



GOVERNMENT OF  
WESTERN AUSTRALIA

## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 9406/2

File Number: DWERVT8516

Duration of Permit: 17 July 2023 – 14 July 2037

### PERMIT HOLDER

Aigle Royal Superannuation Pty Ltd

ARD No. 3 Pty Ltd

ARD No. 4 Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 4 on Diagram 48008, Oldbury

Lot 5 on Diagram 48008, Oldbury

### AUTHORISED ACTIVITY

The permit holder must not clear more than 7.19 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

### CONDITIONS

#### 1. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 17 July 2027.

#### 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. Directional clearing

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

#### 5. Staged clearing

The permit holder shall not clear *native vegetation* unless extractive activities begin within three months of the clearing being undertaken.

#### 6. Vegetation management - fencing

The permit holder must:

- (a) Within 12 months of the commencement of clearing and no later than 25 June 2025, the permit holder shall construct a fence on the north and eastern boundaries of the area cross-hatched yellow within Lot 4 on Diagram 48008 on Figure 1 of Schedule 1 to protect adjacent vegetation.
  - (i) Fences should allow for the movement of wildlife by being raised 15 centimetres from the ground.
  - (ii) The permit holder shall inspect the fence constructed in accordance with condition 6(a) of this permit every 12 months for the duration of this permit to ensure the fence is protecting adjacent *native vegetation*.
  - (iii) Where the permit holder identifies that the fence constructed in accordance with condition 6(a) of this permit is not protecting adjacent *native vegetation*, the permit holder shall repair the fence.
- (b) Within 12 months of *direct seeding* and/or *planting* tube stock in accordance with condition 7(b), fence the area cross hatched red on Figure 2 of Schedule 1 to exclude livestock.
  - (i) Fences should allow for the movement of wildlife by being raised 15 centimetres from the ground.
  - (ii) The permit holder shall inspect the fence constructed in accordance with condition 6(b) of this permit every 12 months for the duration of this permit to ensure the fence is protecting adjacent *native vegetation*.
  - (iii) Where the permit holder identifies that the fence constructed in accordance with condition 6(b) of this permit is not protecting adjacent *native vegetation*, the permit holder shall repair the fence.

#### 7. Revegetation and rehabilitation

- (a) The permit holder must 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) within three months following completion of extraction activities, and no later than 17 October 2027, *revegetate* and *rehabilitate*, the area cross hatched red on Figure 2 of Schedule 1 by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding five (5) metres of uncleared land;

- (ii) ripping the ground on the contour to remove soil compaction;
  - (iii) ripping the pit floor and contour batters within the extraction site;
  - (iv) laying the vegetative material and topsoil retained under condition 7(a) on the cleared area(s);
  - (v) deliberately *direct seeding* and/or *planting* tube stock that will result in suitable *black cockatoo species* foraging habitat including *Banksia attenuata* and *Banksia menziesii*.
  - (vi) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area;
- (c) water planted vegetation at the *optimal time* for the first two years post planting, as required;
- (e) implement hygiene protocols by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the site;
- (f) Within 24 months of *direct seeding* and/or *planting* tube stock in accordance with condition 7(b)(v) of this Permit:
- (i) engage an *environmental specialist* to determine the likelihood of the survival of the *Banksia attenuata* and *Bankia menziesii* that has been *direct seeded* and/or *planted*; and
  - (ii) where, in the opinion of an *environmental specialist*, that the direct seeded and/or planted *Banksia attenuata* and *Banksia menziesii* will not survive, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in suitable *black cockatoo species* foraging habitat including *Banksia attenuata* and *Banksia menziesii* persisting within the area cross hatched red on Figure 2 of Schedule 1.
- (g) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 7(e)(ii) of this permit, the permit holder shall repeat condition 7(e)(i) and 7(e)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.

**8. 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 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;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the direction of clearing;</li> <li>(e) the date extraction activities commenced;</li> <li>(f) the size of the area cleared (in hectares);</li> <li>(g) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in</li> </ul>

No.	Relevant matter	Specifications
		<p>accordance with condition 2;</p> <p>(h) 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</p> <p>(i) fencing activities in accordance with condition 6.</p>
2.	In relation to the <i>revegetation</i> of areas pursuant to condition 7 of this Permit:	<p>(a) the location of any area <i>revegetated</i> and <i>rehabilitated</i> recorded as a shapefile;</p> <p>(b) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</p> <p>(c) the size of the area <i>revegetated</i> and <i>rehabilitated</i> (in hectares);</p> <p>(d) the date that the area was <i>revegetated</i> and <i>rehabilitated</i>;</p> <p>(e) a description of any remediation activities required; and</p> <p>(f) a copy of a report <i>environmental specialist</i> monitoring report and determination;</p>

## 9. Reporting

The permit holder must provide to the *CEO* the records required under condition 8 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
black cockatoo species	<p>means one or more of the following species:</p> <p>(a) <i>Zanda lateriosis</i> (Carnaby's cockatoo);</p> <p>(b) <i>Zanda baudinii</i> (Baudin's cockatoo); and/or</p> <p>(c) <i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo).</p>
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.
fill	means material used to increase the ground level, or to fill a depression.
CEO	means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
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.
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;

Term	Definition
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
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, 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 Interim Biogeographic Regionalisation for Australia (IBRA) subregion of the area cleared. means native vegetation seeds and propagating material from natural sources 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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the optimal time for undertaking direct seeding and planting for that region.
planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.
rehabilitate / rehabilitated / rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
revegetate / revegetated / revegetation	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.
weeds	means any plant – <ul 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> </ul>

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**END OF CONDITIONS**


Jessica Burton  
MANAGER  
NATIVE VEGETATION REGULATION

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

27 February 2025

# 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**

# CPS 9406/2



**Legend**

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

N

0 200m

1:4,828  
(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)  
Geocentric Datum of Australia 1994

..... Date .....

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

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**Figure 2: Map of the boundary of the area within which revegetation must occur (area cross-hatched red).**



# Clearing Permit Decision Report

## 1. Application details and outcome

### 1.1. Permit application details

Permit number:	CPS 9406/2
Permit type:	Area permit
Applicant name:	Aigle Royal Superannuation Pty Ltd, ARD No. 3 Pty Ltd and ARD No.4 Pty Ltd
Purpose of clearing:	Sand extraction
Property:	Lot 4 on Diagram 48008, Oldbury Lot 5 on Diagram 48008, Oldbury
Location (LGA area/s):	Shire of Serpentine Jarrahdale
Localities (suburb/s):	Oldbury

### 1.2. Description of clearing activities

The application to amend is to increase the authorised clearing from 7.05 hectares by 0.14 hectares of native vegetation within Lot 5 on Diagram 48008, Oldbury (adjacent Lot to the north of current approved area covered by clearing permit CPS 9406/1), to expand sand mining operations.

The total amount of proposed clearing is 7.19 hectares within Lot 4 and 5 on Diagram 48008, Oldbury, for the purpose of sand extraction.

### 1.3. Decision on application and key considerations

Decision:	Grant
Decision date:	27 February 2025
Decision area:	7.19 hectares (ha) of native vegetation

### 1.4. Reasons for decision

This clearing permit application was made in accordance with section 51E of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 15 October 2024. DWER advertised the amended application for public comment for a period of 7 days, and no submissions were received.

In undertaking the assessment, the Delegated Officer had regard for the site characteristics, relevant datasets, photographs of the vegetation, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment.

The assessment identified that the proposed additional clearing of 0.14 hectares will have negligible impact on habitat for flora, fauna and ecological communities, conservation areas and/or wetlands.

Additional vegetation to be cleared is mapped adjacent to multiple use wetland (dampland). The Delegated Officer considered the impacts of the proposed clearing are not likely to have any long-term adverse impacts on the hydrological and ecological values of the wetland or watercourse.

After consideration of current available information, the Delegated Officer determined that the proposed additional clearing is not likely to lead to an unacceptable risk to the environment and that the assessment against the clearing principles has not changed significantly from the Clearing Permit Decision Report CPS 9406/1.

The Delegated Officer decided to grant a clearing permit with management conditions consistent with CPS 9406/1.



1.1. Site map

# CPS 9406/2

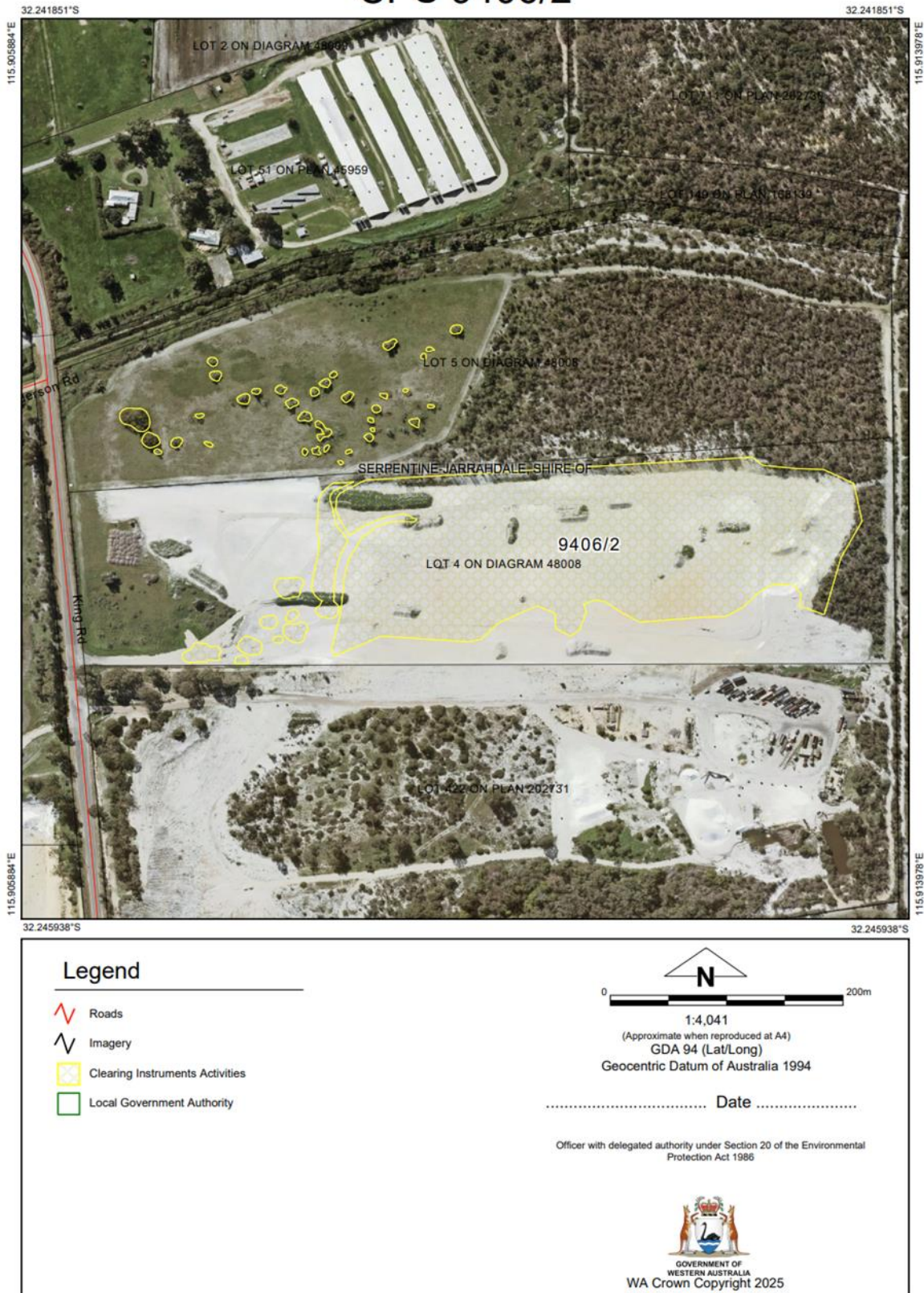


Figure 1 Map of the application area. The areas crosshatched yellow indicates the areas authorised to be cleared under the granted clearing permit.

## 2. Assessment of application

### 2.1. Avoidance and mitigation measures

While no evidence of avoidance or mitigation measures was provided to support the application, noting the small scale and low impact of the clearing it was deemed that no further consideration is required to minimise impacts on environmental values.

### 2.2. Assessment

The assessment of the additional 0.14 hectares of proposed clearing within Lot 5 identified that the proposed clearing will have negligible impact on habitat for flora, fauna and ecological communities, conservation areas and/or wetlands.

The additional vegetation proposed to be cleared on Lot 5 consists of *Melaleuca preissiana* trees and *Melaleuca teretifolia* over pasture weeds in a completely degraded condition. One *Eucalyptus rudis* tree also occurs (See Figure 1 and 2).



Figure 1: Melaleuca over pasture weeds



Figure 2: Eucalyptus rudis tree within application area

This area is mapped adjacent to multiple use wetland (dampland). The impacts of the proposed clearing are not likely to have any long-term adverse impacts on the hydrological and ecological values of this wetland given the small extent of additional clearing and completely degraded condition of the application area and the adjacent multiple use wetland.

The assessment against the clearing principles has not changed and can be found in Clearing Permit Decision Report CPS 9406/1.

The applicant must consider other relevant authorisations required for the proposed land use including any licences or Permits required under the under Part V of the *Environmental Protection Act 1986* or the *Rights in Water and Irrigation Act 1914*.

The applicant has referred expansion of the King Road Sand Mining Project in Lot 5 and to the east of the application area, to the Department of Climate Change, Energy, the Environment and Water. The project has been determined to be a controlled action and is under assessment (EPBC 2023/09637). The applicant has not applied for a clearing permit for the eastern section of Lot 5, consistent with the EPBC Act referral.

The applicant has provided an amended Extractive Industry Licence (EIL) from the Shire of Serpentine Jarrahdale for the expansion into Lot 5 however the EIL does not include areas of Banksia Woodland TEC included in the EPBC Act referral that are located to the east of the application area. Should the applicant seek to obtain a clearing permit to expand the project into the eastern section of Lot 5, EPBC Act approval and an updated EIL would be required. It is recommended that this expansion be addressed as a separate clearing permit application given the difference in the quality and extent of native vegetation within the eastern section of Lot 5. Prior to an application, it is recommended the applicant seek a pre-application meeting with the Department to discuss the project expansion.

## Appendix A - References and databases

### 1. GIS datasets

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

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- IBRA Vegetation Statistics
- Regional Parks (DBCA-026)

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

### 2. References

Aigle Royal (2024). Area permit application form and supporting information for Clearing Permit Application CPS 9406/2 (DWER Ref: DWERDT494938)