



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7982/2
Permit Holder:	City of Wanneroo
Duration of Permit:	1 July 2019 – 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 (*Calyptorhynchus 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 (*Calyptorhynchus 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.

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 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 hatched yellow on attached Plan 7982/2(a).

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 3 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 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.

7. Dieback and Weed management

When undertaking any clearing 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 areas hatched yellow on attached Plan 7982/2(a);
- (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 on attached Plan 7982/2(b) 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 on attached Plan 7982/2(b) 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. Record keeping

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 the Permit.
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of the Permit.
- (d) The date development commenced in accordance with condition 8 of the Permit;

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

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;

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

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; and

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.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

13 January 2020

Plan 7982/2 (a)



Legend

- Cadastre - LGATE 218
- CPS areas approved to clear
- Local Government Authorities
- Road Centrelines



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Officer delegated under section 20 of the
Environmental Protection Act 1986



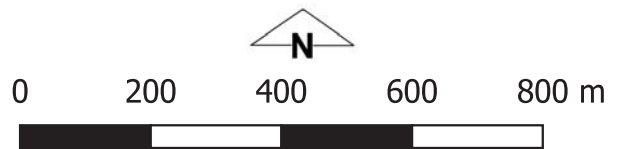
**GOVERNMENT OF
WESTERN AUSTRALIA**

Plan 7982/2 (b)



Legend

- Local Government Authorities
- Road Centrelines
- ▭ Cadastre - LGATE 218
- ▨ CPS subject to conditions



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Officer delegated under section 20 of the
Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: CPS 7982/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: City of Wanneroo
Application received date: 18 December 2019

1.3. Property details

Property: Lot 8210 on Plan 73880
Lot 9043 on Plan 411744
Local Government Authority: City of Wanneroo
Localities: Bulter, 6036
Alkimos, 6038

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 13 January 2020

Reasons for Decision: 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.

This clearing permit amendment gives effect to the determination of the Minister for Environment (Minister) to allow appeals 34.001 to 34.004 of 2019 in part. The Minister has 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 has requested the applicant take further action in regard to a population of kangaroos present at the site.

Given the above, the Delegated Officer determined to grant a clearing permit subject to the amended offset condition.

2. Site Information

Clearing Description: The application is for the clearing of 8.801 hectares of native vegetation within Lot 8210 on Deposited Plan 73880, Butler and Lot 9043 on Deposited Plan 411744, Alkimos, for the purpose of constructing playing fields and associated infrastructure within the Butler North District Open Space.

Vegetation Description One vegetation complex has been mapped over the application area, being Swan Coastal Plain Vegetation complex - Cottesloe Complex-Central and South, which is described as a mosaic of woodland of *Eucalyptus gomphocephala* (tuart), and open forest of *Eucalyptus gomphocephala* (tuart), *Eucalyptus marginata* (jarrah), *Corymbia calophylla* (marri) and closed heath on the Limestone outcrops (Hedde et al., 1980).

A Level 2 flora survey (the Flora Survey) which included the application area was undertaken by Eco Logical Australia (ELA) on 3 November 2016. The survey identified two vegetation types within the application area, being:

- Vegetation type BaBmLW, which comprises *Banksia attenuata* and *Banksia menziesii* low woodland over *Xanthorrhoea preissii*, *Hibbertia hypericoides* subsp. *hypericoides* and *Leucopogon polymorphus* open low heath over *Mesomelaena pseudostygia* very open sedgeland and (where * denotes an exotic species) **Briza maxima* and **Ehrharta calycina* very open grassland over *Burchardia congesta*, *Waitzia suaveolens* var. *suaveolens* and *Podotroche gnaphalioides* very open herbland; and
- Vegetation type BsXpHTOS, which comprises *Banksia sessilis* var. *cygnorum*, *Xanthorrhoea preissii* and *Hakea trifurcata* tall open scrub over *Acacia pulchella* var. *glaberrima*, *Calothamnus quadrifidus*, *Acacia pulchella* var. *glaberrima* and *Hibbertia hypericoides* open low heath with *Mesomelaena pseudostygia* and *Desmodium fasciculatus* very open sedgeland and **Briza maxima* and *Microlaena stipoides* very open grassland over *Podotroche chrysantha*,

Acanthocarpus preissii and *Waitzia suaveolens* var. *suaveolens* very open herbland (ELA, 2017).

The Flora Survey identified that the condition of the vegetation within the larger survey area comprised of the following (ELA, 2017):

Table 1. Vegetation Condition within the Larger Survey area

Vegetation Condition

Vegetation Condition (Keighery, 1994)	Total area (hectares)	Portion of Development Area (per cent)
Excellent	5.51	42.09
Very Good	3.61	27.58
Good	0.86	6.57
Degraded	1.02	7.79
Completely Degraded	1.20	9.17
Tracks, infrastructure etc.	0.89	6.80
TOTAL	13.09	100

Soil Type

The condition and description of the vegetation as identified within the Flora Survey was confirmed as accurate during a site inspection undertaken by officers of the Department of Water and Environmental Regulation (DWER, 2018).

The application area has been mapped as the following subsystem landform types (Schoknecht et al., 2004):

- Karakatta Sand Yellow Phase, comprising low hilly to gently undulating terrain, with yellow sand over limestone at 1-2 metres (comprises approximately 65 per cent of the application area); and
- Karakatta shallow soils phase, comprising bare limestone or shallow siliceous or calcareous sand over limestone (comprises approximately 35 per cent of the application area).

The site inspection identified that the soils within the application area largely comprise of white and grey sands (DWER, 2018).

Local Area

The local area referred to in the assessment of this application is defined as a 10 kilometre (km) radius measured from the perimeter of the application area.



Figure 1. Application area (outlined in yellow).

3. Assessment of application against clearing principles and planning instruments and other matters

This amendment is the result of an appeal determination made by the Minister for Environment regarding the conditions of Clearing Permit CPS 7982/1.

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 Report prepared for Clearing Permit CPS 7982/1.

The Minister determined that the proposed clearing is seriously at variance to principle (b) and is at variance to principles (d) and (e) from the evidence presented in the Report to the Minister for Environment prepared by the Appeals Convenor (Office of the Appeals Convenor, 2019). In relation to the proposed land offset, the Minister determined that its spatial extent should be increased to account for the fact that the vegetation retained at the Butler site will be subject to increased edge effects as a result of the proposed development. The Minister also requested further action be taken by the applicant in regards to the population of kangaroos present at the site.

Planning instruments and other relevant matters.

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. References

- Department of Water and Environment Regulation (DWER) (2018) Site Inspection Report for CPS 7982/1. Site inspection undertaken 14 June 2018. Department of Water and Environment Regulation, Western Australia (DER Ref A1703021).
- Eco Logical Australia (ELA) (2017) Butler North District Open Space Native Clearing Permit Application. Prepared for the City of Wanneroo. DWER Ref: A1614491.
- 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 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: <https://www.appealsconvenor.wa.gov.au/cps-79821-lot-8201-dp-73880-butler-and-lot-9051-dp-4413867-alkimos-butler-north-district-open-space>.
- Schoknecht, N., Tille, P. and Purdie, B. (2004). Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.