



## DRAFT CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 10158/1
<b>Permit Holder:</b>	Shire of Esperance
<b>Duration of Permit:</b>	From 28 May 2024 to 28 May 2043

### ADVICE NOTE

#### Allocation of offset site

In relation to condition 16 of this permit, it is noted that 14.62 hectares of Reserve 26912, Lot 1536 on Deposited Plan 209681, Lort River, will be attributed to the offset for this project. The nominated 14.62 hectare area contains Malleefowl (*Leipoa ocellata*) habitat and is a significant remnant within an extensively cleared landscape, in addition to other environmental values.

In relation to condition 17 of this permit, it is noted that 28.86 hectares of Reserve 24633, Lot 1559 on Deposited Plan 207747, Coomalbidgup, will be attributed to the offset for this project.

- 25.76 hectares of the nominated area contains Carnaby's cockatoo (*Zanda latirostris*) habitat, vegetation representative of the 'Proteaceae Domiunated Kwongkan Shrublands of the southeast coastal floristic province of Western Australia' Threatened Ecological Community (Kwongkan shrubland TEC) and is a significant remnant within an extensively cleared landscape, in addition to other environmental values.
- 3.10 hectares of the nominated area contains vegetation representative of the *Eucalyptus occidentalis*, woodlands in seasonally inundated clay basins in the South Coast of Western Australia Priority Ecological Community, in addition to other environmental values.

In relation to condition 18 of this Permit, it is noted that 1.05 hectares of Reserve 31099, Lot 460 on Deposited Plan 175372, Esperance will be attributed to the offset for this project. The nominated 1.05 hectare area contains vegetation representative of the Kwongkan shrubland TEC.

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 road upgrades, state barrier fence construction and maintenance and gravel extraction.

## 2. Land on which clearing is to be done

Cascade Road Reserve (PIN 11642130), North Cascade,  
 West Point Road Reserve (PIN 11642288), Cascade, North Cascade and Munglinup,  
 Myrup Road Reserve (PINs 11648886 and 11648887), Myrup,  
 Fuss Road Reserve Site (PIN 11647576), East Munglinup,  
 Fisheries Road Reserve (PIN 11648536), Condingup,  
 Ridgeland Road Reserve (PIN 11645177), Condingup,  
 Boydell Road Reserve (PIN 11642282), Dalyup and Gibson, and  
 Heywood Road Reserve (PIN 11644421), Beaumont.

## 3. Clearing authorised

The permit holder must not clear more than:

- (a) 3.238 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.
- (b) 0.671 hectares of *native vegetation* within the area cross-hatched yellow in Figure 2 of Schedule 1.
- (c) 0.911 hectares of *native vegetation* within the area cross-hatched yellow in Figure 3 of Schedule 1.
- (d) 0.586 hectares of *native vegetation* within the area cross-hatched yellow in Figure 4 of Schedule 1.
- (e) 0.157 hectares of *native vegetation* within the area cross-hatched yellow in Figure 5 of Schedule 1.
- (f) 1.743 hectares of *native vegetation* within the area cross-hatched yellow in Figure 6 of Schedule 1.

## 4. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 28 May 2029.

## 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; and
- (c) 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* as per the *Dieback and Invasive Weed Management Plan CPS 10158* prepared by the Shire of Esperance – October 2023, including but not limited to:

- (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:

- (a) conduct clearing activities authorised under this permit in one direction towards adjacent *native vegetation*; and
- (b) allow a reasonable time for fauna present within the area being cleared to move into adjacent *native vegetation* ahead of the clearing activity.

## 8. Vegetation management

- (a) where practicable the permit holder shall avoid clearing *riparian* vegetation; and
- (b) where clearing is within 30 metres of a watercourse or wetland, the permit holder shall;
  - (i) conduct the clearing during dry conditions, outside of the high flow period, and
  - (ii) maintain the existing surface flow of the watercourse or wetland.

## 9. Threatened Ecological Community management

The permit holder must not clear more than 3.51 hectares of native vegetation within the area cross-hatched yellow in Figures 1 – 6 of Schedule 1 which represents the ‘Proteaceae Dominated Kwongkan Shrubland of the southeast coastal floristic province of Western Australia’ Commonwealth listed Threatened Ecological Community.

## 10. Priority Ecological Community management

The permit holder must not clear more than 0.31 hectares of native vegetation within the area cross-hatched yellow in Figure 2 – 6 of Schedule 1 which represents the ‘Swamp Yate, *Eucalyptus occidentalis*, woodlands in seasonally inundated clay basins in the South Coast of Western Australia’ Priority Ecological Community.

## 11. Fauna management – black cockatoo habitat

The permit holder must not clear more than 3.62 hectares of native vegetation within the area cross-hatched yellow in Figure 1 – 6 of Schedule 1 that provides foraging habitat for *Zanda latirostris* (Carnaby’s cockatoo).

## 12. Fauna management – Malleefowl

The permit holder must not clear more than 3.27 hectares of native vegetation within the area cross-hatched yellow in Figure 1 and Figure 5, of Schedule 1 that provides foraging habitat for *Leipoa ocellata* (Malleefowl).

**13. Priority flora management**

- (a) The permit holder must ensure that:
  - (iii) the boundaries of the area to be cleared are identified and demarcated using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA20), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (iv) *recorded priority flora* are identified within the clearing boundary using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA20), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) When undertaking any clearing authorised under this permit, the permit holder must not cause or allow the clearing of more than the *recorded priority flora* within the clearing boundary.

**14. Wind erosion management**

The permit holder must commence construction activities no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for wind erosion.

**15. Mitigation – Rehabilitation and revegetation of temporary clearing areas**

- (a) For the areas cross-hatched orange in Figure 1 of Schedule 2, 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) At an *optimal time* of the area no longer being required for gravel extraction, the permit holder must *revegetate* and *rehabilitate* the area cross-hatched orange in Figure 1 of Schedule 2 in accordance with the *Rehabilitation Plan* prepared by the Shire of Esperance – April 2023 including but not limited to the following actions: by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
  - (ii) ripping the ground on the contour to remove soil compaction; and
  - (iii) lay the vegetative material and topsoil retained under Condition 14(a) on the cleared area.
- (c) The permit holder must, within five (5) years of laying the vegetative material and topsoil on the cleared area in accordance with condition 14(b) of this permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the *vegetation* of area *revegetated*; and
  - (ii) engage an *environmental specialist* to make a determination as to whether the composition, structure and density determined under condition 14(c)(i) of this permit will, without further *revegetation* and *rehabilitation*, achieve the completion criteria specified in Table 1 of the attached Schedule 2.
- (d) If the determination made by the *environmental specialist* under condition 14(c)(ii) is that the species composition, structure, and density determined under condition 14(c)(i) will not, achieve the completion criteria specified in the attached Schedule 2, the permit holder must undertake remedial actions for areas *revegetated* and *rehabilitated*, including:
  - (i) *revegetate/rehabilitate* the area by deliberately *planting* and/or *direct seeding native vegetation* that will result in the minimum completion criteria detailed

- in the attached Schedule 2 and ensuring only *local provenance* seeds and propagating material are used; and
- (ii) undertake *weed* control activities prior to *planting* and/or *direct seeding native vegetation*.
- (e) Where additional *planting* or *direct seeding of native vegetation* is undertaken in accordance with condition 14(d), the permit holder must repeat the activities required by condition 14(c) and 14(d) within five (5) years of undertaking the additional *planting* or *direct seeding of native vegetation*.
- (f) Where a determination is made by an *environmental specialist* under condition 14(c)(ii) that the composition, structure and density within areas *revegetated* and *rehabilitated* will achieve the completion criteria specified in the attached Schedule 2, that determination shall be submitted to the *CEO* within three months of the determination being made by the *environmental specialist*.

**16. Offsets - Lot 1536 on Deposited Plan 209681**

- (a) Within 36 months of the commencement of clearing authorized under this permit and no later than 1 June 2027, the permit holder must provide to the *CEO* a copy of the executed change in purpose of Lot 1536 on Deposited Plan 209681 (Reserve 26912) from ‘gravel extraction’ to ‘conservation’ within the area cross-hatched red in Figure 1 of Schedule 3.

**17. Offsets - Lot 1559 on Deposited Plan 207747**

- (a) Within 36 months of the commencement of clearing authorized under this permit and no later than 1 June 2027, the permit holder must provide to the *CEO* a copy of the executed change in purpose of Lot 1559 on Deposited Plan 207747 (Reserve 24633) from ‘gravel extraction’ to ‘conservation’ within the area cross-hatched red in Figure 2 of Schedule 3.

**18. Offsets - Lot 460 on Deposited Plan 175372**

- (a) Within 36 months of the commencement of clearing authorized under this permit and no later than 1 June 2027, the permit holder must provide to the *CEO* a copy of the executed change in purpose of Lot 460 on Deposited Plan 175372 (Reserve 31099) from ‘gravel extraction’ to ‘conservation’ within the area cross-hatched red in Figure 3 of Schedule 3.

**PART III - RECORD KEEPING AND REPORTING**

**19. 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	(a) the species composition, structure, and density of the cleared area; (b) the location where the clearing occurred, recorded using a Global Positioning

No.	Relevant matter	Specifications
		<p>System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</p> <p>(c) the date that the area was cleared;</p> <p>(d) the size of the area cleared (in hectares);</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 6;</p> <p>(g) actions taken in accordance with condition 7;</p> <p>(h) actions taken in accordance with condition 8;</p> <p>(i) area of Proteaceae Dominated Kwongkan Shrubland of the southeast coastal floristic province of Western Australia' Commonwealth listed Threatened Ecological Community cleared in accordance with condition 9;</p> <p>(j) area of 'Swamp Yate, Eucalyptus occidentalis, woodlands in seasonally inundated clay basins in the Sother Coast of Western Australia' Priority ecological Community cleared in accordance with condition 10;</p> <p>(k) area of black cockatoo habitat cleared in accordance with condition 11;</p> <p>(l) area of mallefowl habitat cleared in accordance with condition 12;</p> <p>(m) and actions taken in accordance with condition 14;</p> <p>(n) actions taken in accordance with condition 16;</p> <p>(o) actions taken in accordance with condition 17; and</p> <p>(p) actions taken in accordance with condition 18.</p>
2.	In relation to flora management pursuant to condition 13.	<p>(a) the name and location of each <i>priority flora</i> species, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</p> <p>(b) actions taken to demarcate each <i>priority flora</i> species recorded and their relevant buffers; and</p>

No.	Relevant matter	Specifications
		(c) actions taken to avoid the clearing of <i>priority flora</i> species.
3.	In relation to rehabilitation pursuant to condition 15.	(a) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken; (b) the size of the areas <i>revegetated</i> and <i>rehabilitated</i> (in hectares); (c) the date that <i>revegetation</i> and <i>rehabilitation</i> works began; (d) any remediation works undertaken; (e) a copy of environmental specialist reports; and (f) the date that completion criteria are considered to be met.

**20. Reporting**

The permit holder must provide to the *CEO* the records required under condition 19 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.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
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.
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.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
environmental specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work 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 <i>CEO</i> as a suitable environmental specialist.
fill	means material used to increase the ground level, or to fill a depression.
local provenance	means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same IBRA subregion of the area cleared.

Term	Definition
planting	means the re-establishment of vegetation by creating soil conditions and planting seedlings of the desired species.
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.
priority flora	means those plant taxa described as priority flora classes 1, 2, 3, or 4 in the Department of Biodiversity, Conservation and Attractions Threatened and Priority Flora List for Western Australia (as amended from time to time).
recorded	<p>means individuals of those <i>priority flora</i> species found within the area cross-hatched yellow in Figures 1-6 of Schedule 1 during the following surveys:</p> <ul style="list-style-type: none"> <li>(a) Shire of Esperance (2023b) <i>Environmental report for site A - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791207).</li> <li>(b) Shire of Esperance (2023c) <i>Environmental report for site B - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791208).</li> <li>(c) Shire of Esperance (2023d) <i>Environmental report for site C - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791209).</li> <li>(d) Shire of Esperance (2023e) <i>Environmental report for site D - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791210).</li> <li>(e) Shire of Esperance (2023f) <i>Environmental report for site E - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791211).</li> <li>(f) Shire of Esperance (2023g) <i>Environmental report for site F - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791212).</li> <li>(g) Shire of Esperance (2023h) <i>Environmental report for site G - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791213).</li> <li>(h) Shire of Esperance (2023i) <i>Environmental report for site H - supporting document for CPS 10158-1</i>, received 20 April 2023 (DWER ref: DWERDT791215).</li> <li>(i) Shire of Esperance (2023j) <i>Response to request for further information letter</i>, received 18 October 2023 (DWER ref: DWERDT851369).</li> </ul>
Rehabilitation Plan	means the rehabilitation plan prepared by the Shire of Esperance for this permit and approved by the CEO 'Shire of Esperance (2024b) Rehabilitation plan CPS 10158/1, received 10 April 2024 (DWER Ref: DWERDT931519)'.
rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that 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
revegetation	means the re-establishment of a cover of local provenance native vegetation in an area using methods such as natural regeneration, direct



Term	Definition
	seeding and/or planting, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.
riparian	means the distinctive vegetation associated with a watercourse or wetland.
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**

Mathew Gannaway  
 MANAGER  
 NATIVE VEGETATION REGULATION

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

3 May 2024

### Schedule 1 – Plan CPS 10158/1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1-6).

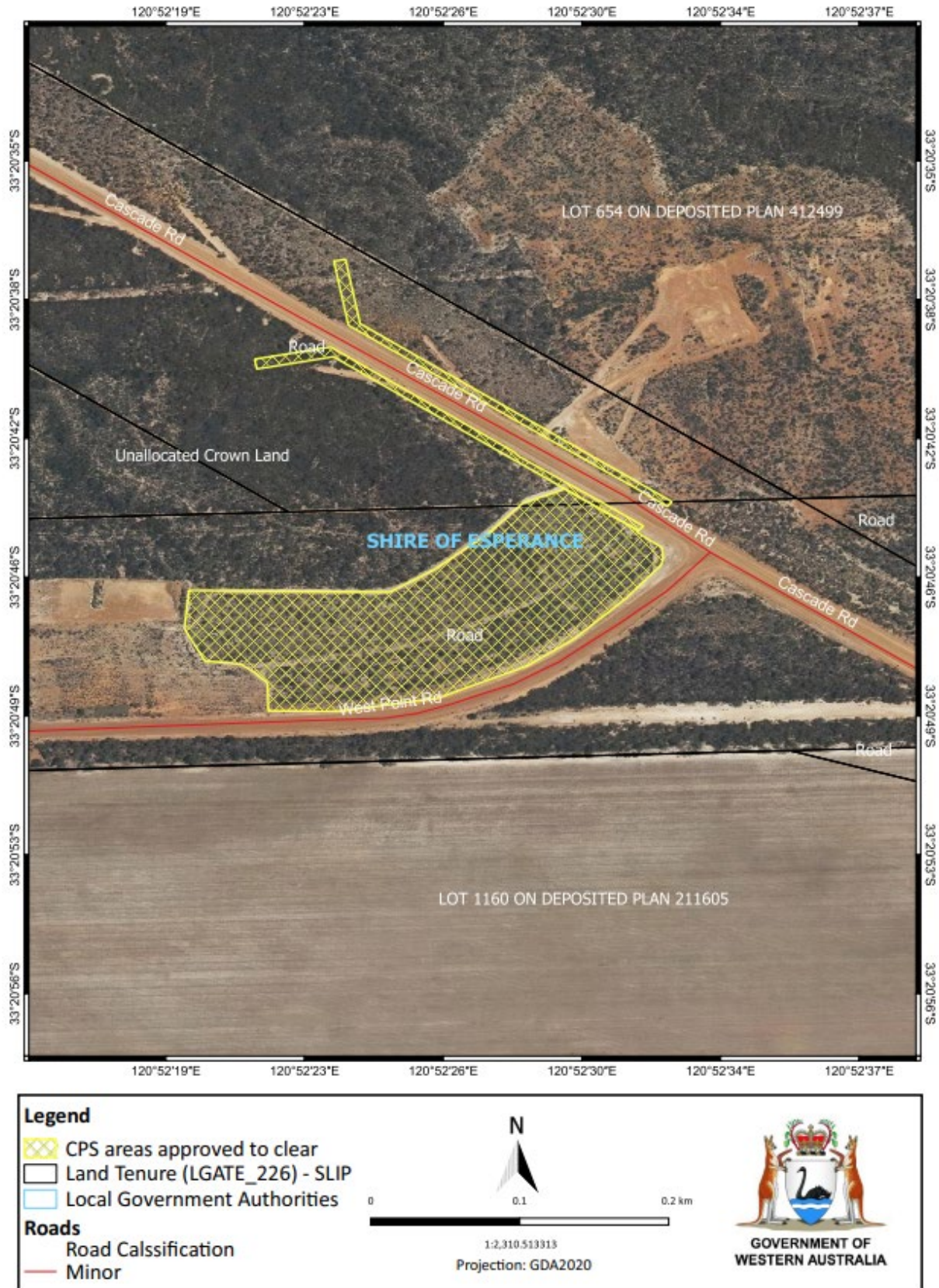


Figure 1: Map of the boundary of the area within which clearing may occur

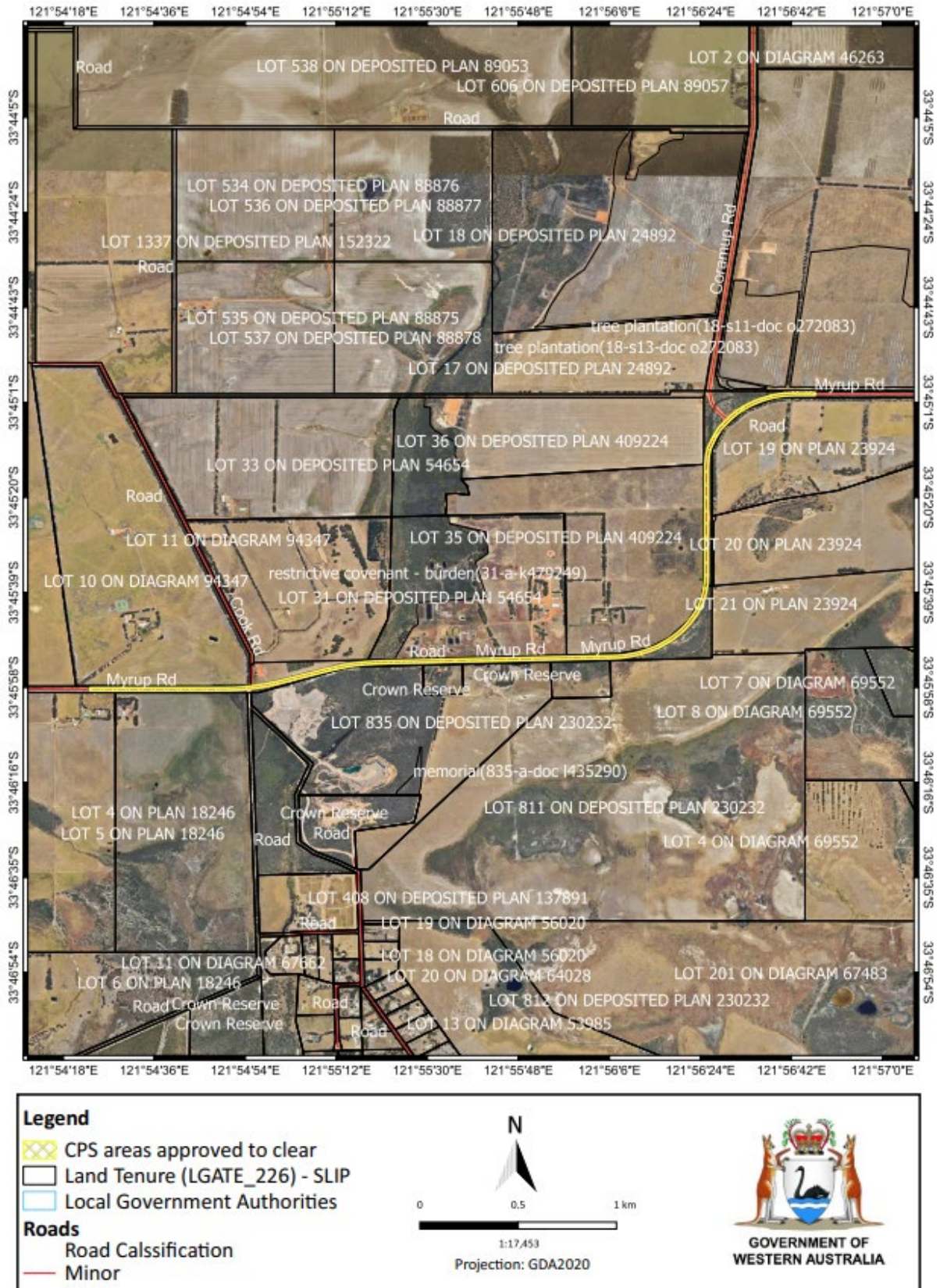


Figure 2: Map of the boundary of the area within which clearing may occur

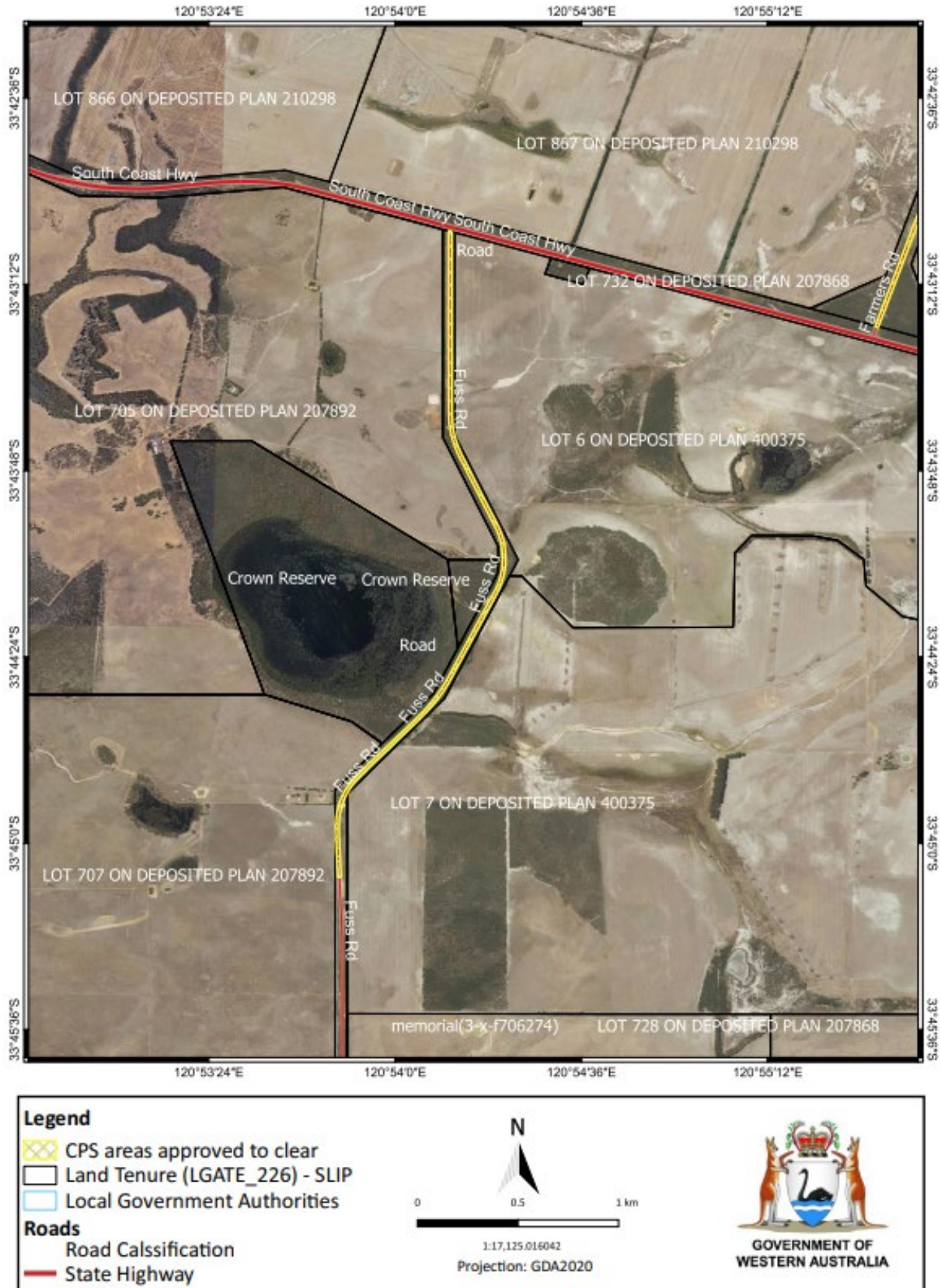


Figure 3: Map of the boundary of the area within which clearing may occur

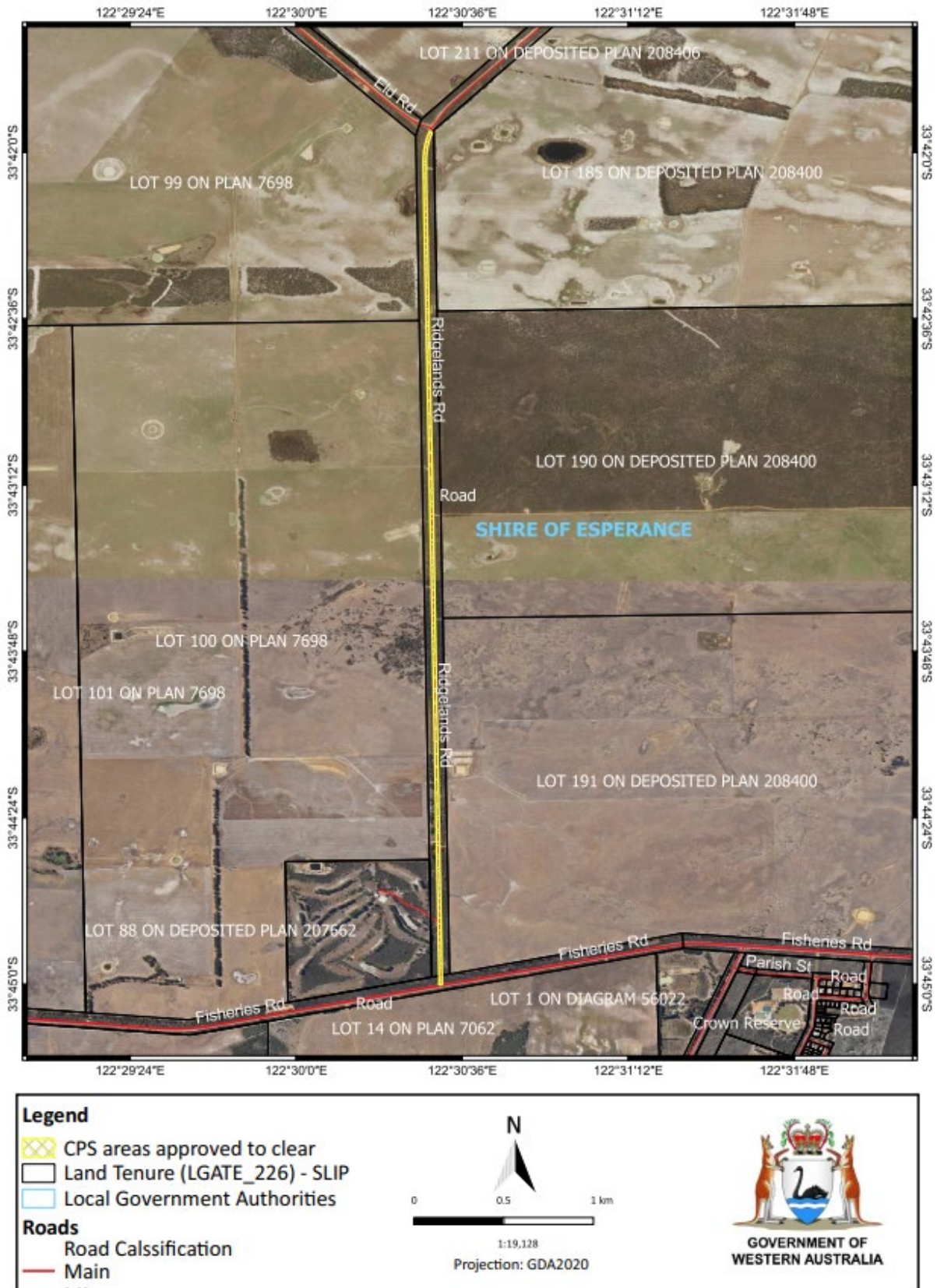


Figure 4: Map of the boundary of the area within which clearing may occur

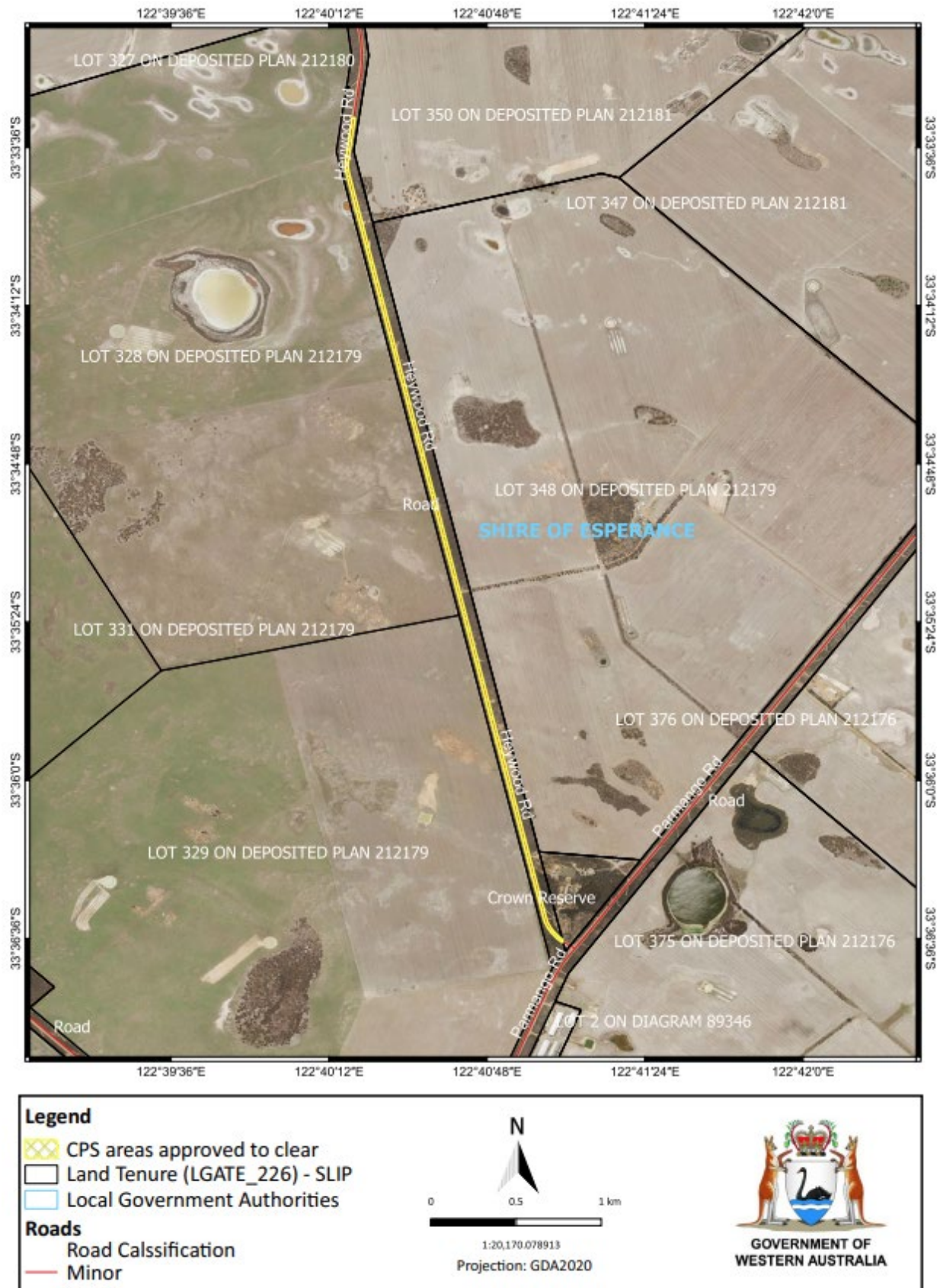


Figure 5: Map of the boundary of the area within which clearing may occur

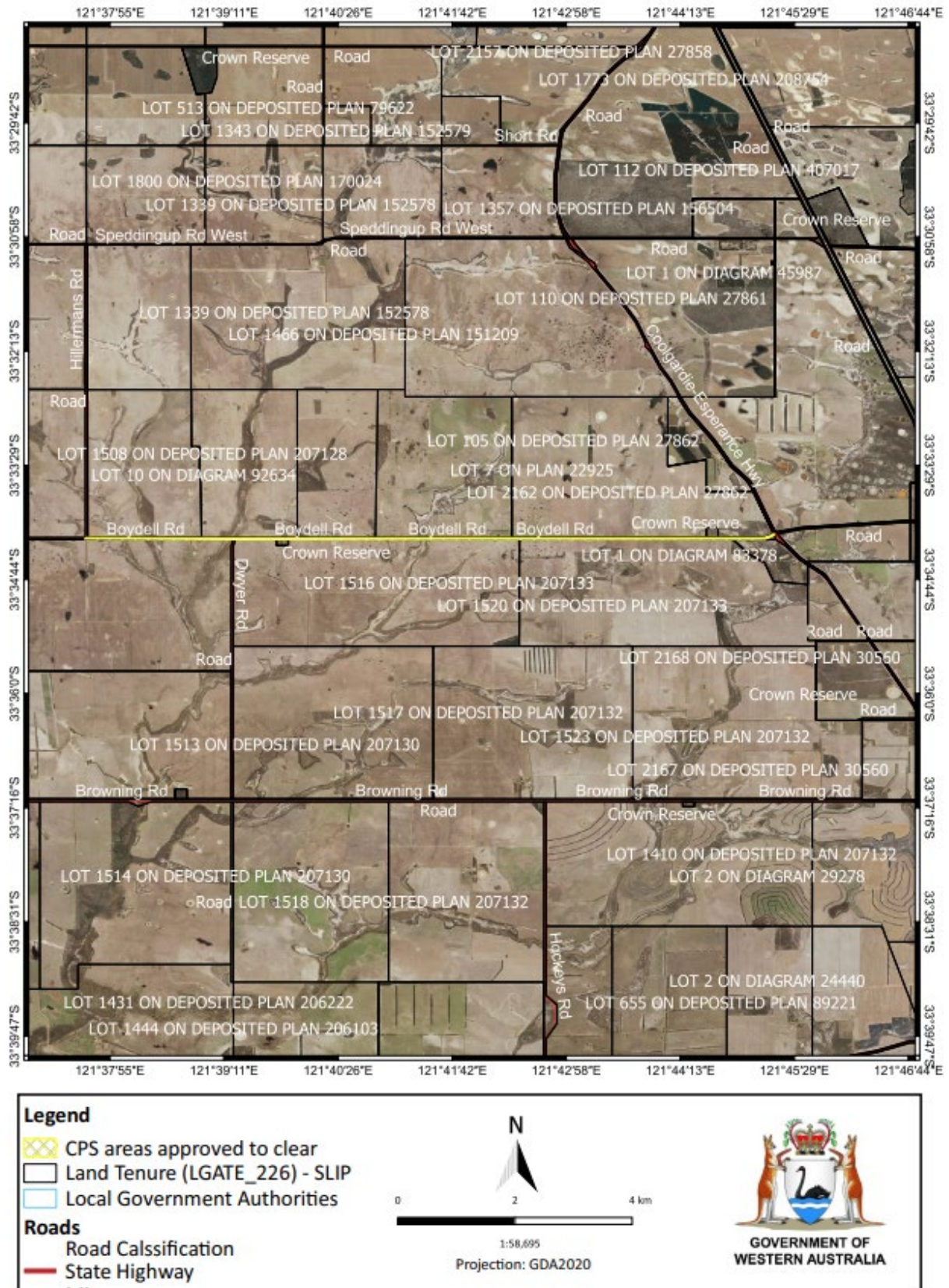


Figure 6: Map of the boundary of the area within which clearing may occur

## Schedule 2

The boundary of the area where conditions apply is shown in the map below (Figure 1).



Figure 1: Map of the boundary of the area within which conditions apply.



**Table 1.** The rehabilitation completion criteria are shown in the table below.

Criterion	Basic floristic data	Completion Target	Completion Criteria
1	Vegetation type A meets the key diagnostic characteristics and condition thresholds for Kwongkan TEC.	50% of the Gravel Pit meets the key diagnostic characteristics and condition thresholds for Kwongkan TEC, using criterion 2b of the Approved Conservation advice for Kwongkan TEC. Note criterion 2b is used due to the disturbance.	50% of the Gravel Pit has two or more diagnostic Proteaceae species present (See Appendix 2 of the <i>Rehabilitation Plan</i> ) that are likely to form a significant vegetative component.
2	A total of 16 Proteaceous species were recorded within the application area	60% of Proteaceous species return to the site	A total of at least 10 Proteaceous species present throughout the site
3	A total of 114 species are present in Site A	Return of 66% of species richness	A total of 75 species are present in the Rehabilitated Gravel Pit
4	six different <i>Eucalyptus</i> spp. are present at low density as overstorey canopy: <ul style="list-style-type: none"> <li>• <i>Eucalyptus eremophila</i>,</li> <li>• <i>E. flocktoniae</i> subsp. <i>hebes</i>,</li> <li>• <i>E. incrassata</i>,</li> <li>• <i>E. kessellii</i> subsp. <i>kessellii</i>,</li> <li>• <i>E. pleurocarpa</i> and</li> <li>• <i>E. tumida</i>.</li> </ul>	Return of the six species of <i>Eucalyptus</i> spp. to revegetation area	Return of the six species of <i>Eucalyptus</i> spp. to revegetation area

### Schedule 3

The boundary of the area where conditions apply is shown in the maps below (Figure 1 - 3).

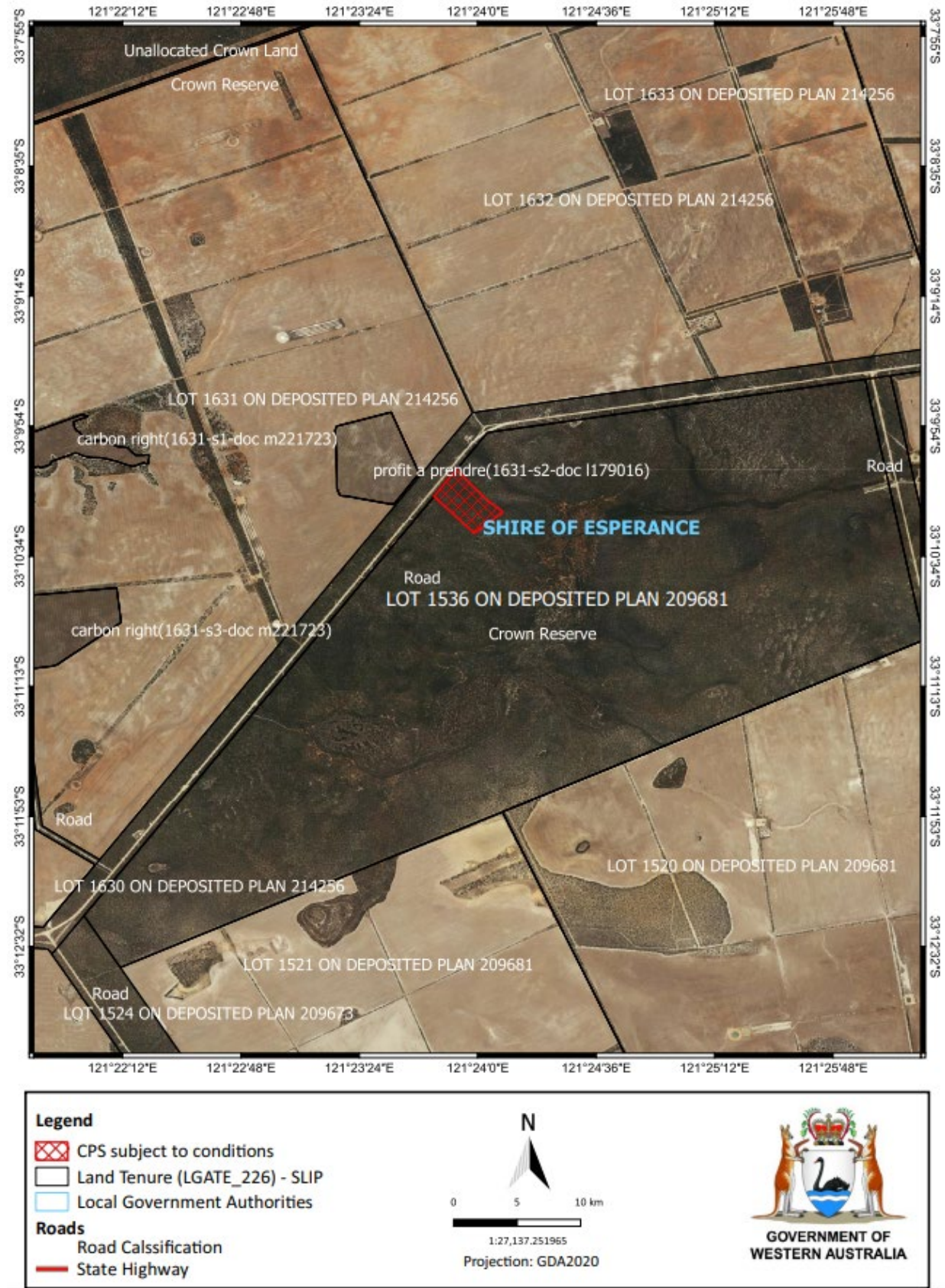


Figure 1: Map of the offset boundary area to be managed as an offset

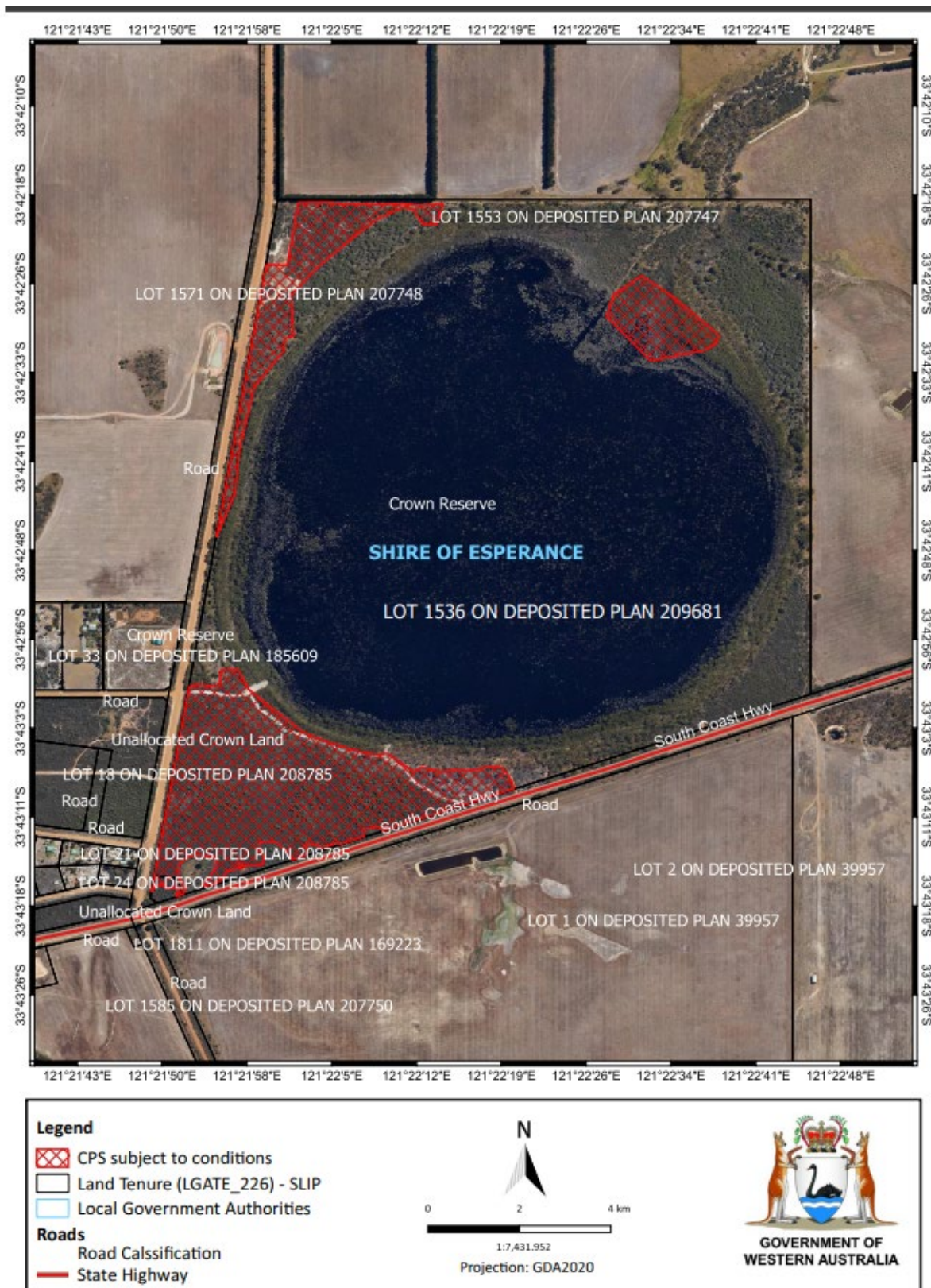


Figure 2: Map of the offset boundary area to be managed as an offset

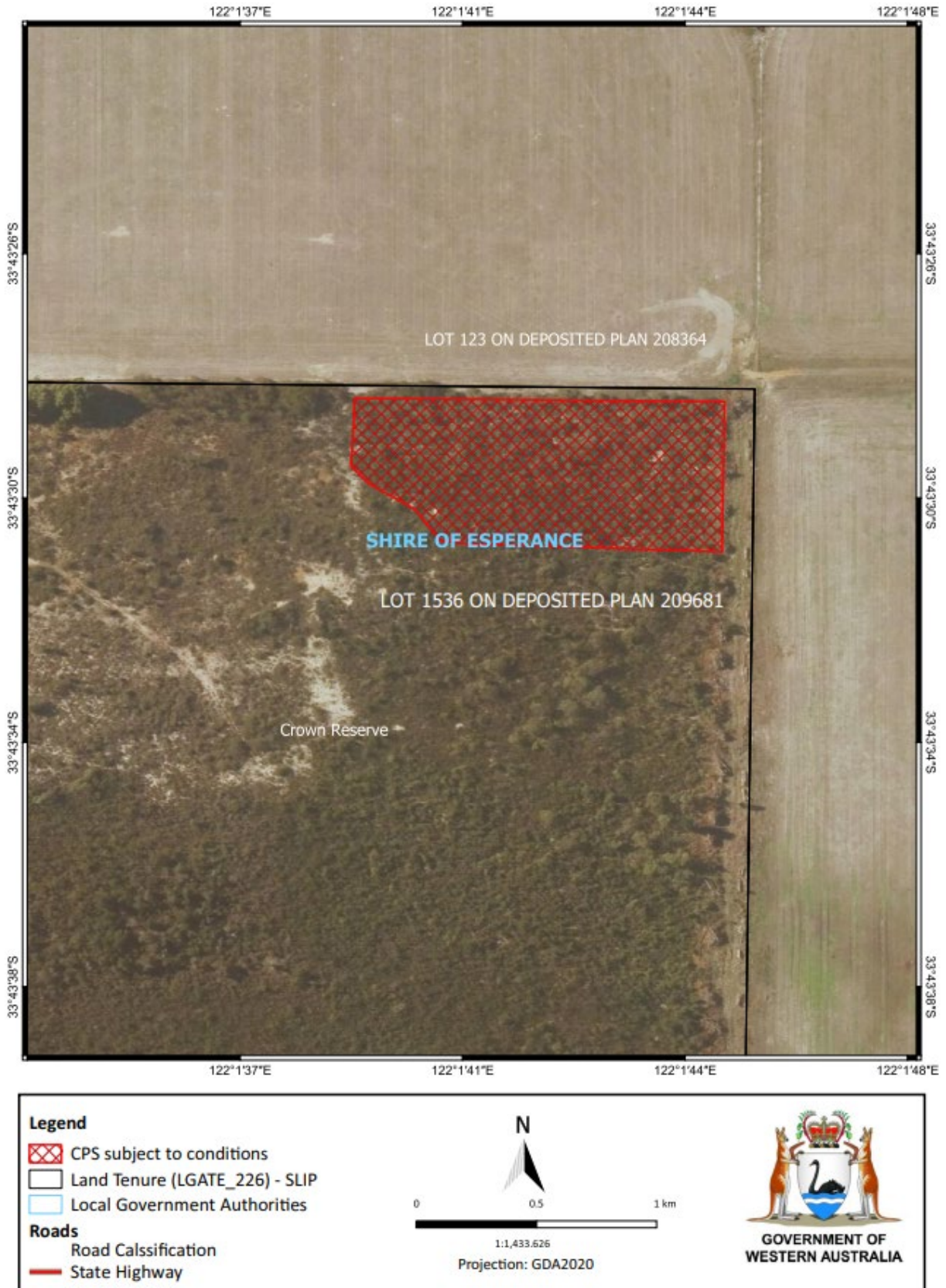


Figure 3: Map of the offset boundary area to be managed as an offset