



Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 9611/2
Permit type:	Purpose permit
Applicant name:	Water Corporation
Application received:	24 October 2023
Application area:	25 hectares of native vegetation within a 64.2 hectare clearing footprint
Purpose of clearing:	Remediation of contaminated sites
Method of clearing:	Mechanical
Property:	<p>Lot 350 on Deposited Plan 55290 (Crown Reserve 22800)</p> <p>Lot 1355 on Deposited Plan 11670</p> <p>Lot 1356 on Deposited Plan 161171</p> <p>Unallocated Crown Land (PIN: 626438)</p> <p>Great Eastern Highway Road reserve (PIN: 1174620, 1174621, 1176425 and 1194594)</p> <p>Unnamed Road reserve (PIN: 11714621)</p> <p>Unnamed Road reserve (PIN: 11714471)</p>
Location (LGA area/s):	Shire of Yilgarn
Localities (suburb/s):	Ghooli

1.2. Description of clearing activities

The clearing footprint and amount of clearing remains unchanged from that authorised under clearing permit CPS 9611/1 (see Figure 1, Section 1.5). No clearing is sought under CPS 9611/2.

CPS 9611/1 required for the applicant to retain the vegetative material and topsoil removed by clearing authorised under clearing permit CPS 9611/1 and at an optimal time and within 24 months following clearing authorised, revegetate and rehabilitate the area(s) that are no longer required for remediation of contaminated site by 'laying the vegetative material and topsoil retained on the cleared area (s).

The applicant has advised that because of the nature of the work, all contaminated material must be removed to a containment cell. Retention of the vegetative material and topsoil cannot be achieved (Water Corporation, 2023a). Therefore, this amendment (CPS 9611/2) is to permit conditions 8(a), 8(b)(iii) and 8(c) of clearing permit 9611/1.

On 20 December 2023, the applicant further advised that approximately 9.7 of clearing has approximately been undertaken since the commencement of the permit CPS 9611/1 in 2023.

1.3. Decision on application

Decision:	Granted
Decision date:	25 March 2024
Decision area:	25 hectares of native vegetation within a 64.2 hectare clearing footprint, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit amendment application was submitted, accepted, assessed and determined in accordance with sections 51E and 51O of the *Environmental Protection Act 1986* (EP Act). The Department of Water and Environmental Regulation (DWER) advertised the application for 14 days and no submissions were received.

On 24 January 2023, the Department granted CPS 9611/1 authorising the Permit Holder to clear 25 hectares of native vegetation within a 64.2 hectare clearing footprint in various properties in Ghooli for the purpose of remediation of contaminated sites.

In making this decision, the Delegated Officer had regard for the site characteristics (see decision report for CPS 9611/1 Appendix C), relevant datasets (see Appendix B.1), the findings of a biological survey (see decision report for CPS 9611/1 Appendix F), the clearing principles set out in Schedule 5 of the EP Act, relevant planning instruments and any other matters considered relevant to the assessment (see decision report for CPS 9611/1). The Delegated Officer also took into consideration the temporary purpose of remediation for a contaminated site and that the amendment was necessary to enable the Permit Holder to comply with the clearing permit conditions.

The assessment has not changed since the assessment for CPS 9611/1.

Noting the above, the Delegated Officer determined to issue a revised permit with the following amendments:

- Remove condition 8(a) and 8(b)(iii) of the clearing permit as retention of the vegetative material and topsoil cannot be achieved due to the nature of the works (see Section 1.2).
- Amend condition 8(c) of the clearing permit to omit the reference to laying of the vegetative material and topsoil.

1.5. Site map

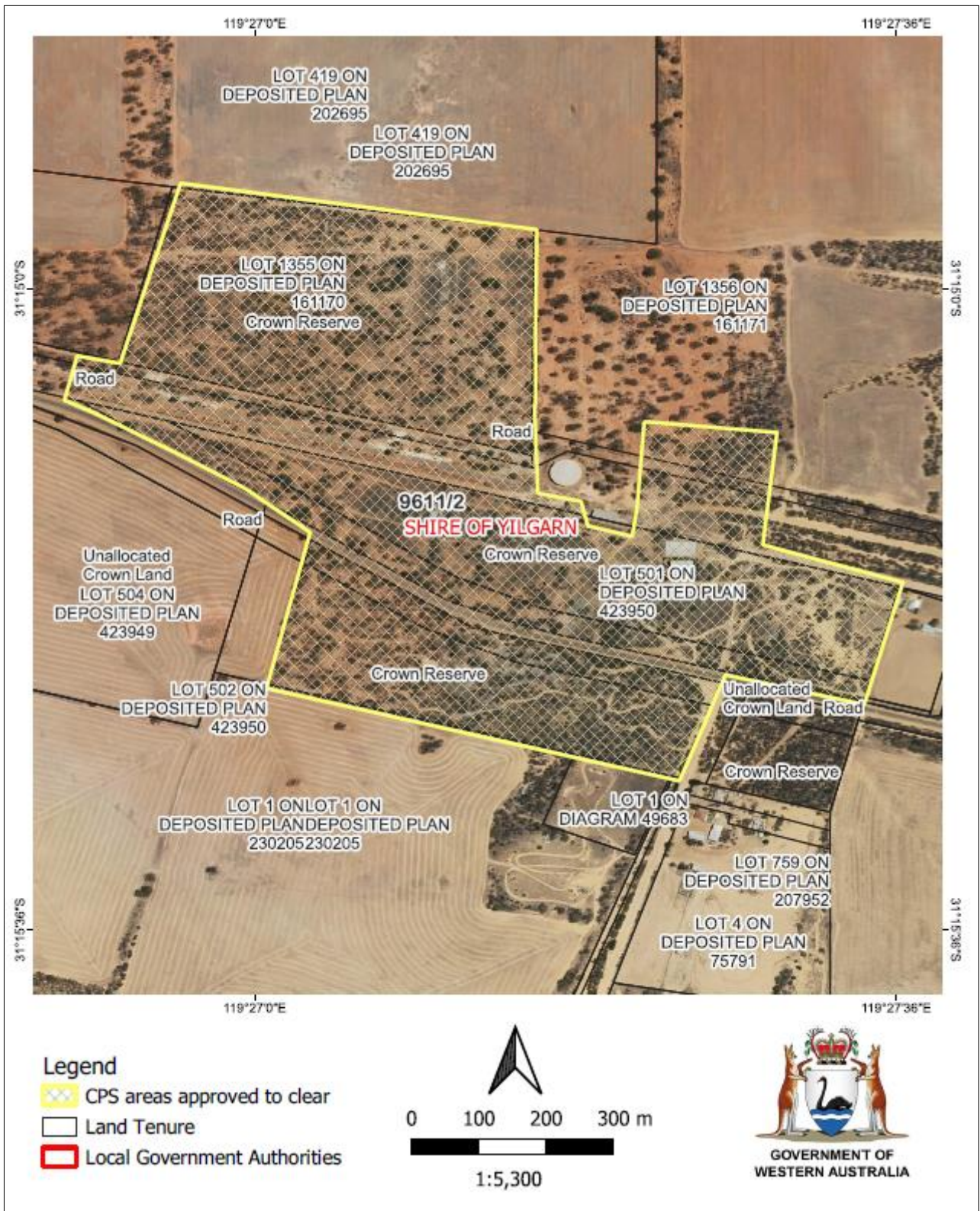


Figure 1 Map of the application area

The area cross-hatched yellow indicates the area authorised to be cleared under the granted clearing permit CPS 9611/1. CPS 9611/2 amends the permit conditions, with the area authorised to be cleared remaining the same as clearing permit CPS 9611/1.

2 Legislative context

The clearing of native vegetation in Western Australia is regulated under the 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 polluter pays principle
- 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)
- *Contaminated Sites Act 2003*
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)
- *Planning and Development Act 2005* (WA) (P&D Act)
- *Soil and Land Conservation Act 1945* (WA)

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)
- Technical guidance – *Flora and Vegetation Surveys for Environmental Impact Assessment* (EPA, 2016)
- Technical guidance – *Terrestrial Fauna Surveys for Environmental Impact Assessment* (EPA, 2016)

3 Detailed assessment of application

3.1. Avoidance and mitigation measures

Noting no clearing is proposed under the amendment application, no additional avoidance and mitigation measures were considered necessary.

3.2. Assessment of impacts on environmental values

The clearing authorised under the permit CPS 9611/1 has been partially undertaken, with the applicant providing records which are required to be kept under condition 9 of CPS 9611/1. Noting this and based on a review of current environmental information which did not reveal any new environmental values for further consideration, the assessment against the clearing principles remains unchanged from the Clearing Permit Decision Report CPS 9611/1.

Given the above, the Delegated Officer considered that the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values, and the conditions to mitigate potential impacts also remains unchanged from the original assessment and can be found in the Clearing Permit Decision Report CPS 9611/1 (Water Corporation, 2022a).

3.3. Relevant planning instruments and other matters

There are no additional planning or other matters that have arisen since the grant of Clearing Permit CPS 9611/1 that would influence the decision to approve the amendment in this instance.

End

Appendix A. Additional information provided by applicant

Summary	Reference
Email containing current area cleared and map of cleared area	See section 1.2.

Appendix B. Sources of information

B.1. GIS databases

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- 10 Metre Contours (DPIRD-073)
- Aboriginal Heritage Places (DPLH-001)
- Cadastre (LGATE-218)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA – Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia – Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- Hydrography – Inland Waters – Waterlines
- Hydrological Zones of Western Australia (DPIRD-069)
- IBRA Vegetation Statistics
- Imagery
- Local Planning Scheme – Zones and Reserves (DPLH-071)
- Native Title (ILUA) (LGATE-067)
- Pre-European Vegetation Statistics
- Public Drinking Water Source Areas (DWER-033)
- Ramsar Sites (DBCA-010)
- Regional Parks (DBCA-026)
- Remnant Vegetation, All Areas
- RIWI Act, Groundwater Areas (DWER-034)
- RIWI Act, Surface Water Areas and Irrigation Districts (DWER-037)
- Soil Landscape Land Quality – Flood Risk (DPIRD-007)
- Soil Landscape Land Quality – Phosphorus Export Risk (DPIRD-010)
- Soil Landscape Land Quality – Subsurface Acidification Risk (DPIRD-011)
- Soil Landscape Land Quality – Water Erosion Risk (DPIRD-013)
- Soil Landscape Land Quality – Water Repellence Risk (DPIRD-014)
- Soil Landscape Land Quality – Waterlogging Risk (DPIRD-015)
- Soil Landscape Land Quality – Wind Erosion Risk (DPIRD-016)
- Soil Landscape Mapping – Best Available
- Soil Landscape Mapping – Systems

Restricted GIS Databases used:

- ICMS (Incident Complaints Management System) – Points and Polygons
- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

B.2. References

- Department of Environment Regulation (DER) (2013). *A guide to the assessment of applications to clear native vegetation*. Perth. Available from: https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide2_assessment_native_veg.pdf.
- Department of Primary Industries and Regional Development (DPIRD) (2019). *NRInfo Digital Mapping. Department of Primary Industries and Regional Development*. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/> (accessed May 2022).
- Department of Water and Environmental Regulation (DWER) (2019). *Procedure: Native vegetation clearing permits*. Joondalup. Available from: https://dwer.wa.gov.au/sites/default/files/Procedure_Native_vegetation_clearing_permits_v1.PDF.
- Environmental Protection Authority (EPA) (2016). *Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment*. Available from: http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/EPA%20Technical%20Guidance%20-%20Flora%20and%20Vegetation%20survey_Dec13.pdf.
- Environmental Protection Authority (EPA) (2016). *Technical Guidance – Terrestrial Fauna Surveys*. Available from: https://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/Tech%20guidance-%20Terrestrial%20Fauna%20Surveys-Dec-2016.pdf.
- Water Corporation (2022a) *Clearing permit application CPS 9611/1*, received 16 February 2022 (DWER Ref: DWERDT565166).
- Water Corporation (2022b) *Supporting information for clearing permit application CPS 9611/1*, received 16 February 2022 (DWER Ref: DWERDT565166).
- Water Corporation (2022c) *Ghooli Heritage Pump Station Remediation – Revegetation Pan*, received 22 March 2022 (DWERDT580027).
- Water Corporation (2023a) *Clearing permit application amendment CPS 9611/2*, received 24 October 2023 (DWER Ref: DWERDT855374)
- Water Corporation (2023b) *Supporting information for clearing permit application CPS 9611/2*, received 20 December 2023 (DWER Ref: DWERDT884089).