



Environmental Protection Act 1986

**Hon Stephen Dawson MLC**  
**Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST GRANT OF CLEARING PERMIT CPS 8049/1 NEWDEGATE-RAVENSTHORPE ROAD, OLD NEWDEGATE ROAD AND FLOATER ROAD RESERVES, SHIRE OF RAVENSTHORPE**

#### **Purpose of this document**

This document sets out the Minister's decision on appeals lodged under section 101A(4) of the *Environmental Protection Act 1986* in objection to the grant of Clearing Permit CPS 8049/1. 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellant:</b>	Wildflower Society of WA (Inc.)
<b>Applicant:</b>	Galaxy Lithium Australia Limited
<b>Proposal description:</b>	The clearing of three hectares (ha) of native vegetation within a 61 ha footprint for the purpose of road construction and upgrades.
<b>Minister's Decision:</b>	The Minister dismissed the appeal.
<b>Date of Decision:</b>	22 January 2019

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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. After considering the information provided during the appeal investigation, the Appeals Convenor reported to the Minister under section 109 of the Act. The Appeals Convenor's report sets out the background and other matters relevant to the appeal.

In summary, the appeal raised concerns in respect of DWER's assessment in relation to the need for flora and fauna surveys, impacts to conservation significant flora and fauna, impacts to ecological linkages, significance of the vegetation and cumulative impacts, and alternatives to clearing. The appellant sought for DWER's decision to be overturned, or alternatively for additional permit conditions in relation to biological surveys and impact mitigation.

The Minister was advised that during the appeal investigation, the applicant provided an additional flora and vegetation survey undertaken in April 2018 within the eastern portion of the application area, the report of which was provided to DWER for consideration. DWER advised that the findings of this survey were largely consistent with the findings of the 2017 survey considered during its assessment of the proposed clearing.

The Minister noted the Appeals Convenor's advice that approximately 72.5 per cent of the application area has been subject to flora and vegetation surveys since 2008, excluding the portion on Lot 30 and approximately 3.05 ha within two road reserves. DWER advised that the information sourced from available datasets and the findings of flora and fauna surveys undertaken adjacent to the application area in 2017 were sufficient for it to determine the likelihood of conservation significant flora and ecological communities occurring and the risk of impacts to fauna, and considered that further surveys were not necessary. The Minister also noted that the findings of the April 2018 flora and vegetation survey supported DWER's assessment findings.

DWER's assessment found that the majority of the application area contains vegetation in 'Degraded' to 'Completely Degraded' condition, with portions associated with three road reserves and a creekline being in 'Very Good' to 'Degraded' condition. The Minister noted the Appeals Convenor's advice that approximately 10.6 ha of the application area is located within these road reserves and creekline, and that the proposed clearing represents approximately 28.3 per cent of this portion.

In relation to impacts to conservation significant flora, DWER considered that the application area may contain suitable habitat for 14 species of priority flora, however is unlikely to support viable populations of priority flora on the basis of the narrow roadside vegetation and presence of edge effects. DWER also considered that the proposed clearing of 3 ha is unlikely to impact the conservation status of any priority flora that may be present within the application area on the basis of the number of records and distribution of the 14 species. DWER also considered that the application area is unlikely to comprise suitable habitat for rare flora recorded in the local area on the basis of soil and vegetation types.

In relation to impacts to conservation significant fauna, DWER considered that the application area may have the potential to support foraging habitat and future nesting habitat for Carnaby's black cockatoo, however considered that this habitat was unlikely to be significant for this species on the basis of the extent of the proposed clearing and the extent of vegetation remaining in the local area. The Minister understood that DWER also considered that the application area is unlikely to comprise suitable habitat for malleefowl or ground-dwelling fauna on the basis of vegetation type and condition.

In relation to impacts to ecological linkages, DWER acknowledged that the portions of the application area associated with road reserves and a creekline may function as corridors for wildlife movement. DWER noted that there are other corridor options in the local area, and the applicant's advice that the design of the road has used gaps in vegetation where possible and that vegetation within road verges will be trimmed instead of completely removed. The Minister understood that on this basis, DWER considered that the proposed clearing will not inhibit fauna movement through the landscape.

In relation to the significance of the vegetation and cumulative impacts, DWER advised that the vegetation proposed to be cleared is not a significant remnant, and that the proposed clearing of 3ha was not likely to significantly increase the impacts of clearing when considered in conjunction with that authorised under Clearing Permit CPS 8052/1. The reasons for DWER's view in this regard are outlined in the Appeals Convenor's report.

In relation to the adequacy of the conditions for impact mitigation, the Minister noted that condition 6 on the permit requires the applicant to avoid, minimise and reduce clearing impacts, and condition 7 requires the applicant to manage weeds and dieback to prevent impacts to adjacent vegetation. DWER's assessment determined that an offset was not warranted in this instance.

After considering the information presented to him, 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. Further, the Minister considered that the application of additional conditions to the permit was not required. It follows that the Minister has dismissed the appeal.

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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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