



Mr Cameron Cody
Environmental Manager
Rawling Road Pty Ltd (V & V Walsh)
1 Rawling Road
DAVENPORT WA 6230

via email: ccody@vwwalsh.com.au

Dear Mr Cody,

APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* AND IN ACCORDANCE WITH THE BILATERAL AGREEMENT – CLEARING PERMIT CPS 9219/1 GRANTED

I refer to Rawling Road Pty Ltd's (V & V Walsh) application for a clearing permit under section 51E(1) of the *Environmental Protection Act 1986* (the EP Act), and in accordance with the bilateral agreement under section 45 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act). This application sought authorisation for the clearing of 3.87 hectares of native vegetation at Lot 1050 on Deposited Plan 33291, Davenport for the purpose of a cold storage facility. The application was received by the Department of Water and Environmental Regulation (DWER) on 23 February 2021, and assigned the reference CPS 9219/1.

The Delegated Officer has assessed the application and determined that a clearing permit be granted under section 51E of the EP Act and in accordance with the bilateral agreement made under section 45 of the EPBC Act. This permit authorises the permit holder to clear native vegetation, subject to the terms, conditions, and restrictions specified.

A copy of the permit with plan and the associated decision report are attached to this notification, and are now also available on the department's website (at <https://www.der.wa.gov.au/our-work/clearing-permits/clearing-permits-available-for-public-appeal>) for the public to view, as required under regulation 8 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Please read the conditions on the permit carefully and note that there are penalties for non-compliance with those conditions. If you wish to discuss this permit and/or its conditions, please contact the department.

Note that compliance with the terms, conditions or restrictions of this permit does not absolve the permit holder from responsibility for compliance with the requirements of all Australian Government, State, and local government legislation. This may include obtaining other statutory approvals where relevant.

Subject to compliance with any pre-clearing conditions on the permit, clearing must not be undertaken before the permit duration commencement date stated on the permit.

Please also note that in undertaking the clearing authorised under this permit, the permit holder must have regard to avoiding clearing, minimising clearing, and reducing the impacts of clearing on any environmental value.

Please be advised that the clearing approved under the granted permit may take fauna listed as “threatened” under the *Biodiversity Conservation Act 2016* (BC Act). Note that no threatened fauna may be taken unless an authorisation from the Minister for Environment under section 40 of the BC Act is obtained. To apply for an authorisation or for further information on this matter, please contact the Department of Biodiversity, Conservation and Attractions’ (DBCA) Species and Communities Program via email to sacl@dbca.wa.gov.au or visit the *Threatened Animals* page on DBCA’s website, at <https://www.dbca.wa.gov.au>.

In accordance with the bilateral agreement, the decision report and supporting documentation have been provided to the Federal Minister for the Environment for a decision under the EPBC Act. An EPBC Act decision on the application will be made in due course. If you would like to obtain further information on the EPBC Act decision and assessment process please contact the Australian Government Department of Agriculture, Water and the Environment (DAWE) on (02) 6274 1111.

If Rawling Road Pty Ltd (V & V Walsh) are aggrieved by any of the conditions of the permit, an appeal may be lodged with the Minister for Environment, via the Office of the Appeals Convenor. If lodging an appeal, it must be in writing, setting out the grounds of the appeal, and be received within 21 calendar days of being notified of the decision. For further information or to lodge an appeal, please contact the Office of the Appeals Convenor (see contact details below):

Office of the Appeals Convenor
Level 22 Forrest Centre
221 St George’s Terrace, PERTH WA 6000
Tel: 6364 7990 Fax: 6364 7999
Email: admin@appealsconvenor.wa.gov.au
Website: www.appealsconvenor.wa.gov.au

Please note that third parties may also appeal against the grant of this permit. While an appeal is lodged by a third party is under consideration:

- if the appeal is against the grant of this permit, then under section 101A(9) of the EP Act, the permit is deemed not to have been granted and clearing cannot commence until the appeal is determined; and
- if the appeal is regarding a condition(s) of the permit, then under section 101A(6), the permit continues to have effect and clearing can commence in accordance with the conditions of the permit.

For more information about complying with your permit to clear native vegetation, please refer to *Fact Sheet 4: Complying with your clearing permit* found at: <https://www.der.wa.gov.au/our-work/clearing-permits/49-fact-sheets>.

Please note that as the permit requires the submission of a report on specified matters, this should be provided electronically via email to: info@dwer.wa.gov.au.

If you have any queries, please contact the Environmental Officer, as listed above.

Yours sincerely

Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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

2 February 2022

cc: Australian Government Department of Agriculture, Water and the Environment

Att: Clearing permit with plan CPS 9219/1
Decision report for CPS 9219/1