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20 March 2024

Department of Climate Change,
Energy, the Environment and Water
GPO Box 3090
CANBERRA ACT 2601

Our Reference:
X-Ref Doc Id:
Enquiries:



Garden Street Extension, Huntingdale

In 2018, the then Department of the Environment and Energy provided the City of Gosnells under sections 130(1) and 133 of the *Environmental Protection and Biodiversity Conservation Act 1999*, a Section 18 and 18A approval for the Garden Street extension in Huntingdale (refer attached copy of the approval).

After this approval and following a likely refusal by the Western Australian State Government due to the large area of clearing, the City withdrew its Clearing Permit application to the State so the project could be redesigned.

The redesign has provided a significantly reduced footprint of the road and consequently, the required clearing area. The City has submitted a new application to the Western Australian Environmental Protection Authority (EPA) under Section 38 and the application is currently positively progressing through the final stages of assessment.

With respect to contribution, the City has also successfully applied for State Government funding which will provide two thirds of the project cost.

As part of the approval in 2018, condition 9 stated that:

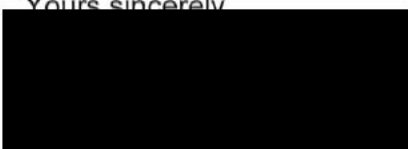
If, at any time after five (5) years from the date of this approval, the approval holder has not substantially commenced the action, then the approval holder must not substantially commence the action without the written agreement of the Minister.

While the City awaits the EPA's decision, the purpose of this letter is to provide you with an update on the City's new application, as the action as outlined under condition 9 will not have commenced.

Once the EPA makes its decision, the City will advise you of the outcome and assuming its positive, seek your direction before it proceeds with the works.

Should you wish to discuss this matter further, please contact myself directly on [REDACTED] or [REDACTED]

Yours sincerely



CHIEF EXECUTIVE OFFICER



Approval

**Garden Street road extension, Huntingdale, City of Gosnells, Western Australia
(EPBC 2016/7735)**

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	City of Gosnells
proponent's ABN	ABN: 18 374 412 891
proposed action	To extend Garden Street in the suburb of Huntingdale, east Perth, in a south-westerly direction to join Holmes Street, and widen Holmes Street at the junction of Holmes and Garden Street [See EPBC Act referral 2016/7735].

Approval decision



Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2030.

Decision-maker

name and position	 Assistant Secretary Assessments (WA, SA, NT) and Post Approvals Branch
signature	
date of decision	25/10/18

Conditions attached to the approval

1. For the protection of the **EPBC Act listed species**, the approval holder must not **clear** more than 4.58 hectares within the **project area**.
2. To mitigate and manage impacts to **EPBC Act listed species**, the approval holder must comply with and implement the **Revegetation Management Plan, Landscape Management Plan** and **Environmental Management Plan**.
3. Prior to the **commencement** of the action install three artificial nesting hollows within 3 km of the **project area**
 - (a) each artificial nesting hollow installed under condition 3 must be monitored and maintained in accordance with relevant **artificial hollow guidance** for the life of the approval, with maintenance actions, if required, undertaken outside of the **breeding season** and before the commencement of the next **breeding season**.
4. Within 30 days after the **commencement** of the action, the **approval holder** must advise the **Department** in writing of the actual date of **commencement**.
5. The approval holder must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
6. Upon the direction of the **Minister**, the approval holder must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
7. The approval holder may choose to revise a management plan approved by the **Minister** under condition 2 without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the action in accordance with the revised plan would not be likely to have a **new or increased impact**. If the approval holder makes this choice they must:
 - i. notify the **Department** in writing that the approved plan has been revised and provide the **Department** with an electronic copy of the revised plan;
 - ii. implement the revised plan from the date that the plan is submitted to the **Department**; and
 - iii. for the life of this approval, maintain a record of the reasons the approval holder considers that taking the action in accordance with the revised plan would not be likely to have a **new or increased impact**.
- 7A. The approval holder may revoke their choice under condition 7 at any time by notice to the **Department**. If the approval holder revokes the choice to implement a revised plan, without approval under section 143A of the **EPBC Act**, the plan approved by the **Minister** must be implemented.
- 7B. If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the action in accordance with the revised plan would be likely to have a **new or increased impact**, then:

- i. Condition 7 does not apply, or ceases to apply, in relation to the revised plan; and
- ii. The approval holder must implement the plan approved by the **Minister**.

To avoid any doubt, this condition does not affect any operation of conditions 7, 7A and 7B in the period before the day the notice is given.

At the time of giving the notice the **Minister** may also notify that for a specified period of time that condition 7 does not apply for one or more specified plans required under the approval.

7C. Conditions 7, 7A and 7B are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised plan to the **Minister** for approval.

8. Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one (1) month of being approved by the **Minister** or being submitted under condition 7.i.
9. If, at any time after five (5) years from the date of this approval, the approval holder has not substantially **commenced** the action, then the approval holder must not substantially **commence** the action without the written agreement of the **Minister**.

Definitions

Artificial hollow guidance means WA Department of Parks and Wildlife publications "*How to monitor and maintain artificial hollows for Carnaby's cockatoo*" (2015), or as otherwise updated from time to time.

Breeding season for the **Carnaby's Black Cockatoo** is the period between 1 July and 28 February of any year.

Carnaby's Black Cockatoo is the **EPBC Act** listed Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*).

Clearing/clear/cleared means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation.

Commencement/commence/commenced means the clearing of any vegetation or construction of any infrastructure, excluding fences and signage, associated with the proposed action.

Department ('s) is the Australian Government Department or any other agency administering the EPBC Act.

Environmental Management Plan means the plan submitted with the final preliminary documentation entitled *Environmental Management Plan*, dated 12 December 2017, version number 6, authored by PGV Environmental; or as revised under these conditions.

EPBC Act is the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act listed species means the **EPBC Act** listed King Spider-orchid (*Caladenia huegelii*), Purdie's Donkey-orchid (*Diuris purdiei*) and Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*).

Landscape Management Plan means the plan submitted with the final preliminary documentation entitled *Landscape Management Plan*, dated 12 December 2017, version number 6, authored by PGV Environmental; or as revised under these conditions.

Minister means the Minister administering the EPBC Act and includes a delegate of the Minister.

New or increased impact means a new or increased impact on any matter protected by the controlling provisions for the action, when compared to the plan that has been approved by the **Minister**.

Project Area is the area shown in Attachment A, where it is depicted as 'Site Boundary', and marked with a red hashed line.

Revegetation Management Plan means the plan submitted with the final preliminary documentation entitled *Revegetation Management Plan* dated 14 March 2018, version number 7, authored by PGV Environmental; or as revised under these conditions.

Attachment A

