



Government of **Western Australia**
Department of **Environment Regulation**

Your ref:
Our ref: CPS 6992/1
Enquiries: Kerri Wilkes
Phone: 9333 7528
Email: nvp@der.wa.gov.au

Mr Fred Savage
Director
A.C.N. 605 729 995 Pty Ltd
PO Box 5486
CANNING VALE SOUTH WA 6155

Dear Mr Savage

REFUSAL OF APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE ENVIRONMENTAL PROTECTION ACT 1986

I refer to A.C.N. 605 729 995 Pty Ltd's (A.C.N.) application to clear 1.6 hectares native vegetation within Lot 60 on Diagram 98676, Forest Grove, for the purpose of fire hazard reduction and pasture (reference CPS 6992/1) which was received by the Department of Environment Regulation (DER) in March 2016.

I also refer to my letter dated 8 July 2016, advising that while the assessment of your application had been undertaken, under s51O(4) of the *Environmental Protection Act 1986* (EP Act) the CEO is required to have regard to any planning instrument or other matter considered relevant to the application. I noted that planning approval from the Shire of Kalamunda was required and requested a copy of the planning approval by 8 August 2016.

At today's date I have not received a response to my letter or a copy of planning approval. Given this, I have decided to determine the application based on the information available.

As previously advised, the native vegetation under application to be cleared has been assessed, taking into account the information you have provided and information DER has obtained through consultation. In considering your application, the CEO must have regard to the clearing principles listed under Schedule 5 of the *Environmental Protection Act 1986*, planning instruments and any other relevant matter.

I have been advised by the Shire of Kalamunda that planning approval has not been obtained. As this is a relevant matter for which I must have regard for when determining the application, I have decided to refuse the application for a clearing permit. The reasons for my decision are also detailed in the attached decision report.

If A.C.N. disagree with the decision to refuse the application, an appeal may be lodged with the Minister for Environment. Appeals must be in writing, and set out the grounds of the appeal. Appeals must be received by the Minister within 21 days of being notified of this decision. More information on lodging an appeal is available from the Office of the Appeals Convenor on telephone 6467 5190. Completed appeals should be posted or delivered to:

Office of the Appeals Convenor
Level 22 Forrest Centre
221 St George's Terrace, PERTH WA 6000
Tel: 6467 5190 Fax: 6467 5199
Email: admin@appealsconvenor.wa.gov.au
Web: www.appealsconvenor.wa.gov.au

As advised in my letter of 8 July, the assessment of your application will be retained by DER and will be reconsidered should you obtain your planning approval and submit a fresh application for a clearing permit.

If you have any queries, please contact Senior Manager Clearing Regulation Anne Mathews on 9333 7546.

Yours sincerely



Kelly Faulkner
EXECUTIVE DIRECTOR
LICENSING AND APPROVALS

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

18 August 2016

Attached: Decision Report

CC Shire of Kalamunda