

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

(a) Fortescue Metals Group Limited (ACN: 57 002 594 872)
Level 2, 87 Adelaide Terrace
EAST PERTH WA 6004

(b) Relevant Decision-Making Authorities, see Attachment 2

PROPOSAL TO WHICH THIS NOTICE RELATES:

Eliwana Railway Project
Assessment No. 2129

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred;

- changes to the Rail Development Envelope resulting in an overall reduction in the area of the development envelope as described in Schedule 1 and shown in Figure 1 of Attachment 1.

EFFECT OF THIS NOTICE:

1. The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.



Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

((April 2018

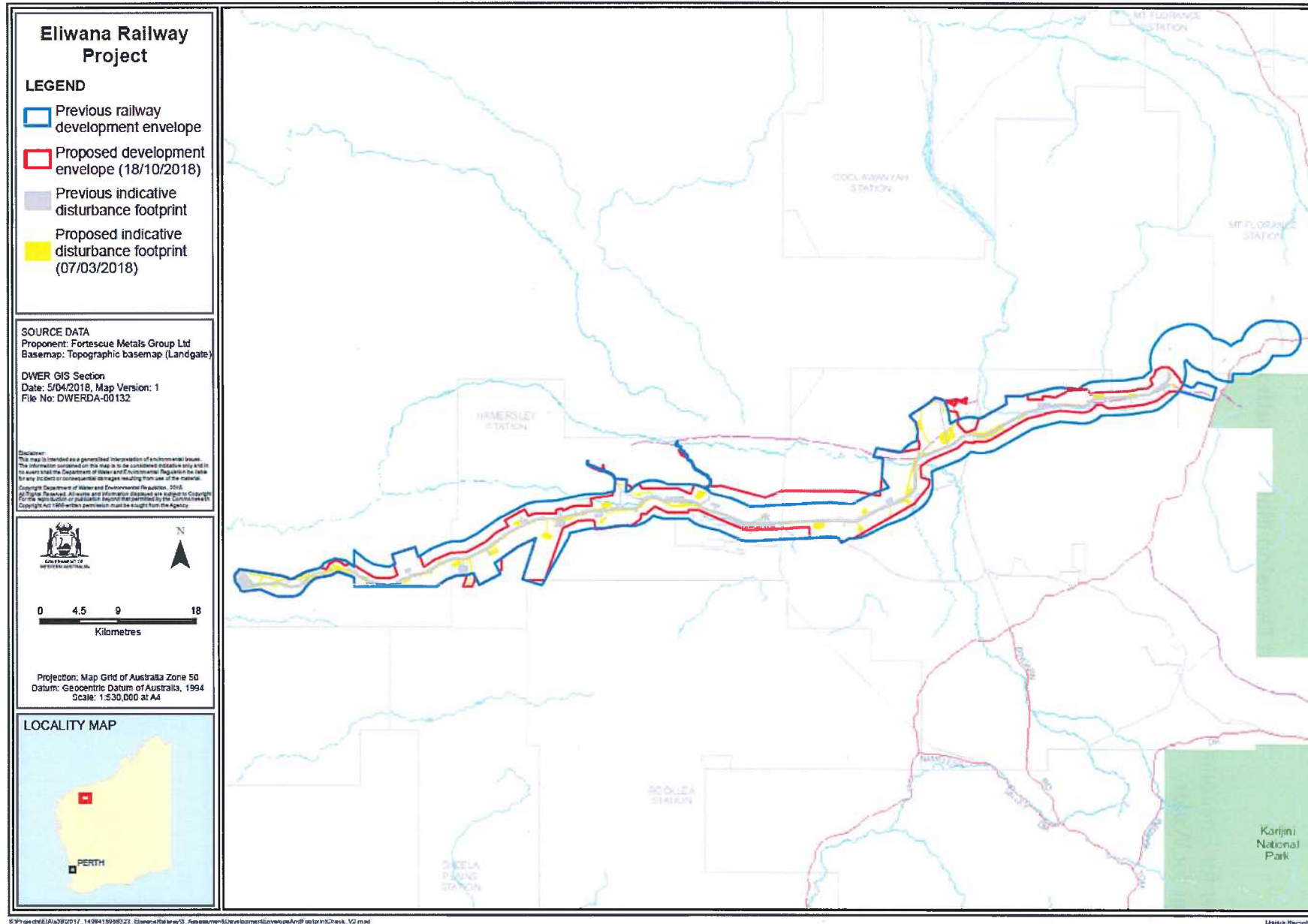
Schedule 1

Change to Proposal

Element	Current Proposal	Changed Proposal
Disturbance area	Clearing of up to 3,690 ha of native vegetation within a 57,000 ha development envelope	Clearing of up to 3,690 ha of native vegetation within a 38,029 ha development envelope

Figure 1 – Changes to referred Rail Development Envelope and Indicative Disturbance Footprint.

Figure 1 – Changes to Rail Development Envelope and Indicative Disturbance Footprint



Relevant Decision Making Authorities

Minister for Environment

Minister for Water

Minister for State Development

Minister for Lands

Minister for Aboriginal Affairs

Director General, Department of Water and Environment Regulation

Chief Executive Officer, Shire of Ashburton

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Eliwana Railway Project

Proponent: Fortescue Metals Group Limited

Decision

For the reasons outlined below, the EPA has determined to consent to the Proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 7 July 2017, Fortescue Metals Group Limited (FMGL) referred the Eliwana railway Project to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Proposal includes the construction and operation of a 120km railway linking the proposed Eliwana Iron Ore Mine with the existing Solomon Iron Ore Mine.

The proposal would require disturbance of up to 3,690 ha of native vegetation and fauna habitat within a 57,000ha development envelope. Water abstraction for the proposal would be up to 2 gigalitres per annum during the 1-2 year construction period, and 100,000 kilolitres per annum during the operation phase, from local bore fields.

The EPA determined to assess the Proposal at the level of Public Environmental Review with a four-week review period. The Environmental Scoping Document (ESD) for the proposal was approved on 21 December 2017. The ESD included a discussion of the EPA's expectation that the proponent would reduce the area of the development envelope during the assessment process.

In advance of the public review of the Proposal, the Proponent has sought the EPA's consent to the proponent changing the Proposal, including a reduction in the development envelope.

Relevant Statutory and Administrative Provisions

Section 3.8 of the Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016 guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change

- statement of the significance of the change and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. Draft Environmental Review Document – Eliwana Rail Project – Assessment 2129
2. Eliwana Rail updated Shape Files – received 07 March 2018
3. Proponent letter – Request for change to proposal under S43A - received 27 March 2018

Consideration

1. Nature of the proposed change

The proposed changes to the proposal include:

- Overall reduction of the Rail Development Envelope from 57,000 ha to 38,089 ha;
- Removal of a borrow pit located on Hamersley Road within 3 km of Karijini National Park; and
- Widening of the development envelope near the Nammuldi Agricultural Project to allow for two railway options currently under review.

The changes to the proposal are not considered to be significant as the proposed scale and location of disturbance is the same or smaller than that provided in the referral documentation. Additionally, the changes are in line with the EPA's expectation that the development envelope be refined through the assessment process.

The proposed changes to the development envelope and the indicative disturbance footprint are described in Schedule 1 and shown in Figure 1 of Attachment 1 of this document. Updated spatial data has been provided by the proponent and is held by DWER (Reference Numbers: Rail development envelope - 2018-1522221836980; Indicative Disturbance Footprint – 2018 - 1522803693174).

2. Stage of the assessment process

The Environmental Review Document (ERD) is currently in draft. The current draft reflects the proposed changes to the development envelope. Following finalisation of the ERD, it will be released for a four-week public review period.

3. Currency, relevance and reliability of the information, including submissions

The proposal was referred in July 2017 and all information submitted in support of the referral remains current. The proposed changes to the Development Envelope for the proposal remain within the areas in which FMGL's environmental

investigations were undertaken. Updated spatial data has been provided by the proponent.

4. Community engagement

The EPA has engaged with the community through the referral process and intends to release this decision document on its website for public information. The EPA will engage with the community throughout the PER process, including a four-week public review period.

5. Level of public concern

There is a significant level of public concern in relation to this proposal, including recent media attention in relation to the Spear Hill Indigenous Heritage area. However, the proposed changes to the development envelope do not increase the potential impacts to any known heritage place, and substantially decrease the risk to the Spear Hill area which is the subject of concern. Further, there will be opportunities for the changes to be considered by the public during the four-week public review period.

Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

The change to the proposal would not result in environmental impacts that are different to the originally referred proposal, or in the consideration of different environmental values or factors than those identified in the approved ESD. Risks to flora and vegetation values would be reduced through the reduction in areas of Themeda Grasslands (Threatened Ecological Community) and Brockman Cracking Clay (Priority Ecological Community) within the development envelope.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The change to the proposal would not result in an increase in the duration of the proposal, or in the level of disturbance beyond that of the proposal which was originally referred.

c) Consequence of the likely impacts (or change)

The change to the proposal would not alter the impacts associated with the originally referred proposal (construction and operation of a rail line).

d) Resilience of the environment to cope with the impacts or change

The change to the proposal would not alter the impacts associated with the originally referred proposal (construction and operation of a rail line).

e) Cumulative impacts with other projects

The change to the proposal would not alter the potential cumulative impacts of the originally referred proposal.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The change to the proposal does not alter any connections or interactions with the receiving environment.

g) Level of confidence in the prediction of impacts and the success of proposed mitigation

The new development envelope is within the area in which the proponent's environmental investigations were undertaken. There is no change to the level of confidence in the predicted impacts and the success of the proposed mitigation.

h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

There is a significant level of public concern in relation to this proposal, including recent media attention in relation to the Spear Hill Indigenous Heritage area. However, the proposed changes to the development envelope do not increase the potential impacts to any known heritage place, and substantially decrease the risk to the Spear Hill area which is the subject of concern.

Attachment 1

Schedule 1

Change to Proposal

Element	Current Proposal	Changed Proposal
Disturbance area	Clearing of up to 3,690 ha of native vegetation within a 57,000 ha development envelope	Clearing of up to 3,690 ha of native vegetation within a 38,029 ha development envelope

Figure 1 – Changes to referred Rail Development Envelope.

Figure 1 – Changes to Referred Rail Development Envelope and Indicative Disturbance Footprint

