



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 6409/4
Permit Holder:	Satterley Property Group Pty Ltd
Duration of Permit:	11 April 2015 – 11 October 2025

ADVICE NOTE:

The funds referred to in condition 9 of this Permit are intended for contributing towards the purchase of 3.15 hectares of native vegetation with similar values to the vegetation to be cleared.

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 constructing a beach access node.

2. Land on which clearing is to be done

Lot 15450 on Deposited Plan 40341, Jindalee
Lot 3052 on Deposited Plan 47953, Jindalee

3. Authorised activity

The Permit Holder shall not clear more than 1.98 hectares of native vegetation within the area hatched yellow on attached Plan 6409/4a.

4. Period in which clearing is authorised

The Permit Holder shall not clear any native vegetation after 11 October 2020.

5. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation authorised under this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

PART II – MANAGEMENT CONDITIONS

6. 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

7. 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) 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.

8. Soil management – wind erosion

Within one month of the cessation of clearing activities authorised under this Permit, the Permit Holder is required to commence revegetation activities in accordance with condition 10 of this Permit within the area hatched red on attached Plan 6409/4b. If revegetation activities are not able to commence within one month of the cessation of clearing, the Permit Holder must:

- (a) place *brushing material* of *local provenance* within the areas cleared; or
- (b) in the absence of suitable brushing material, place biodegradable *erosion matting* within the areas cleared; and
- (c) ensure materials placed under Condition 8 (a) and (b) of this Permit are *maintained* until revegetation activities required under Condition 10 of this Permit are able to be undertaken.

9. Monetary contributions to a fund maintained for the purpose of establishing or maintaining vegetation (offset)

Prior to undertaking any clearing authorised under this permit and no later than 11 April 2016, the Permit Holder shall provide documentary evidence to the CEO that funding of \$45,259 has been transferred to the Department of Environment Regulation for the purpose of establishing or maintaining vegetation.

10. Revegetation Plan

Within 12 months of the commencement of clearing, the Permit Holder must implement and adhere to the 'CPS 6409/3 - Eden Beach Revegetation Management Plan', dated 13 September 2019, including but not limited to the following actions:

- (a) retain the vegetative material removed by clearing authorised under this Permit and stockpile the vegetative material in an area that has already been cleared;
- (b) commence *revegetating* and *rehabilitating* the areas cross hatched red on Plan 6409/4b by;
 - (i) laying the vegetative material retained under condition 9(a);
 - (ii) deliberately planting native vegetation that will result in similar species composition, structure and density of native vegetation to the surrounding vegetation within Bush Forever site 397; and
 - (iii) ensuring only *local provenance* propagating material are used to *revegetate* and *rehabilitate* the area.
- (c) establishing four 10 x 10 metre quadrat monitoring sites within the *rehabilitated* areas;
- (d) fencing the rehabilitated areas;
- (e) water planted vegetation between November and March during first year following planting;
- (f) implement hygiene protocols by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the site;
- (g) undertake weed control activities annually;
- (h) achieve the following completion criteria after the five year monitoring period for areas *revegetated* and *rehabilitated* under this Permit;

Criterion	Aspect	Completion targets	Completion criteria	Monitoring
1	Species richness	Species richness of 50 per cent of the species that have been planted.	Species richness and number of plants/m ² in the <i>rehabilitation</i> area is at least 50 per cent of the species that have been planted.	The species and number of plants/m ² in the <i>rehabilitation</i> area will be counted bi-annually for five years.
Criterion	Aspect	Completion targets	Completion criteria	Monitoring
2	Vegetation structure	Vegetation structure to reach shrub land formation (tallest stratum is shrubs 1-2 metres and 10-30 per cent cover)	Structure of the <i>rehabilitation</i> area to consist of a shrub land formation.	Structure to be assessed bi-annually for five years
3	No priority weeds are present.	No priority weed species (<i>Euphorbia terracina</i> , <i>Pelargonium capitatum</i> , <i>Trachyandra divaricate</i>).	Priority weeds are absent from the <i>rehabilitation</i> .	Monitor the <i>rehabilitation</i> site for priority weeds by quadrats bi-annually for five years.
4	Survival rate to be achieved.	If after planting a survival rate of at least 50 per cent is not achieved, infill planting must occur.	The <i>rehabilitation</i> area needs to ensure a survival rate of at least 50 per cent of the density planted is achieved after five years.	The number of surviving plants in the <i>revegetation</i> areas will be monitored bi-annually for five years.
5	Stem Density/composition	A total native species stem density of 45 plant/100 m ² .	The <i>rehabilitation</i> area contains - 10 medium shrubs per 100 m ² - 30 small shrubs per 100 m ² - 5 herb and/or groundcover per 100 m ²	Stem density to be assessed bi-annually for five years

- (i) undertake remedial actions for areas *revegetated* and *rehabilitated* where monitoring indicates that revegetation has not met the completion criteria, outlined in 10(h), including;
- (i) *revegetate* the area by deliberately *planting* native vegetation that will result in the minimum target in 10(h) and ensuring only *local provenance* propagating material are used; and
 - (ii) undertake further weed control activities.
- (j) monitoring is to be undertaken by an *environmental specialist*.

PART III – RECORD KEEPING AND REPORTING

11. Records must be kept

The Permit Holder must maintain the following records for activities done in 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;
 - (ii) the date that the area was cleared; and
 - (iii) the size of the area cleared (in hectares).
- (b) Actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit.
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of this Permit.
- (d) Actions taken to mitigate soil erosion in accordance with condition 8 of this Permit.
- (e) In relation to the revegetation of areas pursuant to condition 10 of this Permit:
 - (i) a description of the *rehabilitation* activities undertaken;
 - (ii) the size of the area *rehabilitated* (in hectares); and
 - (iii) the date that the area was *rehabilitated*;
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*; and
 - (v) a copy of the *environmental specialist* report and activities undertaken during monitoring.

12. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June of each year, a written report:
 - (i) of records required under condition 11 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* on or before 30 June of each year.
- (c) Prior to 11 January 2025, the Permit Holder must provide to the *CEO* a written report of records required under condition 11 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*;

brushing material means vegetative matter

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

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;

erosion matting means a protective blanket purposely designed to protect soil;

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

local provenance means native vegetation seeds and propagating material from natural sources within 100 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared;

maintained means to keep in appropriate condition, fit for its intended purpose;

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;

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

rehabilitate/ed/ion/ing means actively managing an area containing native vegetation in order to improve the ecological function of 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 species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Meenu Vitarana
MANAGER
NATIVE VEGETATION REGULATION

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

25 March 2020

Plan 8409/4a

31.633907°S

31.633907°S

115.671074°E

115.685082°E







31.640381°S

31.640381°S

115.671074°E

115.685082°E

Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



1:7,029

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Date: 2020.03.25

13:28:58 +08'00'

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






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WESTERN AUSTRALIA
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Plan 6409/4b



Legend

-  Roads
-  Imagery
-  Clearing Instruments Offsets



(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Date:
2020.03.25
13:29:47 +08'00'

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Environmental Protection Act 1986.



1. Application details

1.1. Permit application details

Permit application No.: 6409/4
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Satterley Property Group Pty Ltd
Application received date: 19 February 2020

1.3. Property details

Property: Lot 15450 on Deposited Plan 40341, Jindalee
Lot 3052 on Deposited Plan 47953, Jindalee
Local Government Authority: Wanneroo, City of
Localities: Jindalee

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
2.82		Mechanical Removal	Building or structure

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: March 2020

Reasons for Decision: On 2 October 2019, Clearing Permit CPS 6409/2 was amended to authorise the clearing of 2.82 hectares of native vegetation for the purpose of constructing a beach access node and access road (CPS 6409/3). The amendment for CPS 6409/2 included the following alterations:

- Increasing the authorised clearing by 0.72 hectares and expand the clearing footprint
- Extending the duration of the permit by five years
- Additional conditions relating the duration of clearing, implementation of a revegetation plan, record keeping and reporting
- Some consequential and minor amendments to other conditions and definitions.

One appeal was lodged against the grant of this amendment.

This clearing permit amendment gives effect to the determination of the Minister for Environment (Minister) to allow the (Appeal 053 of 2019) in part and a separate recommendation by the appeals convenor, The Minister has requested the Department of Water and Environmental Regulation (DWER) to:

- Maintain the authorised clearing extent as 2.1 hectares within the amended permit ensuring that there is no spatial increase in the area of clearing within Bushforever Site 397 beyond what was previously approved and offset, although the clearing will occur in a different location to that previously approved.
- Add a condition to the clearing permit to require the permit holder to implement soil erosion controls to mitigate potential short-term impacts resulting from clearing within the expanded footprint.

Given the above, the Delegated Officer decided to grant a clearing permit to reflect the Minister's determination.

2. Site Information

Clearing Description The application to amend is to clear 2.1 hectares within Lot 3052 on Deposited Plan 47953, and Lot 15450 on Deposited Plan 40341, Jindalee for the purpose of constructing a beach access node and access road.

Vegetation Description The application area is mapped as the Quindalup (Qw) vegetation complex, which is described as a coastal dune complex consisting mainly of two alliances - the strand and fore-dune alliance and the mobile and stable dune alliance. Local variations include the low closed forest of *Melaleuca lanceolata* (Rottnest Teatree) - *Callitris preissii* (Rottnest Island Pine) and the closed scrub of *Acacia rostellifera* (Summer-scented Wattle) (Heddl et al., 1980).

The following vegetation communities were mapped within the application area during flora surveys undertaken by RPS Environment in 2004, 2005 and 2006 (PGV Environmental, 2019a):

- AsLSg - *Acacia saligna*, *Spyridium globulosum*, *Olearia axillaris*, Shrubland/Open Shrubland over *Pelargonium capitatum*, *Melaleuca systema*, *Acacia lasiocarpa* Open Low Heath over *Lomandra maritima* Sedgeland; and
- Sg – *Spyridium globulosum*, (*Olearia axillaris*) Closed/Open Heath over *Trachyandra divaricata*, *Trachymene pilosa*, *Conostylis pauciflora* subsp.? Herbland.

Vegetation Condition

The application area is determined to be in a Very Good to Degraded condition (PGV Environmental, 2019a), described as:

- Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery 1994); to
- Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comment

The condition of the vegetation under application was determined by a site visit undertaken by PGV Environmental in February 2019 (PGV Environmental 2019a).

3. Minimisation, mitigation measures and offsets

The applicant has advised that there are no alternatives to the proposed clearing and that a retaining wall was not considered due to the nature of the dunal landscape and public safety risk.

The applicant has proposed to rehabilitate 0.79 hectares of native vegetation in accordance with the 'Eden Beach CPS 6409/3 – Revegetation Management Plan 13 September 2019' (PGV Environmental (2019b) within Bush Forever site 397 to mitigate the impacts of the additional proposed clearing within the Bush Forever site.

4. Assessment of application against clearing principles

This amendment of the result of an appeal determination (Office of the Appeals Convenor, 2020) made by the Minister for Environment regarding the conditions of Clearing Permit CPS 6409/3 (DWER, 2019).

The assessment against the clearing principles outlined in Schedule 5 of *the Environmental Protection Act 1986* is unchanged and can be found in the decision reports prepared for Clearing Permit CPS 6409/1 (DWER, 2019).

Planning instruments and other relevant matters

The assessment against planning instruments and other matters has not changed and can be found in clearing permit decision report CPS 6409/1 (DWER, 2019).

5. References

- Department of Water and Environmental Regulation (DWER) (2019) CPS 6409/1 Decision Report and Permit, CPS 6409/2 Decision Report and Permit, CPS 6409/3 Decision Report and Permit. URL: <ftp://ftp.dwer.wa.gov.au/permit/6409/Permit/>
- Hedde, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Office of the Appeals Convenor (2019) Report to the Minister for Environment – Appeals In objection to the Decision of the Department of Water and Environmental Regulation to amend a clearing permit CPS 6409/3: Constructing a beach access node, Jindalee. Office of the Appeals Convenor, Western Australia. Available at: <https://www.appealsconvenor.wa.gov.au/sites/default/files/053-19%20Appeals%20Convenor%20Report.PDF>
- PGV Environmental (2019a) Clearing permit application and supporting documentation for amendment to clearing permit CPS 6409/2, Satterley Property Group Pty Ltd. DWER ref A1778979
- PGV Environmental (2019b) Eden Beach Revegetation Management Plan CPS 6409/3. Prepared for Satterley Property Group Pty Ltd. DWER ref A1823106