



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose permit number:	CPS 000/1
Permit holder:	Shire of Somewhere
Purpose of clearing:	Road upgrades and gravel extractions
Shire:	Somewhere
Duration of permit:	27 November 2006 – 27 November 2011

Getting to know your purpose permit

This guide is provided as general guidance only.
 Any person who intends to undertake activities that may involve clearing is advised to consult the actual legislation and seek advice, including legal advice, where necessary.
 While the Department of Environment and Conservation (DEC) has endeavoured to ensure the accuracy of this information, it accepts no responsibility for any inaccuracies and persons relying on this information do so at their own risk.
 Please refer to the *Environmental Protection Act 1986* and Environmental Protection (Clearing of Native Vegetation) Regulations 2004, available from the State Law Publisher. Free electronic copies are available from www.slp.wa.gov.au
 DEC and other contact details are provided at the end of this document.

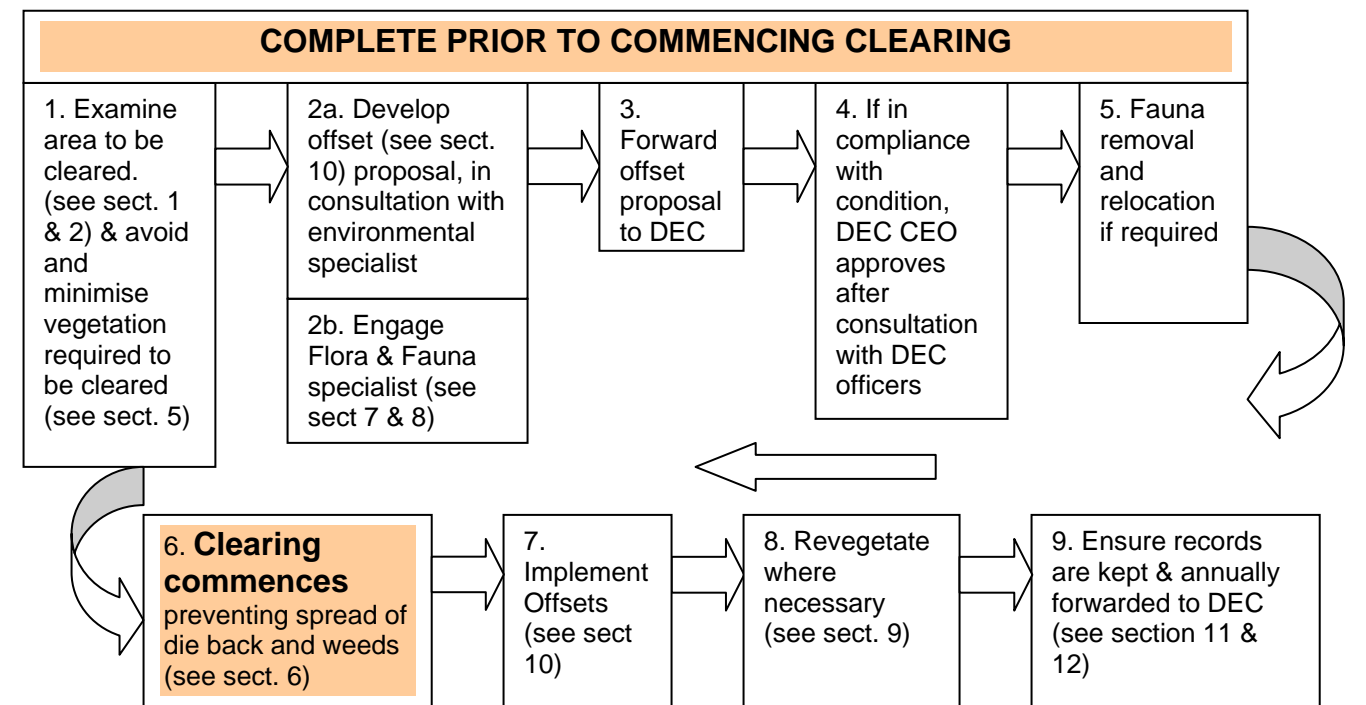
- < Please quote your purpose permit number if you contact DEC with questions.
- < The purpose of clearing, in the case of this permit 'Road upgrades and gravel extraction' is the only activity for which the clearing is permitted. If you intend to undertake activities not stated on your permit you will need to apply for an additional permit.
- < Your permit is valid for the period stated. If you require additional time, you must apply for an amendment to your permit prior to the permit expiry date.

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< This table of contents outlines how the information in you permit is organised. It is important that you understand your permit and the conditions. If you have any questions ask your regional DEC or the Native Vegetation Conservation Branch of DEC (contact details at the end of this document).

Summary guide to fulfil the conditions of your purpose permit:



<p>Purpose permit number: CPS 000/1</p> <p>Permit holder: Shire of Somewhere</p> <p>Purpose of clearing: Road upgrades and gravel extraction</p> <p>Shire: Somewhere</p> <p>Duration of permit: 27 November 2006 – 27 November 2011</p> <p>The permit holder is authorised to clear native vegetation for the above stated purposes, subject to the conditions of this Permit.</p>	<p>< As above, this information outlines the permit number, purpose type and duration of permit.</p>
<p><u>PART I – CLEARING AUTHORISED</u></p> <p>1. Land on which clearing is to be done</p> <ul style="list-style-type: none"> (a) Up to 1.5 ha for gravel extraction as hatched yellow on attached Plan 001/1a (b) Up to 5.6 ha road widening for Mystery Road Reserve between North Road and South Road; as hatched yellow on attached Plan 001/1b (c) Up to 7.84 ha for gravel extraction as hatched yellow on attached Plan 001/1c (d) Up to 2.0 ha for road intersection upgrades as hatched yellow on attached Plan 001/1d (e) Up to 2.6 ha for gravel extraction as hatched yellow on attached Plan 001/1e (f) Up to 4.5 ha for road widening for Inland Road Reserve between East Road and Shire Boundary as hatched yellow on attached Plan 001/1f (g) Up to 2.0 ha for road intersection upgrades as hatched yellow on attached Plan 001/1g (h) Up to 0.9 ha for road intersection upgrades as hatched yellow on attached Plan 001/1h 	<p>< Any clearing conducted under this permit is restricted to the location indicated and where appropriate, total allowed area detailed in the list.</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>If you would like to clear beyond the listed areas you must apply for another permit.</p> </div>
<p>2. Area of Clearing</p> <p>The permit holder must not clear more than 26.94 hectares of <i>native vegetation</i>.</p>	<p>< The area in hectares allowed under your permit (26.94 ha) is the total area of native vegetation you are permitted to clear for the specified purpose (ie road upgrades and gravel extraction) within the areas defined under the permit.</p> <p>Note that “Clearing for maintenance in existing transport corridors” as allowed in item 22, regulation 5 and Schedule 2 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 will not require a clearing permit.</p>
<p>3. Application</p> <p>This Permit allows the permit holder to authorise persons, including employees, contractors and agents of the permit holder, to clear <i>native vegetation</i> for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.</p>	<p>< The permit holder (in this case a Shire) is responsible for ensuring that the clearing is conducted subject to the conditions regardless of who conducts the clearing on behalf of the permit holder.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Failure of contractors to adhere with the conditions of your permit may result in the permit holder being liable to prosecution under the <i>Environmental Protection Act 1986</i>.</p> </div>
<p>4. Compliance with Assessment Sequence and Management Procedures</p> <p>Prior to clearing any native vegetation under conditions 1 and 2 of this Permit, the permit holder must comply with the Assessment Sequence and the Management Procedures set out in Part II of this Permit.</p>	<p>< This section requires the permit holder to closely follow the ‘Assessment sequence and management procedure’ as stated in Part II prior to commencing any clearing.</p>
<p>PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES</p>	

5. Avoid, minimise etc clearing

In determining the amount of native vegetation to be cleared for the purposes of road upgrades and gravel extraction the Permit Holder must have regard to the following principles, set out in order of preference:

- (i) avoid the clearing of native vegetation;
- (ii) minimise the amount of native vegetation to be cleared; and
- (iii) reduce the impact of clearing on any environmental value.

< This condition requires that you document whether or not you will be able to complete your works program while avoiding clearing, minimising clearing, and how you will reduce future impacts; e.g. clear only selective trees and shrubs rather than the whole area, and ensuring future grading is done without causing more damage.

The sequence stated is the order in which a permit holder must address this condition. If the first step is achieved then the following steps may be obsolete (eg if you avoid clearing it will not be necessary to take further action). The following definitions from the 'Environmental Offsets' Environmental Protections Authority (EPA) Position Statement No. 9, (January 2006, pg21) gives you a detailed understanding of each preference in order:

Step 1: 'Avoidance' means 'significant adverse impacts to the environment are avoided through selection of a practicable alternative. If all environmental impacts are avoided then no offset activities are required'.

Step 2 if required: 'Minimisation' means 'if adverse impacts [are not avoidable], all appropriate and practicable steps should be taken to minimise adverse impacts'

Step 3 if required: 'Reduction' means 'where adverse impacts can not be rectified as soon as possible, all appropriate and practicable steps should be taken to reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action and through the philosophy of continuous improvement'.

In summary, you must demonstrate that your clearing is reasonably necessary and that no practical alternatives to clearing existed.

6. Dieback and weed control

(a) When undertaking any *clearing* and *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of introduction and spread of *dieback*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) avoid the movement of soil in wet conditions;
- (iii) ensure that no *dieback*-affected *road building materials*, *mulches* or *fill* are brought into an area that is not affected by *dieback*; and
- (iv) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

(b) When undertaking any *clearing* and *revegetation*, or other activity pursuant to this Permit the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds*:

- (i) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (ii) ensure that no *weed*-affected *road building materials*, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (iii) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

(c) At least once in each 12 month period for the *term* of this Permit, the Permit Holder must remove or kill any *weeds* growing within areas *cleared* and *revegetated* under this Permit.

< Dieback conditions, if stated on your permit, are due to the area being within the dieback vulnerable /susceptible zone.

Comprehensive information about managing Dieback is available at:

- http://www.naturebase.net/projects/dieback_atlas.html
- http://www.naturebase.net/projects/dieback_splash.html
- http://www.naturebase.net/projects/dieback_links.html
- Roadside Conservation Committee
- your regional DEC office

Information on weeds can be found on:

- <http://www.naturebase.net> or
- Roadside conservation Committee
- your regional DEC office

Key points include:

- cleaning your machinery before entering a site,
- avoiding movement of soil in wet conditions,
- ensuring that you use materials or fills that are dieback free,
- limiting vehicle movement to the areas cleared, and
- regular weed control.

< Condition 6 C can be incorporated into your normal shire maintenance for weeds (eg as required under *Agricultural and Related Resources Act 1976* and *Bushfires Act 1954*).

<p>7. Flora Management</p> <p>(a) Prior to undertaking clearing within the areas described in Clearing Authorised above, the areas shall be inspected by a <i>flora specialist</i> who shall identify <i>Rare Flora</i> and <i>Priority flora taxa</i>.</p> <p>(b) Where <i>Rare Flora</i> or <i>Priority Flora taxa</i> are identified in relation to condition 7(a) the Permit Holder shall ensure that:</p> <p>(i) All records of Declared Rare Flora (DRF) and priority flora are submitted to the Department of Environment and Conservation, Species and Communities Branch.</p> <p>(ii) No clearing occurs with 50m of identified DRF, unless approved by the <i>CEO</i>.</p>	<p>< A Flora Specialist is required to be contracted by the permit holder.</p> <p>The definition of a Flora Specialist is detailed in your permit definitions (Part III 11): <i>'flora specialist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora'</i>.</p> <p>There may be a person within your community with these skills or you may need to contract a consultant (search the Yellow pages or contact the Environmental Consultant Association: http://www.eca.org.au).</p> <p>Where your flora specialist locates Declared Rare Flora (DRF) or a priority species you are not allowed to clear within 10 metres of a priority species and within 50 metres of DRF unless you have approval from the CEO of the DEC. This information, including locations, site and population descriptions must be reported to the DEC in your annual report (refer section 11 and proforma 'Records to be kept' enclosed).</p>
<p>8. Fauna management</p> <p>(a) Prior to clearing within the areas described in Clearing Authorised above, the areas shall be inspected by a fauna specialist who shall identify trees that contain hollows suitable to be utilised as habitat by fauna listed in the Wildlife Conservation (Specially Protected Fauna) Notice 2005.</p> <p>(b) The Permit Holder shall ensure that any fauna identified in condition 8(a) shall only be removed and relocated by a fauna clearing person, in accordance with a licence issued by the Department of Environment and Conservation.</p>	<p>< A Fauna Specialist and Fauna Clearing Person is required to be contracted by the permit holder.</p> <p>The definition of a Fauna Specialist and Fauna Clearing Person is detailed in your permit definitions (Part III 11):</p> <ul style="list-style-type: none"> <i>'fauna specialist means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna'</i> <i>'fauna clearing person means a person who has obtained a licence from the Department of Environment and Conservation, issued pursuant to the Wildlife Conservation Regulations 1970 (as amended) authorising them to take fauna in order to carry out the approved clearing associated with this permit'</i> <p>There may be a person within your community with these skills or you may need to contract a consultant (search the Yellow pages or contact the Environmental Consultant Association: http://www.eca.org.au).</p> <p>Where your fauna specialist locates a protected fauna species this information including locations and habitat descriptions must be reported to the DEC in your annual report (refer section 11 and proforma 'Records to be kept' enclosed). Where fauna are to be relocated you must contact your regional DEC before removing these animals.</p>

9. Revegetation

The Permit Holder must revegetate all areas cleared for the purpose of gravel extraction in accordance with the following:

- (a) The Permit Holder shall retain the vegetative material and topsoil removed by clearing in accordance with this Permit.
- (b) Within one month of the area no longer being required for the purpose of gravel extraction the permit holder must revegetate the area by:
 - (i) Deep ripping the soil to a depth to 1 m;
 - (ii) Laying vegetative material and topsoil retained in accordance with condition 7(a) on the area;
 - (iii) Deliberately planting and/or 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
 - (iv) Ensuring only local provenance seeds and propagating material from within 10km of the area cleared are used to revegetate the area.
- (c) Within one year of undertaking revegetation in accordance with condition 7(b), the Permit Holder must:
 - (i) Determine the species composition, structure and density of the area revegetated in accordance with condition 7(b); and
 - (ii) Where, in the opinion of a *flora specialist*, the composition structure and density determined under condition 7(c)(i) will not result in a similar species composition, structure and density to pre-clearing vegetation types in that area the Permit Holder must undertake additional planting or seeding of native vegetation in accordance with the requirements of condition 7(b).

< Revegetation must be conducted where a site is temporarily cleared. This condition details how the revegetation process is to be undertaken.

Your flora specialist, the local Land Conservation District Committee or local flora groups may assist you to determine species to plant and developing the composition, structure and density required.

10. Offsets

a. Determination of offsets

- i. If part or all of the *clearing* to be done is or may be at variance with one or more of the *clearing principles*, then the permit holder must implement an *offset* in accordance with Conditions (10.a and 10.b) of this Permit with respect to that native vegetation.
- ii. In determining the *offset* to be implemented with respect to a particular area of *native vegetation* proposed to be cleared under this Permit, the permit holder must have regard to the offset principles contained in condition 10.b of this Permit.
- iii. Once the permit holder has developed an offset proposal, the permit holder must provide that offset proposal to the CEO for the CEO's approval prior to undertaking any clearing to which the offset relates, and prior to implementing the offset.
- iv. Clearing may not commence until and unless the CEO has approved the offset proposal.
- v. The permit holder shall implement the offset proposal approved under condition (10.a iii).
- vi. Each offset proposal shall include a direct offset, timing for implementation of the offset proposal and may additionally include contributing offsets.

b. Offset principles

For the purpose of this Part, the offset principles are as follows:

- i. *direct offsets* should directly counterbalance the loss of the *native vegetation*;
- ii. *contributing offsets* should complement and enhance the *direct offset*;
- iii. *offsets* are implemented only once all avenues to avoid, minimise, rectify or reduce environmental impacts have been exhausted;
- iv. the *environmental values*, habitat, species, ecological community, physical area, ecosystem, landscape, and hydrology of the *offset* should be the same as, or better than, that of the area of *native vegetation* being *offset*;
- v. a ratio greater than 1:1 should be applied to the size of the area of *native vegetation* that is offset to compensate for the risk that the *offset* may fail;
- vi. *offsets* must entail a robust and consistent assessment process;

< Offsets are required where the clearing maybe or is at variance to one or more of the clearing principles as stated in the permit decision report (attached to the clearing permit).

Your proposal will need to refer to each of the 12 offset principles described in the condition.

A proforma offset proposal is attached to help you develop your specific offset proposal.

If you require any assistance please contact Native Vegetation Conservation Branch 9334 0333.

The definition of an Environmental Specialist is detailed in the permit definitions (Part III 11):

- *environmental specialist* means a person who is engaged by the permit holder for the purpose of providing environmental advice, 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;

<ul style="list-style-type: none"> vii. in determining an appropriate <i>offset</i>, consideration should be given to ecosystem function, rarity and type of <i>ecological community</i>, vegetation <i>condition</i>, habitat quality and area of <i>native vegetation</i> cleared; viii. the <i>offset</i> should either result in no net loss of <i>native vegetation</i>, or lead to a net gain in <i>native vegetation</i> and improve the condition of the natural environment; ix. <i>offsets</i> must satisfy all statutory requirements; x. <i>offsets</i> must be clearly defined, documented and audited; xi. <i>offsets</i> must ensure a long-term (10-30 year) benefit; and xii. an <i>environmental specialist</i> must be involved in the design, assessment and monitoring of <i>offsets</i>. 	
<p>PART III – RECORD KEEPING AND REPORTING</p>	
<p>11. Records must be kept</p> <p>The Permit Holder must maintain the following records for activities done pursuant to this Permit, as relevant:</p> <ul style="list-style-type: none"> (a) In relation to the clearing and revegetation of native vegetation undertaken pursuant to this permit: <ul style="list-style-type: none"> i. The species composition, structure and density of the cleared or revegetated area; ii. The location where the clearing or revegetation occurred, recorded using Geocentric Datum Australia 1994; iii. The date that the area was cleared or revegetated; and iv. The size of the area cleared or revegetated (in hectares). (b) In relation to Flora Management pursuant to condition 7: <ul style="list-style-type: none"> (c) The location of each Rare Flora and Priority Flora recorded using Geocentric Datum Australia 1994; and (d) The species of each Rare Flora or Priority Flora identified. (e) In relation to Fauna Management pursuant to condition 8. <ul style="list-style-type: none"> i. The location of each habitat tree ii. The species of fauna relocated iii. Location the species is removed from iv. Relocation site v. Date of relocation (f) In relation to the offsets of areas pursuant to condition 10: <ul style="list-style-type: none"> i. The location of any area of offsets recorded using Geocentric Datum Australia 1994; ii. A description of the offset activities undertaken; and iii. The size of the offset area (in hectares). 	
<p>12. Reporting</p> <p>The Permit Holder must provide to the <i>CEO</i>, on or before 30 June of each year, a written report of records required under condition 11 and activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding year.</p>	<p>< You must provide a report to the CEO of DEC annually by the date stated on your permit. The records kept (above) make up the content of this report and you are welcome to include any other information you consider relevant.</p>

13. Definitions

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

CEO means the Chief Executive Officer of the Department of Environment and Conservation;

clearing has the meaning given to it in section 51A of the *Environmental Protection Act 1986*;

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

EP Act means the *Environmental Protection Act 1986*;

environmental specialist means a person who is engaged by the permit holder for the purpose of providing environmental advice, 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;

fauna specialist means a person with training and specific work experience in fauna identification or faunal assemblage surveys of Western Australian fauna;

fauna clearing person means a person who has obtained a licence from the Department of Environment and Conservation, issued pursuant to the *Wildlife Conservation Regulations 1970* (as amended) authorising them to take fauna in order to carry out the approved clearing associated with this permit;

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

flora specialist means a person with specific training and/or experience in the ecology and taxonomy of Western Australian flora.

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 to it in sections 3 and 51A of the *Environmental Protection Act 1986* and regulation 4 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;

Priority flora taxa means those plant taxa that described as priority flora classes 1, 2, 3 or 4 in the *Declared Rare and Priority Flora List for Western Australia*, Department of Environment and Conservation, as amended.

Rare flora means flora that is declared to be rare flora under section 23F of the *Wildlife Conservation Act 1950*;

revegetation means the re-establishment of a cover of *native vegetation* in an area such that the species composition, structure and density is similar to pre-clearing vegetation types in that area, and can involve regeneration, direct seeding and/or planting;

road building materials means rock, gravel, soil, stone, timber, boulders and water;

term means the duration of this Permit, including as amended or renewed;

weed means a species listed in Appendix 3 of the "Environmental Weed Strategy" published by the Department Conservation and Land Management (1999), now Department of Environment and Conservation, and plants declared under section 37 of the *Agricultural and Related Resources Protection Act 1976*.

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Contact details:

- DEC Regions:
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- Roadside Conservation Committee Executive Officer 9334 0423

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

1 January 2007