



Environmental Protection Authority

Mr Joe Douglas
Wagin Voluntary Group of Councils, and Mr PJ
Dowdell and Mrs HM Dowdell
Unit 8 / 16 Kent Way
MALAGA WA 6090

Your Ref:
Our Ref: CMS14434
Enquiries: Jake Cutler, 6145 0800
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Dear Mr Douglas

NOTICE UNDER SECTION 39A(3) *Environmental Protection Act 1986*

PROPOSAL: Proposed Regional Waste Disposal Facility
LOCATION: Lot 23 (3118) Wandering Narrogin Road
PROPONENT: Wagin Voluntary Group of Councils, and Mr PJ Dowdell and
Mrs HM Dowdell
DECISION: Not Assessed: Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the EPA for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986*. Accordingly, the EPA has determined not to assess this proposal.

Nevertheless, the staff of the Office of the EPA has provided the attached advice to you as the proponent, and other relevant authorities, on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 30 March 2015, during which, on payment of the appeal fee, an appellant may ask the Minister to consider directing the EPA to reconsider this decision or conduct a formal assessment.

Information on the outcome of the appeals process is available through the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190 after the closing date of appeals.

Yours sincerely



Anthony Sutton
Director
Assessment and Compliance Division

For the Chairman of the Environmental Protection Authority
Under Notice of Delegation No. 33 dated 6 December 2013

16 March 2015

Encl: Public Advice

**PUBLIC ADVICE UNDER SECTION 39A(7)
ENVIRONMENTAL PROTECTION ACT 1986**

PROPOSED REGIONAL WASTE DISPOSAL FACILITY, SHIRE OF CUBALLING

Summary

The Wagin Voluntary Group of Councils (WVGC), which is composed of the Shires of Pingelly, Wickepin, Cuballing, Williams, Dumbleyung, Wagin, Narrogin and Town of Narrogin in the Great Southern, and the current landowners of Lot 23, Mr PJ Dowdell and Mrs HM Dowdell propose to develop a Class II putrescible landfill operation designed to accept clean fill, Type 1 inert waste, putrescible wastes, contaminated solid waste meeting waste acceptance criteria specified for Class II landfills, Type 2 Inert Wastes and Type 1 and 2 Special Wastes, located on Lot 23 Wandering-Narrogin Road, Shire of Cuballing.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that 32 public comments were received. Twenty-two (22) comments received believed the EPA should determine level of assessment at 'Assess – API Category B (*environmentally unacceptable*)'; and the remaining ten (10) public comments believed the EPA should determine level of assessment at 'Assess – *Public Environmental Review (PER)*'.

The EPA has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Environmental Impact Assessment Administrative Procedures 2012*. In making its decision on whether to assess the proposal, the EPA considered the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012*.

The EPA has identified Terrestrial Fauna and Inland Waters Environmental Quality as preliminary environmental factors relevant to this proposal under Part IV of the EP Act.

In considering the potential direct and indirect impacts of the proposal on Terrestrial Fauna and Inland Waters Environmental Quality, the EPA has had particular regard to:

- the small geographic footprint and relative small scale of the proposal in context of the wheatbelt region;
- that the proposal is located on previously cleared land;
- the distance between the proposal and the conservations reserves in the area
 - at least 3 kilometres (km) from Fourteen Mile Brook Nature Reserve and approximately 10 - 12 km from the Dryandra Woodland central block conservation reserves;
- the duration (approximately 60 year period) of the proposed regional landfill facility;
- the value and sensitivity of the Terrestrial Fauna currently listed as 'Threatened' under the West Australian *Wildlife Conservation Act 1950* (WCA 1950) and as 'Endangered Species' under the Federal *Environmental Protection and Biodiversity Act 1999*.
 - these include: Numbat; Brush-tailed Bettong; Red-tailed Phascogale; Bilby; Chuditch; Heath Mouse; Carnaby's Cockatoo; Baudin's Cockatoo; and Forrest Red-tailed Cockatoo;

- the presence of, and potential increased pressure on, the existing regional *Western Shield* feral animal control program currently being implemented by the Department of Parks and Wildlife (DPaW);
- the potential indirect impacts, including predation, from increased feral animal and problem native fauna numbers to Terrestrial Fauna; and
- information provided in the proponent's hydrogeological report.

In summary, although the proposal raises a number of environmental issues, the EPA objectives for Terrestrial Fauna and Inland Waters Environmental Quality factors can be met on the understanding that the proposal is situated on previously cleared land, is relatively small scale and is situated some distance from conservation reserves in the area. In addition, the EPA is also of the view that the potential impacts can be effectively dealt with through other statutory decision-making processes, relevant to this proposal. As a result, the EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment.

Advice and Recommendations regarding Environmental Issues

a) Terrestrial Fauna

The EPA notes the terrestrial fauna that inhabit the surrounding conservation reserves are of particular conservation significance at a State and Federal level, and that the conservation significant Terrestrial Fauna have high sensitivity and are considered to have a low level of resilience to predation by feral animals.

The EPA is aware of the public's concern with respect to the proposals potential environmental impacts, with specific emphasis on the potential impacts that feral animals pose to the region's conservation significant Terrestrial Fauna.

The EPA notes that DPaW is also concerned that the proposal may contribute to a localised but significant increase in feral animal (feral fox and cat) and problem native fauna (Australian Raven) numbers through the unintended provision of secure feeding, shelter and breeding sites. In the event that feral animal and problem native fauna numbers did increase, they could have the potential to disperse into nearby bushland and conservation reserves in greater numbers than current control measures (including DPaW's *Western Shield* feral animal control program) can deal with. This could increase predation of conservation significant species and alter the ecology of the surrounding Conservation Reserves.

The EPA acknowledges the proponent's proposal to install a 2 metre high security fence to mitigate potential feral animal impacts, however the EPA considers that further management measures are required to control the potential indirect impacts of feral animals and problem native fauna.

In consideration of the points detailed above, the EPA recommends that further management measures to control feral animals should be conditioned on the proposal, either by the local government during the planning application approval process or be committed to by the proponent in an Environmental Management Plan. The EPA advises that any conditions imposed by the local government or commitments made by the proponent should be undertaken in consultation with

DPaW. The EPA acknowledges DPaW's expertise in the conservation of Terrestrial Fauna and best practice feral animal control measures in the region.

In the case that the local government is unable to impose conditions, or the proponent cannot commit to ensure best practice feral animal control measures, then the EPA advises that the proposed landfill facility should be relocated to a location that will reduce the potential environmental impacts to conservation significant terrestrial fauna.

b) Inland Waters Environmental Quality

Part V of the EP Act provides for the licensing and registration of prescribed premises with the potential to cause emissions and discharges to air, land or water. Schedule 1 of the *Environmental Protection Regulations 1987* establishes the list of prescribed premises for which a licence to operate is required under Part V of the EP Act. A Class II or III putrescible landfill site is Category 64 of Schedule 1 and is defined as:

premises on which waste (as determined by reference to the waste type set out in the document entitled *Landfill Waste Classification and Waste Definitions 1996* published by the Chief Executive Officer and as amended from time to time) is accepted for burial¹.

The *Landfill Waste Classification and Waste Definitions 1996* are available on the Department of Environment Regulation's (DER) website for reference. The licencing process can result in a decision to grant or refuse a licence. If the decision is to grant the licence it will result in legally binding conditions for the monitoring and management of the proposal to meet desired environmental outcomes.

Licensing also provides the opportunity for public comment on the proposal and consideration of comments received. Environmental impact assessment under Part IV of the EP Act is therefore not required for this proposal to achieve appropriate community consultation or assessment of potential impacts to the Inland Waters Environmental Quality factor.

The DER has previously advised the EPA on comparable landfill proposals that subject to the requirements of obtaining a works approval and licence, the Department is able to manage issues associated with emissions and discharges from such proposals under Part V of the EP Act.

The EPA is of the view that the DER will conduct a comprehensive assessment of the proposal including that a licence will not be granted unless it can be demonstrated that the impacts to the environment are acceptable. The decision of the EPA to not assess this proposal carries no presumption about the outcome of an application for a Works Approval or Licence.

¹ Production or design capacity of greater than 20 tonnes or more per year