



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	CPS 7499/3
<b>Permit Holder:</b>	Commission of Main Roads Western Australia
<b>Duration of Permit:</b>	21 April 2018 to 21 April 2028

### ADVICE NOTE

The funds referred to in condition 11 of this permit are intended for contributing towards the purchase of 120 hectares of native vegetation with similar environmental values containing habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus baudinii*).

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 realignment.

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

Lot 1 on Deposited Plan 129064 (Unallocated Crown Land PIN 542592)  
Lot 2 on Deposited Plan 129064 (Unallocated Crown Land PIN 542594)  
Lot 3 on Deposited Plan 129064  
Lot 8 on Deposited Plan 43195 (Unallocated Crown Land PIN 11404372)  
Lot 23 on Deposited Plan 156346 (Crown Reserve R 22437)  
Lot 24 on Deposited Plan 156346 (Unallocated Crown Land PIN 542579)  
Lot 32 on Deposited Plan 129064 (Unallocated Crown Land PIN 542598)  
Lot 33 on Deposited Plan 129064 (Unallocated Crown Land PIN 542599)  
Lot 34 on Deposited Plan 129064 (Unallocated Crown Land PIN 542602)  
Lot 35 on Deposited Plan 129064 (Unallocated Crown Land PIN 542604)  
Lot 36 on Deposited Plan 129064 (Unallocated Crown Land PIN 542606)  
Lot 50 on Deposited Plan 410938  
Lot 51 on Deposited Plan 410938  
Lot 53 on Deposited Plan 410938  
Lot 70 on Deposited Plan 417257  
Lot 100 on Deposited Plan 410938  
Lot 101 on Deposited Plan 410938  
Lot 400 on Deposited Plan 417257  
Lot 1625 on Deposited Plan 114188  
Lot 1606 on Deposited Plan 122406  
State Forest 24 (PINs 510148, 510159, 550320 and 12323313)  
Bowelling-Duranillin Road Reserve (PINs 11462890 and 11518535)  
Coalfields Road Reserves (PINs 11462885, 11462887 and 11503911)  
Hill Road Reserve (PIN 11462883)  
Unnamed Road Reserves (PINs 510161, 11503900 and 11503901)  
Railway Reserves (PINs 510157 and 1367020)  
Unallocated Crown Land (PINs 542585 and 12323314)

### 3. Area of Clearing

The Permit Holder must not clear more than 17.06 hectares of native vegetation within the area hatched yellow in Figure 1 of Schedule 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

This Permit authorises the Permit Holder to clear native vegetation for the project 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 project activities under the *Main Roads Act 1930* or any other written law.

### 6. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 21 April 2023.

## PART II –MANAGEMENT CONDITIONS

### 7. 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.

### 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. Dieback 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 dieback:

- (a) clean vehicles, machines and equipment of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no known dieback-affected soil, mulch, fill or other material is brought into the area to be cleared;
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared; and
- (d) soil disturbance is to be carried out under dry soil conditions where possible.

### 10. Fauna management

(a) Prior to undertaking any clearing of *habitat trees*, containing hollows suitable to be utilised for nesting by Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii subsp. naso*) (black cockatoos), as identified within the Ecoedge's Level 1 Fauna Survey along Collie-Lake King Road at Bowelling (SLK 64.5 – 71.0), a *fauna specialist* shall inspect such trees for the presence of black cockatoos utilising the hollow/s.

(b) Where black cockatoos are identified under condition 10(a) of this Permit, the Permit Holder shall ensure that no clearing of, or within 10 metres of, the identified *habitat tree(s)* occurs until a *fauna specialist* has verified that the hollow/s are no longer being utilised by black cockatoos.

## 11. Vegetation management

The Permit Holder must implement the following management measure to mitigate impacts to the Claypans of the Swan Coastal Plain threatened ecological community (TEC):

- (a) Install parallel drains for scour protection;
- (b) Install a gross pollutant trap, incorporating rock protection, at the inflow point of the culvert that drains into the TEC; and
- (c) Replicate existing drainage pathways.

## 12. Monetary contributions to a fund maintained for the purpose of establishing or maintaining vegetation (offset)

Prior to undertaking any clearing authorised under this Permit and no later than 22 April 2019, the Permit Holder shall provide documentary evidence to the *CEO* that funding of \$198,000 has been transferred to the Department of Water and Environmental Regulation for the purpose of establishing or maintaining native vegetation.

## 13. Revegetation and rehabilitation

The Permit Holder shall establish and maintain:

- (a) 7.18 hectares of native vegetation within the area hatched red in Figure 2 of Schedule 1, being Lot 8 on Plan 16210, Bowelling (Trigwell Bridge); and
- (b) 9.88 hectares of native vegetation within the area hatched red in Figure 3 of Schedule 1, being Lot 5 on Plan 15844, Bowelling (Barber Block).

## PART III - RECORD KEEPING AND REPORTING

### 14. Records must be kept

The Permit Holder must maintain the following records for activities done in 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;
  - (ii) the date that the area was cleared; and
  - (iii) the size of the area cleared (in hectares).
- (b) Actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of the Permit.
- (c) Actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 8 of the Permit.
- (d) Actions taken to minimise the risk of the introduction and spread of *dieback* in accordance with condition 9 of the Permit.
- (e) In relation to fauna management pursuant to condition 10 of this Permit:
  - (i) the location of each black cockatoo 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 black cockatoo identified; and
  - (iii) where black cockatoos have been identified, the date in which the black cockatoos no longer utilised the *habitat tree(s)* and the date the area was cleared.
- (f) Actions taken to mitigate impacts to the Claypans of the Swan Coastal Plain threatened ecological community in accordance with condition 11 of this Permit.
- (g) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 13 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; and
  - (iii) the size of the area *revegetated* and *rehabilitated* (in hectares).

### 15. 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 14 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, 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 22 February 2023, the Permit Holder must provide to the *CEO* a written report of records required under condition 14 of this Permit where these records have not already been provided under condition 15(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 administering 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;

***fauna specialist***: means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or is a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

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

***habitat tree(s)*** means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater, that contains or has the potential to develop hollows or roosts suitable for native fauna;

***local provenance*** means native vegetation seeds and propagating material from natural sources within 100 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;

***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 Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Mathew Gannaway

MANAGER

NATIVE VEGETATION REGULATION

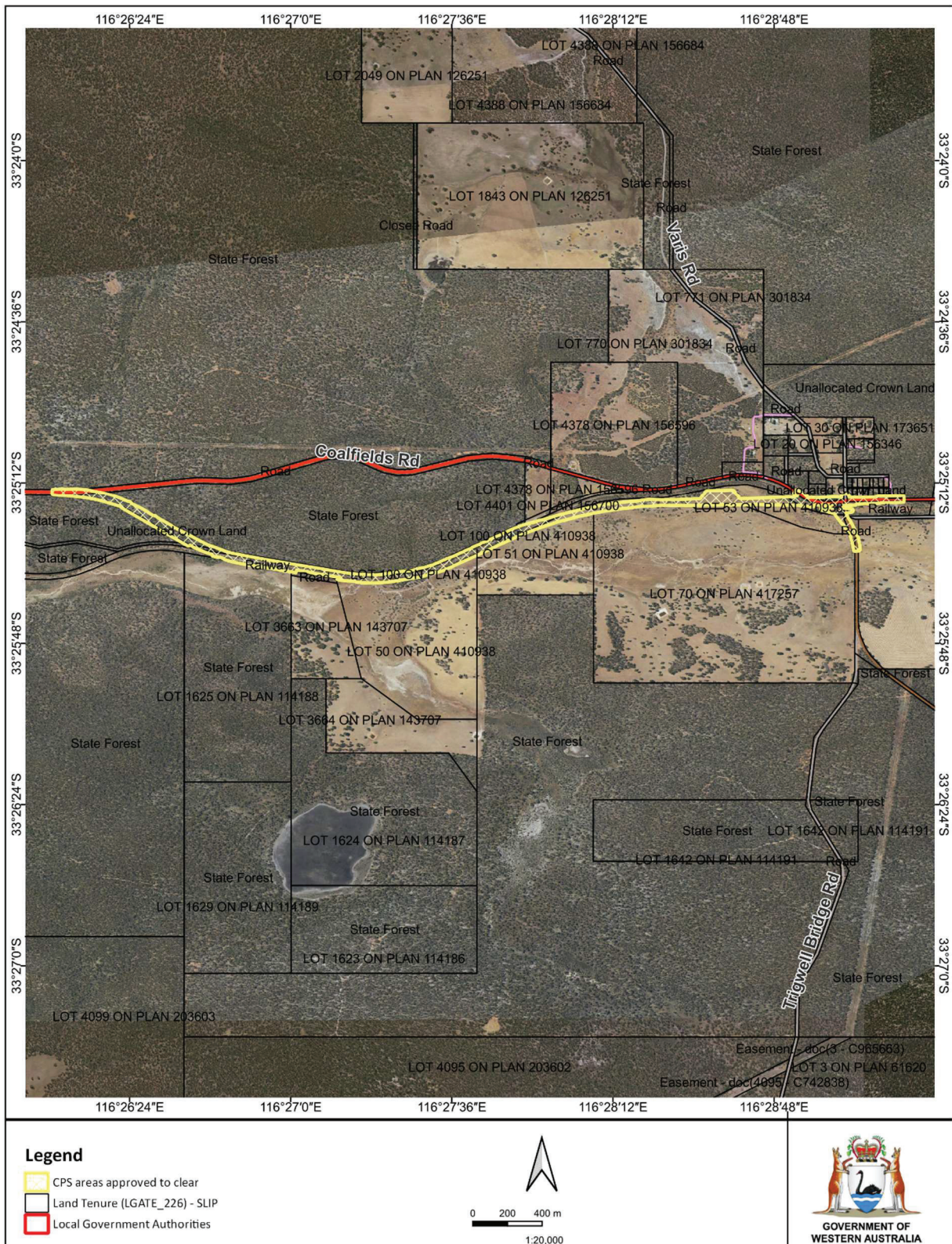
*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

20 April 2023

# Schedule 1

## Plan 7499/3a

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).



# Plan 7499/3b

The boundary of the area subject to conditions is shown in the map below (Figure 2).



# Plan 7499/3c

The boundary of the area subject to conditions is shown in the map below (Figure 3).





# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 7499/3
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	Commissioner of Main Roads Western Australia
<b>Application received:</b>	23 March 2023
<b>Application area:</b>	9.88 hectares
<b>Purpose of clearing:</b>	Road realignment
<b>Method of clearing:</b>	Mechanical
<b>Property:</b>	Lot 1 on Deposited Plan 129064 (Unallocated Crown Land PIN 542592) Lot 2 on Deposited Plan 129064 (Unallocated Crown Land PIN 542594) Lot 3 on Deposited Plan 129064 Lot 8 on Deposited Plan 43195 (Unallocated Crown Land PIN 11404372) Lot 23 on Deposited Plan 156346 (Crown Reserve R 22437) Lot 24 on Deposited Plan 156346 (Unallocated Crown Land PIN 542579) Lot 32 on Deposited Plan 129064 (Unallocated Crown Land PIN 542598) Lot 33 on Deposited Plan 129064 (Unallocated Crown Land PIN 542599) Lot 34 on Deposited Plan 129064 (Unallocated Crown Land PIN 542602) Lot 35 on Deposited Plan 129064 (Unallocated Crown Land PIN 542604) Lot 36 on Deposited Plan 129064 (Unallocated Crown Land PIN 542606) Lot 50 on Deposited Plan 410938 Lot 51 on Deposited Plan 410938 Lot 53 on Deposited Plan 410938 Lot 70 on Deposited Plan 417257 Lot 100 on Deposited Plan 410938 Lot 101 on Deposited Plan 410938 Lot 400 on Deposited Plan 417257 Lot 1625 on Deposited Plan 114188 Lot 1606 on Deposited Plan 122406 State Forest 24 (PINs 510148, 510159, 550320 and 12323313) Bowelling-Duranillin Road Reserve (PINs 11462890 and 11518535) Coalfields Road Reserves (PINs 11462885, 11462887 and 11503911) Hill Road Reserve (PIN 11462883) Unnamed Road Reserves (PINs 510161, 11503900 and 11503901)



	Railway Reserves (PINs 510157 and 1367020) Unallocated Crown Land (PINs 542585 and 12323314)
<b>Location (LGA area/s):</b>	Shire of West Arthur
<b>Localities (suburb/s):</b>	Bowelling

## 1.2. Description of clearing activities

This amendment proposes to amend Condition 12 (b) to require MRWA to establish and maintain 9.88 ha of native vegetation within Lot 5 on Plan 15844, Bowelling. The amendment proposes a change in the location of revegetation from the approved location of Lot 4051 on Plan 144606, Bowelling. It is proposed that the permit duration be extended for an additional five years to allow revegetation to occur, no clearing will be authorized to occur after 21 April 2023.

CPS 7499/2 allowed for the clearing of 17.06 hectares native vegetation within various road reserves, rail reserves, properties, unallocated Crown land and State Forest in the locality of Bowelling, for the purpose of road realignment.

No change to the clearing permit footprint is proposed for this amendment. Records indicate that 13.75 hectares of clearing has been undertaken under CPS 7499/2, since the commencement of the permit on 21 April 2018 (MRWA, 2022).

## 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	20 April 2023
<b>Decision area:</b>	17.06 hectares of native vegetation

## 1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 14 days and no submissions were received.

In making this decision, the Delegated Officer had regard for the assessment undertaken for CPS 7499/2, relevant datasets, the findings of a biological survey, relevant planning instruments and any other matters considered relevant to the assessment.

The Delegated Officer took into consideration the change in the proposed offset location for Condition 12(b) and determined that the change in location from Lot 4051 on Plan 144606, Bowelling ('South Block') to Lot 5 on Plan 15844, Bowelling, was suitable to mitigate the residual impacts for clearing within Zone A of the *Country Areas Water Supply Act 1947* (CAWS Act) catchment area.

The assessment has not changed since the assessment for CPS 7499/2. The Delegated Officer has taken the above into consideration and decided to grant amended clearing permit CPS 7499/3.

# 2 Assessment of application

## 2.1. Assessment

This amendment has been proposed by MRWA to amend condition 12(b) which requires MRWA to establish and maintain 9.88 hectares (ha) of native vegetation within Lot 4051 on Plan 144606, Bowelling ('South Block').

Following the granting of CPS 7499/2, the land owner of South Block advised that it was no longer available for Main Roads to use as an offset site and an alternative location, Lot 5 on Plan 15844, Bowelling (Barber Block) was selected to be used. MRWA has advised that the 9.88 hectares of revegetation at 'Barber Block' has commenced and ongoing in accordance with the requirements of Condition 12(b) of CPS 7499/2. DWER has extended the permit duration for five years to allow for revegetation actions to progress. No clearing will be authorised to occur after 21 April 2023.

The offset proposed within Lot 4051 on Plan 144606, Bowelling ('South Block') was required to mitigate impacts for clearing that was proposed within Zone A of the CAWS Act Wellington Dam Catchment Area originally gazetted April 1952. This is a very high salinity risk area where DWER Policy and Guidelines for the "Granting of Licences to Clear Indigenous Vegetation" provide for the grant of a licence to clear for government works subject to an equivalent area being reforested within the same or higher salinity risk zone.

The former Department of Water (DoW) advised that there is no compensation history for any of the land parcels within the application area. Consequently, it has no objection to the clearing under the CAWS Act subject to an 'equivalent area salinity mitigation offset' being established. This is subject to the offset, whether it be the purchase of land or revegetation, being established in salinity risk Zone A of the Wellington Dam Catchment Area (DoW, 2017).

Lot 5 on Plan 15844, Bowelling (Barber Black) occurs within Zone A of the Wellington Dam Catchment Area and is located approximately 12 kilometres south of the application area. Given the amended offsets location, the requirement to revegetate 9.88 hectares within Lot 5 is considered suitable to mitigate the impacts of clearing within a Zone A catchment area.

No change to the clearing footprint has been proposed. The assessment against the clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report CPS 7499/1.

**End**

## **Appendix A. References**

Department of Water and Environmental Regulation (DWER) (2018a) Purpose permit and decision report: CPS 7499/1 . <https://ftp.dwer.wa.gov.au/permit/9094/Permit/>

Department of Water and Environmental Regulation (DWER) (2018b) Purpose permit and decision report: CPS 7499/2 . <https://ftp.dwer.wa.gov.au/permit/7499/Permit/>

Department of Water (DoW) (2017) Rights in Water and Irrigation Act 1914 and Country Areas Water Supply Act 1947 advice for Clearing Permit Application CPS 7499/1 (DER Ref: A1420423).

MRWA (2022) 2021 Annual Reporting – CPS 7499/2. Western Australia. DWER Ref: DWERDT633628

MRWA (2023) *Clearing permit application CPS 7499/3*, received 17 March 2023 (DWER Ref: DWERDT751991).