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Published on: 21 August 2013

Statement No. 945

**STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

Balla Balla Export Facilities

Proposal: The proposal is to construct and operate an iron ore export facility at Balla Balla midway between Port Hedland and Karratha, northwest of Whim Creek in the Pilbara region of WA.

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

Proponent Address: Level 24
56 Pitt Street
SYDNEY NSW 2000

Assessment Number: 1969

Report of the Environmental Protection Authority Number: 1481

This Statement authorises the implementation of the proposal described and documented in Columns 1 and 2 of Table 2 of Schedule 1. The implementation of the proposal is subject to the following implementation conditions and procedures and Schedule 2 details definitions of terms and phrases used in the implementation conditions and procedures.

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of 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 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 and maintain a compliance assessment plan to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by condition 4-1 at least six (6) months prior to the first compliance assessment report required by condition 4-6, or prior to implementation, whichever is sooner.

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 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 days of that potential 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.

The compliance assessment report shall:

- (1) be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director'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 Benthic Communities and Habitat

6-1 The proponent shall ensure that implementation of the proposal is managed to minimise indirect impacts to benthic primary producer communities and ensure that the clearing of intertidal benthic primary producer communities does not exceed the authorised extent set out in Column 3 of Schedule 1.

6-2 Prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall prepare an Intertidal Benthic Primary Producer Habitat Survey Plan which is to be approved by the CEO.

- 6-3 The Intertidal Benthic Primary Producer Habitat Survey Plan required by condition 6-2 shall:
- (1) map the intertidal benthic primary producer habitats within and surrounding the development envelope; and
 - (2) identify the locations of intertidal benthic primary producer communities listed in Column 3 of Schedule 1 that will be cleared or disturbed as a result of the implementation of this proposal.
- 6-4 Prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall undertake the Intertidal Benthic Primary Producer Habitat Survey Plan required by condition 6-2 and submit the results, including the relevant spatial data for the intertidal benthic primary producer communities required by condition 6-3(2).
- 6-5 Prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall prepare a Benthic Communities and Habitat Plan which is to be approved by the CEO.
- 6-6 The Benthic Communities and Habitat Plan required by condition 6-5 shall:
- (1) detail the alignment, dimensions and locations of the proposal elements as referred to in Columns 1 and 2 of Schedule 1, within the development envelope shown in Figure 1;
 - (2) provide the surveyed locations and spacing of the causeway culverts, including the rationale to maintain surface water hydrology and minimise indirect impacts to intertidal benthic primary producer communities;
 - (3) detail management measures to ensure that the proposal will not result in indirect impacts to intertidal benthic primary producer communities;
 - (4) detail monitoring protocols and locations directly outside the intertidal benthic primary producer communities identified in condition 6-3(2) to demonstrate that the proposal will not result in indirect impacts beyond the authorised extent in Column 3 of Schedule 1 to intertidal benthic primary producer communities;
 - (5) include indicators and trigger levels for monitoring the health of intertidal benthic primary producer communities; and
 - (6) detail the corrective actions that will be implemented in the event the triggers identified in condition 6-6(5) are not met.
- 6-7 Prior to the commencement of construction of the proposal, unless otherwise agreed by the CEO, the proponent shall implement the approved Benthic Communities and Habitat Plan required by condition 6-5, to the satisfaction of the CEO.
- 6-8 In the event that trigger levels identified in condition 6-6(5) are exceeded, the proponent shall report the findings to the CEO as soon as practicable, but within fourteen (14) days, along with a description of the corrective management actions to be taken.

6-9 The proponent shall provide spatial data for the constructed elements of the proposal as set out in Columns 1 and 2 of Schedule 1 to the CEO, within two (2) months of completion of construction.

7 Marine Fauna

7-1 The proponent shall ensure that impacts from marine pile driving operations to cetaceans, dugongs and marine turtles are minimised.

7-2 Prior to marine pile driving operations and for the duration of the marine pile driving operations, the proponent shall engage dedicated Marine Fauna Observers who must:

- (1) demonstrate a knowledge of marine wildlife species in the Pilbara region, including Threatened and Migratory Species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and *Wildlife Conservation (Specially protected fauna) Notice 2010(2)* and priority listing, and their behaviours;
- (2) have the capacity, subject to safety considerations, to move independently of the proposal implementation activities and make observations and other relevant records independently within 500 metres of the marine pile driving activities;
- (3) be on duty during all marine pile driving operations; and
- (4) maintain a log of:
 - (a) observations of cetaceans in a format consistent with the National Cetacean Sightings and Strandings Database;
 - (b) observations of cetaceans, dugongs and marine turtles including injured or dead fauna within 500 metres of the marine pile driving activities referred to in condition 7-2(2);
 - (c) observations of cetaceans, dugongs and marine turtles behaviour, in particular any behaviour that could be interpreted as a display of disturbance or distress;
 - (d) management response by the proponent in relation to observation of disturbed or distressed fauna, and injured or dead fauna; and
 - (e) observation hours in relation to the duration of the marine pile driving activity.

7-3 The proponent shall within six (6) months of completing the marine pile driving operations, lodge cetacean records with the National Cetacean Sighting and Strandings Database at the Australian Antarctic Division and with the Department of Environment and Conservation.

7-4 The Marine Fauna Observer as required by condition 7-2 is to be present on each vessel undertaking marine pile driving operations, unless otherwise authorised by the CEO, and will be trained in marine fauna observations and mitigation measures, including the requirements of the *Wildlife Conservation (Closed Season Marine Mammals) Notice 1998*, as amended or replaced from

time to time, and maintain a watch and a log of fauna observed during transit and construction activity consisting of: GPS coordinates; species (if known); and behaviour. Logs are to be submitted to the Department of Environment and Conservation on an annual basis at the same time as submitting the compliance assessment report required by condition 4-6 to the CEO.

- 7-5 Subject to condition 7-9, no marine pile driving activities shall commence until the Marine Fauna Observer (or observers) required by condition 7-2 have verified that no cetacean(s) or dugong(s) have been observed within a radius of 1,000 metres or marine turtle(s) within a radius of 300 metres from any marine pile driving operations during the twenty (20) minute period immediately prior to commencement of marine pile driving operations.
- 7-6 Prior to commencement of full power marine pile driving, the proponent shall implement soft start-up procedures that slowly increase the intensity of noise emissions over a period of no less than fifteen (15) minutes.
- 7-7 If the Marine Fauna Observer(s) required by condition 7-2, or any other person, observes a marine turtle enter within 100 metres of marine pile driving operations, or cetacean or dugong within 500 metres of marine pile driving operations, that marine pile driving operation is to be suspended.
- 7-8 Marine pile driving that has been suspended in accordance with condition 7-7 shall not recommence until the cetacean, or dugong has moved beyond 1,000 metres from the suspended marine piling operation or the marine turtle beyond 300 metres of their own accord, or the cetacean, dugong or marine turtle has not been observed within 500 metres of the marine pile driving operations for a period of twenty (20) minutes. Marine pile driving that has been suspended for more than fifteen (15) minutes shall recommence with soft start-up procedures as required by condition 7-6.
- 7-9 Marine pile driving commenced prior to sunset can continue between the hours of sunset and sunrise, unless marine pile driving is suspended for more than 15 minutes.

8 Introduced Marine Pests

- 8-1 The proponent shall manage non-trading vessel activities and immersible equipment activities whilst engaged for the construction, operation, maintenance and decommissioning of the proposal so as to minimise the threat of the introduction of Introduced Marine Pests into and within State of Western Australian waters, and into and out of the Balla Balla Port Area as delineated in Figure 2.
- 8-2 Prior to any non-trading vessels or immersible equipment entering the Balla Balla Port Area as delineated in Figure 2, the proponent shall prepare an Introduced Marine Pest Risk Assessment Procedure to the satisfaction of the CEO in consultation with the Department of Fisheries which includes but is not limited to the following:
- (1) all factors to be considered in the risk assessment;

- (2) limits for unacceptable risk of introducing an Introduced Marine Pest;
 - (3) a tool for performing Introduced Marine Pest Risk Assessments; and
 - (4) measures to be implemented to reduce risks to an acceptable level, where the risk assessment identifies an unacceptable risk.
- 8-3 The proponent shall ensure that any non-trading vessel or immersible equipment is subject to an Introduced Marine Pest Risk Assessment, prior to entering or demobilising from the Balla Balla Port Area as delineated in Figure 2, in accordance with the Introduced Marine Pest Risk Assessment Procedure approved required by condition 8-2.
- 8-4 The proponent shall ensure that any Introduced Marine Pest Risk Assessment undertaken required by condition 8-3 is recorded and that record is provided to the Department of Fisheries within seven (7) days of the Introduced Marine Pest Risk Assessment being undertaken.
- 8-5 The proponent shall ensure that any non-trading vessel or immersible equipment that poses an unacceptable risk, as defined by the limits identified under condition 8-2(2), of introducing Introduced Marine Pests, as determined by an Introduced Marine Pest Risk Assessment undertaken required by condition 8-3, does not enter the Balla Balla Port Area as delineated in Figure 2.
- 8-6 Prior to any non-trading vessel or immersible equipment entering the Balla Balla Port Area as delineated in Figure 2, the proponent shall prepare an Introduced Marine Pests Monitoring Program to the satisfaction of the CEO in consultation with the Department of Fisheries that:
- (1) is consistent with monitoring design, implementation and reporting standards as set out in the National System for the Prevention and Management of Marine Pest Incursions (National System);
 - (2) includes a minimum monitoring frequency of once per year; and
 - (3) requires opportunistic sampling and analysis of specimens removed during port, vessel and immersible equipment monitoring activities.
- 8-7 The proponent shall implement the approved Introduced Marine Pests Monitoring Program required by condition 8-6, or amended versions approved by the CEO for the life of the proposal, prior to any entry to the Balla Balla Port Area as delineated in Figure 2 by a non-trading vessel or immersible equipment.
- 8-8 The proponent shall provide the results of monitoring undertaken required by condition 8-7 to the CEO and the Department of Fisheries annually.
- 8-9 Prior to any non-trading vessel or immersible equipment entering the Balla Balla Port Area as delineated in Figure 2, the proponent shall prepare an Introduced Marine Pest Management Strategy to the satisfaction of the CEO in consultation with the Department of Fisheries, to prevent wherever practicable, the establishment and proliferation of any Introduced Marine Pest, aiming to control and potentially eradicate that Introduced Marine Pest, and to minimise the risk

of that Introduced Marine Pest being transferred to other locations within Western Australia.

8-10 The proponent shall notify the CEO, Department of Fisheries and any relevant Port Authority:

- (1) within 24 hours following initial detection of a suspected Introduced Marine Pest; and
- (2) within 24 hours following subsequent analysis and confirmation of species identification of the suspected Introduced Marine Pest.

8-11 In the event that any Introduced Marine Pests are suspected or detected, the Proponent shall, in consultation with the Department of Fisheries and the CEO implement the Introduced Marine Pests Management Strategy.

8-12 The proponent is to submit a report detailing the outcomes of any implementation of the Introduced Marine Pests Management Strategy to the Department of Fisheries and the CEO within thirty (30) days of the commencement of the implementation of the Introduced Marine Pests Management Strategy and thereafter as required by the CEO in consultation with the Department of Fisheries.

9 Flora and Vegetation

9-1 The proponent shall ensure that the elements of the proposal in Column 1 of Schedule 2, are located to minimise the adverse impacts from construction on DEC listed Priority Ecological Communities.

9-2 Prior to commencement of any ground disturbing activities or installation of terrestrial infrastructure, unless agreed by the CEO, the proponent shall prepare a Vegetation Management Plan which is to be approved by the CEO.

9-3 The Vegetation Management Plan required by condition 9-2 shall:

- (1) demonstrate the terrestrial infrastructure will be located to:
 - (a) minimise direct and indirect impacts on DEC listed Priority Ecological Communities of good or very good condition; and
- (2) include spatially accurate, rectified and geographically referenced maps showing the location of the terrestrial infrastructure.

9-4 Prior to commencement of any ground disturbing activities or installation of terrestrial infrastructure, the proponent shall implement the approved Vegetation Management Plan.

9-5 Revisions to the Vegetation Management Plan may be approved by the CEO.

[Signed 21 August 2013]

Albert Jacob MLA
MINISTER FOR ENVIRONMENT; HERITAGE

Table 1: Summary of the Proposal

Proposal Title	Balla Balla Export Facilities
Short Description	<p>The proposal is to construct and operate an iron ore export facility at Balla Balla midway between Port Hedland and Karratha, northwest of Whim Creek in the Pilbara region of WA.</p> <p>The following infrastructure to be constructed within the development envelope includes:</p> <p>Marine infrastructure:</p> <ul style="list-style-type: none"> • 2.6 km long trestle jetty • Four barge mooring towers • Navigation markers <p>Terrestrial infrastructure:</p> <ul style="list-style-type: none"> • Stockyard including dewatering filter plant • Corridor from the approved Balla Balla mine-site to the stockyard • Rock causeway from the stockyard to the laydown area <p>Laydown area</p>

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

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Clearing and disturbance	<p>Located within the proposal development envelope as shown in Figure 1.</p> <p>Includes clearing for a slurry pipeline corridor, stockyard and laydown area as shown in Figure 1.</p>	<p>Up to a total of 160 ha within a 515 ha development envelope.</p> <p>Within the sub-tidal zone, clearing and disturbance of up to 0.3 ha of sub-tidal habitat.</p> <p>Within the intertidal zone, clearing and disturbance of to:</p> <ul style="list-style-type: none"> • 2.2 ha mangrove communities; and • 22 ha algal mat communities.
Causeway	<p>Located within the proposal development envelope as shown in Figure 1.</p>	<p>From the stockyard to the laydown area.</p>
Trestle Jetty	<p>Located within the proposal development envelope as shown in Figure 1.</p>	<p>Minimum length of 2.6 km</p>

Table 3: Abbreviations

Abbreviation	Term
ha	hectares
km	kilometres

Figures (attached)

Figure 1 Proposal development envelope

Figure 2 Department of Transport Balla Balla Port Boundary and approved mine-site

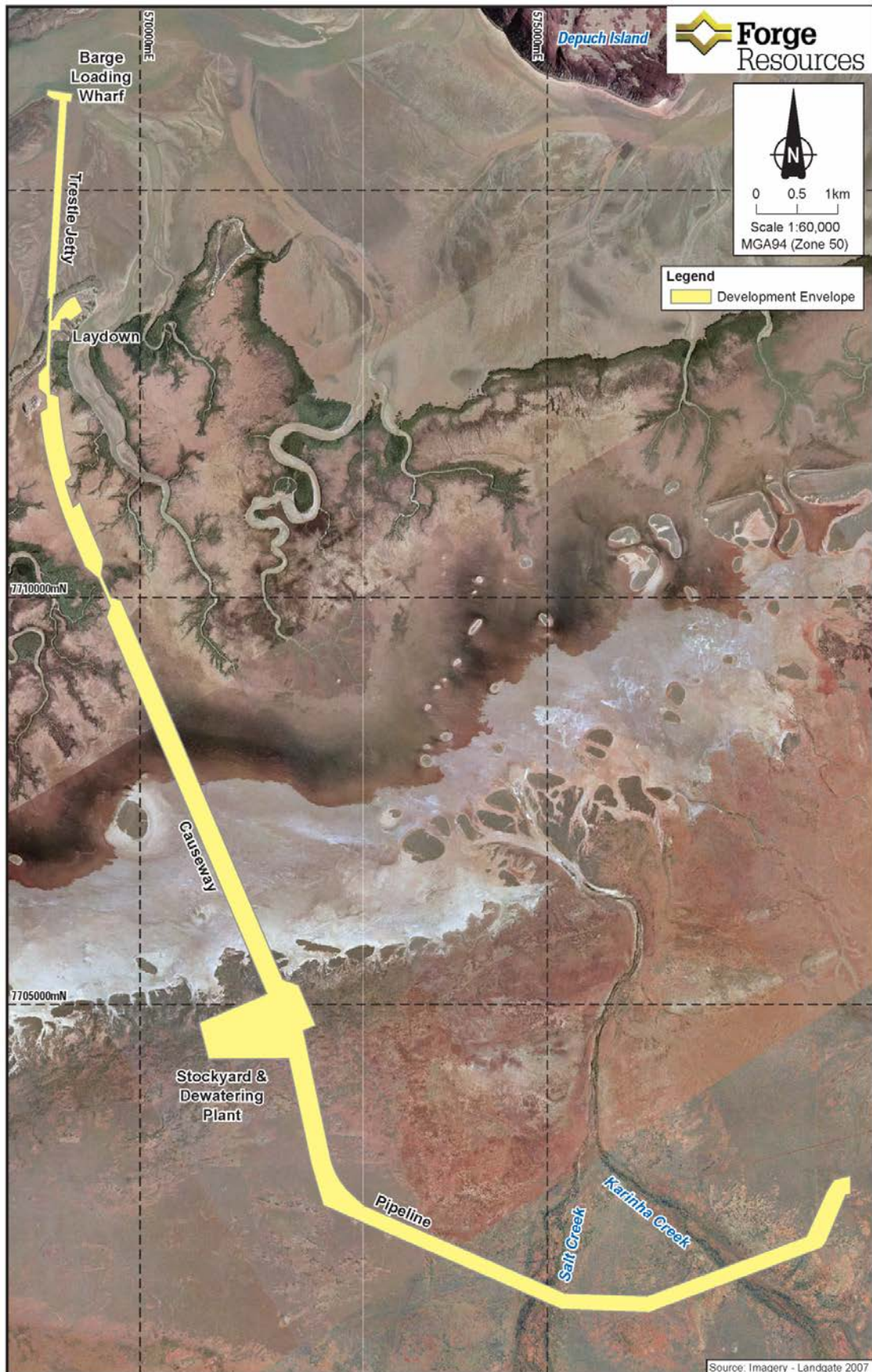


Figure 1 Proposal development envelope

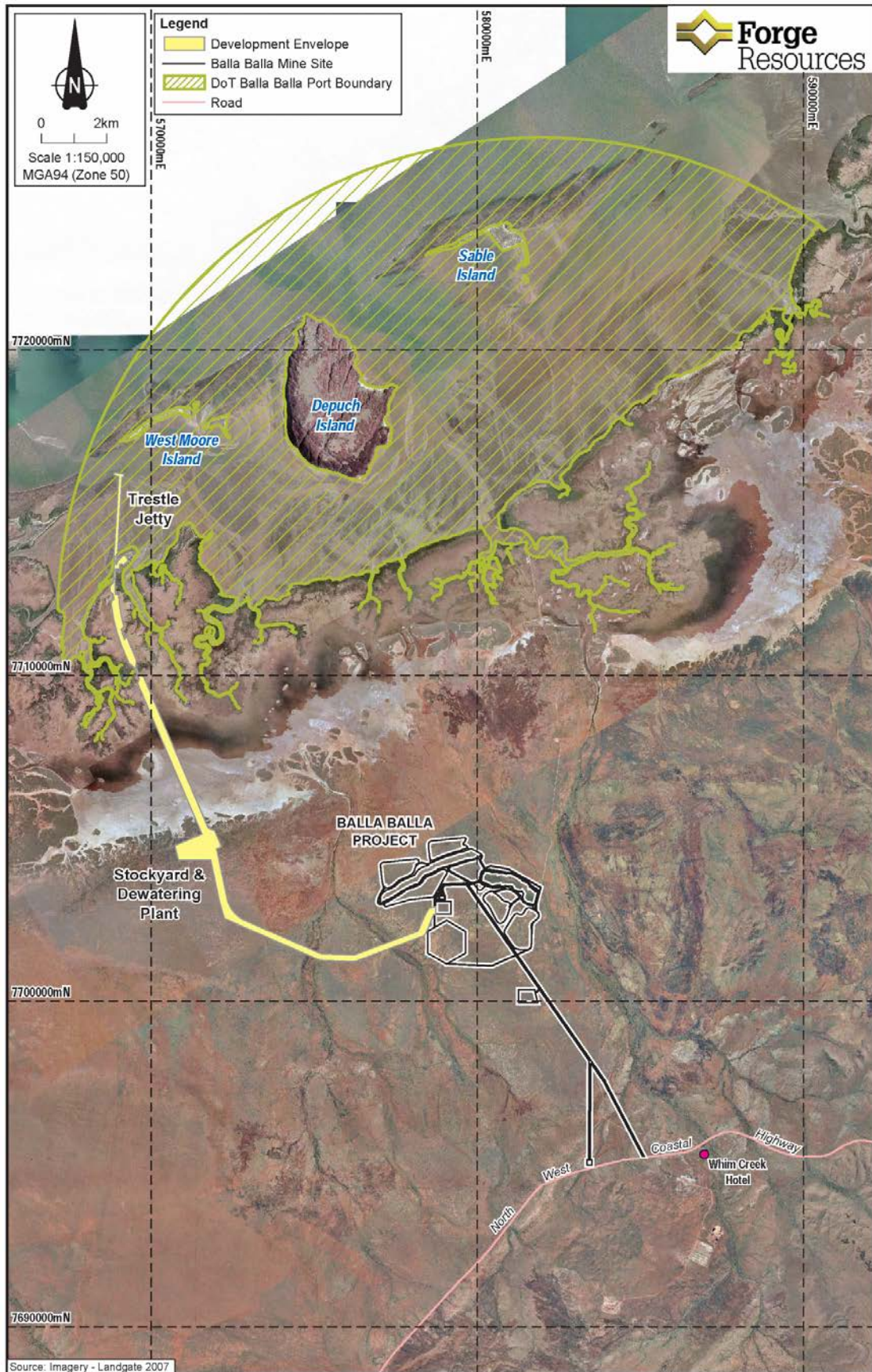


Figure 2 Department of Transport Balla Balla Port Boundary and approved mine-site

Schedule 2

Term or Phrase	Abbreviations and definition
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.
DEC	Department of Environment and Conservation
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act 1986</i>
Introduced Marine Pests	Any marine species that poses a threat to the Western Australian environment or industry, if introduced, established or translocated. The marine species that are considered to pose a threat as outlined above include those detailed in the Western Australian Prevention List for Introduced Marine Pests, Department of Fisheries (2012), as amended from time to time and other species that appear to have clear impacts or invasive characteristics.
Marine pile driving	Driving structural supports into the ground below the waterline.

Balla Balla Export Facilities

Coodinates defining development envelope Figure 1

Reference "Balla Balla Export Facilities spatial data" submitted to OEPA 10 May 2013.

Notes

The following notes are provided for information and do not form a part of the implementation conditions of the Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time the Statement was signed by the Minister for Environment.
- Post Assessment Forms and Guidelines may be found at www.epa.wa.gov.au