



## 1. Application details

### 1.1. Permit application details

Permit application No.: 7601/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr Codey Rowe

### 1.3. Property details

Property: Lot 326 on Deposited Plan 63090, Gidgegannup  
Local Government Authority: City of Swan  
DER Region: Perth Hills  
Localities: Gidgegannup

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
--	35	Mechanical Removal	Horse grazing

### 1.5. Decision on application

Decision on Permit Application: Refused  
Decision Date: 3 December 2018  
Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act).

It has been concluded that the proposed clearing is not likely to be at variance to the principles.

The decision to refuse the application has been made as a Development Approval from the City of Swan has not been provided to DWER.

## 2. Site Information

**Vegetation Description** Mattiske Vegetation D2 Complex consists of open forest of *Eucalyptus marginata* subsp. *marginata*, *Corymbia calophylla* on lateritic uplands in subhumid and semiarid zones (Mattiske and Havel, 1998).

**Clearing Description** The applicant proposes to clear 35 native trees within Lot 326 on Deposited Plan 63090, Gidgegannup, for the purpose of horse grazing.

**Vegetation Condition** Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).

**Comment** The application area comprises 35 *Xanthorrhoea preissii* (grass trees) which occur over exotic pasture grasses.

## 3. Assessment of application against clearing principles, and planning instruments and other relevant matters

The application is to clear 35 grass trees within Lot 326 on Deposited Plan 63090, Gidgegannup, for the purpose of grazing and pasture. A review of aerial imagery indicates that the 35 trees under application are within an area that has undergone significant historical disturbance and is in a completely degraded (Keighery, 1994) condition.

Consideration has been given to impacts to biodiversity, significant fauna habitat, rare flora, threatened ecological communities, remnant vegetation values, wetlands, watercourses, land degradation, conservation areas, surface water quality, groundwater quality, and flooding. The assessment has found that the proposed clearing is not likely to be at variance to any of the clearing principles.

The clearing permit application was advertised online on 6 June 2017 by the former Department of Environment Regulation, inviting submissions from the public within a 14 day period. No submissions from the public were received.

The City of Swan has advised that "the clearing of native vegetation under Schedule 5 of the Local Planning Scheme No.17 is not exempted and requires Development Approval. According to the City's system this has not been received yet" (City of Swan, 2017).

The Department of Water and Environmental Regulation (DWER) wrote to the applicant on 29 August 2017 advising that under section 51O(4) of the *Environmental Protection Act 1986* (EP Act) the Chief Executive Officer (CEO) must have regard to any planning instrument considered relevant to the application, and that a decision would be deferred until the applicant provided a copy of the Development Approval from the City of Swan.

The applicant was advised on 25 May 2018 that, given nine months had passed from the letter of 29 August 2017, DWER intended to refuse to grant a clearing permit under section 51E(5)(b) of the EP Act and that the applicant had a further 30 days in which to provide the Development Approval.

The timeframe given in the letter of 25 May 2018 has lapsed and a Development Approval has not been supplied to DWER. Therefore, DWER has proceeded with a decision based on the information available to date and has refused to grant the clearing permit for CPS 7601/1 under section 51E(5)(b) of the EP Act.

**Methodology**

References:

- City of Swan (2017)
- Keighery (1994)

GIS Databases:

- Hydrography, linear
- Department Parks and Wildlife tenure
- SAC bio datasets accessed August 2017

#### 4. References

City of Swan (2017) Direct Interest Submission for Clearing Permit Application CPS 7601/1 (DWER Ref A1475698).

Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Mattiske, E.M. and Havel, J.J. (1998) *Vegetation Complexes of the South-west Forest Region of Western Australia*. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.