



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

| | |
|-------------------------------|-------------------------------------|
| Purpose Permit number: | CPS 7188/2 |
| Permit Holder: | Shire of Esperance |
| Duration of Permit: | From 27 March 2018 to 27 March 2023 |

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 road upgrades.

2. Land on which clearing is to be done

Fisheries Road reserve (PIN 11648537) (Condingup)

Orleans Bay Road reserve (PINs 11427892, 11648535 and 11645695) (Condingup and Cape Le Grand)

Merivale Road reserve (PIN 11647653) (Condingup)

3. Area of Clearing

The Permit Holder shall not clear more than 11.64 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7188/2a.

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

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.

PART II – MANAGEMENT CONDITIONS

6. Avoid, minimise and reduce the impacts and extent of 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

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*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) ensure that no *dieback* or *weed*-affected soil, *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.

8. Offset - Crown Reserve 518

By 23 September 2018, the Permit Holder shall:

- (a) relinquish the area cross-hatched red on attached Plan 7188/2b within Crown Reserve 518 to the Department of Biodiversity, Conservation and Attractions for addition to Cape Arid National Park; and
- (b) provide to the CEO a copy of the executed land transfer.

9. Offset - Crown Reserve 26257

By 23 September 2018, the Permit Holder shall provide to the CEO a copy of the executed change in purpose of the area cross-hatched red on attached Plan 7188/2c within Crown Reserve 26257 from 'agriculture general' to 'conservation'.

PART III – RECORD KEEPING AND REPORTING

10. Record keeping

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:

- (a) 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;
- (b) the date(s) that the area was cleared;
- (c) the size of the area cleared (in hectares);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit; and
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback*.

11. 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 10 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 and 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 23 December 2022, 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:

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;


dieback means the effect of *Phytophthora* species on native vegetation;

fill means material used to increase the ground level, or fill a hollow;

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;

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 Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

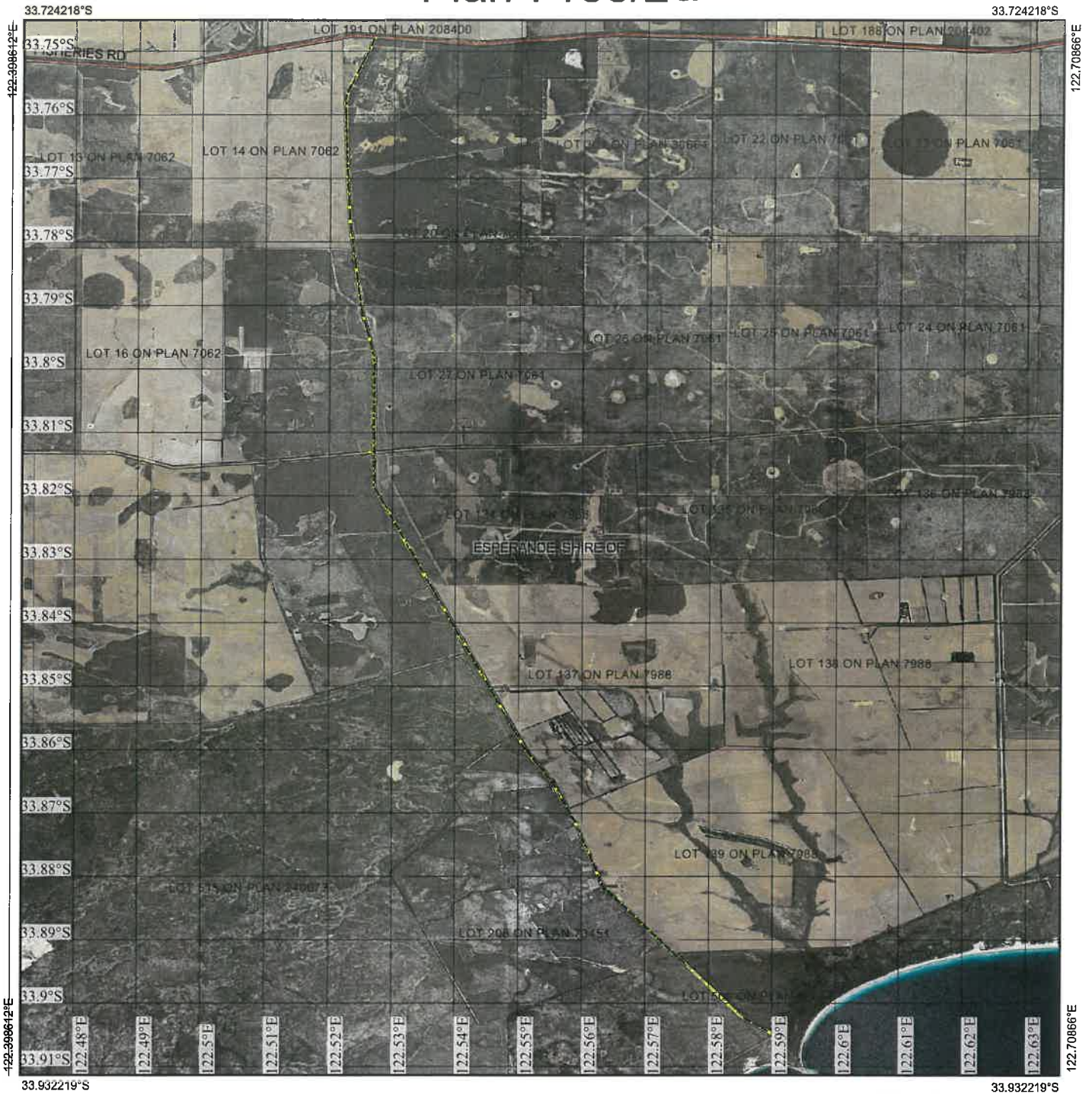


Mathew Gannaway
MANAGER
CLEARING REGULATION

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

27 March 2018

Plan 7188/2a



Legend

- Imagery
- Clearing Instruments Activities
- Local Government Authority



1:80,000

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

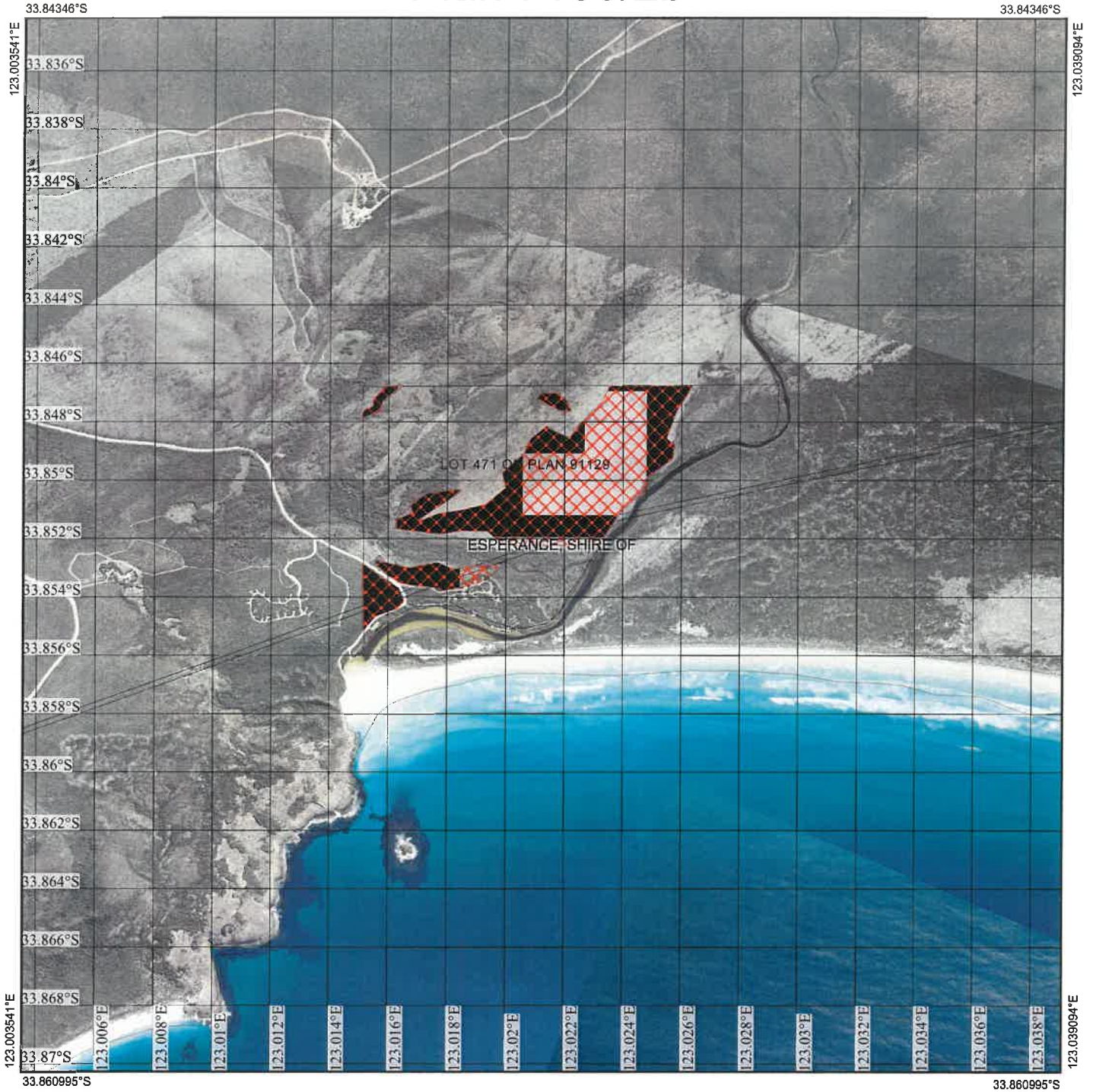
M/G
Matthew Gannaway Date 27/03/2018

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






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 WA Crown Copyright 2017

Plan 7188/2b



Legend

-  Imagery
-  Clearing Instruments Offsets
-  Local Government Authority

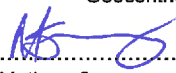


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GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

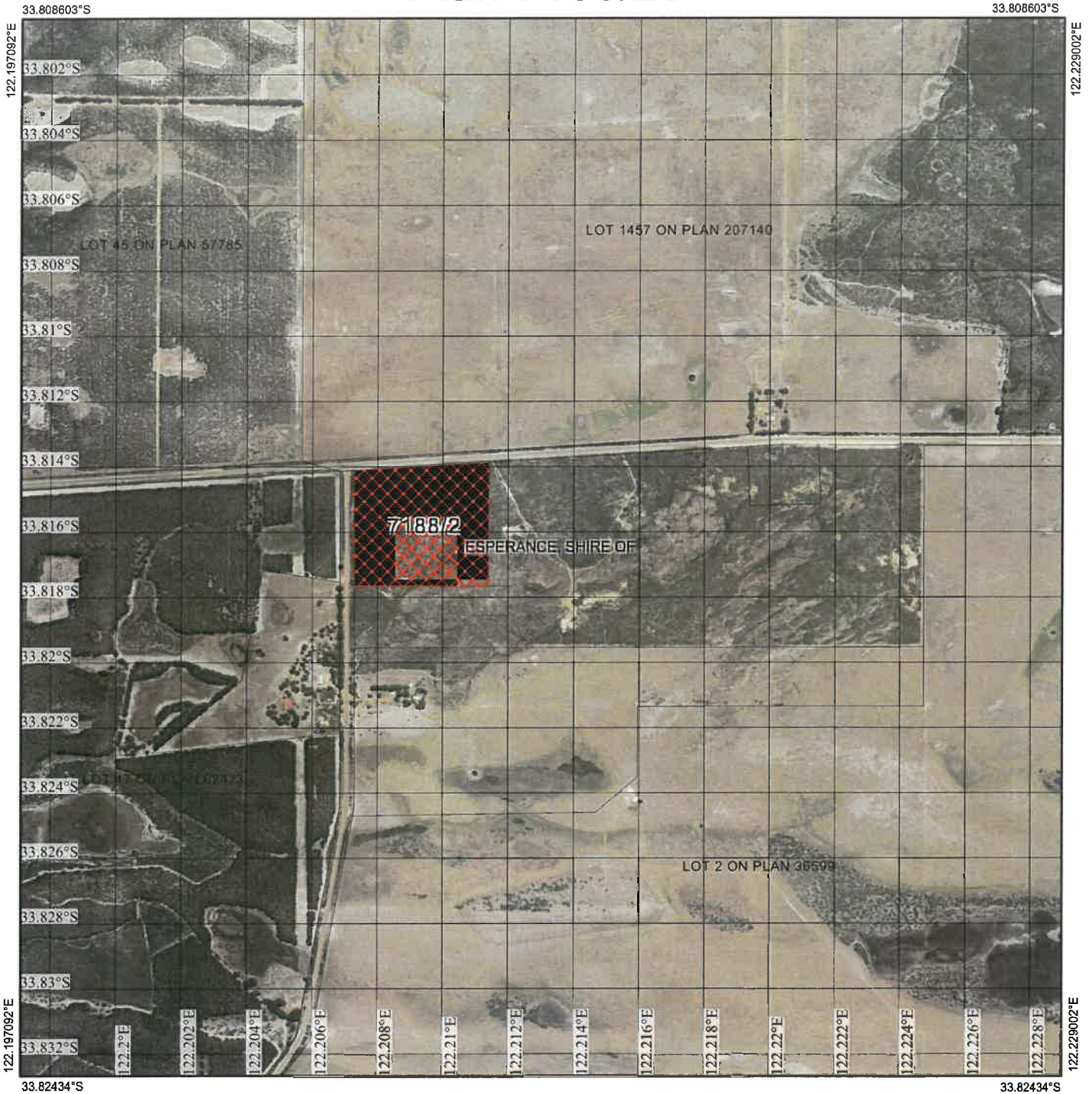
 Date 27/03/2019
 Mathew Gannaway

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






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Plan 7188/2c



Legend

-  Imagery
-  Clearing Instruments Offsets
-  Local Government Authority



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(Approximate when reproduced at A4)
GDA 94 (Lat/Long)
Geocentric Datum of Australia 1994

 Date 27/03/2018
Mathew Gannaway

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





1. Application details

1.1. Permit application details

Permit application no.: 7188/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Esperance

1.3. Property details

Properties: Fisheries Road reserve (PIN 11648537)
Orleans Bay Road reserve (PINs 11427892, 11648535 and 11645695)
Merivale Road reserve (PIN 11647653)
Great Northern Highway Upgrade Muchea to Wubin Stage 2 – Muchea North
Colloquial name:
Local Government Authority: Shire of Esperance
DWER Region: Goldfields
DPaW District: Esperance
Localities: Condingup and Cape Le Grand

| Application | Clearing area (ha) | No. trees | Method of clearing | Purpose category: |
|-------------|--------------------|-----------|--------------------|-------------------|
| | 11.64 | | Mechanical Removal | Road upgrades |

1.4. Decision on application

Decision on Application: Final Amendment
Decision Date: 27 March 2018
Reasons for Decision: This clearing permit amendment gives effect to the determination of the Minister for Environment (Minister) to partly allow appeals C010 of 2017 to the extent that the Minister has requested the Department of Water and Environmental Regulation to amend Clearing Permit CPS 7188/1 in respect to requiring the permit holder to avoid and minimise clearing where possible and record and report on its effort in this regard.

The precise wording of the amendment was determined by the Delegated Officer.

The clearing impact assessment for this clearing permit amendment is consistent with the assessment undertaken for application CPS 7188/1.

2. Site Information

Clearing Description The applicant proposes to clear up to 11.64 hectares of native vegetation within a 77 hectare footprint for the purpose of road upgrades.

Vegetation Description Four Beard vegetation associations have been mapped within the application area (Shepherd et al., 2001):

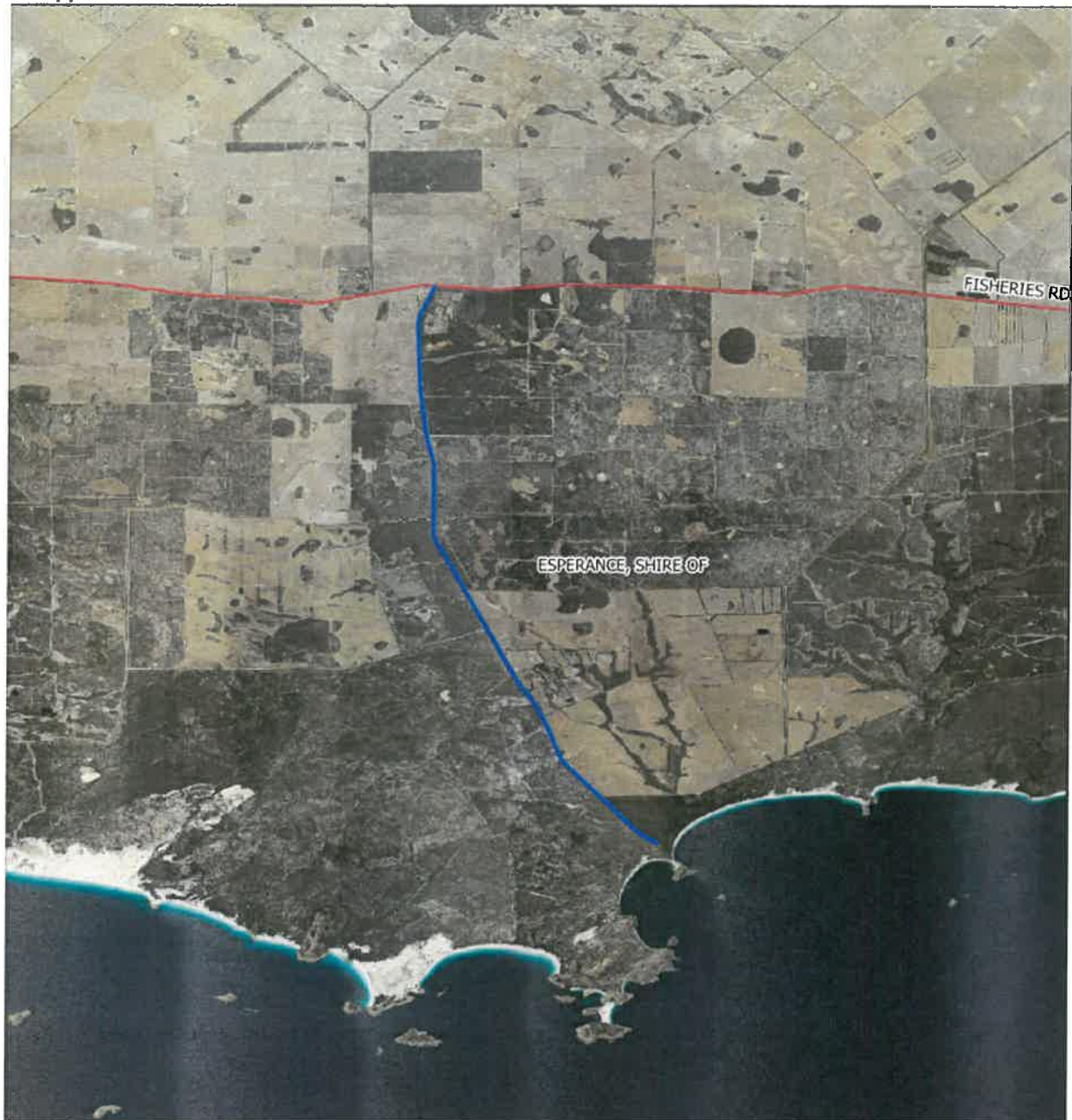
- Beard vegetation association 47 is described as shrublands; tallerack mallee-heath;
- Beard vegetation association 516 is described as shrublands; mallee scrub, black marlock;
- Beard vegetation association 4801 is described as shrublands; heath with scattered *Nuytsia floribunda* on sandplain; and
- Beard vegetation association 6048 is described as shrublands; *Banksia* scrub-heath on sandplain in the Esperance Plains Region.

Vegetation Condition Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).
To:
Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

Comments The application area consists of a 19.4 kilometre stretch of Orleans Bay Road. The application is for the purpose of increasing the road width from 20 to 26 metres, however the Shire of Esperance has applied to clear up to a 30 metre width (five metres either side of the existing road) to allow for any incidental additional clearing that may occur. The application area is 40 metres in width.

Vegetation condition was determined by a vegetation, flora, fauna and environmental considerations report conducted by the applicant (Shire of Esperance, 2016). The vegetation assessment determined that 6.9 kilometres of roadside vegetation along Orleans Bay Road is in very good (Keighery, 1994) condition, 7.6 kilometres is in good (Keighery, 1994) condition, and five kilometres is in degraded (Keighery, 1994) condition. It is noted that the survey area appears to include an additional 100 metres of Orleans Bay Road that is not within the application area.

Figure 1: Application area



3. Assessment of application against clearing principles

The clearing permit amendment was assessed against the 10 clearing principles outlined in Schedule 6 of the *Environmental Protection Act 1986*. The assessment has not changed since the assessment of application 7188/1, and can be found in the Decision Report for application CPS 7188/1.

Planning instruments and other relevant matters.

The clearing permit amendment was assessed against planning instruments and other relevant matters. The assessment has not changed since the assessment of application CPS 7188/1, and can be found in the Decision Report for application CPS 7188/1.

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, Extent, Type and Status*. Resource Management Technical Report 249. Department of Agriculture, Western Australia.
- Shire of Esperance (2016) *Orleans Bay Road Construction Project. Vegetation, Flora, Fauna and Environmental Considerations Report*. Unpublished report prepared by Julie Waters for the Shire of Esperance (DER REF: A1174089).