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Published on: 19 March 2018

Statement No. 1074

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

**CAPE LAMBERT TO EMU SIDING RAIL DUPLICATION AND BORROW PITS IN
MILLSTREAM CHICHESTER NATIONAL PARK**

Proposal: The proposal includes the approved rail line and eastern deviation and associated infrastructure adjacent to the existing rail line from Cape Lambert to Emu Siding. The seven borrow pits within Millstream Chichester National Park are for use in the construction and maintenance of rail lines and associated infrastructure located within Millstream Chichester National Park.

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

Proponent Address: 152-158 St Georges Terrace, PERTH WA 6000

Report of the Environmental Protection Authority: 1609

Previous Assessment Numbers: 1892, 1937

Previous Report Numbers: 1408, 1451

Preceding Statements Relating to this Proposal: 880, 918

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by s 46(8), it has been agreed that implementation conditions set out in Ministerial Statement No. 918, be changed as specified in this Statement.

Condition 5 is deleted, and replaced with:

5 Weeds

- 5-1 The proponent shall manage the implementation of the proposal to ensure that:
- (1) no new species of declared and environmental weeds are established in the Rail Duplication Areas and Borrow Pit Areas located within the Proposal Area as a result of implementation of the proposal;
 - (2) the cover of existing weeds species at the impact sites within the rail duplication area, outside the Millstream Chichester National Park, shall not show a statistically significant increase from baseline results and the corresponding control sites as identified in the *Cape Lambert to Emu Siding Rail Duplication – Proposed Monitoring Site Re-installation and Update to the Baseline Weed Monitoring Survey Report, May 2014*, or other control and impact sites agreed by the CEO; and
 - (3) there is no increase in weed cover, extent, and the invasive characteristics of weeds in Rail Duplication Area and Borrow Pit Areas within the Millstream Chichester National Park as a result of implementation of the proposal.
- 5-2 The proponent shall, undertake weed monitoring within the Proposal Area at the following frequency:
- (1) annually for two years from the date of this statement and then every two years within the Rail Duplication Areas, unless otherwise agreed in writing by the CEO; and
 - (2) annually for Borrow Pit Areas in the Millstream Chichester National Park in accordance with the approved *Borrow Pit Weed Management Plan, (July 2016)* or any subsequent approved revisions as agreed by the CEO, on advice of the Department of Biodiversity, Conservation and Attractions.
- 5-3 The weed monitoring referred to in condition 5-2, shall be undertaken:
- (1) at weed monitoring sites identified and surveyed in the approved *Cape Lambert to Emu Siding Rail Duplication – Proposed Monitoring Site Re-installation and Update to the Baseline Weed Monitoring Survey Report, May 2014*, or as otherwise agreed by the CEO; and
 - (2) in accordance with the approved *Borrow Pit Weed Management Plan, (July 2016)*, or any subsequent approved revisions as agreed by the CEO, on advice of the Department of Biodiversity, Conservation and Attractions.
- 5-4 Where the results of monitoring under condition 5-2 indicates that condition 5-1 is not being met, the proponent shall:
- (1) report the monitoring findings to the CEO within 28 days of becoming aware that condition 5-1 is not being met;

- (2) implement mitigation actions to the satisfaction of the CEO; and
- (3) where reporting and mitigation actions in conditions 5-4(1) and 5-4(2) relate to Rail Duplication Areas and Borrow Pit Areas within the Millstream Chichester National Park, reporting and mitigation measures shall be undertaken in accordance with the approved *Borrow Pit Weed Management Plan (July 2016)*, or any subsequent approved revisions as agreed by the CEO, on advice from the Department of Biodiversity, Conservation and Attractions.

5-5 The proponent shall continue to implement the mitigation actions required by condition 5-4(2), until the CEO has confirmed by notice in writing that the mitigation actions are no longer required.

“CEO” means the Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

“Proposal Area” means the area defined in Figure 1 of Schedule 1 of Ministerial Statement 918.

“Rail Duplication Areas” means the area defined in Figure 2 and Figure 3 of Schedule 1 and the coordinates in Schedule 2 of Ministerial Statement 918.

“Borrow Pit Areas” means the areas defined in Figure 4 of Schedule 1 of Ministerial Statement 918 and the coordinates for “Borrow Pit Areas” in Schedule 2 of Ministerial Statement 918.

[signed on 19 March 2018]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT