



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST THE REQUIREMENTS OF VEGETATION CONSERVATION NOTICE CPS 8611/1 VARIOUS LOTS, CALINGIRI

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:	Gary McGill
Proposal description:	Appeal against the requirements of a vegetation conservation notice given in respect to the suspected unlawful clearing of native vegetation.
Minister's Decision:	The Minister allowed the appeal
Date of Decision:	6 August 2020

REASONS FOR MINISTER'S DECISION

An appeal was received objecting to the requirements of Vegetation Conservation Notice (VCN) CPS 8611/1 given by the Department of Water and Environmental Regulation (DWER).

The Minister noted the VCN was given in respect to the suspected unlawful clearing of 6.2 hectares of native vegetation on Lot 21 on Plan 22279, Calingiri and required the revegetation of an equivalent contiguous area on Lot 2631 on Deposited Plan 139596, Calingiri.

By the appeal, the Minister understood that the appellant sought for the VCN to be amended to provide an additional 12 months to complete initial revegetation, and for the VCN to only apply to the lot where revegetation is required.

Having considered the appeal, DWER's response, and the Appeals Convenor's report and recommendation, the Minister accepted the appellant's position that additional time is required to source seed/seedlings and that the completion of initial revegetation by 31 October 2020 was unlikely to be achievable. It follows that the Minister considered an extension of 12 months to be appropriate.

In relation to the lots the subject of the VCN, the Minister noted an alternative proposal was put to the Appeals Convenor by the appellant whereby revegetation was proposed to be moved from Lot 2631 to Lot 21, the same lot where the clearing took place.

On the information before him, the Minister agreed with the Appeals Convenor that the alternative proposal is likely to result in a better revegetation outcome than revegetation on Lot 2631 as originally required. It follows that the Minister considered the VCN should be amended to facilitate this outcome. Given this means the cleared area and the revegetation area will both be on Lot 21, the Minister considered that the VCN should only apply to Lot 21.

DWER will implement the Minister's decision in accordance with section 110 of the *Environmental Protection Act 1986*. The final wording of the above amendments will be a matter for the Department to determine in giving effect to the appeal decision.

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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