



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 7548/1
<b>Permit Holder:</b>	Shire of Esperance
<b>Duration of Permit:</b>	26 August 2017- 26 August 2022

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 *minor infrastructure projects*.

#### 2. Area of Clearing

Clearing of up to 1 hectare of native vegetation per *minor infrastructure project* within the Local Government Authority *local government area boundary*.

#### 3. 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.

#### 4. 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.

#### 5. Clearing not Authorised

- (a) This Permit does not authorise the Permit Holder to clear native vegetation where:
- the 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* required in condition 8; or
  - one or more of the *minor infrastructure projects* are incorporated or related to a proposal that is referred to and assessed under Part IV of the *Environmental Protection Act 1986*;
  - the clearing may have a significant impact on a *matter of national environmental significance* under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth); or
  - the clearing is located in an area that is subject to the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*.

- (b) The Permit Holder is not required to comply with condition 5 of this Permit if the CEO advises so in writing.

**6. Period in which clearing is authorised**

The Permit Holder shall not clear any native vegetation after 30 June 2022.

**PART II –MANAGEMENT CONDITIONS**

**7. Avoid, minimise etc clearing**

In determining the amount of native vegetation to be cleared for each *minor infrastructure project*, 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. Assessment of Clearing Impacts**

(a) Prior to undertaking clearing for each minor infrastructure project, the Permit Holder must conduct a *desktop study* and assess the clearing to be undertaken against each of the clearing principles, having regard to the *Department's "A Guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986"* provided in Annexure 1.

(b) The *desktop study*, subject to condition 8(a) of this Permit, must include production of a *Report*.

(c) The *Report* must set out:

- (i) the manner in which the Permit Holder has had regard to the *desktop study* in accordance with the *Department's "A Guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986"* provided in Annexure 1;
- (ii) the area (in hectares) of clearing required for the *minor infrastructure project*;
- (iii) the boundaries of clearing required for the *minor infrastructure project* recorded as a map or list of co-ordinates of the location of clearing required;
- (iv) how each of the clearing principles has been addressed through the *desktop study*;
- (v) whether the outcome of the *desktop study* indicates that the clearing is may be at variance, not at variance, or not likely to be at variance with one or more of the clearing principles.

**9. Dieback and weed control**

(a) When undertaking any clearing 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;
- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared;
- (iv) only move soils in *dry conditions*, unless approved by the CEO; and
- (v) where *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is to be removed from the area to be cleared, ensure it is transferred to areas of comparable *soil disease status*.

(b) At least once in each 12 month period for the term of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas cleared under this Permit, where those *weeds* are likely, on the advice of an *environmental specialist*, to spread to and result in environmental harm to adjacent areas of native vegetation that are in *good or better condition*.

(c) The Permit Holder is not required to comply with condition 9 of this Permit if the CEO advises so in writing.

## 10. Revegetation and Rehabilitation

- (a) The Permit Holder must *revegetate* and *rehabilitate* areas cleared for *temporary works* within 12 months of the area no longer being required for the purpose for which it was cleared.
- (b) The Permit Holder is not required to *revegetate* and *rehabilitate* an area specified in condition 10(a) of this Permit if the Permit Holder intends to use that cleared area for another *minor infrastructure project* within 24 months of that area no longer being required for the purpose for which it was originally cleared under this Permit.
- (c) The Permit Holder is not required to comply with condition 10 of this Permit if the CEO advises so in writing.

## PART III - RECORD KEEPING AND REPORTING

### 11. 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) a copy of the report prepared for each *minor infrastructure project* in accordance with condition 8 of this Permit;
  - (ii) a *shapefile* of the boundaries of clearing required for each *minor infrastructure project* recorded in the map prepared in accordance with condition 8(c)(iii) of this Permit;
  - (iii) the size of the area cleared (in hectares) for each *minor infrastructure project*;
  - (iv) the date(s) on which the clearing was done for each *minor infrastructure project*; and
  - (v) the boundaries of the area cleared for each *minor infrastructure project* recorded as a *shapefile*.
- (b) In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 10 of this Permit:
  - (i) the size of the area *revegetated* and *rehabilitated* (in hectares) for each *minor infrastructure project*;
  - (ii) the date(s) on which the *revegetated* and *rehabilitated* was undertaken for each *minor infrastructure project*; and
  - (iii) the boundaries of the area *revegetated* and *rehabilitated* for each *minor infrastructure project* recorded as a *shapefile*.

### 12. Reporting

- (a) On or before 31 July of each year, the Permit Holder must provide to the CEO of the *Department* a written report of records required under condition 11 of this Permit and 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 to 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 31 July of each year.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

*clearing principles* means the principles for clearing native vegetation set out in Schedule 5 of the Environmental Protection Act 1986;

*crossover area* has the meaning given to it in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

*desktop study* means a literature review, including a map-based information search of all current and relevant literature sources and databases;

*Department* means the Western Australian Department of Water and Environmental Regulation;

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

**dry conditions** means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or wheel arches;

**environmental specialist** means a person who is engaged by the Permit Holder for the purpose of providing environmental advice, 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;

**good or better condition** means that the vegetation is in either pristine, excellent, very good or good condition according to the *Keighery scale*;

**Keighery scale** means the vegetation condition scale described in *Bushland Plant Survey: A Guide to Plant Community Survey for the Community (1994)* as developed by B.J. Keighery and published by the Wildflower Society of WA (Inc). Nedlands, Western Australia;

**lateral clearance area** has the meaning given to it in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

**local government area boundary** is the current local government district of the Shire of Esperance;

**matter of national environmental significance** is any of the following:

- (i) a declared World Heritage property
- (ii) a national Heritage place
- (iii) a declared Ramsar site
- (iv) a listed threatened species or endangered community
- (v) a listed migratory species
- (vii) the marine environment

These terms have the same meaning as they do in the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);

**minor infrastructure projects** include *transport corridor infrastructure*; *sight line area* and *crossover area*; *lateral clearance area*; *public roadside facility*; road realignment; road widening; extracting road building materials; establishing and maintaining building protection zones; drains; public recreational facilities; landscaping; and vehicle tracks;

**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;

**public roadside facility** has the meaning given to it in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

**rehabilitate** means actively managing an area containing native vegetation in order to improve the ecological function of that area

**revegetate** means the re-establishment of a cover of native vegetation in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve *regeneration*, *direct seeding* and/or *planting*

**shapefile** means a shapefile consisting of polygons using the Geocentric Datum of Australia (GDA);

**sight line area** has the meaning given to it in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

*soil disease status* means soil types either infested, not infested, uninterpretable or not interpreted with a pathogen;

*temporary works* means access tracks, spoil areas, side tracks, site offices, storage areas, laydown areas, *extraction sites, camps, project surveys, pre-construction activities* and similar works associated with a project activity that are temporary in nature;

*transport corridor infrastructure* has the meaning given to it in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; 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 Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Dr Anne Mathews  
SENIOR MANAGER  
CLEARING REGULATION

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

11 August 2017

## ANNEXURE 1

*A Guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986*



## 1. Application details

### 1.1. Permit application details

Permit application No.: 7548/1  
Permit type: Purpose Permit

### 1.2. Proponent details

Proponent's name: Shire of Esperance

### 1.3. Property details

Property: Shire of Esperance local government area boundary  
Local Government Authority: Shire of Esperance

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
1		Mechanical Removal	Infrastructure maintenance

### 1.5. Decision on application

Decision on Permit Application: Granted  
Decision Date: 11 August 2017  
Reasons for Decision: The clearing permit application was received on 4 April 2017, and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*.

The Delegated Officer determined that the Shire of Esperance is capable of undertaking the assessment required under Condition 8, of CPS 7548/1. The proposed clearing of up to one hectare, which is not likely or not at variance to the clearing principles and is not likely to have any significant environmental impacts.

The Delegated Officer determined that the proposed clearing for minor infrastructure projects may indirectly impact the environmental values of adjacent remnant vegetation through the introduction or spread of weeds and dieback. Weed and dieback management measures will assist in minimising this risk.

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

Clearing Description	Vegetation Condition	Comment
Clearing for the purpose of minor infrastructure projects that require up to 1 hectare of clearing within the Shire of Esperance local government area boundary.	Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).  To  Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).	As clearing is to occur within the Shire of Esperance local government area boundary, native vegetation of varying description and condition is likely to be cleared under this permit.

## 3. Assessment of application against clearing principles

Clearing for minor infrastructure projects will occur within the Shire of Esperance local government area boundary. If any native vegetation is to be cleared under this Permit, the Permit Holder must conduct a desktop study and assess the clearing to be undertaken against each of the clearing principles, having regard to the Department of Water and Environmental Regulations' (DWER) "A Guide to the assessment of applications to clear native vegetation under Part V Division 2 of the *Environmental Protection Act 1986*" provided in Attachment 1.

As detailed under condition 5 of this Permit, this Permit does not authorise the Permit Holder to clear native vegetation where:

- (i) the 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* required in condition 8; or
- (ii) one or more of the *minor infrastructure projects* are incorporated or related to a proposal that is

- referred to and assessed under Part IV of the *Environmental Protection Act 1986*;
- (iii) the clearing may have a significant impact on a *matter of national environmental significance* under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth); or
  - (iv) the clearing is located in an area that is subject to the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*.

The Permit Holder is not required to comply with condition 5 of this Permit if the CEO advises so in writing.

## Planning instruments and other relevant matters.

### Comments

The original clearing permit application for 0.5 hectares was advertised in *The West Australian* newspaper on 17 April 2017 and on the former Department of Environment Regulation's website on 12 April 2017, inviting submissions from the public within a 21 day period. No submissions were received.

The application area was increased to 1 hectare during the assessment stage and was readvertised on 18 July 2017 on DWER's website inviting submissions from the public within a 7 day period.

One submission was received in relation to the proposed clearing. The submission raised concerns regarding impacts to significant habitat for threatened ecological communities and conservation significant flora and fauna (Submission, 2017). The submission also recommended a number of rural road upgrade practices for the local government to follow should a clearing permit be approved (Submission, 2017). These practices have been provided to the Shire of Esperance for their consideration.

Under condition 8 of CPS 7548/1, the Shire of Esperance must conduct a desktop study and assess the clearing to be undertaken against each of the clearing principles, having regard to DWER's "*A Guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986*", for each minor infrastructure project.

Condition 5 of CPS 7548/1, does not authorise clearing that 'may be at variance', 'is at variance' or 'seriously at variance' with one or more of the clearing principles as determined by the desktop study, related to Part IV of the *Environmental Protection Act 1986*, clearing that may have a significant impact on a *matter of national environmental significance* under the *Environment Protection and Biodiversity Conservation Act 1999* or clearing that is located in an area that is subject to the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*. The Shire of Esperance is not required to comply with condition 5 of this Permit if the CEO advises so in writing.

References      Submission (2017)

## 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.

Submission (2017) Submission received for CPS 7548/1 (DWER Ref: A1486724).