



Environmental Protection Act 1986

Hon Stephen Dawson
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST THE REQUIREMENTS OF VEGETATION CONSERVATION NOTICE CPS 6897/1 THE LAKES ROAD, GREEN HEAD

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 103(1)(a) of the *Environmental Protection Act 1986* in objection to the requirements of a Vegetation Conservation Notice. 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:	Shire of Coorow
Notice Area:	Lots 709, 710 and 712 on Deposit Plan 219608, The Lakes Road, Green Head.
Minister's Decision:	The Minister allowed the appeal in part.
Date of Decision:	18 May 2017

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Department of Environment Regulation (DER) on the matters raised in the appeal. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeal.

The Minister noted that the appellant did not dispute that the clearing occurred, but raised concerns about the requirements of the Vegetation Conservation Notice (VCN), contending that they are inappropriate and will not result in the best environmental outcome.

The Minister understood that DER retrospectively assessed the unlawful clearing, and found that significant environmental values had been lost as a result of the fill. On the basis that the area comprised a threatened ecological community (TEC), DER advised that had a permit been applied for, it was unlikely to have been granted.

The Minister noted that DER undertook a site inspection of the notice area to determine the degree of regeneration of vegetation, concluding that the species composition and density had changed since the fill and was different to the adjacent undisturbed vegetation.

On this basis, DER determined that the area was not regenerating adequately. DER also observed that the raised fill areas were dominated by non-native grass species, while wetland samphire species were regenerating in lower lying areas.

DER advised that the height and soil type of the fill appeared to be limiting regeneration, and therefore removal of the fill, and restoration of ground levels to levels prior to the clearing event (1 November 2014), is required to ensure the successful restoration of the area. Based on the values lost resulting from the fill, in particular the presence of the TEC, and DER's observations during its site inspection, the Minister considered that the requirements to restore land levels and revegetate the notice area were reasonable and appropriate.

Notwithstanding, the Minister agreed with the Appeals Convenor's advice that Measure 3 could be improved to better reflect the intended outcome, which is to ensure the successful restoration of the vegetation that was present prior to clearing. Therefore the Minister was of the view that Measure 3 should be amended in the manner described in the Appeals Convenor's report.

After considering all of the information presented in respect to the appeal, the Minister allowed the appeal in part, to the extent that the requirements of VCN CPS 6897/1 be amended as outlined.

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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