



Environmental Protection Authority

EPA Referral Form

Form for the referral of a proposal to the Environmental Protection Authority under Section 38 of the *Environmental Protection Act 1986*

Referrer information				
Who is referring this proposal?		<input type="checkbox"/> Proponent <input checked="" type="checkbox"/> Decision-making authority <input type="checkbox"/> Community member/third party		
Name Mr André Schönfeldt		Signature		
Position	Chief Executive Officer	Organisation	Shire of Dardanup	
Email	records@dardanup.wa.gov.au			
Address	1	Council Drive		
	Eaton		WA	6232
Date	30/4/19			
Does the referrer request that the EPA treat any part of the proposal information in the referral as confidential? <i>Provide confidential information in a separate attachment.</i>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Referral declaration for organisations, proponents and decision-making authorities: I, André Schönfeldt , declare that I am authorised to refer this proposal on behalf of THE SHIRE OF DARDANUP and further declare that the information contained in this form is true and not misleading.				
Part A: Proponent and proposal description				
Proponent information				
Name of the proponent/s (including Trading Name if relevant)		Cleanaway Solid Waste Pty Ltd		
Australian Company Number(s) <input checked="" type="checkbox"/>		120 175 635		
OR				
Australian Business Number(s) <input checked="" type="checkbox"/>		55 120 175 635		
Contact for the proposal (if different from the referrer) <i>Please include: name, physical address, phone, and email.</i>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Louis Sparks, Engineering Manager Cleanaway Phone number: 0401 222 508 Email: louis.sparks@cleanaway.com.au		

<p>Does the proponent have the legal access required for the implementation of all aspects of the proposal?</p> <p><i>If yes, provide details of legal access authorisations / agreements / tenure.</i></p> <p><i>If no, what authorisations / agreements / tenure is required and from whom?</i></p>	<p>✓ Yes <input type="checkbox"/> No</p> <p>A copy of lease is attached as Appendix A in the GHD report "Banksia Road Landfill - New Tailings Storage Cell Works Approval Application Supporting Document"</p>
<p>Proposal type</p>	
<p>What type of proposal is being referred?</p> <p>For a change to an approved proposal please state the Ministerial Statement number/s (MS No./s) of the approved proposal</p> <p>For a derived proposal please state the Ministerial Statement number (MS No.) of the associated strategic proposal</p>	<p>✓ significant – new proposal</p> <p><input type="checkbox"/> significant – change to approved proposal (MS No./s: _____)</p> <p><input type="checkbox"/> proposal under an assessed planning scheme</p> <p><input type="checkbox"/> strategic</p> <p><input type="checkbox"/> derived (Strategic MS No.: _____)</p>
<p>For a significant proposal:</p> <ul style="list-style-type: none"> Why do you consider the proposal may have a significant effect on the environment and warrant referral to the EPA? 	<p>The Shire of Dardanup and local community have significant concerns (which have not been satisfactorily addressed by the applicant), that:</p> <ul style="list-style-type: none"> the tailings may be hazardous to human health and/or to the environment, whether in the state they will be accepted in or in any future state; the tailings may leach into the aquifers under and near the site and impact on groundwater quality; the movement of tailings to/from and within the site, and works involved in the construction and operation of the tailings facilities, may result in fugitive dust emissions which are likely to cause amenity impacts in the area; any fugitive dust emissions may be hazardous to human health and the environment; noise associated with the construction and operation of the tailings cells/facilities may result in unacceptable impacts to social surroundings, including human health; loss of amenity (including visual amenity); and impacts to the economy, particularly having regard to the tourist economy in the surrounding area (Dardanup, the Ferguson Valley, etc.); The attached GHD report states that the site is expecting to receive 600,000 tonnes per annum of lithium tailings, in addition to existing operations at the site. The proposal does not demonstrate that the cumulative increase in noise,

	<p>dust or odour will have an insignificant impact on social surroundings;</p> <ul style="list-style-type: none"> • The Shire considers that the impacts from noise, dust and potentially odour may be significant both to human health and the environment. • The EPA assessment of the Kemerton lithium processing plant (EPA assessment number 2153) notes that "Tailings management will be undertaken by a separate entity and is not part of this proposal". The EPA did not undertake assessment of the tailings disposal/storage facility proposed at Lot 2 Banksia Rd at that time.
<p>For a proposal under an assessed planning scheme, provide the following details:</p> <ul style="list-style-type: none"> • Scheme name and number <p>For the Responsible Authority:</p> <ul style="list-style-type: none"> • What new environmental issues are raised by the proposal that were not assessed during the assessment of the planning scheme? • How does the proposal not comply with the assessed scheme and/or the environmental conditions in the assessed planning scheme? 	N/A
Proposal description	
Title of the proposal	Cleanaway Banksia Road Landfill - New Tailings Storage Cell - Works Approval Application.
Name of the Local Government Authority in which the proposal is located.	Shire of Dardanup
<p>Location:</p> <p>a) street address, lot number, suburb, and nearest road intersection; or</p> <p>b) if remote the nearest town and distance and direction from that town to the proposal site.</p>	<p>Lot 2 Banksia Rd, Crooked Brook</p> <p>Nearest intersection is 1.5km to the north at Panizza Rd, Crooked Brook.</p> <p>The site is approximately 3km south-east of Dardanup.</p>
Proposal description – including the key characteristics of the proposal	<p>Cleanaway has lodged a Works Approval Application (WAA) with DWER for proposed works associated with the construction and commissioning of a new tailings storage cell, for the storage of lithium processing tailings.</p> <p>The land is currently leased by Cleanaway and developed for a Class III waste disposal facility.</p>

	<p>The proposed tailings do not fall into Class III waste.</p> <p>Cleanaway proposes to construct the cell in two stages, by excavating into NGL, lining, filling with tailings and then 'dry stacking' tailings, to a total capacity of 522,000 tonnes of tailings.</p> <p>The attached report states that the proponent intends to make application for additional tailings cells in the future, in order to accept approximately 600,000 tonnes of lithium tailings per annum for disposal/storage (p.21). The applicant describes the tailings as "Category 5" waste.</p> <p>Cleanaway will require Development Approval for the proposed development, which has not been sought at this time.</p> <p>Details are contained in the attached GHD reports.</p>
<p>Have you provided electronic spatial data, maps and figure in the appropriate format?</p> <p><i>Refer to instructions at the front of the form</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Details from the applicant are also contained in the attached GHD reports.</p>
<p>What is the current land use on the property, and the extent (area in hectares) of the property?</p>	<p>Class III waste disposal facility. The lot is 121.6 Ha in size.</p>
<p>Have you had pre-referral discussions with the EPA at DWER Services? If so, quote the reference number and/or the DWER contact.</p>	<p>Liesel Rohl, EPA</p>
<p>Part B: Environmental impacts</p>	
<p>Environmental factors</p>	
<p>What are the likely significant environmental factors for this proposal?</p>	<p><input type="checkbox"/> Benthic Communities and Habitat</p> <p><input type="checkbox"/> Coastal Processes</p> <p><input type="checkbox"/> Marine Environmental Quality</p> <p><input type="checkbox"/> Marine Fauna</p> <p><input checked="" type="checkbox"/> Flora and Vegetation</p> <p><input checked="" type="checkbox"/> Landforms</p> <p><input checked="" type="checkbox"/> Subterranean Fauna</p> <p><input checked="" type="checkbox"/> Terrestrial Environmental Quality</p>

		<ul style="list-style-type: none"> ✓ Terrestrial Fauna ✓ Inland Waters ✓ Air Quality ✓ Social Surroundings ✓ Human Health
For each of the environmental factors identified above, complete the following table, or provide the information in a supplementary report		
Potential environmental impacts		
1	EPA Factor	Some of the factors are described in the attached GHD report "Banksia Road Landfill - New Tailings Storage Cell Works Approval Application Supporting Document" and associated appendices.
2	EPA policy and guidance - What have you considered and how have you applied them in relation to this factor?	<p>The following EPA Guidelines are considered relevant:</p> <ul style="list-style-type: none"> • Environmental Factor Guideline – Air Quality • Environmental Factor Guideline – Human Health • Environmental Factor Guideline – Social Surroundings • Environmental Factor Guideline – Inland Waters • Environmental Factor Guideline – Flora and vegetation • Environmental Factor Guideline – Terrestrial Fauna • Environmental Factor Guideline – Subterranean Fauna • Environmental Factor Guideline – Landforms • Environmental Factor Guideline – Terrestrial Environmental Quality <p>There are no SEPs or EPPs relevant to the proposal.</p>
3	Consultation – Outline the outcomes of consultation in relation to the potential environmental impacts	No consultation conducted at this time. DWER has referred the WAA to the Shire for comment. The Shire has advised DWER that it objects to the WAA as no DA has been sought or approved for this proposal.

4	<p>Receiving environment – Describe the current condition of the receiving environment in relation to this factor.</p>	<p>Lot 2 (subject lot) is used for a Class III waste disposal facility. The site contains a number of waste disposal cells, stormwater ponds, leachate ponds and associated works.</p> <p>The land rises from approximately 45m AHD at Banksia Rd at the western boundary, towards the east, to approximately 125m AHD at the eastern boundary. The proposed works are in the central and eastern portions of the site.</p> <p>The eastern end of the Lot 2 contains remnant native vegetation. Adjoining land to the east and south is Regional Open Space (Dardanup Conservation Park), which is heavily vegetated.</p> <p>The attached GHD report notes the species listed as Matters of National Environmental Significance (MNES) under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth) and listed as Threatened under the <i>Wildlife Conservation Act 1950</i> (WA) have been identified on the subject lot.</p>
---	---	---

5	Proposal activities – Describe the proposal activities that have the potential to impact the environment	<p>The WAA application that is being referred describes a proposal to construct a lithium tailings ‘storage’ cell and associated leachate pond on the lot, near the northern boundary.</p> <p>The Shire understands that the proponent, Cleanaway, intends to accept lithium tailings from the Kemerton lithium processing plant which is being constructed presently.</p> <p>Further details are contained in the attached GHD report.</p> <p>Cleanaway has advised Shire officers that it is likely to apply for Development Approval for the proposed cell 12A in May 2019, which will also include additional lithium tailings cells in the eastern portion of the lot.</p>
6	Mitigation – Describe the measures proposed to manage and mitigate the potential environmental impacts.	Details are contained in the attached GHD report.
7	Impacts – Assess the impacts of the proposal and review the residual impacts against the EPA objective.	Details are contained in the attached GHD report.
8	Assumptions - Describe any assumptions critical to your assessment e.g. particular mitigation measures or regulatory conditions.	<p>The Shire is expecting to receive an application for Development Approval in late May 2019. The attached report at p.21 states that Cleanaway intends to apply for additional lithium tailings cells on the lot in the future.</p> <p>Shire Officers have been verbally advised by Cleanaway that the DA application is likely to include proposed cell 12A as well as future cells in the eastern portion of the lot (also discussed in the attached GHD report).</p>

Part C: Other approvals and regulation			
State and Local Government approvals			
Is rezoning of any land required before the proposal can be implemented? If yes, please provide details.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The land is zoned General Farming and Development Approval is required in this zone for the proposal	
If this proposal has been referred by a decision-making authority, what approval(s) are required from you?		Development Approval as discussed above	
Please identify other approvals required for the proposal:			
Proposal activities e.g. clearing, dewatering, mining, processing, dredging	Land tenure/access e.g. Crown land, Mining lease, specify legislation for access if relevant	Type of approval e.g. Native Vegetation Clearing Permit, licence, mining proposal,	Legislation regulating the activity e.g. EP Act 1986 – Part V, RiWI Act 1914, Mining Act 1979
Construction of lithium tailings disposal/storage cell/s	Privately owned. Leased by the proponent.	<ul style="list-style-type: none"> • Works approval and licence amendment (DWER); • Development Approval (Local Government) 	<ul style="list-style-type: none"> • EP Act 1986 – Part V; • Planning and Development Act 2005
Tailings Disposal or storage			<ul style="list-style-type: none"> • Mining Act 1978 • Mines Safety and Inspection Act 1994
Clearing (if required)		Native Vegetation Clearing Permit	EP Act 1986 – Part V
Commonwealth Government approvals			
Does the proposal involve an action that may be or is a controlled action under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the proposed action been referred? If yes, when was it referred and what is the reference number (EPBC No.)?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date: _____ EPBC No.: _____	
If referred, has a decision been made on whether the proposed action is a controlled action? If 'yes', check the appropriate box and provide the decision in an attachment.		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decision – controlled action <input type="checkbox"/> Decision – not a controlled action	
If the proposal is determined to be a controlled action, do you request that this proposal be assessed under the bilateral agreement or as an accredited assessment?		<input type="checkbox"/> Yes - Bilateral <input type="checkbox"/> No <input type="checkbox"/> Yes - Accredited	
Is approval required from other Commonwealth Government/s for any part of the proposal? <i>If yes, describe.</i>		<input type="checkbox"/> Yes <input type="checkbox"/> No Approval: Unsure	