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Published on: 12 May 2014

Statement No: 967

RECOMMENDED ENVIRONMENTAL CONDITIONS**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)****LUMSDEN POINT GENERAL CARGO FACILITY**

Proposal: The proposal is to develop and operate a general cargo facility within the Port Hedland inner harbour, within the Town of Port Hedland, as documented in Schedule 1 of this statement.

Proponent: Port Hedland Port Authority
Australian Company Number 94 987 448 870

Proponent Address: PO Box 2
Port Hedland WA 6271

Assessment Number: 1987

Report of the Environmental Protection Authority Number: 1503

This Statement authorises the implementation of the proposal described and documented in Columns 1 and 2 of Table 2 of Schedule 1. The implementation of the proposal is subject to the following implementation conditions and procedures and Schedule 2 details definitions of terms and phrases used in the implementation conditions and procedures.

1 Proposal Implementation

- 1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal has been approved under the EP Act.

2 Contact Details

- 2-1 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 28 days of such change. Where the proponent is a corporation or an
- 2-2 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.

3 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after the expiration of 5 years from the date of this statement, and any commencement, within this 5 year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within 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 5 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 CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by condition 4-1 at least six months prior to the first compliance assessment report required by condition 4-6, or prior to implementation, whichever is sooner.

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.
- 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 CEO.
 - 4-5 The proponent shall advise the CEO of any potential non-compliance within seven days of that potential non-compliance being known.
 - 4-6 The proponent shall submit to the CEO the first compliance assessment report 15 months from the date of issue of this Statement addressing the 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.

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.

5 Public Availability of Data

5-1 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)) relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in condition 5-1 contains 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 this data publically available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publically available.

6 Benthic Communities and Habitat – Mangrove

6-1 The proponent shall ensure that the implementation of the proposal does not cause the loss of mangrove communities to exceed the authorised extent set out in Column 3 of Table 2 in Schedule 1.

6-2 To verify the requirements of condition 6-1 are met, prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall submit a Mangrove Monitoring and Management Plan which is to be approved by the CEO.

6-3 The Mangrove Monitoring and Management Plan required by condition 6-2 shall:

- (1) detail the alignment, dimensions and locations of the proposal elements as referred to in Columns 1 and 2 of Table 2 in Schedule 1, within the development envelope shown in Figure 1;

- (2) detail the construction and operational management measures to ensure that the proposal will not result in indirect impacts to mangrove communities;
 - (3) include monitoring protocols and locations described in the *Mangrove Health Monitoring Program* as a component of *Lumsden Point General Cargo Facility Construction and Dredge Management Plan* (September 2013), to demonstrate that the proposal will not result in indirect impacts to mangrove communities beyond the authorised extent in Column 3 of Table 2 in Schedule 1;
 - (4) include indicators and trigger levels for monitoring the health of mangrove communities as described in the *Mangrove Health Monitoring Program* as a component of *Lumsden Point General Cargo Facility Construction and Dredge Management Plan* (September 2013); and
 - (5) include the corrective actions that will be implemented in the event that the implementation of the proposal causes the triggers identified in condition 6-3(4) not met as described in the *Mangrove Health Monitoring Program* as a component of *Lumsden Point General Cargo Facility Construction and Dredge Management Plan* (September 2013).
- 6-4 Prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall implement the approved Mangrove Monitoring and Management Plan, or a revised version, required by condition 6-2.
- 6-5 In the event that trigger levels identified in condition 6-3(4) are exceeded, as a result of the implementation of the proposal, the proponent shall report the findings to the CEO within fourteen (14) days, along with a description of the corrective management actions to be taken.
- 6-6 The proponent shall implement the actions identified in condition 6-5 until the CEO determines that the remedial actions may cease.
- 6-7 The proponent shall submit spatial data showing the realised extent of mangrove loss caused by implementation of the proposal has not exceeded the requirements of condition 6-1 to the CEO, within:
- a) six months; and
 - b) five years;
- of completion of construction, unless otherwise approved by the CEO.

7 Marine Environmental Quality – Dewatering from dredge material management areas

- 7-1 The proponent shall ensure that the quality of the return water discharge from the Dredge Material Management Areas shown in Figure 1 of Schedule 1 is consistent with a 'high' level of ecological protection (as defined in the table below) in South Creek and South East Creek.

Water quality parameter	Management trigger levels (High Protection Level Area)
Turbidity (NTU)	Median > 80 th percentile of the control sites
Temperature	Median < 20 th or > 80 th percentile of the control sites
pH	Median < 20 th or > 80 th percentile of the control sites
Dissolved Oxygen	< 60% saturation
Conductivity	Median < 20 th or > 80 th percentile of the control sites
Metals (Arsenic, Chromium, Copper, Nickel and Zinc)	99% species protection trigger level* or an alternative level as approved by the CEO** <i>(weekly monitoring for the first four weeks)</i>

*ANZECC and ARMCANZ (2000)

** Proposed alternatives need to be supported with relevant baseline information including sampling and analysis methodologies.

- 7-2 To ensure that the requirements of condition 7-1 have been met, prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall prepare and submit a Marine Water Quality Monitoring Plan for approval by the CEO.
- 7-3 The Marine Water Quality Monitoring Plan required by condition 7-2 shall:
- (1) include the design of a survey to acquire sufficient baseline data:
 - a. at control sites within South Creek and South East Creek; and
 - b. unimpacted reference sites;
 for the water quality parameters detailed in condition 7-1;
 - (2) include water quality monitoring locations in the South Creek and South East Creek as shown in Figure 1, any control sites identified in 7-3(1)a and reference sites identified in 7-3(1)b, with coordinates and detailed on a map of suitable scale;
 - (3) include daily monitoring for turbidity (NTU), temperature, pH, dissolved oxygen, and conductivity, during discharge activities under a range of tidal conditions;
 - (4) include weekly monitoring of metals for an initial four weeks, commencing at the beginning of the return water discharge;
 - (5) include the application of the water quality management trigger levels based for a 'high' level of ecological protection detailed in condition 7-1, or approved alternative;
 - (6) include contingency management measures that will be implemented in the event that a 'high' level of ecological protection is not being

achieved in the South Creek and South East Creek as result of the proposal; and

- (7) include procedures for reporting the results of water quality monitoring, exceedance of any water quality trigger levels and effectiveness of the contingency management measures.

7-4 Prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall implement the approved Marine Water Quality Monitoring Plan required by condition 7-2.

[Signed 12 May 14]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	Lumsden Point General Cargo Facility
Short Description	<p>The proposal is to undertake dredging and construction to develop and operate a general cargo facility at Lumsden Point, located in the Port of Port Hedland (Figure 1).</p> <p>The infrastructure within the development envelope includes:</p> <ul style="list-style-type: none"> • Two Handymax berths with a total length of 500 m; • Dredging for access channel and berth pockets; • Development of land immediately behind the berths; and • Establishment of causeway for access from land-based facilities to the wharf area.

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Clearing and disturbance for: <ul style="list-style-type: none"> • land-backed wharf • causeway, • berths, • temporary pipeline corridor; and • discharge channels. 	Located within the development envelope as shown in Figure 1.	Total area of disturbance up to 51 ha within the development envelope, including up to 10.6 ha mangrove communities within the intertidal zone.
Dredging for; <ul style="list-style-type: none"> • berths pockets, • shipping channel and turning basin. Reclamation for land-backed wharf.	Located within the development envelope as shown in Figure 1.	Up to two million m ³ of material to be dredged. Maximum depth of -12 m chart datum for shipping channel and -13.5 m chart datum for berth pockets.
Discharge from dewatering.	Located within the development envelope as shown in Figure 1. From Dredge Material Management Area (DMMA) C and DMMA B-North.	To meet the 'high' ecological protection level or approved alternative in South and South East Creek.

Table 3: Abbreviations

Abbreviation	Term
ha	hectares
km	kilometres
m	metres

Abbreviation	Term
DMMA	Dredge Material Management Areas

Figures (attached)

Figure 1 - Location and layout Lumsden Point General Cargo Facility

Figure 2 - Proposal key infrastructure components

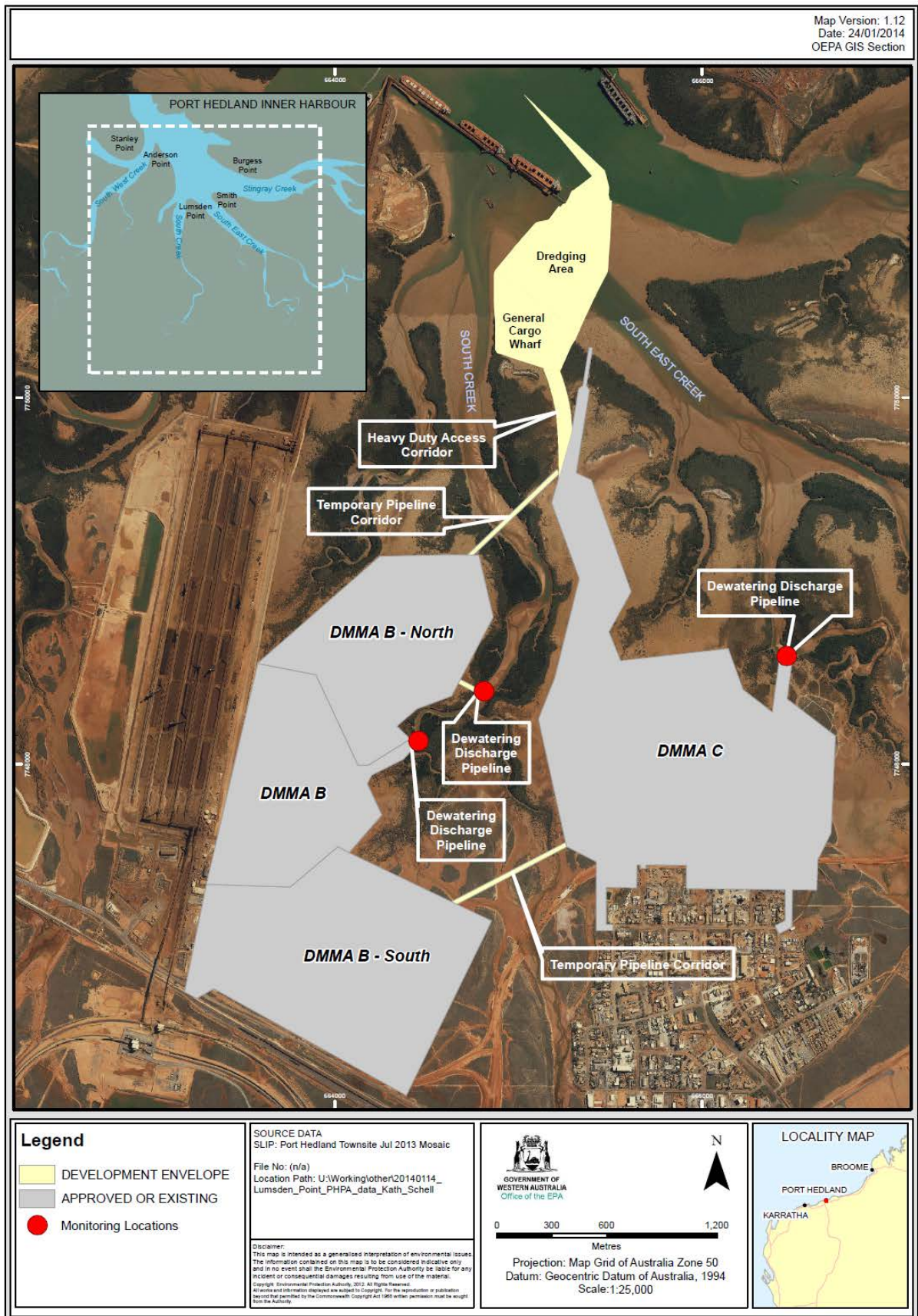


Figure 1: Location and layout of Lumsden Point General Cargo Facility

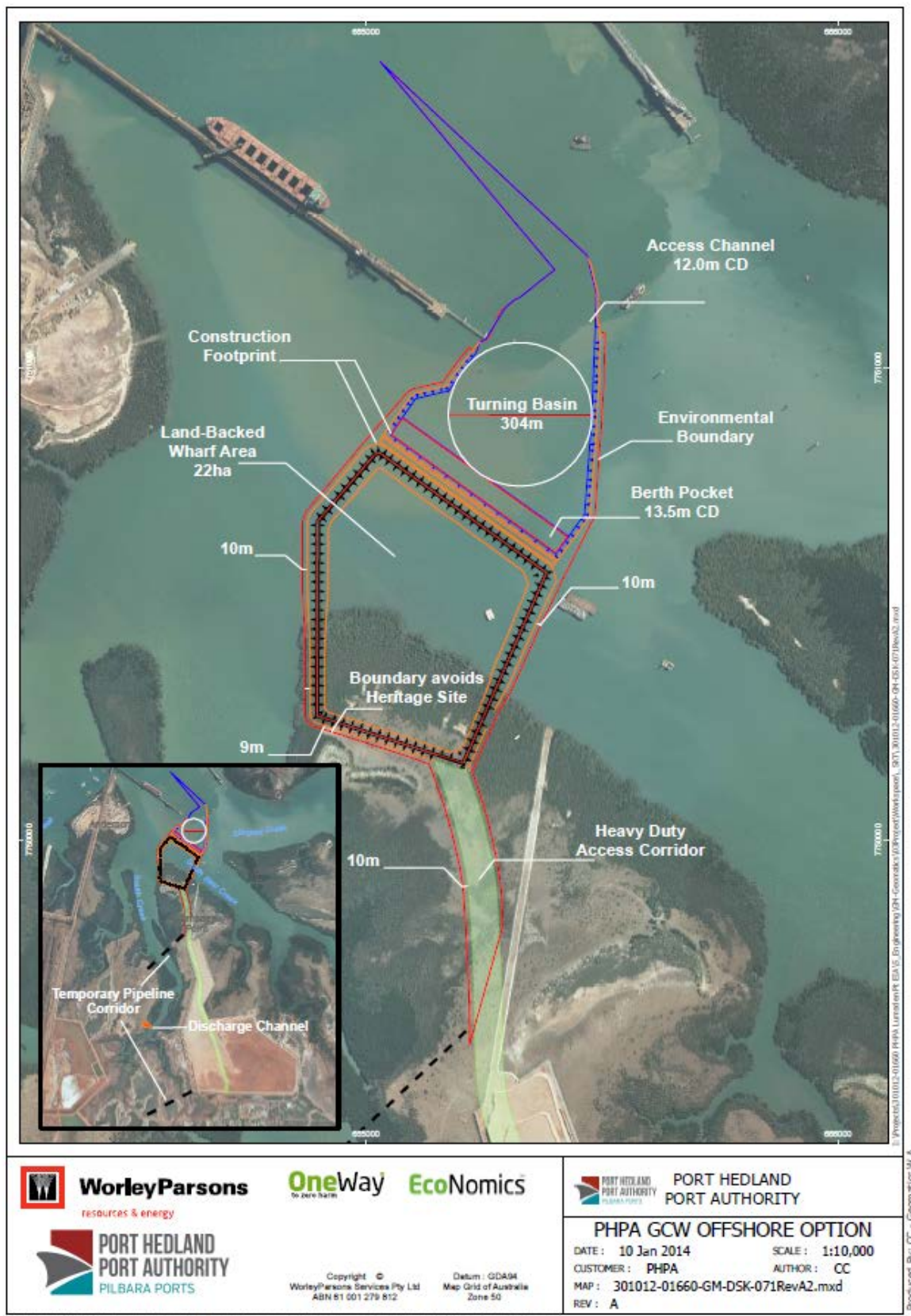


Figure 2: Proposal key infrastructure components

Schedule 2

Term or Phrase	Definition
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
ANZECC guidelines	Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand 2000, Australian Water Quality Guidelines for Fresh and Marine Waters

LUMSDEN POINT GENERAL CARGO FACILITY

Coordinates that define the project development envelope

Coordinates defining the Development Envelopes as shown in Figure 1 of the Ministerial statement are held by the Office of the EPA, dated 4 February 2014.

Notes

The following notes are provided for information and do not form a part of the implementation conditions of the Statement:

1. The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
2. If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
3. To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
4. The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time the Statement was signed by the Minister for Environment.

Attachment 1 to Ministerial Statement 967

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

This Attachment replaces Schedule 1 and Schedule 3 of Ministerial Statement 967

Proposal: Lumsden Point General Cargo Facility

Proponent: Pilbara Ports Authority

Changes:

- Include a 139.46 hectare development envelope for the temporary pipeline corridor;
- Include DMMA B as a location for dewatering discharge; and
- Update Figure 1 and delineation coordinates.

Table 1: Summary of the Proposal

Proposal Title	Lumsden Point General Cargo Facility
Short Description	<p>The proposal is to undertake dredging and construction to develop and operate a general cargo facility at Lumsden Point, located in the Port of Port Hedland (Figure 1).</p> <p>The infrastructure within the development envelope includes:</p> <ul style="list-style-type: none">• Two Handymax berths with a total length of 500 m;• Dredging for access channel and berth pockets;• Development of land immediately behind the berths; and• Establishment of causeway for access from land-based facilities to the wharf area.

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

Element	Location	Previously Authorised Extent	Authorised Extent
Clearing and disturbance for: <ul style="list-style-type: none">• land-backed wharf• causeway (heavy duty access corridor),• berths,• temporary pipeline corridor; and• discharge channels.	Located within the development envelope as shown in Figure 1.	Total area of disturbance up to 51 ha within the development envelope, including up to 10.6 ha mangrove communities within the intertidal zone.	Total area of disturbance up to 51 ha within the 189.79 ha development envelope, including up to 10.6 ha of mangrove communities within the intertidal zone. The development envelope includes 139.46 ha in which temporary pipelines will be located.
Dredging for; <ul style="list-style-type: none">• berths pockets,• shipping channel and turning basin. Reclamation for land-backed wharf	Located within the development envelope as shown in Figure 1.	Up to two million m ³ of material to be dredged. Maximum depth of -12 m chart datum for shipping channel and -13.5 m chart datum for berth pockets.	Up to two million m ³ of material to be dredged. Maximum depth of -12 m chart datum for shipping channel and turning basin , and -13.5 m

Attachment 1 to Ministerial Statement 967

Element	Location	Previously Authorised Extent	Authorised Extent
			chart datum for berth pockets.
Discharge from dewatering.	Located within the development envelope as shown in Figure 1. From Dredge Material Management Area (DMMA) C, DMMA B and DMMA B North.	To meet the 'high' ecological protection level or approved alternative in South and South East Creek.	To meet the 'high' ecological protection level or approved alternative in South and South East Creek.

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

Table 3: Abbreviations

Abbreviation	Term
DMMA	Dredge Material Management Area
ha	hectares
km	kilometres
m	metres
m ³	cubic meters

List of Replacement Figures – Figure 1 is deleted and replaced with the following:

Figure 1: Lumsden Point General Cargo Facility Development Envelope and Dewatering Discharge Locations

Coordinates that delineate the Proposal Development Envelope

Coordinates defining the development envelope for this proposal are held by the Department of Water and Environmental Regulation (DWERDA-001602).

[Signed 21 July 2017]

Dr Tom Hatton

CHAIRMAN

Environmental Protection Authority
under delegated authority

Approval date: _____

Attachment 1 to Ministerial Statement 967

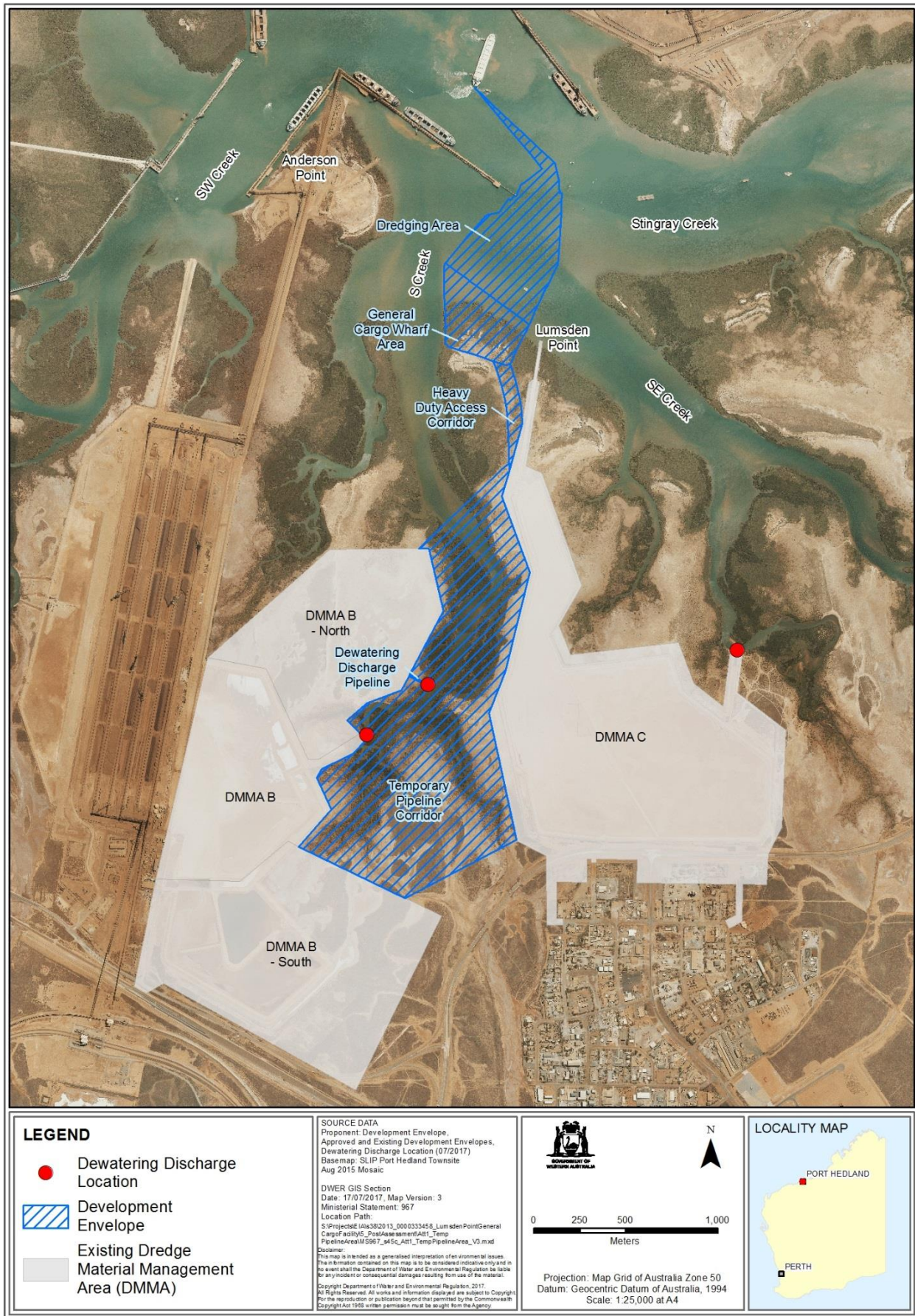


Figure 1: Lumsden Point General Cargo Facility Development Envelope and Dewatering Discharge Location