GOVERNMENT OF
WESTERN AUSTRALIA

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 10641/1
Permit Holder:	Shire of York
Duration of Permit:	From 16 December 2024 to 16 December 2034

ADVICE NOTE

Allocation of offset site

In relation to *condition* 7 of this permit, it is noted that 0.19 hectares of Crown Reserve 19039, York, will be attributed to the offset for this project.

An additional 0.21 hectares of native vegetation within Crown Reserve 19039, York, will be banked for future offsets for the Shire of York.

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 removing materials being stored on the subject property.

2. Land on which clearing is to be done

Lot 494 on Plan 127026, York

Unnamed Road Reserve (PIN 1139642), York

3. Clearing authorised

The permit holder must not *clear* more than 0.13 hectares of *native vegetation* within the combined areas 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 16 December 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 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*:

(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. Revegetation - offset

(a) Within 24 months of commencing *clearing* authorised under this permit, at an *optimal time* and no later than 16 December 2026, the permit holder must *revegetate* and *rehabilitate* the combined areas cross-hatched red on Figure 2 of Schedule 1, by implementing and adhering to the *Revegetation Plan* prepared by the Shire of York – October 2024, including but not limited to the following actions:

(i) ripping the ground on the contour to remove soil compaction, where required;

(ii) deliberately *planting* and/or *direct seeding native vegetation* that will result in the minimum completion criteria detailed in Table 1 of Schedule 2 of this permit and ensuring only *local provenance* seeds and propagating material are used;

(iii) remove non-native planted vegetation prior to *planting* and/or *direct seeding*;

(iv) undertake *weed* control activities to achieve and maintain the minimum completion criteria specified on Table 1 of Schedule 2.

(v) undertake monitoring of the areas *revegetated* and *rehabilitated* under *condition* 7 of this permit by an *environmental specialist* in accordance with Table 1 of Schedule 2 until the completion criteria listed in Table 1 of Schedule 2 have been met.

(b) The permit holder must undertake *remedial actions* for areas *revegetated* and *rehabilitated*, where monitoring indicates that the *revegetation* and *rehabilitation* has not met the completion criteria specified in Table 1 of Schedule 2, 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 Table 1 of Schedule 2 and ensuring only *local provenance* seeds and propagating material are used;

(ii) additional *weed* control activities;

(iii) annual monitoring of the *revegetated* and *rehabilitated* areas by an *environmental specialist*, until the completion criteria are met; and

(iv) where an *environmental specialist* has determined that the completion criteria, outlined in Schedule 2 has been met, that determination shall be submitted to the *CEO* within three months of the determination being made by the *environmental specialist.*

PART III - RECORD KEEPING AND REPORTING

8. 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	(a) the species composition, structure, and density of the *cleared* area; (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; (c) the date that the area was *cleared*; (d) the size of the area *cleared* (in hectares); (e) actions taken to avoid, minimise, and reduce the impacts and extent of *clearing* in accordance with *condition* 5; and (f) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with *condition* 6;
2.	In relation to the *revegetation* and *rehabilitation* of areas pursuant to condition 7 of this permit	(a) a description of the *revegetation* and *rehabilitation* activities undertaken each year, once commenced, outlined in a report produced by an *environmental specialist*; (b) the location and size of the areas *revegetated* and *rehabilitated* (in hectares) recorded using a GPS unit set to GDA 2020, expressing the geographical coordinates in Eastings and Northings or decimal degrees; (c) the date that *revegetation* and *rehabilitation* works began; (d) the baseline data recorded for the area to be *revegetated/rehabilitated*, including species richness, species density, vegetation structure and *weed* cover; (e) the species composition, structure, density of the areas *revegetated/rehabilitated* recorded annually; (f) results of annual monitoring against the completion criteria

No.	Relevant matter	Specifications
		(g) the date completion criteria area considered to have been met; and (h) any other actions in accordance with *condition* 7.

9. Reporting

(a) The permit holder must provide to the *CEO* on or before 30 June of each year, a written report containing:
  (i) the records required to be kept under *condition* 8; and
  (ii) records of activities done by the permit holder under this permit between 1 January and 31 December of the preceding calendar year.

(b) If no *clearing* authorised under this permit has been undertaken, a written report confirming that no *clearing* under this permit has been undertaken must be provided to the *CEO* on or before 30 June of each calendar year.

(c) The permit holder must provide to the CEO, no later than 90 calendar days prior to the expiry date of the permit, a written report of records required under *condition* 8, where these records have not already been provided under *condition* 9(a).

DEFINITIONS

In this permit, the terms in Table 2 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 *Environmental Protection Act 1986*.
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.
environmental specialist	means a person who holds a tertiary qualification in environmental science or equivalent, and has a minimum of two (2) years' work 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.
fill	means material used to increase the ground level, or to fill a depression.
dieback	means the effect of *Phytophthora* species on native vegetation.
direct seeding	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.
department	means the department established under section 35 of the *Public Sector Management Act 1994* (WA) and designated as responsible for the administration of the EP Act, which includes Part V Division 3.
EP Act	*Environmental Protection Act 1986* (WA)
local provenance	means native vegetation seeds and propagating material from natural sources

Term	Definition
	within 25 kilometres and the same Interim Biogeographic Regionalisation for Australia (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.
optimal time	means the period between June and July.
planting	means the re-establishment of vegetation by creating soil conditions and planting seedlings of the desired species.
remedial action/s	remedial action/s means for the purpose of this permit, any activity that is required to ensure successful re-establishment of understorey to its pre-clearing composition, structure and density, and may include a combination of soil treatments and revegetation.
revegetate/revegetated/ 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.
rehabilitate/rehabilitated/rehabilitation	means actively managing an area containing native vegetation in order to improve the ecological function of that area.
rehabilitation plan	means the rehabilitation plan prepared by the Shire of York, provided on 25 October 2024 (DWER reference DWERDT1027722)
weeds	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 species-led ecological impact and invasiveness ranking summary, regardless of ranking; or (c) not indigenous to the area concerned.

END OF CONDITIONS

Meenu Vitarana
Manager
NATIVE VEGETATION REGULATION

Officer delegated under Section 20
of the Environmental Protection Act 1986

22 November 2024

Schedule 1

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

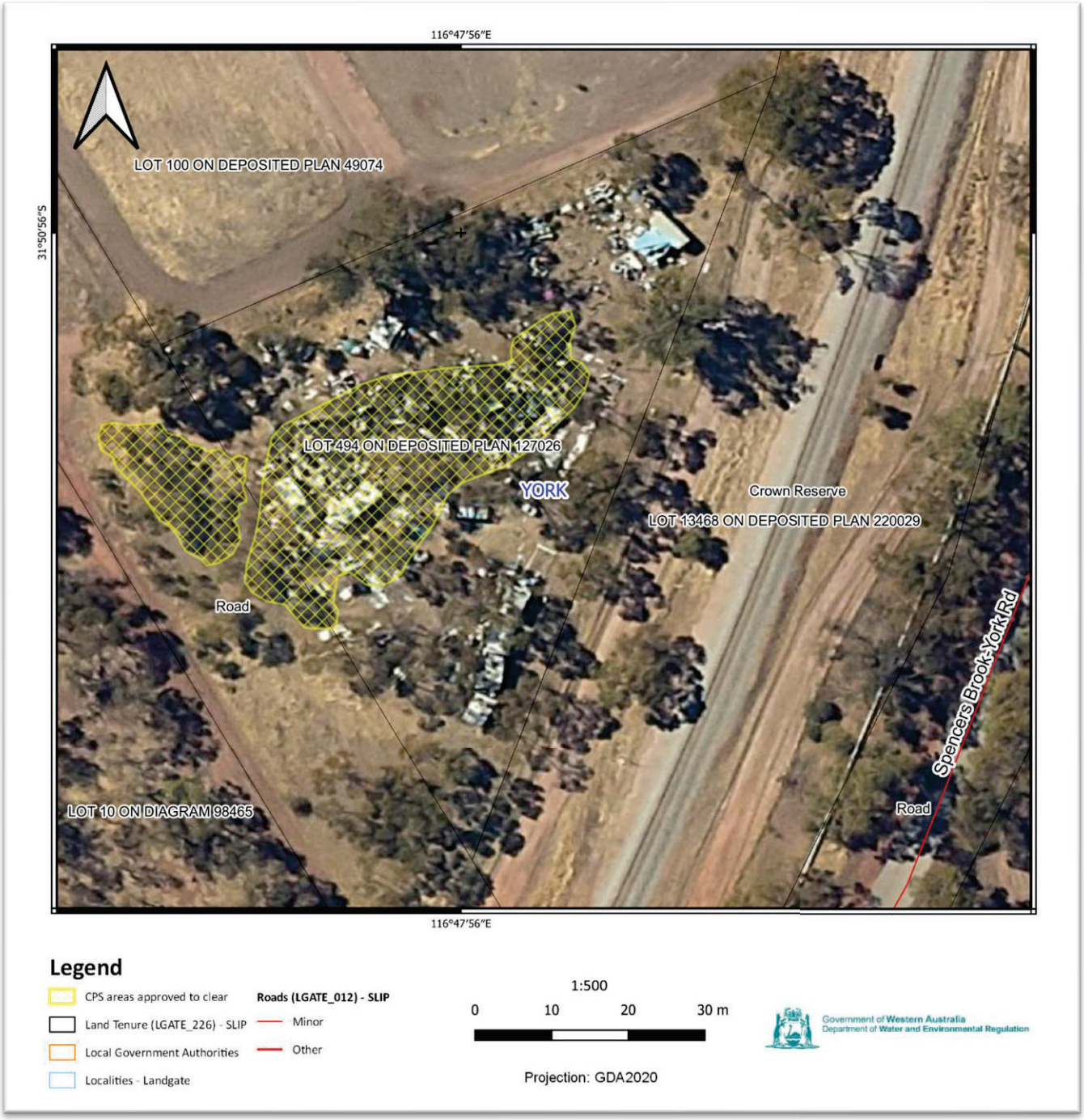

Figure 1: Map of the boundary of the area within which clearing may occur.

Figure 2: Map of the boundary of the area within Crown Reserve 19039, York, in which revegetation and rehabilitation associated with Shire of York's offset (0.19 hectares) (cross-hatched red), and banked offset (0.21 hectares) (cross-hatched green) commitments must occur.

Schedule 2

Table 1: The table below outlines the revegetation completion targets and criteria associated with CPS 10641/1.

Measure	Completion Targets	Completion Criteria	Monitoring
Native species diversity	Minimum of 1200/ha of native species returned.	A minimum of 1200/ha native species.	Native diversity will be counted annually for the first 3 years, and if the completion criteria are not met within 3 years then annual monitoring is required until the completion criteria is met.
Weed cover	Weed cover at the site to not exceed that of surrounding areas of good condition vegetation.	Weed cover should be maintained to a minimum and should not exceed that of surrounding areas of good condition vegetation.	Weed cover percentage will be assessed annually for the first 3 years, and if the completion criteria are not met within 3 years then annual monitoring is required until the completion criteria is met.
Native species density	Survival rate of 80 per cent.	A survival rate of 80 per cent is to be achieved after 3 years. All planted species that have not survived will be replanted within 12 months and monitored for a further 2 years.	The number of surviving plants will be counted annually for the first 3 years, and if the completion criteria are not met within 3 years then annual monitoring is required until the completion criteria is met.
Watering	Watering of tubestock over summer months.	Watering to be conducted over the summer months for the first year, or until competition criteria are met.	Watering to be conducted over the summer months for the first year, or until competition criteria are met.
Weed control	No declared weeds regulated under the *Biosecurity and Agriculture Management Act 2007* to be present within the revegetated area.	Weed control events to be conducted in years 1, 2 and 3, or until competition criteria are met.	Weed control events to be conducted in years 1, 2 and 3, or until competition criteria are met.

Government of Western Australia
Department of Water and Environmental Regulation

Clearing Permit Decision Report

1 Application details and outcome

1.1. Permit application details

Permit number:	CPS 10641/1
Permit type:	Purpose permit
Applicant name:	Shire of York
Application received:	6 June 2024
Application area:	0.13 hectares of native vegetation (revised)
Purpose of clearing:	Removing materials being stored on the subject property
Method of clearing:	Mechanical clearing
Property:	Lot 494 on Plan 127026 Road Reserve (PIN 1139642)
Location (LGA area/s):	Shire of York
Localities (suburb/s):	York

1.2. Description of clearing activities

The vegetation proposed to be cleared by the Shire of York (the Shire) comprises of 0.13 hectares of native vegetation comprising of *Eucalyptus loxophleba* (York gum) saplings located on private land, requiring clearing to remove materials stored on the subject property (see Figure 1, Section 1.5).

The Shire have advised that the landowner has been requested to remove materials from the subject property, however, has not complied. As a result, the Shire has received a Court Order to remove the materials, and will use powers under the *Planning and Development Act 2005* (PD Act) to enter the property to meet the requirements of the Court Order. Saplings that have grown around the materials inhibiting works have been proposed to be cleared to enable the materials to be removed safely (Shire of York, 2024a).

During the assessment of the clearing application, the area proposed to be cleared was reduced from 0.22 hectares to 0.13 hectares of native vegetation, through further mitigation assessments and the development of a better strategy for removing materials and rubbish from the site by the Shire (Shire of York, 2024b).

1.3. Decision on application

Decision:	Granted
Decision date:	22 November 2024
Decision area:	0.13 hectares of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit 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.

In making this decision, the Delegated Officer had regard for the site characteristics (see Appendix B.1.), relevant datasets (see Appendix G.1.), the clearing principles set out in Schedule 5 of the EP Act (see Appendix C), relevant planning instruments and any other matters considered relevant to the assessment (see Section 3). The Delegated Officer also took into consideration that the purpose of the clearing is to meet the requirements of a Court Order granted to the Shire of York, to remove materials being stored on subject property and that the native vegetation proposed to be cleared has grown in a fence-like structure around materials, inhibiting works to remove the materials.

The assessment identified that the proposed clearing will result in:

- the loss of 0.13 hectares of native vegetation that is considered significant remnant native vegetation in an extensively cleared area.

After consideration of the available information, as well as the applicant's avoidance and mitigation measures (see Section 3.1), the Delegated Officer determined that the proposed clearing will not result in an unacceptable risk to identified environmental values, subject to required conditions. The applicant has suitably demonstrated avoidance and minimisation measures, and has proposed to undertake revegetation, which sufficiently counterbalances the loss of the native vegetation proposed for clearing (see Section 4).

The Delegated Officer decided to grant a clearing permit subject to conditions to require:

- avoid and minimise to reduce the impacts and extent of clearing;
- the undertaking of management measures to minimise the risk of the introduction and spread of weeds and dieback into adjacent native vegetation; and
- to balance the significant residual impact from the loss of 0.13 hectares of native vegetation in an extensively cleared landscape, the Shire must revegetate and rehabilitate 0.19 hectares (plus an additional area of 0.21 hectares which will be banked as a future offset), comprising of *Eucalyptus loxophleba* (York gum), *Eucalyptus rudis* (flooded gum), *Hakea preissii* (needle tree) and *Acacia acuminata* (jam), within the extensively cleared landscape.

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.

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)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act)

Relevant policies considered during the assessment include:

- *Environmental Offsets Policy* (2011)

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)
- *Environmental Offsets Guidelines* (August 2014)

3 Detailed assessment of application

3.1. Avoidance, minimisation and mitigation measures

The Shire submitted evidence of avoidance, minimisation and mitigation measures taken prior to submitting a clearing application and during the assessment process.

Avoidance and minimisation

Landowner has been requested to remove materials from the subject property, but has not complied. Property has been inspected to see if there are sufficient existing pathways in the vegetation to safely access and remove bulk items. As the property has been unmanaged for a period of time, saplings have grown around the materials inhibiting works (Shire of York, 2024a).

Removal of materials from Lot 494, will reduce hazards and increase bare land available for natural regrowth of vegetation. It is intended to utilise existing pathways on the property, where possible to form access ways to remove materials and rubbish from the property (Shire of York, 2024a).

The initial assessment of the subject property in March 2024, identified a targeted area of re-growth saplings inhibiting access to remove materials and rubbish being stored on the rural residential land in violation of Shire's Local Planning Scheme No. 3 and Section 218 of the *Planning and Development Act 2005*. Further mitigation assessments were conducted in August 2024 to develop a strategy for removing materials and rubbish from the site. The reduction of summer weeds and deterioration of some materials following the winter rains have improved visibility of areas where works are inhibited due to vegetation. This assessment has reduced the approximate clearing area from 0.22 hectares to 0.13 hectares. The Shire intends to work closely with contractors, to minimise the removal of saplings within the identified clearing zone and preserve trees with a diameter at breast height (DBH) of 300 millimetres (Shire of York, 2024c).

Contractors will need to complete a Work Health Safety assessment on site to identify trees within the clearing zone that will need to be removed to ensure safe removal of larger immobile items (Shire of York, 2024c).

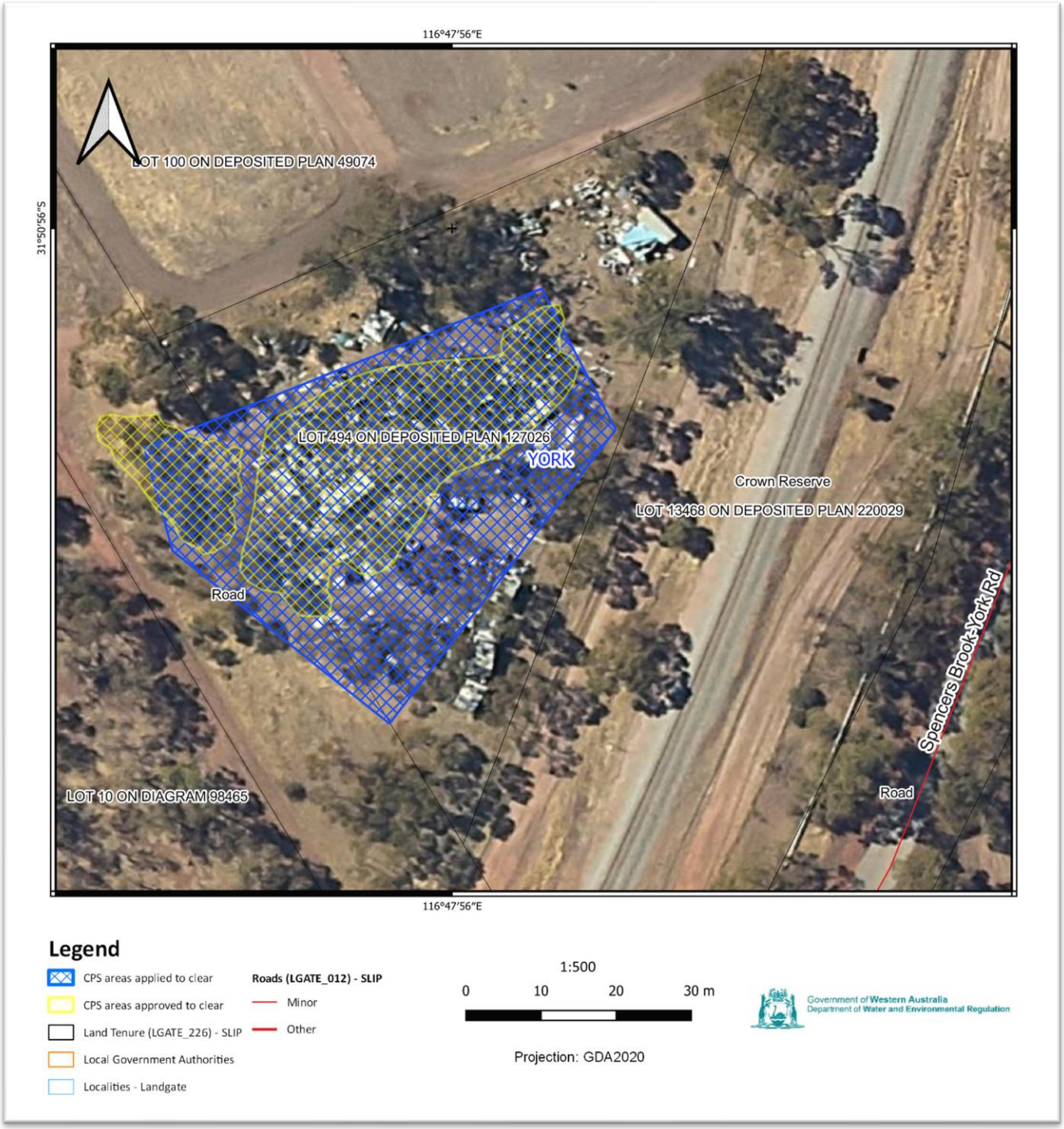

Figure 2: Map of the initial application area (indicated by the area cross-hatched blue), compared to the final reduced application clearing area (indicated by the area cross-hatched yellow).

3.2. Assessment of impacts on environmental values

In assessing the application, the Delegated Officer has had regard for the site characteristics (see Appendix B.1.) and the extent to which the impacts of the proposed clearing present a risk to biological, conservation, or land and water resource values.

The assessment against the clearing principles (see Appendix C) identified that the impacts of the proposed clearing present a risk to biological values (fauna) and significant remnant vegetation. The consideration of these impacts,

and the extent to which they can be managed through conditions applied in line with sections 51H and 51I of the EP Act, is set out below.

3.2.1. Biological values (fauna) - Clearing Principle (b)

Assessment

Within the local area (10 kilometre radius of the application area), nine conservation significant fauna species have been recorded. As the clearing application is for the removal of tree habitat, comprising of *Eucalyptus loxophleba (*York gum*)* saplings over weeds, it is only likely for the proposed clearing to impact the arboreal species recorded in the local area.

Photos and information provided by the Shire note that the trees proposed to be cleared do not have a diameter at breast height (DBH) much greater than 300 millimetres and are not considered significant habitat trees (Appendix F) (Shire of York, 2024a).

Black Cockatoos

According to available mapping, the application area is located within the known breeding area for *Zanda latirostris* (Carnaby's cockatoos), which are listed as Endangered under the BC Act and the Commonwealth EPBC Act, and approximately four kilometres from the mapped distribution for *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo), which are listed as Vulnerable under the BC Act and the Commonwealth EPBC Act. There are ten records of Carnaby's cockatoos, six records of *Zanda sp.* 'white-tailed black cockatoo' (white-tailed black cockatoo) and one record of *Zanda baudinii* (Baudin's cockatoo), which are listed as Endangered under the BC Act and the Commonwealth EPBC Act, within the local area (10 kilomentre radius of the application area). It must be noted that *Zanda sp*. (white-tailed black cockatoo) are records that were obtained when the data collector could not definitively distinguish if they spotted a Carnaby's or Baudin's black cockatoo, therefore the white-tailed black cockatoo category was created to incorporate these records. The application area is not within the distribution range for Baudin's cockatoo.

While habitat requirements for these three species of black cockatoos differ, the requirements in general can be categorised as breeding habitat, foraging habitat and night roosting habitat.

Breeding habitat

Suitable breeding habitat for black cockatoos includes trees which either have a suitable nest hollow or are of a suitable diameter at breast height (DBH) to develop a nest hollow (DAWE, 2022). The application area is located within an area with mapped breeding distribution for Carnaby's cockatoo. This species generally occurs in woodland or forest, but also breeds in partially cleared woodland or forest, including isolated trees. They nest in hollows in live or dead trees, particularly *Eucalyptus salmonophloia* (salmon gum), *Eucalyptus wandoo* (wandoo), *Eucalyptus gomphocephala* (tuart), *Eucalyptus marginata* (jarrah), *Eucalyptus rudis* (flooded gum), *Eucalyptus loxophleba* (York gum)*, Eucalyptus accedens* (powderbark), *Eucalyptus diversicolor* (karri) and *Corymbia calophylla* (marri). Habitat trees considered potentially suitable for Black Cockatoo breeding have a DBH greater than 500 millimetres (for salmon gum and wandoo, suitable DBH is 300 millimetres) (DAWE, 2022).

Given the trees proposed to be cleared are saplings (DBH much smaller than 300 millimetres) and do not contain any hollows, they are not considered significant breeding habitat for black cockatoos (Shire of York, 2024a).

Foraging habitat

Carnaby's cockatoos forage on the seeds, nuts, and flowers of a variety of plants, including Proteaceous species (*Banksia* species., *Hakea* spp., and *Grevillea* spp.), as well as *Allocasuarina* and *Eucalyptus* species, marri, and a range of introduced species (Valentine and Stock, 2008: DAWE, 2022).

As the area proposed to be cleared consists primarily of one species of native tree (*Eucalyptus loxophleba* (York gum)) of sapling size over weeds, according to 2022 Referral Guidelines for all three species of black cockatoos, it is unlikely that Baudin's or forest red-tailed black cockatoos will utilise these trees for breeding, foraging or roosting (DAWE, 2022). Whilst noted as a foraging species for Carnaby's black cockatoo in the list compiled by Bamford, the value of this species as a foraging plant appears to be low (DBCA, 2024).

Roosting habitat

Black cockatoo night roosts are usually located in the tallest trees of an area, and in close proximity to both a food and surface water supply (DAWE, 2022). Known night roosting trees include jarrah, marri, karri, flooded gum, blackbutt, tuart, salmon gum, wandoo and introduced eucalyptus (DAWE, 2022). According to recent advice from special experts, *Eucalyptus loxophleba* (York gum) is a known nest tree species for Carnaby's cockatoo (DBCA, 2024). Photographs of the native vegetation (including York gum saplings) proposed to be cleared, in addition to information provided by the Shire, indicate that the trees proposed to be cleared are not likely to be of a size and do not show evidence of use as a roosting tree (Shire of York, 2024a). Therefore, the trees do not provide suitable black cockatoo roosting habitat (Appendix F).

Conclusion

Based on the above assessment, it is considered that the application area does not provide suitable foraging, roosting or breeding habitat for black cockatoos and therefore there will be no significant residual impact remaining after the proposed clearing.

Conditions

- Nil conditions required.

3.2.2. Significant remnant vegetation - Clearing Principle (e)

Assessment

The proposed clearing is located within the Avon Wheatbelt Interim Biogeographic Regionalisation for Australia (IBRA) region of Western Australia. This IBRA region has approximately 18.51 per cent of its original extent of native vegetation remaining. The vegetation association mapped over the application area is *York 352*, described as medium York gum woodland, which retains approximately 10.44 per cent of its pre-European extent within the Avon Wheatbelt IBRA region and 10.50 per cent statewide (Government of Western Australia, 2019a).

The national objectives and targets for biodiversity conservation in Australia, has a target to prevent the clearance of ecological communities with an extent below 30 per cent of that present before 1750. Clearing below this 30 per cent threshold appears to exponentially accelerate species loss at an ecosystem level (Commonwealth of Australia, 2001).

Within the local area (10-kilometre radius around the application area), approximately 9.44 per cent of the original native vegetation extent remains, which is well below the abovementioned 30 per cent retention threshold. Therefore, the application area is considered as a significant remnant of native vegetation within an extensively cleared area.

Based on the Western Australian Environmental Offset Metric, the proposal to revegetate 0.19 hectares of native vegetation will balance the significant residual impact of the proposed clearing (See Appendix E).

The DWER notes that the Shire have proposed to undertake revegetation and rehabilitation of *Eucalyptus loxophleba* (York gum)*, Eucalyptus rudis* (flooded gum), *Hakea preissii* (needle tree) and *Acacia acuminata* (jam) in an adjacent crown reserve, to offset the loss of 0.13 hectares of native vegetation within the extensively cleared landscape (Shire of York, 2024c).

Conclusion

It is considered that the impacts of the proposed clearing on significant vegetation within an extensively cleared area can be adequately addressed through the proposed revegetation and rehabilitation actions in the adjacent reserve.

Conditions

The following actions will be required as conditions of the clearing permit:

- revegetate and rehabilitate 0.19 hectares of native vegetation (plus an additional area of 0.21 hectares which will be banked as a future offset), representative of the *York 352* vegetation association, in an adjacent crown reserve, and ensure the survival based on completion criteria.
- weed and dieback management measures.

3.3. Relevant planning instruments and other matters

The application area is located within the boundary of the registered Native Title (Indigenous Land Use Agreement) (National) Ballardong People Indigenous Land Use Agreement WI2017/012.

There are several Aboriginal Cultural Heritage areas, registered, lodged and historic, mapped within 10 kilometres of the application area. It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

4 Suitability of offsets

Through the detailed assessment outlined in Section 3.2 above, the Delegated Officer has determined that the following significant residual impacts remain after the application of the avoidance and minimisation measures summarised in Section 3.1:

- the loss of 0.13 hectares of native trees that are considered significant remnant native vegetation in an extensively cleared area.

To balance these significant residual impacts, the following environmental offsets have been conditioned on the clearing permit:

- the planting of 0.19 hectares of native vegetation consisting of *Eucalyptus loxophleba* (York gum)*, Eucalyptus rudis* (flooded gum), *Hakea preissii* (needle tree) and *Acacia acuminata* (jam) at a density of 1200 stems per hectare, to balance the significant residual impact from the loss of 0.13 hectares of native trees within an extensively cleared landscape.

The revegetation offset location is approximately 1.78 kilometres southwest of the application area, within Crown Reserve 19039, York, which is a part of the Avon River foreshore and vested for management with the Shire of York for 'common' purposes. The condition of the proposed location is currently Completely Degraded, comprising of scattered York gums over minimal understorey and a high weed load. The Shire has proposed to revegetate an area of 0.4 hectares within Reserve 19039, of which 0.21 hectares will be banked for future use as offsets for the Shire of York.

Although the current purpose for the land is 'common', the Shire have informed DWER that they manage the foreshore for conservation due to the area being within the Avon River foreshore area. The Shire have advised that due to the variety of uses along this stretch of reserve, there is not an ability to place the area under conservation due to competing land uses. The proposed offset is considered to provide good environmental outcomes, compared to the alternative of a road reserve revegetation offset, that it would fill a gap in a remnant of native vegetation and increase the vegetation within the foreshore of the Avon River. Given this, the risk of loss is considered acceptable in this instance.

Figure 3: Offset location in which revegetation and rehabilitation will occur (indicated by the area cross-hatched red) and the location selected by the Shire to be revegetated and rehabilitated and banked for future appropriate offsets (indicated by the area cross-hatched green).

The Delegated Officer considers that this adequately counterbalances the significant residual impacts listed above. The justification for the values used in the offset calculation is provided in Appendix E.

End

Appendix A. Additional information provided by applicant

Summary of comments	Consideration of comment
Reduced application area (Shire of York, 2024b) (DWER Ref: DWERDT1009196).	Assessment was consider based on the reduced application area (see Figure 1 in Section 1.5).
Proposal of alternative offset area and Revegetation Plan (Shire of York, 2024c) (DWER Ref: DWERDT1027722).	This information was considered when approving the offset location and conditioning the Revegetation Offset in the Clearing Permit, detailed in Section 4 and Appendix E.
Confirmation of offset shapefile, vegetation condition and photograph of offset site (Shire of York, 2024d) (DWER Ref: DWERDT1028729).	This information was considered when assessing whether the proposed offset location was appropriate to balance the significant residual impact of the clearing, detailed in Appendix E.
Confirmation of excess offset area to be allocated as a banked offset (Shire of York, 2024e) (DWER Ref: DWERDT1031287).	This information was detailed in Section 4 of this report and noted in Clearing Permit CPS 10641/1.

Appendix B. Site characteristics

The information provided below describes the key characteristics of the area proposed to be cleared and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix C.

B.1. Site characteristics

Characteristic	Details
Local context	The proposed clearing comprises primarily *Eucalyptus loxophleba* (York gum) saplings located on a private property on the north eastern outskirt of the town of York. The application area is immediately surrounded by rural Lots and is located within the intensive land use zone of Western Australia. Aerial imagery indicates the local area (10-kilometre radius from the centre of the area proposed to be cleared) retains approximately 9.44 per cent of the original native vegetation cover.
Ecological linkage	The application area is not part of a significant ecological linkage. Spencer Brook-York Rd adjacent to the application area was surveyed in April 1988, as a part of the Roadside Conservation (DBCA-030) and no weeds were identified on either side of the road.
Conservation areas	Within the local area (10-kilometre radius from the centre of the area proposed to be cleared) there is one DBCA-managed conservation area (Mt Hardey Nature Reserve - R 40642), located approximately 7.8 kilometres southeast of the application area.
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the application footprint consists of 0.22 hectares of native vegetation consisting of York gum saplings over weeds. Representative photos are available in Appendix F. This mapped beard vegetation association over the application area is: • York 352, which is described as Wheatbelt; York gum, *E. salmonophloia* (salmon gum). York 352 vegetation association retains approximately 10.44 per cent of its original vegetation extent within the Avon Wheatbelt IBRA region and 10.50 per cent statewide.
Vegetation condition	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in Completely Degraded (Keighery, 1994) condition. The full Keighery (1994) condition rating scale is provided in Appendix D. Representative photos are available in Appendix F.
Climate and landform	York is in the temperate climate zone consisting of mediterranean conditions of dry and hot summers with cool and wet winters. The area receives an average of 412.3 millimetres of rain annually.

Characteristic	Details
Soil description	Soil landscape mapping (DPIRD, 2019) indicates that the following soil landscape type occurs within the application area: • 256JcYO – Jelcobine York Subsystem: Areas of soils derived from freshly exposed rock. This unit is typified by the red soils of the Avon Valley but also includes areas of similar, but often greyer and lighter textured soils to the east of the valley.
Land degradation risk	The application area is mapped as having a low high risk of water and wind erosion, waterlogging, water repellence, phosphorus export, salinity and flood risk. The land degradation table can be found in Appendix B.3., outlining the land degradation risk levels for the 256JcYO - Jelcobine York soil subsystem (DPIRD, 2019).
Waterbodies	The desktop assessment and aerial imagery indicate that no water bodies intersect the application area, however, the Avon River is located approximately 600 metres east of the application area.
Hydrogeography	The groundwater salinity of the application area is mapped at >35000 TDS mg/L for approximately eight percent of the area and 14000 - 35000 TDS mg/L for the remaining area. The application area is mapped within the Avon River Management Area (OBJECTID - 1) gazetted under the WC Act and within the Avon River Catchment Area Surface Water Area (UFI 29) proclaimed under RIWI Act.
Flora	Twenty-five conservation significant flora species have been recorded within the local area. Of which four species are listed as threatened, three are listed as Priority 1, one is Priority 2, 11 are listed as Priority 3 and six are listed as Priority 4. The nearest conservation significant flora record is mapped three kilometres from the application area, which is the Priority 4 *Acacia cuneifolia*. Given this application is for the clearing of 0.13 hectares of scattered York gum saplings amongst materials requiring disposal, in addition to the area comprising primarily of trees over weeds (Shire of York, 2024a), it is unlikely that any conservation flora occurs within the application area or will be impacted by the proposed clearing.
Ecological communities	The closest threatened ecological community to the application area is the Eucalypt woodlands of the Western Australia Wheatbelt community which is listed as Critically Endangered under the EPBC Act and Priority 3 by the Department of Biodiversity, Conservation and Attractions. This ecological community is located 550 metres from the application area at the closest point, however, the application area does not represent this ecologically community based on the condition thresholds outlined in the approved conservation advice for this TEC (DoE, 2015).
Fauna	Nine conservation significant fauna are recorded within the local area with the closest record being *Zanda latirostris* (Carnaby's cockatoo) which has been recorded 260 metres from the application area.

B.2. Vegetation extent

	Pre-European extent (ha)	Current extent (ha)	Extent remaining (%)	Current extent in all DBCA managed land (ha)	Current proportion (%) of pre-European extent in all DBCA managed land
IBRA bioregion*					
Avon Wheatbelt	9,517,109.95	1,761,187.42	18.51	174,980.68	1.84
Avon Wheatbelt – *York 352*	236,820.57	24,715.67	10.44	372.42	0.16
Beard Vegetation Association*					
York 352	237,924.54	24,983.62	10.50	374.42	0.16
Local area					
10km radius	31,634.12	2,987.04	9.44	-	-

*Government of Western Australia (2019a)

B.3. Land degradation risk table

Risk categories	256JcYO - Jelcobine York Subsystem
Wind erosion	L2: 3-10% of map unit has a high to extreme wind erosion risk
Water erosion	L2: 3-10% of map unit has a high to extreme water erosion risk
Water logging	L1: <3% of map unit has a moderate to very high waterlogging risk
Water Repellence	L1: <3% of map unit has a high water repellence risk
Sub-surface Acidification	H2: >70% of map unit has a high subsurface acidification risk or is presently acid
Phosphorous Export	L2: 3-10% of map unit has a high to extreme phosphorus export risk
Salinity	L1: <3% of map unit has a moderate to high salinity risk or is presently saline
Flooding	L1: <3% of the map unit has a moderate to high flood risk

Appendix C. Assessment against the clearing principles

Assessment against the clearing principles	Variance level	Is further consideration required?
Environmental value: biological values		
Principle (a): *"Native vegetation should not be cleared if it comprises a high level of biodiversity."* Assessment: The area proposed to be cleared is not likely to contain local or regionally significant flora or assemblages of plants. The area proposed to be cleared contains saplings of York gum over weeds.	Not likely to be at variance	No
Principle (b): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna."* Assessment: The application area contains 0.13 hectares of York gum saplings, which is unlikely to provide foraging habitat for black cockatoos.	Not likely to be at variance	Yes *Refer to Section 3.2.1, above.*
Principle (c): *"Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora."* Assessment: The proposed clearing is for 0.13 hectares of York gum saplings, which are not listed as a threatened species. Understorey in the application area comprises of weeds, therefore, no threatened flora is likely to be impacted by the proposed clearing.	Not likely to be at variance	No
Principle (d): *"Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community."* Assessment: The area proposed to be cleared does not contain species that can indicate a threatened ecological community.	Not at variance	No
Environmental value: significant remnant vegetation and conservation areas		
Principle (e): *"Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared."* Assessment: The local area contains less than the 30 per cent remnant vegetation and is therefore inconsistent with the national objectives and targets for biodiversity conservation in Australia (Commonwealth of Australia, 2001). The application area is considered a significant remnant within an extensively cleared area due to containing foraging habitat for black cockatoos.	At variance	Yes *Refer to Section 3.2.2, above.*
Principle (h): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area."* Assessment: Given there are no conservation areas mapped within, or adjacent to, the application area, the proposed clearing is not likely to have an impact on the environmental values of conservation areas within the local area.	Not at variance	No
Environmental value: land and water resources		

Assessment against the clearing principles	Variance level	Is further consideration required?
Principle (f): *"Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."* Assessment: Given no water courses or wetlands are recorded within the application area, and the nearest minor river (nonperennial tributary of the Avon River) is approximately 600 metres east of the application area, the proposed clearing is unlikely to impact on- or off-site hydrology and water quality.	Not likely to be at variance	No
Principle (g): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."* Assessment: The mapped soils are not susceptible to wind / water erosion, nutrient export, salinity. Noting the extent of the application area and the condition of the vegetation, the proposed clearing is not likely to have an appreciable impact on land degradation.	Not likely to be at variance	No
Principle (i): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water."* Assessment: While the channel of the Avon River is located approximately 600 metres from the proposed clearing, the proposed clearing of two trees is unlikely to impact on surface and groundwater quality. The application area is located on the mapped boundary of Groundwater salinity values of 14000-35000 and greater than 3500 TDS mg/L, however, the removal of 0.13 hectares of York gum saplings is unlikely to increase groundwater salinity levels.	Not likely to be at variance	No
Principle (j): *"Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."* Assessment: The clearing of 0.13 hectares is unlikely to contribute to or exacerbate the incidences or intensity of flooding, noting the application area is mapped as a low flood risk area and approximately 550 metres from any mapped floodplain areas.	Not at variance	No

Appendix D. Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Considering its location, the scale below was used to measure the condition of the vegetation proposed to be cleared. This scale has been extracted from Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Measuring vegetation condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Appendix E. Offset calculator value justification

Offset calculation and justification for significant residual impact to extensively cleared landscape

Calculation	Score (Area)	Rationale
Conservation significance		
Description	Extensively cleared local area	The application is to clear 0.13 hectares of native vegetation within an extensively cleared local area.
Type of environmental value	Vegetation/habitat	Extensively cleared local area (10 kilometres).
Conservation significance of environmental value	Terrestrial native vegetation complex - <30% extent remaining in the bioregion	The local area retains approximately 9.44 per cent of the original extent of native vegetation. The vegetation in the local area is significantly below the 30 per cent threshold.
Landscape level value impacted	Yes/No	Yes - extensively cleared landscape.
Significant impact		
Description	Loss of vegetation within an extensively cleared landscape	Proposed clearing of 0.13 hectares of native vegetation in an extensively cleared landscape.

Calculation	Score (Area)	Rationale
Significant impact (hectares)	0.13	Applicant is proposing to clear 0.13 hectares of native vegetation.
Quality (scale)	3	The application area is in a Completely Degraded condition within an extensively cleared landscape.
Rehabilitation credit		
N/A	N/A	Onsite revegetation will not be taking place
Offset		
Description	Revegetation and rehabilitation	Revegetation with York gums, *Eucalyptus rudis* (flooded gum), *Hakea preissii* (needle tree) and *Acacia acuminata* (jam) within an extensively cleared landscape.
proposed offset (area in hectares)	0.19	The area required to counterbalance 100% of significant residual impact (SRI) of the proposed clearing.
Current quality of offset site	1	The area to be revegetated is in Completely Degraded condition, compromising of minimal understorey with scattered York gums and a high weed load.
Future quality WITHOUT offset	1	It is considered that the quality of the habitat within the revegetation site will not change without implementing revegetation measures.
Future quality WITH offset	4	The habitat quality within the revegetation site is considered to increase to good condition, increasing the quality as foraging habitat with detailed site preparation, on-ground management, provided it is undertaken by suitably qualified personnel with regular monitoring and management in accordance with set completion criteria.
Time until ecological benefit (years)	17	Average time until planted vegetation has matured. An extra two years has been added to account for the delay in commencement of the revegetation (assumed to commence within two years of the permit start date).
Confidence in offset result (%)	75	Moderate to high level of confidence that the quality within the revegetation area will improve with best practice revegetation techniques and appropriate completion criteria.
Duration of offset implementation (maximum 20 years)	20	Maximum value to be used noting the vegetation is not to be cleared in the future.
Time until offset site secured (years)	1	The offset is proposed within land tenure currently managed by the Shire of York.
Risk of future loss WITHOUT offset (%)	10	There is a moderate to low risk of loss given the offset area is within a reserve managed by the Shire of York for 'common' purposes. However, the Shire manages the area for conservation due to the area being within the Avon River foreshore area.
Risk of future loss WITH offset (%)	10	The risk of loss will not be reduced as the Shire is not able to change the vesting of the reserve.

Appendix F. Photographs of vegetation

Figure 4: Photos of subject property and proposed clearing area (later revised) provided by the Shire (Shire of York, 2024a)

Figure 5: Photos of entry to Lot 494 Second Avenue, York and carpet pathway leading to the rear of the block (Shire of York, 2024a).

Figure 6: Photos of materials and rubbish located in the centre of Lot 494 Second Avenue, York (Shire of York, 2024a).

Figure 7: Photos of saplings surrounding materials and rubbish required to be removed from the property (Shire of York, 2024a).

Figure 8: Photos of saplings surrounding materials, caravan and rubbish required to be removed from the property (Shire of York, 2024a).

Figure 9: Photos of saplings surrounding materials, caravan and rubbish required to be removed from the property (Shire of York, 2024a).

Figure 10: Photo of entrance to Lot 494 Second Avenue, York and saplings surrounding caravan required to be removed from the property (Shire of York, 2024a).

Figure 11: Photos of saplings surrounding materials and rubbish required to be removed from the property (Shire of York, 2024a).

Figure 12: Photos of offset site at Crown Reserve R19039 (Shire of York, 2024d).

Appendix G. Sources of information

G.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)
- Offsets Register – Offsets (DWER-078)
- 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
- Wheatbelt Wetlands Stage 1 (DBCA-021)

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)

G.2. References

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Shire of York (2024c) *Alternative offset area and Revegetation Plan - CPS 10641/1,* received 25 October 2024 (DWER Ref: DWERDT1027722).

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