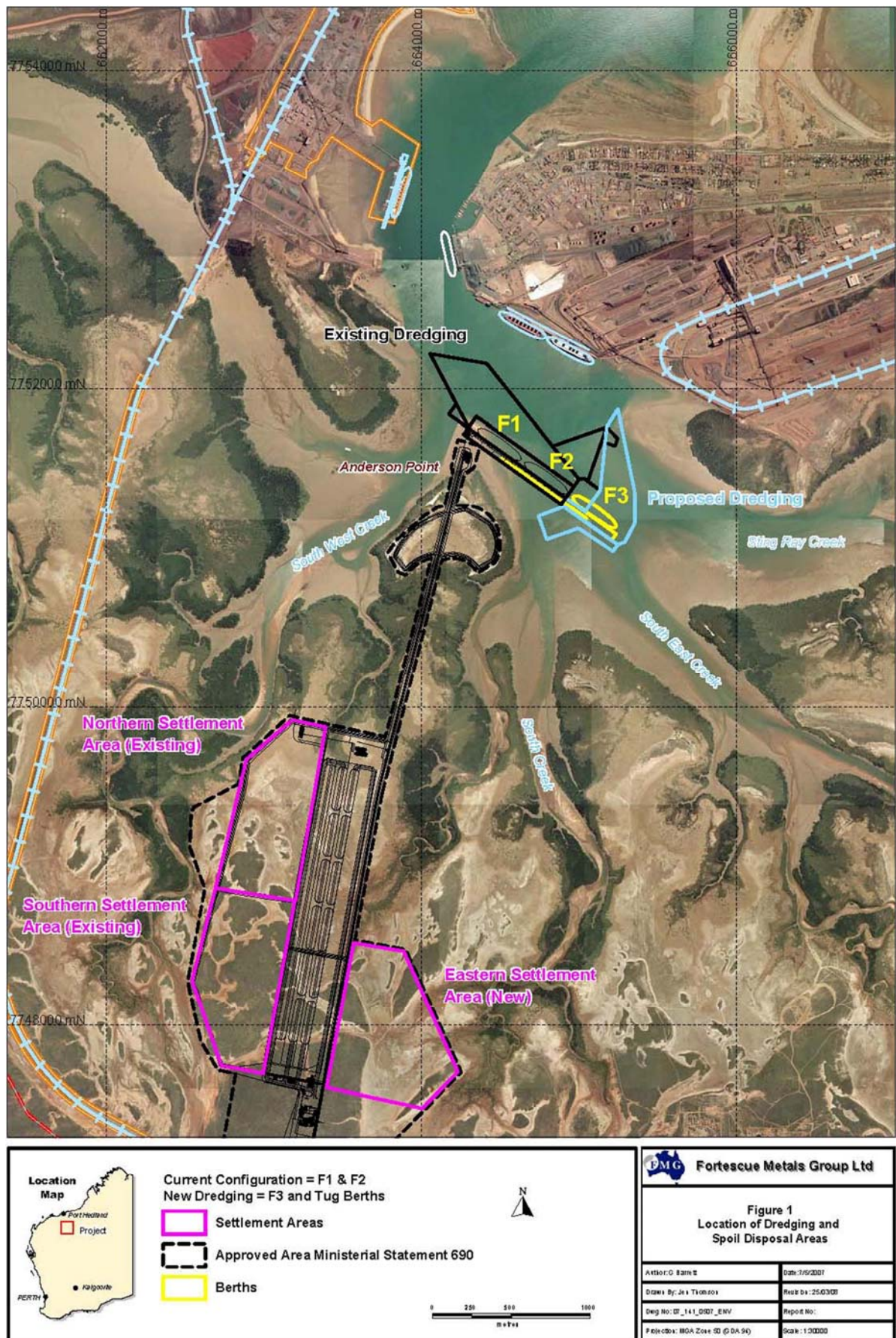
<b>Key:</b> m m <sup>3</sup> ha	metres cubic metres hectares
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### Figures (attached)

Figure 1 – Proposed dredging for third berth.

Figure 2 – Settlement configuration for dredge spoil for third berth.





**Figure 1: Proposed dredging for third berth**



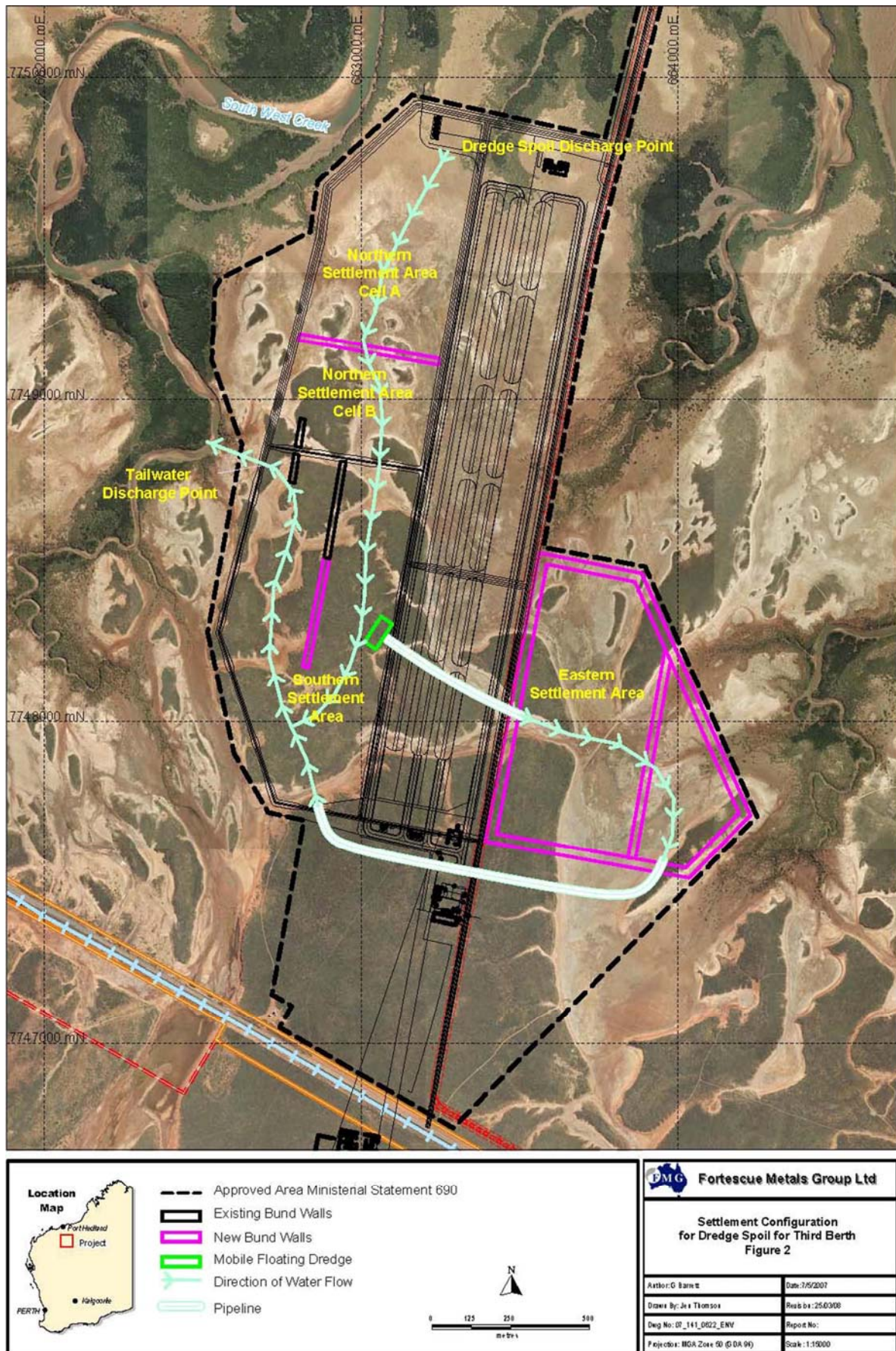


Figure 2 – Settlement configuration for dredge spoil for third berth.

## Attachment 1 to Statement 771

### Change to Proposal

**Proposal:** Port Facility Upgrade – Anderson Point, Port Hedland – Dredging and wharf construction – third berth.

**Proponent:** Fortescue Metals Group Limited

**Change:** Dredging of the third berth at Anderson Point – Program additions and new dredge spoil settlement area.

### Amendment of Schedule 1 – Key Proposal Characteristics

#### Features of currently approved Proposal:

##### *The Proposal*

**Table 1**

<i>Element</i>	<i>Quantities/Description</i>
Volume of material to be dredged for the third ship berth	Not more than 3,500,000m <sup>3</sup>
Duration of dredging	9 months approximately from May 2008
Area of marine disturbance (does not include mangrove disturbance)	Not more than 15.8ha
Settlement area on land	Not more than 162ha (107ha of which were previously used for Stage A proposal)
Height of bunds around spoil dumps	Eastern Settlement Area: Not more than 10m

#### Features of approved change to Proposal:

##### *The Proposal*

**Table 1**

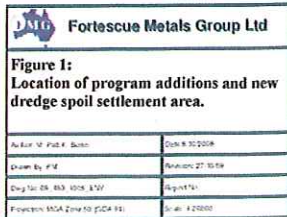
<i>Element</i>	<i>Quantities/Description</i>
Volume of material to be dredged for the third ship berth	Not more than 4,050,000m <sup>3</sup>
Duration of dredging	10 months approximately from October 2008
Area of marine disturbance (does not include mangrove disturbance)	Not more than 45.9ha
Settlement area on land	Not more than 285ha (of which 162ha was previously approved)
Height of bunds around spoil dumps	Eastern Settlement Area: Not more than 14m. South Eastern Settlement Area: Not more than 12m.

\* Figure 1 – Location of program additions and new dredge spoil settlement area.

**Approved under delegation  
from the Minister for Environment:**

**Approval Date:** 14.11.08





Proposed Infrastructure  
PER Boundary

