



Report and recommendations of the Environmental Protection Authority



Silica Sand Quarry – s46 amendments to Ministerial Statement 024

Urban Resources Pty Ltd

Report 1492

October 2013

ENVIRONMENTAL PROTECTION AUTHORITY
REPORT AND RECOMMENDATIONS TO THE MINISTER FOR
ENVIRONMENT

**PROPOSAL: SILICA SAND QUARRY GNANGARA – INQUIRY UNDER
SECTION 46 OF THE *ENVIRONMENTAL PROTECTION ACT 1986* TO
CHANGE CONDITIONS OF MINISTERIAL STATEMENT 024
(ASSESSMENT NO. 1951)**

The Minister for Environment requested (18 October 2012) that the Environmental Protection Authority (EPA) inquire into and report to the Minister on proposed changes to the implementation conditions for the silica sand quarry at Gnangara.

The following is the EPA's Report and Recommendations (No. 1492) to the Minister pursuant to section 46(6) of the *Environmental Protection Act 1986* (EP Act).

Background

Ministerial Statement 024 dated 9 May 1988 (Attachment 1) initially provided for the implementation of a silica sand quarry at Gnangara north of Perth within State Forest No. 65 and Lot 5892 Maralla Road, Bullsbrook (within ML70/326).

In March 2008, the proponent, Rocla Pty Limited (Rocla), sought to change the original proposal by removing Lot 5892 Maralla Road from the original proposal area. This change to the proposal was approved on 8 May 2008 (Attachment 1 of Ministerial Statement 024). As a result of this change, Rocla ceased to have responsibility for implementing the proposal over Lot 5892 Maralla Road.

In April 2009, a second proponent, Urban Resources Pty Ltd (Urban Resources), notified the EPA it intended to implement the proposal over Lot 5892 Maralla Road. As a consequence, under delegation from the Minister for Environment, the Chairman of the EPA approved the further change to the proposal (being the implementation of the proposal over Lot 5892 Maralla Road by a second proponent - Attachment 2 of Ministerial Statement 024) and formally revoked the nomination of the proponent Rocla, and nominated

Urban Resources as the proponent for that portion of the proposal situated on Mining Lease M70/326 (Lot 5892 Maralla Road).

Pursuant to section 45B of the EP Act, if a proposal is changed (been revised) after implementation conditions have been agreed, each of those implementation conditions apply to the changed proposal, unless, relevantly, changes are made to the implementation conditions under section 46 of the EP Act.

The EPA notes that as the proposal within the State Forest has been implemented (initially by Silica Sales Pty Ltd and then subsequently by Rocla) since about 1988 without incident that there is no change recommended to Statement 024 as it relates to Rocla's implementation of the proposal within the State Forest.

The current inquiry under section 46 of the EP Act is to clarify the responsibilities of Urban Resources and only applies to the implementation of the proposal over Lot 5892 Maralla Road by Urban Resources. It is proposed that the Minister issues a new statement for Urban Resources to apply to Lot 5892 Maralla Road.

Assessment of the proposed change to conditions

The existing conditions relate to rehabilitation of the quarry, management of dust, and management of potential impacts on the Gngangara Geomagnetic Observatory.

In assessing the proposed changes to the implementation conditions in so far as they apply to the implementation of the proposal by Urban Resources over Lot 5892 within ML70/326, the EPA has considered whether there are other statutory decision making processes which regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles. This is to avoid unnecessary regulatory duplication and overlap.

The EPA notes that:

1. Conditions relating to the protection of the environment have already been imposed by the Department of Mines and Petroleum (DMP) under the *Mining Act 1978* on mining tenement M70/326 and that those conditions duplicate the conditions of the existing Statement 024.
2. The mining tenement conditions include a requirement that the proponent submit a Mine Closure Plan prepared in accordance with the DMP/ EPA *Guidelines for Preparing Mine Closure Plans*.

The conditions relating to the Gngangara Geomagnetic Observatory are no longer relevant as the observatory has been relocated to Gingin.

Having considered this information, the set of recommended conditions to apply to Lot 5892 Maralla Road does not include any project specific conditions as the proposal will be regulated under the *Mining Act 1978*.

EPA conclusion and recommendation

Having inquired into this matter, and after consultation with the DMP, the Department of Planning, the City of Swan, and the Department of Water, the EPA recommends that it is appropriate to issue a Statement to Urban Resources under section 45(5), as applied by section 46(8) changing the implementation conditions in so far as they relate to the implementation of the proposal by Urban Resources over mining tenement M70/326 (Lot 5892 Maralla Road, Bullsbrook) in the form attached to this report (Attachment 2). The EPA recommends that there be no change to the implementation conditions in Statement 024 in so far as it relates to the implementation of the proposal within State Forest 65 by Rocla.

The EPA submits the following recommendation to the Minister for Environment:

1. That, after complying with section 46(8) of the EP Act, the Minister issues a Statement under section 45(5) as set out in the attached draft Statement (Attachment 2).

MIN2013-0178

ATTACHMENT 1



MINISTER FOR ENVIRONMENT

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED (PURSUANT TO THE PROVISIONS OF THE ENVIRONMENTAL PROTECTION ACT 1986)

SILICA SAND PROJECT, GNANGARA

SILICA SALES PTY LTD

This proposal may be implemented subject to the following conditions:

1. The proponent adhering to the proposal as assessed by the Environmental Protection Authority and fulfilling the commitment given for environmental management. (Copy of commitments attached.)
2. The proponent shall ensure that all waste oils and vehicle washdown water is collected and treated, or disposed offsite, to the satisfaction of the Water Authority of Western Australia.
3. The proponent shall construct and operate all fuel storage facilities in accordance with the requirements of the Water Authority of Western Australia.
4. The proponent shall submit brief annual reports to the satisfaction of the Department of Mines describing rehabilitation programmes and summarising monitoring results with respect to environmental management programmes adopted for the project.
5. Rehabilitation on private land be to an end land use agreed with the land owner, provided that the proponent shall ensure that disturbed areas are left in a condition acceptable to the Environmental Protection Authority.
6. Prior to commissioning, a dust management programme be developed by the proponent to control dust migration from unstabilised operations areas, to the satisfaction of the Department of Mines. This programme shall include a proposal to install an appropriate dust suppression system such as a mobile water cannon to control dust during adverse weather conditions.

Published on

- 9 MAY 1988

2.

7. The proponent shall not carry out processing activities or place electrical equipment or power lines within 500 metres of the Gngangara Magnetic Observatory, for such a period that the Magnetic Observatory is in operation.
8. In order to reduce the effects of vibration and magnetic disturbances on the Gngangara Magnetic Observatory, the proponent shall ensure that mining and heavy vehicle access to and from the project is kept at a distance of at least 200 metres from the Gngangara Magnetic Observatory. (Except for the intrusion caused by the current alignment of Gaskell Avenue.)
9. If, following detailed testing (by the operators of the observatory) it is shown that the vibration and magnetic disturbances associated with the proposal are unacceptable, the Environmental Protection Authority shall modify the requirements of conditions 7 and 8 to ensure that the integrity of the observatory is maintained.

Barry Hodge MLA
MINISTER FOR ENVIRONMENT

- 6 MAY 1999
1500

ENVIRONMENTAL MANAGEMENT COMMITMENTS

The Company undertakes to carry out a management programme which may be broadly summarised as follows:

- . The location of ground water production bores and design of the well field will be determined through liaison with the Water Authority. It is anticipated that a licence will be required and that there may be a condition on the maximum allowable production rate.
- . The location and design of the septic tank and soil absorption system for the ablution block will be determined in conjunction with the Water Authority and the installation will be maintained in accordance with the appropriate by-laws.
- . Detailed "Working Arrangements" will be prepared in conjunction with CALM which will define management techniques to be adhered to during the mining operation. These will include rehabilitation of excavated pits. Plans for rehabilitation trials are already in progress and there is on-going discussion with CALM personnel.
- . In general terms the objectives of the rehabilitation programme will be:
 - (i) stabilisation of the surface sands against erosion;
 - (ii) minimisation of disturbance to the hydrological balance within the proposed lease area and adjacent land, and
 - (iii) establishment of a diverse, effective and permanent vegetation cover capable of plant succession and regeneration to suit the present priority land use of water production.
- . Compliance with the requirements of all applicable Acts and Regulations.
- . Conduct routine monitoring of groundwater levels and report results to the Water Authority of Western Australia on a regular basis.
- . Establish trials incorporating the use of fine tailings material in surface soils to assess suitability for rehabilitation.
- . Ensure that areas affected by mining are left in an environmentally acceptable condition in the event of early closure of operations.
- . Apply appropriate measures for the control of dieback according to "Working Arrangements" to be developed in conjunction with the Department of Conservation and Land Management".
- . Undertake vegetation surveys prior to clearing new areas for mining with respect to rare plant species.
- . Maintain an internal environmental management which will routinely conduct technical work to the standard and detail required by relevant government agencies.

Attachment 1 to Statement 024

Change to Proposal

Proposal: Silica Sand Project Gngangara

Proponent: Rocla Pty Limited

Change:

Components of original Proposal as implemented:

Element	Quantities/Description
Silica sand project - Gngangara	
<i>Project Area (NB. Not specified in Statement 024 but evident from the proposal map contained in the Proponent's environmental report)</i>	540ha Crown Land, 120ha private land

Components of changed Proposal:

Component	Quantities/Description
Silica sand project, Gngangara	
<i>Project Area</i>	540ha Crown Land

**Approved under delegation
from Minister for the Environment:**

Approval Date: 8.5.08

Attachment 2 to Ministerial Statement 024

Change to Proposal

Proposal: Silica Sand Project, Gngangara Part 2: Lot 5892 Maralla Road
Bullsbrook M70/326

Proponent: Urban Resources Pty Ltd

Change: A second proponent, Urban Resources Pty Ltd, to operate an additional sand quarry and processing works under Statement 024 on lot 5892 Maralla Road.

Note: Lot 5892 Maralla Road was removed from Statement 024 under section 45C on 8 May 2008. The present 45C process reinstates Lot 5892 Maralla Road as part of Statement 024 and nominates Urban Resources Pty Ltd as the proponent for this piece of land only. Rocla Pty Limited remains the proponent for the remainder of the land under Statement 024.

Components of changed project: proponent: Urban Resources Pty Ltd

(Refer to Attachment 1 for key characteristics table for remainder of proposal)

Element	Quantities / Description
Silica Sand Project - Gngangara	
Project area (NB: not specified in Statement 024 but evident from the proposal map contained in the original proponent's environmental report).	120 hectares private land.



Dr Paul Vogel
CHAIRMAN
Environmental Protection Authority
under delegated authority

Approval date: 20-1-11

ATTACHMENT 2

RECOMMENDED ENVIRONMENTAL CONDITIONS

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

Silica sand project, mining tenement ML70/326, Lot 5892 Maralla Road, Bullsbrook

Proposal: Extract sand from mining tenement ML70/326, Lot 5892 Maralla Road, Bullsbrook.

Proponent: Urban Resources Pty Ltd
Australian Company Number 121 043 034

Proponent Address: 4/127 Melville Parade
COMO WA 6152

Assessment Number: 056

Report of the Environmental Protection Authority: 1492

Previous Report of the Environmental Protection Authority: 318

Previous Statement Number: 024, 9 May 1988

This Statement authorises the implementation of the Proposal described and documented in Columns 1 and 2 of Table 2 of Schedule 1.

In respect of that part of the original proposal area, being mining tenement ML70/326, Lot 5892 Maralla Road, Bullsbrook only, the implementation conditions of this Statement supersede the implementation conditions of Statement 024.

The implementation of the Proposal is subject to the following implementation conditions.

1 Proposal Implementation

1-1 When implementing the proposal in mining tenement ML70/326, Lot 5892 Maralla Road, Bullsbrook, the proponent shall not exceed the authorised extent of the proposal as defined in Column 3 of Table 2 in Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the *Environmental Protection Act 1986*.

2 Contact Details

2-1 The proponent shall notify the Chief Executive Officer of any change of its name, physical address or postal address for the serving of notices or other correspondence within 28 days of such change. Where the proponent is a

corporation or an association of persons, whether incorporated or not, the postal address is that of the principal office in the State.

Schedule 1

Table 1: Summary of the Proposal

Proposal Title	Silica sand project, mining tenement ML70/326, Lot 5892 Maralla Road, Bullsbrook
Short Description	Extraction of sand from mining tenement ML70/326, Lot 5892 Maralla Road, Bullsbrook

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Sand extraction	Mining tenement ML70/326	Mining tenement ML70/326

Notes

The following notes are provided for information and do not form a part of the implementation conditions of the Statement:

- The proponent for the time being nominated by the Minister for Environment under section 38(6) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal unless and until that nomination has been revoked and another person is nominated.
- If the person nominated by the Minister, ceases to have responsibility for the proposal, that person is required to provide written notice to the Environmental Protection Authority of its intention to relinquish responsibility for the proposal and the name of the person to whom responsibility for the proposal will pass or has passed. The Minister for Environment may revoke a nomination made under section 38(6) of the *Environmental Protection Act 1986* and nominate another person.
- To initiate a change of proponent, the nominated proponent and proposed proponent are required to complete and submit *Post Assessment Form 1 – Application to Change Nominated Proponent*.
- The General Manager of the Office of the Environmental Protection Authority was the Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986* at the time the Statement was signed by the Minister for Environment.