



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 9318/2  
File Number: DWERVT8077  
Duration of Permit: From 21 October 2023 to 21 October 2026

### PERMIT HOLDER

Jamie Peter Burton and Victoria Jane Burton

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 9000 on Deposited Plan 66307, Derby

### AUTHORISED ACTIVITY

The permit holder must not clear more than 404.77 hectares of *native vegetation* within the area cross-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. Trees not authorised to clear

- (a) Prior to undertaking any clearing authorised under this Permit, the permit holder must identify, record, and photograph all trees with a diameter at breast height of 50 centimetres or greater within the areas cross-hatched red in Figure 2 of Schedule 1.
- (b) The permit holder must retain all trees with a diameter at breast height of 50 centimetres or greater as identified in condition 2(a).

- (c) On completion of clearing authorised under this Permit, the permit holder must identify, record, and photograph all trees retained in accordance with condition 2(b).

### 3. Weed 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*:

- (a) clean earth-moving machinery 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 areas to be cleared.

### 4. Directional clearing

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

### 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	<p>(a) the species composition, structure, and density of the cleared area;</p> <p>(b) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to GDA2020, 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);</p> <p>(e) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 1; and</p> <p>(f) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> in accordance with condition 3.</p>

No.	Relevant matter	Specifications
2.	In relation to condition 2	<p>(a) the location of all trees with a diameter at breast height of 50 centimetres or greater identified and retained, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2000 (GDA2000), expressing the geographical coordinates in Eastings and Northings;</p> <p>(b) photographs of all trees identified, taken prior to clearing; and</p> <p>(c) photographs of all trees retained, taken after clearing.</p>

## 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 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.
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.
fill	means material used to increase the ground level, or to fill a depression.
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 – <ul style="list-style-type: none"> <li>(a) that is a declared pest under section 22 of the <i>Biosecurity and Agriculture Management Act 2007</i>; or</li> <li>(b) published in a Department of Biodiversity, Conservation and Attractions species-led ecological impact and invasiveness</li> </ul>

Term	Definition
	ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

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**END OF CONDITIONS**



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**Meenu Vitarana**

**Manager**

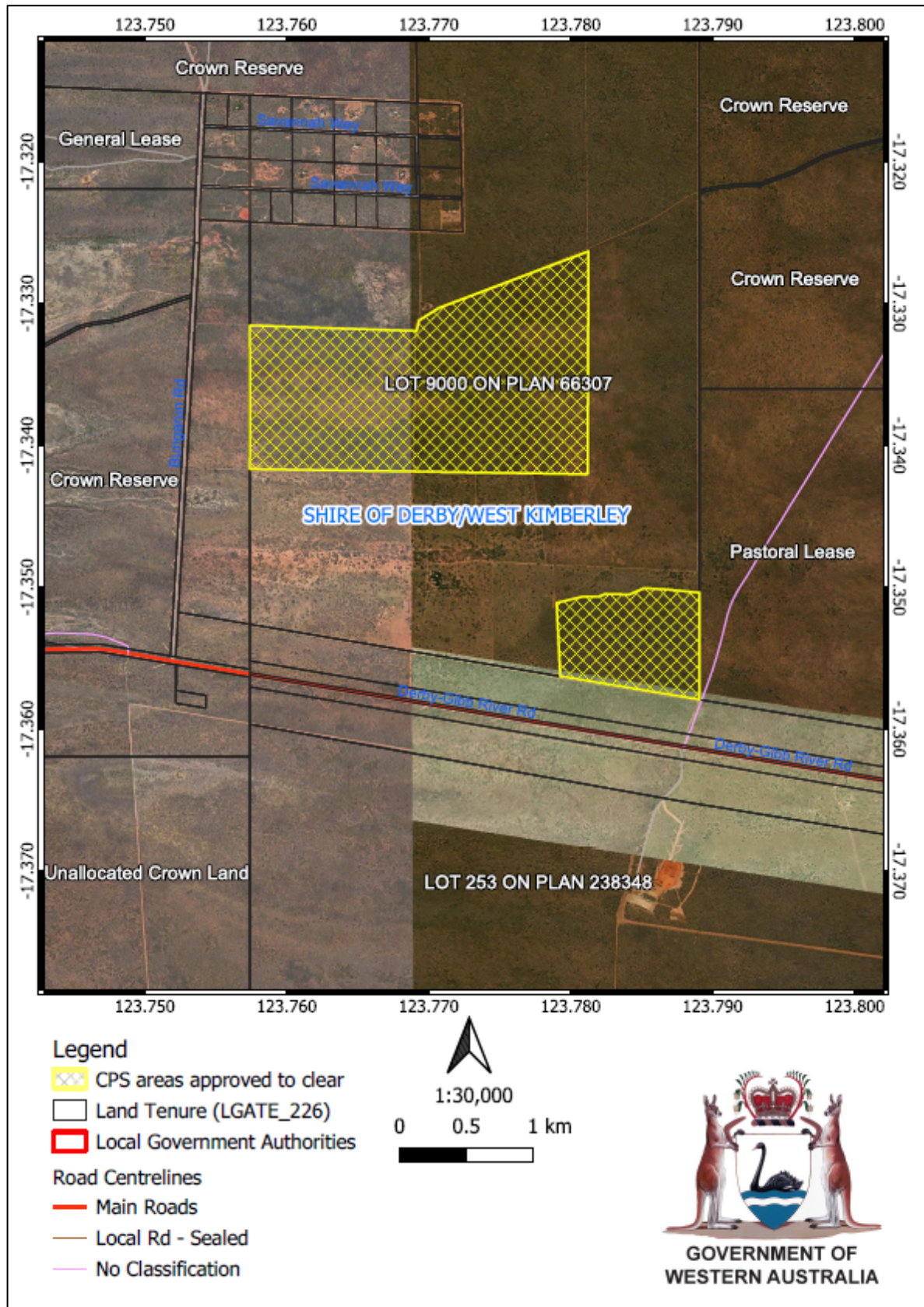
**NATIVE VEGETATION REGULATION**

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

28 June 2024

# SCHEDULE 1

The boundary of the area authorised to be cleared is shown in the map below.



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

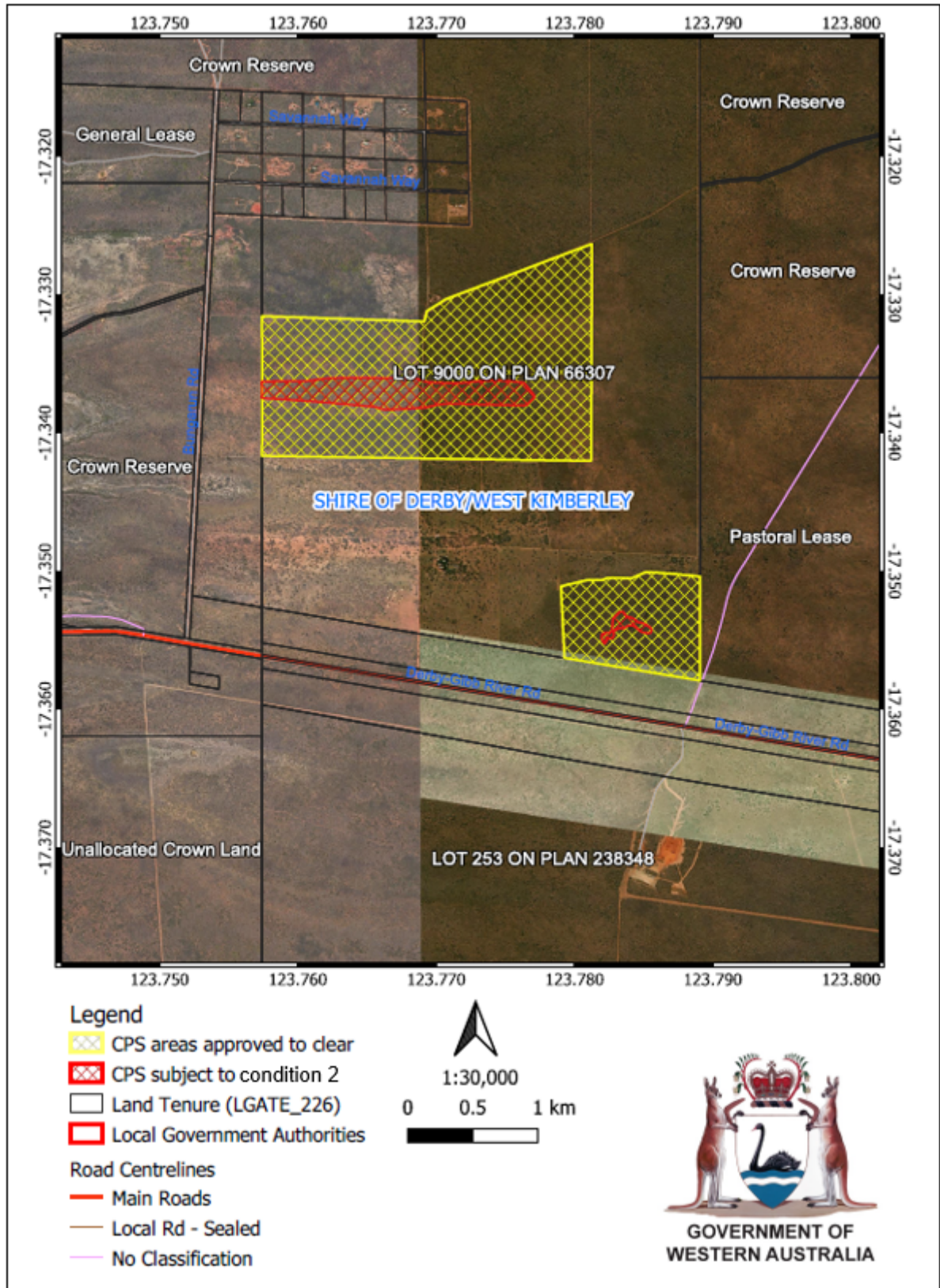


Figure 2: Map of the areas subject to condition 2 (crosshatched red)



## Clearing Permit Decision Report

### 1 Application details and outcome

#### 1.1. Permit application details

<b>Permit number:</b>	CPS 9318/2
<b>Permit type:</b>	Area permit
<b>Applicant name:</b>	Jamie Peter Burton and Victoria Jane Burton
<b>Application received:</b>	9 June 2021
<b>Application area:</b>	404.77 hectares of native vegetation
<b>Purpose of clearing:</b>	Pasture quality improvement for cattle grazing and hay production
<b>Method of clearing:</b>	Mechanical and burning
<b>Property:</b>	Lot 9000 on Deposited Plan 66307
<b>Location (LGA area/s):</b>	Shire of Derby
<b>Localities (suburb/s):</b>	Derby

#### 1.2. Description of clearing activities

The vegetation proposed to be cleared is distributed across two separate areas (see Figure 1, Section 1.5). The application is to clear regrowth trees and understory in a parkland to re-establish pasture for cattle grazing and hay production. The proposed clearing area has previously been cleared (Figure 1), but now has substantial woody scrub/acacia regrowth with low quality pastures. Regrowth scrub/acacia is proposed to be removed and significant trees to be retained (JP and VJ Burton, 2021).

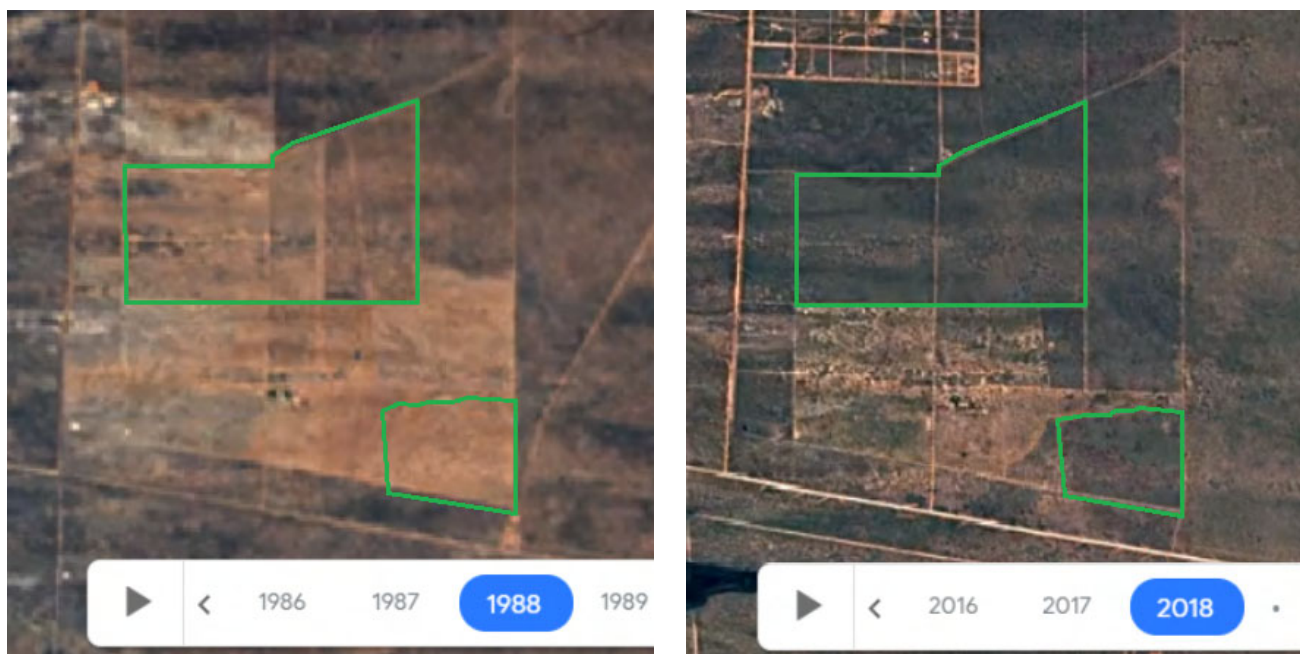


Figure 1. Aerial images showing the vegetation cover in the application area in years 1988 (left) and 2018 (right)

### 1.3. Decision on application

<b>Decision:</b>	Granted
<b>Decision date:</b>	28 June 2024
<b>Decision area:</b>	404.77 hectares of native vegetation, as depicted in Section 1.5, below.

### 1.4. Reasons for decision

On 27 September 2023, the Department of Water and Environmental Regulation (DWER) determined to grant Clearing Permit CPS 9318/1 to clear up to 404.77 hectares of native vegetation for the purpose of pasture quality improvement for cattle grazing and hay production.

Two appeals were lodged objecting to the grant of the clearing permit CPS 9318/1, covering 10 grounds of appeal.

This clearing permit amendment gives effect to the Minister for Environment (Minister) determination to allow the appeal in part (Appeal number: 044 of 2023). The Minister has requested DWER to amend the permit with two minor amendments, as follows:

- Amend condition 5 to delete the word “dieback”.
- Amend Figure 2 in Schedule 1 to change the words “CPS subject to conditions” to “CPS subject to condition 2”.

The Delegated Office had taken the above into consideration and determined to grant an amended clearing permit in accordance with the Minister’s determination.



1.5. Site map

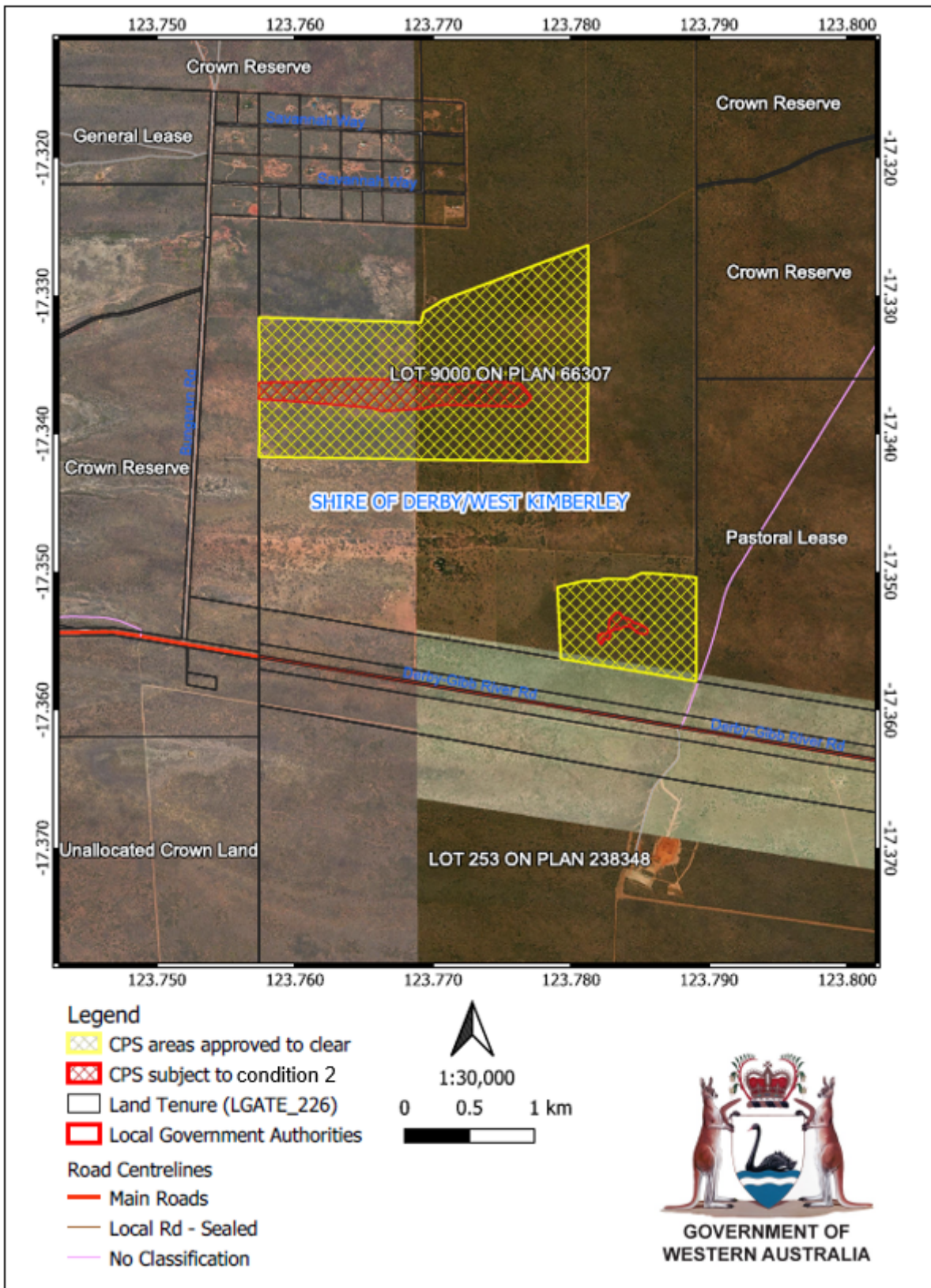


Figure 2. Map of the application area

The areas crosshatched yellow indicate the areas authorised to be cleared under the granted clearing permit. The areas crosshatched red indicate areas within which large trees are to be retained.

## 2 Assessment of application

This amendment is the result of an appeal determination made by the Minister for Environment objecting to the grant of the clearing permit CPS 9318/1.

The Minister found that the impacts of the proposed clearing were adequately assessed and DWER appropriately evaluated the regenerated vegetation including biodiversity and potential as habitat for conservation significant species.

The Minister determined that as the clearing would not be at variance, or be likely to be at variance, to the clearing principles, an offset was not required for the proposed clearing ants.

As a result of the appeal determination that DWER's assessment and decision to grant the permit was justified, the assessment against the clearing principles have not changed from the Clearing Permit Decision Report CPS 9318/1. This amendment is purely administrative in nature.

**End**

## Appendix A. References

Department of Water and Environmental Regulation (DWER) (2023) *CPS 9318-1 - Area permit with Plans and Decision report*. Available at: <https://ftp.dwer.wa.gov.au/permit/9318/Permit/>

Office of the Appeals Convenor (2024) *Minister's Appeal Determination - 044/23 Appeal against grant of clearing permit CPS 9318/1 Lot 9000 on Deposited Plan 66307, Derby*. Received 23 May 2024 (DWER Ref No. DWERDT954050).