



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 1471/1
Permit holder:	Shire of Cuballing
Purpose of clearing:	Road upgrades and widening
Shire:	Cuballing
Duration of permit:	21 January 2007 – 21 January 2012

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The permit holder is authorised to clear native vegetation for the above stated purposes, subject to the conditions of this Permit.

PART I – CLEARING AUTHORISED

1. Land on which clearing is to be done

The areas hatched in yellow on:

- (a) Plan 1471/1a and Plan 1471/1b for Road construction within Popanyinning West Road Reserve (1.2 ha);
- (b) Plan 1471/1c for Road construction and maintenance within the Cuballing West Road Reserve (1.2 ha);
- (c) Plan 1471/1d for Road construction and maintenance within the Stratherne and Parsons Road Reserves (0.3 ha); and
- (d) Plan 1471/1e and Plan 1471/1f for Road construction and maintenance within the Cuballing East Road Reserve (2.3 ha).

2. Area of Clearing

Clearing of up to 5 hectares of *native vegetation*.

3. Application

This Permit allows the permit holder to authorise persons, including employees, contractors and agents of the permit holder, to clear *native vegetation* for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

4. Compliance with Assessment Sequence and Management Procedures

Prior to clearing any native vegetation under conditions 1 and 2 of this Permit, the permit holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

5. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared for the purposes of road grades and widening the Permit Holder must have regard to the following principles, set out in order of preference:

- (i) avoid the clearing of native vegetation;
- (ii) minimise the amount of native vegetation to be cleared; and
- (iii) reduce the impact of clearing on any environmental value.

6. Fauna management

- (a) Prior to clearing within the areas described in Part I, the areas shall be inspected by a *fauna specialist* who shall identify trees that contain hollows suitable to be utilised as habitat by fauna listed in the *Wildlife Conservation (Specially Protected Fauna) Notice 2005*.
- (b) The Permit Holder shall ensure that any fauna identified in condition 6(a) shall only be removed and relocated by a fauna clearing person, in accordance with a licence issued by the Department of Environment and Conservation.

7. Dieback and weed control

- (a) When undertaking any *clearing* and *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) avoid the movement of soil in wet conditions;
 - (iii) ensure that no *dieback*-affected *road building materials, mulches* or *fill* are brought into an area that is not affected by *dieback*; and
 - (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (b) When undertaking any *clearing* and *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:
 - (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - (ii) ensure that no *weed*-affected *road building materials, mulch, fill* or other material is brought into the area to be cleared; and
 - (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- (c) At least once in each 12 month period for the *term* of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas *cleared* and *revegetated* under this Permit.

8. Flora Management

- (a) Prior to undertaking clearing within the area shaded yellow on Plan 1471/1a and Plan 1471/1b, this area shall be inspected by a *flora specialist* who shall identify *Rare Flora* and *Priority flora taxa*.
- (b) Where *Rare Flora* or *Priority Flora taxa* are identified in relation to condition 8(a) the Permit Holder shall ensure that:
 - (i) All records of DRF and priority flora are submitted to the *CEO*
 - (ii) No clearing occurs within 50m of identified DRF, unless approved by the *CEO*
 - (iii) No clearing occurs with 10m of identified *Priority Flora*, unless approved by the *CEO*.

9. Revegetation and rehabilitation

- (a) The Permit Holder shall take the following measures to replant *Eucalyptus rudis* species cleared under condition 1 of this permit.
 - (i) For every individual *Eucalyptus rudis* removed a minimum of 20 *Eucalyptus rudis* seedlings shall be planted along the same *watercourse*.

10. Offsets

(a) Determination of offsets:

- (i) If part or all of the clearing to be done is, or may be, at variance with one or more of the clearing principles, then the permit holder must implement an offset in accordance with conditions 10(a) and 10(b) of this Permit with respect to that native vegetation.
- (ii) In determining the offset to be implemented with respect to a particular area of native vegetation proposed to be cleared under this Permit, the permit holder must have regard to the offset principles contained in condition 10(b).
- (iii) Once the permit holder has developed an offset proposal, the permit holder must provide that offset proposal to the CEO for the CEO's approval prior to undertaking any clearing to which the offset relates, and prior to implementing the offset.
- (iv) Clearing may not commence until and unless the CEO has approved the offset proposal.
- (v) The permit holder shall implement the offset proposal approved under condition 10(a)(iii).
- (vi) Each offset proposal shall include a direct offset, timing for implementation of the offset proposal, and may additionally include contributing offsets.

(b) Offset principles

For the purpose of this Part, the offset principles are as follows:

- (i) direct offsets should directly counterbalance the loss of the native vegetation;
- (ii) contributing offsets should complement and enhance the direct offset;
- (iii) offsets are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- (iv) the environmental values, habitat, species, ecological community, physical area, ecosystem, landscape, and hydrology of the offset should be the same as, or better than, that of the area of native vegetation being offset;
- (v) a ratio greater than 1:1 should be applied to the size of the area of native vegetation that is offset to compensate for the risk that the offset may fail;
- (vi) offsets must entail a robust and consistent assessment process;
- (vii) in determining an appropriate offset, consideration should be given to ecosystem function, rarity and type of ecological community, vegetation condition, habitat quality and area of native vegetation cleared;
- (viii) the offset should either result in no net loss of native vegetation, or lead to a net gain in native vegetation and improve the condition of the natural environment;
- (ix) offsets must satisfy all statutory requirements;
- (x) offsets must be clearly defined, documented and audited;
- (xi) offsets must ensure a long-term (10-30 year) benefit; and
- (xii) an environmental specialist must be involved in the design, assessment and monitoring of offsets.

PART III – RECORD KEEPING AND REPORTING

11. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, as relevant:

- (a) In relation to the clearing of native vegetation undertaken pursuant to the purpose of clearing:
 - (i) The species composition, structure and density of the cleared area;
 - (ii) The location where the clearing occurred, recorded using Geocentric Datum Australia 1994;
 - (iii) The date that the area was cleared; and
 - (iv) The size of the area cleared (in hectares).
- (b) In relation to Flora Management pursuant to condition 8:
 - (i) The location of each Rare Flora and Priority Flora recorded using Geocentric Datum Australia 1994; and
 - (ii) The species of each Rare Flora or Priority Flora identified.
- (c) In relation to the revegetation and rehabilitation of areas a description of the revegetation and rehabilitation activities undertaken pursuant to condition 9.
- (d) In relation to the offsets of areas pursuant to condition 10:
 - (i) The location of any area of offsets recorded using Geocentric Datum Australia 1994;
 - (ii) A description of the offset activities undertaken; and
 - (iii) The size of the offset area (in hectares).

12. Reporting

The Permit Holder must provide to the *CEO*, on or before 30 August of each year, a written report of records requested under condition 11 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

13. Definitions

The following meanings are given to terms used in this Permit:

CEO means the Chief Executive Officer of the Department of Environment and Conservation;

clearing has the meaning given to it in section 51A of the *Environmental Protection Act 1986*;

dieback means the effect of *Phytophthora* species on *native vegetation*;

environmental specialist means a person who is engaged by the permit holder for the purpose of providing environmental advice, 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;

EP Act means the *Environmental Protection Act 1986*;

fauna specialist means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna;

fauna clearing person means a person who has obtained a licence from the Department of Environment and Conservation, issued pursuant to the *Wildlife Conservation Regulations 1970* (as amended) authorising them to take fauna in order to carry out the approved clearing associated with this permit;

fill means material used to increase the ground level, or fill a hollow;

flora specialist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

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 to it in sections 3 and 51A of the *Environmental Protection Act 1986* and regulation 4 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

Priority flora taxa means those plant taxa that described as priority flora classes 1, 2, 3 or 4 in the *Declared Rare and Priority Flora List for Western Australia*, Department of Conservation and Land Management, as amended;

Rare Flora means flora that is declared to be rare flora under section 23F of the *Wildlife Conservation Act 1950*;

rehabilitation means actively managing an area containing native vegetation in order to improve the ecological function of that area;

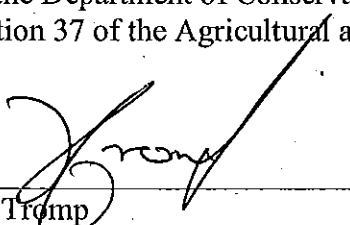
revegetation means the re-establishment of a cover of *native vegetation* in an area such that the species composition, structure and density is similar to *pre-clearing* vegetation types in that area, and can involve regeneration, direct seeding and/or planting;

road building materials means rock, gravel, soil, stone, timber, boulders and water;

term means the duration of this Permit, including as amended or renewed;

Watercourse has the meaning given in section 3 of the Rights in Water and Irrigation Act 1914; and

weed means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department of Conservation and Land Management (1999), and plants declared under section 37 of the Agricultural and Related Resources Protection Act 1976.


Fred Tromp
Director, Natural Resource Management
Department of Environment and Conservation.
Officer delegated under Section 20
of the Environmental Protection Act 1986

21 December 2006