



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 10752/1
<b>Permit Holder:</b>	Shire of Derby / West Kimberley
<b>Duration of Permit:</b>	From 28 February 2025 to 28 February 2030

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 power facility hazard reduction.

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

Yates Street road reserve (PIN 14433624), Derby

#### **3. Clearing authorised**

The permit holder must not clear more than 0.37 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

### **PART II – MANAGEMENT CONDITIONS**

#### **4. 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:

- avoid the clearing of *native vegetation*;
- minimise the amount of *native vegetation* to be cleared; and
- reduce the impact of clearing on any environmental value.

#### **5. Weed 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*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known *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.

**PART III - RECORD KEEPING AND REPORTING**

**6. 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 Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 4; and</li> <li>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 5</li> </ul>

**7. Reporting**

The permit holder must provide to the *CEO* the records required under condition 6 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> .

Term	Definition
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.
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)
fill	means material used to increase the ground level, or to fill a depression.
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.
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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Ryan Mincham  
MANAGER  
NATIVE VEGETATION REGULATION

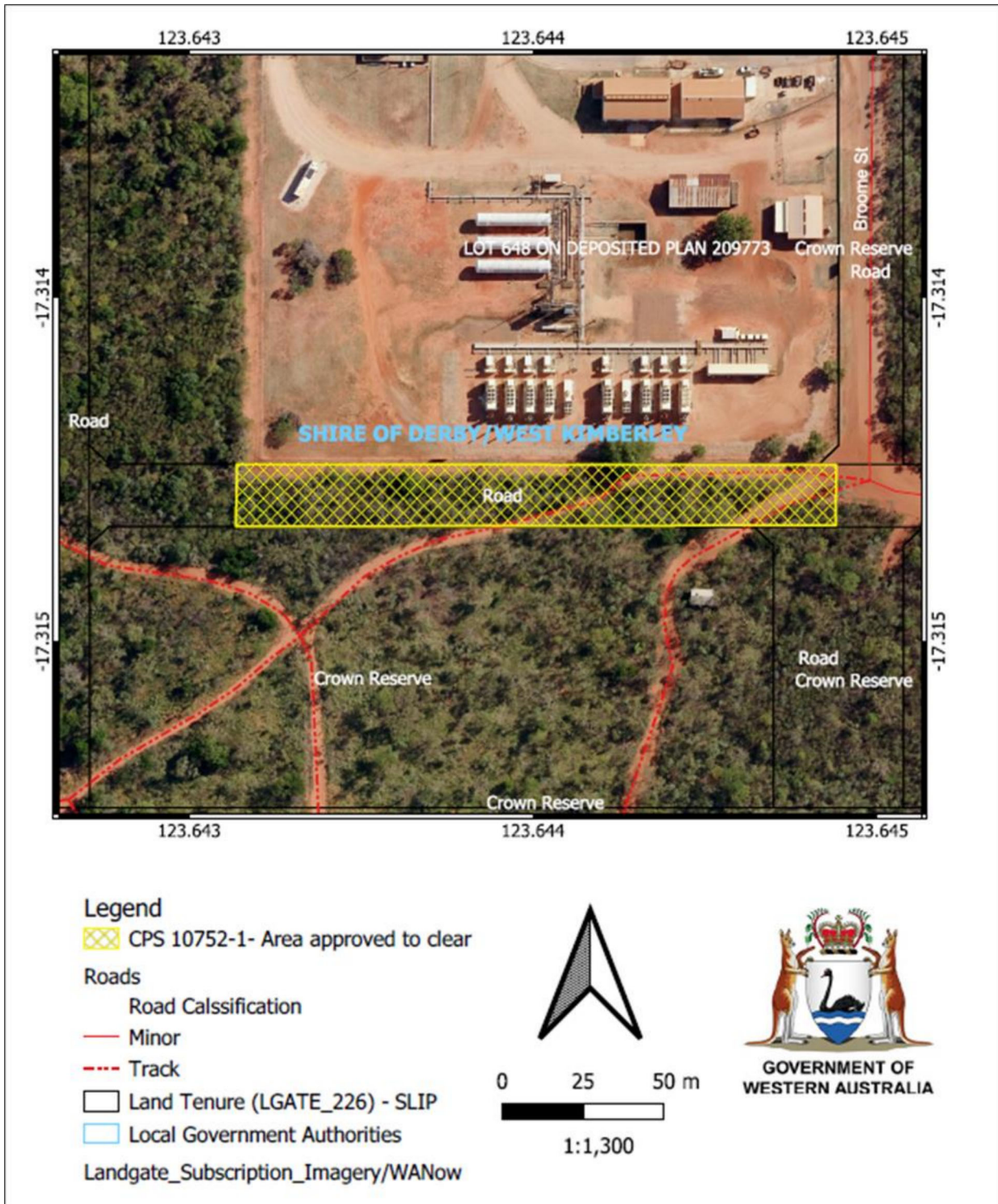
*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

5 February 2025

# Schedule 1

## Plan 10752/1

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 10752/1
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	Shire of Derby / West Kimberley
<b>Application received:</b>	5 September 2024
<b>Application area:</b>	0.37 hectares of native vegetation
<b>Purpose of clearing:</b>	Power facility hazard reduction
<b>Method of clearing:</b>	Mechanical clearing
<b>Property:</b>	Yates Street road reserve (PIN 14433624)
<b>Location (LGA area/s):</b>	Shire of Derby / West Kimberley
<b>Localities (suburb/s):</b>	Derby

### 1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5). The application is to clear vegetation around the Derby Power Station engine assets to create a reduced fuel load buffer zone for fire hazard management. The area proposed to be cleared is a strip approximately 185 metres long within the Yates Street road reserve (PIN 11433624).

### 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	5 February 2025
<b>Decision area:</b>	0.37 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

This clearing permit 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 no submissions were received.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix A), relevant datasets (see Appendix E.1), the clearing principles set out in Schedule 5 of the EP Act (see Appendix B), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3).

The assessment identified that the proposed clearing will result in:

- the potential introduction and spread of weeds into adjacent vegetation

After consideration of the available information, as well as the applicant's minimisation and mitigation measures (see Section 3.1), the Delegated Officer determined the proposed clearing be minimised and managed to unlikely lead to an unacceptable risk to environmental values.

The Delegated Officer decided to grant a clearing permit subject to conditions to:

- avoid, minimise to reduce the impacts and extent of clearing
- take hygiene steps to minimise the risk of the introduction and spread of weeds

1.5. Site map

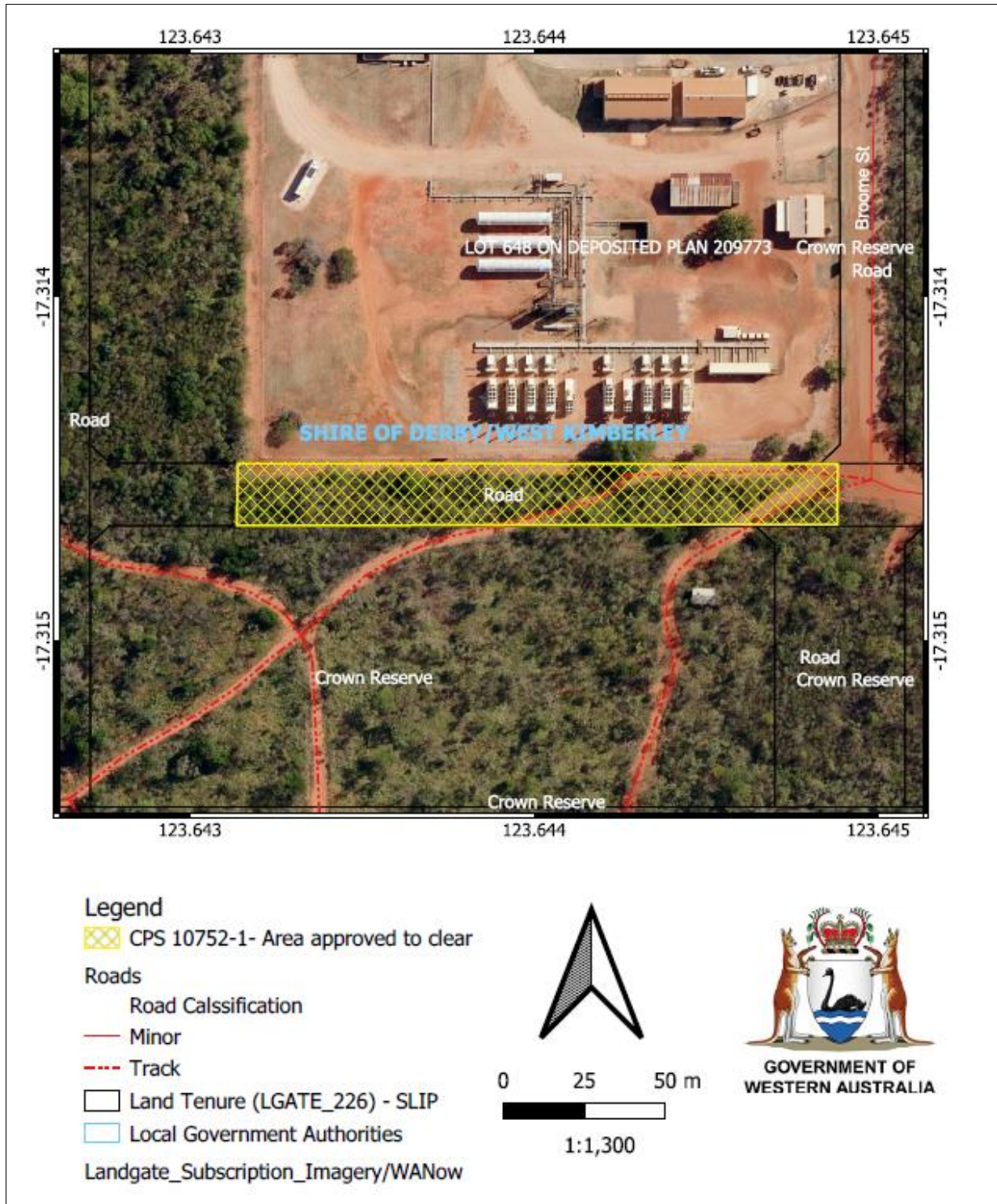


Figure 1 Map of the application area

The area cross-hatched yellow indicates the area authorised to be cleared under the granted clearing permit.

## 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.

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)

## 3 Detailed assessment of application

### 3.1. Avoidance and mitigation measures

To meet the standard for a safe buffer around the power station engines, vegetation clearance of 35 to 40 metres is required. It is noted that much of the area around the power station is already cleared to create a reduced fuel load buffer and it is only the proposed clearing of a strip of vegetation that is required to create and maintain the buffer zone.

The applicant has committed to clear as per the Shire's policies and procedures for weed hygiene practices to minimise the spread of weeds into and out of the clearing site (whereby vehicles and machines are cleaned and checked prior to mobilisation and demobilisation sites).

The Delegated Officer was satisfied that the applicant has undertaken reasonable measures to avoid and minimise potential impacts of the proposed clearing on environmental values.

### 3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (see Appendix A) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix B) identified the impacts of the proposed clearing are limited and able to be managed to be environmentally acceptable with standard avoid, minimise and hygiene conditions.

### 3.3. Relevant planning instruments and other matters

An Aboriginal site of significance has been mapped within the application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

**End**

## Appendix. A Site characteristics

### A.1. Site characteristics

Characteristic	Details
Local context	<p>The area proposed to be cleared is a 0.37-hectare isolated patch of native vegetation in the extensive land use zone of Western Australia. It is located south of the power station and is surrounded by minor tracks.</p> <p>Aerial imagery indicates the local area (50-kilometre radius from the centre of the area proposed to be cleared – excluding the ocean) retains more than 90 per cent of the original native vegetation cover.</p>
Ecological linkage	There are no ecological linkages mapped within the application area.
Conservation areas	No conservation areas are mapped within the 50-kilometre radius of the application area.
Vegetation description	<p>Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of a thicket with low lying trees. Representative photos are available in Appendix D.</p> <p>This is consistent with the mapped vegetation type:</p> <ul style="list-style-type: none"> <li>Fitzroy Sandplains_764, which is described as 'Acacia thicket with scattered low trees over spinifex <i>Acacia eriopoda</i>, <i>Corymbia dichromophloia</i>, <i>Triodia pungens</i>, <i>T. bitextura</i>' (Shepherd et al, 2001)</li> </ul> <p>The mapped vegetation type retains approximately 97 per cent of the original extent (Government of Western Australia, 2019).</p>
Vegetation condition	<p>Photographs supplied by the applicant indicate the vegetation within the proposed clearing area ranges from Good to Completely Degraded (Trudgen, 1991) condition.</p> <p>The full Trudgen (1991) condition rating scale is provided in Appendix C. Representative photos are available in Appendix D.</p>
Climate and landform	<p>Topography: Application area is located in a low-lying plain.</p> <p>Climate: Annual mean maximum temperature: 34.8 degrees Celsius Annual mean minimum temperature; 21.6 degrees Celsius</p> <p>Rainfall: Annual mean rainfall: 698.6 millimetres</p>
Soil description	The soil is mapped as Wanganut System which is described as sandplains and linear dunes supporting pindan woodlands with acacias and bloodwoods and curly spinifex-ribbon grass, and broad low-lying swales supporting bloodwood-grey box woodlands with curly spinifex-ribbon grass.
Land degradation risk	The mapped soil type is mapped as having low susceptibility to erosion and degradation.
Waterbodies	The desktop assessment and aerial imagery indicated that no watercourses transect the areas proposed to be cleared.
Hydrogeography	The area under application is located within the Irrigation-Derby Town Water Supply area covered by the <i>Rights in Water and Irrigation Act 1914</i> (RIWI Act).



Characteristic	Details
Flora	There are 11 priority flora species within a 50-kilometre radius of the application area. Of these species, only two priority 3 flora species, <i>Gomphrena cucullata</i> and <i>Goodenia sepalosa</i> var. <i>glandulosa</i> have been identified as having the potential to occur based of habitat preferences.
Ecological communities	There are no Threatened or Priority Ecological Communities (TEC/PEC) mapped within the application area.
Fauna	There are records of 54 threatened or priority fauna species have been recorded within the local area (excluding the ocean), including 37 migratory fauna species, six Priority fauna species, ten threatened fauna species and one specially protected species.

## A.2. Vegetation extent

	Pre-European extent (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current proportion (%) of pre-European extent in all DBCA managed land
IBRA bioregion*					
Dampierland	8,343,944.95	8,319,879.14	99.71	142,055.31	1.70
Vegetation complex					
Beard vegetation association Fitzroy Sandplains_764 *	53,248.07	51,954.64	97.57	-	-

\*Government of Western Australia (2019a)

## Appendix B. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
<b>Environmental value: biological values</b>		
<p><u>Principle (a):</u> "Native vegetation should not be cleared if it comprises a high level of biodiversity."</p> <p><u>Assessment:</u></p> <p>Based on the available datasets, no threatened flora and fauna species have the likelihood of being present in the application. Noting the small size of clearing and disturbed vegetation condition, the application area is not likely to represent an area of high biodiversity relative to areas outside the application area.</p> <p>The area proposed to be cleared does not likely contain locally significant flora, fauna, habitats or assemblages of plants.</p>	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
<p><u>Principle (b):</u> <i>“Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.”</i></p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared does not contain habitat which is likely to be significant for conservation significant fauna. Due to the small size of the application area, vegetation extent remaining in the local area and the mapped vegetation type also being well represented in the local area, the proposed clearing is not likely to remove habitat which will impact on the conservation status of any fauna species.</p>	Not likely to be at variance	No
<p><u>Principle (c):</u> <i>“Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.”</i></p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared is unlikely to contain habitat for threatened flora species listed under the BC Act.</p>	Not likely to be at variance	No
<p><u>Principle (d):</u> <i>“Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community.”</i></p> <p><u>Assessment:</u></p> <p>The area proposed to be cleared does not contain species indicative of a threatened ecological community.</p>	Not likely to be at variance	No
<b>Environmental value: significant remnant vegetation and conservation areas</b>		
<p><u>Principle (e):</u> <i>“Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.”</i></p> <p><u>Assessment:</u></p> <p>The extent of the mapped vegetation type is consistent with the national objectives and targets for biodiversity conservation in Australia. The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area.</p>	Not likely to be at variance	No
<p><u>Principle (h):</u> <i>“Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.”</i></p> <p><u>Assessment:</u></p> <p>Given the distance to the nearest conservation area is more than 100 kilometres, the proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.</p>	Not likely to be at variance	No
<b>Environmental value: land and water resources</b>		
<p><u>Principle (f):</u> <i>“Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.”</i></p> <p><u>Assessment:</u></p> <p>Given no watercourses or wetlands are recorded within the application area, the proposed clearing is unlikely to impact on- or off-site hydrology and water quality.</p>	Not likely to be at variance	No

Assessment against the clearing principles	Variance level	Is further consideration required?
<p><u>Principle (g):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.”</p> <p><u>Assessment:</u></p> <p>The mapped soil is moderately susceptible to wind erosion. Noting the extent and location of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.</p>	Not likely to be at variance	No
<p><u>Principle (i):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.”</p> <p><u>Assessment:</u></p> <p>Given no watercourses and wetlands are recorded within the application area, the proposed clearing is unlikely to impact surface or ground water quality.</p>	Not likely to be at variance	No
<p><u>Principle (j):</u> “Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.”</p> <p><u>Assessment:</u></p> <p>The mapped soils and topographic contours in the surrounding area do not indicate the proposed clearing is likely to contribute to increased incidence or intensity of flooding.</p> <p>Given no watercourses are recorded within the application area, the proposed clearing is unlikely to contribute to waterlogging.</p>	Not likely to be at variance	No

**Appendix C. Vegetation condition rating scale**

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation’s ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from:

Trudgen, M.E. (1991) *Vegetation condition scale* in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

**Measuring vegetation condition for the Eremaean and Northern Botanical Provinces (Trudgen, 1991)**

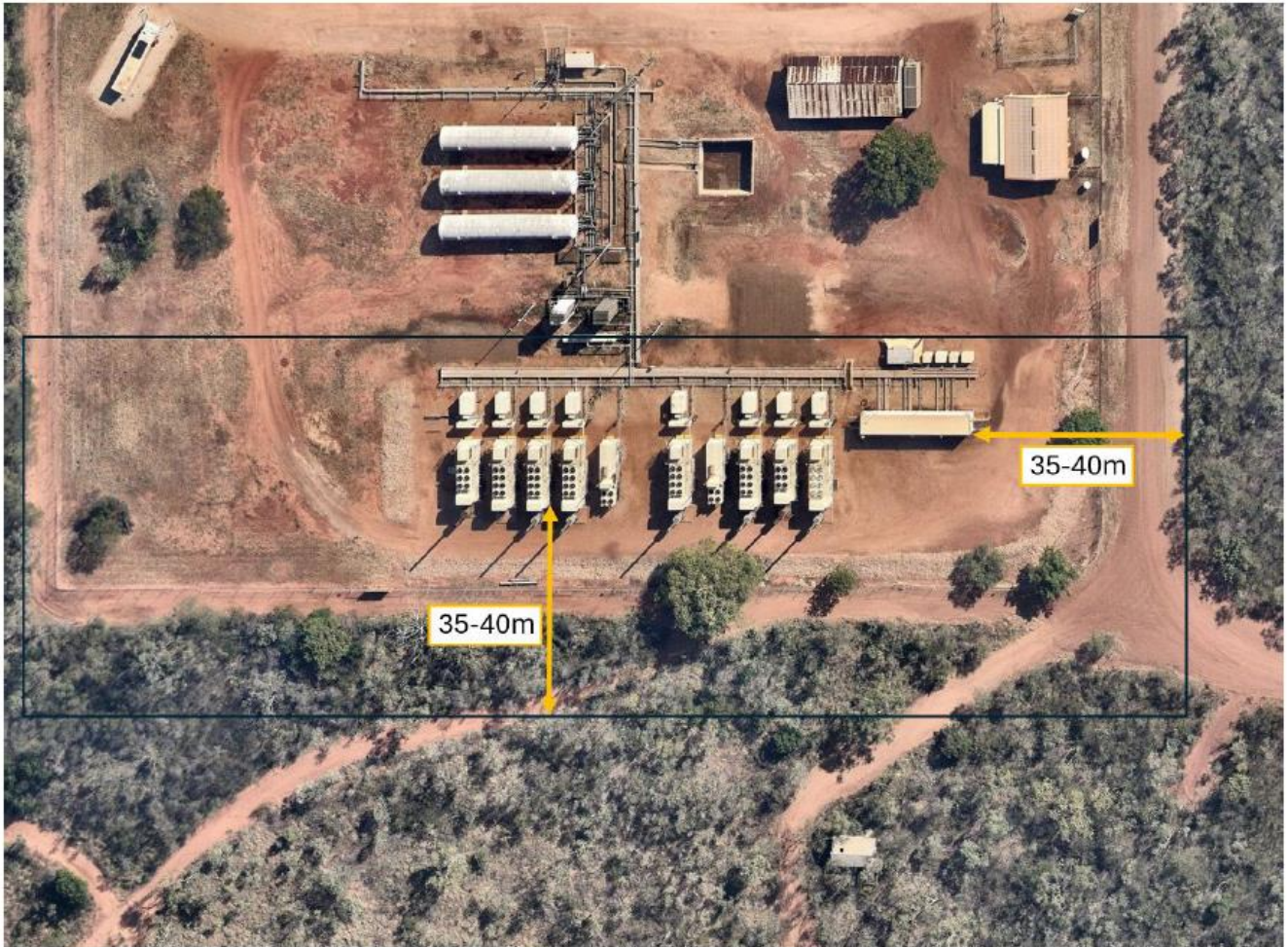
Condition	Description
Excellent	Pristine or nearly so, no obvious signs of damage caused by human activities since European settlement.
Very good	Some relatively slight signs of damage caused by human activities since European settlement. For example, some signs of damage to tree trunks caused by repeated fire, the presence of some relatively non-aggressive weeds, or occasional vehicle tracks.
Good	More obvious signs of damage caused by human activity since European settlement, including some obvious impact on the vegetation structure such as that caused by low levels of grazing or slightly aggressive weeds.

Condition	Description
Poor	Still retains basic vegetation structure or ability to regenerate it after very obvious impacts of human activities since European settlement, such as grazing, partial clearing, frequent fires or aggressive weeds.
Very poor	Severely impacted by grazing, very frequent fires, clearing or a combination of these activities. Scope for some regeneration but not to a state approaching good condition without intensive management. Usually with a number of weed species present including very aggressive species.
Completely degraded	Areas that are completely or almost completely without native species in the structure of their vegetation; i.e. areas that are cleared or 'parkland cleared' with their flora comprising weed or crop species with isolated native trees or shrubs.

**Appendix. D      Photographs of the vegetation**



**Figure 2:** Photographs of the vegetation within the application area



**Figure 3:** Aerial imagery of the reduced fuel load buffer

## Appendix E. Sources of information

### E.1. GIS databases

Publicly available GIS Databases used (sourced from [www.data.wa.gov.au](http://www.data.wa.gov.au)):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Pre-European Vegetation Statistics
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)

- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping – Best Available

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

## E.2. References

Commonwealth of Australia (2001) *National Objectives and Targets for Biodiversity Conservation 2001-2005*, Canberra.

Department of Environment Regulation (DER) (2013). *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: [https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2\\_assessment\\_native\\_veg.pdf](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf).

Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: [https://dwer.wa.gov.au/sites/default/files/Procedure\\_Native\\_vegetation\\_clearing\\_permits\\_v1.PDF](https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF).

Government of Western Australia (2019) *2018 South West Vegetation Complex Statistics. Current as of March 2019*. WA Department of Biodiversity, Conservation and Attractions, Perth, <https://catalogue.data.wa.gov.au/dataset/dbca>

Government of Western Australia. (2019) *2018 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of March 2019*. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca-statewide-vegetation-statistics>

Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) *South West Regional Ecological Linkages Technical Report*, Western Australian Local Government Association and Department of Environment and Conservation, Perth.

Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68) *Atlas of Australian Soils*, Sheets 1 to 10, with explanatory data. CSIRO and Melbourne University Press: Melbourne.

Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) *Native Vegetation in Western Australia, Extent, Type and Status*. Resource Management Technical Report 249. Department of Agriculture, Western Australia.

Shire of Derby / West Kimberly (2024) *Clearing permit application CPS 10752/1*, received 5 September 2024 (DWER Ref: DWERDT1011364, DWERDT1002347).

Trudgen, M.E. (1991) *Vegetation condition scale* in National Trust (WA) 1993 Urban Bushland Policy. National Trust of Australia (WA), Wildflower Society of WA (Inc.), and the Tree Society (Inc.), Perth.

Western Australian Herbarium (1998-). *FloraBase - the Western Australian Flora*. Department of Biodiversity, Conservation and Attractions, Western Australia. <https://florabase.dpaw.wa.gov.au/> (Accessed 16 January 2025)