Government of **Western Australia**
Department of **Water and Environmental Regulation**

Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 10358/2
Permit type:	Area permit
Applicant name:	GreenGrass (WA) Pty Ltd
Application received:	26/06/2026
Application area:	108 native trees
Purpose of clearing:	Horticulture expansion
Method of clearing:	Mechanical
Property:	Lot 888 on Deposited Plan 100980 and Lot 1089 on Deposited plan 102595
Location (LGA area/s):	Shire of Capel
Localities (suburb/s):	Capel River

1.2. Description of clearing activities

This amendment is to extend the period during which clearing is authorised as per Condition 1 of clearing permit CPS 10358/1 granted on 27 June 2024. The extent of clearing authorised remains unchanged from clearing permit CPS 10358/1 (see Figure 1, Section 1.5).

CPS 10358/1 allowed for clearing of 108 native trees within Lot 888 on Deposited Plan 100980 and Lot 1089 on Deposited plan 102595. The applicant advised that the clearing could not be undertaken by 22 July 2026 as per Condition 1 of the clearing permit and requested an extension of two years.

1.3. Decision on application

Decision:	Granted
Decision date:	22 September 2026
Decision area:	108 native trees, as depicted in Section 1.5, below.

1.4. Reasons for decision

The Department of Water and Environmental Regulation (the department) determined to grant a clearing permit for the proposed clearing on 27 June 2024 (reference CPS 10358/1). The applicant subsequently applied for this amendment (CPS 10358/2) to extend the permit duration by two years.

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 21 days and one submission was received. Consideration of matters raised in the public submission is summarised in Appendix A.

In making this decision, the Delegated Officer took into consideration that the previous assessment was undertaken in June 2024, and the proposed amendment did not seek to amend the extent of clearing. The Delegated Officer

determined that extending the period during which the clearing is authorised is unlikely to affect the environmental impacts of the clearing and that the offsets and planting required under Condition 7 and Condition 8 of Clearing Permit CPS 10358/1 are still adequate. Accordingly, the assessment against the clearing principles outlined in Schedule 5 of the EP Act is considered not to have changed since the assessment for CPS 10358/1.

The Delegated Officer had taken the above into consideration and decided to grant an amended clearing permit.

1.5. Site map

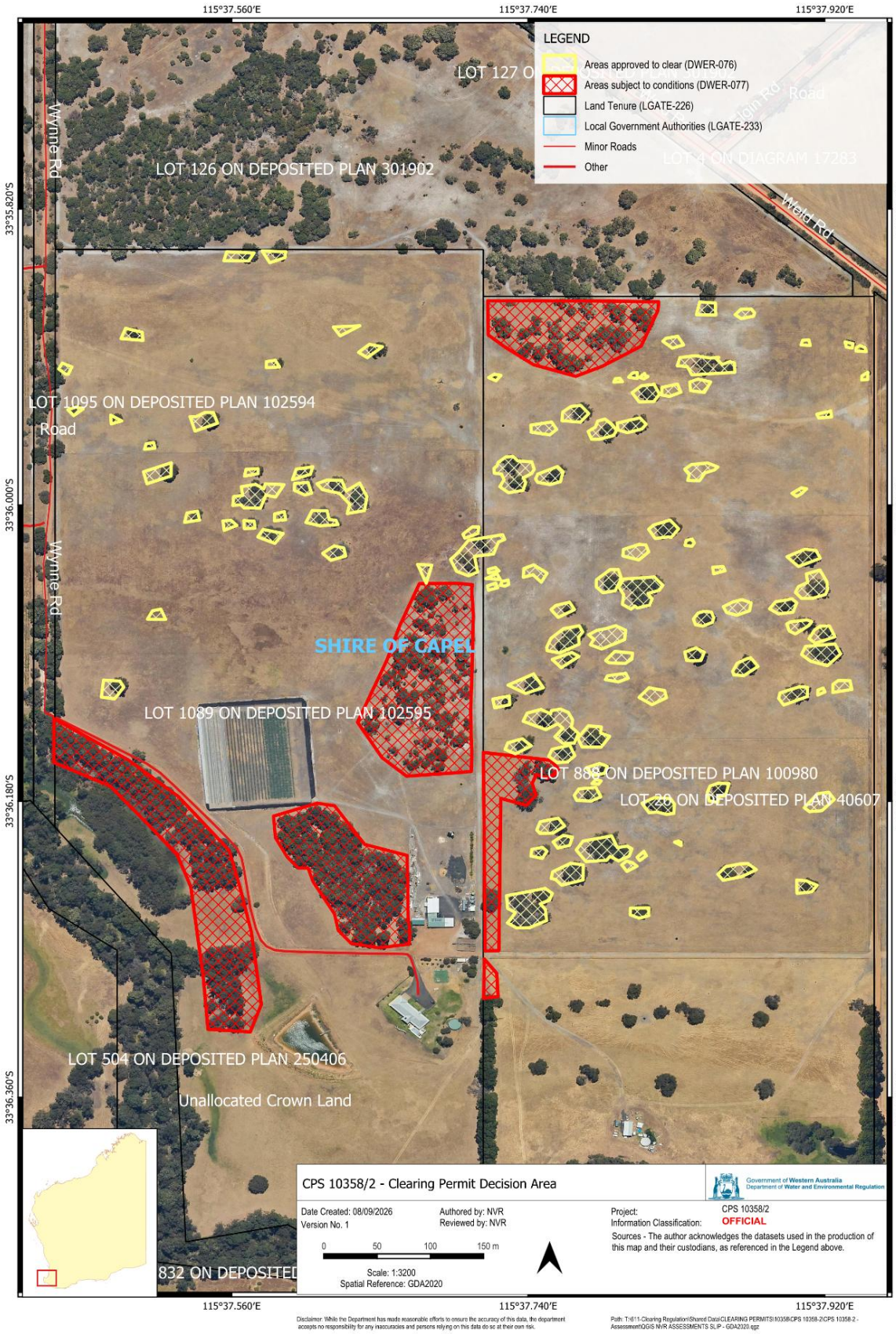


Figure 1. Map of the application area The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit. The areas cross-hatched red indicate areas within which specific conditions apply.

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 principle of intergenerational equity
- 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)
- *Soil and Land Conservation Act 1945* (WA)

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 – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

The avoidance and minimisation measures proposed by the applicant have not changed and can be found in the Decision Report CPS 10358/1.

3.2. Assessment of impacts on environmental values

The assessment against the clearing principles has not changed and can be found in the Decision Report CPS 10358/1.

3.3. Relevant planning instruments and other matters

The consideration of relevant planning instruments and other matters has not changed and can be found in the Decision Report for CPS 10358/1.

4 Suitability of offsets

The offset requirements have not changed from CPS 10358/1, except that implementation dates for offset actions have been revised to align with the altered clearing dates. Details of the offset and justification for values used in the offset calculation can be found in the clearing permit decision report CPS 10358/1.

End

Appendix A. Details of public submissions

Summary of comments	Consideration of comment
Original permit granted in 2024 covered 108 trees which has increased to 115.	Comment considered in section 1.2. The amendment is to increase the period during which clearing is authorised and extent of clearing remains unchanged, which is 108 native trees as approved under CPS 10358/1.
Given the existing fauna habitat and the presence of viable remnant vegetation, no permit should be issued.	Comment considered in section 1.3 and 3. The assessment against clearing principles remains unchanged from CPS 10358/1 and the amendment is to extend the period during which clearing is authorised. Please see the decision report for CPS 10358/1 for the department's assessment of the impacts to fauna from the clearing.
Concerns about significant percentage of applications being submitted without offset. Any approved clearing should be accompanied with a mandatory offset. Further, no avoid or minimise measures have been included in the application.	Comment considered in section 3.1 and 4. The assessment against clearing principles and avoid/minimise actions proposed by the applicant and offsets requirements remains unchanged from CPS 10358/1. These details can be found in the decision report for CPS 10358/1.
Falsistrellus mackenziei (Western False Pipistrelle (WFP)) potentially occurring within proximity of the subject site (listed as Priority 4 by DBCA and listed on the International Union for Conservation of Nature Red List of Threatened Species). WFP population in southwestern Australia has declined due to the loss of habitat and remnant old growth trees are important to arboreal canopy species that may use old parkland cleared areas. The WFP is highly mobile, secretive and strongly reliant on mature remnant eucalypt canopy and its associated hollows, which are generally smaller than those used by black cockatoos. Given historical records of WFP in the Shire of Capel, has the applicant: • Identified the arborescent canopy species that depend on remnant old-growth trees in partially cleared areas? • Given consideration of localised traps or acoustic monitoring to yield detection rates of the WFP? Any clearing permit should not be processed until the survey for the WFP and other bat species, including their potential habitat is completed and assessed. Further, no offset is proposed for removing more than 100 trees of remnant vegetation.	The assessment against clearing principles remains unchanged from CPS 10358/1. The application area is comprised of isolated trees, and it is considered that WFP would be unlikely to inhabit the application area noting they tend to forage upon insects between the canopy and the shrub layer in forests. A targeted fauna assessment (Harewood, 2023) described fauna within the application area as being "totally degraded" and "only likely to support a very depauperate fauna assemblage dominated by a small range of mainly common bird species" as possible habitat for black cockatoo species and western ringtail possum. Given the above, the application area is considered unlikely to provide significant habitat for WFP, and surveys targeting these species are not considered to be required to inform the department's assessment.

Appendix B. Sources of information

B.1. References

GreenGrass (WA) Pty Ltd (2026) *Clearing permit amendment application CPS 10358/2*, received 26 June 2026 (DWER Ref: DWERDT1348650).

Department of Water and Environmental Regulation (DWER) (2024) *CPS 10358/1 Decision Report.* (DWER Ref: DWERDT967533). Available from: https://ftp.dwer.wa.gov.au/permit/10358/

Harewood, G. (2023). Targeted Fauna Assessment, Lot 888 and Lot 1089, Wynne Road, Capel