

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number: CPS 8933/2

Permit Holder: Shire of Capel

Duration of Permit: From 11 April 2021 to 11 April 2033

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

Weld Road reserve (PIN 11543462), Capel and Elgin

3. Clearing authorised

The permit holder must not clear more than 1.12 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1A and Figure 1B of Schedule 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.

6. Period during which clearing is authorised

The permit holder must not clear any *native vegetation* after 11 April 2026.

PART II - MANAGEMENT CONDITIONS

7. 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.

8. 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 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.

9. Directional clearing

The permit holder must conduct *clearing* activities in a slow, progressive manner towards adjacent *native* vegetation to allow fauna to move into adjacent *native* vegetation ahead of the *clearing* activity.

10. Offset – Lot 150 on Deposited Plan 29857

- (a) Within 12 months of undertaking *clearing* authorised under this permit, for the area cross-hatched red in Figure 2 of Schedule 1, the permit holder must *revegetate* 2.68 hectares within the area cross-hatched red in Figure 2 of Schedule 1 within Lot 150 on Deposited Plan 29857, Parkfield.
- (b) the permit holder must implement and adhere to the revegetation plan, prepared by Native Area (Natural Area, 2020) and the revised completion criteria (Shire of Capel, 2023), including but not limited to the following actions:
 - (i) undertake *direct seeding* and tubestock *planting* at an *optimal time*, using species listed in Table 4 of Schedule 2 (Target species) and density listed in Table 3 of Schedule 2 (Completion criteria);
 - (ii) ensuring only *local provenance* seeds and propagating material area used to revegetate.
 - (iii) commence *revegetation* and *rehabilitation* by deliberately planting and/or direct seeding *native vegetation* that will result in species composition, structure ad density of native vegetation that resembles that within Table 4 of Schedule 2 (completion criteria);
 - (iv) ripping the area cross-hatched red in Figure 2 of Schedule 1 to remove any areas of compaction or other obstructions that could prevent root penetration of seedlings:

- (v) establishing eight 10 x 10 metre quadrat monitoring sites within the area cross-hatched red in Figure 2 of Schedule 1;
- (vi) undertake weed control activities bi-annually until the Completion criteria as per Table 3 of Schedule 2 (Completion criteria) has been met;
- (vii) installing a four (4) metre trafficable firebreak that complies with the Shire of Harvey requirements around the interior perimeter fence of the offset site;
- (viii) achieve the Completion criteria specified in Table 3 of Schedule 2 (Completion criteria) has been met and maintained for a minimum of three years;
- (ix) undertake remedial actions for areas *revegetated* and *rehabilitated* under condition 10, where monitoring indicates the Completion criteria, outlined in Table 3 of Schedule 2 (completion criteria), has not been met, including:
 - i. deliberately *planting* and/or *direct seeding native vegetation* that will result in the minimum target species in Table 3 of Schedule 2 (Completion criteria) ensuring only species listed in Table 4 of Scheule 2 (Target species) are used;
 - ii. undertake further weed control activities; and
 - iii. continue monitoring of the *offset area* by an *environmental specialist* until the Completion criteria, outlined in Table 3 of Schedule 2 (Completion criteria) has been met.
- (x) be maintained in accordance with the specification detailed in the *Revegetation Plan*, for a period of at least three years; and
- (c) where an *environmental specialist* has determined that the Completion criteria, outlined in Table 3 of Schedule 2 (Completion criteria) has been met, that report is to be provide to the *CEO* within three months of the determination being made by the *environmental specialist*.

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 <i>clearing</i> of native	(a) the species composition, structure, and density of the cleared area;		
	vegetation pursuant to condition 3	(b) the location where the <i>clearing</i> occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings;		
		(c) the date that the area was cleared;		
		(d) the size of the area cleared (in hectares);		
		(e) the direction of clearing;		
		(f) actions taken to avoid, minimise, and reduce the impacts and extent of <i>clearing</i> in accordance with <i>condition 7</i> ; and		
		(g) actions taken to minimise the risk of the introduction and spread of weeds and dieback in accordance with condition		

No.	Relevant matter	Specifications		
		8.		
2.	In relation to the revegetation and rehabilitation areas pursuant to condition 10	(a) the location of any areas <i>revegetated</i> and <i>rehabilitated</i> , recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;		
		 (b) the date the fence and firebreak were installed and evidence of maintenance; (c) a description of the revegetation and rehabilitation activities undertaken within the offset site; (d) the size of the area revegetated and rehabilitated (in hectares); (e) the species composition, structure and density of the offset site; (f) a copy of the environmental specialist's report; and (g) the date the completion criteria have been met and environmental specialist's report submitted to the CEO. 		

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; and
 - (ii) concerning activities done by the permit holder under this permit between 1 January and 31 January 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 11 January 2033, the permit holder must provide to the *CEO* a written report of records required under *condition 11*, where these records have not already been provided under *condition 12(a)* of this permit.

DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.

Table 2: Definitions

Term	Definition	
CEO	Chief Executive Officer of the <i>department</i> responsible for the administration of the <i>clearing</i> 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 <i>EP Act</i> .	
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 <i>EP Act</i> , which includes Part V Division 3.	
dieback	means the effect of <i>Phytophthora</i> species on <i>native vegetation</i> .	
direct seeding	means a method of re-establishing vegetation through 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, or who is approved by the <i>CEO</i> as a suitable environmental specialist.	
EP Act	Environmental Protection Act 1986 (WA)	
fill	means material used to increase the ground level, or to fill a depression.	
local provenance	means <i>native vegetation</i> seeds and propagating material from natural sources within 100 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.		
native vegetation has the meaning given under section $3(1)$ and section $51A$ Act .		
offset site	means the area cross-hatched red in Figure 2 of Schedule 1.	
optimal time	means the period from April to June for undertaking <i>planting</i> and <i>seeding</i> .	
planting means the re-establishment of vegetation by creating favo conditions and planting seedlings of the desired species.		
regeneration	means <i>revegetation</i> that can be established from in situ seed banks contained either within the topsoil or seed-bearing <i>mulch</i> .	
rehabilitate, rehabilitated and rehabilitation	means actively managing an area containing <i>native vegetation</i> in order to improve the ecological function of that 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.	
rehabilitation area/s	means the area cross-hatched red in Figure 2 of Schedule 1.	

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Term	Definition		
revegetate/ed/ion	means the re-establishment of a cover of <i>local provenance native</i> 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.		
revegetation plan	means a plan developed by the Permit Holder for the <i>revegetation</i> and <i>rehabilitation</i> of the <i>offset site</i> in accordance with <i>condition 10</i> of this Permit. "Shire of Capel – Offset Site Revegetation Plan – Weld Road and Payne Street" (Natural Area, 2020).		
weed/s	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.		

END OF CONDITIONS

Mathew Gannaway MANAGER

NATIVE VEGETATION REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986

15 December 2023

Schedule 1

The boundary of the area authorised to be cleared is shown in the maps below (Figure 1A and Figure 1B).

CPS 8933/2 - Map A

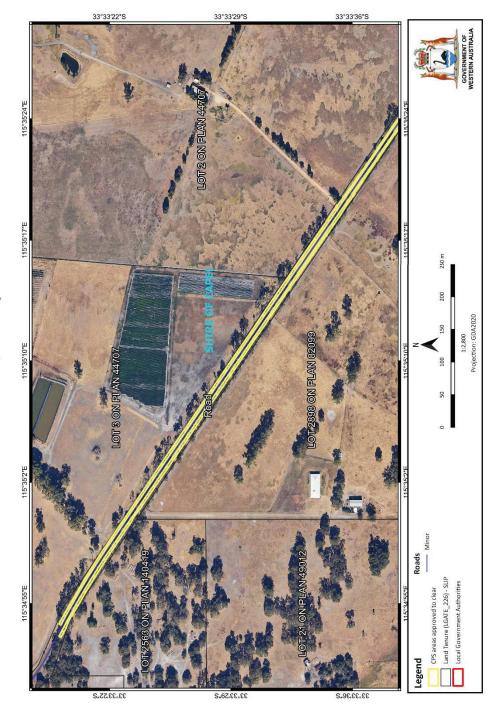


Figure 1A: Map of the boundary of the area within which clearing may occur.

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CPS 8933/2 - Map B

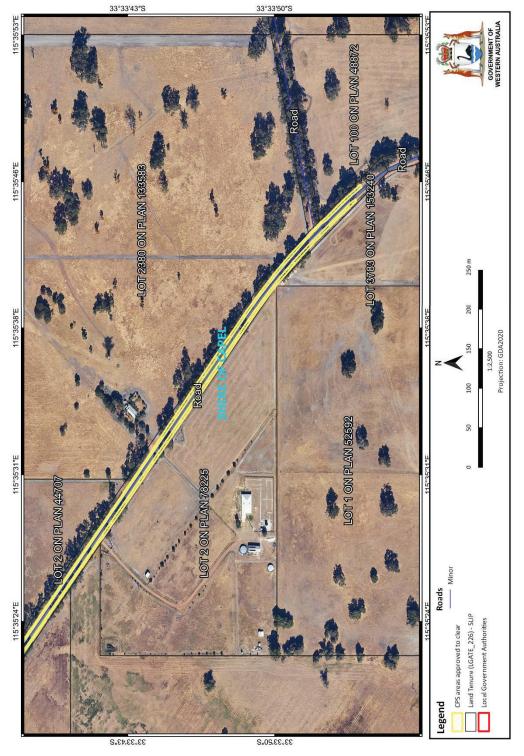


Figure 2B: Map of the boundary of the area within which clearing may occur.

The boundary of the area where revegetation and rehabilitation must occur is shown in the map below (Figure 2).



Figure 2: Map of the boundary of the area within which revegetation and rehabilitation must occur.

Schedule 2

Completion Criteria

Table 3: completion criteria for the rehabilitation and revegetation within the areas cross-hatched red in Figure 2 of Schedule 1.

gure 2 of Schedule 1.					
Aspect	Completion criteria	Monitoring			
Species richness	Species richness in the <i>offset site</i> is at least 50 per cent of the species that have been planted.	The species in the <i>offset site</i> will be counted twice annually by an environmental specialist in spring and autumn for a minimum of three years after the last year plants were established.			
Vegetation structure – Tuart (<i>Eucalyptus gomphocephala</i>) woodland	Vegetation in the <i>offset site</i> to be broadly representative of Tuart-Jarrah-Marri vegetation structure present in the surrounding area.	Structure to be assessed twice annually by an <i>environmental</i> specialist in spring and autumn for a minimum of three years after the last year plants were established.			
Percentage of weeds present	 Reduction of more than 70 per cent of population density of <i>Ehrharta calycina</i> (Perennial Veldt Grass) Reduction of 90 per cent of <i>Trachyandra divaricata</i> (False Onion Weed) population No <i>Rubus laudatus</i> (Blackberry) or <i>Zantedeschia aethiopica</i> (Arum Lily) within the offset boundary. 	Monitor offset site for weeds by quadrats twice annually by an environmental specialist in spring and autumn for a minimum of three years after the last year plants were established.			
Survival rate to be achieved	The offset site needs to ensure a survival rate of at least 70 per cent of the density planted achieved in five years of the planting, including the following; 1. Tree species to have a 70 per cent survival rate, 2. Middle story species (shrubs) to have a 70 per cent survival rate, and 3. Understory species (herbs) to have a 70 per cent survival rate.	The number of surviving plants in the <i>offset site</i> will be monitored twice annually by an <i>environmental specialist</i> in spring and autumn for a minimum of three years after the last year plants were established.			
Stem density/ composition	Minimum plant density (p/ha) is: 1. Tree species to be planted at a rate of one tree per 12m², 2. Middle story species (Shrubs) to be planted at a rate of two shrubs per 5m², and 3. Understory species (Herbs) the be planted at a rate of one herb per 2m²	Stem density to be assessed twice annually by an environmental specialist in spring and autumn for a minimum of three years after the last year plants were established.			

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Aspect	Completion criteria	Monitoring
Patch size of bare ground	The <i>offset site</i> has no more than 30 m ² of bare ground.	The patch size of bare ground to be assessed twice annually by an <i>environmental specialist</i> in spring and autumn for a minimum of three years after the plants were established.
Gates and boundary fence	Gates and boundary fence of the offset site to be in good condition with no obvious damage that will enable the entry of fauna, including rabbits and/or kangaroos into the offset site.	Condition of the gates and fences in the offset site to be assessed twice annually in spring and autumn for a minimum of three years after the last year plants were established.

Target species

Table 4: Updated target species for *rehabilitation* and *revegetation* within the areas cross-hatched red in Figure 2 of Schedule 1.

Species	Common name	Life form	Cockatoo value F (foraging), N (nesting), R (roosting), U (unknown)
Acacia pulchella	Prickly Moses	Shrub	U
Acacia saligna	Orange Wattle	Shrub	F
Acacia stenoptera	Narrow Winged Wattle	Herb	U
Adenanthos meisneri	-	Shrub	U
Agonis flexuosa	Peppermint	Tree	F
Allocasuarina fraseriana	Sheoak	Tree	F
Allocasuarina humilis	Dwarf Sheoak	Shrub	U
Banksia attenuata	Slender Banksia	Tree	F
Banksia grandis	Bull Banksia	Tree	F
Bossiaea eriocarpa	Common Brown Pea	Shrub	U
Corymbia calophylla	Marri	Tree	F,N,R
Eucalyptus marginata	Jarrah	Tree	F,N,R
Eucalyptus gomphocephala	Tuart	Tree	F,N,R
Gompholobium confertum	-	Shrub	U
Gompholobium tomentosum	Hairy Yellow Pea	Shrub	U
Hakea prostrata	Harsh Hakea	Shrub	F
Hakea ruscifolia	Candle Hakea	Shrub	F
Hakea lissocarpha	Honey Bush	Shrub	F
Jacksonia furcellata	Grey Stinkwood	Shrub	F
Kunzea glabrescens	Spearwood	Shrub	U
Melaleuca thymoides	-	Shrub	U
Patersonia occidentalis	Purple Flag	Herb	U
Phyllanthus calycinus	False Boronia	Shrub	U
Spyridium globulosum	Basket Bush	Shrub	U
Stirlingia latifolia	Blueboy	Shrub	U
Xylomelum occidentale	Woody Pear	Tree	U



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number: CPS 8933/2

Permit type: Purpose permit

Applicant name: Shire of Capel

Application received: 24 February 2023

Application area: 1.12 hectares of native vegetation within a 3.77 hectare footprint

Purpose of clearing: Road widening and maintenance

Method of clearing: Mechanical clearing

Property: Weld Road reserve (PIN 11543462), Capel and Elgin

Location (LGA area/s): Shire of Capel

Localities (suburb/s): Capel

Elgin

1.2. Description of clearing activities

This amendment to clearing permit CPS 8933/1 is to alter the completion criteria and recommended species list for the offset required by the permit. The total extent of clearing proposed under this amendment (CPS 8933/2) is unchanged from the previous version of the permit and remains no more than 1.12 hectares of native vegetation within a footprint of 3.77 hectares within a single continuous area within Weld Road reserve (PIN 11543462) for the purpose of road widening and maintenance (see figure 1, section 1.5).

1.3. Decision on application

Decision: Granted

Decision date: 15 December 2023

Decision area: 1.12 hectares of native vegetation within a 3.77 hectare footprint as depicted in

Section 1.5, below.

1.4. Reasons for decision

On 11 April 2021, clearing permit CPS 8933/1 was granted to clear up to 1.12 hectares of native vegetation for the purpose of road widening and maintenance within Weld Road reserve (PIN 11543462), Capel.

After annual monitoring efforts of the offset area for clearing permit CPS 8933/1 indicated that the offset was failing to comply with the completion criteria, the Shire of Capel, in conjunction with the Department of Biodiversity, Conservation and Attractions (DBCA), developed a revised set of completion criteria (see Section 2.2) that is better suited to what has been achievable to date while also achieving the outcomes of the required offset.

The Delegater Officer amended condition 10 on the permit to reflect the changes to the completion criteria and the recomended species list, both of which were approved by the DBCA. Minor updates to the clearing permit's definitions and wording within all conditions were also undertaken to align with current department procedures and policies. The

permit duration has also been extended to allow for any additional remidial actions to occur as a result of the revised completion criteria.

Based on the revised set of completion criteria and advice from DBCA, the Delegated officer determined to grant an amended clearing permit.

In initiating this amendment, the Delegated Officer reviewed the information available at the time of the amendment and noted that the site characteristics and assessment against the clearing principles, as well as planning and other matters, have not changed from the Clearing Permit Decision Report CPS 8933/1.

1.5. Site maps

CPS 8933/2 - Context Map

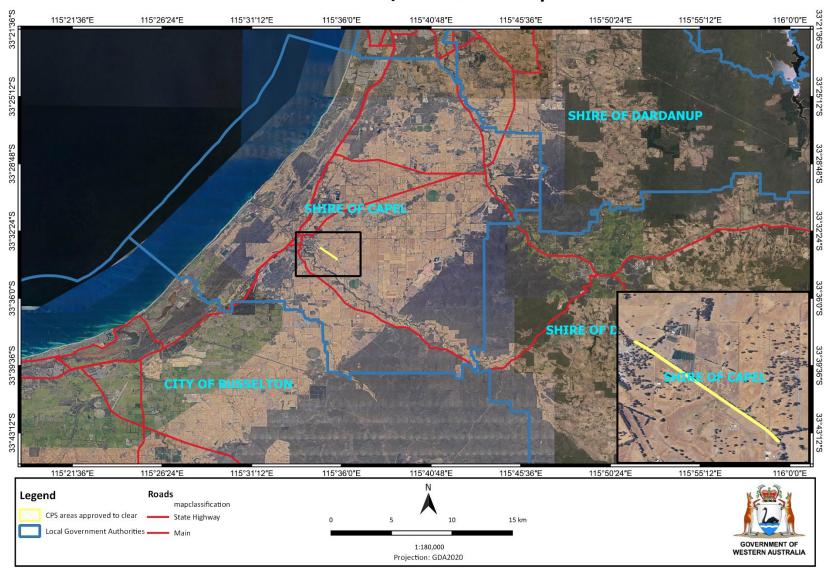


Figure 1: Context map of the application area. The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit.

CPS 8933/2 - Map A



Figure 1A: Map of the application area. The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit. The areas crosshatched red indicate areas for which fauna management conditions apply.

CPS 8933/2 - Map B

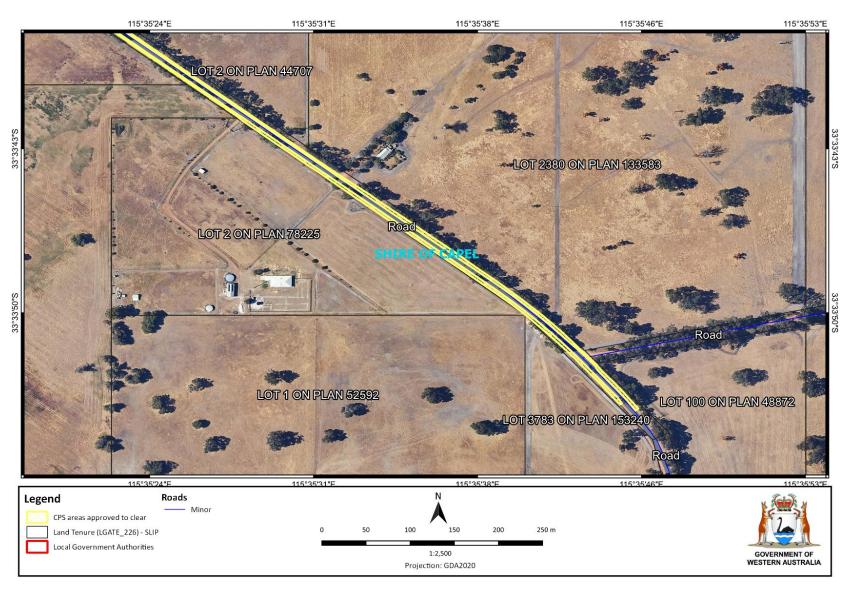


Figure 1B: Map of the application area. The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit. The areas crosshatched red indicate areas for which fauna management conditions apply.

CPS 8933/2 - Map C



Figure 4: Map of the offset area. The area cross-hatched red indicates area which will be revegetated in accordance with the offset conditions on the permit.

2 Detailed assessment of application

2.1. Avoidance and mitigation measures

Given the amendment is a result of remediation actions to the revegetation management plans Completion Criteria and targeted species in order to fulfil the offset requirements of CPS 8933/1, the avoidance and mitigation measures proposed by the permit holder remain unchanged from the previous assessment of the permit and can be found in the Decision Report prepared for Clearing Permit 8933/1.

2.2. Assessment of impacts on environmental values

This amendment is a result of remediation actions determined to be appropriate after monitoring the offset location of CPS 8933/1. Natural Areas carried out the annual monitoring efforts and found that the revegetation was failing the completion criteria milestones set out in the revegetation management plan. These milestones included achieving the required survival rate, stem density/composition, and patch size of bare ground between 2021-2023 (Natural Area, 2022).

The DBCA conducted a site visit on Lot 150 on Plan 29857 and acknowledged the difficulties of fulfilling the offset criteria of CPS 8933/1 within an ex-grazing paddock (Shire of Capel, 2023b). As such, the Shire of Capel, in conjunction with the DBCA, developed a revised set of completion criteria and recommended planting species list to be implemented that is better suited to what has been achievable to date while also addressing the offset requirements of CPS 8933/1. DWER determined that the revised completion criteria and recommended planting species, endorsed by the DBCA, were adequate to fulfil the offset requirements and would be implemented into the amendment of CPS 8933/1.

The Delegated Officer updated the permit to better reflect the revegetation plan that was submitted by Natural Area. Revisions were also made to the Target Species list of the revegetation management plan. The revisions to the completion criteria include, the need to ensure a survival rate of at least 70 per cent of the density planted achieved in five years following planting, the minimum plant density of tree species to be one tree per 12 meters squared, and a maximum bare ground size within the offset area to be 30 meters squared.

The revised Target Species list includes the following species:

Table 1: Revised target species list for revegetation activities

Species	Common name	Life form	Cockatoo value F (foraging), N (nesting), R (roosting), U (unknown)
Acacia pulchella	Prickly Moses	Shrub	U
Acacia saligna	Orange Wattle	Shrub	F
Acacia stenoptera	Narrow Winged Wattle	Herb	U
Adenanthos meisneri	-	Shrub	U
Agonis flexuosa	Peppermint	Tree	F
Allocasuarina fraseriana	Sheoak	Tree	F
Allocasuarina humilis	Dwarf Sheoak	Shrub	U
Banksia attenuata	Slender Banksia	Tree	F
Banksia grandis	Bull Banksia	Tree	F
Bossiaea eriocarpa	Common Brown Pea	Shrub	U
Corymbia calophylla	Marri	Tree	F,N,R
Eucalyptus marginata	Jarrah	Tree	F,N,R
Eucalyptus gomphocephala	Tuart	Tree	F,N,R
Gompholobium confertum	-	Shrub	U
Gompholobium tomentosum	Hairy Yellow Pea	Shrub	U
Hakea prostrata	Harsh Hakea	Shrub	F
Hakea ruscifolia	Candle Hakea	Shrub	F
Hakea lissocarpha	Honey Bush	Shrub	F
Jacksonia furcellata	Grey Stinkwood	Shrub	F
Kunzea glabrescens	Spearwood	Shrub	U
Melaleuca thymoides	-	Shrub	U
Patersonia occidentalis	Purple Flag	Herb	U

Species	Common name	Life form	Cockatoo value F (foraging), N (nesting), R (roosting), U (unknown)
Phyllanthus calycinus	False Boronia	Shrub	U
Spyridium globulosum	Basket Bush	Shrub	U
Stirlingia latifolia	Blueboy	Shrub	U
Xylomelum occidentale	Woody Pear	Tree	U

Given the above, the Delegated Officer considered that all other criteria outside of the offset changes, remain unchanged from the original assessment and can be found in the clearing permit Decision Report for CPS 8933/1 (DWER, 2021).

2.3. Relevant planning instruments and other matters

The assessment against planning instruments and other matters is unchanged and can be found in Decision Report prepared for Clearing permit CPS 8933/1

H.1. References

- Department of Water and Environmental Regulation (DWER) (2021) Purpose permit and decision report: CPS 8933/1. Available from https://ftp.dwer.wa.gov.au/permit/8933/.
- Office of the Appeals Convenor (2021) Appeals Convenor's Report to the Minister for Environment: Appeal against conditions of clearing permit CPS 8933/1 Upgrade Weld Road reserve, Shire of Capel. Office of the Appeals Convenor, Western Australia. Available at: https://www.appealsconvenor.wa.gov.au/Appeal?id=31738.
- Shire of Capel (2020) Clearing permit application CPS 8933/1, received 03 June 2020 (DWER Ref: A1899578).
- Shire of Capel (2022) supporting information for clearing permit application CPS 8933/1, offset monitoring report, received 24 February 2023 (DWER Ref: DWERDT760796).
- Shire of Capel (2023a) *Clearing permit application CPS* 8933/1, received 24 February 2023 (DWER Ref: DWERDT740539).
- Shire of Capel (2023b) supporting information for clearing permit application CPS 8933/1, Letter from the DBCA, received 24 February 2023 (DWER Ref: DWERDT760796).
- Shire of Capel (2023c) supporting information for clearing permit application CPS 8933/1, Letter for clearing permit completion criteria amendment, received 15 September 2023 (DWER Ref: DWERDT836230).
- Shire of Capel (2023d) supporting information for clearing permit application CPS 8933/1, offset monitoring report, received 13 July 2023 (DWER Ref: DWERDT847212).