GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 5330/3
Permit Holder:	Shire of Esperance
Duration of Permit:	25 January 2013 – 25 January 2020

ADVICE NOTE - OFFSET

Offset Condition 9 of CPS 7188/2, required the Permit Holder to provide a copy of the executed change in purpose of the area cross-hatched red on Plan 7188/2c within Crown Reserve 26257 from 'agriculture general' to 'conservation'. A management order was issued by the Department of Planning, Lands and Heritage over Crown Reserve 26257 for the designated purpose of 'conservation' on 28 September 2017. A banked offset of 85.5 hectares currently remains within Crown Reserve 26257 following the completion of this offset requirement under CPS 7188/2. The Permit Holder will use an additional 3.5 hectares of the banked offset remaining to offset the residual environmental impacts identified under CPS 5330/3. The offset site occurs within the area cross-hatched red on attached Plan 5330/3b within Crown Reserve 26257.

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I –CLEARING AUTHORISED

1. **Purpose for which clearing may be done**
   Clearing for the purpose of expanding an existing truck wash and liquid waste facility.

2. **Land on which clearing is to be done**
   Lot 1885 on Deposited Plan 171656, Myrup

3. **Area of Clearing**
   The Permit Holder must not clear more than 3.3 hectares of native vegetation within the area hatched yellow on attached Plan 5330/3a.

4. **Application**
   This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

5. **Type of clearing authorised**
   This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 3 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES

6. **Avoid, minimise and reduce the extent and impacts of clearing**
   In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in 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.

7. Dieback and weed control

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the 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 *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared;
(c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared; and
(d) where *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is to be removed from the area to be cleared, ensure it is transferred to areas of comparable *soil disease status*.

PART III – MONITORING, RECORD KEEPING AND REPORTING

8. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

(a) 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 or decimal degrees;
(b) the date that the area was cleared;
(c) the size of the area cleared (in hectares); and
(d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 5 and Condition 6 of this Permit.
(e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of this Permit.

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

The following meanings are given to terms used in this Permit:

CEO means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986;*

dieback means the effect of *Phytophthora* species on native vegetation;

dry conditions means when soils (not dust) do not freely adhere to rubber tyres, tracks, vehicle chassis or

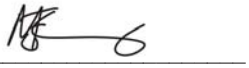
fill means material used to increase the ground level, or fill a hollow;

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;

soil disease status means soil types either infested, not infested, uninterpretable or not interpreted with a pathogen; and

weed/s means any plant -

(a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
(b) published in a Department of Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
(c) not indigenous to the area concerned.

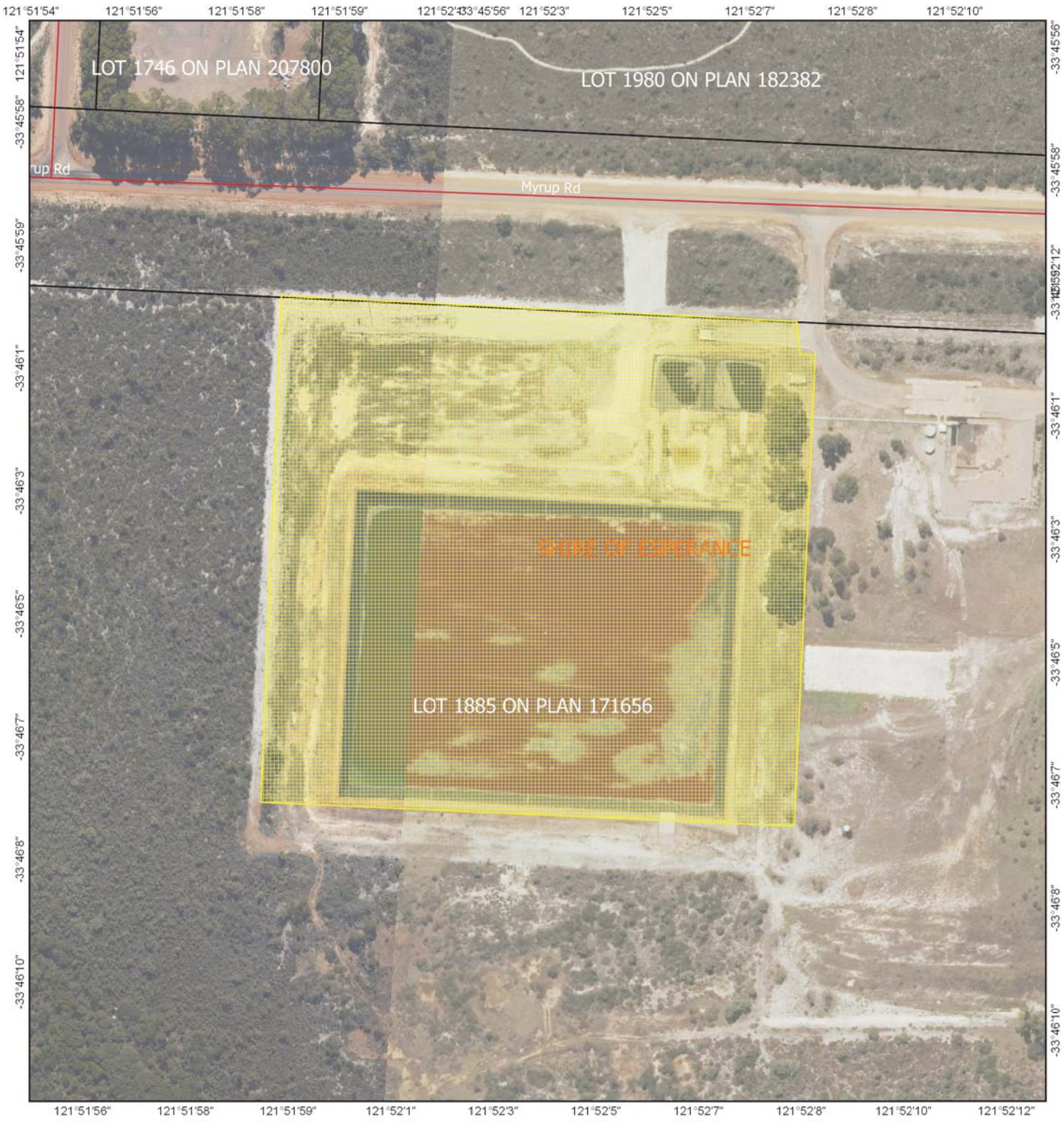


Mathew Gannaway
MANAGER
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

17 December 2018

Plan 5330/3a



Legend

- Areas approved to clear
- base layers
- Cadastre
- Local Government Authorities
- Roads
- Image

N

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MGA 94
Geocentric Datum of Australia 1994

Mathew Gannaway
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Officer with delegated authority under Section 20
of the Environmental Protection Act 1986

GOVERNMENT OF
WESTERN AUSTRALIA

Plan 5330/3b



Legend

- Imagery
- Cadastre
- Local Government Authority
- Roads
- Clearing Instruments Offets

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(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

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Officer with delegated authority under Section 20 of the Environmental Protection Act 1986

GOVERNMENT OF WESTERN AUSTRALIA

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Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 5330/3
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Shire of Esperance
Application received date: 29 May 2018

1.3. Property details

Property: Lot 1885 on Deposited Plan 171656, Myrup
Local Government Authority: Shire of Esperance

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
3.3		Mechanical Removal	Building or structure

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 17 December 2018
Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and has concluded that the findings from the previous assessment for CPS 5330/1 are still relevant.

The Delegated Officer determined upon review of the Shire of Esperance's (the Shire) annual report and alternative proposed Environmental offset- site (within Crown Reserve 26257), that the proposed rehabilitation related to condition (9) of CPS 5330/1, is not likely to succeed in the current offset area and that the alternative offset-site in the form of land acquisition is more appropriate in offsetting the residual impacts associated to CPS 5330/1.

The Delegated Officer decided to grant the proposed amendment of CPS 5330/3 subject to the Shire using 3.5 hectares of the banked offsets that were approved under CPS 7188/2 to offset the residual impacts identified under CPS 5330/1.

2. Site Information

Clearing Description

The amended application is for 3.3 hectares of native vegetation within the above mentioned land parcel for the purpose of expanding an existing vehicle wash and liquid waste facility.

Vegetation Description

The application area has been mapped as Beard vegetation association 6048, which is described as shrublands; banksia scrub-heath on sandplain in the Esperance Plains Region (Shepherd et al., 2001).

The flora survey undertaken by GHD identified the application area consists of *Banksia* heathland comprising a minimal overstorey of *Nuytsia floribunda* with occasional *Lambertia inermis* (GHD, 2012).The middle storey is dominated by *Melaleuca striata, Xanthorrhoea platyphylla, Calothamnus gracilis, Daviesia incrassata* and *Micromyrtus elobata* with occasional *Banksia pulchella* and *B. repens* (GHD, 2012). The understorey consists primarily of variety of sedges/grasses with some areas carpeted with *Drosera glanduligera*. Much of the understory contains juvenile plants of middle storey species (GHD, 2012).

Vegetation Condition

The condition and description of the application area was determined via a flora survey conducted by GHD (GHD, 2012). The application area was determined to be in a completely degraded to very good condition, described as:

- Completely Degraded: No longer intact; completely/almost completely without native species (Keighery, 1994); to
- Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery, 1994).

The flora survey undertaken by GHD identified that approximately 0.4 hectares of the footprint area (removed from the application area) is in a degraded (Keighery, 1994)

condition due to *Pennisetum clandestinum* dominating the application area (GHD, 2012). The vegetation located to the east of the *Pennisetum clandestinum* infestation, is also in a degraded condition as there is medium weed load with dead and dying *Xanthorrrea* and *Banksia* species (GHD, 2012). The remainder of the site is in a very good (Keighery, 1994) condition (GHD, 2012).

Soil and landform type

The application area has been mapped by the Department of Primary Industries and Regional Development as Esperance 1 b Phase described as grey deep sandy duplex (gravelly) soils with associated duplex sandy gravels and minor pale deep sands and shallow gravels on gently undulating plain (Schoknecht et al., 2004).



Figure 1: Application Area

3. Assessment of application against clearing principles

The applicant has applied to amend clearing permit CPS 5330/2, requesting to remove condition (9) that relates to rehabilitation and replace with an off-site Environmental Offset condition.

A review of current environmental information reveals no other additional information. Therefore the assessment against the clearing principles has not changed and can be found in the Clearing Permit Decision Report CPS 5330/1.

Planning instruments and other relevant matters

It is noted that clearing permit application CPS 5330/2 was withdrawn by the applicant on 8 March 2017.

The requirement of condition 9 of CPS 5330/1 was for the applicant to retain the topsoil from the application area and revegetate 3.5 hectares of cleared land adjacent to the application area. The revegetation was to offset the impacts of clearing 3.3 hectares of Beard vegetation association 6048 (which has less than 14 per cent pre-European extent remaining) and provides habitat for Carnaby's cockatoo.

The Shire has proposed to use the banked offset that was approved under clearing permit application CPS 7188/1 (85.5 hectares remaining within Crown Reserve 26257) to offset the impacts associated to CPS 5330/1 as opposed to trying to meet the completion criteria for composition structure and density to that of pre-clearing types in the current offset area.

Upon review of the Shire's most recent annual report, it was noted that the Shire have only managed to revegetate 40 per cent of the 3.5 hectare offset area, with the revegetation in these areas only meeting the degraded condition, with minimal species diversity and numerous weeds observed. The Department of Water and Environmental Regulation (DWER) concur with the Shire's advice whereby the proposed rehabilitation related to condition (9) of CPS 5330/1, is not likely to succeed in the current offset area due to dieback in the rehabilitation area, the small size of the area and large perimeter to area ratio, high introduced species loads on adjacent paddocks which will continue to blow in to the offset area and the site is likely to always be high in weed cover until vegetation gets established.

Upon review of the alternative proposed Environmental offset-site (within Crown Reserve 26257), DWER agrees that the alternative offset in the form of land acquisition would be more appropriate in this instance. Therefore, DWER agrees to the Shire using 3.5 hectares of the banked offset that was approved under CPS 7188/1 (85.5 hectares remaining in Crown Reserve 26257) to offset the residual impacts identified under CPS 5330/1. A banked offset of 82 hectares remains within Crown Reserve 26257. Noting the zoning of the offset site has already been changed to conservation, condition (9) has been completely removed from the permit and an advice note included.

The clearing permit application was advertised on the DWER website on 27 June 2018 with a 14 day submission period. No public submissions have been received in relation to this application.

4. References

GHD (2012) Shire of Esperance. Report for Myrup Liquid Waste Facility. Clearing Permit Supporting Documentation. Prepared by GHD Pty Ltd for the Shire of Esperance. May 2011 (DEC Ref: A558515).

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Schoknecht, N., Tille, P. and Purdie, B. (2004) Soil-landscape mapping in South-Western Australia – Overview of Methodology and outputs' Resource Management Technical Report No. 280. Department of Agriculture.

Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.

Shire of Esperance (2018) Permit to Clear Native Vegetation CPS 5330/1 – Myrup Road. Esperance, Western Australia. 2017 Annual Audit Compliance and Environmental Report (DWER Ref: A1696529).