



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST DECISION OF THE ENVIRONMENTAL PROTECTION AUTHORITY NOT TO ASSESS – PILBARA WASTE MANAGEMENT FACILITY, 150 ONSLOW ROAD, TALANDJI

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 decision of the Environmental Protection Authority not to assess the above 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.

Appellant:	Tellus Holdings Limited
Proponent:	Shire of Ashburton
Proposal description:	To develop the Pilbara Regional Waste Management Facility, 150 Onslow Road, Talandji
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	8 May 2019

REASONS FOR MINISTER'S DECISION

The Shire of Ashburton (the proponent) is proposing to develop the Pilbara Regional Waste Management Facility on Lot 150 on Plan 220207, approximately 36 kilometres south of Onslow. The proposal is located within a 70 hectare (ha) development footprint in an overall footprint of 435 ha, and will provide a range of waste management services including a Class IV landfill.

In February 2019, the Environmental Protection Authority (EPA) determined not to assess the proposal on the basis that it considers the likely environmental effects of the proposal are not so significant as to warrant formal assessment. In making this determination, the EPA noted that the proposal will require a clearing permit and licence under Part V of the *Environmental Protection Act 1986* (the Act).

The appellant appealed the EPA's decision not to assess the proposal on the basis of potential impacts of a Class IV landfill on conservation-significant fauna and flora species and a conservation area, and requested that the proposal is remitted to the EPA for formal assessment.

Specifically, the appellant raised concern with the location of the proposal within a proposed conservation area stating that the proposal is inconsistent with conservation objectives, and that the design, specifications and technical guidance used are inadequate or inappropriate. The appellant also contended that the survey efforts for conservation-significant fauna and flora were inadequate.

The appeal was investigated by the Appeals Convenor on the Minister's behalf. This included a meeting with the appellant and advice from the EPA and the proponent.

The Minister noted that the proposal is located within a portion of the former Mount Minnie pastoral lease managed by the Department of Biodiversity, Conservation and Attractions (DBCA) proposed for addition to Cane River Conservation Park.

The Minister understood that the proponent liaised with DBCA in relation to the location of the proposal at this site, and that DBCA agreed to this location subject to appropriate management strategies and procedures. In this regard, the EPA advised that the proponent is developing an overarching Operational and Environmental Management Plan which will be reviewed by relevant authorities. Further, the Minister understood that the proponent had commissioned a number of studies to inform the proposal design and specifications, and prepared management plans to address potential impacts. The details of which were reviewed by the EPA and are outlined in the Appeals Convenor's report.

In relation to impacts to conservation-significant fauna and flora and a conservation area, the Minister noted that the EPA had regard to the findings of the proponent's fauna and flora surveys. The EPA concluded that the proponent's surveys were in accordance with its guidelines, and was satisfied that the potential impacts of the proposal can be assessed and regulated under other statutory processes without the need for formal assessment under Part IV of the Act.

The Minister understood that the proponent has applied for a works approval and a clearing permit under Part V of the Act for the proposal, which are currently being assessed by the Department of Water and Environmental Regulation (DWER). It is the Minister's understanding that through its assessment, DWER will consider matters relating to design, specifications and technical guidance, and will consider the need for further surveys, studies and expert advice. This information will be used to determine potential impacts and the environmental acceptability of the applications.

Having regard to the information presented to him in relation to this appeal, in particular the proponent's management strategies and the other statutory processes, the Minister was satisfied that the EPA's conclusion that formal assessment of the proposal is not required was supported by the available evidence. It follows from the above that the Minister 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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