



Environmental Protection Authority

EPA REFERRAL
FORM

Referral of a Proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*.

PURPOSE OF THIS FORM

Section 38 of the *Environmental Protection Act 1986* (EP Act) makes provision for the referral to the Environmental Protection Authority (EPA) of a proposal (significant proposals, strategic proposals and proposals under an assessed scheme) by a proponent, a decision making authority (DMA), or any other person.

The purpose of this form is to ensure that EPA has sufficient information about a proposal to make a decision about the nature of the proposal and whether or not the proposal should be assessed under Part IV of the EP Act. Information provided in the referral form must be brief (no more than 30 pages), sharp and succinct to achieve the purposes of this form.

This form does not prevent the referrer from providing a supplementary referral report. Should a referrer choose to submit a supplementary referral report please ensure the following.

- i. Information is short, sharp and succinct.
- ii. Attachments are below eight megabytes (8 MB) as they will be published on the EPA's website (exemptions apply) for public comment. To minimise file size, "flatten" maps and optimise pdf files.
- iii. Cross-references are provided in the referral form to the appropriate section/s in the supplementary referral report.

This form is to be used for all proposals¹ which can be referred to the EPA under section 38 of the EP Act; i.e. referrals from: **proponents** of proposals (significant proposals, strategic proposals, derived proposals, proposals under an assessed scheme); **DMAs** (significant proposals); and **third parties** (significant proposals).

This form is divided into several sections, including; Referral requirements and Declaration; Part A - Information of the proposal and proponent; and Part B Environmental Factors. Guidance on successfully completing this form is provided throughout the form and is also available in the EPA's *Environmental Assessment Guideline for Referral of a Proposal under s38 of the EP Act* (EAG 16).

Send completed forms to

Office of the Environmental Protection Authority
Locked Bag 10, East Perth WA 6892

or

Email: Registrar@epa.wa.gov.au

Enquiries

Office of the Environmental Protection Authority
Locked Bag 10, East Perth WA 6892

Telephone: 6145 0800

Fax: 6145 0895

Email: info@epa.wa.gov.au

Website: www.epa.wa.gov.au

¹ Please note that this form consolidates and replaces the following forms: *Referral of a Proposal by the Proponent to the EPA under section 38(1) of the EP Act*; *Referral of a Proposal by a third party to the EPA under section 38(1) of the EP Act*; and *Referral of a development proposal to the EPA by the decision making authority*.

Referral requirements and Declaration

The following section outlines the referral information required from a proponent, decision making authority and third party.

(a) Proponents

Proponents are expected to complete all sections of the form and provide GIS spatial data to enable the EPA to consider the referral. Spatial GIS data is necessary to inform the EPA's decision.

The EPA expects that a proponent will address Part B of the form as thoroughly as possible to demonstrate whether or not the EPA's objectives for environmental factors can be met.

If insufficient information is provided the EPA will request more information and processing of the referral will commence once the information is provided or the EPA decides to make a precautionary determination on the available information.

Proponent to complete before submitting form	
Completed all the questions in Part A (essential)	Yes
Completed all the questions in Part B	Yes
Completed all other applicable questions	Yes
Included Attachment 1 – any additional document(s) the proponent wishes to provide	Yes
Included Attachment 2 – confidential information (if applicable)	No
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping but clearly separating any confidential information	Yes
Completed the Declaration	Yes
What is the type of proposal being referred?	significant
Do you consider the proposal requires formal environmental impact assessment?	Yes
If yes, what level of assessment? <i>API = Assessment of Proponent Information</i> <i>PER = Public Environmental Review</i>	API Category A

NB: The EPA may apply an Assessment on Proponent Information (API) level of assessment when the proponent has provided sufficient information about:

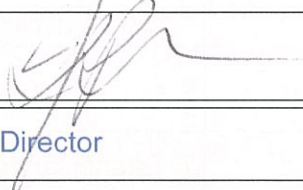
- the proposal;
- the proposed environmental impacts;
- the proposed management of the environmental impacts; and
- when the proposal is consistent with API criteria outlined in the [Environmental Impact Assessment \(Part IV Division 1 and 2\) Administrative Procedures 2012](#).

If an API A formal level of assessment is considered appropriate, please refer to Environmental Assessment Guideline No. 14 *Preparation for an Assessment on Proponent Information (Category A) Environmental Review Document EAG 14 (EAG14)*.

Declaration

Kellie Parker

I,, (full name) declare that I am authorised on behalf of Hamersley HMS Pty Limited (being the person responsible for the proposal) to submit this form and further declare that the information contained in this form is true and not misleading.

Signature		Name (print)	Kellie Parker		
Position	Director	Organisation	Hamersley HMS Pty Limited		
Email					
Address	152-158	St George's Terrace			
	Perth	WA	6000		
Date	7/8/15				

(b) Decision-making authority

The EPA expects decision-making authorities to complete applicable sections of Part A of the form and provide the proponent an opportunity to provide additional information in Part B of the form where appropriate.

Wherever possible the DMA should obtain relevant spatial information from the proponent and provide this to the EPA with the referral.

DMA to complete before submitting form	
Completed all the questions in Part A (essential)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Provided Part B to the proponent for completion	<input type="checkbox"/> Yes <input type="checkbox"/> No
Completed all other applicable questions	<input type="checkbox"/> Yes <input type="checkbox"/> No
Included Attachment 1 – any supporting information	<input type="checkbox"/> Yes <input type="checkbox"/> No
Enclosed an electronic copy of all referral information, including spatial data and contextual mapping	<input type="checkbox"/> Yes <input type="checkbox"/> No
Completed the below Declaration	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you consider the proposal requires formal environmental impact assessment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What is the type of proposal being referred?	<input type="checkbox"/> significant proposal <input type="checkbox"/> significant proposal under an assessed scheme

Declaration

I,, (*full name*) submit this referral to the EPA for consideration of the environmental significance of its impacts.

Signature		Name (print)	
Position		Organisation	
Email			
Address	Street No	Street Name	
	Suburb	State	Postcode
Date			

(c) Third Party

Third parties are asked to have consideration for the Significance Test outlined in Part A Section 1.5 of this form before referring a significant proposal to the EPA. The EPA will only consider proposals that are likely, if implemented, to have a significant effect on the environment.

Third parties are to provide sufficient information to clearly identify the significant proposal, the proponent, and their reasons for referring the proposal. This can be done by completing as much of Part A of the form as possible, taking into consideration the information available. Third parties may wish to fill in Part B of the form to advance their own views of the significance of the environmental impacts and the need for EPA assessment.

In most cases the EPA will seek additional information from the proponent. This will be to confirm or amend the identity of the proponent, the proposal, and to allow the proponent opportunity to provide its views on the significance of the environmental impacts and the need for EPA assessment.

Third Party to complete before submitting form	
Complete all applicable questions in Part A and B	<input type="checkbox"/> Yes <input type="checkbox"/> No
Completed the Declaration	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you consider the proposal requires formal environmental impact assessment?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Declaration

I,, (*full name*) submit this referral to the EPA for consideration of the environmental significance of its impacts.

Signature		Name (print)			
Email					
Position		Organisation			
Address		Street No.	Street Name		
		Suburb		State	Postcode
Date					

PART A: Information on the proposal and the proponent

All fields of Part A must be completed by the proponent and/or decision-making authority for this document to be processed as a referral. Third party referrers are only expected to fill in the fields they have information for.

1 PROPONENT AND PROPOSAL DESCRIPTION

1.1 The proponent of the proposal

Proponent and/or DMA to complete	
Name of the proponent	Hamersley HMS Pty Limited
Joint Venture parties (if applicable)	Hope Downs Joint Venture
Australian Company Number(s)	51 115 004 129
Postal Address	Central Park, level 24 152-158 St George's Terrace Perth WA 6000
Key proponent contact for the proposal	Tammy Souster Senior Advisor Environmental Approvals Address: as above Ph: 6211 6985 Tammy.souster@riotinto.com
Consultant for the proposal (if applicable)	N/A

1.2 Proposal

Proposal is defined under the EP Act to mean a "project, plan, programme policy, operation, undertaking or development or change of land use, or amendment of any of the foregoing, but does not include scheme". Before completing this section please refer to [Environmental Protection Bulletin 17 – Strategic and derived proposals \(EPB 17\)](#) and [Environmental Assessment Guideline for Defining the Key Characteristics of a proposal \(EAG 1\)](#).

Proponent and/or DMA to complete	
Title of the proposal	Baby Hope Proposal
What project phase is the proposal at?	<input type="checkbox"/> Scoping
Proposal type	<input type="checkbox"/> Mineral / Resource Extraction <input type="checkbox"/> Development
Proponent and/or DMA to complete	
Description of the proposal – describe the key characteristics of the proposal in accordance with EAG 1 .	The Baby Hope Proposal is to develop and operate above water table pits and associated waste dumps and infrastructure as an amendment to the existing Hope Downs 1 iron ore mine (HD1), approximately 75 km northwest of Newman, Western Australia.
Timeframe in which the proposal is to occur (including start and finish dates where applicable).	Commencement is scheduled for 2016 in order to sustain the HD1 Project.
Details of any staging of the proposal.	This is not a staged proposal

Proponent and/or DMA to complete	
What is the current land use on the property, and the extent (area in hectares) of the property?	The current land use is exploration and mining. The Baby Hope proposal is seeking approval for 1,000 ha of additional clearing to support the existing mining operation at HD1, which has an authorised clearing limit of 3,750 ha under Ministerial Statement 584.
Have pre-referral discussions taken place with the OEPA? If yes, please provide the case number. If a case number was not provided, please state the date of the meeting and names of attendees.	Yes, two pre-referral meetings on 11 February and 5 March 2015 and a technical meeting with the terrestrial ecosystem branch on 9 June 2015 to discuss troglofauna survey effort.
DMA (Responsible Authority) to complete	
For a proposal under an assessed scheme (as defined in section 3 of the EP Act , applicable only to the proponent and DMA) provide details (in an attachment) as to whether: <ul style="list-style-type: none"> <i>The environmental issues raised by the proposal were assessed in any assessment of the assessed scheme.</i> <i>The proposal complies with the assessed scheme and any environmental conditions in the assessed scheme.</i> 	

1.3 Strategic / derived proposals

Complete this section if the proposal being referred is a strategic proposal or you are seeking the proposal to be declared a derived proposal. Note: Only a proponent may refer a strategic proposal and seek a proposal to be declared a derived proposal.

Proponent to complete	
Is this referred proposal a strategic proposal?	<input type="checkbox"/> No
Are you seeking that this proposal be declared a derived proposal?	<input type="checkbox"/> No
If you are seeking that this proposal be declared a derived proposal, what is the Ministerial Statement number (MS #) of the associated strategic proposal?	MS #: _____

1.4 Location

Proponents and DMAs must provide spatial data. Please refer to [EAG 1](#) for more detail. The latest spatial data **must** be provided with the referral, displaying the current condition of the proposal area.

Proponent, DMA and Third Party to complete	
Name of the Local Government Authority in which the proposal is located.	Shire of East Pilbara
Location: a) street address; lot number; suburb; and nearest road intersection; or b) if remote the nearest town; and distance and direction from that town to the proposal site.	The Proposal is located approximately 75km northwest of the town of Newman, Western Australia
Have maps and figures been included with the referral (consistent with EAG 1 where appropriate)? <i>The types of maps and figures which need to be provided (depending on the nature of the proposal) include:</i> <ul style="list-style-type: none"> maps showing the regional location and context of the proposal; and figures illustrating the proposal elements. 	<input type="checkbox"/> Yes
Proponent and DMA to complete	
Have electronic copies of spatial data been included with the referral? NB: Electronic spatial (GIS or CAD) data, geo-referenced and conforming to the following parameters: <ul style="list-style-type: none"> GIS: polygons representing all activities and named; CAD: simple closed polygons representing all activities and named; datum: GDA94; projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA); format: ESRI geodatabase or shapefile, MapInfo Interchange Format, Microstation or AutoCAD.. 	<input type="checkbox"/> Yes

1.5 Significance test and environmental factors

Proponent, DMA and Third Party to complete	
What are the likely significant environmental factors for this proposal?	<input type="checkbox"/> Flora and Vegetation <input type="checkbox"/> Subterranean Fauna <input type="checkbox"/> Inland Waters Environmental Quality <input type="checkbox"/> Offsets <input type="checkbox"/> Rehabilitation and Decommissioning

Proponent, DMA and Third Party to complete	
Having regard to the Significance Test (refer to Section 7 of the <i>EIA Administrative Procedures 2012</i>) in what ways do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA?	Clearing of up to 1,000 ha of native vegetation considered in good to excellent conditions and removal of ~287 ha of potential troglofauna habitat.

1.6 Confidential information

All information will be made publically available unless authorised for exemption under the EP Act or subject to the Freedom of Information Act 1992.

Proponent to complete	
Does the proponent request that the EPA treat any part of the referral information as confidential? <i>Ensure all confidential information is provided in a separate attachment in hard copy.</i>	<input type="checkbox"/> No

2 REGULATORY CONSIDERATIONS

This section applies to the Local, State and Commonwealth regulatory considerations for the referred proposal.

2.1 Government approvals

2.1.1 State or Local Government approvals

DMA to complete	
What approval(s) is (are) required from you as a decision-making authority?	
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input type="checkbox"/> Yes <input type="checkbox"/> No

2.1.2 Regulation of aspects of the proposal

Complete the following to the extent possible.

Proponent to complete	
<p>Do you have legal access required for the implementation of all aspects of the proposal?</p> <p><i>If yes, provide details of legal access authorisations / agreements / tenure.</i></p> <p><i>If no, what authorisations / agreements / tenure is required and from whom?</i></p>	<p><input type="checkbox"/> Yes</p> <p>The Baby Hope deposit is located on Mining Lease 282SA (AML282SA) which was granted in 1996 under the <i>Iron Ore (Hope Downs) Agreement Act 1992</i>. The infrastructure associated with the Hope Downs operation is located on Hope Downs Spur Railway Lease J717063 which was also granted pursuant to the <i>Iron Ore (Hope Downs) Agreement Act 1992</i> (refer to Figure 2-2).</p> <p>The leases are managed by Hamersley HMS Pty Limited as manager of the Hope Downs Joint Venture (HDJV), an unincorporated joint venture between Hamersley WA Pty Ltd and Hope Downs Iron Ore Pty Ltd. The current tenure is appropriate for all current and proposed mining and mining related infrastructure.</p>

Outline both the existing approvals and approvals that will be / are being sought as a part of this proposal.

Proponent to complete			
Aspects* of the proposal	Type of approval	Legislation regulating this activity	Which State agency /entity regulate this activity?

*e.g. mining, processing, dredging

2.1.3 Commonwealth Government Environment Protection and Biodiversity Conservation Act 1999 approvals

Refer to the [assessment bilateral agreement](#) between the Commonwealth of Australia and the State of Western Australia for assistance on this section.

Proponent to complete	
1. Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?	<input type="checkbox"/> No
2. What is the status of the decision on whether or not the action is a controlled action?	N/A
3. If the action has been referred, when was it referred and what is the reference number (Ref #)?	N/A
4. If the action has been assessed, provide the decision in an attachment. Has an attachment been provided?	N/A

Proponent to complete	
5. Do you request this proposal to be assessed under the bilateral agreement?	<input type="checkbox"/> No

Complete the following to the extent possible for the Public Comment of EPBC Act referral documentation.

Proponent to complete - N/A	
6. Have you invited the public to comment on your referral documentation?	
7. How was the invitation published?	
8. Did the invitation include all of the following?	
(a) brief description of the action	
(b) the name of the action	
(c) the name of the proponent	
(d) the location of the action	
(e) the matters of national environmental significance that will be or are likely to be significantly impacted	
(f) how the relevant documents may be obtained	
(g) the deadline for public comments	
(h) available for public comment for 14 calendar days	
(i) the likely impacts on matters of national environmental significance	
(j) any feasible alternatives to the proposed action	
(k) possible mitigation measures	
9. Were any submissions received during the public comment period?	
10. Have public submissions been addressed? If yes provide attachment.	

2.1.4 Other Commonwealth Government Approvals

Proponent, DMA and Third Party to complete			
Is approval required from other Commonwealth Government/s for any part of the proposal?		<input type="checkbox"/> No	
Agency / Authority	Approval required	Application lodged?	Agency / Local Authority contact(s) for proposal

3. SUPPORTING INFORMATION

Please attach copies of any relevant information on the proposal, supporting evidence and / or existing environmental surveys, studies or monitoring information undertaken and list the documents below.

Proponent, DMA and Third Party to complete			
(1)	<i>Baby Hope Proposal – Environmental Review Document</i>	<i>Rio Tinto</i>	<i>Provide detailed information regarding the Proposal and environmental impact assessment</i>
(2)	Flora and Vegetation Report	Biota 2014	Provides baseline information regarding the flora and vegetation within the Baby Hope Area
(3)	Targeted Fauna	Biota 2014	Provides baseline information regarding the fauna within the Baby Hope Area
(4)	Subterranean Fauna	Biota 2015	Provides baseline information regarding the subterranean fauna within the Baby Hope Area

PART B: ENVIRONMENTAL FACTORS

The purpose of Part B is to assist the EPA to determine the significance of the likely environmental impacts of the proposal in accordance with the EPA's *Environmental Assessment Guideline for Environmental factors and objectives* (EAG 8) and *Environmental Assessment Guideline for Application of a significant framework in the EIA process* (EAG 9). Referrers completing Part B should refer closely to EAG 8 and EAG 9.

The EPA has prepared [Referral of a Proposal under s38 of the EP Act EAG No.16 - Appendix A](#) (Appendix A) to assist in identifying factors and completing the below table. Further guidance can be found in the guidance and policy documents cited in Appendix A under each factor.

How to complete Part B

For each environmental factor, that is likely to be significantly impacted by the implementation of the proposal, make a copy of the table below and insert a summary of the relevant information relating to the proposal. The table can be broken down into more than one table per factor, if the need arises. For example the hydrological processes factor can be presented in two separate tables, one for surface water and one for groundwater, or similarly one for construction and one for operations.

For complex proposals a supplementary referral report can be provided in addition to the referral form. If this option is chosen the table must still be completed (summaries are acceptable) to assist the Office of the EPA with statistical reporting and filtering proposals for processing.

Proponents expecting an API level of assessment must provide information in accordance with the EPA's *Environmental Assessment Guideline for Preparation of an API-A environmental review document* (EAG 14).

For each of the significant environmental factors, complete the following table (Questions 1 – 10).

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
1	Factor, as defined in EAG 8	Flora and Vegetation Subterranean Fauna Rehabilitation and Decommissioning Offsets
2	EPA Objective, as defined in EAG 8	Refer to Table 5-1, Table 5-2, Table 5-3, Table 5-4 and Table 5-5 within the Environmental review Document.
3	Guidance - what established policies, guidelines, and standards apply to this factor in relation to the proposal?	Refer to the Environmental Review Document.
4	Consultation - outline the need for consultation and the outcomes of any consultation in relation to the potential environmental impacts, including: <ul style="list-style-type: none"> • <i>anticipated level of public interest in the impact;</i> • <i>consultation with regulatory agencies; and</i> • <i>consultation with community.</i> 	Refer to Table 3-1 of the Environmental Review Document for an extensive list of stakeholder consultation. Stakeholders consulted include key decision making authorities, the Shire of East Pilbara and the relevant Traditional Owner group.

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.		
5	<p>Baseline information - describe the relevant characteristics of the receiving environment.</p> <p><i>This may include: regional context; known environmental values, current quality, sensitivity to impact, and current level of cumulative impacts.</i></p>	<p>Refer to Technical Appendices for baseline biological and technical information to support the Proposal.</p>
6	<p>Impact assessment - describe the potential impact/s that may occur to the environmental factor as a result of implementing the proposal.</p>	<p>Refer to Section 5 and Section 6 of the Environmental Review Document for the environmental impact assessment on key and other environmental factors.</p>
7	<p>Mitigation measures - what measures are proposed to mitigate the potential environmental impacts? The following should be addressed:</p> <ul style="list-style-type: none"> • <i>Avoidance - avoiding the adverse environmental impact altogether;</i> • <i>Minimisation - limiting the degree or magnitude of the adverse impact;</i> • <i>Rehabilitate – restoring the maximum environmental value that is reasonably practicable; and</i> • <i>Offsets – actions that provide environmental benefits to counterbalance significant residual environmental impacts or risks of a project or activity.</i> 	<p>Refer to Table 5-1, Table 5-2, Table 5-3, Table 5-4, Table 5-5 and Table 5-6 within the Environmental Review Document.</p>

Proponent to complete. DMA and Third Party to complete to the best of their knowledge.

<p>8</p>	<p>Residual impacts – review the residual impacts against the EPA objectives.</p> <p><i>It is understood that the extent of any significant residual impacts may be hard to quantify at the referral stage. Referrers are asked to provide, as far as practicable, a discussion on the likely residual impacts and form a conclusion on whether the EPA’s objective for this factor would be met if residual impacts remain. This will require:</i></p> <ul style="list-style-type: none"> • <i>quantifying the predicted impacts (extent, duration, etc.) acknowledging any uncertainty in predictions;</i> • <i>putting the impacts into a regional or local context, incorporating knowable cumulative impacts; and</i> • <i>comparison against any established environmental policies, guidelines, and standards.</i> 	<p>Refer to Table 5-6 within the Environmental Review Document. An offset is required to compensate for significant residual impact resulting from the clearing of up to 1,000 ha of native vegetation in good to excellent condition.</p>
<p>9</p>	<p>EPA’s Objective – from your perspective and based on your review, which option applies to the proposal in relation to this factor? Refer to EAG 9</p>	<p><input type="checkbox"/> meets the EPA’s objective</p>
<p>10</p>	<p>Describe any assumptions critical to your conclusion (in Question 9). <i>e.g. particular mitigation measures or regulatory conditions.</i></p>	<p>The Proposal has been prepared with design, layout and management controls identified to avoid, minimise or manage the potential environmental impacts using both industry standard and Proposal specific controls.</p> <p>Given the configuration of the proposal to avoid significant impacts, location in relation to environmental assets and values, and the existing and proposed management actions and controls to protect the environment, the proponent considers that the Proposal will meet the EPA’s Objectives.</p>

In circumstances where there was some uncertainty on the level of significance of a particular factor it is recommended that a brief summary (no longer than 1 - 2 paragraphs) is provided on the steps taken to determine why a factor was not considered to be significant.

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