



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: CPS 9339/2
File Number: DWERVT8166
Duration of Permit: From 15 June 2022 to 20 December 2029

PERMIT HOLDER

Shire of Serpentine Jarrahdale

LAND ON WHICH CLEARING IS TO BE DONE

Karnup Road (PINs 1372987 and 1372989), Mundijong
Bishop Road Reserves (PINs 1160722, 1160723, 11610724 and 11609323), Mundijong

AUTHORISED ACTIVITY

The permit holder must not clear more than 0.188 hectares of *native vegetation* within the combined areas cross-hatched yellow in Figure 1, Figure 2, Figure 3, Figure 4, Figure 5, Figure 6, Figure 7, Figure 8, Figure 9, Figure 10 and Figure 11 of Schedule 1.

CONDITIONS

1. Period during which clearing is authorised

The permit holder must not clear any native vegetation after 20 December 2024.

2. 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.

3. 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.

4. Revegetation and rehabilitation

The permit holder must, within 12 months of undertaking clearing authorised under this permit:

- (a) undertake deliberate *planting* of at least 68 marri (*Corymbia calophylla*) trees within the area cross-hatched red on Figure 12 of Schedule 2;
- (b) ensure only *local provenance* propagating material is used;
- (c) ensure planting is undertaken at the *optimal time*;
- (d) undertake weed control and watering of plantings for at least two years post planting;
- (e) the permit holder must within 24 months of planting the 68 marri trees in accordance with condition 4(a) of this permit:
 - i. engage an *environmental specialist* to make a determination on whether the planted 68 marri trees will survive.
 - ii. if the 68 marri trees will not survive, the permit holder must plant additional marri trees that will result in 68 of the planted marri trees persisting within the area cross-hatched red on Figure 1 of Schedule 2.
- (f) where additional planting of marri trees is undertaken in accordance with condition 4(e), the permit holder must repeat the activities required by conditions 4(b), 4(c), 4(d) and 4(e) of this permit.

5. Directional clearing

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

6. Records that must be kept

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

Table 1: Records that must be kept

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> (a) the species composition, structure, and density of the cleared area; (b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings; (c) the date that the area was cleared; (d) the size of the area cleared (in hectares); (e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 2; (f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 3; and (g) direction of clearing in accordance with condition 5.
2.	In relation to the revegetation in accordance with condition 4.	<ul style="list-style-type: none"> (a) the location where the planting of marri trees occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings; (b) the date that the area was planted; (c) the number of marri trees planted; (d) the size (in mm) of the marri trees planted; (e) dates of the weed and watering actions undertaken in accordance with condition 4(d); and (f) dates and description of activities undertaken in accordance within condition 4(e) and 4(f).

7. Reporting

The permit holder must provide to the *CEO* the records required under condition 6 of this permit when requested by the *CEO*.

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)
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of two (2) years work experience relevant to the type of environmental advice that an environmental specialist is required to provide under this permit, or who is approved by the CEO as a suitable environmental specialist.
local provenance	means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same IBRA subregion of the area cleared.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from May to June for undertaking planting and seeding.
planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species
weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS



Mathew Gannaway

MANAGER

NATIVE VEGETATION REGULATION

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

20 December 2022

SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figures 1 to 11).

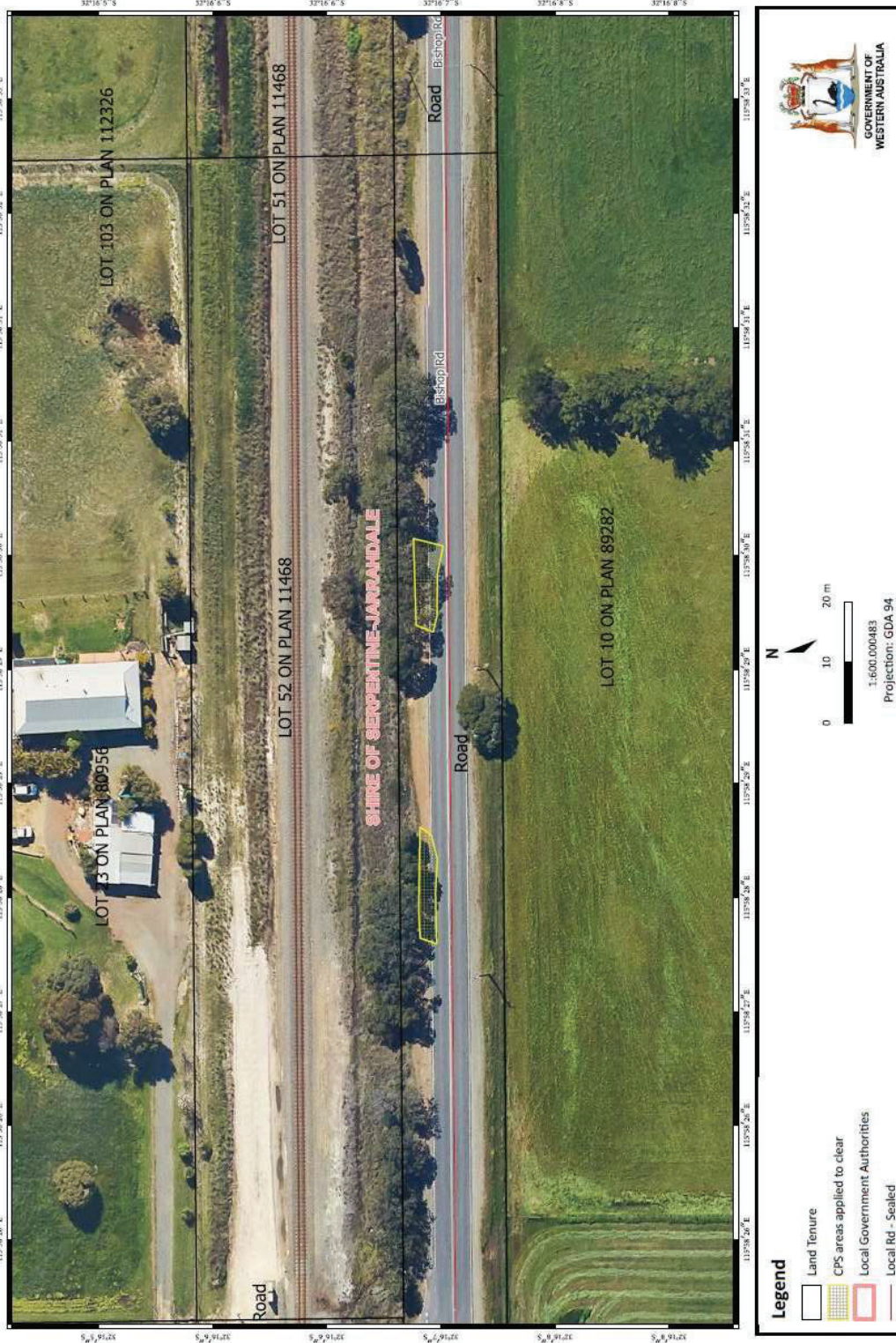


Figure 1: Map of the boundary of the area within which clearing may occur

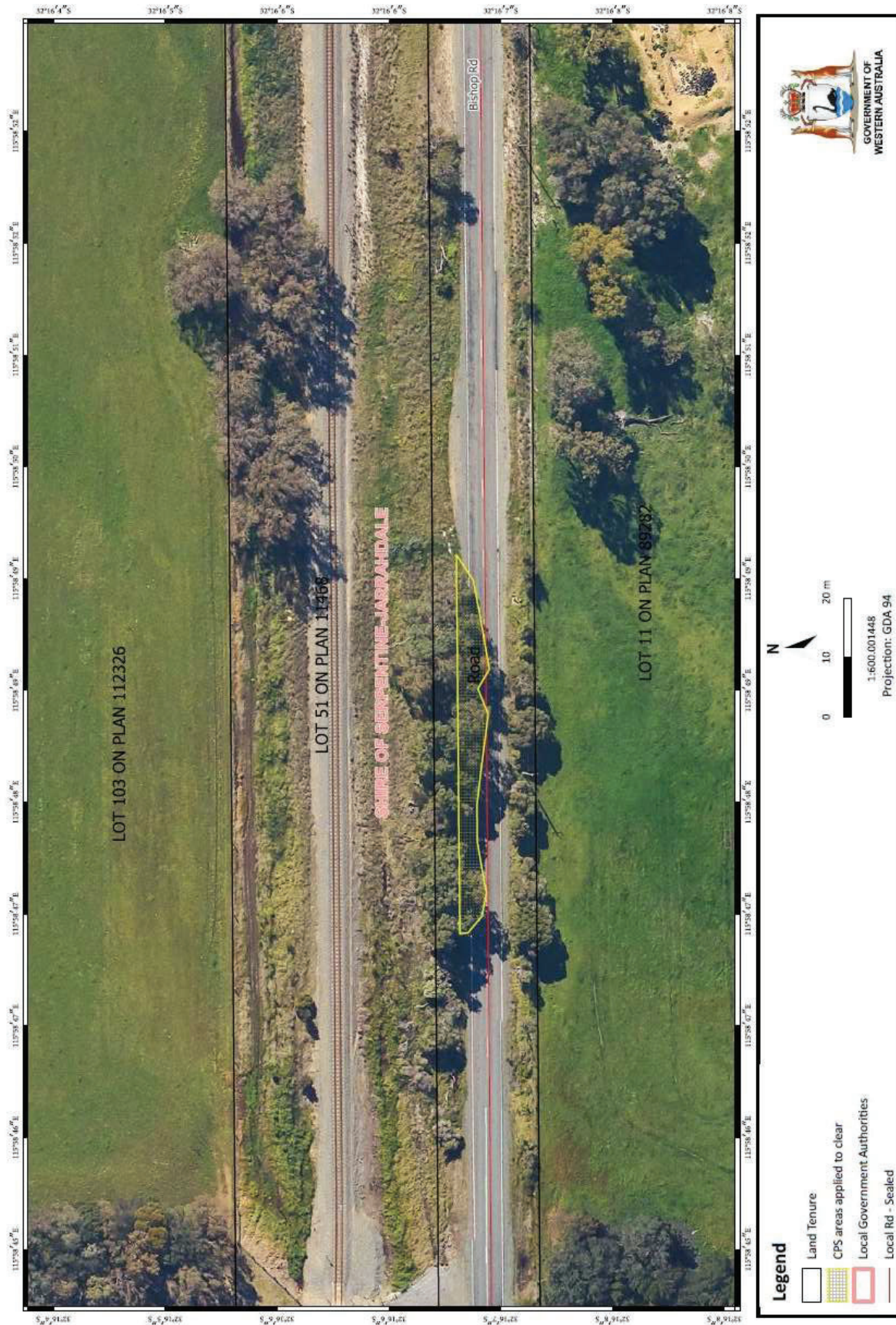


Figure 2: Map of the boundary of the area within which clearing may occur

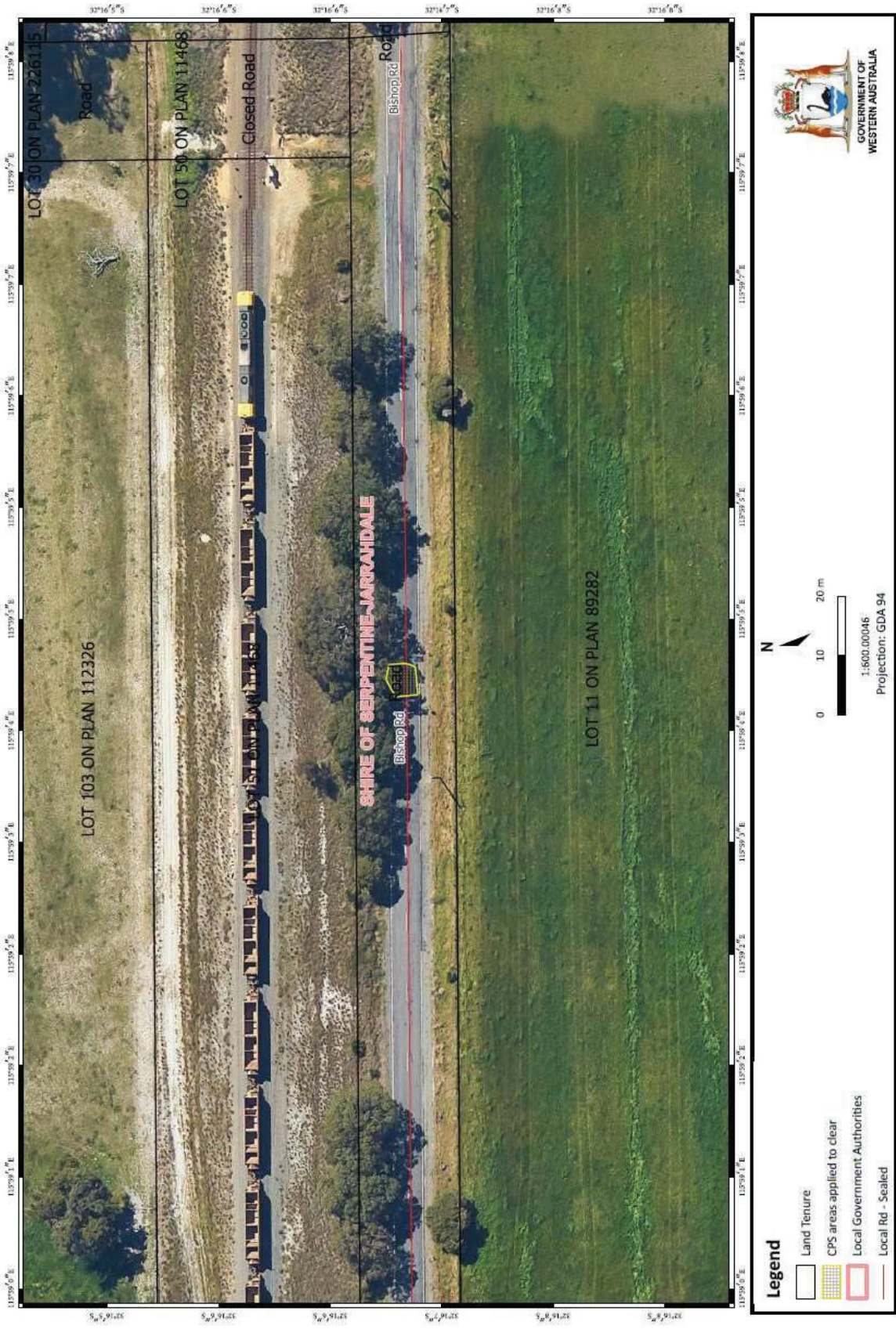


Figure 3: Map of the boundary of the area within which clearing may occur



Figure 4: Map of the boundary of the area within which clearing may occur



Figure 5: Map of the boundary of the area within which clearing may occur

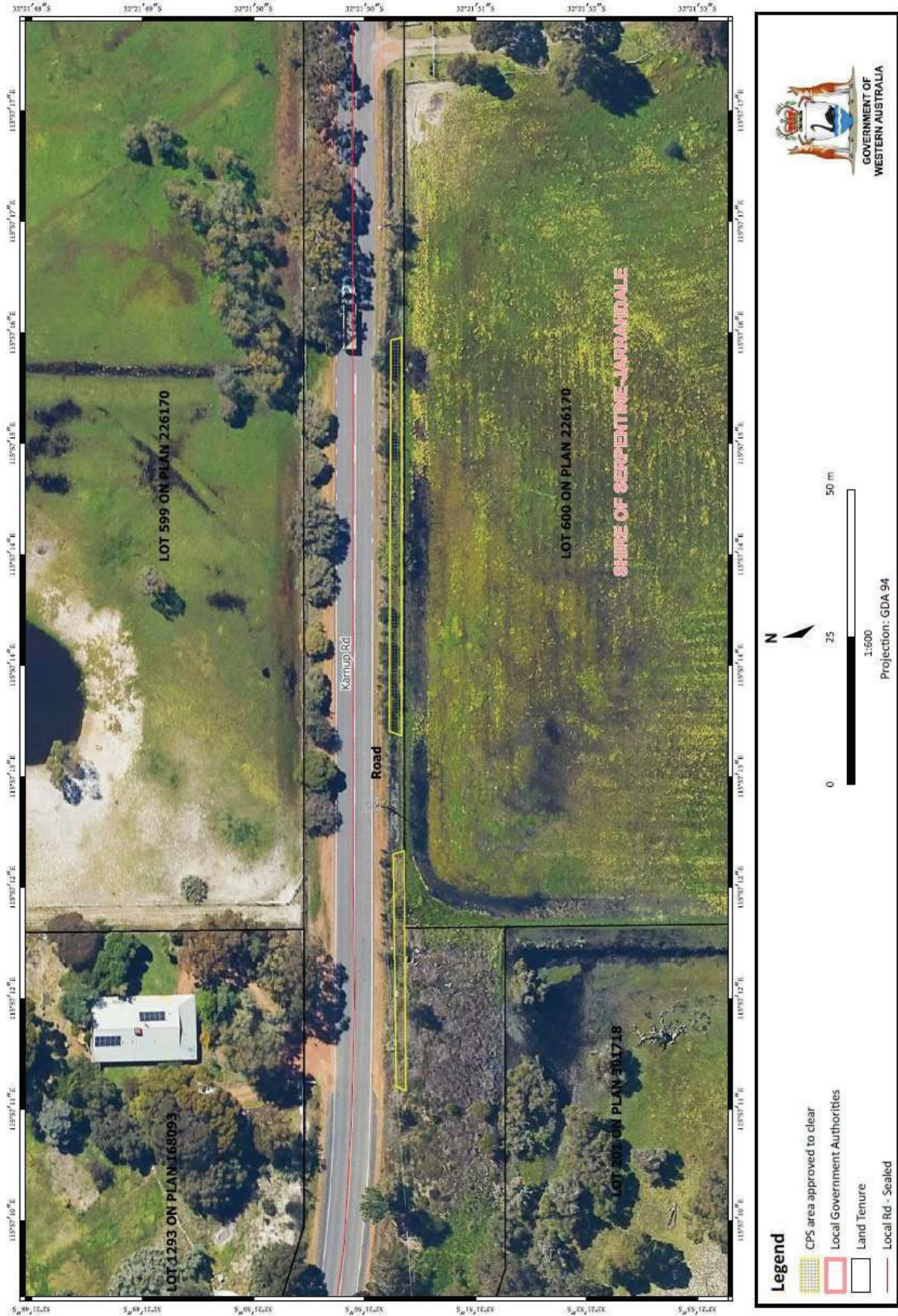


Figure 6: Map of the boundary of the area within which clearing may occur

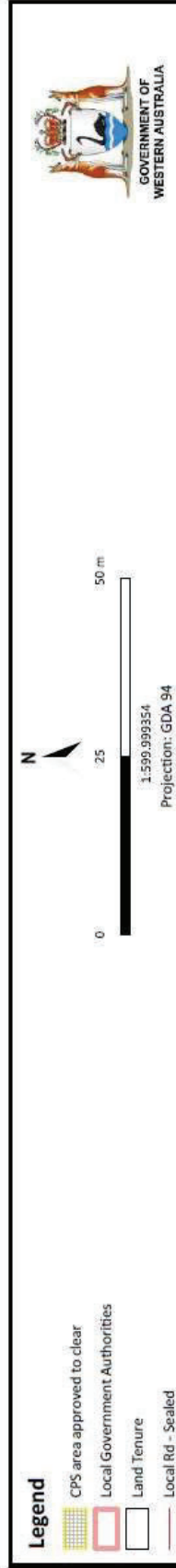
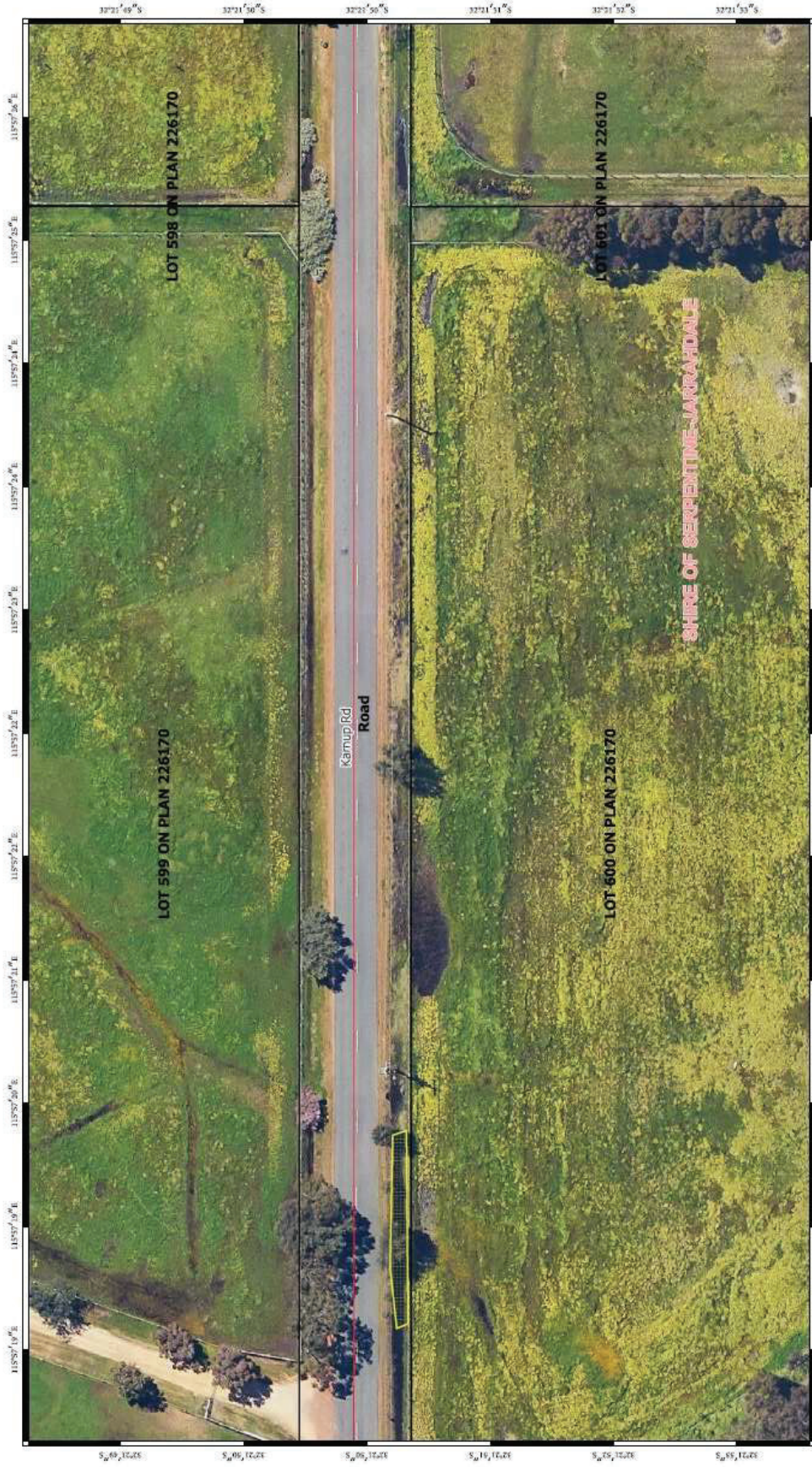


Figure 7: Map of the boundary of the area within which clearing may occur



Figure 8: Map of the boundary of the area within which clearing may occur



Figure 9: Map of the boundary of the area within which clearing may occur

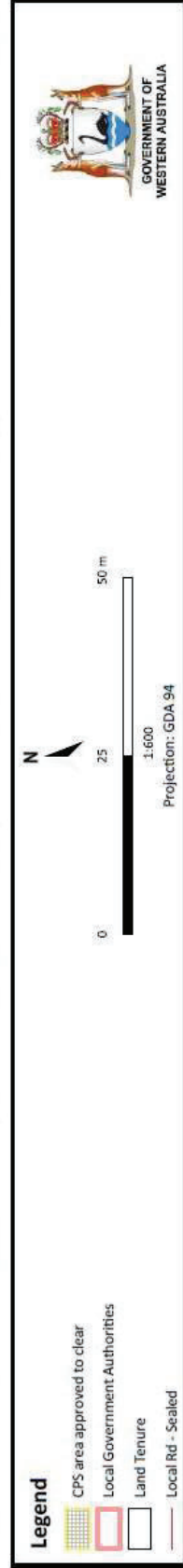
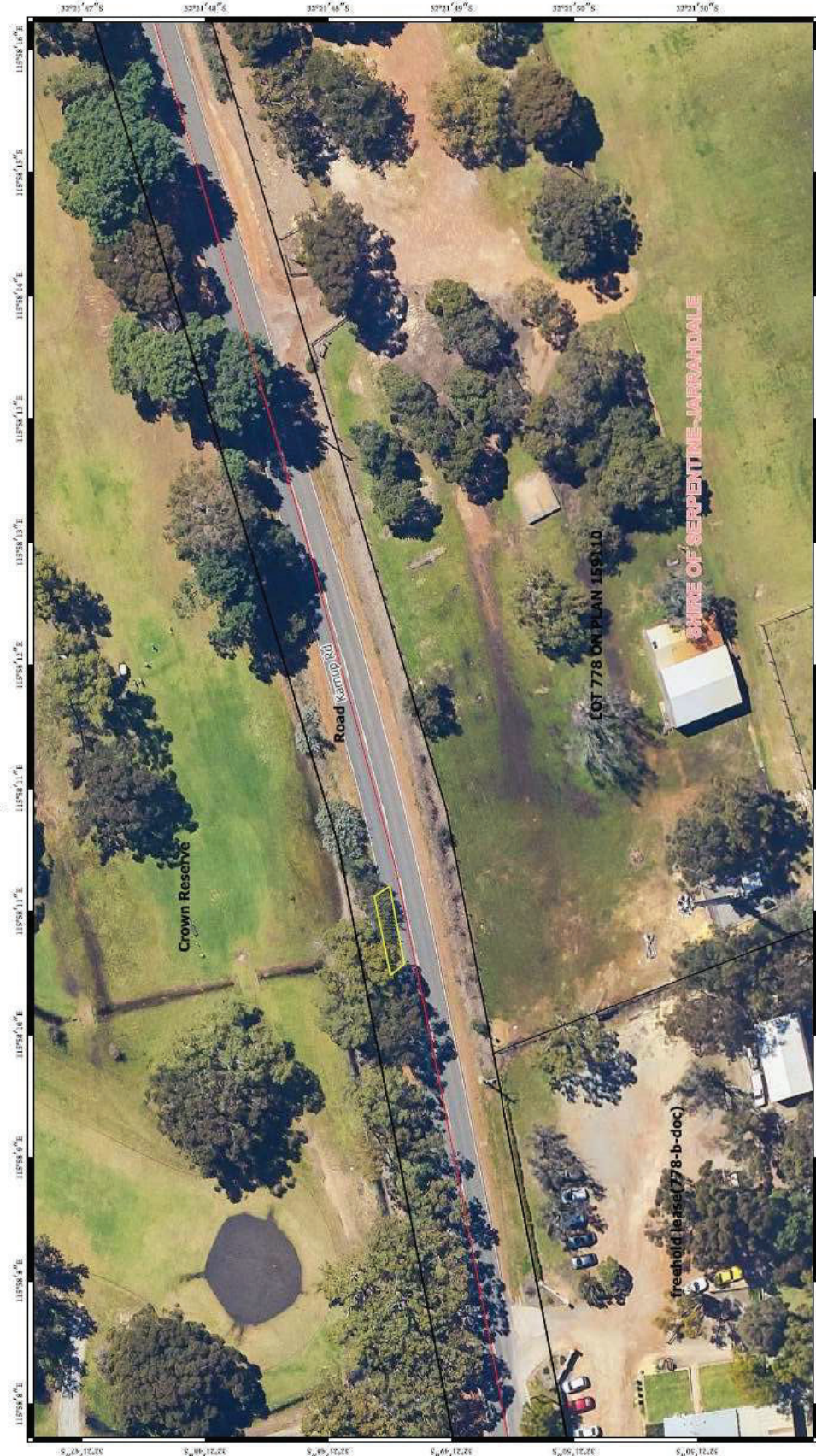


Figure 10: Map of the boundary of the area within which clearing may occur



Figure 21: Map of the boundary of the area within which clearing may occur

SCHEDULE 2

The boundary of the areas to be planted with Marri trees in accordance with Condition 4 shown in the map (in red) below (Figure 12).

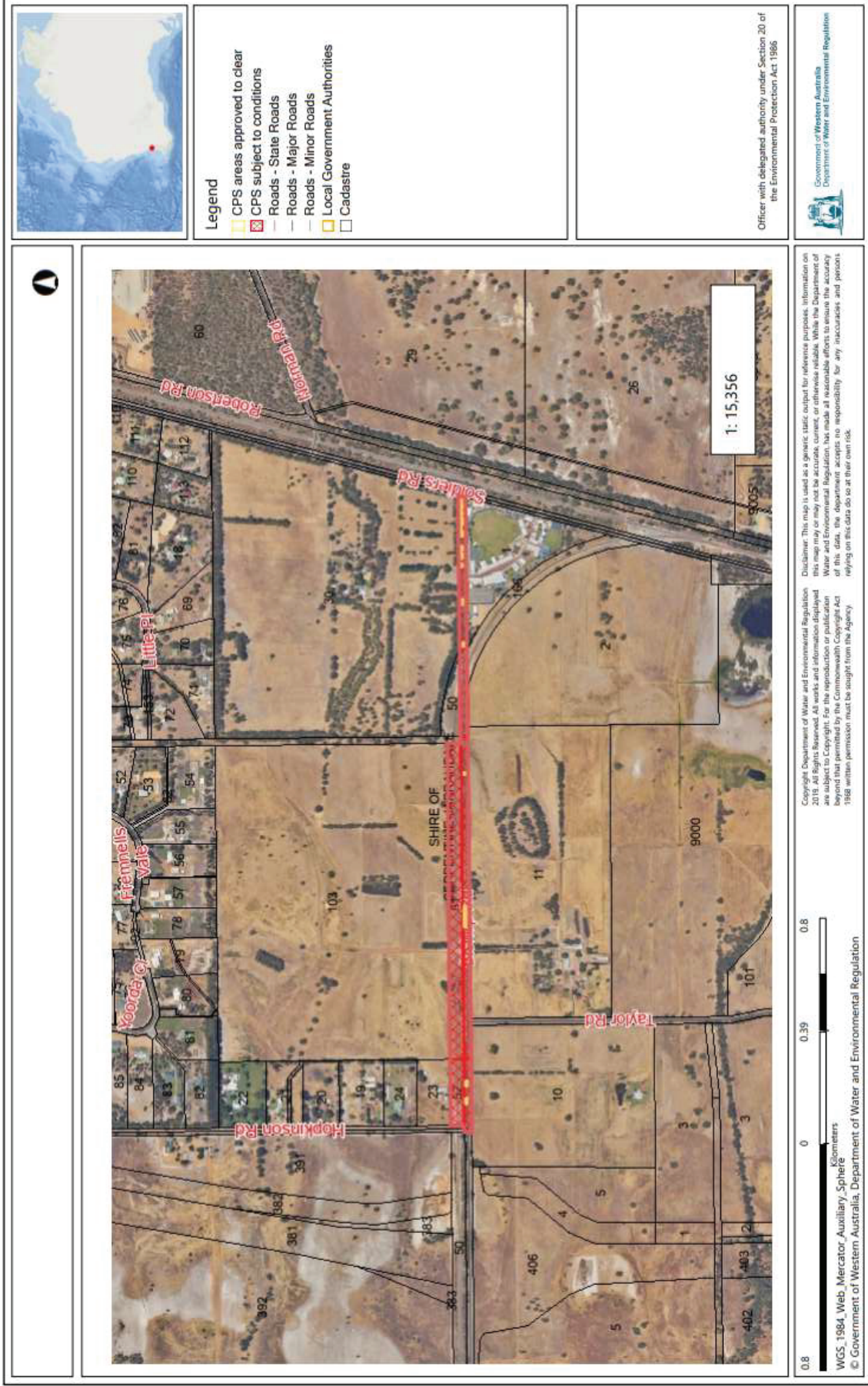


Figure 12: Map of the boundary of the area within which plantings may occur



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 9339/2
Permit type:	Area permit
Applicant name:	Shire of Serpentine- Jarrahdale
Purpose of clearing:	Road construction and upgrade
Property:	Karnup Road (PINs 1372987 and 1372989) Bishop Road Reserves (PINs 1160722, 1160723, 11610724 and 11609323)
Location (LGA area/s):	Shire of Serpentine - Jarrahdale

1.2. Description of clearing activities

The vegetation proposed to be cleared includes long and linear sections of Bishop Road and Karnup Road, 10.4 kilometres to the south. Karnup road comprises 11 individual patches covering a long and linear area of 0.08 hectares. Bishop road comprises 13 individual patches covering an area of 0.108 hectares.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	20 December 2022
Decision area:	0.188 hectares (ha) of native vegetation.

1.4. Reasons for decision

On 22 May 2022, the Department of Water and Environmental Regulation (DWER) determined to grant Clearing Permit CPS 9339/1 to authorise the Shire of Serpentine Jarrahdale to clear up to 0.188 hectares of native vegetation for the purpose of road construction and upgrade.

One appeal was lodged against the conditions of the clearing permit CPS 9339/1, covering one ground of appeal.

This clearing permit amendment gives effect to the Minister for Environment (Minister) determination to allow the appeal in part (Appeal number: 018 of 2022). The Minister determined that the clearing was 'at variance' to clearing principle (b) as it is impacting on foraging habitat for threatened black cockatoo species and will contribute to the cumulative loss of suitable habitat for these species on the Swan Coastal Plain. The Minister therefore requested DWER to amend the permit to clear by adding a condition, requiring the Shire of Serpentine-Jarrahdale to mitigate the loss of black cockatoo habitat through the planting of foraging species within the road reserves.

The Delegated Office had taken the above into consideration and decided to grant an amended clearing permit in accordance with the Minister's determination.

2. Assessment of application

2.1. Assessment

This amendment is the result of an appeal determination made by the Minister for Environment regarding the conditions of Clearing Permit CPS 9339/1. As a result of the appeal determination, the assessment against the clearing principles has changed from the Clearing Permit Decision Report CPS 9339/1, with the clearing being 'at variance' to principle (b) instead of 'may be at variance'.

The Minister found the appellant's key concern was that the vegetation, and in particular the marri trees, provides foraging habitat for black cockatoo species and 'stepping stones' for fauna within a cleared landscape. The original assessment identified that the application area contains tree species that are known to provide foraging for three black cockatoo species, within proximity to roosting and breeding sites but it was considered that the small, fragmented nature of the clearing, along with the abundant foraging resources nearby, means that the clearing will

not have a significant residual impact on habitat for black cockatoos. The Shire advised that through a range of avoidance measures, the clearing will be limited to the removal of 30 native trees in total, 28 of which are marri, which it acknowledged as the preferred foraging habitat for black cockatoos.

However, the Minister determined that the clearing is 'at variance' to clearing principle (b), as the vegetation represents foraging habitat for black cockatoos and according to the recently published Commonwealth *Referral guideline for 3 WA threatened black cockatoo species*, any native vegetation that is used for foraging by black cockatoos at any time is important for recovery of the species and is considered critical habitat.

As the local area retains approximately 33 per cent of pre-European vegetation coverage, roadside vegetation likely provides local ecological linkages or 'stepping stones' across the fragmented landscape. Notwithstanding, the Minister determined that the nature of the clearing means this linkage is unlikely to be severed.

It was also determined that the clearing will occur entirely within road reserves, and therefore the purpose of the clearing (road upgrades) is consistent with the purpose of the reserve. While the Shire's Local Planning Strategy supports the retention and protection of natural corridors along roads, the necessity of the clearing is a relevant consideration in the decision to grant the permit.

In this regard, the Minister was advised that road safety concerns have been identified based on crash data along both roads. The clearing will remove only hazardous trees that are too close to the road and allow road upgrades including sealing of shoulders. The Minister therefore accepted the advice that the clearing will have a public benefit through improved road safety, and only trees that cannot be avoided or pruned, will be removed.

The Minister determined that the decision to grant the permit was justified. Notwithstanding, the Minister is cognisant of the ongoing cumulative loss of black cockatoo foraging resources on the Swan Coastal Plain, and the advice of the DWER and the Commonwealth government that all remaining habitat is critical to the survival of the species.

The Minister therefore determined that, consistent with the State offsets framework, an offset is required to counterbalance the residual impact resulting from the clearing of 28 marri trees authorised by the clearing permit. Through the appeal investigation, the Shire proposed to plant at least 68 marri tree stems in a suitable location alongside Bishop Road, to offset the loss of black cockatoo foraging habitat.

The Minister determined that this offset will adequately counterbalance the impact related to the clearing, providing an outcome that is secure, enduring and enforceable, delivering long-term strategic and ecological benefits close to the impact site.

The assessment against the remaining clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report CPS 9339/1.

Appendix A - References and databases

1. References

Department of Water and Environmental Regulation (DWER) (2022) Purpose permit and decision report: CPS 9339/1 . <https://ftp.dwer.wa.gov.au/permit/9339/Permit/>

Office of the Appeals Convenor (2022) Report to the Minister for Environment – Appeal against decision to grant a clearing permit – Clearing Permit CPS 9339/1.