



## DRAFT CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 9524/1
<b>Permit Holder:</b>	Shire of Esperance
<b>Duration of Permit:</b>	From 24 November 2023 to 24 November 2038

### ADVICE NOTE

#### Allocation of offset site

In relation to condition 15 of this Permit, it is noted that:

- 62 hectares of Reserve 35302, Lot 1985 on Plan 91222, Esperance, will be attributed to the offset for this project. The nominated 62 hectare area contains Carnaby's cockatoo (*Zanda latirostris*) habitat, vegetation representative of the 'Proteaceae Dominated Kwongkan Shrublands of the southeast coastal floristic province of Western Australia' Threatened Ecological Community and is a significant remnant within an extensively cleared landscape, in addition to other environmental values.
- 87.16 hectares of Reserve 26912, Lot 1536 on Deposited Plan 209681, Esperance, will be attributed to the offset for this project. The nominated 87.16 hectare area contains Malleefowl (*Leipoa ocellata*) habitat and is a significant remnant within an extensively cleared landscape, in addition to other environmental values.
- 1.49 hectares of Reserve 24633, Lot 1559 on Plan 207747, Esperance, will be attributed to the offset for this project. The nominated 1.49 hectare area contains vegetation representative of the *Eucalyptus occidentalis*, woodlands in seasonally inundated clay basins in the South Coast of Western Australia Priority Ecological Community, in addition to other environmental values.

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 upgrades and gravel extraction.

#### **2. Land on which clearing is to be done**

West Point Road Reserve (PIN 11642288), Cascade and North Cascade

Cascade Road Reserve (PINs 11642130, 11642734, 11644888 and 11644177), Cascade

and North Cascade

Rollond Road Reserve (PIN 11642289), Cascade and North Cascade

Wharton Road Reserve (PIN11645694), Condingup

Orleans Bay Road Reserve (PIN 11645695), Condingup

Griffiths Road Reserve (PIN 11642267), Cascade

Neds Corner Road Reserve (PINs 11642047, 11642045, and 11642044), Cascade

### **3. Clearing authorised**

The permit holder must not clear more than:

- (a) 6.56 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 of Schedule 1.
- (b) 0.13 hectares of *native vegetation* within the area cross-hatched yellow in Figure 2 of Schedule 1.
- (c) 2.28 hectares of *native vegetation* within the area cross-hatched yellow in Figure 3 of Schedule 1.
- (d) 7.23 hectares of *native vegetation* within the area cross-hatched yellow in Figure 4 of Schedule 1.

### **4. Period during which clearing is authorised**

The permit holder must not clear any *native vegetation* after 24 November 2028.

## **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* as per the *Dieback and Invasive Weed Management Plan* prepared by the Shire of Esperance – April 2023, including but not limited to:

- (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. Directional clearing**

The permit holder must:

- (a) conduct clearing activities in a slow, progressive manner towards adjacent *native vegetation*; and
- (b) allow a reasonable time for fauna present within the area being cleared to move into adjacent *native vegetation* ahead of the clearing activity.

## **8. Threatened Ecological Community management**

The permit holder must not clear more than 2.46 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1, Figure 3, and Figure 4 of Schedule 1 which represent the 'Proteaceae Dominated Kwongan Shrubland of the southeast coastal floristic province of Western Australia' Commonwealth listed Threatened Ecological Community.

## **9. Fauna management – black cockatoo habitat**

The permit holder must not clear more than 7.69 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1, Figure 3, and Figure 4 of Schedule 1 that provides foraging habitat for *Zanda latirostris* (Carnaby's cockatoo).

## **10. Fauna management – Malleefowl**

The permit holder must not clear more than 13.10 hectares of *native vegetation* within the area cross-hatched yellow in Figure 1 and Figure 4 of Schedule 1 that provides foraging habitat for *Leipoa ocellata* (Malleefowl).

## **11. Priority flora management**

- (a) The permit holder must ensure that:
  - (i) the boundaries of the area to be cleared are identified and demarcated using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA20), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
  - (ii) *recorded priority flora* are identified within the clearing boundary using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA20), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) When undertaking any clearing authorised under this permit, the permit holder must not cause or allow the clearing of more than the *recorded priority flora* within the clearing boundary.

## **12. Wind erosion management**

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

### 13. Mitigation – Rehabilitation and revegetation of temporary clearing areas

- (a) For the areas cross-hatched red in Figure 1 of Schedule 2, the permit holder must 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) At an *optimal time* of the area no longer being required for the purpose of the clearing authorised under this permit, the permit holder must *revegetate* and *rehabilitate* the areas cross-hatched red in Figure 1 of Schedule 2 in accordance with the *Rehabilitation Plan* prepared by the Shire of Esperance – May 2022 including but not limited to the following actions:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding 5 metres of uncleared land;
  - (ii) ripping the ground on the contour to remove soil compaction; and
  - (iii) lay the vegetative material and topsoil retained under Condition 13(a) on the cleared area.
- (c) The permit holder must, within 18 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 13(b) of this permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the *vegetation* of area *revegetated*; and
  - (ii) engage an *environmental specialist* to make a determination as to whether the composition, structure and density determined under condition 13(c)(i) of this permit will, without further *revegetation* and *rehabilitation*, achieve the completion criteria specified in the attached Schedule 2.
- (d) If the determination made by the *environmental specialist* under condition 13(c)(ii) is that the species composition, structure, and density determined under condition 13(c)(i) will not, achieve the completion criteria specified in the attached Schedule 2, the permit holder must undertake remedial actions for areas *revegetated* and *rehabilitated*, including:
  - (i) *revegetate/rehabilitate* the area by deliberately *planting* and/or *direct seeding native vegetation* that will result in the minimum completion criteria detailed in the attached Schedule 2 and ensuring only *local provenance* seeds and propagating material are used; and
  - (ii) undertake *weed* control activities prior to *planting* and/or *direct seeding native vegetation*.
- (e) Where additional *planting* or *direct seeding of native vegetation* is undertaken in accordance with condition 13(d), the permit holder must repeat the activities required by condition 13(c) and 13(d) within 12 months of undertaking the additional *planting* or *direct seeding of native vegetation*.
- (f) Where a determination is made by an *environmental specialist* under condition 13(c)(ii) that the composition, structure and density within areas *revegetated* and *rehabilitated* will achieve the completion criteria specified in the attached Schedule 2, that determination shall be submitted to the *CEO* within three months of the determination being made by the *environmental specialist*.

### 14. Offsets

Within 12 months of the commencement of clearing authorized under this permit and no later than 1 November 2024, the permit holder must provide to the *CEO* a copy of the executed change in purpose of:

- (a) Lot 1985 on Deposited Plan 91222 (Reserve 35302) from ‘gravel extraction’ to ‘conservation’ within the area cross-hatched red in Figure 1 of Schedule 3;

- (b) Lot 1536 on Deposited Plan 209681 (Reserve 26912) from ‘gravel extraction’ to ‘conservation’ within the area cross-hatched red in Figure 2 of Schedule 3; and
- (c) Lot 1559 on Deposited Plan 207747 (Reserve 24633) from ‘gravel extraction’ to ‘conservation’ within the area cross-hatched red in Figure 3 of Schedule 3.

### **PART III - RECORD KEEPING AND REPORTING**

#### **15. 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	<ul 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 GDA2020, 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) the date that construction commenced;</li> <li>(f) actions taken to avoid, minimise, and reduce the impacts and extent of clearing in accordance with condition 5;</li> <li>(g) actions taken to minimise the risk of the introduction and spread of <i>weeds</i> and <i>dieback</i> in accordance with condition 6;</li> <li>(h) actions taken in accordance with condition 7;</li> <li>(i) area of Proteaceae Dominated Kwongkan Shrubland of the southeast coastal floristic province of Western Australia’ Commonwealth listed Threatened Ecological Community cleared in accordance with condition 8;</li> <li>(j) area of black cockatoo habitat cleared in accordance with condition 9;</li> <li>(k) area of mallefowl habitat cleared in accordance with condition 10; and</li> <li>(l) actions taken in accordance with condition 14;</li> </ul>
2.	In relation to flora management pursuant to condition 11.	<ul style="list-style-type: none"> <li>(a) the name and location of each <i>priority flora</i> species, recorded using a Global Positioning System (GPS) unit set to GDA2020, expressing the geographical coordinates in Eastings and Northings;</li> </ul>

No.	Relevant matter	Specifications
		(b) actions taken to demarcate each <i>priority flora</i> species recorded; and (c) actions taken to avoid the clearing of <i>priority flora</i> species.
3.	In relation to <i>rehabilitation</i> pursuant to condition 13.	(a) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken; (b) the size of the areas <i>revegetated</i> and <i>rehabilitated</i> (in hectares); (c) the date that <i>revegetation</i> and <i>rehabilitation</i> works began; (d) any remediation works undertaken; (e) a copy of <i>environmental specialist</i> reports; and (f) the date that completion criteria are considered to be met.

## 16. Reporting

The permit holder must provide to the *CEO* the records required under condition 15 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)
fill	means material used to increase the ground level, or to fill a depression.
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.
priority flora	means those plant taxa described as priority flora classes 1, 2, 3, or 4 in the Department of Biodiversity, Conservation and Attractions Threatened and Priority Flora List for Western Australia (as amended from time to time).
recorded	means individuals of those <i>priority flora</i> species found within the area cross-hatched yellow in Figures 1-4 of Schedule 1 during the following surveys: <ul style="list-style-type: none"> <li>(a) Shire of Esperance (2021b) <i>Vegetation, Flora, Fauna and Environmental Considerations, and Targeted Flora Report – Site B – Cascade Road Bend</i>, received 24 February 2022 (DWER Ref: DWERDT568983).</li> <li>(b) Shire of Esperance (2022a) <i>Vegetation, Flora, Fauna and Environmental Considerations, and Targeted Flora Report - Site A – Cascade Road and Gravel Pits</i>, received 24 February 2022 (DWER Ref: DWERDT568983).</li> <li>(c) Shire of Esperance (2022b) <i>Vegetation, Flora, Fauna and Environmental Considerations, and Targeted Flora Report - Site F – Wharton Road Widening</i>, received 24 February 2022 (DWER Ref: DWERDT568983).</li> <li>(d) Shire of Esperance (2022c) <i>Vegetation, Flora, Fauna and Environmental Considerations, and Targeted Flora Report - Site G - Neds Corner Rd SLK 36.85 - 51</i>, received 24 February 2022 (DWER Ref: DWERDT568983).</li> <li>(e) Shire of Esperance (2022d) <i>Response to request for further information letter</i>, received 19 August 2022 (DWER Ref: DWERDT647386).</li> </ul>
Rehabilitation Plan	means the rehabilitation plan prepared by the Shire of Esperance for this permit and approved by the CEO 'Shire of Esperance (2023b) <i>Rehabilitation plan CPS 9524/1</i> , received 4 May 2023 (DWER Ref: DWERDT775308)'.

Term	Definition
rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that 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	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.
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.

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**END OF CONDITIONS**

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Mathew Gannaway  
 MANAGER  
 NATIVE VEGETATION REGULATION

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

31 October 2023



# Schedule 1 – Plan CPS 9524/1

The boundary of the area authorised to be cleared is shown in the map below (Figure 1-4).

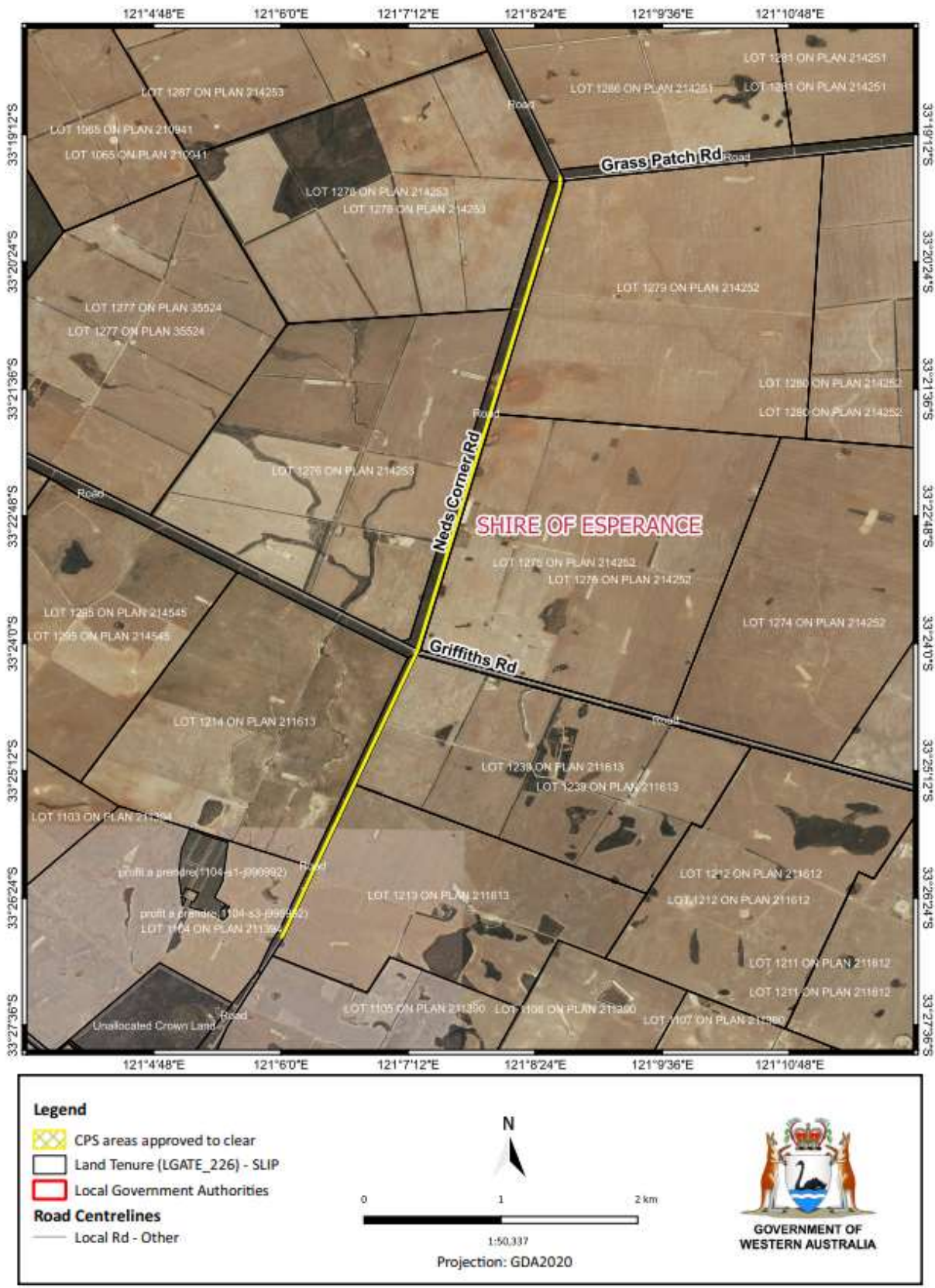


Figure 1: Map of the boundary of the area within which clearing may occur



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





**Figure 4: Map of the boundary of the area within which clearing may occur**

## Schedule 2

The boundary of the area where conditions apply is shown in the map below (Figure 1).



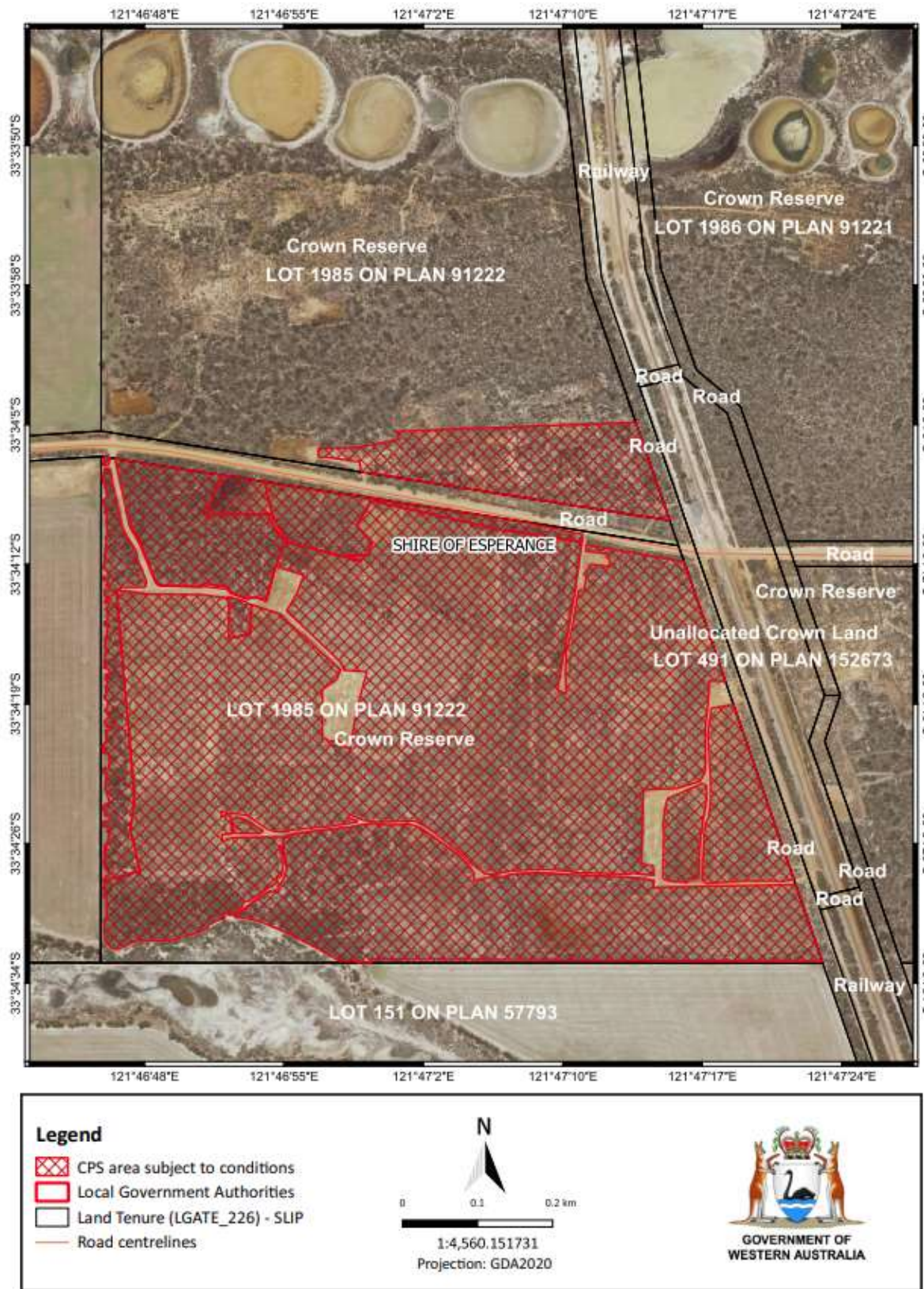
Figure 1: Map of the boundary of the area within which conditions apply.

**Table 1.** The rehabilitation completion criteria are shown in the table below.

Location	Criterion	Basic floristic data	Completion Target	Completion Criteria
Rollond Road gravel pit.	1	A total of 12 Proteaceous species were recorded within the application area.	66% of Proteaceous species return to the site.	A total of at least 8 Proteaceous species present throughout the site.
	2	<i>Eucalyptus pleurocarpa</i> and <i>Banksia media</i> are present as the dominant tree species although at low density.	Return of dominant tree species.	<i>Eucalyptus pleurocarpa</i> and <i>Banksia media</i> are present in the rehabilitation area scattered throughout at a density of one plant of each species per 400m <sup>2</sup> .
	3	<i>Acacia pycnantha</i> is present at the site (single plant).	Significant Environmental weed species are absent from the revegetation site.	No <i>Acacia pycnantha</i> plants are found in the rehabilitation area.
	4	Drone aerial showing 46% vegetation cover via Green Leaf Index.	A majority of vegetation cover has returned.	Drone aerial showing 30% vegetation cover via Green Leaf Index.
West Point Road gravel pit	5	<i>Eucalyptus forrestiana</i> , <i>Eucalyptus kessellii</i> are present as the dominant tree species in neighbouring areas outside of the chain break.	Return of Eucalypts species	Eucalyptus species are present in the rehabilitation area scattered throughout at a density of one plant per 400m <sup>2</sup> .
	6	A total of 96 species are present in the West Point Road Pit.	Return of 66% of species richness.	A total of 62 species are present in the West Point road Pit.
	7	Drone aerial showing 37% vegetation cover via Green Leaf Index.	A majority of vegetation cover has returned.	Drone aerial showing 30% vegetation cover via Green Leaf Index

### Schedule 3

The boundary of the area where conditions apply is shown in the maps below (Figure 1 - 3).



**Figure 1: Map of the offset boundary area to be managed as an offset**



**Figure 2: Map of the offset boundary area to be managed as an offset**





**Figure 3: Map of the offset boundary area to be managed as an offset**