



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 10135/2
 File Number: DWERVT12322
 Duration of Permit: From 7 March 2025 to 7 March 2027

ADVICE NOTE

Allocation of Offset site

The conservation covenant referred to in condition 4 of this permit is intended to contribute towards the conservation in perpetuity of 3.55 hectares of remnant native vegetation in Very Good condition within Lot 108 on Plan 13653, Toodyay, that comprises high-quality foraging habitat and potential breeding habitat for *black cockatoo species*.

PERMIT HOLDER

Shire of Toodyay

LAND ON WHICH CLEARING IS TO BE DONE

Bindi Bindi -Toodyay Road reserve (PINs 11494680, 11494681, 11752770), Bejoording
 Tenth Road reserve (PIN 11395722), Bejoording

AUTHORISED ACTIVITY

The permit holder must not clear more than 0.56 hectares of *native vegetation* within the combined areas cross-hatched yellow in Figure 1a, Figure 1b and Figure 1c of Schedule 1.

CONDITIONS

1. **Avoid, minimise, and reduce impacts and extent of clearing**

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending order of preference:

- (a) avoid the clearing of *native vegetation*;
- (b) minimise the amount of *native vegetation* to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

2. Weed and dieback management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known *dieback* or *weed*-affected soil, mulch, fill, or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

3. Directional clearing

The permit holder must conduct clearing activities in a slow, progressive manner towards adjacent *native vegetation* to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

4. Offset – Conservation covenant

Within 12 months of clearing commencing under this permit, and no later than 7 March 2026, the permit holder shall provide to the *CEO* a copy of the executed conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* setting aside the area crosshatched red on attached Figure 2 of Schedule 1 for the protection and management of vegetation in perpetuity.

5. Fauna management

- (a) In relation to the area cross-hatched yellow in Figure 1a – 1c of Schedule 1, the permit holder must engage a *fauna specialist* to inspect that area immediately prior to, and for the duration of clearing activities, for the presence of native fauna.
- (b) Clearing activities must cease in any area where native fauna are identified until either:
 - (i) the native fauna individual has moved on from that area to adjoining habitat; or
 - (ii) the native fauna individual has been removed by a *fauna specialist*.
- (c) Any native fauna individual removed in accordance with condition 5(b)(ii) must be relocated by a *fauna specialist* to adjacent native vegetation.
- (d) Where native fauna is identified under condition 5(a), the permit holder must within 14 calendar days provide the following records to the *CEO*:
 - (i) The native fauna species identified;
 - (ii) the number of individuals identified;
 - (iii) the date each individual was identified;
 - (iv) the location where each individual was identified recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020

- (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (v) the number of individuals removed and relocated;
- (vi) the relevant qualifications of the *fauna specialist* undertaking removal and relocation;
- (vii) the date each individual was removed;
- (viii) the method of removal;
- (ix) the date each individual was relocated;
- (x) the location where each individual was relocated to, recorded using a GPS unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
- (xi) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

6. Records that must be kept

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

Table 1: Records that must be kept

| No. | Relevant matter | Specifications |
|-----|---|---|
| 1. | In relation to the authorised clearing activities generally | <ul style="list-style-type: none"> (a) the species composition, structure, and density of the cleared area; (b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings; (c) the date that the area was cleared; (d) the size of the area cleared (in hectares); (e) the direction of the area cleared; (f) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 1; (g) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 2; and (h) actions undertaken in accordance with condition 3. |
| 2. | In relation to offset management condition 4 | <ul style="list-style-type: none"> (a) the location and boundaries of the allocated offset area recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020, |

| No. | Relevant matter | Specifications |
|-----|-----------------|---|
| | | <p>expressing the geographical coordinates in Eastings and Northings; and</p> <p>(b) copy of the conservation covenant under section 30B of the <i>Soil and Land Conservation Act 1945</i>.</p> |

7. Reporting

- (a) The permit holder must provide to the *CEO*, on or before 31 December of each calendar year, a written report containing:
- (i) the records required to be kept under condition 6; and
 - (ii) records of activities done by the permit holder under this permit between 1 July of the preceding calendar year and 30 June of the current calendar year.
- (b) If no clearing authorised under this permit has been undertaken, a written report confirming that no clearing under this permit has been undertaken, must be provided to the *CEO* on or before 31 December of each calendar year.
- (c) Prior to 7 December 2026, the permit holder must provide to the *CEO* a written report of records required under condition 6, where these records have not already been provided under condition 7(a).

DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: Definitions

| Term | Definition |
|------------------------|---|
| black cockatoo species | means one or more of the following species: (a) <i>Zanda latirostris</i> (Carnaby's cockatoo); (b) <i>Zanda baudinii</i> (Baudin's cockatoo); and/or (c) <i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo). |
| CEO | Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> . |
| clearing | has the meaning given under section 3(1) of the EP Act. |
| condition | a condition to which this clearing permit is subject under section 51H of the EP Act. |
| fill | means material used to increase the ground level, or to fill a depression. |
| dieback | means the effect of <i>Phytophthora</i> species on native vegetation. |
| department | means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3. |
| EP Act | <i>Environmental Protection Act 1986</i> (WA) |
| fauna specialist | a person who holds a tertiary qualification in environmental science and has a minimum of 2 years work experience in fauna identification and surveys and who holds a valid fauna license under the <i>Biodiversity</i> |

| Term | Definition |
|-------------------|--|
| | <i>Conservation Act 2016.</i> |
| mulch | means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation. |
| native vegetation | has the meaning given under section 3(1) and section 51A of the EP Act. |
| weeds | means any plant – <ul style="list-style-type: none"> (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned. |

END OF CONDITIONS


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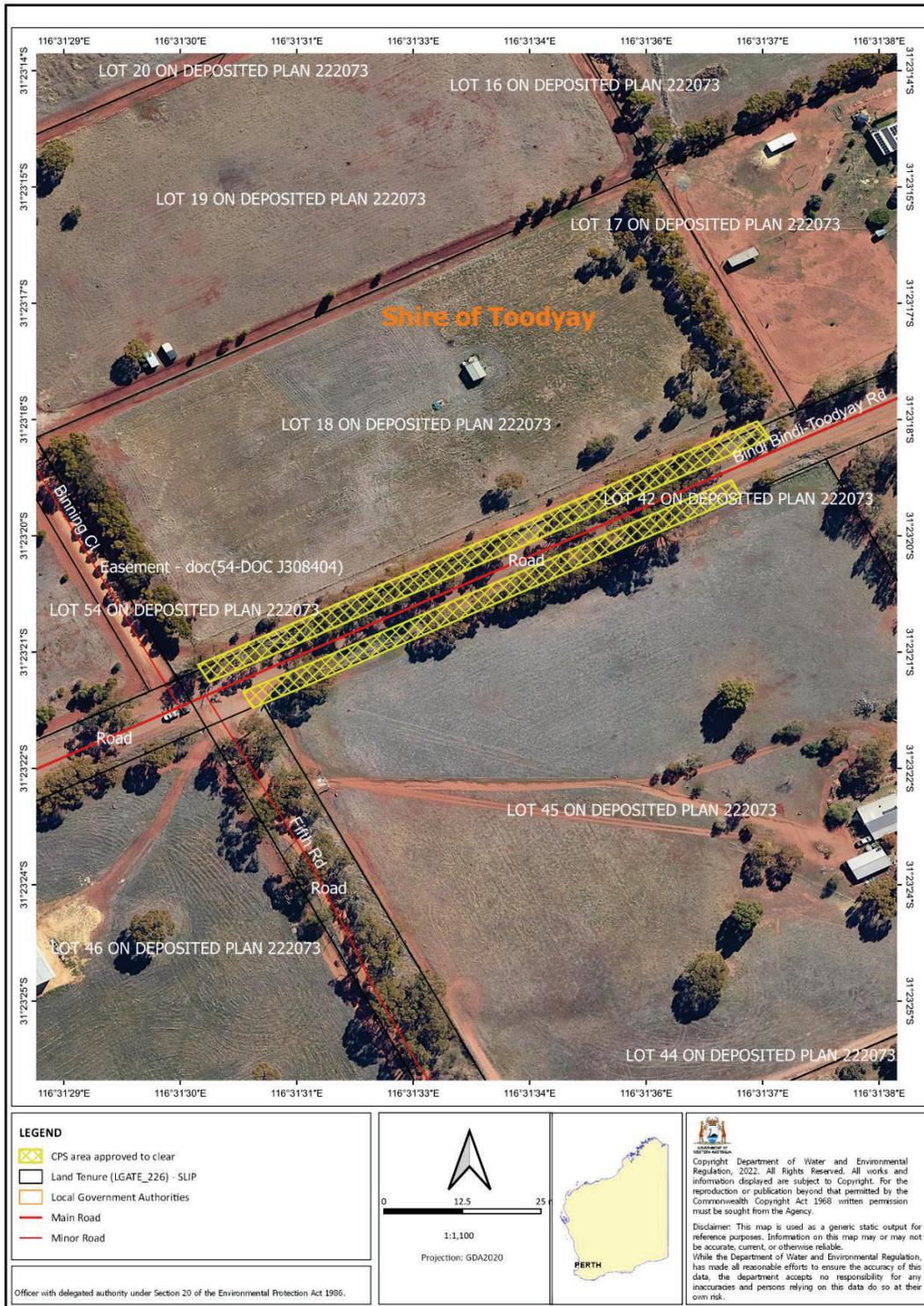
Caitlin Conway
 MANAGER
 NATIVE VEGETATION REGULATION

*Officer delegated under Section 20
 of the Environmental Protection Act 1986*

19 February 2026

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the maps below (Figure 1a, Figure 1b and Figure 1c). The boundary of the area subject to conditions is shown in Figure 2.

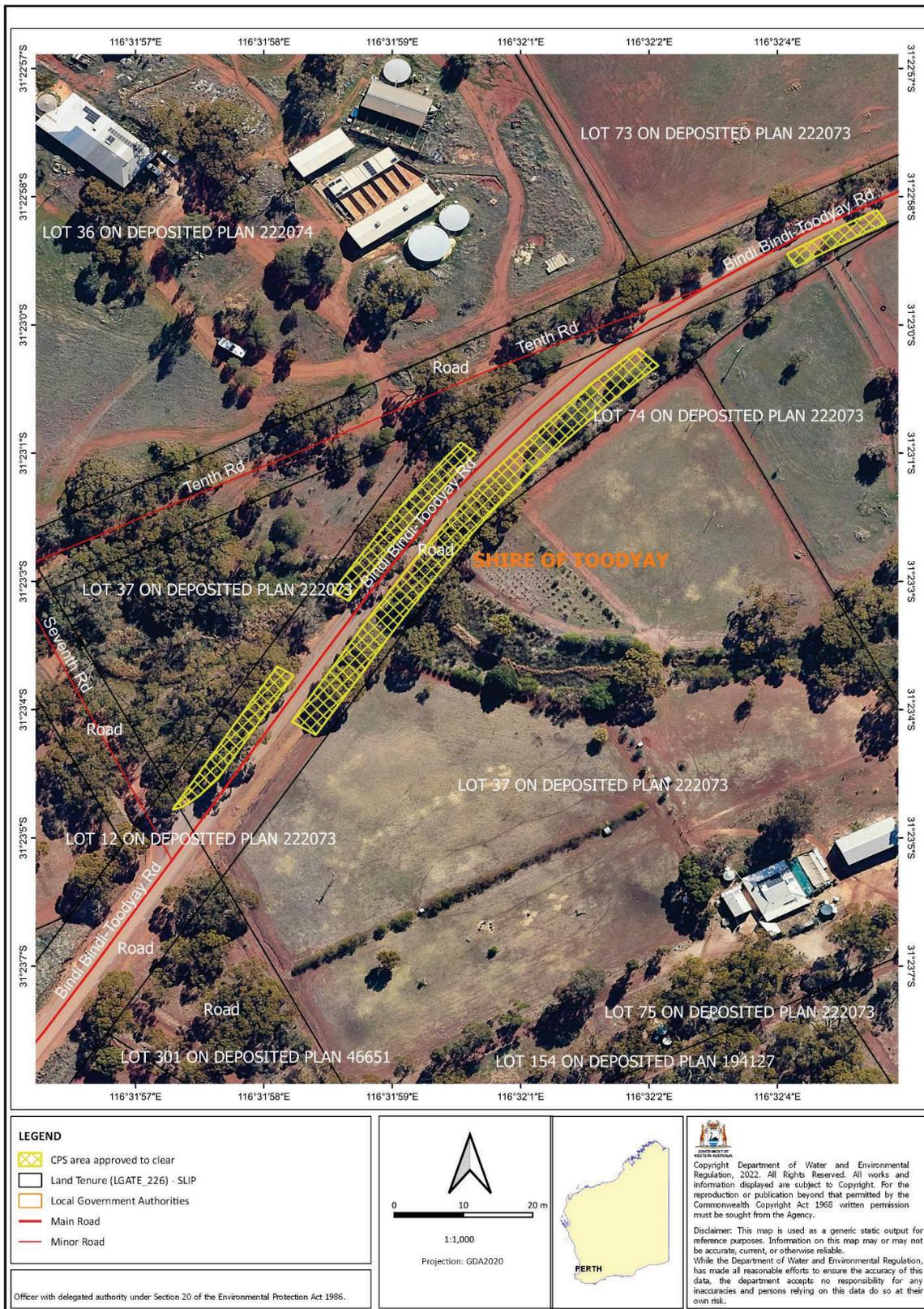


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Figure 1a: Map of the boundary of the area within which clearing may occur.



Figure 1b: Map of the boundary of the area within which clearing may occur.



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Figure 1c: Map of the boundary of the area within which clearing may occur.

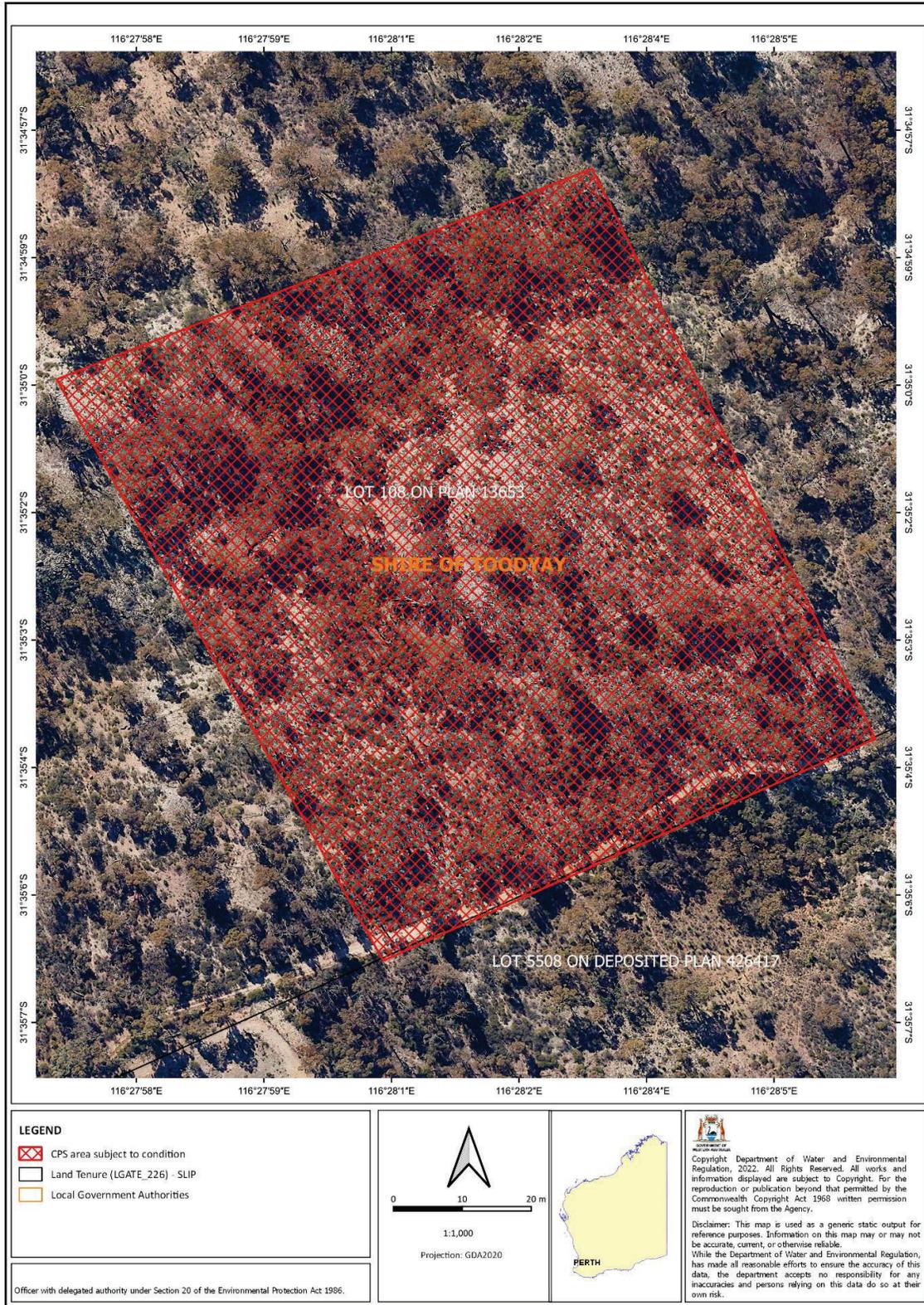


Figure 2: Map of the boundary of the area subject to offset conditions.



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

| | |
|------------------------|--|
| Permit number: | CPS 10135/2 |
| Permit type: | Area permit |
| Applicant name: | Shire of Toodyay |
| Application area | 0.56 hectares of native vegetation |
| Purpose of clearing: | Road Upgrades |
| Method of clearing: | Mechanical |
| Property: | Bindi Bindi Toodyay Road Reserves (PINs 11494680, 11494681, and 11752770) Tenth Road reserve (PIN 11395722) |
| Location (LGA area/s): | Shire of Toodyay |
| Localities (suburb/s): | Bejoording |

1.2. Description of clearing activities

The Shire of Toodyay (the Shire) is proposing to clear 0.56 hectares of native vegetation which comprises of *Eucalyptus loxophleba* and *Eucalyptus salmonophloia* native tree species, along the Bindi Bindi Toodyay Road Reserve (PINs 11494680, 11494681, 11752770) and Tenth Road reserve (PIN 11395722), Bejoording (Natural Area Consulting, 2024a). Vegetation condition throughout the application area is completely degraded (Keighery, 1994), which is reflected in the higher ratio of introduced flora species within the survey area.

1.3. Decision on application and key considerations

| | |
|----------------|------------------------------------|
| Decision: | Granted |
| Decision date: | 19 February 2026 |
| Decision area: | 0.56 hectares of native vegetation |

1.4. Reasons for decision

On 12 February 2025, the Department of Water and Environmental Regulation (DWER) granted Clearing Permit CPS 10135/1 to authorise the Shire to clear up to 0.56 hectares of native vegetation for the purpose the construction of road upgrades.

One appeal was lodged against the decision to grant the clearing permit CPS 10135/1, covering three grounds of appeal.

This clearing permit amendment gives effect to the Minister for Environment (Minister) determination, dated 10 December 2025, to allow the appeal in part (Appeal number: 004 of 2025). The Minister determined that:

- further safeguards to native fauna are required.
- vegetation association 352 is ecologically significant and that DWER's recognition of this and its application of policy and guidance were appropriate; and
- while the offset conditioned in CPS 10135/1 does not prevent a net environmental loss, it aligns with current policy, which prioritises strategic planning over site-specific net gain.

Based on the above considerations, the Minister requested that:

- an additional condition requiring a fauna specialist to inspect the area authorised to be cleared for the presence of any native fauna, prior to clearing is required; and
- the definition of 'fauna specialist' is included in the permit, being a person who holds a tertiary qualification in environmental science and has a minimum of 2 years work experience in fauna identification and surveys and who holds a valid fauna license under the *Biodiversity Conservation Act 2016*.

The Minister otherwise dismissed the appeal.

Based on the above, the Delegated Officer has granted an amended clearing permit in accordance with the Minister's determination. The Delegated Officer added a pre-clearance fauna management condition on the permit and included the definition of a 'fauna specialist' in the definition table of the permit to reflect the Minister's recommendations.

The Delegated Officer reviewed the information available at the time of the amendment, noting that the site characteristics and assessment against the clearing principles, as well as planning and other matters have not changed from the Clearing Permit Decision Report CPS 10135/1.

2. Assessment of application

2.1. Assessment

This amendment is the result of an appeal determination made by the Minister for Environment regarding the grant of Clearing Permit CPS 10135/1. As a result of the appeal determination, an additional fauna management condition, and related definition for fauna specialist, has been added into the clearing permit.

The Minister determined that while the site contained low-quality foraging habitat for Black Cockatoos, it lacked significant breeding or roosting areas. Concerns about fauna, including the Boobook Owl and the ecological role of roadside tree canopies, were noted. It was considered by the Minister that even though the DWER applied conditions for slow, directional clearing, additional protections were necessary. Consequently, the clearing permit will be amended to require inspection by a suitably qualified fauna specialist prior to clearing. This ground of appeal was therefore allowed in part.

The Minister determined that Vegetation Association 352 is ecologically significant and underrepresented in conservation reserves, as acknowledged by DWER and that the mitigation hierarchy and offset conditions were appropriately applied. It was noted by the Minister that the offset was adequately addressed, with DWER confirming compliance with policy through strategic planning and use of the WA Environmental Offsets Calculator. The Minister agreed with the Appeals Convenor that these grounds of appeal should be dismissed.

As a result of the appeal determination, the assessment against the clearing principles, and planning and other matters has not changed from the initial Clearing Permit Decision Report CPS 10135/1 (DWER, 2025).

Appendix A - References and databases

A.1. References

Department of Water and Environmental Regulation (DWER) (2025) Purpose permit and decision report: CPS 10135/1 [Index of /permit/10135](#)

Office of the Appeals Convenor (2025) Report to the Minister for Environment – Appeal against decision to grant a clearing permit – Clearing Permit CPS 10135/1.

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