



GOVERNMENT OF  
WESTERN AUSTRALIA

## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 9094/2  
File Number: DWERVT6813  
Duration of Permit: From 24 October 2021 to 24 October 2024

### PERMIT HOLDER

Mr Steven John Lynch  
Ms Lisa Narelle Lynch

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 2168 on Deposited Plan 206919, Denbarker

### AUTHORISED ACTIVITY

The permit holder must not clear more than 17.97 hectares of *native vegetation* within the area hatched yellow in Figure 1 of Schedule 1.

### CONDITIONS

#### 1. 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.

#### 2. 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.

### 3. Directional clearing

The permit holder must conduct clearing activities in a slow, progressive manner in one direction towards the nearest *native vegetation* that will be retained to allow fauna to move into that *native vegetation* ahead of the clearing activity.

### 4. Offset (conservation covenant)

- (a) Prior to 24 October 2023 the permit holder must provide to the CEO a copy of the conservation covenant under section 30B of the *Soil and Land Conservation Act 1945* setting aside the combined areas hatched red on Figure 1 and Figure 2 of Schedule 1, located on Lot 5 on Diagram 96612 and Lot 2168 on Deposited Plan 206919, for the protection and management of native vegetation in perpetuity; and
- (b) Within 12 months of commencing clearing under this permit, the permit holder must fence the combined areas hatched red on Figure 1 and Figure 2 of Schedule 1, located on Lot 5 on Diagram 96612 and Lot 2168 on Deposited Plan 206919, to exclude livestock.

### 5. 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	<ol 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, minimise, and reduce the impacts and extent of clearing in accordance with condition 1;</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 2; and</li><li>(g) actions taken to allow fauna to move into adjacent <i>native vegetation</i> in accordance with condition 3.</li></ol>

No.	Relevant matter	Specifications
2.	In relation to the offset pursuant to condition 4	(a) the date that the fencing was completed; and (b) photographs of the completed fencing taken at regular intervals along the boundaries of the areas hatched red on Figure 1 and Figure 2 of Schedule 1.

## 6. Reporting

The permit holder must provide to the *CEO* the records required under condition 5 of this permit when requested by the *CEO*.

## 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.
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)
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.

## END OF CONDITIONS



Mathew Gannaway

**MANAGER**

NATIVE VEGETATION REGULATION

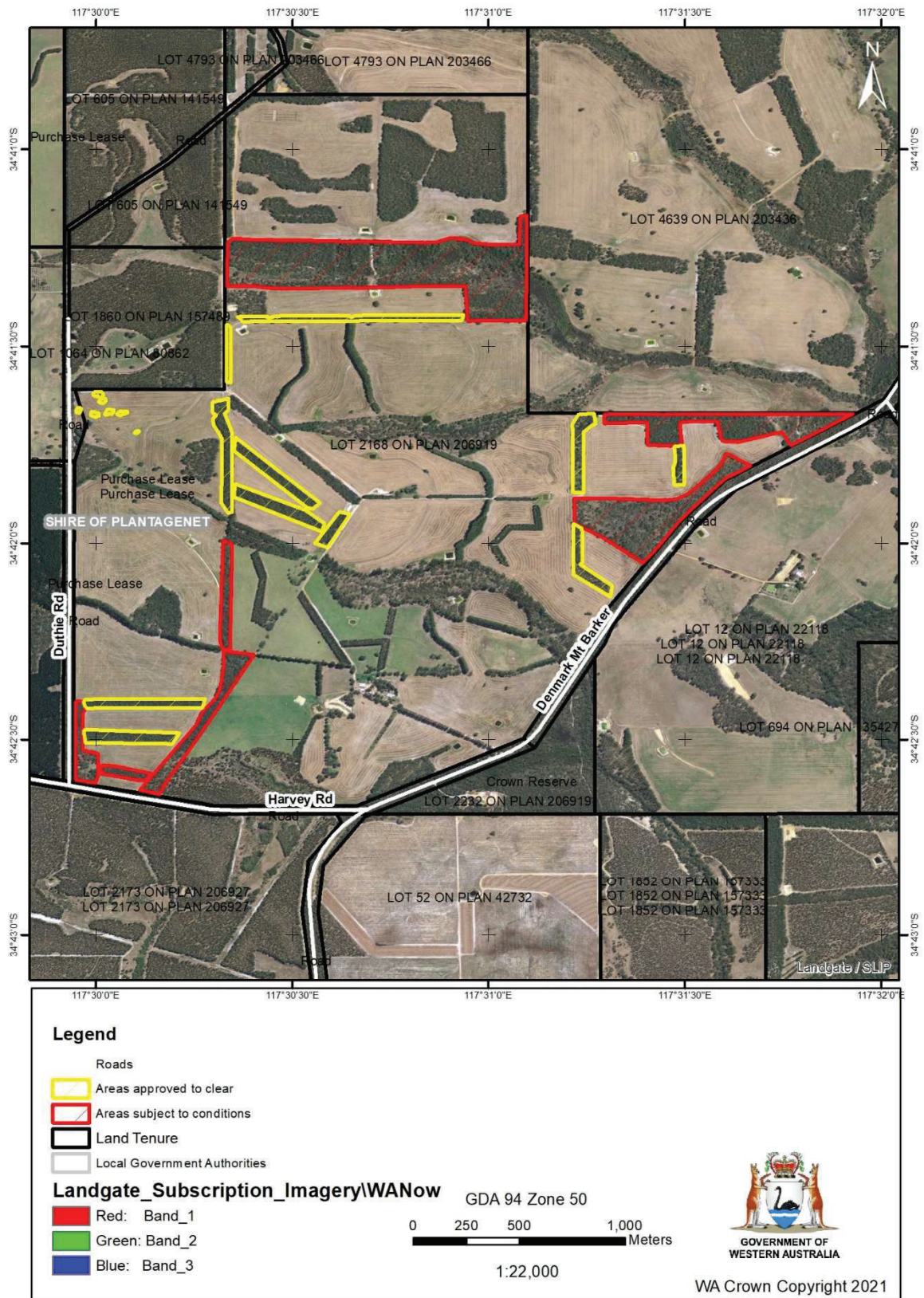
*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

9 December 2022

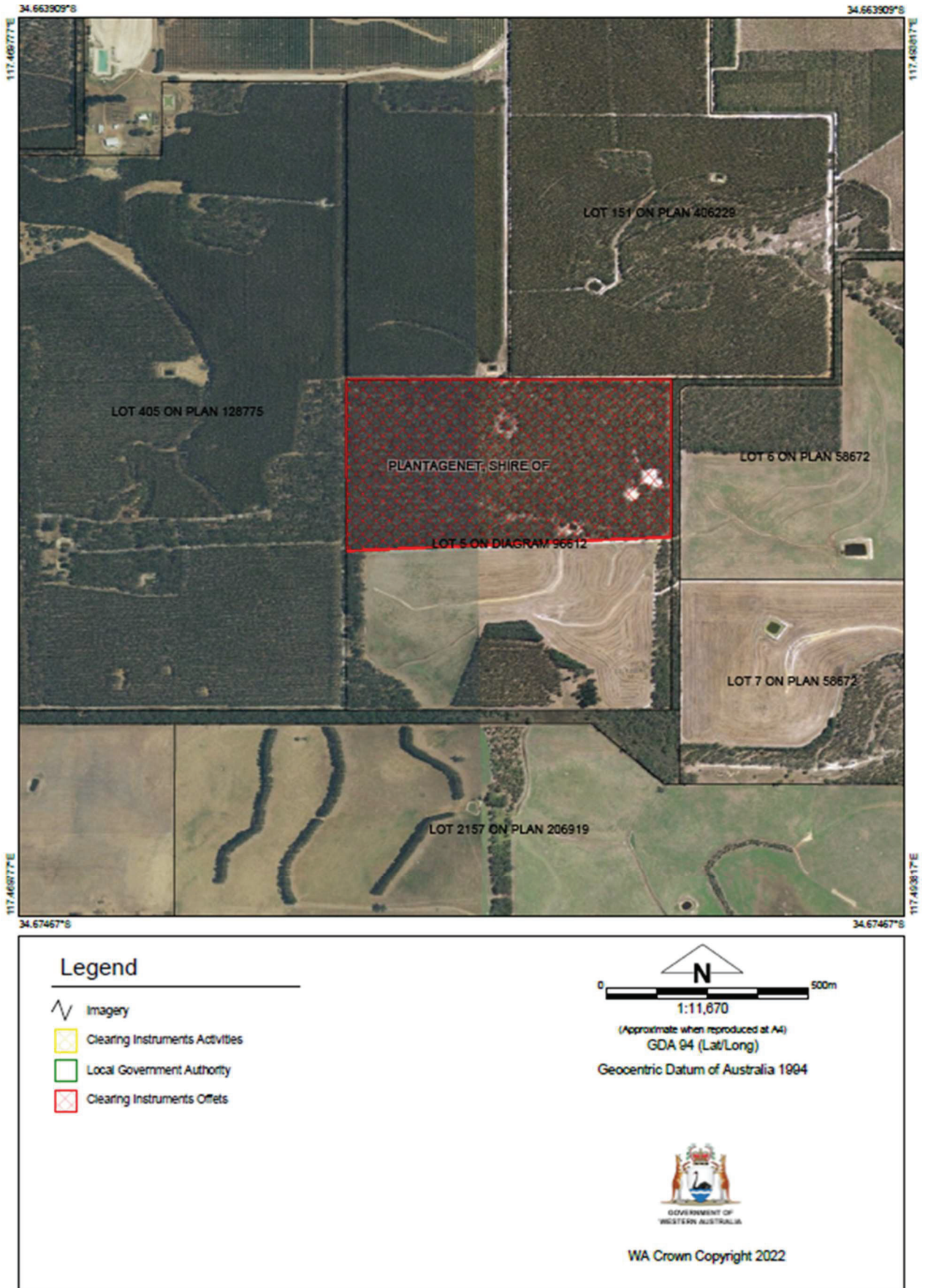
CPS 9094/2, 9 December 2022

# SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1).



**Figure 1: Map of the boundary of the area within which clearing may occur and of the area to which condition 4 applies.**



**Figure 2: Map of the boundary of the area within which clearing may occur and of the area to which condition 4 applies.**



# Clearing Permit Decision Report

## 1. Application details and outcome

### 1.1. Permit application details

Permit number:	CPS 9094/2
Permit type:	Area permit
Applicant name:	Mr Steven John Lynch and Ms Lisa Narelle Lynch
Purpose of clearing:	Improving farm efficiency for crop production.
Property:	Lot 2168 on Deposited Plan 206919, Denbarker
Location (LGA area/s):	Shire of Plantagenet

### 1.2. Description of clearing activities

The purpose of the clearing is to improve farm efficiency, primarily in relation to crop production.

The vegetation proposed to be cleared comprises 13 separate areas. Twelve of the areas are linear strips of vegetation which combined measure 19.8 hectares and have dimensions ranging from between 20 to 65 metres wide by 180 to 880 m long (approx.). The remaining area is made up of seven small patches of paddock trees (0.07 hectares). The paddock trees did not form part of the original application area but were included later at the request of the applicant.

The application area was further revised during the assessment in response to preliminary findings communicated to the applicant. The applicant agreed to the removal of one of the linear strips of vegetation measuring 1.9 hectares. Therefore, the final revised area measures 17.97 hectares.

### 1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	9 December 2022
Decision area:	17.97 hectares (ha) of native vegetation.

### 1.4. Reasons for decision

On 30 September 2021, the Department of Water and Environmental Regulation (DWER) determined to grant Clearing Permit CPS 9094/1 to clear up to 17.97 hectares of native vegetation for the purpose of improving farm efficiency, primarily in relation to crop production.

One appeal was lodged against the conditions of the clearing permit CPS 9094/1, covering one ground of appeal.

This clearing permit amendment gives effect to the Minister for Environment (Minister) determination to allow the appeal in part (Appeal number: 040 of 2021). The Minister has requested DWER to amend the permit to clear by increasing the offset from 56 hectares to approximately 96 hectares by incorporating an area of additional vegetation identified by the permit holder to the northwest of the property which is already fenced to exclude stock.

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 9094/1. As a result of the appeal determination, the assessment against the clearing principles have not changed from the Clearing Permit Decision Report CPS 9094/1.

The Minister found that the offset applied by DWER was insufficient to counterbalance the significant residual impacts to black cockatoo foraging habitat.

The Minister determined that the vegetation approved to be cleared is in better condition than that assessed by DWER, and the areas to be offset possess overall lower values for black cockatoos than considered by DWER. As a result of this, the offset approved by the DWER does not counterbalance the significant residual impacts of the clearing.

The Minister therefore allowed the appeal to the extent that the offset is increased from 56 hectares to approximately 96 hectares by incorporating an area of additional vegetation identified by the permit holders to the northwest of the property within Lot 5 on Deposited Plan 96612. It is understood that this area is already fenced to exclude stock.

The additional offset area set by this decision is understood to be below the 100 per cent threshold under the State offset calculator. However, the Minister found that the additional area is acceptable in this case given the significant increase over what was originally approved by DWER and the good faith in which the permit holder engaged in the process.

The assessment against the clearing principles and planning and other matters have not changed from the Clearing Permit Decision Report CPS 9094/1.

## **Appendix A - References and databases**

### **1. References**

Department of Water and Environmental Regulation (DWER) (2022) Purpose permit and decision report: CPS 9094/1 . <https://ftp.dwer.wa.gov.au/permit/9094/Permit/>

Office of the Appeals Convenor (2022) Report to the Minister for Environment – Appeal against decision to grant a clearing permit – Clearing Permit CPS 9094/1.