



Environmental Protection Act 1986

**Hon Stephen Dawson MLC  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST THE DECISION OF THE ENVIRONMENTAL PROTECTION AUTHORITY NOT TO ASSESS HARD ROCK QUARRY AT LOT 150 CLYDESDALE ROAD, GRASS VALLEY, SHIRE OF NORTHAM**

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

This document sets out the Minister's decision on an appeal lodged under section 100(1)(a) of the *Environmental Protection Act 1986* in objection to the Environmental Protection Authority's (EPA) decision 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellants:</b>	Dempster and Park families
<b>Proponent:</b>	Resource Group (WA) Pty Ltd
<b>Proposal description:</b>	The proposal is the construction of a hard rock quarry and involves the extraction, crushing and screening of approximately seventy thousand tonnes of hard rock per year for up to 30 years.
<b>Minister's Decision:</b>	The Minister allowed the appeal in part – remit to the EPA
<b>Date of Decision:</b>	27 November 2020

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

The key concerns raised by the appeal relate to noise emissions and potential impacts to air quality, flora and fauna and inland waters.

The Minister obtained a report from the Environmental Protection Authority (EPA) in response to the appeal under section 107 of the *Environmental Protection Act 1986* (the Act). This report was considered by the Appeals Convenor, and representatives of the Office of the Appeals Convenor met with the appellants in Grass Valley to discuss the appeal in greater detail.

Late in the appeal process, the proponent advised the Appeals Convenor that additional investigations at the site had identified that the quartzite resource at pits one and two was of limited depth and would therefore be uneconomic to develop. Given these pits are in closest proximity to sensitive receptors, the proponent suggested removing the pits from the approval would likely address the concerns raised on appeal.

Taking this new information into account, together with her findings in respect to noise and dust emissions, the Appeals Convenor recommended that the proposal be remitted to the EPA for a fresh decision as to whether or not the proposal should be assessed.

Having considered the information, the Minister determined that the Appeals Convenor's recommendation was appropriate and allowed the appeal accordingly.

Consistent with the Appeals Convenor's findings that the residence at 150 Clydesdale Road is 'noise sensitive', it is the Minister's expectation that in making a fresh decision, the EPA will have regard to predicted noise levels, as well as levels on the appellants' land immediately to the west of the proposal location.

The Minister also asked the EPA to liaise with the Department of Water and Environmental Regulation in relation to the scope of dust controls from the proposal, noting past advice from the Department (accepted on another appeal) that only dust from prescribed activities would be regulated under a works approval and licence, and not dust from extraction and movement of hard rock from the quarry itself.

Finally, the Minister asked the EPA to review its advice in respect to the application of other regulatory processes to manage groundwater abstraction, including the extent to which conditions applied to a works approval or licence under Part V can ensure water is appropriately regulated and whether groundwater abstraction in the Northam area requires a licence under the *Rights in Water and Irrigation Act 1914*.

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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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