



**EPA R&R No: 1315**

MINISTER FOR ENVIRONMENT

**SAND EXCAVATION LOT 242 CORIO ROAD PINJARRA –EXTENSION OF APPROVAL.**

I refer to your letter of 7 October 2008 requesting the EPA to report to you on Bronzewing Investment's request for a change to the environmental conditions that apply to the Sand Excavation proposal at Lot 242 Corio Road.

The following is the EPA's Report and Recommendations (No. 1315) to you pursuant to section 46(3) of the *Environmental Protection Act 1986* (EP Act).

**Introduction**

The Sand Extraction proposal at Lot 242 Corio Road Pinjarra was initially referred to the EPA in December 1990, and a level of assessment was set at Consultative Environmental Review.

Ministerial Statement 198 was published in November 1991, granting approval subject to the implementation of conditions, including Condition 10 which requires the proposal to be substantially commenced within five years of the date of the Statement. The proposal has not been implemented to date.

A change to Condition 10 under section 46 of the EP Act is being sought to allow the proponent an extension of time in which to implement the proposal. The EPA has assessed the requested change in order to determine whether the project can be managed under the existing conditions to meet the EPA's objectives.

**Discussion**

The intent of Condition 10 of Ministerial Statement 198 was to ensure that the proposal would be carried out according to current best practice, taking into account the current level of knowledge regarding environmental management and conservation values of the project site.

The key issues addressed during the November 1991 assessment were:

- Impact of proposal on waterbird breeding;
- Protection of wetland vegetation;

- Nutrient and drainage impacts on Peel-Harvey Estuary; and
- Wind erosion, dust, noise and site rehabilitation.

The EPA considered that the proposal could be implemented in an environmentally acceptable manner, provided that the following conditions were imposed:

- Restriction of excavation in stages 1 and 2 of the proposal to the months of January to July in order to avoid the breeding season of colonially nesting waterbirds, which extends from August to September;
- Protection of the vegetation values of West Corio Swamp through fencing of the swamp to exclude cattle; and
- Limitation of the application of Coastal Superphosphate to less than 50 kilograms per hectare in order to prevent nutrient export to nearby wetlands or the Peel Harvey estuary.

#### *Changes to the proposal*

There is no significant change to the original proposal which would require a new assessment under Section 38 of the EP Act. Minor changes to the boundaries of the excavation area, and setbacks from wetlands are intended, however, these changes would result in a net environmental benefit.

#### *Changes to the Conservation Values of the project area*

There is no change to the conservation values of the wetlands in the vicinity of the project area.

#### *Changes in knowledge or best practice in relation to the proposal*

There have been no advances in the knowledge base or best practice techniques which would suggest that additional or different management measures would be required to manage the proposal in an environmentally acceptable manner.

#### *Additional factors*

No additional factors have been identified during the EPA assessment of the requested change to conditions under section 46 of the EP Act.

### **Updates to Ministerial Conditions**

The EPA considered that a number of the conditions set out in Ministerial Statement 198 should be updated to reflect current best practice procedures. The EPA considers that a condition limiting the application of fertilisers on land that is not part of the proposal is no longer appropriate and should be removed. The proponent should, however be commended for limited use of fertiliser on the property. Recommended changes to the existing conditions include:

- changes to conditions related to compliance reporting in line with current practices;
- adherence to a minimum 50 metre setback from all wetlands in accordance with the EPA's guidance on minimum buffer distances using the geomorphic boundaries of the wetlands;
- removal of conditions related to the application of fertilisers on portions of land not related to the proposal; and

- changes to conditions related to the fencing of West Corio Swamp, to ensure that the fence would be maintained throughout the life of the project.

### **EPA Recommendation**

That apart from Condition 10, which is recommended for change to extend the timeframe of approval until December 2010, the conditions set out in Ministerial Statement 198 are adequate and appropriate for the management of the proposal. The EPA has recommended an updated set of conditions to replace previous conditions and procedures.



**Dr Paul Vogel**  
CHAIRMAN

3.2.09

RECOMMENDED ENVIRONMENTAL CONDITIONS

Statement No.

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL  
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE  
*ENVIRONMENTAL PROTECTION ACT 1986*)**

EXTRACTIVE INDUSTRY - LOT 242 CORIO ROAD, PINJARRA

**Proposal:** The extraction of sand for construction at lot 242 Corio Road, Pinjarra within the boundaries shown in figure 1 attached.

**Proponent:** Bronzewing Investments Pty Ltd

**Proponent Address:** 219 Midland Road, HAZELMERE WA 6055

**Assessment Number:** 1760

**Previous Assessment Number:** 573

**Previous Statement Number:** Statement No. 198 (published on 27 November 1991)

**Report of the Environmental Protection Authority:** Bulletin 1215

**Previous Report of the Environmental Protection Authority:** Bulletin 568

The implementation of the proposal to which the above reports of the Environmental Protection Authority relate is now subject to the following conditions and procedures which replace all previous conditions and procedures:

**1 Proposal Implementation**

1-1 The proponent shall implement the proposal as assessed by the Environmental Protection Authority and described in schedule 1 of this statement subject to the conditions and procedures of this statement.

**2 Proponent Nomination and Contact Details**

2-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

Published on

2-2 The proponent shall notify the Chief Executive Officer (CEO) of the Department of Environment and Conservation of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

### **3 Time Limit of Authorisation**

3-1 The proponent shall substantially commence implementation of the proposal by 31 December 2010.

3-2 The proponent shall provide the CEO of the Department of Environment and Conservation with written evidence which demonstrates that the proposal has been substantially commenced on or before 31 February 2011.

### **4 Compliance Reporting**

4-1 The proponent shall submit to the CEO of the Department of Environment and Conservation environmental compliance reports annually reporting on the previous twelve-month period, unless required by the CEO of the Department of Environment and Conservation to report more frequently.

4-2 The environmental compliance reports shall address each element of an audit program approved by the CEO of the Department of Environment and Conservation and shall be prepared and submitted in a format acceptable to the CEO of the Department of Environment and Conservation.

4-3 The environmental compliance reports shall:

- 1 be endorsed by signature of the proponent's Director or a person, approved in writing by the CEO of the Department of Environment and Conservation, delegated to sign on behalf of the proponent's Director;
- 2 state whether the proponent has complied with each condition and procedure contained in this statement;
- 3 provide verifiable evidence of compliance with each condition and procedure contained in this statement;
- 4 state whether the proponent has complied with each key action contained in any environmental management plan or program required by this statement;
- 5 provide verifiable evidence of conformance with each key action contained in any environmental management plan or program required by this statement;

- 6 identify all non-compliances and non-conformances and describe the corrective and preventative actions taken in relation to each non-compliance or non-conformance;
  - 7 review the effectiveness of all corrective and preventative actions taken; and
  - 8 describe the state of implementation of the proposal.
- 4-4 The proponent shall make the environmental compliance reports required by condition 4-1 publicly available in a manner approved by the CEO of the Department of Environment and Conservation.

## **5 Excavation Program**

- 5-1 The proponent shall not excavate beyond the co-ordinates listed in Schedule 2 (attached) as demonstrated in Figure 1 of Schedule 1 (attached).
- 5-2 The proponent shall not commence excavation of stages 1 and 2 until excavation of stages 8 to 5 has been completed.
- 5-3 The proponent shall only undertake excavation in stages 1 and 2 between January and July (inclusive) in any year.  
  
Excavation in stages 3 to 8 may take place throughout the year.
- 5-4 Prior to commencement of a third stage of excavation, the proponent shall design a fence in liaison with the Shire of Murray and the Department of Agriculture and Food, and shall subsequently construct and maintain the fence for the life of the project, in order to prevent stock entering West Corio Swamp.
- 5-5 The proponent may, in liaison with the Shire of Murray and the Department of Agriculture and Food, create a soak to provide water for stock within the area to be excavated.

## **6 Decommissioning and Rehabilitation**

- 6-1 The proponent shall decommission the site and remove all plant and installations, and shall rehabilitate the site and its environs, to the requirements of the Department of Environment and Conservation on advice of the Shire of Murray.

## **Procedures**

1. Where a condition states “on advice of the Environmental Protection Authority”, the Environmental Protection Authority will provide that advice to the Department of Environment and Conservation for the preparation of written notice to the proponent.

2. The Environmental Protection Authority may seek advice from other agencies or organisations, as required, in order to provide its advice to the Department of Environment and Conservation.
3. The Minister for Environment will determine any dispute between the proponent and the Environmental Protection Authority or the Department of Environment and Conservation over the fulfilment of the requirements of the conditions.
4. Where a condition lists advisory bodies, it is expected that the proponent will obtain the advice of those listed as part of its compliance reporting to the Department of Environment and Conservation.
5. The proponent is required to apply for a Works Approval and Licence for this project under the provisions of Part V of the *Environmental Protection Act 1986*.

## Schedule 1

### The Proposal (Assessment No. 1760)

The proposal is to extract sand from Lot 242 Corio Road, Pinjarra. The project area covers approximately 16 hectares of pasture land.

A 50 metre setback will be maintained between the excavation and the edges of the surrounding wetland vegetation as demonstrated in Figure 1.

Excavation in stages 1 and 2 of the proposal will be restricted to between January and July in order to minimise impact on birds nesting in West Corio Swamp.

The main characteristics of the proposal are summarised in Table 1 below.

**Table 1 - Key Proposal Characteristics**

<b>Element</b>	<b>Description</b>
Proposal	Extraction of sand
Area of disturbance	16 hectares
Transport	Transport of product along a limestone road to Corio Road. An average of 10 laden vehicle movements per day with maximum 40 vehicle movements in any given day.
Set-backs	50-metre buffer between edge of wetland geomorphic boundaries and the excavation.
Rehabilitation	Final contours of the excavation to be a relatively flat surface, at an elevation of 2 metres above the water table. Weed control to be undertaken until self sustaining cover of pasture is achieved.

Figure 1 – Site location and boundaries



Figure 1



## Schedule 2

Coordinates of the approved maximum disturbance boundary.  
GDA94 MGA Zone 50

ID	X Coordinate	Y Coordinate
1	393658.72	6399325.92
2	393740.12	6399325.12
3	393817.08	6399308.88
4	393856.77	6399290.00
5	393905.35	6399257.17
6	393963.21	6399235.19
7	393972.59	6399232.98
8	393995.53	6399233.71
9	394038.07	6399237.24
10	394045.98	6399239.64
11	394054.07	6399243.54
12	394075.84	6399257.57
13	394086.45	6399266.02
14	394089.87	6399270.34
15	394094.00	6399276.27
16	394128.14	6399339.04
17	394175.98	6399315.48
18	394201.70	6399291.74
19	394252.06	6399267.10
20	394263.22	6399262.78
21	394308.55	6399256.25
22	394288.69	6399164.17
23	394252.11	6399153.70
24	394242.81	6399148.83
25	394235.88	6399143.08
26	394228.65	6399134.23
27	394220.69	6399117.41
28	394057.82	6399072.65
29	394019.41	6399067.85
30	393975.60	6399061.25
31	393901.18	6399054.65
32	393840.56	6399048.65
33	393795.55	6399042.64
34	393747.54	6399034.84
35	393614.31	6399035.44
36	393658.72	6399325.92