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Published on: 12 November 2012

Statement No. 916

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

EXTENSION OF KEMERTON SILICA SAND DREDGE MINING

Proposal: The proposal is to extend dredge mining of silica sands at Kemerton westward of existing operations and transfer 845 hectares of land to the conservation reserve system.

The proposal is further documented in Schedule 1 of this statement.

Proponent: Kemerton Silica Sand Pty Ltd

Proponent Address: Suite 5, 353-367 Albany Highway,
VICTORIA PARK WA 6100

Assessment Number: 1494

Report of the Environmental Protection Authority: Report 1425

Related Ministerial Statements: 366 and 703

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

1 Proposal Implementation

1-1 The proponent shall implement the proposal as documented and described in schedule 1 of this statement, subject to the conditions and procedures of this statement.

2 Proponent Nomination and Contact Details

- 2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.
- 2-2 The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority (CEO) of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

3 Time Limit of Authorisation

- 3-1 The authorisation to implement the proposal provided for in this statement shall lapse and be void five years after the date of this statement if the proposal to which this statement relates is not substantially commenced.
- 3-2 The proponent shall provide the CEO with written evidence which demonstrates that the proposal has substantially commenced on or before the expiration of five years from the date of this statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.
- 4-2 The proponent shall submit to the CEO the compliance assessment plan required by condition 4-1 at least six months prior to the first compliance report required by condition 4-6, or prior to implementation, whichever is sooner. The compliance assessment plan shall indicate:
 - 1. the frequency of compliance reporting;
 - 2. the approach and timing of compliance assessments;
 - 3. the retention of compliance assessments;
 - 4. the method of reporting of potential non-compliances and corrective actions taken;
 - 5. the table of contents of compliance assessment reports; and
 - 6. public availability of compliance assessment reports.
- 4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 4-1 and shall make those reports available when requested by the CEO.

- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first compliance assessment report fifteen months from the date of issue of this statement addressing the twelve month period from the date of issue of this statement and then annually from the date of submission of the first compliance assessment report. The compliance assessment report shall:
1. be endorsed by the proponent's Managing Director or a person delegated to sign on the Managing Director's behalf;
 2. include a statement as to whether the proponent has complied with the conditions;
 3. identify all potential non-compliances and describe corrective and preventative actions taken;
 4. be made publicly available in accordance with the approved compliance assessment plan; and
 5. indicate any proposed changes to the compliance assessment plan required by condition 4-1.

5 Public Availability of Data

- 5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products) relevant to the assessment of this proposal and implementation of this statement.
- 5-2 If any data referred to in condition 5-1 contains particulars of:
1. a secret formula or process; or
 2. confidential commercially sensitive information;

the proponent may submit a request, for approval from the CEO, to not make this data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

6 Dieback Control and Monitoring

- 6-1 Prior to undertaking ground-disturbing activities for the proposal, the proponent shall prepare a map (using geo-spatial co-ordinates) showing the occurrence of dieback infestation on land within the project area, proponent-owned land bordering the mining expansion area, and on reference sites.
- 6-2 The proponent shall submit the map required by condition 6-1 to the CEO.

- 6-3 The proponent shall develop a Dieback Management Plan derived from the mapping required by condition 6-1. The objective of the Dieback Management Plan is to ensure that *Phytophthora* dieback disease is not introduced or spread into uninfected areas. The Dieback Management Plan shall be prepared, in consultation with Department of Environment and Conservation (DEC), and approved by the CEO.
- 6-4 The Dieback Management Plan shall include, but not limited to:
1. hygiene management measures to prevent the introduction of dieback disease;
 2. procedures for limiting and authorising access to areas that are dieback infected; and
 3. control measures should dieback be detected in previously uninfected areas.
- 6-5 The proponent shall implement the Dieback Management Plan required by condition 6-3 during the ongoing operation of the proposal.
- 6-6 The proponent shall review bi-annually the approved Dieback Management Plan required by condition 6-3 and report the results in the compliance assessment report required by condition 4-6.

7 Weed Control and Monitoring

- 7-1 The proponent shall ensure that no new species of declared weeds and environmental weeds* establish in proponent-owned land as a result of the implementation of the proposal.
- * environmental weeds are plants other than Declared Agricultural Weeds which are not native to the local area.
- 7-2 Prior to undertaking ground-disturbing activities for the proposal, the proponent shall undertake a baseline weed survey to determine the extent of declared weeds, environmental weeds and potential environmental weeds on land within the project area, proponent-owned land bordering the mining expansion area. The proponent shall establish three reference sites in consultation with the DEC. The reference sites shall be monitored annually for two years following ground-disturbing activities and subsequently every two years for the life of the proposal to determine whether changes in weed cover and type have occurred and are project-attributable, or are a part of broader regional changes.
- 7-3 Prior to undertaking ground-disturbing activities for the proposal, the proponent shall submit a Weeds Eradication Programme based on the survey required by condition 7-2 for approval of the CEO.
- 7-4 The proponent shall implement the Weeds Eradication Programme referred to in condition 7-3.

- 7-5 The proportional cover of weeds (including both declared weeds and environmental weeds) within the proposal area shall not exceed that concurrently existing on reference sites determined in accordance with condition 7-2.
- 7-6 In the event that there are locations where condition 7-5 has not been met the proponent shall develop remedial measures and shall implement those remedial measures to the requirements of the CEO.
- 7-7 The proponent shall review bi-annually the approved Weeds Eradication Programme required by condition 7-2 and report the results in the compliance assessment report required by condition 4-6.

8 Fauna

- 8-1 Prior to undertaking ground-disturbing activities for the proposal the proponent shall submit for approval of the CEO a strategy to identify and protect Black-striped Jollytail fish habitat wetlands and populations.
- 8-2 To verify that the requirements of condition 8-1 are met, the proponent shall, prior to commencement of dredging and thereafter bi-annually, carry out a survey in natural wetlands adjacent to the proposed dredge ponds to monitor for the incidence of *Gambusia holbrooki*;
- 8-3 The proponent shall submit the results of the surveys required by condition 8-2 to the CEO within 21 days of the survey being completed.
- 8-4 In the event that surveys required by condition 8-2 indicate the presence of *Gambusia holbrooki* in natural wetlands adjacent to dredge ponds the proponent shall:
1. report such findings to the CEO within 21 days;
 2. provide evidence to allow determination of the cause of the incidence of *Gambusia holbrooki* in natural wetlands adjacent to dredge ponds;
 3. if determined by the CEO to be a result of activities undertaken in implementing the proposal the proponent shall, within 21 days of the determination being made to the CEO, submit actions to be taken to remove the population of *Gambusia holbrooki* in natural wetlands adjacent to dredge ponds; and
 4. implement actions to remove the population of *Gambusia holbrooki* in natural wetlands adjacent to dredge ponds to the requirements of the CEO.
- 8-5 The proponent shall submit monitoring results required by condition 8-2 as part of its annual compliance assessment report required by condition 4-6.

9 Wetlands Water Level and Ecosystem Function

- 9-1 The proponent shall ensure that water levels necessary to maintain the pre ground-disturbance ecological regime are not adversely affected by the mining activities.
- 9-2 To ensure condition 9-1 is met, the proponent shall, prior to undertaking ground-disturbing activities for the proposal, submit for approval of the CEO a proposal to determine the ecological water level requirements to maintain the ecological water regime of *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* wetlands 4 and 8 as shown in the attached Figure 2.
- 9-3 The proponent shall ensure that the water level regimes in *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* wetlands 4 and 8 are maintained consistent with pre-mining levels.
- 9-4 The proponent shall monitor the water levels in *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* wetlands 4 and 8 at quarterly intervals beginning prior to commencement of clearing for the proposal and continuing for up to five years following the completion of mining and disposal activities.
- 9-5 In the event that monitoring required by condition 9-4 indicates significant adverse fluctuations in water level regimes inconsistent with pre-mining levels in *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* wetlands 4 and 8:
1. the proponent shall report such findings to the CEO within 21 days of the decline being identified;
 2. the proponent shall provide evidence which allows determination of the cause of the decline;
 3. if determined by the CEO to be a result of activities undertaken in implementing the proposal the proponent shall submit actions to be taken to remediate any significant deterioration in wetland ecosystem function and/or environmental values within 21 days.
- 9-6 The proponent shall implement remedial actions required by condition 9-5 as necessary to allow the pre-existing wetland water regime and wetland ecosystem function to re-establish to the satisfaction of the CEO.
- 9-7 The proponent shall submit monitoring results required by condition 9-4 as part of its annual compliance assessment report required by condition 4-6.

10 Acid or Metalliferous Drainage

- 10-1 Prior to mining of areas in the extension proposal, the proponent shall develop and submit to the satisfaction of the CEO:
1. a plan showing the distribution of actual and potential acid sulphate soils, including sub-surface deposits, in areas to be mined; and

2. long-term prevention, monitoring, contingency and remediation strategies for the management of any potential acid or metalliferous drainage.

10-2 The proponent shall report on the outcomes of the long-term prevention, monitoring, contingency and remediation strategies required by condition 10-1 as part of the compliance assessment report required by condition 4-6.

Note: The applicable national and international standards are *Managing Acid and Metalliferous Drainage*, (February 2007) developed by the Australian Government, Department of Industry Tourism and Resources, and *Global Acid and Metalliferous Drainage (GARD) Guide*, (December 2008) developed by the International Network for Acid Prevention (INAP).

11 Mine Rehabilitation and Closure

11-1 Prior to mining of areas in the extension proposal, the proponent shall submit a Mine Rehabilitation and Closure Plan (including scaled plans for progressive rehabilitation fully defined by spatial data) for approval by the CEO. The Mine Rehabilitation and Closure Plan shall be prepared in accordance with the Environmental Protection Authority and Department of Mines and Petroleum *Guidelines for Preparing Mine Closure Plans* (June 2011) or subsequent revisions, and shall include the results of baseline vegetation surveys of areas to be disturbed by the proposal; the proposed final land use(s); closure objectives; and completion criteria.

11-2 The proponent shall implement the proposal so that the mine can be progressively rehabilitated and closed to ensure that:

1. all landforms (including ore and reject sand stockpiles, dredge ponds and areas of infrastructure) are left in a safe, non-polluting and stable condition;
2. the margins of dredge ponds are shelved to ensure human safety and to provide shallow-water habitat suitable for native water plants and native fauna;
3. the ponds to be left after mining shall not become anaerobic, polluted or contaminated, shall not have adverse impacts on groundwater quality and shall provide suitable habitat for native aquatic fauna and vegetation;
4. all other areas are vegetated with living, self-sustaining¹ native vegetation of local provenance² which stabilises local landforms and provides suitable habitat for native fauna.

¹ self sustaining vegetation' is permanent vegetation which grows and persists without human management or intervention beyond that which would be required to maintain comparable undisturbed native vegetation.

² local provenance' is native plant material collected within approximately 10 km of the proposal area.

11-3 The percentage cover and species diversity of living self-sustaining native vegetation in all rehabilitation areas shall be comparable to that of undisturbed

natural analogue sites* as determined by botanical surveys carried out in accordance with Environmental Protection Authority Guidance Statement Number 51 (or subsequent updates) or other methodology acceptable to the CEO.

* natural analogue sites shall be selected to the requirements of the CEO on advice of the DEC.

11-4 Every three years the proponent shall review and revise the approved Mine Rehabilitation and Closure Plan required by condition 11-1 to the satisfaction of the CEO.

11-5 The proponent shall implement the most recently approved Mine Rehabilitation and Closure Plan until the CEO agrees in writing that implementation may cease.

12 Residual Impacts and Risk Management Measures

12-1 Given the significant residual impacts and risks (permanent and temporary) of the proposal on conservation significant wetlands, and fauna and flora species in the environment surrounding the proposal, the proponent shall, within 12 months of undertaking ground-disturbing activities for the proposal, transfer proponent-owned land totaling 845.1 hectares, being Lot 501 and portion of Lot 32, as shown on Figure 2 and defined by co-ordinates in Table 2, to the State of Western Australia for addition into the conservation reserve system. The relevant certificates of title shall contain a notation to the effect that the DEC is the agency responsible for the land.

12-2 Within six months of satisfying the requirements of condition 12-1, the proponent in consultation with the DEC shall submit a management plan for the proposed Kemerton Nature Reserve and the land to be transferred to the State of Western Australia as described in condition 12-1, to the satisfaction of the CEO. The management plan shall specify the nature, timing and duration of the ongoing management activities to be undertaken by the proponent and the DEC (that may include, but not be limited to, fencing and access management, weed control, dieback management, introduced fauna control, fire management and recreational uses) and the methodology, completion criteria, and timing for rehabilitation of the degraded area of Bassendean woodland within the proposed Kemerton Nature Reserve being that portion of the proposed Kemerton Nature Reserve delineated on the plan set out in Figure 2 to this statement.

12-3 The proponent and the DEC shall implement the management plan approved under condition 12-2 in consultation with the DEC and the Local Government.

12-4 Within 12 months of undertaking ground-disturbing activities for the proposal, the proponent shall provide funding in the amount of seventy two thousand dollars (\$72,000) to a research project acceptable to the CEO to undertake research on:

1. the ecological requirements and population genetics of remnant Black-striped Jollytail populations in seasonal wetlands of South-western Australia; and
2. macroinvertebrates in wetlands to establish baseline conditions as analogues for future rehabilitation.

Notes

1. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Office of the Environmental Protection Authority.

[Signed 12 November 2012]

HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER

Extension of Kemerton Silica Sand Dredge Mining (EPA Assessment No. 1494)

The proposal consists of the clearing of 260 hectares of native vegetation followed by dredging of silica sands on the Kemerton site, 2.5 kilometres north of Kemerton Industrial Park. The site would be progressively rehabilitated and become a series of deep lakes with shallow margins around which the ground would be landscaped and planted with native vegetation. A total of 845 hectares of uncleared land owned by the proponent is to be vested in the State and managed by the Department of Environment and Conservation for the purpose of conservation.

The location of the proposal and the specific proposal components are shown in Figures 1 and 2 respectively. The key characteristics of the proposal are described in Table 1 below and the coordinates of the areas to be transferred to conservation reserve system are listed in Table 2.

Table 1 - Key Proposal Characteristics

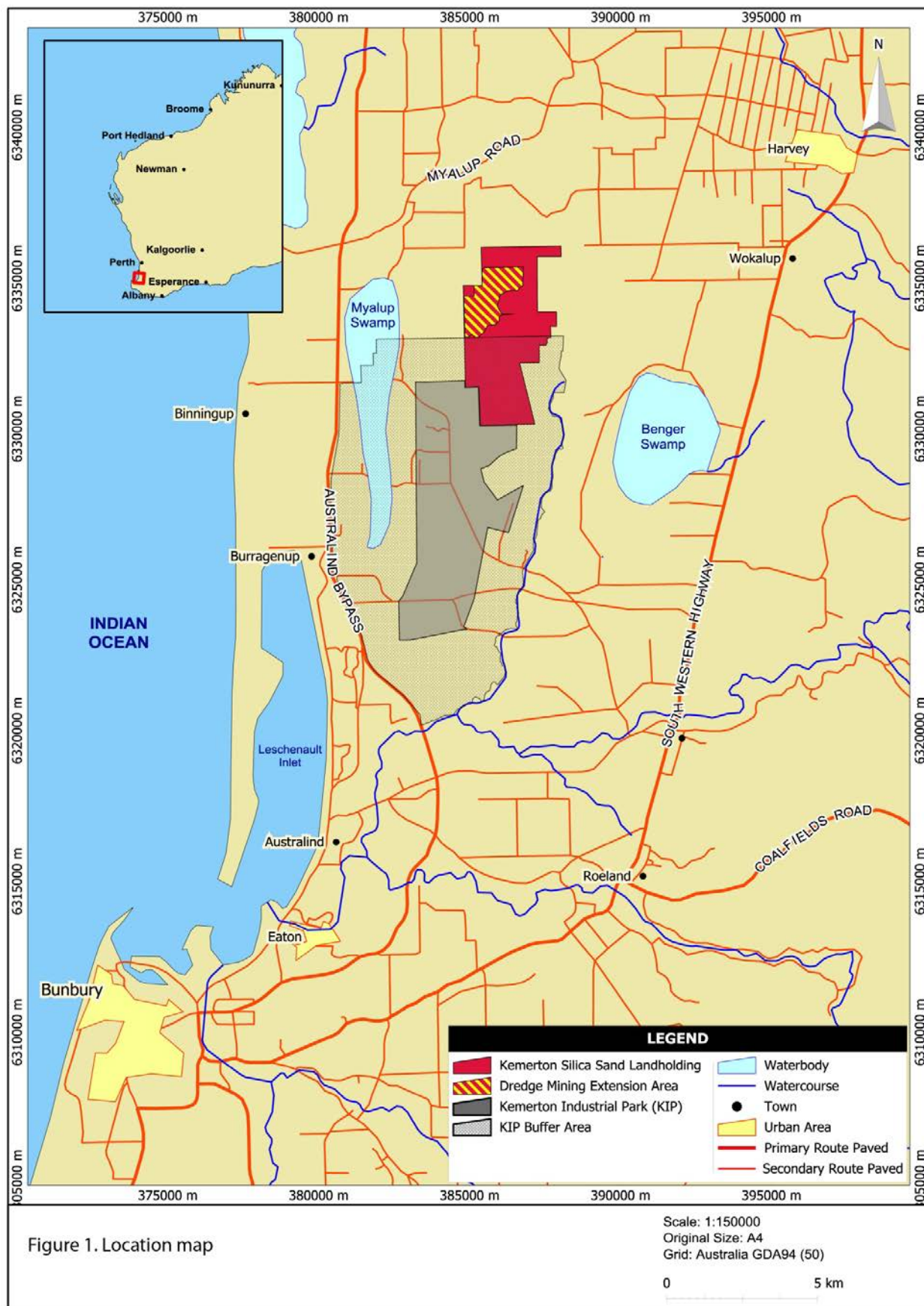
Element	Description
Area of mine extension comprising	Up to 260 hectares (ha)
Number of dredge ponds	Up to 10 ponds
Depth of dredge ponds	Up to 22 metres deep
Dredging rate	Up to 6 ha per year
Area to be set aside for conservation	845.1 ha (408.6 ha of Bassendean Central and South Vegetation Complex, 432.6 ha of wetland and 3.9 ha of Spearwood Uplands)

Attached Figures and Table

Figure 1. Location map

Figure 2. Project area showing currently mined area, proposed expansion area and area to be transferred to conservation reserve system

Table 2. Coordinates of areas for transfer to conservation reserve system



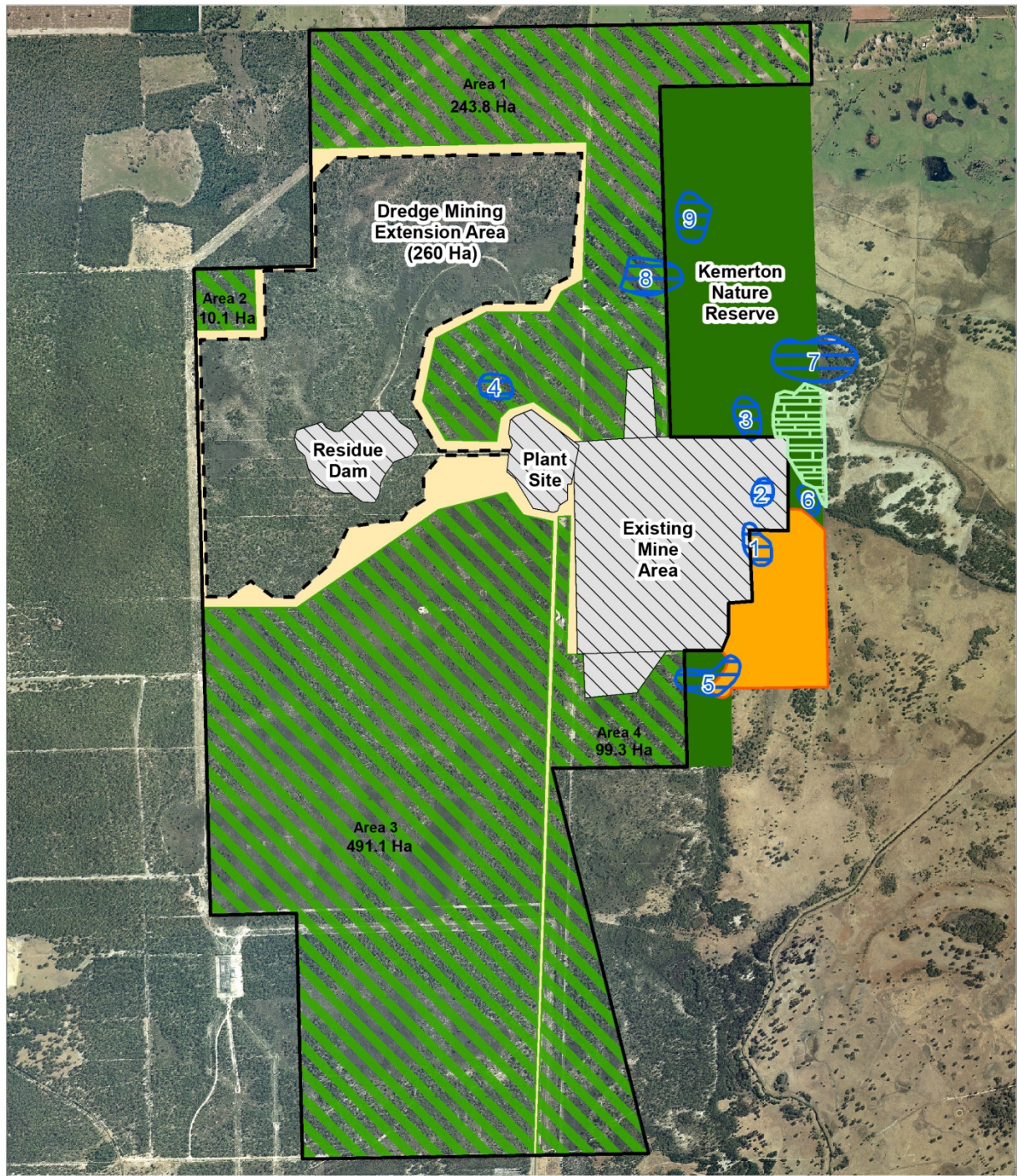


Figure 2. Project area showing currently mined area, proposed expansion area and area to be transferred to conservation reserve system

Legend

- Project Boundary
- Existing Mine Area
- Dredge Mining Extension Area
- Offset Area
- Offset Buffer
- Kemerton Nature Reserve
- Muchea Limestone TEC
- Environmental Protection Policy Lakes (1992)
- Rehabilitation

Table 2 Coordinates of areas for transfer to conservation reserve system

Co-ordinates defining the four areas are described below, noting that the correct re-creation of the boundary requires the sequential connection of the co-ordinates as per the co-ordinate number. All coordinates listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geodetic Datum of Australia 1994 (GDA94).

Coordinate number	Easting	Northing		Longitude	Latitude	ID
NORTH EAST BLOCK-Area 1						
1	385378.5	6336015		115.7715	-33.1085	49127
2	387984.9	6336059		115.7995	-33.1084	49128
3	387993.7	6335742		115.7995	-33.1112	49129
4	387209.1	6335720		115.7911	-33.1113	49130
5	387260.2	6333871		115.7914	-33.128	49131
6	387195.7	6333874		115.7907	-33.128	49132
7	387165	6334255		115.7905	-33.1245	49133
8	387040	6334240		115.7891	-33.1247	49134
9	387018.7	6333882		115.7888	-33.1279	49135
10	386815.3	6333869		115.7867	-33.128	49136
11	386737	6333946		115.7858	-33.1273	49137
12	386549.9	6334078		115.7838	-33.1261	49138
13	386419.4	6334038		115.7824	-33.1264	49139
14	386374.5	6333991		115.782	-33.1268	49140
15	386357.1	6333869		115.7817	-33.1279	49141
16	386090.3	6333875		115.7789	-33.1279	49142
17	385972.8	6334079		115.7777	-33.126	49143
18	386041	6334405		115.7784	-33.1231	49144
19	386307.8	6334543		115.7813	-33.1219	49145
20	386635.5	6334542		115.7848	-33.1219	49146
21	386697.8	6334647		115.7855	-33.121	49147
22	386808	6334710		115.7867	-33.1204	49148
23	386832.7	6335435		115.787	-33.1139	49149
24	385386.6	6335401		115.7715	-33.114	49150
NORTH WEST BLOCK-Area 2						
1	385089.5	6334776		115.7683	-33.1196	49151
2	385100.2	6334455		115.7684	-33.1225	49152
3	384782.9	6334450		115.7649	-33.1225	49153
4	384775.6	6334768		115.7649	-33.1197	49154

Coordinate number	Easting	Northing		Longitude	Latitude	ID
SOUTH WEST BLOCK-Area 3						
1	386407.8	6333599		115.7823	-33.1304	49155
2	386055.5	6333511		115.7785	-33.1311	49156
3	385313	6332997		115.7704	-33.1357	49157
4	384820.7	6333000		115.7652	-33.1356	49158
5	384863.4	6331391		115.7654	-33.1501	49159
6	385311	6331402		115.7702	-33.1501	49160
7	385343.4	6330117		115.7704	-33.1617	49161
8	386547.7	6330137		115.7833	-33.1616	49162
9	386650.3	6333447		115.7848	-33.1318	49163
10	386496	6333482		115.7832	-33.1314	49164
SOUTH EAST BLOCK-Area 4						
1	386680.3	6333472		115.7852	-33.1316	49165
2	386741.6	6333477		115.7858	-33.1315	49166
3	386722.6	6332753		115.7855	-33.138	49167
4	386808.9	6332756		115.7865	-33.138	49168
5	386820.1	6332526		115.7865	-33.1401	49169
6	387090.9	6332554		115.7895	-33.1399	49170
7	387242.6	6332772		115.7911	-33.1379	49171
8	387336.5	6332773		115.7921	-33.1379	49172
9	387353.3	6332167		115.7922	-33.1434	49173
10	386649	6332160		115.7847	-33.1434	49174
11	387151.4	6330148		115.7898	-33.1616	49175
12	386566.5	6330138		115.7835	-33.1616	49176
13	386680.3	6333472		115.7852	-33.1316	49177