



Environmental Protection Act 1986

**Hon Stephen Dawson MLC**  
**Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST GRANT AND SPECIFICATIONS OF CLEARING PERMIT CPS 7721/1: MEECHI ROAD RESERVE, GAIRDNER AND BREMER BAY, SHIRE OF JERRAMUNGUP**

#### **Purpose of this document**

This document sets out the Minister's decision on an appeal lodged under section 101A of the *Environmental Protection Act 1986* in objection to the grant of a Clearing Permit by the Department of Water and Environmental Regulation. 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	Wildflower Society of Western Australia (Inc)
<b>Proponent:</b>	Shire of Jerramungup
<b>Proposal description:</b>	Clearing of up to 1.3 hectares (ha) of native vegetation for the purpose of road widening and maintenance
<b>Minister's Decision:</b>	The Minister allowed the appeal in part
<b>Date of Decision:</b>	25 June 2018

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#### **REASONS FOR MINISTER'S DECISION**

Pursuant to section 106 of the *Environmental Protection Act* (the Act), the Minister obtained a report from the Department of Water and Environmental Regulation (DWER) on the matters raised in the appeal. The Minister was advised that the Appeals Convenor met with the appellant to discuss the appeal and DWER's response, and also consulted with 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 appeal was that DWER should not have granted the clearing permit on the basis that the application area comprises a high level of biodiversity due to the high number of native plant species relative to the size of the area, and that the tree hollows being utilised by the Red-capped parrot should be protected. The Minister noted that the appellant submitted that DWER's assessment against the clearing principles was flawed in respect to principles (a) biodiversity, (b) fauna and (f) relating to watercourses and wetlands. The appellant also submitted that the conditions on the permit could be improved.

In relation to flora species, DWER identified one species of conservation significance, *Boronia clavata*, as likely to occur within the application area. The Minister understood that the Department of Biodiversity, Conservation and Attractions (DBCA) advised that this species is known from nine populations in the Albany and Esperance districts and that although the Devils Creek crossing portion of the application area may support this species, the impact within this area is likely to be low. This is due to the extent of the clearing within the available creekline habitat.

DWER's assessment also identified that a portion of the application area overlapped with a mapped occurrence of the '*Proteaceae Dominated Kwongkan Shrublands of the southeast coastal floristic province of Western Australia*' Threatened Ecological Community (Kwongkan TEC).

Based on DBCA's advice, DWER advised that it assessed the vegetation within the application area against the Approved Conservation Advice for the Kwongkan TEC. The Approved Conservation Advice outlines key diagnostic characteristics for this TEC and DWER's assessment found that it is unlikely that the application area is representative of the Kwongkan TEC.

In relation to fauna, DWER advised that although three conservation significant species were identified as having been recorded in the local area, the habitat type in the application area is well represented locally in conservation reserves. On this basis, DWER considered that the application area is unlikely to comprise significant habitat for these species. With regard to the Red-capped parrot, the Minister noted that DWER advised that this species is 'fairly common' and is not listed as 'Threatened' under State or Commonwealth environmental legislation. Notwithstanding, the Minister noted that DWER included a condition requiring the permit holder to avoid clearing during the breeding season of the Red-capped parrot to minimise impacts to individual parrots.

In relation to the adequacy of the conditions, the Minister agreed with the Appeals Convenor that the clearing permit should also include a requirement for the permit holder to record and report on actions taken to minimise the risk of the introduction and spread of weeds (condition 8 - weed management).

With regard to the appellant's request that the permit holder rehabilitate degraded areas, this was considered by DWER to be in effect an offset. DWER advised that as the proposed clearing was not likely to have any significant residual impacts, an offset was not warranted.

After consideration of the information presented, the Minister was satisfied that DWER appropriately assessed the environmental impacts from the proposed clearing and was of the view that the decision to grant the permit was justified. However, the Minister allowed the appeal to the extent that a requirement for the permit holder to record and report on actions taken in relation to condition 8 - weed management, be included on the permit.

The precise wording of this amendment will be determined by DWER in giving effect to the Minister's decision under section 110 of the Act. The Minister otherwise dismissed the appeal.

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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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