



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 9333/2
Permit Holder:	Shire of Manjimup
Duration of Permit:	From 15 April 2022 to 6 December 2027

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 widening and intersection upgrades.

2. Land on which clearing is to be done

Old Vasse Road reserve (PIN 11243111), Yeagarup.

Old Vasse Road reserve (PIN 11243115), Yeagarup.

Hawke Road reserve (PIN 11243113), Yeagarup.

3. Clearing authorised

The permit holder must not clear more than 0.12 hectares of *native vegetation* within the areas cross-hatched yellow in Figure 1 of Schedule 1.

PART II – MANAGEMENT CONDITIONS

4. 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.

5. 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.

6. Directional clearing

The permit holder must conduct clearing activities in a slow, progressive manner from the cleared road verge toward adjacent vegetation to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

7. Offset – Lot 13916 on Deposited Plan 38045

- (a) Prior to 6 December 2023, the permit holder shall provide to the CEO a copy of the executed change in purpose of the area hatched red on Figure 1 of Schedule 2 within Lot 13916 on Deposited Plan 38045 (being a portion of Crown Reserve 13499), Quinninup, from ‘Gravel and Parkland Rehabilitation’ to ‘Conservation’, including the 0.43 hectare offset site hatched red on Figure 1 of Schedule 3.
- (b) In the event that the change in purpose of Lot 13916 on Deposited Plan 38045 (being a portion of Crown Reserve 13499) is not achieved in accordance with Condition 7(a) the permit holder must provide to the CEO an alternative offset proposal prepared in accordance with the Government of Western Australia’s *WA Environmental Offsets Policy* (September 2011) and *WA Environmental Offsets Guidelines* (August 2014).

PART III - RECORD KEEPING AND REPORTING

8. 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">(a) the species composition, structure, and density of the cleared area;(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;(c) the date that the area was cleared;(d) the size of the area cleared (in hectares);

No.	Relevant matter	Specifications
		(e) the direction that clearing was undertaken; (f) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 4; and (g) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 5.
2.	In relation to the offset site pursuant to condition 7	(a) actions taken to execute a change in purpose of the area hatched red on Figure 1 of Schedule 2 within Lot 13916 on Deposited Plan 38045 (being a portion of Crown Reserve 13499) in accordance with condition 7

9. Reporting

The permit holder must provide to the *CEO* the records required under condition 8 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.
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

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

END OF CONDITIONS

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Ryan Mincham
MANAGER
NATIVE VEGETATION REGULATION

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

6 December 2022

Schedule 1

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

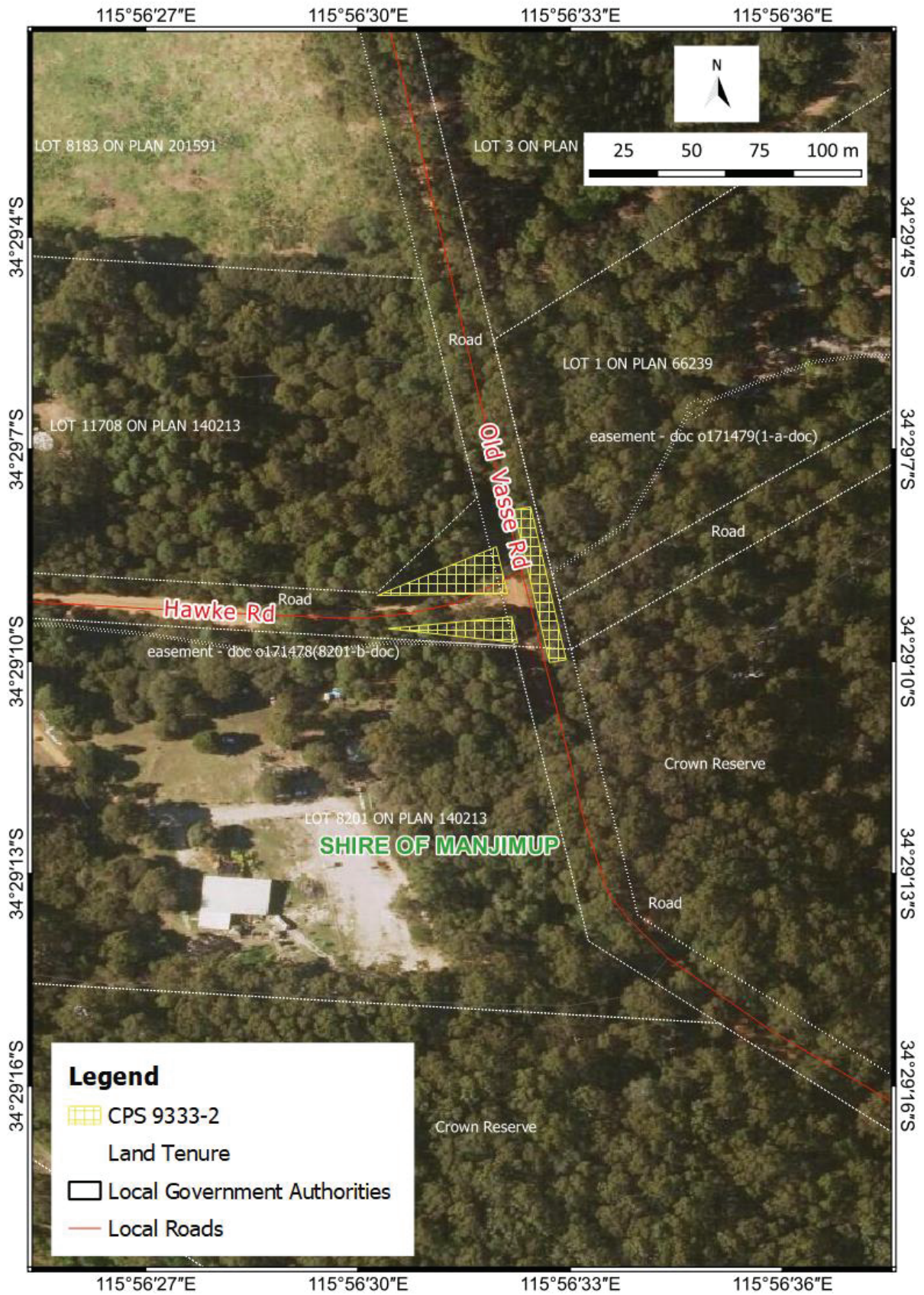


Figure 1: Map of the boundary of the area within which clearing may occur

Schedule 2

The portion of Lot 13916 on Deposited Plan 38045 (being a portion of Crown Reserve 13499) to be effected with a change of purpose from 'Gravel and Parkland Rehabilitation' to 'Conservation' is shown in the map below (Figure 1)

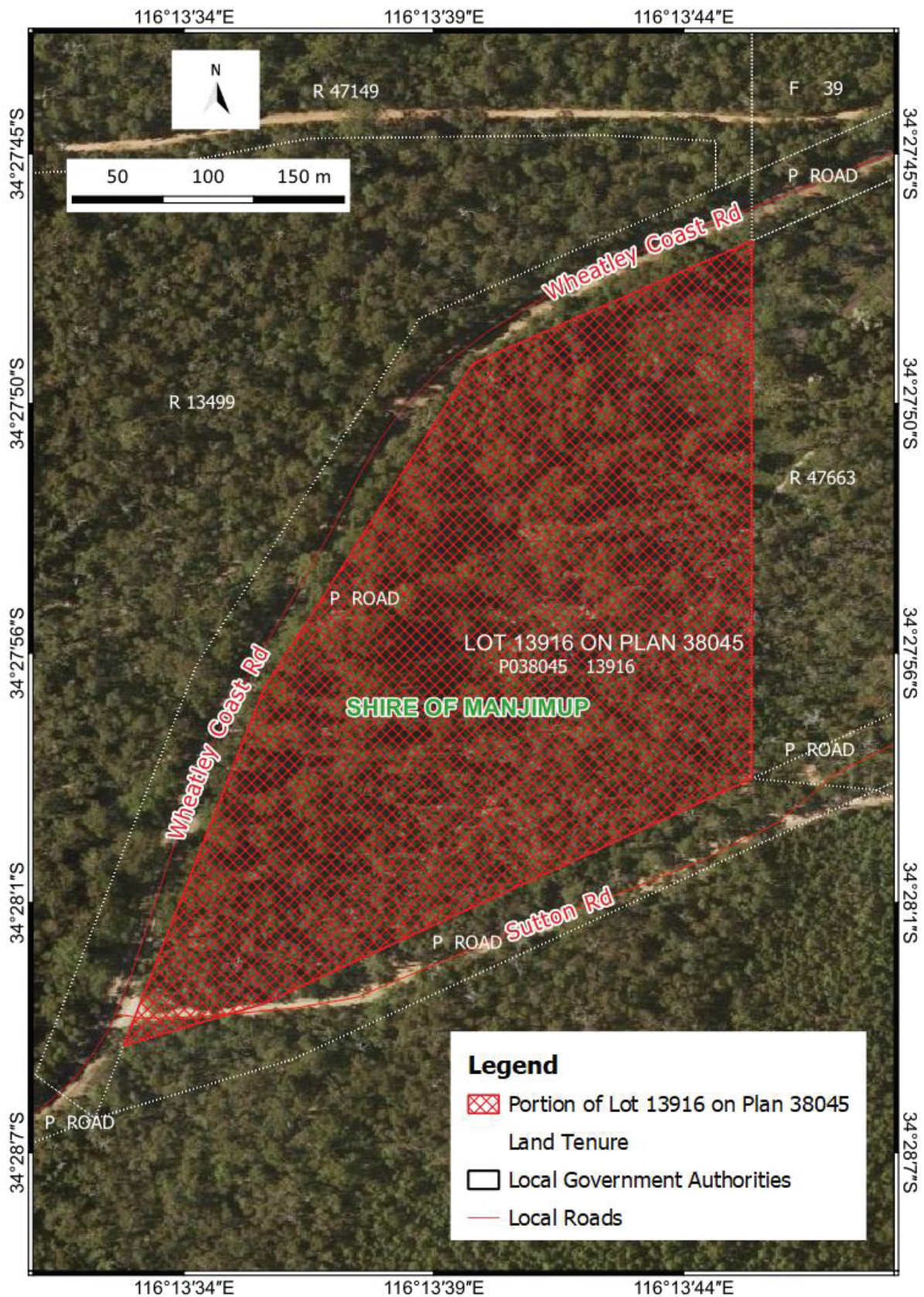


Figure 2: Portion of Lot 13916 on Deposited Plan 38045 (being a portion of Crown Reserve 13499)

Schedule 3

The boundary of the CPS 9333/2 offset site is shown in the map below (Figure 1)

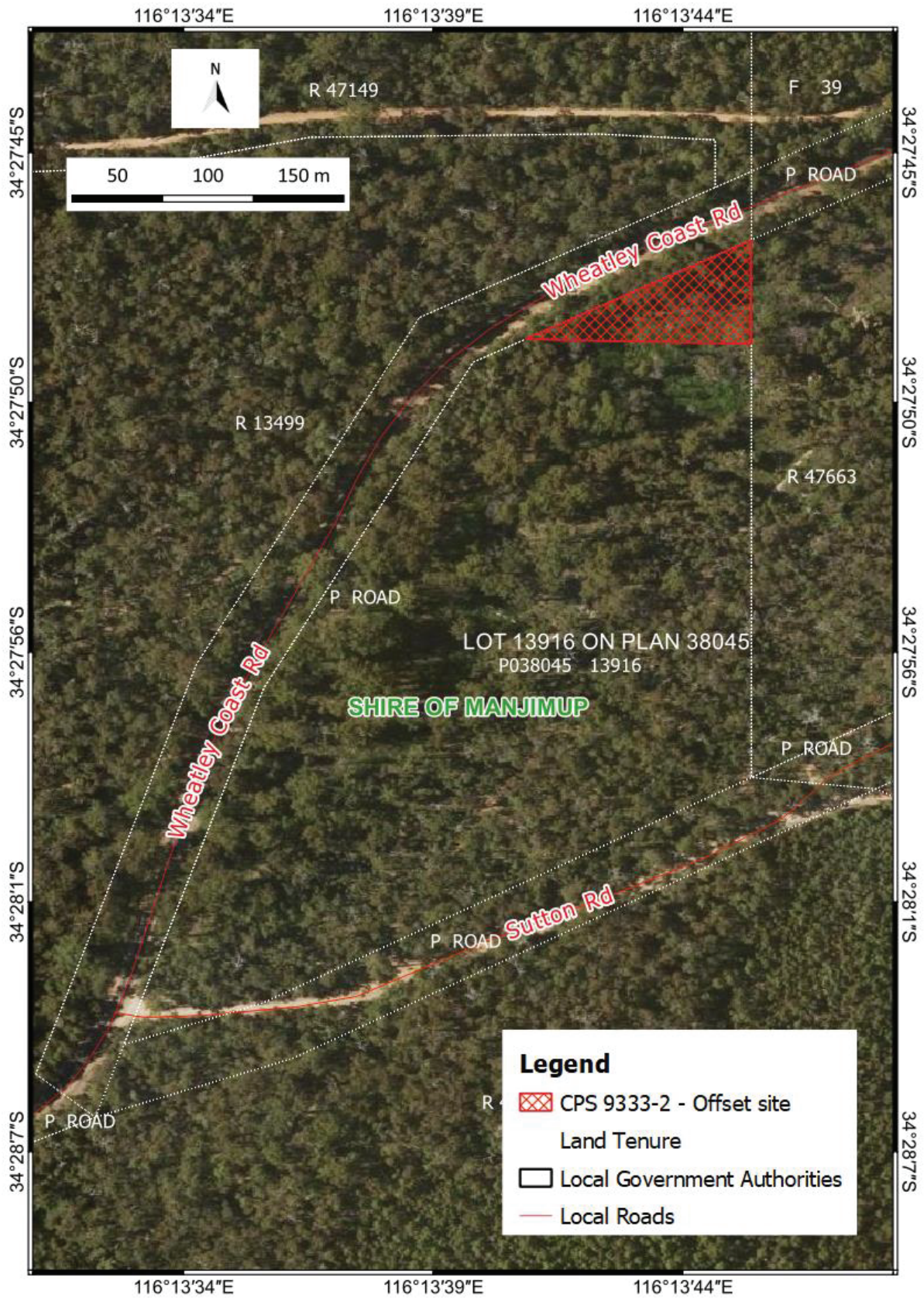


Figure 3: CPS 9333/2 offset site



Clearing Permit Decision Report

1. Application details and outcome

1.1. Permit application details

Permit number:	CPS 9333/2
Permit type:	Purpose permit
Applicant name:	Shire of Manjimup
Application received:	1 November 2022
Application area:	0.12 hectares of native vegetation
Purpose of clearing:	Road construction and upgrades
Method of clearing:	Mechanical clearing.
Property:	Old Vasse Road reserve (PIN 11243111; PIN 11243115) Hawke Road reserve (PIN 11243113)
LGA area:	Shire of Manjimup
Locality:	Yeagarup

1.2. Description of clearing activities

Clearing of up to 0.12 hectares of native vegetation is required to upgrade the intersection of Old Vasse Road and Hawke Road, Yeagarup.

1.3. Decision on application and key considerations

Decision:	Granted
Decision date:	6 December 2022
Decision area:	0.12 hectares of native vegetation as depicted in Section 1.5 (Figure 1).

1.4. Reasons for decision

On 22 March 2022, Clearing Permit CPS 9333/1 was granted to clear up to 1.32 hectares of native vegetation required to upgrade local roads within three discrete areas in the Shire of Manjimup. The permit authorised the clearing of:

- 0.12 hectares to upgrade the intersection of Old Vasse Road and Hawke Road, Yeagarup;
- 0.77 hectares to widen and upgrade Wheatley Coast Road, Quinninup; and
- 0.44 hectares to widen and upgrade Perup Road, Perup.

Four appeals were lodged against the conditions of the permit (Appeal Number: 010 of 2022). The appellants focused on the Old Vasse Road and Hawke Road intersection portion of the clearing area, contending that the proposed clearing will impact on several environmental values, and is not necessary. Appellants sought for the clearing permit in its entirety to be revoked.

This clearing permit amendment gives effect to the determination of the Minister for Environment (Minister) (Minister for Environment; Climate Action, 2022).

The Minister considered that the decision to grant the permit was justified, however, the clearing will impact on part of a habitat that is significant for Threatened fauna. The Minister considered that the clearing is justified on the basis of road safety, however, the significant residual impact on Threatened fauna requires an offset to counterbalance the impacts. The Minister allowed the appeals to the extent that a condition be added to the permit requiring the significant residual impacts of the clearing be offset.

Additionally, the permit holder's advice during the appeals investigation was that clearing is no longer necessary within the Wheatley Coast Road and Perup Road reserves. The Minister also determined that the permit should be modified to remove those sections from the permit.

Given the above, the Delegated Officer decided to grant a clearing permit to reflect the Ministers determination. The permit has been amended as described above which has resulted in:

- the 0.77 hectares required to widen and upgrade Wheatley Coast Road (Quinninup), and the 0.44 hectares to widen and upgrade Perup Road (Perup) being removed from the permit;
- an offset to counterbalance the loss of 0.12 hectares of Threatened fauna habitat has been included as a condition of the permit (Section 1.7).

In other respects, the assessment is consistent with that undertaken for clearing permit CPS 9333/1 and can be viewed in the decision report associated with CPS 9333/1.

1.5. Site map



Figure 1: Map of the application area (Old Vasse Road intersection). The areas in yellow indicate the areas authorised to be cleared under the amended clearing permit.

1.6. Assessment

The 0.77 hectares required to widen and upgrade Wheatley Coast Road, Quinninup, and the 0.44 hectares to widen and upgrade Perup Road, Perup are no longer required by the permit holder and have been removed from the CPS 9333/2 permit.

The Minister considered that the clearing of 0.12 hectares of native vegetation to upgrade the intersection of Old Vasse Road and Hawke Road, Yeagerup, will impact on part of a habitat that is significant for Threatened fauna species. That is:

- Baudin's Cockatoo (*Calyptorhynchus baudinii*); and the
- Western Ringtail Possum (*Pseudocheirus occidentalis*)

Baudin's Cockatoo (*Calyptorhynchus baudinii*) is listed as Endangered under the Western Australian *Biodiversity Conservation Act 2016* (BC Act) and under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Baudin's Cockatoo is listed as Critically Endangered by the International Union for Conservation of Nature (IUCN).

The Western Ringtail Possum (*Pseudocheirus occidentalis*) is listed as Critically Endangered under the BC Act and under the EPBC Act. The Western Ringtail Possum is also listed as Critically Endangered by the IUCN.

The vegetation proposed to be cleared supports an overstorey of Karri (*Eucalyptus diversicolor*) and Marri (*Corymbia calophylla*) over a dense mid-storey, with the vegetation condition ranging from good to very good condition (Keighery, 1994) (Harewood, 2022). Eight trees with a diameter greater than 50 centimetres diameter at breast height (DBH) were identified over the application area by Harewood (2022). None of the trees contained hollows of any size (Harewood, 2022).

The Minister considered that the vegetation proposed to be cleared includes species that are preferred habitat for Baudin's Cockatoo and the Western Ringtail Possum. Clearing principle (b) provides that native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna. Guidelines published by DER (2014) provide examples of what types of clearing are likely to be 'at variance' to this principle including the clearing of native vegetation that is habitat for Threatened fauna. Given the vegetation proposed to be cleared comprises preferred habitat species for Threatened fauna, including Baudin's Cockatoo and the Western Ringtail Possum, the Minister considered the clearing to be 'at variance' to clearing principle (b).

Significant residual impact is considered to be 0.12 hectares of native vegetation representing habitat for the Threatened Baudin's Cockatoo and Western Ringtail Possum.

1.7. Offset

The permit holder has proposed to change the purpose of Lot 13916 on Deposited Plan 38045 (being a portion of Crown Reserve 13499) in Quinninup from 'Gravel and Parkland Rehabilitation' to 'Conservation'. This is intended to remove the land from access for gravel extraction and provide security of tenure and ensure the protection of the values of the site for the benefit of fauna. The permit holder proposes that 0.43 hectares of the 9.66 hectare offset site be attributed to the 0.12 hectares of clearing (Figure 2).

The proposed offset has been assessed against the WA State Government's Environmental Offsets Policy and Environmental Offsets Guidelines (Government of Western Australia, 2014), and informed by the draft WA environmental offsets metric (DWER, 2021) and associated draft procedure for environmental offsets metric inputs (DWER, 2022) (Office of the Appeals Convenor, 2022). The Minister accepted the Appeals Convenor's advice that the proposed offset is consistent with the relevant State and Departmental offset policies and guidance (Minister for Environment; Climate Action, 2022).

The justification for the values used in the offset calculations (Office of the Appeals Convenor, 2022) are provided in Appendix E.



Figure 2. Proposed offset site, 0.43 hectares of the 9.66 hectare Lot 13916 on Deposited Plan 38045

1.8. Relevant planning instruments and other matters

The Old Vasse Road reserve and Hawke Road reserve are zoned 'Local Roads' under the Shire of Manjimup Local Planning Scheme No. 4. The Shire of Manjimup is the public authority that manages these road reserves, and the proposed clearing purpose is consistent with the Shire of Manjimup Local Planning Scheme No. 4 in these areas.

Proposed clearing is located within the Warren River Water Reserve, a clearing control catchment gazetted under the *Country Areas Water Supply Act 1947* (CAWS Act). The proposed clearing is located within Zone D of the clearing control catchment (low salinity risk area). DWER Policy and Guidelines for the "Granting of Licences to Clear Indigenous Vegetation" provide for the grant of a licence to clear for any purpose subject to the statutory requirement

that 10 per cent of the land in question remains uncleared unless there are exceptional reasons for not refusing an application (Section 12C[3] of the CAWS Act). DWER Water Source Protection team has no objection or conditions relating to the application area located within Zone D of the catchment (DWER, 2021a).

Spatial data indicates that two Aboriginal heritage places listed in accordance with section 5 of the *Aboriginal Heritage Act 1972* (WA) occur within ten kilometres of the Old Vasse Road application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and to ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

1.9. References

- Department of Environment Regulation (DER) (2014) A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986. December 2014. Available from: <https://www.der.wa.gov.au/our-work/clearing-permits/48-guidelines-clearing-permits>
- Department of Water and Environmental Regulation (DWER) (2021a). Advice obtained from the Department of Water and Environmental Regulation Water Source Protection team in regard to obligations under the Country Areas Water Supply Act 1947 (DWER Ref A2062491).
- Department of Water and Environmental Regulation (DWER) (2021b) Environmental offsets metric: Quantifying environmental offsets in Western Australia. October 2021
- Department of Water and Environmental Regulation (DWER) (2022) DRAFT Procedure for environmental offsets metric inputs for use with the WA environmental offsets metric. May 2022, and DWER WA environmental offsets calculator v1.1
- Harewood, G. (2022) Habitat Tree Assessment: CPS 9133/1. Habitat tree assessment: Old Vasse Road / Hawke Road intersection. CPS 9133/1. Shire of Manjimup. Version 1. March 2022. (DWERDT572257).
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Minister for Environment; Climate Action (2022) Appeal Number: 010 of 2022. Minister's Appeal Determination: Appeals Against Grant of Clearing Permit CPS 9333/1 Old Vasse, Hawke, Wheatley Coast And Perup Road Reserves, Shire Of Manjimup
- Office of the Appeals Convenor (2022) Appeals Convenor's Report to the Minister for Environment. Appeals objecting to grant of Clearing Permit CPS 9333/1 Old Vasse Road, Hawke Road, Wheatley Coast Road and Perup Road reserves, Shire of Manjimup

Appendix A – Offset calculator value justifications

Environmental value to be offset		
Calculation/Element	Score (Area)	Rationale
Conservation significance		
Description	Baudins Cockatoo and Ring Tail Possum habitat, Karri Forest	
Type of environmental value	Species (flora/fauna)	
Conservation significance of environmental value	Rare/threatened species - critically endangered	
Landscape-level value impacted	yes/no	
Significant impact		
Description	Clearing of vegetation for road construction purposes	
Significant impact (hectares) / Type of feature	0.12	
Quality (scale) / Number	4.00	Vegetation condition is good to very good though within road reserve and adjacent farm land. Surveyed as foraging habitat for Baudins Cockatoo as well as habitat for Western Ringtail Possum
Rehabilitation credit		
Description	0	
Proposed rehabilitation (area in hectares)	0.00	
Current quality of rehabilitation site / Start number (of type of feature)	0.00	
Future quality WITHOUT rehabilitation (scale) / Future number WITHOUT rehabilitation	0.00	
Future quality WITH rehabilitation (scale) / Future number WITH rehabilitation	0.00	
Time until ecological benefit (years)	0.00	
Confidence in rehabilitation result (%)	0	
Offset		
Description	0	Proposing to change purpose of Lot 13916 being portion of Reserve 13499 from current purpose for gravel extraction to conservation
Proposed offset (area in hectares)	0.43	
Current quality of offset site / Start number (of type of feature)	8.00	Very good to excellent condition vegetation with no current management plans. Proposed site is within the known habitat range for Black Cockatoo and Western Ringtail Possum
Future quality WITHOUT offset (scale) / Future number WITHOUT offset	8.00	
Future quality WITH offset (scale) / Future number WITH offset	8.00	
Time until ecological benefit (years)	1.00	Lot 13916 is currently heavily vegetated
Confidence in offset result (%)	0.9	Confidence due to location of Lot 13916 which is directly adjacent Conservation Commission land, State Forest and National Park with combined area exceeding 3,500ha
Duration of offset implementation (maximum 20 years)	20.00	Based on long term change of purpose
Time until offset site secured (years)	1.00	Shire expects that negotiations with DPLH will be confirmed within 12 months
Risk of future loss WITHOUT offset (%)	20.0%	Lot 13916 is currently purposed for gravel extraction in an area where Basic Raw Materials for construction are scarce. The Shire is currently researching available sites for gravel resources in the area with an expectation that extraction will be occurring within the next 10 years
Risk of future loss WITH offset (%)	5.0%	Lot 13916 will be purposed for conservation and thereby set aside in perpetuity
Offset ratio (Conservation Area only)	N/A	
Landscape level values of offset?	N/A	