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Published on 4 December 2009

Statement No.818

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

**CHICHESTER RAIL DEVIATION
SHIRE OF ASHBURTON**

Proposal: BHP Billiton Iron Ore is proposing to construct 23 kilometres of dual track railway and associated rail infrastructure within the Chichester ranges, approximately 220 kilometres south of Port Hedland. The proposal includes clearing of 400 hectares of vegetation. The required water supply would be approximately 1000 kL/day to be sourced from two existing bores. The proposal also involves the construction of communications cabling, a communications tower, level crossings, signalling, access tracks, and borrow pits.

Proponent: BHP Billiton Iron Ore Pty Ltd

Proponent Address: St Georges Square, 225 St Georges Tce, Perth WA 6000

Assessment Number: 1801

Previous Assessment Numbers: Nil

Previous Statement Numbers: Nil

Report of the Environmental Protection Authority: 1336

Previous Reports of the Environmental Protection Authority: Nil

The proposal referred to in report 1336 of the Environmental Protection Authority may be implemented. The implementation of that proposal is subject to the following conditions and procedures:

1 Proposal Implementation

1-1 The proponent shall implement the proposal as assessed by the Environmental Protection Authority and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

2-2 The proponent shall notify the Chief Executive Officer (CEO) of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.

3-2 The proponent shall provide the CEO of the Department of Environment and Conservation with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five 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 of the Department of Environment and Conservation.

4-2 The proponent shall submit to the CEO of the Department of Environment and Conservation, the compliance assessment plan required by condition 4-1 at least 6 months prior to the first compliance report required by condition 4-6. 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. reporting of potential non-compliances and corrective actions taken;
5. the table of contents of compliance reports; and
6. public availability of compliance 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 of the Department of Environment and Conservation.
- 4-5 The proponent shall advise the CEO of the Department of Environment and Conservation of any potential non-compliance within two business days of that non-compliance being known.
- 4-6 The proponent shall submit a compliance assessment report annually from the date of issue of this Implementation Statement addressing the previous twelve month period or other period as agreed by the CEO of the Department of Environment and Conservation. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person, approved in writing by the Department of Environment and Conservation, 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 Performance Review and Reporting

- 5-1 The proponent shall submit to the CEO of the Department of Environment and Conservation Performance Review Reports at the conclusion of the first, second, third and fifth years after the commencement of construction activities and then, at such intervals as the CEO of the Department of Environment and Conservation may regard as reasonable, which addresses:
1. the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts;
 2. the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and

3. significant improvements gained in environmental management which could be applied to this and other similar projects.

6 Mulga Monitoring Report

- 6-1 The proponent shall prepare an initial report to the Environmental Protection Authority within one year of completion of construction and further reports after 3 and 5 years that:
1. Provide the results from mulga monitoring to determine the success or otherwise of the proposed rail design and associated engineering solutions to minimise impacts on mulga, which are able to be used to inform future rail and other infrastructure projects.

7 Rehabilitation and Closure

- 7-1 The proponent shall undertake progressive rehabilitation of areas not required for permanent infrastructure to achieve the following outcomes:
1. Areas disturbed through implementation of the proposal shall be progressively rehabilitated with vegetation composed of native plant species of local provenance (in consultation with Department of Environment and Conservation) with rehabilitation commencing within 12 months of the commencement of works.
 2. The percentage cover of living native vegetation in all rehabilitation areas shall be comparable with that of similar nearby areas of land.
 3. No new species of weeds (including both declared weeds and environmental weeds) shall be introduced into the area as a result of the implementation of the proposal.
 4. The abundance of weeds (including both declared weeds and environmental weeds) shall be no greater than the abundance of weeds in comparable nearby areas of land which have not been disturbed during implementation of the proposal.
- 7-2 The proponent shall continue rehabilitation activities as necessary until such time as the requirements of condition 7-1 are met, and are demonstrated by inspections and reports to be met, for a minimum of 5 years to the satisfaction of the CEO of the Department of Environment and Conservation.
- 7-3 The Progressive Rehabilitation Management Plan shall be independently peer reviewed for its applicability to this proposal, to the satisfaction of the CEO of the Department of Environment and Conservation.
- 7-4 The proponent shall review and revise the Progressive Rehabilitation Management Plan to incorporate the findings of the peer review required in condition 7-3, prior to commencement of progressive rehabilitation.

7-5 The proponent shall review, and as necessary in accordance with current best practice, revise the Progressive Rehabilitation Management Plan at intervals not exceeding 2 years, to the satisfaction of the CEO of the Department of Environment and Conservation.

Procedures

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.
2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.
4. Where a condition lists advisory bodies, it is expected that the proponent will obtain the advice of those listed as part of its compliance reporting to the Department of Environment and Conservation.
5. The proponent should consult with the Department of Environment and Conservation in order to clarify requirements under Part V of the *Environmental Protection Act 1986*.

Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

The Proposal (Assessment No.1801)

General Description

The proposal is to construct 23 km of rail line through the Chichester Range (see Figure 1).

The proposal is described in the following document – BHP Billiton Iron Ore Pty Ltd, Newman – Port Hedland Railway Chichester Deviation, Environmental Referral Document (2009).

Summary Description

A summary of the key proposal characteristics is presented in Table 1.

Table 1: Summary of key proposal characteristics

Element	Description
Construction Period	2 stages of approximately 12 months each.
Disturbance area	400 hectares
Railway length	Approximately 23 kilometres
Supporting infrastructure	Communications cabling, communications tower, level crossings, signalling, access tracks and borrow pits.
Culverts	Installation of engineering culverts in approximately 46 locations. Installation of environmental culverts at 50 metre intervals in areas of sheet flow.
Water requirements	1000 kL/day to be sourced from two existing bores.

Figures Attached:

Figure 1 Regional location of proposal

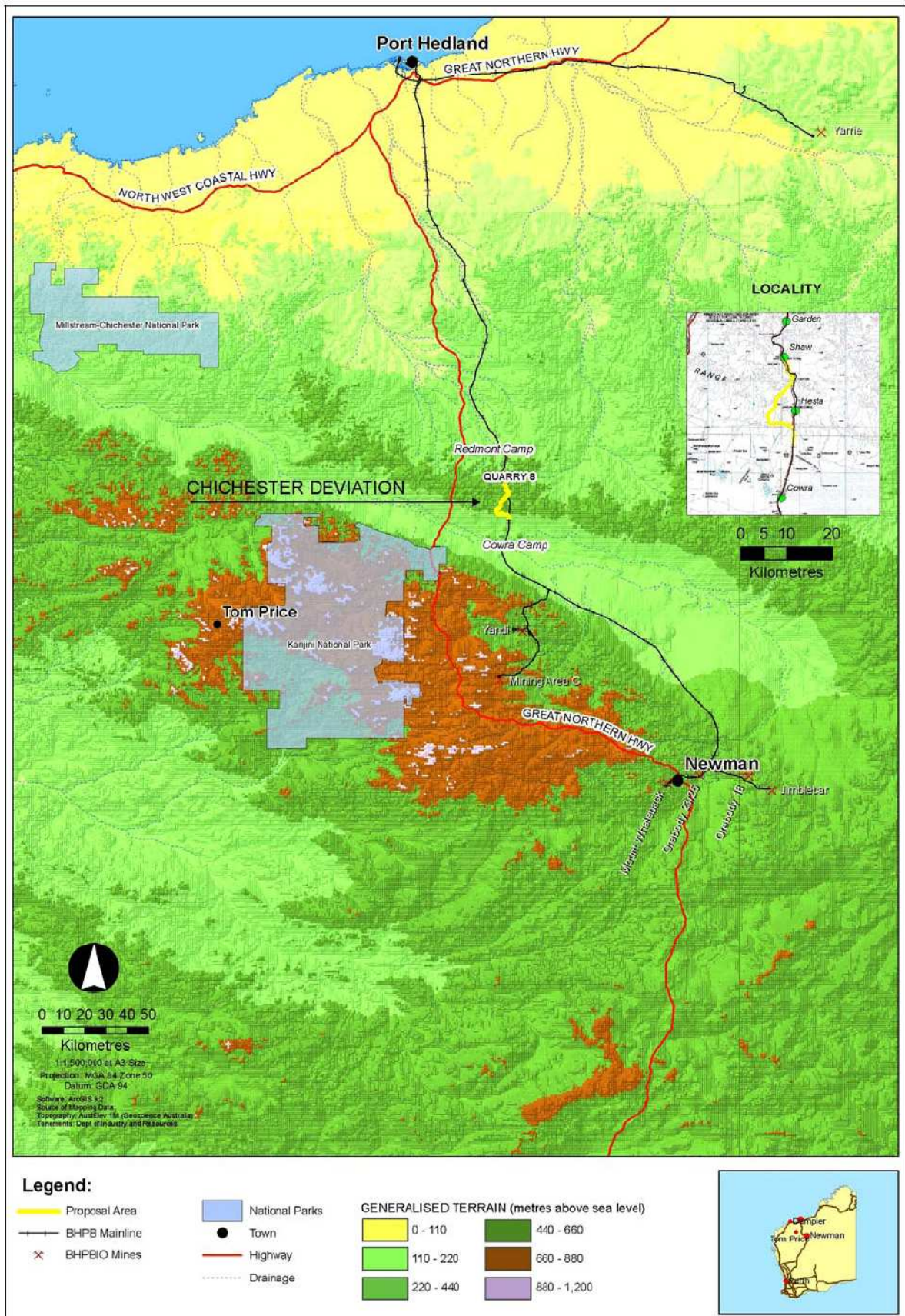


Figure 1: Regional location of proposal

Attachment 1 to Statement 818

Change to Proposal

Proposal: Chichester Rail Deviation, Shire of Ashburton

Proponent: BHP Billiton Iron Ore Pty Ltd

Change: Increased groundwater requirements and revised culvert numbers and locations.

Key Characteristics Table:

Element	Description
Construction Period	One stage of approximately 12 months
Disturbance area	400 hectares
Railway length	Approximately 23 kilometres
Supporting infrastructure	Communications cabling, communications tower, level crossings, signalling, access tracks and borrow pits.
Culverts	Installation of engineering culverts. Installation of environmental culverts.
Water requirements	approximately 4,600 kL/day

Dr Paul Vogel
CHAIRMAN
Environmental Protection Authority
under delegated authority

Approval date: 13 April 2010