



## CLEARING PERMIT

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

<b>Purpose permit number:</b>	CPS 2822/1
<b>Permit holder:</b>	Barton Charles William Hulls Denella Nicole Hulls
<b>Duration of permit:</b>	28 February 2009 – 28 February 2014

The permit holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

**1. Purpose for which clearing may be done**

Clearing for the purpose of construction of deep drainage and creekline restoration.

**2. Land on which clearing is to be done**

LOT 11 ON PLAN 41115 ( SOUTH TRAYNING 6488)

LOT 19854 ON PLAN 225357 (House No. 3069 NUNGARIN-WYALKATCHEM SOUTH TRAYNING 6488)

**3. Area of clearing**

The Permit Holder must not clear more than 6 hectare(s) of native vegetation within the areas hatched yellow on attached Plan 2822/1. Clearing shall not exceed 22 metres in width.

**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, 2 and 3 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. Type of clearing authorised**

Any clearing undertaken in accordance with this Permit must be completed by 28 February 2011, being two years from the date from which this Permit becomes valid.

## 7. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared authorised under this Permit, 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.

## 8. Offsets

If part of 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 8(a) and 8(b) of this Permit with respect to that clearing.

### (a) Determination of *offsets*:

- (i) 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 8(b) of this Permit;
- (ii) 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*;
- (iii) clearing may not commence until and unless the CEO has approved the *offset proposal* to which the clearing relates;
- (iv) the Permit Holder shall implement the *offset proposal* approved under condition 8(a)(iii);
- (v) each *offset proposal* shall include a *direct offset*, timing for implementation of the *offset proposal* and may additionally include *contributing offsets*;
- (vi) within two years of completing clearing of native vegetation authorised under this Permit, the Permit Holder must implement the *offset*; and
- (vii) where, in the opinion of an *environmental specialist*, there is evidence that the *offset* is unlikely to achieve the targets specified in the CEO-approved *offset proposal*, the Permit Holder must undertake *remedial action* at an *optimal time* within the next 12 months to ensure successful establishment of the *offset* prior to expiry of this Permit.

### (b) For the purpose of this condition, 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

### 9. Records must be kept

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

- (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 a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
  - (iii) the date that the area was cleared; and
  - (iv) the size of the area cleared (in hectares).
  
- (b) In relation to the *offset* of areas pursuant to condition 8:
  - (i) the location of any area of *offsets* recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;
  - (ii) a description of the *offset* activities undertaken; and
  - (iii) the size of the *offset* area (in hectares).

### 10. 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 9 of this Permit and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
  
- (b) Prior to 29 October 2013, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

### 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;

***decision report*** means the decision report outlining the assessment of CPS 2686/1.

***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;

***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;

***ecological community/ies*** 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;

**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;

**local provenance** means native vegetation seeds and propagating material from natural sources within 10-40 kilometres of the area cleared.

**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/s** means an offset required to be implemented in accordance with this Permit;

**offset proposal** means an *offset* determined by the Permit Holder in accordance with this Permit;

**optimal time** means the period from April to May for undertaking *direct seeding*, and the period from May to June for undertaking *planting*;

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

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

**remedial action/s** means, for the purpose of this Permit, any activity that is required to ensure successful establishment of an approved *offset*, and may include a combination of soil treatments and *revegetation*.

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



Keith Claymore  
A/ ASSISTANT DIRECTOR  
NATURE CONSERVATION DIVISION

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

29 January 2009