
Ministerial Statement 758

Compliance Assessment Report 2022

Tilley Siding Iron Ore Loading Facility

Revision Number 5.00

March 2023

	Date	Name	Title	Signature
Owner	17/3/23	Claire Hamersley	Governance and Risk - Environmental Partner	
Reviewer	17/03/23	Nicolene Gault	Governance & Risk Lead – Environmental Specialist	
Reviewer		Jessica Tiwade	General Manager of People, Governance and Risk	
Approver		Murray Cook	Chief Executive Officer	

Document History

Rev	Date	Amended by	Reviewer	Approver	Details of Amendment
1	15/03/2019	Environmental Advisor	Environmental Specialist	Executive Director	New Document
2	15/03/2020	Environmental Advisor	Head of Governance & Risk	Chief Executive Officer	2019 Updated Report
3	08/03/2021	Environmental Advisor	Head of Governance & Risk	Chief Executive Officer	2020 Updated Report
4	23/03/22	HSE Advisor – Environment	Governance & Risk Lead – Environmental Specialist	Chief Executive Officer	2021 Updated Report
5	08/03/23	Governance and Risk - Environmental Partner	Governance & Risk Lead – Environmental Specialist	Chief Executive Officer	2022 Updated Report


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Endorsement Statement

08 March 2023

I have reviewed this document, Tilley Siding Iron Ore Loading Facility Ministerial Statement 758, Compliance Assessment Report 2022, and accept the information provided is an accurate account of the activities undertaken during the current reporting period (January to December 2022).

A handwritten signature in black ink, appearing to read 'Murray Cook', written over a thin horizontal line.

Murray Cook
Chief Executive Officer
Arc Infrastructure

1 Introduction

This Compliance Assessment Report (CAR) is submitted by Arc Infrastructure (Arc) to the Department of Water and Environmental Regulation (DWER) as per Condition 4 of Ministerial Statement 758, Tilley Siding Iron Ore Loading Facility, Shire of Morawa. This report covers a reporting period of January to December 2022.

The Proposal: The construction and operation of a rail siding (Tilley Siding) two kilometres north of Morawa, on the Morawa-Wubin Road adjacent to the existing railway. The facility will be used to stockpile iron ore which has been transported by truck from Midwest's Koolanooka and Blue Hills operations. Iron ore stockpiles will be loaded by two front-end loaders onto rail cars for transport to Geraldton.

Ministerial Statement 758 was published on 8 January 2008. On the 19th November 2018, Sinosteel Midwest Corporation, formally Midwest Corporation Limited, nominated Arc Infrastructure Pty Ltd (Arc) as the proponent, under Section 38(6) Environment Protection Act 1986.

This is the eleventh CAR for Ministerial Statement 758. The previous ten CARs (also known/titled Performance and Compliance Reports) were produced by Sinosteel Midwest Corporation.

1.1 Compliance Requirements

Condition 4 of Ministerial Statement 758 requires the proponent to:

4-1 Submit to the CEO environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO to report more frequently.

4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO and shall be prepared and submitted in a format acceptable to the CEO.

4-3 The environmental compliance reports shall:

1. Be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEO, delegated to sign on behalf of the proponent's chief executive officer;
2. State whether the proponent has complied with each condition and procedure contained in this statement;
3. Provide verifiable evidence of compliance with each condition and procedure contained in this statement;
4. State whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
5. Provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;
6. Identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each noncompliance or non-conformance;
7. Review the effectiveness of all corrective and preventative actions taken; and
8. Describe the state of implementation of the proposal.

1.2 Status of Ownership

Ownership of the Tilley Siding infrastructure was transferred to Arc in November 2017. The Shire of Morawa gave Arc development approval so the land on which Tilley Siding is located could be subdivided from the rural property owned by C&J Malcolm.

Sinosteel Midwest Corporation surrendered the Tilley rail siding registration with the Office of the National Rail Safety Regulator in November 2017. Tilley Siding is now registered by Arc Infrastructure Pty Ltd (Arc) with the Office of National Rail Safety Regulator.

On the 19th November 2018, Sinosteel Midwest Corporation nominated Arc Infrastructure Pty Ltd (Arc) as the proponent of Ministerial Statement 758.

2 Compliance Reporting

2.1 Compliance Audit Table

The compliance audit table (Appendix 1, Attachment 2) has been prepared in accordance with the Office of the Environmental Protection Authority (OEPA) Post Assessment Guidelines No.1: Preparing an Audit Table (PAG 1) and Ministerial Statement 758.

The status of compliance with each condition was assessed using the OEPA status criteria outlined in Appendix 1, Attachment 1.

2.2 Status of the Proposal

When Arc became the proponent of Ministerial Statement 758, the Tilley Siding was already constructed and operational, having been completed by Sinosteel Midwest Corporation. No iron ore stockpiling or train loading activities occurred at Tilley Siding during the reporting period January to December 2022. See Appendix 2 for photos of the site.

As such some of the conditions do not apply, and could not be audited (e.g. Dust Management Plan and Noise Management Plan) and have been assigned the status classification of 'Not required at this stage'.

The remaining conditions were audited with the result that Arc was assessed as being compliant with all audited conditions (See Appendix 1, Attachment 2).

In accordance with OEPA Post Assessment Guideline for Preparing a Compliance Assessment Report (PAG 3), a Statement of Compliance is provided at Appendix 1.

2.3 Non-Compliances / Non-Conformances

No non-compliances or non-conformances were identified during the reporting period from January to December 2022.

2.4 Environmental Monitoring

No monitoring for dust or noise occurred at Tilley Siding during the reporting period from January to December 2022, as no activity took place.

2.5 Continual Improvement

As there were no non-compliances recorded, no areas requiring immediate improvement were identified.

3 Abbreviations

Abbreviation	Definition
Arc	Arc Infrastructure Pty Ltd (the proponent)
CAR	Compliance Assessment Report
DWER	Department of Water and Environmental Regulation
OEPA	Office Environment Protection Authority

4 References

Reference	Title
PAG 1	Post Assessment Guideline for Preparing an Audit Table (Post Assessment Guideline No. 1), Office of the Environmental Protection Authority of Western Australia, August 2012
PAG 3	Post Assessment Guidelines for Preparing a Compliance Assessment Report (Post Assessment Guideline No. 3), Office of Environmental Protection Authority of Western Australia, August 2012

Appendix

Appendix 1 Statement of Compliance (including Compliance Assessment Table)

Statement of Compliance

1. Proposal and Proponent Details

Proposal Title	<i>Tilley Siding Iron Ore Loading Facility, Shire of Morawa</i>
Statement Number	<i>758</i>
Proponent Name	<i>Arc Infrastructure Pty Ltd</i>
Proponent's Australian Company Number (where relevant)	094 721 301

2. Statement of Compliance Details

Reporting Period	<i>1/01/22 to 31/12/22</i>
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Implementation phase(s) during reporting period (please tick ✓ relevant phase(s))							
Pre-construction	<input type="checkbox"/>	Construction	<input type="checkbox"/>	Operation	<input checked="" type="checkbox"/>	Decommissioning	<input type="checkbox"/>

Audit Table for Statement addressed in this Statement of Compliance is provided at Attachment:	2
<p>An audit table for the Statement addressed in this Statement of Compliance must be provided as Attachment 2 to this Statement of Compliance. The audit table must be prepared and maintained in accordance with the Department of Water and Environmental Regulation (DWER) <i>Post Assessment Guideline for Preparing an Audit Table</i>, as amended from time to time. The 'Status Column' of the audit table must accurately describe the compliance status of each implementation condition and/or procedure for the reporting period of this Statement of Compliance. The terms that may be used by the proponent in the 'Status Column' of the audit table are limited to the Compliance Status Terms listed and defined in Table 1 of Attachment 1.</p>	

Were all implementation conditions and/or procedures of the Statement complied with within the reporting period? (please tick ✓ the appropriate box)			
No (please proceed to Section 3)	<input type="checkbox"/>	Yes (please proceed to Section 4)	<input checked="" type="checkbox"/>

3. Details of Non-compliance(s) and/or Potential Non-compliance(s)

The information required Section 3 must be provided for each non-compliance or potential non-compliance identified during the reporting period covered by this Statement of Compliance.

Non-compliance/potential non-compliance 3-1

Which implementation condition or procedure was non-compliant or potentially non-compliant?
Was the implementation condition or procedure non-compliant or potentially non-compliant?
On what date(s) did the non-compliance or potential non-compliance occur (if applicable)?

Was this non-compliance or potential non-compliance reported to the Chief Executive Officer, DWER?	
<input type="checkbox"/> Yes <input type="checkbox"/> Reported to DWER verbally Date _____ <input type="checkbox"/> Reported to DWER in writing Date _____	<input type="checkbox"/> No

What are the details of the non-compliance or potential non-compliance and where relevant, the extent of and impacts associated with the non-compliance or potential non-compliance?
What is the precise location where the non-compliance or potential non-compliance occurred (if applicable)? (please provide this information as a map or GIS co-ordinates)
What was the cause(s) of the non-compliance or potential non-compliance?
What remedial and/or corrective action(s), if any, were taken or are proposed to be taken in response to the non-compliance or potential non-compliance?
What measures, if any, were in place to prevent the non-compliance or potential non-compliance before it occurred? What, if any, amendments have been made to those measures to prevent re-occurrence?
Please provide information/documentation collected and recorded in relation to this implementation condition or procedure: <ul style="list-style-type: none"> • in the reporting period addressed in this Statement of Compliance; and • as outlined in the approved Compliance Assessment Plan for the Statement addressed in this Statement of Compliance. (the above information may be provided as an attachment to this Statement of Compliance)

For additional non-compliance or potential non-compliance, please duplicate this page as required.


Each page (including Attachment 2) must be initialed by the person who signs Section 4 of this Statement of Compliance.
 INITIALS: *ng*

4. Proponent Declaration

I, Murray Cook, Chief Executive Officer

Declare that I am authorised on behalf of Arc Infrastructure Pty Ltd

(being the person responsible for the proposal) to submit this form and that the information contained in this form is true and not misleading.

Signature:  Date: 8 March 2023

Please note that:

- it is an offence under section 112 of the *Environmental Protection Act 1986* for a person to give or cause to be given information that to his knowledge is false or misleading in a material particular; and
- the Chief Executive Officer of the DWER has powers under section 47(2) of the *Environmental Protection Act 1986* to require reports and information about implementation of the proposal to which the statement relates and compliance with the implementation conditions.

5. Submission of Statement of Compliance

One hard copy and one electronic copy (preferably PDF on CD or thumb drive) of the Statement of Compliance are required to be submitted to the Chief Executive Officer, DWER, marked to the attention of Manager, Compliance (Ministerial Statements).

Please note, the DWER has adopted a procedure of providing written acknowledgment of receipt of all Statements of Compliance submitted by the proponent, however, the DWER does not approve Statements of Compliance.

6. Contact Information

Queries regarding Statements of Compliance, or other issues of compliance relevant to a Statement may be directed to Compliance (Ministerial Statements), DWER:

Manager, Compliance (Ministerial Statements)

Department of Water and Environmental Regulation

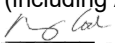
Postal Address: Locked Bag 33
Cloisters Square
PERTH WA 6850

Phone: (08) 6364 7000

Email: compliance@dwere.wa.gov.au

7. Post Assessment Guidelines and Forms

Post assessment documents can be found at www.epa.wa.gov.au

Each page (including Attachment 2) must be initialed by the person who signs Section 4 of this Statement of Compliance.
INITIALS: 

ATTACHMENT 1**Table 1 Compliance Status Terms**

Compliance Status Terms	Abbrev	Definition	Notes
Compliant	C	Implementation of the proposal has been carried out in accordance with the requirements of the audit element.	This term applies to audit elements with: <ul style="list-style-type: none"> ongoing requirements that have been met during the reporting period; and requirements with a finite period of application that have been met during the reporting period, but whose status has not yet been classified as 'completed'.
Completed	CLD	A requirement with a finite period of application has been satisfactorily completed.	This term may only be used where: <ul style="list-style-type: none"> audit elements have a finite period of application (e.g. construction activities, development of a document); the action has been satisfactorily completed; and the DWER has provided written acceptance of 'completed' status for the audit element.
Not required at this stage	NR	The requirements of the audit element were not triggered during the reporting period.	This should be consistent with the 'Phase' column of the audit table.
Potentially Non-compliant	PNC	Possible or likely failure to meet the requirements of the audit element.	This term may apply where during the reporting period the proponent has identified a potential non-compliance and has not yet finalized its investigations to determine whether non-compliance has occurred.
Non-compliant	NC	Implementation of the proposal has not been carried out in accordance with the requirements of the audit element.	This term applies where the requirements of the audit element are not "complete" have not been met during the reporting period.
In Process	IP	Where an audit element requires a management or monitoring plan be submitted to the DWER or another government agency for approval, that submission has been made and no further information or changes have been requested by the DWER or the other government agency and assessment by the DWER or other government agency for approval is still pending.	<p>The term 'In Process' may not be used for any purpose other than that stated in the Definition Column.</p> <p>The term 'In Process' may not be used to describe the compliance status of an implementation condition and/or procedure that requires implementation throughout the life of the project (e.g. implementation of a management plan).</p>

Each page (including Attachment 2) must be initialed by the person who signs Section 4 of this Statement of Compliance.

INITIALS:

AUDIT TABLE

Proposal Implementation Monitoring

ATTACHMENT 2

PROJECT: Tilley Siding Iron Ore Loading Facility (Assessment 1704, Statement 758)

Note:

- Phases that apply in this table = Overall (several phases)
- This audit table is a summary and timetable of conditions and commitments applying to this project. Refer to the Minister's Statement of 8/1/08 for full detail/precise wording of individual elements.
- Code prefixes: M = Minister's condition; P = Proponent's commitment.
- Any elements with status = "Audited by proponent only" are legally binding but are not required to be addressed specifically in compliance reports, if complied with.
- Acronyms list: - Chief Executive Officer - CEO; Department of Environment and Conservation - DEC.

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
758:M1.1	Proposal Implementation	The proponent shall implement the proposal as described in Schedule 1 of this statement subject to the conditions and procedures of this statement	Implement project in accordance with criteria outlined in Schedule 1	CAR	Overall		C	
758:M2.1	Nominated Proponent	The proponent for the time being nominated by the Minister for the Environment, under S38(6) or (7) of the EP Act 1986, is responsible for the implementation of the proposal			Overall		C	
758:M2.2	Contact Details	The proponent shall notify the CEO of the DEC of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change	Notify the CEO of any change in proponent details in writing	Copy of written notification of change in proponent details	Overall	Within 30 days of any change	NR	

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
758:M3.1	Time Limit of Authorisation	The authorisation to implement the proposal provided for in this statement shall lapse and be void within five years after the date of this statement if the proposal to which this statement relates is not substantially commenced			Overall	By 8 January 2013	CLD	Completed by previous proponent
758:M3.2	Time Limit of Authorisation	The proponent shall provide the CEO written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement	Substantially begin the implementation of the proposal within five years after the date of this statement	CAR or written notification to the CEO of substantial commencement	Overall	By 8 January 2013	CLD	Completed by previous proponent
758:M4.1	Compliance Reporting	The proponent shall submit to the CEO environmental compliance reports annually reporting on the previous 12 month period, unless required by the CEO to report more frequently	Submit to the CEO a compliance report annually	CAR unless required by CEO to report more frequently	Overall	By 29 March of each year	C	
758:M4.2	Compliance Reporting	The environmental compliance reports shall address each element of an audit program approved by the CEO and shall be prepared and submitted in a format acceptable to the CEO	Submit to the CEO a compliance report which includes the audit program progress	CAR with audit program	Overall	By 29 March of each year	C	
758:M4.3	Compliance Reporting	The environmental compliance reports shall: 1. be endorsed by signature of the proponent's chief executive officer or a person, approved in writing by the CEO, delegated to sign on behalf of the proponent's chief executive officer;	Submit to the CEO a compliance report which includes elements identified in the requirements (item 4.3 of the statement)	CAR that complies with requirements in condition 4.3 of the statement	Overall	By 29 March of each year	C	

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
		2. state whether the proponent has complied with each condition and procedure contained in this statement; 3. provide verifiable evidence of compliance with each condition and procedure contained in this statement; 4. state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement; 5. provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement; 6. identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each non-compliance or non-conformance; 7. review the effectiveness of all corrective and preventative actions taken; and 8. describe the state of implementation of the proposal						
758:M4.4	Compliance Reporting	The proponent shall make the environmental compliance reports required by Condition 4-1 publicly available in a manner approved by the CEO	Post Compliance Report on Arc Infrastructure website	See www.arcinfra.com website	Overall	By 29 March of each year	PNC	To be uploaded to the Arc Infrastructure website ASAP
758:M5.1	Noise	The proponent shall implement the Noise Management Plan contained in the	Implement project in accordance with	CAR	Overall	Ongoing	NR	Not required as no

Audit Code	Subject	Requirement	How	Evidence	Phase	Timeframe	Status	Further information
		documentation submitted for the Assessment on Referral Information, August 2007, to the requirements of the CEO	approved Noise Management Plan					activity has taken place
758:M6.1	Dust	The proponent shall implement the Dust Management Plan contained in documentation submitted for the Assessment on Referral Information, August 2007, to the requirements of the CEO	Implement project in accordance with approved Dust Management Plan	CAR	Overall	Ongoing	NR	Not required as no activity has taken place

Appendix 2 Photos of the Tilley Siding site (taken January 2023)









