



Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7812/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Esperance
Application received date: 10 October 2017

1.3. Property details

Property: Lot 507 on Deposited Plan 216460 (Crown Reserve 39409), Howick
Local Government Authority: Esperance, Shire of
Localities: Howick

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
1.32		Mechanical Removal	Extractive industry

1.5. Decision on application

Decision on Permit Application: Grant
Decision Date: 21 February 2018
Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing may be at variance to clearing principle (d) and is not likely to be at variance to the remaining principles.

Based on the assessment, it has been determined that the proposed clearing will result in the removal of native vegetation associated with the Commonwealth listed threatened ecological community (TEC) known as the 'Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia'.

The Delegated Officer determined that the clearing of 1.32 hectares of this TEC is not likely to impact on the conservation status of the TEC given the size of the proposed clearing. Furthermore, as the proposed clearing area does not contain any rare flora or fauna, significant fauna habitat, does not occur in an extensively cleared area, it does not provide a linkage between remnants of native vegetation and the applicant is going to revegetate to the pre-clearing vegetation type, the proposed clearing is not likely to significantly impact the TEC.

The Delegated Officer has granted the clearing permit subject to conditions to address impacts to the TEC.

The proposed clearing may result in the spread of weeds and dieback into adjacent areas of remnant vegetation. A weed and dieback management condition has been placed on the clearing permit to minimise this risk.

A revegetation condition has been placed on the clearing permit requiring the applicant to revegetate to the pre-clearing vegetation type to minimise long term impacts to the TEC.

In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description

The proposed clearing of 1.32 hectares on Lot 507 on Deposited Plan 216460 (Crown Reserve 39409), Howick, is for the purpose of limestone extraction. The limestone is required to upgrade and resurface the access road to Alexander Bay campground that occurs to the west of the application area.

Vegetation Description

The mapped Beard vegetation association 42 is described as Shrublands; mallee and *Acacia* scrub on south coastal dunes (Shepherd et al. 2001).

Vegetation Condition

Excellent; Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

Comment

The condition and description of the vegetation within the application area was determined via a flora and vegetation survey conducted in October 2017 by the applicant (Shire of Esperance, 2017).

3. Minimisation and mitigation measures

The applicant has proposed to conduct rehabilitation and revegetation of the application area post clearing and limestone extraction.

4. Assessment of application against clearing principles

(a) Native vegetation should not be cleared if it comprises a high level of biological diversity.

Proposed clearing is not likely to be at variance to this Principle

A Level 1 flora survey conducted by the Shire of Esperance during October 2017 identified that the vegetation proposed for clearing represented the Beard vegetation association 42 and consisted mostly of *Eucalyptus angulosa* open mallee shrubland over *Melaleuca pentagona/Taxandria spathulata* shrubland, pockets of *Banksia* mixed heath also occurred in the area in excellent (Keighery, 1994) condition. The area application area is extremely diverse with a total of 52 species collected within the survey area (Shire of Esperance, 2017).

According to available databases, a total of three priority (P) flora and two rare flora species have been recorded within the local area (10 kilometre radius). A spring flora survey conducted by the applicant recorded 20 individuals of the priority 4 species *Thysanotus parviflorus* and 6 individuals of the priority 3 species, *Verticordia verticordina*. Both species have a broad distribution and occur within conservation estate, the impact of the proposed clearing of these two populations is not considered significant and is unlikely to impact the conservation status of these two species (DBCA, 2017).

The priority 2 species, *Lasiopetalum maxwellii* has been recorded 9.8 kilometres from the application area. The application area may provide suitable habitat for this species (DBCA, 2017). This species was targeted during the flora survey and was not identified within the application area (Shire of Esperance, 2017).

Two rare flora species have been recorded 1.2 kilometres south west and 7.3 kilometres north east of the application area. Noting the habitat requirements for these species (see Principle (c) for further information), it is not likely that suitable habitat occurs within the application area. There were no rare flora species identified during the flora survey undertaken by the Shire of Esperance (2017). Therefore, the proposed clearing is not likely to impact rare flora.

The application area is not likely to provide significant habitat for any conservation significant fauna that has been recorded within the local area (10 kilometre radius), given the highly vegetated local area (34 per cent) (see Principle (b) for further information).

The application area is mapped within one occurrence of the Commonwealth listed threatened ecological community (TEC) known as the 'Proteaceae Dominated Kwongan Shrublands of the Southeast Coastal Floristic Province of Western Australia' (Kwongan Shrublands). This TEC is listed as endangered and protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The flora survey confirmed that the vegetation proposed for clearing is consistent with this TEC due to the presence of a large number of diagnostic species as well as more than 30 per cent cover of Proteaceae species (Shire of Esperance, 2017). It is considered that the clearing of 1.32 hectares of this TEC is unlikely to impact on the conservation status of the TEC given the size of the application area, the application area will be revegetated to the pre-clearing vegetation type and the application area does not provide a linkage between remnants of native vegetation.

Given the above, the proposed clearing is not likely to be at variance to this Principle. A revegetation and weed and dieback management condition will minimise any potential impacts to the TEC.

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.

Proposed clearing is not likely to be at variance to this Principle

Seven fauna species of conservation significance have been recorded within the local area (10 kilometre radius) (Department of Parks and Wildlife, 2007-) including; Recherche black-footed rock-wallaby (*Petrogale lateralis* subsp. *hacketti*) and western ground parrot (*Pezoporus flaviventris*) listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950*, common sandpiper (*Actitis hypoleucos*), short-tailed shearwater (*Puffinus tenuirostris*) and Caspian tern (*Hydroprogne caspia* formally *Sterna caspia*) protected under international agreement and fleshy-footed shearwater (*Puffinus carneipes*) listed as priority 4 by the Department of Biodiversity, Conservation and Attractions (DBCA).

The Recherche black-footed rock-wallaby prefers rocky habitat with caves and crevices (Department of the Environment and Energy, 2017a). Noting the habitat requirements for this species, it is not likely suitable habitat for this species occurs within the application area.

The western ground parrot is a ground dwelling bird that inhabits low, dry or swampy near-coastal heathland. Suitable habitat for this species may occur within the application area given the vegetation type under application. However, this species is only known to occur in two locations, namely the Fitzgerald River National Park and Cape Arid National Park-Nuytsland Nature

Reserve (Department of the Environment and Energy, 2017b). Therefore it is not likely the western ground parrot will occur within the application area.

The common sandpiper and Caspian tern are found within near-coastal and inland terrestrial wetlands mostly found around muddy margins or rocky shores. Suitable habitat for these species is not likely to occur within the application area given no wetlands occur within the application area and the distance of the application area to the coastline (Department of the Environment and Energy, 2017c; Department of the Environment and Energy, 2017d).

Suitable habitat for the short-tailed shearwater and fleshy-footed shearwater is not likely to occur within the application area as their preferred breeding habitat is within conservation areas on small islands off the coast (Department of the Environment and Energy, 2017f; Department of the Environment and Energy, 2017e).

Given the above, it is not likely the application area will provide suitable habitat for any conservation significant fauna that has been recorded within the local area.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.

Proposed clearing is not likely to be at variance to this Principle

A search of the DBCA's rare flora database revealed records of two rare flora species within the local area (10 kilometre radius).

The closest known record of the first species of rare flora is located approximately 380 metres from the application area. This species is a shrub, one to two metres high with a preference for sandy soils along creek banks (Western Australian Herbarium, 1998-). DBCA advised that this species is largely restricted to creek line and riparian areas (DBCA, 2018). Given the application area does not contain wetland or riparian vegetation, suitable habitat for this species does not occur within the application area.

The second species of rare flora has been recorded seven kilometres from the application area. This species is a prickly shrub that grows to one and a half metres, and inhabits gravelly sandy loams and white grey sands below and between rock outcrops, slopes and hill crests (Western Australia Herbarium, 1998-). The population of this species recorded in the local area occurs as a result of a translocation as part of the recovery actions for this taxon. The likelihood of this species occurring within the application area is low (DBCA, 2018).

There were no rare flora species identified during the flora survey undertaken by the Shire of Esperance (2017).

Given the above, the proposed clearing is not likely to be at variance to this Principle.

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Proposed clearing may be at variance to this Principle

According to available databases, the application area is mapped within one occurrence of Kwongkan Shrublands TEC. This TEC is listed as endangered and protected under the Commonwealth EPBC Act.

The Kwongkan Shrublands comprises of shrublands dominated by plants from the family Proteaceae, including plants from the genera *Adenanthos*, *Banksia*, *Grevillea*, *Hakea*, *Isopogon* and *Lambertia* (Threatened Species Scientific Committee, 2014). This TEC has a broad distribution throughout the south coast region with large areas located within conservation estate (Department of the Environment and Energy, 2014). The total number of occurrences of the community recorded on available databases, greater than one hectare is 11,360 with a total of ~1,182,000 hectares extending from Balladonia in the east to Cranbrook in the west. All mapped occurrence require ground trothing however (Threatened Species Scientific Committee, 2014).

The Level 1 flora survey conducted by the Shire of Esperance confirmed that the vegetation proposed for clearing is consistent with this TEC due to the presence of a large number of diagnostic species as well as more than 30 per cent cover of Proteaceae species (Shire of Esperance, 2017). The TEC is considered to be in excellent (Keighery, 1994) condition (Shire of Esperance, 2017).

The Commonwealth listing advice notes several key characteristics in determining the significant impacts on the Kwongkan TEC, including the connectivity to other remnant native vegetation, the presence of listed threatened species, condition of vegetation, high species richness, good faunal habitat, areas with few weeds and no dieback impacts, and whether the TEC occurs in an area that has been heavily cleared (Threatened Species Scientific Committee, 2014).

The Approved Conservation Advice for this TEC states that areas considered in 'high condition' and have a minimum patch size of 1 hectare to be consistent with this community. The application area contains 1.38 hectares of vegetation in excellent (Keighery, 1994) condition and therefore meets criteria for this TEC. It is considered that the clearing of 1.32 hectares of this TEC is not likely to impact on the conservation status of the TEC given the size of the application area. Furthermore, as the application area does not contain any rare flora or fauna, significant fauna habitat, does not occur in an extensively cleared area, it does not provide a linkage between remnants of native vegetation and the applicant is going to revegetate to the pre-clearing vegetation type, the proposed clearing is not likely to significantly impact the Kwongkan Shrubland TEC.

The proposed clearing may increase the spread of weeds and dieback beyond the application area and has the potential to have incremental impact through dieback spread on this TEC. A weed and dieback management condition will help mitigate impacts to this occurrence of the TEC.

Given the above, the proposed clearing may be at variance to this Principle.

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Proposed clearing is not likely to be at variance to this Principle

The application area is located within the Esperance Plains Interim Biogeographic Regionalisation of Australia (IBRA) bioregion. This IBRA bioregion has approximately 52 per cent of its pre-European vegetation extent remaining (Government of Western Australia, 2015).

The vegetation within the application area is mapped as Beard vegetation association 42 of which there is approximately 95 per cent of its pre-European extent remaining within the Esperance Plains bioregion (Government of Western Australia, 2015).

The application area is located within the Shire of Esperance, within which there is approximately 72 per cent of pre-European extent remaining (Government of Western Australia, 2015).

The local area (10 kilometre radius surrounding the application area) retains approximately 34 per cent native vegetation remaining (10,804 hectares).

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001).

Given the above, it is considered that the application area is not likely to be significant as a remnant of native vegetation in an area that has been extensively cleared and the proposed clearing is not likely to be at variance to this Principle.

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Parks and Wildlife Managed Lands (%)
IBRA Bioregion*				
Esperance Plains	2,899,941	1,495,049	52	55
Local Government Authority*				
Shire of Esperance	4,459,671	3,211,005	72	30
Beard Vegetation Association in Bioregion*				
42	135,420	128,053	95	57

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Proposed clearing is not likely to be at variance to this Principle

A number of watercourses have been recorded within a 10 kilometre radius of the application area. The closest of which are two minor non-perennial watercourses which occur approximately 430 metres west and east of the application area.

Noting the distance to the nearest watercourse and that no riparian or wetland vegetation was identified within the application area (Shire of Esperance, 2017), the vegetation within the application area is not considered to be growing in association with a watercourse.

Given the above, the proposed clearing is not at variance to this Principle.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Proposed clearing is not likely to be at variance to this Principle

The application area is mapped as soil landscape unit Merivale 5 subsystem and is described as gently inclined scarp about 40 metres relief covered by dunes and sand sheets. The soils comprise of a Pallinup formation with overlying deposits of Quaternary sands. Pale deep sands and grey shallow sandy duplex soils (Schoknecht et al., 2004).

DAFWA has mapped the wind erosion risk of the application area as greater than 70 per cent of the mapped soil unit as having a high to extreme wind erosion risk (highest risk rating out of six risk categories) given the sandy soils within the application area which are susceptible to wind erosion (Schoknecht et al., 2004). However, impacts are not likely to be appreciable, given the application area is surrounded by native vegetation, is relatively small in size, the requirement to revegetate post extraction and the requirement to only conduct clearing within one month of the proposed extraction will address soil stabilisation.

Given the porous nature of the soil types within the application area and the low annual rainfall of 600 millimetres per annum, it is considered that the proposed clearing is unlikely to cause appreciable land degradation in the form of water erosion.

Groundwater is mapped as saline to highly saline, at 7000-14000 total dissolved solids (milligrams per litres). It is not likely the proposed clearing will cause land degradation through salinity given the relatively small size of the application area and the extent of native vegetation that surrounds the application area.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Proposed clearing is not likely to be at variance to this Principle

The closest conservation area is an un-named Nature Reserve which is vested with the Conservation Commission of Western Australia mapped 3 kilometres north east of the application area.

Given the distance and the highly vegetated local area and location of the application area within the landscape, it is not likely for the application area to be significant for the movement of fauna nor is it likely the proposed clearing will impact the environmental values of this reserve.

The application area forms part of a large area of remnant vegetation that is of an excellent (Keighery, 1994) condition. The proposed clearing may increase the risk of weeds and dieback spreading into adjacent remnant vegetation. Weed and dieback management measures will assist in mitigating this risk.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Proposed clearing is not likely to be at variance to this Principle

A number of watercourses have been recorded within a 10 kilometre radius of the application area. The closest of which are two minor non-perennial watercourses which occur 430 metres west and east of the application area.

Given the distance to the nearest watercourse and the relatively small amount of proposed clearing, deterioration of surface water quality is likely to be minimal.

Groundwater salinity within the application area has been mapped as saline to highly saline at between 7000-14000 milligrams per litre Total Dissolved Solids. Given the relatively small amount of clearing proposed and the extent of vegetative cover surrounding the application area, it is not likely the proposed clearing will lead to a perceptible rise in the water table and thus an increase in groundwater salinity levels.

Given the above, the proposed clearing is not likely to be at variance to this Principle.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Proposed clearing is not likely to be at variance to this Principle

The removal of remnant vegetation is not expected to contribute to flooding given the relatively small size of the proposed clearing, permeable soils and no waterbodies present within the application area.

Therefore, the proposed clearing is not likely to be at variance to this Principle.

Planning instruments and other relevant matters.

The application area is zoned as public open space under the Shire of Esperance Town Planning Scheme. The application area occurs within a crown reserve that has a management order for the purpose of recreation and camping and contains the Alexander Bay campground. The applicant has advised that the campground to the west of the application area is currently unable to be accessed in wet weather conditions and requires upgrading and resurfacing. It is also considered that the current road conditions act as a vector to enable dieback to be spread. Upgrading of the track into the campground has been recommended by South Coast NRMs Project Dieback team.

The applicant has advised that as the application area is part of a Shire managed reserve and the applicant wishes to enact scheme clause (3) within the Shire of Esperance Local Town Planning Scheme 24 which states:

(3) Despite anything contained in clause 14, a reserve may be used by the local government for the purpose of developing or maintaining public infrastructure.

The applicant has advised that they are limited by available limestone close to the campsite to aboriginal heritage sites and tenure constraints as well as economic constraints by having limestone sources elsewhere.

The Department of Planning, Lands and Heritage (DPLH) has advised that they are supportive of the application to clear subject to the applicant providing a management plan on how they intend to remediate the site upon completion of the limestone extraction (DPLH, 2018).

The application area falls within a Native Title Claimant area. The claimants, the Esperance Nyungar people, and their representing body, the Esperance Tjaljraak Native Title Aboriginal Corporation have been notified of the application to clear native vegetation pursuant to section 24KA s8 of the *Native Title Act 1993* (NT Act). A response was received from the

Esperance Tjaltraak Native Title Aboriginal Corporation (ETNTAC) which has objected to the grant of the clearing application as the purpose of the clearing is inconsistent with their native title rights (and the purpose of the reserve). They have also raised concern over the impact of the proposed clearing on culturally significant flora and fauna and nearby significant sites (ETNTAC, 2017, 2018). The applicant is required to contact the Department of Aboriginal Affairs in relation to their obligations under the NT Act. No Aboriginal sites of significance have been mapped within the application area.

The clearing permit application was advertised on the DWER website on 07 November 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

5. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2017) Advice received in relation to clearing permit application CPS 7812/1. Department of Biodiversity, Conservation and Attractions, Western Australia (DWER ref A1540059).
- Department of Parks and Wildlife (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/>. Accessed 12/2017
- Department of Parks and Wildlife (2014) Conservation Codes for Western Australia Flora and Fauna. Department of Parks and Wildlife, Western Australia.
- Department of the Environment and Energy (2014) Proteaceae Dominated Kwongan Shrubland: a nationally-protected ecological community. Department of the Environment, Western Australia.
- Department of the Environment and Energy (2017a) '*Petrogale lateralis hacketti*' – Recherche Rock-wallaby in Species Profile and Threats Database, Department of the Environment and Energy, Canberra.
- Department of the Environment and Energy (2017b) '*Pezoporus flaviventris*' – Western Ground Parrot in Species Profile and Threats Database, Department of the Environment and Energy, Canberra.
- Department of the Environment and Energy (2017c) '*Actitis hypoleucos*' – Common Sandpiper in Species Profile and Threats Database, Department of the Environment and Energy, Canberra.
- Department of the Environment and Energy (2017d) '*Hydroprogne caspia*' – Caspian tern in Species Profile and Threats Database, Department of the Environment and Energy, Canberra.
- Department of the Environment and Energy (2017e) '*Haliaeetus leucogaster*' – White-bellied Sea-Eagle in Species Profile and Threats Database, Department of the Environment and Energy, Canberra.
- Department of the Environment and Energy (2017f) '*Ardenna tenuirostris*' – Short-tailed Shearwater in Species Profile and Threats Database, Department of the Environment and Energy, Canberra.
- Department of Sustainability, Environment, Water, Population and Communities (2011), *National recovery plan for threatened albatrosses and giant petrels 2011-2016*, Commonwealth of Australia, Hobart
- Esperance Tjaltraak Native Title Aboriginal Corporation (2017) Native Title notification under Section 24KA *Native Title Act 1993* – Application under s51E of the *Environmental Protection Act 1986* by the Shire of Esperance (DWER Ref: A1568091).
- Esperance Tjaltraak Native Title Aboriginal Corporation (2018) Native Title notification under Section 24KA *Native Title Act 1993* – Application under s51E of the *Environmental Protection Act 1986* by the Shire of Esperance (DWER Ref: A1586433).
- Government of Western Australia (2015). 2015 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of June 2015. WA Department of Parks and Wildlife, Perth.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.
- 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 (2017) Alexander Bay Road Limestone Extraction Site – Level 1 Flora and Vegetation Survey. October 2017. Shire of Esperance. Western Australia (DWER Ref: A1560295).
- Threatened Species Scientific Committee (2014) Approved Conservation Advice for Proteaceae Dominated Kwongan Shrublands of the southeast coastal floristic province of Western Australia. Department of the Environment, Canberra.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/>.

GIS Database:

- Aerial imagery
- Remnant vegetation
- SAC bio datasets (accessed November 2017)
- Pre-European Vegetation
- Hydrography, linear
- Soils, statewide
- Groundwater salinity, statewide
- Land Degradation datasets
- DPaW estate
- Aboriginal Sites of Significance



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7812/1
Permit Holder:	Shire of Esperance
Duration of Permit:	23 March 2018 to 23 March 2028

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 507 on Deposited Plan 216460 (Crown Reserve 39409), Howick
- 3. Area of Clearing**
The Permit Holder must not clear more than 1.32 hectares of native vegetation within the area hatched yellow on attached Plan 7812/1.
- 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**
The Permit Holder shall not clear any native vegetation after 23 March 2023
- 6. Type of clearing authorised**
The Permit Holder shall not clear native vegetation unless actively mining within one month of the authorised clearing being undertaken.
- 7. Type of clearing authorised**
This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 3 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.
- 8. Type of clearing authorised**
This Permit authorises the Permit Holder to clear native vegetation for activities to the extent that the Permit Holder has the right to access land under the *Land Administration Act 1997* or any other written law.

PART II –MANAGEMENT CONDITIONS

9. 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.

10. 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;
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared; and
- (d) 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*.

11. 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 and stockpile the vegetative material and topsoil in an area that has already been cleared.
- (b) within 3 months following clearing authorised under this permit, *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; and
 - (ii) ripping the pit floor and contour batters within the extraction site; and
 - (iii) laying the vegetative material and topsoil retained under condition 11(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 11(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 11(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.
- (d) Where additional *planting* or *direct seeding* of native vegetation is undertaken in accordance with condition 11(c)(ii) of this permit, the Permit Holder shall repeat condition 11(c)(i) and 11(c)(ii) within 24 months of undertaking the additional *planting* or *direct seeding* of native vegetation.
- (e) Where a determination by an *environmental specialist* that the composition, structure and density within areas *revegetated* and *rehabilitated* will result in a similar species composition, structure and density to that of pre-clearing vegetation types in that area, as determined in condition 11(c)(i) and (ii) of this permit, that determination shall be submitted to the *CEO*.

PART III - RECORD KEEPING AND REPORTING

12. 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 clearing commenced;
 - (iii) the date the extraction operations ceased;
 - (iv) the size of the area cleared (in hectares);
 - (v) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 9 of this Permit
 - (vi) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 10 of this Permit.

- (b) In relation to the *revegetation and rehabilitation* of areas pursuant to condition 11 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);
 - (iv) the species composition, structure and density of *revegetation* and *rehabilitation*, and
 - (v) a copy of the environmental specialist's report.

13. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 15 February of each year, a written report:
 - (i) of records required under condition 12 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 15 February of each year.

Definitions

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

CEO means the Chief Executive Officer of the 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;

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;

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;

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

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
CLEARING REGULATION





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

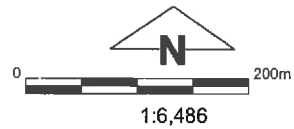
21 February 2018

Plan 7812/1



Legend

-  Imagery
-  Roads
-  Clearing Instruments Activities
-  Local Government Authority



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

 Date 21/02/2018
Mathew Gannaway

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