



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF CLEARING PERMIT CPS 8753/1 ROMEO ROAD AND WANNEROO ROAD UPGRADE

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 conditions applied to the above clearing permit. 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:	BirdLife Australia
Permit holder:	Main Roads Western Australia
Proposal description:	To clear 32.86 hectares of native vegetation for the Romeo Road and Wanneroo Road upgrade.
Minister's decision:	The Minister dismissed the appeal
Date of decision:	9 October 2020

REASONS FOR MINISTER'S DECISION

BirdLife Australia lodged an appeal objecting to the conditions of Clearing Permit CPS 8753/1 granted to Main Roads Western Australia, authorising the clearing of 32.86 hectares of native vegetation for the Romeo Road and Wanneroo Road upgrade.

By way of appeal, the appellant submitted that the offset was inadequate in relation to Carnaby's cockatoo and that a fauna overpass would have been a more effective habitat connection than the fauna underpass required by condition 16 of the permit.

In relation to the offset, the Department of Water and Environmental Regulation (DWER) identified that the proposed clearing would result in significant residual impacts, including the clearing of 29.39 hectares of critical habitat to Carnaby's cockatoo and loss of five trees with hollows of a suitable size for black cockatoo nesting.

Other significant residual impacts included the loss of native vegetation that is representative of the *Banksia Woodlands of the Swan Coastal Plain* Threatened Ecological Community (TEC)/Priority Ecological Community (PEC), native vegetation representative of the *Tuart (Eucalyptus gomphocephala) Woodlands of the Swan Coastal Plain* TEC/PEC (Tuart Woodlands) and native vegetation in conservation significant areas.

In response to the appeal, DWER advised that the allocation of the banked offset site representative of the Tuart Woodlands TEC/PEC was not required to address impacts to Carnaby's cockatoo habitat, but rather to address the loss of 8.27 hectares of this TEC/PEC from the proposed clearing.

In relation to Carnaby's cockatoo habitat, the offset requires the permit holder to make a monetary contribution of \$194,600 for the purchase of 140 hectares of native vegetation in the Shire of Gingin comprising 140 hectares of foraging habitat for Carnaby's cockatoo, revegetation of 18 hectares within Department of Biodiversity, Conservation and Attractions' (DBCA) managed lands and the installation of 12 artificial hollows.

With regard to the ratio of artificial hollows to potential breeding hollows, the Minister was advised by DWER that a 1:1 ratio is considered appropriate, noting that none of the 12 hollows proposed to be cleared showed signs of current or past breeding use.

In relation to the fauna underpass, the Minister was advised that it is expected to improve connectivity across the existing Romeo Road and minimise potential strikes to ground dwelling fauna, which may increase as a result of the road widening. The permit holder had consulted with DBCA on the underpass location, and the Minister noted that monitoring of similar underpasses at Hester Avenue and Neerabup Road has shown that they are being utilised by fauna.

After considering the information provided to him, including DWER's report and the Appeals Convenor's report, the Minister considered that the conditions applied by DWER to the clearing permit were appropriate and justified. It therefore 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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