



Statement No.

MINISTER FOR THE ENVIRONMENT; SCIENCE

000676

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

**GAS PIPELINE TO NIFTY COPPER OPERATIONS
GREAT SANDY DESERT**

Proposal: The construction of a gas pipeline to supply natural gas for on-site power generation at Nifty Copper Operations located in the eastern Pilbara region. The gas pipeline is a 46 kilometre spur line from the Port Hedland - Telfer Pipeline to Nifty Copper Operations, as documented in schedule 1 of this statement.

Proponent: Birla (Nifty) Pty Ltd

Proponent Address: Level 2, 23 Ventnor Avenue, WEST PERTH WA 6005

Assessment Number: 1549

Report of the Environmental Protection Authority: Bulletin 1164

The proposal referred to above may be implemented by the proponent subject to the following conditions and procedures:

1 Implementation

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

2 Proponent Commitments

2-1 The proponent shall implement the environmental management commitments documented in schedule 2 of this statement, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

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3 Proponent Nomination and Contact Details

- 3-1 The proponent for the time being nominated by the Minister for the Environment under section 38(6) or (7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal until such time as the Minister for the Environment has exercised the Minister's power under section 38(7) of the Act to revoke the nomination of that proponent and nominate another person as the proponent for the proposal.
- 3-2 If the proponent wishes to relinquish the nomination, the proponent shall apply for the transfer of proponent and provide a letter with a copy of this statement endorsed by the proposed replacement proponent that the proposal will be carried out in accordance with this statement. Contact details and appropriate documentation on the capability of the proposed replacement proponent to carry out the proposal shall also be provided.
- 3-3 The nominated proponent shall notify the Department of Environment of any change of contact name and address within 60 days of such change.

4 Commencement and Time Limit of Approval

- 4-1 The proponent shall substantially commence the proposal within five years of the date of this statement or the approval granted in this statement shall lapse and be void.

Note: The Minister for the Environment will determine any dispute as to whether the proposal has been substantially commenced.

- 4-2 The proponent shall make application for any extension of approval for the substantial commencement of the proposal beyond five years from the date of this statement to the Minister for the Environment, prior to the expiration of the five-year period referred to in condition 4-1.

The application shall demonstrate that:

- 1 the environmental factors of the proposal have not changed significantly;
- 2 new, significant, environmental issues have not arisen; and
- 3 all relevant government authorities have been consulted.

Note: The Minister for the Environment may consider the grant of an extension of the time limit of approval not exceeding five years for the substantial commencement of the proposal.

5 Compliance Audit and Performance Review

5-1 The proponent shall prepare an audit program and submit monthly compliance reports to the Department of Environment which address:

1. the status of implementation of the proposal as defined in schedule 1 of this statement;
2. evidence of compliance with the conditions and commitments; and
3. the performance of the environmental management plans and programs.

Note: Under sections 48(1) and 47(2) of the *Environmental Protection Act 1986*, the Chief Executive Officer of the Department of Environment is empowered to monitor the compliance of the proponent with the statement and should directly receive the compliance documentation, including environmental management plans, related to the conditions, procedures and commitments contained in this statement.

5-2 The proponent shall submit a performance review report within three months following completion of the construction work, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority, which addresses:

1. the major environmental issues associated with the project; the targets for those issues; the methodologies used to achieve these; and the key indicators of environmental performance measured against those targets;
2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable;
3. significant improvements gained in environmental management, including the use of external peer reviews; and
4. stakeholder and community consultation about environmental performance and the outcomes of that consultation, including a report of any on-going concerns being expressed.

5-3 The proponent shall submit a report prepared by an independent auditor approved by the Department of Environment under the "Compliance Auditor Accreditation Scheme" to the Chief Executive Office of the Department of Environment on each condition/commitment of this statement which requires the preparation of a management plan, programme, strategy or system, stating whether the requirements of each condition/commitment have been fulfilled within the timeframe stated within each condition/commitment.

6 Pipeline Corridor

- 6-1 The width of the area cleared for the pipeline corridor shall not exceed 20 metres, except at borrow pits and dune crossings.
- 6-2 The alignment of the pipeline route shall overlay the existing vehicle track wherever practicable, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

7 Dune Protection

- 7-1 Where a dune crossing cannot be avoided, the pipeline shall cross the dunes perpendicularly.
- 7-2 The width of the Right of Way at dune crossings shall not exceed 20 metres.
- 7-3 Prior to ground-disturbing activities, the proponent shall advise the Department of Environment of the maximum area of disturbance at each dune crossing. The area of dune disturbance shall be minimised, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 7-4 Within two months following completion of construction, the proponent shall reinstate dunes to their original contours, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 7-5 The proponent shall provide to the Department of Environment comprehensive photographic evidence to demonstrate that management and rehabilitation of each dune is to an acceptable standard and meets the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Photographs referred to above shall be taken prior to disturbance, during construction, following rehabilitation and within one month following the first rainfall event (in excess of 20mm) after rehabilitation. The photographic evidence shall be provided to the Department of Environment within two months following the first rainfall event after rehabilitation.

- 7-6 Only excess sand from the dune cut may be permanently removed from the dunes.

8 Fauna Management (Open Trench)

- 8-1 The proponent shall undertake open trench work from April to October (inclusive) to minimise fauna deaths during construction.
- 8-2 The proponent shall limit the open trench to twenty kilometres at any one time, except when excavating in "rocky terrain" where an additional ten kilometres is permitted.

- 8-3 No part of the trench shall remain open for more than seven days, except in "rocky terrain" where the trench shall not remain open for more than 15 days.
- 8-4 The proponent shall employ at least six "fauna clearing persons", to remove fauna from the trench. One fauna clearing person shall be employed on a full-time basis for the duration of the project, and additional persons shall be employed full-time with a minimum of one person for every five kilometres of open trench. The fauna clearing persons shall be able to demonstrate suitable experience to obtain a fauna handling licence from the Department of Conservation and Land Management (CALM), with approval from CALM's Pilbara Regional Office.
- 8-5 The full length of open trench shall be cleared by "fauna clearing persons" at least once each day before 10 am.
- 8-6 "Shade shelters" shall be installed in open trenches at intervals not exceeding 100 metres.
- 8-7 "Trench plugs" shall be installed at intervals not exceeding 1000 metres in open trenches to allow fauna to exit.
- 8-8 The proponent shall pump out water in the trench (with the exception of groundwater) on a daily basis and discharge it via a mesh (to dissipate energy) to adjacent vegetated areas, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 8-9 Prior to ground-disturbing activities, the proponent shall prepare a Fauna Management Plan which includes an Adverse Weather Action Plan, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.
- 8-10 The proponent shall implement the Fauna Management Plan required by condition 8-9, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 8-11 The proponent shall make the Fauna Management Plan required by condition 8-9 publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

Definitions:

1. "Rocky terrain" means areas in the infrastructure corridor which contain material that is too hard to be excavated with the bucket-wheel trenchers and requires ripping, drilling and/or blasting of rock.
2. "Fauna clearing persons" means employees whose responsibility is to daily walk the open trench to recover and record fauna found within the open trench.

9 Northern Marsupial Mole (*Notoryctes caurinus*)

- 9-1 Prior to ground-disturbing activity, the proponent shall conduct a survey of the Northern Marsupial Mole along the length of the pipeline route, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.
- 9-2 In the event that the survey required by condition 9-1 indicates the presence of the Northern Marsupial Mole along the pipeline route, the proponent shall implement the Northern Marsupial Mole Management Plan (October 2004), to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 9-3 The proponent shall make the Northern Marsupial Mole Management Plan (October 2004), referred to in condition 9-2 publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.
- 9-4 Within three months following completion of construction, the proponent shall provide a report to the Department of Environment on the survey required by condition 9-1 and, in the event that the Northern Marsupial Mole Management Plan (October 2004) is required to be implemented by condition 9-2, the report shall indicate the success, or otherwise, of measures used in the management plan to avoid/minimise impacts on the Northern Marsupial Mole, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

10 Pipeline Contractor Management

- 10-1 The proponent shall have a management system in place to ensure that the Pipeline Contractor is aware of and compliant with the conditions and commitments of this statement. The management system shall include daily compliance inspections of the contractor's work.
- 10-2 During pipeline construction, the proponent shall prepare and submit to the Department of Environment and the Department of Conservation and Land Management a weekly Inspection Report to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

11 Vegetation Management

- 11-1 Prior to ground-disturbing activity, the proponent shall prepare a Vegetation Management Plan which includes pre-clearance surveys, land clearing procedures and weed management, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority and the Department of Conservation and Land Management.

11-2 The proponent shall implement the Vegetation Management Plan, required by condition 11-1, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

11-3 The proponent shall make the Vegetation Management Plan, required by condition 11-1 publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

12 Rehabilitation

12-1 Prior to ground-disturbing activities, the proponent shall prepare a Rehabilitation Management Plan for the pipeline corridor, lay-down areas and self-draining borrow pits, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

This Plan shall address:

- 1 significant flora species;
- 2 dune stabilisation (including matting);
- 3 dune restoration;
- 4 weed management;
- 5 soil erosion/subsidence;
- 6 monitoring; and
- 7 timelines for completion of the works.

12-2 The proponent shall implement the Rehabilitation Management Plan, required by condition 12-1, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

12-3 The proponent shall make the Rehabilitation Management Plan, required by condition 12-1 publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

13 Fire Management

13-1 Prior to ground-disturbing activities, the proponent shall prepare a Fire Management Plan to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

13-2 The proponent shall implement the Fire Management Plan, required by condition 13-1, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

13-3 The proponent shall make the Fire Management Plan, required by condition 13-1 publicly available, to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority.

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 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.
- 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.

Notes

- 1 The Minister for the Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment over the fulfilment of the requirements of the conditions.
- 2 Within this statement, to “have in place” means to “prepare, document, implement and maintain for the duration of the proposal”.
- 3 In matters regarding fauna or vegetation in conditions 8, 9 and 11, the proponent is expected to liaise with the Department of Conservation and Land Management.

Dr Judy Edwards MLA
MINISTER FOR THE ENVIRONMENT; SCIENCE

Schedule 1

The Proposal (Assessment No. 1549)

The proposal is to construct a gas pipeline to supply natural gas for on-site power generation at Nifty Copper Operations which is located in the eastern Pilbara region, approximately 350 kilometres south-east of Port Hedland as shown in Figure 1. The gas pipeline is a 46 kilometre spur line from the Port Hedland - Telfer Pipeline to Nifty Copper Operations as shown in Figure 2.

The main characteristics of the proposal are summarised in Table 1 below.

Table 1 – Key Proposal Characteristics

| Project Component | Description |
|--|--|
| Location | Nifty Copper Operations (ML271SA), 70 kilometres west of Telfer. |
| Proposed Action | Construct a buried 150 millimetre diameter gas pipeline to provide natural gas to the Nifty Copper Operations. The gas pipeline will become a spur off the Port Hedland to Telfer gas pipeline. |
| Route Alignment | The pipeline will run adjacent to the existing Nifty to Telfer vehicle track towards the Telfer Road. A detour across uncleared vegetation will occur approximately eight kilometres from the Telfer Road. |
| Route Length | 46 kilometres (approximately). |
| Proposed Tenure | Birla (Nifty) Pty Ltd has lodged a Miscellaneous Licence application with DoIR. |
| Temporary Disturbance Area | 100 hectares (approximately). |
| Area of Permanent Vegetation Clearance | 20 hectares (approximately). This is required for a permanent 4-5 metre wide vehicle inspection track. Existing disturbed areas will be used where practicable. |
| Construction Duration | 20 weeks (approximately) (clear and grade through to hydrotesting and reinstatement). Main pipe-laying activities will take approximately six weeks. |
| Duration of Operation | Remainder of mine life which is estimated to be approximately 10 to 20 years. |

Figures (attached)

Figure 1 – Location Plan

Figure 2 – Proposed Gas Pipeline

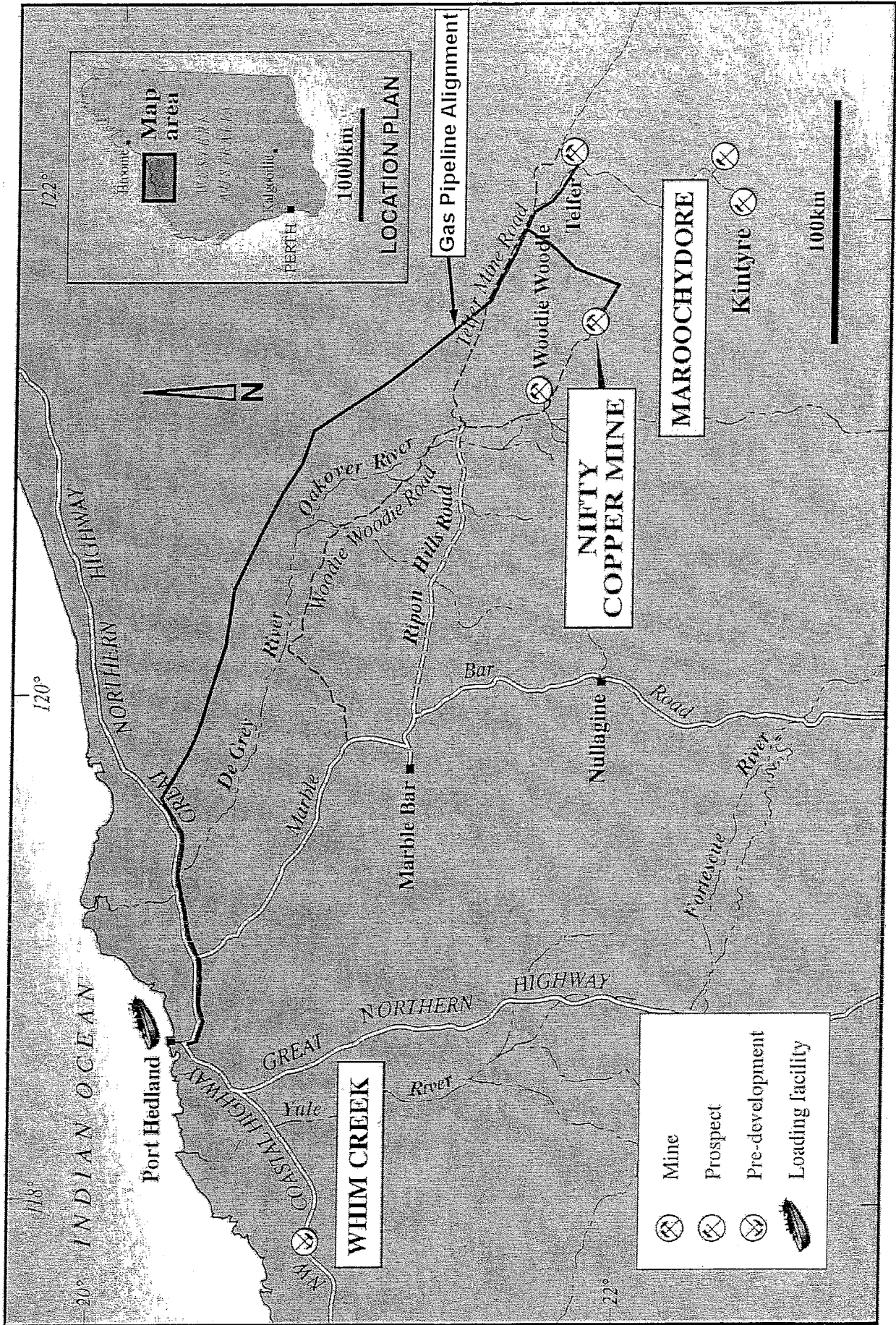


Figure 1: Location Plan

Proponent's Environmental Management Commitments

February 2005

**GAS PIPELINE TO NIFTY COPPER
OPERATIONS
GREAT SANDY DESERT**

(Assessment No. 1549)

Birla (Nifty) Pty Ltd

Proponent's Environmental Management Commitments – February 2005

GAS PIPELINE TO NIFTY COPPER OPERATIONS, GREAT SANDY DESERT (Assessment No. 1549)

Note: The term "commitment" as used in this schedule includes the entire row of the table and its six separate parts as follows:

- a commitment number;
- a commitment topic;
- the 'action' to be undertaken by the proponent;
- the objective of the commitment;
- the timing requirements of the commitment; and
- the body/agency to provide technical advice to the Department of Environment.

| No. | Topic | Action | Objective | Timing | Advice |
|-----|--------------------------|---|---|---------------------|---------------|
| 1 | Air Quality | Backfill the trench within five days following pipe laying. | To ensure that air emissions do not adversely affect the environmental values or the health, welfare and amenity of people and land uses by meeting statutory requirements. | During construction | |
| 2 | Environmental Management | Require employees and contractors to attend an approved induction program which includes a component relating to environmental management. In particular, the induction will clearly explain employee and contractors' roles and responsibilities in terms of restricting impacts on flora and fauna. | To ensure construction, operation and decommissioning phases of the gas pipeline are managed to reduce unnecessary impacts. | During construction | DoIR, CALM |

| No. | Topic | Action | Objective | Timing | Advice |
|-----|------------------|--|---|---------------------|-----------------------------|
| 3 | Erosion Control | <p>Where the risk of erosion is identified, install erosion control structures such as silt fences, diversion and collection bunds, sediment dams and holding sumps.</p> <p>Such structures will be temporary in nature and will be completely removed as part of rehabilitation of the construction area.</p> | To minimise the potential for unacceptable rates of erosion and sedimentation in high risk parts of the pipeline corridor such as dune crossings. | During construction | CSLC |
| 4 | Fauna Management | <p>Assign an Environmental Officer for the duration of the construction period to ensure that all open trench is inspected on a daily basis to remove trapped fauna.</p> <p>The Environmental Officer will ensure that sufficient suitably qualified personnel are employed to assist with daily inspection of the trench.</p> | Maintain the abundance, diversity, geographical distribution and productivity of flora and fauna at a species and ecosystem level through the avoidance or management of adverse impacts. | During construction | CALM, DoIR |
| 5 | Fauna Management | <p>Keep records identifying:</p> <ul style="list-style-type: none"> • the species of fauna found in open trench; • the location of each animal; • date observed; • status (alive or dead); and • maximum and minimum daily trench temperatures. <p>These records will be submitted to DoE and CALM on a weekly basis.</p> | To ensure that scientific information gained during the project is fully utilised and assists with planning for future development projects within the region. | During construction | CALM, DoIR, WA Museum |

| No. | Topic | Action | Objective | Timing | Advice |
|-----|---------------------|---|--|-----------------------|--------|
| 6 | Fauna Management | If fauna species of conservation significance are observed, notify CALM within 24 hours of the initial observation. | To ensure that scientific information gained during the project is fully utilised and assists with planning for future development projects within the region. | During construction | CALM |
| 7 | Heritage Management | Forward the results of the archaeological study to DIA four weeks prior to construction. | To ensure that changes to the biophysical environment do not adversely affect historical and cultural associations and to comply with relevant heritage legislation. | Prior to construction | DIA |
| 8 | Heritage Management | Request the Martu to develop and present a cultural awareness presentation to all employees and contractors employed on the pipeline as part of the overall induction, covering protection of any Aboriginal objects found and general conduct on Martu land. | To ensure that changes to the biophysical environment do not adversely affect historical and cultural associations and to comply with relevant heritage legislation. | Prior to construction | DIA |
| 9 | Heritage Management | Employ Martu monitors while initial earthworks are in progress to monitor for, and assist in identifying any Aboriginal objects found. | To ensure that changes to the biophysical environment do not adversely affect historical and cultural associations and to comply with relevant heritage legislation. | During construction | DIA |
| 10 | Heritage Management | Implement specific Aboriginal heritage management strategies (including pre-clearance surveys) to minimise the potential for construction and operational activities resulting in significant impacts. | To ensure that changes to the biophysical environment do not adversely affect historical and cultural associations and to comply with relevant heritage legislation. | During construction | DIA |

| No. | Topic | Action | Objective | Timing | Advice |
|-----|------------------|---|--|---------------------|------------|
| 11 | Waste Management | Collect putrescible and general waste generated from the pipeline corridor on a daily basis and transport it back to Nifty Copper Operations for disposal in the onsite landfill. | Ensure that wastes are contained and isolated and that recycling and reuse is maximised. | During construction | |
| 12 | Water Management | Check water quality to ensure that it is suitable for the planned use prior to removal from Nifty Copper Operations. | Ensure water use for the project does not adversely affect environmental values or the health, welfare and amenity of people and land uses by meeting statutory requirements and acceptable standards. | During construction | |
| 13 | Water Management | Reuse water between sections of the pipeline to minimise the volume of hydrostatic test water required. | Ensure emissions do not adversely affect environmental values or the health, welfare and amenity of people and land uses by meeting statutory requirements and acceptable standards. | During construction | |
| 14 | Water Management | Dispose of excess hydrostatic test water at the Nifty mine site in consultation with DoE. | Ensure emissions do not adversely affect environmental values or the health, welfare and amenity of people and land uses by meeting statutory requirements and acceptable standards. | During construction | |
| 15 | Fauna Management | Use end caps on pipes to minimise the risk of fauna entering pipes. | Maintain the abundance, diversity, geographical distribution and productivity of flora and fauna at a species and ecosystem level through the avoidance or management of adverse impacts. | During construction | CALM, DoIR |

| No. | Topic | Action | Objective | Timing | Advice |
|-----|-----------------|--|---|---------------------|--------|
| 16 | Land Management | Utilise existing disturbed areas and borrow pits in preference to creating additional disturbance or establishing new borrow pits. | Maintain the abundance, diversity, geographical distribution and productivity of flora and fauna at a species and ecosystem level through the avoidance or management of adverse impacts. | During construction | DoIR |

Abbreviations

- CALM Department of Conservation & Land Management
- CSLC Commissioner of Soil & Land Conservation
- DIA Department of Indigenous Affairs
- DoE Department of Environment
- DoIR Department of Industry & Resources