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State # 206

WESTERN AUSTRALIA  
MINISTER FOR THE ENVIRONMENT

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

EXPLORATION PROGRAMME IN D'ENTRECASTEAUX NATIONAL PARK (579)

CABLE SANDS (WA) PTY LTD

This proposal may be implemented subject to the following conditions:

**1. Proponent commitments**

The proponent has made a number of environmental management commitments in order to protect the environment.

- In implementing the proposal, the proponent shall fulfil the commitments (which are not inconsistent with the conditions or procedures contained in this statement) made in the Public Environmental Review and in the Response to Issues (Appendix 1 in Environmental Protection Authority Bulletin 591). (A copy of the consolidated commitments is attached).

**2. Detailed implementation**

Changes to the proposal as described in the Public Environmental Review and Response to Issues documents, which do not have significant environmental impacts, may be carried out with the approval of the Minister for the Environment.

- Subject to these conditions, the manner of detailed implementation of the proposal shall conform in substance with that set out in any designs, specifications, plans or other technical material submitted by the proponent to the Environmental Protection Authority with the proposal. Where, in the course of that detailed implementation, the proponent seeks to change those designs, specifications, plans or other technical material in any way that the Minister for the Environment determines on the advice of the Environmental Protection Authority, is not substantial, those changes may be effected.

**3. Programme information**

The proponent did not provide details in the Public Environmental Review of the location and environmental features of the areas which it proposes to explore. This information should be provided.

- At least seven days prior to the start of activity at each location, the proponent shall provide to the Environmental Protection Authority and the Department of Conservation and Land Management programmes for exploration activity at those locations.

**4. Environmental management prescriptions**

Exploration activity on the tracks open to the public, on the tracks closed to the public and for off-track by foot or helicopter is approved subject to environmental management prescriptions which protect the environment particularly from dieback disease and from public vehicular access on closed tracks.

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- The proponent shall prepare and subsequently implement programmes for the three approved forms of access for exploration activity which set out the environmental management prescriptions on the tracks open to the public, on the tracks closed to the public and for off-track access by foot or by helicopter. The prescriptions shall include, but not necessarily be limited to, the following :

**1. Tracks open to the public**

- The proponent shall drill only under dry soil conditions, meaning that vehicles and drilling do not cause soil movement.

**2. Tracks closed to the public.**

- any impact on vegetation regrowth on closed tracks shall not involve soil movement;
- access under dry soil conditions (no soil movement) where this is possible;
- implementation of a dieback hygiene programme to the satisfaction of the Department of Conservation and Land Management;
- maintenance of existing barriers to prohibit public vehicle access; and
- rehabilitation of disturbed areas, if considered necessary by the Department of Conservation and Land Management.

**3. Off-track access by foot or helicopter**

- approval of location by the Department of Conservation and Land Management;
- no access into wet areas where soil movement may occur;
- implementation of a dieback hygiene programme to the satisfaction of the Department of Conservation and Land Management; and
- no clearing of vegetation.

**5. Environmental Management Programme for off-track vehicle access**

Off-track vehicle access for exploration activity will not be approved until an Environmental Management Programme is prepared which sets out environmental management prescriptions which protect the environment particularly from dieback disease, destruction of flora and from the creation of new tracks.

**5-1 Programme preparation**

- Before commencement of any off-track vehicle access, the proponent shall prepare an Environmental Management Programme which sets out the general environmental management prescriptions and approval processes for off-track access by vehicle, to the satisfaction of the Minister for the Environment on advice of the Environmental Protection Authority, the Department of Mines and the Department of Conservation and Land Management. The prescriptions shall include, but not necessarily be limited to, the following :
  - direct evidence of prospectivity for mineral sands using off-track access by foot or helicopter and, amongst other techniques, the use of portable drilling equipment;
  - identification of access routes following surveys for dieback disease, botanical surveys and archaeological investigations;
  - approval of location by the Department of Conservation and Land Management;
  - access under dry soil conditions (no soil movement);
  - implementation of a dieback hygiene programme to the satisfaction of the Department of Conservation and Land Management;
  - no significant topsoil disturbance, vegetation being bladed and rolled over with minimal damage to root-stock or lignotuber;
  - establishment of visual or physical barriers to prevent public vehicle access; and
  - rehabilitation of disturbed areas, if considered necessary by the Department of Conservation and Land Management.

## **5-2 Programme implementation**

- Subject to condition 5-1, the proponent shall implement the Environmental Management Programme for exploration activity at each location, to the satisfaction of the Environmental Protection Authority; the programme for which will be submitted for the approval of the State Mining Engineer, Department of Mines and the Regional Manager, Department of Conservation and Land Management.

## **6. Arbitration**

In order to protect areas of special conservation value, the Department of Conservation and Land Management may need to either set specific conditions for access into such areas or to withhold approval of the programme for access into that location. The proponent may disagree with the specific conditions or the lack of approval.

- In circumstances where the proponent and the Department of Conservation and Land Management cannot reach agreement about the conditions for access to a specific location or the lack of approval to access a location, the proponent may refer the matter to the Minister for the Environment for resolution.

## **7. Environmental management services**

The Department of Conservation and Land Management will be required to provide environmental management services such as dieback interpretation, botanical advice and supervision. The range of services has not yet been identified, but would be chargeable on a cost recovery basis.

- Before commencement of each form of access under the exploration programme, the proponent shall make arrangements with the Department of Conservation and Land Management for the provision of environmental management services.

## **8. Proponent**

The ministerial conditions legally apply to the nominated proponent.

- No transfer of ownership, control or management of the project which would give rise to a need for the replacement of the proponent shall take place until the Minister for the Environment has advised the proponent that approval has been given for the nomination of a replacement proponent. Any request for the exercise of that power of the Minister shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the project in accordance with the conditions and procedures set out in the statement.

Bob Pearce, MLA  
MINISTER FOR THE ENVIRONMENT

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## SUMMARY OF COMMITMENTS

1. The proposed exploration programme will conform to the requirements of the Mining Act, the Environmental Protection Act, the Aboriginal Heritage Act, the Conservation and Land Management Act, the Heritage of Western Australia Act and the Wildlife Conservation Act.
2. Areas subject to subsequent mining application will be kept open for normal Park use until mining commences.
3. The Company will liaise with Department of Mines and the Department of Conservation and Land Management to keep them informed as to the location and level of exploration activity at any particular time.
4. Access routes for drilling will be marked out following botanical and archeological surveys to ensure avoidance of rare flora, significant vegetation and sites of cultural significance.
5. Wherever possible access routes will be located to avoid areas susceptible to soil compaction or erosion.
6. Areas subject to exploration will be mapped for dieback and hygiene points will be located at dieback boundaries.
7. Access routes, dieback boundaries, rare flora and culturally significant sites will be marked in the field using biodegradable materials.
8. Access routes for drilling will utilise existing and old tracks wherever possible.
9. Exploration activity will be conducted mainly during the dry seasons. Any exploration during the wetter periods will require the prior consent of the Department of Conservation and Land Management and will take into account all relevant environmental aspects especially control of the spread of dieback.
10. Access routes where possible will avoid high ground and will be designed to screen them from public view.
11. Drill sites on tracks will where possible, be chosen to allow other vehicles to pass.
12. Drill holes will be backfilled.
13. No overnight camping will occur inside the Park without the Department of Conservation and Land Management's prior knowledge and approval.

14. All refueling of vehicles will take place outside the Park boundaries unless otherwise approved by the Department of Conservation and Land Management.
15. All litter will be collected and taken away to the local Shire rubbish tips.
16. Additional suitable personnel required for the exploration programme will be employed from within local communities.
17. Geological survey information will be provided to the Department of Mines.
18. Any archeologically significant sites which are found will be reported to the Western Australian Museum.
19. Information obtained regarding rare flora and dieback mapping will be provided to the Department of Conservation and Land Management.
20. No drilling will occur in permanent water bodies or other environmentally significant features including Black Point, Black Head, Mount Chudalup and the limestone cliffs at Windy Harbour. An exclusion zone of 100 metres will be implemented for drilling near permanent waterbodies.

In addition there will be no exploration of rocky headlands, the steep vegetated seaward facing dunes of the Quindalup shoreline together with the frontal dune nearest the beach.

21. The implementation of appropriate management and the design of the exploration programme so as to protect any rare fauna species or its habitat that, if encountered, would otherwise be impacted by the exploration activity.
22. Regular (3 monthly) reports will be provided to the Environmental Protection Authority about progress (eg. numbers of days of activity, numbers of holes drilled on and off tracks, areas discarded, environmental surveys and management). The proponent is willing to discuss the form, detail and circulation of that information.
23. Barriers preventing public use of tracks will be replaced or created if the Department of Conservation and Land Management considers this to be desirable, so that no public use can occur.
24. No exploration activity will take place in areas of high public use during periods of peak recreation use such as long weekends.