

Appendix 1

1 LEGISLATION, POLICY AND GUIDANCE USED TO INFORM THE STRATEGIC PROPOSAL

1.1 Land

The legislation, policies and guidance relevant to the theme of Land (regional biodiversity values, flora and vegetation, terrestrial fauna, subterranean fauna, and terrestrial environmental quality) are provided in Table 1 as identified in the Environmental Scoping Document (ESD) with additional materials being added as they have been identified as considerations for the Strategic Assessment, and/or have replaced superseded materials.

Table 1: Legislation, policies and guidance material – Land

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
EPA Legislation		
<p><i>Environmental Protection Act 1986 (WA) (EP Act)</i></p>	<p>The EP Act provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with those things.</p> <p>The object of the Act is to protect the environment of the State of Western Australia, having regard to a number of principles described in s 4A of the Act.</p>	<p>Flora and vegetation; terrestrial fauna; subterranean fauna; and landforms and terrestrial environmental quality may be impacted by matters regulated by the EP Act.</p> <p>The EIA detailed in the PERSP has been conducted in accordance with Part IV of the EP Act. The assessment relating to Land factors is contained within the PERSP as follows:</p> <ul style="list-style-type: none"> • Flora and vegetation - Section 8.1.3 • Terrestrial fauna - Section 8.1.4 • Subterranean fauna - Section 8.1.5 • Landforms and terrestrial environmental quality - Section 8.1.6 <p>Approval of the Strategic Proposal is sought under Part IV of the EP Act.</p>

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		<p>Whether a future proposal constitutes a Derived Proposal will also be determined in accordance with Part IV.</p> <p>Further approvals (e.g., works approvals, clearing permits or environmental licences) may be required under Part V of the EP Act in relation to Derived Proposals.</p>
<p><i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA)</i></p>	<p>The vegetation clearing provisions of the EP Act set out the framework for WA's land clearing controls (for example, creating offences, setting out the process through which permits are to be issued and administered and the factors that are to be considered when issuing a permit).</p> <p>These Regulations clarify particular aspects of the EP Act, such as the definition of 'Native Vegetation'. They also set out what clearing activities are prescribed clearing activities for which a permit is not required (Prescribed Activities).</p>	<p>BHP Billiton Iron Ore's Land and Biodiversity Management Toolkit, which is detailed in Section 8.1.1.3 of the PERSP, is consistent with the requirements of these Regulations.</p> <p>BHP Billiton Iron Ore will consider its obligations in relation to clearing of native vegetation in relation to Derived Proposals and will comply with any applicable requirements under the Regulations.</p>
<p><i>Environmental Protection (Unauthorised Discharges) Regulations 2004 (WA)</i> (Unauthorised Discharges Regulations)</p>	<p>The Unauthorised Discharges Regulations make it an offence to discharge prohibited materials without approval.</p> <p>Prohibited materials listed in Schedule 1 include a range of liquid solutions such as acids, alkalis, hydrocarbons, sewage and solutions containing heavy metals.</p> <p>Prohibited materials listed in Schedule 2 include a range of materials that must not be burnt so as to discharge visible smoke into the environment such as rubber, tyres, plastic and timber.</p>	<p>BHP Billiton Iron Ore's Land and Biodiversity Management Toolkit, which is detailed in Section 8.1.1.3 of the PERSP, is consistent with the requirements of these Regulations.</p> <p>BHP Billiton Iron Ore will consider its obligations in relation to the discharge of prohibited materials in relation to Derived Proposals and will comply with any applicable requirements under the Regulations.</p>
<p>EPA Policy</p>		
<p>WA Environmental Offsets Policy (Government of Western Australia 2011)</p>	<p>This policy provides a framework for the consistent application of environmental offsets to protect and conserve environmental and biodiversity values.</p>	<p>The Policy has informed BHP Billiton Iron Ore's Offsets Approach (Section 8.5.4) and will be considered and applied as relevant at the Derived Proposal stage. The policy framework and BHP Billiton Iron Ore's consideration of the policy is provided below:</p> <p>Environmental offsets will only be considered after avoidance and mitigation options have been pursued.</p> <p>BHP Billiton Iron Ore's Mitigation Hierarchy, which is detailed in the Toolkit</p>

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		<p>for each Factor, focuses on avoidance and mitigation of impacts prior to any offset approach being considered.</p> <p>Environmental offsets are not appropriate for all projects.</p> <p>BHP Billiton Iron Ore recognises the benefits of the strategic approach to offsets that can be achieved as a result of the Strategic Proposal and has detailed a strategic offsets approach in Section 8.5.4 of the PERSP.</p> <p>The appropriateness of this offsets approach will be considered on a case-by-case basis for Derived Proposals.</p> <p>Environmental offsets will be cost-effective, as well as relevant and proportionate to the significance of the environmental value being impacted.</p> <p>BHP Billiton Iron Ore's approach to offsets is detailed in Section 8.5.4. A regional approach, which is cost effective and proportionate to impact, is proposed. The cost-effectiveness, relevance and proportionality of this offsets approach will be reviewed on a case-by-case basis for Derived Proposals.</p> <p>Environmental offsets will be based on sound environmental information and knowledge.</p> <p>Detail is provided throughout the PERSP of BHP Billiton Iron Ore's significant baseline understanding of the Pilbara environment. Further studies and analysis have been undertaken to inform the assessment in the PERSP. The impacts modelled will be validated (including consideration of contemporary information and knowledge as required) for Derived Proposals.</p> <p>Environmental offsets will be applied within a framework of adaptive management.</p> <p>Adaptive management is integral to the management framework detailed in Section 12.1.1.</p> <p>Environmental offsets will be focused on longer term strategic outcomes.</p> <p>The approach to offsets outlined in Section 8.5.4, allows for the application of offsets with regional benefits. BHP Billiton Iron Ore considers this a key benefit of the Strategic Proposal approach.</p>

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EPA Guidance		
<p>Position Statement No. 2: Environmental Protection of Native Vegetation (EPA 2000a)</p>	<p>This Position Statement outlines the EPAs expectations with regards to impact assessment and management of land clearing.</p> <p>The EPA adopts the principles and related objectives and actions of the National Strategy for the Conservation of Australia's Biological Diversity.</p> <p>The EPA considers that clearing in non-agricultural areas of the State may be environmentally acceptable if the proponent demonstrates clearly that the proposal meets the elements set out in section 4.3 of the Position Statement and that actions to meet the two key objectives of the National Strategy for the Conservation of Australia's Biological Diversity are being met, namely:</p> <p>by the year 2000 Australia will be:</p> <ul style="list-style-type: none"> • Arresting and reversing the decline of remnant native vegetation; and • Avoiding or limiting any further broad-scale clearance of native vegetation, consistent with ecologically sustainable management and bio-regional planning, to those instances in which regional biological diversity objectives are not compromised. 	<p>The assessment detailed in the PERSP demonstrates that clearing required in relation to the Strategic Proposal is environmentally acceptable because:</p> <ul style="list-style-type: none"> • different options have been compared to evaluate protection of biodiversity at the species and ecosystem levels, and it is demonstrated that all reasonable steps as are appropriate at the Strategic Proposal level have been taken to avoid disturbing existing native vegetation; • no known species of plant or animal is likely to be caused to become extinct as a consequence of the Strategic Proposal and the risks to threatened species are considered to be acceptable; • no association or community of indigenous plants or animals is likely to cease to exist as a result of the Strategic Proposal; • vegetation removal under the Strategic Proposal will not compromise any vegetation type by taking it below the threshold level of 30% of the pre-clearing extent of the vegetation type; • it is intended that there will be comprehensive, adequate and secure representation of scarce or endangered habitats within the Project Definition Boundary and/or in areas which are biologically comparable to the Strategic Proposal area, protected in secure reserves; and • it is intended that the Strategic Proposal area itself will include a comprehensive and adequate network of conservation areas and linking corridors whose integrity and biodiversity is secure and protected; • any further broad-scale clearance of native vegetation will be avoided or limited, consistent with ecologically sustainable management and bio-regional planning, to those instances in which regional biological diversity objectives are not substantively compromised. <p>The principles and objectives outlined in the Position Statement will be considered and applied where relevant in relation to Derived Proposals.</p>
<p>Position Statement No. 3: Terrestrial Biological Surveys</p>	<p>This Position Statement provides a basis for outlining the requirements of biodiversity protection and the requirements</p>	<p>The assessment described in the PERSP demonstrates that no unacceptable loss of biodiversity will result from the Strategic Proposal and</p>

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<p>as an Element of Biodiversity Protection (EPA 2002)</p>	<p>for terrestrial biological surveys for Environmental Impact Assessment in Western Australia.]</p> <p>In particular:</p> <ul style="list-style-type: none"> • The EPA expects proponents to demonstrate in their proposals that all reasonable measures have been undertaken to avoid impacts on biodiversity. Where some impact cannot be avoided, the proponent must demonstrate that the impact will not result in unacceptable loss; • Information gathered for EIA must meet State, National, and International Agreements, Legislation and Policy in regard to biodiversity conservation; • The EPA will use the Interim Biogeographic Regionalisation of Australia (IBRA) as the largest unit for EIA decision-making in relation to the conservation of biodiversity; • The EPA expects proponents to ensure that terrestrial biological surveys provide sufficient information to address both biodiversity conservation and ecological function values within the context of the type of proposal being considered and the relevant EPA objectives for protection of the environment; and • The EPA expects that terrestrial biological surveys will be made publicly available and will contribute to the bank of data available for the particular region, to aid the overall biodiversity understanding and assessment by facilitating transfer into State biological databases. 	<p>all reasonable measures have been undertaken to avoid impacts at the Strategic Proposal level. These findings will be validated for Derived Proposals.</p> <p>The Pilbara IBRA has been used as the basis for impact assessment, in line with the requirements of this Position Statement. The principles outlined in this statement have been considered in the approach to baseline studies and within the impact assessment (Section 8.1.4), with data being made publicly available through the lodgement of the PERSP.</p> <p>This Position Statement will be considered and applied as relevant in relation to validation of modelled impacts at the Derived Proposal stage.</p>
<p>Position Statement No. 5: Environmental Protection and Ecological Sustainability of the Rangelands in Western Australia (EPA 2004c)</p>	<p>This Position Statement was withdrawn in December 2013.</p>	<p>The requirements of this Statement are addressed through Guidance Statement 6 (see below).</p>
<p>Position Statement No. 8:</p>	<p>This Position Statement was withdrawn in December 2013.</p>	<p>The requirements of this Statement are addressed through Guidance</p>

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Environmental Protection in Natural Resource Management (EPA 2005)		Statement 6 (see below).
Position Statement No. 9: Environmental Offsets (EPA 2006a)	<p>This Position Statement has been withdrawn and replaced by:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines • Environmental Protection Bulletin 1 Environmental Offsets 	<p>The proposed Offsets Approach is detailed in Section 8.5.4 of the PERSP. The approach is consistent with the:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines; and • Environmental Protection Bulletin 1 Environmental Offsets, <p>as further detailed in Table 5.</p>
Environmental Protection Bulletin 23: Guidance on the EPA Landforms Factor (EPA 2015)	<p>The purpose of this bulletin is to communicate how the Landform factor is considered by the EPA in the environmental impact assessment (EIA) process. This bulletin aims to provide proponents with some high level guidance on the EPA's objective for the Landforms factor to consider when developing their proposal or scheme.</p>	<p>A description of the potential impacts of the development scenarios on the likely significance to landforms and terrestrial environmental quality is provided in Section 8.1.6. These will be verified at Derived Proposal stage.</p>
Guidance Statement No. 6: Rehabilitation of Terrestrial Ecosystems (EPA 2006b)	<p>This Guidance Statement promotes the use of completion criteria and definitions for the rehabilitation of natural ecosystems which:</p> <ul style="list-style-type: none"> • Allow success to be measured within realistic timeframes; • Are sufficiently precise to allow outcomes to be effectively audited, but are also flexible when required; • Are based on sound scientific principles; and • Acknowledge the consequences of permanent changes to landforms, soils and hydrology. <p>These include standard criteria that apply to all projects, as well as site specific criteria used to measure the recovery of ecosystems relative to reference sites.</p> <p>Other key areas of discussion are the importance of scientific</p>	<p>BHP Billiton Iron Ore's Land and Biodiversity Management Toolkit (Section 8.5.4) is consistent with this Guidance.</p> <p>The completion criteria set out in the Guidance have been applied in the impact assessment where relevant.</p> <p>The Guidance will also be considered and applied as relevant for Derived Proposals.</p> <p>Environmental Land Factors are detailed in the PERSP, in line with this Guidance Statement, as follows:</p> <ul style="list-style-type: none"> • Flora and vegetation – Section 8.1.3 • Terrestrial fauna assessment - Section 8.1.4 • Landforms and terrestrial environmental quality - Section 8.1.6 • Closure and rehabilitation - Section 8.5.3. <p>Rehabilitation objectives have been set, in line with this Guidance, in Section</p>

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	research and long-term monitoring of outcomes and effective management of information required to measure outcomes.	8.5.1.
Guidance Statement No. 6: Rehabilitation of Terrestrial Ecosystems (EPA 2006b).	<p>This Guidance Statement promotes the use of completion criteria and definitions for the rehabilitation of natural ecosystems which:</p> <ul style="list-style-type: none"> • Allow success to be measured within realistic timeframes; • Are sufficiently precise to allow outcomes to be effectively audited, but are also flexible when required; • Are based on sound scientific principles; and • Acknowledge the consequences of permanent changes to landforms, soils and hydrology. <p>These include standard criteria that apply to all projects, as well as site specific criteria used to measure the recovery of ecosystems relative to reference sites.</p> <p>Other key areas of discussion are the importance of scientific research and long-term monitoring of outcomes and effective management of information required to measure outcomes.</p>	<p>BHP Billiton Iron Ore's Land and Biodiversity Management Toolkit (Section 8.5.4) is consistent with this Guidance.</p> <p>The completion criteria set out in the Guidance have been applied in the impact assessment where relevant.</p> <p>The Guidance will also be considered and applied as relevant for Derived Proposals.</p>
Guidance Statement No. 19: Environmental Offsets- Biodiversity (EPA 2008b)	<p>This Guidance Statement has been withdrawn and replaced by:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines • Environmental Protection Bulletin 1 Environmental Offsets 	<p>The proposed Offsets Approach for the Strategic Proposal is detailed in Section 8.5.4 of the PERSP. The approach is consistent with the:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines; and • Environmental Protection Bulletin 1 Environmental Offsets, <p>as further detailed in Table 5.</p>
Guidance Statement No. 20: Sampling of Short Range Endemic Invertebrate Fauna for Environmental Impact Assessment in Western	<p>This Guidance Statement addresses the general standards and common framework including risk-based assessment for the sampling and assessment of SRE invertebrate fauna for EIA in Western Australia. It sets out the EPA's current expectations in respect of the quality and quantity of</p>	<p>The assessment of potential impacts to SRE invertebrate fauna is consistent with this Guidance Statement. The Guidance Statement will be considered and applied as relevant in relation to validation of the modelled results at the Derived Proposal stage.</p> <p>The SRE invertebrate fauna assessment is detailed in Section 8.1.4 of the</p>

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Australia (EPA 2009a)	<p>information derived from these surveys and the consequent analysis, interpretation and reporting.</p> <p>The Guidance provides information which the EPA will consider when assessing proposals where SRE invertebrate taxa is/are relevant environmental factor(s) in the assessment.</p>	PERSP.
Guidance Statement No. 51: Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia (EPA 2004d)	<p>This Guidance Statement:</p> <ul style="list-style-type: none"> • provides the general standards and a common framework for terrestrial flora and vegetation surveys for EIA in Western Australia, the quality and quantity of information that should be derived from these surveys, and the consequent analysis, interpretation and reporting; and • Is primarily directed at the subset of biodiversity contained in all terrestrial vascular plants. <p>The Guidance assists in the interpretation and application of the general principles outlined in Position Statement 3 and Position Statement 2.</p>	<p>The vegetation mapping, currently over 422,425 ha of BHP Billiton Iron Ore tenure, has been undertaken consistently with this Guidance Statement.</p> <p>This Guidance Statement will be considered and applied as relevant in relation to validation of modelled impacts at the Derived Proposal stage.</p>
Guidance Statement No. 55: <i>Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process</i> (EPA 2003)	<p>Proponents are required by the EPA to demonstrate best practice through the environmental approval process.</p> <p>This Guidance Statement provides guidance on what the EPA means by the term 'best practice' when it is used in the EIA process. The thrust of the Guidance is that:</p> <ul style="list-style-type: none"> • All relevant environmental quality standards must be met; • Common pollutants should be controlled by proponents adopting Best Practicable Measures (BPM) to protect the environment (further explanation around BPM is provided in the Guidance); • Hazardous pollutants (like dioxins) should be controlled to the Maximum Extent Achievable (MEA), which involves the most stringent measures available. For a 	<p>The assessment detailed in the PERSP demonstrates that the Strategic Proposal is consistent with 'best practice' in that:</p> <ul style="list-style-type: none"> • The fauna modelling and impact assessment undertaken demonstrates that all relevant environmental quality standards will be met (Section 8.1.4). • The subterranean fauna assessment undertaken demonstrates that all relevant environmental quality standards will be met (Section 8.1.5). • The Land and Biodiversity Management Toolkit and the Environmental Assurance detailed in Section 12.2 are consistent with the Guidance Statement in relation to environmental governance. • A key benefit of the Strategic Proposal is the environmental benefits that can be achieved through a strategic approach to the management of environmental Land Factors at the Derived Proposal stage.

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	<p>small number of very hazardous and toxic pollutants, costs are not taken into account;</p> <ul style="list-style-type: none"> • There is a responsibility for proponents not only to minimise adverse impacts, but also to consider improving the environment through rehabilitation and offsets where practicable. <p>The Guidance further states that the achievement of best practice will be greatly facilitated if a proponent has an environmental management system in place, particularly if it is consistent with an international standard such as ISO 14001. Where appropriate, the proponent should demonstrate that an environmental management system is in place and includes the following elements:</p> <p>a) An environmental policy and corporate commitment to it;</p> <p>b) Mechanisms and processes to ensure:</p> <ul style="list-style-type: none"> i) planning to meet environmental requirements; ii) implementation and operation of actions to meet environmental requirements; and iii) measurement and evaluation of environmental performance; and <p>c) Review and improvement of environmental outcomes.</p>	<p>The closure, rehabilitation and offsets assessments and approaches for the Strategic Proposal are detailed in Sections 8.5.3 and 8.5.4 of the PERSP.</p>
<p>Guidance Statement No. 56: Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia (EPA 2004e)</p>	<p>This Guidance Statement:</p> <ul style="list-style-type: none"> • addresses the general standards and a common framework for terrestrial fauna and fauna assemblages for EIA in Western Australia, the quality and quantity of information derived from these surveys, and the consequent analysis, interpretation and reporting; and • is primarily directed at the subset of biodiversity contained in all terrestrial faunal groups. <p>The Guidance Statement assists in the interpretation and</p>	<p>Fauna surveys have been undertaken in a targeted and site-specific manner in alignment with this guidance (Section 8.1.4). Fauna habitat maps and fauna values have been further determined based upon vegetation assemblages.</p> <p>This Guidance Statement will be considered and applied as relevant in relation to validation of modelled impacts at the Derived Proposal stage.</p>

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	<p>application of the general principles outlined in Position Statement No. 3 and should be read in conjunction with Guidance Statement 51 when planning for biological surveys for EIA and when practical fauna and vegetation surveys should be coordinated.</p>	
<p>Draft Guidance Statement No. 54a: Sampling Methods and Survey Considerations for Subterranean Fauna in Western Australia (EPA 2007a).</p>	<p>This draft Guidance Statement serves as a technical appendix to Guidance Statement 54. Guidance Statement 54 has been withdrawn, but this Guidance Statement should still be used to provide information on sampling techniques.</p> <p>The Guidance Statement outlines the EPA's position in relation to what are acceptable sampling efforts and methodologies for subterranean fauna. A framework is provided for determining whether an area is likely to have significant subterranean faunal values.</p> <p>The draft Guidance Statement also describes reporting requirements, including that results of subterranean fauna surveys should be available for public review in the EIA review documentation.</p>	<p>Desktop surveys as well as subterranean fauna sampling have been conducted in line with this guidance (Appendix 6). The impact assessment contained within the PERSP (Section 8.1.5) has been reviewed by technical experts as well as by the expert peer reviewers, with the findings that significant impacts to subterranean fauna are not likely.</p> <p>The results of the subterranean fauna surveys are set out in Appendix 6 of the PERSP and will be available for public review as part of the PERSP.</p>
<p>Guidance Statement No. 54: Consideration of Subterranean Fauna in Groundwater Caves during Environmental Impact Assessment in Western Australia (EPA 2003a)</p>	<p>This Guidance Statement was withdrawn in 2013 and has been superseded by Environmental Assessment Guideline 12: Consideration of subterranean fauna in environmental impact assessment in Western Australia.</p>	<p>Refer to Environmental Assessment Guideline 12, below.</p>
<p>Environmental Assessment Guideline 12: Consideration of subterranean fauna in environmental impact assessment in Western Australia.</p>	<p>This Guideline provides guidance on the relevant impact assessment methods where subterranean fauna is likely to be a factor, particularly the standards of survey and the type of information required to understand impacts.</p> <p>The Guideline sets out the EPA's preferred approach for the</p>	<p>Desktop surveys as well as subterranean fauna sampling have been conducted in line with this guidance (Appendix 6). The impact assessment contained within the PERSP (Section 8.1.5) has been reviewed by technical experts as well as by the expert peer reviewers, with the findings that significant impacts to subterranean fauna are not likely.</p>

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	<p>consideration of subterranean fauna in EIA. It aims to ensure that the standard of survey and type of information provided to the EPA have a sound scientific basis to enable it to understand impacts.</p> <p>The Guidance recommends the use of surrogates, where survey alone has not provided sufficient evidence to determine distribution, to assist in predictions of impact.</p> <p>Draft Guidance Statement 54a (detailed above) should still be used to provide information on sampling techniques.</p>	<p>The revised changes to this guideline, in relation to surrogates, is not applicable at the regional scale of the Strategic Proposal but may be used to validate modelled impacts at Derived Proposal stage.</p>
<p>Technical Guide – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment (EPA and DEC 2010).</p>	<p>This Guide is specific to terrestrial vertebrate fauna. It provides advice on fauna sampling techniques and methodologies for different regions of the State and the analysis, interpretation and reporting requirements for EIA. It should be read in conjunction with Guidance Statement 56.</p> <p>The Guide is intended for use when planning and undertaking terrestrial vertebrate fauna surveys for assessment of the impacts of development generally (including new infrastructure, mining and native vegetation clearing) as well as for projects that are submitted for formal assessment under Part IV of the EP Act.</p> <p>The Guide provides detail on the different levels of terrestrial vertebrate fauna surveys that may be required for EIA.</p>	<p>The protocols detailed in this Guide have been followed for all fauna survey work undertaken historically by BHP Billiton Iron Ore. The results of these surveys form the basis of the impact assessment in the PERSP (Section 8.1.4).</p> <p>Level 1 and Level 2 surveys have been undertaken as required, based on the significance of species at a particular location, or based on the nature of development, or the level of knowledge on the species. Sampling techniques, survey design and analysis are all in line with this Guide.</p> <p>The Guide will be considered and applied as relevant in relation to validation of modelled impacts at the Derived Proposal stage.</p>
<p>Non-EPA Legislation and Policy</p>		
<p><i>Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)</i></p>	<p>The EPBC Act is the principal piece of Commonwealth environmental protection legislation. It protects matters of national environmental significance (MNES), Commonwealth land and Commonwealth marine areas. The Act establishes a regime of inter-governmental agreements, management plans, approvals and permits for actions that will affect the</p>	<p>BHP Billiton Iron Ore is seeking separate approval of the Strategic Proposal under the EPBC Act and has prepared a separate Impact Assessment Report and MNES Program in relation to that application.</p> <p>Further detail in relation to the Commonwealth process is set out in Section 4.3 of the PERSP.</p>

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	environment.	This Act was identified in Section 7.2.3 of the ESD as potentially relevant to subterranean fauna. Since the ESD, BHP Billiton Iron Ore has considered this further and concluded that the Act is not relevant to subterranean fauna on the basis that no subterranean fauna are listed matters of national environmental significance (MNES) protected under the EPBC Act.
<i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (DSEWPaC 2012b)</i>	This Policy outlines the Australian Government's approach to the use of environmental offsets. It applies to matters of national environmental significance (MNES) protected under the EPBC Act. BHP Billiton Iron Ore has prepared separate impact assessment documents (IAR and MNES Program) for the Commonwealth assessment of the Strategic Proposal under the EPBC Act.	The offsets approach detailed in chapter 8.5.4 of the PERSP has been developed consistently with both the State and Commonwealth guidance on offsets.
<i>Mining Act 1978 (WA) (Mining Act)</i>	<p>The Mining Act regulates mining and associated activities in the State of Western Australia. It is to be read and construed subject to the EP Act.</p> <p>The application of the Mining Act may be modified by State Agreements.</p>	<p>The Mining Act regulates the environmental obligations of tenement holders in Western Australia.</p> <p>The Land and Biodiversity Toolkit (detailed in Section 8.1.1.3 of the PERSP) is consistent with the Mining Act.</p> <p>BHP Billiton Iron Ore will consider the operation of the Mining Act to specific tenure for Derived Proposals and will comply with any applicable obligations under this Act.</p>
<i>Bush Fires Act 1954 (WA) (Bush Fires Act)</i>	<p>The Bush Fires Act makes provision for diminishing the dangers resulting from bush fires and for the prevention, control and extinguishment of bush fires.</p> <p>Obligations apply under the Act in relation to certain activities during prohibited or restricted burning times, the carriage and deposit of incendiary material, the extinguishment of fires and the use of explosives.</p>	<p>BHP Billiton Iron Ore's Land and Biodiversity Toolkit (detailed in Section 8.1.1.3 of the PERSP) is consistent with the Bush Fires Act.</p> <p>BHP Billiton Iron Ore will consider the Bush Fires Act in relation to Derived Proposals and will comply with any applicable requirements under the Act.</p>
<i>Rights in Water and Irrigation Act 1914 (WA) (RIWI Act)</i>	<p>The RIWI Act governs rights in relation to natural waters (surface water and ground water) and makes provision for:</p> <ul style="list-style-type: none"> the conservation and use of such waters for industrial 	<p>BHP Billiton Iron Ore may require licences or permits under the RIWI Act in relation to activities within the scope of the Strategic Proposal.</p> <p>This will be taken into account, and any necessary licences or permit</p>

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	<p>irrigation; and</p> <ul style="list-style-type: none"> • the construction, maintenance and management of irrigation works. <p>A licence or permit under the Act is generally required to:</p> <ul style="list-style-type: none"> • take water; • construct or alter wells (including bores and soaks); or • interfere with the bed and banks of a water course. 	<p>obtained, for Derived Proposals.</p> <p>The potential impacts of surface water and groundwater activities under the Strategic Proposal (for which licences or permits may be required) on Land Factors are detailed within the PERSP as follows:</p> <ul style="list-style-type: none"> • Flora and vegetation - Sections 8.1.3 and 8.2.2 • Terrestrial fauna - Section 8.1.4 and 8.2.2 • Subterranean fauna - Sections 8.1.5 and 8.2.2 • Landforms and terrestrial environmental quality - Sections 8.1.6 and 8.2.2
<p>National Strategy for the Conservation of Australia's Biological Diversity (Department of the Environment, Sport and Territories 1996) (National Strategy)</p>	<p>The National Strategy was signed by the Commonwealth Government and all State and Territory Governments in 1996 to fulfil Australia's obligations under the international Convention on Biological Diversity.</p> <p>The Natural Resource Management Ministerial Council finalised a review of the National Strategy in 2010. A new strategy, Australia's Biodiversity Conservation Strategy 2010-2030 (2010) has now superseded the National Strategy.</p>	<p>The National Strategy has been superseded by Australia's Biodiversity Conservation Strategy 2010-2030. The new Strategy is discussed below.</p>
<p>Australia's Biodiversity Conservation Strategy 2010-2030 (2010)</p>	<p>This Strategy is a national framework guiding the biodiversity conservation policies and programmes of the Commonwealth, State and Territories, so that Australia's biodiversity is healthy and resilient to threats, and valued in its own right and for its essential contribution to our existence.</p> <p>The Strategy is Australia's National Biodiversity Strategy and Action Plan under the international Convention on Biological Diversity.</p> <p>The Strategy highlights three priorities for action:</p> <ul style="list-style-type: none"> • Engaging all Australians through mainstreaming biodiversity, increasing indigenous engagement and enhancing strategic investment and partnerships; • Building ecosystem resilience in a changing climate by 	<p>BHP Billiton Iron Ore's Strategic Proposal is consistent with the Strategy.</p> <p>The Strategy will be considered as relevant in relation to Derived Proposals.</p>

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	<p>protecting biodiversity, maintaining and re-establishing ecosystem functions and reducing threats to biodiversity; and</p> <ul style="list-style-type: none"> Getting measurable results by improving and sharing knowledge, delivering conservation initiatives effectively and implementing robust national monitoring, reporting and evaluation. <p>National targets are set around each of these priorities for action.</p>	
<p>Managing Groundwater Dependent Ecosystems of the Pilbara (DoW 2011a).</p>	<p>This brochure outlines the results of groundwater dependent ecosystems studies conducted by the Department of Water in the Pilbara region.</p> <p>The information and mapping resulting from the studies has been used to describe the ecological values of the study areas and develop conceptual models of how groundwater supports river ecosystems.</p>	<p>The maps produced through these studies were consulted by BHP Billiton Iron Ore to support its understanding of the geological setting and regional groundwater flow system. These maps, together with additional studies, information and analysis, were used to develop a risk assessment tool for GDEs in the Pilbara, as detailed in Appendix 7 of the PERSP.</p>
<p><i>Country Areas Water Supply Act 1947(WA) (CAWS Act)</i></p>	<p>The CAWS Act provides for the construction, maintenance and administration of reticulated supplies of water to country areas and for the safeguarding of water supplies. The Act imposes obligations on proponents who use Water Corporation water in country areas. The obligations are mainly related to keeping equipment in good order and not fraudulently taking water.</p> <p>Permits may also be required under the CAWS Act to clear native vegetation near water, including where an EP Act clearing permit exemption applies in a CAWS Act controlled catchment.</p>	<p>BHP Billiton Iron Ore will comply with any applicable provisions of the CAWS Act in relation to the Strategic Proposal.</p> <p>Permits may be required for Derived Proposals involving clearing of native vegetation near water. BHP Billiton Iron Ore will consider and comply with any relevant specific requirements during both the planning and implementation phases for Derived Proposals.</p>
<p><i>Wildlife Conservation Act 1950 (WA) (WC Act)</i></p>	<p>The WC Act provides for the conservation and protection of flora and native fauna.</p>	<p>BHP Billiton Iron Ore will comply with any applicable provisions of the WC Act in relation to the Strategic Proposal.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>Generally, all native vertebrate fauna are protected, unless otherwise declared by the Minister as not protected (i.e. some venomous snakes). All native invertebrate fauna are not protected unless otherwise declared as protected (i.e. some stygofauna and rare insects).</p> <p>Generally, all native flora situated on Crown land is protected. Where protected flora occurs on private land it may be taken by the owner or occupier of that land for non-commercial purposes. Flora declared as 'rare flora' are protected on both Crown land and private land.</p> <p>Licences may be issued under the Act in relation to the taking of flora or fauna for purposes specified in the Act.</p>	<p>Licences may be required under the WC Act in relation to activities associated with Derived Proposals. BHP Billiton Iron Ore will consider and comply with any relevant specific requirements during both the planning and implementation phases for Derived Proposals.</p>
<p><i>Conservation and Land Management Act 1984 (WA)</i> (CALM Act)</p>	<p>This Act provides for the use, protection and management of conservation estate and managed lands.</p> <p>The Act contains provisions which apply specifically to certain areas, including areas declared as Timber Reserves, Nature Reserves, State Forests, National Parks and Conservation Parks.</p> <p>Additionally, Part VII of the Act applies generally to all Crown land – that is, land that has not been granted in fee simple (including pastoral leases and mining tenements).</p>	<p>BHP Billiton Iron Ore has considered the CALM Act in refining the scope of the Strategic Proposal and has excluded some areas protected under this Act (e.g., Karijini National Park) from the scope as a result.</p> <p>BHP Billiton Iron Ore will consider the CALM Act in relation to Derived Proposals and will comply with any applicable requirements under the Act.</p>
<p><i>Agriculture and Related Resources Protection Act 1976 (WA)</i></p>	<p>This Act provides for the management and control of certain plants and animals and the prohibition and regulation of the:</p> <ul style="list-style-type: none"> • introduction and spread of certain plants; • introduction, spread and keeping of certain animals; and 	<p>BHP Billiton Iron Ore's Land and Biodiversity Management Toolkit, which is detailed in Section 8.1.1.3 of the PERSP, is consistent with the requirements of this Act.</p> <p>BHP Billiton Iron Ore will consider the Agriculture and Related Resources Protection Act in relation to Derived Proposals and will comply with any applicable requirements under the Act.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<ul style="list-style-type: none"> • protection of agriculture and related resources. <p>Proponents have obligations under the Act to control declared animals and declared plants found onsite, and to notify the Agriculture Protection Board or authorised persons of any declared animals or declared plants appearing or in existence on any of its sites.</p>	
<p><i>Land Administration Act 1997 (WA) (LAA) and Land Administration (Land Management) Regulations 2006 (WA) (Land Management Regulations)</i></p>	<p>The LAA provides for the disposition and management of State land.</p> <p>The Land Management Regulations are made under the LAA and apply to:</p> <ul style="list-style-type: none"> • unallocated State land; • unmanaged reserves, except those for which the care, control or management is provided under another Act; • managed reserves set out in Schedule 1 of the Regulations. <p>It is an offence under the Regulations to, relevantly:</p> <ul style="list-style-type: none"> • take water from regulated land; • pollute or interfere with any water, water-course or water storage facility on regulated land; • damage, deface, interfere with, pollute or remove any rock, soil or other natural substance on regulated land; • pull or dig up, damage, pick or injure any plant; • kill, injure, capture, chase, disturb, interfere with or feed 	<p>BHP Billiton Iron Ore's Land and Biodiversity Management Toolkit, which is detailed in Section 8.1.1.3 of the PERSP, is consistent with the requirements of the LAA and the Land Management Regulations.</p> <p>BHP Billiton Iron Ore will consider the Act and the Regulations in relation to Derived Proposals and will comply with any applicable requirements.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>any animal;</p> <ul style="list-style-type: none"> • damage or interfere with the nest or habitat of any animal; • remove from any plant or animal from regulated land. <p>Exemptions apply in relation to acts that are authorised under any other written law.</p>	
<p>WA Government Environmental Offsets Policy 2011</p>	<p>This Policy provides a framework for the consistent application of environmental offsets to protect and conserve environmental and biodiversity values.</p>	<p>The Policy has informed BHP Billiton Iron Ore's Offsets Approach (Section 8.5.4) for the PERSP and will be considered and applied as relevant at the Derived Proposal stage. The policy framework and BHP Billiton Iron Ore's consideration of the policy is provided below:</p> <p>Environmental offsets will only be considered after avoidance and mitigation options have been pursued.</p> <p>BHP Billiton Iron Ore's Mitigation Hierarchy, which is detailed in the Toolkit for each Factor, focuses on avoidance and mitigation of impacts prior to any offset approach being considered.</p> <p>Environmental offsets are not appropriate for all projects.</p> <p>BHP Billiton Iron Ore recognises the benefits of the strategic approach to offsets that can be achieved as a result of the Strategic Proposal and has detailed a strategic offsets approach in Section 8.5.4 of the PERSP.</p> <p>The appropriateness of this offsets approach will be considered on a case-by-case basis for Derived Proposals.</p> <p>Environmental offsets will be cost-effective, as well as relevant and proportionate to the significance of the environmental value being impacted.</p> <p>BHP Billiton Iron Ore's approach to offsets is detailed in Section 8.5.4. A regional approach, which is cost effective and proportionate to impact, is proposed. The cost-effectiveness, relevance and proportionality of this</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
		<p>offsets approach will be reviewed on a case-by-case basis for Derived Proposals.</p> <p>Environmental offsets will be based on sound environmental information and knowledge.</p> <p>Detail is provided throughout the PERSP of BHP Billiton Iron Ore's significant baseline understanding of the Pilbara environment. Further studies and analysis have been undertaken to inform the assessment in the PERSP. The impacts modelled will be validated (including consideration of contemporary information and knowledge as required) for Derived Proposals.</p> <p>Environmental offsets will be applied within a framework of adaptive management.</p> <p>Adaptive management is integral to the management framework detailed in Section 12.1.1.</p> <p>Environmental offsets will be focused on longer term strategic outcomes.</p> <p>The approach to offsets outlined in Section 8.5.4, allows for the application of offsets with regional benefits. BHP Billiton Iron Ore considers this a key benefit of the Strategic Proposal approach.</p>
<p>Approved Conservation Advice for relevant species (Threatened Species Scientific Committee 2008a;2008b); specifically:</p> <ul style="list-style-type: none"> • <i>Liasis olivaceus barroni</i> (Olive Python – Pilbara subspecies) (2008); • <i>Lepidium catapycnon</i> (Hamersley lepidium)(2008); and • <i>Rhinonictoris aurantia</i> 	<p>Conservation Advices are developed by the Threatened Species Scientific Committee to assist in the recovery of listed native species and ecological communities under the EPBC Act, which provide guidance on immediate recovery and threat abatement activities that can be undertaken to ensure the conservation of a newly listed species or ecological community. For some species and ecological communities, recovery plans may also be developed to assist in recovery.</p>	<p>The potential impacts to Flora and Vegetation and Fauna are detailed within the PERSP as follows:</p> <ul style="list-style-type: none"> • Flora and vegetation - Sections 8.1.3 • Terrestrial fauna - Section 8.1.4 <p>The Land and Biodiversity Management Toolkit (Section 8.1.1.3) will align with the conservation advice for any particular listed species. The specific management practices will be detailed at Derived Proposal stage, and will be in line with the Commonwealth Strategic Assessment approval application (MNES Program and Impact Assessment Report).</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
(Pilbara form) (Pilbara Leaf-nosed Bat) (2016).		
<p>Threat Abatement Plans for relevant species (DEWHA 2006; 2008a; 2008b; 2008c); specifically:</p> <ul style="list-style-type: none"> • For predation by the European fox; • For predation by feral cats; • For the biological effects, including lethal toxic ingestion, caused by cane toads 	<p>Threat abatement plans provide for the research, management, and any other actions necessary to reduce the impact of a listed key threatening process on native species and ecological communities. Implementing the plan should assist the long term survival in the wild of affected native species or ecological communities.</p> <p>The Australian Government Minister the Environment, may decide whether to have a threat abatement plan for a threatening process in the list of key threatening processes established under the EPBC Act.</p>	<p>The potential impacts to Flora and Vegetation and Fauna are detailed within the PERSP as follows:</p> <ul style="list-style-type: none"> • Flora and vegetation - Sections 8.1.3 • Terrestrial fauna - Section 8.1.4 <p>The Land and Biodiversity Management Toolkit (Section 8.1.1.3) will align with the threat abatement plan for any particular listed species. The specific management practices will be detailed at Derived Proposal stage, and will be in line with the Commonwealth Strategic Assessment approval application (MNES Program and Impact Assessment Report).</p>
<p>Leading Practice Sustainable Development Program for the Mining Industry – Handbooks:</p> <ul style="list-style-type: none"> - Mine Closure and Completion (DITR 2006a) - Mine Rehabilitation (DITR 2006b) - Managing Acid and Metalliferous Drainage (DITR 2007) 	<p>The Leading Practice Sustainable Development Program for the Mining Industry developed fifteen handbooks to address the key issues affecting sustainable development.</p> <p>The Handbooks are designed to provide managers, communities and regulators with user-friendly, essential information on current sustainable mining practices.</p> <p>The Mine Closure and Completion, Mine Rehabilitation and Managing Acid and Metalliferous Drainage Handbooks provide information across a range of issues relevant to the subjects of the Handbooks, covering both technical and management processes.</p>	<p>The Handbooks have informed the assessment and closure, rehabilitation, offsets and management approaches detailed in Chapter 8 of the PERSP.</p> <p>The principles and processes described in the Handbooks will be considered and applied where relevant in relation to Derived Proposals.</p>

1.2 WATER

The legislation policies and guidance relevant to the theme of water (hydrological processes and inland waters environmental quality) are provided in Table 2 as identified in the ESD with additional materials being added as they have been identified as considerations for the Strategic Assessment, and/or have replaced superseded materials.

Table 2: Legislation, policies and guidance material - Water

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
EPA Legislation		
<p><i>Environmental Protection Act 1986 (WA) (EP Act)</i></p>	<p>The EP Act provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with those things.</p> <p>The object of the Act is to protect the environment of the State of Western Australia, having regard to a number of principles described in s 4A of the Act.</p>	<p>Water may be impacted by matters regulated by the EP Act.</p> <p>The EIA detailed in the PERSP has been conducted in accordance with Part IV of the EP Act. The assessment relating to hydrological processes and inland waters environmental quality is set out in Section 8.2.2 of the PERSP.</p> <p>Approval of the Strategic Proposal is sought under Part IV of the EP Act. Whether a future proposal constitutes a Derived Proposal will also be determined in accordance with Part IV.</p> <p>Further approvals (e.g., works approvals, clearing permits or environmental licences) may be required under Part V of the EP Act in relation to Derived Proposals.</p>
EPA Guidance		
<p>Position Statement No. 4: Environmental Protection of Wetlands (EPA 2004f)</p>	<p>This Position Statement defines important environmental values and functions of wetlands and establishes principles for the environmental protection of wetlands in general.</p> <p>A number of principles are articulated to provide guidance for the restoration, maintenance and enhancement of wetlands.</p>	<p>The hydrological processes and inland waters environmental quality assessment is consistent with the broad principles outlined in this Position Statement.</p> <p>The Position Statement will be considered and applied where relevant for Derived Proposals.</p>
<p>Position Statement No. 5: Environmental Protection and Ecological Sustainability of the</p>	<p>This Position Statement was withdrawn in December 2013.</p>	<p>There is a range of legislation, policy and guidance that has guided the assessment undertaken for each factor in the Land theme. These are</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
Rangelands in Western Australia (EPA 2004c)		detailed throughout this table.
Position Statement No. 8: Environmental Protection in Natural Resource Management (EPA 2005)	This Position Statement was withdrawn in December 2013.	There is a range of legislation, policy and guidance that has guided the assessment undertaken for each factor in the Land theme. These are detailed throughout this table.
Guidance for environmental and water assessment relating to mining operations in the Fortescue Marsh Area (DoW, DEC & OEPA 2013)	<p>This is a Strategic Advice prepared by the EPA and provided to the Minister for Environment under section 16(e) of the EP Act.</p> <p>The Advice aims to provide consistent guidance for agencies and proponents to help streamline project assessment and approval processes to deliver positive environmental outcomes for the Fortescue Marsh.</p> <p>The Advice divides the Fortescue Marsh management area into zones according to key environmental values, which are prioritised according to relative environmental significance. For each environmental value, management objectives are identified and strategies to achieve these objectives outlined.</p>	<p>The potential impacts of the Strategic Proposal on the Fortescue Marsh land system were considered in the Ecohydrological Change Assessment (Appendix 7) and are discussed in Sections 8.1.2 and 8.2.2 of the PERSP.</p> <p>In addition, potential impacts to key environmental values of the Fortescue Marsh (such as conservation-significant flora and fauna species and communities, land systems and water regimes) have been assessed and discussed in Section 8 of the PERSP.</p> <p>The Management Toolkits for each theme are consistent with the objectives and strategies set out in the Advice.</p> <p>The Advice will be considered and applied as relevant in relation to Derived Proposals.</p>
Guidance Statement No. 55: <i>Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process</i> (EPA 2003)	<p>Proponents are required by the EPA to demonstrate best practice through the environmental approval process.</p> <p>This Guidance Statement provides guidance on what the EPA means by the term 'best practice' when it is used in the EIA process. The thrust of the Guidance is that:</p> <ul style="list-style-type: none"> • All relevant environmental quality standards must be met; • Common pollutants should be controlled by proponents adopting Best Practicable Measures (BPM) to protect the environment (further explanation around BPM is provided in the 	<p>The assessment detailed in the PERSP demonstrates that the Strategic Proposal is consistent with 'best practice' in that:</p> <ul style="list-style-type: none"> • The ecohydrological change assessment undertaken demonstrates that all relevant environmental quality standards will be met (Section 8.2.2). The Water Management Toolkit and the Environmental Assurance detailed in Chapter 12 are consistent with the Guidance Statement in relation to environmental governance. • A key benefit of the Strategic Proposal is the environmental benefits that can be achieved through a regional approach to groundwater and surface water assessment, and the application of site-based management practices at the Derived Proposal stage.

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>Guidance);</p> <ul style="list-style-type: none"> • Hazardous pollutants (like dioxins) should be controlled to the Maximum Extent Achievable (MEA), which involves the most stringent measures available. For a small number of very hazardous and toxic pollutants, costs are not taken into account; • There is a responsibility for proponents not only to minimise adverse impacts, but also to consider improving the environment through rehabilitation and offsets where practicable. <p>The Guidance further states that the achievement of best practice will be greatly facilitated if a proponent has an environmental management system in place, particularly if it is consistent with an international standard such as ISO 14001. Where appropriate, the proponent should demonstrate that an environmental management system is in place and includes the following elements:</p> <p>a) An environmental policy and corporate commitment to it;</p> <p>b) Mechanisms and processes to ensure:</p> <ul style="list-style-type: none"> i) planning to meet environmental requirements; ii) implementation and operation of actions to meet environmental requirements; and iii) measurement and evaluation of environmental performance; and <p>c) Review and improvement of environmental outcomes.</p>	<p>The closure, rehabilitation and offsets assessments and approaches for the Strategic Proposal are detailed in Sections 8.5.3 and 8.5.4 of the PERSP.</p>
<p>Draft guidance for environmental and water assessment relating to mining</p>	<p>This draft guidance was identified as relevant to the Water theme in the ESD. The Guidance has since been finalised and published as Guidance for environmental and water</p>	<p>See discussion in relation to the Guidance for environmental and water assessment relating to mining operations in the Fortescue Marsh Area (DoW, DEC & OEPA 2013) above.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
operations in the Fortescue Marsh Area (DoW & OEPA 2011)	assessment relating to mining operations in the Fortescue Marsh Area (DoW, DEC & OEPA 2013), which is discussed above in this table.	
Non-EPA Legislation and Policy		
<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)</i>	The EPBC Act is the principal piece of Commonwealth environmental protection legislation. It protects matters of national environmental significance (MNES), Commonwealth land and Commonwealth marine areas. The Act establishes a regime of inter-governmental agreements, management plans, approvals and permits for actions that will affect the environment.	BHP Billiton Iron Ore is seeking separate approval of the Strategic Proposal under the EPBC Act and has prepared a separate Impact Assessment Report and MNES Program in relation to that application. Further detail in relation to the Commonwealth process is set out in Section 4.3 of the PERSP.
<i>Rights in Water and Irrigation Act 1914 (WA) (RIWI Act)</i>	The RIWI Act governs rights in relation to natural waters (surface water and ground water) and makes provision for: <ul style="list-style-type: none"> • the conservation and use of such waters for industrial irrigation; and • the construction, maintenance and management of irrigation works. A licence or permit under the Act is generally required to: <ul style="list-style-type: none"> • take water; • construct or alter wells (including bores and soaks); or • interfere with the bed and banks of a water course. 	BHP Billiton Iron Ore may require licences or permits under the RIWI Act in relation to activities within the scope of the Strategic Proposal. This will be taken into account, and any necessary licences or permits obtained, for Derived Proposals. The potential impacts of surface water and groundwater activities under the Strategic Proposal (for which licences or permits may be required) on hydrological processes and inland waters environmental quality are detailed in Section 8.2.2 of the PERSP.
<i>Mining Act 1978 (WA) (Mining Act)</i>	The Mining Act regulates mining and associated activities in the State of Western Australia. It is to be read and construed subject to the EP Act. The application of the Mining Act may be modified by State Agreements.	The Mining Act regulates the environmental obligations of tenement holders in Western Australia. The Water Management Toolkit (detailed in Section 8.2.1.3 of the PERSP) is consistent with the Mining Act. BHP Billiton Iron Ore will consider the operation of the Mining Act to specific

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
		tenure for Derived Proposals and will comply with any applicable obligations under this Act.
<i>Country Areas Water Supply Act 1947 (WA) (CAWS Act)</i>	<p>The CAWS Act provides for the construction, maintenance and administration of reticulated supplies of water to country areas and for the safeguarding of water supplies. The Act imposes obligations on proponents who use Water Corporation water in country areas. The obligations are mainly related to keeping equipment in good order and not fraudulently taking water.</p> <p>Permits may also be required under the CAWS Act to clear native vegetation near water, including where an EP Act clearing permit exemption applies in a CAWS Act controlled catchment.</p>	<p>BHP Billiton Iron Ore will comply with any applicable provisions of the CAWS Act in relation to the Strategic Proposal.</p> <p>Permits may be required for Derived Proposals involving clearing of native vegetation near water. BHP Billiton Iron Ore will consider and comply with any relevant specific requirements during both the planning and implementation phases for Derived Proposals.</p>
<i>Agriculture and Related Resources Protection Act 1976 (WA)</i>	<p>This Act provides for the management and control of certain plants and animals and the prohibition and regulation of the:</p> <ul style="list-style-type: none"> • introduction and spread of certain plants; • introduction, spread and keeping of certain animals; and • protection of agriculture and related resources. <p>Proponents have obligations under the Act to control declared animals and declared plants found onsite, and to notify the Agriculture Protection Board or authorised persons of any declared animals or declared plants appearing or in existence on any of its sites.</p>	<p>A declared plant or declared animal is deemed to be on land for the purposes of this Act, notwithstanding that it is on or in any watercourse on that land.</p> <p>As a result, BHP Billiton Iron Ore's Water Management Toolkit, detailed in Section 8.2.1.3 of the PERSP, is consistent with the requirements of this Act.</p> <p>BHP Billiton Iron Ore will consider the Agriculture and Related Resources Protection Act in relation to Derived Proposals and will comply with any applicable requirements under the Act.</p>
<i>Water Agencies (Powers) Act 1984 (WA) (WAPA)</i>	<p>The WAPA gives the Water Minister power to confer executive authority on the Water Corporation and to make provisions in respect of their functions.</p> <p>The Act places no positive legal obligations on BHP Billiton Iron Ore. However it does confer some power on the Water</p>	<p>BHP Billiton Iron Ore recognises the Water Corporations powers under the WAPA in relation to water supply matters and works.</p> <p>The Water Management Toolkit detailed in Section 8.2.1.3 of the PERSP is consistent with this recognition.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>Corporation that may impact on BHP Billiton Iron Ore's operation, including rights to enter onto land to inspect in relation to water supply matters, and to conduct water-related works.</p>	
<p><i>Iron Ore (Marillana Creek) Agreement Act 1991 (WA)</i> (Marillana Creek Agreement Act)</p> <p><i>Iron Ore (Mount Goldsworthy) Agreement Act 1964 (Area C) (WA)</i> (Area C Act)</p> <p><i>Iron Ore (Mount Newman) Agreement Act 1964 (WA)</i> (Mount Newman Act)</p> <p><i>Iron Ore (Mount Goldsworthy) Agreement Act 1964 (Area B) (WA)</i> (Area B Act)</p> <p>Iron Ore (McCamey's Monster) Agreement Authorisation 1972 (WA)</p> <p><i>Iron Ore (Goldsworthy-Nimingarra) Agreement Act 1972 (WA)</i> (Goldsworthy-Nimingarra Act)</p>	<p>The Agreements are a series of State Agreements that BHP Billiton Iron Ore has entered into with the Western Australian Government in respect of its iron ore projects in the Pilbara.</p> <p>State Agreements detail the rights, obligations, terms and conditions for the development of a specific project and establish a framework for ongoing relations and cooperation between the state and the project proponents.</p>	<p>The State Agreements ratified by these Acts apply to areas within the Project Definition Boundary for the Strategic Proposal. The Agreements contain obligations relevant to some environmental Factors. These obligations have been considered broadly by BHP Billiton Iron Ore as appropriate at the Strategic Proposal level and in developing the Management Toolkits outlined in Chapter 8 of the PERSP.</p> <p>For Derived Proposals that fall within areas to which State Agreements apply, approval may also be required under the State Agreement. Such approvals could impose conditions relating to environmental management.</p> <p>Specific relevant obligations in the State Agreements will be considered when developing and implementing Derived Proposals. BHP Billiton Iron Ore will comply with its obligations under the Agreements as relevant to the Strategic Proposal and Derived Proposals.</p>
<p><i>Environment Protection and Biodiversity Conservation Act 1999</i> Environmental Offsets Policy (DSEWPaC 2012b)</p>	<p>This Policy outlines the Australian Government's approach to the use of environmental offsets. It applies to matters of national environmental significance (MNES) protected under the EPBC Act. BHP Billiton Iron Ore has prepared separate impact assessment documents (IAR and MNES Program) for the Commonwealth assessment of the Strategic Proposal under the EPBC Act.</p>	<p>The offsets approach detailed in Section 8.5.4 of the PERSP has been developed consistently with both the State and Commonwealth guidance on offsets.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
<p>Statewide Policy No. 5: Environmental water provisions policy for Western Australia, Department of Water (DoW 2000).</p>	<p>This policy describes the approach to be followed in determining how water will be provided to protect ecological values when allocating water use rights in Western Australia. It lists the guiding principles to be followed when making such decisions and outlines a water allocation planning framework in which those principles are to be applied.</p> <p>The policy also describes the relationship between water resources planning and management processes under the RIWI Act and the EPA's responsibilities under the EP Act.</p>	<p>This Policy was used to inform the Ecohydrological Change Assessment (Appendix 7) that is discussed in Section 8.2.2 of the PERSP.</p> <p>The Water Management Toolkit detailed in Section 8.2.1.3 of the PERSP is consistent with this Policy.</p> <p>This Policy will be considered and applied where relevant in relation to specific water resources planning and management processes for Derived Proposals.</p>
<p>Groundwater-dependent ecosystems: guideline for assessing licences in the Pilbara, Appendix B. In: Pilbara Groundwater Allocation Plan (DoW 2012a)</p>	<p>This Guideline describes how proponents should identify the potential ecological risks and impacts of groundwater abstraction for a proposed project and then demonstrate how these will be managed.</p> <p>It provides guidance on:</p> <ul style="list-style-type: none"> • the steps for assessing impacts on groundwater-dependent ecosystems (GDEs) as part of a water licence assessment process; • aligning GDE and water licence assessment with environmental impact assessment and approvals under the EP Act (where relevant), using reference to the Department of Water's <i>Water in Mining Guideline</i> (DoW 2013d); • key issues that need to be considered for Pilbara GDEs; • sources and availability of relevant information that will be useful to proponents in identifying and planning how to manage potential impacts on GDEs; <p>The Guideline supplements <i>Operational policy no. 5.12 – Hydrological reporting associated with a groundwater well</i></p>	<p>This Guideline informed the Ecohydrological Change Assessment undertaken for the Strategic Proposal and set out in Appendix 7. The assessment conducted was consistent with this Guideline.</p> <p>The Guideline will be considered and applied as relevant in relation to Derived Proposals.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p><i>licence</i> (DoW 2009c) and the <i>Water in Mining Guideline</i> (DoW 2013d), which together outline the information the DoW needs to assess an application for a licence under s 5C of the RIWI Act where there are likely to be impacts on GDEs.</p>	
<p>Pilbara Water in Mining Guideline (DoW 2009)</p>	<p>This Guideline applies the RIWI Act, State-wide policies and the DoW's <i>Pilbara Regional Plan</i> to mining operations in the Pilbara region. It provides advice on the issues that need to be considered and the type of information that the DoW may require as part of a licence assessment process under the RIWI Act.</p>	<p>The Strategic Proposal is consistent with the Regional Water Management Objectives and Mine Water Management Objectives detailed in the Guideline.</p> <p>This Guideline will be considered and applied where relevant in relation to Derived Proposals.</p>
<p>Water Quality Protection Guidelines No. 5: Mining and Mineral Processing and Minesite Water Quality Monitoring (Water and Rivers Commission 2000)</p>	<p>These Guidelines are designed to be used for establishing and operating minesite water monitoring programs in order to protect the quality of the region's water resources, where works approvals or licences issued under the EP Act require installation of a bore to monitor water resources.</p> <p>The Guidelines apply where a program is used to monitor changes in water quality resulting from a mining operation involving, for example, handling of chemicals and the disposal of wastes. The Guidelines apply to samples taken for physical and chemical analyses only, and not to bacteriological or biological samples.</p>	<p>The Water Management Toolkit detailed in Section 8.2.1.3 of the PERSP is consistent with this Guideline.</p> <p>The Guideline will be considered and applied where relevant in relation to Derived Proposals.</p>
<p>Guidelines for Preparing Mine Closure Plans (DMP & EPA 2011 and 2015)</p>	<p>The aim of this Guideline is to ensure that, for every mine in Western Australia, a planning process is in place so that the mine can be closed, decommissioned and rehabilitated to meet DMA and EPA's objectives for rehabilitation and closure. The Guideline includes provisions for the consideration of surface water management and groundwater management in mine closure.</p> <p>The 2015 Guidelines have superseded the 2011 Guidelines</p>	<p>These Guidelines have informed BHP Billiton Iron Ore's rehabilitation and decommissioning approach described in section 8.5.3 of the PERSP. The approach is consistent with the Guidelines and will be verified and detailed during the Derived Proposal stage. Mine Closure Plans will be prepared for mine operations as applicable.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	that were identified in Section 7.2.3 of the ESD.	
Hydrogeological Investigations of Pilbara Groundwater Resources. Managing Groundwater Dependent Ecosystems of the Pilbara (DoW 2011b)	<p>This brochure outlines the results of groundwater studies undertaken by the Department of Water in the Pilbara region. The DoW investigated the hydrogeology of six groundwater resources in the Pilbara region.</p> <p>The outcomes of the investigations and other parallel investigations were used to develop the Pilbara groundwater allocation plan.</p>	<p>The maps developed through the studies described in this brochure were used by BHP Billiton Iron Ore to support its understanding of the geological setting and regional hydrogeology. These maps, together with additional studies, information and analysis, were used to develop a risk assessment tool for groundwater use in the Pilbara, as detailed in Appendix 7 of the PERSP.</p> <p>These maps will be considered as relevant in relation to Derived Proposals.</p>
Western Australian Water in Mining Guideline (DoW 2013)	<p>This Guideline sets out how to meet the DoW's regulatory requirements for mining projects across Western Australia. It draws on the RIWI Act, policies, water allocation plans and regional experience in water management issues.</p> <p>The Guideline provides advice on water management issues that need to be considered in mine planning and the type of information the DoW may require as part of the licence assessment process.</p>	<p>The Strategic Proposal is consistent with the Mine Water Management Objectives detailed in the Guideline.</p> <p>This Guideline will be considered and applied where relevant in relation to Derived Proposals.</p>
Mine Void Water Resource Issues in Western Australia (Johnson & Wright 2003)	<p>This report provides an overview of the mine void issue, the creation of pit lakes and associated hydrogeological processes, an assessment of the potential impacts on groundwater resources, and water management considerations at mine closure.</p> <p>The report outlines the technical information required for the compilation of recommended guidelines intended to assist the mining industry in gaining environmental approvals related to proposed developments below the watertable.</p>	<p>This report has informed the hydrological processes and inland waters environmental quality assessment detailed in Section 8.2.2 of the PERSP. The closure and rehabilitation approach detailed in Section 8.5.3, the Water Management Toolkit detailed in Section 8.2.1.3 and the Closure and Rehabilitation Management Toolkit detailed in Section 8.5.2 have considered and applied the recommendations in this report where relevant and appropriate.</p> <p>The report will be considered where relevant in relation to validation of predicted impacts and detailed site-specific planning for Derived Proposals.</p>
Leading practice sustainable development program for the mining industry. Water	The Leading Practice Sustainable Development Program for the Mining Industry developed fifteen handbooks to address the key issues affecting sustainable development.	The Handbook has informed the Ecohydrological Change Assessment undertaken for the PERSP (Appendix 6) and the development of BHP Billiton Iron Ore's Water Management Toolkit (Section 8.2.1.3).

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
Management (DRET 2008)	<p>The Handbooks are designed to provide managers, communities and regulators with user-friendly, essential information on current sustainable mining practices.</p> <p>The Water Management Handbook provides information for water management across a range of issues, covering both technical and management processes.</p>	The principles and processes described in the Handbook will be considered and applied where relevant in relation to Derived Proposals.
Pilbara Groundwater Allocation Plan. Water Resource Allocation and Planning Report Series (DoW 2013a).	<p>This Plan sets out how the DoW will manage groundwater in the Pilbara through allocation limits, water licensing and ongoing monitoring and evaluation. It provides a framework for licensing decisions and adaptive groundwater management across the Pilbara region.</p> <p>The plan also includes licensing policy that applies across the region, mainly for managing water associated with mining. For fractured rock aquifers, water availability will be assessed on a case-by-case basis through licensing.</p> <p>Detailed guidance on assessing licence applications for mining is provided in the DoW's <i>Western Australian water in mining guideline</i>.</p>	The Water Management Approach detailed in Section 8.2.1.3 of the PERSP is consistent with this Plan in that monitoring and evaluation will form an integral component of the Water Management Toolkit. Allocation limits and applications for licences where required will be determined at the Derived Proposal stage.
National Water Initiative (2004)	<p>The National Water Initiative (NWI), agreed in 2004 by the Council of Australian Governments (COAG), is the national blueprint for water reform.</p> <p>The NWI is a shared commitment by governments to increase the efficiency of Australia's water use, leading to greater certainty for investment and productivity, for rural and urban communities, and for the environment.</p> <p>Under the NWI, governments have made commitments to:</p> <ul style="list-style-type: none"> • prepare comprehensive water plans • achieve sustainable water use in over-allocated or stressed water systems • introduce registers of water rights and standards for water accounting 	<p>The NWI informs BHP Billiton Iron Ore's broader water planning strategy and Corporate governance approach to water use throughout the Company's Pilbara operations.</p> <p>Water Plans, at a regional scale have been prepared to inform site based management practices and will be detailed at Derived Proposal stage.</p>

STATE LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<ul style="list-style-type: none"> • expand trade in water rights • improve pricing for water storage and delivery • better manage urban water demands 	

1.3 PEOPLE

The legislation, policies and guidance relevant to the theme of People are provided in Table 3 as identified in the ESD with additional materials being added as they have been identified as considerations for the Strategic Assessment, and/or have replaced superseded materials.

Table 3: Legislation, policies and guidance material – People

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
EPA Legislation		
<i>Environmental Protection Act 1986 (WA) (EP Act)</i>	<p>The EP Act provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with those things.</p> <p>The object of the Act is to protect the environment of the State of Western Australia, having regard to a number of principles described in s 4A of the Act.</p>	<p>The EPA theme of People includes consideration of heritage, amenity and human health. Heritage, amenity and human health may be impacted by matters regulated by the EP Act.</p> <p>The EIA detailed in the PERSP has been conducted in accordance with Part IV of the EP Act and includes consideration of heritage, amenity and human health where relevant.</p> <p>Approval of the Strategic Proposal is sought under Part IV of the EP Act. Whether a future proposal constitutes a Derived Proposal will also be determined in accordance with Part IV.</p> <p>Further approvals (e.g. works approvals and/or licences) may be required under Part V of the EP Act in relation to Derived Proposals.</p>
EPA Guidance		
Position Statement No. 5:	This position statement and its accompanying spatial data	This position statement has not been applied as it was withdrawn prior to the

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
Environmental Protection and Ecological Sustainability of the Rangelands in Western Australia (EPA 2004c)	package were withdrawn by the EPA in December 2013.	impact assessment undertaken in the PERSP. It has not been replaced by any further position statement at this time. Assessment of impacts to rangelands has been undertaken with a focus on the legislation and guidance material for Flora, Vegetation and Fauna factors.
Guidance Statement 3: Separation Distances between Industrial and Sensitive Land Uses (EPA 2005)	This Guidance Statement provides generic guidance on separation distances (buffers) with a focus on protecting sensitive and uses from unacceptable impacts on amenity, with considerations that should be addressed in the absence of adequate site-specific studies and modelling of emissions.	<p>This Guidance Statement provides guidance where site-specific studies and modelling has not taken place. Modelling of noise emissions has been undertaken for the PERSP. As the noise model has determined the likely received levels, the separation distance guidance is applicable as a conceptual planning tool only in relation to noise emissions. Similarly, as a regional visual amenity survey has been undertaken, the separation distance guidance is applicable as a conceptual planning tool for visual amenity.</p> <p>This Guidance Statement may provide guidance in the absence of site-specific studies for noise and visual amenity, including further modelling for Derived Proposals and will be applied where relevant.</p>
Draft Guidance Statement No. 8: Environmental Noise (EPA 2007)	This Guidance has been superseded by Environmental Assessment Guideline 13: Consideration of environmental impacts from noise (EAG13).	See below in relation to EAG13, which has superseded this Draft Guidance Statement.
Guidance Statement 41: Assessment of Aboriginal Heritage	This Guidance Statement provides guidance for consideration of Aboriginal heritage in circumstances where the heritage values are linked directly to the physical and biological attributes of the environment, and when the protection and management of those attributes are threatened as a result of a proposed development.	<p>Mining activities have the potential to impact Aboriginal cultural heritage.</p> <p>The PERSP provides comments on the Aboriginal Heritage Act and management of Aboriginal heritage sites (Section 8.3.2).</p> <p>A number of Aboriginal heritage sites hold considerable visual amenity value. The impact of the Strategic Proposal to this amenity value is considered in Sections 8.3.2 and 8.3.4 of the PERSP.</p> <p>The assessment detailed in Sections 8.3.2 and 8.3.4 is consistent with this Guidance Statement. The Guidance Statement will also be applied where relevant at the Derived Proposal stage in relation to potential impacts to Aboriginal heritage values from a particular development or operation.</p>
Guidance Statement No. 55:	Proponents are required by the EPA to demonstrate best	The assessment detailed in the PERSP demonstrates that the Strategic

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
<p><i>Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process</i> (EPA 2003)</p>	<p>practice through the environmental approval process.</p> <p>This Guidance Statement provides guidance on what the EPA means by the term 'best practice' when it is used in the EIA process. It further provides guidance on: the relevant environmental quality standards which must be met.</p> <p>The Guidance further states that the achievement of best practice will be greatly facilitated if a proponent has an environmental management system in place, particularly if it is consistent with an international standard such as ISO 14001. Where appropriate, the proponent should demonstrate that an environmental management system is in place and includes the following elements:</p> <p>a) An environmental policy and corporate commitment to it;</p> <p>b) Mechanisms and processes to ensure:</p> <p style="padding-left: 20px;">i) planning to meet environmental requirements;</p> <p style="padding-left: 20px;">ii) implementation and operation of actions to meet environmental requirements; and</p> <p style="padding-left: 20px;">iii) measurement and evaluation of environmental performance; and</p> <p>c) Review and improvement of environmental outcomes.</p>	<p>Proposal is consistent with 'best practice' in that:</p> <ul style="list-style-type: none"> • The noise modelling undertaken demonstrates that all relevant environmental quality standards will be met (Section 8.3.5) • The Heritage and Amenity Management Toolkits (Section 8.3.1.3) and the Environmental Assurance detailed in Chapter 12 are consistent with the Guidance Statement in relation to control of impacts to people and the environment.
<p>Environmental Assessment Guideline 13: Consideration of environmental impacts from noise (EPA 2014).</p>	<p>This Guidance Statement provides guidance on predicting whether noise emissions may cause significant environmental impacts, and provision of regulatory standards for noise.</p>	<p>The regulatory standards set by this Guidance Statement were utilised in the Noise Impact Assessment (Appendix 10) to determine any potential environmental impacts from noise. These are addressed in Section 8.3.5 of the PERSP.</p>
<p>Non-EPA Legislation and Policy</p>		
<p><i>Aboriginal Heritage Act 1972</i></p>	<p>Protection and preservation of Aboriginal cultural heritage is</p>	<p>Mining activities have the potential to impact Aboriginal cultural heritage.</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
(WA)	regulated by the Aboriginal Heritage Act.	<p>The PERSP provides comments on the Aboriginal Heritage Act and management of Aboriginal heritage sites (Section 8.3.2).</p> <p>A number of Aboriginal heritage sites hold considerable visual amenity value. The impact of the Strategic Proposal to this amenity value is considered in Sections 8.3.2 and 8.3.4 of the PERSP.</p> <p>Derived Proposals will comply with the Aboriginal Heritage Act where relevant. In particular, development which is likely to require Aboriginal or Traditional Owner consent will be referred under s.18 of the <i>Aboriginal Heritage Act 1972</i> where required.</p> <p>The Heritage and Amenity toolkits detailed in Section 8.3.1.3 of the PERSP will be applied to future operations under Derived Proposals.</p>
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act)	The EPBC Act prohibits the taking of actions that may have a significant impact on Matters of National Environmental Significance (MNES) protected under the Act, in the absence of Ministerial approval or other authorisation under the Act.	<p>BHPBIO has applied for Commonwealth approval of the Strategic Proposal under the EPBC Act concurrently with State approval.</p> <p>The Commonwealth approvals process is discussed in Section 4.3 of the PERSP. Further details can be found in the Commonwealth Impact Assessment Report and MNES Program.</p>
<i>Heritage of Western Australia Act 1990</i> (WA)	Conservation, maintenance, development and disposal of cultural heritage significance are managed by this Act.	<p>Mining activities have the potential to impact non-Aboriginal cultural heritage. Impacts to non-Aboriginal heritage sites as a result of the Strategic Proposal have been considered (Section 8.3.3.2).</p> <p>Derived Proposals will comply with the Heritage of Western Australia Act where relevant. The Heritage and Amenity toolkits detailed in Section 8.3.1.3 of the PERSP will be applied to future operations under Derived Proposals.</p>
<i>Mining Act 1978</i> (WA)	The Mining Act regulates mining and associated activities in the State of Western Australia. It is to be read and construed subject to the EP Act.	<p>Heritage, amenity and human health may be impacted by matters regulated by the Mining Act.</p> <p>The conceptual development scenarios developed for the purpose of modelling potential impacts to environment as a result of the Strategic</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
		<p>Proposals are consistent, where relevant, with the requirements of the Mining Act.</p> <p>Further approvals may be required under the Mining Act for Derived Proposals (e.g., licences or leases required under Part IV of the Mining Act).</p>
<p>State Planning Policy No. 5.4 (SPP5.4): Road and Rail Transport Noise and Freight Considerations in Land Use Planning (Western Australian Planning Commission (WAPC) 2009)</p>	<p>This policy aims to:</p> <ul style="list-style-type: none"> • Protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals; • Protect major transport corridors and freight operations from incompatible urban encroachment; • Encourage best-practice design and construction standards for new development proposals and new or redeveloped transport infrastructure proposals; • Facilitate the development and operation of an efficient freight network; and • Facilitate the strategic co-location of freight-handling facilities. 	<p>The Noise Impact Assessment (Appendix 10) has utilised SPP5.4 when modelling the potential impacts to sensitive receivers from rail. The assessment of noise is consistent with the noise criteria set out in Section 5.3 of SPP5.4. Verification of the received noise levels will occur at Derived Proposal Stage.</p>
<p>State Planning Policy No. 2 (SPP2): Environment and Natural Resource Policy for Western Australia (WAPC 2003) (WA)</p>	<p>SPP2 aims to:</p> <ul style="list-style-type: none"> • Integrate environment and natural resource management with broader land use planning and decision-making; • Protect, conserve and enhance the natural environment; • Promote and assist in the wise and sustainable use and management of natural resources. 	<p>The conceptual development scenarios used in the Visual Amenity and Noise Modelling (Appendix 8 and 10 respectively) are consistent with this Policy in considering sensitive receivers and modelling conservative emissions. The principles are considered in the Landscape and Visual Amenity Risk Assessment (Appendix 8).</p> <p>SPP2 will be consulted at the planning stage for the Derived Proposal application. It forms part of the planning consideration of the Amenity</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>This policy defines the principles and considerations that represent good and responsible planning for the protection of the environment and the management of natural resources.</p>	<p>Management Toolkit.</p>
<p>State Planning Policy No 4.1 (SPP4.1): State Industrial Buffer (Amended) (Draft) (WAPC 2009) (WA)</p>	<p>SPP4.1 aims to:</p> <ul style="list-style-type: none"> • Avoid conflict between industry and/or essential infrastructure and sensitive land uses; • Protect industry and/or essential infrastructure from encroachment by those land uses that would be sensitive to impacts and adversely impact the efficient operations; • Provide for the development of industry and/or the provision of essential infrastructure in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses; and • Promote compatible uses in areas affected by off-site impacts of industry and/or essential infrastructure. <p>Applies state-wide to planning decision-making and proposals which seek to provide for:</p> <ul style="list-style-type: none"> • New industrial areas and uses, and essential infrastructure; • Sensitive land uses in proximity to existing industrial areas and essential infrastructure; and <p>The expansion or change in the operations of existing industry and essential infrastructure.</p>	<p>The conceptual development scenarios used in the Noise and Visual Amenity Modelling (Appendices 8 and 10) are also consistent with this Policy in considering sensitive receivers and modelling conservative emissions.</p> <p>SPP4.1 will be consulted at the planning stage for the Derived Proposal application. It forms part of the planning consideration of the Amenity Management Toolkit.</p>
<p>Environmental Protection (Noise) Regulations 1997 (WA)</p>	<p>The Regulations set values and limits for noise generating activities. Noise emissions from varying sources and activities, need to be considered for impact to sensitive</p>	<p>The Noise Impact Assessment (Appendix 10) has had regard to the Regulations and has identified potential sensitive receiver noise levels, likely impacts and an assessment of these. Verification of the received noise levels</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	receptors as defined in the Regulations.	will occur at Derived Proposal Stage.
<p>Shire of East Pilbara Town Planning Scheme No. 4 (TPS4) and Local Planning Strategy (LPS)</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</i> (Regulations)</p>	<p>TPS4 regulates planning and development in the Shire of East Pilbara. Applications for development approval within the Shire are made and assessed in accordance with TPS4.</p> <p>The LPS provides the framework for local planning and the strategic basis for TPS4. The LPS is implemented through TPS4.</p> <p>The Regulations include a Schedule of provisions that are deemed into TPS4 and which prevail over TPS4 to the extent of any inconsistency.</p>	<p>BHP Billiton Iron Ore may require development approval under TPS4 for development in the Shire of East Pilbara related to Derived Proposals.</p> <p>TPS4 (including the provisions deemed to be included in TPS4 by the Regulations) will be reviewed at the planning stage for the Derived Proposal application and, if necessary, approvals will be obtained prior to development being commenced. TPS4 forms part of the planning consideration of the Amenity Management and Heritage Management Toolkits.</p>
<p>Town of Port Hedland Town Planning Scheme No. 5 (TPS5)</p>	<p>TPS5 regulates planning and development in Town of Port Hedland. Applications for development approval within the Town are made and assessed in accordance with TPS5.</p>	<p>TPS5 was identified in the ESD as relevant to the policy context and proposed studies for the amenity factor.</p> <p>Since this time, the scope of the Strategic Proposal has been refined to exclude activities in the town of Port Hedland. As a result, TPS5 is not considered in the PERSP.</p>

1.4 AIR

The legislation, policies and guidance relevant to the theme of Air are provided in Table 4 as identified in the ESD with additional materials being added as they have been identified as considerations for the Strategic Assessment, and/or have replaced superseded materials.

Table 4: Legislation, policies and guidance material – Air quality

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
EPA Legislation		
<p><i>Environmental Protection Act 1986 (WA) (EP Act)</i></p>	<p>The EP Act provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with those things.</p> <p>The object of the Act is to protect the environment of the State of Western Australia, having regard to a number of principles described in s 4A of the Act. Actions to the environment constitute a prescribed premise, and such emissions must be made in accordance with a works approval.</p>	<p>The EIA detailed in the PERSP has been conducted in accordance with Part IV of the EP Act and includes consideration of air where relevant.</p> <p>Approval of the Strategic Proposal is sought under Part IV of the EP Act. Whether a future proposal constitutes a Derived Proposal will also be determined in accordance with Part IV.</p> <p>Further approvals (e.g. works approvals and/or licences) may be required under Part V of the EP Act in relation to Derived Proposals.</p>
EPA Guidance		
<p>Position Statement No. 5: Environmental Protection and Ecological Sustainability of the Rangelands in Western Australia (EPA 2004c)</p>	<p>This Position Statement was withdrawn in December 2013.</p>	<p>The requirements of this Statement are addressed through Guidance Statement 6, namely that the PERSP has utilised Guidance Statement 6 in the undertaking of baseline flora and vegetation surveys over 422, 425ha of BHP Billiton Iron Ore tenure. It has been consulted for the impact assessment, as summarised in Section 8.1.3. Rehabilitation objectives have been set, in line with this guidance, in Section 8.5.1.</p> <p>Guidance Statement 6 will be further consulted at Derived Proposal stage when preparing management plans for construction, operation and decommissioning and revegetation of operations. The management plans</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
		would include provisions for monitoring of outcomes.
Guidance Statement 3: Separation Distances between Industrial and Sensitive Land Uses (EPA 2005)	This Guidance Statement provides generic guidance on separation distances (buffers) with a focus on protecting sensitive land uses from unacceptable impacts on amenity, with considerations that should be addressed in the absence of adequate site-specific studies and modelling of emissions.	<p>This Guidance Statement provides guidance where site-specific studies and modelling has not taken place. Modelling of air emissions has been undertaken for the PERSP, with verification via site-specific measurements. As the air model has determined the likely received levels, the separation distance guidance is applicable as a conceptual planning tool only.</p> <p>This Guidance Statement may provide further guidance in the absence of site-specific studies for noise and visual amenity, including further modelling for Derived Proposals, and will be applied where relevant.</p>
Guidance Statement 12: Minimising Greenhouse Gas Emissions (EPA 2002)	This Guidance statement has been withdrawn. GHG management expectations are outlined in Environmental Protection Bulletin 24 – Greenhouse gas emissions and consideration of projected climate change impacts in the EIA process.	A significance framework (Summary of Assessment Outcome, Section 8.4.4) has been applied to assess the GHG emissions for the purpose of the PERSP. This will be verified at Derived Proposal stage(s). Consistent with this Bulletin, BHP Billiton Iron Ore’s Air Quality Management Toolkit integrates an adaptive management approach, allowing for continuous improvement with regards to GHG emissions, monitoring and reporting. Further, Climate Change has been examined as a threat to Pilbara species in the relevant biodiversity sections of the PERSP (Section 8.1).
Guidance Statement No. 18: Prevention of Air Quality Impacts from Land Development Sites (EPA 2000b).	This Guidance Statement has been superseded by guidance from the Department of Environment Regulation, A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC 2011).	Refer to “A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC 2011)”
Guidance Statement No. 55: <i>Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process</i> (EPA 2003)	<p>Proponents are required by the EPA to demonstrate best practice through the environmental approval process.</p> <p>This Guidance Statement provides guidance on what the EPA means by the term ‘best practice’ when it is used in the EIA process. It further provides guidance on:</p> <ul style="list-style-type: none"> • All relevant environmental quality standards which 	<p>The assessment detailed in the PERSP demonstrates that the Strategic Proposal is consistent with ‘best practice’ in that:</p> <ul style="list-style-type: none"> • The air quality modelling undertaken demonstrates that the relevant environmental quality standards will be met (Section 8.4). • The Air Emissions Management Toolkit detailed in Section 8.4.1.2 and the Environmental Assurance detailed in Chapter 12 are consistent with the Guidance Statement in relation to the

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>must be met;</p> <ul style="list-style-type: none"> • Common pollutants which should be controlled by proponents adopting Best Practicable Measures (BPM) to protect the environment (further explanation around BPM is provided in the Guidance); • Hazardous pollutants (like dioxins) which should be controlled to the Maximum Extent Achievable (MEA), which involves the most stringent measures available. For a small number of very hazardous and toxic pollutants, costs are not taken into account; • The responsibility for proponents not only to minimise adverse impacts, but also to consider improving the environment through rehabilitation and offsets where practicable. <p>The Guidance further states that the achievement of best practice will be greatly facilitated if a proponent has an environmental management system in place, particularly if it is consistent with an international standard such as ISO 14001. Where appropriate, the proponent should demonstrate that an environmental management system is in place and includes the following elements:</p> <p>a) An environmental policy and corporate commitment to it;</p> <p>b) Mechanisms and processes to ensure:</p> <ul style="list-style-type: none"> i) planning to meet environmental requirements; ii) implementation and operation of actions to meet environmental requirements; and iii) measurement and evaluation of environmental performance; and 	<p>Company's approach to the control of common and hazardous pollutants.</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	c) Review and improvement of environmental outcomes	
Environmental Protection Bulletin 24 – Greenhouse gas emissions and consideration of projected climate change impacts in the EIA process	This bulletin outlines the EPA's expectations for EIA with respect to projected climate change objectives and impacts, including GHG emissions sources and types and potential significance. GHG management expectations are outlined, with a focus on continuous improvement.	A significance framework (Summary of Assessment Outcome, Section 8.4.4) has been applied to assess the GHG emissions for the purpose of the PERSP. This will be verified at Derived Proposal stage(s). Consistent with this Bulletin, BHP Billiton Iron Ore's Air Quality Management Toolkit integrates an adaptive management approach, allowing for continuous improvement with regards to GHG emissions, monitoring and reporting. Further, Climate Change has been examined as a threat to Pilbara species in the relevant biodiversity sections of the PERSP (Section 8.1).
Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999 (Kwinana EPP) and; Environmental Protection (Kwinana) (Atmospheric Wastes) Regulations 1992	The Kwinana EPP and associated Regulations set ambient air quality standards and limits for the concentration of atmospheric wastes in the Kwinana area, and establish a program to control the discharge of atmospheric wastes from industrial sources so that those ambient air quality standards and ambient air quality limits can respectively be achieved and complied with.	The Air Quality Impact Assessment (Section 8.4 and Appendix 9) has utilised the Kwinana EPP to assess the impact to amenity from the modelled TSP concentrations averaged over 24-hour, compared to the guidelines (based on Kwinana EPP 24 hour average 90 µg/m ³ and 24 hour average limit 150 µg/m ³). The results are examined in comparison to the Regulation limits to determine significance of potential impact (Section 8.4.4).
Non-EPA Legislation and Policy		
<i>Clean Energy Act 2011</i> (Cth) (Clean Energy Act)	The Clean Energy Act was identified as potentially relevant to the Air factor in the ESD. However, it has since been repealed and is therefore no longer relevant.	This Act has been repealed and is not considered in the PERSP.
<i>Energy Efficiency Opportunities Act 2006</i> (Cth)	The Energy Efficiency Opportunities Act was identified as potentially relevant to the Air factor in the ESD. However, it has since been repealed and is therefore no longer relevant.	This Act has been repealed and is not considered in the PERSP.
<i>National Greenhouse and Energy Reporting Act 2007</i>	The National Greenhouse Energy Reporting Act establishes a single national reporting framework for the reporting and dissemination of information related to greenhouse gas emissions, greenhouse gas projects, energy consumption	The baseline of emissions limits established by this Act were used in the Air Quality modelling assessment (Appendix 9). These will be verified at the Derived Proposal stage when likely activities are determined, and a monitoring and reporting program defined.

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>and energy production of corporations.</p> <p>Corporations which exceed the defined thresholds must report greenhouse gas emissions, energy consumption, energy production and other related information.</p>	
<p><i>National Environment Protection Council Act 1994 (Cth) (NEPC Act) and National Environment Protection Measure for Ambient Air Quality (Air NEPM) and:</i></p> <p>NEPM: Air Toxics (2004)</p> <p>NEPM: National Pollutant Inventory [as varied] (2008)</p> <p>NEPM: Diesel Vehicle Emissions (2001)</p>	<p>The NEPC Act establishes the National Environment Protection Council (NEPC), which set Australia's first national ambient air quality standards in the Air NEPM.</p> <p>Standards are set in the NEPM for six key pollutants. The States have discretion in relation to these standards and can apply them where relevant on a case by case basis.</p> <p>The NEPM measures set out to improve the information base on the various measures, to facilitate better management of air quality.</p>	<p>The Act sets the powers and functions of the NEPC and the interests between the States and the Commonwealth. The following principles as outlined in the Act have been considered during the air quality modelling, in determining the impact on air quality at sensitive receivers:</p> <ul style="list-style-type: none"> • Precautionary principle • Intergenerational equity • Conservation of biological diversity and ecological integrity • Improved valuation, pricing and incentive mechanisms <p>The NEPM measures (Air toxics, National Pollutant Inventory; Diesel Vehicle Emissions) have informed the particulates assessment detailed in Section 8.4.2 and Appendix 9 of the PERSP. It will also be considered where relevant for Derived Proposals.</p>
<p>A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC 2011)</p>	<p>This guideline provides guidance on preparing a plan for the management of dust and associated contaminants arising from clearing and mining activities.</p>	<p>This guidance has been applied in the assessment (Section 8.4.1.2) and in the development of the Air Emissions Management Toolkit at the Strategic Proposal stage.</p> <p>The guidance will be considered and applied where relevant during the preparation of dust management plans for Derived Proposals.</p>
<p>WHO Air quality guidelines for particulate matter, ozone, nitrogen dioxide and sulfur dioxide. Global update 2005 (World Health Organisation 2005)</p>	<p>The new information included in this latest update of the Air quality guidelines relate to four common air pollutants: particulate matter (PM), ozone (O₃), nitrogen dioxide (NO₂) and sulfur dioxide (SO₂). The scope of this review reflects the availability of new evidence on the health effects of these pollutants and their relative importance with regard to current</p>	<p>This guidance has been applied in the assessment of PM₁₀ (Appendix 9) and in the development of the Air Emissions Management Toolkit at the Strategic Proposal stage.</p> <p>The guidance will be considered and applied where relevant during the preparation of air emissions and dust management plans for Derived</p>

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	and future health effects of air pollution in each of the WHO regions. While these guidelines are for Europe, they are an applicable benchmark for Australian atmospheric emissions.	Proposals.

1.5 INTEGRATING FACTORS

The legislation, policy and guidance relevant to the theme of Integrating Factors (rehabilitation, decommissioning and offsets) are provided in Table 5 as identified in the ESD with additional materials being added as they have been identified as considerations for the Strategic Assessment, and/or have replaced superseded materials.

Table 5: Legislation, policies and guidance material - Rehabilitation and decommissioning and offsets

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
EPA Legislation		
<p><i>Environmental Protection Act 1986 (WA) (EP Act)</i></p>	<p>The EP Act provides for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with those things.</p> <p>The object of the Act is to protect the environment of the State of Western Australia, having regard to a number of principles described in s 4A of the Act.</p>	<p>The EPA theme of Integrating Factors includes consideration of rehabilitation, decommissioning and offsets. Rehabilitation and decommissioning may be impacted by matters regulated by the EP Act.</p> <p>The EIA detailed in the PERSP has been conducted in accordance with Part IV of the EP Act. It includes consideration of rehabilitation and decommissioning of BHP Billiton Iron Ore's infrastructure and operations, and has considered a suitable offsets approach.</p> <p>Approval of the Strategic Proposal is sought under Part IV of the EP Act. Whether a future proposal constitutes a Derived Proposal will also be determined in accordance with Part IV.</p>
EPA Policy		
<p>Environmental Protection Bulletin No. 19: EPA Involvement in Mine Closure (EPA 2015c)</p>	<p>This Bulletin outlines the roles of the Department of Mines and Petroleum (DMP) and the EPA in mine closure and explains the circumstances when the EPA will assess mine closure.</p> <p>DMP is responsible for ensuring that mine sites are closed, decommissioned and rehabilitated in an environmentally sustainable manner under the <i>Mining Act 1978 (WA)</i> (Mining Act), the EPA will assess, in the Part IV process, the rehabilitation and decommissioning aspects of mine closure</p>	<p>As the EPA determined that rehabilitation and decommissioning are key integrating factors for the Strategic Proposal, it will assess mine closure as part of the Strategic Proposal.</p> <p>The closure and rehabilitation assessment is detailed in Section 8.5.3 of the PERSP.</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	<p>where there are potentially significant impacts or risks associated with mine closure.</p> <p>Where rehabilitation and decommissioning are seen as key integrating factors, the EPA will assess mine closure, and a condition will be recommended to require a Mine Closure Plan to be prepared in accordance with the relevant guidelines.</p>	
EPA Guidance		
Draft Environmental Assessment Guideline for Environmental Offsets (EPA 2012)	This guideline has been superseded by joint DMP/EPA guidelines “Joint Guidelines for Preparing Mine Closure Plans (2011 and 2015)”, refer further below in this Table.	The Joint Guidelines have informed BHP Billiton Iron Ore’s Rehabilitation and Decommissioning Approach (Section 8.5.3). The approach is consistent with the Joint Guidelines and will be verified and detailed during the Derived Proposal stage. Mine Closure Plans will be prepared for mine operations as applicable.
Environmental Protection Bulletin No. 1: Environmental Offsets – Biodiversity (EPA 2010)	The bulletin clarifies how the EPA will consider offsets through the EIA process.	<p>The bulletin has informed BHP Billiton Iron Ore’s offsets approach for the Strategic Proposal, which is detailed in Section 8.5.4 of the PERSP.</p> <p>BHP Billiton Iron Ore’s offsets approach is consistent with this bulletin in that:</p> <ul style="list-style-type: none"> • Offsets will only be used by BHP Billiton Iron Ore as a last resort, and have only been considered following the application of the mitigation hierarchy for each factor assessed in the PERSP; • Consideration of offsets was commenced at the early stages of the Strategic Proposal; • Sections have been included in the PERSP outlining how the mitigation hierarchy has been applied to each environmental factor considered; • Offsets have been considered in a separate section of the document, after the assessment of environmental factors; and • The minimum requirements required by the bulletin to be identified in the PERSP have been met.

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
		<p>Detail has also been included in the PERSP of the proposed offsets approach which includes as much of the detail required by the bulletin as is relevant and appropriate at the Strategic Proposal level. Further specific detail will be provided as relevant for Derived Proposals.</p> <p>This bulletin will be considered as relevant in relation to Derived Proposals.</p>
<p>Guidance Statement 6: Rehabilitation of Terrestrial Ecosystems</p>	<p>The Guidance Statement promotes the use of completion criteria and definitions for the rehabilitation of natural ecosystems which:</p> <ul style="list-style-type: none"> • allow success to be measured within realistic timeframes; • are sufficiently precise to allow outcomes to be effectively audited, but are also flexible when required; • are based on sound scientific principles; and • acknowledge the consequences of permanent changes to landforms, soils and hydrology. <p>These include standard criteria that apply to all projects, as well as site specific criteria used to measure the recovery of ecosystems relative to reference sites.</p> <p>Other key areas of discussion are the importance of scientific research and long-term monitoring of outcomes and effective management of information required to measure outcomes.</p>	<p>Definitions in the Guidance for rehabilitation and natural ecosystems is consistent with BHP Billiton’s approach and understand of the environmental management of these factors.</p> <p>BHP Billiton Iron Ore’s Land and Biodiversity Management Toolkit (Section 8.5.4) is consistent with the Guidance.</p> <p>The completion criteria set out in the Guidance have been applied in the impact assessment where relevant.</p> <p>The Guidance will also be considered and applied as relevant for Derived Proposals, including but not limited to setting completion criteria and site-based management which may include long-term monitoring in line with this Guidance.</p> <p>The closure and rehabilitation assessment for the Strategic Proposal is detailed in Section 8.5.3 of the PERSP.</p>
<p>Guidance 19 (Environmental Offsets – Biodiversity)</p>	<p>This Guidance Statement has been withdrawn and replaced by:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines • Environmental Protection Bulletin 1 Environmental Offsets 	<p>See discussion in relation to:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines • Environmental Protection Bulletin 1 Environmental Offsets.
<p>Guidance Statement No. 55:</p>	<p>Proponents are required by the EPA to demonstrate best</p>	<p>The assessment detailed in the PERSP demonstrates that the Strategic</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
<p><i>Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process</i> (EPA 2003)</p>	<p>practice through the environmental approval process.</p> <p>This Guidance Statement provides guidance on what the EPA means by the term 'best practice' when it is used in the EIA process. It further provides guidance on:</p> <ul style="list-style-type: none"> • All relevant environmental quality standards which must be met; • Common pollutants which should be controlled by proponents adopting Best Practicable Measures (BPM) to protect the environment (further explanation around BPM is provided in the Guidance); • Hazardous pollutants (like dioxins) which should be controlled to the Maximum Extent Achievable (MEA), which involves the most stringent measures available. For a small number of very hazardous and toxic pollutants, costs are not taken into account; • The responsibility for proponents not only to minimise adverse impacts, but also to consider improving the environment through rehabilitation and offsets where practicable. 	<p>Proposal is consistent with 'best practice' in that:</p> <ul style="list-style-type: none"> • The modelling undertaken demonstrates that all relevant environmental quality standards will be met. Details of assessment against relevant standards are set out in the assessment sections in Chapter 8 for each factor. • The Management Toolkits detailed in Chapter 8 are consistent with the Guidance Statement in relation to control of common and hazardous pollutants; • A key benefit of the Strategic Proposal is the environmental benefits that can be achieved through a strategic approach to rehabilitation and offsets. <p>The closure, rehabilitation and offsets assessments and approaches for the Strategic Proposal are detailed in Sections 8.5.3 and 8.5.4 of the PERSP.</p>
<p>Joint Guidelines for Preparing Mine Closure Plans (2011 and 2015)</p>	<p>The aim of these Guidelines is to ensure that, for every mine in Western Australia, a planning process is in place so that the mine can be closed, decommissioned and rehabilitated to meet DMP and EPA's objectives for rehabilitation and closure.</p> <p>The 2015 Guidelines have superseded the 2011 Guidelines that were identified in Section 7.2.3 of the ESD.</p>	<p>The Guidelines have informed BHP Billiton Iron Ore's Rehabilitation and Decommissioning Approach (Section 8.5.3). The approach is consistent with the Guidelines and will be verified and detailed during the Derived Proposal stage. Mine Closure Plans will be prepared for mine operations as applicable.</p>
<p>Position Statement No. 5: Environmental Protection and Ecological Sustainability of the Rangelands in Western</p>	<p>This Position Statement was withdrawn in December 2013.</p>	<p>The requirements of this Statement are addressed through Guidance Statement 6, namely that the PERSP has utilised Guidance Statement 6 in the undertaking of baseline flora and vegetation surveys over 422, 425ha of BHP Billiton Iron Ore tenure. It has been consulted for the impact</p>

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Australia (EPA 2004c)		<p>assessment, as summarised in Section 8.1.3. Rehabilitation objectives have been set, in line with this guidance, in Section 8.5.1.</p> <p>Guidance Statement 6 will be further consulted at Derived Proposal stage when preparing management plans for construction, operation and decommissioning and revegetation of operations. The management plans would include provisions for monitoring of outcomes.</p>
Position Statement No. 6: Towards Sustainability (EPA 2002)	This Position Statement was withdrawn in 2010.	<p>Sustainability is addressed in the PERSP via the mitigation hierarchy approach to environmental impact management (Section 12.1.1), The adaptive management nature of the management approach ensures that continuous improvement to sustainability measures is employed.</p> <p>Refer to the Western Australian State Sustainability Strategy further below in this Table (Table 5) for additional information on the approach to addressing sustainability.</p>
Position Statement No. 8: Environmental Protection in Natural Resource Management (EPA 2005)	This Position Statement was withdrawn in December 2013.	There is a range of legislation, policy and guidance that has guided the assessment undertaken for each factor in the Land theme. These are detailed throughout this table.
Preliminary Position Statement 8: Environmental Protection in Natural Resource Management (EPA 2004)	This Position Statement was not finalised and has been withdrawn.	Other contemporary EPA, and non-EPA, guidance has instead been used to form the Adaptive Management Approach to managing potential impacts to the environment, as detailed throughout this Table (Appendix 2).
Position Statement No. 9: Environmental Offsets (EPA 2006a)	<p>This Position Statement has been withdrawn and replaced by:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines • Environmental Protection Bulletin 1 Environmental 	<p>The proposed Offsets Approach is detailed in Section 8.5.4 of the PERSP. The approach is consistent with the:</p> <ul style="list-style-type: none"> • WA Environmental Offsets Policy • WA Environmental Offsets Guidelines; and • Environmental Protection Bulletin 1 Environmental Offsets,

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	Offsets	as further detailed throughout this Table (Table 5).
Non-EPA Legislation and Policy		
<i>Conservation and Land Management Act 1984</i> (CALM Act)	<p>This Act provides for the use, protection and management of conservation estate and managed lands.</p> <p>The Act contains provisions which apply specifically to certain areas, including areas declared as Timber Reserves, Nature Reserves, State Forests, National Parks and Conservation Parks.</p> <p>Additionally, Part VII of the Act applies generally to all Crown land – that is, land that has not been granted in fee simple (including pastoral leases and mining tenements).</p>	<p>BHP Billiton Iron Ore has considered the CALM Act in refining the scope of the Strategic Proposal, and has excluded some areas protected under this Act (e.g., Karijini National Park) from the scope as a result.</p> <p>BHP Billiton will consider the CALM Act in relation to Derived Proposals and will comply with any applicable requirements under the Act.</p> <p>The CALM Act has also informed BHP Billiton Iron Ore's approach to offsets, as it is contemplated that offsets will include supporting the establishment of conservation estates under the Act.</p>
<i>Conservation and Land Management Act 1984</i>	This Act provides for the management of conservation estate and managed lands.	Consideration of this Act may be required at Derived Proposal stage, when offsets have been defined.
<i>Mining Act 1978</i> (WA) (Mining Act)	<p>The Mining Act regulates mining and associated activities in the State of Western Australia. It is to be read and construed subject to the EP Act.</p> <p>The application of the Mining Act may be modified by State Agreements.</p>	<p>The Mining Act regulates rehabilitation and decommissioning of mines in Western Australia. Proponents are required to develop Mine Closure Plans under the Mining Act in some circumstances.</p> <p>Where rehabilitation and decommissioning is seen as a key integrating factor, the EPA will assess mine closure and a condition will be recommended to require a Mine Closure Plan to be prepared in accordance with the closure guidelines. The Rehabilitation and Decommissioning toolkit has been prepared consistent with the <i>Mining Act</i> provisions.</p>
<i>Contaminated Sites Act 2003</i>	This Act provides for the identification, recording, management and remediation of contaminated sites. It sets out a hierarchy of responsibility for remediation where contamination has occurred.	The requirements of this Act will inform our management approach during operations (see all Management Toolkits) and at decommissioning (Section 8.5.2) to minimise impact to the environment from pollution or contamination. This will be further detailed during the Derived Proposal stage in Mine Closure Plans as applicable.

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<p><i>Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy (DSEWPaC 2012b)</i></p>	<p>This Policy outlines the Australian Government's approach to the use of environmental offsets. It applies to matters of national environmental significance (MNES) protected under the EPBC Act. BHP Billiton Iron Ore has prepared separate impact assessment documents (IAR and MNES Program) for the Commonwealth assessment of the Strategic Proposal under the EPBC Act.</p>	<p>The offsets approach detailed in chapter 8.5.4 of the PERSP has been developed consistently with both the State and Commonwealth guidance on offsets.</p>
<p><i>Rights in Water and Irrigation Act 1914 (WA) (RIWI Act)</i></p>	<p>The RIWI Act governs rights in relation to natural waters (surface water and ground water) and makes provision for:</p> <ul style="list-style-type: none"> • the conservation and use of such waters for industrial irrigation; and • the construction, maintenance and management of irrigation works. <p>A licence or permit under the Act is generally required to:</p> <ul style="list-style-type: none"> • take water; • construct or alter wells (including bores and soaks); or • interfere with the bed and banks of a water course. 	<p>BHP Billiton Iron Ore may require licences or permits under the RIWI Act in relation to activities within the scope of the Strategic Proposal.</p> <p>This will be taken into account, and any necessary licences or permits obtained, for Derived Proposals.</p> <p>The potential impacts of surface water and groundwater activities under the Strategic Proposal (for which licences or permits may be required, and which may require consideration at closure and rehabilitation stages) are detailed in Section 8.2.2 of the PERSP.</p>
<p><i>Agriculture and Related Resources Protection Act 1976 (WA)</i></p>	<p>This Act provides for the management and control of certain plants and animals and the prohibition and regulation of the:</p> <ul style="list-style-type: none"> • introduction and spread of certain plants; • introduction, spread and keeping of certain animals; and • protection of agriculture and related resources. <p>Proponents have obligations under the Act to control declared animals and declared plants found onsite, and to notify the Agriculture Protection Board or authorised persons of any declared animals or declared plants appearing or in</p>	<p>BHP Billiton Iron Ore's Closure and Rehabilitation Management Toolkit, which is detailed in Section 8.5.2 of the PERSP, is consistent with the requirements of this Act.</p> <p>BHP Billiton Iron Ore will consider the Agriculture and Related Resources Protection Act in relation to Derived Proposals and will comply with any applicable requirements under the Act.</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
	existence on any of its sites.	
<p><i>Mines Safety and Inspection Act 1994</i> (WA); and</p> <p><i>Occupational Safety and Health Act 1984</i> (WA) (OSH Act)</p>	<p>The objects of these Acts are to promote and secure the safety and health of persons at work against hazards; and to ensure the safety of the public from activities and operations as a result of mining activities.</p>	<p>Ineffective closure and rehabilitation of a mine or its associated infrastructure has the potential to represent a safety risk to the general public. Residual post-closure landforms that may result in increased public safety risk through unauthorised access include mine voids, pit lakes, mine benches, steep high wall faces and tailing storage facilities. Providing detailed public safety measures is outside the scope of the PERSP, and will be provided for in the Mine Closure Plan, in line with the requirements of these Acts.</p>
<p>WA Government Environmental Offsets Policy 2011</p>	<p>This Policy provides a framework for the consistent application of environmental offsets to protect and conserve environmental and biodiversity values.</p>	<p>The Policy has informed BHP Billiton Iron Ore's Offsets Approach (Section 8.5.4) for the PERSP and will be considered and applied as relevant at the Derived Proposal stage. The policy framework and BHP Billiton Iron Ore's consideration of the policy is provided below:</p> <p>Environmental offsets will only be considered after avoidance and mitigation options have been pursued.</p> <p>BHP Billiton Iron Ore's Mitigation Hierarchy, which is detailed in the Toolkit for each Factor, focuses on avoidance and mitigation of impacts prior to any offset approach being considered.</p> <p>Environmental offsets are not appropriate for all projects.</p> <p>BHP Billiton Iron Ore recognises the benefits of the strategic approach to offsets that can be achieved as a result of the Strategic Proposal and has detailed a strategic offsets approach in Section 8.5.4 of the PERSP.</p> <p>The appropriateness of this offsets approach will be considered on a case-by-case basis for Derived Proposals.</p> <p>Environmental offsets will be cost-effective, as well as relevant and proportionate to the significance of the environmental value being impacted.</p> <p>BHP Billiton Iron Ore's approach to offsets is detailed in Section 8.5.4. A regional approach, which is cost effective and proportionate to impact is</p>

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		<p>proposed. The cost-effectiveness, relevance and proportionality of this offsets approach will be reviewed on a case-by-case basis for Derived Proposals.</p> <p>Environmental offsets will be based on sound environmental information and knowledge.</p> <p>Detail is provided throughout the PERSP of BHP Billiton Iron Ore's significant baseline understanding of the Pilbara environment. Further studies and analysis have been undertaken to inform the assessment in the PERSP. The impacts modelled will be validated (including consideration of contemporary information and knowledge as required) for Derived Proposals.</p> <p>Environmental offsets will be applied within a framework of adaptive management.</p> <p>Adaptive management is integral to the management framework detailed in Section 12.1.1.</p> <p>Environmental offsets will be focused on longer term strategic outcomes.</p> <p>The approach to offsets outlined in Section 8.5.4, allows for the application of offsets with regional benefits. BHP Billiton Iron Ore considers this a key benefit of the Strategic Proposal approach.</p>
<p>Western Australian Offsets Guidelines (Government of Western Australia 2014)</p>	<p>These Guidelines complement the WA Environmental Offsets Policy 2011 by clarifying the determination and application of environmental offsets. They apply to all biodiversity offsets required as a condition of Western Australian environmental approval processes.</p> <p>The Guidelines recognise that in some cases, a better environmental outcome can be achieved by considering offsets at a landscape rather than at a local scale. The use of a strategic approach, such as a fund, is a solution to overcome land use tenure issues by providing a coordination mechanism to implement offsets across a range of land</p>	<p>BHP Billiton Iron Ore's Offsets Approach is detailed in Section 8.5.4 of the PERSP. The approach is consistent with the Guidelines.</p> <p>In particular, BHP Billiton Iron Ore has proposed a regional approach to offsets that it considers will result in long-term environmental benefit to the Pilbara.</p> <p>The mitigation hierarchy, as detailed in the Guidance, has also been used to determine the significance of impacts to environmental factors for the assessment detailed in the PERSP.</p>

LEGISLATION, POLICY AND GUIDANCE	CONSIDERATIONS	STRATEGIC PROPOSAL RELEVANCE
<p>Leading Practice Sustainable Development Program for the Mining Industry – Handbooks:</p> <ul style="list-style-type: none"> - Mine Closure and Completion (DITR 2006a) - Mine Rehabilitation (DITR 2006b) - Managing Acid and Metalliferous Drainage (DITR 2007) 	<p>tenures.</p> <p>The handbooks in the Leading Practice Sustainable Development (LPSD) in Mining series integrate environmental, economic and social aspects through all phases of mineral production from exploration through construction, operation and mine- site closure. Put simply, the concept of leading practice is about identifying and implementing the best way of doing things for a given site. As new challenges emerge and new solutions are developed, or better solutions are devised for existing issues, it is important that leading practice be flexible and innovative in developing solutions that match site-specific requirements. Although there are underpinning principles, leading practice is as much about approach and attitude as it is about a fixed set of practices or a particular technology.</p>	<p>Aligned with these Handbooks, BHP Billiton Iron Ore has proposed a regional approach to mine closure, rehabilitation and environmental management that it considers will result in long-term environmental benefit to the Pilbara.</p> <p>The sustainable mining practices, as detailed in the Handbooks, have also been used to determine the Adaptive Management Approach detailed in Section 12.1.1 of the PERSP.</p> <p>The Handbooks have informed BHP Billiton Iron Ore’s Rehabilitation and Decommissioning Approach (Section 8.5.3). The approach is consistent with the Handbooks and will be verified and detailed during the Derived Proposal stage. Mine Closure Plans will be prepared for mine operations as applicable.</p>
<p>National Strategy for Ecologically Sustainable Development (Department of Sustainability, Environment, Water, Population and Communities 1992).</p>	<p>The Guiding Principles of this national strategy to manage development sustainably are:</p> <ul style="list-style-type: none"> • decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations; • where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation; • the global dimension of environmental impacts of actions and policies should be recognised and considered; • the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised; • the need to maintain and enhance international 	<p>The impact assessment, contained within each Factor in Chapter 8 has considered both short term (reasonably foreseeable) and long term (Full development)development scenarios to allow for appropriate impact assessment and management approaches to be developed.</p> <p>Lack of certainty has not impeded the development of a management approach, but rather has accounted for a verification process to occur at Derived Proposal stage.</p> <p>The sustainable approach to management is detailed in 3.2.1 and is integral to the management approach further detailed in Chapter 12, with particular emphasis on the mitigation hierarchy (Section 12.1.1).</p>

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	<p>competitiveness in an environmentally sound manner should be recognised;</p> <ul style="list-style-type: none"> • cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; • decisions and actions should provide for broad community involvement on issues which affect them 	
Western Australian State Sustainability Strategy (Government of WA 2003)	This Strategy is no longer active.	BHP Billiton Iron Ore will consider the National Strategy for Ecologically Sustainable Development (see above) in managing sustainable development and operations.
Strategic Framework for Mine Closure (ANZMEC/MCA 2000).	This handbook, prepared by the Minerals Council of Australia (MCA), and the Australian and New Zealand Minerals and Energy Council (ANZMEC), outlines strategic framework concepts associated with stakeholder involvement, planning, financial provision, implementation, standards, and relinquishment. Examples of best practice are included.	The Framework has informed BHP Billiton Iron Ore's Rehabilitation and Decommissioning Approach (Section 8.5.3). The approach is consistent with the Framework and will be verified and detailed during the Derived Proposal stage. Mine Closure Plans will be prepared for mine operations as applicable.
Guidelines for the Safe Design and Operating Standards for Tailing Storage (Department of Minerals and Energy 1999)	This Guideline is no longer current.	<p>BHP Billiton Iron Ore will consider:</p> <p>Leading Practice Sustainable Development Program for the Mining Industry – Handbooks (see earlier in this Table);</p> <p>Guide to Departmental requirements for the management and closure of tailings storage facilities; for design and operating standards, including for tailings management.</p>
<p>Guide to Departmental requirements for the management and closure of tailings storage facilities (DMP 2015); and</p> <p>Guideline to the preparation of a design report for TSFs</p>	<p>This Guide has been provided to assist tailings storage facilities (TSFs) designers and operators with preparing the required reports for managing a TSF. It describes the reports that should be submitted to DMP.</p> <p>This Guideline has been provided to assist TSF designers with preparing the design report for a TSF. It describes the preferred structure of the design report for TSFs should be</p>	Tailings development is included in the scope for typical mining activities as described in Section 7.2.3. The design of these facilities will be consistent with these Guidelines, including operation and closure of any such facilities. Closure requirements would be detailed in Mine Closure Plans, at Derived Proposal stage.

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(DMP 2015)	submitted to the DMP.	
Global Acid Rock Drainage (GARD) Guide (INAP 2010)	<p>The GARD Guide deals with the prediction, prevention and management of drainage produced from sulphide mineral oxidation, often termed “acid rock drainage” (ARD). It also addresses metal leaching caused by sulphide mineral oxidation.</p> <p>The GARD Guide is intended as a state-of-the-art summary of the best practices and technology to assist mine operators and regulators to address issues related to sulphide mineral oxidation.</p>	<p>Aligned with this Guide, BHP Billiton Iron Ore has proposed a regional approach to mine management that it considers will result in long-term environmental benefit to the Pilbara.</p> <p>The best practice methods, as detailed in the Guide, are aligned with the Mitigation Hierarchy and the Adaptive Management Approach detailed in Section 12.1.1 of the PERSP.</p> <p>The Guide has informed BHP Billiton Iron Ore’s Rehabilitation and Decommissioning Approach (Section 8.5.3). The approach is consistent with the Guide and will be verified and detailed during the Derived Proposal stage. Mine Closure Plans will be prepared for mine operations as applicable.</p>
National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1) [NEPM ASC] (Cth) (DotE 2013)	<p>The National Environment Protection (Assessment of Site Contamination) Measure 1999 (the ASC NEPM) is made under the National Environment Protection Council Act 1994 (Cth) and is given effect by individual legislation and guidelines in each state and territory.</p> <p>At its 11 April 2013, the National Environment Protection Council (NEPC) agreed to vary the NEPM by approving an amending instrument to the ASC NEPM.</p> <p>The amendment of the ASC NEPM took effect in each jurisdiction on 16 May 2013, the day after it was registered on the Federal Register of Legislative Instruments (FRLI). The amendment includes repealing all the original schedules to the ASC NEPM and the substitution of new schedules. Implementation of the amended NEPM is the responsibility of each jurisdiction.</p>	<p>BHP Billiton Iron Ore’s Land and Biodiversity Management Toolkit, which is detailed in Section 8.1.1.3 of the PERSP, is consistent with the requirements of NEPM ASC.</p> <p>BHP Billiton Iron Ore will consider its obligations in relation to the discharge of prohibited materials which may result in contamination of the environment in relation to Derived Proposals and will comply with any applicable requirements.</p>