



# Report and recommendations of the Environmental Protection Authority



## Cape Lambert Port A & B developments, City of Karratha - inquiry under section 46 of the *Environmental Protection Act 1986* to amend Ministerial Statements 741 & 840

Robe River Mining Co Pty Ltd

Report 1586

November 2016

ENVIRONMENTAL PROTECTION AUTHORITY  
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR  
ENVIRONMENT

**CAPE LAMBERT PORT A AND B DEVELOPMENTS, CITY OF KARRATHA  
– INQUIRY UNDER SECTION 46 OF THE *ENVIRONMENTAL PROTECTION  
ACT 1986* TO AMEND MINISTERIAL STATEMENTS 741 AND 840**

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to dust and noise regulation for Cape Lambert Port A and B development proposals.

The following is the EPA's Report and Recommendations (No. 1586) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986* (EP Act).

**Background**

The Cape Lambert Port Operation includes Port A and B Development proposals to construct and operate two ports at Cape Lambert to process and export iron ore. An upgrade to Cape Lambert Port A was approved under Ministerial Statement 741 for a throughput of up to 105 million tonnes of iron ore per annum. Cape Lambert Port B was approved under Ministerial Statement 840 for a throughput of up to 130 million tonnes per annum.

The EPA assessed the Cape Lambert Port A proposal at the level of Environmental Position Statement and released its assessment report (Report 1246) in January 2007. Cape Lambert Port B was assessed at the level of Public Environmental Review and the EPA released its assessment report (Report 1357) in May 2010. The EPA identified the following key environmental factors relevant to the proposals:

- Dust;
- Noise;
- Water Resources;
- Terrestrial fauna;
- Marine Values; and

- Air Quality.

The EPA concluded that it is likely that the EPA's objectives would be achieved provided there is satisfactory implementation by the proponent of the recommended conditions.

The then Minister for Environment approved Cape Lambert Port A for implementation, subject to the implementation conditions of Ministerial Statement 741 in May 2007. The Cape Lambert Port B was approved for implementation subject to the implementation conditions of Ministerial Statement 840 in September 2010.

In applying the Environmental Assessment Guideline (EAG) for *Environmental principles, factors and objectives* (EAG 8, January 2015), these factors are now represented by:

- Terrestrial fauna;
- Benthic Communities and Habitat;
- Marine Environmental Quality;
- Marine Fauna;
- Inland Waters Environmental Quality.
- Amenity; and
  - Human Health.

### **Requested changes to conditions**

In July 2016, the proponent (Robe River Mining Co. Pty. Ltd.) requested the Minister for Environment commence an inquiry under section 46 of the EP Act to remove dust and noise conditions from Ministerial Statement 741 and 840 previously set under Part IV Environmental Impact Assessment of the EP Act.

The intent of this request was to enable dust and noise to be managed solely and more appropriately under Part V Environmental Regulation of the EP Act and the Environmental Protection (Noise) Regulations 1997, respectively, thus avoiding duplication with conditions set under Part IV of the EP Act.

In response, the Minister for Environment requested (9 August 2016) that the EPA inquire into and report on the matter of changing implementation conditions relating to dust and noise regulation for the Cape Lambert Port A (Ministerial Statement 741) and Cape Lambert Port B (Ministerial Statement 840).

The relevant factors relating to this change to conditions are Amenity and Human Health.

### **Relevant EPA policies and guidelines**

The EPA, in undertaking this inquiry and providing its advice to the Minister, has given due consideration to the relevant published EPA policies and guidelines.

The following relevant EPA process policies and guidelines were applied, noting that other published policies and guidelines pertaining to this application were considered but not determined to be relevant:

- a) Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012;
- b) Environmental Assessment Guideline (EAG 1) for *Defining the key characteristics of a Proposal*, 2012;
- c) EAG 8 for Environmental principles, factors and objectives, 2015;
- d) EAG 9 for the Application of a significance framework in the environmental impact assessment process, 2015;
- e) EAG 11 for Recommending environmental conditions, 2015; and
- f) Environmental Protection Bulletin (EPB No. 11) for *Consultation on Conditions Recommended by the EPA*, 2010.

The following EPA policies and guidelines relevant to Amenity and Human Health were applied:

- Environmental Assessment Guideline 13 – Consideration of environmental impacts from noise, 2014.
- The objective of this guideline is to assist proponents to predict whether their proposal's noise emissions may cause significant environmental impacts and to communicate how the potential impacts of noise are considered by the EPA and may be assessed in the environmental impact assessment (EIA) process.
- Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses, 2005.
- The objective of this guideline is to ensure separation between industrial and sensitive land uses to avoid conflicts between these land uses.

### **Inquiry into the requested change to conditions**

The EPA has discretion as to how it conducts this inquiry. This inquiry has considered currency of the EPA's last assessments for Cape Lambert Port A (Report 1246) and Cape Lambert Port B (Report 1357) and the issue of Ministerial Statements 741 (18 May 2007) and 840 (30 September 2010) as these documents are instructive in determining the extent and nature of the inquiry under section 46.

In conducting this inquiry, the EPA is aware that the Department of Environment Regulation (DER) is responsible for the regulation of dust emissions under Part V Environmental Regulation and Part VI Enforcement of the EP Act, and also the regulation of noise under the Environmental Protection (Noise) Regulations 1997.

In assessing the requested changes to implementation conditions, the EPA considered the capacity and experience of the regulators ability to manage the factor, including:

- A. whether the regulator has established policies and guidelines to support its regulatory process related to the factor;

- B. whether the regulator has the technical skills and experience to manage the environmental impacts, particularly where non-standard technology is proposed or the type of proposal is not regularly considered by the regulator; and
- C. where the EPA considers that an opportunity for public comment is important, whether this is provided by the regulatory process.

#### **A. Regulator policies and procedures**

The EPA acknowledge that emissions and discharges for prescribed premises are licensed under Part V Environmental Regulation of the EP Act. The Cape Lambert Port B Development is a prescribed premises and subject to DER Part V operating Licence L5278/1973/13.

The EPA notes that the DER has developed the following guidance statements in relation to its functions under Part V of the *Environmental Protection Act 1986*:

- Guidance Statement – Regulatory principles, Environmental Protection Act 1986, Part V: Effective and efficient Regulation, July 2015;
- Guidance Statement – Setting Conditions, Division 3, Part V, Environmental Protection Act 1986.

The EPA notes that there are a number of DER draft guidance statements which have not yet been completed. In developing its draft guidance statements, the DER has also undertaken pilot assessments of prescribed premises. These pilot assessments outline DER's risk-based decision making process, using the source-pathway-receptor model. This approach is summarised as follows:

1. Identify the emission and risk (source, type of hazard, volume, concentration and duration and proposed controls).
2. Analyse the pathway/receptor, including:
  - consequence (based on hazard of emission and impact on receptor); and
  - likelihood (based on receptor being exposed to and impacted by the emission).
3. Evaluate the impact to determine whether the risk (level of impact) is:
  - acceptable;
  - tolerated - subject to regulatory controls; or
  - unacceptable and not tolerated.

As an example of the DER's approach to regulating dust emissions for similar premises, the EPA refers to the Pilbara Ports Authority, Utah Point facility in Port Hedland. The DER provided documentation for the Utah Point facility which demonstrates the DER's approach to assessing and regulating dust emissions under Part V of the EP Act.

The EPA considers that DER's framework provides a suitable mechanism to determine the likely significance of the impact and appropriate regulatory controls to mitigate or manage the emissions.

The EPA notes that DER's regulatory framework ensures that licences and approvals issued will be subject to conditions that ensure there is not an unacceptable risk of harm to public health or the environment.

Furthermore, the EPA recognises that section 62A of the EP Act defines the kinds of conditions that can be set in Part V Works Approvals and Licences. The EPA considers that section 62A could adequately allow for acceptable management of emissions.

## **B. Technical skills and experience to manage the environmental impacts**

With regard to technical skills and experience to manage the environmental impacts, the EPA notes that DER's role includes protecting and maintaining air quality and as such provides strategic, technical and policy advice on air quality and noise emissions.

The EPA notes that DER are proposing a dust campaign for the region using Light Detection and Ranging (LIDAR) and Beta Attenuation Monitor (BAM). The dust campaign will include an assessment of potential dust impacts from the Cape Lambert Port operations at Port Sampson. The results of the LIDAR and BAM dust assessment will be considered when determining appropriate conditions for the Part V of EP Act Licence.

## **C. Public comment process**

The EPA notes that section 54(2)(b), 52(2a), 57(2)(b), and 57(2a) of the EP Act provides opportunity for the public to provide comment on applications for Works Approvals and Licences.

In addition, section 102 of the EP Act allows for appeals against decision as to works approvals and licences and that appeal rights exist for third parties including members of the public on amendments made to Works Approvals and Licences.

## **Inquiry findings**

In conducting this inquiry the EPA reviewed the information provided by the proponent and advice from relevant decision making authorities. The EPA's evaluation of the proponent information is provided in Table 1.

In considering whether it should recommend that implementation conditions 6 (Dust Monitoring), 7 (Dust Management), 8 (Modelling Validation), 9 (Noise Management) and associated Schedules 2 (Dust Monitoring Program) and 3 (Dust Management Plan) of Ministerial Statement 741 and condition 10 (Dust) of Ministerial Statement 840 be removed and managed under Part V Environmental Regulation of the EP Act and the *Environmental Protection (Noise) Regulations 1997*, the EPA also considered whether there is any new relevant information in relation to the assessment of the potential impacts of the proposal.

### ***Amenity and Human Health - Dust***

In the EPA's initial assessment of this proposal, impacts on Amenity and Human Health was a key environmental factor. The EPA's objectives for the environmental factor Amenity and Human Health is:

- *to ensure that impacts to amenity are reduced as low as reasonably practicable; and*
- *to ensure that human health is not adversely affected.*

EPA Report 1246 (Cape Lambert Port A) identified dust as a particular concern. Subsequently conditions 6, 7, 8 and associated Schedules 2 and 3 were included in Ministerial Statement 741. The EPA assessment identified the need for ongoing dust remediation measures to address community concerns at Point Sampson regarding amenity issues and potential health concerns.

In EPA Report 1246 the EPA concluded that the proposal can be managed to meet the objectives for the factor. The EPA recommended that the proponent amend the dust monitoring program to better define the proponent's contribution to PM<sub>10</sub> and Total Suspended Particulate dust levels and review the Cape Lambert Port Operation Dust Management Plan (the Dust Management Plan) to ensure ongoing reductions in dust emissions.

EPA Report 1357 (Cape Lambert Port B) also identified dust as a particular concern. Subsequently condition 10 (Dust) was included in Ministerial Statement 840. The EPA assessment considered it essential that proposed dust mitigation measures are implemented during Port construction and operation and that they meet or exceed expected performance.

Importantly, the EPA on advice of the Department of Environment Conservation (now Department of Environment Regulation) agreed that the requirements for ongoing monitoring, reporting and regulation of dust emissions were best handled through the operating Licence issued under Part V Environmental Regulation of the EP Act.

In Report 1357 the EPA concluded that the proposal can be managed to meet the objectives for the factors. The EPA recommended that the proponent amend the dust monitoring program to better define the proponent's contribution to Particulate Matter less than 10µm (PM<sub>10</sub>) and Total Suspended Particulate (TSP) dust levels and review the Dust Management Plan to ensure ongoing reductions in dust emissions.

The EPA notes that the proponent currently conducts 24-hour PM<sub>10</sub> and TSP dust monitoring in accordance with the approved Dust Management Plan.

It is acknowledged that DER supports the process to avoid and remove regulatory duplication through removal of Ministerial Statement conditions set under Part IV Environmental Impact Assessment so that the relevant factors can be appropriately regulated under Part V Environmental Regulation of the EP Act.

The EPA considers that dust emissions which may impact amenity and human health are more appropriately regulated by DER under Part V Environmental Regulation of the EP Act for Cape Lambert Port A and Cape Lambert Port B proposals.

The EPA inquired into the proposed changes to the dust implementation conditions (see Table 2 and 3) and considers that conditions 6 (Dust Monitoring), 7 (Dust Management), 8 (Dust Modelling Validation), and Schedules 2 (Dust Monitoring Plan) and 3 (Dust Management Plan) of Ministerial Statement 741; and condition 10 (Dust) of Ministerial Statement 840, can be deleted because operational dust emissions are more appropriately and effectively managed under Part V Environmental Regulation of the EP Act, rather than under Part IV Environmental Impact Assessment.

Deletion of these dust conditions avoids any future regulatory duplication between Part IV and Part V of the EP Act.

In the event that the Minister supports the deletion of these dust conditions, a transitional condition will need to put in place to enable the smooth transition from Ministerial Statements 741 and 840 to regulation by DER under Part V of the EP Act

### ***Amenity – Noise***

In the EPA's initial assessment of these proposals, impacts on Amenity associated with noise was a key environmental factor. The EPA's objective for the environmental factor Amenity is:

- *to ensure that impacts to amenity are reduced as low as reasonably practicable.*

Noise was assessed as a key environmental factor in EPA Report 1246 (Cape Lambert Port A). Subsequently, condition 9 (Noise Management) was recommended for Ministerial Statement 741.

The proponent has fulfilled the requirements of conditions 9-1 and 9-2. Furthermore, conditions 9-4, 9-5 and 9-6 were not required as noise monitoring indicated that the proposal complied with the Environmental Protection (Noise) Regulations 1997.

The remaining condition 9-3 requires that the proponent report on compliance against the Environmental Protection (Noise) Regulations 1997. The proponent submits noise monitoring reports annually to confirm compliance with the Environmental Protection (Noise) Regulations 1997. The EPA considers that the Cape Lambert Port operations are required to comply with the Environmental Protection (Noise) Regulations 1997.

The EPA has inquired into the proposed changes to the noise implementation conditions (see Table 2 and 3) and considers condition 9 of Ministerial 741 can be removed as noise associated with the Cape Lambert Port A is more appropriately and effectively managed by DER under the Environmental Protection (Noise) Regulations 1997. This will ensure a consistent approach to the regulation of noise across Cape Lambert Port A and B operations.

## **EPA conclusions and recommendations**

Having inquired into the dust and noise conditions, the EPA submits the following recommendations to the Minister for Environment, that:

1. conditions 6 (Dust Monitoring), 7 (Dust Management), 8 (Dust Modelling Validation), and Schedules 2 (Dust Monitoring Plan) and 3 (Dust Management Plan) of Ministerial Statement 741; and condition 10 (Dust) of Ministerial Statement 840, be deleted because operational dust emissions are more appropriately and effectively managed by the DER under Part V Environmental Regulation of the EP Act;
2. in the event that the Minister supports the deletion of the dust conditions, transitional conditions will need to put in place to enable the smooth transition from Ministerial Statements 741 and 840 to the sole regulation by DER under Part V Environmental Regulation of the EP Act;
3. condition 9 (Noise Management) of Ministerial 741 be removed as noise associated with the Cape Lambert Port A is more appropriately and effectively managed by DER under the Environmental Protection (Noise) Regulations 1997. This arrangement will ensure a consistent approach to the regulation of noise across Cape Lambert Port A and B operations; and
4. after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issue statements of decision to change the conditions of Ministerial Statements 741 and 840 in the manner provided for in the attached recommended Statements.

**Table 1 Proponent's Response to relevant environmental factors and EPA evaluation**

| <b>Factor in EPA Report 1246 and 1357</b> | <b>New Factor (EAG 8)</b> | <b>EPA Report, and Proponent's response to change to condition relevant to environmental factors</b>                                                                                                                                                                                                                                                                                                                                                                    | <b>EPA Evaluation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dust                                      | Amenity, Human Health.    | <p><i>EPA Report 1246</i></p> <p>“The EPA considered that the proposal can be managed to meet the environmental objective of this factor“.</p> <p><i>Proponent response relating to change to condition</i></p> <p>The proponent request to address duplication between Part IV and Part V of the EP Act. It is the proponent's intention to amend their Part V operating licence to include dust. No changes to the proposal have been requested by the proponent</p>  | <p>The EPA concurs with the proponent's response that duplication between Part IV Environmental Impact Assessment and Part V Environmental Regulation of the EP Act for the relevant factor and that regulatory duplication should be addressed. It is noted that the proponent has liaised with the OEPA and DER regarding the duplication.</p> <p>DER supports the removal of conditions 6, 7 and 8 of Ministerial Statement 741 and confirms that regulation can be undertaken through the Part V of the EP Act operating licence.</p> <p>The EPA considers s46 of the EP Act will allow for transition of appropriate conditions to the Part V operating licence and that the EPA's objectives will be met.</p> |
| Noise                                     | Amenity                   | <p><i>EPA Report 1246</i></p> <p>“The EPA considered that the proposal can be managed to meet the environmental objective of this factor“.</p> <p><i>Proponent response relating to change to condition</i></p> <p>The proponent request to address duplication between Part IV and Part V of the EP Act. It is the proponent's intention to amend their Part V operating licence to include noise. No changes to the proposal have been requested by the proponent</p> | <p>The proponent has fulfilled the requirements of conditions 9-1 &amp; 9-2 of Ministerial Statement 741. Furthermore conditions 9-4, 9-5 &amp; 9-6 relating to the development of a Noise Management Program based on findings of the validation report required by 9-1 were considered not required as noise monitoring indicated that the proposal complied with the Environmental Protection (Noise) Regulations 1997. The remaining condition 9-3 relates reporting on</p>                                                                                                                                                                                                                                     |

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|-------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>compliance with the Environmental Protection (Noise) Regulations 1997.</p> <p>The EPA considers that condition 9 can be removed as noise associated with the proposal can be more appropriately and effectively regulated under the Environmental Protection (Noise) Regulations 1997.</p>                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Air Quality | Amenity and Human Health | <p><i>EPA Report 1357</i></p> <p>“It’s the EPA’s opinion that the proposal can be managed to meet the EPA’s environmental objectives provided the recommended conditions are imposed”.</p> <p><i>Proponent response relating to change to condition</i></p> <p>The proponent request to remove duplication that exists between Part IV and Part V of the EP Act. It is the proponent’s intention to amend their Part V operating licence to include dust. No changes to the proposal have been requested by the proponent</p> | <p>The EPA concurs with the proponent’s response that duplication between Part IV Environmental Impact Assessment and Part V Environmental Regulation of the EP Act for the relevant factor and that regulatory duplication should be addressed. It is noted that the proponent has liaised with the EPA and DER regarding the duplication.</p> <p>DER supports the removal of condition 10 of Ministerial Statement 840 and confirms that regulation can be undertaken through the Part V of the EP Act operating licence.</p> <p>The EPA considers s46 of the EP Act will allow for transition of appropriate conditions to the Part V operating licence and that the objectives of the relevant factor will be met.</p> |

**Table 2 – s46 Assessment of proposed changes to implementation conditions for Ministerial Statement 741**

| Condition                           | Proposed Change                                | Assessment and Evaluation of Proposed Changes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Condition 6<br>Dust Monitoring      | Add new transitional Condition.                | <p>This condition is changed to include a condition that will allow for the cessation of the requirements of Condition 6 of Ministerial Statement 741 upon dust being licenced under Part V of the <i>Environmental Protection Act 1986</i>.</p> <p>6-5 Condition 6 and Schedule 2 cease to have effect once dust is licensed through Part V of the <i>Environmental Protection Act 1986</i>.</p>                                                                                                                                                                                                                                                        |
| Condition 7<br>Dust Management      | Add new transitional Condition.                | <p>This condition is changed to include a condition that will allow for the cessation of the requirements of Condition 7 of Ministerial Statement 741 upon dust being licenced under Part V of the <i>Environmental Protection Act 1986</i>.</p> <p>7-5 Condition 7 and Schedule 3 cease to have effect once dust is licensed through Part V of the <i>Environmental Protection Act 1986</i>.</p>                                                                                                                                                                                                                                                        |
| Condition 8<br>Modelling Validation | Delete the condition.                          | The proponent fulfilled the dust validation requirements of condition 8-1 and 8-2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Condition 9<br>Noise Management     | Delete the condition.                          | <p>This condition is to be removed. The proponent fulfilled the requirements of conditions 9-1 &amp; 9-2. Furthermore condition 9-4, 9-5 and 9-6 relating to a Noise Management Program were considered not required. The remaining condition 9-3 relates to complying with the Environmental Protection (Noise) Regulations 1997. The EPA considers that the management of noise can be appropriately be managed under Environmental Protection (Noise) Regulations 1997. This is supported by DER and a transitional condition is not required as the Environmental Protection (Noise) Regulations 1997 will automatically apply to this proposal.</p> |
| Schedule 2 & 3                      | Refer to new condition for conditions 6 and 7. | Schedules 2 and 3 specifically relate to conditions 6 and 7. Conditions 6 and 7 will cease to have effect once dust is managed under Part V operating licence and therefore Schedules 2 and 3 will also cease to have effect.                                                                                                                                                                                                                                                                                                                                                                                                                            |

**Table 3 – s46 Assessment of proposed changes to implementation conditions for Ministerial Statement 840**

| Condition                                        | Proposed Change    | Assessment and Evaluation of Proposed Changes                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Condition 10<br>Dust – Transitional<br>Condition | Add new condition. | <p>This condition is changed to include a condition that will allow for the cessation of the requirements of Condition 10 of Ministerial Statement 840 upon dust being licenced under Part V of the <i>Environmental Protection Act 1986</i>.</p> <p>10-5 Condition 10 ceases to have effect once dust is licensed through Part V of the <i>Environmental Protection Act 1986</i>.</p> |

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO  
A PROPOSAL**

**(Section 46 of the *Environmental Protection Act 1986*)**

CAPE LAMBERT PORT A DEVELOPMENT – CITY OF KARRATHA

**Proposal:** The Proposal is to increase the throughput of iron ore to 105 million tonnes per annum at the Cape Lambert Port operations.

**Proponent:** Robe River Mining Co. Pty. Ltd.  
Australian Company Number: 008 694 246

**Proponent Address:** Level 27, Central Park, 152-158 St Georges Terrace  
PERTH WA 6000

**Report of the Environmental Protection Authority:** 1586

**Related Statement Number:** Ministerial Statement 741

The implementation of the Proposal to which the above report of the Environmental Protection Authority relates, is subject to the conditions and procedures contained in Ministerial Statement No. 741, as amended by the following:

**1. Condition 6 Dust Monitoring and Schedule 2 are changed**

Condition 6-5 is inserted:

6-5 Condition 6 and Schedule 2 cease to have effect once dust is licensed through Part V Environmental Regulation of the *Environmental Protection Act 1986*.

**2. Condition 7 Dust Management and Schedule 3 are changed**

Condition 7-5 is inserted:

7-5 Condition 7 and Schedule 3 cease to have effect once dust is licensed through Part V Environmental Regulation of the *Environmental Protection Act 1986*.

**3. Condition 8 Modelling Validation is changed**

Condition 8 of Ministerial Statement 741 is deleted.

**4. Condition 9 Noise Management is changed**

Condition 9 of Ministerial Statement 741 is deleted.

Albert Jacob MLA

**MINISTER FOR ENVIRONMENT; HERITAGE**

RECOMMENDED ENVIRONMENTAL CONDITIONS

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS APPLYING TO  
A PROPOSAL  
(Section 46 of the *Environmental Protection Act 1986*)**

CAPE LAMBERT PORT B DEVELOPMENT– CITY OF KARRATHA

**Proposal:** The Proposal is to construct and operate a second port (Port B) at Cape Lambert to process and export up to 130 million tonnes of ore per annum.

**Proponent:** Robe River Mining Co. Pty. Ltd.  
Australian Company Number: 008 694 246

**Proponent Address:** Level 22, Central Park, 152 – 158 St Georges Terrace,  
PERTH WA 6000.

**Report of the Environmental Protection Authority: 1586**

**Related Statement Number:** Ministerial Statement 840

The implementation of the Proposal to which the above report of the Environmental Protection Authority relates, is subject to the conditions and procedures contained in Ministerial Statement No. 840, as amended by the following:

**1. Condition 10 Dust is changed**

Condition 10-5 is inserted:

10-5 Condition 10 ceases to have effect once dust is licensed through Part V Environmental Regulation of the *Environmental Protection Act 1986*.