



Hon. Minister for the Environment  
c/- Office of the Environmental Protection Authority  
The Atrium, Level 8  
168 St Georges Terrace  
PERTH WA 6000  
Via Email: [tania.liaghati@epa.wa.gov.au](mailto:tania.liaghati@epa.wa.gov.au)

Attention: Dr Tania Liaghati

1 December 2016

Dear Dr Liaghati,

**REQUEST FOR CHANGE TO MINISTERIAL STATEMENT 476  
UNDER SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986*  
MT WELD RARE EARTHS PROJECT, MT WELD MINING PTY LIMITED**

Further to our discussion on this issue during 2016, the following request to amend Ministerial Statement 476 for the Mt Weld Rare Earths Project (The Project) is presented for the Office of the Environmental Protection Authority's (OEPA) consideration.

As discussed during our meetings, the changes to Statement 476 presented in this application are requested under the provisions of Section 46 of the *Environmental Protection Act 1986* as these relate to conditions and proponent commitments. The proponent has concurrently submitted a separate application under Section 45C for elements of Schedule 1 nominated for modification.

It is our view that many of the conditions and commitments are:

- Out-dated;
- Do not reflect the current processes or operational activities at Mt Weld;
- Currently regulated through other government agencies and regulatory instruments, therefore presenting a duplication in regulation of some environmental factors;
- Relate to project components such as the Secondary Processing Plant that are undertaken in Malaysia as opposed to within the Meenaar Industrial Estate; and
- Have low environmental risks relative to those currently assessed and regulated by the EPA subject to significance tests under the current Environmental Impact Assessment Administrative Procedures and EPA Guidance Statements.

The information provided in Attachment 1 identifies applicable conditions and proponent commitments nominated for modification or removal, as well as presenting a brief justification for each request.

Needless to say, the proposed changes will reduce the resource requirements on the proponent implementing the proposal, as well as the OEPA in regulating and auditing these requirements.

Should you require any additional information on this proposal, please do not hesitate to contact me in the first instance on 0459 222 151.

Yours sincerely,



Peter Jansen  
Associate Director

*Encl(s): Attachment 1: Ministerial Statement 476, Section 46 Table of Requested Ministerial Condition and Proponent Commitment Changes*

**Attachment 1: Ministerial Statement 476, Section 46 Table of Requested Ministerial Condition and Proponent Commitment Changes**

**Ministerial Statement 476, Section 46 of the *Environmental Protection Act 1986***  
**Table of Requested Changes**

Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:M2.1	Preapproval commitments	Proponent is required to fulfil the consolidated commitments of May 1998	Revise	MWM requests the revision of this condition to reflect the date and list of approved EPA changes proposed in this Section 46 application.	N/A
Ministerial Statement 476	476:M3.1	Environmental Management system (EMS)	Prepare environmental management system documentation	Remove	MWM has established and maintains environmental management system documentation including procedures, SOPs, registers and checklists consistent with operational risks. ISO 14001 Certification was obtained in August 2012 and has been retained since.  This condition should therefore be removed as it is Complete.	- ISO 14001 Certification
Ministerial Statement 476	476:M3.2	Environmental Management System	Implement the EMS	Remove	MWM has established and maintains environmental management system documentation including procedures, SOPs, registers and checklists consistent with operational risks. ISO 14001 Certification was obtained in August 2012 and has been retained since.  MWM requests removal of this condition as, while MWM is keen to retain its ISO certification and EMS, the requirement thereof does not appear to be consistent with those imposed on other formally assessed proposals with a similar or greater environmental risk.	- ISO 14001 Certification
Ministerial Statement 476	476:M4.1	Environmental Management Programme (Mt Weld)	Prepare an environmental management programme consisting of the following plans for the Mt Weld site 1) surface and groundwater management plan 2) native flora and fauna conservation plan 3) wastewater and residue disposal management plans 4) decommissioning management plan, 5) plan for transportation of process materials 6) radiation management plan 7) greenhouse gas emissions management plan (see condition M6); and 8) noise management plan (see condition M7)	Remove	An Environmental Management Plan was originally prepared by ENVIRON (April, 2007) for the initial mining campaign.  The EMP was subsequently updated for: - Concentration Plant, TSF, Evap Ponds Phase 1 (2008) (Rev 7); - Concentration Plant Phase 2 doubling of capacity (2013) (Rev 8); - Installation of TSF2 and change of transport to road and rail (2015) (Rev 9) was acknowledged by the EPA on 15 Sept 2016.  Accordingly, MWM requests the removal of this condition from Ministerial Statement 476 as preparation of the EMP in accordance with the condition has been fulfilled.	- EPA Approval for EMP V6 6 July 2009 - EPA Approval for EMP V7 11 January 2012 - EPA Approval for EMP V8 25 July 2013 - EPA Acknowledgement of EMP v9 15 Sept 2016
Ministerial Statement 476	476:M4.2	Environmental management plans (Mt Weld)	Implement the environmental management plans required by condition M4.1 for the Mt Weld site	Remove	Implementation of the approved EMP has been verified through ongoing internal and annual external third party compliance audits since commencement of processing at Mt Weld.  Notwithstanding, MWM requests the removal of this condition as the environmental risks presented in each management plan are regulated via other instruments and/or present a low to moderate inherent environmental risk, as detailed below: - Wastewater, surface water, regulated by the Department of Environment Regulation Licence 8141/2007/2 - Surface Water regulated by the Department of Environment Regulation Licence 8141/2007/2 and the Department of Water GWL171310(2) - Groundwater regulated by the Department of Environment Regulation Licence 8141/2007/2 and the Department of Water GWL171310(2) and Groundwater Operating Strategy - Radiation regulated by the Radiation Management Plan, which is regulated by the Department of Mines and Petroleum Radiological Council and Radiation Safety Division - Greenhouse Gas minimal site emissions regulated by the Clean Energy Regulator under the <i>National Greenhouse and Energy Reporting Act 2007</i> - Decommissioning regulated by the Department of Mines and Petroleum under the approved Mine Closure Plan (REG ID 54212) - Noise no significant noise emissions occur on site and the minimal noise emissions are regulated under the Environmental Protection (Noise) Regulations 1997 - Flora no significant flora on or near site - Fauna no significant fauna on or near site	- DER Licence 8141/2007/2 - GWL171310(2) - Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013) - Mine Closure Plan (REG ID: 54212)
Ministerial Statement 476	476:M4.3	Environmental Management Plans	Make the environmental management plans required for the Mt Weld site publicly available	Remove	Subject to amendment request above, the need for making the EMP publically available may be superseded.  If not, MWM will continue to make the EMP publically available in the current manner.	N/A
Ministerial Statement 476	476:M4.4	Environmental Management Programme (secondary processing plant at Meenaar)	Prepare an environmental management programme consisting of the following environmental management plans, for the secondary processing operation at Meenaar 1) surface and groundwater management plan, including groundwater protection 2) wastewater and residue disposal management plan emergency management plan for major seismic events 4) visual impacts and landscaping plan 5) plan for transportation of process materials such as ore concentrate, residues and dangerous goods 6) radiation management plan 7) greenhouse gas emissions management plan 8) noise management plan	Remove	Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.  As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.	N/A

**Ministerial Statement 476, Section 46 of the *Environmental Protection Act 1986***  
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Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:M4.5	Environmental Management Plans (Meenaar)	Implement the environmental management plans as approved under condition M4.4	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A
Ministerial Statement 476	476:M5.1	Surface and groundwater management plan (Stage 1)	Develop a surface and groundwater management plan including preoperational monitoring (stage 1) for surface and ground water including quality assurance procedures	Revise or Remove	<p>An Environmental Management Plan including a surface and groundwater management plan was originally prepared by ENVIRON (April, 2007) for the initial mining campaign (Rev 6).</p> <p>The EMP was subsequently updated for:                      - Concentration Plant, TSF, Evap Ponds Phase 1 (2008) (Rev 7);                      - Concentration Plant Phase 2 doubling of capacity (2013) (Rev 8); and                      - Installation of TSF2 and change of Transport to road and rail (2015) (Rev 9) was acknowledged by the EPA on 15 Sept 2016.</p> <p>Additionally a Groundwater Operating Strategy Mt Weld GWL171310(2) was developed and approved by the Department of Water on 3 July 2013. An update to the GOS has been submitted to Department of Water in 2016 to reflect current and proposed activities and is undergoing review.</p> <p>Likewise a Surface Water Management Plan was also developed and implemented in November 2016. Quality assurance is regulated by the Department of Environment Regulation through Mount Weld's <i>Environmental Protection Act 1986</i> Licence 8141/2007/2 and the Department of Water through Mount Weld's GWL171310(2).</p> <p>Accordingly, MWM requests the removal of this condition from Ministerial Statement 476 as preparation of the EMP in accordance with the condition has been fulfilled and the condition is regulated by the above listed regulatory instruments.</p>	<ul style="list-style-type: none"> <li>- DER Licence 8141/2007/2</li> <li>- GWL171310(2)</li> <li>- Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013)</li> </ul>
Ministerial Statement 476	476:M5.2	Surface and groundwater management plan (Stage 1)	Implement the preoperational surface and ground water management plan	Remove	<p>Implementation of the approved EMP has been verified through ongoing internal and annual external third party compliance audits since commencement of processing at Mt Weld.</p> <p>Notwithstanding, MWM requests the removal of this condition as the environmental risks presented in each management plan are regulated via other instruments and/or present a low to moderate inherent environmental risk, as detailed below:                      - A Groundwater Operating Strategy Mt Weld GWL171310(2) was developed and approved by the Department of Water on 3 July 2013. An update to the GOS has been submitted to DoW in 2016 to reflect current and proposed activities and is undergoing review.                      - Likewise a Surface Water Management Plan was also developed and implemented in November 2016. Quality assurance is regulated by the Department of Environment Regulation through Mount Weld's <i>Environmental Protection Act 1986</i> Licence 8141/2007/2 and the Department of Water through Mount Weld's GWL171310(2).</p> <p>Therefore as the condition relates to Completed Activities, and is currently regulated by the above listed regulatory instruments MWM request its removal from Ministerial Statement 476 under Section 46.</p>	<ul style="list-style-type: none"> <li>- DER Licence 8141/2007/2</li> <li>- GWL171310(2)</li> <li>- Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013)</li> </ul>

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Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:M5.3	Surface and groundwater management plan (Stage 2)	Prior to commissioning of the secondary processing operation plant at Meenaar, and the beneficiation operation plant at Mt Weld, the proponent shall develop a Surface and Ground Water Management Plan including operational monitoring (stage 2) for surface and ground water including quality assurance procedures, to the requirements of the Environmental Protection Authority on advice of the Radiological Council, the Department of Minerals and Energy, the Water and Rivers Commission and the Department of Environmental Protection.	Remove	<p>An Environmental Management Plan including a surface and groundwater management plan was originally prepared by ENVIRON (April, 2007) for the initial mining campaign (Rev 6).</p> <p>The EMP was subsequently updated for:                      - Concentration Plant, TSF, Evap Ponds Phase 1 (2008) (Rev 7);                      - Concentration Plant Phase 2 doubling of capacity (2013) (Rev 8); and                      - Installation of TSF2 and change of Transport to road and rail (2015) (Rev 9) was acknowledged by the EPA on 15 Sept 2016.</p> <p>Additionally a Groundwater Operating Strategy Mt Weld GWL171310(2) was developed and approved by the Department of Water on 3 July 2013. An update to the GOS has been submitted to DoW in 2016 to reflect current and proposed activities and is undergoing review.</p> <p>Likewise a Surface Water Management Plan was also developed and implemented in November 2016. Quality assurance is regulated by the Department of Environment Regulation through Mount Weld's <i>Environmental Protection Act 1986</i> Licence 8141/2007/2 and the Department of Water through Mount Weld's GWL171310(2).</p> <p>Accordingly, MWM requests the removal of this condition from Ministerial Statement 476 as preparation of the EMP in accordance with the condition has been fulfilled, and the condition is currently regulated by the above listed regulatory instruments.</p> <p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	<ul style="list-style-type: none"> <li>- DER Licence 8141/2007/2</li> <li>- GWL171310(2)</li> <li>- Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013)</li> </ul>
Ministerial Statement 476	476:M5.4	Operational surface and groundwater management plan	Implement the operational surface and groundwater management plan	Remove	<p>Implementation of the approved EMP has been verified through ongoing internal and annual external third party compliance audits since commencement of processing at Mt Weld.</p> <p>Notwithstanding, MWM requests the removal of this condition as the environmental risks presented in each management plan are regulated via other instruments and/or present a low to moderate inherent environmental risk, as detailed below:                      - A Groundwater Operating Strategy Mt Weld GWL171310(2) was developed and approved by the Department of Water on 3 July 2013. An update to the GOS has been submitted to DoW in 2016 to reflect current and proposed activities and is undergoing review.                      - Likewise a Surface Water Management Plan was also developed and implemented in November 2016. Quality assurance is regulated by the Department of Environment Regulation through Mount Weld's <i>Environmental Protection Act 1986</i> Licence 8141/2007/2 and the Department of Water through Mount Weld's GWL171310(2).</p> <p>Therefore as the condition relates to Completed Activities, and is currently regulated by the above listed regulatory instruments MWM request its removal from Ministerial Statement 476 under Section 46.</p>	<ul style="list-style-type: none"> <li>- DER Licence 8141/2007/2</li> <li>- GWL171310(2)</li> <li>- Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013)</li> </ul>
Ministerial Statement 476	476:M6.1	Greenhouse gas emissions	Prepare a greenhouse gas emissions management plan	Remove	<p>Greenhouse gas emissions were a relevant factor for the Meenaar processing plant, more so than at Mt Weld.</p> <p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 Schedule 1 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>Removal of reference to a greenhouse gas emission limit was completed by the EPA under Section 45C on 10 December 2013.</p> <p>This condition was most pertinent to greenhouse gas emissions from the Meenaar plant, as greenhouse gas emissions from Mount Weld are relatively insignificant. Greenhouse gas emissions are also regulated by the Clean Energy Regulator under the <i>National Greenhouse and Energy Reporting Act 2007</i>.</p> <p>As no secondary processing plant at Meenaar exists, and as greenhouse gas emissions are regulated by the Clean Energy Regulator and under the <i>National Greenhouse and Energy Reporting Act 2007</i>, MWM requests its removal from Ministerial Statement 476 under Section 46.</p>	<ul style="list-style-type: none"> <li>- Clean Energy Regulator, <i>National Greenhouse and Energy Reporting Act 2007</i></li> </ul>

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Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:M6.2:2	Greenhouse gas emissions	Consider entry into the Commonwealth Government's "Greenhouse Challenge" voluntary cooperative agreement programme.	Remove	Remove as the "Greenhouse Challenge Plus" ceased on 1 July 2009, therefore Condition 6.2:2 is no longer applicable and MWM requests its removal from Ministerial Statement 476.	- Clean Energy Regulator, <i>National Greenhouse and Energy Reporting Act 2007</i>
Ministerial Statement 476	476:M6.2:1	Greenhouse gas management	Implement the Greenhouse Gas Emissions Management Plan as approved in M6.1	Remove	<p>Greenhouse gas emissions were a relevant factor for the Meenaar processing plant, more so than at Mt Weld.</p> <p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 Schedule 1 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>Removal of reference to a greenhouse gas emission limit was completed by the EPA under Section 45C on 10 December 2013.</p> <p>This condition was most pertinent to greenhouse gas emissions from the Meenaar plant, as greenhouse gas emissions from Mount Weld are relatively insignificant. Greenhouse gas emissions are also regulated by the Clean Energy Regulator under the <i>National Greenhouse and Energy Reporting Act 2007</i>.</p> <p>As no secondary processing plant at Meenaar exists, and as greenhouse gas emissions are regulated by the Clean Energy Regulator and under the <i>National Greenhouse and Energy Reporting Act 2007</i>, MWM requests its removal from Ministerial Statement 476 under Section 46.</p>	- Clean Energy Regulator, <i>National Greenhouse and Energy Reporting Act 2007</i>
Ministerial Statement 476	476:M7.1	Noise	Prepare a noise management plan	Remove	<p>An Environmental Management Plan including a noise management plan was originally prepared by ENVIRON (April, 2007) for the initial mining campaign (Rev 6).</p> <p>The EMP was subsequently updated for:  - Concentration Plant, TSF, Evap Ponds Phase 1 (2008) (Rev 7);  - Concentration Plant Phase 2 doubling of capacity (2013) (Rev 8); and  - Installation of TSF2 and change of Transport to road and rail (2015) (Rev 9) was acknowledged by the EPA on 15 Sept 2016.</p> <p>Noise was most pertinent to the Meenaar processing plant, given the isolated location of Mt Weld site.</p> <p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>An SVT noise assessment conducted as part of Phase 1 commissioning as well as noise modelling to assess predicted noise impacts from Phase 2 confirmed noise emissions are in accordance with Environmental Protection (Noise) Regulations 1997. Noise management measures are considered acceptable in achieving these noise requirements.</p> <p>As no secondary processing plant at Meenaar exists and noise impacts at Mt Weld are negligible, MWM considers that noise is appropriately regulated and managed by the Department of Environment Regulation under the Environmental Protection (Noise) Regulations 1997, MWM requests this condition be removed from Ministerial Statement 476.</p>	- Environmental Protection (Noise) Regulations 1997 (As amended)
Ministerial Statement 476	476:M7.2	Noise Management	Implement the noise management plan	Remove	<p>Implementation of the approved EMP has been verified through ongoing internal and annual external third party compliance audits since commencement of processing at Mt Weld.</p> <p>Notwithstanding, MWM requests the removal of this condition as the noise at Mt Weld is most appropriately regulated and managed by the Department of Environment Regulation under the Environmental Protection (Noise) Regulations 1997, MWM requests this condition be removed from Ministerial Statement 476.</p>	- Environmental Protection (Noise) Regulations 1997 (As amended)
Ministerial Statement 476	476:M8.1	Decommissioning	Prepare a decommissioning plan addressing: removal or , if appropriate, disposal onsite of plant and infrastructure; 2) rehabilitation of all disturbed areas to agreed final land use(s); and 3) identification of contaminated areas, including provision of evidence of notification to relevant statutory authorities	Remove	<p>A Mine Closure Plan for the Mount Weld site was approved by the Department of Mines and Petroleum in March 2015 (REG ID: 54212).</p> <p>MWM requests the removal of this condition as it is covered under tenement conditions regulated by the Department of Mines and Petroleum in Mount Weld's Mine Closure Plan.</p>	- Mine Closure Plan (REG ID: 54212) - <i>Mining Act 1978</i>

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Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:M8.2	Decommissioning	Implement the decommissioning management plan	Remove	A Mine Closure Plan for the Mount Weld site was approved by the Department of Mines and Petroleum in March 2015 (REG ID: 54212). MWM requests the removal of this condition as it is covered under tenement conditions regulated by the Department of Mines and Petroleum in Mount Weld's Mine Closure Plan.	- Mine Closure Plan (REG ID: 54212) - <i>Mining Act 1978</i>
Ministerial Statement 476	476:M9.1	Performance review	Submit a Performance Review to evaluate the environmental performance relevant to 1) environmental issues and objectives reported on in EPA Bulletins 646 and 884, 2) proponent's consolidated environmental management commitments documented in schedule 2 of this statement and those arising from the fulfilment of conditions and procedures in this statement 3) environmental management system environmental management targets; 4) environmental management programmes and plans; and 5) environmental performance indicators	Revise	MWM requests this condition be revised to exclude reference to EPA Bulletin 646 and 884 as this is outdated. MWM is open to reporting annually on the other listed aspects.	N/A
Ministerial Statement 476	476:M11.1	Commencement	Provide evidence to the Minister for the Environment within three years of the date of this statement that the proposal has been substantially commenced	Remove	As the project commenced in 2007 as approved by the Department of Mines and Petroleum, 30 March 2007 (DoIR Approval 5573) and the Department of Environment and Conservation (now the Department of Environment Regulation) 13 April 2007 ( <i>Environmental Protection Act 1986</i> Licence 8141/2007/2), Condition 11.1 is complete and therefore is no longer applicable. MWM requests its removal from Ministerial Statement 476.	- Mining Proposal (DoIR Approval 5573) - DER Works Approval W4400/2008/1 - DER Licence 8141/2007/2
Ministerial Statement 476	476:M11.2	Substantial commencement	If the proposal has not been substantially commenced within three years of the date of this statement, the approval to implement the proposal as granted in statement no 476 shall lapse and be void	Remove	As the project commenced in 2007 as approved by the Department of Mines and Petroleum, 30 March 2007 (DoIR Approval 5573) and the Department of Environment and Conservation (now the Department of Environment Regulation) 13 April 2007 ( <i>Environmental Protection Act 1986</i> Licence 8141/2007/2), Condition 11.1 is complete and therefore is no longer applicable. MWM requests its removal from Ministerial Statement 476.	- Mining Proposal (DoIR Approval 5573) - DER Works Approval W4400/2008/1 - DER Licence 8141/2007/2
Ministerial Statement 476	476:M11.3	Extension	Make an application to the Minister for the Environment for any extension of approval for the substantial commencement of the proposal beyond three years from the date of this statement	Remove	As the project commenced in 2007 as approved by the Department of Mines and Petroleum, 30 March 2007 (DoIR Approval 5573) and the Department of Environment and Conservation (now the Department of Environment Regulation) 13 April 2007 ( <i>Environmental Protection Act 1986</i> Licence 8141/2007/2), Condition 11.1 is complete and therefore is no longer applicable. MWM requests its removal from Ministerial Statement 476.	- Mining Proposal (DoIR Approval 5573) - DER Works Approval W4400/2008/1 - DER Licence 8141/2007/2
Ministerial Statement 476	476:M11.4	Extension of time limit on approval	Min for Env may grant an extension not exceeding three years for the substantial commencement of the proposal	Remove	As the project commenced in 2007 as approved by the Department of Mines and Petroleum, 30 March 2007 (DoIR Approval 5573) and the Department of Environment and Conservation (now the Department of Environment Regulation) 13 April 2007 ( <i>Environmental Protection Act 1986</i> Licence 8141/2007/2), Condition 11.1 is complete and therefore is no longer applicable. MWM requests its removal from Ministerial Statement 476.	- Mining Proposal (DoIR Approval 5573) - DER Works Approval W4400/2008/1 - DER Licence 8141/2007/2
Ministerial Statement 476	476:M12.2	Compliance	Unless otherwise specified, the DEP is responsible for assessing compliance with the conditions contained in this statement and for issuing formal clearance of conditions	Remove	As this condition is administrative and has no direct impact on the environment, MWM request its removal from Ministerial Statement 476.	N/A
Ministerial Statement 476	476:A1	Only proponent to audit	Commitments that are superseded by other conditions or low level audit and are not listed in this audit table need not be covered in compliance reports.	Remove	As this condition is administrative and has no direct impact on the environment, MWM request its removal from Ministerial Statement 476.	N/A
Ministerial Statement 476	476:A2	Commitments monitored by other agencies or legislation	Environmental commitments which are monitored by other agencies need not be reported on in annual PCRs other than to provide information on the compliance status of these commitments.	Remove	As this condition is administrative and has no direct impact on the environment, MWM request its removal from Ministerial Statement 476.	N/A
Ministerial Statement 476	476:P1	Management Programme	Prior to commissioning facilities at Mt Weld and Meenaar, the proponent will prepare and submit a Radiation Management Plan, in accordance with the Mine Safety and Inspection Regulations 1995, that will address the management and monitoring of occupational and environmental radiation issues associated with: 1. mining and milling; 2. transport; 3. residue disposal; to the requirements of the Department of Environmental Protection (DEP), the Department of WA and the Radiological Council.	Remove	The Radiation Management Plan was originally prepared on 30 July 2008 as Appendix H to the EMP v5 was prepared in accordance with the requirements of the Western Australian <i>Mines Safety and Inspection Act 1994</i> , Mines Safety and Inspection Regulations 1995 as well as with the Guideline NORM2.2: Preparation of a Radiation Management Plan mining and processing (2010, Department of Mines and Petroleum of WA). Compliance with this condition is therefore complete. The Radiation Management Plan has since been updated on an iterative basis with the most recent revision being February 2015. MWM request the removal of this proponent commitment as radiation management is regulated through other agencies such as DMP and Radiological Council of WA.	- <i>Mines Safety and Inspection Act 1994</i> - Mines Safety and Inspection Regulations 1995 - Guideline NORM2.2: Preparation of a Radiation Management Plan mining and processing
Ministerial Statement 476	476:P2	Annual Reporting	Annual reports that described the actions undertaken to comply with these environmental management and monitoring commitments will be prepared by the proponent and submitted to the DEP.	Remove	Performance and Compliance Reports have been submitted annually since commencement of mining in 2007. MWM requests the removal of this proponent commitment as it is covered under Ministerial Condition 9.	N/A



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Ministerial Statement 476	476:P3	Solid refuse and material wastes	Remove solid refuse and material wastes from the construction sites and dispose of in accordance with the requirements of the DEP in liaison with the Shire of Laverton (for the Mt Weld site) and the Shire of Northam (for the Meenaar site)	Remove	Waste produced on the Mount Weld premises is stored, handled and disposed of in accordance with Conditions 1.3.5, 1.3.6 and 1.3.7 of DER Licence 8141/2007/2.  MWM requests the removal of proponent commitment 3 as it is currently regulated by the Department of Environment Regulation.	- DER Licence 8141/2007/2
Ministerial Statement 476	476:P4	Flora and fauna education	Implement an education programme for all employees to outline the purpose of imposing restrictions to limit access to domestic pets, firearms and recreational use of motor vehicles to the premises	Remove	A Mount Weld Induction is in place which has a section focussing on environmental expectations and requirements of staff and contractors including restrictions on pets, firearms and off road driving. Other forms of environmental awareness training are also implemented through toolbox presentations and posters at key areas.  MWM requests the removal of this proponent commitment from Ministerial Statement 476 as the induction process is established and will be maintained, and also, a review process incorporated in change management procedures will ensure updates to awareness training are rolled out to staff and contractors.	- MWM EMS
Ministerial Statement 476	476:P5	Rehabilitated areas	Participate in an appropriate programme to control feral animals (goats and rabbits)	Remove	Given the low risk of feral animals on the Mount Weld site, MWM requests the removal of this proponent commitment from Ministerial Statement 476. Implementation of feral animal initiatives can be undertaken in accordance with obligations under DMP Mining Proposal approvals or <i>Wildlife Conservation Act 1950</i> .	- <i>Wildlife Conservation Act 1950</i> . - <i>Mining Act 1978</i>
Ministerial Statement 476	476:P6	Rehabilitation and Decommissioning	Rehabilitation at Mt Weld will be progressively undertaken, generally in accordance with DME's guidelines. Rehabilitation activities will be reported annually to DME.	Remove	This proponent commitment is addressed through the approved Mine Closure Plan (dated 6 March 2015, REG ID: 54212) which is regulated by the Department of Mines and Petroleum.  MWM requests the removal of this proponent commitment as it is regulated by the Department of Mines and Petroleum and no significant closure issues exist which require Environmental Protection Authority assessment or review.	- Mine Closure Plan (REG ID: 54212)
Ministerial Statement 476	476:P7	Rehabilitation and Decommissioning	A plan outlining the decommissioning of the Mt Welds facilities will be prepared by the proponent in accordance with the Mine Safety and Inspection Regulations 1995.	Remove	This proponent commitment is addressed through the approved Mine Closure Plan (dated 6 March 2015, REG ID: 54212) which is regulated by the Department of Mines and Petroleum.  MWM requests the removal of this proponent commitment as it is regulated by the Department of Mines and Petroleum and no significant closure issues exist which require Environmental Protection Authority assessment or review.	- Mine Closure Plan (REG ID: 54212)
Ministerial Statement 476	476:P8	Pollution Control Water	A surface and groundwater management plan, including water conservation, will be prepared by the proponent at Mt Weld to detail appropriate measures to manage the groundwater resources in the carbonatite pipe area. The plan will be prepared prior to the commencement of mining operations in consultation with, and to the requirements of the DEP, on advice from the Water and Rivers Commission.	Remove	An Environmental Management Plan including a surface and groundwater management plan was originally prepared by ENVIRON (April, 2007) for the initial mining campaign (Rev 6).  The EMP was subsequently updated for: - Concentration Plant, TSF, Evap Ponds Phase 1 (2008) (Rev 7); - Concentration Plant Phase 2 doubling of capacity (2013) (Rev 8); and - Installation of TSF2 and change of Transport to road and rail (2015) (Rev 9) was acknowledged by the EPA on 15 Sept 2016.  Additionally a Groundwater Operating Strategy Mt Weld GWL171310(2) was developed and approved by the Department of Water on 3 July 2013. An update to the GOS has been submitted to DoW in 2016 to reflect current and proposed activities and is undergoing review.  Likewise a Surface Water Management Plan was also developed and implemented in November 2016. Quality assurance is regulated by the Department of Environment Regulation through Mount Weld's <i>Environmental Protection Act 1986</i> Licence 8141/2007/2 and the Department of Water through Mount Weld's GWL171310(2).  Accordingly, MWM requests the removal of this condition from Ministerial Statement 476 as preparation of the Surface or Groundwater MP in accordance with the condition has been fulfilled, and the condition is currently regulated by the above listed regulatory instruments.	- DER Licence 8141/2007/2 - GWL171310(2) - Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013)
Ministerial Statement 476	476:P9	Pollution Control Water	A management plan for the disposal of residues from the Meenaar secondary processing plant at Mt Weld will be prepared by the proponent prior to commissioning of the project. The plan will be prepared in consultation with, and to the requirements of the DEP, on advice from DME.	Remove	Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.  As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.	N/A

**Ministerial Statement 476, Section 46 of the *Environmental Protection Act 1986***  
**Table of Requested Changes**

Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:P10	Pollution Control – Water	A groundwater monitoring programme will be prepared in consultation with, and to the requirements of the DEP on advice from the Water and Rivers Commission.	Remove	<p>An Environmental Management Plan including a groundwater management plan was originally prepared by ENVIRON (April, 2007) for the initial mining campaign (Rev 6).</p> <p>The EMP was subsequently updated for:                      - Concentration Plant, TSF, Evap Ponds Phase 1 (2008) (Rev 7);                      - Concentration Plant Phase 2 doubling of capacity (2013) (Rev 8);                      - Installation of TSF2 and change of Transport to road and rail (2015) (Rev 9) was acknowledged by the EPA on 15 Sept 2016.</p> <p>Additionally a Groundwater Operating Strategy Mt Weld GWL171310(2) was developed and approved by the Department of Water on 3 July 2013. An update to the GOS has been submitted to DoW in 2016 to reflect current and proposed activities and is undergoing review.</p> <p>This is regulated by the Department of Environment Regulation through Mount Weld's <i>Environmental Protection Act 1986</i> Licence 8141/2007/2 and the Department of Water through Mount Weld's GWL171310(2).</p> <p>Accordingly, MWM requests the removal of this condition from Ministerial Statement 476 as preparation of the Groundwater monitoring programme in accordance with the condition has been fulfilled, and the condition is currently regulated by the above listed regulatory instruments.</p>	- DER Licence 8141/2007/2 - GWL171310(2) - Groundwater Operating Strategy Mt Weld GWL171310(2) (approved by Department of Water 3 July 2013)
Ministerial Statement 476	476:P11	Pollution Control Water	All wastewater is to be confined to the Mt Weld premises.	Remove	<p>Wastewater management is currently regulated by the Department of Environment Regulation under Licence 8141/2007/2.</p> <p>Therefore MWM requests the removal of this proponent commitment from Ministerial Statement 476 as it is regulated by the above regulatory instruments.</p>	- DER Licence 8141/2007/2
Ministerial Statement 476	476:P12	Pollution Control Air	At the design and commissioning phase of the project, through dispersion modelling the proponent is to demonstrate that atmospheric emissions of carbon monoxide, nitrogen dioxide, photochemical oxidant, sulphur dioxide, lead and particulate, at the site boundary nearest residences, is in compliance with the current acceptable standard (National Environment Protection Council (NEPC), national environment protection measure (NEPM) for air quality, the current goals of which are shown in the table below. Best practice emission control equipment and clean production plant design will be used where appropriate, to comply with these concentrations.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.</p>	N/A
Ministerial Statement 476	476:P13	Pollution Control – Water	All wastewater, and surface water from within the plant area, is to be confined to the Meenaar premises.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.</p>	N/A
Ministerial Statement 476	476:P14	Seismic events	Prepare plans and associated documentation for the design of the Meenaar facility and evaporation ponds to withstand predicted seismic events...	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.</p>	N/A
Ministerial Statement 476	476:P15	Pollution Control – Water	A groundwater monitoring programme will be implemented. The result of this monitoring will be issued annually to the Waters and Rivers Commission and the DEP.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.</p>	N/A

**Ministerial Statement 476, Section 46 of the *Environmental Protection Act 1986***  
**Table of Requested Changes**

Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:P16	Radionuclides	Analyse all effluents to the ponds to determine if there are any significant traces of radionuclides...	Remove	Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.  As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.	N/A
Ministerial Statement 476	476:P17	Decommissioning	The decommissioning strategy for the secondary processing plant at Meenaar will be in accordance with the Mine Safety and Inspection Regulations 1995.	Remove	Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.  As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476 under Section 46.	N/A
Ministerial Statement 476	476:P18	Review of Transport Options	The proponent will undertake a further comparative review of the practicability of the transport options (road/rail versus road only) for the Mt Weld project prior to the commencement of construction of transport related facilities at Mt Weld and Meenaar. The result will be made available to the DEP.	Remove	The Meenaar component of this condition is no longer applicable. Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Schedule 1 of Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.  An updated Transport Management Plan was prepared and submitted to OEPA for information following consultation with relevant stakeholders and DMA's the TMP presented the option for transport of concentrate via road and rail as this was deemed safer, more economic and environmentally beneficial.  The Transport Management Plan is regulated under the following legislation: <ul style="list-style-type: none"> <li>- Western Australian <i>Road Traffic Act 1974</i>;</li> <li>- Western Australian Road Traffic Code 2000;</li> <li>- <i>Mines Safety and Inspection Act 1994</i>;</li> <li>- Mines Safety and Inspection Regulations 1995;</li> <li>- <i>Environmental Protection Act 1986</i>;</li> <li>- <i>Occupational Safety and Health Act 1984</i>;</li> <li>- <i>Radiation Safety Act 1975</i>;</li> <li>- Radiation Safety (General) Regulations 1983;</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002; and</li> <li>- Code of Practice for Fatigue Management for Commercial Vehicle Drivers 2004.</li> </ul> As no secondary processing plant at Meenaar exists and the Transport Management Plan is currently regulated by the above legislation, MWM requests its removal from Ministerial Statement 476.	<ul style="list-style-type: none"> <li>- Western Australian <i>Road Traffic Act 1974</i></li> <li>- Western Australian Road Traffic Code 2000</li> <li>- <i>Mines Safety and Inspection Act 1994</i></li> <li>- Mines Safety and Inspection Regulations 1995</li> <li>- <i>Environmental Protection Act 1986</i></li> <li>- <i>Occupational Safety and Health Act 1984</i></li> <li>- <i>Radiation Safety Act 1975</i></li> <li>- Radiation Safety (General) Regulations 1983</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002</li> <li>- Code of Practice for Fatigue Management for Commercial Vehicle Drivers 2004</li> </ul>
Ministerial Statement 476	476:P19	General Construction	All construction materials and practices will comply with relevant Australian standards and codes of practice.	Remove	As the construction phase and therefore this proponent commitment has been completed, MWM requests its removal from Ministerial Statement 476.	N/A
Ministerial Statement 476	476:P20	Radiation General	The ALARP principle (which requires that exposures to radiation be reduced to as low as practicable, in accordance with the Mine Safety and Inspection regulations 1995, taking into account social and economic factors) will be adopted for all components of the project.	Remove	MWM is fully committed to keeping radiation exposures As Low As Reasonably Achievable (ALARA) and below legislative requirements. Our activities that are associated with a potential radiation exposure risk are governed by current legislation currently enforced by the Radiation Health branch of the Health Department of WA and the Department of Mines and Petroleum's Radiological Council and Radiation Safety Division.  Accordingly, MWM requests that the Minister consider removal of Proponent Commitment 20 from Statement 476 given the presence of other statutory instruments including the Radiation Management Plan regulated by the Radiological Council and Radiation Safety Division, and must be complied with in order to manage radiation exposure for workers and the public.	<ul style="list-style-type: none"> <li>- <i>Mines Safety and Inspection Act 1994</i></li> <li>- Mines Safety and Inspection Regulations 1995</li> <li>- <i>Environmental Protection Act 1986</i></li> <li>- <i>Occupational Safety and Health Act 1984</i></li> <li>- <i>Radiation Safety Act 1975</i></li> <li>- Radiation Safety (General) Regulations 1983</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002</li> </ul>
Ministerial Statement 476	476:P21	Legislative Compliance	The management of all radioactive materials will be in accordance with the Mine Safety and Inspection Regulations 1995.	Remove	MWM is fully committed to keeping radiation exposures As Low As Reasonably Achievable (ALARA) and below legislative requirements. Our activities that are associated with a potential radiation exposure risk are governed by current legislation currently enforced by the Radiation Health branch of the Health Department of WA and the Department of Mines and Petroleum's Radiological Council and Radiation Safety Division.  Accordingly, MWM requests that the Minister consider removal of Proponent Commitment 21 from Statement 476 given the presence of other statutory instruments including the Radiation Management Plan regulated by the Radiological Council and Radiation Safety Division, and must be complied with in order to manage radiation exposure for workers and the public.	<ul style="list-style-type: none"> <li>- <i>Mines Safety and Inspection Act 1994</i></li> <li>- Mines Safety and Inspection Regulations 1995</li> <li>- <i>Environmental Protection Act 1986</i></li> <li>- <i>Occupational Safety and Health Act 1984</i></li> <li>- <i>Radiation Safety Act 1975</i></li> <li>- Radiation Safety (General) Regulations 1983</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002</li> </ul>

**Ministerial Statement 476, Section 46 of the *Environmental Protection Act 1986***  
**Table of Requested Changes**

Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:P22	Radiation Protection Design Targets	The proponent's commitment to radiation protection design targets for: 1.all employees will be less than 2 milliSievert per annum; 2.for members of the public will be 0.05 milliSievert per annum; and 3.all employees and the public in handling and transport procedures, will be 1 milliSievert per annum dose limit for employees, and 0.01 milliSievert per annum does limit for members of the public.	Remove	<p>Statutory requirements around prescribed radiation exposure levels have been superseded by the Western Australian Radiation Safety (General) Regulations and the Radiation Safety (Transport of Radioactive Substances) Regulations 2002.</p> <p>These Regulations as well as the Australian Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (ARPANSA, 2005) currently recommends:</p> <ul style="list-style-type: none"> <li>- a maximum permissible exposure limit of 20 milliSieverts per annum for workers; and</li> <li>- a dose limit of 1 milliSieverts per annum for the public.</li> </ul> <p>Monitoring of mining operations at Mt Weld indicates that the exposure dose for plant operators is a fraction of and well below statutory limits.</p> <p>MWM is fully committed to keeping radiation exposures As Low As Reasonably Achievable (ALARA) and below legislative requirements. Our activities that are associated with a potential radiation exposure risk are governed by current legislation currently enforced by the Radiation Health Branch of the Health Department of WA and the Department of Mines and Petroleum's Radiation Safety Division.</p> <p>Accordingly, MWM requests that the Minister consider removal of Proponent Commitment 22 from Statement 476 given the presence of other statutory instruments including the Radiation Management Plan regulated by the Radiological Council and Radiation Safety Division, and must be complied with in order to manage radiation exposure for workers and the public.</p>	<ul style="list-style-type: none"> <li>- Mines Safety and Inspection Act 1994</li> <li>- Mines Safety and Inspection Regulations 1995</li> <li>- Environmental Protection Act 1986</li> <li>- Occupational Safety and Health Act 1984</li> <li>- Radiation Safety Act 1975</li> <li>- Radiation Safety (General) Regulations 1983</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002</li> </ul>
Ministerial Statement 476	476:P23	Meenaar Operations General	The proponent will cooperate with other occupants of the Meenaar Industrial park in the development of a comprehensive safety and environmental protection programme for the park.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A
Ministerial Statement 476	476:P24	Meenaar Operations Safety	The storage and handling of hazardous materials will be undertaken in accordance with relevant statutes and codes, and the proponent will institute an ongoing worker safety training programme.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 45C of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A
Ministerial Statement 476	476:P25	Meenaar Operations Safety	An emergency management plan will be developed by the proponent prior to commissioning, in consultation with DME. The plan would include measures to be taken in the event of seismic activity.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 46 of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A
Ministerial Statement 476	476:P26	Meenaar Operations Safety	The storage of dangerous goods will comply with the requirements of the Dangerous Goods Regulations 1992.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 46 of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A
Ministerial Statement 476	476:P27	Meenaar Operations Safety	Studies will be undertaken by the proponent during the design phase of Stages II and III to identify an economic means of removing the nitrate from the wastewater before it entered the evaporation ponds.	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 46 of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A
Ministerial Statement 476	476:P28	Meenaar Operation Solids	The proponent will continue to investigate the feasibility of selling the calcium phosphate material produced from regeneration of caustic soda or otherwise making it available to others (for possible use as fertiliser feedstock).	Remove	<p>Secondary processing of rare earth concentrates at Meenaar was considered not to be viable and hence was requested and approved to be removed from Ministerial Statement 476 under Section 46 of the <i>Environmental Protection Act 1986</i> on 14 May 2003 by the Environmental Protection Authority.</p> <p>As no secondary processing plant at Meenaar remains as part of the project, this condition is no longer applicable, and therefore MWM requests its removal from Ministerial Statement 476.</p>	N/A

**Ministerial Statement 476, Section 46 of the *Environmental Protection Act 1986***  
**Table of Requested Changes**

Source	Condition No.	Focus Area	Compliance Requirement	No Change/ Remove/ Revise	Justification for Changes	Alternative Legal or Other Instrument
Ministerial Statement 476	476:P29	Legislative Compliance	Transport and handling procedures will comply with the Western Australian Dangerous Goods Regulations 1992 and the Radiation Safety (Transport of Radioactive Substances) Regulations 1991.	Remove	<p>The Transport Management Plan is regulated under the following legislation:</p> <ul style="list-style-type: none"> <li>- Western Australian Road Traffic Act 1974;</li> <li>- Western Australian Road Traffic Code 2000;</li> <li>- Mines Safety and Inspection Act 1994;</li> <li>- Mines Safety and Inspection Regulations 1995;</li> <li>- Environmental Protection Act 1986;</li> <li>- Occupational Safety and Health Act 1984;</li> <li>- Radiation Safety Act 1975;</li> <li>- Radiation Safety (General) Regulations 1983;</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002; and</li> <li>- Code of Practice for Fatigue Management for Commercial Vehicle Drivers 2004.</li> </ul> <p>Therefore as the legislation listed in this proponent commitment has been superseded by current legislation listed above MWM request its removal from Ministerial Statement 476.</p>	<ul style="list-style-type: none"> <li>- Western Australian Road Traffic Act 1974</li> <li>- Western Australian Road Traffic Code 2000</li> <li>- Mines Safety and Inspection Act 1994</li> <li>- Mines Safety and Inspection Regulations 1995</li> <li>- Environmental Protection Act 1986</li> <li>- Occupational Safety and Health Act 1984</li> <li>- Radiation Safety Act 1975</li> <li>- Radiation Safety (General) Regulations 1983</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002</li> <li>- Code of Practice for Fatigue Management for Commercial Vehicle Drivers 2004</li> </ul>
Ministerial Statement 476	476:P30	Emergency Procedures	Emergency procedure guides and emergency contacts will be documented and available in vehicle cabs, and all drivers will be instructed in the actions, as specified under the Western Australian Hazardous Materials Emergency Management Scheme, to be taken in the event of an accident.	Remove	<p>MWM has developed and implements an Emergency Response Management Plan for the Mount Weld Operations and along designated road and rail transport routes. This plan has been developed to be consistent with the following legislation:</p> <ul style="list-style-type: none"> <li>- Dangerous Goods Safety Act 2004; 06.05 Remediating dangerous and other situations;</li> <li>- Mines Safety and Inspection Act 1994; P02.D00.S000 General duties relating to Occupational Safety and Health;</li> <li>- Mines Safety and Inspection Act 1994; P02.D01.S009 Duties of employers;</li> <li>- Mines Safety and Inspection Act 1994; P02.D01.S010 Duties of employees;</li> <li>- Mines Safety and Inspection Act 1994; P02.D02.S011 Reporting of dangerous situations;</li> <li>- Mines Safety and Inspection Act 1994; P04.D00.S000 Management of Mines;</li> <li>- Mines Safety and Inspection Act 1994; P04.D01.S032 Duties of employers and managers;</li> <li>- Mines Safety and Inspection Act 1994; P07.D02.S076 Accidents and Occurrences;</li> <li>- Mines Safety and Inspection Act 1994; P07.D03.S082 Plans and records; and</li> <li>- Mines Safety and Inspection Regulations 1995; 04.03 Emergency preparation.</li> </ul> <p>Therefore as this proponent commitment references superseded legislation, and is obliged to comply with other legislation, MWM requests removal of this commitment from Ministerial Statement 476.</p>	<ul style="list-style-type: none"> <li>- Dangerous Goods Safety Act 2004; 06.05 Remediating dangerous and other situations</li> <li>- Mines Safety and Inspection Act 1994; P02.D00.S000 General duties relating to Occupational Safety and Health</li> <li>- Mines Safety and Inspection Act 1994; P02.D01.S009 Duties of employers</li> <li>- Mines Safety and Inspection Act 1994; P02.D01.S010 Duties of employees</li> <li>- Mines Safety and Inspection Act 1994; P02.D02.S011 Reporting of dangerous situations</li> <li>- Mines Safety and Inspection Act 1994; P04.D00.S000 Management of Mines</li> <li>- Mines Safety and Inspection Act 1994; P04.D01.S032 Duties of employers and managers</li> <li>- Mines Safety and Inspection Act 1994; P07.D02.S076 Accidents and Occurrences</li> <li>- Mines Safety and Inspection Act 1994; P07.D03.S082 Plans and records</li> <li>- Mines Safety and Inspection Regulations 1995; 04.03 Emergency preparation</li> </ul>
Ministerial Statement 476	476:P31	Monitoring	A programme of occupational health and safety monitoring of transport drivers will be developed by the proponent prior to commissioning, in consultation with the Health Department of WA.	Remove	<p>This commitment is not related to the environment and is outside the jurisdiction of the EPA. Personnel OHS and monitoring thereof is a requirement under legislation administered by DMP. The RMP which is regulated by DMP and Radiological Council also prescribes a radiation monitoring program for personnel and the public.</p>	<ul style="list-style-type: none"> <li>- Mines Safety and Inspection Act 1994</li> <li>- Mines Safety and Inspection Regulations 1995</li> <li>- Environmental Protection Act 1986</li> <li>- Occupational Safety and Health Act 1984</li> <li>- Radiation Safety Act 1975</li> <li>- Radiation Safety (General) Regulations 1983</li> <li>- Radiation Safety (Transport of Radioactive Substances) Regulations 2002</li> </ul>