



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST CONDITIONS OF LICENCE L8877/2015/1 SHENTON RIDGE GRAVEL QUARRY, LOT 501 COALFIELDS HIGHWAY, ROELANDS

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102 of the *Environmental Protection Act 1986* in objection to the conditions of a licence issued under Part V of the Act. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Dr J Krone
Licence holder:	B & J Catalano
Proposal description:	Crushing and screening; Shenton Ridge Gravel Quarry, Roelands
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	21 August 2017

REASONS FOR MINISTER'S DECISION

This decision relates to the conditions applied to a licence by the former Department of Environment Regulation (DER) for crushing and screening operations at the above quarry.

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the former DER on the matters raised in the appeal. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeal.

The appellant raised concerns about the gravel quarry and a proposed granite hard rock quarry that has recently obtained planning approval through the State Administrative Tribunal (SAT). The appeal raised concerns about the cumulative impacts of both proposals, including in relation to ground and surface water, amenity and black cockatoos.

The proposal to develop a hard rock quarry on the land was referred to the Environmental Protection Authority (EPA) in 2014. The EPA determined that the impacts of the proposal were not so significant to warrant formal assessment under Part IV of the Act. The appellant

(Dr Krone) lodged an appeal with the former Minister for Environment in objection to that decision. The former Minister dismissed that appeal, noting EPA advice that the issues raised with respect to blasting and impacts to water could be managed under other statutory processes, specifically Part V of the Act and planning laws administered by Shire of Harvey.

The current appeal was made under section 102(3) of the Act, which provides that a person other than the holder of a licence, who disagrees with the conditions applied to a licence, may lodge an appeal with the Minister for Environment.

As such, the current appeal is in respect to the content of the conditions of the licence, which in this case concerns crushing and screening associated with the gravel quarry. The hard rock quarry operations are subject to a separate works approval process which is currently under consideration by the Department of Water and Environmental Regulation (DWER), which assumed the role of DER on 1 July 2017.

The current appeal is therefore limited to the conditions applying to the gravel quarry operations, and not the hard rock quarry. In this context, some of the issues raised by the appellant were considered to be outside the scope of the appeal. This includes comments about the buffer from the hard rock quarry and processing area incorporating part of the appellant's property. On this issue, DER advised that separation distances will be considered as part of the assessment of the works approval application for the hard rock quarry.

In relation to impacts to ground and surface water, the appellant sought for the gravel quarry licence to be set aside pending the finalisation of conditions for the hard rock quarry. Consistent with the advice of the Appeals Convenor, the Minister considered this outcome is outside the scope of the appeal, and is therefore invalid. The Minister noted, however, that SAT considered water issues in its assessment of the hard rock quarry, concluding that no significant risks were identified. The Minister also noted DER's advice that the works approval for the gravel quarry operations includes requirements for storm water management that are required to be maintained under the licence.

The appellant also requested that the licence be amended to include requirements relating to surveys for flora and fauna to provide baseline data, with annual surveys thereafter. DER advised that a clearing permit had previously been granted for the property, and no additional clearing of native vegetation for the gravel quarry has been authorised under the works approval or licence. DER is of the view that there are no activities proposed at the premises that would impact black cockatoo habitat.

Taking into account the information available in respect to flora and fauna, the Minister considered that no additional conditions are necessary. Indirect impacts identified in the appeal in respect to blasting relate to the hard rock quarry, which as noted above, has been approved by SAT, and crushing and screening aspects of that proposal are currently being considered by DWER through a works approval application. Should, as the appellant suggested, the gravel quarry operations require removal of native vegetation that comprises habitat for fauna, the person proposing the works will need to ensure any such clearing is carried out in accordance with relevant legislation, including obtaining a clearing permit, where required.

In respect to cumulative impacts of both quarries, the Minister noted that the appellant's request for the gravel licence to be refused is not one which is open to him on appeal, and is therefore outside of the scope of the appeal. The Minister noted, however, that the appellant made submissions to DWER in respect to the hard rock quarry work approval, which will be considered by DWER as part of its decision on that application. The Minister also understood that the appellant has been identified as a direct interest stakeholder and as such will be notified by DWER of any future dealings in relation to the premises.

It follows from the above that the Minister did not consider that the issues raised by the appeal necessitated the addition or modification of any conditions of the licence for the gravel quarry. The Minister therefore dismissed the appeal.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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