



MINISTER FOR ENVIRONMENT; WATER

Our Reference: C010/12

Mr Tony Fowler
A/President
Nature Reserves Preservation Group Inc
PO Box 656
KALAMUNDA WA 6926

Dear Mr Fowler

APPEAL IN OBJECTION TO THE GRANT OF CLEARING PERMIT CPS 4100/1, HARTFIELD PARK CROWN RESERVE 17098, FORRESTFIELD, SHIRE OF KALAMUNDA

Thank you for your appeal in objection to the Department of Environment and Conservation (DEC) decision to grant a permit to the Shire of Kalamunda to clear 1.88 hectares of native vegetation for the purpose of developing recreational facilities at the above location.

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), I have obtained a report from the DEC on the matters raised in the appeal.

I understand that the Appeals Committee discussed your appeal with you during a site visit. I have received a report from the Appeals Committee, a copy of which is enclosed for your information. This report sets out the background and other matters relevant to the appeal.

I note the key concerns you raised related to local and regional environmental values of the vegetation in the Bush Forever site, which you consider has been allowed to degrade over time.

You also questioned the appropriateness of offsetting clearing within a Bush Forever site with another Bush Forever site, also noting that there are alternative development locations identified by the Shire of Kalamunda in its Hartfield Park Sport and Recreation Facilities Master Plan 2010 (Master Plan).

Although the Master Plan did identify alternative sites for playing fields, the Shire of Kalamunda advised that all the alternatives presented in the Master Plan are currently being explored due to recreational demands in the Shire. The DEC has also noted that the Shire of Kalamunda has confirmed groundwater availability for the playing fields proposed under this clearing permit.

As the land is reserved as 'Parks and Recreation' under the Metropolitan Regional Scheme and is a Bush Forever site, approval of the Western Australian Planning Commission may also be required for the proposed development. I note that in its advice to the DEC, the Department of Planning did not support the proposed clearing based on the information presented in the Master Plan.

Through the appeal investigation the Shire of Kalamunda supplied more recent vegetation and fauna surveys for the application area, which were not available to the DEC as part of the clearing application. After reviewing the recent surveys, the DEC considered that the residual environmental values of the native vegetation approved to be cleared were adequately addressed by the provision of the agreed offset associated with the clearing permit.

Therefore, after considering the issues you have raised, the advice of the DEC and the Shire of Kalamunda and the requirements of the clearing permit, I am of the view that the DEC was justified in granting the permit. It follows that I have dismissed your appeal.

Notwithstanding this decision, the proponent will need to comply with any obligations applying to it under other legislation, including the *Environment Protection and Biodiversity Act 1999*.

Thank you for bringing your concerns to my attention and for the assistance you provided to the Appeals Committee during the appeal investigation.

Yours sincerely



**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**

encl.

03 DEC 2012