



GOVERNMENT OF  
WESTERN AUSTRALIA

## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 10922/2  
File Number: DWERVT17641  
Duration of Permit: From 7 October 2025 to 7 October 2032

### PERMIT HOLDER

Evan Rutherford

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 162 on Deposited Plan 202726, Hopeland

### AUTHORISED ACTIVITY

The permit holder must not clear more than 4.98 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

### CONDITIONS

#### 1. Clearing not authorised

The permit holder must not clear the following species within the area cross-hatched yellow in Figure 1 of Schedule 1:

- (a) *Eucalyptus rudis* (flooded gum);
- (b) *Eucalyptus marginata* (jarrah);
- (c) *Eucalyptus todtiana* (blackbutt); and
- (d) *Melaleuca sp. trees* (paperbark).

#### 2. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 7 October 2027.

**3. 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.

**4. 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.

**5. Fauna management – directional clearing**

The permit holder must conduct *clearing* activities in a slow, progressive manner from north to south toward adjacent *native vegetation* to allow fauna to move into adjacent *native vegetation* ahead of the *clearing* activity and away from the adjacent road.

**6. Soil management - wind erosion**

The permit holder must ensure pasture is sown no later than three (3) months after undertaking the *clearing* authorised under this permit.

**7. Water quality and phosphorus export mitigation**

The permit holder must ensure that any *clearing* of *native vegetation* done under this permit is undertaken in *dry conditions*, and outside of the peak rainfall period of June to August.

## 8. Rehabilitation action

- (a) Within 24 months following the completion of clearing authorised under this permit, the permit holder must undertake the deliberate planting of at least 300 native tubestock within the area cross-hatched green in Figure 2 of Schedule 1.
- (b) in undertaking the *planting* required under *condition* 8(a), the permit holder must:
  - (i) ensure only *local provenance* propagating material is used;
  - (ii) undertake *planting* at an *optimal time*;
  - (iii) undertake *weed* control and watering of the *plantings* for at least three years post *planting*;
  - (iv) install plant guards around each *planting*;
  - (v) install fencing around the perimeter of the *plantings* to exclude livestock, at least until *plantings* are established.
- (c) within 12 months of *planting* the 300 *native tubestock* in accordance with *condition* 8(a), the permit holder must inspect the areas with *plantings* and determine whether a minimum of 240 *native tubestock* is persisting within the area cross hatched green in Figure 1 of Schedule 1;
- (d) if the determination under *condition* 8(c) is that less than 240 *native tubestock* survived, the permit holder must undertake additional *native tubestock planting* in accordance with *condition* 8(b), that will result in at least 240 *native tubestock* persisting within the area cross hatched green in Figure 2 of Schedule 1; and
- (e) where additional *planting* of *native tubestock* is undertaken in accordance with *condition* 8(d), the permit holder must repeat the activities required by *condition* 8(c) and *condition* 8(d).

## 9. 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 <i>clearing</i> 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 <i>clearing</i> 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 size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid the species not authorised to clear under <i>condition</i> 1;</li> <li>(f) actions taken to avoid, minimise, and reduce the impacts and extent of <i>clearing</i> in accordance with <i>condition</i> 3;</li> <li>(g) actions taken to minimise the risk of <i>weed</i></li> </ul>

		and <i>dieback</i> spread in accordance with <i>condition 4</i> ; and (h) actions taken in accordance with <i>condition 5, condition 6 and condition 7</i> .
2.	In relation to mitigation <i>planting</i> pursuant to <i>condition 8</i>	(a) the date(s) on which <i>planting</i> was undertaken; (b) a description of the <i>planting</i> activities undertaken, including actions taken to implement <i>weed</i> control and watering; a map identifying the planted areas; (c) photographs of the surviving <i>native tubestock</i> ; (d) the total number of <i>native tubestock</i> planted; and (e) a list of the species <i>planted</i> .

## 10. Reporting

- (a) The permit holder must provide to the *CEO*, on or before 30 June of each calendar year, a written report containing:
  - (i) the records required to be kept under *condition 9*; and
  - (ii) records of activities done by the permit holder under this permit between 1 January and 31 December of the preceding calendar year.
- (b) If no *clearing* authorised under this permit has been undertaken, a written report confirming that no *clearing* under this permit has been undertaken must be provided to the *CEO* on or before 30 June of each calendar year.
- (c) The permit holder must provide to the *CEO*, no later than 90 days prior to the expiry date of the permit, a written report of records required under *condition 9*, where these records have not already been provided under *condition 10(a)*.

## DEFINITIONS

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

**Table 2: Definitions**

Term	Definition
Bassendean Complex Central and South (44)	described as <i>Eucalyptus marginata</i> – <i>Allocasuarina fraseriana</i> – <i>Banksia</i> sp. woodland, to low woodland of <i>Melaleuca</i> sp., and sedgelands on the moister sites.
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(s)	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.
dieback	means the effect of <i>Phytophthora</i> species on <i>native vegetation</i> .
dry conditions	a period during which there is no rainfall occurring.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
fill	means material used to increase the ground level, or to fill a depression.
local provenance	means <i>native vegetation</i> seeds and propagating material from natural sources within 50 kilometres and the same IBRA subregion of the area cleared.
<i>Melaleuca</i> sp trees	means native trees species from the genus <i>Melaleuca</i> .
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 tubestock	means young plants grown in forestry tubes or cells which are representative of the <i>Bassendean Complex-Central and South (44)</i> . Plants must include shrubs and tree species.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
optimal time	means the period from May to July for undertaking <i>planting</i> .

Term	Definition
planted / planting(s)	means the re-establishment of <i>native vegetation</i> by creating favourable soil conditions and planting seedlings of the desired species.
weeds	means any plant – <ul style="list-style-type: none"> <li data-bbox="570 365 1333 438">(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li data-bbox="570 443 1333 554">(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li data-bbox="570 558 1094 594">(c) not indigenous to the area concerned.</li> </ul>

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**END OF CONDITIONS**



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Meenu Vitarana  
MANAGER  
Native Vegetation Regulation

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

19 June 2026

## Schedule 1

The boundary of the area authorised for *clearing* is shown in Figure 1. The boundary of the area subject to rehabilitation requirements is shown in Figure 2.



**Figure 1: Map of the boundary of the area (cross-hatched yellow) within which clearing may occur.**



Figure 2: Map of the boundary of the area (cross-hatched green) within which *condition 8* applies.



# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 10922/2
<b>Permit type:</b>	Area permit
<b>Applicant name:</b>	Mr Evan Rutherford
<b>Application received:</b>	5 May 2026
<b>Application area:</b>	4.98 hectares of native vegetation
<b>Purpose of clearing:</b>	Grazing, pasture and hazard reduction
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 162 on Deposited Plan 202726
<b>Location (LGA area/s):</b>	Shire of Serpentine-Jarrahdale
<b>Localities (suburb/s):</b>	Hopeland

### 1.2. Description of clearing activities

This amendment is to modify conditions of CPS 10922/1 specifically to extend the timeframe for planting under Condition 8 from 12 months to 24 months to allow for the procurement of appropriate native species from nurseries. Additionally, the amendment proposes changes to revegetation requirements by allowing the planting of 300 native tubestock in place of the prescribed 180 plants, and the removal of the requirement to engage an environmental specialist to oversee planting, on the basis that the increased planting quality will achieve an appropriate survival outcome.

The amendment also seeks to modify Condition 9 by removing the requirement to record planting locations using GPD coordinates in GDA and instead provide a map illustrating planting areas, species planted, and quantities. The requirement for involvement of an environmental specialist is also proposed to be removed under this condition.

CPS 10922/1 allowed for clearing of 4.98 hectares of native vegetation subject to conditions relating to revegetation and monitoring. The amendment does not propose any changes to the approved clearing extent or location. The total clearing footprint under CPS 10922/2 remains unchanged at 4.98 hectares. The applicant has advised that 4.98 hectares of clearing has been undertaken under CPS 10922/1 since the permit commencement in 2025.

### 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	19 June 2026
<b>Decision area:</b>	4.98 hectares of native vegetation, as shown in Section 1.5, below.

### 1.4. Reasons for decision

This clearing permit amendment 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 14 days and no submissions were received.

The Delegated Officer has considered the amendment application in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The amendment seeks to modify conditions relating to revegetation timeframes, planting quantities, monitoring requirements, and reporting methods under CPS 10922/1. The amendment does not propose any increase to the approved clearing area or any change to the location of the clearing footprint.

The Delegated Officer noted that extending the planting timeframe from 12 months to 24 months is reasonable, given the demonstrated constraints associated with sourcing appropriate native species from nurseries. The proposed increase in planting numbers from 180 to 300 native tubestock is considered to provide an improved environmental outcome and offsets the removal of the requirement for oversight by an environmental specialist.

The removal and modification of Condition 9 requirements, including replacing GPS coordinate recording with mapped planting records, is considered acceptable as it retains an adequate level of accountability and transparency for compliance purposes while reducing the record keeping burden.

Given that the amendment does not alter the extent or location of clearing, the assessment against the clearing principles remains unchanged from CPS 10922/1. The Delegated Officer is satisfied that the proposed amendments are unlikely to result in any additional impacts to environmental values and do not increase the risk of the clearing being at variance with the clearing principles.

On this basis the Delegated Officer determined that the proposed amendments to CPS 10922/1 is not likely to lead to an unacceptable risk to environmental values.



## 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.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016* (WA) (BC Act)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)

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

Evidence was submitted by the applicant, demonstrating avoidance and mitigation measures including:

- commitment to clear solely *Kunzea glabrescens* (spearwood) and retain trees on site
- undertake weed removal
- plant native trees along the drainage line
- plant pasture post clearing to stabilise soils and maintain pasture ground cover above 70%
- utilise a no-till approach to maintain soil integrity and minimise erosion
- avoid spreading fertiliser during wet months and annually test soil to monitor levels and adjust as necessary
- fertiliser application to adhere to the Peel-Harvey catchment area limits of 45kg of Nitrogen per hectare cleared per year and 6.5kg of Phosphorus per hectare cleared per year
- ensure compliance with the Peel-Harvey catchment zone concentration targets of 1.2mg/L Nitrogen and 0.1g/L of Phosphorus
- prevent erosion and overgrazing by excluding animals until pasture is sufficient, and move animals on as pasture declines
- apply Iron Man Gypsum (IMG) at a rate of 10-20 tonnes per hectare after clearing, as a soil amendment to mitigate phosphorus export associated with grazing cattle.

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

### 3.2. Assessment of impacts on environmental values

A review of current environmental information reveals that the assessment against the clearing principles has not changed significantly from the Clearing Permit Decision Report CPS 10922/1.

**End**

## Appendix A. Sources of information

### A.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)
- Offsets Register – Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- 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
- Soil Landscape Mapping – Systems
- Wheatbelt Wetlands Stage 1 (DBCA-021)

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)

## A.2. References

- 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).
- Evan Rutherford (2026). Area permit application amendment form and supporting information for Clearing Permit Application CPS 10922/2 (DWER Ref: DWERDT1064280).
- Evan Rutherford (2025). Area permit application amendment form and supporting information for Clearing Permit Application CPS 10922/1 (DWER Ref: DWERDT1317820).