



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 1759/1
Permit holder:	Shire of Dumbleyung
Purpose of clearing:	Construction of the proposed Fence Road drainage scheme
Shire:	Dumbleyung
Duration of permit:	5 August 2007 – 5 August 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 cross hatched yellow on Plan 1759/1a and Plan 1759/1b.

2. Area of Clearing

The permit holder must not clear more than 10 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 purpose of construction of the proposed Fence Road drainage scheme 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. Weed control

- (a) When undertaking any clearing, 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.
- (b) 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 under this Permit.

7. Flora Management

- (a) Prior to undertaking any clearing within the areas described below, the areas shall be inspected by a *flora specialist* who shall identify rare flora and *priority flora taxa*:
 - (i) Lot 7986 on Plan 130648 (Area 1-2);
 - (ii) Lot 10912 on Plan 228620 (Area 3-4);
 - (iii) Lot 15 on Plan 19739 (Area 5-6);
 - (iv) Lot 13974 on Plan 205638 (Area 7-8);
 - (v) Lot 8004 on Plan 130753; and
 - (vi) Lot 16 on Plan 19739.
- (b) Where rare flora or *priority flora taxa* are identified in relation to condition 7(a) the Permit Holder shall ensure that:
 - (i) all records of rare flora and *priority flora taxa* are submitted to the CEO;
 - (ii) no clearing occurs within 50 metres of identified rare flora, unless approved by the CEO; and
 - (iii) no clearing occurs with 10 metres of identified *priority flora taxa*, unless approved by the CEO.

8. Fauna Management

- (a) Prior to clearing within the areas described in condition 1, the areas shall be inspected by a *fauna specialist* who shall identify fauna habitat suitable to be utilised by fauna species listed below:
 - (i) Carnaby's Black-Cockatoo (*Calyptorhynchus latirostris*);
 - (ii) Malleefowl (*Leipoa ocellata*);
 - (iii) Red-tailed Phascogale (*Phascogale calura*);
 - (iv) Southern Carpet Python (*Morelia spilota imbricata*); and
 - (v) White-browed Babbler (*Pomatostomus superciliosus ashbyi* Priority 4).
- (b) Prior to clearing, any habitat identified by condition 8(a) and being utilised by fauna species listed above shall be inspected by a *fauna specialist*.
- (c) Prior to clearing the Permit Holder shall ensure that any fauna identified in condition 8(b) shall be removed and relocated by a *fauna clearing person*, in accordance with a licence issued by the Department of Environment and Conservation.

9. 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 9(a) and 9(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 9(b) of this Permit.
- (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 9(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

10. 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 7:
 - (i) The location of each rare flora and *priority flora taxa* recorded using Geocentric Datum Australia 1994; and
 - (ii) The species of each rare flora and *priority flora taxa* identified.
- (c) In relation to fauna management pursuant to condition 8:
 - (i) the species of fauna reasonably likely to utilise, or that have been observed utilising the trees as habitat;
 - (ii) the species and number of each species relocated; and
 - (iii) the location and date where relocated fauna was released, using Geocentric Datum Australia 1994.
- (d) In relation to offsets pursuant to condition 9:
 - (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).

11. Reporting

The Permit Holder must provide to the *CEO*, on or before 30 June of each year, a written report of records required under condition 10 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

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;

condition means the rating given to native vegetation using the *Keighery scale* and refers to the degree of change in the structure, density and species present in the particular vegetation in comparison to undisturbed vegetation of the same type;

contributing offsets has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9 Environmental Offsets*, January 2006;

direct offsets has the same meaning as is given to that term in the Environmental Protection Authority's *Position Statement No.9 Environmental Offsets*, January 2006;

ecological community means a naturally occurring biological assemblage that occurs in a particular type of habitat (English and Blythe, 1997; 1999). The scale at which ecological communities are defined will depend on the level of detail in the information source, therefore no particular scale is specified. An ecological community is a naturally occurring biological assemblage that occurs in a particular type of habitat;

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*;

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

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;

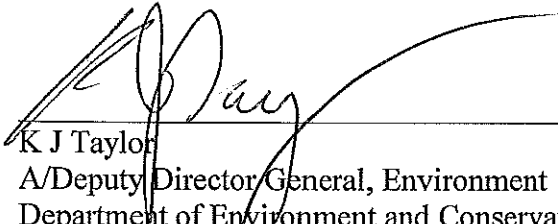
offset means an offset required to be implemented under Condition 11 of this Permit;

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;

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

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

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



K J Taylor
A/Deputy Director General, Environment
Department of Environment and Conservation
Officer delegated under Section 20
of the Environmental Protection Act 1986

5 July 2007