



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 9822/2
Permit Holder:	Sanpro Construction Pty Ltd
Duration of Permit:	From 24 October 2022 to 24 October 2029

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 creating a temporary access track.

2. Land on which clearing is to be done

Lot 9693 on Plan 214205, Duncraig
Hepburn Avenue Road Reserve (PIN 11494313), Duncraig

3. Clearing authorised

The permit holder must not clear more than 0.12 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

4. Period within which clearing is authorised

The permit holder must not clear any *native vegetation* after 24 October 2026

PART II – MANAGEMENT CONDITIONS

5. 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;
- (c) retain larger trees in the application area; and
- (d) reduce the impact of clearing on any environmental value.

6. 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.

7. Directional clearing

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

8. Revegetation and rehabilitation (temporary works)

- (a) The permit holder must *revegetate* and *rehabilitate* areas cleared for a temporary access track with *local provenance* species within six months of the area no longer being required for the purpose for which it was cleared, unless the *CEO*, in writing, advises the permit holder to the contrary.
- (b) In undertaking the *revegetation* and *rehabilitation* works in accordance with condition (8)(a), the permit holder must:
 - (i) use locally sourced mulch as part of *revegetation* and *rehabilitation* works
 - (ii) replace any road base associated with the temporary works with soil of the same, or similar soil type, to that present before clearing commenced
 - (iii) within 24 months of undertaking *revegetation* and *rehabilitation* works in accordance with condition (8)(a), engage an *environmental specialist* to determine the species composition, structure and density of the area to be *revegetated* and *rehabilitated*; and
 - (iv) where, in the opinion of an *environmental specialist*, the composition structure and density determined in condition 8(b)(iii) will not result in a similar species composition, structure and density to that of pre-clearing vegetation type in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used

PART III - RECORD KEEPING AND REPORTING

9. 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 to 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 of larger trees retained in accordance with condition 5(c) using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/2020), expressing the geographical coordinates in Eastings and Northings; (c) location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994/2020 (GDA94/2020), expressing the geographical coordinates in Eastings and Northings; (d) the date that the area was cleared; (e) the size of the area cleared (in hectares); (f) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5; (g) actions taken to minimise the risk of the introduction and spread of weeds and dieback in accordance with condition 6; and (h) actions taken in accordance with condition 7.
2	In relation to <i>revegetation</i> and <i>rehabilitation</i> pursuant to condition 8	<ul style="list-style-type: none"> (a) the date that the project concluded; (b) the date(s) on which the planting was undertaken; (c) the boundaries of the area <i>revegetated</i> (recorded digitally as a shapefile); (d) a description of the <i>revegetation</i> activities undertaken; (e) the species composition and planting density within the <i>revegetation</i> area

10. Reporting

The permit holder must provide to the *CEO* the records required under condition 9 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.
fill	means material used to increase the ground level, or to fill a depression.
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.
environmental specialist	person(s) able to demonstrate relevant experience in revegetation/restoration of vegetation on the Swan Coastal Plain
EP Act	<i>Environmental Protection Act 1986</i> (WA)
local provenance	means native vegetation seeds and propagating material from natural sources as close as possible to the clearing area
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.
rehabilitate	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
revegetate	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"> (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

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Mincham
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Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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

4 April 2023

Schedule 1

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

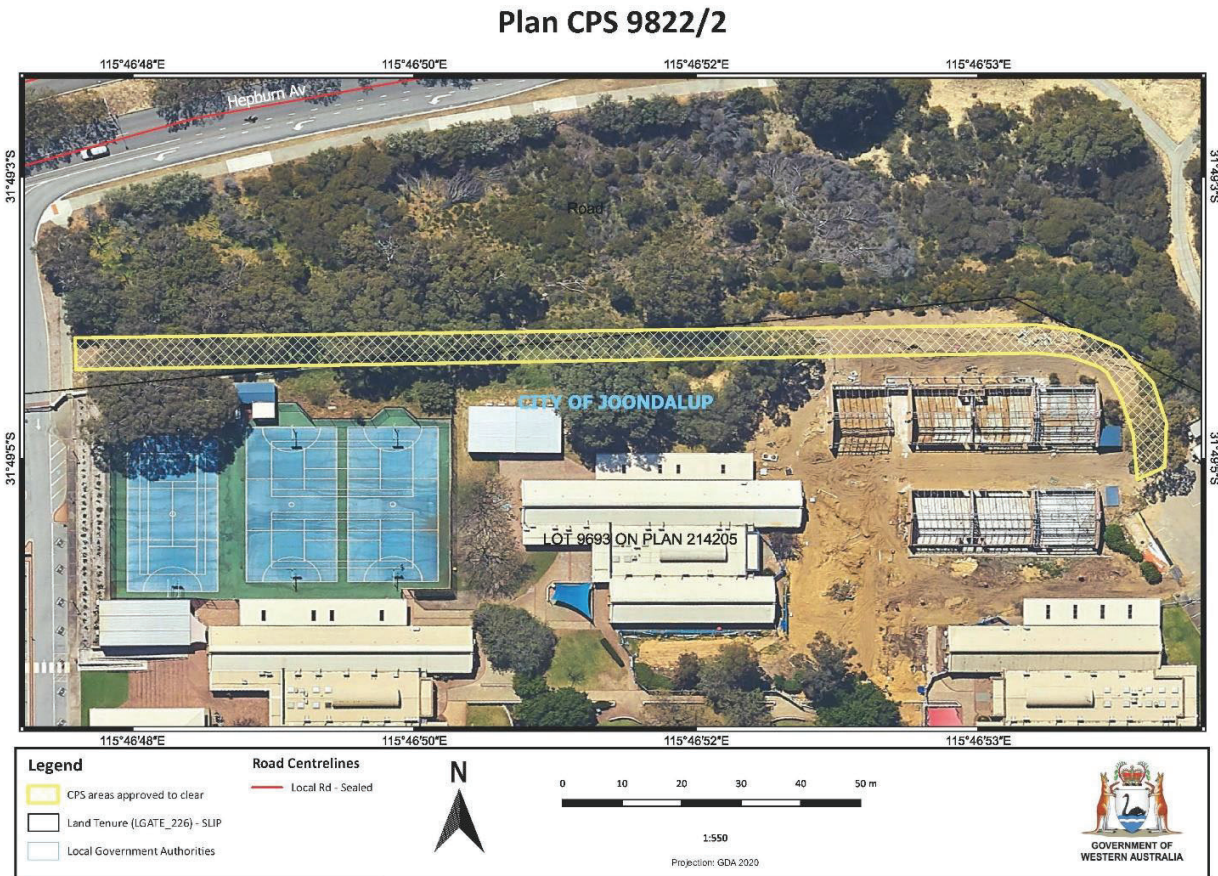


Figure 1: Map of the boundary of the area within which clearing may occur.



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 9822/2
Permit type:	Purpose permit
Applicant name:	Sanpro Construction Pty Ltd
Application received:	26 July 2022
Application area:	0.12 hectares (ha) of native vegetation
Purpose of clearing:	Creation of temporary access road
Method of clearing:	Mechanical
Property:	Lot 9693 on Plan 241205, Hepburn Avenue Road Reserve (PIN 11494313)
Location (LGA area/s):	City of Joondalup
Localities (suburb/s):	Duncraig

1.2. Description of clearing activities

The proposal is to clear 0.12 ha of native vegetation consisting of shrubs and weeds within a patch of remnant native vegetation at the corner of Hepburn Avenue and Mitchell Freeway. The proposed clearing is required to create a temporary access track for the construction of school buildings immediately adjacent to the application area. The access road will facilitate the movement of vehicles and heavy equipment outside the perimeter of the school complex. This would avoid exposing the school children and staff to a potential safety hazard.

The application area is within both a Primary Regional Road reserve under the Metropolitan Region Scheme and Private Community Purpose zone under the *City of Joondalup Local Planning Scheme No. 3*.

1.3. Decision on application

Decision:	Granted
Decision date:	4 April 2023
Decision area:	0.12 ha of native vegetation as depicted in Section 1.5, below

1.4. Reasons for decision

On 30 September 2022, the Department of Water and Environmental Regulation (the Department) determined to grant Clearing Permit CPS 9822/1. One appeal was lodged against the decision to grant the clearing permit, with several grounds of appeal raised in relation to the conditions imposed on the permit.

Having considered the information available to the Western Australian Minister for Environment (Minister), including the Department's response to the appeal and the Appeal Convenor's report and recommendation, the Minister allowed the appeal to the extent that the permit condition relating to revegetation and rehabilitation be strengthened to require the use of locally sourced mulch and soils which are similar to the pre-clearing soil types within the application area. A condition to monitor the revegetated and rehabilitated areas and undertake remedial

actions as required has also been imposed. The Minister also determined that two definitions be amended to further clarify the requirements of the revegetation and rehabilitation conditions imposed on the permit.

The Delegated Officer had taken the above into consideration and determined to grant an amended clearing permit which gives effect to the to the Minister’s determination on the appeal. The assessment against the clearing principles remains unchanged from Decision Report CPS 9822/1.

1.5. Site map

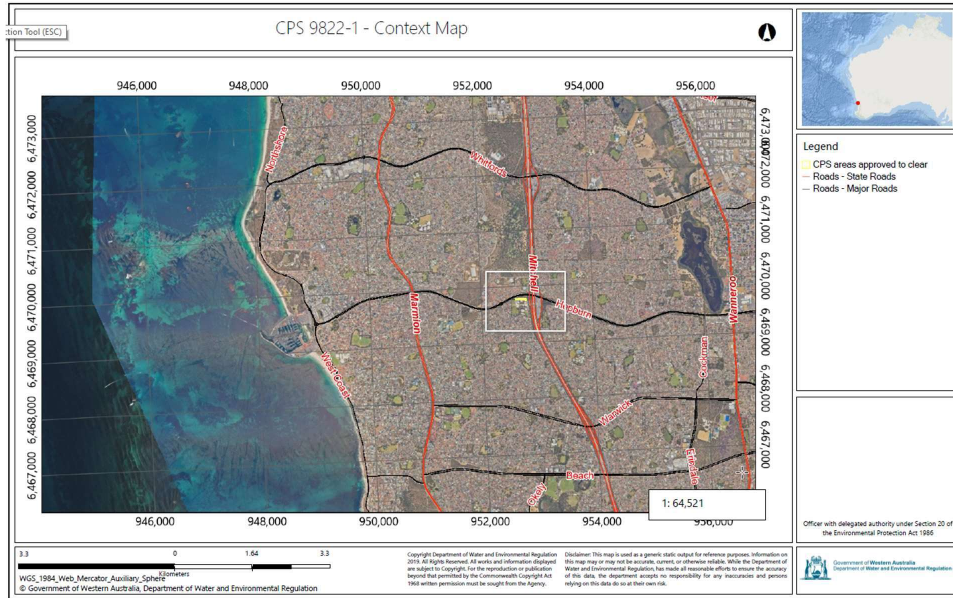


Figure 1. Context map of the application area

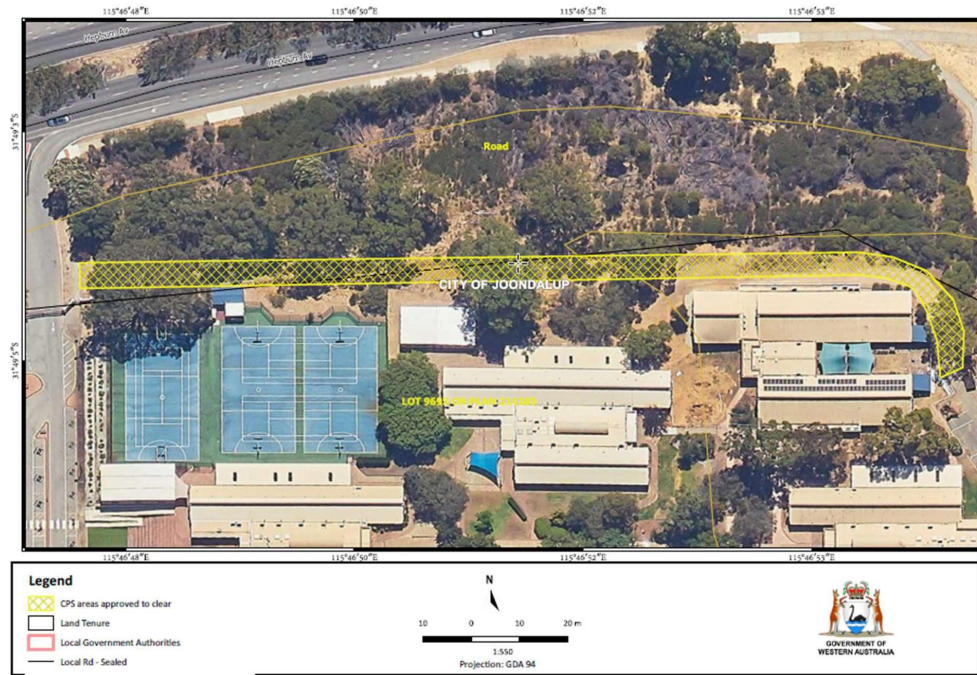


Figure 2. Map of the application area

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under *the Environmental Protection Act 1986* (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 principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity and Conservation Act 2016* (WA) (BC Act)
- *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D Act)
- *Soil and Land Conservation Act 1945* (WA)

The key guidance documents which inform this assessment are:

- *A guide to the assessment of application to clear native vegetation* (DER, December 2013)
- *Procedure: Native vegetation clearing permits* (DWER, October 2019)

3 Relevant planning instruments and other matters

Relevant planning and other matters have not changed and can be found in the decision report for CPS 9822/1.

End