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Published on: 11 January 2013

Statement No: 923

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

Brockman Railway Infrastructure Project

Proposal: The proposal is to construct a railway line and associated infrastructure connecting the Brockman Iron Ore Mine to an existing railway line.

Proponent: Brockman Iron Pty Ltd
Australian Company Number 122 652 886

Proponent Address: 1/117 Stirling Highway
NEDLANDS WA 6009

Assessment Number: 1883

Report of the Environmental Protection Authority Number: 1455

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 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 five years from the date of this statement, and any commencement, within this five year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within five 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 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 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 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 General Manager or a person delegated to sign on the General Manager'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 Surface Water and Significant Vegetation

6-1 The proponent shall design the rail infrastructure to maintain the natural surface flows and flooding regime of the Fortescue Marsh, and ensure that the proposal does not adversely affect any significant vegetation community where the rail traverses the Fortescue Marsh identified as Clearing Area 1, as shown in Figure 1.

6-2 The proponent shall design the rail infrastructure to ensure that changes to surface water flows related to the proposal do not adversely affect significant drainage flows and vegetation communities in Clearing Area 2, as shown in Figure 1.

6-3 To verify that the requirements of Conditions 6-1 and 6-2 are met the proponent shall, prior to clearing, prepare a plan that:

- (1) identifies significant streams and drainage lines;
- (2) identifies areas of significant vegetation potentially impacted by changes to surface water flows related to the proposal; and
- (3) shows the design parameters and location of environmental culverts, to the satisfaction of the CEO in consultation with the DoW and the DEC.

6-4 The proponent shall implement the plan identified in Condition 6-3.

6-5 The railway may be divided into no more than four sections for the purpose of meeting the requirements of Condition 6-3.

7 Rehabilitation

- 7-1 The proponent shall undertake progressive rehabilitation of all areas not required for the operation of the rail line during and following construction, to achieve the following outcome:
- (1) The percentage cover and species diversity of living self sustaining native vegetation in all rehabilitation areas shall be comparable to that of undisturbed natural analogue sites as demonstrated by Ecosystem Function Analysis, or other methodology acceptable to the CEO.
- 7-2 Rehabilitation activities shall continue until such time as the requirements of Condition 7-1 are met, and are demonstrated by inspections and reports to be met, for a minimum of five years following the completion of construction to the approval of the CEO, and on advice of the DEC where the rail traverses the Fortescue marsh or the proposed Marillana Conservation Park.

8 Residual Impacts and Risk Management Measures

- 8-1 In view of the significant residual impacts and risks as a result of implementation of the proposal to construct the Railway Infrastructure, the proponent shall contribute to:
- (1) funding for the impact to good-to-excellent condition native vegetation, to the strategic regional conservation initiative for the Pilbara, calculated pursuant to Condition 8-2; and
 - (2) funding for the impact to the Fortescue Marsh PEC and Fortescue Valley Sand Dunes PEC, to the strategic regional conservation initiative for the Pilbara, calculated pursuant to Condition 8-3.
- 8-2 The proponent's contribution to the initiative identified in Condition 8-1(1) shall be paid in accordance with the approved Impact Reconciliation Procedure and relate to the total residual area impacted by the Railway Infrastructure as follows:
- \$1,500 AUD (excluding GST) per hectare of good to excellent condition native vegetation cleared for "railway and related infrastructure" within the area delineated in Figure 1.
- The proponent's payment is due by 31 May following the end of the first biennial period after completion of the Railway Infrastructure .
- 8-3 The proponent's contribution to the initiative identified in Condition 8-1(2) shall be paid in accordance with the Impact Reconciliation Procedure and relate to the total residual area impacted by the Railway Infrastructure as follows:
- \$3,000 AUD (excluding GST) per hectare cleared within the area delineated in Figure 1 as Fortescue Marsh PEC and Fortescue Valley Sand Dunes PEC.

The proponent's payment is due by 31 May following the end of the first biennial period after completion of the Railway Infrastructure.

- 8-4 The proponent shall prepare an Impact Reconciliation Procedure and submit it for approval of the CEO prior to ground disturbance.
- 8-5 The Impact Reconciliation Procedure required pursuant to Condition 8-4 shall:
- (1) include details of a methodology to identify clearing of good-to-excellent condition native vegetation;
 - (2) include a methodology for calculating the amount of clearing undertaken during each biennial time period;
 - (3) include a methodology for calculating the amount of temporary clearing that has commenced rehabilitation in accordance with Condition 7-1 during each biennial time period;
 - (4) state the biennial time period commences on the 1 March prior to commencing ground disturbance and the due date for submitting the results of the Procedure for approval of the CEO as 31 March following the end of the first biennial period; and
 - (5) identify that any areas cleared that have not commenced rehabilitation in accordance with Condition 7-1 at the end of construction of the rail line are to be considered part of the "railway and related infrastructure" and must be offset in accordance with Condition 8-2.
- 8-6 Should the proponent provide evidence that they have undertaken a land management program or paid the offset funds of \$390,000 AUD in fulfilling conditions 15, 16, 17 and 18 of the Australian Government approval EPBC 2011/5833 the total amount of funding required by Condition 8-2 shall be reduced by no more than \$390,000 AUD.

[Signed 11 January 2013]

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

Table 1: Summary of the Proposal

Proposal Title	Brockman Railway Infrastructure Project
Short Description	<p>Construct a railway line and associated infrastructure connecting the Brockman Marillana Iron Ore Mine to an existing railway including:</p> <ul style="list-style-type: none"> • communication equipment; • rail crossings; • signalling equipment; • roads; • borrow pits; • laydown areas; and • temporary construction camp.

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Disturbance Area	Figure 1	<ul style="list-style-type: none"> • Up to 1,500 hectares within Clearing Area 1; and • up to 88 hectares within Clearing Area 2.

Table 3: Abbreviations

Term or Phrase	Definition
Approved Impact Reconciliation Procedure	The Impact Reconciliation Procedure for which the proponent has received written notification from the CEO that it meets the requirements of Condition 8-5
AUD	Australian Dollar
Biennial	Every two years
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
EP Act	<i>Environmental Protection Act 1986</i>
DEC	Department of Environment and Conservation
DoW	Department of Water
GST	Goods and Services Tax
ha	Hectares
PEC	Priority Ecological Community
Strategic Regional Conservation Initiative	An initiative to be undertaken by a body that has the strategic objective of improving environmental values and conservation outcomes in the Pilbara Interim Biogeographic Regionalisation of Australia bioregion by recommending management and other measures to address threatening processes to flora fauna and other environmental values.

Notes

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

- 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.
- 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.
- 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*.
- 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.

Figure 1

