



Report and recommendations of the Environmental Protection Authority



**Kemerton silica sand mining proposal,
additional mining areas
and transfer of land for conservation
- inquiry under s46 of the
Environmental Protection Act 1986
to amend Ministerial Statement 703**

Kemerton Silica Sand Pty Ltd

Report 1534

December 2014

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT

**KEMERTON SILICA SAND MINING PROPOSAL, ADDITIONAL MINING
AREAS AND TRANSFER OF LAND FOR CONSERVATION PROPOSAL -
INQUIRY UNDER SECTION 46 OF THE *ENVIRONMENTAL PROTECTION
ACT 1986* TO AMEND MINISTERIAL STATEMENT 703 (AS AMENDED BY
MINISTERIAL STATEMENT 920) – EXTENSION OF TIMEFRAME FOR
SUBSTANTIAL COMMENCEMENT (ASSESSMENT NO. 2030)**

The Minister for Environment has requested (on 12 November 2014) that, under section 46 of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority (EPA) inquire into and report on the matter of changing the implementation conditions relating to the *Kemerton Silica Sand Mining Proposal, Additional Mining Areas and Transfer of land for conservation proposal*.

The following is the EPA's Report and Recommendations (No. 1534) to the Minister pursuant to section 46(6) of the EP Act.

Background

Ministerial Statement 703 (published 29 November 2005) gives approval for the *Kemerton Silica Sand Mining Proposal, Additional mining areas and transfer of land for conservation proposal*. Under Section 40 of the EP Act the EPA determined that the proposal was to be assessed at the 'Assessment on Referral Information' (ARI) level of assessment.

The EPA considered the following a key environmental factor in its original assessment of the proposal:

- Biodiversity

Under the *Environmental Assessment Guidelines for Environmental Factors and Objectives* (EAG 8) this factor is now represented by:

- Flora and Vegetation;
- Landforms;
- Terrestrial Environmental Quality;
- Terrestrial Fauna; and
- Inland Waters and Environmental Quality

Ministerial Statement 920 (4 January 2013) was published after a section 46 review of conditions under the EP Act to extend the time limit of authorisation for a further two years.

Requested changes to conditions

Condition 3 of Statement 703, as amended by Statement 920, requires the proponent to substantially commence the proposal within five years of the date of the Statement (i.e. initially 29 November 2010, subsequently extended to before 4 January 2015).

The proposal has not yet substantially commenced, and the proponent, Kemerton Silica Sands Pty Ltd, has requested an extension of the timeframe for substantial commencement for a further five years, to 4 January 2020.

Assessment of the requested change to conditions

The EPA considers that the environmental factors of the proposal have not changed significantly from those presented in the Assessment on Referral Information (ARI) and as assessed by the EPA in Reports 1183 (June 2005) and 1454 (November 2012), and no new significant environmental factors have arisen since the EPA's assessment of the proposal. The EPA is satisfied that the existing implementation conditions will continue to address the relevant environmental factors, and manage and mitigate the potential impacts of the proposal.

The EPA concludes that its objectives would not be compromised through amendment to condition 3 to extend the 'Time Limit of Authorisation' by five years, to 4 January 2020.

EPA recommendation(s)

Having inquired into this matter, the EPA recommends to the Minister for Environment that:

- the timeframe for substantial commencement of the *Kemerton Silica Sand Mining Proposal, Additional Mining Areas and Transfer of land for conservation* proposal be extended by five years, to 4 January 2020; and
- that, after complying with section 46(8) of the *Environmental Protection Act 1986*, the Minister issues a statement of decision to change condition 3 of Statement 703, as amended by Statement 920, and the subsequent replacement of Statement 920, in the manner provided for in the attached recommended statement.

RECOMMENDED ENVIRONMENTAL CONDITIONS

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

KEMERTON SILICA SAND MINING PROPOSAL, ADDITIONAL MINING AREAS AND
TRANSFER OF LAND FOR CONSERVATION

Proposal: The extraction of silica sands from two new areas and the transfer of the ownership of land which contains the Muchea Limestone Communities Threatened Ecological Community to the conservation estate, as documented in Schedule 1 of Ministerial Statement 703.

Proponent: Kemerton Silica Sand Pty Ltd
(ACN: 067 603 552)

Proponent Address: Suite 5, 363-367 Albany Highway, VICTORIA PARK WA
6100

Assessment Number: 2030

Report of the Environmental Protection Authority: Report 1534

Previous Statement Numbers: Ministerial Statements 703, 920

The implementation of the proposal to which the above report of the Environmental Protection Authority relates, is subject to the conditions and procedures contained in Ministerial Statement 703 and this Ministerial Statement.

1 Amendment to Ministerial Statement 920

This Statement replaces all conditions and procedures of Ministerial Statement 920.

2 Condition 3 of Ministerial Statement 703 changed

Condition 3 of Ministerial Statement 703 is deleted and replaced with:

3 Time Limit for Proposal Implementation

3-1 The proponent shall not commence implementation of the proposal after 4 January 2020, and any commencement, prior to this date, must be substantial.

3-2 Any commencement of implementation of the proposal, on or before 4 January 2020, must be demonstrated as substantial by providing the CEO with written evidence, on or before 4 January 2020.

*“CEO” means the Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or his delegate.

[Signed xxx]

**HON ALBERT JACOB MLA
MINISTER FOR ENVIRONMENT; HERITAGE**