



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST GRANT OF A CLEARING PERMIT CPS 8017/1 LOT 820 DP 404596 MURDOCH, CITY OF MELVILLE

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 101A(4) of the *Environmental Protection Act 1986* in objection to the grant of Clearing Permit CPS 8017/1. 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:	Mr James Mumme
Permit Holder:	Murdoch University
Proposal description:	The clearing of 0.4 hectares of native vegetation, including 15 trees for the purpose of constructing an agricultural research facility.
Minister's Decision:	The Minister dismissed the appeal.
Date of Decision:	12 September 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 in the appeal. After considering the appeal, 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 Minister understood the key grounds of appeal were that insufficient information was available on the native vegetation to be cleared, cumulative impacts were not adequately considered, there was no justification for the clearing and an offset should have been applied to the permit.

In response to the appeal, DWER advised that its Decision Report provided a description of the vegetation to be cleared which was based on the permit holder's flora, vegetation and fauna survey report. The application and supporting documents were available on the DWER website during the submission period and remain available to the public via the online clearing permit system and the FTP site: <ftp://ftp.dec.wa.gov.au/Permit/8017/>.

DWER, noting the condition of the vegetation being in a 'degraded to completely degraded condition' and the extent of the clearing, found that the proposed clearing was unlikely to comprise significant habitat for indigenous fauna. Although three potential black cockatoo nesting habitat trees were identified within the application area (two Tuart and one Marri), the survey report found that the application area provided poor quality habitat for black cockatoo species as a result of previous disturbance and no hollows were observed in the trees during the survey.

The Minister noted the appellant's concerns regarding the cumulative impacts of the clearing on the Swan Coastal Plain. In this regard, DWER advised that it assessed cumulative impacts under clearing principle (e) and noting the value of the vegetation, found that the proposed clearing was unlikely to be significant as a remnant in an extensively cleared area.

In regard to the justification of the clearing, the Minister noted that it is DWER's role to assess the environmental impacts of the submitted application and the decision to build a facility at a specific location is a matter for the permit holder to determine. During the appeal investigation, the permit holder advised that more information on the research facility could be found on its online media release dated 2 August 2017.

While the appellant's comments regarding offsets were noted, DWER advised that it assessed the potential environmental impacts from the proposed clearing and did not identify any significant residual impacts. It was on this basis, and in accordance with the WA Environmental Offsets Guidelines, that DWER considered that an offset was not required. The Minister noted however, that the permit holder committed to implementing its policy in relation to replacing three trees for every one tree removed.

Based on the information available to him, the Minister considered that DWER properly assessed the potential impacts associated with the proposed clearing and that its decision to grant the permit subject to conditions was justified by the available evidence. 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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