



5<sup>th</sup> August 2019

Appeals Convenor

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**Appeal** against Lot 8 Diagram 53380 Nowergup for Permit type '**Amended purpose**' for clearing **15.54 hectares for extractive industry – limestone and sand - Oakford Land Co Pty Ltd, City of Wanneroo**. Clearing permit granted. Decision making agency: - DWER

**The Urban Bushland Council WA Inc. (UBC) appeal is against the 'Amended purpose'.**

**There are two amendments:**

- 1.) the extension of the duration of clearing permit CPS 4924/3 and
- 2.) modification of condition 11 (offset) to allow for a land acquisition or monetary contribution offset

The Delegated Officer considered:

of (1): an extension of the duration of the clearing permit would not pose an unacceptable risk to the environment and

of (2): that either land acquisition or monetary contribution would adequately offset the significant residual impact of the proposal.

**The relevance of SPP 2.4 Basic Raw Materials relates to the two amendments listed above.**

SPP 2.4 specifically states that the development of land for the extraction of basic raw materials should not adversely affect the environment.

The UBC contends that the proposed clearing of 15.54 hectares of native vegetation for sand and limestone mining will adversely affect the environment by destroying it. When the proposed clearing is at variance to Clearing Principles (a), (b), and (d) and may be at variance to Principle (g); and when the application area:

- contains habitat for one priority flora species:
- is representative of a TEC:
- and **provides significant foraging habitat for Carnaby's cockatoo** (page 2 Clearing Permit Decision Report),

***the development WILL adversely affect the environment.***

The UBC does not accept that this clearing can be mitigated or offset by restoration/rehabilitation efforts, which in any event take years to provide foraging/shelter for endangered and other species.

Dot point 2 of 'Appendix 1 Completion Criteria **CPS 4924/2**, 31 January 2013' on '**Completion criteria for the Rehabilitation area**' states the following:

- 'vegetation with similar floristic composition to FCT 26a established where appropriate conditions exist.'

Planting various species that occur in TEC Limestone Ridges SCP 26a will not equate to the establishment or protection of this community. The aim of the listing of an ecological community

is to retain and recover that community: to conserve what remains of the whole ecosystem with its biological diversity.

### **1.) Appeal against the extension of the duration of the clearing permit**

It appears that the proponent has been unable to fulfil conditions placed on proposals within the time constraints. There is a Vegetation Conservation Notice (VCN) about an 8.5ha area immediately adjacent to the area under current application, where restoration, monitoring and weed control of the previously cleared site is required. This VCN expired on February 2018 (page 6, 2019 Clearing Permit Decision Report).

Time constraints/conditions are placed on proponents for a reason. The duration of the Clearing Permit, CPS 4924/3, granted 14 December 2012 was until 14 December 2029, that is 17 years from that grant.

### **2.) modification of condition 11 (offset) to allow for (i) a land acquisition or (ii) monetary contribution offset**

The offset policy is a policy and the guiding principle is to 'Avoid.'

Can the delegated officer recommend approval of the development, when the land acquisition or monetary contribution has not been decided or finalised?

As the WA Environmental Offset Policy states in the Introduction 'There are some environmental values that are not readily replaceable.'

The UBC contends that neither land acquisition nor monetary contribution by the proponent will offset, mitigate, or recompense for the loss of over 15 hectares of native vegetation. There will be a net loss of this TEC.

As threatened species and communities are reduced piece by piece, landscapes become more fragmented and isolated and the community of Western Australia, living within this amazing place bears the burden of continuing destruction. Once ecological communities become endangered, they should not be cleared. This is consistent with the spirit and intent of the Clearing Principles under the Environmental Protection Act.

**Outcome sought:** that a realisation that the ecological value of native vegetation be held of greater importance than mining for sand and limestone at this site. Further that the Clearing Permit extension be refused and not granted, and thus that the Clearing Permit expires and the clearing for mining not be permitted.

Limestone and sand should be obtained from lands already cleared.