

MINISTER FOR ENVIRONMENT

ROY HILL INFRASTRUCTURE RAILWAY, SHIRE OF ASHBURTON, SHIRE OF EAST PILBARA, TOWN OF PORT HEDLAND – PROPOSAL UNDER S46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986* TO AMEND CONDITION 5-1 OF MINISTERIAL STATEMENT 847

I refer to your letter of 2 February 2011 requesting the Environmental Protection Authority (EPA) inquire into and report to you under section 46(1) of the *Environmental Protection Act 1986* on Roy Hill Infrastructure Pty Ltd's proposed changes to the environmental conditions for Roy Hill Infrastructure Railway (Ministerial Statement 847).

The following is the EPA's Report and Recommendations (No. 1400) to you pursuant to section 46(6) of the *Environmental Protection Act 1986*.

Introduction

The proponent, Roy Hill Infrastructure Pty Ltd, was granted approval (Ministerial Statement 847, 29 November 2010) to construct a railway and associated infrastructure to transport iron ore from the Roy Hill Mine to Port Hedland. The proponent was subsequently unable to obtain permission from third party mining lease holders to construct the railway as approved, and submitted an application to the EPA Chairman to amend the alignment of the railway corridor (approval corridor) under section 45C of the *Environmental Protection Act 1986*. Because several implementation conditions of Ministerial Statement 847 relate to the original alignment, the proponent also wrote to you on 14 January 2011 to request that Condition 5-1 of Ministerial Statement 847, which specifically relates to the original proposal, be changed so that it would be consistent with the amended alignment, should it be approved.

The proposed amended alignment, the Bonney Downs Rail Alignment, was considered unlikely to have a significant detrimental effect on the environment different from or additional to the original proposal, and was approved under section 45C of the *Environmental Protection Act 1986* (Attachment 1 of Ministerial Statement 847).

This report provides the EPA's recommendation to the Minister for Environment as to whether Condition 5-1 of Ministerial Statement 847 should be changed.

Discussion

During the evaluation of the request to change the proposal under section 45C, the Office of the Environmental Protection Authority sought advice from the Department of Water and the Department of Environment and Conservation. It was concluded that the proposed Bonney Downs Rail Alignment corridor was unlikely to have a significant detrimental effect on the environment different from or additional to the original proposal, and that any potential effects can be adequately managed under the existing conditions of Ministerial Statement 847, with the exception of Condition 5-1.

Condition 5-1 of Ministerial Statement 847 requires the proponent to ensure the final alignment of the railway is within the approved railway corridor defined by the geographical information system (GIS) co-ordinates listed in the original referral document *Roy Hill Infrastructure Pty Ltd, Roy Hill Infrastructure Railway Environmental Referral Document* (October, 2010). The proponent has requested that Condition 5-1 be changed so that it refers to the GIS co-ordinates of the amended alignment, the Bonney Downs Rail Alignment, as listed in the document *Roy Hill Infrastructure Pty Ltd, Roy Hill Infrastructure Railway - Ministerial Statement 847 – Bonney Downs Rail Alignment – Proposed Change to Existing Environmental Approval, 100-RH-3000-EN-REP-2001*, 18 May 2011.

EPA Recommendation

That the existing condition 5-1 in Ministerial Statement 847 be replaced with:

- 5-1 The proponent shall ensure that the final rail alignment is within the approval corridor as indicated by the GIS co-ordinates and figure contained in Appendix A of *Roy Hill Infrastructure Pty Ltd, Roy Hill Infrastructure Railway - Ministerial Statement 847 – Bonney Downs Rail Alignment – Proposed Change to Existing Environmental Approval, 100-RH-3000-EN-REP-2001*, 18 May 2011.

Dr Paul Vogel
CHAIRMAN

May 2011