



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose permit number:</b>	CPS 2150/1
<b>Permit holder:</b>	Silcar Communications
<b>Purpose of clearing:</b>	Installation of a telecommunications fibre optic cable
<b>Shire:</b>	Shire of Manjimup
<b>Duration of permit:</b>	10 May 2008 – 10 May 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**

- (a) Lot 1 on Diagram 55677 (private property owned by Duncombe);
- (b) Lot 8713 on Plan 201649 (private property owned by Ceh, Chard, Cregan, Dal Pozzo, Halden, Luhr, Murphy, Pearce and Story);
- (c) Lot 8714 on Plan 201649 (private property owned by Meredith);
- (d) Lot 8716 on Plan 201649 (private property owned by Naumann);
- (e) Lot 8731 on Plan 201651 (private property owned by Naumann);
- (f) Lot 12074 on Plan 203146 (private property owned by Della Franca);
- (g) Middleton Road reserve;
- (h) Deeside Coast Road reserve;
- (i) Chesapeake Road reserve;
- (j) Broke Inlet Road reserve;
- (k) South Western Highway reserve;
- (l) un-named road reserve (between Lots 8713 and 8714 on Plan 201649);
- (m) Plain Road reserve;
- (n) State Forest 41 (Shannon State Forest);
- (o) State Forest 48 (Keystone State Forest);
- (p) Nelson Location 13037 (Crown Reserve 31621, un-named Nature Reserve);
- (q) Lot 320 on Plan 36426 (Crown Reserve 47666, Jane National Park);
- (r) Lot 321 on Plan 36426 (Crown Reserve 47666, Jane National Park);
- (s) Lot 333 on Plan 36448 (Crown Reserve 47889, Mt Frankland South National Park);
- (t) Lot 13316 on Plan 240298 (Crown Reserve 40836, Shannon National Park);
- (u) Lot 13370 on Plan 240359 (Crown Reserve 36996, D'Entrecasteaux National Park);
- (v) Lot 13408 on Plan 240359 (Crown Reserve 36996, D'Entrecasteaux National Park);
- (w) Lot 13409 on Plan 240359 (Crown Reserve 36996, D'Entrecasteaux National Park);
- (x) Lot 13463 on Plan 240359 (Crown Reserve 36996, D'Entrecasteaux National Park); and
- (y) Crown Reserve 31362 (Walpole-Nornalup National Park);

as shown in the areas shaded yellow on Plan 2150/1a, Plan 2150/1b, Plan 2150/1c, Plan 2150/1d, Plan 2150/1e, Plan 2150/1f, Plan 2150/1g, Plan 2150/1h, Plan 2150/1i, Plan 2150/1j, Plan 2150/1k, Plan 2150/1l, Plan 2150/1m, Plan 2150/1n, Plan 2150/1o, Plan 2150/1p, Plan 2150/1q, Plan 2150/1r, Plan 2150/1s, Plan 2150/1t, Plan 2150/1u, Plan 2150/1v, Plan 2150/1w, Plan 2150/1x, Plan 2150/1y, Plan 2150/1z, Plan 2150/1aa, Plan 2150/1bb, Plan 2150/1cc, Plan 2150/1dd, Plan 2150/1ee, Plan 2150/1ff, Plan 2150/1gg, Plan 2150/1hh and Plan 2150/1ii.



## 2. Area of Clearing

The Permit Holder must not clear more than 63.5 hectares of native vegetation for the purpose of installation of a telecommunications fibre optic cable.

## 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 purpose of road upgrades, 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, *revegetation* and *rehabilitation* 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 materials 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, *revegetation* and *rehabilitation* 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 materials are 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 under this Permit.

## **8. Flora Management**

- (a) Prior to undertaking any clearing within the areas described in conditions 1 and 2, the areas shall be inspected by a *flora specialist* who shall identify habitat suitable for rare flora and *priority flora taxa*;
- (b) Prior to clearing, any habitat identified by condition 8(a) shall be inspected by a *flora specialist* for the presence of rare flora and *priority flora taxa*;
- (c) Where rare flora or *priority flora taxa* are identified in relation to condition 8(b) 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; and
  - (iii) no clearing occurs within 10m of identified *priority flora taxa*, unless approved by the CEO.

## **9. Revegetation and rehabilitation**

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing in accordance with this Permit:
  - (i) vegetative material and topsoil must be stockpiled in an area that has already been cleared; and
  - (ii) at an *optimal time* during the first winter following clearing authorised under this Permit, the Permit Holder shall lay the vegetative material and topsoil on the cleared area.
- (b) At an *optimal time* during the first winter following clearing authorised under this Permit, the Permit Holder must *revegetate* and *rehabilitate* any areas no longer required for the purpose for which they were cleared under this Permit.
- (c) The *revegetation* and *rehabilitation* of an area pursuant to this condition 9(a) of this Permit must utilise indigenous flora species found within 20 kilometres of the areas cleared under this Permit.
- (d) Any area of native vegetation that does not form part of the area to be cleared for the *project activity* and that has been damaged as a result of the clearing by the Permit Holder must be *revegetated* and *rehabilitated* in accordance with condition 9(a).

## **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 authorised under this permit:
  - (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 taxa* recorded using Geocentric Datum Australia 1994; and
  - (ii) the species of each rare flora or *priority flora taxa* identified.
- (c) in relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 9:
- (i) a map showing the location of any area *revegetated* and *rehabilitated* in accordance with condition 9, recorded in an *ESRI Shapefile*;
  - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken pursuant to condition 9; and
  - (iii) the size of the area *revegetated* and *rehabilitated* (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.

## 12. Definitions

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

***authorised survey/s*** has the meaning given to it in section 3 of the *Licensed Surveyors Act 1909*;

***Department*** means the Department of Environment and Conservation (Western Australia);

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

***direct seeding*** means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species;

***engineering survey/s*** means any inspection or measurement taken by a surveyor engaged by the Permit Holder for the purpose of planning, investigating and design for a *project activity*;

***flora specialist*** means a person with specific training and/or experience in the ecology and

***geological survey/s*** means a survey conducted in order to obtain information about the suitability of the ground for a *project activity*, and includes geotechnical surveys;

***good or better condition*** means that the vegetation is in either pristine, excellent, very good or good condition according to *Keighery scale*;

***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;

***optimal time*** means the optimal time for undertaking *direct seeding* and *planting* as set out in the table in Schedule 1 of this Permit;

**planting** means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species;

**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;

**project activity/ies** means *authorised surveys, engineering surveys and geological surveys*;

**regenerate/ed/ion** means *revegetation* that can be established from in situ seed banks contained either within the topsoil or seed-bearing *mulch*;

**rehabilitate/ed/ion** means actively managing an area containing native vegetation in order to improve the ecological function of that area;

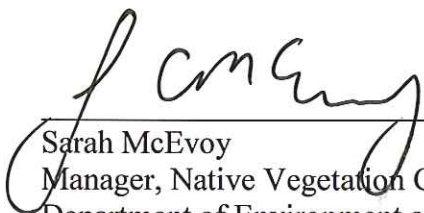
**revegetate/ed/ion** means the re-establishment of a cover of native vegetation in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve *regeneration, direct seeding and/or planting*;

**site preparation** means management of existing site topsoil and preparation of the finished soil surface, for example by ripping or tilling the soil surface and respreading site topsoil and chipped native vegetation;

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

**vegetation establishment period** means a period of at least two summers after the *revegetation* during which time replacement and infill *revegetation* works may be required for areas in which *revegetation* has been unsuccessful, and involves regular inspections of *revegetation* sites to monitor the success of *revegetation*;

**weed/s** 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;



Sarah McEvoy  
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of the Environmental Protection Act 1986  
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