



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 3848/1
<b>Permit Holder:</b>	Shire of Menzies
<b>Duration of Permit:</b>	26 September 2010 – 26 September 2020

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 gravel extraction for Shire works.

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

Lot 43 on Deposited Plan 220589, Menzies

**3. Area of Clearing**

The Permit Holder must not clear more than 1 hectare of native vegetation within the area hatched yellow on attached Plan 3848/1.

**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. Type of clearing authorised**

(a) The Permit Holder shall not clear any native vegetation after 26 September 2015.

(b) 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.

**6. 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

**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. Weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

## 9. Retain vegetative material and topsoil, revegetation and rehabilitation

The Permit Holder shall:

- (a) retain the vegetative material and topsoil removed by clearing authorised under this Permit and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) within 3 months following completion of gravel extraction for Shire works, *revegetate* and *rehabilitate* the area(s) that are no longer required for the purpose for which they were cleared under this Permit by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
  - (ii) ripping the pit floor and contour batters within the extraction site; and
  - (iii) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area(s) that are no longer required for gravel extraction.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 9(b) of this Permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 9(c)(i) of this Permit will not result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

## PART III - RECORD KEEPING AND REPORTING

### 10. Records must be kept

- (a) The Permit Holder must maintain the following records for activities done pursuant to this Permit 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 *revegetation and rehabilitation* of areas pursuant to condition 9 of this Permit:
  - (i) the location of any areas *revegetated* and *rehabilitated*, 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 *revegetation* and *rehabilitation* activities undertaken;
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares); and
  - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*.

## 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 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 26 May 2020 the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

## Definitions

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

**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;

**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;

**local provenance** means native vegetation seeds and propagating material from natural sources within 20 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;

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

**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 *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; and

**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 *Agriculture and Related Resources Protection Act 1976*.

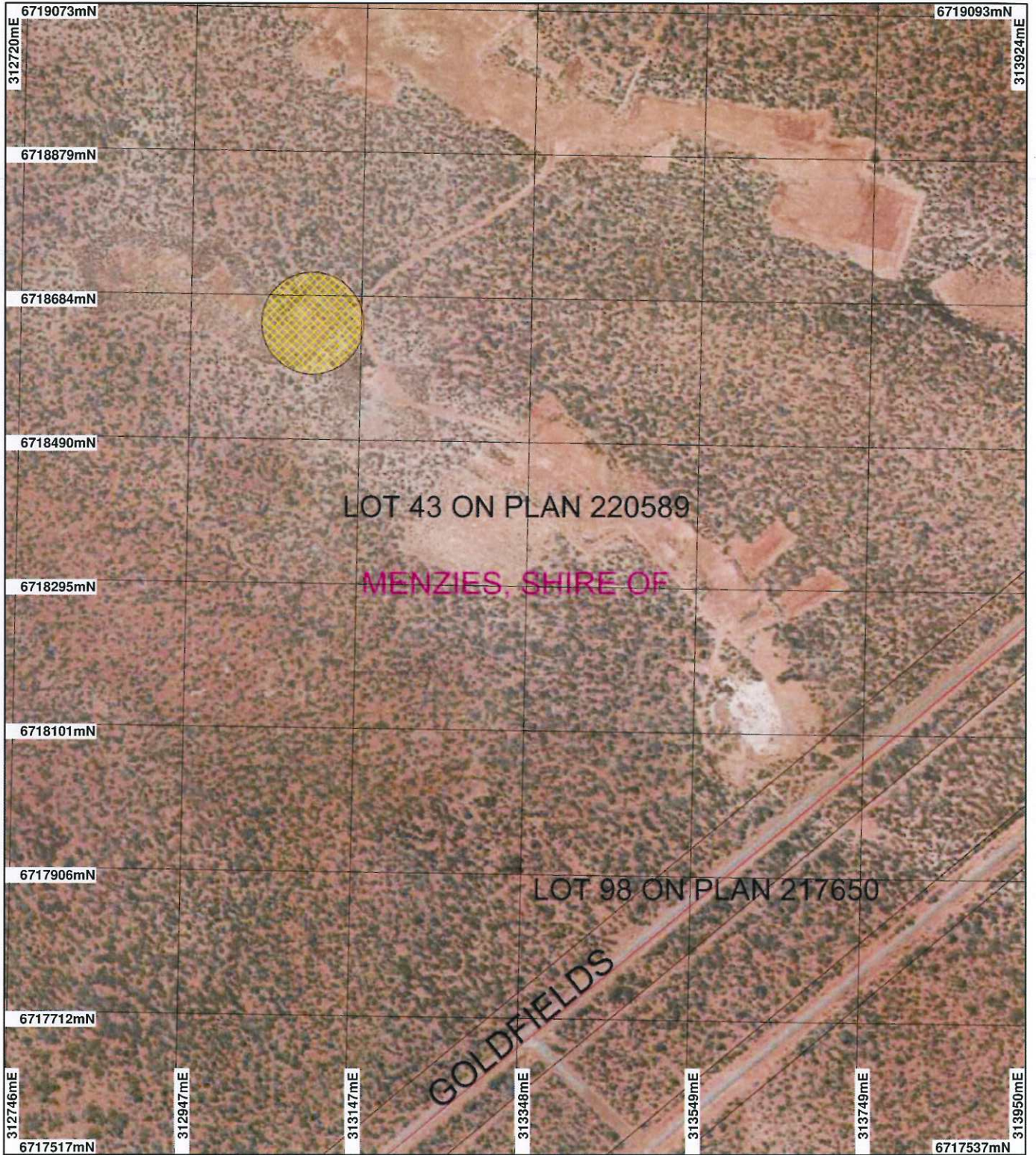


Kelly Faulkner  
MANAGER  
NATIVE VEGETATION CONSERVATION BRANCH

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

26 August 2010

# Plan 3848/1



## LEGEND

- Road Centrelines
- Cadastre
- Local Government Authorities

### Clearing Instruments

- Areas Approved to Clear
- Menzies 1.4m Orthomosaic - Landgate 2003



Scale 1:6945

(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

Note: the data in this map have not been protected. This may result in geometric distortion or measurement inaccuracies.

Date 26/10

K. Faulkner  
Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Department of Environment and Conservation

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## 1. Application details

### 1.1. Permit application details

Permit application No.: 3848/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Shire of Menzies

### 1.3. Property details

Property: LOT 43 ON PLAN 220589 ( MENZIES 6436)  
Local Government Area: Shire of Menzies  
Colloquial name:

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1		Mechanical Removal	Extractive Industry

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard Vegetation Association: 18: Low woodland; mulga (Acacia aneura) (Shepherd, 2009)	The vegetation under application is described as woodland transitioning to open woodland of Acacia aneura and Eucalyptus sp. over an understorey of Eremophila forrestii, Solanum lasiophyllum and Acacia tetragonophylla (DEC, 2007).  It is located within the Murchison IBRA Bioregion and is mapped as comprising Beard Vegetation Association 18 (Shepherd, 2009).  Vegetation is in a disturbed condition due to prior clearing activities and cattle grazing which has altered the vegetation structure and composition (DEC, 2007).	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994)  To  Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery, 1994)	Vegetation condition was determined from aerial photography and site inspection report of adjacent application area 1607/1 (DEC, 2007).

## 3. Assessment of application against clearing principles

### Comments

The Shire of Menzies proposes to clear up to 1 hectare (ha) of native vegetation for the purpose of extracting gravel for the shire works program for the 2010-2011 financial year (Shire of Menzies, 2010).

The applied area is disturbed as it is within a current pastoral lease and adjacent to numerous current Shire gravel pits. Proximity to access tracks is also likely to impact the vegetation under application.

The Shire of Menzies retains approximately 99.99% of its pre-European vegetation extent and the mapped Beard vegetation association (Beard 18) is well represented in the Murchison IBRA bioregion, with approximately 100% of its pre-European extent remaining (Shepherd, 2009).

There are two known records of the conservation significant flora species, *Thryptomene eremaea* (Priority 2) in the local area (20km radius), with the closest record mapped as occurring 3.8km northeast of the applied area in the same vegetation and soil type as the vegetation under application. Although the vegetation under application may provide suitable habitat for this species (Western Australian Herbarium, 1998-), due to the disturbed condition of the area and the significant amount of good quality vegetation in the local area the vegetation under application is considered unlikely to provide significant habitat to *T. eremaea* or other indigenous fauna and flora.

There are no known threatened or priority ecological communities or conservation reserves within a 20km radius of the applied area.

Given the above, the proposed clearing is not likely to be at variance with the clearing Principles.

- Methodology**   References:
- DEC, 2007
  - Shepherd, 2009
  - Shire of Menzies, 2010
  - Western Australian Herbarium, 1998-
- GIS Databases:
- ANCA, Wetlands - 26/03/99
  - DEC Managed Lands & Waters - DEC 28/10/09
  - Evapotranspiration, Area Actual - BOM 30/09/01
  - Groundwater Salinity, statewide - DoW 13/07/06
  - Hydrogeographic Catchments, Catchments - DoW 01/06/07
  - Hydrogeology, statewide - DoW 13/07/06
  - Hydrography, linear DoW 13/7/06
  - Menzies 1.4m Orthomosaic - Landgate 2003
  - Pre-European vegetation - DA 01/01
  - Rainfall, Mean Annual - BOM 30/09/01
  - RAMSAR, Wetlands - 15/10/09
  - SAC Biodatasets - 5/08/10
  - Soils, Statewide - 30/11/99
  - Topographic Contours, Statewide - DOLA 12/09/02

**Planning instrument, Native Title, Previous EPA decision or other matter.**

**Comments**

The area applied to be cleared is located within Lot 43 on Plan 220589, which is within pastoral lease CL224/1978. Under the Local Government Act 1995, a local government may take gravel required for making or repairing a thoroughfare, bridge, culvert, fence or gate, even though the land on which it is done is not local government property and the local government does not have consent to do it (DEC Ref: A321375).

There are numerous current gravel pits adjacent to the application area, some of which are covered by current clearing permit CPS 1607/1. A small portion of the western edge of the current application area overlaps with the area covered by CPS 1607/1.

A site inspection of adjacent application area 1607/1 conducted on 8 March 2007 found evidence of water erosion in exposed active faces of existing gravel pits within the Shire of Menzies (DEC, 2007). Soil erosion management in active pits is the responsibility of the proponent.

No submissions from the public have been received.

There are no known Aboriginal Sites of Significance within a 2km radius of the applied area.

The proposed clearing will not impact the Goldfields Groundwater Area proclaimed under the Rights in Water and Irrigation Act 1914.

- Methodology**   References:
- DEC, 2007
- GIS Databases:
- Aboriginal Sites of Significance - DIA 02/10
  - Cadastre - Landgate 12/09
  - Country Area Water Supply Act (Part IIA) Clearing Control Catchments - DoW 29/06/06
  - Environmental Impact Assessments - EPA 08/03/05
  - Native Title Claims - LA 2/5/07
  - Public Drinking Water Source Areas (PDWSAs) - 07/02/06
  - RIWI Act, Groundwater Areas - DoW 13/07/06
  - RIWI Act, Irrigation Districts - DoW 13/07/06
  - Town Planning Scheme Zones - MFP 31/08/98

## 4. References

- DEC (2007) Site Inspection Report for Clearing Permit Application CPS 1607/1. Site Inspection Undertaken 08/03/07. Department of Environment and Conservation, Western Australia. TRIM Ref: DOC18036.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Shepherd, D.P. (2009) Adapted from: Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.
- Western Australian Herbarium (1998-). FloraBase - The Western Australian Flora. Department of Environment and Conservation. <http://florabase.dec.wa.gov.au/> Accessed on 16/08/10.

## 5. Glossary

Term	Meaning
BCS	Biodiversity Coordination Section of DEC
CALM	Department of Conservation and Land Management (now BCS)
DAFWA	Department of Agriculture and Food
DEC	Department of Environment and Conservation
DEP	Department of Environmental Protection (now DEC)
DoE	Department of Environment
DoIR	Department of Industry and Resources
DRF	Declared Rare Flora
EPP	Environmental Protection Policy
GIS	Geographical Information System
ha	Hectare (10,000 square metres)
TEC	Threatened Ecological Community
WRC	Water and Rivers Commission (now DEC)