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Statement No. 1234

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED (*Environmental Protection Act 1986*)

SANDY RIDGE FACILITY – ALIGNMENT OF GATE WASTE ACCEPTANCE TONNAGE

Proposal: The proposal is to construct and operate a dual open cut kaolin clay mine and a near-surface geological waste repository accepting Class IV and Class V waste, approximately 75 kilometres north east of Koolyanobbing.

Proponent: Tellus Holdings Ltd
Australian Company Number 138 119 829

Proponent address: 151 Castlereagh Street
Sydney NSW 2000

Assessment number: 2309

Report of the Environmental Protection Authority: 1767

Introduction: The Proposal is a significant amendment to the Sandy Ridge Facility which was agreed to be implemented under Ministerial Statement 1078 as amended by Ministerial Statement 1152. The EPA's Report for the existing Sandy Ridge Facility is Report 1611, EPA Assessment Number 2057. The EPA's Report for the amendment to Ministerial Statement 1078 is Report 1684.

Pursuant to section 45 of the *Environmental Protection Act 1986*, it is now agreed that:

1. the significant amendment proposal described and documented in the proponent's Proposal Content Document (1 October 2021), may be implemented;

Published on: 13 December 2024

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2. Ministerial Statement 1078 as amended by Ministerial Statement 1152 for the existing Sandy Ridge Facility is superseded under section 40AA (6) (b) of the *Environmental Protection Act 1986*; and
3. the implementation of the significantly amended proposal (being the existing approved proposal as amended by the significant amendment proposal) is subject to the following implementation conditions and procedures.

Conditions and procedures

Part A: Proposal extent

Part B: Environmental outcomes, prescriptions and objectives

Part C: Environmental management plans and monitoring

Part D: Compliance and other conditions

Published on: 13 December 2024

PART A: PROPOSAL EXTENT

A1 Limitations and Extent of Proposal

A1-1 The proponent must ensure that the proposal is implemented in such a manner that the following limitations or maximum extents / capacities / ranges are not exceeded:

| Proposal element | Location | Maximum extent |
|--------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Physical elements | | |
| Mine pits/waste cells | Figure 1 | Clearing up to 202.3 ha of native vegetation within a 1,061 ha development envelope |
| Associated infrastructure | Figure 1 | Clearing up to 73.75 ha of native vegetation within a 1,061 ha development envelope |
| Waste cap design | | 2.0 m capillary break (screened and gap-graded material) 3.0 m thick seal layer beneath the capillary break layer Unless otherwise approved by the CEO as part of licensing decision under Part V of the EP Act |
| Operational elements | | |
| Wastes permitted | | Acceptance of only Class IV & V waste |
| Class IV & V waste accepted at gate | | Up to 280,000 tpa |
| No acceptance of nuclear waste as outlined in the <i>Nuclear Waste Storage and Transportation (Prohibition) Act 1999</i> | | None |
| Temporary waste storage on surface | | Up to 15,000 t |
| Waste (including treated waste) disposed to waste cells | | Up to 280,000 tpa |
| Waste origin | | Only wastes generated within Western Australia, other Australian States and Territories, and the Australian Exclusive Economic Zone |
| Water use | | up to 0.18 GI/a |
| Timing elements | | |

| | | |
|----------------------------------------|--|-------------------------------------------------|
| Maximum temporary surface storage time | | Up to 12 months, or as agreed by the CEO |
| Project life | | 25 years |

PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES

B1 Terrestrial Environmental Quality

B1-1 The proponent must implement the proposal to achieve the following environmental **outcome**:

- (1) Site will be **operating** in such a manner such that the outcome in B5-1(1) is achieved before the commencement of **Phase I of the Institutional Control Period**.

B1-2 The proponent must ensure the implementation of the proposal achieves the following environmental **objective**:

- (1) Avoid where practicable, or otherwise minimise, contamination of soil quality and soil pore water.

B1-3 The proponent must review and revise the *Leachate Monitoring and Management Plan (Version E, 7 May 2020)* so that it satisfies the requirements of condition C4 and demonstrates how the achievement of the Terrestrial Environmental Quality environmental outcomes in condition B1-1 and objectives of condition B1-2 will be monitored and substantiated and submit to the **CEO**.

B2 Flora and Vegetation

B2-1 The proponent must ensure the implementation of the proposal achieves the following environmental outcomes:

- (1) No **adverse impact** to *Banksia arborea* shrubland.
- (2) No **disturbance** of priority flora above the levels described in Table 1.

Table 1: Disturbance of priority species

| Species | Disturbance of known populations |
|------------------------------------------------------------------|-----------------------------------------|
| <i>Phebalium appressum</i> | Up to 10 Individuals |
| <i>Acacia crenulata</i> | Up to 5 Individuals |
| <i>Calytrix creswellii</i> | Up to 4716 Individuals |
| <i>Cryptandra crispula</i> | Up to 23 Individuals |
| <i>Drosera eremaea</i> | Up to 1 Individual |
| <i>Melichrus</i> sp. Bungalbin Hill (F.H. & M.P. Mollemans 3069) | Up to 14,000 Individuals |

B2-2 The proponent must ensure the implementation of the proposal achieves the following environmental objectives:

- (1) Minimise the introduction or spread of **environmental weeds**;
- (2) Prevent fires as a result of implementation of the proposal; and

(3) Minimise fugitive dust emissions.

B2-3 The proponent must review and revise the *Flora and Vegetation Management Plan (Version 1, 19 June 2019)* that satisfies the requirements of condition C4-1 and C4-3 demonstrates how the achievement of the flora and vegetation environmental outcomes in condition B2-1 and objectives of condition B2-2 will be monitored and substantiated and submit to the **CEO**.

B3 Terrestrial Fauna

B3-1 The proponent must ensure the implementation of the proposal achieves the following environmental **objectives**:

- (1) Avoid where practicable, or otherwise minimise, the risk of physical injury or mortality on native fauna from construction and operation activities;
- (2) The proponent shall ensure there is no significant increase in population of feral animals as a result of implementing the proposal; and
- (3) The proponent shall construct and maintain a boundary fence or other appropriate exclusion device to prevent terrestrial fauna access to operational areas.

B3-2 In order to ensure the objectives of condition B3-1 and condition C5 are met, the proponent must implement the *Sandy Ridge Fauna Management Plan (Version 1, 30 May 2022)*, or subsequent versions approved by the **CEO**.

B4 Waste Management System

B4-1 The proponent shall manage the proposal to meet the following **outcomes**:

- (1) The proponent shall implement and maintain a Waste Management System to record all wastes accepted on site; and
- (2) Ensure that detailed records are kept of all wastes accepted on site and are accessible in the long term.

B4-2 The Waste Management System shall:

- (1) Detail monitoring procedures to track and record incoming waste to the site;
- (2) Record the origins, quantity, and the physical and chemical characteristics of all waste accepted on site;
- (3) Provide details about any treatment of the waste undertaken on site;
- (4) Provide details about waste characteristics, quantity and storage duration of each waste in the waste cells and temporary storage area;

- (5) Provide specific coordinates for radioactive wastes stored in the waste cells and temporary storage area to ensure they can be accurately traced and, where identified, recovered in the future;
- (6) Record and provide the final location of waste using a quadrat system, including elevation, specific coordinates of each quadrat and approximate coordinates of each waste location; and
- (7) Be reviewed every five (5) years to ensure that all data stored in the Waste Management System remain compatible with contemporary information technology.

B4-3 The proponent shall continue to record all wastes accepted on site as required by condition B4-1 until cessation of waste receipt operations at the Sandy Ridge Facility.

B4-4 The proponent shall retain and maintain the data required by condition B4-2 and provide the data to the Western Australian Government at the completion of **Phase I of the Institutional Control Period**.

B4-5 The proponent shall provide the data required by condition B4-2 to the **CEO** when requested within four (4) weeks of the request date.

B5 Rehabilitation and Remediation

B5-1 The proponent must implement the proposal to ensure the following environmental **outcomes** are achieved:

- (1) Site will be rehabilitated, remediated, and decommissioned to ensure it is physically safe to members of the public and non-human biota in the long term;
- (2) Site is geotechnically and geomorphically stable in the long term; and
- (3) Site is chemically and radiologically non-polluting in the long term.

B5-2 The proponent must review and update the *Sandy Ridge Facility – Waste Facility Decommissioning and Closure Plan (Version 4, 14 November 2022)* that demonstrates how achievement of the environmental **outcomes** in condition B5-1 will be monitored and substantiated, and satisfies the requirements of condition C4, and submit it to the **CEO**.

B6 Waste Minimisation

B6-1 The proponent must implement the proposal to meet the following environmental **objectives**:

- (1) the proposal's acceptance of waste volumes, types of waste and disposal methods:

(a) are consistent with the principles of waste minimisation and the waste hierarchy;

(b) aligns where practicable with the **Western Australia's Waste Avoidance and Resource Recovery Strategy 2030**;

(c) are consistent with diversion of relevant waste streams away from landfill where practicable;

(d) are consistent with waste being accepted from producers and/or suppliers who operate in accordance with a waste minimisation policy consistent with the **Western Australia's Waste Avoidance and Resource Recovery Strategy 2030** and recognised state and national **product stewardship schemes**;

(e) demonstrate, where practicable, that all reasonable waste minimisation options have been considered before waste is destroyed; and

(f) are reviewed every five (5) years and continuous improvements are implemented to ensure consistency with the above.

B6-2 The proponent must prepare a waste minimisation plan that satisfies the requirements of condition C5 and demonstrates how the waste minimisation environmental **objectives** in condition B6-1 will be achieved, and submit it to the **CEO**.

B7 Transportation

B7-1 The proponent must ensure that all third-party carriers, in direct control of hazardous and intractable waste which is being transported to the facility have the appropriate permits or licences required under the relevant national and state legislation, regulation and codes of practice for the transportation and management of chemical waste and management of low-level radioactive waste.

B7-2 Any hazardous and intractable waste being transported under the direct control of the proponent must be appropriately managed to ensure risks to human health and the environment from spills are minimised. This requirement shall be outlined in the relevant management plans required under *Radiation Safety Act 1975* and the Work Health and Safety (Mines) Regulations 2022 and their associated regulations as regulated by the Radiological Council of WA and the Department of Energy, Mines, Industry Regulation and Safety.

B8 Insurance Policy

B8-1 Pursuant to Part VA of the EP Act, the proponent must have the following insurance policy in place for this proposal:

- (1) Liability Insurance Policy (Policy Number: 02CL036460) for the policy period of 30 April 2023 to 30 April 2026.

B8-2 The Insurance Policy may be called upon or used in accordance with section 86E of the **EP Act** if the proponent fails to comply with the **EP Act**, or these conditions.

B8-3 The proponent must not accept waste at the site without an insurance policy in place which is approved by the **CEO**.

B8-4 Any Insurance Policy that replaces the policy described in condition B8-1(1) must:

- (1) be with an insurer authorised by the Australian Prudential Regulation Authority to conduct insurance business in Australia;
- (2) be in the name, or in favour of the Minister and the **CEO**, or list the Minister and **CEO** as 'insured parties';
- (3) be in a form acceptable to the **CEO**, and provide for payment of any costs incurred by the Minister or the **CEO**:
 - (a) pursuant to Part VA of the **EP Act**; or
 - (b) as a consequence of a breach of these conditions by the proponent.
- (4) provide policy limits of not less than AUD\$50 million in respect of any one event, and AUD\$50 million in the aggregate for any three year period of cover.

B8-5 The proponent must maintain the Insurance Policy and not cancel it, allow it to lapse, or do or allow anything to be done which will adversely affect the Insurance Policy.

B8-6 Each 1 July, and each time the Insurance Policy is renewed, the proponent must provide a certificate of currency or alternative evidence in a form acceptable to the **CEO** of the existence of the Insurance Policy.

B8-7 After every three (3) years or such other period agreed with the **CEO**, or upon request by the **CEO** in the event of a change of circumstance at the site material to any matter relating to the **EP Act**, the proponent must review and provide a report to the **CEO** in relation to the adequacy of the Insurance Policy.

B9 Annual Independent Audit

B9-1 The proponent shall manage the implementation of the proposal to meet the following environmental objectives:

- (1) ensure that only **permitted wastes** are accepted at the facility for placement in the repository; and
- (2) that the facility is managed in accordance with all regulatory requirements.

B9-2 The proponent shall engage an independent **waste expert** approved by the **CEO** to undertake an annual audit report of the waste disposal operations at the Sandy Ridge Facility. The first audit shall be undertaken twelve (12) months from the date of this Ministerial Statement. The audit shall address site operations, including whether:

- (1) each waste is uniquely identified;
- (2) the origin, quantity and characterisation of each waste is recorded;
- (3) the waste acceptance criteria and procedures have been adhered to;
- (4) all required regulatory approvals and permits were in place for transport and disposal of the waste;
- (5) there is a clear and documented chain of custody from client to waste receipt;
- (6) the final location of each waste in the waste cell is accurately recorded using the quadrat system (including elevation, specific coordinates of each quadrat and approximate coordinates of each waste);
- (7) all regulatory requirements have been met; and
- (8) other options have become available to reuse, recycle or recover wastes that are being accepted at the Sandy Ridge Facility.

B9-3 The proponent shall provide the annual audit report required by condition B9-2 to the **CEO** within twelve (12) weeks of the audit date until the **CEO** has confirmed by notice, in writing, that provision of the annual audit report is no longer required.

B9-4 In the event that the annual audit report identifies issues with waste acceptance, waste tracking or compliance with regulatory requirements, the proponent shall immediately notify the **CEO**, and other relevant regulators where non-compliance against other legislation has occurred and implement investigations to identify the cause.

B9-5 Should the cause identified in condition B9-4 result in a potential risk to human health or a sensitive environmental receptor, then the proponent shall commence remedial actions immediately until otherwise advised by the **CEO**.

C1 Environmental Management Plans: Conditions Related to Commencement of Implementation of the Proposal

C1-1 The proponent must:

- (1) After acceptance of waste at the gate above 100 000 tonnes per year, not undertake operations associated with the **significant amendment** of the **Sandy Ridge Project – Alignment of Gate Waste Acceptance Tonnage** until the **CEO** has confirmed in writing that the environmental management plan(s) required by conditions B1-3, B2-3, B5-2 and B6-2 meets the requirements of those conditions and conditions C4 and C5.

C2 Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication

C2-1 Upon being required to implement an environmental management plan under Part B, or after receiving notice in writing from the **CEO** under condition C1-1 that the environmental management plan(s) required in Part B satisfies the relevant requirements, the proponent must:

- (1) implement the most recent version of the **confirmed** environmental management plan; and
- (2) continue to implement the **confirmed** environmental management plan referred to in condition C2-1(1), other than for any period which the **CEO** confirms by notice in writing that it has been demonstrated that the relevant requirements for the environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.

C2-2 The proponent:

- (1) may review and revise a **confirmed** environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan;
- (2) must review and revise a **confirmed** environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO**; and
- (3) must revise and submit to the **CEO** the **confirmed** Environmental Management Plan if there is a material risk that the outcomes or objectives it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.

- C2-3 Despite condition C2-1, but subject to conditions C2-4 and C2-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-4 If the proponent is to implement minor revisions to an environmental management plan under condition C2-3, the proponent must provide the **CEO** with the following, at least twenty (20) business days before it implements the revisions:
- (1) the revised environmental management plan clearly showing the minor revisions;
 - (2) an explanation of and justification for the minor revisions; and
 - (3) an explanation of why the minor revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes or objectives which the environmental management plan is required to achieve.
- C2-5 The proponent must cease to implement any revisions which the **CEO** notifies the proponent (at any time) in writing may not be implemented.
- C2-6 The proponent must revise the plan required by condition B5-2 every five (5) years unless otherwise advised by the **CEO**.
- C2-7 **Confirmed** environmental management plans, and any revised environmental management plans under condition C2-4(1), must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

C3 Conditions Related to Monitoring

- C3-1 The proponent must undertake monitoring capable of:
- (1) substantiating whether the proposal limitations and extents in Part A are exceeded; and
 - (2) **detecting** and substantiating whether the environmental outcomes identified in Part B are achieved (excluding any environmental outcomes in Part B where an environmental management plan is expressly required to monitor achievement of that outcome).
- C3-2 The proponent must submit as part of the Compliance Assessment Report required by condition D2, a compliance monitoring report that:

- (1) outlines the monitoring that was undertaken during the implementation of the proposal;
- (2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded;
- (3) for any environmental outcomes to which condition C3-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** whether the environmental outcomes in Part B are met;
- (4) outlines the results of the monitoring;
- (5) reports whether the proposal limitations and extents in Part A were exceeded and (for any environmental outcomes to which condition C3-1 (2) applies) whether the environmental outcomes in Part B were achieved, based on analysis of the results of the monitoring; and
- (6) reports any actions taken by the proponent to remediate any potential non-compliance.

C4 Environmental Management Plans: Conditions Relating to Monitoring and Adaptive Management for Outcomes Based Conditions

C4-1 The environmental management plan required under conditions B1-3 and B2-3 must contain provisions which enable the substantiation of whether the relevant objective of those conditions are met, and must include:

- (1) **threshold criteria** that provide a limit beyond which the environmental outcomes are not achieved;
- (2) **trigger criteria** that will provide an early warning that the environmental outcomes are not likely to be met;
- (3) monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to measure **threshold criteria** and **trigger criteria**. Include methodology for determining alternate monitoring sites as a contingency if proposed sites are not suitable in the future;
- (4) baseline data;
- (5) data collection and analysis methodologies;
- (6) adaptive management methodology;
- (7) **contingency measures** which will be implemented if **threshold criteria** or **trigger criteria** are not met; and
- (8) reporting requirements.

C4-2 The environmental management plan required under condition B5-2 must contain provisions which enable the achievement of the relevant outcomes of those conditions and substantiation of whether the outcomes are reasonably likely to be met, and must include:

- (1) rehabilitation, remediation and decommissioning targets;
- (2) specify appropriate completion criteria and performance indicators to ensure outcomes in condition B5-1 are achieved;
- (3) detail outcomes based upon completion criteria that would need to be quantitative or semi-quantitative;
- (4) provide appropriate mathematical environmental modelling, including landform evolution modelling, or projection techniques that are used to predict that the site would meet the outcomes of condition B5-1 in the long term;
- (5) specify monitoring to measure the effectiveness of remediation, rehabilitation and decommissioning actions against completion criteria, including but not limited to, parameters to be measured, baseline data, monitoring locations, and frequency and timing of monitoring;
- (6) an estimate of the liability represented by the site should it require closure when the revised environmental management plan is implemented;
- (7) actions that would need to be undertaken should the site require closure when the revised environmental management plan is implemented; and
- (8) the matters outlined in C4-2(6) and C4-2(7) must be reviewed by an **independent person with suitable expertise**.

C4-3 Without limiting condition C4-1 and C4-2, failure to achieve an environmental outcome, or the exceedance of a **threshold criteria**, regardless of whether threshold **contingency measures** have been or are being implemented, represents a non-compliance with these conditions.

C5 Environmental Management Plans: Conditions Related to Management Actions and Targets for Objective Based Conditions

C5-1 The environmental management plans required under conditions B2-3, B3-2 and B6-2 must contain provisions which enable the achievement of the relevant objectives of those conditions and substantiation of whether the objectives are reasonably likely to be met, and must include:

- (1) **management actions**;
- (2) **management targets**;

- (3) **contingency measures** if **management targets** are not met; and
- (4) reporting requirements.

C5-2 The environmental management plan required under condition B6-2 is also required to:

- (1) provide a protocol or procedure for the five (5) yearly review of the Waste Minimisation Environmental Management Plan to ensure that the Waste Minimisation Environmental Management Plan is meeting the objective specified in condition B6-1;

C5-3 Without limiting condition C5-1, the failure to achieve an environmental objective, or implement a **management action**, regardless of whether **contingency measures** have been or are being implemented, represents a non-compliance with these conditions.

PART D – COMPLIANCE, TIME LIMITS, AUDITS AND OTHER CONDITIONS

D1 Non-compliance Reporting

D1-1 If the proponent becomes aware of a potential non-compliance, the proponent must:

- (1) report this to the **CEO** within seven (7) days;
- (2) implement **contingency measures**;
- (3) investigate the cause;
- (4) investigate environmental impacts;
- (5) advise rectification measures to be implemented;
- (6) advise any other measures to be implemented to ensure no further impact;
- (7) advise timeframe in which contingency, rectification and other measures have and/or will be implemented; and
- (8) provide a report to the **CEO** within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions D1-1(1) to D1-1(7) above.

D1-2 Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the **contingency measures**, rectification or other measures in condition D1-1 above have been or are being implemented.

D2 Compliance Reporting

D2-1 The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

D2-2 Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent reports must be submitted annually from that date.

D2-3 Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

D2-4 Each annual Compliance Assessment Report must:

- (1) state whether each condition of this Statement has been complied with, including:
 - (a) exceedance of any proposal limits and extents;
 - (b) achievement of environmental outcomes;
 - (c) achievement of environmental objectives;
 - (d) requirements to implement the content of environmental management plans;
 - (e) monitoring requirements;
 - (f) implement **contingency measures**;
 - (g) requirements to implement adaptive management; and
 - (h) reporting requirements;
- (2) include the results of any monitoring (inclusive of any raw data) that has been required under Part C in order to demonstrate that the limits in Part A, and any outcomes or any objectives are being met;
- (3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;
- (4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
- (5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation; and
- (6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the **CEO** has confirmed by notice in writing satisfies the relevant requirements of Part C and Part D.

D2-5 The proponent must prepare a Compliance Assessment Plan which is submitted to the **CEO** at least six (6) months after this Ministerial Statement is issued.

D2-6 The Compliance Assessment Plan must include:

- (1) what, when and how information will be collected and recorded to assess compliance;
- (2) the methods which will be used to assess compliance;
- (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;

- (4) the retention of compliance assessments;
- (5) the table of contents of Compliance Assessment Reports, including audit tables; and
- (6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

D3 Contact Details

D3-1 The proponent must notify the **CEO** of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

D4 Public Availability of Data

D4-1 Subject to condition D5-2, within a reasonable time period approved by the **CEO** upon the issue of this Statement and for the remainder of the life of the proposal, the proponent must make publicly available, in a manner approved by the **CEO**, all validated environmental data collected before and after the date of this Statement relevant to the proposal (including sampling design, sampling methodologies, monitoring and other empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

D4-2 If:

- (1) any data referred to in condition D5-1 contains trade secrets; or
- (2) any data referred to in condition D5-1 contains particulars of confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

the proponent may submit a request for approval from the **CEO** to not make this data publicly available and the **CEO** may agree to such a request if the **CEO** is satisfied that the data meets the above criteria.

D4-3 In making such a request the proponent must provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

D5 Audit - CEO Derived

D5-1 The proponent must arrange for an audit of compliance with the conditions of this statement, including achievement of the environmental outcomes and/or the

environmental objectives and/ or environmental performance with the conditions of this statement, as and when directed by the **CEO**.

D5-2 The audit must be carried out by a person with appropriate qualifications who is nominated or approved by the **CEO** to undertake the audit under condition D5-1.

D5-3 The proponent must submit the audit report with the Compliance Assessment Report required by condition D2, or at any time as and when directed in writing by the **CEO**. The audit report is to be supported by credible evidence to substantiate its findings.

D5-4 The audit report required by condition D5-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the **CEO**.

[signed on 13 December 2024]

Hon Reece Whitby MLA

MINISTER FOR ENVIRONMENT; CLIMATE ACTION

| |
|-------------------------------------------------------------------------------|
| Key decision-making authorities consulted under section 45(2): |
| Minister for Water Minister for Lands Minister for Mines and Petroleum |

Table 2: Abbreviations and definitions

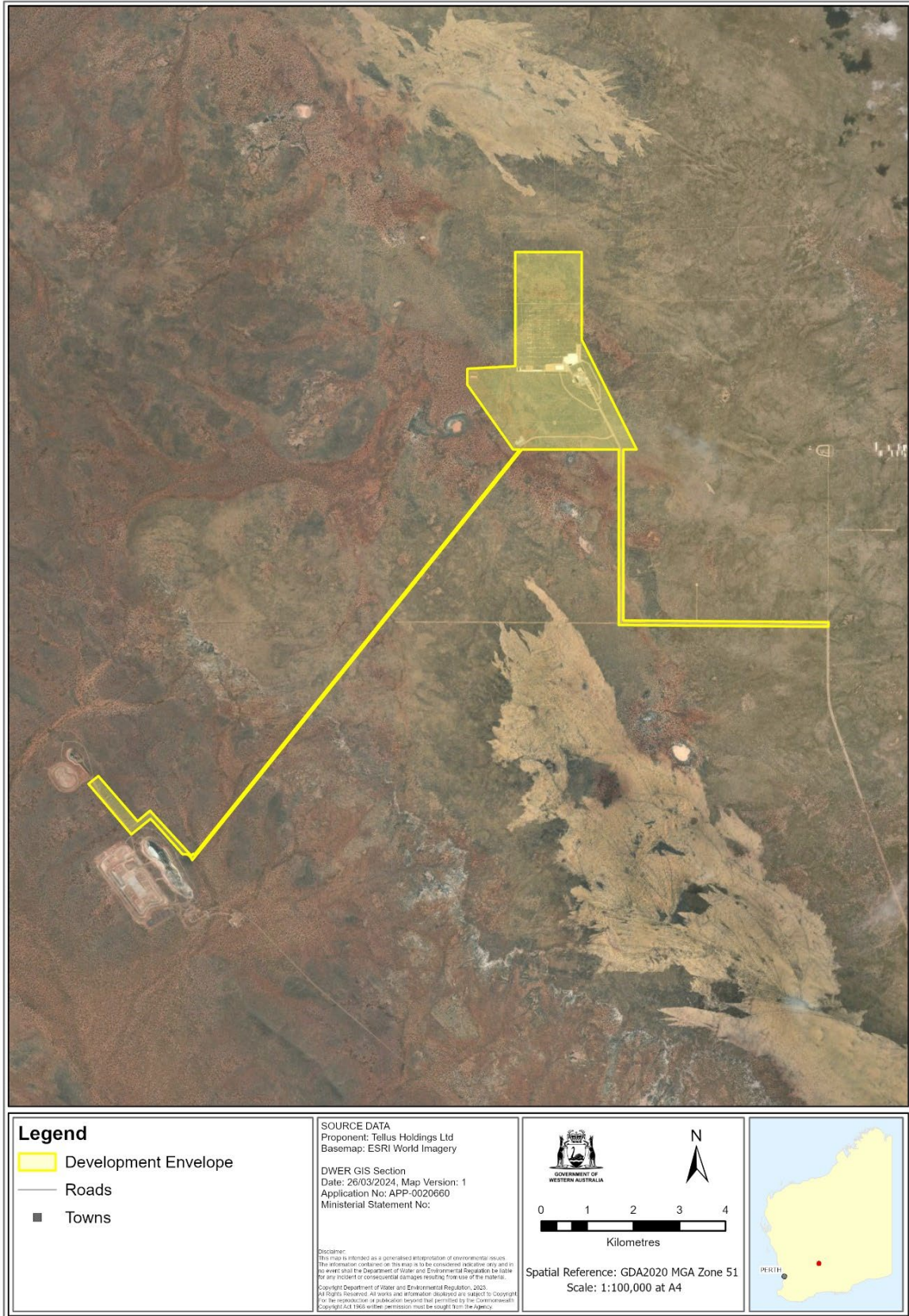
| Acronym or abbreviation | Definition or term |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adverse impacts | Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in environmental value. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal. |
| Australian Exclusive Economic Zone | An area beyond and adjacent to the territorial sea, subject to the specific legal regime established in Part V of the <i>Sea and Submerged Lands Act 1973</i> , under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention. |
| CEO | The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or the CEO's delegate. |
| Confirmed | <p>In relation to a plan required to be made and submitted to the CEO, means, at the relevant time, the plan that the CEO confirmed, by notice in writing, meets the requirements of the relevant condition.</p> <p>In relation to a plan required to be implemented without the need to be first submitted to the CEO, means that plan until it is revised, and then means, at the relevant time, the plan that the CEO confirmed, by notice in writing, meets the requirements of the relevant condition.</p> |
| Contingency measures | Planned actions for implementation if it is identified that an environmental outcome, environmental objective, threshold criteria, or management target are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in disturbance or adverse impacts to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, management target and to ensure that the environmental outcome and/or objective can be met. |
| Detecting | The smallest statistically discernible effect size that can be achieved with a monitoring strategy designed to achieve a statistical power value of at least 0.8 or an alternative value as determined by the CEO . |
| Disturb/ Disturbance | Means directly has or materially contributes to the disturbance effect on health, diversity or abundance of the receptor/s being impacted or on an environmental value. |

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|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | In relation to flora, vegetation or fauna habitat, includes to result in the death, destruction, removal, severing or doing substantial damage to. |
| Environmental weeds | Any plant declared under section 22(2) of the Biosecurity and Agriculture Management Act 2007, any plant listed on the Weeds of National Significance List and any weeds listed on the Department of Biodiversity, Conservation and Attractions. |
| EP Act | <i>Environmental Protection Act 1986</i> |
| Geomorphically stable | Reflects baseline conditions. |
| GI/a | Gigalitres per annum |
| ha | hectare |
| Independent person with suitable expertise | A third-party expert approved by the CEO . |
| Long -term | 1000 years |
| m | metre |
| Management action | The identified actions implemented with the intent of to achieving the environmental objective. |
| Management target | A type of indicator to evaluate whether an environmental objective is being achieved. |
| Objective | An objective is the proposal-specific desired state for an environmental factor/s to be achieved from the implementation of management actions. |
| Operation/operating | Operation of infrastructure for the proposal. |
| Outcome | A proposal-specific result to be achieved when implementing the proposal. |
| Permitted wastes | Wastes described in section A1-1. |
| Phase I of the Institutional Control Period. | That portion of the Institutional Control Period for which the proponent is responsible. |
| Phase II of the Institutional Control Period | That portion of the Institutional Control Period for which the Western Australian Government is responsible. |
| Product stewardship schemes | State and national schemes that are consistent with the provisions in the national Recycling and Waste Reduction Act 2020 and the Western Australian Waste Avoidance and Resources Recover Act 2007. |

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| Sandy Ridge Project – Alignment of Gate Waste Acceptance Tonnage | The proposal which is or includes the amendment of an approved Sandy Ridge Facility. |
| Significant amendment | Has the same meaning as in section 3(1) of the <i>Environmental Protection Act 1986</i> . |
| Trigger criteria | Indicators that have been selected for monitoring to provide a warning that, if exceeded, the environmental outcome may not be achieved. They are intended to forewarn of the approach of the threshold criteria and trigger response actions. |
| Threshold criteria | The indicators that have been selected to represent limits of impact beyond which the environmental outcome is not being met. |
| t | tonnes |
| tpa | tonnes per annum |
| Waste expert | A person with a minimum of 15 years of experience in the assessment and/or operation of waste facilities. |
| Western Australia’s Waste Avoidance and Resource Recovery Strategy 2030 | he current strategy or any subsequent revisions that drive longterm continuous improvement of waste services, waste avoidance and resource recovery; and set targets for waste reduction, resource recovery and the diversion of waste from landfill in Western Australia in accordance with section 24 of the Waste Avoidance and Resources Recover Act 2007. |

Figures (attached)

Figure 1 **Sandy Ridge Facility- Alignment of Gate Waste Acceptance Tonnage development envelope** (This figure is a representation of the co-ordinates referenced in Schedule 1)



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Figure 1 Sandy Ridge Facility - Alignment of Gate Waste Acceptance Tonnage development envelope

Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 51 (MGA Zone 51), datum of Geocentric Datum of Australia 2020 (GDA2020).

Spatial data depicting the figures are held by the Department of Water and Environmental regulation. Record no. APP-0020660.