



Environmental Protection Act 1986

**Hon Stephen Dawson MLC**  
**Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST AMENDMENT OF LICENCE L6363/1995/14 THE GRIFFIN COAL MINING COMPANY PTY LTD – EWINGTON I AND II OPEN CUT MINES, COALFIELDS HIGHWAY, COLLIE**

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

This document sets out the Minister's decision on an appeal lodged under section 102(3)(b) of the *Environmental Protection Act 1986* in objection to amendment of Licence L6363/1995/14. 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>Appellant:</b>	Conservation Council of Western Australia (Inc)
<b>Licence Holder:</b>	The Griffin Coal Mining Company Pty Ltd
<b>Proposal description:</b>	Open pit coal mining and associated infrastructure, Coalfields Highway, Collie
<b>Minister's Decision:</b>	The Minister allowed the appeal in part
<b>Date of Decision:</b>	16 July 2018

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#### **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 appeal raised a number of objections to amendments made to the licence. These are considered in detail in the Appeals Convenor's report. Noting the right of appeal relates to the content of the amendments, the Minister concurred with the Appeals Convenor that certain issues raised by the appellant do not relate to the amendments, and are therefore outside the scope of the appeal.

The matters that are within scope are summarised as including amendments permitting the occupier to dispose of tyres at the premises; deletion of monitoring requirements for particulate matter up to 2.5 microns in size (PM<sub>2.5</sub>); deletion of conditions relating to visible dust and reasonable measures to control dust; and deletion of a number of miscellaneous conditions.

In relation to tyre disposal, DWER advised that the licence holder is required to ensure that the number of used tyres stored at the premises does not exceed 100 at any given time, while also ensuring that the total mass of tyres disposed of by landfilling within the waste rock dump does not exceed 500 tonnes in any annual period. As such, Category 57 is not relevant to the premises, and the Minister therefore concluded that DWER adequately considered the risks posed by this element of the proposal.

While the Minister noted that the disposal of mine tyres in this manner is accepted practice, he supported the notion of recycling where available and viable. The Minister therefore requested DWER to consider how the full product life cycle and waste minimisation principles identified in section 4A of the Act can be more clearly considered.

On ambient monitoring of dust emissions, the requirement relating to PM<sub>2.5</sub> was deleted from the licence as it had been fulfilled. The Minister noted that the results of this monitoring are now with DWER for consideration as part of a future licence review.

In relation to monitoring of PM<sub>10</sub> and total suspended particulates, the Minister accepted the Appeals Convenor's advice that the outcome sought appears to be unconnected with the amendment to condition 3.4.1. However, DWER indicated that the drying climate justifies the reconsideration of the exemption for monitoring these parameters over the winter months. It is open to DWER to consider such a change separately to the current appeal, including consultation with relevant stakeholders.

The appellant also raised concern about the deletion of conditions 2.3.1 and 2.3.2 relating to fugitive dust management. DWER recommended these conditions be reinstated, noting in particular that the intent of condition 2.3.2 is to control visible dust arising or connected to the prescribed activities at the premises. In support of reinserting the conditions, DWER referred to the content of the 2014 risk assessment for the premises which identified a number of potential sources of fugitive dust, as well as a finding that the area of disturbance at the site is increasing.

Taking into account the information provided, the Minister allowed the appeal to the extent that conditions 2.3.1 and 2.3.2 should be reinstated. As to the other issues raised by the appeal, the Minister considered the information provided, and agreed with the Appeals Convenor's recommendations that these elements of the appeal should be dismissed.

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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*.

**Office of the Appeals Convenor**

Level 22, 221 St Georges Terrace  
Perth WA 6000

**Tel: (08) 6467 5190**

Fax: (08) 6467 5199

[www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au)