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Published on 4 March 2009:

Statement No.788

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

UTAH POINT BERTH PROJECT – PORT HEDLAND

Proposal: The proposal is to construct and operate a new shipping berth and ore stockpile facility located at Utah Point in Port Hedland.

The proposal is further documented in schedule 1 of this statement.

Proponent: Port Hedland Port Authority

Proponent Address: PO Box 2, Port Hedland 6721

Assessment Number: 1662

Report of the Environmental Protection Authority: Report 1311

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

1 Proposal Implementation

- 1-1 The proponent shall implement the proposal as assessed by Environmental Protection Authority 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 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 (CEO) of the Department of Environment and Conservation 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.

Published on:

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 of the Department of Environment and Conservation 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 prepare and maintain a compliance assessment plan to the satisfaction of the Chief Executive Officer of the Department of Environment and Conservation.
- 4-2 The proponent shall submit to the Chief Executive Officer of the Department of Environment and Conservation, the compliance assessment plan required by condition 4-1 at least 6 months prior to the first compliance report required by condition 4-6. 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 reporting of potential non-compliances and corrective actions taken;
 - 5 the table of contents of compliance reports; and
 - 6 public availability of compliance reports.
- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.
- 4-4 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 Chief Executive Officer of the Department of Environment and Conservation.

- 4-5 The proponent shall advise the Chief Executive Officer of the Department of Environment and Conservation of any potential non-compliance as soon as practicable.
- 4-6 The proponent shall submit a compliance assessment report annually from the date of issue of this Implementation Statement addressing the previous twelve month period or other period as agreed by the Chief Executive Officer of the Department of Environment and Conservation. The compliance assessment report shall:
- 1 be endorsed by the proponent's Managing Director or a person, approved in writing by the Department of Environment and Conservation, delegated to sign on the Managing Director'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.

5 Performance Review and Reporting

- 5-1 The proponent shall submit to the CEO of the Department of Environment and Conservation a Performance Review Report at the conclusion of the first, second, fourth and sixth, years after the start of implementation and then, at such intervals as the CEO of the Department of Environment and Conservation may regard as reasonable, which addresses:
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 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.

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*.

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

The Proposal (Assessment No. 1662)

The UPBP proposal consists of:

- dedicated multi-user access road (7 km) to Finucane Island including causeway widening over West Creek (Figure: 3);
- stockyard area (19 ha) on Stanley Point, Finucane Island (Figure:1) elevated perimeter road around stockyards for right-side road train dumping;
- seawalls around perimeter road to protect from storm surge and high spring tides;
- workshops, security control room, fuel storage, offices and associated infrastructure;
- clearing of 18.7 hectares of mangroves (including 1.8 hectares of closed canopy mangroves) (Figure: 2);
- potential borrow pit areas located along the access road (Figure 3);
- power supply, potable water, dust suppression, fire protection, settlement ponds and miscellaneous services;
- materials conveying system including transfer towers and sample station;
- mobile load-out hopper trains on rails over a stockyard central conveyor;
- travelling Shiploader; and
- wharf designed to accommodate Panamax and small Cape size vessels, including associated facilities and services.

at Utah Point in the Port Hedland Harbour.

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in Section 4 of the project referral document, *Port Hedland Port Authority, Utah Pont Berth Project*, Public Environmental Review, prepared by Sinclair Knight Merz, Perth, Western Australia (June 2008).

Table 1: Summary of Key Proposal Characteristics

Element	Description
Total area of proposed disturbance	<ul style="list-style-type: none"> • Maximum total area to be disturbed is approx. 87 ha including (Figure 1 and 3); • access road approx. 35 ha comprised of two sealed 3.5 m lanes with a 1 metre sealed shoulder and a 1 m unsealed shoulder; • stockyard area approx of 19 ha (approximately • 1 000 m long and 200 m wide, 10 m wide elevated perimeter ring road constructed at 11.5 m Chart datum); • wharf development approx. 3 ha; • connecting area wharf to stockyards approx. 4.5 ha; and • potential borrow and spoil areas approx. 25 ha.

Mangrove habitat protection	<ul style="list-style-type: none"> • Total mangrove clearance approx. 18.7 ha (including approx 1.8 ha of closed canopy mangroves) as depicted in (Figure 2).
Dust suppression	<ul style="list-style-type: none"> • stackers are to be fitted with boom water spray heads to minimise dust emissions; and • shiploading is to be conducted with a ‘Cleveland Cascading Chute’ (or equivalent).
Noise suppression	<ul style="list-style-type: none"> • the use of recognised ‘best practice’ enclosed drives for conveyors, stackers and ship loaders; and; and • the provision of specific acoustic treatments (to any residences in Wedgefield Industrial Estate that are identified as being adversely affected by increased noise levels from ore trucks en-route to the UPBP)
Stormwater management	<ul style="list-style-type: none"> • construction of a seawall at 11.5 meters Chart Datum to isolate the stockyard area from the mangrove systems and to protect facility from storm surge and high tides; • stockyard construction is to be constructed to finished level 11.5 m Chart datum also; • internal drainage system designed to retain all runoff on-site and have the capacity to deal with cyclonic conditions; • construction of a lined recirculation water pond that that will have a storage capacity of approximately 50 000 m³; and • installation of a impervious ‘geotechnical barrier’ 500 – 700mm beneath the surface of the stockyards to prevent infiltration of potential contaminants to groundwater.

Figures:

Figure 1: Stockyard Design and Water Catchment Locations

Figure 2: Stockyard Design in relation to Mangrove Assemblages at the UPBP Site

Figure 3: Causeway Design and Potential Borrow Pit Locations

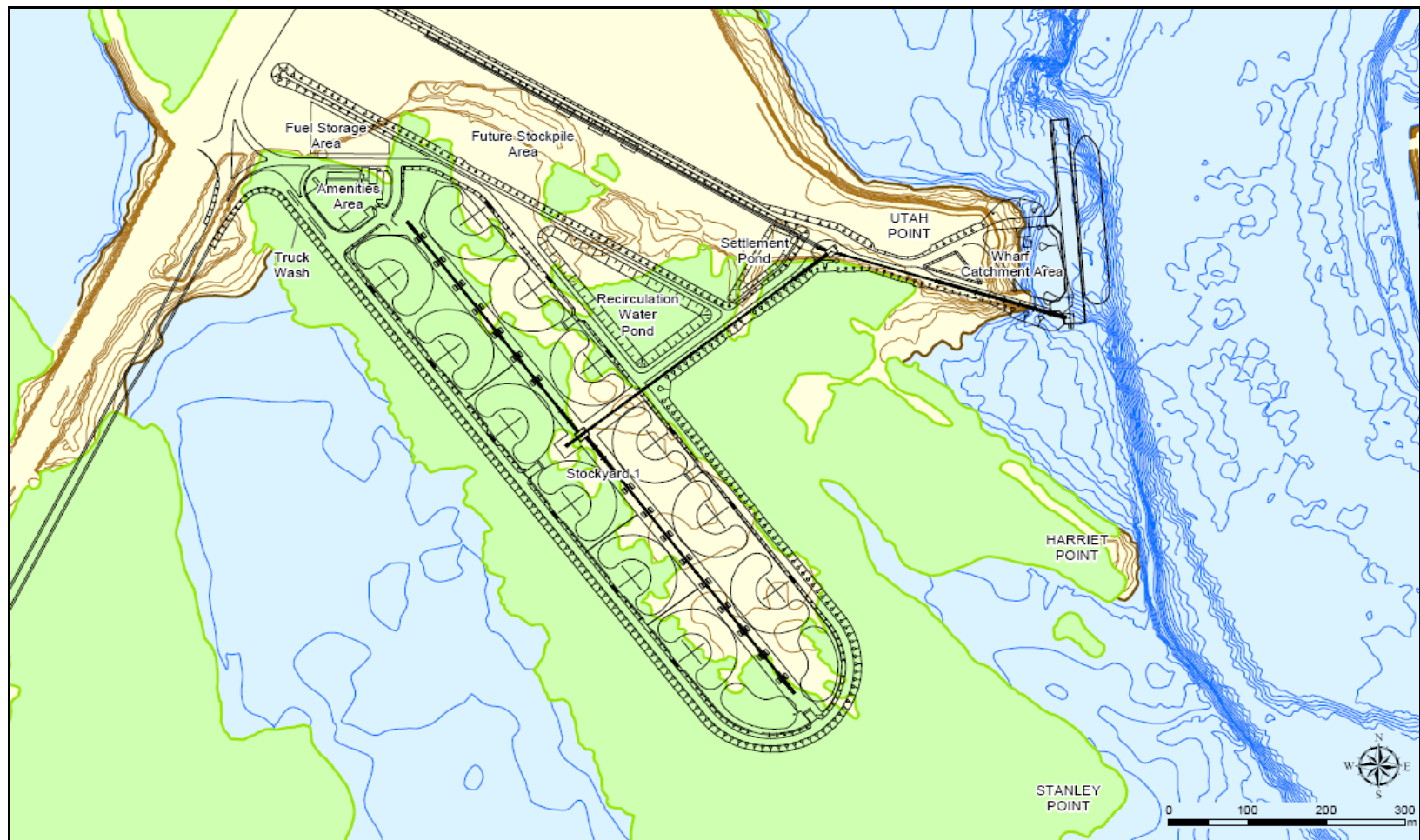


Figure 1 : Stockyard Design and Water Catchment Locations

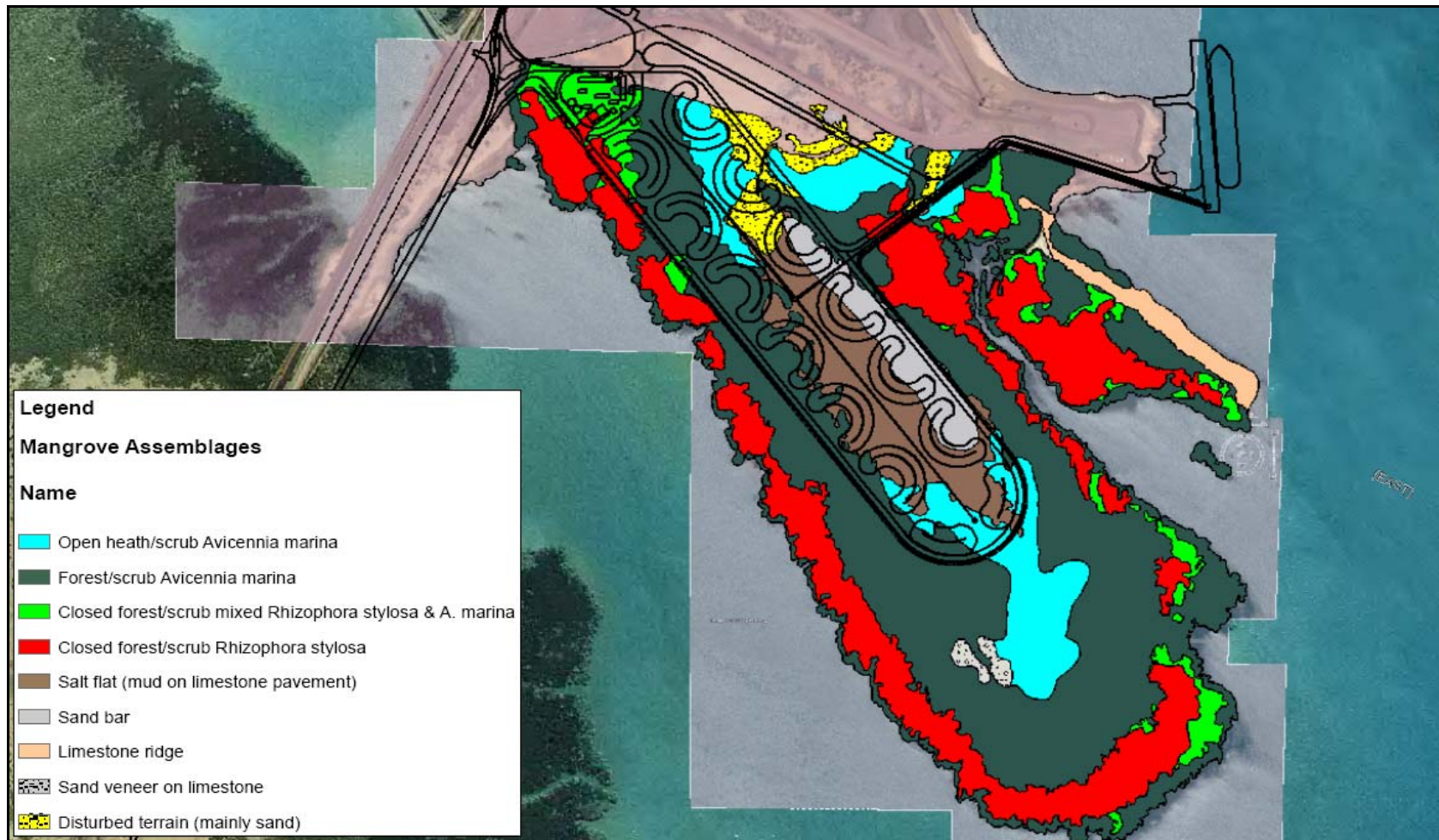


Figure 2 : Stockyard Design in relation to Mangrove Assemblages At The UPBP Site

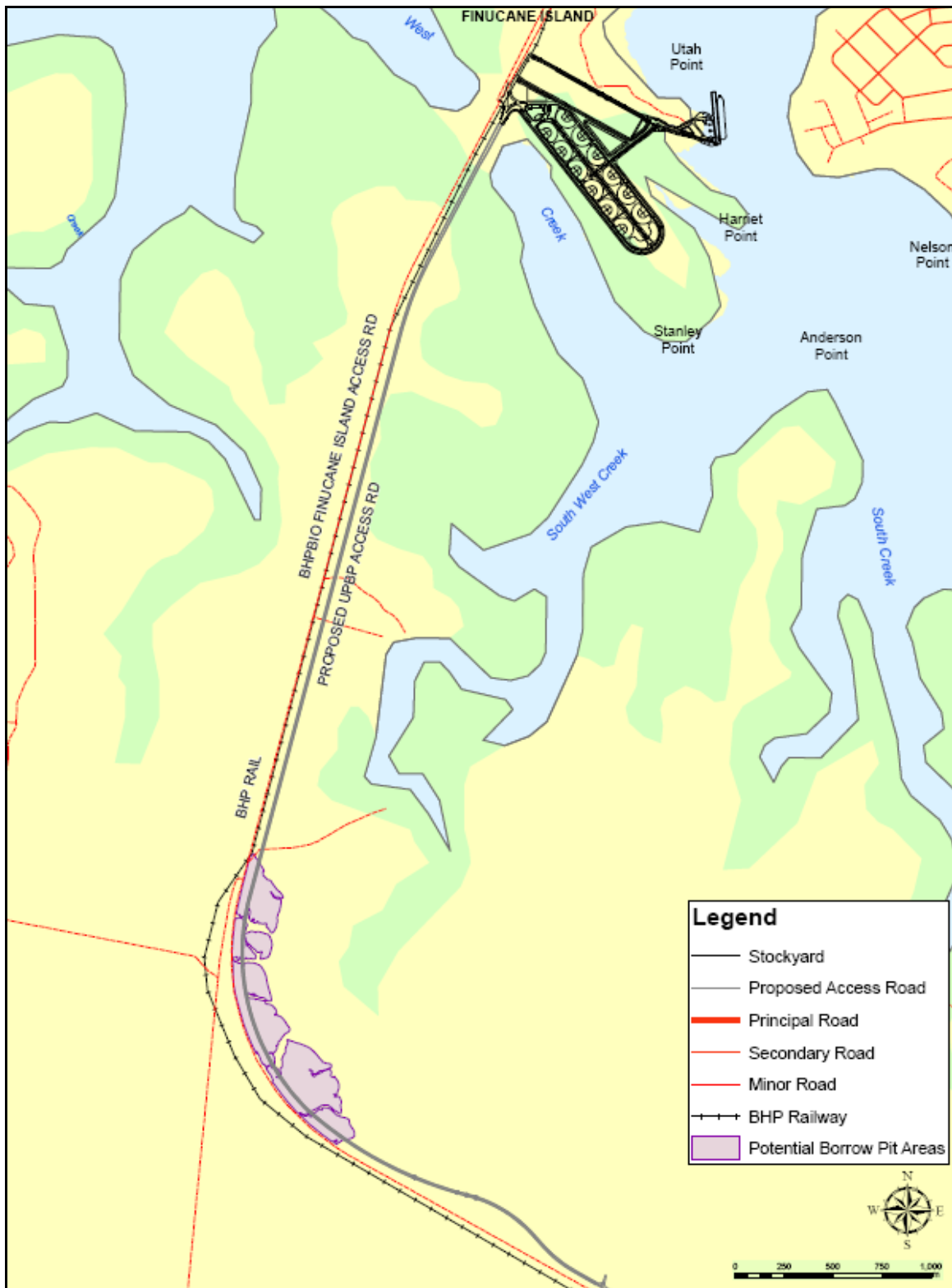


Figure 3 : Causeway Design and Potential Borrow-pit Locations

Attachment 1 to Ministerial Statement 788

Change to proposal approved under section 45C of the *Environmental Protection Act 1986*

This Attachment replaces Schedule 1 in Ministerial Statement 788

Proposal: Utah Point Berth Project – Port Hedland

Proponent: Port Hedland Port Authority

Changes: Removal of the references to Dust suppression, Noise suppression and Stormwater management from the key characteristics table.

Table 1: Summary of the Proposal

Proposal Title	Utah Point Berth Project – Port Hedland
Short Description	<p>The proposal is to construct and operate a new shipping berth and ore stockpile facility located at Utah Point in Port Hedland (Figure 1). The proposal consists of:</p> <ul style="list-style-type: none">• dedicated multi-user access road (7 km) to Finucane Island including causeway widening over West Creek (Fig. 3);• stockyard area (19 ha) on Stanley Point, Finucane Island (Fig. 1) and elevated perimeter road around stockyards for right-side road train dumping;• seawalls around perimeter road to protect from storm surge and high spring tides;• workshops, security control room, fuel storage, offices and associated infrastructure;• clearing of 18.7 hectares of mangroves (including 1.8 hectares of closed canopy mangroves) (Fig. 2);• potential borrow pit areas located along the access road (Fig. 3);• power supply, potable water, dust suppression, fire protection, settlement ponds and miscellaneous services;• materials conveying system including transfer towers and sample station;• mobile load-out hopper trains on rails over a stockyard central conveyor;• travelling Shiploader; and• wharf designed to accommodate Panamax and small Cape size vessels, including associated facilities and services.

Table 2: Location and authorised extent of physical and operational elements

Element	Location	Previously Authorised Extent	Authorised Extent
Total area of proposed disturbance	Figures 1 and 3	<p>Maximum total area to be disturbed is approximately 87 ha including:</p> <ul style="list-style-type: none"> • access road approximately 35 ha of two sealed 3.5 m lanes with a 1 m sealed shoulder and a 1 m unsealed shoulder; • stockyard area of approximately 19 ha (approximately 1,000 m long and 200 m wide, 10 m wide elevated perimeter ring road constructed at 11.5 m Chart datum); • wharf development of approximately 3 ha; • connecting area from the wharf to the stockyard is approximately 4.5 ha; and • potential borrow pits and spoil areas are approximately 25 ha. 	<p>Maximum total area to be disturbed is approximately 87 ha including:</p> <ul style="list-style-type: none"> • access road approximately 35 ha of two sealed 3.5 m lanes with a 1 m sealed shoulder and a 1 m unsealed shoulder; • stockyard area of approximately 19 ha (approximately 1,000 m long and 200 m wide, 10 m wide elevated perimeter ring road constructed at 11.5 m Chart datum); • wharf development of approximately 3 ha; • connecting area from the wharf to the stockyard is approximately 4.5 ha; and • borrow pits and spoil areas are approximately 25 ha.
Mangrove habitat protection	Figure 2	Total mangrove clearance is approximately 18.7 ha (including 1.8 ha of closed canopy mangroves).	Total mangrove clearance is approximately 18.7 ha (including 1.8 ha of closed canopy mangroves).
Dust suppression	N/A	<ul style="list-style-type: none"> • Stackers are to be fitted with boom water spray heads to minimize dust emissions; and • Shiploading is to be conducted with a 'Cleveland Cascading Chute' (or equivalent). 	Removed as all construction activities have been completed and dust emissions during operation are regulated by a Licence issued under Part V of the <i>Environmental Protection Act 1986</i>.
Noise suppression	N/A	<ul style="list-style-type: none"> • The use of recognised 'best practice' enclosed drives for conveyors, stackers and ship loaders; and • The provision of specific acoustic treatments (to any residences in Wedgefield Industrial Estate that are identified as being adversely affected by increased noise levels from ore trucks en-route to the Utah Point Berth Project. 	Removed as all construction activities have been completed and noise emissions during operation are regulated under the <i>Environmental Protection (Noise) Regulations 1997</i>.
Stormwater management	N/A	<ul style="list-style-type: none"> • Construction of a seawall at 11.5 m Chart Datum to isolate the stockyard area from the mangrove systems 	Removed as all construction activities have been completed and stormwater management is regulated by a Licence issued under Part

Element	Location	Previously Authorised Extent	Authorised Extent
		and to protect facility from, storm surge and high tides; • Stockyard construction is to be constructed to finished level 11.5 m Chart Datum; • Internal drainage system designed to retain all runoff on-site and have the capacity to deal with cyclonic conditions; • Construction of a lined reticulation water pond that will have a storage capacity of approximately 50,000 m ³ ; and • Installation of an impervious 'geotechnical barrier' 500-700 mm beneath the surface of the stockyard to prevent infiltration of potential contaminants to groundwater.	V of the <i>Environmental Protection Act 1986</i>.

Note: Text in **bold** in Table 2 indicates a change to the proposal.

Table 3: Abbreviations

Term or Phrase	Definition
m	metre
ha	hectare
m ³	cubic metre
mm	millimetre

Figures and Tables (attached)

- Figure 1 Utah Point Berth Project Development Envelope
 Figure 2 Mangrove Assemblages at Utah Point Berth Project
 Figure 3 Stockyard and Wharf, Causeway Design, and Borrow and Spoil Areas

Geographic spatial data coordinates

Coordinates defining the Utah Point Berth Development Envelope are held by the Office of the Environmental Protection Authority, Document Reference Number 2015 – 1449461529135, dated 7 December 2015.

[Signed 14 December 2015]

Dr Tom Hatton

CHAIRMAN

Environmental Protection Authority
 under delegated authority

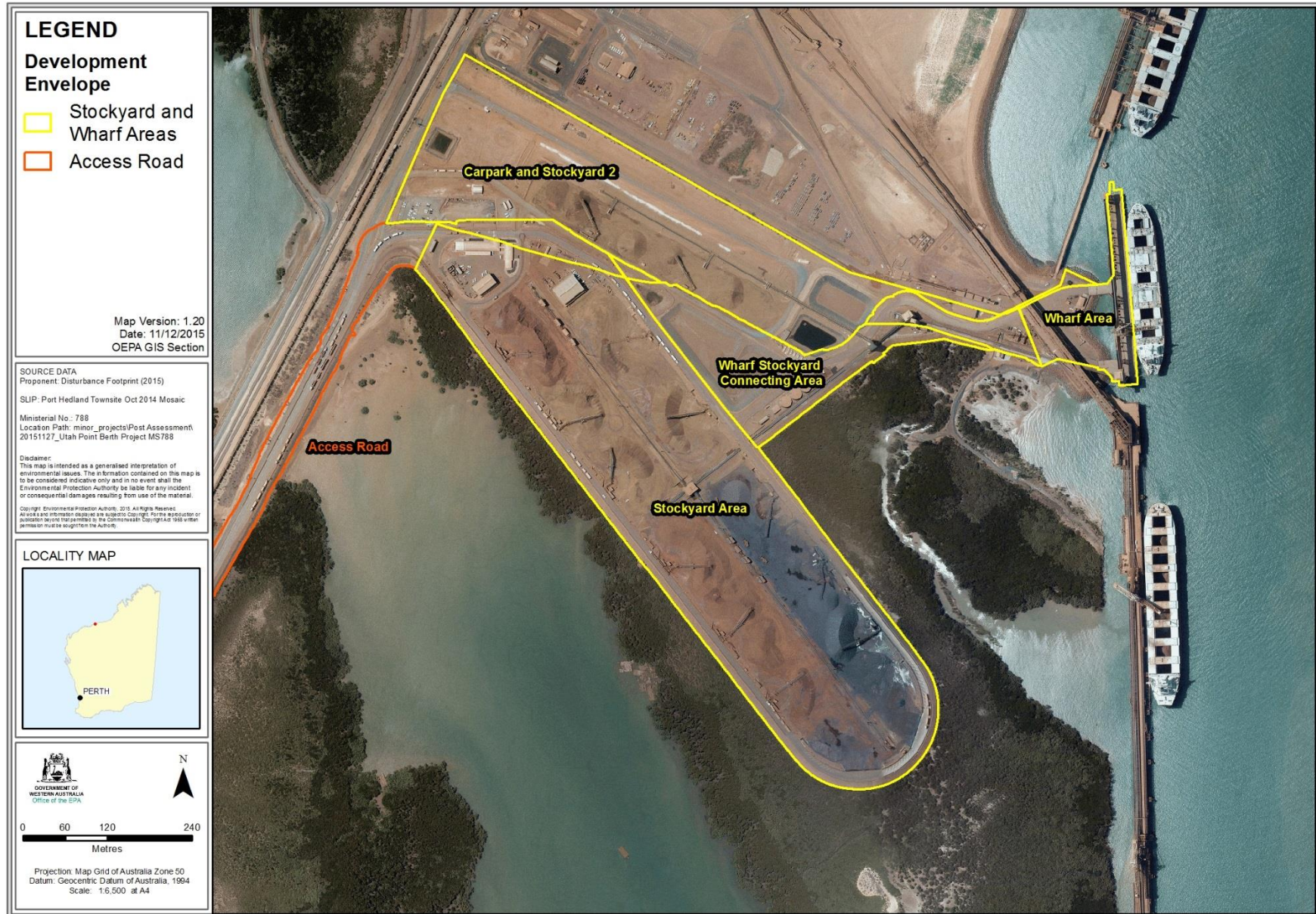


Figure 1 Utah Point Berth Project Development Envelope

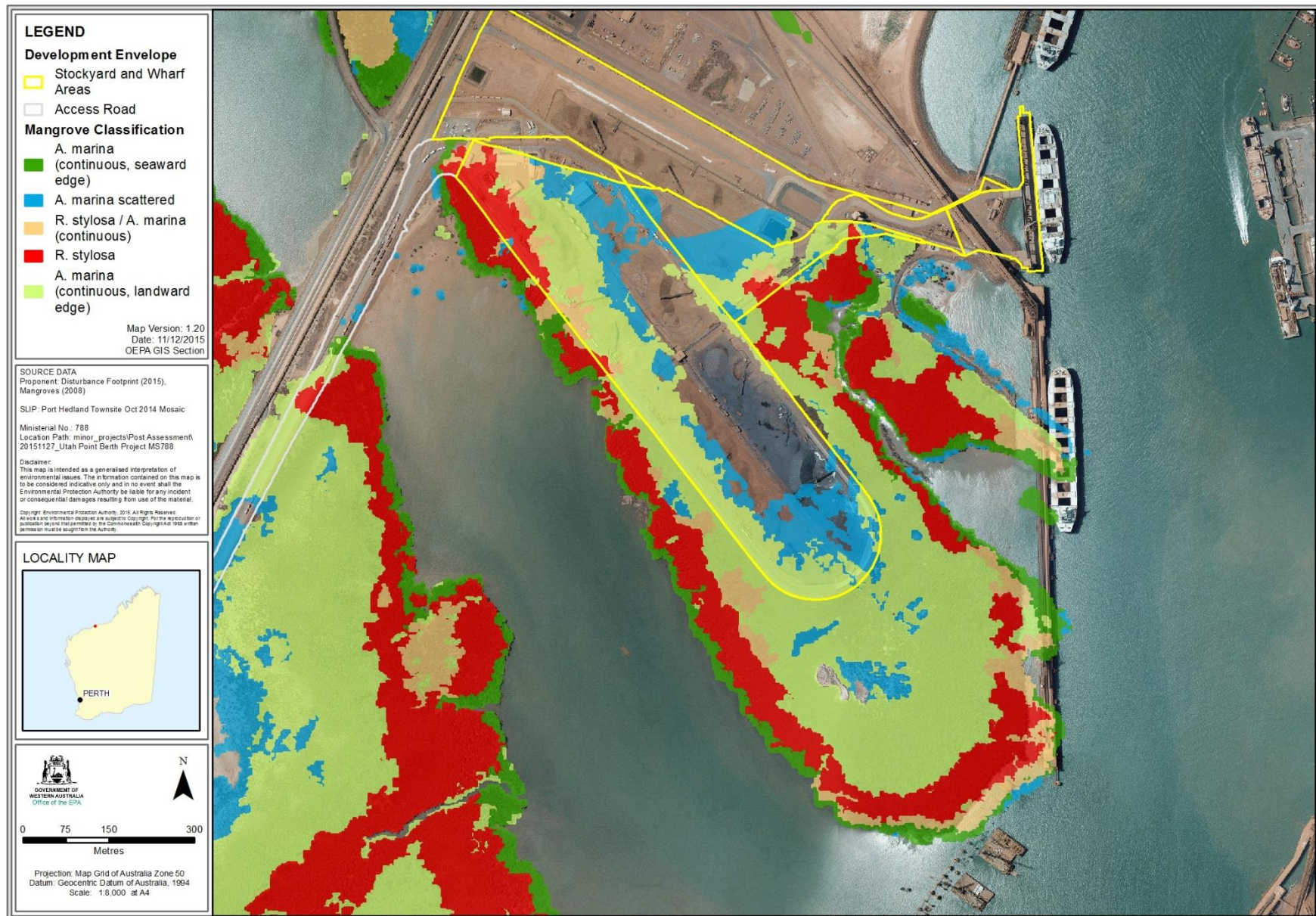


Figure 2 Mangrove Assemblages at Utah Point Berth Project



Figure 3 Stockyard and Wharf, Causeway Design, and Borrow and Spoil Areas