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Published on: 15 June 2015

Statement No. 1006

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

BALLA BALLA INFRASTRUCTURE - RAIL AND CONVEYOR PROJECT

Proposal: The proposal is to construct and operate a combination railway and conveyor line, and associated infrastructure to connect the Flinders Pilbara Iron Ore Project to the Balla Balla Export Facilities in the Pilbara region of Western Australia.

Proponent: Forge Resources Swan Pty Ltd
Australian Company Number 149 783 068

Proponent Address: Level 24
56 Pitt Street
SYDNEY NSW 2000

Assessment Number: 2036

Report of the Environmental Protection Authority: 1540

Pursuant to section 45 of the *Environmental Protection Act 1986* 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:

Note: Words and expressions used in this Statement shall have the same respective meanings as in the Act or as provided for in Schedule 1 of this Statement.

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 has 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 Flora and Vegetation (Management Plan)

6-1 The proponent shall ensure that the impacts to conservation significant flora and vegetation through construction and ongoing operations of the proposal are minimised.

6-2 Prior to commencement of ground-disturbing activities, the proponent shall prepare and submit a Flora and Vegetation Targeted Baseline Survey Plan to the CEO. The Flora and Vegetation Targeted Baseline Survey Plan shall:

(1) when implemented, determine the presence of conservation significant flora for the final alignment in 6-5(1)(a), including the presence of the Priority Ecological Community 'Cracking Clays of the Chichester and Mungaroona Range', identify any previously undescribed flora species within the proposed disturbance areas and map the vegetation within the proposed disturbance areas that has not been previously surveyed; and

(2) detail the proposed methodology for the Flora and Vegetation Targeted Baseline Survey.

6-3 After receiving notice in writing from the CEO that the Flora and Vegetation Targeted Baseline Survey Plan satisfies the requirements of condition 6-2, the proponent shall undertake the Flora and Vegetation Targeted Baseline Survey in accordance with the Flora and Vegetation Targeted Baseline Survey Plan.

6-4 On completion of the Flora and Vegetation Targeted Baseline Survey the proponent shall report to the CEO on the following:

(1) completion of the Flora and Vegetation Targeted Baseline Survey in accordance with the Flora and Vegetation Targeted Baseline Survey Plan; and

(2) the results of the Flora and Vegetation Targeted Baseline Survey.

6-5 Prior to the commencement of ground-disturbing activities, unless otherwise agreed by the CEO, the proponent shall prepare and submit a Flora and Vegetation Management Plan to the CEO on advice from the Department of Parks and Wildlife in circumstances where approval of the plan will result in impacts on conservation significant flora. The Flora and Vegetation Management Plan shall:

(1) include an infrastructure map which shows;

- (a) the final alignment, dimensions and locations of the railway and conveyor line (the construction corridor) and associated infrastructure, including the locations of river and creek crossing (and their design parameters) to be implemented in the Development Envelope;
 - (b) locations of conservation significant flora and vegetation that have previously been surveyed, including conservation significant flora identified in the targeted survey required by condition 6-3; and
 - (c) significant streams and drainage lines and areas of riparian vegetation potentially impacted by changes to surface water flows related to the proposal.
- Note: To meet the requirements of 6-5(1) the proponent may undertake a staged development.
- (2) provide spatial data for the infrastructure map as required by condition 6-5(1);
 - (3) specify management actions to minimise impacts from fire, weeds and changes to surface flows on riparian vegetation that will be implemented to ensure the management objectives in condition 6-1 is achieved; and
 - (4) provide a protocol or procedure for the review of the Flora and Vegetation Management Plan to ensure that the Flora and Vegetation Management Plan is meeting the objectives specified in condition 6-1.
- 6-6 After receiving notice in writing from the CEO that the Flora and Vegetation Management Plan satisfies the requirements of condition 6-5, the proponent shall implement the management actions in accordance with the requirements of the Flora and Vegetation Management Plan.
- 6-7 The proponent may review and revise the Flora and Vegetation Management Plan.
- 6-8 The proponent shall review and revise the Flora and Vegetation Management Plan as and when directed by the CEO.
- 6-9 The proponent shall implement the latest revision of the Flora and Vegetation Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 6-5.

7 Terrestrial Fauna (Northern Quoll, Bilby and Pilbara Olive Python)

7-1 The proponent shall ensure construction and operational activities of the proposal are carried out in a manner that minimises impacts to conservation significant fauna species.

7-2 Prior to the commencement of ground-disturbing activities, the proponent shall prepare and submit a Conservation Significant Fauna Management Plan to the CEO on advice of the Department of Parks and Wildlife.

The Conservation Significant Fauna Management Plan shall include:

- (1) details of a survey to be undertaken prior to ground-disturbing activities, to confirm the presence of conservation significant fauna and their dens/shelter from previous surveys and identify any conservation significant fauna that may have moved into disturbance areas prior to construction;
- (2) protocols and procedures to monitor conservation significant fauna, including those identified by the survey required by condition 7-2(1), during construction and operation;
- (3) detailed management measures, including fauna culverts to minimise direct and indirect impacts to conservation significant fauna; and
- (4) detailed contingency responses, including translocation, if monitoring required by condition 7-2(2) identifies conservation significant fauna within areas that could be potentially impacted during construction and operation.

7-3 After receiving notice in writing from the CEO that the Conservation Significant Fauna Management Plan satisfies the requirements of condition 7-2, the proponent shall undertake the survey identified in condition 7-2(1).

7-4 On completion of the survey required by condition 7-2(1) the proponent shall report the results of the survey to the CEO.

7-5 Prior to the commencement of ground-disturbing activities, the proponent shall implement the management actions in accordance with the requirements of conditions 7-2(2), 7-2(3) and 7-2(4).

7-6 The proponent shall continue to implement the management actions in accordance with the Conservation Significant Fauna Management Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 7-1 is being and will continue to be met and therefore the management actions are no longer required.

- 7-7 The proponent may review and revise the Conservation Significant Fauna Management Plan.
- 7-8 The proponent shall review and revise the Conservation Significant Fauna Management Plan as and when directed by the CEO.
- 7-9 The proponent shall implement the latest version of the Conservation Significant Fauna Management Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 7-2.

8 Terrestrial Fauna (Trenching)

- 8-1 The proponent shall ensure that impacts to terrestrial fauna from open trenches associated with construction of the railway and conveyor line and associated infrastructure, including temporary infrastructure in the Development Envelope as shown in Figure 1 and defined by geographic coordinates in Schedule 1 are minimised.
- 8-2 The proponent shall ensure that open trenches associated with construction of the railway and conveyor line and associated infrastructure, including temporary infrastructure in the Development Envelope as shown in Figure 1 of Schedule 1 and defined by geographic coordinates in Schedule 1, are cleared of trapped fauna by fauna-rescue personnel at least twice daily. Details of all fauna recovered shall be recorded, consistent with condition 8-7. The first daily clearing shall be completed prior to any construction or backfilling or no later than three hours after sunrise, whichever event occurs first, and shall be repeated between the hours of 3:00 pm and 6:00 pm of that same day.
- 8-3 The open trenches shall also be cleared, and fauna details recorded, by fauna-rescue personnel no more than one hour prior to backfilling of trenches.
- 8-4 The fauna-rescue personnel shall obtain the appropriate licences required for fauna rescue under the *Wildlife Conservation Act 1950* and be trained in the following:
- (1) fauna identification, capture and handling (including specially protected fauna and venomous snakes likely to occur in the area);
 - (2) identification of tracks, scats, burrows and nests of conservation significant species;
 - (3) fauna vouchering (of deceased animals);
 - (4) assessing injured fauna for suitability for release, rehabilitation or euthanasia;
 - (5) familiarity with the ecology of the species which may be encountered in order to be able to appropriately translocate fauna encountered; and

(6) performing euthanasia.

8-5 Open trench lengths shall not exceed a maximum of 2.5 km at any time.

8-6 Ramps providing egress points and/or fauna refuges providing suitable shelter from the sun and predators for trapped fauna are to be placed in the trench at intervals not exceeding 50 metres.

8-7 The proponent shall produce a report detailing fauna management within the open trenches associated with construction of the railway and conveyor line and associated infrastructure, including temporary infrastructure in the Development Envelope as shown in Figure 1 and defined by geographic coordinates in Schedule 1. The report shall include the following:

- (1) details of all fauna inspections;
- (2) the number and type of fauna cleared from trenches;
- (3) fauna mortalities; and
- (4) all actions taken.

The report shall be provided to the CEO and the Department of Parks and Wildlife, 21 days after the completion of construction of the railway and conveyor line and associated infrastructure, including temporary infrastructure or at a timeframe agreed by the CEO.

9 Rehabilitation

9-1 The proponent shall ensure that progressive rehabilitation of areas not required for permanent infrastructure is undertaken using native species of local provenance and that the condition and composition of vegetation is comparable to natural vegetation surrounding the proposal.

9-2 Prior to the completion of construction of the railway and conveyor line and associated infrastructure the proponent shall prepare and submit a Rehabilitation Plan to the CEO. The Rehabilitation Plan shall:

- (1) specify the areas to be progressively rehabilitated;
- (2) specify the management actions, including weed management that will be implemented to ensure the management objective in condition 9-1 is achieved;
- (3) specify the management actions that will be implemented to ensure borrow pits are rehabilitated to not form permanent water bodies and to allow fauna to escape;

- (4) provide protocols and procedures to monitor the rehabilitation sites, to demonstrate that the objective specified in condition 9-1 is achieved; and
 - (5) provide a protocol and procedure for the review of the Rehabilitation Plan to ensure that the Rehabilitation Plan is meeting the objective specified in condition 9-1.
- 9-3 After receiving notice in writing from the CEO that the Rehabilitation Plan satisfies the requirements of condition 9-2, the proponent shall:
- (1) implement the management actions in accordance with the requirements of the Rehabilitation Plan; and
 - (2) continue to implement the management actions and monitor in accordance with the requirements of the Rehabilitation Plan until the CEO has confirmed by notice in writing that it has been demonstrated that the objective in condition 9-1 is being and will continue to be met and implementation of the management actions and monitoring is no longer required.
- 9-4 The proponent may review and revise the Rehabilitation Plan.
- 9-5 The proponent shall review and revise the Rehabilitation Plan as and when directed by the CEO.
- 9-6 The proponent shall implement the latest revision of the Rehabilitation Plan, which the CEO has confirmed by notice in writing, satisfies the requirements of condition 9-2.

10 Offsets (Integrating Factor)

- 10-1 In view of the significant residual impacts and risks as a result of implementation of the proposal, the proponent shall contribute funds to offset for the clearing of 'good to excellent' condition native vegetation, including the loss of habitat for conservation significant species and any vegetation representing the Cracking Clays of the Chichester and Mungaroona Range Priority Ecological Community, and calculated pursuant to condition 10-2. 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.
- 10-2 The proponent's contribution to the initiative identified in condition 10-1 shall be paid biennially, the first payment due in the second year following the commencement of ground disturbance. The amount of funding will be made on the following basis and in accordance with the approved Impact Reconciliation Procedure required by condition 10-5:

- (1) \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation permanently cleared within the Hamersley IBRA subregion, which includes habitat for conservation significant fauna, within the Development Envelope delineated in Figure 1 of Schedule 1 and defined by geographic coordinates in Schedule 1;
 - (2) \$1,500 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation permanently cleared within the Fortescue IBRA subregion, which includes habitat for conservation significant fauna, within the Development Envelope delineated in Figure 1 of Schedule 1 and defined by geographic coordinates in Schedule 1;
 - (3) \$750 AUD (excluding GST) per hectare of 'good to excellent' condition native vegetation permanently cleared within the Chichester IBRA subregion, which includes habitat for conservation significant fauna, within the Development Envelope delineated in Figure 1 of Schedule 1 and defined by geographic coordinates in Schedule 1; and
 - (4) \$1,500 AUD (excluding GST) per hectare cleared within the area delineated as Cracking Clays of the Chichester and Mungaroona Range Priority Ecological Community as determined by the results of the survey as required by condition 6-2.
- 10-3 The real value of contributions described in condition 10-2(1), 10-2(2), 10-2(3) and 10-2(4) will be maintained through indexation to the Perth Consumer Price Index (CPI), with the first adjustment to be applied to the first contribution.
- 10-4 Should the proponent be required to provide an offset under a condition of approval of the Australian Government under the *Environment Protection and Biodiversity Conservation Act 1999*, the proponent may write to the CEO seeking a reduction in the funding required under condition 10-2.
- 10-5 Prior to ground-disturbing activities the proponent shall prepare and submit an Impact Reconciliation Procedure to the satisfaction of the CEO.
- 10-6 The Impact Reconciliation Procedure required pursuant to condition 10-5 shall:
- (1) include a methodology to identify clearing of 'good to excellent' condition native vegetation and any vegetation representing the Cracking Clays of the Chichester and Mungaroona Range Priority Ecological Community in the Pilbara bioregion;
 - (2) include a methodology for calculating the amount of clearing undertaken during each biennial time period;
 - (3) include a methodology for calculating the amount of temporary vegetation clearing that has substantially commenced rehabilitation

within twelve months of final commissioning of the railway and conveyor line;

- (4) require the proponent to submit spatial data identifying areas of 'good to excellent' condition native vegetation and any vegetation representing the Cracking Clays of the Chichester and Mungaroo Range Priority Ecological Community that has been cleared;
- (5) state the biennial time period commences on the 1 March prior to commencing ground disturbances and that the due date for submitting the results of the Procedure for approval of the CEO as 31 March following the end of the first biennial period; and
- (6) identify that any areas cleared within the Development Envelope delineated in Figure 1 of Schedule 1 and defined by the geographic coordinates in Schedule 1, in the Pilbara bioregion that have not commenced rehabilitation within 12 months of final commissioning of the railway and conveyor line and must be included in the area subject to condition 10-2.

[Signed 15 June 2015]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	Balla Balla Infrastructure - Rail and Conveyor Project
Short Description	<p>The proposal is to construct and operate a railway line (about 160 kilometres (km) in length) and a conveyor line (about 45 km in length) connecting the Flinders Pilbara Iron Ore Project to the Balla Balla Export Facilities in the Pilbara region of Western Australia.</p> <p>Associated Infrastructure:</p> <ul style="list-style-type: none"> • communication services; • rail crossings and access roads; • river and creek crossings; • borrow pits; • workshop and laydown areas; • stockyards; • temporary accommodation camps; and • water and power supply.

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

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 50,089 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.
Conservation Significant Fauna	Specially protected (threatened) fauna under the <i>Wildlife Conservation Act 1950</i> and Department of Parks and Wildlife listed priority fauna and its habitat.
Conservation Significant Flora	Flora declared as Rare Flora under the <i>Wildlife Conservation Act 1950</i> ; Threatened Ecological Communities and Department of Parks and Wildlife listed priority flora and vegetation (ecological communities).
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare
km	Kilometre

Figures Attached

Figure 1 Proposal location, Development Envelope and indicative infrastructure

Balla Balla Infrastructure – Rail and Conveyor Project

Geographic coordinates that define the development envelope

Geographic coordinates defining the Balla Balla Infrastructure – Rail and conveyor development envelopment as shown in Figure 1 are held by the Office of the EPA, dated 9 December 2014 (Document numbers 2015-0001076303 and 2015-0001076304).

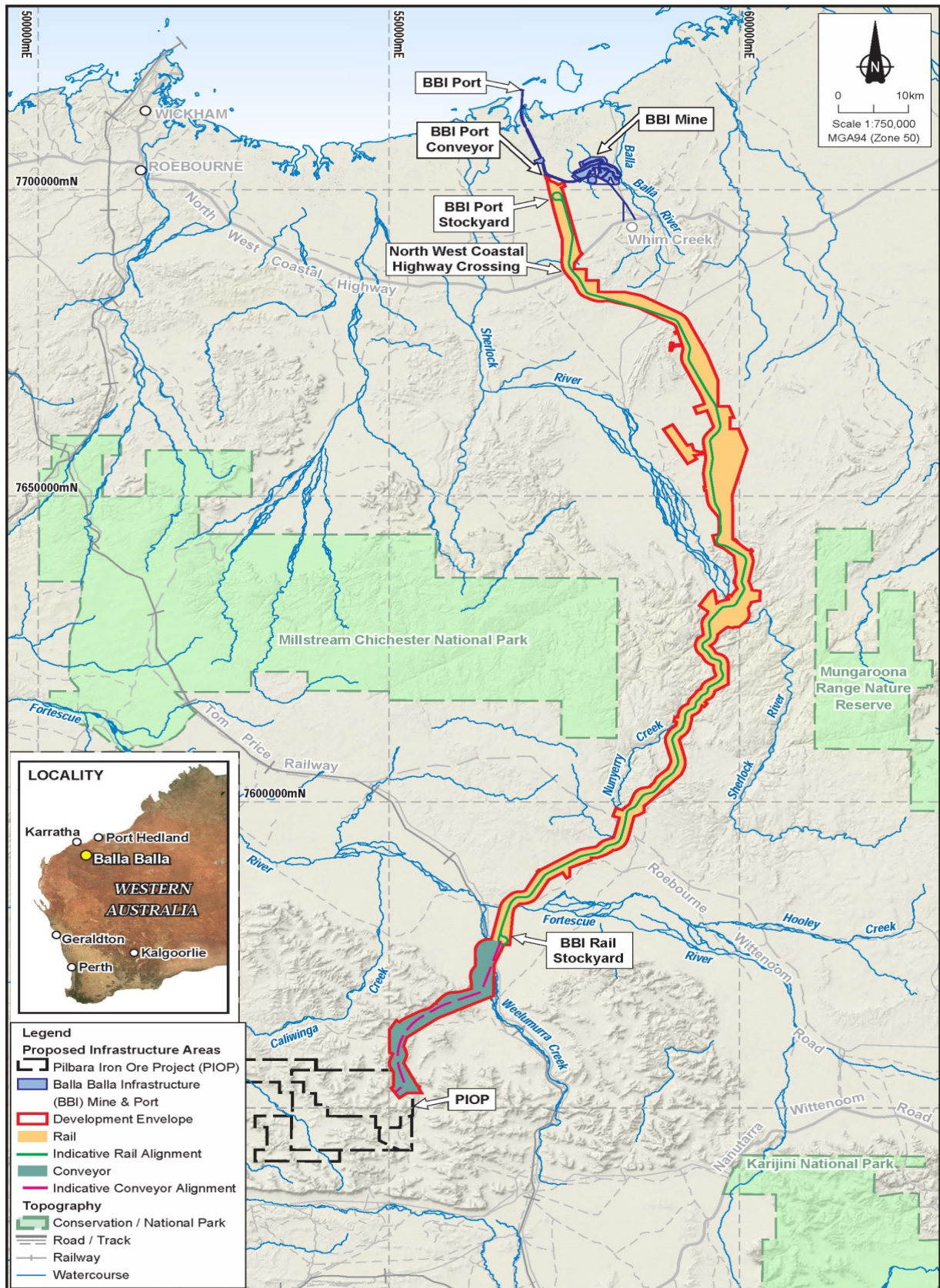


Figure 1: Proposal location, development envelope and indicative infrastructure