



Environmental Protection Act 1986

Hon Amber-Jade Sanderson MLA  
Minister for Environment; Climate Action

## MINISTER'S APPEAL DETERMINATION

### APPEAL AGAINST GRANT AND CONDITIONS OF CLEARING PERMIT CPS 9029/1 LOT 164 ON DP 202726 (R25911), HOPELAND, SHIRE OF SERPENTINE JARRAHDALÉ

#### 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 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	Mr Warwick Boardman
<b>Permit holder:</b>	Shire of Serpentine Jarrahdale
<b>Proposal description:</b>	Clearing of up to 12.39 hectares of native vegetation to facilitate fire mitigation at Yangedi Reserve, Hopeland.
<b>Minister's decision:</b>	The Minister allowed the appeal in part
<b>Date of decision:</b>	28 May 2021

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#### REASONS FOR MINISTER'S DECISION

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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. 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 appeal was received against the decision of DWER to grant clearing permit CPS 9029/1 to the Shire of Serpentine Jarrahdale.

The Minister noted the permit was granted for the clearing of up to 12.39 hectares of native vegetation on Lot 164 on Deposited Plan 202726 (Crown Reserve R25911), Hopeland, to facilitate fire mitigation at Yangedi Reserve.

The appellant's concerns related primarily to the adequacy of the weed hygiene condition on the clearing permit to manage the potential impacts of weed spread and an increase in weed fuel loads following the proposed prescribed burn.

The appellant sought for the permit to be refused, or, if the permit is granted, for the conditions to include the requirement for management and monitoring measures to control weeds to ensure there is no net increase in weeds.

### **Decision**

Having considered the information available to her, including the applicant's response to the appeal as well as DWER's report and the Appeals Convenor's report and recommendations, the Minister considered that the decision to grant the permit was justified.

However, the Minister decided to allow the appeal to the extent that an additional condition is applied to the permit to require a weed management and monitoring plan to be in place to further mitigate potential impacts of weed spread and an increase in fuel loads after the burn event. The full reasons for the Minister's decision follow.

### **Weeds**

The Minister noted that DWER's assessment acknowledged that mechanical clearing, mulching and/or burning has the potential to introduce and/or spread weeds. Taking into consideration the permit holder's minimisation and mitigation measures, DWER was satisfied the proposed clearing can be managed appropriately and is not likely to lead to an unacceptable risk to environmental values.

It was noted that ongoing bushland management, including weed control, is the responsibility of the Shire of Serpentine Jarrahdale as the land manager, and that the Shire possesses the knowledge and resources to do this effectively. DWER advised the Minister that the Shire had prepared the Yangedi Bush Forever and Airfield Reserve Management Plan, which includes strategies for ongoing weed control and commitments for post-fire weed control to mitigate potential vegetation degradation by the invasion of non-native species.

DWER advised that while burning has the potential to introduce or exacerbate the distribution and impact of weeds, this typically occurs after frequent burns, whereby introduced grass species displace a native understorey or, alternatively, after intense fires that open large areas of vegetation and create a rich ash bed that benefits weeds. The Minister understood that the proposed burn is neither of these. The assessment of current fuel loads in the application area, combined with local knowledge, indicated the area has probably not been burnt for over 25 years.

During the appeals investigation, the Shire advised the Appeals Convenor that the burn event will be undertaken over 2 areas totalling approximately 4.7 ha. The remainder of the application area will be left unburnt creating a mosaic of burnt and unburnt areas. The burn will be undertaken in weather conditions conducive to a controlled and cool slow burn that minimises scorch height and the permit authorises a single burn of the application area only.

Noting the Banksia Woodlands of the Swan Coastal Plain Conservation Advice recommends, among other things, an ideal fire cycle of 24–28 years and a mosaic pattern of burning and fire ages, with retention of some long-unburnt areas (10 to 30 years since the last fire), the burn event, with appropriate weed management in place, has the potential to ensure that the biodiversity values are maintained in this Banksia woodland remnant.

### **Weed management and monitoring**

Having considered the matters raised in the appeal, the Minister decided that an additional condition should be applied to the permit requiring the Shire to develop and implement a weed management and monitoring plan with an objective that there is no net increase in weed fuel load within the application area.

The Minister accepted the Appeals Convenor's advice as outlined in her report, that the weed management and monitoring plan should include, but not be limited to, methods for identifying priorities for weed control and management and monitoring both before and after the burn event to measure the success of weed control undertaken. The plan should be prepared by, or in consultation with, an environmental specialist with appropriate expertise and to the satisfaction of the Chief Executive Officer of DWER.

The final wording of this condition will be a matter for DWER to determine in giving effect to this decision under section 110 of the Environmental Protection Act 1986.

The Minister noted that the appellant requested that the proposed burn form part of an experiment to determine the extent of weed intrusion after fire and whether the bushland attains an increase in naturally-occurring biodiversity.

In its response to the appeal, the Shire advised that it is open to having research conducted on the site. As part of the appeals investigation, the Office of the Appeals Convenor met with scientists at the Botanic Gardens and Parks Authority (BGPA) involved in a research project to assess impacts of different fire and weed management approaches on native species diversity, weed cover and fuel loads in urban Banksia Woodlands.

The Minister understood that following on from these discussions, BGPA discussed opportunities with the Shire for including the Yangedi Reserve burn in its fire ecology research. This has the potential to improve the state of knowledge about this complex issue and the Minister commended the Shire for taking a proactive approach.

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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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