Government of Western Australia
Department of Water and Environmental Regulation

Our ref: CPS 4924/3
Enquiries: Mathew Gannaway
Ph: 6364 7164

MINISTER FOR ENVIRONMENT DETERMINATION OF APPEALS AGAINST THE AMENDMENT OF CLEARING PERMIT CPS 4924/3

On 4 December 2020, the Minister for Environment (Minister) determined appeals against the Department of Water and Environmental Regulation's decision to amend Clearing Permit CPS 4924/3 granted to Oakford Land Company Pty Ltd. A link to the Minister's Decision and the Appeals Convenors report is at the link below: https://www.appealsconvenor.wa.gov.au/cps-49243-lot-8-diagram-53380-nowergup-city-wanneroo

The Minister decided that the amendment be reversed and allowed the appeals accordingly. The decision to amend the clearing permit ceases to have effect, Clearing Permit CPS 4924/2 is still valid.

The following Clearing Permit, Plans and Decision Report are to be used as reference only.

If you have any queries regarding the matters above, please contact the Native Vegetation Regulation Branch on 6364 7098 or info@dwer.wa.gov.au.

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GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 4924/3
Permit Holder:	Oakford Land Company Pty Ltd
Duration of Permit:	14 December 2012 – 14 December 2029

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I –CLEARING AUTHORISED

1. **Purpose for which clearing may be done**
   Clearing for the purpose of an extractive industry.

2. **Land on which clearing is to be done**
   Lot 8 on Diagram 53380 (Nowergup)

3. **Area of Clearing**
   The Permit Holder must not clear more than 15.54 hectares of native vegetation within the area hatched yellow on attached Plan 4924/3.

4. **Period in which clearing is authorised**
   The Permit Holder shall not clear any native vegetation after 8 June 2024.

5. **Application**
   This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

6. **Compliance with Assessment Sequence and Management Procedures**
   Prior to clearing any native vegetation under conditions 1, 2 and 3 of this Permit, the Permit Holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

7. **Avoid, minimise and reduce the impacts and extent of clearing**
   In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in 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.

8. Dieback and weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the 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) shall only move soils in *dry conditions*;
(c) ensure that no known *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
(d) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

9. Wind erosion management

The Permit Holder shall not clear native vegetation unless extraction activities begin within 3 months of the clearing being undertaken.

10. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

(a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.

(b) At an *optimal time* following completion of the clearing authorised under this Permit *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:
  (i) reshaping the surface of the land so that it is consistent with the surrounding 20 metres of uncleared land; and
  (ii) ripping the ground on the contour to remove soil compaction; and
  (iii) ripping the pit floor and contour batters within the extraction site; and
  (iv) laying the vegetative material and topsoil retained under condition 10(a) on the cleared area(s); and
  (v) deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area; and
  (vi) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.

(c) within 24 months of undertaking *revegetation* and *rehabilitation* in accordance with condition 10(b) of this Permit:
  (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 10(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, the Permit Holder must undertake additional *planting* or *direct seeding* of native vegetation in accordance with the requirements of condition 10(b)(v) and (vi) of this Permit.

(d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 12(c)(ii) of this Permit, the Permit Holder shall repeat condition 10(c)(i) and 10(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.

(e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 10(c)(i) and (ii) of this permit, that determination shall be submitted for the *CEO*'s consideration. If the *CEO* does not agree with the determination made under condition 10(c)(ii), the *CEO* may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 10(c)(ii).

11. Offset

Prior to undertaking clearing authorised under this permit, the Permit Holder must comply with either part (a) or part (b) of this condition:

(a) The Permit Holder must provide documentary evidence to the *CEO* that an area of at least 63.97 hectares of vegetation has been purchased with the following environmental values;
(i) at least 1.2 hectares of threatened ecological community 'Banksia woodlands of the Swan Coastal Plain; and
(ii) contains foraging habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*) and Baudin's cockatoo (*Calyptorhynchus baudinii*);
has been ceded to the Department of Biodiversity, Conservation and Attractions for the purpose of conservation to offset clearing associated with this Permit; or

(b) The Permit Holder must provide documentary evidence to the *CEO* that funding of $241,167 has been transferred to the Department of Water and Environment Regulation for the purpose of establishing or maintaining native vegetation to offset clearing associated with this Permit.

PART III - RECORD KEEPING AND REPORTING

12. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit:

(a) In relation to the clearing of native vegetation authorised under this Permit:
(i) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
(ii) the date that the clearing commenced and ceased;
(iii) the date that extraction operations commenced;
(iv) the date the extraction operations ceased; and
(v) the size of the area cleared (in hectares).

(b) actions taken to avoid, minimise and reduce the impacts and the extent of clearing in accordance with condition 7 of this Permit;

(c) actions taken to minimise the introduction and spread of *weeds* in accordance with condition 8 of this Permit;

(d) in relation to the *revegetation* and *rehabilitation* activities undertaken in accordance with condition 10 of this Permit
(i) the location of any areas *revegetated* and *rehabilitated*, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
(ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
(iii) the size of the area *revegetated* and *rehabilitated* (in hectares); and
(iv) the species composition, structure and density of *revegetation* and *rehabilitation.*

(e) in relation to monetary contribution or land transfers pursuant to condition 11 of this Permit, the date funds were transferred or the date land was ceded to the Department of Biodiversity, Conservation and Attractions.

13. Reporting

(a) The Permit Holder must provide to the *CEO* on or before 1 July of each year, a written report:

(i) of records required under condition 12 of this Permit; and
(ii) concerning activities done by the Permit Holder under this Permit between 1 July to 30 June of the preceding financial year.

(b) Prior to 8 June 2029, the Permit Holder must provide to the *CEO* a written report of records required under condition 12 of this Permit where these records have not already been provided under condition 12(a) of this Permit.

DEFINITIONS
The following meanings are given to terms used in this Permit:

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986;*

dieback means the effect of *Phytophthora* species on native vegetation;

direct seeding means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches**;**

environmental specialist means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit;

fill means material used to increase the ground level, or fill a hollow;

local provenance means native vegetation seeds and propagation material from natural resources within 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

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;

optimal time means the period from May to August for undertaking *direct seeding* and/or *planting;*

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

rehabilitate/ed/ion means actively managing an area containing native vegetation in order to improve the ecological function of that area;

revegetate/ed/ion means the re-establishment of a cover of local provenance native vegetation in an area using methods such as natural *regeneration, direct seeding* and/or *planting,* so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

weed/s means any plant -

(a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or

(b) published in a Department of Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or

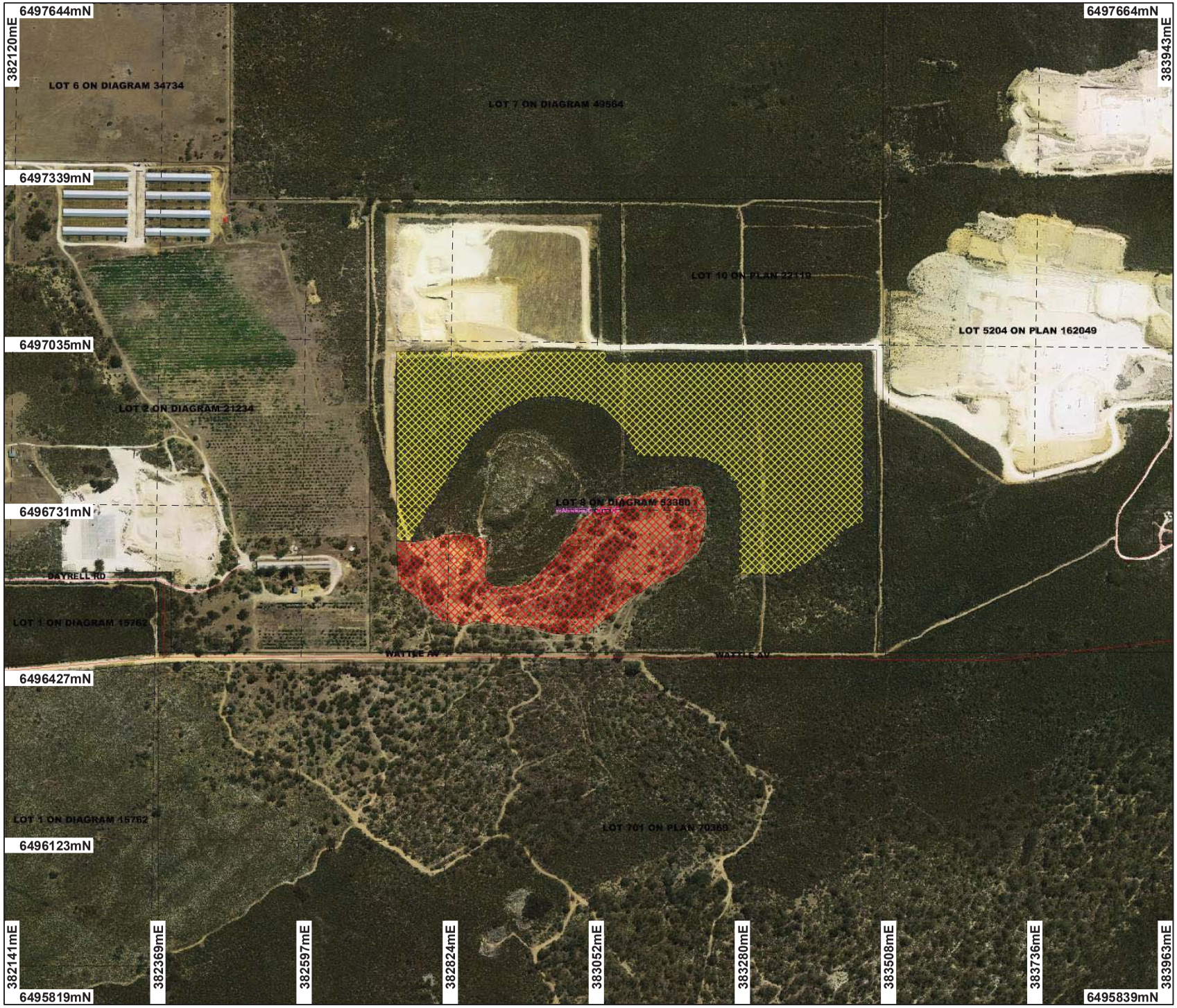
(c) not indigenous to the area concerned

Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

18 July 2019

Plan 4924/3



LEGEND

Clearing Instruments

- Areas Subject to Conditions
- Areas Approved to Clear
- Road Centrelines
- Local Government Authorities
- Cadastre for labelling

N

0 ~250 m

Scale 1:8785

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Mathew Gannaway
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Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 4924/3
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Oakford Land Company Pty Ltd
Application received date: 10 July 2018

1.3. Property details

Property: Lot 8 on Diagram 53380
Local Government Authority: Wanneroo, City of
Localities: Nowergup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
15.54		Mechanical Removal	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 18 July 2019
Reasons for Decision: The clearing permit application was assessed against the clearing principles, planning instruments and other matters in accordance with s51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is at variance to clearing principles (a), (b) and (d), may be at variance to principles (g) and is not likely to be at variance to any of the remaining clearing principles.

In determining to grant this amendment, the Delegated Officer considered that the application to extend the duration of the clearing permit would not pose an unacceptable risk to the environment.

During the assessment of this application to amend, the applicant requested modification of condition 11 (offset) to allow for a land acquisition or monetary contribution offset. In determining to grant this amendment, the Delegated Officer considered that either offset type could adequately offset the significant residual impacts of the proposal and amended the condition accordingly.

2. Site Information

Clearing Description The application is to clear 15.54 hectares of native vegetation within Lot 8 on Diagram 53380, Nowergup, for the purpose of limestone and sand extraction.

Vegetation Description The application area is mapped as Heddle Vegetation Complex Cottesloe Complex Central and South, which is described as a mosaic of woodland of *Eucalyptus gomphocephala* and open forest of *Eucalyptus gomphocephala* and *Eucalyptus marginata- Corymbia calophylla*; closed heath on the Limestone outcrops (Heddle et al. 1980).

The application area consists predominately of closed heath of *Banksia sessilis* and *Xanthorrhoea preissii* with *Melaleuca systena* on top and on the mid slopes of a limestone ridge in very good (Keighery, 1994) condition. Numerous herbaceous weeds, namely **Hypochaeris* sp., **Ursinia anthemoides, *Lysimachia arvensis, *Arctotheca calendula*, Poaceae sp., and **Romulea rosea* were observed dominating the lower storey. This area also contained a dense shrub layer comprising of *Calothamnus* sp., *Hibbertia* sp., and *Acacia* sp., *Hakea trifurcata, Mesomelaena sp., Leucopogon* sp., *Bossiaea eriocarpa, Hovea trisperma, Banksia dallanneyi, Stylidium* sp., *Sowerbaea laxiflora* and *Conostylis setigera*. Numerous *Caladenia* and *Drosera* species were observed within the ground cover as well as some grassy weeds (DWER, 2018).

On the lower slopes in the western portion of the application area, the vegetation also included Banksia species, including scattered *Banksia grandis* and *Banksia attenuata* over *Xanthorrhoea preissii*. Scattered *Eucalyptus marginata* were also observed within this area (DWER, 2018). A small area (0.42 hectares) of *Banksia attenuata* over *Banksia sessilis* and *Xanthorrhoea preissii* dense shrubland occurs within the south eastern portion of the application area. It is considered for these areas to represent the commonwealth listed Banksia woodlands of the Swan Coastal Plain threatened ecological community (TEC) (DWER, 2018).

Vegetation Condition	The application area is in Very Good to Degraded (Keighery, 1994) condition, described as: • Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994); to • Degraded: Basic vegetation structure severely impacted by disturbance; scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).
Soil type	The soil type has been mapped within the application area by Department of Primary Industries and Regional Development (DPIRD), described as Karrakatta shallow soils Phase - bare rock, yellow brown shallow sands and stony soils (DPIRD, 2017).
Comments	The condition of the vegetation within the application area was determined through a site inspection (DWER, 2018). The local area is considered to be a 10 kilometre radius from the application area.

Figure 1: Application area hatched blue.

3. Assessment of application against clearing principles

Native vegetation should not be cleared if it comprises a high level of biodiversity.

Proposed clearing is at variance to this Principle

As discussed under section 2, the application area consists predominately of closed heath of *Banksia sessilis* and *Melaleuca systena* with *Xanthorrhoea preissii.* Scattered *Banksia attenuata* and *Eucalyptus marginata* occurred on the lower slopes in very good (Keighery, 1994) condition (DWER, 2018).

The spring flora survey identified a total of 76 species of native plants and nine weed species within the application area (Natural Areas Management Services, 2016). Four individuals of the priority four flora species, *Jacksonia gracillima* were identified within the application area. An additional five individuals over five different locations were identified within adjoining vegetation (Natural Areas Management Services, 2016). This species is considered well represented within the local area, and therefore the proposed clearing is not likely to impact on the conservation of this species.

As discussed under principle (c), no threatened flora species were identified within the application area (DWER, 2018, Regeneration Technology Pty Ltd, 2006).

As discussed under principle (b) the proposed clearing will impact on significant foraging habitat for threatened black cockatoo species.

As discussed under principle (d), the application area contains 0.42 hectares of Banksia woodland vegetation in very good condition (DWER, 2018). It is estimated by reviewing the key diagnostic characteristics and minimum condition thresholds for the Banksia Woodlands of the Swan Coastal Plain ecological community (Banksia Woodlands TEC), 0.42 hectares of the application area represents this TEC.

The application area contains habitat for one priority flora species, is representative of a TEC, and provides significant foraging habitat for Carnaby's cockatoo. Therefore, the proposed clearing is considered to comprise a high level of biological diversity and is at variance to this Principle.

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

Proposed clearing is at variance to this Principle

According to available databases, a number of threatened fauna species have been recorded within the local area including Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*), quenda (*Isoodon obesulus* subsp. *fusciventer*) and Western Brush Wallaby (*Macropus irma*) (DBCA, 2007-).

As stated in section 2, the application area contains three vegetation communities, being closed heath of *Banksia sessilis* and *Xanthorrhoea preissii* with *Melaleuca systena*, closed health of *Banksia sessilis* and *Xanthorrhoea preissii* with scattered *Eucalyptus marginata*, *Banksia grandis* and *Banksia attenuata* over *Xanthorrhoea preissii* and a small area of *Banksia attenuata* over *Banksia sessilis* and *Xanthorrhoea preissii* dense shrubland, all in very good (Keighery, 1994) condition.

Carnaby's cockatoo (endangered under the *Biodiversity Conservation Act 2016* (BC Act)) (endangered under the *Environment and Protection and Biodiversity Conservation Act* 1999 (EPBC Act)) has been recorded within the local area. Eight Carnaby's cockatoo roost sites have been recorded within the local area, with the closest being approximately 300 metres from the proposed clearing.

Surveys of Carnaby's cockatoo populations and their feeding and roosting habitats show that the Northern Region of the Swan Coastal Plain (SCP) appears to be an important area for Carnaby's cockatoo (Shah, 2006).

Black cockatoo species have a preference for foraging habitat that includes jarrah and marri woodlands and forest heathland and woodland dominated by proteaceous plant species such as *Banksia* sp., *Hakea* sp. and *Grevillea* sp. (Commonwealth of Australia, 2012). Basic ecological theory, expert opinion and recent evidence suggests that the remaining native and pine plantation foraging habitat on the Swan Coastal Plain is just sufficient to support the current population of Carnaby's cockatoo. Therefore, it is considered that any reduction in foraging habitat will result in a reduction in the carrying capacity of the region and therefore a decline in the population of Carnaby's cockatoo. A recent study involving population analysis modelling suggests that if clearing continues to occur at its current rate without effective habitat restoration, the species is likely to decline to extinction in less than 20 years (Cockerill et al., 2013).

It is considered for 14.72 hectares of the 15.54 hectare area proposed to be cleared, consists of foraging habitat for threatened black cockatoo species.

A site inspection of the application area (DWER, 2018) observed approximately ten Carnaby's cockatoos flying overhead, roosting and foraging on *Banksia sessilis* within the application area. A flock of more than 100 Carnaby's cockatoos were also observed flying nearby the application area.

Given the above, it is considered for the application area to provide significant foraging habitat for black cockatoos.

The vegetation within the application area is in very good (Keighery, 1994) condition and includes a dense understorey (DWER, 2018) that would provide suitable habitat for ground-dwelling fauna such as conservation significant species, Quenda and Western Brush Wallaby.

Given the application area contains important foraging habitat for Carnaby's cockatoo, the proposed clearing is at variance to this Principle.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

Proposed clearing is not likely to be at variance to this Principle

According to available databases, three threatened flora species have been recorded within the local area (10 kilometre radius). The first threatened flora species occurs on low coastal cliffs with white sands over limestone and flowers between the months of September to November (Western Australian Herbarium, 1998-). Given that the application occurs ten kilometres east of the coast and does not contain coastal cliffs, it is not considered likely for habitat for this threatened flora species to be present within the application area.

The second threatened flora species grows in association with tall open scrub of *Melaleuca systena* on limestone ridges with sandy loam soils (Western Australian Herbarium, 1998-). While the application area contains limestone outcrops, it is not considered for the vegetation to be consistent with the preferred habitat for this threatened flora species.

The third threatened flora is a *Eucalyptus* species that has been mapped approximately 460 metres from the application area. The species grows in shallow sand on limestone ridges and slopes, where it emerges from heath and thickets of parrotbush (*Banksia sessilis*) and chenille honey-myrtle (*Melaleuca huegelii*) (Brown *et al*, 1998).

The vegetation within the application area could be considered suitable habitat for the threatened eucalypt however, a level 2 flora survey by Regeneration Technology (2006) did not identify this species within the application area. Several groves of mallees were observed within the applied area, these mallees were identified as *E. petrensis* and *E. foecunda* and not *E. argutifolia* (Regeneration Technology Pty Ltd, 2006).

Additionally, after an intensive site inspection by DWER in September 2018 and review of the flora survey, it is considered for the flora survey undertaken in 2006 to be adequate in identifying this species. Therefore, it is not considered for the proposed clearing to impact on habitat for this threatened flora species.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Proposed clearing is at variance to this Principle
There is one occurrence of a TEC adjacent to the application area. This TEC is known as Floristic Community Type (FCT) 26a, *'Melaleuca huegelii-Melaleuca systena* shrublands on limestone ridges' (Gibson et al. 1994).

Approximately seven hectares within Lot 8 comprises the mapped TEC. The limestone ridge community has been previously cleared and has substantially regenerated. A 100 metre buffer has been provided to this TEC.

Given the application provides a 100m buffer to the TEC, it is considered the application area does not include habitat and is not necessary for the maintenance of this TEC.

A small area (0.42 hectares) of *Banksia attenuata* over *Banksia sessilis* and *Xanthorrhoea preissii* dense shrubland occurs within the south eastern portion of the application area. It is considered for this area to represent the commonwealth listed Banksia woodlands of the Swan Coastal Plain TEC (DWER, 2018). The Banksia Woodlands TEC, was listed as an endangered TEC under the EPBC Act in September 2016.

The approved conservation advice for this community states that "Ground-truthing (e.g. an on-ground survey) is required to verify if a particular site meets the required key diagnostic characteristics and minimum condition thresholds to be the described ecological community" (Threatened Species Scientific Committee, 2016).

It is estimated from the information obtained from a site inspection (DWER, 2018) and by reviewing the key diagnostic characteristics and minimum condition thresholds for this TEC that 0.42 hectares of the application area represents this TEC. It is considered for the proposed clearing to result in direct removal of 0.42 hectares and may increase edge effects such as weed and dieback spread into surrounding occurrences of the TEC.

Given the above, the proposed clearing is at variance to this Principle.

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Proposed clearing is not likely to be at variance to this Principle
The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). Within constrained areas on the Swan Coastal Plain, the target for representation of the pre-clearing extent of a particular native vegetation complex is 10 per cent (EPA, 2015). The application area is zoned as 'rural' within the Metropolitan Region Scheme and therefore is not considered to be located within a constrained area.

As indicated in Table 1, the application area is represented by Heddle vegetation complex Cottesloe Complex Central and South which has approximately 32 per cent pre –European vegetation remaining.

The local area has approximately 45 per cent native vegetation remaining. The application area is located within the Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 38 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2018).

The vegetation extents applicable to the application area are greater than the recommended 30 per cent threshold for non - constrained areas. On this basis, it is considered that the application area is not located within an area that has been extensively cleared.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Table 1: Vegetation extents

	Pre-European	Current Extent	Remaining	Current Extent in DCBA Managed Lands
	(ha)	(ha)	(%)	(%)
IBRA Bioregion*				
Swan Coastal Plain	1,501,222	578,997	38	38
Heddle vegetation complex				
Cottesloe Complex Central and South	45,300	14,571	32	14

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Proposed clearing is not likely to be at variance to this Principle
The closest mapped watercourse to the application area is Lake Neerabup, approximately 1.1 kilometres west of the application area. Lake Neerabup is mapped as a resource enhancement wetland. There are no watercourses within the local area.

Given the distance to Lake Neerabup and that the vegetation within the application area consists of upland species (DWER, 2018, Regeneration Technology Pty Ltd, 2006), the proposed clearing is not likely to be at variance to this Principle.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Proposed clearing may be at variance to this Principle
Soils within the application area consist of Karrakatta shallow soils Phase - bare rock, yellow brown shallow sands and stony soils (DPIRD, 2017).

Generally, these soils have a high risk of wind erosion and a low risk of water erosion due to the high infiltration rates associated with sands and limestone (DPIRD, 2017).

The proposed clearing has a high risk of wind erosion given the sandy soils on site. Without appropriate ground cover, windbreaks or adequate dust suppression on exposed surfaces, the proposed clearing may cause appreciable land degradation. Therefore, the proposed clearing may be at variance to this Principle.

To minimise the degree of soil wind erosion, wind erosion management practices such as staged clearing would mitigate any potential erosion problems.

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Proposed clearing is not likely to be at variance to this Principle
The Gnangara-Moore River State Forest is approximately one kilometre east of the application area.

Bush Forever Site 293 (known as Shire View Hill and adjacent bushland) occurs in the south-east corner of Lot 8 Wattle Ave and is 50 metres from the southern edge of the application area. Bush Forever site 293 and the vegetation within the application area are part of a regionally significant contiguous bushland/wetland linkage providing a north/south and east/west ecological linkage (Government of Western Australia, 2000).

The application to clear provides a vegetated buffer of 50 metres to the adjacent Bush Forever site 293. The former Department of Planning and Infrastructure (DPI) (DPI, 2007) recommends a minimum 50-100 metres landscape buffer of undisturbed vegetation to the Bush Forever site. The proposed buffer of 50 metres is the minimum required buffer for the protection of the Bush Forever Site from significant impacts such as the introduction or spread of weed species and dieback.

Given the proposed buffer meets the minimum requirement requested by Bush Forever office at DPI, the proposed clearing is not likely to be at variance to this Principle.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Proposed clearing is not likely to be at variance to this Principle
The closest mapped watercourse to the application area is Lake Neerabup, approximately 1.1 kilometres west of the application area. There are no watercourses within the local area. Given this, it is not considered for the proposed clearing to impact surface water of nearby watercourses or wetlands.

The application area has been mapped as having nil to low risk of salinity (DPIRD, 2017). Given this, it is not considered for the proposed clearing to cause deterioration in underground water due to an increase in salinity.

Groundwater flows north-east to south-west and depth varies from 25-65 metres within the application area. Given the depth to groundwater and nil salinity risk, the proposed clearing is not considered likely to cause deterioration in groundwater.

The proposed clearing is not likely to be at variance to this Principle.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Proposed clearing is not likely to be at variance to this Principle
Ad discussed within principles (f) and (i), there are no watercourses within the local area. The application area occurs on yellow sand over limestone (DWER, 2018). This soil type has very low risk of waterlogging given its high infiltration rate (DPIRD, 2017).

Given the distance to the nearest water body and high infiltration rates associated with sandy soils over limestone, the proposed clearing is not likely to cause or exacerbate the incidence of flooding.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

Planning instruments and other relevant matters.

The applicant applied to amend clearing permit CPS 4924/2 to extend the date for when clearing must cease under Condition 4 by five years. During the assessment the applicant also requested to amend condition 11 to allow for either a monetary contribution offset or land acquisition offset.

The City of Wanneroo (2018) has approved on the 31 January 2014, a development application DA2013/663 of the purpose of extractive industry (limestone) in the area under application. Considering this, the City does not object to the removal of 15.54 hectares for extractive industry. This development approval expires on 31 January 2024.

An extractive industry licence (EIL) has also been approved by the City of Wanneroo on the 31 January 2014 and expires on the 31 January 2019. The applicant has not yet submitted an application to amend the EIL.

Western Australia Planning Commission development approval was granted on 13 March 2014 and expires on 13 March 2024. The former Department of Environment and Conservation (DEC) has given a vegetation conservation notice (VCN) over an 8.5 hectare area (comprises the TEC and 100 meter buffer) that is immediately adjacent to the area under application. The VCN requires restoration, monitoring and weed control of the vegetation within the previously cleared area. This VCN expired in February 2018.

The applicant previously submitted a proposal to clear 30 hectares of native vegetation within Lot 8 Wattle Avenue (adjacent and north of that application area) for the purpose of limestone and sand extraction (CPS 2077/1). A permit to clear for this proposal was refused on 5 June 2008. An appeal for this decision was not lodged.

The applicant re-submitted a proposal to clear 39.23 hectares, which was later amended to 29.23ha (CPS 2688/1). This proposal was refused on 27 November 2008, an appeal was lodged on 23 December 2008 and the appeal was dismissed by the Minister for Environment on 24 September 2009.

Clearing permit CPS 2807/1 for 9.96 hectares of the remaining northern area within Lot 8 Wattle Avenue was granted on 27 November 2008. It is noted that the assessment of 9.96 hectares of native vegetation against the clearing principles differed in the variance of clearing principle (b) 'may be at variance'. The former DEC acknowledges this difference and advises that its understanding and assessment of Carnaby's cockatoo feeding habitat has evolved since the decision to grant clearing permit CPS 2807/1.

The applicant submitted a new clearing application for the current application area in March 2010 (CPS 3675/1). Several environmental issues were identified with the application area including, the potential impacts to Carnaby's cockatoo (*Calyptorhynchus latirostris*) and the Graceful Sun moth (*Synemon gratiosa*). A survey of the application area for the presence of the Graceful Sun Moth was undertaken. On the basis of this survey, DEC was satisfied the species was unlikely to be found within this area of Lot 8. DEC also acknowledged that the revised application included a reduced area to be cleared and provided a 100 metre buffer for the TEC and a 50 metre buffer to the Bush Forever site - these issues were raised in DEC's assessment of the previous application and the Minister's appeal determination (C039 of 2008). These issues were adequately resolved. However, the applicant did not satisfactorily address the impacts to Carnaby's cockatoo habitat. Consequently the application was refused on 22 July 2010. The applicant lodged an appeal against the decision on 26 August 2010 but the appeal was withdrawn.

The applicant submitted a new clearing application for the current application area in March 2012 (CPS 4924/1). An Offset involving the rehabilitation of eight hectares within Lot 8 and provision of a monetary contribution to the offset fund to purchase 95 hectares of Carnaby's foraging habitat was provided to address impacts to Carnaby's. This permit was granted on 22 November 2012. The applicant lodged an appeal against the offset conditions of the permit. This appeal was dropped and an administrative amendment to the permit to correct the offset conditions was processed. CPS 4924/2 was granted on 31 January 2013. On 3 July 2019, the applicant submitted the 2018/19 annual report for CPS 4924/2 advising that no clearing had been undertaken and that rehabilitation is being monitored and is not currently meeting the completion criteria (further planting required).

The State Planning Policy 2.4 (SPP 2.4) - Basic Raw Materials identifies Lot 8 Wattle Avenue as being within a priority resource area for extraction of basic raw material. The status of the site as a Priority Resource Location is a matter of relevance in decision making for the purposes of section 51O of the EP Act. SPP 2.4 specifically states that the development of land for the extraction of basic raw materials should not adversely affect the environment.

The area under application is located within an area identified as an Aboriginal Site of Significance under the *Aboriginal Heritage Act 1972*. It is the responsibility of the proponent to ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

One public submission has been received in relation to this application. Issues risen by this submission include that the application area contains significant foraging habitat for black cockatoos, is important for the existence of the TEC that is located adjacent to the application area and that the vegetation is consistent with the values of the adjoining Bush Forever site and should not be cleared. The issues raised have been incorporated and discussed under the relevant clearing principles.

4. Offsets

The significant residual impacts of the proposed clearing include:

- Loss of up to 15.54 hectares of native vegetation that represents Carnaby's cockatoo foraging habitat; and
- Loss of up to 0.42 hectares of the 'Banksia woodlands of the Swan Coastal Plain' TEC.

The applicant has proposed the following offset package:

- Acquisition of 63.97 ha of native vegetation with similar environmental values to that of the vegetation being cleared; or
- Contribution of $241,167 to DWER for the acquisition of a 63.97 ha of similar native vegetation for conservation.

The proposed offsets size was determined by calculations using the DotEE's Offsets Assessment Guide. Properties for acquisition have not yet been identified, so the assumptions applied in the calculations were that rural zoned property nearby containing vegetation in excellent condition would be purchased for inclusion in the conservation estate managed by DBCA.

Noting the above, it is considered that the acquisition of 63.97 ha of native vegetation with similar environmental values to those of the vegetation being lost will adequately counterbalance the significant residual impacts of the proposed clearing, consistent with the *WA Environmental Offsets Policy 2011.*

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