



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 8357/2
<b>Permit Holder:</b>	Shire of Victoria Plains
<b>Duration of Permit:</b>	30 April 2021 to 31 October 2032

In regards to conditions 8 and 9, it is noted that the permit holder has allocated 5.8 hectares of its banked offset site at Lot 28905 on Deposited Plan 188138 (Crown Reserve 224981), Old Plains, to this project. The nominated 5.8 hectare area contains, or will be revegetated with, similar environmental values to the application area.

The permit holder is authorised to clear *native vegetation* subject to the following conditions of this permit.

### **PART I – CLEARING AUTHORISED**

#### **1. Clearing authorised (purpose)**

The permit holder is authorised to clear *native vegetation* for the purpose of road realignment and widening.

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

Mogumber Road West road reserve (PINs 11673201, 11673199, 11673200, 11673198), Mogumber

Calingiri-New Norcia road reserve (PINs 11501331, 11501322, 11501334, 11453185, 11453187, 11501328, 11501324, 11501327, 11721792), New Norcia, Old Plains and Calingiri

Unnamed rail reserve (PIN 1052969), Mogumber

Unnamed rail reserve (PIN 569692), Calingiri

Lot 9001 on Deposited Plain 43363, Calingiri

Lot 3962 on Deposited Plan 173619, Calingiri

Bindi Bindi-Toodyay Road reserve (PINs 11478636, 11478637), Calingiri

#### **3. Clearing authorised**

The permit holder must not clear more than 2.46 hectares of *native vegetation* within the combined area cross-hatched yellow on attached Plan 8357/2a, Plan 8357/2b, Plan 8357/2c, Plan 8357/2d and Plan 8357/2e.

#### **4. Duration of clearing**

This permit does not authorise the permit holder to clear *native vegetation* after 31 October 2027.

## 5. 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.

## **PART II – MANAGEMENT CONDITIONS**

### 6. Avoid, minimise, and reduce impacts and extent of clearing

In determining the *native vegetation* authorised to be cleared under this permit, the permit holder must apply the following principles, set out in descending 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. Weed management

When undertaking any clearing authorised under this permit, the permit holder must take the following measures to minimise the risk of 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 known *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. Offset - Land acquisition

Within 12 months of the commencement of clearing and no later than 31 October 2023, unless advised otherwise by the *CEO*, the permit holder shall provide the *CEO* a copy of the executed change in purpose of Lot 28905 on Deposited Plan 188138 (Crown Reserve 224981), Old Plains, from 'watering place for travellers and stock' to 'conservation', including 5.8 hectares within the areas shaded red on attached Plan 8357/2f, Plan 8357/2g and Plan 8357/2h.

### 9. Offset – Revegetation

Within 12 months of the commencement of clearing and no later than 31 October 2023, the permit holder must implement and adhere to the *revegetation* and *rehabilitation* commitments in 'Revegetation Plan Lot 28905 Old Plains Road, Old Plains' Rev 1 March 2021, including but not limited to the following actions;

- (a) commence *revegetating* and *rehabilitating* 1 hectare within the area cross-hatched red on Plan 8357/2g by:
  - (i) ripping the ground on the contour to remove soil compaction;
  - (ii) deliberately *planting* and/or *direct seeding* native vegetation that will result in a similar species composition, structure and density of native vegetation to the *control sites*;
  - (iii) ensuring only *local provenance* seeds and propagating material are used to *revegetate* and *rehabilitate* the area.

- (b) commence *rehabilitating* 3.88 hectares within the area cross-hatched red on Plan 8357/2h by:
- (i) undertaking infill planting that will result in a similar species composition, structure and density of native vegetation to the *control site*.
- (c) establishing a minimum of six 5 x 5 metre quadrat monitoring sites within the *revegetated and rehabilitated* areas cross-hatched red on attached Plan 8357/2g and 8357/2h;
- (d) establishing individuals of *Eucalyptus sargentii* subsp. *onesis*, within the areas *revegetated* and *rehabilitated* under this permit, using propagating material sourced from the specimen located within the area cross-hatched yellow on Plan 8357/2e, unless otherwise advised by the *CEO*.
- (e) implementing hygiene protocols by cleaning earth-moving machinery of soil and vegetation prior to entering and leaving the *revegetated* and *rehabilitated* area;
- (f) undertaking annual weed control activities to maintain a minimum 80 per cent *weed* free state by the end of the project monitoring period;
- (g) achieve the following completion criteria within a three year monitoring period for the area *revegetated* and *rehabilitated* under this permit:

Criterion	Baseline floristic data	Completion targets	Completion Criteria	Monitoring
1	Total site species richness is 28 (native species only).	Minimum of 60% of native species returned, based on reference site.	Minimum of 16 native flora species (trees, shrubs and herbs) to be present in the <i>revegetation</i> and <i>rehabilitation</i> areas.	Monitor the revegetation site in years 1, 2 and 3.
2.	Quadrat species richness (average) is 9 (native species only).	Minimum of 100% of native species returned, based on reference site.	Minimum of 0.09 native species per square metre, to be present on average per monitoring quadrat.	Monitor the revegetation site in years 1, 2 and 3.
3.	Existing <i>weed</i> cover within the <i>revegetation</i> areas is high (over 40 per cent cover).	Reduction in <i>weed</i> cover to significantly lower than <i>revegetation</i> and <i>rehabilitation</i> areas.	Maximum of 20 per cent <i>weed</i> cover in the <i>revegetation</i> and <i>rehabilitation</i> areas.	Monitor the revegetation site in years 1, 2 and 3.
4.	No declared weeds are present.	No declared weeds to be present within <i>revegetation</i> and <i>rehabilitation</i> areas.	Absence of declared <i>weeds</i> .	Monitor the revegetation site in years 1, 2 and 3.

5.	<i>Eucalyptus sargentii</i> subsp. <i>onesis</i> is present in clearing area.	<i>Eucalyptus sargentii</i> subsp. <i>onesis</i> is present within <i>revegetation</i> and <i>rehabilitation</i> areas.	<i>Eucalyptus sargentii</i> subsp. <i>onesis</i> is present within <i>revegetation</i> and <i>rehabilitation</i> areas.	Monitor the revegetation site in years 1, 2 and 3.
6.	<i>Eucalyptus wandoo</i> , <i>Banksia hewardiana</i> , <i>Banksia polycephala</i> , and <i>Banksia fraseri</i> var. <i>fraseri</i> providing suitable forging habitat for Carnaby's cockatoo, is present in clearing area.	<i>Eucalyptus wandoo</i> , <i>Banksia hewardiana</i> , <i>Banksia polycephala</i> , and <i>Banksia fraseri</i> var. <i>fraseri</i> providing suitable forging habitat for Carnaby's cockatoo, is present within <i>revegetation</i> and <i>rehabilitation</i> areas.	<i>Eucalyptus wandoo</i> , <i>Banksia hewardiana</i> , <i>Banksia polycephala</i> , and <i>Banksia fraseri</i> var. <i>fraseri</i> providing suitable forging habitat for Carnaby's cockatoo, is present within <i>revegetation</i> and <i>rehabilitation</i> areas.	Monitor the revegetation site in years 1, 2 and 3.
7.	<i>Key Species</i> of the 'Eucalyptus Woodlands of the Western Australian Wheatbelt', threatened ecological community, is present in clearing area.	<i>Key Species</i> of the 'Eucalyptus Woodlands of the Western Australian Wheatbelt', threatened ecological community, is present in the <i>revegetation</i> and <i>rehabilitation</i> areas.	<i>Key Species</i> of the 'Eucalyptus Woodlands of the Western Australian Wheatbelt', threatened ecological community, is present in the <i>revegetation</i> and <i>rehabilitation</i> areas.	Monitor the revegetation site in years 1, 2 and 3.
8.	Vegetation condition is in Good condition at the reference site.	The entirety of the <i>revegetation</i> and <i>rehabilitation</i> areas are in a Good condition or higher.	The entirety of the <i>revegetation</i> and <i>rehabilitation</i> areas are in a Good condition or higher.	Vegetation condition to be assessed in years 1, 2, and 3.

- (h) undertake remedial actions for areas *revegetated* and *rehabilitated* where monitoring indicates that *revegetation* has not met the completion criteria, outlined in 9(g), including;
- (i) *revegetate* the area by deliberately *planting* and/or *direct seeding* native vegetation that will result in the minimum targets detailed in 9(g) and ensuring only *local provenance* seeds and propagating material are used;
  - (ii) undertake further *weed* control activities; and
  - (iii) annual monitoring of the *revegetated* and *rehabilitated* site, until the completion criteria, outlined in 9(g) are met.

**10. Vegetation management - fencing**

Within 12 months of the commencement of clearing and no later than 31 October 2023, the permit holder shall construct a fence that is suitable to exclude *livestock*, on the north and eastern boundaries of Lot 28905 on Deposited Plan 188138 (Crown Reserve 224981), Old Plains, along the area cross-hatched red on attached Plan 8357/2i.

**PART III - RECORD KEEPING AND REPORTING**

**11. Records that must be kept**

The permit holder must maintain records relating to the listed relevant matters in accordance with the specifications detailed in Table 1.

**Table 1: Records that must be kept**

No.	Relevant matter	Specifications
1.	In relation to the authorised clearing activities generally	<ul style="list-style-type: none"> <li>(a) the species composition, structure, and density of the cleared area;</li> <li>(b) 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;</li> <li>(c) the date that the area was cleared;</li> <li>(d) the size of the area cleared (in hectares);</li> <li>(e) actions taken to avoid and minimize and reduce the impacts and extent of clearing in accordance within Condition 6; and</li> <li>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 7.</li> </ul>
2.	In relation to offset management pursuant to condition 8	(a) The date of the executed change in purpose of Lot 28905 on Deposited Plan 188138 (Crown Reserve 224981), Old Plains, from ‘watering place for travelers and stock’ to conservation.
3.	In relation to offset and revegetation pursuant to condition 9	<ul style="list-style-type: none"> <li>(a) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</li> <li>(b) the size of the area <i>revegetated</i> and <i>rehabilitated</i> (in hectares);</li> <li>(c) the date that the area was <i>revegetated</i> and <i>rehabilitated</i>;</li> <li>(d) actions taken to <i>revegetate</i> and <i>rehabilitate</i> in accordance with condition 9;</li> <li>(e) actions taken to control weeds in <i>revegetated/rehabilitated</i> areas in accordance with condition 9; and</li> <li>(f) a description of the monitoring and remedial activities undertaken within the <i>revegetation</i> and <i>rehabilitation</i> area.</li> </ul>

4.	In relation to constructing a fence pursuant to condition 10	(a) The date the construction of the fence was finalised.
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## 12. 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 11 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 31 July 2032, the permit holder must provide to the *CEO* a written report of records required under condition 11 of this permit where these records have not already been provided under condition 12(a) of this permit.

## DEFINITIONS

In this permit, the terms in Table 3 have the meanings defined.

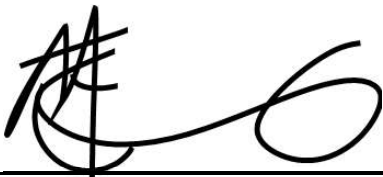
**Table 3: Definitions**

<b>Term</b>	<b>Definition</b>
<b><i>CEO</i></b>	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
<b><i>control site</i></b>	means the 10 x 10 metre quadrat control site that was identified as R04 within the 'Revegetation Plan Lot 28905 Old Plains Road, Old Plains' Rev 0 November 2020' to identify remnant native vegetation species composition and structure, condition, density and weed cover.
<b><i>direct seeding</i></b>	means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species.
<b><i>key Species</i></b>	means the main flora species that are known to occur within the Eucalyptus woodland of the Western Australian wheatbelt threatened ecological community (TEC), as listed in the Conservation Advice for this TEC ( <i>Department of the Environment (2015) Approved Conservation Advice for the Eucalypt Woodlands of the Western Australian Wheatbelt</i> )
<b><i>livestock</i></b>	Includes cattle, sheep, goats, pigs, horses, donkeys, deer, alpaca, llama, camels, buffalo, emus, ostriches and poultry (including chickens, turkeys, geese, ducks, guinea fowl, quails, pigeons, pheasants and partridges).
<b><i>fill</i></b>	means material used to increase the ground level, or to fill a depression.
<b><i>local provenance</i></b>	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.
<b><i>EP Act</i></b>	<i>Environmental Protection Act 1986</i> (WA).

<b><i>mulch</i></b>	means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation.
<b><i>native vegetation</i></b>	has the meaning given under section 3(1) and section 51A of the EP Act.
<b><i>planting</i></b>	means the re-establishment of vegetation by creating favorable soil conditions and planting seedlings of the desired species.
<b><i>regenerate/ed/ion</i></b>	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 <i>mulch</i> .
<b><i>rehabilitate/ed/ion</i></b>	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
<b><i>revegetate/ed/ion</i></b>	means the re-establishment of a cover of <i>local provenance</i> native vegetation in an area using methods such as natural <i>regeneration</i> , <i>direct seeding</i> and/or <i>planting</i> , so that the species composition, structure and density is similar to pre-clearing vegetation types in that area.
<b><i>weeds</i></b>	means any plant – <ul style="list-style-type: none"> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ul>

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**END OF CONDITIONS**




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Mathew Gannaway  
MANAGER  
NATIVE VEGETATION REGULATION

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

17 November 2022

# Plan 8357/2a

31.030084°S

31.030084°S

116.013623°E

116.051242°E







31.046412°S

31.046412°S

116.013623°E

116.051242°E

## Legend

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



0 1km

1:19,023

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Date 17/11/2022

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



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# Plan 8357/2b

30.980349°S

30.980349°S



116.235931°E

116.240633°E



LOT 3590 ON PLAN 212154

## Legend

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



1:2,379

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

Date 17/11/2022

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





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# Plan 8357/2c



## Legend

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



0  200m

1:3,732

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

..... Date 17/11/2022.....

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



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WESTERN AUSTRALIA  
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# Plan 8357/2d

31.006919°S

31.006919°S

116.287746°E

116.302499°E







116.287746°E

116.302499°E

31.013323°S

31.013323°S

## Legend

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



1:7,462

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

..... Date .17/11/2022...

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



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# Plan 8357/2e

31.080294°S

31.080294°S

116.431564°E

116.446317°E



116.431564°E

116.446317°E

31.086697°S

31.086697°S

## Legend

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



1:7,456

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

Geocentric Datum of Australia 1994

..... Date .17/11/2022....

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WESTERN AUSTRALIA  
WA Crown Copyright 2021

# Plan 8357/2f

116°21'50.400"E

116°22'1.200"E

31°12'21.600"S

31°12'21.600"S

31°12'32.400"S

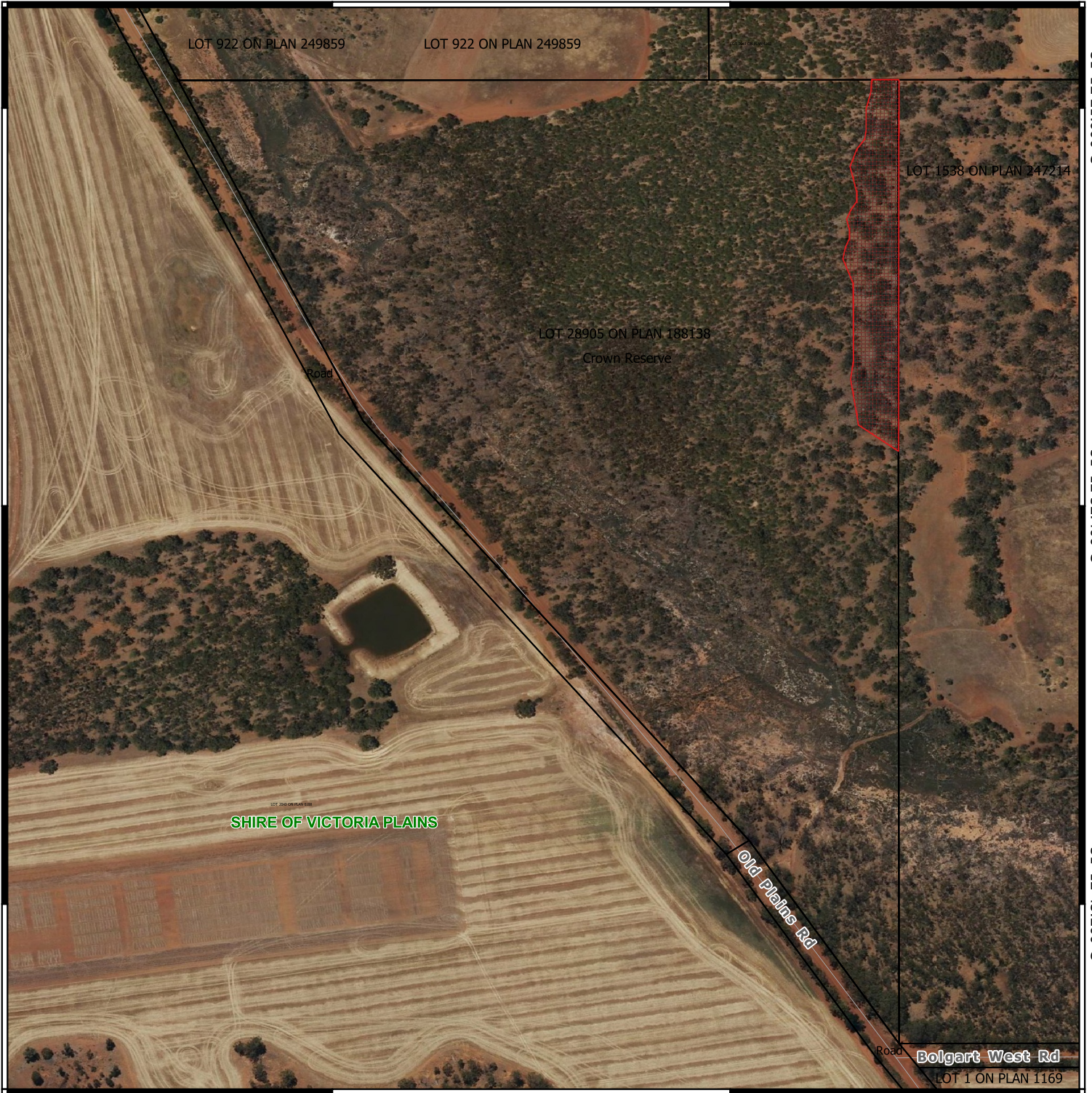
31°12'32.400"S

31°12'43.200"S





31°12'43.200"S

116°21'50.400"E

116°22'1.200"E



## Map Layers

-  CPS subject to conditions
-  Local Government Authorities
-  Land Tenure
- Road Centrelines
  -  Local Rd - Other



0 50 100 150 200 m



1:3000

MGA Zone 50  
Geocentric Datum of Australia 1994

..... Date 17/11/2022

Officer delegated under section 20 of the  
Environmental Protection Act 1986



GOVERNMENT OF  
WESTERN AUSTRALIA

# Plan 8357/2g

116°21'50.400"E

116°22'1.200"E

116°22'12.000"E

31°12'21.600"S

31°12'21.600"S

31°12'32.400"S

31°12'32.400"S

31°12'43.200"S

31°12'43.200"S







116°21'50.400"E

116°22'1.200"E

116°22'12.000"E

## Map Layers

-  CPS subject to conditions
-  Local Government Authorities
-  Land Tenure
- Road Centrelines
  -  Local Rd - Other



0 50 100 150 200 m



1:3000

MGA Zone 50  
Geocentric Datum of Australia 1994

.....Date 17/11/2022

Officer delegated under section 20 of the  
Environmental Protection Act 1986



GOVERNMENT OF  
WESTERN AUSTRALIA

# Plan 8357/2h

116°21'50.400"E

116°22'1.200"E

116°22'12.000"E

31°12'21.600"S

31°12'21.600"S

31°12'32.400"S

31°12'32.400"S

31°12'43.200"S





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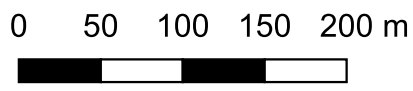


116°21'50.400"E

116°22'1.200"E

116°22'12.000"E

-  Local Government Authorities
-  Land Tenure
- Road Centrelines
-  Local Rd - Other
-  **CPS subject to conditions**



1:3000

MGA Zone 50  
Geocentric Datum of Australia 1994

..... Date 17/11/2022 .....

Officer delegated under section 20 of the Environmental Protection Act 1986



GOVERNMENT OF WESTERN AUSTRALIA

# Plan 8357/2i

116°21'50.400"E

116°22'1.200"E

31°12'21.600"S

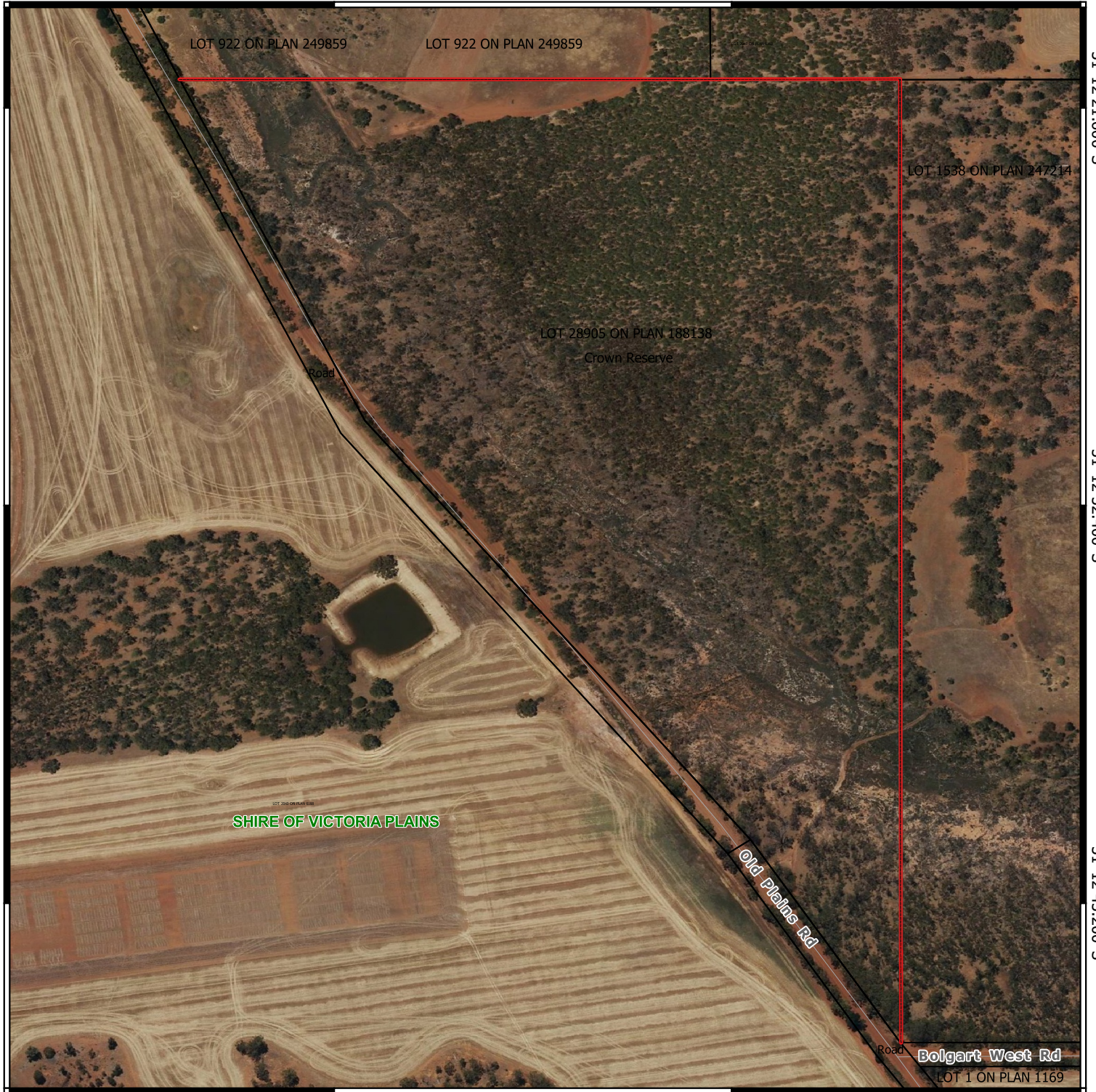
31°12'21.600"S

31°12'32.400"S

31°12'32.400"S

31°12'43.200"S





31°12'43.200"S



116°21'50.400"E

116°22'1.200"E

## Map Layers

-  CPS subject to conditions
-  Local Government Authorities
-  Land Tenure
- Road Centrelines
  -  Local Rd - Other



0 50 100 150 200 m



1:3000

MGA Zone 50  
Geocentric Datum of Australia 1994

17/11/2022  
..... Date .....

Officer delegated under section 20 of the  
Environmental Protection Act 1986



GOVERNMENT OF  
WESTERN AUSTRALIA





# Clearing Permit Decision Report

## 1. Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 8357/2
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	Shire of Victoria Plains
<b>Purpose of clearing:</b>	Road widening and upgrades
<b>Property:</b>	Mogumber Road West road reserve (PINs 11673201, 11673199, 11673200, 11673198) Calingiri-New Norcia road reserve (PINs 11501331, 11501322, 11501334, 11453185, 11453187, 11501328, 11501324, 11501327, 11721792) Lot 9001 on Deposited Plain 43363 Lot 3962 on Deposited Plan 173619 Railway Reserve (PIN 1052969) Railway Reserve (PIN 569692) Bindi Bindi – Toodyay Road reserve (PINs 11478636, 11478637)
<b>Location (LGA area/s):</b>	Shire of Victoria Plains

### 1.2. Description of clearing activities

The vegetation proposed to be cleared is distributed across four separate areas within Mogumber West Rd Reserve, Calingiri-New Norcia Road reserve and Calingiri – New Norcia Road reserve and Bindi- Bindi-Toodyay Road reserve intersection (intersection realignment) for the purpose of road upgrade. The size of the areas and amount of clearing proposed was increased by 0.48 ha during assessment within the Calingiri intersection realignment area.

### 1.3. Decision on application and key considerations

<b>Decision:</b>	Granted
<b>Decision date:</b>	17 November 2022
<b>Decision area:</b>	2.46 hectares (ha) of native vegetation

### 1.4. Reasons for decision

On 7 April 2021, the Department of Water and Environmental Regulation (DWER) determined to grant Clearing Permit CPS 8357/1 to clear up to 2.46 hectares of native vegetation for the purpose of road widening and upgrades within various road reserves within the Shire of Victoria Plains.

One appeal was lodged against the decision to grant a clearing permit with conditions, covering five grounds of appeal.

This clearing permit amendment gives effect to the Minister for Environment (Minister) determination to allow the appeal in part (Appeal number: 016 of 2021). The Minister has requested DWER to amend the permit to clear with the following changes:

(1) amend condition 9 (offset revegetation) to:

- include key species from the Eucalypt Woodlands of the Western Australian Wheatbelt Threatened Ecological Community (TEC) in either or both the revegetation or infill planting area to counterbalance the removal of 0.16 ha of the TEC

- include wandoo and the banksia species in either or both the revegetation or infill planting area to counterbalance the removal of 24 mature wandoo trees and 0.08 ha of banksia shrubland which are Carnaby's cockatoo foraging habitat
  - make clear that, unless otherwise agreed by the CEO, propagating material for *Eucalyptus sargentii* subsp. *onesis* should be sourced from the individual of this species within the clearing footprint
- (2) amend condition 10 (fencing) to define 'fence' to mean a fence of a suitable standard to exclude stock (sheep, cattle etc).
- (3) amend the following dates in the permit to:
- duration of permit – replace '30 April 2031' with '31 October 2032'
  - condition 4 – replace '30 April 2026' with '31 October 2027'
  - conditions 8, 9 and 10 – replace '30 April 2022' with '31 October 2023'

The Delegated Office had taken the above into consideration and decided to grant an amended clearing permit in accordance with the Minister's determination.

## **2. Assessment of application**

### **2.1. Assessment**

This amendment is the result of an appeal determination made by the Minister for Environment regarding the conditions of Clearing Permit CPS 8357/1. As a result of the appeal determination, the assessment against the clearing principles has changed from the Clearing Permit Decision Report CPS 8357/1 with the addition of Principles (b) and (d) being at variance (Office of the Appeals Convenor, 2022).

The Department found the clearing to be at variance with clearing principles (a), (e) and (f) during assessment of CPS 8357/1. The Minister agreed with this conclusion but also found that because the clearing includes part of the Eucalypt Woodlands TEC (0.16 hectares), it is at variance to clearing principle (d), which provides that native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a TEC listed under State or Commonwealth legislation.

The clearing also comprises vegetation that is of foraging value to Carnaby's cockatoo (24 Wandoo trees and 0.08 hectares of Banksia shrubland) and is within the known range of the species. The Minister therefore found that the proposal is at variance to clearing principle (b), which provides that 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.

The Minister considered the decision to grant the permit was justified. However, allowed the appeal, in part, by requiring the significant residual impacts to the Eucalypt Woodlands TEC and Carnaby's cockatoo foraging habitat to be counterbalanced. This will be through the existing proposed offset site on Old Plains Road being amended to require those values to be reflected in revegetation at that site.

The Minister also requested that the fencing condition be amended to ensure the fence be of a standard suitable to exclude stock as it was not clear from the existing condition the intent of the fencing.

The assessment against the remaining clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report for CPS 8357/1 (DWER, 2022).

## **Appendix A - References**

### **1. References**

Department of Water and Environmental Regulation (DWER) (2022) Purpose permit and decision report: CPS 8357/1. <https://ftp.dwer.wa.gov.au/permit/8357/Permit/>

Office of the Appeals Convenor (2022) Report to the Minister for Environment – Appeal against decision to grant a clearing permit – Clearing Permit CPS 8357/1.