



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 10188/2
<b>Permit Holder:</b>	Great Southern Lime Partnership
<b>Duration of Permit:</b>	From 30 January 2024 to 30 January 2034

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 construction of a limestone pad and truck turning area.

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

Lot 9005 on Deposited Plan 52008, Nullaki

**3. Clearing authorised**

The permit holder must not clear more than 2.87 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

**4. Period during which clearing is authorised**

The permit holder must not clear any *native vegetation* after 30 January 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*:

- (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 in a slow, progressive manner towards adjacent *native vegetation*; and
- (b) allow reasonable time for fauna present within the area being cleared to move into adjacent *native vegetation* ahead of the clearing activity.

## 8. Wind erosion management

The permit holder must:

- (a) commence construction of the limestone pad and truck turning area no later than two (2) months after undertaking the authorised *clearing* activities to reduce the potential for wind erosion;
- (b) ensure the stockpile area contains stockpiled lime, vegetative material and/or equipment at all times; and
- (c) where the stockpile area does not contain stockpiled lime, vegetative material and/or equipment, ensure all areas of bare ground are covered and otherwise protected from wind erosion by use of control mats or geotextiles, until such time as the stockpile area is *revegetated* and *rehabilitated* in accordance with condition 9.

## 9. Retain vegetative material and topsoil, revegetation and rehabilitation

The permit holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised within the area crossed hatched yellow in Figure 1 of Schedule 1 and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) At an *optimal time* within 12 months following the areas not required for the purpose of which it was cleared, *revegetate* and *rehabilitate* the area crossed hatched yellow in Figure 1 of Schedule 1 by:
  - (i) ripping the ground on the contour to remove soil compaction; and
  - (ii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area(s).
- (c) Within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 9(b) of this Permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and

- (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 8(c)(i) of this permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types 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.
- (e) Where additional *planting* or *direct seeding of native vegetation* is undertaken in accordance with condition 9(c)(ii) of this permit, the permit holder shall repeat condition 9(c)(i) and 9(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding of native vegetation*.
- (f) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 9(c)(i) and (ii) of this permit, that determination shall be submitted for the *CEO*'s consideration. If the *CEO* does not agree with the determination made under condition 9(c)(ii), the *CEO* may require the permit holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 9(c)(ii).

**PART III - RECORD KEEPING AND REPORTING**

**10. 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	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the direction of clearing;</li> <li>(e) the size of the area cleared (in hectares);</li> <li>(f) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;</li> <li>(g) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 6; and</li> <li>(h) actions taken and the associated dates to reduce impacts of wind erosion in accordance with condition 8.</li> </ul>

No.	Relevant matter	Specifications
2.	In relation to the required <i>revegetation</i> and <i>rehabilitation</i> activities pursuant to condition 9	<p>(a) the species composition, structure, and density of the <i>revegetation</i> area;</p> <p>(b) the location where the <i>revegetation</i> occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings;</p> <p>(c) a copy of the <i>environmental specialist's</i> report;</p> <p>(d) a description of the <i>revegetation</i> activities undertaken; and</p> <p>(e) any remedial actions required to be undertaken.</p>

## 11. Reporting

The permit holder must provide to the *CEO* the records required under condition 10 of this permit when requested by the *CEO*.

## DEFINITIONS

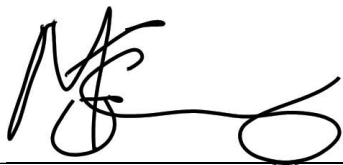
In this permit, the terms in Table 2 have the meanings defined.

**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.
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
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has 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.
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.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
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.

Term	Definition
optimum time	means the period from July to September
planting	means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species
rehabilitate/ed/ion	means actively managing an area containing native vegetation in order to improve the ecological function of that area
revegetate/ed/ion	means the re-establishment of a cover of <i>local provenance</i> native vegetation in an area using methods such as natural <i>regeneration</i> , <i>direct seeding</i> and/or <i>planting</i> , 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"> <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**



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Mathew Gannaway  
MANAGER  
NATIVE VEGETATION REGULATION

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

16 August 2024

# 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

<b>Permit number:</b>	CPS 10188/2
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	Great Southern Lime Partnership
<b>Application received:</b>	31 July 2024
<b>Application area:</b>	2.87 hectares (revised) of native vegetation
<b>Purpose of clearing:</b>	Construction of a limestone pad and truck turning area
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 9005 on Deposited Plan 52008
<b>Location (LGA area/s):</b>	City of Albany
<b>Localities (suburb/s):</b>	Nullaki

### 1.2. Description of clearing activities

The amendment to Clearing Permit CPS 10188/1 is to give effect to the determination made by the Minister for Environment; Climate Action (the Minister) in relation to three appeals received against the grant of the permit. The total extent of the clearing proposed under this amendment (CPS 10188/2) remains not more than 2.87 hectares of native vegetation within Lot 9005 on Deposited Plan 52008, Nullaki, for the purpose of construction of a limestone pad and truck turning area.

The vegetation proposed to be cleared is 2.87 hectares of native vegetation contained within two contiguous areas along Lee Road in Nullaki. The proposed clearing is to facilitate the construction of a limestone pad and truck turning area (see Figure 1, Section 1.5).

### 1.3. Decision on application

<b>Decision:</b>	Grant
<b>Decision date:</b>	16 August 2024
<b>Decision area:</b>	2.87 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

On 5 January 2024, the Department of Water and Environmental Regulation (DWER) determined to grant Clearing Permit Application CPS 10188/1 to authorise Great Southern Lime Partnership to clear no more than 2.87 hectares of native vegetation within Lot 9005 on Deposited Plan 52008, Nullaki, for the purpose of constructing a limestone pad and truck turning area. Three appeals were lodged, which objected to the granting of Clearing Permit 10188/1 and included five grounds of appeal.

This clearing permit amendment gives effect to the Minister's determination to partly allow the appeal (Appeal number: 003 of 2024). The Minister determined that DWER's decision to grant the clearing permit was generally appropriate, but that the permit conditions should be strengthened to ensure the impacts to environmental values are

minimised with a high level of confidence. The amendments required by the Minister’s determination are outlined in Section 2.2.

Given the above, the Delegated Officer determined to grant an amended clearing permit in accordance with the Ministers determination. The Delegated Officer determined to make the following amendments to the clearing permit conditions:

- Revise condition 8 to ensure any areas of bare ground are covered by stockpiled lime, vegetative material, and/or equipment. Or are otherwise always protected from wind erosion using control mats or geotextiles, and
- Include condition 9 to ensure cleared areas are revegetated and rehabilitated once no longer required for the purpose for which they were cleared. To account for any remedial actions required within the revegetation area, the permit duration has been extended.

Given the above, the Delegated Officer determined to grant a clearing permit subject to the amended conditions for the stockpile area and revegetation and rehabilitation, in order to reflect the Minister’s determination. The assessment of environmental impacts has not changed since the assessment of Clearing Permit CPS 10188/1.

**1.5. Site map**

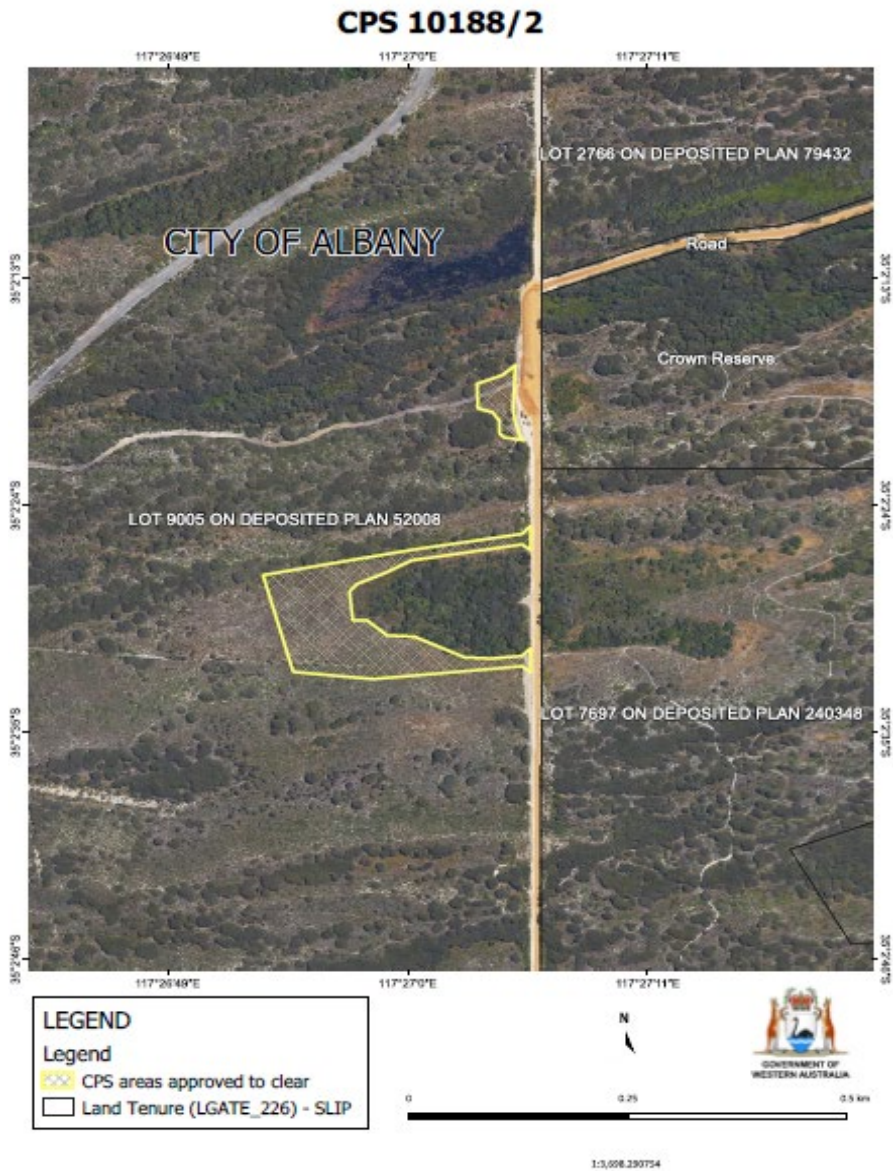


Figure 1 Map of the application area  
 The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit.



## 2 Detailed assessment of application

### 2.1. Avoidance and mitigation measures

Given this amendment is not applicant-initiated and is the result of an appeal determination made by the Minister in relation to the grant of Clearing Permit CPS 10188/1, the avoidance and mitigation measures proposed by the Permit Holder remain unchanged from the previous assessment of the permit and can be found in the Decision Report prepared for Clearing Permit CPS 10188/1.

### 2.2. Assessment of impacts on environmental values

This amendment is the result of an appeal determination made by the Minister regarding the conditions of Clearing Permit CPS 10188/1. The assessment of the impacts of the proposed clearing on environmental values is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 10188/1.

The Minister determined that, on balance, the addressing of an Improvement Notice issued by WorkSafe in February 2023 outweighed the significant environmental values of the application area.

In coming to this view, the Minister considered that the permit conditions should be strengthened to ensure the impacts to environmental values are minimised with a high level of confidence. The Minister determined to allow the appeals to the extent that:

- Revise condition 8 to ensure any areas of bare ground are covered by stockpiled lime, vegetative material, and/or equipment. Or are otherwise always protected from wind erosion using control mats or geotextiles, and
- Include condition 9 to ensure cleared areas are revegetated and rehabilitated once no longer required for the purpose for which they were cleared.

The assessment against the clearing principles outlined in Schedule 5 of the *Environmental Protection Act 1986* (EP Act) is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 10188/1.

### 2.3. Relevant planning instruments and other matters

The assessment against planning instruments and other matters is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 10188/1.

**End**

## References

Department of Water and Environmental Regulation (DWER) (2024). *Purpose permit and decision report: CPS 10188/1*. Available from: <https://ftp.dwer.wa.gov.au/permit/10188/Permit/>

Office of the Appeals Convenor (2024) *Appeals Committee Report to the Minister for Environment: Appeals against the grant of Clearing Permit CPS 10188/1 Great Southern Lime, Nullaki*. DWER Ref DWERVT12621