



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 9705/2
<b>Permit Holder:</b>	Regional Power Corporation trading as Horizon Power
<b>Duration of Permit:</b>	From 15 September 2023 to 9 April 2034

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 constructing a solar farm and associated infrastructure.

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

Lot 1504 on Deposited Plan 404497, Boodarie

Lot 1499 on Deposited Plan 404497, Boodarie

Lot 273 on Deposited Plan 219540 (Crown Reserve 33016) (PIN 11015917), Boodarie

Great Northern Highway Road reserve (PIN 11734365), Boodarie

#### **3. Clearing authorised**

The permit holder must not clear more than 106 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 9 April 2029.

### **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 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.

## 7. Fauna management

The permit holder must:

- (a) restrict clearing activities to day-light hours to avoid the possibility of injury to fauna; and
- (b) conduct clearing activities in a slow, progressive manner in a single direction towards adjacent *native vegetation* to allow fauna to move into adjacent *native vegetation* ahead of the clearing activity.

## 8. Fauna management – pre-clearance survey

- (a) Within seven (7) days prior to undertaking any clearing authorised under this permit, the permit holder shall engage a *fauna specialist* to undertake clearance surveys within the area cross-hatched yellow on Figure 1 of Schedule 1 for the Greater Bilby (*Macrotis lagotis*) and Brush-tailed Mulgara (*Dasycercus blythi*), including the identification and inspection of burrows, and determination of whether burrows are being utilised.
- (b) Where evidence of recent burrow use is identified under condition 8(a) of this permit, the Permit Holder shall;
  - (i) engage a *fauna specialist* to flag the location of the burrow/s showing signs of recent use;
  - (ii) not clear within five metres of the flagged burrow/s;
  - (iii) engage a *fauna specialist* to monitor with cameras, the flagged burrow/s for a maximum of five days, or until such time that Greater Bilby or Brush-tailed Mulgara have been observed to independently move on from the burrow/s; and
  - (iv) prior to clearing, engage a *fauna specialist* to re-inspect any flagged burrow/s for the presence of Greater Bilby or Brush-tailed Mulgara.
- (c) If Greater Bilby or Brush-tailed Mulgara are identified utilising any flagged burrow/s under condition 8(b)(iv) of this permit and cannot be avoided in accordance with condition 5 of this permit, the permit holder shall engage a *fauna specialist* to remove and relocate the identified Greater Bilby or Brush-tailed Mulgara to an area of suitable habitat, in accordance with a section 40 authorisation under the *Biodiversity Conservation Act 2016*.
- (d) Where active Greater Bilby or Brush-tailed Mulgara burrows are identified under condition 8(a) of this permit, and/or Greater Bilby or Brush-tailed Mulgara are relocated under condition 8(c) of this permit, the permit holder shall include the following in a report submitted to the *CEO* within two months of undertaking any clearing authorised under this permit:

- (i) the location of any active Greater Bilby or Brush-tailed Mulgara burrows identified, using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (ii) a description of the camera monitoring measures undertaken under condition 8(b)(iii) of this Permit;
- (iii) the date and time of Greater Bilbies or Brush-tailed Mulgara are recorded as independently moving from a flagged burrow;
- (iv) the gender of each Greater Bilby captured under condition 8(c) of this Permit;
- (v) the location of any Greater Bilbies or Brush-tailed Mulgara, as referred to under condition 8(a) of this Permit, captured using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (vi) the date, time, vegetation type and weather conditions at each location where Greater Bilbies or Brush-tailed Mulgara are captured under condition 8(d)(v) of this permit;
- (vii) the location of any Greater Bilbies or Brush-tailed Mulgara, identified in accordance with condition 8(a) of this permit, relocated using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (viii) the date, time, vegetation type and weather conditions at each location where Greater Bilbies or Brush-tailed Mulgara are relocated under condition 8(c) of this permit;
- (ix) the name of the *fauna specialist* that relocated fauna under condition 8(c) of this permit; and
- (x) a copy of the fauna licence authorising the relocation of fauna under condition 8(c) of this permit.

## 9. Construction period

The permit holder must commence construction of the solar farm no later than three (3) months after undertaking the clearing authorised under this permit.

## 10. Revegetation and rehabilitation (temporary works)

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 to one (1) metre in height in an area that has already been cleared;
- (b) as soon as is practicable, and no later than 12 months following clearing authorised under this permit, *revegetate* and *rehabilitate* the areas that are no longer required for the construction (*temporary works*) activities by:
  - (i) re-shaping the surface of the land so that it is consistent with the surrounding five metres land;
  - (ii) ripping the ground on the contour to remove soil compaction;
  - (iii) laying the vegetative material and topsoil retained under condition 10(a) on the cleared areas; and

- (iv) undertake *weed* control activities on an ‘as needed’ basis to reduce *weed* cover within the cleared areas to no greater than the weed cover within the adjacent *native vegetation*.
- (c) within 24 months of laying the vegetative material and topsoil on the cleared area in accordance with condition 10(b) of this permit:
  - (i) engage an *environmental specialist* to determine the species composition, structure and density of the area *revegetated* and *rehabilitated*; and
  - (ii) where, in the opinion of an *environmental specialist*, the composition structure and density determined under condition 10(c)(i) of this Permit will not result in similar species composition, structure and density to that of pre-clearing vegetation types in that area, *revegetate* the area by deliberately planting and/or *direct seeding native vegetation* that will result in a similar species composition, structure and density of native vegetation to pre-clearing vegetation types in that area and ensuring only *local provenance* seeds and propagating material are used.

## 11. Offset

- (a) Prior to clearing and no later than 26 September 2024, the permit holder must provide to the *CEO* for approval, an *offset proposal* prepared in accordance with the *Western Australian Environmental Offsets Policy* (2011), and *Western Australian Environmental Offsets Guidelines* (2014).
- (b) The *offset proposal* must counterbalance the significant residual impacts of the clearing of native vegetation authorised under condition 3 of this permit that provides habitat for the greater bilby (*Macrotis lagotis*).
- (c) If it is necessary to modify the *offset proposal* approved by the *CEO*, then the permit holder must provide that modified *offset proposal* to the *CEO* for the *CEO*’s approval, prior to implementing the modified *offset proposal*.
- (d) The permit holder must implement the latest version of the *offset proposal* approved by the *CEO*.

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

### 12. 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 Geocentric Datum Australia 2020 (GDA20), 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 direction of the area cleared;</li> </ul>

No.	Relevant matter	Specifications
		<p>(f) actions taken to avoid, minimise, and reduce the impacts and extent of <i>clearing</i> in accordance with condition 5; and</p> <p>(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.</p> <p>(h) action taken in accordance with condition 9.</p>
2.	In relation to fauna management pursuant to condition 8.	<p>(a) results of the pre-clearance surveys undertaken in accordance with condition 8 of this permit; and</p> <p>(b) a copy of the <i>fauna specialist's</i> report.</p>
3.	In relation to <i>revegetation</i> and <i>rehabilitation</i> of areas pursuant to condition 10 of this permit:	<p>(a) the location of any areas <i>revegetated</i> and <i>rehabilitated</i>, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 2020 (GDA2020), expressing the geographical coordinates in Eastings and Northings or decimal degrees;</p> <p>(b) a description of the <i>revegetation</i> and <i>rehabilitation</i> activities undertaken;</p> <p>(c) the date that the area was <i>revegetated</i> and <i>rehabilitated</i>;</p> <p>(d) the size of the area <i>revegetated</i> and <i>rehabilitated</i> (in hectares); and</p> <p>(e) any <i>weed</i> control activities undertaken within the area <i>revegetated</i> and <i>rehabilitated</i>.</p>
4.	In relation to <i>offset</i> implemented pursuant to condition 11.	<p>(a) a copy of the <i>offset proposal</i> approved by the <i>CEO</i>;</p> <p>(b) the location of any offset implemented;</p> <p>(c) the boundaries of the area of offset required for project activities recorded as a shapefile;</p> <p>(d) a description of activities undertaken to implement the approved <i>offset proposal</i>;</p> <p>(e) the size of the area of the offset (in hectares); and</p> <p>(f) the results of the monitoring against the compliance with the relevant approved <i>offset proposal</i>.</p>

### 13. Reporting

The permit holder must provide to the *CEO* the records required under condition 12 of this permit when requested by the *CEO*.

## DEFINITIONS

In this permit, the terms in Table 2 have the meanings defined.


**Table 2: Definitions**

<b>Term</b>	<b>Definition</b>
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.
direct seeding	means a method of re-establishing vegetation through the establishment of a seed bed and the introduction of seeds of the desired plant species.
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has experience relevant to the type of environmental advice that an environmental specialist is required to provide under this Permit, or who is approved by the CEO as a suitable environmental specialist.
fauna specialist	means a person who holds a tertiary qualification specialising in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the <i>Biodiversity Conservation Act 2016</i> .
fill	means material used to increase the ground level, or to fill a depression.
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)
local provenance	means native vegetation seeds and propagating material from natural sources within 50 kilometres and the same IBRA subregion of the area cleared.
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.
offset	means a direct offset as described in the Government of Western Australia's <i>Environmental Offsets Policy, September 2011</i> .
offset proposal	means a documented plan that addresses the principles outlined the Government of Western Australia's <i>Environmental Offsets Policy, September 2011</i> .
suitable habitat	means habitat known to support the Greater Bilby ( <i>Macrotis lagotis</i> ) and Brush tailed Mulgara ( <i>Dasyercus blythi</i> ) within the known current distribution of the species.
rehabilitate/ed/ion	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
revegetate/ed/ion	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.

Term	Definition
weeds	<p>means any plant –</p> <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 ranking summary, regardless of ranking; or</li> <li>(c) not indigenous to the area concerned.</li> </ul>

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**END OF CONDITIONS**


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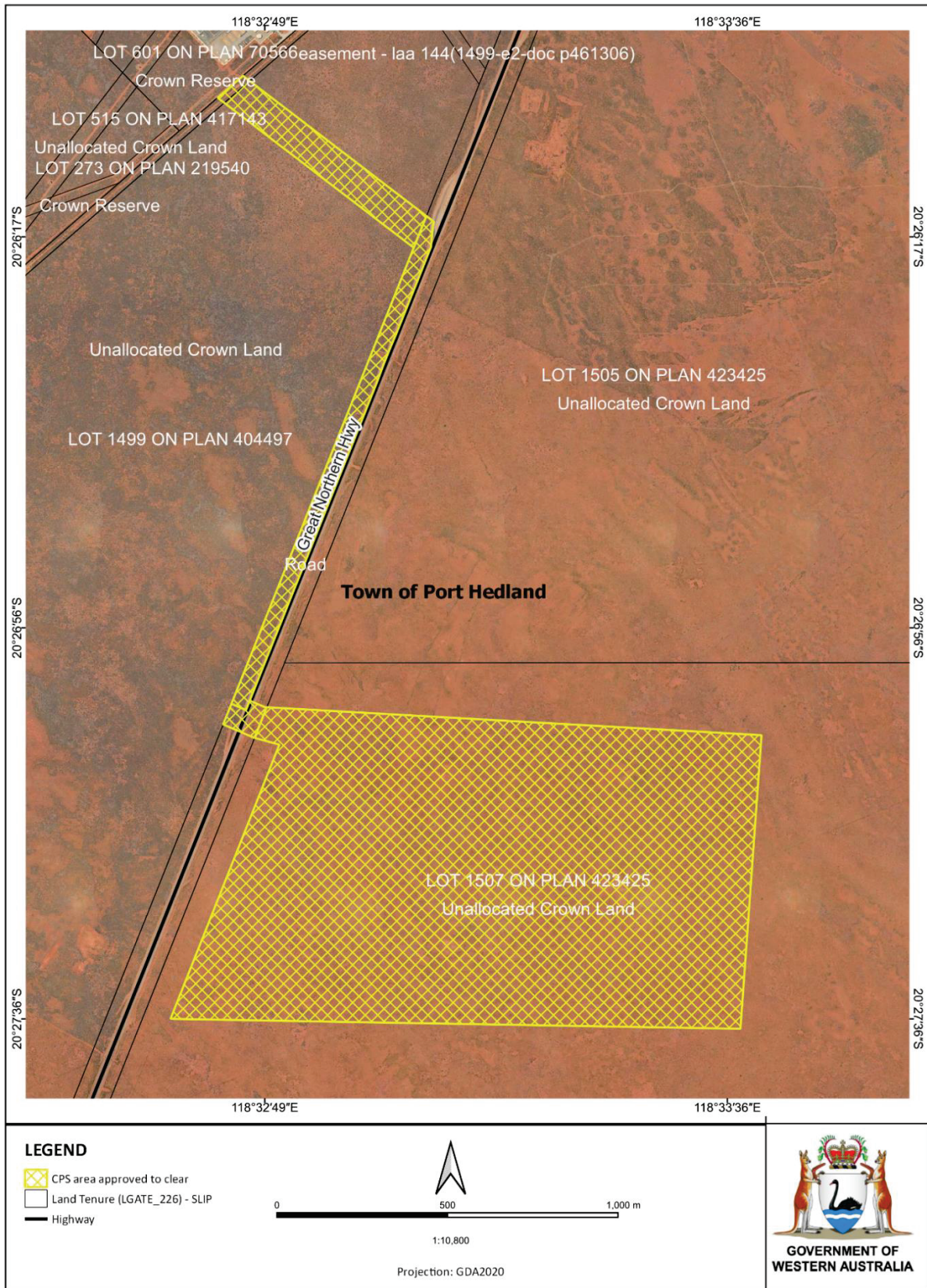
Juraj Galba  
 A/MANAGER  
 NATIVE VEGETATION REGULATION

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

9 April 2024

# Schedule 1

The boundary of the area authorised to be cleared and that is subject to conditions is shown in the map below (Figure 1).



**Figure 1: Map of the boundary of the area within which clearing may occur and that is subject to conditions.**





# Clearing Permit Decision Report

## 1. Application details and outcome

### 1.1. Permit application details

<b>Permit number:</b>	CPS 9705/2
<b>Permit type:</b>	Purpose permit
<b>Applicant name:</b>	Regional Power Corporation trading as Horizon Power
<b>Application area</b>	106 hectares of native vegetation
<b>Purpose of clearing:</b>	Construction of solar farm and associated infrastructure
<b>Method of clearing</b>	Mechanical
<b>Property:</b>	Lot 1504 on Deposited Plan 404497, Boodarie Lot 1499 on Deposited Plan 404497, Boodarie Lot 273 on Deposited Plan 219540 (Crown Reserve 33016) (PIN 11015917), Boodarie Great Northern Highway Road reserve (PIN 11734365), Boodarie
<b>Location (LGA area/s):</b>	Town of Port Hedland
<b>Localities (suburb/s)</b>	Boodarie

### Decision on application and key considerations

<b>Decision:</b>	Granted
<b>Decision date:</b>	9 April 2024
<b>Decision area:</b>	106 hectares of native vegetation

### 1.2. Reasons for decision

On 22 August 2023, the Department of Water and Environmental Regulation (the department) granted Clearing Permit CPS 9705/1 authorising Horizon Power to clear up to 106 hectares of native vegetation for the purpose of constructing solar farm.

One appeal was lodged against the department's decision to grant the clearing permit.

This clearing permit amendment gives effect to the Minister for Energy; Environment; Climate Action's (the Minister) determination to allow the appeal in part (Appeal number: 032 of 2023). The Minister determined that:

- Horizon Power is required to prepare a plan to offset the significant residual impacts to greater bilby habitat, and submit that plan to the department within six months of the date of the Minister's decision on the appeal; and
- Condition 10 is amended for topsoil stockpiles to be limited to one metre in height.

The Delegated Officer has taken the above into consideration and decided to grant an amended clearing permit in accordance with the Minister's determination.

In addition to the amendments recommended by the Minister, the department, in consultation with Horizon Power, have included amendments to:

- the permit duration and the period within which the native vegetation clearing is authorised (condition 4), noting the duration of the appeal investigation; and
- clearing purpose to allow for the native vegetation clearing for the purpose of constructing solar farm and associated infrastructure.

OFFICIAL

The Delegated Officer reviewed the information available at the time of the amendment, noting that the site characteristics, planning and other relevant matters and the assessment against the clearing principals has not changed from the Clearing Permit Decision Report CPS 9705/1, with the exception of clearing principles (b).

The Delegated Officer has taken the above into consideration and determine to grant an amended clearing permit in accordance with the Minister's determination.

## **2. Assessment of application**

### **2.1. Assessment**

This amendment is the result of an appeal determination made by the Minister regarding the conditions of Clearing Permit CPS 9705/1. As a result of the appeal determination, an additional condition related to offset requirements have been incorporated into the permit.

#### **Biological values**

The assessment of clearing permit application 9705/1 identified that the proposed clearing may impact on suitable habitat for brush-tailed mulgara and bilby. The department noted that the fauna habitat within the application area was part of a much larger area of similar habitat within the local area and the surrounding region. On that basis, the department determined the clearing to be 'may be at variance' with clearing principle (b).

Considering the numerous records of greater bilby in the vicinity of the application area, the mapping of critical habitat in the recovery plan for the greater bilby, the Minister found that the clearing was at variance with clearing principle (b). The Minister therefore determined that the significant residual impacts to greater bilby habitat should be offset in accordance with the Western Australian environmental offset framework.

The Minister acknowledged that the department implemented appropriate condition to mitigate the potential land degradation risks from the proposed clearing but recommended amending condition 10 of Clearing Permit CPS 9705/1 to limit the vegetation and topsoil stockpile height to 1 metre.

### **2.2. Relevant planning instruments and other matters**

The assessment against planning instruments and other matters is unchanged and can be found in the Decision Report prepared for Clearing Permit CPS 9705/1.

**End**

## **Appendix A - References and databases**

### **1. References**

Department of Water and Environmental Regulation (DWER) (2022) Purpose permit and decision report: CPS 9705/1 [CPS 9705-1 - Permit with Plan](#).

Office of the Appeals Convenor. (2024). *CPS 9705/1 Lot 1504 on Deposited Plan 404497, Lot 1499 on Deposited Plan 404497, Great Northern Highway Road reserve and Crown Reserve 33016, Boodarie*. Retrieved from <https://www.appealsconvenor.wa.gov.au/Appeal?id=31859>.