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Published on: 4 February 2016

Statement No. 1026

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO
A PROPOSAL
(Section 46 of the *Environmental Protection Act 1986*)**

WEST PILBARA INFRASTRUCTURE PROJECT – RAIL

Proposal: The proposal is the construction and operation of a heavy haulage railway approximately 221 kilometres (km) in length to connect the West Pilbara Iron Ore Project – Stage 1 mine area (between 35 and 85km south of Pannawonica) to a port precinct at Anketell Point (25km north-east of Karratha).

Proponent: API MANAGEMENT PTY LIMITED
Australian Company Number 112 677 595

Proponent Address: Level 1
1 Preston Street
COMO WA 6152

Report of the Environmental Protection Authority: 1563
Preceding Statement Relating to this Proposal: 881

This Statement authorises the implementation of the proposal described and documented in Table 1 and 2 of Schedule 1. The implementation of the proposal is subject to the following implementation conditions and procedures which replace and supersede all previous conditions and procedures of Statement 881.

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 and Schedule 2, 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 the expiration of five (5) years from the date of this Statement, and any commencement, within this five (5) year period, must be substantial.
- 3-2 Any commencement of implementation of the proposal, within 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 agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's CEO or a person delegated to sign on the CEO'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 this 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 Vegetation and Flora

6-1 The proponent shall ensure that the implementation of the proposal does not cause the loss of Declared Rare Flora or Priority 1 Flora, or disturb *Triodia* sp. Robe River Assemblages of the mesas of the West Pilbara priority ecological community (PEC) identified in the following flora and vegetation surveys undertaken for the proposal.

- AECOM (2010), *Proposed Anketell Point Transport Corridor, Associated Borrow Pits and Communication Towers - Level 2 Flora and Vegetation Assessment*, Prepared by AECOM Australia Pty Ltd for API Management Pty Ltd, April 2010.
- Western Botanical (2009), *Flora and Vegetation of the Proposed Cape Preston Rail Corridor West Pilbara Iron Ore Project*, prepared by Western Botanical for API Management Pty Ltd, November 2009.
- Western Botanical (2010), *Flora and Vegetation of the Proposed Mine & Associated Infrastructure Areas West Pilbara Iron Ore Project*, prepared by Western Botanical for API Management Pty Ltd, April 2010.

6-2 In the event that the outcomes of condition 6-1 are not being met or are unlikely to be met, the proponent shall immediately provide and implement proposed management measures to the satisfaction of the CEO and on advice from DPaW.

7 Surface Water and Significant Vegetation

7-1 The proponent shall ensure that changes to surface water flows related to the proposal do not adversely affect any significant vegetation community, including Mulga vegetation, beyond that specified in Schedule 1 of this statement.

7-2 To verify that the requirements of condition 7-1 are met the proponent shall:

- (1) identify any areas of significant vegetation potentially impacted by changes to surface water flows related to the proposal in consultation with the DPaW;
- (2) undertake baseline survey of areas of significant vegetation;

- (3) determine trigger levels for vegetation health and cover for management actions in consultation with the DPaW;
- (4) design and locate environmental culverts in consultation with the DPaW;
- (5) monitor surface water flows, in the vicinity of significant vegetation; and
- (6) monitor the health and cover of significant vegetation to be retained in the proposal area and in adjacent areas.

This monitoring is to be carried out according to a method and schedule determined to the satisfaction of the CEO prior to the commencement of construction, and is to be carried out until such time as the CEO determines on advice from the DPaW that monitoring actions may cease.

7-3 In the event that monitoring required by condition 7-2 indicates an exceedance of trigger levels determined by condition 7-2(3):

- (1) the proponent shall report such findings to the CEO within 21 days of the exceedance being identified;
- (2) the proponent shall provide evidence which allows determination of the cause of the exceedance;
- (3) if determined by the CEO to be a result of activities undertaken in implementing the proposal, the proponent shall submit actions to be taken to address the exceedance within 21 days of the determination being made to the CEO; and
- (4) the proponent shall implement actions to address the exceedance and shall continue until such time the CEO determines that the actions may cease.

7-4 The proponent shall submit annually the results of monitoring required by condition 7-2, in the compliance assessment report required by condition 4-6.

8 Weeds

8-1 The proponent shall ensure that:

- (1) no new species of weeds (including both declared weeds and environmental weeds) are introduced into the proposal area as a result of the implementation of the proposal;
- (2) reference sites on nearby land are chosen in consultation with the Office of the Environmental Protection Authority, on advice from the DPaW. Some reference sites shall be established within the proposal area but outside the impact area;
- (3) the reference sites chosen under condition 8-1(2) are monitored every year to determine whether changes in weed cover and type are as a result of project implementation or broader regional changes; and
- (4) the cover of weeds (including both declared weeds and environmental weeds) within the proposal area does not exceed the levels determined by monitoring under condition 8-1(3) which has not been disturbed during implementation of the proposal.

9 Trench Management

9-1 The proponent shall ensure that:

- (1) open trenches associated with construction and the burial of pipelines and/or cables are cleared of trapped fauna by fauna-rescue teams at least twice each day;
- (2) the first fauna clearing takes place no later than three hours after sunrise each day;
- (3) fauna clearing is repeated between the hours of 3:00 pm and 6:00 pm each day;
- (4) the open trenches are cleared of trapped fauna by fauna-rescue teams no more than half an hour prior to any backfilling of trenches; and
- (5) details of all fauna recovered shall be recorded, consistent with condition 9-6.

9-2 The proponent shall ensure that a suitable number of fauna-rescue personnel involved in trench management obtain the appropriate licences as required for fauna rescue under the *Wildlife Conservation Act 1950* prior to undertaking actions required by condition 9-1.

9-3 Open trench lengths shall not exceed a length capable of being inspected and cleared by the fauna-rescue personnel within the required times as set out in condition 9-1. The length of the trench that each fauna rescue team may

inspect and clear in one day is not to exceed 6 km per clearing period unless otherwise agreed by the CEO on advice from the DPaW.

- 9-4 Trenches shall not remain open longer than 90 days without prior approval of the CEO.
- 9-5 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.
- 9-6 The proponent shall produce monthly reports on trench and fauna management within the pipeline trenches and these are to be provided to the DPaW on a monthly basis. A final collated report on fauna management within the pipeline trenches is to be provided to the CEO and the DPaW no later than 28 days after the completion of pipeline and /or cable installation. The report shall include the following:
- (1) the dates of when specific sections of the trench (or the entirety thereof) were opened and closed;
 - (2) details of all fauna inspections including any dates when fauna inspections were not undertaken;
 - (3) details of the fauna teams undertaking the works (i.e. names and accreditations);
 - (4) the number and species of fauna cleared from trenches and their release location details; and
 - (5) fauna injuries and mortalities, including requirements under the licence (vouchering of specimens should be to the standard required by the Museum of Western Australia).
- 9-7 All mortalities relating to trenching activities of fauna listed in Schedule 1 and Schedule 2 of the *Wildlife Conservation Act 1950* including the cause, location, number, species and any actions taken shall be reported to the CEO and the DPaW within 48 hours of the mortality being identified.
- 9-8 Euthanasia should be carried out by a suitably qualified person and be consistent with animal welfare legislation and the DPaW Code of Conduct.
- 9-9 In the event of forecast rainfall likely to cause partial or complete flooding of an open trench, all lengths of trench with potential to be flooded should be backfilled, with trench inspections and fauna clearing undertaken immediately prior to backfilling. The decision on whether the trench should be backfilled shall be undertaken in consultation with the DPaW.

10 Borrow Pits

10-1 Prior to construction of each nominated stage of the transport corridor, to a maximum of five stages, the proponent shall provide the final location and design of the borrow pits and other infrastructure for that stage of the transport corridor, to the satisfaction of the CEO on advice from the DPaW.

[Signed 4 February 2016]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	West Pilbara Infrastructure Project - Rail
Short Description	The construction and operation of a heavy-haulage railway approximately 221 kilometres (km) in length to connect the West Pilbara Iron Ore Project Stage 1 mine area (between 35 and 85 km south of Pannawonica) with the Anketell Point port precinct (25 km north-east of Karratha).

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Railway and associated infrastructure, inclusive of roads, crossings, borrow pits, laydown areas and construction camps.	Figure 1	Clearing of no more than 4,008 ha within a 12,523 ha Rail Infrastructure Development Envelope.
Indirect vegetation disturbance from sheetflow shadow		Indirect disturbance of not more than 90 ha of any significant vegetation community, including Mulga vegetation, considered to be highly reliant on surface water sheetflow.

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.
DPaW	Department of Parks and Wildlife
EP Act	<i>Environmental Protection Act 1986</i>
EPA	Environmental Protection Authority
Fauna-rescue teams	Employees and/or contractors of the proponent whose responsibility it is to walk the open trench to recover and record fauna found within the trench and shall comprise of no less than two personnel, with one of these personnel having a level of experience and competence to meet the requirements for obtaining a licence for fauna handling, fauna identification and vouchering under the Wildlife Conservation Regulations 1970.
GLpa	Gigalitres per annum
ha	Hectare
km	kilometres
Mtpa	Million tonnes per annum
OEPA	Office of the Environmental Protection Authority

Figures (attached)

Figure 1 West Pilbara Infrastructure Project Rail Development Envelope



Figure 1: West Pilbara Infrastructure Project Rail Development Envelope

Schedule 2

Coordinates defining the West Pilbara Infrastructure Project - Rail Development Envelope are held by the Office of the Environmental Protection Authority, Document Reference Number (2015-1445313276351).