



Environmental Protection Act 1986

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

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST GRANT OF CLEARING PERMIT CPS 8772/1 BATTLER GOLD PROJECT MINING LEASE LAND 77/1285 SHIRE OF YILGARN**

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

This document sets out the Minister's decision on an appeal lodged under section 101A(4) of the *Environmental Protection Act 1986* in objection to the grant of the above clearing permit. 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>	Mr Phil Nolan
<b>Permit holder:</b>	Habrok (Battler Pit) Pty Ltd
<b>Proposal description:</b>	The clearing of 14.8 hectares of native vegetation for the purpose of a waste rock landform and topsoil stockpiles.
<b>Minister's decision:</b>	The Minister dismissed the appeal.
<b>Date of decision:</b>	28 April 2020

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

In summary, the appellant submitted that the clearing permit should not have been granted on the basis that inadequate stakeholder and community consultation was undertaken by the permit holder. The Minister understood that the appellant was concerned about the proposed management measures for potential environmental impacts relating to management of the watershed including erosion, salinity and sedimentation. The Minister understood that the appellant is more broadly concerned about the environmental impacts of mining and mine rehabilitation in the Yilgarn area.

In response to the appeal, the Department of Mines, Industry Regulation and Safety (DMIRS) advised that it assessed the proposed clearing application against the clearing principles. As the proposed clearing of native vegetation was found to be 'not likely to be at variance' or was 'not at variance' with the clearing principles, DMIRS granted the permit subject to conditions.

The Minister noted that DMIRS advertised the clearing permit application for a 21-day public submission period and one submission was received in relation to visual amenity and consultation.

DMIRS advised that as a result of the submission it required the permit holder to undertake further consultation. This included onsite meetings with the permit holder and the Shire of Yilgarn where discussions related to the environmental impacts of mining operations and mine closure were discussed.

DMIRS further advised that it granted the clearing permit to the permit holder on the basis that the issues raised in the submission would be addressed in the assessment of the mining proposal under the *Mining Act 1978*.

In relation to the appellant's concerns about water management, erosion and salinity, the Minister noted that the proposed clearing was not likely to be at variance with clearing principle (g) land degradation or (i) watercourses and wetlands. The Minister was advised that this is on the basis that there are no permanent watercourses or wetlands within the application area, and it is unlikely that the proposed clearing would result in any significant changes to surface water flows, land slopes are nearly level and the land is not inherently prone to soil erosion.

Notwithstanding, DMIRS advised that any potential impacts such as erosion and contamination resulting from mining operations and permanent mining structures will be assessed and adequately regulated under the Mining Act.

Noting that DMIRS' assessment of the environmental impacts from the clearing of native vegetation were appropriately considered in its decision to grant the permit and that the appellant's concerns relating to mining operations and mine closure can be dealt with under the Mining Act, the Minister dismissed the appeal.

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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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