



Environmental Protection Act 1986

Hon Amber-Jade Sanderson MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF CLEARING PERMIT CPS 9124/1, DUAL-USE PATHWAY, BANDY CREEK TO CASTLETOWN QUAYS, SHIRE OF ESPERANCE

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 101A(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions of the above clearing 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.

Appellant:	Wildflower Society of Western Australia (Inc)
Permit holder:	Shire of Esperance
Proposal description:	Clearing of 1.92 hectares of native vegetation for construction of a dual use cycle pathway.
Minister's decision:	The Minister allowed the appeal.
Date of decision:	10 June 2021

REASONS FOR MINISTER'S DECISION

By the appeal, the appellant asked for a condition to be added to the permit requiring any areas that will be cleared during pathway construction, but not required for the final pathway, to be revegetated.

In response to the appeal, the Shire of Esperance indicated that in the planning for these works, it has included commitments for rehabilitation of the type the appellant was seeking and supported the inclusion of a condition to give effect to these commitments.

Having considered the information available to her, including the Shire's response to the appeal as well as the Department of Water and Environmental Regulation's report and the Appeals Convenor's report, the Minister allowed the appeal in full and decided that conditions should be added to the clearing permit requiring the permit holder to:

- revegetate areas to be cleared but not needed for operation and maintenance of the final pathway,
- revegetate with local native species,

- establish a sustainable vegetation cover to control erosion,
- install and maintain fencing to exclude public access from the revegetation areas,
- control and remove weed species within the revegetation areas for a period of 10 years,
- report on progress of revegetation and weed control; and
- carry out additional planting if required to meet specified revegetation outcomes.

In addition, the Minister noted that related amendments to the permit will also be required as follows:

- an extension of the permit duration from May 2026 to May 2036 to allow 10 years for monitoring of the revegetation activities;
- the addition of a condition which would limit the duration of clearing to 5 years only from the commencement date of the permit;
- modification of condition 7 to require the permit holder to maintain records of the proposed revegetation activities; and
- modification of condition 8 to require the permit holder to submit annual reports of records required under condition 7.

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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