



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST GRANT OF CLEARING PERMIT CPS 8194/1: LOT 701 DP 413030, TREEBY, CITY OF COCKBURN

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 8194/1. 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:	Armadale Road Pty Ltd
Proposal description:	The clearing of 7.0335 hectares of native vegetation within Lot 701 on Deposited Plan 413030, Treeby for the purpose of a site compound.
Minister's decision:	The Minister dismissed the appeal
Date of decision:	25 June 2019

REASONS FOR MINISTER'S DECISION

The Department of Water and Environmental Regulation (DWER) granted the clearing permit on 25 February 2019, authorising the applicant to clear up to 7.0335 hectares (ha) of native vegetation within Lot 701 on Deposited Plan 413030 (application area), Treeby, for the purpose of a site compound associated with Armadale Road works and future development.

The appellant appealed DWER's decision to grant the clearing permit, submitting that there is remnant native Swan Coastal Plain vegetation present that has not been assessed for its conservation values.

The appeal was investigated by the Appeals Convenor on the Minister's behalf, which included a meeting with the appellant, as well as feedback from DWER and the applicant, and a site visit.

The Minister understood that, in summary, the appellant was concerned that the vegetation may represent threatened ecological communities (TEC) or support threatened fauna and flora.

DWER's assessment found the vegetation within the application area to be in 'Degraded' to 'Completely Degraded' condition, comprising a mixture of native and introduced species with a patch of *Banksia* spp. trees in the northern portion. The Minister noted the Appeals Convenor's advice that DWER's findings in this regard are generally consistent with vegetation descriptions in environmental assessments undertaken by consultants in 2011, 2014, and 2017.

The Minister also noted the Appeals Convenor's advice that the application area was almost entirely cleared in 1991, and that the patch of *Banksia* spp. trees covers approximately 0.2 ha.

In relation to conservation-significant flora, DWER's assessment against clearing principles (a) and (c) noted that *Caladenia huegelii* (grand spider orchid; Threatened) and *Cyathochaeta teretifolia* (Priority 3) have been recorded from the same mapped soil system and vegetation complex as found within the application area. Having regard for the composition and condition of the vegetation present, DWER concluded that the application area is unlikely to include or be necessary for the continued existence of threatened flora, and is unlikely to comprise suitable habitat for priority flora.

In relation to conservation-significant fauna, DWER's assessment against clearing principle (b) noted that the patch of *Banksia* spp. trees may comprise suitable foraging habitat for black cockatoos. Having regard for the structure and condition of the vegetation present, DWER concluded that the application area is unlikely to comprise significant habitat for indigenous fauna, including conservation-significant species.

In relation to TECs, DWER's assessment against clearing principle (d) noted that a portion of the application area is mapped as a State-listed priority ecological community (PEC) and Commonwealth-listed TEC. Having regard for the key diagnostic criteria for the *Banksia* Woodlands of the Swan Coastal Plain TEC, DWER concluded that the vegetation within the application area is unlikely to comprise or be necessary for the maintenance of a TEC.

DWER advised that upon reviewing the information in GIS datasets, a 2014 vegetation assessment and a 2019 site inspection report, the degraded nature of the existing vegetation means it is unlikely that the area will support priority or threatened flora, indigenous fauna or a TEC.

After considering the information presented in relation to this appeal, 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. 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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