



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF CLEARING PERMIT CPS 8861/1 LOT 705 ON DEPOSITED PLAN 405359, NEERABUP

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 conditions applied to 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:	Quinns Rock Environmental Group Inc
Permit holder:	Main Roads Western Australia
Proposal description:	To clear 0.5 hectares (ha) of native vegetation within a 0.69 ha footprint for the purpose for road construction and realignment.
Minister's decision:	The Minister allowed the appeal
Date of decision:	17 September 2020

REASONS FOR MINISTER'S DECISION

An appeal was submitted in objection to the conditions of Clearing Permit CPS 8861/1, authorising the clearing of 0.5 hectares of native vegetation at Lot 705 on Deposited Plan 405359, Neerabup.

The appellant submitted that the approved clearing footprint intersects with the southern entry to the only fauna underpass under Hester Avenue. The Minister understood that the appellant was seeking for a condition to be applied to the permit to minimise impact on the Hester Avenue fauna underpass, including vegetated buffers between the road and clearing.

In response to the appeal, the permit holder proposed to reduce the application area to create a 29-metre buffer between the application area and the underpass. Noting the advice from the permit holder, the Department of Water and Environmental Regulation (DWER) recommended that the authorised clearing area be amended to reflect the permit holder's commitments.

Noting the Appeals Convenor's and DWER's recommendations in support of the proposed change, it follows that the Minister allowed the appeal to the extent that the permit be amended in the manner put forward by the permit holder.

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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