



## Environmental Protection Authority

Mr Michael Guerinoni  
JAB Industries  
PO Box 559  
**KUNUNURRA WA 6743**

Your Ref: .  
Our Ref: CMS14346  
Enquiries: Peter Tapsell, 6145 0800  
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Dear Mr Guerinoni

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

**PROPOSAL:** Pivot Hill Mining Proposal 29311 (Revised) to Recommence Quarrying  
**LOCATION:** Approximately 20km south-east of Wyndham  
**PROPONENT:** JAB Industries  
**DECISION:** Not Assessed: Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the EPA for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986*. Accordingly, the EPA has determined not to assess this proposal.

Nevertheless, the EPA has provided 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 8 June 2015, during which, on payment of the appeal fee, an appellant may ask the Minister to consider directing the EPA to reconsider this decision or conduct a formal assessment.

Information on the outcome of the appeals process is available through the Appeals Convenor's website, [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au), or by telephoning 6467 5190 after the closing date of appeals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Sutton', with a horizontal line extending to the right.

Anthony Sutton  
Director  
Assessment and Compliance Division

For the Chairman of the Environmental Protection Authority  
Under Notice of Delegation No. 33 dated 6 December 2013

25 May 2015

Encl: Public Advice

**PUBLIC ADVICE UNDER SECTION 39A(7)  
ENVIRONMENTAL PROTECTION ACT 1986**

**PIVOT HILL MINING PROPOSAL 29311 (REVISED) TO RECOMMENCE QUARRYING**

**Summary**

The proposal is to recommence quarrying at Pivot Hill (M80/618(P) & L80/63(P)). The proposal was referred to the Environmental Protection Authority (EPA) on 13 January 2015, by the proponent Michael Guerinoni of JAB Industries.

The proposal involves the extraction of up to 45,000 tonnes per year of basalt for use as aggregates in civil works. This would require 4.4 hectares (ha) of clearing of native vegetation in addition to the existing 2.45 hectares of previously disturbed land, within a Mining Lease covering 45 ha. Crushing and screening of aggregates would be undertaken at the site. The proponent has proposed a duration of 10 years operation, and indicates that further approvals will be sought if the proposal is to continue beyond that time, or if annual volumes are to increase.

The proposal is located in the Parry Lagoons Nature Reserve (the Nature Reserve), a Class C reserve. The Pivot Hill Quarry previously operated prior to the creation of the reserve in 1992. The primary values of this reserve are associated with the Ord River Floodplain Ramsar site.

No comments were received during the seven day public comment period.

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* (EIA Administrative Procedures). In making its decision on whether to assess the proposal, the EPA considered the ten aspects of the significance test as set out in clause 7 of the EIA Administrative Procedures:

1. values, sensitivity and quality of the environment which is likely to be impacted;
2. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
3. consequence of the likely impacts (or change);
4. resilience of the environment to cope with the impacts or change;
5. cumulative impacts with other projects;
6. level of confidence in the prediction of impacts and the success of proposed mitigation;
7. objects of the Act, policies, guidelines, procedures and standards against which a proposal can be assessed;
8. presence of strategic planning policy framework;
9. presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles for EIA; and
10. public concern about the likely effects of the proposal, if implemented, on the environment.

The EPA identified the following preliminary environmental factors: Flora and Vegetation; Terrestrial Fauna; Inland Waters Environmental Quality; Amenity; and Rehabilitation and Decommissioning.

In considering the potential impacts of the proposal on the above preliminary environmental factors, the EPA had particular regard to:

- the 500-metre wide buffer distance between the proposed quarry and the Ramsar wetlands;
- the small additional disturbance area (4.4 ha) of the proposal and the relatively very small proportion of the Parry Lagoons Nature Reserve that will be impacted;
- the adequate 1.2 km distance to the Parry Creek Farm tourist operation which is also buffered by some low hills;
- the low likelihood that the disturbed area would be critical habitat for species of conservation significance; and
- the absence of threatened or declared rare flora (DRF), threatened ecological communities (TECs) and priority ecological communities (PECs) in the proposal area.

In summary, although the proposal raises a number of environmental issues, the EPA objectives for the preliminary environmental factors listed above can be met on the understanding that the proposal is relatively small scale; is primarily situated in a location previously disturbed by quarrying; and is unlikely to impact the values of the Ramsar wetland and conservation significant fauna species. As a result, the EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment.

The EPA also noted advice from the Department of Parks and Wildlife (Parks and Wildlife) and the Conservation Commission that a quarry operation within the Nature Reserve, for material for use outside the Nature Reserve, is inconsistent with the *Ord River and Parry Lagoons Nature Reserves* management plan and the existing and proposed tenure of the Nature Reserve.

In reaching this decision, the EPA acknowledges that this proposal does impact on 4.4 ha of native vegetation within the Parry Lagoons Nature Reserve. However, the EPA has considered the advice provided by other statutory decision-making authorities and the proponent's commitments in the mining proposal. Therefore, the EPA is satisfied that the potential impacts to native vegetation and fauna habitat, and any potential discharges from the site, can be dealt with under Part V Division 2 (Clearing) and Division 3 (Prescribed Premises, Works Approvals and Licenses) of the EP Act, and that the Department of Mines and Petroleum (DMP) can regulate the proposal through tenement conditions to mitigate environmental impacts, including rehabilitation requirements.

The EPA notes that the proponent proposes to use an existing access road within the Nature Reserve, which is currently used by tourists, and that the application of a miscellaneous licence over this may inhibit general use. The EPA recommends that the proponent liaise with Parks and Wildlife to see whether an alternative access road would be preferable.

The EPA advises that while the conditions placed on tenements enable DMP to regulate and manage impacts on the environment, the proponent should consult with Parks and Wildlife regarding the operation of the quarry and the development of relevant management plans (including rehabilitation and closure planning).

The EPA also advises that it has assessed the 4.4 ha expansion of the existing disturbance footprint and that any further expansion of quarrying / mining activities is likely to require referral under section 38 of the EP Act.

## **Advice and Recommendations regarding Environmental Issues**

### **a) *Flora and vegetation***

Given the small scale of the clearing (4.4 hectares), and that clearing can be managed under Part V (Clearing) of the *Environmental Protection Act 1986*, the EPA considers that the proposal is unlikely to have a significant impact on Flora and Vegetation, if the proposal is implemented in accordance with the referral documentation.

### **b) *Terrestrial Fauna***

In considering the impacts to Terrestrial Fauna, the EPA believes that the proposal has limited impact on habitat and that the area does not appear likely to be good habitat for the Northern Quoll. As a result, the EPA considers that the proposal is unlikely to have a significant impact on Terrestrial Fauna, if the proposal is implemented in accordance with the referral documentation.

### **c) *Inland Waters Environmental Quality***

Given the relatively flat topography, the small scale of the proposal, the proponent's commitment to manage impacts, and the requirement for a licence under Category 70 of the *Environmental Protection Regulations 1987*, the EPA considers that the proposal is unlikely to have a significant impact on Inland Waters Environmental Quality.

### **d) *Amenity***

The EPA considers that the proposal is unlikely to have a significant impact on Amenity because of the distance of the proposed quarry from the Parry Creek Farm Tourist Park, the sporadic nature of the operations, the proposed operating hours (7am – 5pm on week days), and the requirement for a licence under Category 70 of the *Environmental Protection Regulations 1987*.

### **e) *Rehabilitation and Decommissioning***

Given the proponent's commitment to progressively rehabilitate the site and to consult with Parks and Wildlife on the closure planning and outcomes, and the ability for DMP to require tenement conditions relating to rehabilitation, the EPA considers that the proposal is likely to meet its objective for Rehabilitation and Decommissioning.