



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7548/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Esperance
Application received date: 11 May 2022

1.3. Property details

Property: Shire of Esperance local government area boundary
Localities: Shire of Esperance

1.4. Application

Clearing Area (ha)	Method of Clearing	Purpose category:
1	Mechanical Removal	Infrastructure maintenance

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 24 August 2022
Reasons for Decision: This amendment has been made to extend the permit duration from 26 August 2022 to 31 January 2024.

The approved amendment relates only to extending the permit duration. The Delegated Officer did not extend the duration of the permit by ten years as requested by the applicant. Rather, the Delegated Officer granted a shorter-term amendment to allow the department time to further consider the alignment of the permit's conditions with contemporary practice.

The Delegated Officer did not increase the maximum allowable area of clearing to two hectares per project as requested by the applicant, as it considers that clearing projects greater than one hectare would not align with the intent of the Minor Infrastructure Project Purpose Permit (MIPPP) instrument. Retention of the one hectare limit currently allowed for under the clearing permit is in line with departmental guidance on relatively minor clearing. The *Guideline: Native vegetation clearing referrals* identifies an area of less than one hectare within the intensive land use zone to be 'relatively small'.

The Delegated Officer determined that environmental impacts associated with clearing activities undertaken through the permit can be appropriately managed through the conditions imposed on the permit.

2. Site Information

Clearing Description Clearing for the purpose of minor infrastructure projects that require up to 1 hectare of clearing within the Shire of Esperance (the Shire) local government area boundary.

Vegetation Condition As clearing is to occur within the Shire's local government area boundary, the condition of native vegetation to be cleared under this permit is likely to range from Completely Degraded to Excellent condition, described as (Keighery, 1994):

- Completely degraded: The structure of the vegetation is no longer intact and the area is completely or almost without native species.
- Degraded: Basic vegetation structure severely impacted but disturbance. Scope for regeneration but not to a state approaching good condition without intensive management.
- Good: Vegetation structure significantly altered by very obvious signs of multiple disturbance. Retain basic vegetation structure or ability to regenerate to it.
- Very Good: Vegetation structure altered, obvious signs of disturbance.
- Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive.

3. Assessment of application against clearing principles

Clearing for minor infrastructure projects will occur within the Shire's local government area boundary. In determining the amount of native vegetation required to be cleared for project activities, the Shire is required to have regard to three principles as outlined under condition 7 of the permit, being, 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.

Under condition 5, this permit does not authorise the Shire to clear native vegetation where clearing:

- 'may be at variance', 'is at variance' or 'is seriously at variance' with one or more of the clearing principles as determined by the desktop study. The desktop study must include the production of a report, that sets out the manner in which the Shire determined the level of variance in accordance with the *Guide to the assessment of applications to clear native vegetation under Part V, Division 2 of the Environmental Protection Act 1986* (EP Act). This determination is supported by a site inspection of the proposed clearing area;
- is related to Part IV of the EP Act;
- may have a significant impact on a *matter of national environmental significance* under the *Environment Protection and Biodiversity Conservation Act 1999*; or
- is located in an area that is subject to the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*.

If clearing is still required, the Shire is not required to comply with condition 5 of this Permit if the CEO or their delegate of the Department of Water and Environmental Regulation (DWER) advises so in writing. The Shire is required to seek approval from the CEO of DWER for those projects. The DWER will conduct an assessment of clearing impacts against the ten clearing principles listed in Schedule 5 of the EP Act and review the desktop study undertaken by the Shire of Esperance when projects are referred to the CEO.

As the proposed clearing is for minor infrastructure projects, if the clearing is likely to be seriously at variance with one or more of the clearing principles, or if an offset is likely required, clearing will not be authorised under this permit.

Under the conditions of the permit, the Shire will be required to revegetate and rehabilitate areas that have been temporarily cleared and undertake weed and dieback management measures when undertaking the proposed clearing to reduce impacts.

In considering the above, the Delegated Officer determined that any environmental impacts associated with clearing activities under the clearing permit can be appropriately managed through the conditions imposed on the permit and are unlikely to lead to an unacceptable risk to the environment.

Planning instruments and other relevant matters.

Clearing Permit CPS 7548/1 was granted to the Shire on 11 August 2017 by the then Department of Environment Regulation. The clearing permit authorises the clearing of native vegetation for a range of defined activities within the Shire's local government area boundary.

CPS 7548/1 was due to expire on 26 August 2022. This amendment was applied for by the applicant to extend the permit duration by 10 years and to increase the area of clearing authorised to two hectares. The DWER extended the duration of the permit to 31 January 2024 and kept the clearing limit per project area to one hectare.

The clearing permit amendment application was advertised on the DWER website on 17 June 2022 with a 21-day submission period. No public submissions were received in relation to this application.

4. References

Keighery, BJ (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.