



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 2498/1
Permit holder:	City of Swan
Purpose of clearing:	Widening of Jenkins Road
City:	Swan
Duration of permit:	3 August 2008 – 3 August 2013

TABLE OF CONTENTS

1. LAND ON WHICH CLEARING IS TO BE DONE.....	2
2. AREA OF CLEARING.....	2
3. TYPE OF CLEARING AUTHORISED.....	2
4. APPLICATION.....	2
5. COMPLIANCE WITH ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES.....	2
6. AVOID, MINIMISE ETC CLEARING.....	2
7. DIEBACK AND WEED CONTROL.....	3
8. FLORA MANAGEMENT.....	3
9. OFFSETS.....	3
10. RECORDS MUST BE KEPT.....	4
11. REPORTING.....	5
12. DEFINITIONS.....	5
DEFINITIONS (CONT.).....	6

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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

Jenkins Road Reserve

2. Area of clearing

The permit holder must not clear more than 0.264 ha within the area hatched yellow on attached Plan 2498/1.

3. 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.

4. 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.

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 road widening 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 *road building materials, mulches* or *fill* or other material is 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 *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 area cross-hatched yellow on attached Plan 2498/1.

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 *rare flora* and *priority flora*.
- (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 the *rare flora* and *priority flora* are submitted to the CEO;
 - (ii) No clearing occurs within 50m of identified *rare flora*, unless approved by the CEO;
 - (iii) No clearing occurs within 10m of identified *priority flora*, unless approved by the CEO.

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 Condition 1 and 2:
 - (i) the location where the clearing occurred, recorded using Geocentric Datum Australia 1994;
 - (ii) the date that the area was cleared; and
 - (iii) the size of the area cleared (in hectares).
- (b) In relation to *rare flora* and *priority 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 name of each species of *rare flora* and *priority flora* identified.
- (c) In relation to the offsets of areas 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

- (a) 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.
- (b) Before the expiry of the permit, the permit holder must provide to the CEO a written report of records required under condition 10 where these records have not already been provided under condition 11 (a).

12. Definitions

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

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;

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 9 of this Permit;

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

priority flora 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;

Definitions (cont.)

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

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.



Keith Claymore
A/ DIRECTOR
NATURE CONSERVATION DIVISION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

3 July 2008