



Environmental Protection Act 1986

David Templeman MLA
Minister for the Environment

MINISTER'S APPEAL DETERMINATION
APPEAL AGAINST GRANT OF PERMIT TO CLEAR UP TO 9.57HA
OF NATIVE VEGETATION FOR MINERAL PRODUCTION,
SHIRE OF WESTIONIA (CPS 1677/1)

Purpose of this document

This document sets out the Minister's decision on an appeal lodged against the decision of the Department of Industry and Resources to grant 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

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| Appellant: | Kevin Lindley |
| Permit holder: | Westonia Mines Ltd |
| Grounds of appeal: | Area over-cleared; rehabilitation practices unsuccessful |
| Appeal Outcome: | The Minister dismissed the appeal |
| Date of Decision: | 26 November 2007 |

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Department of Industry and Resources (DoIR) in relation to the matters raised in the appeal. The Minister also noted that a representative of the Office of the Appeals Convenor met the appellant and the permit holder.

The Appeals Convenor prepared a report on his investigation of the appeal which is available from www.appealsconvenor.wa.gov.au

The Minister was provided with the following as part of his consideration of the appeal:

- The appeal letter;
- DoIR's appeal response;
- The Appeals Convenor's report;
- Response from the permit holder to the appeal; and
- The 2003 decision of the then Minister for the Environment in relation to an earlier appeal lodged in respect to the mine re-opening.

The appellant objected to the clearing proceeding on the basis that the area has a low proportion of native vegetation remaining, and that rehabilitation practices at the site have been unsuccessful. The Minister noted that the appellant has resided in Westonia for seventy years.

In response to the appeal, DoIR advised that the proposed clearing is within a larger parcel of remnant vegetation that has a number of important environmental values. This includes the likelihood that the remnant vegetation has a high level of biological diversity and that it supports a population of declared rare flora, *Eremophila resinosa*. DoIR also noted that the vegetation is a significant remnant in an area that has been subject to significant clearing for agriculture.

DoIR advised that it granted the permit noting that much of the vegetation proposed to be cleared is in a degraded state compared with other vegetation on the site. Also, DoIR advised that the permit holder will be required to revegetate an area of cleared farm land near the tailings storage facility as an offset to the vegetation to be cleared. The revegetation will be of species local to the area, and will need to be of an area equal to or greater than the area proposed to be cleared.

DoIR further advised that the reopening of mining at the site would provide an opportunity to correct previous rehabilitation efforts that have not been successful, thereby improving the biodiversity of the remnant as a whole. In this regard, DoIR noted that the permit holder's mining lease was likely to include a requirement for a bond or other form of security to ensure the rehabilitation activities are carried out.

Taking into account the information provided in relation to this appeal, and by DoIR, the permit holder and the Appeals Convenor, the Minister was of the view that the conditions proposed for the clearing under the permit, and the conditions that are proposed through the mining lease, will result in a net environmental benefit. As such, the Minister was of the view that DoIR was justified in granting the permit, and dismissed the appeal accordingly.

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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