



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8406/1
Permit Holder:	Shire of Ashburton
Duration of Permit:	4 August 2019 to 4 August 2029

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 road material (gravel) extraction.

2. Land on which clearing is to be done

Lot 33 on Deposited Plan 240249, Fortescue (Crown Reserve 38991).

3. Area of Clearing

The Permit Holder must not clear more than 4 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8406/1.

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

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 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:

- avoid the clearing of native vegetation;
- minimise the amount of native vegetation to be cleared; and
- reduce the impact of clearing on any environmental value.

7. Direction of clearing

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

8. 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*:

- (a) clean any earth-moving machinery and other clearing equipment 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 area to be cleared.

9. 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) at an optimal time following completion of the extractive industry, *revegetate* and *rehabilitate* the areas that are no longer required for the purpose for which they were cleared under the Permit by:
 - (i) re-shaping the surface of the land so that it is consistent with the surrounding five metres of uncleared land;
 - (ii) ripping the ground on the contour to remove soil compaction;
 - (iii) ripping the pit floor and contour batters within the extraction site; and
 - (iv) laying the vegetative material and topsoil retained under condition 9(a) on the cleared area.
- (c) within two years of laying the vegetative material and topsoil on the cleared area in accordance with condition 9(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 9(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 9(c)(ii) of this Permit, the Permit Holder shall repeat condition 9(c)(i) and 9(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 9(c)(i) and 9(c)(ii) of this Permit, that determination shall be submitted for the *CEO's* consideration. If the *CEO* does not agree with the determination made under condition 9(c)(ii), the *CEO* may require the Permit Holder to undertake additional planting and direct seeding in accordance with the requirements under condition 9(c)(ii).

PART III – RECORD KEEPING AND REPORTING

10. Record keeping

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 6 of this Permit;
 - (vi) actions taken in accordance with condition 7 of this Permit; and
 - (vii) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 8 of this Permit.

- (b) In relation to the *revegetation and rehabilitation* of areas pursuant to condition 9 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.

11. 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 10 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 year, 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 4 May 2024, the Permit Holder must provide to the CEO a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

DEFINITIONS

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

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

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;

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 species-led ecological impact and invasiveness ranking summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



Ray Carvalho
MANAGER
NATIVE VEGETATION REGULATION

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

5 July 2019

Plan 8406/1

117°9'54"

117°10'12"

117°10'30"

-21°36'54"

-21°36'54"

-21°37'12"

-21°37'12"

-21°37'30"

-21°37'30"

LOT 502 ON PLAN 61847

Millstream Rd

ASHBURTON, SHIRE OF





LOT 33 ON PLAN 240249

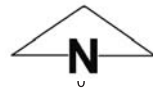
117°9'54"

117°10'12"

117°10'30"

Legend

-  Areas approved to clear
-  Cadastre
-  Local Government Authorities
-  Roads
- Image



200

200 m



MGA 94
Geocentric Datum of Australia 1994

Ray Carvalho

2019.07.05

11:35:09

+08'00'

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



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: CPS 8406/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Ashburton
Application received date: 7 March 2019

1.3. Property details

Property: Lot 33 on Deposited Plan 240249, Fortescue (Crown Reserve 38991)
Local Government Authority: Shire of Ashburton
Localities: Fortescue

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
4	0	Mechanical Removal	Extractive Industry

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 5 July 2019

Reasons for Decision: The clearing permit application was received on 7 March 2019 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is at variance to principle (f), may be at variance to principle (h) and is not likely to be at variance to the remaining clearing principles.

Through assessment it was identified that the application area includes a small portion of a minor non perennial watercourse. The Delegated Officer notes the extent of proposed clearing in relation to this watercourse and the surrounding landscape and has determined that the proposed clearing is unlikely to significantly impact on riparian habitat.

To minimise direct impacts to terrestrial fauna species of conservation significance, a condition has been placed on the clearing permit which requires the applicant to undertake slow, progressive one directional clearing to allow fauna to move into adjacent habitat ahead of the clearing activity.

Noting the temporary end land use (gravel extraction), a revegetation condition has been placed on the clearing permit requiring the applicant to revegetate the application area to its pre-clearing vegetation type.

In determining to grant a clearing permit, the Delegated Officer determined that potential impacts to adjacent vegetation and conservation areas can be adequately minimised and/or avoided by imposing weed management measures, and that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description: The application is for the proposed clearing of 4 hectares of native vegetation within Lot 33 on Deposited Plan 240249, Fortescue (Crown Reserve 38991) for the purpose of topsoil removal for road material (gravel) extraction.

Vegetation Description The vegetation within the application area is mapped as Beard vegetation association 607, described as hummock grasslands, low tree steppe; snappy gum & bloodwood over soft spinifex & *Triodia wiseana* (Shepherd et al., 2001).

Photographs supplied by the applicant indicate that the vegetation within the application area consists of a sparse eucalyptus tree steppe over a *Triodia* hummock grassland (Shire of Ashburton, 2019; DBCA, 2019).

Vegetation Condition The condition of the vegetation within the application area is very good: vegetation structure altered, obvious signs of disturbance (Keighery, 1994).

The condition of the vegetation was determined from areal imagery and photographs provided by the applicant (Shire of Ashburton, 2019).

Soil Type

The soil type within the application area is mapped as Calcrete System, described as low calcrete platforms and plains supporting shrubby hard spinifex grasslands (DPIRD, 2017).

Comments

The local area referred to in the assessment of this application is defined as a 50 kilometre radius measured from the perimeter of the application area.

A review of available databases has determined that the local area retains approximately 99 per cent of its pre-European clearing extent.

3. Assessment of application against clearing principles and planning instruments and other matters

According to available databases, 24 priority flora species and no threatened flora species have been recorded within the local area. Based on the mapped soil and vegetation types within application area, it has been determined that seven priority flora species could potentially occur within the application area.

These seven priority flora species are associated with wet areas, particularly along creeklines, floodplains and permanent pools (Western Australian Herbarium, 1998-). Noting that a small portion of a mapped minor non-perennial watercourse occurs within the application area, these species have the potential to occur on site. These species are all known from nine or more records, and have not been recorded within three kilometres of the application area. Noting the size of the application area, the condition and extent of vegetation in the local area and the number of known records for these seven priority flora species, the proposed clearing is not likely to impact on the conservation status of these species, should they be present.

The Department of Biodiversity, Conservation and Attraction's (DBCA) Pilbara region provided comment on the potential impact of clearing on conservation significant flora species and advised that "it is considered unlikely that there would be a substantial population of [conservation significant flora species] within the clearing area, to constitute a significant impact as a result of clearing..." (DBCA, 2019).

Several conservation significant fauna species have been recorded within the local area, of which two are dragonflies, two are bat species and five are bird species. These species are unlikely to be impacted by the proposed clearing due to their habitat range and the extent of suitable habitat surrounding the application area. The application area may however provide suitable habitat for several Priority 4 terrestrial fauna species such as northern quoll (*Dasyurus hallucatus*), brush-tailed mulgara (*Dasyercus blythi*), lined soil-crevice skink (*Notoscincus butleri*) and Western pebble-mound mouse (*Pseudomys chapmani*).

DBCA's Pilbarra region provided comment on the impact to conservation significant fauna species and advised that "it is considered unlikely that habitat within the clearing area would constitute critical habitat for these fauna species, although direct impacts to western pebble mound mouse are considered possible..." (DBCA, 2019).

Noting the extent of the proposed clearing, the presence of better quality vegetation in the adjacent Millstream Chichester National Park, the extent of vegetation remaining in the local area and the temporary land use (whereby temporary cleared areas are required to be revegetated), the proposed clearing is unlikely to impact on significant habitat for ground dwelling fauna species. To minimise the risk of direct impacts to any fauna that may be utilising the application area at the time of clearing, the applicant will be required to undertake one directional clearing in a slow progressive manner to allow fauna to move into adjacent habitat.

According to available databases, no threatened ecological communities (TEC) have been mapped in the local area. The 'four plant assemblages of the Wona Land System (previously 'Cracking clays of the Chichester and Mungaroona Range')' priority ecological community (PEC) is mapped 14 kilometres northwest of the application area. Noting the distance to this PEC and the known range of the community types identified within the Wona Land System, the proposed clearing is not likely to have an impact on this PEC.

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). The current vegetation extents for the bioregion, the mapped vegetation association and the vegetation extent remaining in the local area are all above the 30 per cent threshold (Government of Western Australia, 2019). Given these figures, noting the extent of proposed clearing and that the application area is not likely to comprise of a high level of biodiversity, the vegetation under application is not likely to be significant as a remnant in an area that has been extensively cleared.

A small portion of a minor, non-perennial watercourse has been mapped within the application area. Noting the extent of proposed clearing in the local context, the presence of numerous minor watercourses nearby and relatively undisturbed surrounding landscape, the proposed clearing is not likely to significantly impact on riparian habitats, cause appreciable land degradation, result in the deterioration in the quality of surface or underground water, or cause or exacerbate the incidence or intensity of flooding.

The closest conservation area to the application area is Millstream Chichester National Park (MCNP), which is approximately 60 metres from the application area. The proposed clearing may indirectly impact on the environmental values of MCNP through the spread or introduction of weed species by machinery, which warrants practices to minimise the spread of weeds. Therefore, the applicant will be required to implement weed management practices to minimise this risk.

Given the above, the proposed clearing is at variance to principle (f), may be at variance to principle (h) and is not likely to be at variance to the remaining clearing principles.

Planning instruments and other relevant matters

The clearing permit application was advertised on the Department of Water and Environmental Regulation's website on 29 March 2019, inviting submissions from the public within a 21 day period. No submissions were received in relation to this application.

The application area is within Crown Reserve 38991, which is vested with the Water Corporation for the purpose of 'Water Supply'. The proposed clearing is therefore not consistent with the vesting of the reserve. The Shire may therefore require approvals from Water Corporation for the proposed clearing.

DBCA's Pilbara region advised that the development of a borrow pit for gravel extraction may have amenity impacts to MCNP and therefore recommends that the Shire considers pushing back the clearing from the road to allow for the maintenance of a buffer of native vegetation between MCNP and the borrow pit; ensure stockpiles of gravel not left unused for periods of time; undertake clearing behind the boundary fence of the pastoral station (to identify that the clearing is not within the national park) and rehabilitate the area as soon as the gravel resource has been exhausted (DBCA, 2019).

The Yindjibarndi Ngurra Aboriginal Corporation (YAC) provided comment on the proposed clearing and advised that the Yindjibarndi people represented by YAC have not spoken or liaised with the Shire of Ashburton regarding this application and on this basis, object to the proposed clearing (YAC, 2019). The Yindjibarndi people have engaged in heritage surveys with WA Main Roads regarding Yindjibarndi significant sites located within this vicinity and have provided advice via relevant Archaeological and Ethnographic Reports. The Yindjibarndi people would appreciate the opportunity to liaise with the Shire of Ashburton regarding the area in question to ensure that it falls within locations which have been the subject of a culturally appropriate Yindjibarndi heritage survey inspection (YAC, 2019).

No sites of Aboriginal significance have been mapped within the application area.

4. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2019) Regional advice from Pilbara Region for Clearing Permit application CPS 8406/1. Western Australia. Received by DWER on 17 June 2019 (DWER Ref: A1797857).
- Department of Primary Industries and Regional Development (DPIRD) (2017). NRInfo Digital Mapping. Accessed at <https://maps.agric.wa.gov.au/nrm-info/> Accessed June 2018. Department of Primary Industries and Regional Development. Government of Western Australia.
- Government of Western Australia (2019) 2018 South West Vegetation Complex Statistics. Current as of March 2019. WA Department of Biodiversity, Conservation and Attractions, Perth, <https://catalogue.data.wa.gov.au/dataset/dbca>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- 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 Ashburton (2019) Application form and supporting information including photographs of the proposed clearing for CPS 8406/1, received by DWER on 7 March 2019. (DWER Ref: A1780280).
- Yindjibarndi Ngurra Aboriginal Corporation (YAC) (2019) Advise from direct interest parties for CPS 8406/1. Received by DWER on 14 April 2019 (DWER Ref: A1781423).
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <http://florabase.dpaw.wa.gov.au/> (Accessed June 2019).

GIS Databases:

- Aboriginal Sites of Significance
- Beard vegetation associations
- Clearing Regulations - Environmentally Sensitive Areas
- Department of Biodiversity Conservation and Attractions, Tenure
- Hydrology, linear
- IBRA Australia
- Remnant vegetation
- SAC Bio datasets (accessed June 2019)
- Soils, statewide