



Environmental Protection Authority

General Manager
PMR Quarries Pty Ltd t/a WA Limestone
PO Box 1404
BIBRA LAKE WA 6965

Our Ref 14-771355
Enquiries Tim Gentle
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Attn: Caroline Scally

Dear Sir/Madam

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

PROPOSAL: Sand and Limestone Extraction M70/1319 and M70/1320
LOCATION: 8 km south-east of Lake Clifton, Myalup
PROPONENT: PMR Quarries Pty Ltd t/a WA Limestone
DECISION: Not Assessed – Public Advice Given

Thank you for your letter referring the above matter to the Environmental Protection Authority (EPA).

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the EPA provides 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 1 September 2014. Information on the appeals process is available through the Office of the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190.

Yours faithfully

Anthony Sutton
Director
Assessment and Compliance Division

18 August 2014

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Public Advice Under Section 39A(7)

Environmental Protection Act 1986

Proposal Title and Location

Proposal: PMR Quarries Pty Ltd (t/a WA Limestone) - Sand and Limestone Extraction, McLarty State Forest, Myalup, M70/1319 and M70/1320

Level of Assessment: Not Assessed – Public Advice Given

Level of Assessment Published: 18 August 2014

Summary

The Environmental Protection Authority (EPA) has received a referral from PMR Quarries Pty Ltd (trading as WA Limestone) for sand and limestone extraction within the McLarty State Forest (pine plantation), Myalup in mining tenements M70/1319 and M70/1320. The EPA considers that the proposal is not likely to result in significant impacts on the environment and, that, if approved, any potential environmental impacts could be adequately regulated through the requirements of the Department of Mines and Petroleum (DMP) under the *Mining Act 1978*.

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 values of the environment, the extent of the likely impacts, policies, guidelines, procedures and standards against which a proposal can be assessed, and the presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment (see Section 7 Significance Test Administrative Procedures).

The EPA notes that the proposed mining operation would have implications for the existing commercial forestry operations (production pine plantation) in the area. The EPA's decision not to assess this proposal carries no presumption about the extent to which pines are removed or the timing of pine removal, to enable sand and limestone mining. This is a matter to be determined by the Department of Parks and Wildlife and the Forest Products Commission (FPC).

Proposal and Potential Environmental Factors

PMR Quarries Pty Ltd (trading as WA Limestone) proposes to extract sand and limestone in mining tenements M70/1319 and M70/1320, Myalup. The total proposed area of ground disturbance is 324 hectares (ha) and mining would take place over a period of 50 years. The proposed excavation area is located wholly within McLarty

State Forest (production pine plantation) which is vested in the Conservation Commission of Western Australia and managed by the Department of Parks and Wildlife.

The EPA identified the following preliminary environmental factors for the proposal:

- (a) Flora and vegetation
- (b) Terrestrial fauna
- (c) Hydrological processes.
- (d) Rehabilitation and closure

Advice from key stakeholders

The EPA sought advice from the FPC and Parks and Wildlife. These agencies advised that land use priorities for this area should be driven by the management of pine harvesting to meet commercial commitments. Parks and Wildlife also advised that management of the pine plantation areas within State Forest is to a large extent determined by the requirements of the management plans. In the case of a management plan for State Forest or timber reserve planted with exotic species, section 56(1b) of the *Conservation and Land Management Act 1984* requires that a management plan shall be designed to achieve optimum yield in production consistent with the satisfaction of long-term social and economic needs.

Public Comments

The EPA published the referral information for public comment on whether the EPA should formally assess the proposal. The public comment period closed on 10 July 2014. Three comments were received, comprising comments from:

- Westpine Industries Pty Ltd
- Forest Industries Federation WA
- Binningup Coastcare and Environment Group Inc.

All commentators asked for the proposal to be assessed through a Public Environmental Review.

Westpine Industries Pty Ltd and the Forest Industries Federation WA expressed concerns that the soil profile and soil characteristics will not be suitable for growing pines after sand and limestone extraction is completed and stressed that the McLarty State forest is particularly important as a winter harvest area. The view was also expressed that the proposal should be referred under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on the basis that the pine trees are significant feeding habitat for Carnaby's cockatoo (a threatened species listed as a Matter of National Environmental Significance under the EPBC Act).

Binningup Coastcare and Environment Group contended that:

- If in future pine plantations are no longer viable, they should be returned to native vegetation and that this is unlikely to be successful following sand and limestone mining.
- The proposal is incompatible with other planned land uses (proposed residential subdivision adjacent to the State Forest).
- A full fauna survey is required as the pine forest provides habitat for a range of rare fauna including quenda, western brush wallaby, Graceful Sun Moth and all three species of black cockatoo, with Carnaby's cockatoo both feeding and breeding in the pine forest.
- A spring flora survey should be carried out for rare flora such as little hammer orchid, spider orchid and for Priority Ecological Communities (PECs) and Threatened Ecological Communities (TECs) which can persist in pine forests.

EPA Consideration

The EPA acknowledges that, for land within the South West Mineral Field that is a State Forest or a timber reserve within the meaning of the *Conservation and Land Management Act 1984* (the CALM Act), the Minister for Environment, as Minister responsible for land managed under the CALM Act, has powers of concurrence for the grant of mining tenure given the areas impacted by the proposal are described as 'public reserves' under Part III Division 2 of the *Mining Act 1978*. Through this process, the Minister for Environment can identify prescribed conditions under which mining activities must be undertaken, as prerequisites to his concurrence to mining within the tenement(s), which then become conditions of the mining lease(s) upon grant.

Flora and vegetation

The EPA notes the public comment which contends that there may be rare flora, PECs or TECs remaining within the pine forest and which would be impacted by the proposed mining. However, noting that the area is an existing production plantation of exotic pines, and also the existence of substantial areas of native vegetation nearby, the EPA is of the view that any remaining native flora or vegetation in the pine forest is most unlikely to be of particular conservation significance and therefore that this matter does not require assessment by the EPA.

Terrestrial fauna

The EPA also notes the public comment contending that the pine forest provides habitat for rare native fauna species. However, noting that an exotic pine forest would provide only marginal habitat for native fauna (including the three species of black cockatoo), and also noting the existence of substantial areas of native vegetation nearby, any impact on native fauna from the proposal would not be significant and therefore does not require assessment by the EPA.

Referral to the Commonwealth under the EPBC Act, if it were necessary, would be the responsibility of the proponent.

Hydrological processes

The proponent states that the proposal will not intersect the water table and that it intends to maintain a 5 metre (m) finished floor level clearance to groundwater. The proponent has committed to groundwater level and quality monitoring to be undertaken in consultation with the Department of Water (DoW) in order to establish future appropriate excavation depth and water quality parameters for monitoring. The DoW advises that generally, sand extraction is allowed within 3m of the maximum groundwater levels in order to maintain hydrological processes and protect groundwater quality. The depth of resource available for sand extraction is also determined by the final land use. Noting that the final land use is proposed to be pines, the depth of excavation and the clearance to groundwater should be determined in consultation with Parks and Wildlife and the FPC.

The proponent will need to submit a mining proposal under the *Mining Act 1978*. If approved, the DMP can therefore ensure that the proposal is implemented to meet the EPA's objective for Hydrological Processes.

Rehabilitation and closure

The EPA notes that, if the proposal is approved, the DMP would require the proponent to carry out closure and rehabilitation according to an approved mine closure plan and in consultation with key stakeholders, including Parks and Wildlife and the FPC. Through this process the DMP would ensure that the EPA's objective for rehabilitation and mine closure is met, which includes ensuring that the mine is closed and rehabilitated consistent with agreed post-mining outcomes and land uses.

Other issues

The EPA acknowledges the concerns raised by a commentator that the proposal may be incompatible with other land uses, in particular possible future residential subdivisions adjacent to the State Forest. The EPA notes that this matter should be addressed through planning approvals processes and therefore does not require assessment by the EPA.

EPA Advice

The EPA considers potential environmental impacts from the proposal, if implemented, can be adequately evaluated and regulated through the requirements of the DMP under the *Mining Act 1978*.

The EPA's decision not to assess this proposal carries no presumption about the extent to which pines are removed, or the timing of pine removal, to enable sand and limestone extraction. This is a matter to be determined by Parks and Wildlife and the FPC.

The EPA would expect the proponent to undertake consultation with the FPC, Parks and Wildlife, and any other relevant stakeholders regarding:

- approvals and access to the State Forest;
- evaluation of the proposal in terms of its impact on optimum yield production in the affected plantation areas;
- potential alignment with harvesting operations;
- proposal impacts on existing roads and management of haulage networks; and
- final land use and rehabilitation standards.

The EPA also expects that the DMP will liaise with Parks and Wildlife and the FPC in regard to approvals and access to the State Forest for sand and limestone extraction.