



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST AMENDMENT OF LICENCE L5094/1987/16 – PREMIER COAL MINING OPERATIONS, COLLIE

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 102(3) of the *Environmental Protection Act 1986* in objection to the decision of the Department of Water and Environmental Regulation to amend the above licence. 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:	Conservation Council of Western Australia (Inc)
Licence holder:	Premier Coal Limited
Proposal description:	Open pit coal mining and associated infrastructure, east of Collie
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	27 March 2018

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Department of Water and Environmental Regulation (DWER) 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 two issues in objection to the amendment: concerns over DWER's assessment of carbon pollution; and the decision of the former Department of Environment Regulation (DER) to extend the duration of the licence to 2028.

On the first issue, the amendment the subject of the appeal relates to the closure and relocation of an existing landfill area on the premises. The appellant contended that the rationale for the amendment was to authorise the licence holder to mine the area for coal, and that as a result, DWER ought to have considered the additional carbon pollution that would result from facilitating mining in this area.

In response to this issue, DWER advised that the amendment does not relate to coal mining, and that as a result, the appeal is invalid. In addition, it submitted that greenhouse gas emissions are beyond the scope of its powers under section 62 of the Act. DWER's position is consistent with advice provided by the former DER in response to appeals in 2014 in respect to the nearby Ewington I and II coal mine.

Taking the above into account, including advice of the Appeals Convenor, as the amendment does not relate to coal mining, the Minister dismissed this ground of the appeal.

On the second issue, the Minister noted DWER's advice that notification of the extension of the duration of most licences issued under Part V of the Act occurred in 2016. Given the time for lodging an appeal in respect to this amendment has passed, the Minister considered that this ground of appeal was lodged out of time, and he dismissed it accordingly.

Notwithstanding this decision, the Minister expressed the understanding that DWER will ensure extended duration licences are the subject of regular review and updated risk assessments, such that industry and the community can have confidence that environmental controls are updated as required.

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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