



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST GRANT OF A CLEARING PERMIT CPS 8424/1 WONNERUP SOUTH ROAD RESERVE, YALYALUP, CITY OF BUSSELTON

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 101A(4) of the *Environmental Protection Act 1986* in objection to the grant 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:	Ms Julia Avery
Permit holder:	City of Busselton
Proposal description:	The clearing permit authorises the clearing of three native trees on the Wonnerup South Road reserve for the purpose of road widening and maintenance.
Minister's decision:	The Minister dismissed the appeal.
Date of decision:	6 August 2020

REASONS FOR MINISTER'S DECISION

An appeal was received against the grant of clearing permit CPS 8424/1, which authorises the removal of three native trees (including two flooded gums and one paperbark). The clearing is for the purpose of road widening and maintenance.

By the appeal, the Minister understood that the appellant was concerned about the value of the trees as a fauna corridor and habitat. The Minister noted that the appellant submitted a list of native fauna that may occur in the area and a photograph of a south-western brush-tailed phascogale in support of her application.

In response to the appeal, the Department of Water and Environmental Regulation (DWER) advised that a fauna survey was undertaken of an approximate 7.5 kilometre section of the road including the application area on the basis that black cockatoos and the western ringtail possum may utilise the area.

Based on the results of the fauna survey, DWER noted that the three trees did not contain any hollows and provided minimal habitat value for fauna, including the south-western brush-tailed phascogale. DWER also considered that the removal of the three trees is unlikely to have significant impact on the South West Regional Ecological Linkage.

Given the small scale of the clearing, and noting that the permit holder has significantly reduced the application area from one hectare to three trees, DWER considered that the removal of three trees is unlikely to significantly reduce habitat for conservation significant fauna. However, noting that the western ringtail possum may utilise the application area as a connected canopy for transport, DWER applied a fauna management condition to the permit to avoid direct impacts to individuals during clearing.

Having considered the appellant's concerns, advice from DWER and the permit holder, and the Appeals Convenor's report, the Minister dismissed the appeal.

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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