



Ass # 826

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MINISTER FOR THE ENVIRONMENT WESTERN

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

**MINING OF GYPSUM WITHIN CHINOCUP A CLASS NATURE RESERVE
PINGRUP, SHIRE OF KENT (826)**

~~P G PATTERSON~~
SHINER

This proposal may be implemented subject to the following conditions and procedures:

1 Proponent Commitments

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

- 1-1 In implementing the proposal, the proponent shall fulfil those commitments made in the Consultative Environmental Review, those made in response to issues raised following public submissions and subsequently, all of which are consolidated and contained in Schedule A hereto; provided that the commitments are not inconsistent with the conditions or procedures contained in this statement.

2 Implementation

Changes to the proposal which are not substantial may be carried out with the approval of the Minister for the Environment.

- 2-1 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.

Under sections 48(3) and 48(4) of the Environmental Protection Act, the Minister for the Environment shall cause such steps as are necessary to ensure compliance by the proponent with the relevant conditions and procedures contained in this statement.

- 2-2 Where, in the course of the detailed implementation referred to in condition 2-1, the proponent seeks to change the designs, specifications, plans or other technical material submitted to the Environmental Protection Authority 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.

Published on

13 OCT 1996

3 Proponent

These conditions legally apply to the nominated proponent.

- 3-1 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.

4 Rare Flora Management Plan

- 4-1 The proponent shall ensure the protection of rare and endangered flora within the project area.

- 4-2 To achieve the objective of condition 4-1, prior to any ground-disturbing activity and in consultation with the Department of Conservation and Land Management and the King's Park Board, the proponent shall prepare a Rare Flora Management Plan which addresses, but is not limited to the following:

- 1 further surveys of rare and endangered flora on the site at appropriate times; and
- 2 trials to propagate identified rare and endangered flora,

to the requirements of the Minister for the Environment on advice of the Environmental Protection Authority (also see commitment 18).

- 4-3 The proponent shall implement the Rare Flora Management Plan required by condition 4-2.

5 Mining

- 5-1 The planning and conduct of mining operations shall be carried out in accordance with the commitments and with the requirements of this statement.

- 5-2 Subject to condition 5-4, the period permitted by this statement for carrying out mining operations is five years commencing from the date when the relevant mining lease is granted to the proponent under the Mining Act.

- 5-3 Subject to condition 5-4, mining operations shall be limited to a total area not exceeding 10 hectares, with a maximum of 3 hectares in any one year or 5 hectares in any two years of the mining operations.

- 5-4 The Minister for the Environment may approve an extension of the period referred to in condition 5-2 for a further period of five years and may approve of the addition of a further 10 hectares to the mining area referred to in condition 5-3 if the Minister is satisfied on the advice of the Department of Environmental Protection, the Department of Conservation and Land Management, the Commissioner of Soil and Land Conservation and the Department of Minerals and Energy, that this statement has been complied with by the proponent and in particular, without limiting the generality of that requirement, if he is satisfied that the proponent has suitably met the obligations assumed by the proponent under the heading "Landcare" in the commitments which are attached to this statement.

6 Rehabilitation

- 6-1 Within three months following commencement of mining, the proponent shall submit a Rehabilitation Plan to the requirements of the Minister for the Environment on advice of the Department of Conservation and Land Management and the King's Park Board.

This plan shall address, but not be limited to the following:

- 1 re-establishment of rare flora species within the mined area;
- 2 stockpiling and re-use of top-soil to maximize species diversity; and
- 3 baseline flora and fauna assessments to ensure that the success of rehabilitation is adequately monitored.

Also see proponent commitments, section "Vegetation Retention and Rehabilitation Programme".

- 6-2 The proponent shall implement the plan required by condition 6-1.

7 Decommissioning

- 7-1 The proponent shall carry out the decommissioning of the project, removal of the plant and installations and rehabilitation of the site and its environs to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection, the Department of Conservation and Land Management and the Department of Minerals and Energy.

- 7-2 At least six months prior to decommissioning, the proponent shall prepare a decommissioning and final rehabilitation plan to achieve the objectives of condition 7-1.

- 7-3 The proponent shall implement the plan required by condition 7-2.

8 Time Limit on Commencement

The environmental approval for the proposal is limited.

- 8-1 If the proponent has not substantially commenced the project within two years of the date of this statement, then the approval to implement the proposal as granted in this statement shall lapse and be void. The Minister for the Environment shall determine any question as to whether the project has been substantially commenced.

Any application to extend the period of two years referred to in this condition shall be made before the expiration of that period to the Minister for the Environment.

Where the proponent demonstrates to the requirements of the Minister for the Environment on advice of the Department of Environmental Protection that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding two years for the substantial commencement of the proposal.

9 Performance Review

- 9-1 Following the commencement of ground-disturbing activities, the proponent shall carry out annual audits of environmental performance.

The proponent shall provide the audit reports to the Department of Environmental Protection, the Department of Conservation and Land Management and the Department of Minerals and Energy each year.

9-2 Within four years following the commencement of ground-disturbing activities, the proponent shall prepare a major review of the following:

- 1 environmental protection, including but not limited to consideration of the environmental objectives;
- 2 the audit of performance against the environmental objectives; and
- 3 the annual audits required by condition 9-1,

to the requirements of the Environmental Protection Authority on advice of the Department of Environmental Protection, the Department of Conservation and Land Management and the King's Park Board.

These environmental objectives shall include, but not be limited to those identified by the Environmental Protection Authority.

The environmental objectives may be changed by the Environmental Protection Authority following the review.

10 Compliance Auditing

To help determine environmental performance and compliance with the conditions, periodic reports on the implementation of the proposal are required.

10-1 The proponent shall submit periodic Performance and Compliance Reports, in accordance with an audit programme prepared by the Department of Environmental Protection in consultation with the proponent.

Note: The Department of Environmental Protection will consult with the Department of Conservation and Land Management and the Department of Minerals and Energy in the preparation of this programme.

Procedure

- 1 Unless otherwise specified, the Department of Environmental Protection is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions.
- 2 Where compliance with any condition is in dispute, the matter will be determined by the Minister for the Environment.
- 3 No mining operations may be commenced until the Minister for the Environment notifies the proponent that he has received from the Lake Chinocup Catchment Resource Management Committee a satisfactory plan of landcare management in respect of the impact on the Nature Reserve of land degradation within the Lake Chinocup sub-catchment.
- 4 No part of the proposal may commence prior to the approval of both Houses of Parliament as required under section 24(4) of the Mining Act in respect of the grant of a mining lease.

Hon Peter Foss QC MLC
MINISTER FOR THE ENVIRONMENT

12 DEC 1996

Environmental Management Commitments

MINING OF GYPSUM WITHIN CHINOCUP A CLASS NATURE RESERVE

PINGRUP, SHIRE OF KENT (826)

Environmental Management Commitments

This map will be defined as figure 1 and the proposed mining operation in accordance with this map.

Before any site work or mining commences, the proponent will provide a plan which maps the areas of deposits to be mined in years 1 to 3, and the areas of the site to be retained, and all plans will be co-ordinated with the Shire of Kent and the Department of Environment and Planning (DEP) on Figure 2).

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Before any site work or mining commences, the proponent will provide a plan which defines areas of plants and trees which are to be retained, and the areas of 1:5 batter slopes, in accordance with CAEM, and submit this plan to the Shire of Kent DME.

This map will be defined as figure 3 and the proposed mining operation to protect the areas.

PROPONENT'S ENVIRONMENTAL MANAGEMENT COMMITMENTS (826)

LAKE CHINOCUP "A" CLASS NATURE RESERVE No. 28395 MINE PLAN- EXTRACTION OF AGRICULTURAL GYPSUM

The following are the commitments which the proponent puts forward for the purpose of obtaining approval to implement the proposal and the proponent undertakes that where in these commitments an action will occur, unless otherwise specified, the proponent will ensure that it will occur.

MINE SITE DEVELOPMENTS

- 1 Before any siteworks or mining commences, the proponent will consult with and provide a map to the Departments of Environmental Protection (DEP), Conservation and Land Management (CALM) and Minerals and Energy (DME) showing the distribution and level above high water mark of the main gypsum deposits which would be mined over the five years. In consultation with DEP, CALM and DME, an establishment datum will be defined, below which gypsum will not be removed.

This map will be defined as Figure 1.

- 2 Before any siteworks or mining commences, the proponent will prepare a map, in consultation with DME, showing the total area within the reserve that would be subject to mining for the 5 year period of this proposal, including access tracks and stockpile areas, and submit this map to the DEP, CALM and DME.

The position of permanent water table monitors will be defined on this map and the relationship to areas of natural drainage.

Also outlined on this map will be an appropriate area for stockpiling the 15cm of topsoil which will be removed preceding the commencement of mining activity.

- This map will be defined as Figure 2 and the proponent will implement the mining operation in accordance with this map.

- 3 Before any siteworks or mining commences, the proponent will mark out on the ground which pegs the area of deposits to be mined in years 1 to 5, with a setback of 10 metres from the high water mark, and all pegs will be co-ordinated using Global Positioning Satellite data (to be shown on Figure 2).

- 4 Before any siteworks of mining commences, the proponent will prepare a map that defines areas of plants and trees which are to be retained, surrounded by an area with a 1:5 batter slope, in consultation with CALM, and submit this map to the DEP, CALM and DME.

This map will be defined as Figure 3 and the proponent will implement the mining operation to protect these areas.

MINE OPERATION

- 5 The proponent will carry the mining operation in a manner that will ensure that the conservation values of the reserve are protected in consultation with CALM.
- 6 The proponent will implement measures to prevent unauthorised public access to the mining area.
- 7 The proponent will monitor and record public access into the mining area, in consultation with the Shire of Kent.
- 8 Before any siteworks or mining commences, the proponent will establish water table and salinity monitors around the boundary of the Nature Reserve and around the area to be worked, to the requirements of the Water and Rivers Commission, DEP and CALM.

The proponent will monitor all water levels and salinities on a monthly basis at all stages of the mining operation and all data will be included in an annual report to the DEP.

Monitoring sites will be shown on Figure 2 to be to the satisfaction of DEP.

- 9 The proponent will remove topsoil to a depth of 15cm within the area marked out to be mined during the first season and stockpile in an adjacent designated area (to be shown on Figure 2).

This overburden may contain vegetable matter and will be stockpiled in an area not subject to water intrusion.

As the seed bank and other organisms within this topsoil are subject to degeneration, it will be respread as quickly as is practicable on the mined out areas.

- 10 The areas to be mined will total 10ha over 5 years with a maximum of 3ha in any one year and the proponent will provide estimates of the total mineable tonnage of gypsum contained in those individual deposits.

The proponent will survey the mine areas and will provide the total tonnages to be mined in each year. In mining each section the proponent's preference is:

- 1 to intensively extract gypsum from the areas of highest mineralisation, in order to satisfy the determined annual production rate, and
- 2 to retain the balance of each section in its natural state.

- 11 The proponent will carry out the excavation of gypsum sand by a rubber-tyred front-end loader and loading into a multi-axle truck or semi-trailer for delivery to a stockpile area within the Chinocup townsite reserve.

Product sold from the mining operations will be in-situ gypsum sand and no processing is proposed or necessary.

This will ensure that no liquid wastes are generated.

- 12 The proponent will ensure that all trucks, loaders and light vehicles which have access to the mine site are cleaned down before entry to ensure no ingress of weeds or other plant species (doublegees, clover etc).

- 13 The proponent will not excavate gypsum anywhere on the site below an established datum which is above the maximum known high water mark of Lake Chinocup on the datum established by CALM and DME (shown on Figure 1).
- 14 This measure and the replacement of 15cm of topsoil will ensure that no worked area will be below the high water mark at the completion of site rehabilitation.
- 15 The proponent will ensure that there is no excavation of gypsum or other material below the determined level.
- 16 The proponent will engage a licensed surveyor to verify excavation levels and parameters of areas subject to mining activity, on an annual basis.
- 17 The proponent will similarly ensure that no saline groundwater is exposed at any time during mining activity.

VEGETATION RETENTION AND REHABILITATION PROGRAMME

- 18 The proponent will prepare a vegetation retention and rehabilitation programme and seek the advice of CALM and the King's Park Board on all aspects of revegetation retention and rehabilitation.
- 19 The proponent will seek the approval of the Minister for the Environment before any removal of rare plants, or for the collection of seed and/or cuttings for revegetation purposes.
- 20 Where such seed collection or taking of cuttings is required, a nursery operator with local knowledge and experience will be employed by the proponent to review the option and to undertake all work.
- 21 The proponent will focus on the stockpiling and subsequent sale of gypsum through the summer months and up to the commencement of seeding for the region's wheat and coarse grains.
- 22 Rehabilitation of the entire mined area, up to 3 hectares, will be undertaken in early autumn of each year.
- 23 The proponent will re-contour the worked-out areas and spread the stockpiled topsoil to a minimum depth of 15cm above the established datum. This will assist in revegetation and maintenance of pre-mining hydrology.
- 24 Pre-existing hummocks and contours within the mined area will be restored as near to original as possible to encourage the regeneration of micro-environments.
- 25 The proponent will ensure that the distribution of collected seed and the planting of seedlings is undertaken.
- 26 As part of the revegetation programme, appropriate weed and feral animal (especially rabbit) control will be implemented by the proponent within the mined area and mine access road.
- 27 The proponent will monitor and control weed and feral animals within the mined area and mine access road for a minimum of 3 years, and up to 5 years if necessary, after mining and rehabilitation is completed, to the satisfaction of CALM.

ACCESS PROVISIONS AND ENVIRONMENTAL CONTROLS

- 28 The proponent expects that road upgrading will comprise the use of gravel (possibly from the immediately adjacent railway reserve) in the construction of a causeway if used during the operating period.
- 29 The proponent will ensure that no substantial earthworks will be undertaken and the road will be capable of being removed upon completion of mining.
- 30 The seasonal nature of mining will not require the track to be upgraded to an all weather road; appropriate dust control measures will be put in place during the mining operation, in consultation with CALM.
- 31 Should two-way access or passing bays be required as agreed with DME and CALM, additional road surfaces will only be developed by the proponent on the existing railway formation.
- 32 If small areas of native vegetation need to be removed in order to link the railway formation with the existing track, the proponent will engage an experienced botanist to survey the Declared Rare and Priority species that may be affected, prior to the start of construction, and report to the DEP and CALM. The route of any proposed linking track will be agreed with CALM prior to the start of construction.

While no new roads or upgrading of existing roads is likely to be required outside the reserve, the proponent will implement minor road improvements in consultation with the Shire of Kent.

- 33 Should the proponent seek permission to develop access from the eastern side of the nature reserve, a proposal will be submitted for assessment and approval from the EPA in consultation with the National Parks and Nature Conservation Authority (NP & NCA) and CALM.
- 34 The proponent will not develop the existing access track (unmade road 8315) through the Nature Reserve and will assist CALM in discouraging its use.
- 35 The proponent will establish a stockpile area on a gravel-covered 0.4 hectare area within the Chinocup townsite, such that trucks will not have to enter the Nature Reserve to be loaded with gypsum.

Use of the existing gravel area at the former railway station site will eliminate the need to clear additional vegetation for stockpiling mined gypsum.

- 36 The proponent will allow their employees to use only the access track to enter the mining area.
- 37 A small storage facility for diesel fuel will be needed to supply the proponent's front-end loader and truck. The proponent will install this facility in accordance with standard DME guidelines, including a base and bunds of suitable impervious material.

The proponent will locate the diesel fuel facility at the old Chinocup townsite.

- 38 A simple portable toilet unit will be purchased by the proponent and installed at the stockpile area and disposal of wastes will be to the requirements of NP & NCA, CALM and the Shire.

LANDCARE

Background

- The proponent puts forward the following commitments with the objective that the environment which surrounds the site of the proposal (namely the Lake Chinocup sub-catchment within the Nature Reserve) will secure a net environmental gain resulting from the carrying out of the actions referred to in these commitments in conjunction with the proposal.
 - The EPA has confirmed that "land degradation" in the catchment represents the major threat to that environment and in particular to the long term viability of the Lake Chinocup sub-catchment within the Nature Reserve.
 - The EPA has stated as follows-
"The EPA considers that the development of an integrated catchment management plan for the Lake Chinocup sub-catchment would be a positive outcome from the assessment of the Lake Chinocup gypsum mining proposal. It would bring the various interest groups together to manage the land and drainage systems in an integrated manner for the benefit of both the Chinocup Nature Reserve and sustainable agricultural productivity".
 - The proponent recognises that if the actions set out below, to be taken by the proponent or which the proponent will facilitate and use its best endeavours to have carried out by the relevant community, are not progressed so as to demonstrate to the satisfaction of the Minister for the Environment an overall net environmental gain for the Lake Chinocup sub-catchment within the Nature Reserve then no extension of mining beyond the initial 5 years will be approved.
- 39 The proponent will use all reasonable endeavours to promote and bring about the use of gypsum by owners of agricultural properties within the Lake Chinocup sub-catchment as a means of contributing to landcare objectives likely to be beneficial to the Lake Chincoup sub-catchment and the Nature Reserve in the sub-catchment.
- 40 The proponent will use all reasonable endeavours to ensure that a landcare plan prepared by the Lake Chinocup Catchment Resource Management Committee ("the LCCRMC") and accepted by the Minister for the Environment is implemented by the community within the Lake Chinocup sub-catchment.
- 41 The proponent has signed a heads of agreement with the LCCRMC, a copy of which is attached hereto, and the parties intend to proceed to a full deed of agreement with an Association to be incorporated by the LCCRMC. The proponent will carry out and give effect to the heads of agreement and the deed of agreement in the course of fulfilment of commitment 40.

INCLUSION OF LAND WITHIN THE CHINOCUP "A" CLASS NATURE RESERVE

- 42 The proponent agrees to promote and facilitate the inclusion of 50 hectares of the Chinocup townsite reserve (which the Shire of Kent has agreed to surrender to the National Parks and Nature Conservation Authority) within the Chinocup "A" Class Nature Reserve.

The inclusion of this land is referred to in section 6.11 of the document "Consultative Environmental Review - Mining of Agricultural Gypsum from Lake Chinocup A Class Nature Reserve No A28395, Pingrup, Shire of Kent" (November, 1993).

The area to be included shall be of equivalent environmental value.

- 43 The proponent agrees to promote and facilitate the grant of 32ha of uncleared land abutting the Lake Chinocup Reserve offered by Mr B Sutherland as a gift to the Department of Conservation and Land Management for inclusion in the Lake Chinocup Reserve and referred to in the document "The Lake Chinocup Catchment Management Plan - May 1996".

P G Patterson
Date: 4 December 1996

HEADS OF AGREEMENT

BETWEEN

P G PATTERSON, W PATTERSON, P SHINER, D SHINER, ("PATTERSON GROUP")

AND

THE LAKE CHINOCUP CATCHMENT RESOURCE MANAGEMENT COMMITTEE
("THE LCCRMC") (ON BEHALF OF AN ASSOCIATION TO BE INCORPORATED)

The parties hereby agree-

1. Patterson Group will pay to the LCCRMC annually on 31 August an amount equivalent to fifty cents per tonne of gypsum mined from Lake Chinocup Class A Nature Reserve.
 2. Patterson Group will make the payment to a trust account to be held and managed by the Shire of Kent on behalf of the LCCRMC.
 3. In consideration of the payment made by Patterson Group the LCCRMC will use its best endeavours to achieve the objectives of the landcare plan for the Lake Chinocup sub-catchment approved by the Minister for the Environment and to meet as a minimum the targets identified by the LCCRMC in the landcare survey attached hereto.
 4. The parties agree they will take all steps necessary to finalise and have the Minister for the Environment approve the Lake Chinocup Sub-Catchment Landcare Management Plan based on the indicative plan of May 1996 and that the plan is to include but not be limited to consideration of:
 - Best practice agricultural production methods covering tillage methods, fertilisers, sprays, rotations;
 - Revegetation including an agreed minimum of endemic vegetation for conservation of biodiversity;
 - Protecting remnant and revegetation areas through fencing and on-going management;
 - Alternative crops in consideration of restoring the water balance of the Catchment;
 - Farm plans;
 - Monitoring the implementation and efficacy of the Plan, particularly the groundwater across the catchment;
 - The establishment of baseline values for all key indicators such as the current area of remnant vegetation, the watertable;
 - Details on how the plan is to be funded;
 - Provision for annual reports on progress against targets using a state of the environment format; and
 - Keeping of records of individual purchases of gypsum, sale date, quantities purchased and intended end-use to enable the environmental effectiveness of the gypsum used to be evaluated.
 5. The parties agree to have a deed of agreement prepared and executed so as to embody the matters agreed to herein and that deed will further provide a right of first option for a nominee of the LCCRMC to purchase the mining lease at market value as determined by independent valuation in the event of any proposed sale of the mining lease.
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1. Please indicate the extent of existing and future Landcare activities

Landcare Activity	1986-91	1991-96	1996-2000
• Trees Planted, Numbers:(Growers)	101 250 (31)	172 280 (39)	635 100 (41)
• Remnant Vegetation, Fencing in Kms:(Fencers)	108.5 26	235.5 30	582.5 36
• Wind Erosion, Ha Effected: Ha Protected:	11 484 (29) 8 085 (27)	11 328 (27) 9 617 (23)	1 930 (25) 16 373 (25)
• Salt Effected, % of Farm:	6.6%	8.9%	10.7%
• Alternate Crops and Pastures , Ha's	5 523 (19)	7 413 (24)	11 353 (29)
• Gypsum Used in Ha's (Users)	775 ha (6)	3 890 ha (19)	31 440 ha (34)
• lime/Neomin etc. in Ha's (Users)	340ha (2)	1 367ha (8)	12 300ha (17)
• Reveg .for Production	375 ha (8)	758ha (16)	2 081ha (24)

Footnote: brackets denote respondents to questions

Farming Technique/Plans: Please indicate % of farm under the various forms of tillage and % of farm that is covered by a farm plan.

	1986-91	1991-96	1996-2000
• % Under Conv Till.	82.6	36.9	26
• % Under Minimum Till	27.47	46.84	52.9
• % Under No Till	9.94	17.7	35.4
• % of Farm under a Farm Plan	28.9	61	94.4

3. Surface Water Management

	1986-91	1991-96	1996-2000
• % of Farm Affected	32.46	26.95	12.5
• % of Farm Protected	21.75	35.7	73.3
• Number of Piezometers (Users)	45 11	78 11	152 17

4. Professional Consultants : Who have you used or intend to use?

Planfarm	Kim Hunt	Steve Newby	SBS Agronomist	Ralph Burnett
Dave Falconer	Fred Armstrong	Wisalt	John Kimber	David Rosenberg
Fellow Farmers	John Skipsey	Matt Giraud	Alastair McNabb	Ray Collard
Farm Advisors	Wayne Smith	Ross Jettener	Ran Watkins	Paul Hicks
Cecilia Southall	John Blyth	Terry Clothier	Balladu Deep Drainage	Matt Smith
Clint Lester	Agriculture WA			