

Environmental Protection Act 1986

Section 43A

**NOTICE OF DECISION TO CONSENT TO CHANGE TO PROPOSAL DURING
ASSESSMENT**

PERSON TO WHOM THIS NOTICE IS GIVEN

(a) Doyles Lime Service (ABN: 58 107 976 714)
PO Box 133
CAPEL WA 6271

PROPOSAL TO WHICH THIS NOTICE RELATES:

Limestone and Sand Quarry, Lot 1002 Preston Beach Road North, Preston Beach
Assessment No. 2095.

Pursuant to section 43A of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent making the following changes to the proposal during assessment without a revised proposal being referred:

Modification to the disturbance footprint and development envelope to incorporate the transport route as part of the proposal. The change also includes minor modifications to the disturbance footprint of the limestone and sand pit.

EFFECT OF THIS NOTICE:

The proponent may change the proposal as provided for in this notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this decision.



Dr Tom Hatton
Delegate of the Environmental Protection Authority
CHAIRMAN

9 May 2018

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Limestone and Sand Quarry, Lot 1002 Preston Beach Road North, Preston Beach

Proponent: Doyles Lime Service

Decision

For the reasons outlined below, the EPA has determined to consent to the Proponent changing the Proposal outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 5th August 2016, Doyles Lime Service referred the Proposal to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act).

The Proposal included the construction and operation of a limestone and sand quarry at Lot 1002 Preston Beach Road North, Preston Beach in the Shire of Waroona. The proposed limestone pit is 13 hectares (ha) and the proposed sand pit is 3 ha. The life of the proposal is 20 years.

Access to the site is proposed via the existing sealed Preston Beach Road, and then to Preston Beach Road North. Preston Beach Road North is limestone based and will require grading and maintenance.

The EPA determined to assess the Proposal at the level of Public Environmental Review (PER) on 3 October 2016.

In advance of the EPA preparing a report on the outcome of its assessment of the Proposal, the Proponent has sought the EPA's consent to the proponent changing the Proposal.

Relevant Statutory and Administrative Provisions

Section 3.8 of the Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016 guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change;

- statement of the significance of the change; and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered:

- Limestone and Sand Quarry, Lot 1002 Preston Beach Road North, Preston Beach Referral Form and Supporting Documentation (August 2016); and
- Limestone and Sand Quarry Section 43A Amendment (April 2018).

Consideration

1. Nature of the proposed change

Doyles Lime Services intended to use Preston Beach Road North as a transport route but did not include a development envelope around all of the road, or in the right locations, at referral. This change to proposal now includes an appropriate development envelope around the road. It also includes a change to the access road across Lot 1002 rather than Lot 1000. Doyles Lime Services also proposes to make minor changes to the disturbance footprint of the pits to be consistent with the shape files provided (Figure 1).

The development envelope has increased from 16 ha to 29.3 ha and the clearing has increased from 13 ha to 15.2 ha. The impacts from the changes proposed are not expected to differ significantly from the original proposal.

2. Stage of the assessment process

The Environmental Scoping Document (ESD), with agreement from the proponent, has been put on hold while Doyles Lime Service undertakes discussions with relevant decision-making authorities about the likely required works to inform the assessment, including hydrogeological studies. Doyles Lime Service has also discussed the proposal with the Commonwealth and intend to refer the proposal to the Commonwealth under the *Environment Protection and Biodiversity Act 1999* (EPBC Act) once they have undertaken further hydrogeological studies. Once a determination under the EPBC Act has been made, EPA Services is planning to finalise the ESD.

The ESD will be updated to include the new disturbance footprint and development envelope, which will be used to inform the preparation of the proponent's Environmental Review Document (ERD).

3. Currency, relevance and reliability of the information, including submissions

The changes proposed include appropriate access routes and match the spatial data for the proposal. The changes avoid a parcel of land on Lot 1000 that may be used for future government offsets. The proposed change will be incorporated into the ESD, which will be used to inform the scope of works for the ERD. The ERD will be released for a four-week public review period.

4. Community engagement

The increased clearing of 2.2ha does not significantly alter impacts to those of the referred proposal. Community concerns on the proposal would be addressed through the ERD. The proposal would be subject to a four-week public review period once the ESD has been finalised and a suitable ERD has been submitted. Submissions received would be required to be addressed by the proponent in its response to submissions.

5. Level of public concern

Eight comments were received during the seven-day public comment period on the referral, which included comments from several environmental groups. Of these comments, six considered the proposal to be environmentally unacceptable and had a preference for Assessment on Proponent Information Category B level of assessment and the remaining two responses had a preference for a PER.

The EPA does not consider there to be an increased level of public interest in the proposal from the change.

Consideration of Whether the Change is Unlikely to Significantly Increase Any Impact that the Proposal May Have on the Environment

The following were considered:

a) Values, sensitivity and the quality of the environment which is likely to be impacted

The change to the proposal does not include new environmental factors or different impacts to the environment, than the proposal that was referred.

b) Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The change to the proposal does not include an increase in duration or disturbance, than the proposal that was referred.

c) Consequence of the likely impacts (or change)

The change to the proposal does not significantly alter the impacts associated with the proposal.

d) Resilience of the environment to cope with the impacts or change

The resilience of the environment to cope with the change remains unchanged from that of the original proposal.

e) Cumulative impacts with other projects

The change to the proposal does not significantly alter the impacts associated with the proposal, and hence there would be no additional cumulative impacts with other projects.

f) Connections and interactions between parts of the environment to inform holistic view of impacts of the whole environment

The change to the proposal does not alter any connections or interactions with the receiving environment.

g) Level of confidence in the prediction of impacts and the success of proposed mitigation

The new Development Envelope varies slightly to the original Development Envelope and will now include the transport route. Environmental investigations will be undertaken in the development envelope to inform the assessment. There is no change to the level of confidence in the predicted impacts and the success of the proposed mitigation.

h) Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

There is a moderate level of public interest in this proposal. The PER process will allow for a thorough assessment of the impacts and for public involvement.

Schedule 1

Change to Proposal

| Element | Current Proposal | Changed Proposal |
|-------------------------------|---|---|
| Limestone and sand quarry | Clearing up to 13 ha of native vegetation within a 16 ha development envelope. | Clearing up to 13.9 ha of native vegetation within a 29.3 ha development envelope. |
| Transport Route/quarry access | Clearing up to 0.6 ha of native vegetation outside of the development envelope. | <u>Lot 1002 Road Access</u> Clearing up to 0.6 ha of native vegetation within a 29.3 ha development envelope <u>Preston Beach Road North</u> Clearing up to 0.7 ha of native vegetation within a 29.3 ha development envelope. |

*A new table will be developed to align the changed proposal description with Instruction: Key Proposal Characteristics. The Key Characteristics table derived from the proponents s43A request has been used to illustrate the changes as compared to the proposal as described in the referral document. As such, this table will be subject to change during the assessment.



Figure 1: Map showing proposed changes to development envelope and disturbance footprint.