



Environmental Protection Act 1986

**Hon Stephen Dawson
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST DECISION OF THE DEPARTMENT OF ENVIRONMENT REGULATION NOT TO GRANT CLEARING PERMIT CPS 6951/1 - LOT 2269 ON DEPOSITED PLAN 251514, NORTH BOYANUP

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 101A(1)(a) of the *Environmental Protection Act 1986* in objection to the refusal of a clearing permit by the Department of Environment 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.

Appellants:	Adam and Wanda Colvin
Proposal description:	The clearing of 4.23 hectares (ha) of native vegetation for the purpose of fire hazard control, in North Boyanup, Shire of Capel
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	18 May 2017

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 Environment Regulation (DER) 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 Minister understood that the appellants raised concerns about DER's assessment of the application, specifically related to the area it assessed; biodiversity values; the significance of the vegetation as a remnant; wetland values; water quality impacts; and relevant planning instruments.

The Minister noted that in assessing the clearing application, DER determined that the application would result in significant environmental impacts, particularly in regard to habitat for indigenous fauna and a mapped wetland feature.

In regard to the area assessed by DER, the Minister understood that DER undertook a site inspection of the original application area on 9 March 2016 to confirm the vegetation type

and condition, and ground truth mapping. DER advised that following the reduction in area, it reviewed the information obtained during the site inspection. The Minister understood that DER's clearing permit decision report addresses the revised boundaries, and therefore, the Minister considered that DER had adequate information to make a decision on the revised area in accordance with its policies and guidelines.

The Minister noted that DER considered wetland mapping and sought advice from the Department of Parks and Wildlife and the Department of Water in regard to its assessment of impacts to wetlands and water quality. The Minister understood that the application area is mapped as a resource enhancement dampland in accordance with Parks and Wildlife's wetlands dataset. The Minister noted the advice of Parks and Wildlife that the clearing would result in cumulative impacts from altered hydrology on a nearby sumpland, and that removal of the vegetation from the dampland would result in this wetland feature being permanently lost.

The Minister also understood that Parks and Wildlife raised concerns regarding the removal of *Kunzea glabrescens*, which the appellants proposed as the predominant species for clearing. Parks and Wildlife indicated that *Kunzea glabrescens* is commonly associated with wetland environments, and provides suitable habitat for quenda, a conservation significant (Priority 4) fauna species.

On the basis that the clearing would impact suitable habitat for threatened species, result in impacts to a mapped wetland and may result in the loss of wetland features, the Minister was of the view that DER was justified in its decision to refuse the application. The Minister therefore dismissed the appeal. This does not preclude the appellant from applying for a permit in the future, where it is recommended that they address any issues raised by DER in its assessment.

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*.

Office of the Appeals Convenor

Level 22, 221 St Georges Terrace

Perth WA 6000

Tel: (08) 6467 5190

Fax: (08) 6467 5199

www.appealsconvenor.wa.gov.au