



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 6226/1
Permit Holder:	Shire of Esperance
Duration of Permit:	From 15 November 2014 to 15 November 2024

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.
- 2. Land on which clearing is to be done**
Lot 465 on Deposited Plan 181620 (Reserve 33820) (Condingup 6450)
- 3. Area of Clearing**
The Permit Holder must not clear more than 2.5 hectares of native vegetation within the area hatched yellow on attached Plan 6226/1.
- 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. Period in which clearing is authorised**
The Permit Holder shall not clear any native vegetation after 15 November 2019.
- 6. Type of clearing authorised**
This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 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.

PART II – MANAGEMENT CONDITIONS

- 7. 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) ensure that no *dieback* or *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.

8. 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) at an *optimal time* following the completion of works authorized under this permit *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 ground on the contour to remove soil compaction; and
 - (iii) ripping the pit floor and contour batters within the extraction site; and
 - (iv) laying the vegetative material and topsoil retained under condition 8(a) on the cleared area(s).
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 8(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 8(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 8(c)(ii) of this permit, the Permit Holder shall repeat condition 8(c)(i) and 8(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 8(c)(i) and (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 8(c)(ii), the CEO may require the Permit Holder to undertake additional *planting* and *direct seeding* in accordance with the requirements under condition 8(c)(ii).

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 or decimal degrees;
 - (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 8 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.

10. 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 9 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January to 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 15 August 2024, 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:

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 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, or who is approved by the CEO as a suitable environmental specialist;

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 50 kilometres and the same Interim Biogeographic Regionalisation for Australia (IBRA) subregion 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;

optimal time means the period from April to May for undertaking *direct seeding*;

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

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.



M Warnock
SENIOR MANAGER
CLEARING REGULATION

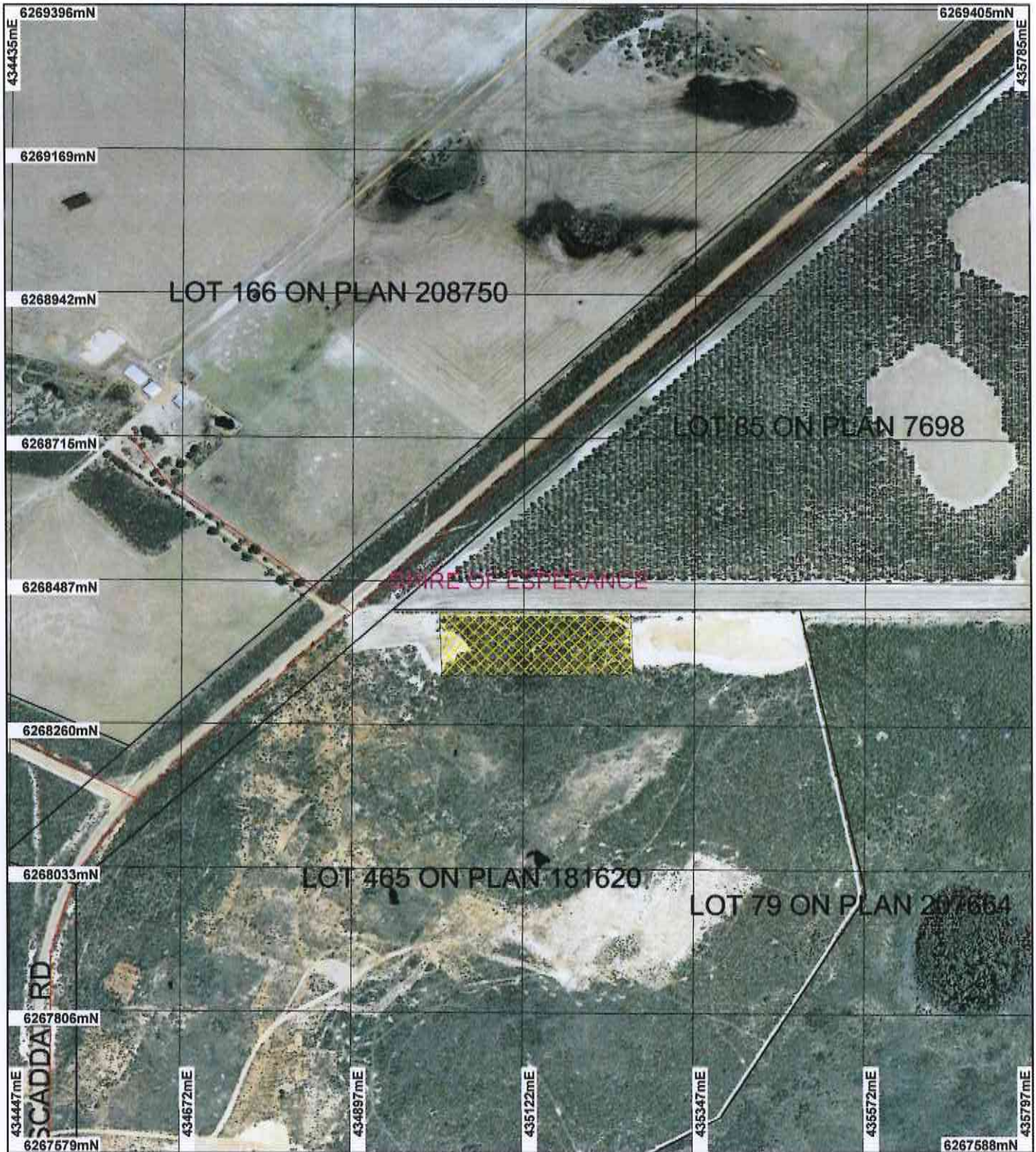
*Officer delegated under Section 20
of the Environmental Protection Act 1986*

16 October 2014

CPS 6226/1, 16 October 2014

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Plan 6226/1



LEGEND

- Cadastre for labelling
- Road Centrelines
- Local Government Authorities
- Clearing Instruments

Merivale 50cm Orthomosaic - Landgate 2007



Scale 1:8000
(Approximate when reproduced at A4)

Geocentric Datum Australia 1994

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

M Warnock Date 15/10/14
M Warnock

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.



Government of Western Australia
Department of Environment Regulation

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Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 6226/1
Permit type: Purpose Permit

1.2. Proponent details

Proponent's name: Shire of Esperance

1.3. Property details

Property: LOT 465 ON PLAN 181620 (CONDINGUP 6450)
Local Government Area: Shire of Esperance
Colloquial name:

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 16 October 2014

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 is mapped as Beard vegetation association 47 which is described as shrublands; tallerack mallee-heath (Shepherd et al 2001)	The clearing of 2.5 hectares of native vegetation within Lot 465 on Deposited Plan 181620 - Reserve 33820, Condingup is for the purpose of gravel extraction.	Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery 1994) To Good: Structure significantly altered by multiple disturbance; retains basic structure/ability to regenerate (Keighery 1994)	The description and condition of the vegetation under application was determined from aerial imagery.

3. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Comments **Proposal is not likely to be at variance to this Principle**
The clearing of 2.5 hectares of native vegetation within Lot 465 on Deposited Plan 181620 - Reserve 33820, Condingup is for the purpose of gravel extraction.

The application area is in a degraded to good (Keighery 1994) condition, which has been impacted by previous gravel extraction activities.

Five priority flora species have been recorded within the local area (10 kilometre radius). The closest being a Priority 3 flora species located approximately 230 metres south of the area under application. Suitable habitat for three Priority 3 and one Priority 4 flora species may be located within the area under application. Priority 3 flora species are taxa that are known from collections from several localities not under imminent threat or from few, but widespread localities with either large population size or significant remaining areas of apparently suitable habitat much of it not under imminent threat. Priority 4 flora species are taxa that are considered not currently threatened or in need of special protection but could be if present circumstances change. Therefore the clearing as proposed is not likely to have a significant impact on the conservation status of any Priority 3 or Priority 4 flora species that may occur within the application area (Parks and Wildlife 2014).

One rare flora species has been recorded within the local area (10 kilometre radius), the closest record being approximately 1.2 kilometres south of the area under application. The population recorded in proximity of the application area is the result of a translocation. Therefore this species is not likely to be recorded within the area under application (Parks and Wildlife 2014).

One fauna species, Carnaby's cockatoo (*Calyptorhynchus latirostris*), listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 has been recorded within the local area (10 kilometre radius) (DEC 2007-). Significant habitat for this species is not likely to be located within the area under application.

Given the above the vegetation under application is not likely to comprise a high level of biological diversity.

Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology

References:

- DEC (2007-)
- Keighery (1994)
- Parks and Wildlife (2014)

GIS Databases:

- SAC Bio Datasets - accessed September 2014

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

Comments

Proposal is not likely to be at variance to this Principle

One fauna species, Carnaby's cockatoo (*Calyptorhynchus latirostris*), listed as rare or likely to become extinct under the Wildlife Conservation Act 1950 has been recorded within the local area (10 kilometre radius) (DEC 2007-).

Carnaby's cockatoo is listed as endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Carnaby's cockatoo nest in large hollows of eucalyptus trees and forages on the seeds, nuts and flowers of a large variety of plants including Proteaceous species (*Banksia*, *Hakea*, *Grevillea*), as well as *Allocasuarina* and *Eucalyptus* species, *Corymbia calophylla* and a range of introduced species, especially seeds from cones of *Pinus* species (Shah, 2006).

The area under application is mapped as Beard vegetation association 47 which is described as shrublands; tallerack mallee-heath (Shepherd et al 2001) and has been impacted by previous gravel extraction activities. Therefore the vegetation under application is not likely to contain significant habitat for this species.

Given the above the clearing as proposed is not likely to be at variance to this principle.

Methodology

References:

- DEC (2007-)
- Shah (2006)
- Shepherd et al (2001)

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Comments

Proposal is not likely to be at variance to this Principle

One rare flora species has been recorded within the local area (10 kilometre radius), the closest record being approximately 1.2 kilometres south of the area under application within Coolinup Nature Reserve located adjacent to Lot 456. This species is found on laterite and granite sheeting on a windswept coastal slope amongst rich coastal heath dominated by *Dryandra* and *Calothamnus* (Brown et al 1998).

This species is only known from four extant populations east of Esperance. The population recorded in proximity of the application area is the result of a translocation. Therefore this species is not likely to be recorded within the area under application (Parks and Wildlife 2014).

Given the above the clearing as proposed is not likely to be at variance to this principle.

Methodology

References:

- Brown et al (1998)
- Parks and Wildlife (2014)

GIS Databases:

- SAC Bio Datasets - accessed September 2014

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Comments Proposal may be at variance to this Principle

One threatened ecological community (TEC), Proteaceae Dominated Kwongan Shrubland, is known to occur within local area (10 kilometre radius). This community is dominated by flowering shrub species from the Proteaceae family (e.g Banksias, Grevilleas and Hakeas) (Department of the Environment 2014). This TEC has a broad distribution throughout the south coast region with large areas located within conservation estate (Department of the Environment 2014).

The mapped Beard vegetation association within the area under application may be representative of this TEC. The Department of the Environment (2014) has identified the area under application as either 'indicative of the TEC's current distribution' or 'indicative of the TEC's mapped pre-European distribution'.

Given the above, this TEC may be present within the area under application. However the application area is in a degraded to good (Keighery 1994) condition and has been impacted by previous gravel extraction activities. Given the disturbance to the application area, the vegetation proposed to be cleared is not likely to be necessary for the maintenance of this TEC.

Given the above the clearing as proposed is may be at variance to this principle.

Methodology References:

- Department of the Environment (2014)

GIS Database:

- SAC Bio Datasets - accessed September 2014

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Comments Proposal may be at variance to this Principle

The area under application is located within the Esperance Plains Interim Biogeographic Regionalisation of Australia (IBRA) bioregions. This IBRA bioregion has approximately 52 per cent of its Pre European vegetation extent remaining (Government of Western Australia 2013).

The vegetation under application is mapped as Beard Vegetation Association 47 which has approximately 36 per cent of its Pre-European extent remaining within the Esperance Plains bioregion (Government of Western Australia 2013).

The National Objectives and Targets for Biodiversity Conservation include a target that prevents the clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001).

Digital imagery indicates that the local area (10 kilometre radius) surrounding the area under application retains less than 15 per cent vegetation cover and therefore the vegetation proposed to be cleared is considered to be located within an extensively cleared area.

The vegetation under application is not considered to comprise a high biological diversity, contain significant fauna habitat or priority or rare flora and therefore is not likely to be a significant remnant. The requirement to revegetate the application area post extraction will ensure that there is no permanent loss of vegetation.

Given the above, the clearing as proposed may be at variance to this principle.

Lands	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed (%)
IBRA Bioregion*				
Esperance Plains	2,899,941	1,508,058	52	54
Shire*				
Shire of Esperance	4,459,671	3,211,034	72	30
Beard Vegetation Association in Bioregion*				
47	959,936	340,853	36	52

* Government of Western Australia (2013)

Methodology References:
- Commonwealth of Australia (2001)
- Government of Western Australia (2013)

GIS Databases:
- Local Government Authorities - Landgate
- Pre-European Vegetation

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Comments **Proposal is not at variance to this Principle**
A lake is located approximately 2.2 kilometres south of the area under application.

Given the distance to the closest wetland the vegetation proposed to be cleared is not growing in association with a watercourse or wetland.

Methodology Therefore the clearing as proposed is not at variance to this principle
GIS Databases:
- Hydrography, linear

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Comments **Proposal is not likely to be at variance to this Principle**
The mapped soil type Xd1 is described as Gently undulating plain or plateau at low elevation with small granitic hills, some flats, seasonal swamps and talus; and some more strongly undulating land where dissection has begun: chief soils are sandy neutral yellow mottled soils containing variable amounts of ironstone gravel in the surface sand, with leached sands sometimes containing ironstone gravel and underlain by clay substrate at depths of 3-5 feet (Northcote et al 1960 - 1968).

The proposed clearing of 2.5 hectares of native vegetation within a larger remnant is not likely to cause appreciable land degradation.

Given the above the clearing as proposed is not likely to be at variance to this principle.

Methodology References:
- Northcote et al (1960-1968)

GIS Databases:
- Soils, statewide

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Comments **Proposal may be at variance to this Principle**
One conservation area has been recorded within the local area being Coolinup Nature Reserve located adjacent to Lot 465 approximately 240 metres west of the area under application.

Victorian tea tree is known to occur within Coolinup Road reserve and within the gravel pits within the application area (Parks and Wildlife 2014). The clearing proposed may indirectly impact Coolinup Nature reserve through the spread of weeds and dieback. Weed and dieback management practices would help mitigate this risk.

Given the above the clearing as proposed maybe at variance to this principle.

Methodology References:
- Parks and Wildlife (2014)

GIS Databases:
- Parks and Wildlife tenure

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Comments Proposal is not likely to be at variance to this Principle

A lake is located approximately 2.2 kilometres south of the area under application. Given the distance to this lake the clearing as proposed is not likely to cause deterioration in the quality of surface water.

Groundwater Salinity is mapped between 500 - 1000 milligrams per litre total dissolved solids (TDS) which is considered to be marginal. Given the low salinity levels of the groundwater present within the vicinity of the application area the clearing of 2.5 hectares of native vegetation is not likely to cause deterioration in the quality of groundwater.

Given the above the clearing as proposed is not likely to be at variance to this principle.

Methodology GIS Databases:
- Hydrography, linear

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Comments Proposal is not likely to be at variance to this Principle

The clearing of 2.5 hectares of native vegetation is not likely to cause or exacerbate the incidence or intensity of flooding.

Therefore the clearing as proposed is not likely to be at variance to this principle.

Methodology

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

Comments

No Submissions have been received in relation to this application.

No Aboriginal Sites of Significance have been recorded within the area under application.

Methodology GIS Databases:
- Aboriginal Sites of Significance

4. References

- Brown A., Thomson-Dans C. and Marchant N. (1998). Western Australia's Threatened Flora, Department of Conservation and Land Management, Western Australia.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- DEC (2007 -) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/> Accessed September 2014
- Department of the Environment (2014) Proteaceae Dominated Kwongan Shrubland: a nationally-protected ecological community. Western Australia.
- Government of Western Australia (2013) 2012 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2012. WA Department of Environment and Conservation, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Northcote, K. H. with Beckmann G G, Bettenay E., Churchward H. M., van Dijk D. C., Dimmock G. M., Hubble G. D., Isbell R. F., McArthur W. M., Murtha G. G., Nicolls K. D., Paton T. R., Thompson C. H., Webb A. A. and Wright M. J. (1960-68): 'Atlas of Australian Soils, Sheets 1 to 10, with explanatory data'. CSIRO and Melbourne University Press: Melbourne.
- Parks and Wildlife (2014) Advice for Clearing Permit CPS 6226/1 - Shire of Esperance. Department of Parks and Wildlife. Western Australia. DER Ref: AA818421
- 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.