

Environmental Protection Act 1986

Section 43A

STATEMENT OF REASONS

CONSENT TO CHANGE PROPOSAL DURING ASSESSMENT

Proposal: Gravel Mining at Scrivener Road Reserve Serpentine

Proponent: Shire of Serpentine Jarrahdale

Decision

For the reasons outlined below, the Environmental Protection Authority (EPA) has determined to consent to the proponent changing the proposal outlined in Schedule 1 attached to this Statement of Reasons.

The EPA has also determined that no consultation or public review is necessary in regard to considering the request to consent to the change because the change will be included in the Public Environmental Review (PER) which will have a public review period of 4 weeks.

Background

In February 2016, the EPA received the referral for the Gravel Mining at Scrivener Road Reserve Serpentine (the proposal) under section 38 of the *Environmental Protection Act 1986* (EP Act). The Shire of Serpentine Jarrahdale (the proponent) proposes to extract and process gravel and laterite from two Shire reserves (Reserves R26080 and R26079 (the reserves)) located on the Darling Scarp approximately five kilometres (km) south-east of Serpentine, Western Australia. The proposal included:

- progressive clearing and mining of 12 hectares (ha) of 'good' to 'excellent' native vegetation on six stages within a development envelope of 25 ha over a period 12 years;
- no more than four ha open quarry at any one time with progressive backfilling and rehabilitation at the close of each mining stage; and
- utilisation of a mobile crushing and stacking plant on approximately 3.6 ha of previously cleared land, within the development envelope.

The reserves share a border to both the east and west, with Serpentine National Park, and a third border to the south with Karnet Nature Reserve. The reserves also provide nesting habitat for all three protected black cockatoo species.

In June 2016 the EPA Chairman determined to assess the proposal at the level of Public Environmental Review (PER) with a 4 week public review period. The Chairman also determined that the proponent would prepare the Environmental Scoping Document (ESD).

The proponent drafted and submitted an ESD to the EPA for review in November 2016. The Office of the EPA (OEPA) reviewed the draft ESD and circulated the document to relevant government agencies for comment. On 20 January 2017 the proponent advised the OEPA that it wished to change the proposal under section 43A of the EP Act.

The s43A change sees the inclusion of a 13 ha corridor (Scrivener Road) to the 25 ha development envelope (Figure 1), in which an additional 0.5 ha clearing of native vegetation would be required. This sees the disturbance footprint of the proposal increase by approximately 4% from 12 ha to 12.5 ha.

The change relates to an upgrade of the Scrivener Road corridor, starting from the reserves and running west towards South Western Highway (Figure 1). The majority of the road corridor abuts the Serpentine National Park, with the remainder of the road running adjacent to private rural properties. The upgrade of Scrivener Road will facilitate truck movements to and from the reserves and would involve the road being widened in parts, and the creation of a number of holding bays to provide adequate width for two-way vehicle access.

Relevant Statutory and Administrative Provisions

The EPA released its *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* on 13 December 2016. Given that the proposal was referred, and the level of assessment set, under the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012 (Administrative Procedures 2012)*, these remain the relevant administrative procedures for this assessment.

Section 3.8 of the *Administrative Procedures 2012* states that the EPA may consent to the proponent making changes to a proposal without a revised proposal being referred to the EPA. The EPA may only consent to a change if the change is unlikely to significantly increase any impact that the proposal may have on the environment.

In addition, the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* (Procedures Manual 2016) guides what information the EPA requires from a person wanting to change its proposal during assessment.

In considering the request for consent, the EPA considered the:

- details of the proposed change;
- statement of the significance of the change; and
- rationale for the change.

Materials considered in making this decision

In determining whether to consent to the proponent changing the proposal the EPA has considered the following:

1. proposal referral documentation;
2. advice sought from relevant government agencies through the referral process;
3. public submissions from the seven day advertising period for the referral;

4. the proponent's request to change proposal; and
5. relevant EPA policy and procedures.

Consideration of Consultation or Public Review

Nature of the proposed change

The change sees the inclusion of a 13 ha corridor (Scrivener Road) to the 25 ha development envelope, in which an additional 0.5 ha clearing of native vegetation would be required. The change sees an increase of the development envelope to 38 ha and an approximate 4% increase to 12.5 ha in the disturbance footprint for the proposal.

Stage of the assessment process

On 22 June 2016 the EPA set the level of assessment for the proposal as PER with a 4 week public review period. The proponent was in the process of drafting the ESD when the request was made to change the proposal.

Currency, relevance and reliability of the information, including submissions

The proposal was referred to the EPA in February 2016 and all information submitted in support of the referral remains current. In addition the proponent has submitted a Traffic Impact Statement, as additional relevant information with the s43A request.

Community engagement

The community was engaged in regard to the original proposal but was not engaged in regard to the proposed change. The EPA intends to release information on proposed changes for public information. The PER is yet to be subject to the 4 week public review period and opportunities to appeal the report or recommendations of the EPA are yet to open. The community and broader public will be engaged throughout those processes.

Level of public concern

Significant public interest was shown when the proposal was advertised on the EPA's consultation hub prior to the level of assessment being set. The EPA anticipates that similar interest in the proposal during assessment but no more than would otherwise be expected whether the change was consented to or not.

Consideration of Whether the Change is Likely to Significantly Increase Any Impact that the Proposal May Have on the Environment

In determining the significance of the requested change the EPA had regard the considerations of significance as outlined in the *Statement of Environmental Principles, Factors and Objectives 2016*.

a. Values, sensitivity and quality of the environment which is likely to be impacted

The EPA Chairman's determination identified the preliminary environmental factors for the original proposal as:

- Flora and Vegetation;
- Terrestrial Fauna;
- Amenity (now considered under Social Surroundings);
- Heritage (now considered under Social Surroundings);

- Offsets (now considered under Flora and Vegetation and Terrestrial Fauna); and
- Rehabilitation and Decommissioning (now considered under Flora and Vegetation and Terrestrial Fauna).

The change may require additional works for the preliminary environmental factors, however these can be identified within the draft ESD which is currently in the process of being prepared by the proponent.

The change gives no cause for additional environmental factors to be considered preliminary environmental factors for the purposes of preparing the ESD.

The region is known to contain high biodiversity values and provide nesting habitat for all three protected black cockatoo species, however the changed proposal is unlikely to have a significant environmental impact that is additional to, or different from the original proposal.

b. Extent (intensity, duration, magnitude and geographic footprint) of the likely impacts

The change involves the upgrade to the Scrivener Road corridor, which includes an additional 13 ha to a 25 ha development envelope. Within the 13 ha, only an additional 0.5 ha clearing of native vegetation would be required. The change sees an increase of the development envelope to 38 ha and an approximate 4% increase in disturbance footprint for the proposal.

With regard to it being an additional area of disturbance, the EPA is of the opinion that the change will result in an increased area of impact on the environment but not result in an increased significance of impact in the context of the entire proposal.

c. Consequence of the likely impacts (or change)

The consequences of likely impacts of implementing the change to the proposal are broadly consistent with that of the original proposal.

d. Resilience of the environment to cope with the impacts or change

Scrivener Road is an existing access road corridor that was planned to be utilised for truck movements servicing the original proposal, although not included in the original development envelope. The upgrade, and inclusion of the Scrivener Road corridor as part of the proposal, is not expected to significantly increase the impacts to the environment compared to the impacts expected if the original proposal were implemented.

The EPA considers the resilience of the environment to cope with the changed proposal remains unchanged from that of the original proposal, should it be implemented.

e. Cumulative impact with other projects

Cumulative impacts will be considered in the assessment of the changed proposal as it were to be considered in assessment the original proposal. The 4% increase

in extent of the disturbance footprint is unlikely to significantly increase the cumulative impact at a local or regional scale.

f. Connections and interactions between parts of the environment to inform a holistic view of impacts of the whole environment

A significantly increased impact to the environmental function and values of the area are not expected by the changed proposal being implemented than it would be if the original proposal were to be implemented. A holistic assessment of the changed proposal will be undertaken during the assessment stage of the proposal.

g. Level of confidence in the prediction of impacts and the success of proposed mitigation

There is no change to the level of confidence in the predicted impacts and the success of proposed mitigation.

h. Public interest about the likely effect of the proposal, if implemented, on the environment, and public information that informs the EPA's assessment

The EPA is of the opinion that public interest in the proposal will likely remain the same; that is, significant local interest and some state interest.

In addition to the above, the EPA notes that the level of assessment set (PER – 4 weeks public review), remains the appropriate level to assess the changed proposal. The EPA also notes the following:

- the proponent is currently in the process of finalising its draft ESD. The draft ESD has been provided to relevant government agencies for advice, the responses have been collated and provided to the proponent. The EPA intends that the change will be incorporated into the draft ESD, which may be provided to the relevant government agencies for comment, if required;
- to date the EPA has not made any appealable decision and as such, the public will not be at a disadvantage in regard to rights of appeal should the change be consented to; and
- in accordance with the *Procedures Manual 2016*, the EPA will publish its decision to consent to the change – this will allow the EPA to maintain an appropriate level of decision-making transparency.

Schedule 1

Change to Proposal*

Table 1 – Location and extent of physical elements

Element	Location	Original Proposal Extent	Changed Proposal Extent (s43A)
Mine pit	Figure 1	Progressive clearing and mining of no more than 12 ha within a 25 ha development envelope over a 12 year timeframe. No more than 4 ha of mine pit open at any one time, with progressive backfilling and rehabilitation.	Progressive clearing and mining of no more than 12 ha within a 38 ha development envelope over 12 year timeframe. No more than 4 ha of mine pit open at any one time, with progressive backfilling and rehabilitation.
Support Infrastructure	Figure 1	No more than 3.6 ha of previously cleared land within a 25 ha development envelope . No additional clearing required.	No more than 3.6 ha of previously cleared land within a 38 ha development envelope . No additional clearing required.
Site Access Road	Figure 1	NA	Clearing no more than 0.5 ha within a 38 ha development envelope .

*A new table will be developed to align the changed proposal with Instruction: Key Proposal Characteristics. The Key Characteristics table derived from the proponent's s43A request, has been used to illustrate the changes as compared to the original proposal. As such, this table will be subject to change during the assessment process.