

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) BHP Billiton Iron Ore Pty Ltd (ACN: 008 700 981)
125 St Georges Terrace
PERTH WA 6000

PROPOSAL TO WHICH THIS NOTICE RELATES:

Pilbara Expansion Strategic Proposal
Assessment No. 1934

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 -

- inclusion of the Project Boundary shown in Figure 1 (attached)
- minor modification to the boundaries of the Conceptual Operations Locations shown in Figure 1 of the referral documentation to match the Future Proposals identified in Figure 2 of the draft conditions of the Ministerial Statement (attached)
- alignment/clarification of the terminology used to define Associated Activities and Operations.

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

18 June 2018

Attachment 1 – Pilbara Expansion Revised Proposal Description

Excerpts from Table 2 of the draft BHP PERSP conditions (incorporating proponent comments) titled:
'Location and authorised extent of physical and operational elements'

Developments (Column 1):

Iron Ore Mines being, new mining operations at:

- Caramulla;
- Coondiner;
- Gurinbidy;
- Jinidi;
- Marillana;
- Mindy;
- Ministers North;
- Mudlark;
- Munjina/Upper Marillana;
- Ophthalmia/Prairie Downs;
- Rocklea;
- Roy Hill; and
- Tandanya

and future expansions to any new mining operations and to the existing mining operations at:

- Jumblebar;
- Mining Area C;
- Newman; and
- Yandi.

Associated Activities and Operations related to Iron Ore Mines.

Location (Column 2):

For Iron Ore Mines within granted or pending mining tenements and any other interest in land, including amendments to these tenements and interests or the future acquisition of related tenements or interests, held by BHP or its Associates within the Project Boundary and, at the time of issue of this Statement, as identified in Figures 1 and 2.

Associated Activities and Operations may be located on tenements and any other interests in land currently held by BHP or its Associates, or which will be acquired in the future, and located within the Project Boundary.

Description of limits / extent (Column 3):

1. Clearing (as defined in s51A of the *Environmental Protection Act 1986*), caused by or likely to be caused by all future proposals identified in Column 1 of Table 2, shall not exceed 98,500 hectares

Excerpt from Proposed Table 3 of the draft BHP PERSP conditions titled 'Abbreviations and Definitions':

Associated Activities and Operations include but are not limited to:

(a) Any of the following activities associated with the Iron Ore Mines:

- (i) Geotechnical investigations and associated activities
- (ii) Mine pit excavation
- (iii) Dewatering
- (iv) Blasting, drilling, and extraction
- (v) Ore transportation infrastructure, including conveyors (vi) Ore processing infrastructure including crushers
- (vi) Beneficiation and associated activities
- (vii) Over burden storage areas, ore stockpiles and topsoil stockpiles and associated stacking, reclaiming and loading activities
- (viii) Laydown areas, vehicle maintenance areas, assembly areas, water bores, turkey nests and culverts
- (ix) Tailings storage facilities, fuel and hydrocarbon storage, explosives storage and storage of environmentally hazardous goods and materials

- (x) Accommodation camps
 - (xi) Airstrips and airports
 - (xii) Administration and workshop building
 - (xiii) Rehabilitation and decommissioning activities
 - (xiv) Ancillary infrastructure and associated activities including concrete batching plants
 - (xv) Ground disturbance and earthworks (vegetation, habitat
 - (xvi) and landform removal)
 - xvii) Emissions to the environment
 - xviii) Abstractions from the environment
 - (xix) Water supply, water abstraction, water and gas distribution, water use, water storage, water treatment, drainage and stormwater management and water discharge and water reinjection
 - (xx) Power distribution infrastructure including substations, switchyards and above or below ground cables
 - (xxi) Diesel power generators
 - xxii) Waste management
- (b) any rail, road or other infrastructure associated with the Iron Ore Mines and including:
- (i) Rail spurs
 - (ii) Rail loops
 - (iii) Expanded rail capacity of the Newman-Port Hedland rail line
 - (iv) Accommodation camps for rail, road or other infrastructure development
 - (v) Borrow pits
 - (vi) Rail welding yards
 - (vii) Workshops and repair yards
 - (viii) Support infrastructure including pipelines, powerlines, fibre optic cables and other service infrastructure
 - (ix) Laydown areas
 - (x) Roads and access tracks

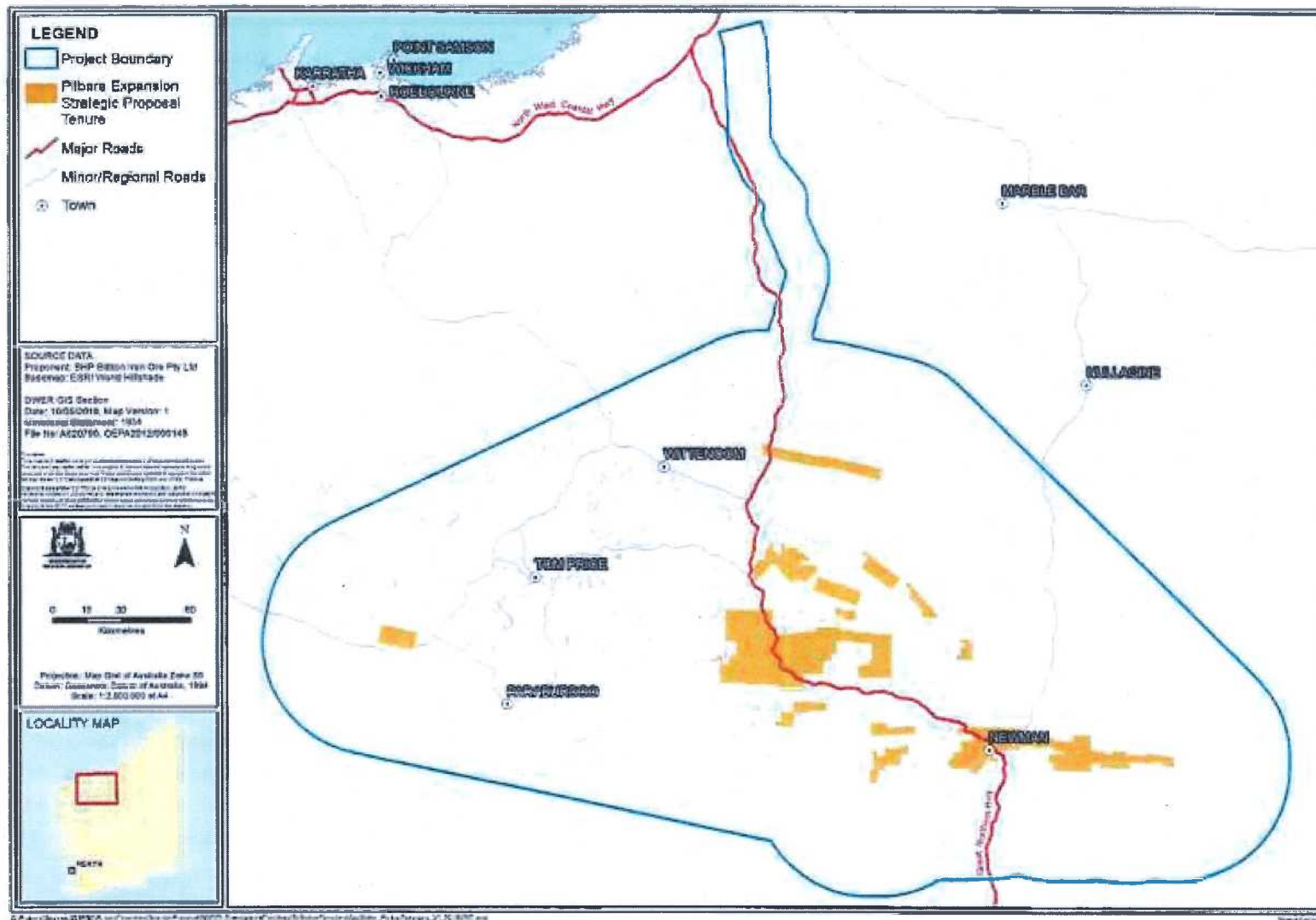


Figure 1: Strategic Proposal Boundary and BHP Billiton Iron Ore Tenements

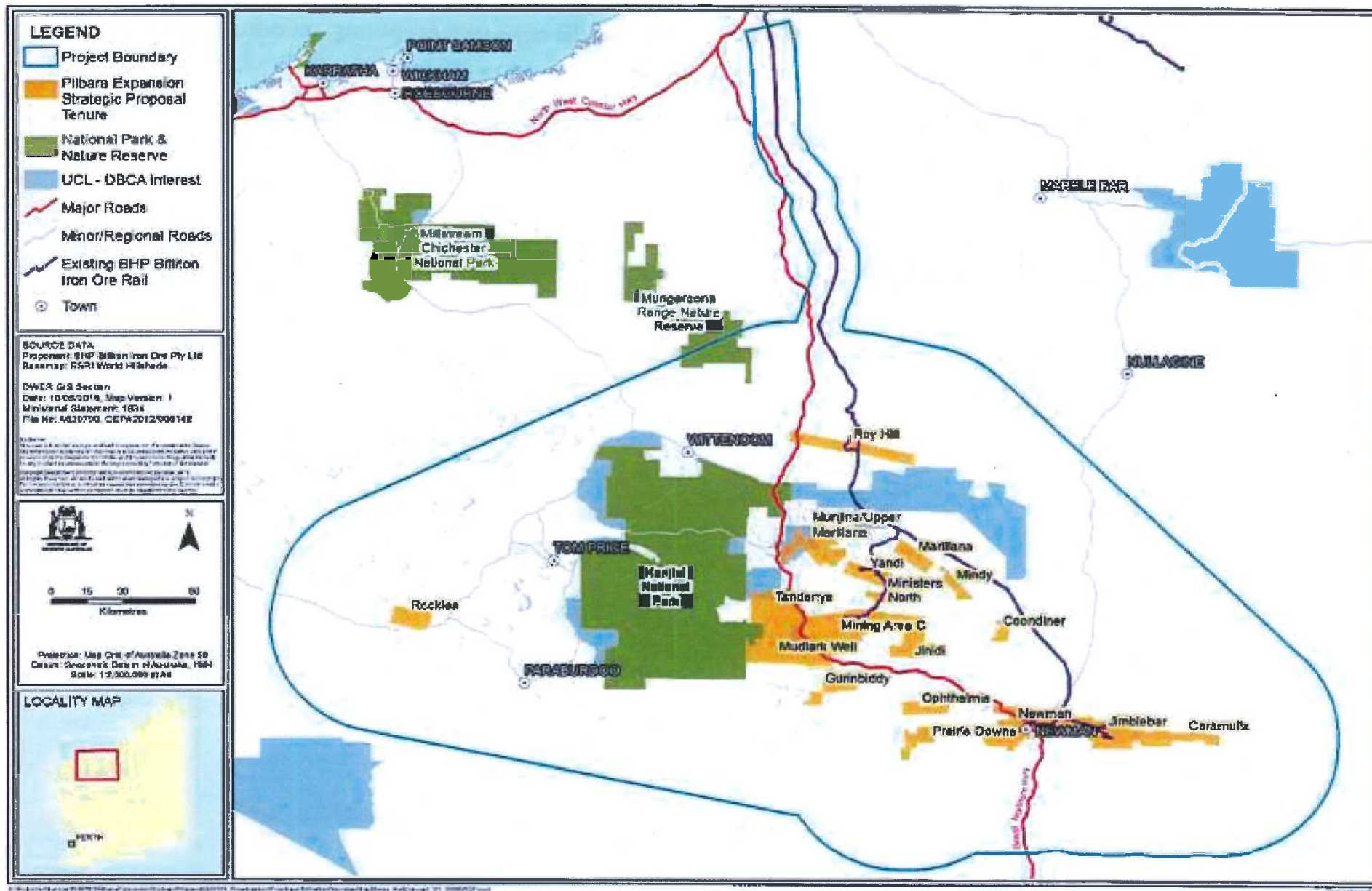


Figure 2 Future Proposals Identified in the Strategic Proposal



Environmental Protection Authority

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STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Pilbara Expansion Strategic Proposal

Proponent: BHP Billiton Iron Ore Pty Ltd

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 6 July 2012, the Proponent referred the Proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Strategic Proposal includes the development of iron ore mines and associated mining infrastructure in the Pilbara. The proposal identifies all new iron ore mine developments, as well as the expansion of existing mines within the Strategic Proposal Project Boundary. Activities included in the proposal include mining operations, rail, overburden storage areas, dams (tailings and turkey-nest style) and associated mine infrastructure.

The EPA determined to assess the Proposal at the level of Public Environmental Review on 25 July 2012.

In advance of the EPA preparing a report on the outcome of its assessment of the Proposal, the Proponent has sought the EPA's consent to the proponent changing the Proposal.

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. Discussions held between EPA Services and BHP Billiton Iron Ore in April and May 2018 during the condition consultation process, and
2. Proponent letter received 6 June 2018.

Consideration

1. Nature of the proposed change

The change represents a clarification of the proposal description and is to ensure that there are no discrepancies between the project referred in 2012, described in the public environmental review document in 2016, and that assessed and reported on by the EPA in 2018.

The changes are:

- inclusion of the Project Boundary shown in Figure 1,
- minor modification to the boundaries of the Conceptual Operations Locations shown in Figure 1 of the referral documentation to match the Future Proposals identified in Figure 2 of the draft conditions of the Ministerial Statement (Figure attached), and
- alignment/clarification of the terminology used to define Associated Activities and Operations.

2. Stage of the assessment process

The EPA's Report and Recommendations is in the process of being finalised for endorsement by the Chairman.

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

The changes were considered in the public environmental review document and so the information is considered to be current, relevant and reliable.

4. Community engagement

The proposal is being assessed as a public environmental review, with a 12-week public review period.

5. Level of public concern

During the 12-week public review period, 3 public submissions were received suggesting a low level of public interest in the proposal.

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 does not include new factors or different impacts to the environment, than when the proposal that was referred and considered in the public environmental review document.

The change represents a clarification of the proposal description and is to ensure that there are no discrepancies between the project referred in 2012, described in the public environmental review document in 2016, and assessed and reported on by the EPA in 2018.

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

The change to the proposal does not include an increase in duration or disturbance, than when the proposal that was referred.

- c) Consequence of the likely impacts (or change)

As the change represents a clarification of the proposal description and does not include any additional disturbance the change does not alter the impacts associated with the proposal.

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

As the change represents a clarification of the proposal description and does not include any additional disturbance the change does not alter the impacts associated with the proposal.

- e) Cumulative impacts with other projects

The cumulative impacts have been considered in the assessment of the proposal. As the change represents a clarification of the proposal description and does not include any additional disturbance the change does not alter the cumulative impacts associated with the 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 clarified proposal description is consistent with what was considered in the assessment of the proposal and so the level of confidence in proposed mitigation and predictions of impacts remains the same.

- 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 has been limited public interest in the proposal.

Schedule 1

Clarifications to Proposal Description

Excerpts from Table 2 of the draft BHP PERSP conditions (incorporating proponent comments) titled:
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- Mindy;
- Ministers North;
- Mudlark;
- Munjina/Upper Marillana;
- Ophthalmia/Prairie Downs;
- Rocklea;
- Roy Hill; and
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and future expansions to any new mining operations and to the existing mining operations at:

- Jimblebar;
- Mining Area C;
- Newman; and
- Yandi.

Associated Activities and Operations related to Iron Ore Mines.

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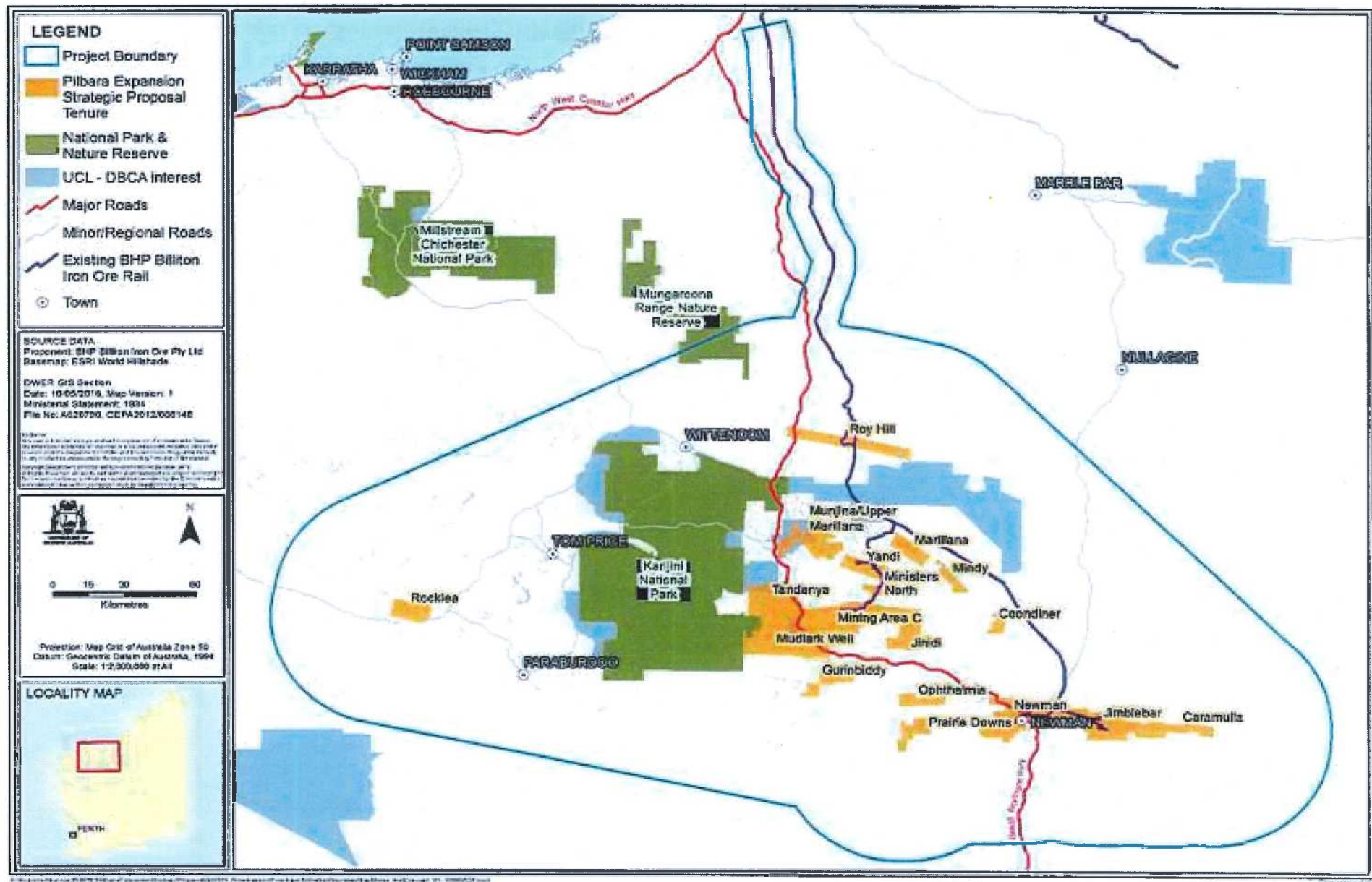


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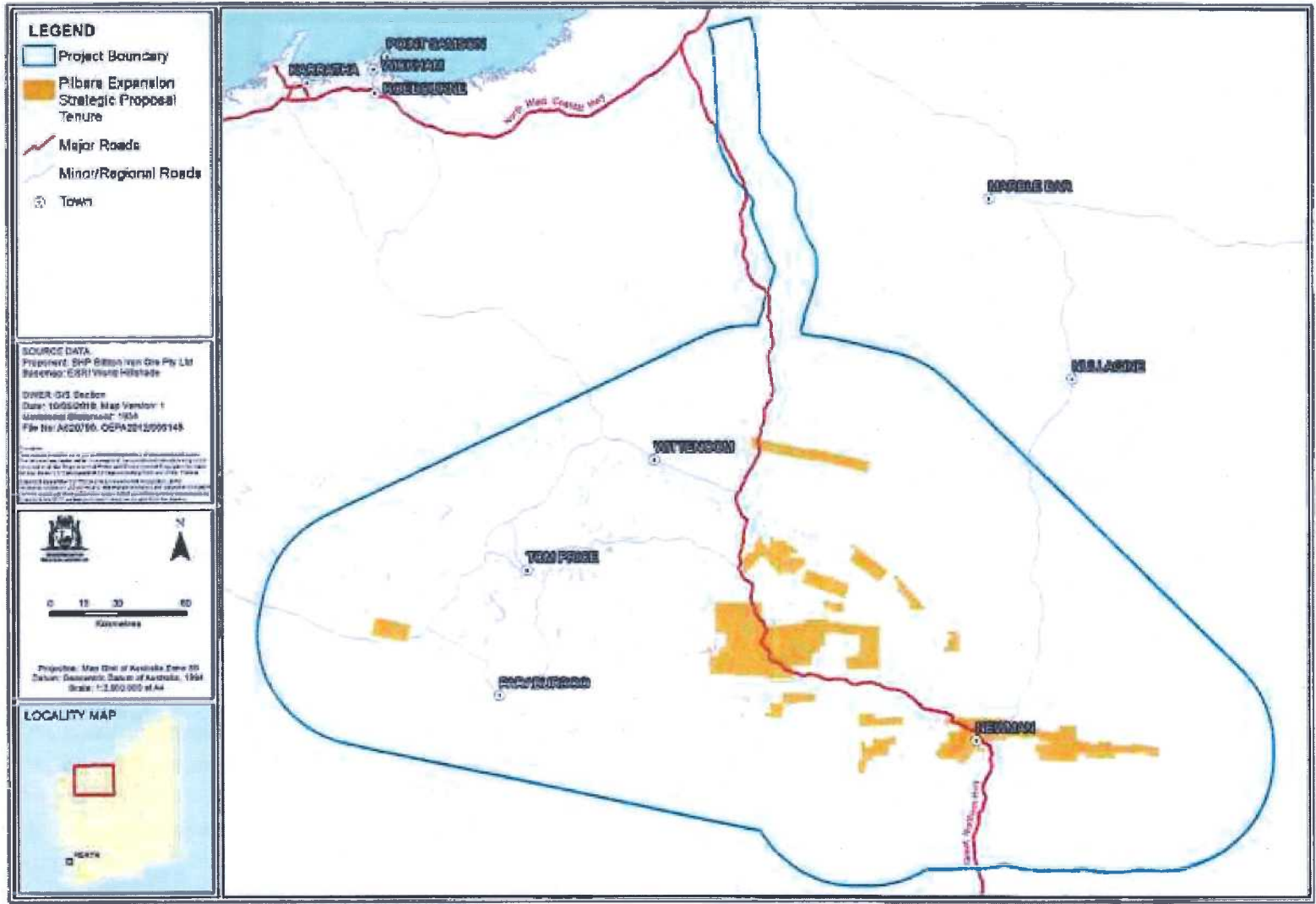


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