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Published on 7 October 2009

Statement No. 809

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

**WHEELARRA HILL MINE MODIFICATION
SHIRE OF EAST PILBARA**

Proposal: The proposal is for an increase in the mining rate from approximately 12 Mtpa to 45 Mtpa. The Wheelarra Hill Mine located approximately 40 km from Newman. The proposal includes clearing of an additional 580 ha of vegetation. The required water supply would increase from 3,750 kL per day to 11,800 kL per day. The proposal also involves the construction of a new rail spur and loop and Train Load-out facilities as well as the upgrading of existing 66 kV power line and installation of a second line.

Proponent: BHP Billiton Iron Ore Pty Ltd

Proponent Address: St Georges Square, 225 St Georges Tce, Perth WA 6000

Assessment Number: 1796

Previous Assessment Numbers: 035, 917, 1558.

Previous Statement Numbers: 22 (superseded), 385 (superseded), 683.

Report of the Environmental Protection Authority: 1335

Previous Reports of the Environmental Protection Authority: 317, 769, 1168.

The proposal referred to in report 1335 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 assessed by the Environmental Protection Authority and described in schedule 1 of this statement, subject to the conditions and procedures contained in Ministerial Statement 683 as supplemented by the following 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.

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 following conditions 4-2 to 4-7 will update the requirements of condition 5-1 of Statement 683.

4-2 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.

4-3 The proponent shall submit to the Chief Executive Officer of the Department of Environment and Conservation, the compliance assessment plan required by condition

4-2 at least 6 months prior to the first compliance report required by condition 4-7. 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.

4-4 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-2.

4-5 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-2 and shall make those reports available when requested by the Chief Executive Officer of the Department of Environment and Conservation.

4-6 The proponent shall advise the Chief Executive Officer of the Department of Environment and Conservation of any potential non-compliance within two business days of that non-compliance being known.

4-7 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 4-2.

5 Performance Review and Reporting

- 5-1 The proponent shall extend the performance review report required by condition 5-2 of Statement 683 to include performance review of the Wheelarra Hill Mine Modification.

6 Rehabilitation and Closure

- 6-1 The proponent shall undertake rehabilitation to achieve the following outcomes:
1. Areas disturbed through implementation of this proposal shall be designed to be non-polluting and shall be constructed so that their final shape, size, stability, and ability to support local native vegetation are comparable to natural landforms in the area.
 2. Areas disturbed through implementation of the proposal shall be progressively rehabilitated with vegetation composed of native plant species of local provenance.
 3. The percentage cover of living native vegetation in all rehabilitation areas shall be comparable with that of natural landforms in the area.
 4. No new species of weeds (including both declared weeds and environmental weeds) shall be introduced into the area as a result of the implementation of the proposal.
 5. The abundance of weeds (including both declared weeds and environmental weeds) shall be no greater than the abundance of weeds in comparable nearby areas of land which have not been disturbed during implementation of the proposal.
- 6-2 The proponent shall continue rehabilitation activities as necessary until such time as the requirements of condition 6-1 are met, and are demonstrated by inspections and reports to be met, for a minimum of 5 years to the satisfaction of the Chief Executive Officer of the Department of Environment and Conservation and the Chief Executive Officer of the Department of State Development.
- 6-3 The Progressive Rehabilitation Management Plan required by Statement 683 and the Decommissioning and Final Rehabilitation Plan required by Statement 683 shall also apply to this proposal and will meet the requirements of condition 6-1. These plans shall be independently peer reviewed for their applicability to this proposal, to the satisfaction of the Chief Executive Officer of the Department of Environment and Conservation and the Chief Executive Officer of the Department of State Development.
- 6-4 The proponent shall review and revise the Progressive Rehabilitation Management Plan and the Decommissioning and Final Rehabilitation Plan to incorporate the findings of the peer review required in condition 6-3, prior to implementation of the proposal.

6-5 The proponent shall review, and as necessary in accordance with current best practice, revise the Progressive Rehabilitation Management Plan and the Decommissioning and Final Rehabilitation Plan referred to in conditions 6-3 and 6-4 at intervals not exceeding 2 years, to the satisfaction of the Chief Executive Officer of the Department of Environment and Conservation and the Chief Executive Officer of the Department of State Development.

Procedures

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of 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. The Minister for 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.
4. 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.
5. 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*.

Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

The Proposal (Assessment No. 1796)

General Description

The proposal is to increase output from the Wheelarra Hill Mine from 12 Mtpa to 45 Mtpa.

The proposal is described in the following document – BHP Billiton Iron Ore Pty Ltd, Wheelarra Hill Mine Modification Assessment on Referral Information (2009).

Summary Description

A summary of the key proposal characteristics is presented in Table 1.

Table 1: Summary of key proposal characteristics

Element	Description
Project life	Approximately 13 years
Total Area of Disturbance	An additional 580 ha (maximum)
Production Rate	Approximately 45 million tonnes per annum
Power Requirements	Upgrade to existing 66 kilovolt power line and installation of second line
Water Supply	An additional 8050 kilolitres per day (maximum)
Additional Infrastructure	Rail spur and loop Train load out facilities Primary crushing facility Overland conveyer Ore Handling Plant with primary, secondary and tertiary crushing
Ore Transport	An additional 95 trains per week

Figures (attached)

Figure 1 – Disturbance Footprint of Mine Modification

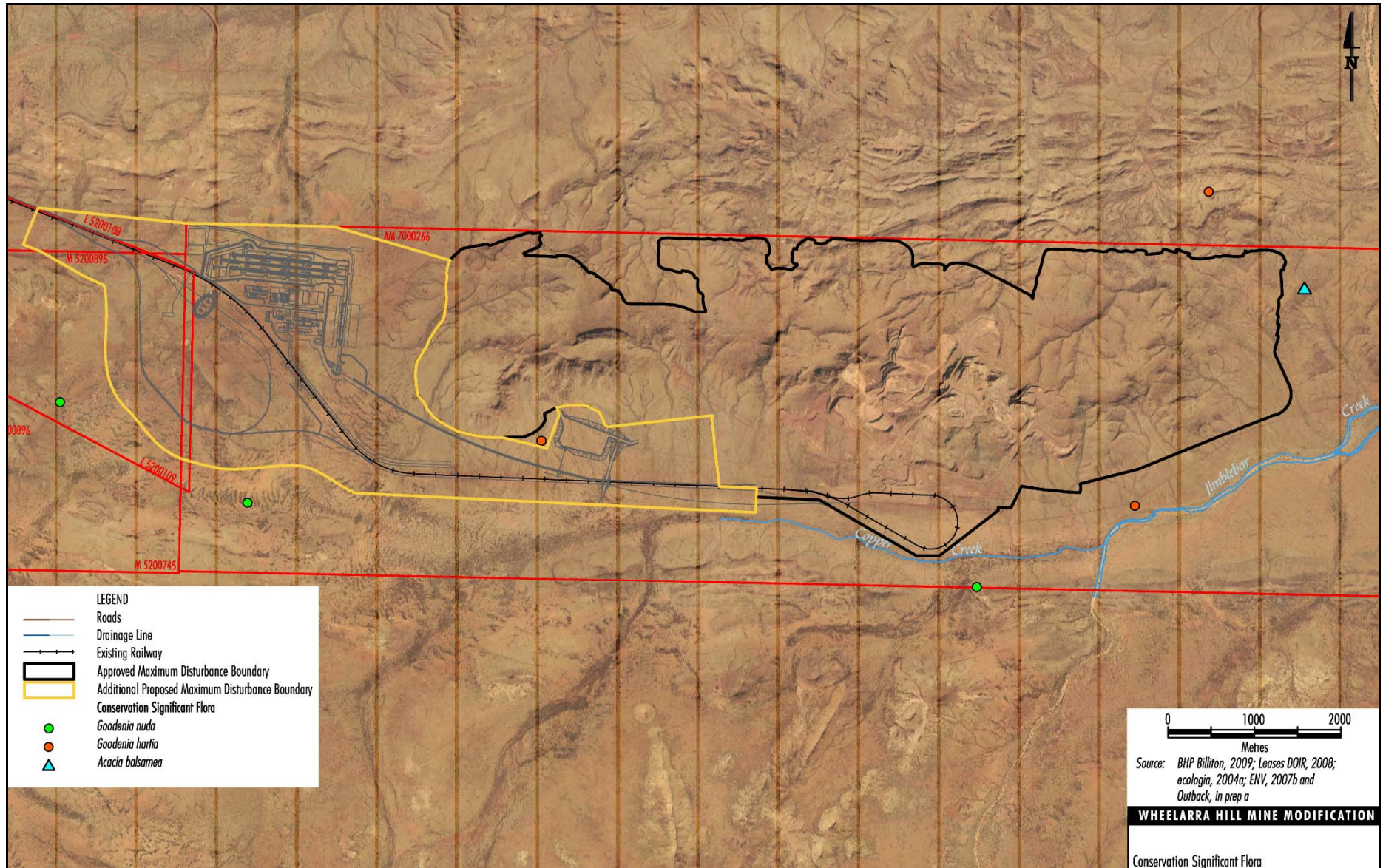


Figure 1: Disturbance Footprint of Mine Modification