



Environmental Protection Act 1986

**Hon Stephen Dawson  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEALS AGAINST DECISION OF THE ENVIRONMENTAL PROTECTION AUTHORITY NOT TO ASSESS SAND QUARRIES WITHIN GNANGARA PINE PLANTATION**

#### **Purpose of this document**

This document sets out the Minister's decision on appeals lodged under section 100(1)(a) of the *Environmental Protection Act 1986* in objection to the Environmental Protection Authority's decision not to assess a proposal. 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellants:</b>	Mr C Fourie Mr P Willmott
<b>Proponent:</b>	Hanson Australia Pty Ltd
<b>Proposal description:</b>	The proposal is for the development and operation of three sand quarries and associated infrastructure on tenements E70/3279 (Smokebush Hill), E70-3275 (Tamega Road) and M70-1306 (Mulga Road)
<b>Minister's Decision:</b>	The Minister dismissed the appeal
<b>Date of Decision:</b>	18 May 2017

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#### **REASONS FOR MINISTER'S DECISION**

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Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. 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 appeals.

The key concerns raised in the appeals related to the potential for the proposal to result in unacceptable dust, noise and visual amenity impacts as the separation distances between the proposal and sensitive land uses are inadequate. The appeals also questioned the assessment of impacts and protections in place from the proposal being located within the Public Drinking Water Source Area (PDWSA) on the Gnangara groundwater mound.

In relation to the assessment of dust, noise and visual amenity impacts the EPA advised that the proponent has designed the proposal to provide a minimum buffer of 300 m between the quarry boundaries and sensitive receptors, which the EPA considered to be consistent with its guidance for *Separation Distances between Industrial and Sensitive Land Uses 2005*. The Minister noted the EPA's advice that existing or proposed residential dwellings are considered a 'sensitive receptor' for the purpose of its assessment and that the proposal does not include crushing or blasting of sand materials, which have a greater potential to increase noise and dust emissions.

The EPA advised that it was satisfied that the proponent had adequately applied the mitigation hierarchy through its proposed management and mitigation measures to reduce potential impacts to amenity. As a result, the EPA concluded that the proposal is not so significant as to require formal assessment under Part IV of the Act for this factor. The Minister noted that the proponent will need to submit an application for a works approval and licence under Part V of the Act and also meet the statutory requirements under the *Environment Protection (Noise) Regulations 1997*, the *Mining Act 1978* and the *Road Traffic (Vehicles) Regulations 2014*.

The Minister specifically noted the proponent's additional commitments, submitted during the investigation of the appeals, to further reduce potential impacts to amenity including, to retain existing screening vegetation, to adapt its implementation schedule for the sand quarry to limit disturbance to the south western portion of the Mulga Road proposal area until earlier stages of mining are already under rehabilitation and to use alternative routes for carting water, should amenity impacts arise from the operations.

In relation to concerns raised in respect to impacts to the PDWSA, the Minister noted that 'sand extraction' is considered a compatible land use under the Gnangara Land Use and Water Management Strategy and State Planning Policy 2.2 Gnangara Groundwater Protection, provided that suitable conditions are applied to the proposal. The Minister further noted that the Department of Water (DoW) endorsed the proponent's Water Management Plan and the location of the proposal within the PDWSA.

The Minister took the information available into account and concurred with the Appeals Convenor that the EPA was justified in determining not to assess the proposal. It follows that the Minister dismissed the appeals.

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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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