



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

<b>Purpose permit number:</b>	CPS 2106/1
<b>Permit holder:</b>	Shire of Brookton
<b>Purpose of clearing:</b>	Fence line construction and expansion of land fill facility
<b>Shire:</b>	Brookton
<b>Duration of permit:</b>	10 February 2008 – 10 February 2013

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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**

Lot 7857 on Plan 128250 (Brookton Highway, Brookton).

##### **2. Area of Clearing**

Clearing of up to 0.53 hectares of native vegetation within the area shaded yellow on attached Plan 2106/1.

##### **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. Type of Clearing Authorised**

This Permit authorises the permit holder to clear native vegetation for activities to the extent that the permit holder has the power to clear native vegetation for those activities under the *Local Government Act 1995* or any other written law.

##### **5. 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**

##### **6. Avoid, minimise etc clearing**

In determining the amount of native vegetation to be cleared for the purposes of fence line construction and expansion of land fill facility 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.

##### **7. Dieback and 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 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, *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, 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, *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.

## 8. Fauna Management

- (a) Prior to clearing within the area described in Clearing Authorised above, the area 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) Where trees that contain hollows suitable to be utilised as habitat by fauna listed in the *Wildlife Conservation (Specially Protected Fauna) Notice 2005* are identified under condition 8(a), the Permit Holder shall realign the location of the fence authorised under this permit to avoid clearing the tree.

## 9. Flora Management

- (a) Prior to undertaking clearing within the areas described in conditions 1 and 2, the areas 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 9(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 50m of identified *rare flora*, unless approved by the CEO
  - (iii) No clearing occurs with 10m of identified *priority flora taxa*, unless approved by the CEO.

## 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) The Permit Holder must maintain the following records for Fauna Management pursuant to condition 8:
  - (i) The species of fauna reasonably likely to utilise, or that have been observed utilising the habitat trees;
  - (ii) The location of the habitat trees that were avoided in accordance with condition 8(b) using Geocentric Datum Australia 1994.
- (c) In relation to Flora Management pursuant to condition 9:
  - (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.
- (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 required under condition 11 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:

***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;

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

***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;

***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;

***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;

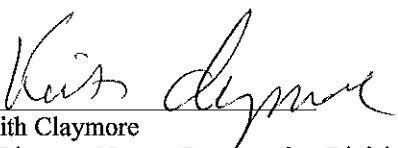
***mulch*** means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

***offset*** means an offset required to be implemented under condition 10 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;

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

***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.

  
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Department of Environment and Conservation.  
Officer delegated under Section 20  
of the Environmental Protection Act 1986

10 January 2008