



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

### PERMIT DETAILS

Purpose Permit Number: CPS 1969/1

File Number: DEC3852

Duration of Permit: From 15 March 2008 to 15 March 2013

### PERMIT HOLDER

Yarra Yarra Catchment Management Group (Inc.)

### LAND ON WHICH CLEARING IS TO BE DONE

LOT 5091 ON PLAN 232571 (TOOTRA FARMS PTY LTD)

LOT 1106 ON PLAN 211098 (LUSSICK)

LOT 8045 ON PLAN 232571 (TOOTRA FARMS PTY LTD)

LOT 9423 ON PLAN 154948 (TOOTRA FARMS PTY LTD)

LOT 7849 ON PLAN 150620 (MALINDELLE NOMINEES PTY LTD)

LOT 4227 ON PLAN 135434 (REMBUSH PTY LTD)

LOT 4165 ON PLAN 83203 (REMBUSH PTY LTD)

LOT 5696 ON PLAN 82636 (DEL MONTE NOMINEES PTY LTD)

LOT 7269 ON PLAN 201989 (DEL MONTE NOMINEES PTY LTD)

LOT 10616 ON PLAN 208707 (DEL MONTE NOMINEES PTY LTD)

TAYLOR ROAD RESERVE

RABBIT PROOF FENCE ROAD RESERVE

SIMPSON ROAD RESERVE

### PURPOSE FOR WHICH THE CLEARING MAY BE DONE

Clearing for the purpose of construction of a drain.

### CONDITIONS

1. The Permit Holder may clear up to 30 hectares of native vegetation, within the areas hatched yellow on attached Plan 1969/1a. This clearing shall not exceed 30 metres in width.
2. 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.
3. Avoid, minimise etc clearing  
In determining the amount of native vegetation to be cleared for the purpose of drain construction the Permit Holder must have regard to the following principles, set out in 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. Flora management
  - (a) Prior to undertaking clearing, the areas of remnant vegetation in Plan 1969/1b and Plan 1969/1c shall be inspected by a *flora specialist* who shall identify rare flora and *priority flora taxa* including *Gnephosis setifera*.
  - (b) Where rare flora or *priority flora taxa* are identified in relation to condition 4(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 10m of identified *priority flora taxa*, unless approved by the CEO.

5. Fauna management

- (a) Prior to undertaking clearing, the areas of remnant vegetation in Plan 1969/1b and Plan 1969/1c shall be inspected by a *fauna specialist* for the presence of suitable habitat for *Idiosoma nigrum* (Shield-backed Trapdoor Spider), *Cacatua leadbeateri* (Major Mitchell's Cockatoo) and *Pomatostomus superciliosus ashbyi* (White-browed Babbler).
- (b) Where suitable habitat is identified in relation to condition 5(a) the Permit Holder shall ensure that no clearing occurs within those habitats.
- (c) The Permit Holder shall design and construct a minimum of four fauna crossings to be located within the area of remnant vegetation in Plan 1969/1b:
  - (i) the fauna crossings must traverse the full 30 metre width of the clearing;
  - (ii) the fauna crossings must be a minimum width of 12 metres and consist of a level soil platform at the same height as the land either side of the clearing;
  - (iii) the fauna crossings must be revegetated in accordance with condition 7 of this Permit;
  - (iv) there must be a fauna crossing within 100 metres of Taylor Road;
  - (v) there must be a fauna crossing within 50 metres of the southern boundary of the remnant vegetation;
  - (vi) the spacing between fauna crossings must be no more than 300 metres;
  - (vii) both sides of the drain and the sides of the fauna crossings must be fenced in a manner to discourage fauna access to the drain and encourage fauna to utilise fauna crossings; and
  - (viii) the construction of fauna crossings and fencing (but not including the revegetation required under condition 7 of this Permit) must be completed immediately following drain construction or by May 2008.
- (d) The Permit Holder shall install a minimum of four fauna ladders to be located within the area of remnant vegetation in Plan 1969/1b:
  - (i) the fauna ladders must consist of lengths of weldmesh or similar material in a 'V' formation of length suitable to reach from the base of the deepest drain to the top edge of either side of that drain;
  - (ii) the fauna ladders must be located between and at least 50 metres from the fauna crossings required under condition 5(c);
  - (iii) the fauna ladders must be placed within the deepest drain and in a manner to assist fauna to escape the drain; and
  - (iv) the installation of fauna ladders must be completed immediately following drain construction or by May 2008.

6. 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 6(a) and 6(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 6(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 6(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) 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*.

#### 7. Revegetation

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing authorised under this Permit within the area of remnant vegetation in Plan 1969/1b.
- (b) Prior to August 2008 the Permit Holder must spread the topsoil followed by the vegetative material retained in accordance with condition 7(a) of this Permit over the fauna crossings required under condition 5(c) of this Permit.
- (c) Prior to August 2008 the Permit Holder must revegetate fauna crossings required under condition 5(c) of this Permit with species indigenous to, and with a density and structure similar to, the area of remnant vegetation in Plan 1969/1b.
- (d) Within twelve months of undertaking *revegetation* in accordance with condition 7(c), the Permit Holder must
  - (i) determine the species composition, structure and density of the area *revegetated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition, structure and density determined under condition 7(c) will not result in a similar species composition, structure and density to the area of remnant vegetation in Plan 1969/1b the Permit Holder must undertake additional planting or seeding of native vegetation in accordance with the requirements of condition 7(c).

#### 8. Records must be kept

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

- b) In relation to Flora Management pursuant to condition 4:
  - (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 5:
  - (i) the location of each habitat identified recorded using Geocentric Datum Australia 1994;
  - (ii) the species of each habitat tree identified;
  - (iii) the species of fauna reasonably likely to utilise, or that have been observed utilising the habitat trees;
  - (iv) the location and date where relocated fauna was released, using Geocentric Datum Australia 1994.
- d) In relation to the Offsets of areas pursuant to condition 6:
  - (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).
- e) In relation to the Revegetation of areas pursuant to condition 7:
  - (i) the commencement date of *revegetation*;
  - (ii) the location of any area *revegetated* recorded using Geocentric Datum Australia 1994;
  - (iii) a description of the *revegetation* activities undertaken; and
  - (iv) the size of the area *revegetated* (in hectares).

#### 9. Reporting

The Permit Holder must provide to the CEO, on or before 30 June of each year for the term of this permit, a written report of records required under condition 8 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.

### DEFINITIONS

***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;

*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;

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

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

*Keighery scale* means the vegetation condition scale described in *Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)* as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia;

*offset/s* means an offset required to be implemented under this Permit;

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

*revegetate, revegetated, 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;



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Officer delegated under Section 20  
of the Environmental Protection Act 1986

14 February 2008