

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT

**ORD RIVER IRRIGATION AREA STAGE 2 (M2 SUPPLY CHANNEL) –
INQUIRY UNDER SECTION 46 OF THE *ENVIRONMENTAL PROTECTION
ACT 1986* TO AMEND IMPLEMENTATION CONDITIONS AND REMOVE
ALL THE PROPONENT COMMITMENTS OF MINISTERIAL STATEMENT
830**

The Minister for Environment requested (28 June 2012) that the Environmental Protection Authority (EPA) inquire into and report to the Minister on the proposed changes to the implementation conditions applicable to the Ord River Irrigation Area Stage 2 (M2 Supply Channel).

The following is the EPA's Report and Recommendations (No. 1467) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986* (EP Act).

Background

The Department of State Development on behalf of the Minister for State Development (the proponent) requested minor amendments to the existing implementation conditions of Ministerial Statement 830 to contemporise and rationalise implementation conditions and proponent commitments for the Ord River Irrigation Area Stage 2 (M2 Supply Channel) under Ministerial Statement 830.

Consideration of the proposed changes to conditions

The environmental regulation of the Ord River Irrigation Area Stage 2 under Part IV of the EP Act comprises a number of standard implementation conditions and proponent commitments. The proponent proposed to reword implementation conditions 1, 3, 4, 5, 6, 11, 13 and 14, delete Condition 2 and amalgamate conditions 7 to 10 so that the Ministerial Statement is consistent with contemporary presentation of implementation conditions. The proponent also proposed removal of proponent commitments 1 to 57 and to add a new condition "*Body Corporate*" to manage the operational and financial aspects of State and Federal commitments for environmental management of the proposed development.

The EPA has reviewed the proposed changes and relevant implementation conditions and proponent commitments. Tables 1 and 2 attached to this report summarise and evaluate the proposed changes and identify proposed amendments.

EPA conclusion and recommendation

Having inquired into this section 46 application by the Department of State Development on behalf of the Minister for State Development, the EPA recommends to the Minister for Environment that:

1. While retaining the environmental requirements of the original conditions, it is appropriate to:
 - reword implementation conditions 1, 3, 4, 5, 6, 11, 13, and 14;
 - delete Condition 2; and
 - delete conditions 7 to 10 and replace them with consolidated, contemporary style conditions.
2. Proponent commitments 1 to 57 of Ministerial Statement 830 are deleted as they are considered redundant, duplicate requirements addressed by the proposed implementation conditions 1 to 11, or are addressed by other legislation.
3. The EPA has recommended that it is not necessary to add a new condition relating to the formation of a Body Corporate. The current proponent of the project will be responsible for ongoing environmental management within the project area until the Body Corporate is established. Nomination of the proponent is addressed under the EP Act. The EP Act requires that if the person nominated as the proponent (Minister for State Development) ceases to have responsibility for a proposal, that person is to give the EPA written notice advising the name of the person (such as the proposed Body Corporate) to whom or which responsibility for the proposal will pass or has passed.
4. After complying with section 46(8) of the EP Act, the Minister issues a statement of decision to delete the commitments and conditions 2, 7 to 10 and change conditions 1, 3, 4, 5, 6, 11, 13, and 14 in the manner provided for in the attached recommended statement.

Table 1 Ord River Irrigation Area Stage 2 (M2 Supply Channel) – section 46 assessment of proposed changes to Implementation Conditions

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>1 Implementation:</p> <p>1-1 Subject to these conditions and procedures, the proponent shall implement the proposal as documented in Schedule 1 of this Statement.</p> <p>1-2 Where the proponent seeks to change any aspect of the proposal as documented in schedule 1 of this statement in any way that the Minister for Environment determines, on advice of the Environmental Protection Authority, is substantial, the proponent shall refer the matter to the Environmental Protection Authority.</p> <p>1-3 Where the proponent seeks to change any aspect of the proposal as documented in Schedule 1 of this Statement in any way that the Minister for Environment determines, on advice of the Environmental Protection Authority, is not substantial, those changes may be effected.</p>	<p>Reword condition.</p>	<p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. This condition is deleted and replaced by the following:</p> <p>Implementation</p> <p>1-1 The proponent shall implement the proposal as documented and described in Schedule 1 of this Statement, subject to the conditions and procedures of this statement.</p> <p>Conditions 1-2 and 1-3 are deleted as they are addressed in the <i>Environmental Protection Act 1986</i>.</p>
<p>2 Proponent commitments</p> <p>2-1 The proponent shall implement the consolidated environmental management commitments documented in Schedule 2 of this statement.</p> <p>2-2 The proponent shall implement subsequent environmental management commitments which the proponent makes as part of the fulfilment of conditions and procedures in this Statement.</p>	<p>Delete condition.</p>	<p>Condition 2 relates to proponent commitments documented in Schedule 2 of Statement 830.</p> <p>The EPA has reviewed each proponent commitment and considers that they fall into three categories (1) duplicates of existing conditions; (2) no longer relevant; or (3) managed under other legislation. For the full details of this assessment See Table 2 of this report.</p> <p>It is considered that all the Proponent Commitments can be deleted.</p>
<p>3 Proponent</p> <p>3-1 The proponent for the time being nominated by the</p>	<p>Reword condition.</p>	<p>The requirements of conditions 3-1 and 3-2 are outlined in the EP Act and should not be repeated within an implementation condition. Conditions 3-1</p>

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<p>Minister for Environment under section 38(6) or (7) of the EP Act is responsible for the implementation of the proposal until such time as the Minister for Environment has exercised the Minister's power under section 38(7) of the EP Act to revoke the nomination of that proponent and nominate another person in respect of the proposal.</p> <p>3-2 Any request for the exercise of that power of the Minister referred to in Condition 3-1 shall be accompanied by a copy of this statement endorsed with an undertaking by the proposed replacement proponent to carry out the proposal in accordance with the conditions and procedures set out in the statement.</p> <p>3-3 The proponent shall notify the Office of the Environmental Protection Authority of any change of proponent contact name and address within 30 days of such change.</p>		<p>and 3-2 should be deleted. The requirements of Condition 3-3 are still relevant and will be retained, but expressed in contemporary wording and format without changing the intent. This condition is deleted and replaced by the following:</p> <p>Contact details</p> <p>2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within 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.</p> <p>Definition</p> <p>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 his delegate.</p>
<p>4 Commencement</p> <p>4-1 The proponent shall provide evidence to the Minister for Environment within five years of the date of this Statement that the proposal has been substantially commenced.</p> <p>4-2 Where the proposal has not been substantially commenced within five years of the date of this Statement, the approval to implement the proposal as granted in this Statement shall lapse and be void. The Minister for Environment will determine any question as to whether the proposal has been substantially commenced.</p> <p>4-3 The proponent shall make application to the Minister for Environment for any extension of approval for the</p>	<p>Delete condition and replace with contemporary condition.</p>	<p>The requirements of these conditions are still relevant and will be retained but expressed in contemporary wording and format achieving improved enforceability without changing the intent. Conditions 4-1, 4-2, 4-3 and 4-4 are deleted and replaced by the following conditions:</p> <p>Time limit for proposal implementation</p> <p>3-1 The proponent shall not commence implementation of the proposal after the expiration of five years from the date of this statement, and any commencement, within this five year period, must be substantial.</p> <p>3-2 Any commencement of implementation of the proposal, within five years from the date of this statement, must be demonstrated as</p>

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<p>substantial commencement of the proposal beyond five years from the date of this Statement at least six months prior to the expiration of the five year period referred to in conditions 4-1 and 4-2.</p> <p>4-4 Where the proponent demonstrates to the requirements of the Minister for Environment on advice of the Environmental Protection Authority that the environmental parameters of the proposal have not changed significantly, then the Minister may grant an extension not exceeding five years for the substantial commencement of the proposal.</p>		<p>substantial by providing the CEO with written evidence, on or before the expiration of five years from the date of this statement.</p> <p>Definition 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 his delegate.</p>
<p>5 Compliance auditing</p> <p>5-1 The proponent shall submit periodic compliance reports, in accordance with an audit programme prepared in consultation between the proponent and the Office of the Environmental Protection Authority.</p> <p>5-2 Unless otherwise specified, the Chief Executive Officer of the Office of the Environmental Protection Authority is responsible for assessing compliance with the conditions, procedures and commitments contained in this Statement and for issuing formal, written advice that the requirements have been met.</p> <p>5-3 Where compliance with any condition, procedure or commitment is in dispute, the matter will be determined by the Minister for Environment.</p>	<p>Delete condition and replace with contemporary compliance reporting condition.</p>	<p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. Conditions 5-1, 5-2 and 5-3 are deleted and replaced by the following conditions:</p> <p>Compliance reporting</p> <p>4-1 The proponent shall prepare and maintain a compliance assessment plan to the satisfaction of the CEO.</p> <p>4-2 The compliance assessment plan shall indicate:</p> <ol style="list-style-type: none"> (1) the frequency of compliance reporting; (2) the approach and timing of compliance assessments; (3) the retention of compliance assessments; (4) reporting of potential non-compliances and corrective actions taken; (5) the table of contents of compliance reports; and (6) public availability of compliance reports. <p>4-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by Condition 4-1.</p>

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		<p>4-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by Condition 4-1 and shall make those reports available when requested by the CEO.</p> <p>4-5 The proponent shall advise the CEO of any potential non-compliance within seven days.</p> <p>4-6 The proponent shall submit a compliance assessment report annually from the date of issue of this Statement addressing the previous twelve month period or other period as accepted by the CEO. The compliance assessment report shall:</p> <ol style="list-style-type: none"> (1) be endorsed by the proponent's Managing Director or a person, delegated to sign on the Managing Director's behalf; (2) include a statement as to whether the proponent has complied with the conditions; (3) identify all potential non-compliances and describe corrective and preventative actions taken; (4) be made publicly available in accordance with the approved compliance assessment plan; and (5) indicate any proposed changes to the compliance assessment plan required by Condition 4-1. <p>Definition 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 his delegate.</p>
<p>6 Environmental Management System 6-1 In order to manage the environmental impacts of the project, and to fulfil the requirements of the conditions and procedure in this statement, prior to ground-</p>	<p>Delete condition and replace with contemporary</p>	<p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. Conditions 6-1 and 6-2 are deleted and replaced by conditions 5-1 and 5-3. Condition 5-2 is added to include the reference to the relevant Australian</p>

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<p>disturbing activities, the proponent shall demonstrate, on advice of the Office of the Environmental Protection Authority, the Department of Water and the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, that there is in place an environmental management system which includes the following elements:</p> <ol style="list-style-type: none"> 1. An environmental policy and corporate commitment to it; 2. Mechanisms and processes to ensure: <ol style="list-style-type: none"> (1) planning to meet environmental requirements; (2) implementation and operation of actions to meet environmental requirements; (3) measurement and evaluation of environmental performance; 3. Review and improvement of environmental outcomes; and 4. Nomination of environmental management responsibilities. <p>6-2 The proponent shall implement the environmental management system referred to in Condition 6-1.</p>	<p>condition.</p>	<p>Standard as per Commitment 1:</p> <p>Environmental Management System</p> <p>5-1 In order to manage the environmental impacts of the project, and to fulfil the requirements of the conditions and procedures in this statement, prior to commencement of ground-disturbing activities, the proponent shall demonstrate, on advice of the Department of Water, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport and the Department of Agriculture and Food Western Australia, that there is in place an Environmental Management System to the satisfaction of the CEO.</p> <p>5-2 The Environmental Management System required pursuant to Condition 5-1 shall be consistent with AS/NZ ISO 14001 standard and include the following elements:</p> <ol style="list-style-type: none"> (1) organisational commitment; (2) environmental policy; (3) environmental aspects and impacts register; (4) regulatory and legal compliance register; (5) objectives and performance indicators; (6) environmental management programme documentation (i.e. EMP); (7) operational and emergency procedures; (8) responsibility and reporting structure; (9) training and awareness Programme; and (10) environmental performance reviews, audits, monitoring and measurement. <p>5-3 Prior to commencing ground-disturbing activities and until advised otherwise by the CEO the proponent shall implement the Environmental Management System required pursuant to Condition 5-1.</p>

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		<p>Definitions</p> <p>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 his delegate.</p> <p>ISO14001 – The International Organisation for Standardisation.</p>
<p>7 Environmental Management Programme</p> <p>7-1 Prior to commencement of ground-disturbing activities, the proponent shall prepare an Environmental Management Programme, on advice of the Office of the Environmental Protection Authority, the Department of Environment and Conservation, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, the Northern Territory Parks and Wildlife Service, the Department of Water, the Department of Health and the Shire of Wyndham-East Kimberley. This Programme shall relate to the “Project Area”, activities associated link between the “Project Area” and Wyndham. The Programme shall include environmental management plans as listed in Table 2, Schedule 2, as well as environmental management plans for:</p> <ol style="list-style-type: none"> 1. chemicals management; 2. the Sugar Mill and associated activities; 3. sodic soil management; 4. infrastructure maintenance (including flood levee location and management). <p>The plans shall specify:</p> <ul style="list-style-type: none"> • environmental management measures, criteria and standards to be used to measure performance; • remedial action to be undertaken; 	<p>Delete condition and replace with a consolidated, contemporary style condition.</p>	<p>Conditions 7 to 10 and proponent commitments 2, 4, 5, 6, 8 to 40, 42, 44, 54 and 56 in Schedule 2 of Ministerial Statement 830 are deleted and replaced with consolidated contemporary style conditions 6-1, 6-2, 6-3, 6-4 and 6-5, without reducing the obligations in these original conditions and commitments:</p> <p>Environmental Management Programme</p> <p>6-1 The proponent shall prepare an Environmental Management Programme for approval by the CEO.</p> <p>6-2 The Environmental Management Programme required pursuant to Condition 6-1 shall include the following management plans:</p> <ol style="list-style-type: none"> (1) Soil Management Plan, including: <ol style="list-style-type: none"> (a) sodic soil management, soil erosion and soil chemical status; and (b) soil conservation, repair and restoration. (2) Chemicals Management Plan, including: <ol style="list-style-type: none"> (a) chemical and fertiliser types, usage, method and timing; and (b) managed in accordance with relevant legislation. (3) Dust and Particulate Management Plan, including: <ol style="list-style-type: none"> (a) dust monitoring Programme; (b) management of emissions from the boiler to meet air quality standards; and (c) management of the burning of vegetation to direct smoke and

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<ul style="list-style-type: none"> • performance monitoring requirements; • annual and triennial monitoring and reporting requirements; and • peer review requirements. <p>7-2 The proponent shall implement the Environmental Management Programme required by Condition 7-1 to the requirements of the Environmental Protection Authority.</p> <p>7-3 The proponent shall make the Environmental Management Programme required by Condition 7-1 publicly available, to the requirements of the Environmental Protection Authority.</p>		<p>ash away from residential areas.</p> <p>(4) Fire Management Plan, including:</p> <p>(a) a fire control strategy.</p> <p>(5) Greenhouse Gas Emissions Plan.</p> <p>(6) Weed, Plant Pathogen and Pest Plan including:</p> <p>(a) monitoring Programme which will include the cleaning of all construction machinery of soil and organic debris prior to being transported to the Project area; and</p> <p>(b) an induction Programme for construction personnel.</p> <p>(7) Mosquitoes and Disease Vectors Management Plan.</p> <p>(8) Surface Water Management Plan.</p> <p>(9) Groundwater Management Plan including:</p> <p>(a) engineering design standards to reduce seepage to 2mm/d.</p> <p>(10) Discharge Management Plan, including:</p> <p>(a) design of an irrigation tailwater management system with capacity to retain first flush on all farms in consultation with DAFWA; and</p> <p>(b) management of fertilisers and chemicals to ensuring none are applied when first flush capacity is not available.</p> <p>(11) Biodiversity and Habitat Management Plan.</p> <p>(12) Buffer Management Plan including:</p> <p>(a) tenure, role and purpose of the buffer area;</p> <p>(b) management objectives, priorities and practices for the buffer area;</p> <p>(c) management of chemicals within or potentially affecting the buffer;</p> <p>(d) the environmental values of the buffer area;</p> <p>(e) methods to control human and vehicular access to environmentally sensitive portions of the buffer area and to minimise the impacts of construction activities; and</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
		<p>(f) rehabilitation of disturbed portions of the buffer area and responsibilities for the maintenance of the buffer area.</p> <p>(13) Rehabilitation Management Plan including: (a) progressive rehabilitation with local species where possible.</p> <p>(14) Aboriginal Cultural Heritage Plan, including: (a) Aboriginal Socio-Economic Assessment; and (b) Archaeological and ethnographic assessments.</p> <p>(15) Community Issues Management Plan including: (a) restricting construction activities to daylight hours within 500 m of existing residence; (b) traffic on public roads during construction; (c) managing interaction between construction personnel and the local community; and (d) access to project facilities and the Weaber Plain Buffer Area.</p> <p>(16) Infrastructure Maintenance Plan including: (a) flood levee location and management.</p> <p>(17) Environmental Education and Training Plan.</p> <p>(18) Flora and Fauna Protection Plan.</p> <p>(19) Hydrodynamic Survey Plan prior to intended discharge of harvested groundwater or drainage from the project development area including: (a) surveys of the flushing characteristics of the Keep River, Sandy Creek and Border Creek; and (b) hydrodynamic investigations of the estuarine portion of the Keep River.</p> <p>(20) A sugar mill and associated activities management plan, specifying: (a) environmental management measures, criteria and standards to be used to measure performance;</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
		<p>(b) remedial action to be undertaken; (c) performance monitoring requirements; (d) annual and triennial monitoring and reporting requirements; and (e) peer review requirements.</p> <p>6-3 Prior to submission of the Final Environmental Management Programme for approval, the proponent shall consult with the Department of Environment and Conservation, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, the Northern Territory Parks and Wildlife Service, the Department of Water, the Department of Health, the Department of Agriculture and Food Western Australia and the Shire of Wyndham-East Kimberley in determining whether the Environmental Management Programme meets the requirements of Condition 6-2.</p> <p>6-4 Prior to commencement of ground-disturbing activity and until advised otherwise by the CEO the proponent shall implement the approved Environmental Management Programme.</p> <p>6-5 The proponent shall make the approved Environmental Management Programme publicly available, to the requirements of the CEO and within 28 days of being approved.</p> <p>Definitions 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 his delegate.</p> <p>Approved Environmental Management Plan – The Environmental Management Plan for which the proponent has received written notification</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
		from the CEO that it meets the requirements of Condition 6-2.
<p>8 Buffer Management Plan</p> <p>8-1 Prior to ground-disturbing activity, the proponent shall prepare a Buffer Management Plan, as part of the Environmental Management Programme, to protect the environmental values of the buffer, including the protection of watercourses, wetlands, native fauna and vegetation, on advice of the Office of the Environmental Protection Authority, the Department of Environment and Conservation, the Department of Water, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, and the Northern Territory Parks and Wildlife Service. This Plan shall address:</p> <ol style="list-style-type: none"> 1. tenure of the buffer area; 2. the role and purpose of the buffer area; 3. management objectives and priorities for the buffer area; 4. management practices to apply to the buffer area; 5. management of chemicals within or potentially affecting the buffer; 6. the environmental values of the buffer area; 7. methods to control human and vehicular access to environmentally sensitive portions of the buffer area; 8. methods to minimise the impacts of construction activities; 9. rehabilitation of disturbed portions of the buffer area; and 10. responsibilities for the maintenance of the buffer area. <p>8-2 The proponent shall implement the Buffer Management Plan required by Condition 8-1 as specified in that Plan.</p> <p>8-3 The proponent shall make the Buffer Management Plan</p>	Delete condition.	See above proposed Condition 6-2 (12).

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>required by Condition 8-1 publicly available, to the requirements of the Environmental Protection Authority.</p>		
<p>9 Flora and Fauna Protection Plan</p> <p>9-1 Prior to the preparation of the Final Project Design Plan, as required by Condition 11-1, the proponent shall prepare a Flora and Fauna Protection Plan for the "Project Area", as part of the Environmental Management Programme, on advice of the Office of the Environmental Protection Authority, the Department of Environment and Conservation, the Department of Water, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, and the Northern Territory Parks and Wildlife Service. The objectives of this Plan are to conserve and protect:</p> <ol style="list-style-type: none"> 1. listed species; 2. vegetation associations / communities; 3. aquatic fauna species; and 4. subterranean fauna species. <p>This Plan shall address:</p> <ol style="list-style-type: none"> 1. additional surveys of terrestrial fauna, including frogs, bats and reptiles; 2. additional surveys of aquatic fauna within the Keep River system (including estuarine fauna); 3. the protection of vegetation associations / communities G1, G4, Em8, Em9, Gt2 and ET4 within proposed reserves adjacent to the "Project Area"; and 4. the identification and protection of subterranean fauna. <p>9-2 Prior to the preparation of the Final Project Design Plan, as required by Condition 11-1, the proponent shall implement the Flora and Fauna Protection Plan required</p>	<p>Delete condition</p>	<p>See above proposed Condition 6-2 (18).</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>by Condition 9-1 as specified in that Plan.</p> <p>9-3 The proponent shall make the Flora and Fauna Protection Plan required by Condition 9-1 publicly available, to the requirements of the Environmental Protection Authority.</p>		
<p>10 Hydrodynamic Survey Plan</p> <p>10-1 The proponent shall prepare a Hydrodynamic Survey Plan for the Keep River, Border Creek and Sandy Creek, as part of the Environmental Management Programme, prior to intended discharge of harvested groundwater or drainage from the project development area, on advice of the Office of the Environmental Protection Authority, the Department of Environment and Conservation, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, the Northern Territory Parks and Wildlife Service, and the Department of Water. The objectives of this Plan are to determine:</p> <ul style="list-style-type: none"> • the hydrodynamic, including flushing, characteristics of the Keep River and Sandy Creek; • the flow characteristics of Border Creek including under drainage discharge conditions; and • the estuarine dynamics of the Keep River. <p>This Plan shall include</p> <ol style="list-style-type: none"> 1. surveys of the flushing characteristics of the Keep River; 2. surveys of the flushing characteristics of Sandy Creek; 3. surveys of the flow characteristics of Border Creek; and 	Delete condition	Addressed in proposed Condition 6-2 item (19). See above.

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>4. hydrodynamic investigations of the estuarine portion of the Keep River.</p> <p>10-2 The proponent shall commence implementation of the Hydrodynamic Survey Plan required by Condition 10-1, at least five months prior to ground disturbing activity, as specified in that Plan.</p> <p>10-3 The proponent shall make the Hydrodynamic Survey Plan required by Condition 10-1 publicly available, to the requirements of the Environmental Protection Authority.</p>		
<p>11 Final Project Design</p> <p>11-1 Following completion of the requirements of conditions 8 and 9, and prior to ground-disturbing activities, the proponent shall prepare a Final Project Design Plan for the "Project Area" and related activities in Wyndham, to the requirements of the Environmental Protection Authority on advice of the Office of the Environmental Protection Authority, the Department of Environment and Conservation, the Department of Water, the Department of Indigenous Affairs, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, and the Northern Territory Parks and Wildlife Service. The objectives of the Plan are to ensure that:</p> <ul style="list-style-type: none"> • listed flora and fauna species are protected; and • the Miriuwung and Gajerrong peoples' environmental values in the "Project Area" are documented and considered. <p>This Plan shall address:</p> <ol style="list-style-type: none"> 1. the outcomes of the plans / surveys required by conditions 8 and 9; 2. the outcomes of the Aboriginal Socio-Economic Impact Assessment and other related studies 	<p>Delete Condition and replace with contemporary condition.</p>	<p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. Conditions 11-1, 11-2 and 11-3 are deleted and replaced with:</p> <p>Final Project Design</p> <p>7-1 The proponent shall ensure listed flora and fauna species are protected.</p> <p>7-2 The proponent shall ensure the Miriuwung and Gajerrong peoples' environmental values within the Project Area are documented and considered.</p> <p>7-3 The proponent shall prepare a Final Project Design Plan. The Final Project Design Plan shall:</p> <ol style="list-style-type: none"> (1) address the Project Area and related activities in Wyndham; (2) when implemented, manage the implementation of the proposal to meet the requirements of conditions 7-1 and 7-2; (3) address the outcomes of the plans required pursuant to conditions 6-2(12) and 6-2(18); (4) address the outcomes of the Aboriginal Socio-Economic Impact Assessment and other related studies; and

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>(commitment 8); and</p> <p>3. the boundaries of the buffer area.</p> <p>11-2 The proponent shall implement the Final Project Design Plan required by Condition 11-1 as specified in that Plan.</p> <p>11-3 The proponent shall make the Final Project Design Plan required by Condition 11-1 publicly available, to the requirements of the Environmental Protection Authority.</p>		<p>(5) determine the boundaries of the buffer area.</p> <p>7-4 Prior to submission of the Final Project Design Plan for approval, The proponent shall consult with the Department of Environment and Conservation, the Department of Water, the Department of Indigenous Affairs, the Northern Territory Department of Natural Resources, Environment, the Arts and Sport, the Northern Territory Parks and Wildlife Service, and the Department of Agriculture and Food Western Australia in determining whether the Final Project Design Plan meets the requirements of Condition 7-3.</p> <p>7-5 Prior to ground-disturbing activities, and until advised otherwise by the CEO, the proponent shall implement the approved Final Project Design Plan.</p> <p>7-6 The proponent shall make the approved Final Project Design Plan publicly available to the requirements of the CEO and within 28 days of being approved.</p> <p>Definitions</p> <p>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 his delegate.</p> <p>Approved Final Project Design Plan – The Final Project Design Plan for which the proponent has received written notification from the CEO that it meets the requirements of Condition 7-4.</p> <p>Project Area – As delineated in Figure 1 of Schedule 1 of Ministerial</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
		Statement XXX
<p>12 Preliminary Decommissioning Plan</p> <p>12-1 Prior to construction, the proponent shall prepare a Preliminary Decommissioning Plan which provides the framework to ensure that the site is left in a suitable condition, with no liability to the State or Northern Territory, on advice of the Office of the Environmental Protection Authority. The Preliminary Decommissioning Plan shall address:</p> <ol style="list-style-type: none"> 1. the conceptual plans for the removal or if appropriate the retention of plant and infrastructure and conceptual plans for its / their removal or, if appropriate, retention; 2. conceptual rehabilitation plans for all disturbed areas and a process to agree on the end land use(s); and 3. management of noxious materials to avoid the creation of contaminated areas. <p>12-2 At least six months prior to the anticipated date of decommissioning, or at a time accepted with the Office of the Environmental Protection Authority, the proponent shall prepare a Final Decommissioning Plan designed to ensure that the site is left in a suitable condition, with no liability to the State or Northern Territory, to the requirements of the Environmental Protection Authority on advice of the Office of the Environmental Protection Authority. The Final Decommissioning Plan shall address:</p> <ol style="list-style-type: none"> 1. removal or, if appropriate, retention of plant and infrastructure; 2. rehabilitation of all disturbed areas to a standard suitable for the accepted new land use(s); and 3. identification of contaminated areas, including provision of evidence of notification to relevant statutory 	<p>Renumber condition</p>	<p>The requirements of this condition are still relevant and will be retained. This condition will be re-numbered as condition 8.</p> <p>Preliminary Decommissioning Plan</p> <p>8-1 Prior to construction, the proponent shall prepare a Preliminary Decommissioning Plan which provides the framework to ensure that the site is left in a suitable condition, with no liability to the State or Northern Territory. The Preliminary Decommissioning Plan shall address:</p> <ol style="list-style-type: none"> (1) the conceptual plans for the removal or if appropriate the retention of plant and infrastructure and conceptual plans for its / their removal or, if appropriate, retention; (2) conceptual rehabilitation plans for all disturbed areas and a process to agree on the end land use(s); and (3) management of noxious materials to avoid the creation of contaminated areas. <p>8-2 At least six months prior to the anticipated date of decommissioning, or at a time accepted by the CEO, the proponent shall prepare a Final Decommissioning Plan designed to ensure that the site is left in a suitable condition, with no liability to the State or Northern Territory. The Final Decommissioning Plan shall address:</p> <ol style="list-style-type: none"> (1) removal or, if appropriate, retention of plant and infrastructure; (2) rehabilitation of all disturbed areas to a standard suitable for the accepted new land use(s); and (3) identification of contaminated areas, including provision of evidence of notification to relevant statutory authorities. <p>8-3 The proponent shall implement the Final Decommissioning Plan required by Condition 8-2 until such time as the CEO determines that</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>authorities.</p> <p>12-3 The proponent shall implement the Final Decommissioning Plan required by Condition 12-2 until such time as the Minister for Environment determines that decommissioning is complete.</p> <p>12-4 The proponent shall make the Final Decommissioning Plan required by Condition 12-2 publicly available, to the requirements of the Environmental Protection Authority.</p>		<p>decommissioning is complete.</p> <p>8-4 The proponent shall make the Final Decommissioning Plan required by Condition 8-2 publicly available, to the requirements of the CEO.</p>
<p>13 Performance Review</p> <p>13-1 Each three years following the commencement of construction, the proponent shall submit a Performance Review Report to the Office of the Environmental Protection Authority and the Northern Territory Department of Natural Resources, Environment, the Arts and Sport:</p> <ul style="list-style-type: none"> • to document the outcomes, beneficial or otherwise; • to review the success of goals, objectives and targets; and • to evaluate the environmental performance over the three years; <p>relevant to the following:</p> <ol style="list-style-type: none"> 1. environmental objectives reported on in Environmental Protection Authority Bulletins 988 and 1016, and Northern Territory Department of Natural Resources, Environment, the Arts and Sport Reports 34a and 34b; 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 performance targets; 4. environmental management Programmes and plans; 	<p>Delete condition and replace with contemporary condition.</p>	<p>The requirements of this condition are still relevant and will be retained but expressed in contemporary wording and format without changing the intent. Condition 13-1 is deleted and replaced by Condition 9-1 as follows:</p> <p>9 Performance Review</p> <p>9-1 The proponent shall submit to the CEO and the Northern Territory Department of Natural Resources, Environment, the Arts and Sport a Performance Review Report in the proponent's triennial reports. The Performance Review Reports shall address:</p> <ol style="list-style-type: none"> (1) environmental objectives reported on in Environmental Protection Authority Bulletins 988 and 1016, and Northern Territory Department of Natural resources, Environment, the Arts and Sport Reports 34a and 34b. (2) the major environmental risks and impacts; the performance objectives, standards and criteria related to these; the success of risk reduction/impact mitigation measures and results of monitoring related to management of the major risks and impacts; (3) the level of progress in the achievement of sound environmental performance, including industry benchmarking, and the use of best available technology where practicable; and (4) significant improvements gained in environmental management which could be applied to this and other similar proposals.

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>and/or</p> <p>5. environmental performance indicators, to the requirements of the Environmental Protection Authority on advice of the Office of the Environmental Protection Authority and the Northern Territory Department of Natural Resources, Environment, the Arts and Sport. Note: The Environmental Protection Authority may recommend changes and actions to the Minister for Environment following consideration of the Performance Review Report.</p>		
<p>14 Regional Conservation Initiatives</p> <p>14-1 The Government of Western Australia will create the following conservation reserves, within two years:</p> <p>Livistona Range Conservation Area;</p> <ul style="list-style-type: none"> • Pincombe Range Conservation Area; • Ninbing Range Conservation Area; • Weaber Range Conservation Area; and • Mt Zimmerman Conservation Area <p>14-2 The Government of the Northern Territory will create the following conservation reserves, within two years:</p> <ul style="list-style-type: none"> • Spirit Hills as National Park; and • Western Legune as National Park. 	<p>Delete condition and replace with updated condition.</p>	<p>The requirements of this condition are still relevant and will be retained. Conditions 14-1 and 14-2 of Ministerial Statement 830 are deleted and replaced by conditions 10-1 and 10-2:</p> <p>Regional Conservation Initiatives</p> <p>10-1 The proposal shall not impact the following conservation reserves:</p> <ul style="list-style-type: none"> • Livistona Range Conservation Area; • Pincombe Range Conservation Area; • Ninbing Range Conservation Area; • Weaber Range Conservation Area; and • Mt Zimmerman Conservation Area. <p>10-2 The proposal shall not impact the following conservation reserves proposed by the Government of the Northern Territory:</p> <ul style="list-style-type: none"> • Spirit Hills National Park; and • Western Legune National Park.
<p>11 Body Corporate</p> <p>A body corporate will be formed as part of this Proposal. Once established, the Body Corporate will be responsible for the operational and financial aspects of State and Federal</p>	<p>Add condition</p>	<p>The addition of this proposed condition to the new Ministerial Statement is not supported as this issue is addressed by the <i>Environmental Protection Act 1986</i> (EP Act) as described below:</p>

Condition	Proposed Change to Condition	Assessment and Evaluation of Proposed Changes
<p>commitments for environmental management in relation to the proposed development. The proponent will be responsible for these aspects until the Body Corporate is established.</p>		<p>Section 38(6a) of the EP Act requires that if the person nominated as the proponent (Minister for State Development) ceases to have responsibility for a proposal, that person is to give the EPA written notice advising the name of the person (such as the proposed Body Corporate) to whom or which responsibility for the proposal will pass or has passed.</p>

Table 2 Ord River Irrigation Area Stage 2 (M2 Supply Channel) – section 46 assessment of proposed removal of Proponent Commitments from the Ministerial Statement 830

No	Commitment	Assessment and Evaluation of Proposed Changes
1	<p>An environmental management system (EMS) conforming to the requirements of the AS/NZ ISO 14000 series of standards will be developed for the project. The EMS will have the following key components:</p> <ul style="list-style-type: none"> • organisational commitment; • environmental policy; • environmental aspects and impacts register; • regulatory and legal compliance register; • objectives and performance indicators; • environmental management programme documentation (i.e. EMP); • operational and emergency procedures; • responsibility and reporting structure; • training and awareness Programme; • environmental performance reviews, audits, monitoring and measurement. 	<p>Proposed Implementation Condition 5 of Statement 830 requires the proponent to prepare and implement an environmental management system. Condition 5.1 of Statement 830 has been amended to include consistency with the requirements of the AS/NZ ISO 14000 series (see proposed Condition 5.1 of Table 1). The requirements of this commitment are incorporated in Condition 5.</p> <p>This commitment can be deleted.</p>
2	<p>An Environmental Management Plan (EMP) will be prepared for the Project. The EMP will consist of a series of sub-plans as indicated in Table 2. The sub-plans will be prepared, updated, approved and implemented in a progressive basis as required for the various stages of Project development in accordance with Table 2. The EMP will contain provisions to review monitoring data and to modify management measures as appropriate.</p>	<p>The requirements of Commitment 2 have been incorporated into the Environmental Management Programme required by proposed Condition 6 and therefore should be deleted. Proposed Condition 6 includes the list of sub plans from Schedule 2.</p> <p>This commitment can be deleted.</p>
3	<p>Best endeavours will be made to resolve native title issues by way of a negotiated settlement, preferably an Indigenous Land Use Agreement.</p>	<p>Native Title considerations and land use negotiations regarding the portion of the project area in Western Australia were finalised through the Ord Final Agreement. Native Title considerations and land use negotiations will be in accordance with the <i>Native title Act 1993</i> (Cwth).</p>

No	Commitment	Assessment and Evaluation of Proposed Changes
		This commitment can be deleted.
4	Archaeological and ethnographic assessments of the Project Area will be undertaken.	Protection of significant cultural heritage is required by the <i>Aboriginal Heritage Act 1972</i> (WA), the <i>Heritage Conservation Act 1996</i> (NT) and the <i>Aboriginal and Torres Strait Islander Act 1984</i> (Cwth). The requirements of this commitment are also addressed under item 14 in proposed Condition 6.1. This commitment can be deleted.
5	Cultural Heritage Protection Procedures will be established and implemented.	As above (Commitment 4). This commitment can be deleted.
6	A Cultural Heritage Management Plan will be developed and implemented.	An Aboriginal Cultural Heritage Management Plan is required by proposed Condition 6.1. This commitment can be deleted.
7	Regular meetings will be held with Miriuwung and Gajerrong (MG) people.	This commitment is addressed by the Ord Final Agreement. An indigenous community development Programme has also been established which is funded to assist communication with MG and assist employment and business development in the Aboriginal community. This commitment can be deleted.
8	An Aboriginal Socio-Economic Impact Assessment (ASEIA) will be completed.	An Aboriginal Socio – Economic Impact Assessment has been undertaken for Stage 1 (Kimberley Land Council 2004). The intent of an ASEIA for Stage 2 has been met through the Ord Final Agreement (OFA), Ord Enhancement Scheme (OES) and Aboriginal Development Package (ADP). This commitment is also addressed by the Aboriginal Cultural Heritage Management plan required by item 14 of proposed Condition 6 of Statement 830. This commitment can be deleted.
9	Management action will be taken in conjunction with the proposed development to reduce the risk of increased infection with arboviruses. These actions will concentrate upon the following activities: <ul style="list-style-type: none"> • designing and operating the Project so as to reduce the potential for increased mosquito-breeding activity; 	A Mosquito and Disease Vectors Management Plan is required by item 7 of proposed Condition 6-1 of Statement 830 and will address the requirements of this commitment. The Management Plan will include environmental management, monitoring and remedial actions. Implementing education programmes for the Project's construction and operational workforce is addressed by the proposed 6b – an induction Programme for construction personnel. This commitment can be deleted.

No	Commitment	Assessment and Evaluation of Proposed Changes
	<ul style="list-style-type: none"> • implementing education Programmes for the Project's construction and operational workforce on measures that could be taken to reduce their personal risk of infection; • extending the existing monitoring Programmes to cover the Project Area. 	
10	<p>Burning of cleared vegetation will be managed to occur at times when prevailing winds will direct smoke and ash away from residential areas.</p>	<p>Burning of cleared vegetation requires a permit under the Bushfires Act 2004 (NT) and Bush Fires Act 1954 (WA). Dust and Fire management plans are also required under items 3 and 4 of proposed Condition 6-1, respectively.</p> <p>This commitment can be deleted.</p>
11	<p>Construction activities will be restricted to daylight hours for all activities within 500 m of an existing residence.</p> <p>All occupiers of residences within 1 km of construction activities will be advised of the nature and duration of the activities planned, and well in advance of construction commencing.</p>	<p>This issue is addressed in the Environmental Management Plan (EMP) required by proposed Condition 6-1 under the Community Issues Management Plan (item 15). The Community Issues Management Plan addresses increased traffic, interaction between construction personnel and the local community and access to project facilities and Weaber Plain Buffer Area. There are no existing residences anticipated to be within 1 km of construction activities.</p> <p>This commitment can be deleted.</p>
12	<p>A dust monitoring programme will be established as part of the EMP and administered throughout the construction and operational phases of the Project, using dust deposit gauges that comply with AS 3580.10.1-1991. Periodic dust monitoring will also be undertaken using portable monitors.</p>	<p>The EMP as required by proposed Condition 6 of Statement 830 includes a Dust Management Plan (item 3 of Condition 6-1), which includes monitoring. The requirement for monitoring using dust gauges is not considered necessary as it will not enable the real time management of dust emissions. The dust management plan establishes construction site targets to be met to ensure dust emissions are controlled. No existing residences are anticipated to be within 1 km of construction activities and therefore dust is unlikely to be an issue.</p> <p>This commitment can be deleted.</p>
13	<p>Signs will be erected at strategic locations throughout the Project Area to advise travellers that access to pastoral leases is restricted.</p>	<p>This issue is addressed in the EMP required by proposed Condition 6 under Community Issues Management Plan (item 15 of Condition 6-1). The Community Issues Management Plan will address increased traffic, interaction between construction personnel and the local community and access the project facilities and Weaber Plain Buffer Area.</p> <p>This commitment can be deleted.</p>

No	Commitment	Assessment and Evaluation of Proposed Changes
14	<p>Borrow pits will be selected in accordance with Aboriginal cultural and heritage considerations of the land and operated as far as practicable with a view to minimising erosion, damage to surrounding vegetation and visual impact. Once construction is completed, areas no longer required will be rehabilitated by a combination of contouring, slope stabilisation, topsoil spreading and seeding.</p>	<p>Stage 1 Borrow pits are being managed to meet the EPA's objectives under Part V of the EP Act with clearing permits issued by the Department of Environment and Conservation and are therefore separate from the proposal. Any borrow pits within the remaining Project Area will be managed according to items 13 and 14 of Condition 6-1. The Rehabilitation Management Plan and Aboriginal Cultural Heritage plan will specify:</p> <ul style="list-style-type: none"> • environmental management measures, criteria and standards to be used to measure performance; • remedial action to be undertaken; • performance monitoring requirements; • annual and triennial monitoring and reporting requirements; and • peer review requirements. <p>This commitment can be deleted.</p>
15	<p>Soil erosion in the Project Area will be controlled by a combination of the following management strategies:</p> <ul style="list-style-type: none"> • staging vegetation clearance so that areas are cleared only as required; • controlling drainage by providing levee banks to prevent floodwaters entering the developed area; • grading of land on farms so as to minimise stormwater runoff velocities; • sizing and designing receiving drains to accommodate anticipated flow regimes; • providing buffer zones on both sides of watercourses to allow riparian vegetation to continue to stabilise soils in these areas; • rehabilitating disturbed areas as soon as possible following disturbance during construction; • formulating and implementing appropriate rehabilitation plans and programmes 	<p>Proposed Condition 5 requires the development of an Environmental Management System (EMS) that will be consistent with AS/NZ ISO 14001. These standards provide quality assurance and measures for continued improvement. Meeting these standards is considered to be sufficient to ensure best practice management measures.</p> <p>A Soil Management Plan and Rehabilitation Management Plan is also required under item 1 and 13 of Condition 6 on the advice of the Northern Territory Department of Natural Resource, Environment, the Arts and Sport, as well as ensuring consultation with relevant stakeholders.</p> <p>This commitment can be deleted.</p>

No	Commitment	Assessment and Evaluation of Proposed Changes
	including topsoil stripping and stockpiling, land preparation, and reseeded with local native species to facilitate regeneration of disturbed areas.	
16	Rehabilitation of any sites disturbed during development will be undertaken progressively using topsoil and seed species collected from the Project Area. Monitoring of the success of rehabilitation will be undertaken.	Proposed Condition 6-1 requires the preparation of a Rehabilitation Management Plan (item 13 of Condition 6.1) which includes the requirements of this commitment on advice of the EPA and the Northern Territory Department of Natural Resources, Environment, the Arts and Sport. This commitment can be deleted.
17	A seed collection programme will be undertaken before vegetation is cleared. Only seeds of plant species endemic to the Project Area will be used in revegetation projects.	As above (Commitment 16).
18	Long-term monitoring will be undertaken to ascertain any changes to surface and subsoil salinity and soil chemical status, including sodicity.	The Environmental Management Plan (EMP) as required by proposed Condition 6 addresses this commitment through the Soil Management Plan required under item 1 of proposed Condition 6-1. This commitment can be deleted.
19	Complete further analysis of predicted water velocity regime and stability of soils along the lower 20 km of Border Creek.	This commitment is addressed by proposed Condition 6-1 item 19 (Hydrodynamic Survey Plan). This commitment can be deleted.
20	Appropriate erosion protection measures such as stone pitching and bridge abutments will be developed in localised areas of high water velocity and implemented.	The EMP as required by proposed Condition 6 will address the requirements of this commitment through Soil Management Plan and the Hydrodynamic Survey Plan (proposed Condition 6-1 items 1 and 19) on the advice of the Northern Territory Department of Natural Resource, Environment, the Arts and Sport. These plans will assist to manage surface water flows and soil erosion to ensure there are no significant downstream impacts. A downstream water quality monitoring programme is also required to ensure there is no significant alteration to natural water quality. This commitment can be deleted.

No	Commitment	Assessment and Evaluation of Proposed Changes
21	<p>Sedimentation effects by will be managed by:</p> <ul style="list-style-type: none"> • wherever practicable, restricting ground-disturbing operations to the dry season; • restricting ground-disturbing operations to the minimum area required to facilitate construction; • collecting and storing for future use any topsoil from areas to be disturbed; • installing and maintaining temporary sediment traps downstream of any areas to be disturbed; • progressive clearing, developing and rehabilitating, wherever possible using locally won topsoil, of any areas that are no longer going to be disturbed. 	As above (Commitment 20).
22	<p>All farms in the Project Area will be developed with irrigation tailwater management systems. The volume of tailwater dams in these systems will be optimised during detailed design with the objective being to minimise discharges of irrigation tailwater during the dry season. As a minimum, the tailwater dam capacity will be sufficient to provide first-flush stormwater retention capacity of 12 mm of rainfall runoff for sugarcane farms, and 25 mm of rainfall runoff from other farms. Farm maintenance will include regular de-silting of these drains and return of the collected material to the cropped area.</p>	<p>All farms will have tailwater management systems to prevent discharge to Border Creek and further downstream during the dry-season and enable stormwater retention in the wet season. The requirements for managing the impact of tailwater on the water quality of Keep River and Border Creek are addressed through the Discharge Management Plan as required by proposed Condition 6. The Discharge Management Plan is not a requirement of the original condition and has been added to by the Proponent to manage and monitor irrigation tailwater, groundwater discharge and surface water runoff. As per item 10 of Condition 6 the Discharge Management Plan will include a requirement for a tail water management system in consultation with DAFWA.</p> <p>This commitment can be deleted</p>
23	<p>Regimes of chemical and fertiliser usage, in terms of type, timing and method of application will be incorporated into the EMP to be developed for the Project Area. These restrictions will as a minimum include:</p> <ul style="list-style-type: none"> • pesticide application in accordance with the 	<p>A number of requirements of this commitment are redundant or duplicate requirements under other legislation specifically designed to manage chemical usage. The use of chemicals are regulated by the <i>Agricultural and Veterinary Chemicals Code Act 1994</i> (Cwth) and associated acts and regulations, the <i>Health (Pesticides) Regulations 2011</i>, the <i>Aerial Spraying Control Act 1966</i> (WA) and the <i>Agricultural Produce (Chemical Residues) Act 1983</i> (WA), the <i>Poisons Act 1964</i> (WA), the <i>Veterinary Preparations and Animal Feeding Stuffs Act 1976</i></p>

No	Commitment	Assessment and Evaluation of Proposed Changes
	<p>annual spray calendar prepared for the ORIA;</p> <ul style="list-style-type: none"> • restricting ground-disturbing operations to the minimum area required to facilitate construction; • the use only of chemicals that are approved by the Governments of Western Australia and the Northern Territory; • installing and maintaining temporary sediment traps downstream of any areas to be disturbed; • the successful completion of training for farm staff required to spray chemicals; • commercial spray operators being required to be fully accredited under a national standards system; • a ban on the use of endosulphan during the wet (November to March) and at other times when the crop areas have free-standing water in either the furrows or tail drains; • application of any endosulphan to comply with NRA review recommendations. • interim restrictions will require each application of endosulphan to receive prior approval. • Environmental Management Entity*, as well as monitoring of farm drains, tailwater return systems and drainage flows. 	<p>(WA) and the Agricultural and Related Resources (Spraying Restriction) Regulations 1979. A Pest Management Technician's Licence (issued by the WA Department of Health) is required to undertake commercial spraying of agricultural chemicals in WA.</p> <p>In addition, the Australian Pesticides and Veterinary Medicines Authority (APVMA 2010) cancelled the approval in October 2010 of all endosulfan active constituent approvals and introduced a two year phase-out period for the sale and use of remaining stocks. As this two year phase-out period will be completed prior to the farm operations endosulfan will not be used in the Project Area.</p> <p>A Chemical Management Plan is also required by proposed Condition 6-1 item 2 detailing management and monitoring of fertilisers and chemicals.</p> <p>This commitment can be deleted.</p>
24	<p>Monitoring of erosion along all watercourses, including constructed drains, will be undertaken and remedial measures would be undertaken on an as-needed basis.</p>	<p>Monitoring and reporting requirements of this commitment are addressed by proposed Condition 6-1 item 1 (Soil Management Plan).</p> <p>This commitment can be deleted.</p>
25	<p>Fertilisers or chemicals will not be applied to</p>	<p>This commitment is addressed by proposed Condition 6.1 item 10 (Discharge Management</p>

No	Commitment	Assessment and Evaluation of Proposed Changes
	cropped areas when the first-flush basin capacity is not available.	Plan). This commitment can be deleted.
26	Effects of any spray drift will be minimised by: <ul style="list-style-type: none"> • minimisation of the use of aerial spraying, by using tractor-based spraying to the maximum extent possible; • avoidance of unsuitable weather conditions such as surface temperature inversions and unstable conditions during aerial spraying whenever possible; • utilisation of a larger droplet size settings for spray equipment during aerial spraying; 	A number of requirements of this commitment are redundant or duplicate requirements under other legislation specifically design to manage pesticide usage. Controls on the application of chemicals are already regulated by the <i>Agricultural and Veterinary Chemicals Code Act 1994</i> (Cwth) and associated acts and regulations, the Health (Pesticides) Regulations 2011, the <i>Aerial Spraying Control Act 1966</i> (WA) and the <i>Agricultural Produce (Chemical Residues) Act 1983</i> (WA), the <i>Poisons Act 1964</i> (WA), the <i>Veterinary Preparations and Animal Feeding Stuffs Act 1976</i> (WA) and the Agricultural and Related Resources (Spraying Restriction) Regulations 1979. A Pest Management Technician's Licence (issued by the WA Department of Health) is also required to undertake commercial spraying of agricultural chemicals in WA. This commitment can be deleted.
27	Effects of airborne dust on water quality in receiving waters will be minimised by: <ul style="list-style-type: none"> • provision of dedicated on-farm access tracks that will not have agricultural chemicals applied directly to them; • wherever possible, adoption of 'minimum tillage' farming practices. 	This issue is addressed by the Item 3 of proposed Condition 6-1 which requires a Dust and Particulate Management Plan. The management plan will include a monitoring Programme and management of dust, smoke and ash where required. Controls on Chemical application are already covered by exiting legalisation as mention above. This commitment can be deleted.
28	Aquatic weeds in the irrigation channels and balancing storage dams will be controlled by a combination of mechanical weed removal and periodic dosing with a chemical such as acrolein. Chemical dosing will be in accordance with best-practice procedures as outlined below: <ul style="list-style-type: none"> • emptying the channel, locking off-takes, erecting warning signage and notifying farmers prior to injection of the chemical; • releasing a known flow of water to obtain a water depth of approximately 0.5 m into the channel and releasing the chemical from a controllable release point to maintain an 	A number of requirements of this commitment are redundant or duplicate requirements under other legislation specifically design to manage weeds, plant pathogens and pests. Relevant legislation includes the <i>Agricultural and Related Resources Protection Act 1976</i> (WA), <i>Plant Diseases Act 1914</i> (WA), <i>Weed Management Act 2001</i> (NT) and <i>Agriculture and Related Resources Protection Act 1976</i> (WA) and the <i>Plant Diseases Act 1914</i> (WA). The National Weeds Strategy Executive Committee (NWSEC) has also categorised certain weed species as Weeds of National Significance (Agriculture and Resource Management Council of Australia and New Zealand et. al. 1999 [currently under review]). The EMP as required by proposed Condition 6 will address the management of weeds (proposed Condition 6-1 item 6) on the advice of the Northern Territory Department of Natural Resource, Environment, the Arts and Sport.

No	Commitment	Assessment and Evaluation of Proposed Changes
	<p>initial concentration (15 ppm in the case of acrolein);</p> <ul style="list-style-type: none"> • releasing a marker dye to denote the chemical front; • shutting flow to the channel and holding the chemical in the channel for a minimum of forty-eight hours before diluting by release of additional water and use of the water for irrigation; • monitoring the watercourses downstream of the Project Area for acrolein and if detected, review the above procedure in conjunction with the Department of Water and the NRETAS. 	
29	<p>Rapid assessment of the placement deposit patterns in the field following spray operations will be implemented by the proposed Environmental Management Entity to monitor spraying operations within the Project Area.</p>	<p>A Body Corporate will be formed, comprising of all land or leaseholders, which will be responsible for the operational and financial aspects of State and Federal commitments for environmental management of this land. The Body Corporate will negate the requirement for an Environmental Management Entity (EME) and will replace the entity for the purpose of taking responsibility for ongoing environmental management. The current proponent of the Project will be responsible for ongoing environmental management within the Project Area until the Body Corporate is established.</p> <p>Spray operation will be addressed in the EMP required by item 2 of proposed Condition 6.</p> <p>This commitment can be deleted.</p>
30	<p>Engineering design standards for all irrigation channels and regulating storage's intended to convey or storm water for prolonged periods will be adopted to restrict seepage to a maximum of 2 mm/d.</p>	<p>This Issue will be addressed in the Groundwater Management Plan under item 9 of Condition 6-1.</p> <p>This commitment can be deleted.</p>
31	<p>Incorporate wider, shallower drains than were built in ORIA Stage 1. Where deeper drains are required. The excavated surface of the drain will</p>	<p>This Issue will be addressed in the Groundwater Management Plan under item 9 of Condition 6-1.</p>

No	Commitment	Assessment and Evaluation of Proposed Changes
	be compacted to minimise seepage.	This commitment can be deleted.
32	<p>Groundwater delineation drilling across the interpreted position of the palaeo-channel aquifers will be implemented in order to define the position of aquifers beneath the irrigation area.</p> <p>An extensive network of groundwater monitoring bores will be installed within and adjacent to the irrigation area prior to the commencement of irrigation. This network will include bore transects aligned perpendicular to the Keep River and Sandy Creek to acquire additional data in relation to the river—groundwater interactions, as well as the establishment of monitoring bores adjacent to Milligan Lagoon. Groundwater samples will be collected during the delineation drilling to quantify the vertical and horizontal water quality distribution.</p>	<p>Licences for bore construction and abstraction of groundwater requires a permit under the <i>Rights in Water and Irrigation Act 1914 (WA)</i> and the <i>Water Act (NT)</i>. A Groundwater Management Plan (GMP) is also required as part of item 9 of proposed Condition 6-1 which will include monitoring on the advice of the Northern Territory Department of Natural Resource, Environment, the Arts and Sport (NTREAS). Airborne electromagnetic and groundwater delineation drilling was completed as part of preparation of the Groundwater Management Plan. Section 1.4 of the latest version of the GMP discusses the interaction between surface water and groundwater. The plan also commits on ongoing monitoring of groundwater and surface water to continually re-assess these interactions.</p> <p>In addition, a network of over 50 groundwater monitoring bores have been drilled and/or will be maintained within and adjacent to the irrigation area prior to clearing and irrigation. This includes the Keep River and Border Creek. Water chemistry samples have been collected and monitoring conditions specified within the Groundwater Management Plan.</p> <p>This commitment can be deleted.</p>
33	Groundwater levels will be controlled via the utilisation of bores and subsoil drains if necessary.	<p>Monitoring of the groundwater levels is addressed by detailed field evaluation and modelling as part of delivery of the Groundwater Management Plan under item 9 of Condition 6.1.</p> <p>This commitment can be deleted.</p>
34	A comprehensive monitoring programme for groundwater levels and quality, and use of the collected data to modify management practices will be practiced.	<p>As above (Commitment 33).</p> <p>This commitment can be deleted.</p>
35	Test dewatering bores will be installed to confirm aquifer yields and the response of the aquifers to pumping. The data collected from the groundwater monitoring programme will be used to continually update the groundwater model and to optimise the extent and timing of installation of the groundwater management system.	<p>As above (Commitment 33).</p> <p>This commitment can be deleted.</p>

No	Commitment	Assessment and Evaluation of Proposed Changes
36	Groundwater will be tested on a regular basis for all chemicals used in the Project Area to ensure compliance with national drinking water quality guidelines.	As above (Commitment 33). This commitment can be deleted.
37	The quality of groundwater adjacent to watercourses will be monitored. The groundwater pumping strategy will include provision for the capture of additional groundwater adjacent to the watercourses if considered necessary.	As above (Commitment 33). This commitment can be deleted.
38	A fire control strategy and plan will be developed for the farms and for the proposed conservation areas. This will include monitoring areas to determine the need for burning,	This issue is addressed in the Fire Management Plan required by item 4 of proposed Condition 6-1. This commitment can be deleted.
39	To limit any potential for over clearing, all areas designated for construction works will be clearly marked on development maps and on the ground prior to commencement of works.	Demarcation of clearing boundaries is considered standard practice and is addressed in Flora and Fauna Protection Plan (proposed Condition 6-1, item 18). This commitment can be deleted.
40	Permanent monitoring sites for flora, fauna and biodiversity will be established in conservation areas, along ecological corridors and in selected sites in the Project Area. Monitoring will be undertaken on a regular basis with the monitoring parameters clearly defined following consultation with the staff of CALM and the Parks and Wildlife Commission of the Northern Territory.	Monitoring and reporting requirements will be detailed in the Environmental Management Programme required under proposed Condition 6. The EMP includes monitoring of biodiversity, nature conservation, flora and fauna. The Environmental Management Programme must also be prepared on the advice of the DEC, NTREAS, Northern Territory Parks and Wildlife Services, DOW, DOH and the Shire of Wyndham-East Kimberley. This commitment can be deleted.
41	In areas where reserve widths are significantly greater than those required for construction, only the sections necessary for construction and future maintenance purposes will be cleared.	Clearing will be restricted to areas approved under the <i>Environmental Protection Act 1986</i> , including as areas necessary for construction and operation. This commitment can be deleted.

No	Commitment	Assessment and Evaluation of Proposed Changes
42	All construction machinery will be cleaned of soil and other organic debris prior to being transported to the Project Area. If borrow is required, it will be obtained from surveyed weed-free sites.	Issue will be addressed in the EMP required by proposed Condition 6-1 item 6 under the Weed, Plant Pathogen and Pest Management Plan. This commitment can be deleted
43	People will be discouraged from taking dogs and cats into the conservation areas.	This commitment is addressed under proposed Condition 6.1 item 12 Buffer Management Plan. This commitment can be deleted.
44	Access to the Keep River within the Conservation Area, for recreational purposes, will remain open at designated recreation sites. Access to the remainder of the conservation area will be restricted.	This issue will be addressed in the EMP required by proposed Condition 6-1 items 12 and 15 under Buffer Management Plan and Community Issues Management Plan. This commitment can be deleted.
45	All undeveloped land in the Project Area will be managed for conservation.	The Ord Final Agreement provides the location of undeveloped land to be managed for conservation. The Final Agreement was determined prior to commencement of the stage 2 project. This commitment can be deleted
46	Redesign Farms W511, W65, K31, X442, W36, W41, X41, X431, X432, X441, W11, W12, W14, W110, K4I and the M2N irrigation channel.	This issue was addressed in Section 1.3 of the Phase 1 Final Design Plan (Strategen 2010) required by proposed Condition 7-1. This commitment can be deleted.
47	Reconfigure the design of the Keep River balancing storage.	This commitment is part of the design process covered by the requirement to prepare a Final Design Plan required by proposed Condition 7-1. This commitment can be deleted.
48	Confirm the location of vegetation associations G1 and G4 outside of the Project Area.	This issue was addressed in Section 3.1 of the Phase 1 Final Design Plan required by proposed Condition 7-1 (Strategen 2010). Vegetation survey conducted (KBR, 2005) to provide extent of associations G1 and G4 outside the Project Area.

No	Commitment	Assessment and Evaluation of Proposed Changes
		This commitment can be deleted.
49	Redesign Farms W11, W12, W14, W36 and the M2N irrigation channel: and confirm the location of vegetation association Em9 outside of the Project Area.	<p>This issue was addressed in Section 1.3 of the Phase 1 Final Design Plan required by proposed Condition 7-1 (Strategen 2010).</p> <p>This commitment can be deleted.</p>
50	Redesign boundaries to Farms X41, X431, X432, and X441.	<p>This commitment is part of the design process covered by the requirement to prepare a Final Design Plan required by proposed Condition 7-1.</p> <p>This commitment can be deleted.</p>
51	Redesign flood protection levees east of Farm X23, east of Farm W64, and east of conservation areas E46 and E410.	<p>This issue was addressed in Section 1.3 of the Phase 1 Final Design Plan required by proposed Condition 7-1 (Strategen 2010).</p> <p>This commitment can be deleted.</p>
52	Redesign flood protection HDXI and design a drainage corridor through Farm X432.	<p>This commitment is part of the design process covered by the requirement to prepare a Final Design Plan required by proposed Condition 7-1.</p> <p>This commitment can be deleted.</p>
53	Complete an additional biological survey of the Keep River in the vicinity of the Project Area.	<p>Additional biological surveys of the Stage 2 area (including the Keep River) were required as part of the <i>Environment Protection and Biodiversity Conservation Act</i> (Cwth) approval process and have been completed.</p> <p>This commitment can be deleted.</p>
54	All contractors and consultants will be required to participate in a formal environmental and cultural heritage induction programme on the importance of the natural and social environment.	<p>This issue will be addressed in the EMP required by proposed Condition 6.1 items 11 and 14 under the Biodiversity and Habitat Management Plan and Aboriginal Heritage Plan.</p> <p>This commitment can be deleted.</p>
55	An entity will be established to shoulder the operational aspects of ongoing environmental management in relation to the proposed development on behalf of the industry	A Body Corporate will be formed, comprising of all land or leaseholders, which will be responsible for the operational and financial aspects of State and Federal commitments for environmental management of this land. The Body Corporate will negate the requirement for an Environmental Management Entity (EME) and will replace the entity for the purpose of

No	Commitment	Assessment and Evaluation of Proposed Changes
	<p>participants. The proposed entity, or Environmental Management Entity (EME), will be owned by the industry participants, and will provide environmental management services to the owners.</p>	<p>taking responsibility for ongoing environmental management. The current proponent of the Project will be responsible for ongoing environmental management within the Project Area until the Body Corporate is established. Nomination of the Body Corporate as the responsible entity as the responsible entity is included as a procedure in the proposed Statement.</p> <p>This commitment can be deleted.</p>
56	<p>Emissions from the boiler will be passed through a scrubber to achieve a maximum particulate discharge of 32 kg/h from the 40 m high chimney. Bagasse firing will be a complete combustion process with excess oxygen available at all times.</p>	<p>This issue will be addressed by Dust and Particulate Management Plan required under item 5 of Condition 6-1.</p> <p>This commitment can be deleted.</p>
57	<p>The results and interpretation of the monitoring implemented by the EME will be reported on an annual basis on behalf of the industry participants. The annual report will detail actual environmental performance against the environmental performance targets detailed in the EMP, and will be made readily available to the industry participants. The annual report will also be made available to relevant government agencies and possibly other organisations and community interest groups.</p>	<p>Annual compliance reporting is required as part of proposed Condition 4.</p> <p>This commitment can be deleted.</p>