



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5216/2
Permit Holder:	Shire of Esperance
Duration of Permit:	2 November 2012 to 2 November 2025

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 borrow pits.

2. Land on which clearing is to be done

Howick Road reserve, Mount Ney (PIN: 11644422)

Lot 421 on Deposited Plan 212355, Mount Ney

Lot 420 on Deposited Plan 212355, Mount Ney

3. Area of Clearing

The Permit Holder must not clear more than 15.5 hectares of native vegetation within the area hatched yellow on attached Plan 5216/2.

4. Period in which clearing is authorised

(a) The Permit Holder shall not clear any native vegetation after 2 November 2020.

(b) The Permit Holder shall not clear more than 2 hectares of native vegetation within a 12 month period.

(c) The Permit Holder shall not clear native vegetation unless actively mining within 3 months of the authorised clearing being undertaken.

5. 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.

6. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

7. 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

8. 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.

9. Dieback and 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* and *dieback*:

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

10. Flora management

- (a) Prior to undertaking any clearing authorised under this Permit, the Permit Holder shall engage a *botanist* to inspect that area for the presence of rare flora listed in the *Wildlife Conservation (Rare Flora) Notice* and *priority flora*.
- (b) Where rare and/or *priority flora* are identified in relation to condition 10(a) of this Permit, the Permit Holder shall ensure that:
 - (i) no clearing occurs within 50 metres of identified rare flora, unless approved by the CEO; and
 - (ii) no clearing of identified rare flora occurs unless approved under section 23F(2) of the *Wildlife Conservation Act 1950*.
 - (iii) no clearing of identified *priority flora* occurs, unless approved by the CEO; and
 - (iv) no clearing occurs within 20 metres of identified *priority flora*, unless approved by the CEO.

11. 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 extractive activities, revegetate and rehabilitate the area cross-hatched yellow within Howick Road reserve, Mount Ney (PIN: 11644422) and Lot 420 on Deposited Plan 212355, Mount Ney on attached Plan 5216/2 by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land; and
 - (ii) laying the vegetative material and topsoil retained under condition 11(a) on the cleared area
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 11(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 11(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.
- (d) Where additional planting or direct seeding of native vegetation is undertaken in accordance with condition 11(c)(ii) of this permit, the Permit Holder shall repeat condition 11(c)(i) and

11(c)(ii) within 24 months of undertaking the additional planting or direct seeding of native vegetation.

- (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 11(c) (i) and 11(c) (ii) of this permit, that determination shall be submitted for the CEO's consideration. If the CEO does not agree with the determination made under condition 11(c) (ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 11(c) (ii).

PART III - RECORD KEEPING AND REPORTING

12. 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 flora management pursuant to condition 10 of this Permit:
- (i) the location of each rare and/or priority flora recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
 - (ii) the species name of each rare and/or *priority flora* identified; and
 - (iii) a copy of the botanists flora survey report.
- (c) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 11 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 or decimal degrees;
 - (ii) a description of the *revegetation* and *rehabilitation* activities undertaken;
 - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares);
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
 - (v) a copy of the environmental specialist's report.

13. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
- (i) of records required under condition 12 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.
- (b) Prior to 2 August 2025, the Permit Holder must provide to the CEO a written report of records required under condition 12 of this Permit where these records have not already been provided under condition 13(a) of this Permit.

DEFINITIONS

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

botanist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora;

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;

dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

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 30 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;

priority flora means those plant taxa described as priority flora classes 1, 2, 3 or 4 in the *Department's Declared Rare and Priority Flora List for Western Australia* (as amended);

regenerate/ed/ion means re-establishment of vegetation from in situ seed banks and propagating material (such as lignotubers, bulbs, rhizomes) 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 *local provenance* native vegetation in an area using methods such as natural *regeneration*, *direct seeding* and/or *planting*, so that the species composition, structure and density is similar to pre-clearing vegetation types in that area;

weed/s means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned; and

Wildlife Conservation (Rare Flora) Notice means those plant taxa gazetted as rare flora pursuant to section 23F(2) of the *Wildlife Conservation Act 1950* (as amended).



Mathew Gannaway
MANAGER
CLEARING REGULATION

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

3 August 2017


Plan 5216/2



Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



 Date 3/09/2017

Matthew Gammalway

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



1. Application details

1.1. Permit application details

Permit application No.: 5216/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Esperance

1.3. Property details

Property: Howick Road reserve, Mount Ney (PIN: 11644422)
Lot 421 on Deposited Plan 212355, Mount Ney
Lot 420 on Deposited Plan 212355, Mount Ney
Local Government Authority: Shire of Esperance

Local Government Authority:
DER Region:
Localities:

Goldfields
Mount Ney

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 3 August 2017

Reasons for Decision: The clearing application has been assessed against the clearing principles, planning instruments and other matters in accordance with Section 51O of the *Environmental Protection Act 1986*, and was concluded that the proposed clearing application may be at variance with Principle's (a), (b), (c) and (h) and is not likely to be at variance to the remaining principles.

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
The area under application has been mapped as Beard Vegetation Association 516, which is described as 'Shrublands; mallee scrub, black marlock' (Shepherd et al., 2001).	This application proposes to clear 15.5 hectares of native vegetation for the purpose of establishing borrow pits for road maintenance.	Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994)	The condition of the vegetation was determined via digital imagery (Beaumont 50cm Orthomosaic – Landgate, 2008).

3. Assessment of application against clearing principles

Comments The applicant applied to amend Clearing Permit CPS 5216/1 to update condition 11 of the Clearing Permit to exclude rehabilitation within Lot 421 on Deposited Plan 212355, Mount Ney. The purpose of the clearing has not changed.

A review of the available information identified that the assessment against the clearing principles has not changed since the assessment of the original application CPS 5216/1, and can be found in Decision Report CPS 5216/1.

Planning instruments and other relevant matters

Comments The removal of an area of two hectares of rehabilitation on Lot 421 on Deposited Plan 212355, Mount Ney from condition 11 of CPS 5216/2 has been assessed. As the area conditioned to be rehabilitated is now used for cropping by the owner, it is considered the success rates of future rehabilitation is low. Further, it is considered the overall environmental value of the rehabilitation, being maintaining an ecological corridor, is not compromised as the corridor linkage value is within the road reserve and not within the two hectares that is located within Lot 421 on Deposited Plan 212355.

As the area to be removed is currently being used for cropping, any potential land degradation issue is still mitigated by the land use.

Noting the above reasons, the alternate 1.47 hectares the Shire of Esperance rehabilitated in May 2016 was considered as an alternative rehabilitation site, however was considered not necessary.

The application was advertised on the former Department of Environment Regulation website on 27 June 2017 with a fourteen day submission period. No submissions were received in relation to this application.

4. References

- 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., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.