



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST GRANT OF CLEARING PERMIT CPS 8943/1 TO CONSTRUCT A BICYCLE PATH RAILWAY PARADE, BECKENHAM

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 decision of the Department of Water and Environmental Regulation to grant 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:	Dr J E Wajon
Permit holder:	City of Gosnells
Proposal description:	Clearing of up to 22 native trees, Railway Parade road reserve and Lot 320 DP 61379 (CPS 8943/1), Beckenham, to allow construction of a bicycle path
Minister's decision:	The Minister dismissed the appeal
Date of decision:	2 February 2021

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986*, the Minister obtained a report from the Department of Water and Environmental Regulation on the matters raised in the appeal. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeal.

The appellant submitted that the clearing permit should not have been granted because of impacts to the habitat of black cockatoo species and the significance of the vegetation as a remnant in an area which has been extensively cleared. The appellant also contended that stronger justification is required as to why the bicycle path is needed and why it could not be put on the other side of the road, avoiding the need to clear vegetation.

Having carefully considered the information provided to him, including the points in the appeal, the advice of the Department of Water and Environmental Regulation (DWER), and the Appeals Convenor's report and recommendation, the Minister considered that DWER's decision to grant the clearing permit was justified. He therefore dismissed the appeal.

The reasons for the Minister's decision are set out below.

Habitat value for black cockatoos

The Minister was advised that the trees to be removed are all relatively small and that the largest Marri tree to be removed has a diameter at breast height of 65 centimetres. He was further advised that there is no evidence that either the trees to be removed, or other trees in the road reserve, contain hollows suitable for black cockatoo nesting. While there is evidence that black cockatoos do feed in Marri trees in the road reserve, the Minister understood that there are numerous other Marri trees in the road reserve which will not be cleared, and more significant cockatoo habitat nearby, so that the removal of this limited number of trees is unlikely to have a significant impact on foraging habitat for black cockatoos. The removal of 22 individual trees is also unlikely to significantly affect the potential value of the road reserve as a stepping-stone for cockatoos travelling through the area to other nearby habitat.

Environmental value of native vegetation in extensively cleared areas

The Minister understood that the Application Area is in a completely degraded condition (consisting of a strip of parkland cleared trees with a weedy understorey) and, as such, is not a significant representation of the Guildford vegetation complex. Moreover, the removal of 22 native trees within the Application Area will reduce the remaining extent of the Guildford vegetation complex by only approximately 0.005 per cent.

Avoid and minimise

The Minister understood that the City of Gosnells has taken care to avoid and minimise the clearing of trees. This has included making the cycle path as narrow as possible while still meeting safety requirements, and, to protect the roots of trees to be retained, designing the path with two raised sections and with a third section to be constructed from concrete to avoid the risk of tree roots being burned when laying hot asphalt. The Minister was advised that the cycle path is needed for road safety reasons because there is considerable traffic on Railway Parade, particularly at drop-off and pick-up times at the local primary school. It is therefore important to separate cyclists from road traffic. The Minister was further advised that it is not possible to put the cycle path on the other side of the road because of the risk of school children or pedestrians being hit by bicycles as well as the risk of cyclists colliding with vehicles reversing out of residential driveways.

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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