

Environmental Protection Act 1986

Section 39A(7)

PUBLIC ADVICE

Proposal: Quarry at Lot 150 Clydesdale Road, Grass Valley

Proponent: Resource Group (WA) Pty Ltd

Decision: **Not Assessed – Public Advice Given (Appealable)**

The EPA considers that the proposal is unlikely to have a significant impact on the environment and does not warrant formal assessment. The EPA notes that the proposal would be regulated through a number of statutory processes.

Background:

On 20 February 2019, a third party referred the Quarry at Lot 150 Clydesdale Road, Grass Valley to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal included the construction of a hard rock quarry and will involve the extraction, crushing and screening of approximately seventy thousand tonnes of hard rock per year for up to 30 years. The proposal would require the clearing of 8.41 hectares (ha) of native vegetation with a total disturbance footprint of 15.92 ha.

The proposal was advertised for public comment as part of the referral process and the EPA notes that eight public comments were received. The key issues raised were:

- clearing of habitat for threatened species including black cockatoos;
- clearing and fragmentation of remnant vegetation;
- effects on air quality including potential health impact from silicosis as a result of dust; and
- effects on social surroundings including increases to noise.

Relevant Statutory and Administrative Provisions

The EPA has considered the proposal in accordance with the requirements of the EP Act and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* and *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual*.

Materials considered in making this decision

The EPA has considered and had regard to the referral information, which is available on the EPA's consultation hub, any comments received during the 7-day comment

period, information conducted through its own inquiries and any further information requested from the proponent and government agencies.

Consideration

In making its decision on whether to assess the proposal, the EPA had regard to various matters, including the following (as outlined in the EPA's *Statement of Environmental Principles, Factors and Objectives*):

- a) values, sensitivity and quality of the environment which is likely to be impacted;
- b) extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
- c) consequence of the likely impacts (or change);
- d) resilience of the environment to cope with the impacts or change;
- e) cumulative impact with other existing or reasonably foreseeable activities, developments and land uses connections and interactions between parts of the environment to inform a holistic view of impacts to the whole environment;
- f) level of confidence in the prediction of impacts and the success of proposed mitigation;
- g) public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment; and
- h) public interest about the likely effect of the proposal or scheme, if implemented, on the environment and public information that informs the EPA's assessment.

In considering the potential direct and indirect impacts of the proposal on Flora and Vegetation, Terrestrial Fauna, Air Quality and Social Surroundings; the EPA has had particular regard to:

- The location of the proposal in the context of a predominantly modified landscape (53.9% of the proposal area is completely degraded *Eucalyptus wandoo* tall open woodlands and 44.6% is historically cleared agricultural land).
- The small geographic extent of black cockatoo potential foraging habitat loss (8.4 ha).
- The results of air emission and noise modelling undertaken.
- The EPA has also considered the proponent's commitment in the development and implementation of an Environmental Management Plan including management measures and mitigation strategies to avoid and minimise impacts, including but not limited to:
 - clearing and access control measures (such as demarcation of clearing boundaries);
 - weed management;
 - post-mining rehabilitation;

- erosion and sediment control;
- waste and fire management;
- topsoil management; and
- dust control.
- The presence of other statutory processes that must regulate environmental aspects of the proposal, including Part V Division 2 (Clearing of Native Vegetation) and Division 3 (Works approval and licence) required under the *Environmental Protection Act 1986* (EP Act), and the Extractive Industry Licence required under the *Planning and Development Act 2005*.

Given the above considerations and the following advice and recommendations (outlined below), 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) Flora and Vegetation

The EPA notes that the proposal involves the clearing of 8.4 ha of vegetation on the site. The vegetation association is predominately *Eucalyptus wandoo* tall open woodland (53.9%) with the remainder mostly consisting of historically cleared grazing land (44.6%). The vegetation condition for the disturbance area is completely degraded - vegetation contained more than 70% exotic understorey cover and has been heavily grazed by sheep.

The proponent has committed to minimising impacts to flora and vegetation by:

- Minimising clearing to that required for the construction and operation of the quarry.
- Development and implementation of an Environmental Management Plan (EMP) including management measures such as:
 - clearing and access control measures (such as demarcation of clearing boundaries)
 - weed management
 - post-mining rehabilitation
 - erosion and sediment control
 - waste and fire management
 - topsoil management
 - dust control.

The EPA considers that the proposal, if implemented consistent with the referral information, can meet the EPA's objectives for Flora and Vegetation and that the environmental effects of the proposal are unlikely to be significant. The EPA notes that the proponent would be required to obtain a native vegetation clearing permit under Part V of the EP Act, prior to implementing the proposal.

b) Terrestrial Fauna

The EPA notes that the proposal involves clearing of 8.4 ha of potential terrestrial fauna habitat.

A site visit by the Department of Water and Environmental Regulation noted that it is not likely that there is any significant breeding or roosting habitat for Black Cockatoo species at the site. The scattered *Eucalyptus* trees are not of a suitable size to be considered suitable breeding or roosting habitat for Carnaby's Cockatoo (*Calyptrorhynchus latirostris*). No trees with hollows were identified at the site.

In addition to this, due to the degraded condition of the vegetation, the site is not likely to provide suitable habitat or act as an ecological linkage for any ground dwelling fauna species as there is no significant understorey, and vegetation comprises mainly of introduced species. Due to the lack of an understorey and trees with hollows, the fauna habitat for the area is considered to be of lower value and the potential impact to be low. The EPA expects that impacts to Terrestrial Fauna will be mitigated through minimising clearing and the development and implementation of management measures including post mining rehabilitation, dust control, waste and fire management.

The EPA considers that the proposal, if implemented consistent with the referral information, can meet the EPA's objectives for Terrestrial Fauna and that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The EPA notes that the proponent would be required to obtain a native vegetation clearing permit under Part V of the EP Act, which would include an assessment of impact on terrestrial fauna.

c) Air Quality

Proposal activities have potential to release dust into the environment. The nearest sensitive receptor (NSR) is the residence of the landowner, approximately 300 metres from the quarry pit of the proposed development.

An air emissions modelling assessment commissioned for the proposal has predicted that dust particulates, including dust potentially containing Respirable Crystalline Silica, would meet the National Environment Protection (Ambient Air Quality) Measures. The EPA expects that the proponent undertakes dust mitigation to ensure that dust is appropriately managed, consistent with the referral information.

The EPA notes that the proponent would be required to apply for a works approval and licence under Part V of the EP Act, which considers emissions and discharges.

d) Social Surroundings

As noted above, the NSR is approximately 300 metres from the quarry pit of the proposed development. The next closest NSR is approximately 850 metres from the nearest quarry pit for the proposed development.

An acoustic assessment undertaken predicted that by applying the recommended mitigation techniques, including the use of localised bunding/screening and/or selection of quieter plant, the predicted worst-case scenario noise level at the NSR would comply with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). Blasting emissions from the Project are also predicted to comply with the human comfort criteria.

The EPA considers that the proposal if implemented consistent with the referral information, can meet the EPA's objectives for Social Surroundings and that the likely environmental effects of the proposal are not so significant as to warrant formal assessment. The proposal would also be required to comply with the Noise Regulations.

Other statutory processes

In addition, the EPA notes the ability and capacity of the other statutory processes (as discussed above) to limit environmental impacts to the extent proposed by the proponent.

- Requirement for a clearing permit through Part V Division 2 (Clearing of native vegetation) of the EP Act.
- Requirement for a works approval and licence through Part V Division 3 (Works approval and licence) of the EP Act.
- Requirement for a licence to 'take water' accordance with the *Rights in Water and Irrigation (RiWI) Act 1914* if a water supply is required.
- Requirement for an Extractive Industry Licence under the *Planning and Development Act 2005*.