



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF CLEARING PERMIT CPS 7549/1 COONGAN GORGE UPGRADE, VARIOUS LOTS, MARBLE BAR ROAD, MARBLE BAR

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 Clearing Permit CPS 7549/1. 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:	Commissioner of Main Roads Western Australia
Proposal description:	Clearing of 51.41 hectares of native vegetation for the purpose of road realignment and material extraction
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	26 March 2018

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 Water and Environmental Regulation (DWER), on the matters raised the appeal. The Minister was advised that the Appeals Convenor met with the appellant to discuss the appeals and DWER's response, and also contacted the permit holder.

After considering the information provided during the appeal investigation, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeal.

By way of summary, the appellant raised concerns in respect to the conditions of the clearing permit, in particular the management of impacts to the Northern quoll and the Western pebble-mound mouse. Furthermore, the appellant submitted that countermeasures or an offset should be applied to the permit to counterbalance the loss of habitat for these two species.

With regard to the Northern quoll, the Minister was advised that the permit holder developed a Northern Quoll Management Plan which was reviewed by the Department of Biodiversity, Conservation and Attractions (DBCA). DWER advised that the key commitments made in the management plan were included as conditions and was of the view that these actions will ensure that the Northern quoll will not be significantly impacted by the proposed clearing.

In relation to the Western pebble-mound mouse, during the appeal investigation, the permit holder undertook further investigation to demonstrate how impacts to this species could be further minimised. The permit holder has committed to avoiding the two active mounds within the material pit area. In relation to the area proposed for the road realignment, the Minister was advised that there may be active mounds which cannot be avoided. Based on advice from fauna specialists and DBCA, the permit holder has committed to preparing and implementing a Western Pebble-Mound Mouse Management Plan. Where mounds cannot be avoided, the permit holder proposes to relocate mice through displacement methods.

DBCA advised that it was satisfied with this approach and confirmed that displacement is the most appropriate relocation method for this species. Noting that the existing conditions require a pre-clearance fauna survey and a fauna spotter to be present during clearing, the Minister considered that the conditions applied by DWER in relation to the Western pebble-mound mouse are adequate.

The Minister noted the appellant's concern in relation to the rehabilitation and revegetation of temporarily cleared areas, and that condition 10(b) requires the permit holder to commence revegetation and rehabilitation within three months following completion of the extractive activity. This is sooner than the timeframe of 12 months as recommended by the appellant.

In relation to countermeasures and offsets, DWER advised that it assessed the potential environmental impacts from the proposed clearing and, taking into account the permit holder's proposed mitigation measures, did not identify any significant residual impacts. It was on this basis that DWER considered an offset was not required. The Minister noted, however, that the permit holder has committed to rehabilitating the redundant section of the Marble Bar Road upon completion of the project as a part of its Northern Quoll Management Plan.

After considering the information presented, the Minister was satisfied that DWER's assessment of the clearing permit application was appropriate and that the conditions applied to the permit to manage and mitigate the potential impacts of the proposed clearing were adequate. It follows that 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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