



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	7295/2
Permit Holder:	Shire of Esperance
Duration of Permit:	18 November 2017 - 18 November 2027

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 limestone extraction.

2. Land on which clearing is to be done

Lot 509 on Deposited Plan 91683, Howick
Un-named road reserve (PIN 11648538), Howick

3. Area of Clearing

The Permit Holder must not clear more than 1.9 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7295/2.

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) 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.
- (b) The Permit Holder shall not clear any native vegetation after 18 November 2022.

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:

- (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.

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 for the area hatched yellow on attached Plan 7295/2, and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) At an *optimal time* following clearing authorised under this Permit for the area hatched yellow on attached Plan 7295/2, *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;
 - (ii) ripping the ground on the contour to remove soil compaction;
 - (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.

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 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;
 - (ii) the date that the area was cleared;
 - (iii) the size of the area cleared (in hectares);
 - (iv) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit; and
 - (v) actions taken to minimise the risk of the introduction dieback and spread of weeds in accordance with condition 7 of this Permit.
- (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); and
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation* undertaken.

10. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 1 October 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 July and 30 June of the preceding financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July and 30 June of the preceding financial year, a written report confirming that no clearing under this permit has been carried out, must be provided to the *CEO* on or before 1 October of each year.
- (c) Prior to 18 June 2027, the Permit Holder must provide to the *CEO* a written report of records required under condition 8 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:

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*;

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;

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 June to August for undertaking *direct seeding*, and *planting*;

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; and

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
NATIVE VEGETATION REGULATION




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

20 August 2018

Plan 7295/2



Legend

-  Imagery
-  Clearing Instruments Activities
-  Roads



1:5,666

(Approximate when reproduced at A4)
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

 Date 20/05/2018

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



GOVERNMENT OF
WESTERN AUSTRALIA
WA Crown Copyright 2018



1. Application details

1.1. Permit application details

Permit application No.: 7295/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Esperance

1.3. Property details

Property: Un-named Road Reserve - PIN 11648538
Lot 509 on Deposited Plan 91683
Local Government Authority: Shire of Esperance
Localities: Howick

1.4. Application

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

1.5. Decision on application

Decision on Permit Application: Final Amendment
Decision Date: 20 August 2018
Reasons for Decision: This clearing permit amendment gives effect to the determination of the Minister for Environment to include a rehabilitation, avoid and minimise and reporting conditions on the amended permit.

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 7295/1.

2. Site Information

Clearing Description The applicant proposes to clear 1.9 hectares of native vegetation within Lot 509 on Deposited Plan 91683 and an unnamed road reserve (PIN 11648538), Howick, for the purpose of limestone extraction for the maintenance of Daniels Road (Shire of Esperance, 2016).

Vegetation Description Beard vegetation association 42 is described as shrublands; mallee and *Acacia* scrub on south coastal dunes (Shepherd et al., 2001)

Vegetation Condition Very Good; Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

3. Assessment of application against clearing principles

As a result of an appeal determination by the Minister for Environment conditions 6, 8, 9 and 10 related to avoid and minimise, revegetation and rehabilitation, record keeping and reporting have been placed on the amended permit. These conditions also bring the permit into line with current clearing permitting practices.

The clearing permit amendment was assessed against the 10 clearing principles outlined in Schedule 6 of the *Environmental Protection Act 1986*. The assessment against the clearing principles has not changed and can be found in Decision Report CPS 7295/1.

Planning instruments and other relevant matters.

The assessment against Planning and Other Matters has not changed and can be found in Decision Report CPS 7295/1.

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) *Daniels Road Proposed Limestone Pit Level 1 Flora and Vegetation Survey*. 11 November 2016. Shire of Esperance. Western Australia (DER Ref: A1327076).