

Mr Ken Bell
Operations Manager
Cristal Australia Pty Ltd
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Our Ref 14-780092
Enquiries Tim Gentle
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Dear Mr Bell

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

PROPOSAL: Wonnerup North Mineral Sands Project
LOCATION: approximately 10 km east of Busselton
LOCALITY: City of Busselton
PROPONENT: Cristal Australia Pty Ltd
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 17 June 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 sincerely



Anthony Sutton
Director
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3 June 2014

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PUBLIC ADVICE UNDER SECTION 39A(7)

Environmental Protection Act 1986

Wonnerup North Mineral Sands Mine (Cristal Australia Pty Ltd)

Summary

The Environmental Protection Authority (EPA) has received a referral from Cristal Australia Pty Ltd for a proposal for mineral sands mining. The proposal location is approximately 10 kilometres east of Busselton (please see figure 1-1 from the proponent's referral document, copy attached). The proposal would be situated on farmland immediately to the east of the proponent's existing Wonnerup mineral sands mine. The proposal would involve dry mining and mining would occur over a period of eight years. The project is expected to disturb approximately 518 hectares of land. The majority of the proposed disturbance area (approximately 89%) has been cleared of all native vegetation and is currently used for cattle grazing.

The EPA has identified the following preliminary key environmental factors associated with the proposal:

- Flora and vegetation;
- Terrestrial fauna;
- Inland water environmental quality;
- Hydrological processes;
- Amenity (Dust and Noise); and,
- Rehabilitation and closure.

No public comments were received on the proposal.

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 proposal is situated on farmland and the majority of the remnant native vegetation on site is in a degraded parkland condition and/or fragmented and is likely to be of limited conservation or fauna habitat value in comparison to other nearby areas (in particular the Tuart National Park). There are however some areas of relatively intact vegetation on the proposal site mainly on the margins of the proposal area and along the banks of the Abba River. On balance it is considered that the potential impacts are not so significant as to require assessment by the EPA and can be regulated and mitigated effectively through other statutory processes, in particular

Part V Division 2 of the EP Act (Clearing of Native Vegetation). In the event that any relocation of fauna (ring tailed possum, phascogale) is required this would be carried out to requirements of the *Wildlife Conservation Act 1950*.

Other factors (inland water environmental quality, hydrological processes, amenity, mine closure and rehabilitation) are not considered to be significant such as to require EPA assessment and can be regulated and mitigated in a routine manner under statutory processes administered by the Department of Mines and Petroleum (DMP), the Department of Environment Regulation (DER), and the Department of Water (DoW).

Flora and vegetation

The vegetation on the proposal site is reported to be in the main in degraded (parkland) condition and/or fragmented as the area is used for farming. However, there is some vegetation which is relatively intact, particularly on the fringes of the site.

On balance, the EPA is of the view that the proposal can be adequately evaluated, regulated and mitigated by the DMP, under the provisions of Part V Division 2 of the EP Act (Clearing of Native Vegetation), so as to ensure that the EPA's objectives can be met.

The decision of the EPA carries no presumption as to the acceptability of the proposed vegetation clearing, and, in evaluating the proposal under Part V Division 2 of the EP Act (Clearing of Native Vegetation), the DMP will need to consider the consistency of the proposed clearing with the native vegetation clearing principles. This would include consideration of fauna habitat values and the remaining conservation values of the vegetation, noting that the vegetation includes vegetation complexes which have less than ten percent remaining representation. Under the Clearing of Native Vegetation Regulations the DMP has the capacity to impose conditions on: fire control, dieback and weed management; maintaining and enhancing fauna habitat, vegetation corridors and riverside vegetation; and as appropriate, offsets.

It will be important for the DMP to impose appropriate conditions requiring maintenance of an adequate buffer around the Abba River (see discussion under Inland Water Environmental Quality) and maintenance of the key vegetation corridor (including locations of rare flora species) along Ruabon Road. It will also be important for the DMP to impose appropriate conditions regulating the timing of mining activities and any groundwater drawdown so as to minimise the risk of indirect impacts on important native vegetation.

Terrestrial fauna

Four significant fauna species have been recorded on the site are listed as Schedule 1 of the *Wildlife Conservation Act 1950*, three of which also listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC):

- Western Ringtail Possum (*Pseudocheirus occidentalis*). Listed as Endangered under the EPBC.
- Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*): Listed as Endangered under the EPBC.
- Baudin's Black Cockatoo (*Calyptorhynchus baudinii*): Listed as Vulnerable under the EPBC.
- Southern Brush-tailed Phascogale (*Phascogale tapoatafa*).

The ringtail possum and phascogale are likely to prefer the areas of less disturbed habitat towards the margins of the proposal site. The cockatoos use the proposal area for foraging and have not been recorded breeding in the area, although there are mature trees with suitable hollows on the site. There is extensive additional habitat for Carnaby's and Baudin's cockatoos in the surrounding area.

Having considered the above, the EPA is of the view that fauna and fauna habitat values are not so significant as to require EPA assessment and habitat can be adequately evaluated and regulated by the DMP under the provisions of Part V Division 2 of the EP Act (Clearing of Native Vegetation). The EPA also notes that relocation of possums and phascogales, if necessary, would be carried out to the requirements of the Department of Parks and Wildlife under the provisions of the *Wildlife Conservation Act 1950*.

Inland water environmental quality

The proponent has committed to manage acid sulphate soil risk as per its existing Acid Sulphate Soil Management Plan in place at the proponent's adjacent Wonnerup South Mine (and which was required under *Environment Protection and Biodiversity Conservation Act 1999* approval conditions for that mine). Based on the information provided by the proponent, the risk of acid sulphate generation is low. The DMP has the capacity to impose a condition under the *Mining Act 1978* requiring that the proposal be implemented in accordance with an approved Acid Sulphate Soil Management Plan. The DER has the capacity to provide further advice on this matter to DMP as required.

To protect the water quality of the Abba River, and mitigate the risk of adverse downstream impacts on the Vasse-Wonnerup Ramsar site (please see figure 3-3 from the proponent's referral document, copy attached), it will be important to

maintain an adequate buffer (at least 40 metres) between the mining and the river. It is expected that the DMP will impose approval conditions to this effect as appropriate. In addition the DER would regulate any mine dewatering discharge under the provisions of Part V of the EP Act.

Having considered the above, the EPA is of the view that this factor is not so significant as to require EPA assessment and can be adequately regulated by the DMP under the provisions of Part V Division 2 of the EP Act (Clearing of Native Vegetation) and the *Mining Act 1978*, and by the DMP under the provisions of Part V of the EP Act, so that the EPA's objectives can be met.

Hydrological processes

The proponent has advised that it is in consultation with the owners of nearby residences (farmhouses) in regard to any potential for impact on groundwater bores from groundwater abstraction.

Groundwater abstraction would be regulated by the DoW under the *Rights in Water and Irrigation Act 1914*

The EPA is of the view that this factor is not significant such as to require EPA assessment and can be regulated by the DoW so as to meet the EPA's objectives.

Amenity (Dust and Noise)

The proponent states that it has entered into suitable arrangements with the owners of nearby residences (farmhouses) in relation to potential amenity impacts (noise and dust impacts).

The EPA is therefore of the view that this factor is not significant such as to require EPA assessment. The EPA further notes that the proponent is obliged to meet the requirements of the Environmental Protection (Noise) Regulations 1997.

Rehabilitation and closure.

The DMP has the capacity to impose conditions requiring appropriate and sustainable mine closure and rehabilitation in accordance with the DMP/EPA *Guidelines on Preparing Mine Closure Plans* 2011 (and updates). This can include requirements to retain and enhance particular areas of native vegetation such as vegetation corridors and riverside vegetation.

The EPA is of the view that this factor is not so significant as to require EPA assessment and can be regulated by the DMP so as to meet the EPA's objectives.





