



CONSERVATION COUNCIL
OF WESTERN AUSTRALIA INC.

26 February 2007

Appeals Convenor
Office of the Minister for the Environment
13th Floor, Allendale Square
77 St George's Terrace
Perth WA 6000

By facsimile (08) 9221 8244

**APPEAL ON LEVEL OF ASSESSMENT RED HILL QUARRY
DEVELOPMENT LOT 11 TOODYAY RD, RED HILL (8 WEEK PUBLIC
REVIEW PERIOD). PROPOSED TO BE ASSESSED AS A PUBLIC
ENVIRONMENTAL REVIEW**

The Conservation Council is very concerned to learn that the Hanson-Pioneer company wants to expand its operations to the extent that it is being required to undergo a new section 38 *Environmental Protection Act* assessment. Based on the issues raised below we appeal the decision to assess this proposal as a Public Environmental Review.

In view of the circumstances that surround Pioneer- Hanson's previous proposals, the Minister should require that the project be assessed as an Environmental Review and Management Programme, or the Minister should consider declining to allow the proposal to be assessed.

Poor environmental track record of the proponent

The company involved with this site has failed to meet commitments that it made through a previous assessment.

The Council is aware of commitments made in 1991 to adjacent landholders and, through the Minister for the Environment, the broader community of WA. The failure to honour the commitments previously made is presently the subject of legal proceedings, which should be sufficient reason for the EPA to decline to assess this proposal.

In 1991 property owners adjacent to the proposed quarry were advised that Pioneer Quarries wanted to develop a quarry at Red Hill and were assured that there would be no visual impact on adjacent properties. In response to objections raised the Environmental Protection Authority wrote to adjacent landholders stating that the new quarry development would not be visible to adjacent properties. The EPA provided this assurance as a result of a Public Environmental Review and a computer assessment that clearly showed no visual impact would occur.

All documentation Pioneer used to gain approval for construction of the quarry showed there would be no visual impact from the quarry to the north-east.

Despite all the assurances and commitments to the contrary the landholder to the north-east found his property was blighted by the visual impact of the quarry.

Clearly the PER process was inadequate, as it failed to ensure that the community was given adequate information about the project. Why should the community believe that this occasion will be any different?

Today the quarry's overburden heaps and massive machinery sheds are sometimes visible to people in CBD buildings and on the Swan Coastal Plain. Overburden stockpiles are clearly visible from Toodyay Road (where some areas have been covered with poor quality revegetation), Roe Highway, Midland, some of the Swan Valley, and as far back as the city.

Ministerial Condition No.22 for the original quarry states: "The Pioneer No. 2 operations will not be visible outside Pioneer property once screening bunds and vegetation are established. Screening vegetation will be established around Pioneer No. 2 infrastructure site and north-west of the quarry pits to screen the operations from view."

At best Condition No. 22 is an example of tricky language. Any reasonable person would have understood that the overburden heaps and massive machinery sheds would not be visible after a significant time of operation of the quarry. Yet, after 15 years of operation overburden heaps and massive machinery sheds are clearly visible.

Surveys have been commissioned of the actual location of the quarry. These studies have revealed that some 16 hectares of quarry are outside of the approval area, and that the quarry is approximately 70 metres higher on the escarpment than approved. The proponent should not be allowed to proceed with another proposal until the present breach of trust has been remediated.

The Conservation Council of WA appeals the Level of Assessment recommended by the Environmental Protection Authority, and requests that the Minister either set a higher level of assessment or wait until legal proceedings have been allowed to run their course, before there be any further assessment of the proposal.

Yours sincerely

Chris Tallentire
DIRECTOR