

Form

Referral of a proposal under s. 38 of the EP Act

PART A: PROPONENT AND REFERRER INFORMATION AND PROPOSAL DESCRIPTION			
Referrer information			
Who is referring this proposal?		<input checked="" type="checkbox"/> Proponent <input type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party	
Name (print) Rowena Albones <i>Name of the person or organisation referring</i>		Signature <i>Rowena Albones</i>	
Position	Director	Organisation	Hamersley Iron Pty Limited
Email	Rowena.Albones@riotinto.com	Phone	+61 8 9327 2000
Address	152-158	St Georges Terrace, Perth WA 6000	
	PERTH	WA	6102
Date	6 October 2022		
Contact details (for the EPA's assessment of this proposal) <i>Name, organisation, position, email, phone and address</i> Matt Spence (Senior Advisor Environmental Approvals) Phone: +61 8 9327 2000; Email: matt.spence@riotinto.com		Referrer Rowena Albones Organisation: Hamersley Iron Pty Limited Position: Director Email: Rowena.Albones@riotinto.com	
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Declaration I, Rowena Albones declare that I am authorised to refer this proposal on behalf of Hamersley Iron Pty Ltd and further declare that the information contained in this form is true and not misleading.			
Proponent information			
Name of the proponent/s <i>Include Trading Name if relevant</i>		Hamersley Iron Pty Ltd	
Australian Company Number(s) <input checked="" type="checkbox"/> OR Australian Business Number(s) <input type="checkbox"/>		004 558 276	

Pre-referral discussions	
<p>Have you had pre-referral discussions with the EPA (including the EPA Services of DWER)?</p> <p><i>If so, provide name, date, and overview of discussions.</i></p>	<p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </p> <p>Pre-referral consultation sessions for the Dampier Seawater Desalination Plant Proposal have been held with the EPA Services, with the most recent being 29 September 2022 with representatives Strategic Assessments Branch (DWER), including Cassie Bell and Emma Sugden.</p> <p>Pre-referral discussions have also been held with:</p> <ul style="list-style-type: none"> • DWER Marine Ecosystems Branch – 25 September 2020, 21 March 2021, 17 November 2021 • DWER Noise Branch – 4 November 2021 <p>The Proponent will continue to consult with relevant stakeholders during the environmental assessment process.</p>
Proposal information	
Proposal name	Dampier Seawater Desalination Plant
<p>What is the proposal? (Include general description in the Instructions and template: How to identify the content of a proposal)</p>	<p>Construction and operation of the Dampier Seawater Desalination Plant (DSDP) at Parker Point, located approximately 2.5 km north-east of Dampier township within the Proponent’s existing Dampier Port industrial area.</p> <p>The DSDP will have a maximum capacity of 8 GL/year and may be delivered in stages to meet water demands.</p> <p>The Proposal includes, but is not limited to the following:</p> <ul style="list-style-type: none"> - Seawater desalination plant - Seawater intake - Outfall to ocean - Water transfer pipelines connecting the plant to potable water tanks and the existing West Pilbara Water Supply Scheme - Other associated supporting infrastructure and services

Have you provided electronic spatial data, maps, and figures in the appropriate format?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
What type of proposal is being referred? <i>For significant amendment or derived proposal, provide the associated existing Ministerial statement number/s</i> <i>For a proposal under an assessed planning scheme, provide the scheme number and name</i>	<input checked="" type="checkbox"/> significant proposal. <i>Choose which type of significant proposal</i> <input checked="" type="checkbox"/> new proposal <input type="checkbox"/> significant amendment (proposal only) <input type="checkbox"/> significant amendment (conditions only) <input type="checkbox"/> significant amendment (proposal and conditions) <input type="checkbox"/> strategic proposal <input type="checkbox"/> derived proposal <input type="checkbox"/> proposals of a prescribed class <input type="checkbox"/> proposal under an assessed planning scheme	
Proposal content: Complete the corresponding template (Proposal Content Document) from the Instructions and template: How to identify the content of a proposal for the type of proposal identified above. The completed form must be submitted with the referral.		
Alternatives	See Section 2.3 of the Environmental Review Document.	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS

Environmental factors

What are the likely significant environmental factors for this proposal?

- Benthic Communities and Habitat
- Coastal Processes
- Marine Environmental Quality
- Marine Fauna
- Flora and Vegetation
- Landforms
- Subterranean Fauna
- Terrestrial Environmental Quality
- Terrestrial Fauna
- Inland Waters
- Air Quality
- Greenhouse Gas Emissions
- Social Surroundings
- Human Health

For **each** of the environmental factors identified above, complete the following table, or provide the information in a supplementary report

Potential environmental impacts – for each environmental factor

1	EPA policy and guidance	The following two preliminary key environmental factors are addressed in the attached Referral Supporting Document: <ul style="list-style-type: none"> - Marine Environmental Quality - Social Surroundings
2	Receiving environment	
3	Likely environmental impacts	
4	Application of the mitigation hierarchy	

5	Assessment and significance of residual impacts	These two environmental factors are addressed in Section 7 and 8 in the attached Referral Supporting Document.
6	Likely environmental outcomes	<p>The following factors considered ‘other factors’ are included in the attached Referral Supporting Document.:</p> <ul style="list-style-type: none"> - Benthic Communities and Habitat - Marine Fauna - Flora and Vegetation - Terrestrial Fauna - Greenhouse Gas <p>These ‘five other factors’ are addressed in Sections 9 to 13 in the attached Referral Supporting Document.</p>
Holistic impact assessment		
A detailed holistic impact assessment is provided in Section 15 of the Referral Supporting Document.		
Cumulative environmental impact assessment		
Refer to Section 16 of the Referral Supporting Document for the overall assessment of cumulative impacts. Cumulative impacts are also considered in Sections 7-12 of the Environmental Review Document.		
Consultation		
Refer to Section 4 of the Referral Supporting Document for a summary of the consultation on the Proposal.		
Supporting documents		
<ul style="list-style-type: none"> • Referral Supporting Document and appendices: <ul style="list-style-type: none"> Appendix A – Construction Environmental Management Plan (RioTinto, 2022a) Appendix B – Operational Environmental Management Plan (RioTinto, 2022b) Appendix C – DSDP Cultural Heritage Management Plan (RioTinto, 2022c) Appendix D – Engineering Design Detail - Additional Information Appendix E – Policy and Guidance (Attached below) Appendix F – Water Quality Modelling Report (Advisian, 2022b) Appendix G – DSDP – Parker Point Power Station Pond Sediment Quality Study (MScience, 2020b) Appendix H – Memo: Parker Point benthic community and habitat survey (MScience, 2021a) Appendix I – DSDP - Assessment of Marine Impacts (MScience, 2021c) Appendix J – Environmental Noise Impact Assessment Report (Wood, 2021) Appendix K – Memo: Pile Drilling Underwater Noise Estimation (Jasco, 2022) Appendix L – Flora, Vegetation and Fauna Assessment Report (AECOM, 2021) • Proposal Content Document 		
Has the referrer provided survey information according to the Instructions and Form: IBSA Data Packages and/or the Instructions and form: IMSA Data Packages		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Conclusion		

Do you consider the proposal may have a significant effect on the environment?

The Proponent considers that the Proposal unlikely to have a significant impact on the environment. The potential impacts identified for each environmental factor are summarised in the attached Referral Supporting Document.

Based on the proposed limits and mitigation measures, the Proposal can be implemented to meet the EPA's objectives for the environmental factors.

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR SIGNIFICANT AMENDMENTS ONLY

Type of significant amendment	<input type="checkbox"/> significant amendment to the approved proposal <input type="checkbox"/> significant amendment to the implementation conditions <input type="checkbox"/> significant amendment to both the proposal and the implementation conditions
Information of the approved proposal	
Combined effects of the approved proposal and significant amendment	
Analysis of existing implementation conditions	
Previous changes to the Proposal and or implementation conditions	
Compliance	
Environmental Performance	
Control of implementation of significant amendment	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR A PROPOSAL UNDER AN ASSESSED SCHEME ONLY

What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme?	
How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme?	

PART B: ASSESSMENT OF ENVIRONMENTAL IMPACTS FOR DERIVED PROPOSALS ONLY

Demonstrate how the proposal will meet the environmental outcomes defined through the assessment of the strategic proposal	
Provide an analysis of the existing implementation conditions of the related strategic proposal in relation to the derived proposal	

PART C: OTHER APPROVALS AND REGULATION

Decision-making authorities and their approvals

Provide a table list of the decision-making authorities, associated legislation or agreement regulating the activity and the specific approval required. (Example table at the end of form)	Refer to Table 1 at the end of the form.
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Provide a summary of the statutory decision-making processes you consider can mitigate the potential impacts of the proposal on the environment. (Note: this should be a summary of the information provided in Part B section 2.4).	Refer to Table 1 at the end of the form.
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Tenure and Local Government approvals

Location of proposal: 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 2.5 km north-east of Dampier township within the Proponent’s existing Dampier Port industrial area.
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Name of the Local Government Authority in which the proposal is located.	City of Karratha
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Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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What is the current land use on the property, and the extent (area in hectares) of the property?	The development envelope is covered wholly with <i>Land Administration Act 1997</i> lease N104718, N104744, N104748, N104747, N104346 and I195323 boundaries. All the leases are granted pursuant to the <i>Iron Ore (Hamersley Range) Agreement Act 1963</i> and held by Hamersley Iron Pty Limited. The purposes of the leases are appropriate for this development.
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Does the proponent have the legal access required for the implementation of all aspects of the proposal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<p>If yes, provide details of legal access authorisations / agreements / tenure.</p> <p>If no, what authorisations / agreements / tenure is required and from whom?</p>	<p>The development envelope is located on leases held by the Proponent. Refer above.</p>
<p>Commonwealth Government approvals</p>	
<p>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)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Date: _____</p> <p>EPBC No.: _____</p> <p>The Proponent will be referring the Proposal under the EPBC Act and is anticipating a 'Not a Controlled Action' decision.</p>
<p>If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Decision – controlled action</p> <p><input type="checkbox"/> Decision – not a controlled action</p>
<p>If the proposal is determined to be a controlled action, do you request that this proposal be assessed under a Bilateral Agreement or as an accredited assessment?</p>	<p><input type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Yes – Accredited</p> <p>Should the Proposal be determined to be a controlled action, an accredited assessment is requested.</p>
<p>Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Approval:</p>
<p>Decision-making authority referrals <u>ONLY</u></p>	
<p>What approval/s, under your authority, are required for this proposal? <i>Please provide details.</i></p>	

Table 1: Other approvals

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)	Whether and how statutory decision-making process can mitigate impacts on the environment? (Yes/No and summary of reasons. Include a separate line item for each relevant impact, and discuss how the EPA's factor objective will be met)
DWER	<i>EP Act Part V</i>	Works Approval and Licence, and, Operating Licence Amendment	<p>May be required – depending on further engagement with DWER.</p> <p>The EP Act requires a Works Approval to be obtained before constructing a prescribed industrial premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises.</p> <p>The Works Approval will contain conditions specifying how the plant must be constructed and commissioned. Once the respective licence has been amended to include the prescribed category, there will be conditions under which the plant may be operated.</p>
Economic Regulation Authority	<i>Water Services Act 2012 (WA) – Part 2</i>	Water Services Licence	<p>No.</p> <p>Under the <i>Water Services Act 2012 (WA)</i>, environmental considerations are matters to be considered when issuing a license. However existing Water License 33 is already in place and will incorporate the Proposal without needing an amendment.</p>
Minister for Water	<i>Water Services Act 2012 (WA) – Part 6</i>	Major Works Authorization from the Minister of Water is required prior to commencing construction	<p>Yes, potentially.</p> <p>Under the <i>Water Services Act 2012 (WA)</i>, environmental considerations (including the value of ecologically sustainable development), are to be considered when assessing the public interest.</p> <p>The Major Works approvals process includes a public submissions period. If a submission is made that confirms in the Minister's opinion that the Majors Works would not be in the public interest, which can include environmental impacts, the Minister may refuse to authorize the Major Works.</p> <p>Further, the Minister may require the Major Works proposal be modified if the Minister believes that the modification is</p>

Decision-making authority	Legislation or Agreement regulating the activity	Approval required (and specify which proposal element the approval is related to)	Whether and how statutory decision-making process can mitigate impacts on the environment? (Yes/No and summary of reasons. Include a separate line item for each relevant impact, and discuss how the EPA's factor objective will be met)
			in the public interest (e.g., for environmental protection).
Minister for Health	<i>Fluoridation of Public Water Supplies Act 1966 (WA)</i>	Determination from the Minister for Health	<p>No.</p> <p>There is potential that environmental concerns may be considered, however this approval process focuses on public health considerations.</p> <p>To obtain this determination, Rio Tinto will submit a detailed proposal to the Advisory Committee for the Purity of Water. The proposal will include the basic detail of the DSDP, source of the water, high level line diagram inclusive of custody transfer point, method of fluoridation and associated volumes.</p>
Department of Health	<i>Medicine and Poisons Act 2014 (WA)</i>	Poison permit (industrial)	<p>No.</p> <p>Approval process focuses on public health, use of poison, location of poison and fit and proper person considerations.</p>