



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST AMENDMENT OF CLEARING PERMIT CPS 4924/3 LIMESTONE EXTRACTION, LOT 8 ON DIAGRAM 53380, NOWERGUP

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 101A(3)(b) of the *Environmental Protection Act 1986* in objection to the amendment of the above 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.

Appellants:	Urban Bushland Council WA Inc Roslyn Hackshaw Chloe Harris-Brown
Permit Holder:	Oakford Land Company Pty Ltd
Proposal description:	Amendment of the permit to clear 15.54 hectares of native vegetation for the purpose of an extractive industry
Minister's Decision:	The Minister allowed the appeal
Date of Decision:	4 December 2020

REASONS FOR MINISTER'S DECISION

Three appeals were received in objection to the amendment of Clearing Permit CPS 4924/3.

The original clearing permit was granted in November 2012 and authorised Oakford Land Company Pty Ltd (Oakford) to clear 15.54 hectares of native vegetation in Nowergup for the purpose of an extractive industry. Among other things, that permit required that clearing be undertaken no later than 14 December 2017.

On 8 January 2018, title to the property transferred from Oakford to PMR Quarries Pty Ltd (PMR). PMR trades under the name 'WA Limestone' and operates a number of quarries in Western Australia.

On 10 July 2018, Oakford applied to amend the permit to extend the period within which clearing can occur and to allow for the option of a monetary contribution offset instead of acquisition of land. As part of this application, Oakford provided a letter it sent to PMR dated

1 June 2018 authorising PMR to act on its behalf for the purpose of amending and implementing the permit, with all expenses associated with meeting the conditions of the permit being the responsibility of PMR.

During the appeal investigation, the Department advised the Appeals Convenor that as the new landowner (PMR) is undertaking the clearing for its own purposes and not on behalf of Oakford, it recommended that the decision to amend the permit be reversed. This was on the basis of the Department's view that PMR will be in the best position to ensure compliance with the requirements of the clearing permit, including long term revegetation requirements.

PMR was given an opportunity to respond to the Department's advice. In response, it submitted that the amendment should continue in effect, noting that condition 5 provides that Oakford can authorise persons to clear native vegetation for the purposes of the permit subject to compliance with the conditions of the permit.

On the available information, and in particular the advice of the Department that PMR is not undertaking clearing for or on behalf of Oakford, the Minister reversed the amendment made to the permit on 18 July 2019, consistent with the Department's recommendations. The appeals were therefore allowed in full.

Nothing in the Minister's decision prevents PMR from applying for a new permit to clear native vegetation on the land.

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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