

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document. The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document. Copyright in this document is reserved to the Crown in right of the State of Western Australia. Reproduction except in accordance with copyright law is prohibited.

Published on: 20 December 2016

Statement No. 1047

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(Environmental Protection Act 1986)

PILBARA BULK ORE TRANSPORTATION SYSTEM

Proposal: The proposal is to construct and operate a Bulk Ore Transportation System and associated infrastructure. The proposal extends 330 kilometres from the Iron Valley Mine Site tenement (M47/1439) to the boundary of Port Hedland Pilbara Port Authority in the Pilbara region of Western Australia.

Proponent: Mineral Resources Limited
Australian Company Number 118 549 910

Proponent Address: 1 Sleat Road
APPLECROSS WA 6153

Assessment Number: 2075

Report of the Environmental Protection Authority: 1582

Pursuant to section 45 of the **EP Act** it has been agreed that the proposal described and documented in Table 2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following 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 Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have 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 twenty eight (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 five (5) years from the date on this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (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 five (5) years from the date of this Statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare, submit and maintain a Compliance Assessment Plan to the **CEO** at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation, whichever is sooner.
- 4-2 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 After receiving notice in writing from the **CEO** that the Compliance Assessment Plan satisfies the requirements of condition 4-2 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 (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the **CEO** the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (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, or as otherwise agreed in writing by the **CEO**.

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 these data publicly available. In making such a request the proponent shall provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

6 Geotechnical Investigations (Flora and Vegetation and Terrestrial Fauna)

6-1 Notwithstanding the requirements of condition 7-1 the proponent shall ensure that **geotechnical investigations** are undertaken in a manner that minimises direct and indirect impacts to:

- (1) Conservation significant flora;
- (2) Priority Ecological Communities;
- (3) Fortescue Marsh Management Zone 1a and 1b (delineated in Figure 2 and defined by the geographic coordinates in Schedule 2); and
- (4) **Conservation significant fauna** species and their habitat including dens/burrows/shelter.

6-2 The proponent shall provide a close out report detailing the extent of impacts and the measures to minimise impacts to those environmental values identified in condition 6-1. The report should be submitted as part of the Compliance Assessment Report as required by condition 4-6.

7 Management-based Condition Environmental Management Plan(s) (Flora and Vegetation, Terrestrial Fauna and Rehabilitation)

7-1 Prior to the commencement of **ground disturbing activities**, or as otherwise agreed in writing by the **CEO**, the proponent shall prepare and submit Condition Environmental Management Plan(s) to the requirements of the **CEO**, on advice of the Department of Parks and Wildlife, to demonstrate the following **environmental objectives** will be met:

- (1) avoid, where possible, and minimise direct and indirect impacts as far as practicable during construction on **conservation significant flora** and vegetation including but not limited to Priority Ecological Communities, Fortescue Marsh Management Zones 1a and 1b;
- (2) minimise direct and indirect impacts on **conservation significant fauna** species and their habitat including dens/burrows/shelter during construction; and
- (3) to progressively **rehabilitate** areas no longer required for construction activities or not required for ongoing operations.

7-2 The Condition Environmental Management Plan(s) shall:

- (1) specify the **environmental objectives** to be achieved, as specified in conditions 7-1;
- (2) include an infrastructure map as specified in condition 7-3;
- (3) specify risk-based **management actions** that will be implemented to demonstrate compliance with the **environmental objectives** specified in conditions 7-1. Failure to implement one or more of the **management actions** represents non-compliance with these conditions;
- (4) specify measurable **management targets** for determining the effectiveness of the risk-based **management actions**.
- (5) To establish the **management targets** to achieve the **environmental objectives** as specified in conditions 7-1(1) the proponent shall undertake targeted baseline surveys. The baseline surveys shall:
 - (a) determine the presence of **conservation significant flora** for the final alignment as required by condition 7-3(2);

- (b) determine the presence of the Priority Ecological Community 'Brockman Iron cracking clay communities of the Hamersley Range'; and
 - (c) map the vegetation within the proposed disturbance areas that have not been previously surveyed;
 - (6) specify monitoring to measure the effectiveness of **management actions** against **management targets**, including but not limited to, parameters to be measured, baseline data, monitoring locations, and frequency and timing of monitoring;
 - (7) specify a process for revision of **management actions** and changes to proposal activities, in the event that the **management targets** are not achieved. The process shall include an investigation to determine the cause of the **management targets** being exceeded;
 - (8) provide the format and timing to demonstrate that condition 7-1 has been met for the reporting period in the Compliance Assessment Report required by condition 4-6 including, but not limited to:
 - (a) verification of the implementation of **management actions**; and
 - (b) reporting on the effectiveness of **management actions** against **management targets**.
- 7-3 For the purposes of condition 7-1(1), 7-1(2) and 7-1(3) the Condition Environmental Management Plan(s) required by condition 7-1 shall include an infrastructure map(s) and spatial data which shows:
- (1) the final alignment, dimensions, locations and heights and elevations of the Pilbara Bulk Ore Transportation System and associated infrastructure to be implemented within the development envelope;
 - (2) locations of **conservation significant flora** and vegetation that have previously been surveyed, including **conservation significant flora** and vegetation identified in the targeted survey required by condition 7-2(5);
 - (3) locations of **conservation significant fauna** habitat including dens/burrows/shelter; and
 - (4) the areas to be progressively **rehabilitated**.
- 7-4 After receiving notice in writing from the **CEO** that the Condition Environmental Management Plan(s) satisfies the requirements of condition 7-2 and 7-3, the proponent shall:
- (1) prior to the commencement of ground disturbing activities, implement the provisions of the approved Condition Environmental Management Plan(s); and
 - (2) continue to implement the approved Condition Environmental Management Plan(s) until the **CEO** has confirmed by notice in writing

that the proponent has demonstrated the **environmental objectives** specified in conditions 7-1(1), 7-1(2) and 7-1(3) have been met.

7-5 In the event that monitoring, tests, surveys or investigations indicate that **management actions** specified in a Condition Environmental Management Plan are not implemented or that **management target(s)** specified in a Condition Environmental Management Plan are exceeded, the proponent shall:

- (1) report the exceedance or failure to implement **management actions** in writing to the **CEO** within seven (7) days of the exceedance being identified;
- (2) investigate to determine the cause of the **management actions** not being implemented and/or **management target(s)** being exceeded;
- (3) investigate to determine potential environmental harm or alteration of the environment that occurred due to the failure to implement the **management actions**;
- (4) provide a report to the **CEO** within sixty (60) days of the reporting required by condition 7-5(1). The report shall include:
 - (a) cause for failure to implement **management actions** and/or **management target(s)** being exceeded;
 - (b) the findings of the investigation required by conditions 7-5(2) and 7-5(3);
 - (c) details of revised and/or additional **management action(s)** to be implemented to prevent exceedance of the **management target(s)** and/or ensure implementation of **management action(s)**;
 - (d) relevant changes to proposal activities; and
 - (e) measures to prevent, control or abate the environmental harm which may have occurred.

7-6 The proponent:

- (1) may review and revise the Condition Environmental Management Plan(s), or
- (2) shall review and revise the Condition Environmental Management Plan(s) as and when directed by the **CEO**.

7-7 The proponent shall implement the latest revision of the Condition Environmental Management Plan(s), which the **CEO** has confirmed by notice in writing, satisfies the requirements of condition 7-2 and 7-3.

8 Rehabilitation and decommissioning

8-1 Within five (5) years of the planned decommissioning of the Pilbara Bulk Ore Transportation System proposal, or as otherwise agreed in writing by the **CEO**, the proponent shall prepare and submit a Rehabilitation and Decommissioning

Management Plan to the requirements of the **CEO** to demonstrate the following **environmental objective** will be met:

- (1) to ensure that the proposal is **rehabilitated** and decommissioned in an ecologically sustainable manner.
- 8-2 The Rehabilitation and Decommissioning Management Plan shall:
- (1) identify those elements of the proposal that require decommissioning and the final areas to be **rehabilitated**; and
 - (2) specify the **management actions**, monitoring and completion criteria that will be implemented to demonstrate compliance with the **environmental objective** specified in condition 8-1.
- 8-3 The proponent shall review and revise the Rehabilitation and Decommissioning Management Plan required by condition 8-1 at intervals not exceeding three years, or as otherwise specified by the **CEO**, and submit the plan to the **CEO** at the agreed interval.
- 8-4 The proponent shall implement the latest revision of the Rehabilitation and Decommissioning Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 8-2.

9 Offsets

- 9-1 In view of the significant residual impacts and risks as a result of implementation of the proposal, the proponent shall contribute funds to offset the clearing of 'Good to Excellent' condition native vegetation; clearing of native vegetation within the Chichester and Fortescue **IBRA** subregions; clearing of native vegetation within Fortescue Marsh Management Zones 1a and 1b; clearing of Priority Ecological Communities and calculated pursuant to condition 9-2. This funding shall be provided to a government established conservation offset fund or an alternative offset arrangement providing an equivalent outcome as determined by the Minister.
- 9-2 The proponent's contribution to the initiative identified in condition 9-1 shall be paid biennially, the first payment due in the second year following the commencement of **ground disturbing activities**. The amount of funding will be made on the following basis and in accordance with the approved Impact Reconciliation Procedure required by condition 9-3:
- (1) \$750 AUD (excluding GST) per hectare of 'Good to Excellent' condition native vegetation cleared within the development envelope (delineated in Figure 1 of Schedule 1 and defined by geographic coordinates in Schedule 2) within the Chichester **IBRA** subregion; or
 - (2) \$1500 AUD (excluding GST) per hectare of 'Good to Excellent' condition native vegetation cleared within the development envelope (delineated in Figure 1 of Schedule 1 and defined by geographic coordinates in Schedule 2) within the Fortescue **IBRA** subregion; or

- (3) \$3000 AUD (excluding GST) per hectare cleared within the areas delineated as 'Vegetation of sand dunes of the Hamersley Range/Fortescue Valley' Priority Ecological Community, 'Fortescue Marsh (Marsh Land System)' Priority Ecological Community, and 'Brockman Iron cracking clay communities of the Hamersley Range' Priority Ecological Community as determined by the results of the surveys as required by condition 7-2(5)(b); or within the Fortescue Marsh Management Zone 1a and 1b (delineated in Figure 2 and defined by the geographic coordinates in Schedule 2).

9-3 Prior to **ground disturbing activities** the proponent shall prepare and submit an Impact Reconciliation Procedure to the satisfaction of the **CEO**.

9-4 The Impact Reconciliation Procedure required pursuant to condition 9-3 shall:

- (1) include a methodology to identify clearing of:
 - (a) 'Good to Excellent' condition native vegetation in the Chichester and Fortescue **IBRA** subregions;
 - (b) vegetation within the Fortescue Marsh Management Zones 1a and 1b;
 - (c) vegetation representing the 'Fortescue Marsh (Marsh Land System)' Priority Ecological Community;
 - (d) vegetation representing the 'vegetation of sand dunes of the Hamersley Range/Fortescue Valley' Priority Ecological Community; and
 - (e) vegetation representing the 'Brockman Iron cracking clay communities of the Hamersley Range' Priority Ecological Community;
- (2) require the proponent to submit data identifying areas of:
 - (a) 'Good to Excellent' condition native vegetation in the Chichester and Fortescue IBRA subregions;
 - (b) vegetation within the Fortescue Marsh Management Zones 1a and 1b;
 - (c) vegetation representing the 'Fortescue Marsh (Marsh Land System)' Priority Ecological Community;
 - (d) vegetation representing the 'vegetation of sand dunes of the Hamersley Range/Fortescue Valley' Priority Ecological Community; and
 - (e) vegetation representing the 'Brockman Iron cracking clay communities of the Hamersley Range' Priority Ecological Community;
- (3) include a methodology for calculating the amount of clearing undertaken during each biennial time period;
- (4) include a methodology for calculating the amount of temporary clearing of vegetation subject to condition 9-2(1) and 9-2(2) that has substantially

commenced **rehabilitation** within twelve (12) months of final commissioning of the Pilbara Bulk Ore Transportation System;

- (5) state dates for the commencement of the biennial time period and for the submission of results of the Impact Reconciliation Procedure, to the satisfaction of the **CEO**; and
- (6) identify any areas subject to condition 9-4(4) that have not substantially commenced **rehabilitation** within twelve (12) months of final commissioning of the Pilbara Bulk Ore Transportation System to be included in the areas subject to condition 9-2(1) and 9-2(2).

9-5 The proponent shall implement the Impact Reconciliation Procedure required by condition 9-3.

9-6 The real value of contributions described in condition 9-2 will be maintained through indexation to the Perth Consumer Price Index, with the first adjustment to be applied to the first contribution.

[Signed 20 December 2016]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the proposal

Proposal Title	Pilbara Bulk Ore Transportation System
Short Description	<p>The proposal is to construct and operate a Bulk Ore Transportation System and associated infrastructure within a designated rail corridor, within the development envelope, extending 330 kilometres from the Iron Valley mine site tenement boundary (M47/1439) to the boundary of the Port Hedland Pilbara Port Authority in the Pilbara region of Western Australia. The proposal also includes undertaking geotechnical investigations.</p> <p>Associated infrastructure includes:</p> <ul style="list-style-type: none"> • construction and maintenance access tracks; • borrow pits; • communications infrastructure; • utilities; • laydown areas; • offices; • water and power supply; and • temporary accommodation camps.

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Clearing and disturbance	Located within the proposal development envelope as shown in Figure 1.	Clearing of no more than 3,000 ha within a 29,796 ha development envelope.

Table 3: Abbreviations and definitions

Acronym or Abbreviation	Definition or Term
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.
Condition environmental objective ¹	The proposal-specific desired state for an environmental factor/s, to be achieved from the implementation of management-based Condition Environmental Management Plan provisions, as required in a management-based implementation condition.
Conservation significant Flora/Fauna	Species that are listed under the Western Australia <i>Wildlife Conservation Act 1950</i> , and Priority species that are listed by the Department of Parks and Wildlife that are likely to have their conservation status changed to being listed under the abovementioned legislation by the proposal.
EP Act	<i>Environmental Protection Act 1986</i>
Geotechnical investigation	Activities that are associated with determining the characteristics of the soil and rock to inform the design of the proposal, but are not associated

Activities	with Ground disturbing activities, including but not limited to digging, sampling and drilling.
Ground disturbing activities	Activities that are associated with the substantial implementation of a proposal including but not limited to, digging (with mechanised equipment), blasting, earthmoving, vegetation clearing, grading, gravel extraction, construction of new or widening of existing roads and tracks.
ha	Hectare
IBRA	Interim Biogeographical Regionalisation for Australia
Management Actions ¹	Identified actions undertaken to mitigate the impacts of implementation of a proposal on the environment and achieve the condition environmental objective.
Management Target ¹	A measurable boundary of acceptable impact with proposal- or site specific parameters, that assesses the efficacy of management actions against the condition environmental objective and beyond which management actions have to be reviewed and revised. Proposal- or site-specific parameters may include location, scale, time period, specific species/ population/community and a relative benchmark (e.g. baseline or reference).
Rehabilitation	To maximise the return of biodiversity by reinstating self-sustaining and functional ecosystems based on local species.

¹As defined in Environmental Assessment Guideline No. 17 *Preparation of management plans under Part IV of the EP Act* or its revisions or replacement.

Figures (attached)

Figure 1: Pilbara Bulk Ore Transportation System development envelope (this figure is a representation of the coordinates shown in Schedule 2).

Figure 2: Fortescue Marsh Management Zones (this figure is a representation of the coordinates shown in Schedule 2).



Figure 1: Pilbara Bulk Ore Transportation System development envelope

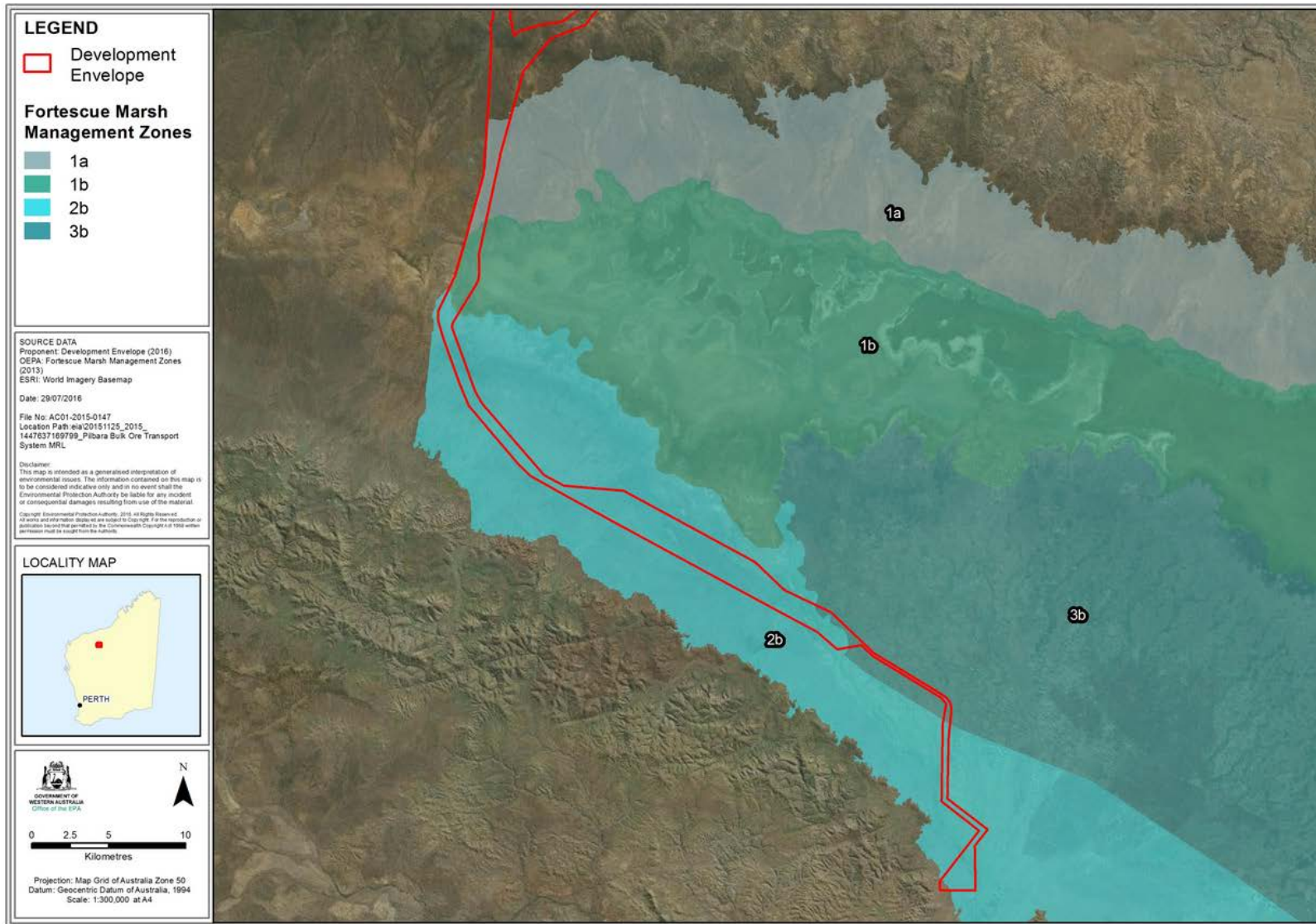


Figure 2: Fortescue Marsh Management Zones

Schedule 2

Coordinates defining the Pilbara Bulk Ore Transportation System development envelope and the Fortescue Marsh Management Zones 1a and 1b are held by the Office of the Environmental Protection Authority, Document Reference Number 2016-1473995238695, dated 16 September 2016.