

MINISTER FOR ENVIRONMENT; WATER

Your Ref: Petition No 131

Our Ref: 42-10831

Hon Brian Ellis MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr Ellis *Brian*

I refer to your letter dated 20 October 2011 seeking comment on Petition No 131 regarding cement or lime manufacturing at Nowergup.

The Department of Environment and Conservation (DEC) has provided the attached advice to me in response to the points raised by the petitioner.

I have also been advised by DEC that Lime Industries Pty Ltd's (and its predecessors) Nowergup site has been licensed since 1967. However, the site has been under "care and maintenance" since 2001. Lime Industries' current licence, issued on 13 May 2010, is due to expire on 20 November 2011 and it submitted a new licence application on 2 August 2011.

As required by the *Environmental Protection Act 1986*, DEC advertised the licence application for public comment in *The West Australian* newspaper on 8 August 2011. DEC received 106 submissions in response, one of which was from the petitioner. These submissions will be considered in DEC's assessment of the licence application. Emissions and discharges from the facility, together with potential impacts on the surrounding environment, will be considered in DEC's assessment. Buffer distances will also be taken into account.

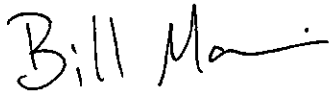
On 6 September 2011, DEC agreed to meet with neighbouring residents after an urgent request for a meeting by the petitioner. The meeting was held on 12 September, however only one resident (the petitioner) attended. Many of the concerns raised in this petition were clarified at this meeting.

The City of Wanneroo advised DEC on 15 September that it had not issued development approval for cement or lime manufacturing at Lot 52 Nowergup Road and that it is the City's belief that the current use of the site is unlawful.

DEC subsequently wrote to Lime Industries on 28 September advising that it does not intend to complete its assessment of the licence application until such time as Lime Industries obtains the necessary planning approvals from the City of Wanneroo. In the event that the City of Wanneroo does not grant the necessary approvals before the expiry date of the licence, DEC will not reissue the licence to Lime Industries.

I trust this information is of assistance to the Committee.

Yours sincerely

A handwritten signature in black ink that reads "Bill Marmion". The signature is written in a cursive style with a long horizontal stroke at the end.

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

Att 28 NOV 2011

PUBLIC