



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 7982/3
<b>Permit Holder:</b>	City of Wanneroo
<b>Duration of Permit:</b>	From 1 July 2019 to 1 July 2024

### ADVICE NOTE

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

As part of approval 2008/4601 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) Northern Corridor Developments Ltd (previous landowner of what is now Lot 9051) provided a total of \$614,111 to the former Department of Environment and Conservation for the purchase of 459 hectares of land containing Carnaby's cockatoo (*Zanda latirostris*) foraging habitat north of Gingin and 477 hectares of Carnaby's cockatoo foraging habitat east of Badgingarra.

As part of approval 2009/5155 under the EPBC Act Satterley Property Group (previous landowner of what is now Lot 8210) provided a total of \$650,000 to the former Department of Environment and Conservation for the purchase of 1250 hectares of land containing Carnaby's cockatoo foraging habitat within the Regan's Ford or Badgingarra Regions.

Through assessment the Department of Water and Environmental Regulation has determined that 4.675 hectares of the current project has not been offset under either of the above EPBC Act approvals.

In regards to *condition 9*, it is noted that the permit holder has allocated 36.75 hectares of its banked offset site at Lot 901 Brennan Road, Bindoon to this project. The nominated 36.75 hectare area contains similar environmental values to the application area, being; habitat for Carnaby's cockatoo (*Zanda latirostris*) and forest red-tailed black cockatoo (*Calyptorhynchus banksia naso*), and vegetation commensurate with the *Banksia* Woodlands of the Swan Coastal Plain threatened ecological community.

A further ministerial statement associated with CPS 7982/2 has required the offset area to be realigned with the area depicted for EPBC 2017/8053, within the same banked offset site at Lot 901 Brennan Road, Bindoon.

The permit holder is authorised to clear *native vegetation* subject to the following *conditions* of this permit.

**PART I – CLEARING AUTHORISED****1. Clearing authorised (purpose)**

The permit holder is authorised to clear *native vegetation* for the purpose of constructing playing fields and associated infrastructure.

**2. Land on which clearing is to be done**

Lot 8210 on Deposited Plan 73880, Butler

Lot 9051 on Deposited Plan 413867, Alkimos

**3. Area of clearing**

The permit holder must not clear more than 8.801 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

**4. 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.

**5. Type of clearing authorised**

This permit authorises the permit holder to clear *native vegetation* for the activities described in *condition 1* of this permit to the extent that the permit holder has the power to carry out works involving *clearing* for those activities under *the Local Government Act 1995* or any other written law.

**PART II – MANAGEMENT CONDITIONS****6. 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.

**7. 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.

**8. Wind erosion management**

The permit holder shall not clear *native vegetation* unless development commences within three months of the *clearing* being undertaken.

**9. Offset – Land Transfer**

- (a) The permit holder must fund the purchase of the area cross hatched red in Figure 1 of Schedule 2 to be ceded to the Department of Biodiversity Conservation and Attractions for conservation.
- (b) The permit holder shall provide documentary evidence to the *CEO* that the area cross hatched red in Figure 1 of Schedule 2 has been ceded to the Department of Biodiversity Conservation and Attractions within three months of executing the land transfer.

**PART III - RECORD KEEPING AND REPORTING**

**10. 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"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the <i>clearing</i> occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid, minimise, and reduce the impacts and extent of <i>clearing</i> in accordance with <i>condition 6</i>;</li> <li>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with <i>condition 7</i>; and</li> <li>(g) the date development commenced in accordance with <i>condition 8</i>.</li> </ul>

## 11. 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 10* 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 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 30 June of each year.
- (c) Prior to 28 March 2024, the Permit Holder must provide to the *CEO* a written report of records required under *condition 10* of this Permit where these records have not already been provided under *condition 11(a)* of this Permit.

## DEFINITIONS

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

**Table 2: Definitions**

Term	Definition
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.
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)
fill	means material used to increase the ground level, or to fill a depression.
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 – <ol style="list-style-type: none"> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ol>

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**END OF CONDITIONS**

A handwritten signature in black ink, appearing to read 'Mathew Gannaway', written over a horizontal line.

Mathew Gannaway  
MANAGER  
NATIVE VEGETATION REGULATION

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

10 January 2024

# Schedule 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).



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



# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 7983/3
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	City of Wanneroo
<b>Application received:</b>	16 October 2023
<b>Application area:</b>	8.801 hectares of native vegetation
<b>Purpose of clearing:</b>	Constructing playing fields and associated infrastructure
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 8210 on Deposited Plan 73880, Butler Lot 9043 on Deposited Plan 411744, Alkimos
<b>Location (LGA area/s):</b>	City of Wanneroo
<b>Localities (suburb/s):</b>	Butler and Alkimos

### 1.2. Description of clearing activities

On 18 June 2019, Clearing Permit CPS 7982/1 was granted to clear 8.801 hectares of native vegetation for the purpose of constructing playing fields and associated infrastructure. Four appeals were lodged against the grant of this permit.

On 13 January 2020, clearing permit amendment CPS 7982/2 was granted, which gave effect the determination of the Minister for Environment (Minister) to allow appeals in part. The Minister requested the Department of Water and Environmental Regulation (DWER) amend Condition 9 of Clearing Permit CPS 7982/1, to increase the offset area to 36.75 hectares to account for edge effects relating to the proposed development. The Minister requested the applicant take further action in regard to a population of kangaroos present at the site (DWER, 2020).

This clearing permit amendment is to alter the boundaries of the environmental offset area (within Lot 901 on Deposited Plan 409610, Bindoon) to align with the offset site for the related approval EPBC 2017/8053 under the Commonwealth *Environmental Protection Biodiversity Conservation Act 1999* (EPBC Act). No additional clearing of native vegetation or change to the clearing footprint has been proposed under this amendment. The assessment against the clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report CPS 7982/1.

### 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	10 January 2024
<b>Decision area:</b>	8.801 hectares of native vegetation as depicted in Section 1.5, below.

#### 1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51KA and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 14 days and no submissions were received.

In making this decision, the Delegated Officer had regard for the assessment undertaken for CPS 7982/1, the clearing principles set out in Schedule 5 of the EP Act (see Section 2), relevant planning instruments and any other matters considered relevant to the assessment (see Section 2).

The Delegated Officer notes that this clearing permit amendment is to alter the boundaries of the environmental offset area (within Lot 901 on Deposited Plan 409610, Bindoon) to align with the offset site for the related approval EPBC 2017/8053 under the EPBC Act. CPS 7982/3 will align the 55-hectare offset area with the boundaries of the offset approved under EPBC 2017/8053.

The offset associated with 7982/2 requires it to be located in an area where the habitat contains similar environmental values to the application area, being; habitat for *Zanda latirostris* (Carnaby's cockatoo) and *Calyptorhynchus banksia naso* (forest red-tailed black cockatoo), and vegetation commensurate with the Banksia Woodlands of the Swan Coastal Plain (Banksia Woodlands) threatened ecological community (TEC). The environmental offset site allocated to EPBC 2017/8053 is specifically mapped to vegetation areas that qualifies as both Banksia Woodland TEC and black cockatoo foraging habitat. The revised offset area for CPS 7982/3 aligns with these values.

No clearing of native vegetation or change to the clearing footprint has been proposed under this amendment. The assessment against the clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report CPS 7982/1.

Given the above, the Delegated Officer decided to grant the amended clearing permit to align offset requirements between the EP Act and EPBC Act.



1.5. Site map



Figure 1: Map of the application area. The areas crosshatched yellow, indicate the areas authorised to be cleared under the granted clearing permit.

## 2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the polluter pays principle
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Conservation and Land Management Act 1984* (WA) (CALM Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D Act).

Relevant policies considered during the assessment include:

- *Environmental Offsets Policy* (2011).

The key guidance documents which inform this assessment are:

- *A guide to the assessment of applications to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)
- *Environmental Offsets Guidelines* (August 2014)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016).

## 3 Detailed assessment of application

This amendment is to alter the boundaries of the environmental offset area (within Lot 901 on Deposited Plan 409610, Bindoon) to align with the offset site for the related approval EPBC 2017/8053 under the EPBC Act.

The assessment against the clearing principles outlined in Schedule 5 of the EP Act is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 7982/1.

The assessment against planning instruments and other matters is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 7982/1.

## 4 Suitability of offsets

During the assessment of CPS 7982/2, the location of the offset area was allocated to the southern area of the banked offset site at Lot 901 Brennan Road, Bindoon. Subsequent surveys (Ecoscape, 2020a and 2020b) associated with the EPBC Act referral process, found that the Banksia Woodlands TEC was only located in certain areas within Lot 901. These survey results indicated that the offset area allocated to CPS 7982/2 was not sufficient to balance the significant residual impact remaining after the associated clearing, as it did not contain sufficient areas of Banksia Woodland TEC. In response to the EPBC Act referral determination, this has required the offset area to be realigned in CPS 7982/3 with the area depicted for EPBC 2017/8053, within the same banked offset site at Lot 901 Brennan Road, Bindoon.

As a suitable offset for CPS 7982/3, 36.75 hectare area containing similar environmental values to the application area, being; habitat for black cockatoos, and vegetation commensurate with the Banksia Woodland TEC, has been allocated within the area depicted for EPBC 2017/8053 within Lot 901 Brennan Road, Bindoon (Figure 2).

The Delegated Officer considers that this adequately counterbalances the significant residual impacts required.

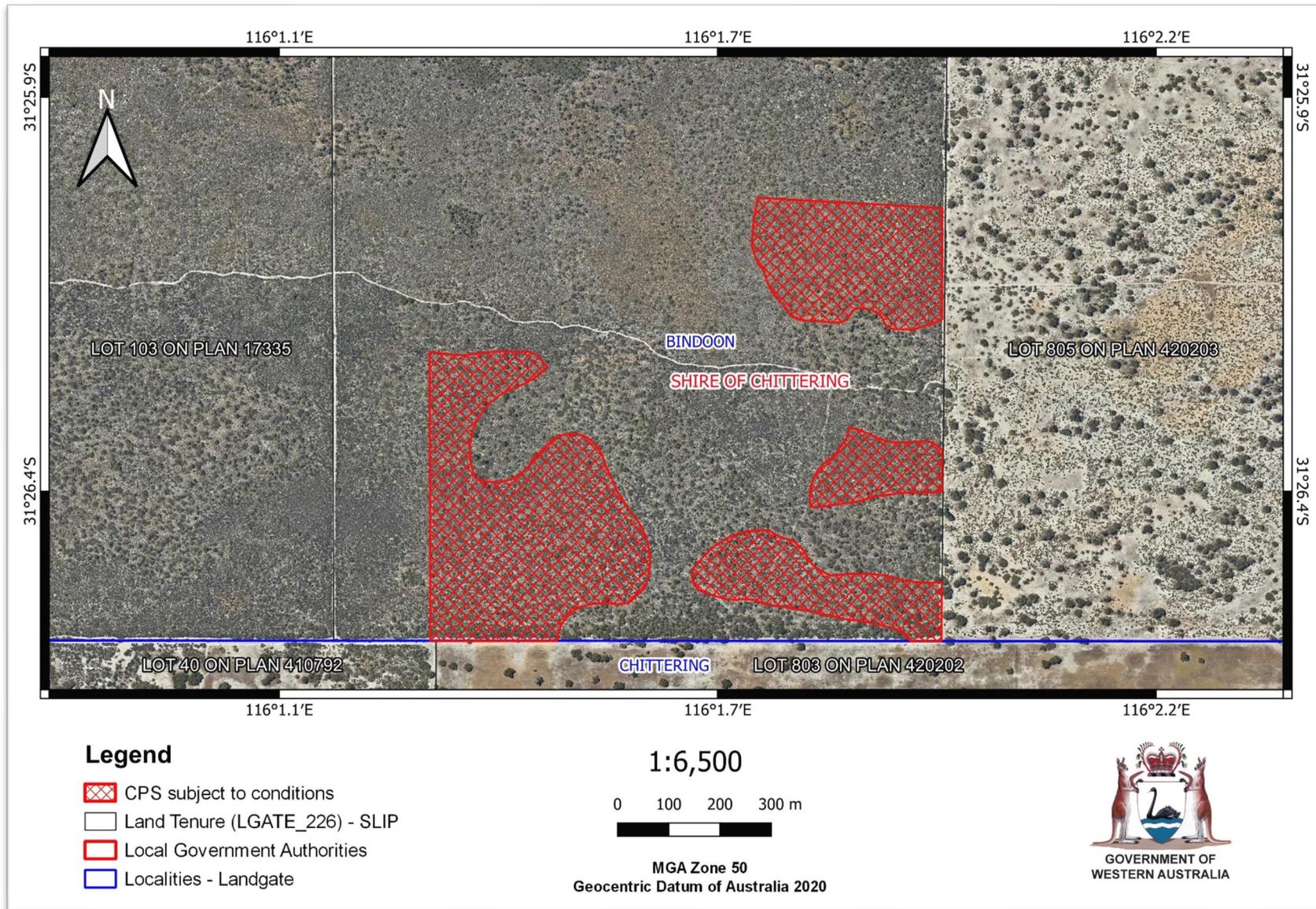


Figure 2: Map of the boundary of the area within which conditions apply

End

## Appendix A. Additional information provided by applicant

Summary of comments	Consideration of comment
Ecoscope - Black cockatoo survey report (2020)	This survey was used during the assessment of the suitability of realigning the 36.75 hectare land acquisition offset associated with 7982/2, which has been detailed in Section 3 of this report.
Ecoscope - Flora and fauna survey report (2020)	This survey was used during the assessment of the suitability of realigning the 36.75 hectare land acquisition offset associated with 7982/2, which has been detailed in Section 3 of this report.

## Appendix B. Sources of information

### B.1. GIS databases

Publicly available GIS Databases used (sourced from [www.data.wa.gov.au](http://www.data.wa.gov.au)):

- Cadastre (LGATE-218)
- Imagery
- Offsets Register – Offsets (DWER-078)

### B.2. References

City of Wanneroo (2021) *Annual Compliance Report for EPBC 2017/8053 - Compliance Report 2020 - Butler North District Open Space (Halesworth Park) 20 July 2020 to 20 July 2021*, City of Wanneroo (DWER Ref: DWERDT888411).

City of Wanneroo (2023a) *Clearing permit application CPS 7982/3*, received 16 October 2023 (DWER Ref: DWERDT849315).

City of Wanneroo (2023b) *CPS 7982-3 - City of Wanneroo - Application to Amend - Covering email*, received 16 October 2023 (DWER Ref: DWERDT849234).

Department of Agriculture, Water and the Environment (DAWE) (2020) *Proposed Approval – Butler North District Open Space playing fields development, Wanneroo, WA (EPBC 2017/8053)*, Canberra. Available at: <https://epbcpublicportal.awe.gov.au/all-referrals/>

Department of Environment Regulation (DER) (2013) *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: [https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2\\_assessment\\_native\\_veg.pdf](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf).

Department of Water and Environmental Regulation (DWER) (2019) *Native Clearing Permit CPS 9782/1 – Permit Plan and Decision Report*, available from: <https://ftp.dwer.wa.gov.au/permit/7982/1>

Department of Water and Environmental Regulation (DWER) (2019) *Procedure: Native vegetation clearing permits*. Joondalup. Available from: [https://dwer.wa.gov.au/sites/default/files/Procedure\\_Native\\_vegetation\\_clearing\\_permits\\_v1.PDF](https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF).

Department of Water and Environmental Regulation (DWER) (2020) *Native Clearing Permit Amendment CPS 9782/2 – Permit Plan and Decision Report*, available from: <https://ftp.dwer.wa.gov.au/permit/7982/2>

Ecoscope (2020a) *Final Black Cockatoo Habitat Survey*, Ecoscope (Australia) Pty Ltd, Perth, Western Australia, 24 January 2020 (DWER Ref: DWERDT888552).

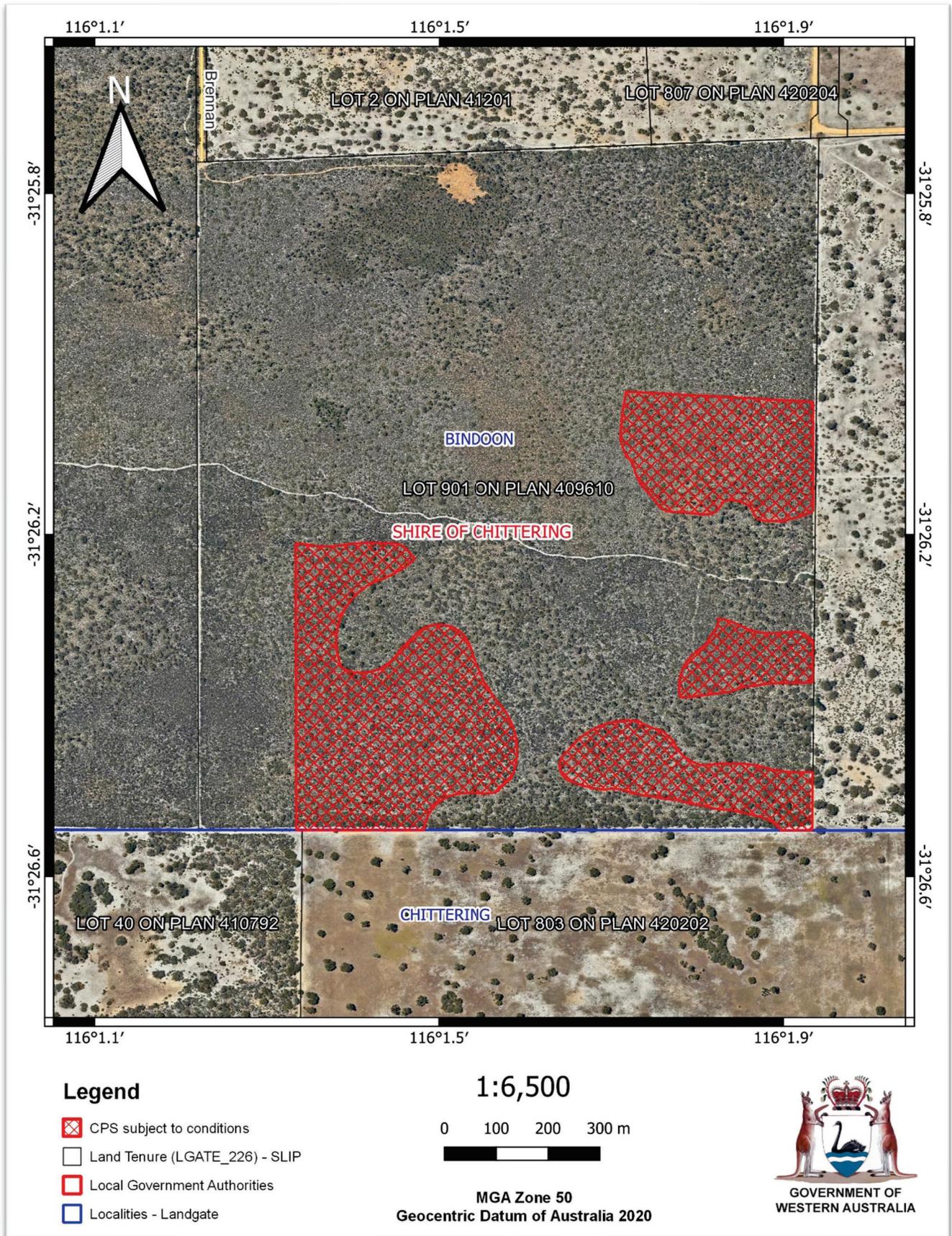
Ecoscope (2020b) *Final Lot 901 Brennan Road, Bindoon: Flora and Fauna Surveys*, Ecoscope (Australia) Pty Ltd, Perth, Western Australia 17 February 2020 (DWER Ref: DWERDT888550).

Minister for Environment (2019) *Minister's Appeal Determination Appeals against grant of Clearing Permit CPS 7982/1 Butler North District Open Space, City of Wanneroo*, Office of the Appeals Convenor, Western Australia. Available at: [034-19 - Minister's Appeal Determination.pdf \(appealsconvenor.wa.gov.au\)](https://appealsconvenor.wa.gov.au/034-19-Minister's-Appeal-Determination.pdf)

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 grant a clearing permit CPS 7982/1: Alkimos Butler North District Open Space, City of Wanneroo*, Office of the Appeals Convenor, Western Australia. Available at: [034-19 Appeals Convenor Report.pdf](#)

## Schedule 2

The boundary of the area subject to conditions is shown in the map below (Figure 1).



**Figure 2: Map of the boundary of the area within which conditions apply**