



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 9296/2
Permit Holder:	World Range Pty Ltd
Duration of Permit:	From 15 January 2022 to 15 January 2032

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 sand extraction.

2. Land on which clearing is to be done

Lot 2 on Deposited Plan 14927, Uduc

3. Clearing authorised

The permit holder must not clear more than 8.6 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.

4. Period during which clearing is authorised

The permit holder must not clear any native vegetation after 15 January 2027.

PART II – MANAGEMENT CONDITIONS

5. 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.

6. 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.

7. Wind erosion management

The permit holder must commence extractive industry activities no later than three (3) months after undertaking the authorised clearing activities to reduce the potential for wind erosion.

8. Revegetation and rehabilitation

The permit holder must:

- (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) *revegetate* and *rehabilitate* areas cleared for *temporary works* within 12 months of the area no longer being required for the purpose for which it was cleared, 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) laying the vegetative material and topsoil retained under condition 8(a) on the cleared area(s); and
 - (iv) undertake *weed* control activities biannually to reduce *weed* cover within the cleared areas to no greater than the *weed* cover within the surrounding five metres of uncleared land.

PART III - RECORD KEEPING AND REPORTING

9. 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	(a) the species composition, structure, and density of the cleared area; (b) the location where the clearing occurred,
No.	Relevant matter	Specifications

		<p>recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings;</p> <p>(c) the date that the area was cleared;</p> <p>(d) the size of the area cleared (in hectares); and</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 6; and</p> <p>(g) actions taken in accordance with condition 7.</p>
2.	In relation to the <i>revegetation</i> and <i>rehabilitation</i> of areas pursuant to condition 8	<p>(a) the size of the area <i>revegetated</i> and <i>rehabilitated</i>;</p> <p>(b) the date(s) on which the <i>revegetation</i> and <i>rehabilitation</i> was undertaken; and</p> <p>(c) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken.</p>

10. Reporting

The permit holder must provide to the *CEO* the records required under condition 9 of this permit when requested by the *CEO*.

DEFINITIONS

In this permit, the terms in Table 2 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.
Term	Definition

native vegetation	has the meaning given under section 3(1) and section 51A of the EP Act.
rehabilitate / rehabilitated / rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
revegetate / vegetated / revegetation	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.
temporary works	means access tracks, spoil areas, side tracks, site offices, storage areas, laydown areas, extraction sites, camps, project surveys, pre-construction activities, and similar works associated with a project activity that are temporary in nature.
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*

27 July 2022

Schedule 1



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



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 9296/2
Permit type:	Purpose permit
Applicant name:	World Range Pty Ltd
Application area:	8.6 hectares of native vegetation
Purpose of clearing:	Sand extraction
Method of clearing:	Mechanical Removal
Property:	Lot 2 on Deposited Plan 14927
Location (LGA area/s):	Shire of Harvey
Localities (suburb/s):	Uduc

1.2. Description of clearing activities

The vegetation proposed to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5). The application is divided into two areas (see Appendix F). Area 1A to re-clear trees and shrubs that have regrown from previous clearing under CPS 7978/1 and Area 1B which has not been previously cleared. The application is to clear re-grown vegetation to allow for sand extraction.

1.3. Decision on application

Decision:	Granted
Decision date:	27 July 2022
Decision area:	8.6 hectares of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

On 23 December 2021, the Department of Water and Environmental Regulation (DWER) determined to grant World Range Pty Ltd's Clearing Permit CPS 9296/1 for the clearing of 8.6 hectares of native vegetation within Lot 2 on Deposited Plan 14927, Uduc, for the purpose of sand extraction.

One appeal (hereafter referred to as the appeal) was lodged against the decision to grant a clearing permit with conditions, covering two grounds of appeal.

Having considered the information available to the Western Australian Minister for Environment (Minister), including the Department's response to the appeal and the Appeals Convenor's report and recommendation, the Minister allowed the appeal in part, to the extent that permit condition 8(c) is removed from the clearing permit.

The Delegated Office had taken the above into consideration and decided to grant an amended clearing permit to reflect the Minister's determination. The Delegated Officer removed condition 8(c) from the clearing permit.

1.5. Site map

CPS 9296/1 - Context Map

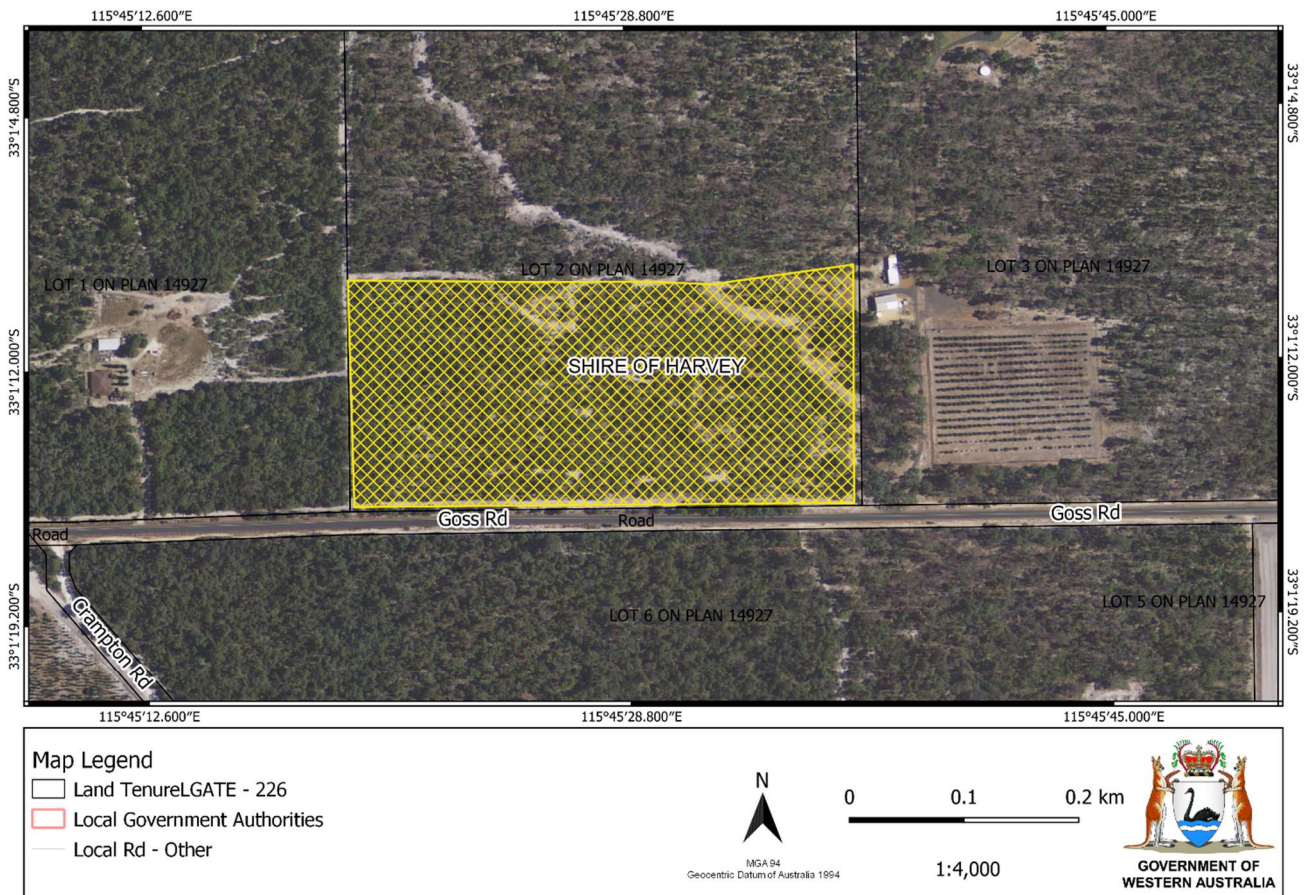


Figure 1 Map of the application area

The area crosshatched yellow indicates the area authorised to be cleared under the granted clearing permit.

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the *Environmental Protection Act 1986* (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)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D 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)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

Evidence was submitted by the applicant, demonstrating that area 1A to be cleared was previously cleared in August 2019 under CPS 7978/1. This area requires light clearing due to early regrowth of scattered vegetation. Area 1B has not previously been cleared however aerial imagery and evidence provided by the applicant suggest the 0.53 hectare area of vegetation is in good to degraded condition.

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles identified the impacts of the proposed clearing are limited and able to be managed to be environmentally acceptable with standard avoid and minimize, and erosion management conditions.

The consideration of these impacts, and the extent to which they can be managed through conditions applied in line with sections 51H and 51I of the EP Act, are consistent with the assessment under CPS 9296/1.

3.3. Relevant planning instruments and other matters

The assessment against planning instruments and other matters has not changed since the assessment under CPS 9296/1.

To give effect to a decision of the Minister under the EP Act, the Chief Executive Officer of DWER or their delegates may amend a clearing permit under section 51K(h) of the EP Act. Section 105(aa) of the EP Act states that amendments made under this section of EP Act are not appealable. On this basis, the abovementioned amendments made by the Delegated Officer to reflect the Minister's determination on the appeal against Clearing Permit CPS 9296/1 are not available for third party appeal.

On 21 June 2022, in accordance with section 51M(2) of the EP Act, the Department provided World Range Pty Ltd an opportunity to provide comments on Draft Clearing Permit CPS 9296/2.

On 19 July 2022, the permit holder provided comments on Draft Clearing Permit CPS 9296/2, advising that they do not agree with the Ministers decision to remove condition 8(c) and noting they intend to apply for a new clearing permit in the future to enable the final land use of the clearing area to include horticulture.

End