Environmental Protection Act 1986

SECTION 47A
NOTICE OF DECISION TO WITHDRAW MINISTERIAL STATEMENT

PERSON TO WHOM THIS NOTICE IS GIVEN

(a) Southern Ports Authority (ABN 30 044 341 250)
Level 4,679 Murray Street
WEST PERTH WA 6005

(b) Minister for Ports

(c) Environmental Protection Authority

(d) Chief Executive Officer, Department of Water and Environmental Regulation

PROPOSAL TO WHICH THIS NOTICE RELATES:

Proposal Title: Iron Ore Export through the Port of Esperance
Assessment No(s): 781 and 1327
Statement No(s): 325 and 570

DECISION

Pursuant to s. 47A of the *Environmental Protection Act 1986* (EP Act), the Executive Director, EPA Services as delegate for the Minister for Environment gives approval for the following:

- Ministerial Statements 325 and 570 are withdrawn.

SUMMARY OF REASONS

The Ministerial Statements have been withdrawn under s.47A(3)(b) of the EP Act. The impacts of the implementation of the proposal can be satisfactorily mitigated by way of licensing or some other form of regulatory control under this Act or another written law.

EFFECT OF THIS NOTICE:

1. The proposal is withdrawn under s. 47A of the EP Act.

RIGHTS OF APPEAL:

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

Matthew Jones
Acting Executive Director
EPA SERVICES
for the Chief Executive Officer under Notice of Delegation dated 10 May 2024

16 July 2026

Ass # 781

Bull # 701

State # 325

WESTERN AUSTRALIA

MINISTER FOR THE ENVIRONMENT

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

IRON ORE EXPORT THROUGH THE PORT OF ESPERANCE (781)

ESPERANCE PORT AUTHORITY

WITHDRAWN

This proposal may be implemented subject to the following conditions:

1 Implementation

The proposal as assessed may be implemented, though changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

1-1 Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines, on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

2 Proponent Commitments

The proponent has made a number of environmental management commitments in order to protect the environment.

2-1 In implementing the proposal, the proponent shall fulfil the relevant commitments made in the Consultative Environmental Review; the commitments made in documentation on the modified proposal and in response to issues raised in public submissions (Volumes 1 and 2); and, the consolidated environmental management commitments published in Environmental Protection Authority Bulletin 701 as Appendix 3; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement. (A copy of the consolidated commitments is attached).

3 Iron Ore Dust

The proponent should ensure that iron ore dust or particles do not significantly impact on other port operations or the port's surroundings.

3-1 The proponent shall ensure that there is no visible, airborne iron ore dust, nor discoloration from accumulations of iron ore particles, outside the port's operations area as shown in Environmental Protection Authority Bulletin 701, Figure 2 (A copy is attached).

3-2 The proponent shall ensure that there is no iron ore particulate discoloration of the ocean and beaches resulting from stormwater drainage discharges.

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12th FLOOR, DUNCAN HOUSE, 2 HAVELOCK STREET, WEST PERTH 6005. TELEPHONE (09) 321 8222 FAX (09) 322 5149

3-3 Prior to commissioning the iron ore facility, the proponent shall prepare and implement a research programme designed to establish the quantity of iron ore particles which would cause observable discoloration of Esperance beach sand.

3-4 During operation of the iron ore facility, the proponent shall monitor the level of iron ore particles in Esperance beach sand and, if a threshold level to be set by the Environmental Protection Authority is exceeded, shall prepare an amendment to the Environmental Management Programme (required by condition 7) which specifies measures to identify and eliminate the source of the particles which would cause observable discoloration.

3-5 Prior to commissioning the iron ore facility, the proponent shall prepare and implement an iron ore dust monitoring programme.

4 Noise Limits

The proponent should conduct operations so that noise emissions do not unreasonably impact on the surroundings.

4-1 The proponent shall ensure that noise emissions do not exceed:

- 40 dB $L_{A10,\ 1\ hour}$ slow and 50 dB $L_{A\ max}$ slow between 2200 hours and 0700 hours on any day when measured on any noise-sensitive premises;
- 45 dB $L_{A10,\ 1\ hour}$ slow and 55 dB $L_{A\ max}$ slow between 1900 hours and 2200 hours on any day, and between 0700 hours and 1900 hours on Sundays and gazetted public holidays, when measured on any noise-sensitive premises;
- 50 dB $L_{A10,\ 1\ hour}$ slow and 70 dB $L_{A\ max}$ slow between 0700 hours and 1900 hours on Monday to Saturday inclusive, when measured on any noise-sensitive premises; and
- 65 dB L_A slow when measured at or near the boundary of premises that are not noise-sensitive premises (other industries);

where such emissions would result in the noise level present at the affected premises exceeding the ambient noise level present at any time by more than 5 dB L_A slow.

4-2 The proponent shall ensure that noise emissions from those activities which solicit complaints from residents do not exhibit tones, amplitude modulation, frequency modulation or impulsiveness of a nature which increases the intrusiveness of the noise.

4-3 The proponent shall conduct noise surveys and assessments in consultation with the Environmental Protection Authority.

5 Shutdown Provision

If necessary, the proponent must shut down operations to protect the environment of Esperance and its surroundings.

5-1 The proponent shall cease iron ore handling operations, for as long as necessary, if it is apparent that the dust or noise limits required by conditions 3 and 4 respectively, have either been exceeded, or are likely to be exceeded.

6 Ship Ballast Water Discharges

The proponent must protect Esperance's marine environment from exotic marine organisms which could be introduced by ballast water discharges from shipping.

6-1 The proponent shall ensure that iron ore bulk cargo ships proposing to discharge ballast water in waters under the control of the Esperance Port Authority or within the protected waters of the Archipelago of the Recherche (See note 2) comply with the contemporary procedures of the Australian Quarantine Inspection Service.

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7 Environmental Management Programme

A practical operational plan is needed to implement good environmental management.

7-1 Prior to commissioning the iron ore facility, the proponent shall prepare an Environmental Management Programme which shows the details of how the requirements of conditions 3, 4, 5 and 6 will be met.

7-2 The proponent shall include in the Environmental Management Programme required by condition 7-1 contingency plans for rehabilitation of beaches outside the port's operations area in the event that iron ore particulate discoloration occurs.

7-3 The proponent shall implement, and regularly update, the Environmental Management Programme required by condition 7-1.

8 Proponent

These conditions legally apply to the nominated proponent.

8-1 No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

9 Time Limit on Approval

The environmental approval for the proposal is limited.

9-1 If the proponent has not substantially commenced the project within five years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced. Any application to extend the period of five years referred to in this condition shall be made before the expiration of that period, to the Minister for the Environment by way of a request for a change in the condition under Section 46 of the Environmental Protection Act. (On expiration of the five year period, further consideration of the proposal can only occur following a new referral to the Environmental Protection Authority.)

10 Compliance Auditing

In order to ensure that environmental conditions and commitments are met, an audit system is required.

10-1 The proponent shall prepare periodic "Progress and Compliance Reports", to help verify the environmental performance of this project, in consultation with the Environmental Protection Authority.

Procedure

1 The Environmental Protection Authority is responsible for verifying compliance with the conditions contained in this statement, with the exception of conditions stating that the proponent shall meet the requirements of either the Minister for the Environment or any other government agency.

2 If the Environmental Protection Authority, other government agency or proponent is in dispute concerning compliance with the conditions contained in this statement, that dispute will be determined by the Minister for the Environment.

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3 Transport of iron ore to the Port of Esperance shall be in accordance with an environmental management plan which addresses the issues of dust, noise, safety, scheduling and public amenity, prepared by Westrail prior to the commencement of the transport operation, to the requirements of the Environmental Protection Authority.

Note

1 The proponent will be required to apply for a Works Approval and Licence for this project under the provisions of Part V of the Environmental Protection Act.

2 The protected waters of the Archipelago of the Recherche are as defined by the Territorial Sea of Australia including the Approaches to Esperance - Chart No AUS 119 - published by the RAN Hydrographic Office, and more generally within the area of the Territorial Sea of Australia seaward of the Territorial Baseline Pursuant to section 7 of the Seas and Submerged Lands Act 1973, as proclaimed 14 February 1983 and as amended from time to time.

Kevin Minson MLA
MINISTER FOR THE ENVIRONMENT

25 OCT 1993

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PROPONENT'S CONSOLIDATED ENVIRONMENTAL MANAGEMENT COMMITMENTS

IRON ORE EXPORT THROUGH THE PORT OF ESPERANCE (781)

ESPERANCE PORT AUTHORITY

WITHDRAWN

The proponent has made the following environmental management commitments:

ESPERANCE PORT AUTHORITY
ENVIRONMENTAL COMMITMENTS
PROPOSAL TO EXPORT IRON ORE

1 GENERAL

1.1 An Environmental Management Program (EMP) will be developed for the Port of Esperance prior to commissioning of the iron ore export facility.

1.2 The EMP will outline a variety of strategies which will be used to ensure protection of the environment from iron ore loading operations. The EMP will include, but will not be limited to, engineering and procedural pollution control and details of the Port's environmental monitoring and audit program.

1.3 Additional environmental management measures will be incorporated into the proposed design of the iron ore handling facility by the Esperance Port Authority during construction and operation, if deemed necessary, or if required, by the Environmental Protection Authority.

2 DUST MANAGEMENT (CONTINGENCY PLANNING)

2.1 Best practicable technology will be utilised during the design, commissioning and ongoing operation of the iron ore export facility in order to maintain an acceptable level of dust control to the satisfaction of the Environmental Protection Authority.

2.2 Shiploading will be stopped immediately should there be any potential for dust or noise emissions to adversely affect the Esperance environment outside of the Port operations area. This contingency plan will be detailed in the Port's EMP.

2.3 In the unlikely event of failure of the installed dust control system, manual methods of dust suppression, eg water sprays, will be used. The methods chosen will ensure that dust levels are not increased above established ambient levels outside the Port boundary.

3 DUST/NOISE MONITORING

3.1 In order to establish existing dust and noise levels within the Esperance environment, a baseline dust and noise monitoring program will be carried out by the Esperance Port Authority. These programs will be implemented as soon as practicable, following approval for the project to proceed.

3.2 A dust and noise monitoring program will be implemented by the Esperance Port Authority during the operating life of the iron ore export facility. These programs will be implemented during and immediately following commissioning of the facility. In the event of results indicating unacceptable dust emissions from the facility,

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additional control measures will be implemented as soon as practicable.

3.3 Contamination of other products handled at the Port will be monitored on an ongoing basis, in discussion with other relevant Port users.

4 NOISE MANAGEMENT

4.1 The Port Authority will identify and control, if practicable, existing sources of noise. This survey will be undertaken prior to commissioning of the iron ore export facility.

4.2 Best practicable technology will be used during the design, commissioning and operation of the iron ore export facility in order to minimise noise emissions from the facility to the satisfaction of the Environmental Protection Authority.

5 TRAINING

Formal training of Port Authority and relevant Westrail employees will be undertaken in regard to procedures outlined in the Port's EMP. This training will be undertaken prior to commissioning and on an ongoing basis throughout the operational life of the facility.

6 VISUAL AMENITY

6.1 A visual inspection program for dust will be implemented following commissioning of the iron ore export facility. The program will include regular inspections of nearby beaches, vegetation and property. Additional control measures will be implemented in the unlikely event of unacceptable impact.

6.2 Vegetation screening will be provided in order to minimise any visual impact from the iron ore storage shed. This vegetation will be established as soon as practicable following approval for the project to proceed.

6.3 The colour and design of the shed will be selected with a view to minimising visual impact.

7 MARINE IMPACT/DRAINAGE CONTROL

7.1 Operating procedures will be developed prior to commissioning of the facility to ensure that entry of iron ore to the marine environment from the wharf and ship is controlled to a best practicable degree.

7.2 The Port Authority will fund or participate in a survey of toxic dinoflagellates (under the auspices of the Australian Quarantine Inspection Service) in the marine environment in the immediate

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vicinity of the Port within one year of commissioning of the iron ore export facility.

7.3 The Port Authority will ensure ongoing compliance with the Australian Maritime Safety Authority's requirements whilst vessels are within the Port Authority area of jurisdiction.

7.4 The Port Authority will ensure compliance with the requirements of the Australian Quarantine Inspection Service in respect of discharge of ballast water whilst vessels are within the Port Authority area of jurisdiction. Procedures in this regard will be detailed in the Port's EMP.

8 LIGHTING

Shielding will be provided where lighting has the potential to adversely affect nearby neighbours. Should lighting prove to be a source of annoyance following commissioning of the facility, additional shielding or other control measures will be implemented in discussion with those affected.

9 COMMUNITY LIAISON

Compliance with procedures and requirements outlined in the Port's EMP and results of environmental monitoring, will be reviewed on a regular basis by a community liaison group which will be established as soon as practicable following approval for the project to proceed.

10 REGIONAL PLANNING

The Port Authority will participate in the regional planning review presently being formulated by the Goldfields Esperance Development Authority (GEDA).

11 EMPLOYEE HEALTH STANDARDS

Levels of airborne dust in the work environment at the Port will be maintained in compliance with the requirements of the Department of Occupational Health Safety and Welfare (WA). Ongoing monitoring will be undertaken to confirm compliance.

12 WESTRAIL OPERATIONS

The Port Authority will maintain regular liaison with Westrail to ensure that iron ore transport operations are carried out in a manner which minimises environmental impact to a best practicable degree.

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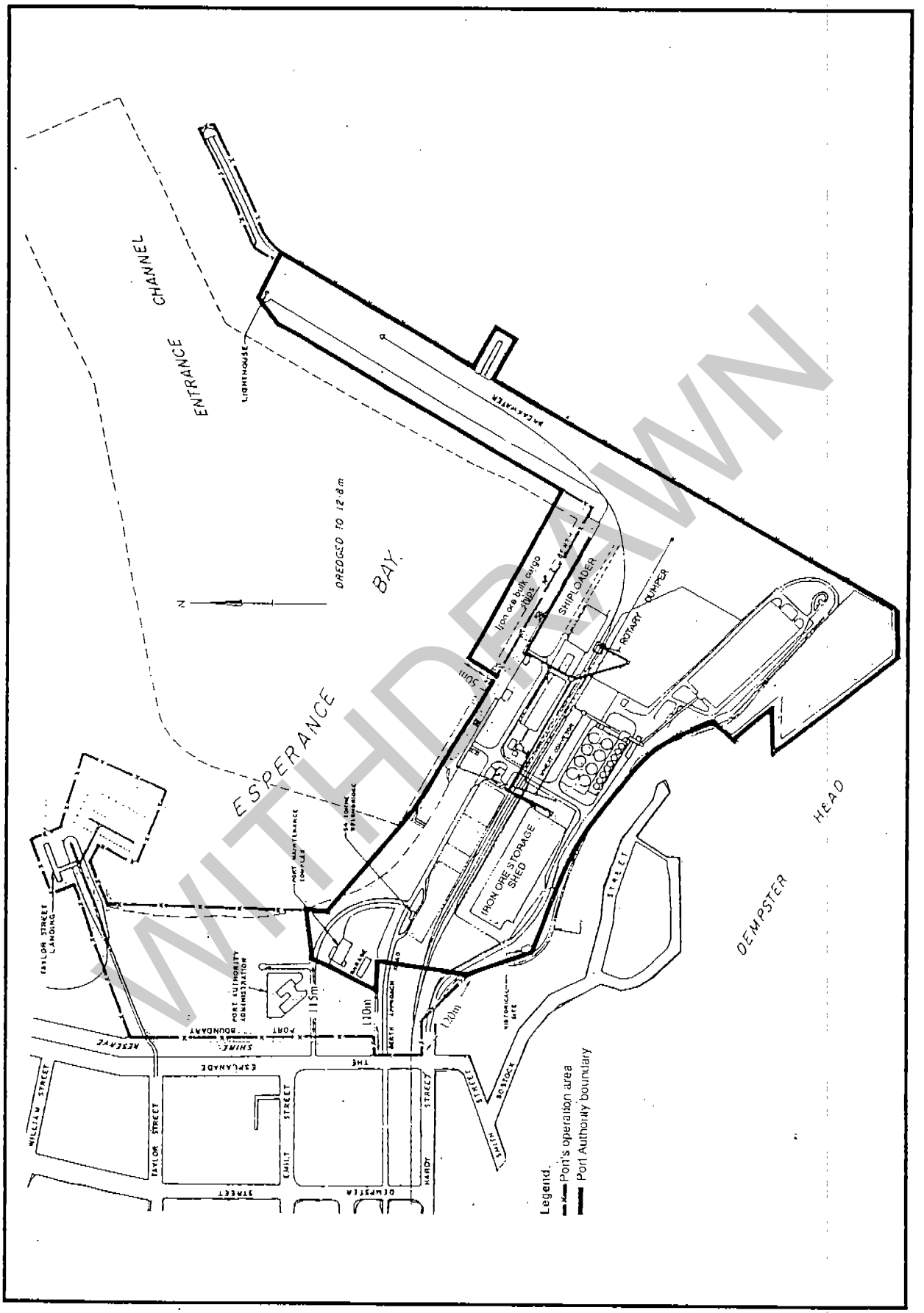

Figure 2. Port operations area

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