



## CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

<b>Purpose Permit number:</b>	8400/2
<b>Permit Holder:</b>	Shire of Esperance
<b>Duration of Permit:</b>	22 July 2020 to 22 July 2025

### ADVICE NOTE

The Crown Reserve referred to in condition 12 of this permit is intended to offset the significant residual environmental impacts identified under CPS 8400/2. The 64.91 hectares that remains within Crown Reserve 4181 is to be a banked offset.

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 construction and upgrades.

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

Neds Corner Road reserve (PIN 11644162), Coomalbidgup  
Yerritup Road reserve (PIN 11644162), Coomalbidgup

#### 3. Clearing authorised

The Permit Holder must not clear more than 5.56 hectares of *native vegetation* within the combined areas cross-hatched yellow in Plans 8400/2a, 8400/2b, 8400/2c, 8400/2d, 8400/2e, 8400/2f, 8400/2g, 8400/2h and 8400/2i.

#### 4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

#### 5. Type of clearing authorised

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out work 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 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.

### **7. Weed and dieback management**

When undertaking any clearing authorised under this Permit, the Permit Holder must take the following measures 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 known *dieback* or *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. Fauna management - direction of clearing**

The Permit Holder shall conduct clearing in a slow progressive manner from one direction to the other (e.g. east to west) to allow fauna to move into adjacent *native vegetation* ahead of the clearing activity.

### **9. Threatened ecological community management**

The Permit Holder shall not clear more than 2.04 hectares of vegetation representative of the ‘Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia’ threatened ecological community.

### **10. Carnaby’s cockatoo habitat management**

The Permit Holder shall not clear more than 5.56 hectares of vegetation that provides suitable habitat for Carnaby’s cockatoo (*Calyptorhynchus latirostris*).

### **11. Period in which clearing is authorised**

The Permit Holder must ensure that road widening and upgrade activities occur within three months of the authorised clearing being undertaken.

### **12. Offset – Crown Reserve 4181**

By 21 July 2021, the Permit Holder shall provide to the *CEO* a copy of the executed change in purpose of the area cross-hatched red on attached Plan 8400/2j within Crown Reserve 4181 from ‘common reserve’ to ‘conservation’.

## **PART III - RECORD KEEPING AND REPORTING**

### **13. 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); and</li><li>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 6; and</li><li>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 7; and</li><li>(g) the size of vegetation representative of the ‘Proteaceae Dominated Kwongkan Shrublands of the Southeast Coastal Floristic Province of Western Australia’ threatened ecological community cleared (in hectares) in accordance with condition 9 of this Permit;</li><li>(h) the size of vegetation that provides suitable foraging habitat for Carnaby’s cockatoo (<i>Calyptorhynchus latirostris</i>) in accordance with condition 10 of this Permit; and</li><li>(i) the date road construction and upgrade activities commenced following cessation of authorised clearing in accordance with condition 11 of this Permit</li></ul>

#### **14. Reporting**

- (a) The Permit Holder must provide to the *CEO* on or before 31 July of each year, a written report demonstrating adherence to all conditions of this permit, and setting out the records required under Condition 13 of this permit in relation to clearing carried out between 1 July and 30 June of the previous financial year.
- (b) If no clearing authorised under this Permit was undertaken between 1 July and 30 June of the previous 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 each year.
- (c) Prior to 21 April 2025, the Permit Holder must provide to the *CEO* a written report of records required under condition 13 of this Permit where these records have not already been provided under condition 14(a) of this Permit.

## DEFINITIONS

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

**Table 2: Definitions**

Term	Definition
CEO	Chief Executive Officer of the department responsible for the administration of the clearing provisions under the <i>Environmental Protection Act 1986</i> .
clearing	has the meaning given under section 3(1) of the EP Act.
condition	a condition to which this clearing permit is subject under section 51H of the EP Act.
fill	means material used to increase the ground level, or to fill a depression.
dieback	means the effect of <i>Phytophthora</i> species on native vegetation.
department	means the department established under section 35 of the <i>Public Sector Management Act 1994</i> (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	<i>Environmental Protection Act 1986</i> (WA)
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.
native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
weeds	means any plant – (a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i> ; or (b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

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## END OF CONDITIONS

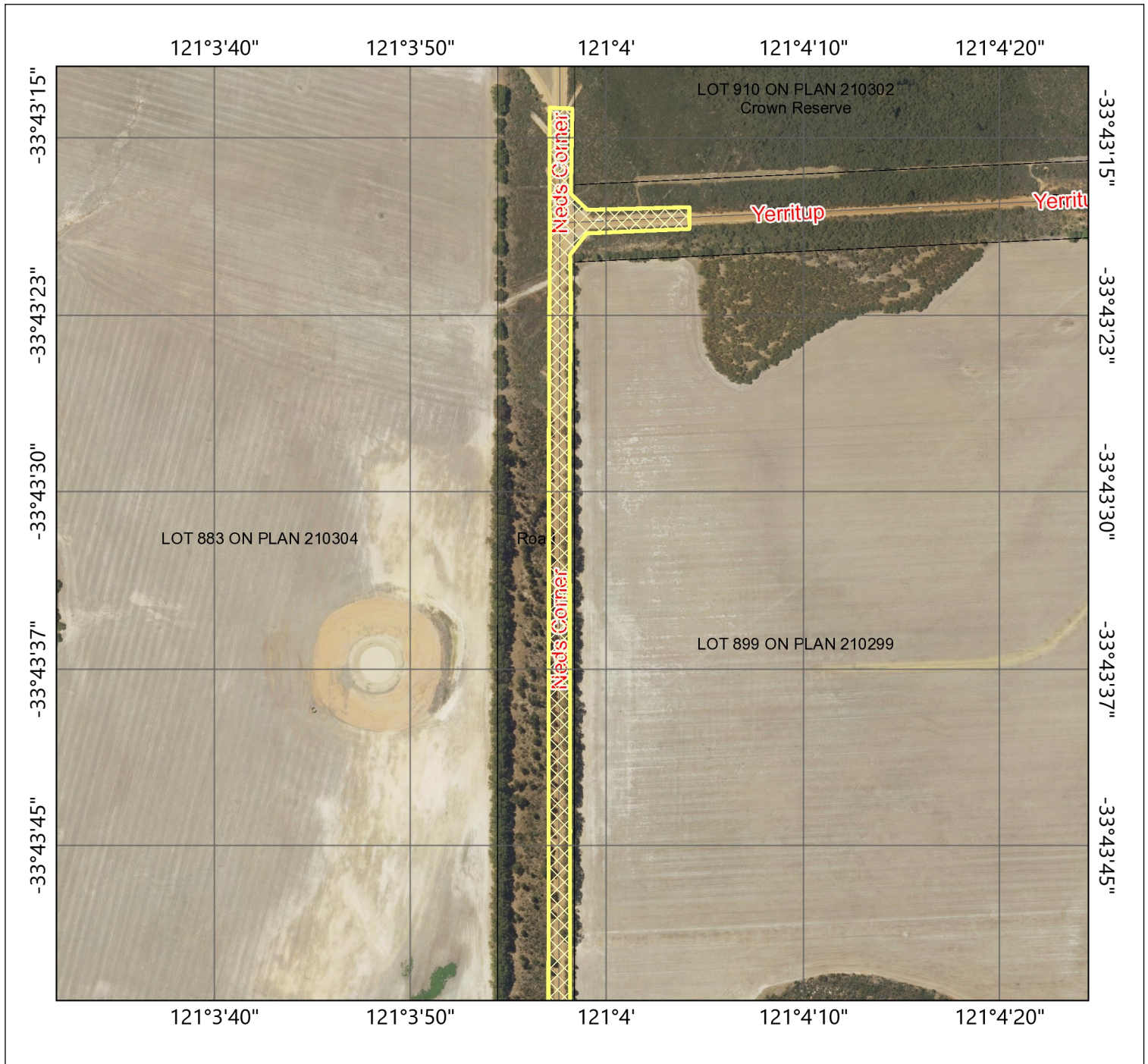


Mathew Gannaway  
MANAGER  
NATIVE VEGETATION REGULATION




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

33 March 2022

# Plan 8400/2a



## Legend

-  CPS areas approved to clear
-  Roads - Minor Roads
-  Cadastre

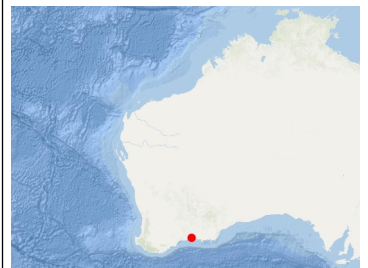


0.2                      0.11                      0.2    Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

## Locality Map



Officer with delegated authority under Section 20 of the Environmental Protection Act 198

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Department of Water and Environmental Regulation

# Plan 8400/2b



## Legend

-  CPS areas approved to clear
-  Roads - State Roads
-  Roads - Major Roads
-  Roads - Minor Roads
-  Cadastre



0.2      0.11      0.2      Kilometers



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## Locality Map



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# Plan 8400/2c



## Legend

- CPS areas approved to clear
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Local Government Authorities
- Cadastre



0.1      0.03      0.1      Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

## Locality Map



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Department of Water and Environmental Regulation

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# Plan 8400/2d



## Legend

- CPS areas approved to clear
- Roads - Minor Roads
- Cadastre

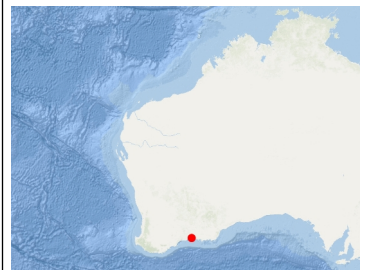


0.1      0.03      0.1    Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

## Locality Map



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Department of Water and Environmental Regulation

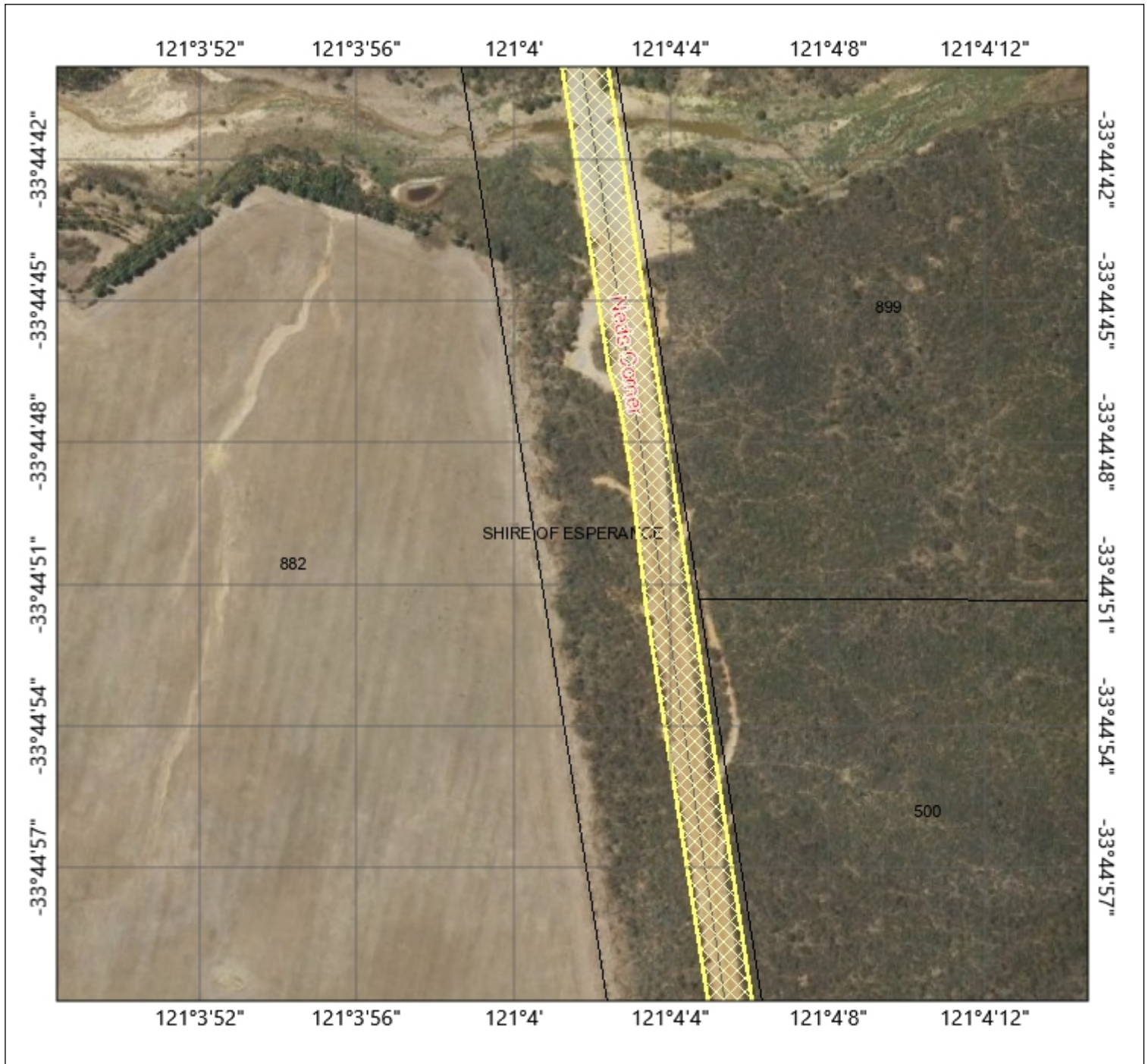
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# Plan 8400/2e



## Legend

- CPS areas approved to clear
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Local Government Authorities
- Cadastre



0.1                      0.06                      0.1    Kilometers



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## Locality Map



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# Plan 8400/2f



## Legend

-  CPS areas approved to clear
-  Roads - State Roads
-  Roads - Major Roads
-  Roads - Minor Roads
-  Local Government Authorities
-  Cadastre



0.1      0.06      0.1      Kilometers



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## Locality Map



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# Plan 8400/2g



## Legend

-  CPS areas approved to clear
-  Roads - State Roads
-  Roads - Major Roads
-  Roads - Minor Roads
-  Local Government Authorities
-  Cadastre



0.1      0.03      0.1      Kilometers



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## Locality Map



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# Plan 8400/2h



## Legend

- CPS areas approved to clear
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Local Government Authorities
- Cadastre



0.2      0.11      0.2 Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

## Locality Map



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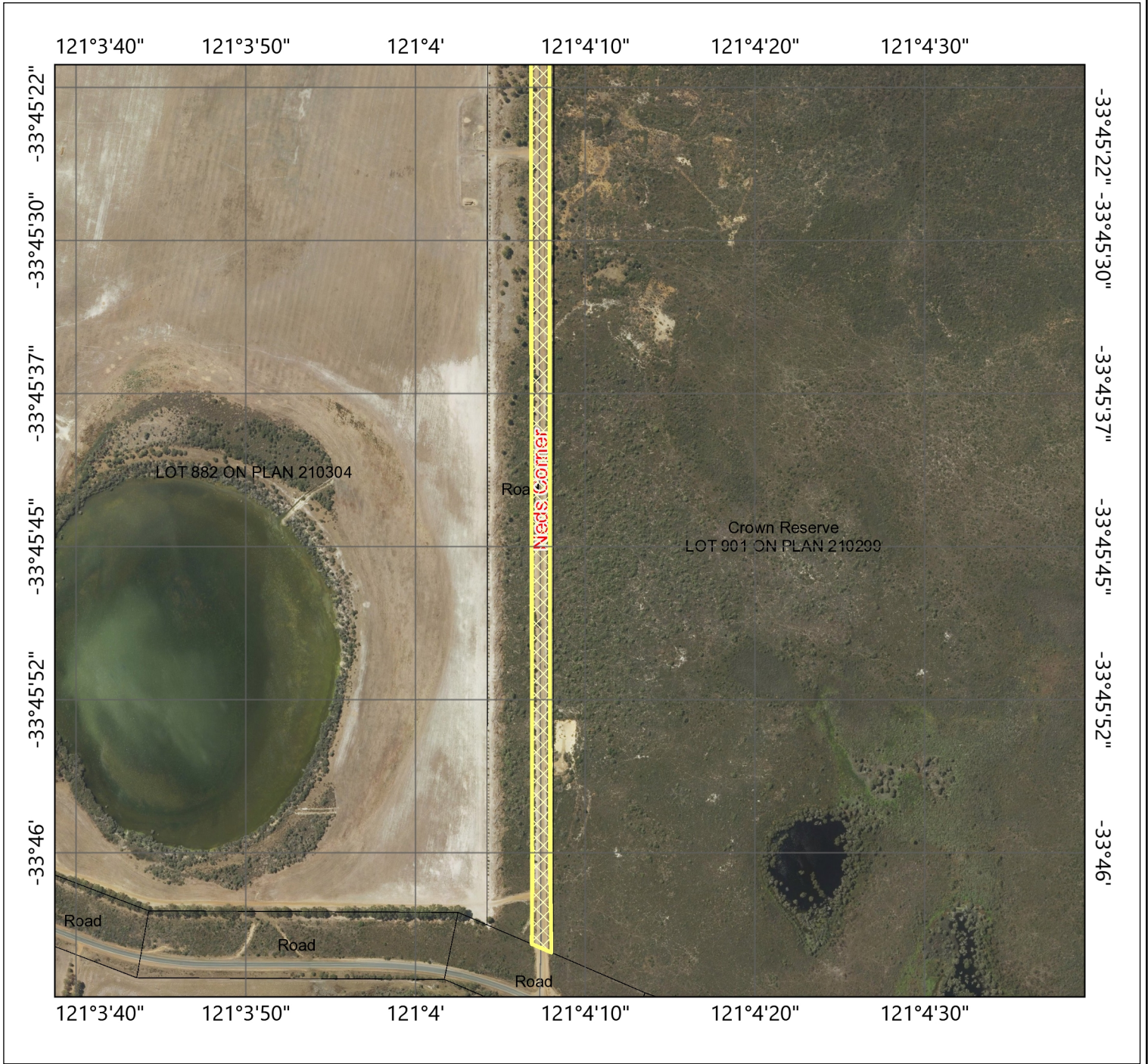
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# Plan 8400/2i



## Legend

- CPS areas approved to clear
- Roads - Minor Roads
- Cadastre

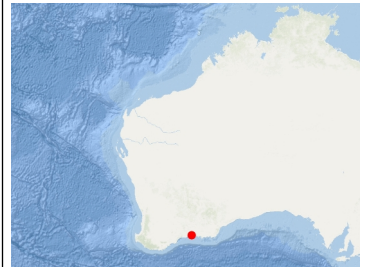


0.3      0.13      0.3    Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

## Locality Map



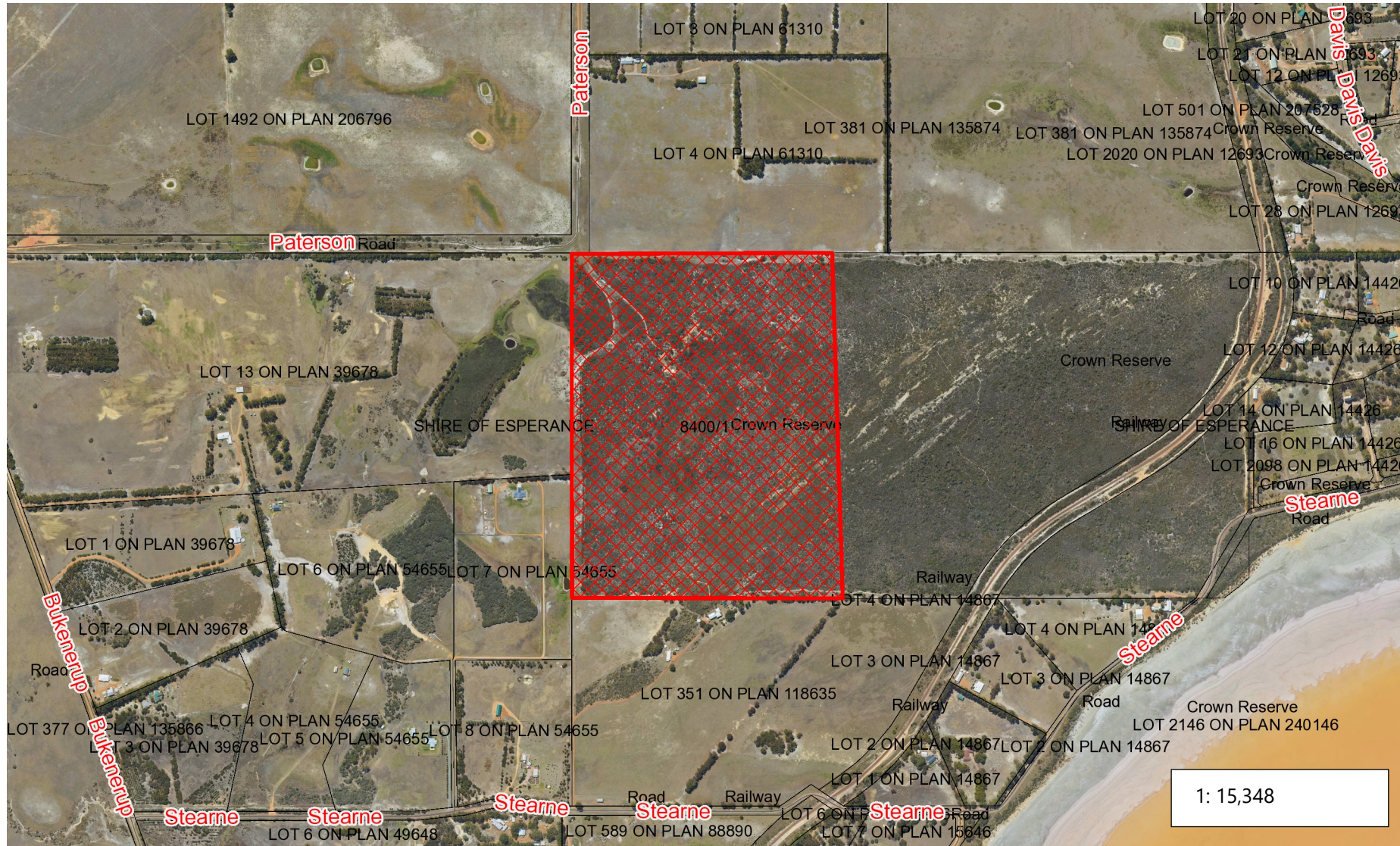
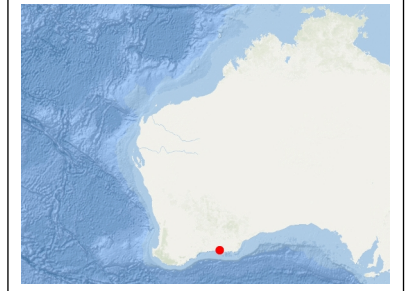
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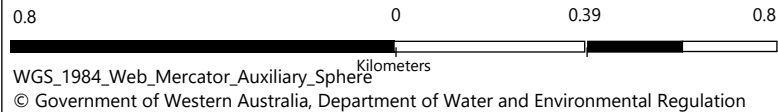
# Plan 8400/2j



1: 15,348

## Legend

- CPS subject to conditions
- Local Government Authorities
- Roads - Minor Roads
- Cadastre



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





# Clearing Permit Decision Report

## 1 Application details and outcome

### 1.1. Permit application details

Permit number:	CPS 8400/2
Permit type:	Purpose permit
Applicant name:	Shire of Esperance
Application received:	Road construction and upgrade
Property:	Yerritup Road reserve (PIN 11644162), Coomalbidgup Neds Corner Road reserve (PIN 11644162), Coomalbidgup
Location (LGA area/s):	Shire of Esperance
Localities (suburb/s):	Coomalbidgup

### 1.2. Description of clearing activities

The application is to amend Clearing Permit CPS 8400/1 which was granted on 29 June 2020. Clearing Permit CPS 8400/1 authorises the clearing of 5.56 hectares of native vegetation within a 15.39 clearing footprint area for the purpose of road construction and widening along Neds Corner Road Reserve and Yerritup Road Reserve.

This amendment is to change the clearing footprint to avoid priority flora identified through a flora survey required by condition 8 of clearing permit CPS 8400/1 and to remove condition 8 as it is no longer required (see Figure 1 to 9, Section 1.5). The clearing amount of 5.56 hectares have not changed.

### 1.3. Decision on application

Decision:	Granted
Decision date:	31 March 2022
Decision area:	Up to 5.56 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

This clearing permit amendment application was made in accordance with section 51KA(1) of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 26 November 2020. DWER advertised the application for public comment for a period of 14 days, and no submissions were received.

In undertaking the assessment, the Delegated Officer had regard for the site characteristics, relevant datasets, the findings of a targeted flora survey, the clearing principles set out in Schedule 5 of the EP Act, and any other matters considered relevant to the assessment. The Delegated Officer also took into consideration the purpose of the clearing which is to improve road safety.

The assessment against the clearing principles have not significantly changed since the assessment for CPS 8400/1. The Delegated Officer has determined that the proposed amendment to CPS 8400/1 is not likely to lead to an unacceptable risk to environmental values.

1.5. Site maps

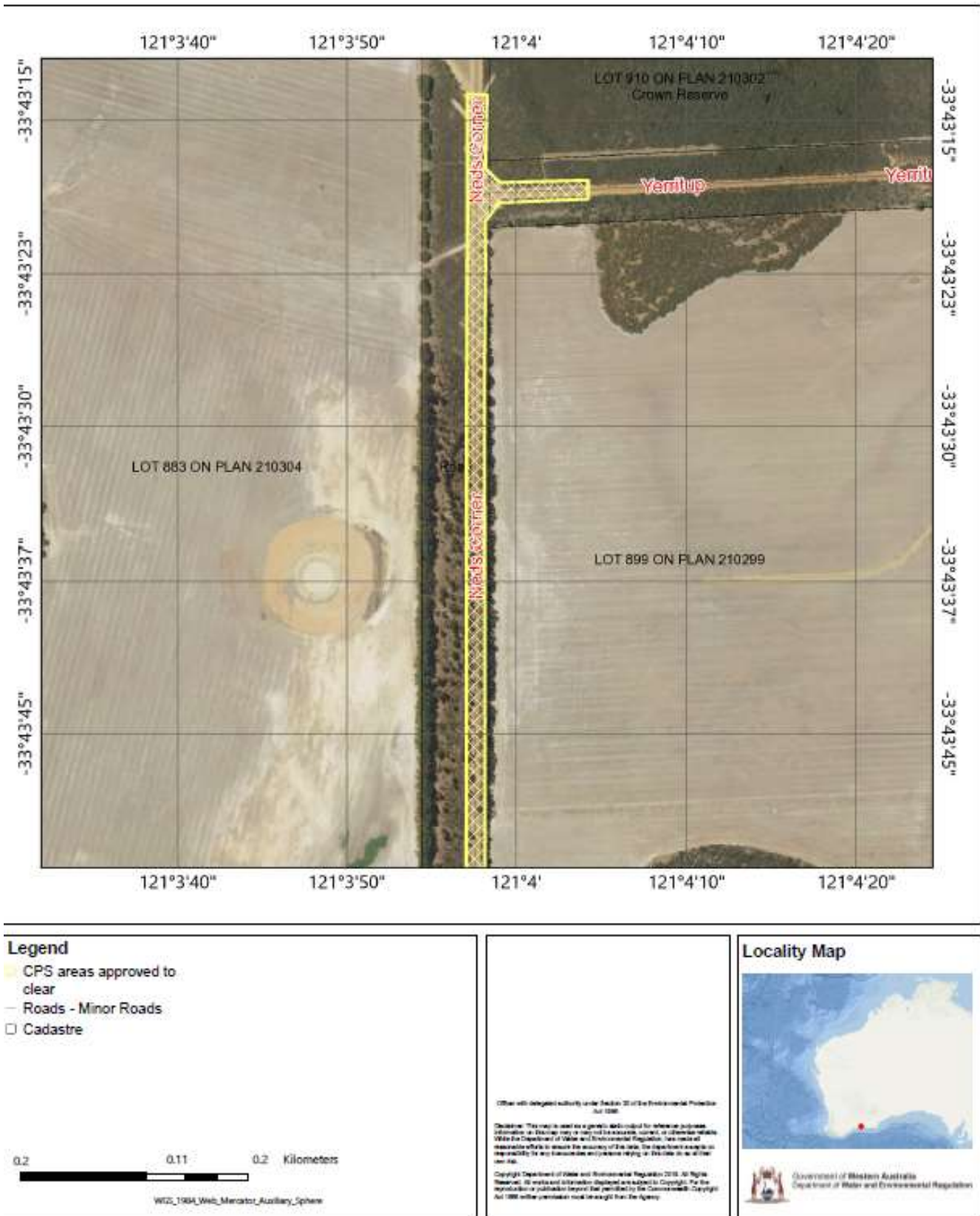


Figure 1. Map of the approved area





**Legend**

- CPS areas approved to clear
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Cadastre

0.2      0.11      0.2 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Other with delegated authority under Section 22 of the Environmental Protection Act 1986.

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**Locality Map**

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Department of Water and Environmental Regulation

Figure 2. Map of the approved area



**Legend**

- CPS areas approved to clear
- Roads - State Roads
- Roads - Major Roads
- Roads - Minor Roads
- Local Government Authorities
- Cadastre

0.1      0.03      0.1 Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Offer with delegated authority under Section 33 of the Environmental Protection Act 1986

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**Locality Map**



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Department of Water and Environmental Regulation

Figure 3. Map of the approved area



**Legend**

- CPS areas approved to clear
- Roads - Minor Roads
- Cadastre

0.1      0.05      0.1 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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Figure 4. Map of the approved area

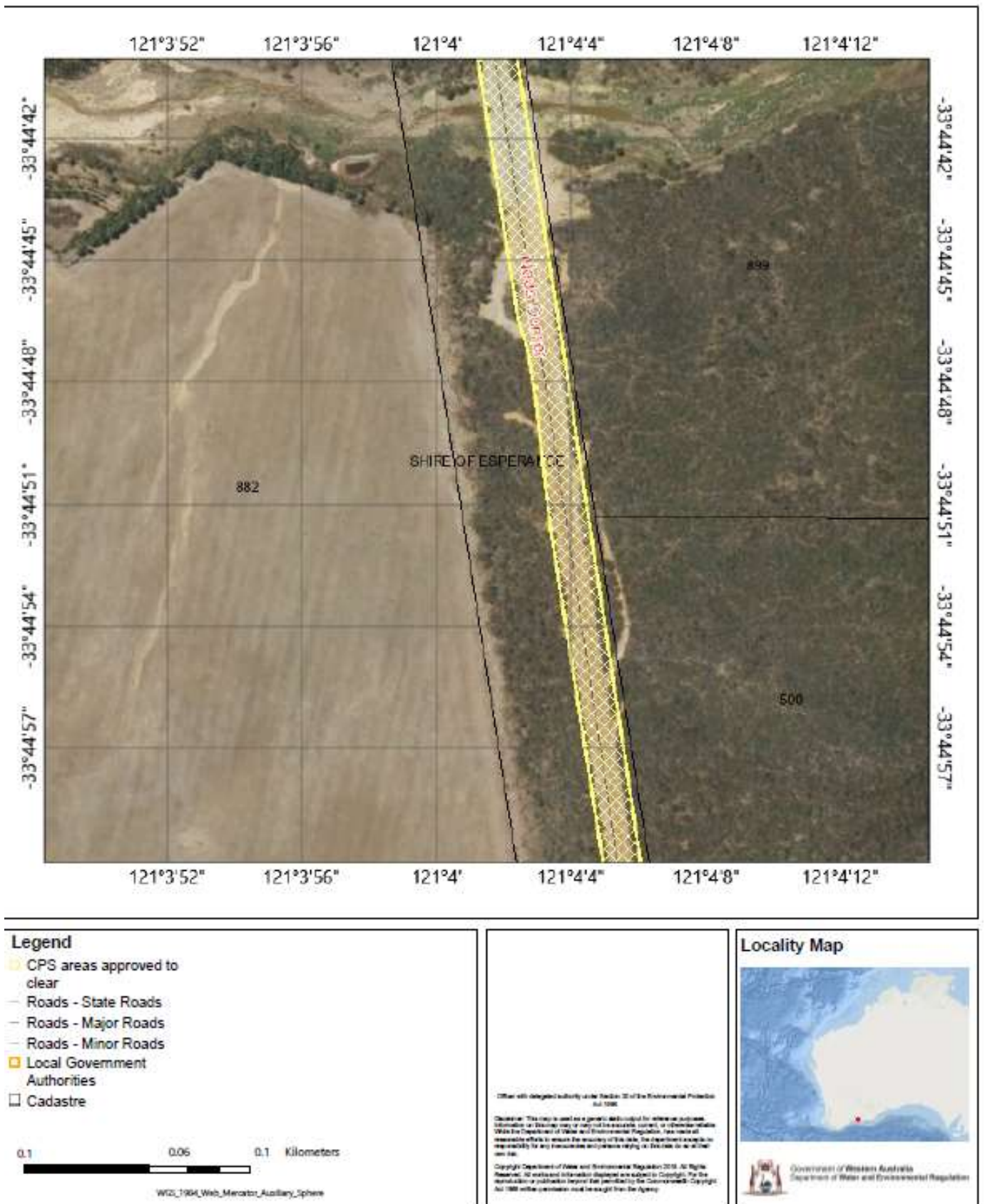


Figure 5. Map of the approved area



**Legend**

- CPS areas approved to clear
- Roads - State Roads
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- Roads - Minor Roads
- Local Government Authorities
- Cadastre

0.1      0.05      0.1 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Other with delegated authority under Section 32 of the Environmental Protection Act 1986

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Figure 6. Map of the approved area



**Legend**

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- Local Government Authorities
- Cadastre

0.1      0.03      0.1 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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**Locality Map**






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Department of Water and Environmental Regulation

Figure 7. Map of the approved area



**Legend**

-  CPS areas approved to clear
-  Roads - State Roads
-  Roads - Major Roads
-  Roads - Minor Roads
-  Local Government Authorities
-  Cadastre

0.2      0.11      0.2 Kilometers



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

**Locality Map**



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Figure 8. Map of the approved area

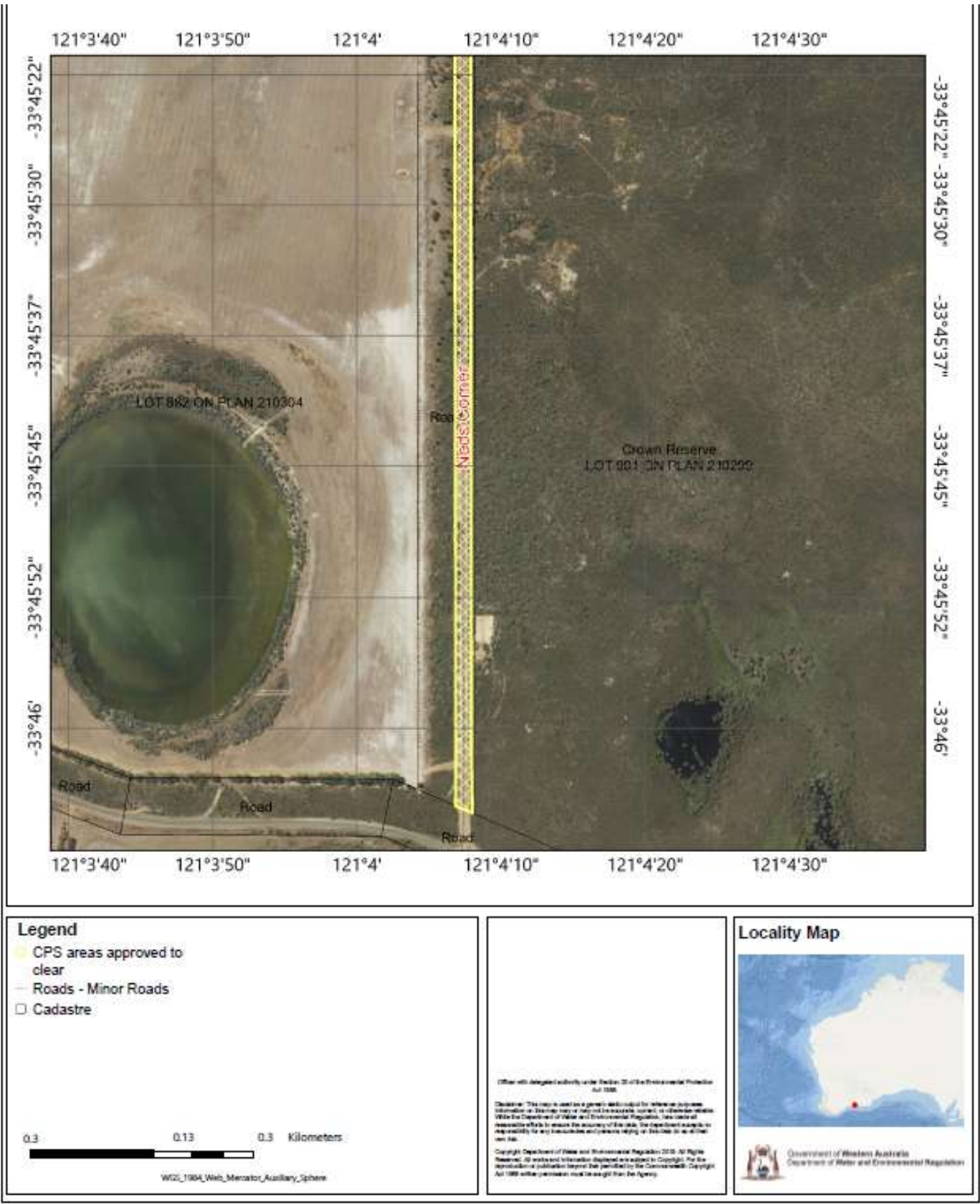


Figure 9. Map of the approved area



## 2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 51O of the EP Act (see Section 1.4), the Delegated Officer has also had regard to the objects and principles under section 4A of the EP Act, particularly:

- the precautionary principle
- the principle of intergenerational equity
- the principle of the conservation of biological diversity and ecological integrity.

Other legislation of relevance for this assessment include:

- *Biodiversity Conservation Act 2016 (WA) (BC Act)*

The key guidance documents which inform this assessment are:

- A guide to the assessment of applications to clear native vegetation (DER, December 2013)
- Procedure: Native vegetation clearing permits (DWER, October 2019)
- Technical guidance – Flora and Vegetation Surveys for Environmental Impact Assessment (EPA, 2016)

## 3 Detailed assessment of application

### 3.1. Avoidance and mitigation measures

The applicant has modified the clearing area to avoid clearing all of the Priority 1 *Leucopogon* sp. Cascades (M. Hislop 3693) identified except the two individuals already approved to be cleared under CPS 8400/1.

The applicant has adequately demonstrated that all reasonable efforts had been taken to avoid and minimise potential impacts of the clearing on environmental values.

### 3.2. Assessment of impacts on environmental values

New populations of *Leucopogon* sp. Cascades, a priority one species that is poorly known and highly restricted, were discovered during the 2019 flora survey for clearing permit CPS 8400/1 (please refer to the decision report for CPS 8400/1 for more detail). This survey identified six individuals of *Leucopogon* sp. Cascades, with two plants present in the backslope of the active footprint of the existing road. The Department of Biodiversity, Conservation and Attractions (2020), advised that where possible, to avoid the clearing of plants and to implement suitable vegetative buffers to the remaining plants. The two plants within the backslope of the existing road were considered likely to be impacted during routine road maintenance operations and were considered unavoidable, however the applicant avoided the remaining four individuals found during the survey. Given the avoidance of the four *Leucopogon* sp. Cascades individuals and road re-alignment, it was considered that the applicant's minimisation measures in relation to the impact to this species were adequate and CPS 8400/1 was granted.

To avoid impact to the four recorded *Leucopogon* sp. Cascades individuals, located in adjacent vegetation, a condition on clearing permit CPS 8400/1, (Condition 8), was included to ensure that exclusion (buffer) zones were established with an accompanying road realignment on the opposite side of the road. Condition 8 also required a targeted flora survey to be conducted within the realignment areas, which have not previously been surveyed, prior to clearing, for the presence of threatened flora and priority flora.

To address condition 8 of clearing permit CPS 8400/1, the applicant conducted a targeted flora survey within the realignment areas that has not been previously surveyed for the presence of priority and threatened flora. The survey found six new individuals of *Leucopogon* sp. Cascades, with four additional individuals occurring within the realignment areas, taking the total impact of the clearing on *Leucopogon* sp. Cascades to six individuals out of 13 individuals recorded.

As a result of the flora survey findings, the applicant has submitted the amendment to clearing permit CPS 8400/1 to remove condition 8 as it is not longer required and to amend the footprint of the proposed clearing to avoid two out of the four additional individuals of *Leucopogon* sp. Cascades found within the approved permit area.

Additional DBCA advice stated that the clearing of additional individuals was significant (DBCA, 2021). Given this advice, further information from the applicant was requested. In response to this request the applicant further amended the footprint of the clearing to avoid all of the additional four individuals of *Leucopogon* sp. Cascades, however this has resulted in the removal of the exclusion (buffer) areas to one individual on the eastern side and three individuals on the western side of the clearing area. Although the proposed amendment to the clearing area reduces the distance to these individuals to between 2 to 12 metres approximately, it is considered that the existing

weed and dieback condition on the permit is adequate to mitigate any indirect impacts to these individuals. The applicant has also committed to demarcating the location of all nearby *Leucopogon* sp. Cascades individuals prior to clearing.

Given the above, the amendment to the footprint of the clearing area to avoid the additional priority flora individuals identified during the flora survey, as required of Condition 8 of Permit CPS 8400/1, has not changed the assessment against the clearing principles set out in the Clearing Permit Decision Report CPS 8400/1.

The Delegated Officer considers that Condition 8 has been addressed and is no longer required on the Permit. In addition, the Delegated Officer considers that the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values, and the remaining conditions to mitigate potential impacts also remains unchanged from the original assessment and can be found within Clearing Permit Decision Report CPS 8400/1.

**End**



Figure 2. Location of *Leucopogon* sp. Cascade along Neds Corner Rd, as depicted in map CPS 8400/1e

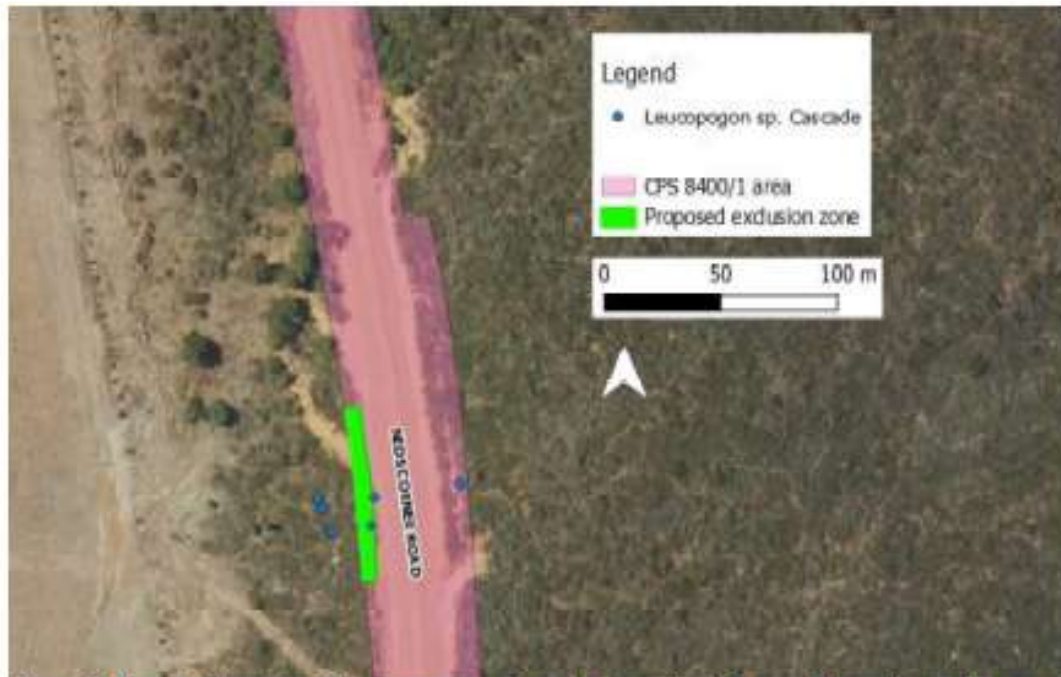


Figure 3. Figure 2. Location of *Leucopogon sp. Cascade* along Neds Corner Rd, as depicted in map CPS 8400/1g.

## Appendix B. Sources of information

### B.1. GIS databases

Publicly available GIS Databases used (sourced from [www.data.wa.gov.au](http://www.data.wa.gov.au)):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Offsets Register – Offsets (DWER-078)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

## **B.2. References**

DBCA (2020) Flora advice for clearing permit application CPS 8400/1. Department of Biodiversity, Conservation and Attractions. (DWER Ref A1870998)

DBCA (2021) Flora advice for clearing permit application to amend CPS 8400/2. Department of Biodiversity, Conservation and Attractions. (DWER Ref A1970669)

Shire of Esperance (2020) Targeted Flora Report for *Leucopogan* sp. Cascade in proposed road realignment. November 2020 (DWER Ref A1958204)

Shire of Esperance (2021) Application for amendment of Clearing Permit CPS 8400/1 and supporting information. Received by DWER on 17 November 2020. (DWER Ref: A1954770).