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Published on: 2 April 2012

Statement No: 891

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

**MULTI-USER IRON ORE EXPORT (LANDSIDE) FACILITY
PORT HEDLAND**

Proposal: The proposal is to construct and operate port infrastructure which includes a stockyard facility, rail loop, conveyor, wharf and ship-loading facility at Port Hedland.

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

Proponent: NWIOA Ops. Pty Ltd trading as North West Infrastructure

Proponent Address: 46 Parliament Place,
WEST PERTH WA 6005

Assessment Number: 1902

Report of the Environmental Protection Authority: 1419

The proposal referred to in the above report 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 documented 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 of the Office of the Environmental Protection Authority (CEO) 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 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 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 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 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 non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first compliance assessment report fifteen months from the date of issue of this statement addressing the twelve month period from the date of issue of this statement, and then submit to the CEO a compliance assessment report annually from the date of submission of the first compliance assessment report.

The compliance assessment report shall:

- (1) be endorsed by the proponent's Managing Director, or by a person approved in writing by the CEO 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 Benthic Primary Producer Habitat

- 5-1 The proponent shall ensure that implementation of the proposal does not cause the permanent loss of mangroves or deterioration in the condition of, any mangroves or their habitats outside of the spatially defined proposal footprint as shown in Figure 2 of Schedule 1.

Note: 'Permanent loss' is defined as the mortality of, or long term serious damage to, mangrove communities.

- 5-2 The total area of mangroves directly and indirectly adversely impacted shall not exceed 4.5 hectares.
- 5-3 To verify that the requirements of conditions 5-1 and 5-2 are met, the proponent shall prepare and implement a monitoring plan to the satisfaction of the CEO prior to the commencement of construction, and shall implement the monitoring plan until such time as the CEO determines that monitoring actions may cease.

The monitoring plan shall identify any areas of mangroves potentially impacted by the proposal, both direct loss and potential indirect loss and include, but not be limited to:

- (1) mangrove health monitoring and reference site locations:
 - (a) the identification of potential impact monitoring sites at locations where mangrove communities are found and which are as close as practicable to the spatially defined footprint of the proposal. There shall be at least four monitoring sites established;
 - (b) the identification of reference monitoring sites at locations which are similar to each impact monitoring site in all respects including mangrove associations and which do not have the potential to be affected by the implementation of the proposal or any other activities that may affect mangrove health.
- (2) the establishment of trigger levels for mangrove health and cover;
- (3) appropriate management actions should trigger levels be exceeded;
- (4) surface water flows monitoring, including in the vicinity of mangroves; and
- (5) monitoring the health and cover of mangroves defined by condition 5-3(1).

5-4 In the event that monitoring required by condition 5-3 indicates an exceedance of trigger levels:

- (1) the proponent shall report such findings to CEO within 7 days of the exceedance being identified;
- (2) the proponent shall provide evidence which allows determination of the cause of the exceedance;
- (3) if determined by the CEO to be project attributable, the proponent shall submit actions to be taken to address the exceedance within 7 days of the determination being made to the CEO; and
- (4) the proponent shall implement actions to address the exceedance upon approval of the CEO and shall continue until such time as the CEO determines that the remedial actions may cease.

5-5 The proponent shall submit to the CEO bi-annually, or at a frequency defined to the satisfaction of the CEO, the results of monitoring required by condition 5-3, until such time as the CEO determines that reporting may cease.

5-6 The proponent shall make the monitoring reports required by condition 5-5 publicly available in a manner approved by the CEO.

5-7 The proponent shall undertake mangrove health surveys and report to the CEO the total permanent loss of mangrove communities caused by the proposal:

- (a) 2 months;
- (b) 12 months; and
- (c) 24 months, or

at a frequency defined to the satisfaction of the CEO, following the completion of proposal implementation to verify the requirements of conditions 5-1 and 5-2 have been met.

The reports shall include co-ordinates and a map confirming the areas of mangrove losses caused by the proposal.

[Signed 2 April 2012]

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

Multi-user Iron Ore Export (Landside) Facility (Assessment No. 1902)

The North West Infrastructure proposal involves the construction and use of infrastructure located within Boodarie Stockyard Area and the Port Hedland Inner Harbour. Iron ore would be unloaded at Boodarie and placed via conveyor into stockpiles before being reclaimed and delivered, via an elevated conveyor, to shipping berths in South West Creek for export.

The location of the various project components is shown in Figure 1 and the maximum footprint of the proposal is shown in Figure 2.

The main characteristics of the proposal are summarised in Table 1 below. A detailed description of the proposal is provided in sections 1 to 2 of the project referral document, Multi-user Iron Ore Export Facility: Port Infrastructure Project, prepared by North West Infrastructure, 46 Parliament Place West Perth, Western Australia 6005, 5 October 2011

Table 1: Summary of Key Proposal Characteristics

Element	Description
Rail	Two railway connections, rail loop and train unloader
Stockyard	Stockyard at Boodarie
Conveyor	A 6.2 kilometre long elevated conveyor connecting the stockyard to the wharf at South West Creek
Wharf	Wharf structures, two shipping berths and one ship loader at Stanley Point in South West Creek
Life of project	50 years or more
Throughput	50 million tonnes per annum
Terrestrial vegetation and ground disturbance	Rail corridor, conveyor, stockyard and other infrastructure: not more than 290 hectares within a development envelope of 350 hectares
Mangrove loss	Not more than 4.5 hectares

Figures (attached)

Figure 1 Indicative layout of proposed infrastructure within the proposal footprint

Figure 2 Spatially defined maximum footprint of proposal

Figure 1: Indicative layout of proposed infrastructure within the proposal footprint

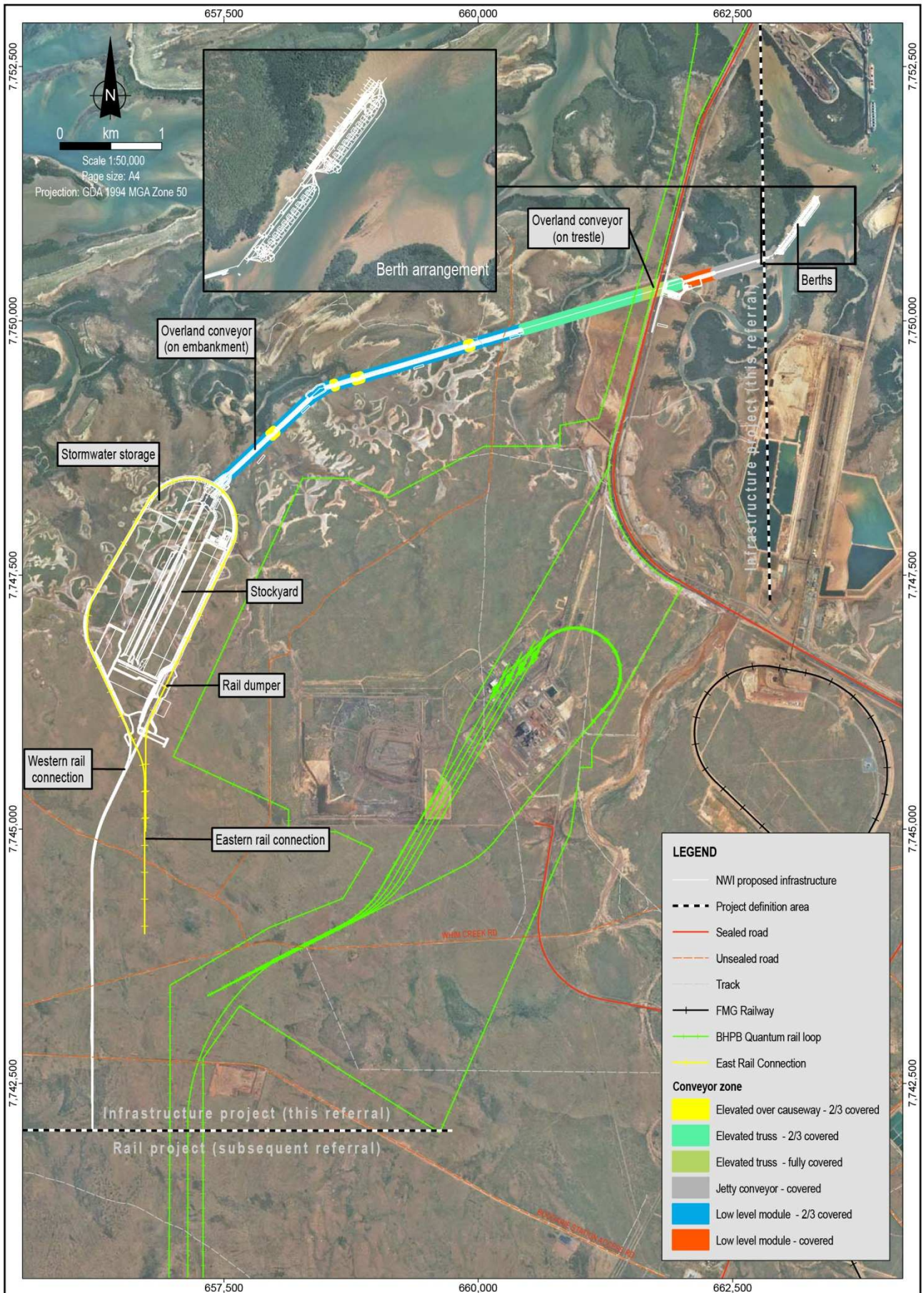


Figure 2: Spatially defined maximum footprint of proposal

