

Question On Notice No. 5913 asked in the **Legislative Council** on **19 February 2008** by **Hon Giz Watson**

Question Directed to the: **Parliamentary Secretary representing the Minister for the Environment**
Minister responding: **Hon D.A. Templeman**
Parliament: **37** Session: **1**
Tabled Paper No: **3782**

Question

With regard to industrial development on the Burrup, I ask -

- (1) Has the Department received a referral of the Burrup Peninsula Conservation Reserve Draft Management Plan?
- (2) If yes to (1), on what date?
- (3) Has the referral been responded to and on what date?
- (4) Will the Minister table a copy of the response?
- (5) Is the EPA to set a level of assessment, and if so, when?
- (6) If no to (5), why not?
- (7) Has the Department received a referral of a proposal to use Lot 314 on the Burrup Peninsula by Engineered Construction and Maintenance Pty Ltd?
- (8) If yes to (7), on what date?
- (9) Has the referral been responded to and on what date?
- (10) Will the Minister table a copy of the response?
- (11) Is the EPA to set a level of assessment, and if so, when?
- (12) If no to (11), why not?
- (13) Has the Department received a referral of a proposal to carry out mining activities in mining leases M47/112, M47/29 and M47/326, two of which straddle the National Heritage listed area of the Dampier Archipelago (including the Burrup Peninsula)?
- (14) If yes to (13), on what date?
- (15) Has the referral been responded to and on what date?
- (16) Will the Minister table a copy of the response?
- (17) Is the EPA to set a level of assessment, and if so, when?
- (18) If no to (17), why not?
- (19) Is there a timeframe requirement for the EPA to respond to or set a level of assessment from a proponent, agency or a person under Part IV section 38 of the *Environmental Protection Act 1986*?
- (20) If yes to (19), what are the requirements?

(21) If no to (19), why not?

Answered on 18 March 2008

(1) The Environmental Protection Authority (EPA) has received a referral of the Burrup Peninsula Conservation Reserve Draft Management Plan.

(2) 27 November 2006.

(3) The EPA has yet to make a decision as to whether the Burrup Peninsula Conservation Reserve Draft Management Plan is to be assessed. The EPA understands that the draft plan was prepared to obtain public submissions. Following from the public submissions it is anticipated that there may be changes to the draft plan before it is finalised. In order for the EPA to determine the significance of the environmental impacts it must have an understanding of the proposal. The EPA is of the view that it is premature to decide whether the draft plan is a proposal that can be implemented.

(4) Not applicable.

(5) Yes. The EPA understands that the Burrup Peninsula Conservation Reserve Planning Advisory Committee has yet to consider public submissions on the draft plan. It is understood that following the Advisory Committee considering submissions, the plan may be modified before it is finalised. Once the EPA is advised of a final plan, it is then likely to have sufficient information to determine the significance of the environmental impacts of any proposal(s) that the plan identifies and will then make a decision whether it is to be assessed.

(6) Not applicable.

(7) Yes.

(8) 18 December 2007.

(9) The EPA has made inquiries which indicate that this proposal is likely to impact on Aboriginal heritage. The environmental issues of interest to the EPA will include the impact that the development is likely to have on Aboriginal heritage. A section 18 application under the Aboriginal Heritage Act related to the proposed development is to be considered by the Aboriginal Cultural Material Committee. The EPA will await the Committee's consideration of the application before deciding if the environmental impacts of the proposal are significant warranting assessment. The EPA is aware that the Committee has yet to consider the application.

(10) See the answer to (9).

(11) The EPA will determine whether the proposal is to be assessed, and if so at what level, once the Aboriginal Cultural Material Committee has provided advice on the application.

(12) Not applicable.

(13) - (15) The EPA received a referral on 4 December 2007. After receiving additional information on the proposal, the EPA made a decision that the environmental impacts were not so significant as to warrant formal environment impact assessment and set the level of assessment at Not Assessed - No Advice Given. This decision was publicly advertised on 14 January 2008. The Minister for the Environment received no appeals against the EPA's decision.

(16) See tabled paper [].

(17) See the answer to (13) - (15).

(18) Not applicable.

(19) Yes.

(20) The EPA must decide whether to assess a proposal within 28 days of it having enough information about the proposal referred to enable it to decide whether or not to assess the proposal and on the level of assessment. The EPA will advise the referrer, proponent and decision making authorities of its decision.

(21) Not applicable.



Environmental Protection Authority

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PROPOSAL: Sand extraction M47/29, M47/326 & M47/112
LOCALITY: near Karratha
PROPONENT: Mr T Leo
ASSESSMENT: Not Assessed - No Advice Given

Thank you for your letter of 4 December 2007 referring the above matter to the Environmental Protection Authority (EPA).

This proposal raises a number of environmental issues, some of which you mention in your letter. However, the overall environmental impact of the proposal is not so severe as to require formal assessment by the EPA, and the subsequent setting of formal conditions by the Minister for the Environment.

Nevertheless, the EPA expects that the proposal will be implemented in an environmentally responsible way.

Some members of the public may have preferred that the EPA undertake a formal assessment of the proposal. By law they have a 14-day period, closing 29 January 2008, during which, on payment of the \$10 appeal fee, they may ask the Minister to consider directing the EPA to conduct a formal assessment.

Please contact the Appeals Convenor's office on 9221 8711 after the closing date of appeals to check whether any appeals against level of assessment were received.

DOC 43 343

C J Murray
A/Director
Environmental Impact Assessment

14 January 2008